

Intelligence Reform in Indonesia: Transparency and Effectiveness against Terrorist Threats

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Abstract

This thesis provides a detailed analysis of the process of intelligence reform in Indonesia. By employing critical realism (CR), this study aims to reveal the mystery of intelligence reform by examining the underlying mechanism, thereby proposing a new explanation. Intelligence reform in Indonesia, as a case study, serves to demonstrate the applicability of realist modelling. Aligning CR with critical discourse analysis (CDA) to analyse intelligence reform requires an explanation of the structure and agency around intelligence reform. Democratisation in Indonesia since 1998 undoubtedly has changed its social structure, which has enabled the transformation from authoritarian to democracy including state institutions like intelligence. The roles of structure and agency in any transformation is vital and thereby hold the key to understanding intelligence reform.

Although this study stressed on the particular case of intelligence reform in Indonesia, it also included a comparison with countries that experienced similar intelligence reform, namely Brazil and Romania. The purpose of said comparison is to provide a broad theoretical framework to countries other than Indonesia. In this pursuit, to complement CR and CDA, this research develops a scientific approach by creating a frame for comparative study using three concepts: (1) level of freedom and democracy; (2) culture of national intelligence (CNI); and (3) civil-military relations (CMR). By synthesizing these three concepts, it was found from this study that, the comparative section of this thesis has displayed an interpretative measurable level of intelligence reform. Thus, I argue that the application of CR, CDA and typology of intelligence reform in this study presented the existing underlying mechanism of intelligence reform that unique to each case. For Indonesia, the underlying mechanism was the balance of triangle tension between military, civilian intelligence and police.

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Abbreviations

ABIN	<i>Agência Brasileira de Inteligência</i>
AI	Amnesty International
ASEAN	Association of South East Asian Nations
AUTOOC	Autocracy (Institutionalised Autocracy)
BBC	British Broadcasting Corporation
BRICS	Brazil, Russia, India, China and South Africa
CDA	Critical Discourse Analysis
CELAC	<i>Comunidad de Estados Latinoamericanos y Caribeños</i> Community of Latin American and Caribbean States
CIA	US Central Intelligence Agency
CIRO	Cabinet Intelligence and Research Office
CMR	Civil Military Relations
CNI	Cultures of National Intelligence
CNN	Cable News Network
CR	Critical Realism
CSAT	<i>Consiliul Suprem de Apărare a Țării</i> National Defense Supreme Council
CSIS	Centre for Strategic and International Studies
CSOs	Civil Society Organisations
DCI	Director of Cabinet Intelligence
DEMOC	Democracy (Institutionalised Democracy)
DFID	Department for International Development
DNI	United States Director of National Intelligence
DSS	Department of State Security
EIU	Economist Intelligence Unit
EU	European Union
HRW	Human Rights Watch
FES	Friedrich Ebert Stiftung
Fretilin	<i>Frente Revolucionario do Timor Leste Independente</i>
G20	Group of 20
GID	General Investigation Directorate
IAF	Indonesian Armed Forces
IS	Islamic State
ISA	Internal Security Act
ISIS	Islamic State in Iraq and Syria
ICG	International Crisis Group
JFF Team	Joint Fact-Finding Team
KGB	<i>Komitet Gosudarstvennoy Bezopasnosti</i>
MI5	UK Military Intelligence Section 5
MI6	UK Military Intelligence Section 6
MSG	Melanesian Spearhead Group.
NATO	North Atlantic Treaty Organization
NBC	National Broadcasting Company
NDI	National Democratic Institute
NGO	Non-Governmental Organization

OED	Oxford English Dictionary
OIC	Organisation of the Islamic Conference
PCR	Romanian Communist Party
PIF	Pacific Island Forum
PLC	<i>Projeto de Lei da Câmara</i> House Bill
SAR	Search and Rescue
SIA	State Intelligence Agency
SISBIN	<i>Sistema Brasileiro de Inteligência</i> Brazilian Intelligence System
SRI	<i>Serviciul Român de Informații</i> Romanian Intelligence Service
SSR	Security Sector Reform
UN	United Nations
US	United State
USAID	United States Agency for International Development
WG SIR	Working Group on State Intelligence Reform

ABRI	Angkatan Bersenjata Republik Indonesia	Armed Forces of the Republic of Indonesian
AJI	Aliansi Jurnalis Independen	Alliance of Independent Journalists
AKABRI	Akademi ABRI	Military Academy
AMIN	Angkatan Mujahiddin Islam Nusantara	Islamic Mujahidin Forces of the Indonesian Archipelago
BAIS TNI	Badan Intelijen Strategis TNI	Strategic Intelligence Agency of the Indonesian National Armed Forces
BAKIN	Badan Koordinasi Intelijen Negara	State Intelligence Coordinating Agency
Bakorstanas	Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional	Coordinating Body for Assisting in the Maintenance of National Stability
Bawaslu	Badan Pengawas Pemilihan Umum	Election Supervisory Agency
BEJ	Bursa Efek Jakarta	Jakarta Stock Exchange
BIA	Badan Intelijen ABRI	Armed Forces Intelligence Agency
BIN	Badan Intelijen Negara	State Intelligence Agency
BINDA	Badan Intelijen Negara Daerah	Regional Intelligence Offices
BISAP	Badan Informasi Staf Angkatan Perang	Information Staff of the Armed Forces Agency

BKI	Badan Koordinasi Intelijen	Coordinating Intelligence Agency
BKK	Badan Koordinasi Kemahasiswaan	Coordinating Body for Student Affairs
BKR	Badan Keamanan Rakyat	People's Security Agency
BPI	Badan Pusat Intelijen	Indonesian Central Intelligence Agency
BPK RI	Badan Pemeriksa Keuangan Republik Indonesia	State Auditor/ Audit Board of the Republic of Indonesia
BPUPKI	Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia	Body for the Preparation of Indonesian Independence
BRANI	Badan Rahasia Negara Indonesia	Secret Agency of the State of Indonesia
DI	Darul Islam	Darul Islam/Islamic State of Indonesia
DISK	Dewan Informasi Strategis dan Kebijakan	Strategic Information and Policy Board
DPR-RI	Dewan Perwakilan Rakyat Republik Indonesia	People's Representative Council of the Republic of Indonesia
ELSAM	Lembaga Studi dan Advokasi Masyarakat	Institute for Policy Research and Advocacy
FPI	Front Pembela Islam	Islam Defenders Front
FUI	Forum Umat Islam	Forum of Muslims
GAM	Gerakan Aceh Merdeka	Free Aceh Movement
JAD	Jamaah Ansharut Daulah	Daulah Ansharut Jamaah
JAT	Jamaah Ansharut Tauhid	Jamaah Ansharut Tauhid
JI	Jamaah Islamiyah	Jamaah Islamiyah
Keppres	Keputusan Presiden	Presidential Decrees
KIN	Komando Intelijen Negara	State Intelligence Command
KKN	Korupsi Kolusi dan Nepotisme	Corruption Collusion and Nepotism
Komnas	Komisi Nasional	National Commission
Komnas HAM	Komisi Nasional Hak Asasi Manusia	National Human Rights Commission/ National Commission on Human Rights
Kompolnas	Komisi Kepolisian Nasional	National Police Commission
KONTRAS	Komisi untuk Orang Hilang dan Korban Tindak Kekerasan	Commission for the Disappeared and Victims of Violence
Kopkamtib	Komando Operasi Pemulihan Keamanan dan Ketertiban	Operational Command for the Restoration of Security and Order

Kostrad	Komando Strategis Angkatan Darat	Army Strategic Command
KOTI	Komando Operasi Tertinggi	High Command/ Supreme Operations Command
KPU	Komisi Pemilihan Umum	General Election Commission
Lemhanas	Lembaga Ketahanan Nasional	National Resilience Institute
LESPERSSI	Lembaga Studi Pertahanan dan Studi Strategis Indonesia	Indonesian Institute for Strategic and Defence Studies
LIMA	Lingkar Madani	LIMA
LIPI	Lembaga Ilmu Pengetahuan Indonesia	Indonesian Institute of Sciences
LITSUS	Penelitian Khusus	Special investigations
LKIN	Lembaga Koordinasi Intelegen Negara	Coordinating Institute of National Intelligence
Malari	Malapetaka Limabelas Januari	15 Januari disaster
Menkopolsoskam	Menteri Koordinator Politik, Sosial, dan Keamanan	Coordinating Minister for Politics, Social, and Security
MPR	Majelis Permusyawaratan Rakyat	People's Consultative Assembly
MPRS	Majelis Permusyawaratan Rakyat Sementara	Temporary People's Consultative Assembly
NII	Negara Islam Indonesia	Indonesian Islamic State
NKK	Normalisasi Kehidupan Kampus	Normalisation of Campus Life
NU	Nahdlatul Ulama	Nahdlatul Ulama
Opsus	Operasi Khusus	Special Operation
P3M	Perhimpunan Pengembangan Pesantren dan Masyarakat	Islamic Boarding School and Community Development Association
Pacivis UI	Pusat Kajian Global Masyarakat Sipil Universitas Indonesia	Center for Global Civil Society Studies of University of Indonesia
Pangkopkamtib	Panglima Komando Operasi Pemulihan Keamanan dan Ketertiban	Commander in Chief of Operational Command for the Restoration of Security and Order
PDI-P	Partai Demokrasi Indonesia Perjuangan	Indonesian Democratic Party of Struggle
PETA	Pembela Tanah Air	Defenders of the Homeland
Petrus	Penembakan Misterius	Mysterious Shooting
PKI	Partai Komunis Indonesia	Communist Party of Indonesia

PPP	Partai Persatuan Pembangunan	United Development Party
PRD	Partai Rakyat Demokratik	People Democratic Party
POLRI	Kepolisian Negara Republik Indonesia	Indonesian National Police
PROBIN	Profesional, Obyektif dan Berintegritas	Professional, Objective and Integrity
PUOK	Pedoman Umum Organisasi Kemahasiswaan	General Guidance of Student Organisations
Pusintelstrat	Pusat Intelijen Strategis	Strategic Intelligence Centre
Pusjarah TNI	Pusat Sejarah Tentara Nasional Indonesia	Military Historical Directorate of the Indonesian National Armed Forces
RMS	Republik Maluku Selatan	The Republic of South Moluccas
Satlak	Satuan Pelaksana	Counter-Intelligence Unit
SBY	Susilo Bambang Yudhoyono	Susilo Bambang Yudhoyono
Seskoad	Sekolah Staf dan Komando Angkatan Darat	Indonesian Army Command and General Staff College
SMPT	Senat Mahasiswa Perguruan Tinggi	University Student Senate
STI	Satuan Tugas Intelijen	Intelligence Task Force
STMJ	Sub Teritorial Militer Jogjakarta	Jogjakarta Military Sub-Territory
TGPF	Tim Gabungan Pencari Fakta,	JFF Team
TKR	Tentara Keamanan Rakyat	People's Security Armed Forces
TNI	Tentara Nasional Indonesia	Indonesian National Armed Forces
UP	Unit Pelaksana	Implementation Unit
UUD 1945	Undang-Undang Dasar 1945	1945 State Constitution of the Republic of Indonesia
YLBHI	Yayasan Lembaga Bantuan Hukum Indonesia	Indonesian Legal Aid Foundation

Chapter One

INTRODUCTION

1. 1. Introduction

This introductory chapter sets out the aims and structure of the thesis, presenting the research questions that it will address. In the field of Intelligence Studies, since the 1990s a growing number of academics have focused their attention on the subject of intelligence reform, carrying out research on issues such as the democratisation of intelligence, the process of intelligence reform, the challenges faced in reforming intelligence, and continuity and change after intelligence reform (for example, Williams & Deletant 2001; Born, Johnson & Leigh, 2005; Bruneau & Boraz, 2007; Born & Caparini 2007; Gill, 2016).

The main goal of this study is to contribute to this emerging literature on intelligence reform in general and, specifically, to provide an explanation of the nature and course of intelligence reform in the context of democratisation in Indonesia, thereby adding a detailed case of intelligence reform in a non-Western context to the existing, Western-oriented, literature. In doing this, the thesis covers the five administrations that have governed Indonesia since 1998; those of Bacharuddin Jusuf Habibie (1998 – 1999), Abdurrahman Wahid (1999 – 2001), Megawati Soekarnoputri (2001 – 2004), Susilo Bambang Yudhoyono (2004 – 2014), and Joko Widodo (2014 – 2019).

1. 2. Research Question

The central research question is: to what extent has intelligence reform in Indonesia succeeded in creating a professional intelligence service that combines adherence to democratic values with efficacy in tackling the terrorist threat?

Answering the research question will illuminate the process of intelligence reform in the formal legal context and in terms of debates concerning the proper role of intelligence in democratic contexts. In addition to the central research question, this study will also answer four subsidiary questions. First, what are the key drivers influencing intelligence reform? Second, why has the counter terrorism discourse been dominant in the process of intelligence reform in Indonesia? Third, how should we measure ‘success’ in this area? Lastly: what are the possible future scenarios for intelligence reform in Indonesia?

To answer these questions, this thesis will identify and examine six intelligence discourses as elaborated in chapter three. The six discourses are; politicisation of intelligence, civil – military relations, human rights, effectiveness, transparency, and counter terrorism. In order to measure the progress and effectiveness of intelligence reform, three approaches are used, namely; Critical Realism (CR), Civil Military Relations (CMR), and Cultures of National Intelligence (CNI). The combination of these approaches forms a set of typologies of intelligence reform, which can be used as a model to measure the level of intelligence reform.

At the outset, I identify four factors that have influenced the course and form of intelligence reform. First, Indonesia’s system of government and national political culture which impact on its response to domestic and foreign threats, especially in terms of its intelligence activities. Second, the *Reformasi* (*Reformasi* is the Indonesian word for reform, the term of the movement that initiated democratisation in 1998) and its

consequences in the security sectors of the military, police, and intelligence, created a divided arrangement in responding to threats. In relation to *Reformasi*, this thesis argues that despite military reform, the Indonesian military continues to control civilian intelligence as a means of reviving political influence. Third, the legal dimension of intelligence reform—The Constitution of Indonesia with its amendments (*Undang-Undang Dasar Negara Republik Indonesia 1945, UUD 1945*), Intelligence Law (*Undang-Undang No. 17 Tahun 2011 tentang Intelijen Negara*), and several Presidential Decrees on Intelligence and National Security—shows an intention of coordinating national intelligence efforts. However, the separation of civilian and military efforts by Military Law (*Undang-Undang No.34 Tahun 2004 tentang Tentara Nasional Indonesia*), Police Law (*Undang-Undang No.2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia*), and Intelligence Law have created a barrier to the national coordination of intelligence activities. Fourth, a democratic country like Indonesia experiences a contradiction in executing its security policy, especially Intelligence. The government's need for intelligence increases due to the dynamic of security threats, leading to the expansion of intelligence organisation. Despite this, intelligence is restricted in the context of executing their operations as a result of their need to respect human rights and the law. In other words, its scope for action is much more limited.

1. 3. The Structure of the Thesis

This thesis consists of seven chapters. The remainder of this introductory chapter provides historical background on Indonesia's political development and intelligence organization and orientation. This is important in order to show how intelligence evolved in accordance with national political developments. The inclusion of a short discussion of the New Order and student movement helps to explain why the collapse of the New

Order regime was related to demands for intelligence reform.

Chapter two is the literature review which discusses the Intelligence Studies literature in general along with a critical review of the literature on intelligence reform. It is divided into three parts. The first part examines the concept of democracy, especially intellectual efforts by scholars to measure the quality of democracy. This is followed by a review of the relations between democracy and intelligence reform by observing cases of intelligence reform from a number of countries that have experienced democratisation. The second part examines literature related to three approaches used in this thesis, namely; Critical Realism (CR), Civil Military Relations (CMR), and Cultures of National Intelligence (CNI). The third part reviews the literature about Indonesia's democratisation, especially related to intelligence reform and the security challenge posed by terrorism. Together, these three parts are instrumental in analysing the meaning of intelligence reform and how previous studies explain intelligence reform from different approaches.

Chapter three discusses research design and methodology, combining the theories and concepts of critical realism (CR), critical discourse analysis (CDA), and providing a typology of intelligence based on freedom and democracy, civil-military relations and culture of national intelligence (CNI). This constructed research design is then used to guide the analysis in the following empirical chapters. It then followed by the selection process of the six discourses of intelligence reform, the choices of texts and elite interviews, and how to read the texts and interviews in a way that accomplishes the goal of the study. The six discourses discussed in this chapter are designed to provide a better understanding of intelligence reform from several different sources; government, media, academic, and civil society. This chapter also compares the findings in the case of Indonesia with other studies on different countries. This will help the objectivity of the

analysis either by strengthening the arguments or contrasting the findings.

Chapter four discusses the development of discourses of intelligence reform in post-authoritarian Indonesia from 1998 to 2004. Through three different administrations, discussion in this chapter is presented in order. The first section is the period of Habibie administration (1998-1999). The second section is Wahid administration (1999-2001) and the third section is Megawati administration (2001-2004). The discourses of intelligence reform are observed through media texts, academic analysis, parliamentary hearings, and civil society's intelligence reform initiatives, especially led by an academic think tank *Pacivis UI* and followed by several other initiatives. It is essential to note that the interviews are very helpful in clarifying the context and background of the development of the discourses. Chapter five is the continuation of chapter four regarding the discourse on intelligence reform, focusing on two last administration: Susilo Bambang Yudhoyono (2004 – 2014), and Joko Widodo (2014 – 2019).

In chapter six, this thesis discusses the findings within the context of the typology of intelligence reform, by examining three concepts; freedom and democracy, CMR and CNI in the context of typology to analyse the achievements of intelligence reform. The types of intelligence reform are explained in terms of the following categories; best practice, good practice, experimenting, and not engaged. These terms are categories generally used to give attributes of advancement to the process of intelligence reform. Although this thesis is a single case study, it is necessary to provide an element of comparative analysis to test the typology of intelligence model with other countries. The validity of the typology of intelligence is dependent on democratic change and decisions of political elites to reform intelligence services. Brazil and Romania are chosen because of the availability of studies on intelligence reform and the similarity to Indonesia in terms of democratic change.

Finally, chapter seven provides the overall conclusions. Intelligence reform in Indonesia has displayed similarities to intelligence reform in other countries, especially Brazil and Romania. However, every country has its own unique process due to different national intelligence cultures and historical backgrounds that linger and leave their distinctive imprint on the process. This uniqueness does not need to be judged as positive or negative in the context of democratization of intelligence. Intelligence reform in Indonesia was considered a success story through three main features. First, the seriousness of the government and political elites to reform intelligence. Secondly, terrorism as extraordinary crime and crime against humanity had a significant impact in accelerating the intelligence reform process. Thirdly, the role of NGOs and academics in pushing the intelligence reform agenda was made possible through international support; either via the provision of funding or expertise. Fortunately, the time was right because the demands for intelligence reform from NGOs (Non-Government Organisations) and academics met the needs of intelligence to reform itself to counter terrorism and other strategic threats.

1. 4. Democracy and Intelligence

One year before the fall of the New Order regime, in 1997, Anders Uhlin published his book *Indonesia and the Third Wave of Democratization: The Indonesian Pro-Democracy Movement in a Changing World*, which identified Indonesia as part of a ‘third wave of democratisation’. This thesis follows Uhlin in considering the Indonesian experience as forming part of that ‘third wave’.

In turn, this classification draws on the phases of democratization identified by Samuel P. Huntington (1991), who coined the term “third wave democracy”. For Huntington, the first wave began in the 1820s and lasted until 1926, bringing into being

29 democracies. From 1922 to 1942, this first wave was stalled. The coming to power of Mussolini in Italy marked the beginning of a "reverse wave" that reduced the number of democratic states in the world to twelve. The second wave occurred after the triumph of the Allies in the Second World War and reached its peak in 1962 with 36 democracies, which was followed by a second reverse wave (1960-1975) that brought the number of democracies back down to 30. The third wave of democratisation began post-1975, but at the time he was writing Huntington said that social science could not provide a reliable answer to the question of what stage of the third wave the world had arrived at. He further argued: "It may be possible, however, to identify some of the factors that will affect the future expansion or contraction of democracy in the world and to pose the questions that seem most relevant for the future of democratisation" (Huntington 1991, pp. 12-13).

In hindsight, democratisation continues to expand from time to time. Democratisation within the frame of the third wave can be seen as a long wave and it haunts all undemocratic regimes in the world. Indonesia is an example of a successful democratic transition and yet it still has many homework to reach a matured consolidated democracy. In contrast to the experience of democratisation in Indonesia, the possibility of a reverse wave is also open; for example, as with the failure of democratisation in Egypt (Mietzner, 2014). It is necessary to mention that some academics try to introduce the idea of a "fourth wave" of democratisation as occurring in the case of Arab Spring (Way, 2005; Dunay 2017). However, it can't be seen as a wave of change or democratisation due to the huge number of failures- as with Egypt, Syria, Libya – and the fact that the majority of Middle Eastern countries are still controlled by authoritarian regimes. For the purpose of analysing intelligence reform, I term Huntington's first and second waves of democratisation as 'old' democracy and post-1975 waves as involving 'new' democracies.

In relation to intelligence in ‘new’ democracies, “reforms are intended to transform an intelligence apparatus that supported the old regime and lacks democratic civilian control” (Bruneau and Boraz 2007, p.14). While the Oxford English Dictionary provides several definitions of ‘reform’, the one that best suits this research is that reform is, “the action or process of making changes in an institution, organization, or aspect of social or political life, so as to remove errors, abuses, or other hindrances to proper performance” (OED Online, 2019).

Bruneau and Boraz have explained that democratising countries become consolidated when the new regime’s structure and processes become stable (2007, p. 11). It follows that a country with a consolidated democracy can be categorised as mature or old, while a country still within the period of consolidating is part of the new democracies group. Since Indonesia’s democracy is still consolidating, so it belongs to the new democracies. In analysing intelligence reform, Bruneau and Boraz explained the difference between intelligence reform in new and old democracies as follows:

“Reform of the intelligence services means something entirely different for established democracies than it does for countries in democratic transition. In these older democracies, reform generally connotes changes in an existing system that already respects control from elected civilian officials. These changes typically enhance civilian control and aim to improve effectiveness. In less mature or emerging democracies, reforms are intended to transform an intelligence apparatus that supported the old regime and lacks democratic civilian control” (Bruneau & Boraz 2007, pp. 13-14).

Similar to other new democracies, intelligence reform in Indonesia is about improving intelligence in accordance with democratic values. Demands for intelligence reform in Indonesia have two drivers: first, to strengthen the collection and analysis of

intelligence by restructuring the organisation and national intelligence system and, secondly, to incorporate democratic values within its practices. The first driver is concerned with the question of effectiveness and the latter with normative questions including those of accountability and transparency.

This thesis aims to fill the gap in knowledge about intelligence reform in Indonesia by researching the discourses around intelligence reform from different sources of information, such as former intelligence officers, politicians, human rights activists, academics, and the media. Research on intelligence reform can be approached by looking at changes in organisational structure, laws and regulations, and the restructuring of national intelligence systems. However, to consider the effectiveness and transparency of intelligence reform, research needs to be based around specific cases. This thesis uses terrorist threats as a case study in the context of intelligence reform, given that terrorism is one of the principal security threats and has generated a considerable body of openly available information

1. 5. Historical Background: Intelligence in Indonesia

In *A History of Modern Indonesia since c.1200*, M.C Ricklefs divided the history of post-independence Indonesia into six periods:

- the revolution (1945-1950)
- the democratic experiment (1950-1957)
- guided democracy (1957-1965)
- the creation the New Order (1965-1975)
- the New Order at its peak (1976-1988)
- the challenge, crisis and collapse of the New Order (1989-1998).

The political dynamics of each period significantly influenced the nature of intelligence organisation. Because intelligence has very close relations to the centre of political power, most of the time intelligence has to deal with political issues either domestic or international. These can be seen from discourses that are divided into two sources of threat: foreign intervention and internal power struggle.

Widjajanto and Wardhani (2008) proposed the dynamics of threats as the main variable for categorising the type of interaction between intelligence and state in Indonesia. They used a descriptive tabulation on the dynamics of threats from 1945 to 2004, which focused on military operation. For the purpose of this research aimed at understanding intelligence reform, the 'dynamics of threats' approach is not only significant to explaining the ideological and political discourses during the Old Order and New Order eras, but also relevant to understanding how intelligence was established to respond to the threats.

To avoid confusion about the terms about Indonesian military forces that occurred frequently, it should be noted that Angkatan Bersenjata Republik Indonesia (ABRI) and Tentara Nasional Indonesia (TNI) are the same: Indonesian Armed Forces (IAF). The term ABRI was created by the New Order regime replacing TNI. On 1 April 1999 the police force was separated from ABRI, as part of security sector reform (SSR), with the aim to reduce militaristic image of the police and to refocus on police functions. Consequently, the term ABRI has changed back to TNI (Rinakit 2005, p.137).

Based on data from the Centre for Indonesian National Armed Forces History or *Pusat Sejarah Tentara Nasional Indonesia (Pusjarah TNI)*, Widjajanto and Wardhani (2008) explained that within the period 1945-2004, from a total of 249 military operations, 33% were aimed at countering external threats and 67% at internal threats. The external threats were considered to come from the Netherlands, Malaysia, and

Fretilin (*Frente Revolucionario do Timor Leste Independente*). The sources of internal threats were communist, Islamist, and separatist movements. Fretilin founded in Dili May 20th, 1974 was a left-leaning political party that declared the independence of Portuguese Timor in November 1975, while Indonesia announced the integration of Timor Leste to Indonesia in December 1975. On July 16th, 1976, Indonesia formally proclaimed East Timor as the 27th province of the Republic and placed it under the rule of a governor (Gunn 2011, pp. 92-94 and 17).

In response to the internal threats, intelligence put their highest priorities on three main targets; the Islamist or radical right (*radikal kanan*), the communist or radical left (*radikal kiri*) and separatist movements (Widjajanto and Wardhani 2008, p.51). These three targets have been indoctrinated into every newly recruited intelligence officer since the beginning of the New Order era in 1966 (Anonymous A, 2017). It was expected that intelligence operations would be in line with Indonesia's security focus on both external and internal threats.

The ideological narratives and counter-narratives among three 'isms' - nationalism, Islamism, and communism - perpetuates even until today. This ideological conflict was subtle during the fight against Dutch colonial rule because all resistance groups had a common enemy. Another factor for subtlety was a strong relation between Islam and nationalism because Islam was linked to the sentiment of Indonesian nationalism. George Kahin explained the role of Islam in uniting Indonesians: "The Mohammedan religion was not just a common bond; it was, indeed, a sort of in-group symbol against an alien intruder and oppressor of a different religion" (Kahin 2003, p.38). However, post-independence Indonesia has been darkened by ideological, political and also armed conflict based on the spirit of nationalism, Islamism, and communism.

In the context of international relations, the Cold War between the Soviet-led communist bloc and the US-led Western liberal bloc clearly influenced Indonesia's politics. Anna Leiber has described how: "from the early 1950s onward the attentions of the US and Soviet leaders shifted toward the Asian and African world and among the Asian countries, Indonesia was considered as a significant strategic control point by both superpowers" (Leiber 2014, p. 2). To some extent, this can explain the behaviour of Indonesian intelligence in perceiving and formulating its definition of its enemies. For example, during the Old Order era when communism and the Communist Party of Indonesia (*Partai Komunis Indonesia* or PKI) were still accepted as part of the Indonesian political landscape, communism was not seen as a threat. However, when the New Order took power in 1966, one of its primary definitions of national threat was communism. The legal base for this is the Decree of the Provisional People's Consultative Assembly of the Republic of Indonesia Number XXV / MPRS / 1966 on the dissolution of PKI, along with a prohibition on the spread of the teachings of Marx and Lenin.

Guy J. Pauker illustrated the importance of Indonesia for the United States in the preface to his memorandum paper for US Air Forces Project Rand as follows "Three years ago, in the summer of 1965, Indonesia seemed on the eve of a Communist takeover and relations between Djakarta and Peking were described in both countries as those between "comrades-in-arms." If the trend set by former President Sukarno had continued, Communist China would have acquired a major ally in Southeast Asia, and the strategic situation in the Western Pacific would have been altered substantially, against the national interest of the United States." (Pauker 1968, p. iii). Four years earlier, Pauker wrote a memorandum for the same US Air Force Project which stated that the PKI was the largest outside the Communist orbit. He also concluded: "the longer the Sukarno regime lasts, the better are the PKI's chances of assuming power without a major

struggle. If present trends continue, only unforeseeable circumstance can prevent the PKI from eventually achieving control of the Indonesian government” (Pauker 1964, p. ix).

Although Pauker’s memorandum included the disclaimer that the views contained in it should not be interpreted as representing the official opinion or policy of the United States Air Force, it was conducted as a US Air Force project. Pauker did not provide a policy suggestion for the US Air Force or government but he clearly predicted that the PKI would assume power if there was no intervention. It implied that the US government should do something to protect its national interest in Indonesia, otherwise Indonesia would fall into the hands of the communist party.

The importance of Indonesia for the US was also reflected in the US Central Intelligence Agency (CIA) study released in May 2007 explaining the 1965 Indonesian communist coup that backfired (CIA, 1968). It would be interesting to know the reason behind the CIA’s detailed study of the Indonesian communist coup of 1965 and how they acquired the data, but that would involve a different research project. For the purpose of understanding the influence of the Cold War to this study, the CIA’s interest in their 316 pages of research into the Communist Party of Indonesia can be viewed as a reflection of the serious concern of the US government about communism in Indonesia.

Peter Dale Scott has provided a more direct analysis explaining the US involvement in the bloody overthrow of Indonesia’s President Sukarno, 1965-1967 (Scott 1985, pp. 239-264), while Paul Lashmar and James Oliver reported how British Foreign Office dirty tricks helped overthrow Indonesia's President Sukarno in 1966 (Lashmar and Oliver 1998). Either from the US perspective or British interests, the global power struggle between the Communist bloc and the Western bloc was displayed in the Communist versus anti-Communist conflict in Indonesia. The Cold War not only influenced the definition of threats for Indonesia, but also represented a direct global

ideological conflict that led to a change of political system in Indonesia. Indonesian intelligence was also directly affected by this political change.

In explaining the role of intelligence during the independence revolution, Old Order and New Order eras of Indonesia’s history, Widjajanto and Wardhani use the terms militarisation of intelligence, politicisation of intelligence, and intelligence state. They suggested the evolution of interaction of intelligence and state in Indonesia in the table 1.1 as follows:

1945-1949 Militarisation of Intelligence	1950-1959 Political Intelligence	1959-1965 Political Intelligence	1965-1997 Intelligence State	1998-2004 Security Intelligence
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Table 1.1. The Evolution of Intelligence in Indonesia (Widjajanto and Wardhani, 2008, p.128)

Ricklefs’ periodisation of modern Indonesia and Widjajanto and Wardhani’s periodization of intelligence evolution slightly overlap. From the historical perspective, it is important to see the relation of between national political change and intelligence evolution to understand factors that influence intelligence evolution.

Ricklefs	1945-1950 The Revolution	1950-1957 The Democratic Experiment	1957-1965 The Guided Democracy	1965-1975 Creating the New Order 1976-1988 The New Order at its peak 1989-1998 The Challenge, Crisis and Collapse of the New Order	1998 - Post-New Order] at the time Ricklefs wrote his book, he said it was too early to identify the most significant development with confidence
Widjajanto & Wardhani	1945-1949 Militarisation of Intelligence	1950-1959 Political Intelligence	1959-1965 Political Intelligence	1965-1997 Intelligence State	1998-2004 Security Intelligence

Table 1.2. Comparison of Ricklefs’ Indonesia Modern History and Widjajanto and Wardhani Intelligence Evolution

From the table 1.2. above, it is clear that there is a correlation between national political conditions and the evolution of intelligence. However, it is still difficult to identify the determinant factors that cause intelligence evolution. For example, the idiosyncratic factor of political, military, and intelligence figures may have influence as strong as the national political condition or threats. Furthermore, the intelligence evolution on each period showed similar pattern of military dominance and politicised intelligence from 1945 to 1998. For example, during the whole period of 1945 to 1998 the domination of the military over intelligence, both as institution and in terms of personnel, is undeniable. Another example is the term 'intelligence state' from 1965 to 1997; in reality what Widjajanto and Wardhani called the 'intelligence state' in the New Order era is actually militaristic intelligence because all intelligence agencies were controlled by the military and operated by military personnel (Tanter 1990, p.248). Hence, the label of 'intelligence state' is inaccurate.

My disagreement with Widjajanto and Wardhani over the evolution of intelligence is supported by the fact of military leadership of all intelligence agencies in Indonesia from 1945 to 1998, with the exception of the civilian Dr. Subandrio's leadership of the Indonesian Central Intelligence Agency (Badan Pusat Intelijen, BPI) from 1959 to 1965. During this period there was an inter-intelligence service rivalry and the military had a strong desire to integrate intelligence services. As a response, President Sukarno founded the BPI and Foreign Minister Subandrio was appointed as its head, which at that time was acceptable to the military (Tanter 1990, p. 249). Subandrio's leadership is the only exceptional time that a civilian politician became the head of an Indonesian intelligence agency, so this relatively brief period of time can be considered as a period of 'political intelligence'.

Although this research refers to Widjajanto and Wardhani's approach in explaining the relation between intelligence and state, the simplification of militarisation of intelligence in Indonesia may lead to a narrow understanding about the development of intelligence. Many intelligence agencies in the world were born from the military - for example, in the UK Military Intelligence Section 5 (MI5) and Section 6 (MI6) - and although some can be categorised as civilian their task related to military and political information. The very nature of intelligence is to detect threats and give early warning for the government to prevent strategic surprise or counter the threats, which includes military or armed movement threats.

A considerable body of literature supports the idea that there is a close relationship between the military and intelligence. For example, political intelligence in Ancient Greece was either linked to protecting political interests or supporting military strategy and operations (Starr 1974; Gerolymatos 1986; Russell 1999). In the case of Roman intelligence, scholars cannot ignore its relationship with the expansion and military campaign of the Roman Empire (Austin and Rankov 1995; Sheldon 1987, 2005; Woolliscroft 2001). From China, Sun Tzu's *Art of War* clearly describes intelligence as part of military strategy to win the war (Griffith 1971; Sawyer 1994). From India, Kautilya's Arthashastra suggested the creation of spy institutions and the use of spies on all necessary fields and activities under different guises (Shamasastri 1915, pp. 24-30). Kautilya's spying conception is much closer to intelligence state than militaristic alone.

The literatures above have not only demonstrated the relations between intelligence, military and the state but also laid a foundation for understanding the existence of intelligence organisations, which knotted with politics, security and military affairs. In the case of Indonesia, the fact that the military has more personnel with intelligence knowledge and skills should not be seen as the militarisation of intelligence.

It was a normal early phase of development of intelligence organisation like in many other countries where the armed forces created the country's first intelligence agencies. For example, representing general trends in Latin America, in Argentina, Brazil and Chile, the intelligence agencies were either created by the military or headed by senior military officers (Ginter 2008). In the former communist countries in East Central Europe and the Balkans, intelligence agencies were patterned on the Soviet model with the common functions of defending the party-state from internal enemies and political opposition (Caparini 2014). In communist regimes, the combination of intelligence and policing under the umbrella of secret police has equal impact with militaristic intelligence. Both are instrumental to regime survival.

The historical context of discourse of intelligence reform is imperative in understanding the process leading to the present state of affairs. The most obvious discourse of intelligence reform is about organisational change in response to the dynamics of threats. However, these discourses do not exclusively discuss changes in organisational structure, rather they are more concerned with the social and political context and responses to national security threats. It should be noted that intelligence organisation is always part of government and it depends on government both the system and the people who govern. When Sherman Kent defined intelligence as organisation, he was talking about a specific governmental physical organisation with responsibility to pursue the special kind of knowledge at issue (Kent 1949, p. 69).

Former chief of the Armed Forces Strategic Intelligence Agency or *Badan Intelijen Strategis TNI* (BAIS TNI) 2011-2013, Soleman Ponto, explained the fundamental purpose of intelligence organisations for states as being like a tool for a man: "Intelligence is just a tool like a knife that can be used to cut fruit or to kill depends on its user." He further argued: "intelligence organisation should not take any initiative

against the will of the government because if it does it is a treason to the state” (Ponto, 2016). Similarly, Member of Parliament and former military intelligence officer Tubagus Hasanuddin said: “when he was an active military intelligence field officer, all operational instructions were in line with the government policy” (Hasanuddin, 2016). Three anonymous sources from State Intelligence Agency (*Badan Intelijen Negara*, BIN) shared similar views that in the name of a rigid concept of the President as the single client for intelligence; intelligence is and will always be loyal to the existing government (Anonymous C, D, and E, 2016). It can be said that when a country changes its political system and leaders, then intelligence will follow whatever its new direction. Throughout Indonesian history big changes in intelligence always related to either regime change or political system change. However, bureaucratic interest and culture of national intelligence showed tremendous power of resistance from intelligence and military.

Historically, all intelligence and counter-intelligence organisations in Indonesia were part of the military or created by military personnel. For example, Colonel Zulkifli Lubis, who learned intelligence at the Nakano military intelligence school, and former members of Defenders of the Homeland (*Pembela Tanah Air*, or *PETA*) created the Special Agency (*Badan Istimewa*) as the first Indonesian intelligence organisation. *PETA* is a Japanese-controlled local auxiliary force in Indonesia. According to Goto Kenichi: “*PETA* was created to augment the thin ranks of Japanese troops in preparation for the Allied forces' counter-offensive as the tides of war turned against Japan (1996, p.539).” He also argued that however convenient the establishment of the *Peta* was for Tokyo, it was the Indonesians themselves who benefited (Kenichi 1996, p.543). This benefit can be seen from the perspective of the creation of the embryonic Indonesian Armed Forces (People’s Security Agency – *Badan Keamanan Rakyat*, or *BKR*). Pamoe Rahardjo (1995, p.266) explained that to avoid misunderstanding of the existence of

PETA as Japanese-controlled troops, the Indonesian government dissolved PETA first then on 23 August 1945 invited back former PETA soldiers along with other youth groups to form BKR.

The date of the establishment of The Special Agency is some time after independence in August 1945. There is no official date of the creation of the first Indonesian intelligence organisation. The official website of BIN mentions the creation of the Special Agency as occurring in August 1945, the same month as the independence of Indonesia. However, Widjajanto and Wardhani (2008, p.64) claim it was created several months after Indonesian independence. Ken Conboy (2004, p. 16) and Muradi (2007) believe that the creation of the Special Agency occurred in September 1945. With the strength of 40 former PETA soldiers, the main task of the Special Agency was to support the newly-formed Republic of Indonesia by propagating good things about Indonesia's independence and reporting enemy designs, because the Dutch refused to acknowledge Indonesia's independence and declared their intention to retake Indonesia (Conboy, 2004, p.16).

The significance of intelligence for the newly independent Indonesia was to be found in the well-defined enemy represented by the Dutch and the need to unite Indonesia against the potential for rebellion instigated by Dutch sympathizers. As a new organisation, the central problems of intelligence during the early period of Indonesian history were around human resources and trust. Choosing the most trusted people to build intelligence organisation was vital for the survival of the new government in Indonesia. Indonesia needed valid intelligence to tackle threats from rebellion and treason. In addition, as a new independence state, the founding fathers of Indonesia encountered a difficult problem of whether or not Indonesia should become a republic or an Islamic state. Regarding the form of state, Rizal Sukma said: "the debate in the Investigating

Body for the Preparation of Indonesian Independence (*Badan Penyelidik Usaha-Usaha Persiapan Kemerdekaan Indonesia*, BPUPKI) on the issue finally ended with the affirmation of dual identity, which defined Indonesia as neither secular nor theocratic, but *Pancasila* state” (Sukma 2003, p. 18). This dual identity or I would say vague concept of *Pancasila* state successfully pushed the Islamic hardliner groups into underground but left a mutual suspicion between Islamic parties and nationalist parties. To add more complexity, the communist party rebelled in 1948 in Madiun. Katherine McGregor who prefer to use the term “Madiun uprising” argued: “the year 1948 [Madiun uprising] was a flash point in the Cold War for Indonesia”. She also said: “the events of 1948 worked to cement existing antagonisms between the PKI and Islamic groups” (McGregor 2009, 114). I would like to add that the antagonism was not only between communist and Islamist, but also with the nationalist like a triangle antagonism.

Tanter (1991, p.388) noticed that within one month of the creation of the Special Agency, in October 1945, there was already another intelligence organisation as part of the newly-formed People’s Security Armed Forces or *Tentara Keamanan Rakyat* (TKR), the successor to the People’s Security Agency or *Badan Keamanan Rakyat* (BKR). This short-lived intelligence organisation was led by Dr. Soetjipto, a doctor who had received PETA military training. Despite Tanter’s finding of this unclear intelligence body within the TKR, he managed to find out that by mid-1946 Dr. Soetjipto had the title of Head of Research at Army Headquarters. I would argue that the Research Department within the Army Headquarters is commonly mistaken as intelligence body because of their product, which has similarity to strategic intelligence reports. In fact, this research department was really a research unit that produced report studies related to security and military affairs.

From 1946 to 1965 there were a number of changes in the intelligence organisation for many reasons. The creation of the Secret Agency of the State of Indonesia (*Badan Rahasia Negara Indonesia*, or BRANI) on 7 May 1946 under the command of Zulkifli Lubis was an effort to form an umbrella for a diverse spread of ad hoc units established by field commanders across Java. This ad hoc unit was called special units for reconnaissance and their main job is to prepare the field by propaganda encouraging support for the Republic. This unit also has foreign operation section. A year later, on 30 April 1947, the Minister of Defense, Amir Sjarifuddin, with the blessing of President Sukarno merged Defense Agency B (*Badan Pertahanan B*) and BRANI into a new unit within the Ministry of Defense called the Fifth Section (*Bagian V*) (Conboy, 2004, pp. 18-20). While Conboy (2004) believed the merger was a political manoeuvre of the Prime Minister Amir Sjarifuddin to control intelligence, Widjajanto and Wardhani (2008, p. 66) interpreted the establishment of the Fifth Section as the militarisation of intelligence in the context of interaction between intelligence and state.

The Fifth Section only lasted for less than a year because of the fall of Amir Sjarifuddin's Cabinet in February 1948. As quoted by Tanter:

“By 1948 Zulkifli Lubis was the Chief of Army Intelligence, although the structure of Army headquarters staff intelligence is unclear after 1947. Major regular Army units had intelligence sections and an established organization. Sutopo Yuwono, for example, was a staff intelligence officer at Army Headquarters/ Ministry of Defence for most of the Revolution, and in 1948 was simultaneously an Intelligence Officer [K-1] for the Jogjakarta Military Sub-Territory [STMJ] (Tanter 1991, p. 389; Bachtiar 1988, p. 153).”

Despite the confusing structure of intelligence organisation within the Army headquarters, as noted by Tanter (1991) and Bachtiar (1988), intelligence was already an established section within regular Army units. This particularly strengthened the human resources with military background for intelligence organisation in the future. Widjajanto and Wardhani (2008) strongly believed that Lubis leadership of Army Intelligence bolstered the militarisation of intelligence because of his focus on tactical military intelligence and neglecting the development of intelligence within the Ministry of Defense. The militarisation of intelligence was inevitable as the result of efforts by military personnel with military intelligence backgrounds to build a militaristic style of intelligence. In addition, during the independence revolution the military threat from the Dutch against the new Republic needed a military response and, accordingly, military intelligence operations.

In early 1952, Chief Staff of the Armed Forces, TB Simatupang lowered the status of intelligence into Information Staff of the Armed Forces Agency (*Badan Informasi Staf Angkatan Perang*, or BISAP). From 1952 to 1958, all branches of the military and police had their own intelligence body without national coordination. On 5 December 1958, President Sukarno established the Coordinating Intelligence Agency (*Badan Koordinasi Intelijen*, or BKI) with Navy Colonel Pirngadi as its head. On 10 November 1959, BKI was transformed into the Central Intelligence Agency (*Badan Pusat Intelijen*, or BPI), headed by Dr. Soebandrio. The period from 1960 to 1965 was the peak of ideological conflict between communist and non-communist supporters within the military, including intelligence (BIN, no year). Tanter (1990) believed that BPI was the first civilian intelligence organisation, which later evolved into the State Intelligence Coordinating Agency (*Badan Koordinasi Intelijen Negara*, or BAKIN). Tanter also raised the issue of an unconfirmed intelligence organisation named silent

(*diam*) created in 1950 by Sumitro Kolopaking under the instruction of the Vice President, Mohammad Hatta. This unconfirmed organisation (*diam*) is highly likely the same as that which Conboy wrote about as the CIA's training centre Saipan graduates who belonged to the Ksatria front organisation (Conboy 2004, p. 23).

The fall of the Old Order regime impacted on the BPI, which was allegedly infiltrated by communist sympathisers to its end. According to a former Head of Sub Directorate of BPI, "members of BPI who were close to Dr. Subandrio must go through special investigation to clear the organisation from communism" (Anonymous G, 2017). The New Order removed all communist-related elements from within the bureaucracy, both military and intelligence. On November 1st, 1965, General Suharto who later became the 2nd president of Indonesia, institutionalised the full authority that he got from President Sukarno to restore security and order by creating Kopkamtib stand for *Komando Operasi Pemulihan Keamanan dan Ketertiban* or Operational Command for Restoration of Security and Order (Ricklefs 2001, p. 346) along with its supporting unit the intelligence task force or *Satuan Tugas Intelijen* (STI) in all regional military command (BIN, no year). The dissolution of BPI was a direct consequence of the regime change from the Old Order to the New Order in 1965.

Before describing the changes of intelligence during the New Order era, it is necessary to understand what the New Order was. The New Order (*Orde Baru*) is the term coined by the second Indonesian President Suharto to name his regime as he came to power in 1966. An early use of the term New Order in a paper can be found in Guy J. Pauker (1967), *Toward a New Order Indonesia* (Rand Corporation). Suharto himself provided a definition of the New Order in a 1969 speech:

“the New Order as a purification of the ideals of independence, rectification of the history, and implementation of the ideology of Pancasila and the 1945 Constitution. He also emphasised that the New Order means not only destroying the communist rebellion [PKI], nor undermining the Old Order; but a total correction of all aberrations that have occurred during the Old Order era. The total correction is not only in the field of ideology, politics, and statecraft; but must also be accompanied by the corrections of people’s mental attitudes and the ways they work.” (Suharto, 1969).”

In contrast to the explanation of the characteristics of the New Order provided by President Suharto, Anderson (1983, p.487) has characterised the New Order as a ‘resurrection of the state and its triumph vis-à-vis society and nation.’ In addition, President Suharto used the idea of the New Order to contrast his rule with that of his predecessor, Sukarno, and the Old Order (*Orde Lama*).

On 22 August 1966, General Suharto created the State Intelligence Command (*Komando Intelijen Negara*, KIN), headed by Brig Gen Yoga Sugama, who reported directly to Suharto. Less than a year later, on 22 May 1967 when Suharto was still an acting President, he issued presidential decree no.70 creating BAKIN as the highest intelligence agency in Indonesia. Later within BAKIN there were two influential special operational units named Special Operation (*Operasi Khusus, Opsus*) and Counter-Intelligence Unit of the Executor Unit with its original name *Satuan Pelaksana* or *Satlak* BAKIN and well known with *Unit Pelaksana* UP-01 (BIN, no year). According to a former BPI member, BPI was automatically merged into KIN later to become BAKIN following a thorough sterilisation to remove communist infiltration (Anonymous D, 2016).

Tanter believed that by the end of the 1980s, BAIS had become the most important element of the Indonesian intelligence structure. He said that the term strategic

referred to the broad interests of the state, rather than military affairs or international geopolitics (Tanter 1990, p. 230). BAIS was formed in 1983 in the reorganisation of the Strategic Intelligence Centre (or *Pusat Intelijen Strategis*, shortened to Pusintelstrat - Yamin and Matengkar 2006). In 1994, BAIS was renamed the Armed Forces Intelligence Agency (*Badan Intelijen ABRI*, BIA) and in 1999 reverted back to its previous name, BAIS (Zaedan 2000). There were some differences regarding the date and year of the changes of BAIS. For example, the official website of BIN and Conboy (2004, p. 217) state that the renaming of BAIS into BIA happened in 1993. Another source, Prayudi, mentions the creation of the Military Intelligence Agency (*Badan Intelijen ABRI*, BIA) as occurring in 1980 via merging the Pusintelstrat and Intelligence Task Force of Kopkamtib, and that later in 1986 BIA was renamed BAIS (Prayudi 2016, p. 18-19). Regardless, the official nomenclature of the Indonesian Armed Forces based on Presidential decree no. 60/1983 named Indonesian military intelligence as BAIS ABRI.

On 5 September 1988 President Suharto issued Presidential decree no.29 on the creation of the Coordinating Body for Assisting in the Maintenance of National Stability (*Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional* - Bakorstanas), which replaced Kopkamtib (Presidential decree no 29/1988). Kopkamtib and Bakorstanas was basically only name changing with a very similar role in their presidential decree. Damien Kingsbury said: “In part, the replacement of Kopkamtib by Bakorstanas was intended to reduce international criticism of the New Order government’s heavy-handedness, and, to a lesser extent, to assuage some domestic criticism” (Kingsbury 2003, p.130).

During the New Order era, the Kopkamtib, Bakorstanas, BAIS, BIA, BAKIN, military regional command intelligence unit, and other government departmental intelligence was controlled by military personnel. There is no research mentioning formal

structural military control over the whole intelligence machine in Indonesia. However, many scholars took a serious note on the role of General Benny Moerdhani from the 1980s to 1990s in putting all intelligence agencies under his control (Tanter 1990; Yamin and Matengkar 2006; Conboy 2004). Specific to the case of BAIS, Tanter even compared Moerdhani's role in intelligence with his senior Ali Moertopo:

“The new organization [BAIS] manifests Moerdani's drive to professionalize the intelligence system under military control. Its hierarchical and formal structure is the antithesis of the amorphous personally-controlled *Opsus* empire employed on an almost private basis by Ali Moertopo from the mid-sixties to the late seventies” (Tanter 1990, p.231).

It is important to understand *Opsus* from several different views because of its controversy in history. Explaining *Opsus*, Quinton Temby said:

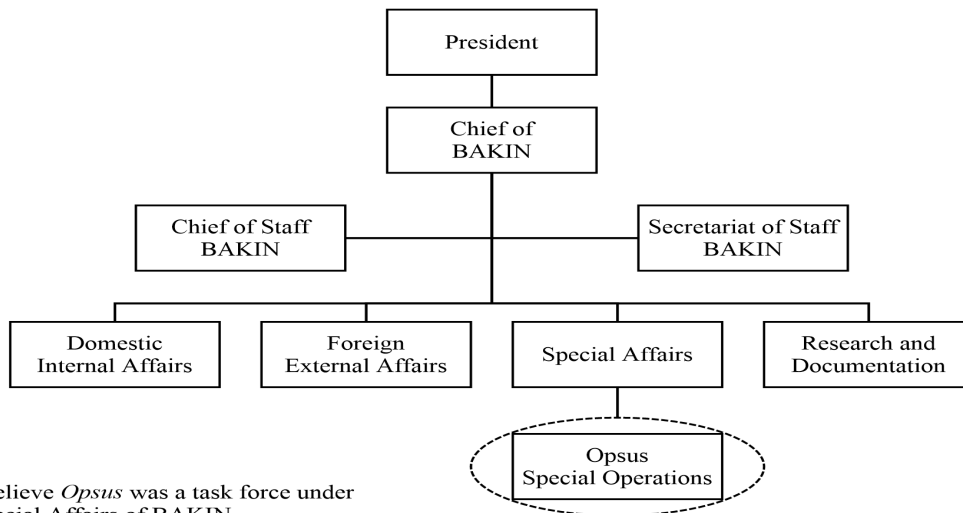
“Opsus was not a formal institution; rather, it was a network of agents and intelligence officers from other institutions that was loyal to Ali Moertopo. Moertopo, who from 1970 was also a member of the state intelligence agency Bakin, apparently used Opsus on an ad hoc basis for his more clandestine operations, ostensibly with Suharto's approval” (Temby 2010, p.6).

While *Opsus* according to Harold Crouch:

“*Opsus* (*Operasi Khusus*, Special Operations) is an all-purpose intelligence organization headed by President Suharto's personal assistant, Brigadier-General Ali Moertopo. Its original mission was to send out peace feelers during the confrontation with Malaysia. Other special operations have involved it in the student demonstrations against the PKI and Sukarno, the Act of Free Choice in West Irian, contacts with

South Vietnam and Formosa, etc. It has also acted to ensure that the political parties and other organizations have amenable leaders” (Crouch 1971, p. 186).

From a different angle than Crouch’s and Temby’s definitions of *Opsus* and to Tanter’s assumption about *Opsus* (*Operasi Khusus*, Special Operation) and Ali Moertopo, I interpret *Opsus* based on three official documents as an elite task force within BAKIN. According to Presidential Decree No. 70 of 1967, BAKIN structure has four sections and one secretariat. One of these four sections was *Bagian Khusus* (Special Section), which responsible for military strategic intelligence. Three years later, President Suharto signed another Presidential Decree No. 76 of 1970 about the improvement of BAKIN organisational structure, which change the name *Bagian Khusus* into *Deputi Bidang Khusus* (Deputy of Special Field) also known as Deputy III (Three) or *Deputi Penggalangan* (I interpret it as Deputy of Security and Socio-Political Engineering). Finally, according to BIN’s website, *Opsus*, the most prestigious unit within BAKIN, was created in 1970 as part of the reorganisation of BAKIN and it was put under Deputy III. (BIN no date), please see figure 1.1 and figure 1.2.



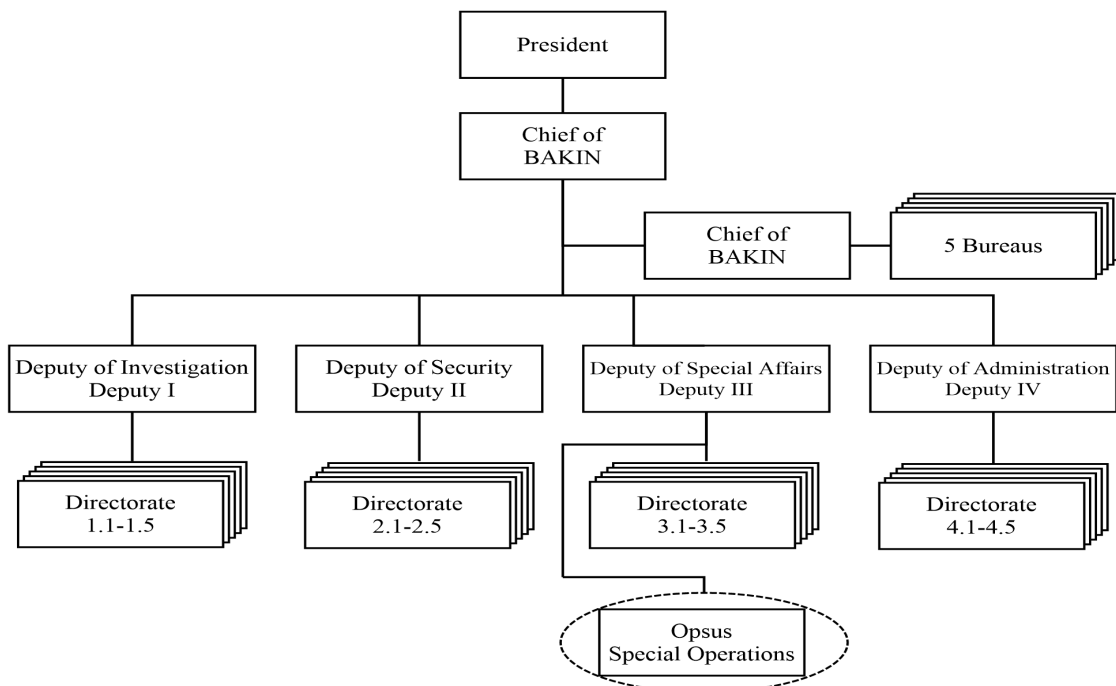
I believe *Opsus* was a task force under Special Affairs of BAKIN.

There were two types of operators of Opsus:

1. Organic; members of military and civilian intelligence
2. Agent; recruited from many different backgrounds like academics, students, activists, business, etc. They work for BAKIN either for money or position.

Based on Presidential Decree No. 70 of 1967

Figure 1.1. Organisational Chart of BAKIN 1967



The Chief of BAKIN is permitted to create 2 types of institutions:
 1. Staff Bodies, for example Special Staff for Chinese Affairs (Badan Khusus Urusan Cina); and
 2. Operational Unit, for example *Unit Pelaksana Teknis (UPT)* or Technical Executing Unit.

Based on Presidential Decree No. 76 of 1970

Figure 1.2. Organisational Chart of BAKIN 1970

I believe it is correct that many scholars associate *Opsus* with Ali Moertopo's because he was the head of *Bagian Chusus* and later head of Deputy Three. It is also correct that *Opsus* as a special intelligence operation was under the control of Ali Moertopo and the chief of BAKIN at that time, Sutopo Juwono might not fully aware with all Ali's special operation. In addition, according to former member of *Opsus*, the word 'special' has been interpreted by Ali Moertopo as a blessing to do anything to protect the New Order regime (Anonymous B, 2017).

Opsus has general meaning 'special operation' that may confuse people with question: "which one is special?". From the collected data about *Opsus*, I would like to present my views on *Opsus* as follows:

- (1) The first time the term/code name *Opsus* was used was in 1966. General Soemitro said: "I heard MG Soeharto has assigned Ali Moertopo as liaison officer for Indonesia-Malaysia reconciliation. This operation was called *Opsus*. Later the code name *Opsus* was used for other many other intelligence operation" (Soemitro, 2011).
- (2) Ali Moertopo as the head of *Bagian Chusus*, which later became Deputy III BAKIN used the same name *Opsus* for a special task force focusing on engineering the victory of Golkar in the 1971 election. Regarding the rigging the election for Golkar, BAKIN was relatively united with *Opsus* as the main operator. However, special operation against radical Islamist of former Darul Islam (DI) members was only known to a very small number of people (Anonymous B, 2017).
- (3) *Opsus* as an operational unit under Deputy III BAKIN was very prestigious (BIN, no date). This fact indicates its formal or semi-formal position within BAKIN organisational structure.

Student Protest

As part of the history of intelligence during the New Order era, student protest directed towards intelligence is important to note. The importance of student protest in this research lies in the fact that it was a reflection of the existence of negative sentiments towards the Indonesian military and intelligence in wider sections of society and the long history of grievances of Indonesian citizens denied freedom of expression. According to Saunders, “in the Suharto era, militarisation was reflected on campus in routine intelligence-gathering operations and surveillance of student life, arbitrary decrees from military authorities restricting students right to demonstrate, the use of combined police and military force to contain campus rallies (the police in Indonesia are part of the armed forces), and the frequent harassment, arrest, and sometimes torture of campus activists” (Saunders 1998, p. 4).

Malari, which stands for *Malapetaka Limabelas Januari* (15 January disaster), occurred on 15 January 1974. According to the head of Student Council of the University of Indonesia, Hariman Siregar, “criticism of the government’s development policy has started since 1971” (Siregar 1994, p. 42). There were several salient student protests preceding the Malari incident. For example, the 24 October 1973 Petition that criticised the injustice of development which only benefited the rich (Haryanto 2006, p. 88-89), the rejection of the development of Indonesia Miniature Park in 1973 (Aly 2004), and protest against profligacy in development and rejection of foreign investment from Japan on 10 January 1974 (Siregar 1994; Culla 1999). The January 1974 student protest was heated and came about in response to the visit of Japanese Prime Minister, Kakuei Tanaka on 14 January, and later developed into uncontrolled riots on 15 January 1974 (Siregar 1994; Culla 1999).

Further student protests in 1977-1978 were scattered regionally and focused on rampant social problems like hunger, poverty and imbalanced development. Students blamed the government and rejected the nomination of President Suharto to serve for a third term during the 1977 legislative elections and the indirect Presidential election of 1978. In his defense plea, the leader of the student movement, Indro Tjahyono, criticised the dual function of the armed forces (*dwifungsi Angkatan Bersenjata Republic Indonesia - ABRI*) as a tool for the military to intervene in politics and create a dictatorial political system to allow the military to remain in power (Tjahyono, 1979). *Dwifungsi* ABRI as a military doctrine has a long history and explanation, which required different discussion outside this thesis. However, to avoid confusion I would like to quote Jun Honna's view on *dwifungsi ABRI* as follows:

“ABRI frequently claims that Indonesian civil-military relations, represented in the official doctrine of *dwifungsi*, are unique, as *dwifungsi* is deeply rooted in the nation's history and culture. *Dwifungsi* insists that ABRI, since the independence war in 1940s, has played a guardian role in nation-building, and thus has a right to involve itself in the socio-political field apart from its defence role” (Honna 1999, p.1).

The government's response to the student movements of the 1970s intensified grievances among university student activists. On 21 *January* 1978, the Pangkopkamtib (Commander of Operational Command for the Restoration of Security and Order), Admiral Soedomo, suspended all student councils in universities, colleges and institutes via decree no. SKEP/02/KOPKAMTIB/I/1978 (Hariyadhie 1994, p.91-122). Following this decree, the Minister of Education introduced Minister Decree no. 0156/U/1978 about normalisation of campus life (*Normalisasi Kehidupan Kampus – NKK*) and Decree no. 037/U/1979 about Coordinating Body for Student Affairs (*Badan Koordinasi*

Kemahasiswaan – BKK), known as NKK/BKK. In short, from the government's perspective NKK/BKK was intended to bring the activities of university students back to its intellectual focus (Joesoef 1983, Galih 2016), while from the students' perspective NKK/BKK was a way to sterilise university campuses from political activities and freeze the Student Council and Student Executive Board (Ali 1985). The way the government handled student activism in the 1970s and 1980s was characterised by an enormous effort of power consolidation to support the regime and restrict political freedoms by political and military means.

On 28 July 1990 the Minister of Education, Prof. Dr. Fuad Hassan repealed NKK/BKK and replaced it with Minister of Education Decree no. 0457/0/1990 about general guidance of student organisations or *Pedoman Umum Organisasi Kemahasiswaan* (PUOK) and Minister Decree no. 403/U/1990 that acknowledged only the University Student Senate (or *Senat Mahasiswa Perguruan Tinggi* – SMPT) as the student body (Kompas, 30 May 1998). However, university students, activists and former activists gave cold welcome to the PUOK regulation (Kompas 8 August 1990). Although Prof. Hassan claimed that NKK/BKK had been lifted in 1990 (Kompas 30 May 1998), in reality NKK and BKK was still a source of debate among students, authorities in Campus and government. Saunders believes that the PUOK only partially lifted the NKK/BKK and the status of NKK/BKK was not clear (Saunders 1998, p.96).

Responding to the restriction of student activities in Indonesia, Human Rights Watch (HRW) sent an open letter to the Minister of Education and Culture which, “called on the government of Indonesia to dismantle immediately the mechanisms of centralized government and military control over academic life implemented during President Soeharto's thirty-two year New Order rule.” The HRW letter specifically mentioned that, “the legal and extra-legal military and intelligence agencies, including branches of the

military's National Stability Coordinating Agency (*Badan Koordinasi Bantuan Pemantapan Stabilitas Nasional*, or Bakorstanas), should be prohibited from engaging in on-campus intelligence gathering and harassment of students and faculty who make critical comments at seminars or in interviews with the press” (Fanton and Saunders, 1998). The HRW letter reflects an effort to help Indonesian student activists to be free from intelligence surveillance.

The culmination of the student movements against the New Order regime occurred in 1998 and played a significant part in finally forcing President Suharto to resign on 21 May 1998. Elisabeth Jackson illustrated the final days of Suharto as follows:

“Beginning on 18 May, students staged a sit-in of the DPR building, demanding that a special session be convened to call for the presidents’ resignation (Culla 1999, 178-9). Finally, on 21 May, with the support of ABRI and key ministers largely eroded, Suharto resigned (Aspinall 2000, 315-319). There was a strong sense of history repeating itself in these events given that it was students, in partnership with the military, who helped to topple Sukarno in 1966” (Jackson 2005, pp. 88-89).

The events of student protests since 1970s, 1980s, 1990s and the reform movement in 1998 may have its own characteristic related to the historical context and the existing problems in each era. However, there is a strong connection between repression against students by intelligence and military operations against students’ resistance. Quoting from Liddle: “For how much longer can the New Order's version of Pancasila Democracy remain a useful fiction” (Liddle 1996, p. 60). Pancasila Democracy is mainly labelling democracy with state ideology Pancasila that consists of five principles. One of Pancasila Democracy main principles is the promotion of consultation and consensus over oppositional voting, formal opposition was not allowed, though opposing voices were

often heard (Ramage, 1995: 179). In order to maintain stability by silencing opposition voice, military and intelligence were inevitable must face student protest against New Order regime. While military and intelligence might think that they have created a “useful mechanism of control and surveillance” against students and oppositions, in reality, military and intelligence have in fact weakened their own positions in the minds of Indonesian society.

The relevance of the student movement as historical background to intelligence reform is that in the minds of Indonesia’s most educated section of the population, as represented by university students, military and intelligence came to be understood as enemies of the people’s interests. As a tool of the regime via which it sought to maintain its power, intelligence was perceived as a “dark force” (Wibisono 2006) and the creator of fear (Widjajanto 2006). The continuous restrictions and surveillance against student activism from generation to generation created a strong sense of anti-militarism and distrust of intelligence agencies. In hindsight, it was only a matter of time before demands for military and intelligence reform materialised.

On May 5th 1980, an influential group of critics of the New Order regime named the Petition Fifty (*Petisi 50*), which was an “expression of concern” (*ungkapan keprihatinan*), issued a petition that voiced concern over President Suharto’s interpretation of the state ideology *Pancasila* and accusations subversion against the government. The petition is as follow:

"We are concerned about these speeches [Suharto speeches] which, (a) assume that the people are polarised into one group wanting to make the 'Pancasila lost for ever' and another trying to 'replace the Pancasila', which (in tum) will only cause new conflicts between the groups of people; (b) define the Pancasila in such a way that it can be used to threaten political opponents, where as Pancasila was intended by the founders of republic

to unite the nation; (c) prepare for the less than praise worthy intentions on part of the authorities to systematically paralyse the 1945 constitution, replacing it with the 'Sapta Marga' and the 'Sumpah Prajurit' although these two pledges can not possibly rank higher than the constitution; (d) urge the Armed Forces to take sides, that is, not to stand above all groups in society, but, on the contrary, to choose friend and foe on the basis of the opinion of the authorities only; (e) leave the impression as if Suharto had come to consider himself as the personification of the Pancasila, so that every whisper against him can be interpreted as a stand against the Pancasila; (f) allege the existence of efforts for an armed uprising, subversion, and other incorrect efforts to oppose the next general elections. Being of the opinion that the thought expressed in these speeches of President Suharto should not be disseminated as officially representative of the authorities controlling the government of the nation and preparing the coming general elections, we urge the representatives of the people in both Parliament and the People's Consultative Congress to review the speeches of the President delivered on 27 March and 16 April" (Sundhaussen 1981, p. 820).

One of the signatories, Bratanata explained that they questioned over the direction of Indonesian Armed Forces' (IAF) dual fuctions (Bratanata 1991, pp. 14-15). Uhlin categorised the fifty signatories of *Petisi 50* as elite dissidents composed of retired generals, civilian ex-politicians, intellectuals and student figures (Uhlin 1997, p.86).

Uhlin also noted the development of new radical and vocal NGOs in the form of new generations of pro-democracy and human rights movement in the late 1980s and early 1990s. He argued that the new pro-democracy and human rights NGOs had emerged from the student movement (Uhlin 1997, p. 111). From the five types of paradigms of NGOs in Indonesia – welfare, modernisation, reform, liberation, and transformation (Budiardjo 2008, pp. 388-392) – most of the new generations of

Indonesia's NGOs in the 1990s fit the liberation and transformation types, which both shared the ideas of populism, mass mobilization, and campaigns aimed at influencing public opinion. These types and methods of pro-democracy movements may have gradually increased the courage of the people, especially political elites and executive, reformers within the military, and businesspeople to withdraw their support for the New Order regime. Regarding the change of political support from Suharto's circles, Mydans explained, "It was a quick, stunning series of betrayals that shook President Suharto out of office this week. One after another, the men he had groomed and manipulated to shore up his power told him the harsh truth that he had seemed unable to grasp: It was time for him to go" (Mydans, New York Times 24 May 1998).

In 1997, the Indonesian Institute of Sciences (*Lembaga Ilmu Pengetahuan Indonesia*, LIPI) published comprehensive research on *dwifungsi* ABRI, which criticised *dwifungsi* by proposing that ABRI or IAF should moderate its political role to the level of participation from the current level of dominance and should gradually decrease it to the level of influence (Samego et. al. 1997: 231). As part of government body, LIPI's position on the IAF's dual functions adds another justification for military reform. Since LIPI publicised its research during the 1997 economic crisis and in the beginning of the reform movement, it may have influenced opposition groups and students to discuss the importance military reform by abolishing the IAF's dual function as one of the reform demands.

The significance of a focus on militarisation or civil-military relations in studying intelligence reform is not limited to the fact that military reform opens the gate to intelligence reform. It also provides a framework for further studies of how to manage future civilian intelligence, which still accommodated many military personnel. For example, former Chief of BIN 2001-2004, A.M. Hendropriyono, emphasised the

importance of making BIN a truly civilian organisation. He also criticised the conscientious effort to reduce civilians to 40 percent of incoming personnel (Hendropriyono 2016). The problem of civil-military relations may have been solved at the level of the national political system in Indonesia, but it continues in intelligence.

Ultimately, the breakdown of Suharto's New Order government in 1998 was triggered by a combination of foreign and domestic factors. Some scholars have documented how the Asian financial crisis ushered in the collapse of Suharto's New Order in May 1998 (Aspinall 2005; Bertrand 2004). However, the Asian financial crisis was not the only factor. Rinakit (2005, pp.2-4) has identified five factors that contribute to the fall of Suharto, namely: "student demonstrations, the external pressures, an elite conspiracy, the factional split within the military, and the resignation of fourteen ministers from his cabinet." Two of these can be considered to have been influential in subsequent intelligence reform: student demonstrations and factional splits within the military which led to internal military reform. The three other factors contributed to the resignation of Suharto but not to intelligence reform.

The formulation of the post-Suharto democratic system was a response to the demands for change arising from student demonstrations, but it should be noted that the demonstrations were not confined to students. Rinakit believes that the student demonstrators were supported by other groups within society, particularly academics, businessmen, NGOs, journalists, politicians, and even retired military officers (Rinakit 2005, p. 71). In this context, the student movement can be seen as a representation of the demands of Indonesian society more generally. By consensus, the student movement supported by other interest groups finally agreed to six main demands: (1) respect for the rule of law (2) the eradication of 'Corruption Collusion and Nepotism' (*Korupsi Kolusi dan Nepotisme* – KKN), (3) the prosecution of Suharto and his cronies, (4) amending the

1945 Constitution, (5) the abolition of the military's dual-function (*dwi-fungsi militer*), and (6) the application of regional autonomy (Prasisko 2016, p. 13).

The abolition of the military's dual function and the split within the military opened the way not only to the democratisation of Indonesia's political system but also its security institutions, including the military, police and intelligence (Security Sector Reform – SSR). The influence of democratisation in Indonesia was also seen in Indonesia's intelligence organisations. However, a brief evaluation of Indonesian intelligence performance through media coverage from 1998 to 2018 suggests that intelligence changed but with some lingering questions about the genuineness or extent of reform. Repeated incidents of the use of intelligence for political purposes by elected governments have invited harsh criticism from opposition groups. The continued existence of security threats, especially from terrorist and separatist groups, has created presumptions of intelligence failures. Therefore intelligence reform was seen as crucial to increase intelligence capability to prevent terrorist and separatist attack. Even in relation to civil-military relations, intelligence, particularly the State Intelligence Agency (*Badan Intelijen Negara – BIN*), appeared to place an emphasis on maintaining a pragmatic approach by assuming there was no civil-military problem in intelligence. In other words, democratisation has had a limited impact on intelligence reform.

The historical background on Indonesia's political development and intelligence organization above shows how close the relationship between politics and intelligence in Indonesia has been. In a situation where the new Republic was involved in a revolution against the Dutch, intelligence focused its activities on securing the Republic by propaganda and counter military intelligence against the Dutch. During this period, military intelligence was the ideal response for survival. During the period when the national political system was chaotic, as in the Old Order, intelligence was in the tug of

political interests, especially between nationalist and communist factions. In addition, there was also a continuous secessionist threat from the region demanding more attention from the central government. During this period, intelligence had no long-term strategic plan for its own future as an organisation. The deep influence of politicians over intelligence, like the leftist Dr. Subandrio's leadership of BPI, caused a temporary stagnation of development.

Finally, during the relatively stable New Order period but with so many grievances from the opposition, the intelligence model was characterised by the militarisation of internal security. The New Order government through intelligence and the military (the police were still part of the military) to some extent was successful in controlling the whole population. However, the 32 years repression during the New Order era became a strong motivation for national political change encompassing not only all opposition groups, but also the population in general, especially students and other civil society groups. The table 1.3 below recaps the historical survey of the changes of intelligence from 1945 to 1998 and possible change from 1998 to the subsequent years. I add my own interpretation on the chronological changes of intelligence in Indonesia based on my research.

Ricklefs	1945-1950 The Revolution	1950-1957 The Democratic Experiment	1957-1965 The Guided Democracy	1965-1975 Creating the New Order 1976-1988 The New Order at its peak 1989-1998 The Challenge, Crisis and Collapse of the New Order	1998 - Post-New Order] at the time Ricklefs wrote his book, he said it was too early to identify the most significant development with confidence
Widjajanto & Wardhani	1945-1949 Militarisation of Intelligence	1950-1959 Political Intelligence	1959-1965 Political Intelligence	1965-1997 Intelligence State	1998-2004 Security Intelligence
Puguh Sadadi	1945-1949/50 First Phase Military Intelligence	1950-1965 Second Phase Political Rivalry Politicisation of Military Intelligence Embryo of Civilian Intelligence		1965-1998 Third Phase Military Controlled Intelligence	1998-2018 Fourth Phase Reforming Intelligence

Table 1.3. Historical Changes of Intelligence in Indonesia with Author's Interpretation

Chapter Two

LITERATURE REVIEW

There has been a view that, as a social science project, the study of intelligence has struggled with scientific methods. For example, David Kahn has argued, “although some authors entitle sections of their works ‘theory of intelligence,’ to my knowledge no one has proposed concepts that can be tested” (Kahn 2009, p.4). Kahn’s claim reflects the complexity of Intelligence Studies, which may add further doubt concerning the possibility of studying intelligence as a science. However, while research on intelligence may face complex challenges, I believe the growing literature on intelligence shows a significant development of theory. The biggest challenge in conducting research into intelligence is not only how to find or propose the ideal framework and theoretical assumption and develop an explanation that can be tested in other cases, but also how to observe the reality of intelligence practices and processes by empirical work.

The literature review in this thesis introduces previous studies on intelligence reform and intelligence theory as an appropriate methodology and framework for research on intelligence reform in Indonesia. In support to the research question of this thesis, the references cannot solely rely on the Indonesian case. Although this thesis is not a comparative study, a review of literature on intelligence reform in other countries is needed to justify or reject arguments on how to approach research on intelligence reform.

The following literature review is divided into two parts. The first part of the review explores the concept of democracy, especially intellectual efforts by scholars to measure the quality of democracy. This is followed by a review of the relationship

between democracy and intelligence reform by observing cases of intelligence reform from a number of countries that have experienced democratisation. The second part of the review considers the literature on Indonesia's democratisation, especially as it relates to intelligence reform and the security challenges arising from terrorism.

2.1. Democracy as the underpinning factor for intelligence reform

In assessing democratisation processes and the quality of democracy, most of the elements of democracy that have been studied are tangible elements of the state such as elections, decentralisation, civil society, the press, the rule of law, law enforcement, and the military. Robert Dahl has identified three essential conditions for democracy: (1) the control of military and police by elected officials; (2) democratic beliefs and political culture; and (3) no strong foreign control hostile to democracy. In addition to that, Dahl mentioned two "favourable conditions" to democracy: (1) a modern market economy and society; and (2) weak subcultural pluralism (Dahl 1998: 147).

For Dahl, then, control of the military and police by elected civilians is central to the stability of democracy. Although intelligence is not included in Dahl's ideal condition of stable democracy, I would argue that control of intelligence is also central to the development and stability of democratic institutions, because its functions and roles are very similar to those of the military and police, involving the securing of the state and protection of its citizens.

In his book *Poliarchy*, Dahl proposes eight criteria for defining and measuring democracy: (1) the right to vote (inclusive suffrage), (2) the right to be elected, (3) the right of political leaders to compete for support and votes, (4) elections that are free and fair, (5) freedom of association, (6) freedom of expression, (7) alternative sources of information, and (8) institutions for making public policies depend on votes and other

expressions of preference. He also argues that a key characteristic of a democracy is the continuing responsiveness of the government to the preferences of its citizens (Dahl 1971, p.3). Of these eight criteria, the final one reflects on the interaction between government institutions and the preferences of the people or voters. It suggests the importance of people's preferences on government policy. In addition, the continuing responsiveness of the government can be interpreted in the security sector in relation to how the security agencies tackle threats in line with the preferences of citizens.

Arend Lijphart examined the quality of democracy on a comparative study of 36 countries. He proposed a framework of political and policy domains and featuring the following criteria: (1) women's representation, (2) political equality, (3) electoral participation, (4) satisfaction with democracy, (5) government-voter proximity, (6) accountability and corruption, and (7) majority rule for the political domain and (8) social welfare, (9) environmental protection, (10) criminal justice, and (11) foreign aid for the government activity or policy domain. His hypothesis is that "consensus democracy will be associated with kinder, gentler, and more generous policies." (Lijphart, 1999, p.294).

Although Lijphart, like Dahl, does not mention security or military behaviour as criteria for measuring the quality of democracy, he analysed democracy in plural societies that are sharply divided along religious, ideological, linguistic, cultural, ethnic, or racial lines into virtually separate sub-societies. Under these conditions, he said: "majority rule is not only undemocratic but also dangerous, because minorities that are continually denied access to power will feel excluded and discriminated against and may lose their allegiance to the regime." (Lijphart, 1999, pp.32-33). The New Order government was not only fit with the pattern of undemocratic majority rule, but also later experience lose support from the people. The role of military and intelligence supporting

the New Order in power for 32 years to some extent has negative impact to military and intelligence.

Beside Dahl and Lijphart, other scholars have proposed a variety of frameworks. For example, Diamond and Morlino (2004, pp. 20-31) propose eight different dimensions of democracy, (1) participation, (2) accountability, (3) transparency, (4) competitiveness, (5) rule of law, (6) freedom, (7) equality, and (8) responsiveness, that solidly interact and reinforce one another and ultimately converge into a system. They argue that the quality of democracy in terms of procedures and institutions is not only about the failings of government but is also related to the higher citizen expectations of what democracy can deliver procedurally and substantively, as well as in terms of results. These eight dimensions of democracy have been used in several empirical research projects such as Morlino et al. (2011) in the case of Asia Pacific countries, Fortes and Brihuega (2012) in the case of Spain, and Morlino and Piana (2014) in the case of Italy.

Minimalist definitions of democracy usually limit its meaning to the political and avoid discussion of the economic and social system. For example, Diamond, Linz and Lipset have proposed three components of political democracy: “(1) There should be competition between individuals and organised groups for all government positions. This should take place through regular and fair elections. (2) Political participation in the selection of leaders and policies should include in principle, all adults. (3) Some basic civil and political liberties, such as freedom of expression and freedom to form and join organisations, should be respected” (Diamond, Linz and Lipset 1990, pp. 6-7). This minimalist definition of democracy has no direct relation with intelligence reform, however the impact of the free competition for leadership and policies has influenced the political system including in the security sector. Furthermore, respect for civil and political liberties places a limitation for government in using the state security apparatus

for political reasons. Karl (1990, pp. 2 and 15) has argued that democracy as a political concept must include civilian control over the military, which he believed to be particularly important in the Latin American context (and, I would argue, is equally important in the Indonesian context). His four dimensions of democracy - contestation, participation, accountability, and civilian control over the military - provide a better approach for this research to examine intelligence reform from the perspective of civilian control.

The idea of democratic self-control is particularly relevant here and Schumpeter's original description of it includes several notions: "(1) that everyone must accept all laws legally adopted; (2) that all executive orders issued by legally competent authorities; (3) high level of intellectual and moral of electorates and parliaments; (4) those desiring legislative action should be willing to wait for their turn to have action taken; (5) politicians must resist the temptation to upset or embarrass the government each time they could do so; (6) Voters must recognize that, between elections, "political action is [the politicians'] business and not theirs. This means that they must refrain from instructing him about what he is to do, even though this clashes with the classical doctrine of democracy and really spells its abandonment" (Schumpeter 1976, pp.294-295). The term democratic self-control as used by Schumpeter relates to the obligation of all individuals and groups to refrain from breaking the law and follow the rule of democracy and respect the ethics. The impact of the inclusion of all individuals and groups position before the law, principle of democracy, and ethics is that intelligence agencies and its personnel should follow the legislative measure.

In contrast to Schumpeter's approach, Paul Spicker (2008) suggests that democracy needs also to be understood in terms of its substantive implications. He identifies three main heuristic categories—normative, procedural, and institutional. He

explains that democracy can be understood as a principle, norm or ideal (normative), as a characteristic of approaches to decision making or politics (procedural), and as a system of government defined by a set of institutional arrangement (institutional). Spicker's intention in identifying the concept of democracy is to understand the substantive elements in democratic thought and not just the procedural. Hence, this thesis argues that to understand intelligence reform is not just about the reform itself, but it is also about the actual performance and impact of the reform in protecting the state and people from security threats in line with democratic norms.

Rustow (1970), Dahl (1971), and Diamond (1999) all believe that the emergence and consolidation of democracy as a political system is a multidimensional and developmental phenomenon. Referring to that notion, measuring the quality of democracy can be done via different frameworks depending on what we are looking at. Since democracy is a developmental phenomenon, it is possible to develop a new framework for assessing democracy specifically related to intelligence reform, based on a framework measuring the quality of specific dimensions of old and new democracies in the world.

A review of methods of measuring the quality of democracy cannot be not complete without mentioning Freedom House and Polity IV as the two most widely used measures of democracy. Freedom House basically measures freedom not democracy, but its report *Freedom in the World* operates from the assumption that freedom for all peoples is best achieved in liberal democratic societies, which clearly implies a democracy dimension. So, social and political researchers often use Freedom House data as measures of democracy. The Freedom House report (2018) uses a three-tiered rating system, consisting of scores, ratings, and the status of two measures: political rights and civil liberties. Political rights are based on three subcategories – the electoral process,

political pluralism and participation, and the functioning of government – and these subcategories consist of a total of 10 indicators (checklist questions). Civil liberties are based on four subcategories—freedom of expression and belief, associational and organizational rights, rule of law, and personal autonomy and individual rights – which consist of a total of 15 indicators (checklist questions).

Polity IV provides two aggregate guides, to democracy (DEMOC) and autocracy (AUTO). The Polity IV democracy index and autocracy index include the following dimensions: competitiveness of executive recruitment, openness of executive recruitment, constraints on the chief executive, regulation of participation and competitiveness of participation, with an additional dimension to the autocracy index, that of regulation of participation (Marshall et.al. 2013)

Different measures of democracy add to the complexity of understanding democratisation of intelligence. However, specific aspects of intelligence reform inspired by measures of democracy can be tested empirically. Ian Leigh argued that:

“Effective democratic control depends on a two-way process of access between politicians and officials. Ministers need access to relevant information in the hands of the agency or to assessments based upon it through intelligence assessments and, they must also be able to give a public account where necessary about the actions of the security sector” (Leigh 2009, p.68).

Leigh’s explanation of democratic control over intelligence is in line with the general meaning of democracy, rule by the people. Intelligence apparatuses are not comprised of elected politicians, but they are responsible for providing intelligence to the elected politician (ruler). According to Jack Lively, the “ruler should be accountable to the ruled;

they should, in other words, be obliged to justify their actions to the ruled and be removable by the ruled” (Lively 1975, p.30). The definition of democratisation of intelligence by scholars of the study of intelligence varies from one to another. For example, Swenson and Lemozy said:

We suggest that the democratization of national intelligence comprises the evolution, in any country, of a national system that ranges from the use of an institutional framework to address primarily internal security issues that threaten the survival of principal officials of the state (a Security State), to its use to ensure the survival of democratic principles in a State of Law as it contends with other countries. (Swenson and Lemozy, 2009, p.2)

Swenson and Lemozy’s definition of democratisation of intelligence does not clearly explain the process of democratisation. It covers a broad meaning of institutional framework evolution of intelligence to address state security issues and the survival of democratic principles.

Bruneau and Matei’s definition of democratisation of intelligence frames it as an effort, which may never be completed, to reach “a proper balance” between secrecy and transparency. As they noted:

“Yet, democratisation of intelligence is not an impossible task for the developing democracies. Letting go of the past and transforming intelligence may have been a “Sisyphean” effort, to alienate a haunting past of secrecy and moral torture, as well as to transform people and mentalities, but in some countries it has resulted in a proper balance between secrecy and transparency” (Bruneau and Matei, 2010, p.771).

The concept of proper balance between secrecy and transparency in the context of democratisation of intelligence may give into a very subjective interpretation from intelligence side. On the other side, demand for transparency may also move into a totally different kind of subjective interpretation. When national security is under serious threats, secrecy should be treated above transparency. For example, the extremely high levels of secrecy (i.e. not at all transparent) in the established Western intelligence agencies, such as the practice of de facto torture by the US Central Intelligence Agency (CIA) in the years after September 11th 2001 in the context of the ‘war on terror’ (Senate Select Committee on Intelligence, 2014). For US government and intelligence community, it was a matter of national security, while for human rights activists it was a matter of power abuse and violation of human rights. If the balance of secrecy and transparency means in practice that intelligence will only years later be held accountable for past actions, then in the name of common good and the protection of the state, intelligence will stick with the principle “secrecy first and transparency last.” It shows that the concept of a balance between secrecy and transparency as a determinant for defining democratic intelligence is still debatable.

The nature of secrecy and sensitivity of the security sector may strongly influence the existing “democratic system” in older democracies to be not too democratic, like the case of torture by the CIA. I believe when it comes to the pinnacle importance of state security, democracy can wait for a while to let security apparatus do the security operation in securing the state. It is to be explained “democratically” later through oversight system by showing the pro-cons of the operation to be accountable before the elected civilian officials.

Caparini has provided comparative studies of democratisation of intelligence in East-Central Europe and the Balkans. For her, democratisation of intelligence is: “the

development of an effective, professional, democratically controlled and accountable intelligence sector constitutes an integral element of the democratic state.” Despite the availability of open source data, she said: ”Students of contemporary intelligence encounter difficulties in accessing reliable information on other factors that are likely to be important in the democratization of intelligence governance, such as organizational culture, norms and professional ethos among intelligence personnel” (Caparini 2014, pp.499-522). It is very difficult to know the reality of democratisation of intelligence if we rely on tip of the iceberg data. Other scholars (Matei, 2014; Estévez, 2014; Lurås, 2014) who deliberately use the term democratisation of intelligence are similarly looking at evolution, change, transition, or transformation of intelligence in accordance with democratic control, accountability, and transparency.

Intelligence reform in developing countries is part of wider political change from nondemocratic to democratic political systems. Bruneau and Matei (2010) believe that “nondemocratic regimes (in all their forms—authoritarian, totalitarian, etc.) create and use intelligence agencies to ensure the “survival” of the regime.” They further explain that:

“They use their intelligence apparatus (known as political polices) to control, intimidate, manipulate, abuse, and oppress real and/or imaginary ‘ideological enemies,’ both domestically and abroad, with no respect for human rights and liberties, and without democratically accountable to the people, but rather to a few political leaders” (Bruneau and Matei, 2010, p.759).

Bruneau and Matei argue that a “consolidated democracy” must have experienced a thorough overhaul of intelligence, “from repressive and uncontrolled state security

systems into democratic communities, both effective and transparent.” They also note that in the process of democratising intelligence, new democracies face four challenges in the form of legacies of the non-democratic regimes: the “stigma” of their non-democratic past and transgressions; intelligence agencies’ lack of professionalism—in terms of expertise; responsibility, and corporateness; transition governments’ lack of experience on how to undertake intelligence reform; and in some non-democratic regimes intelligence was a monopoly of the military (Argentina, Brazil, Chile, Honduras, and Spain) (Bruneau and Matei, 2010, pp.760-761).

In light of continuing controversies and uncertainties around intelligence for democratic governance in many countries, Andregg and Gill (2014) encourage more comparative work on the democratisation of intelligence. They collect, analyse, and compare academic research on the democratisation of intelligence and then categorise some of the main themes within the papers they collect together in a special issue of the journal *Intelligence and National Security* within the spirit of comparative studies. Their findings on the main themes stretch from the high percentage of US-centric research to questions of method, and from the legacy of authoritarian regimes to the variety of approaches to analysing the change or transition.

From the perspective of process, the literature on intelligence reform is mostly descriptive and uses many historical references like dates and who’s who. Boraz (2006) argues that it is worthwhile reviewing Colombian intelligence services as a whole. In a shorter article, Boraz (2007) explains intelligence reform in Colombia in a way that is still consistent with the detail of sequence process of change. Kobayashi (2015) takes the same road as Boraz in explaining Japanese intelligence community reform. The strength of this type of research is on the detail of events or episodes of change, which can be interpreted as providing an explanation of intelligence reform. Kobayashi (2015) even

goes deeper into quantitative reasoning by presenting the frequency of visits by the Head of the *Cabinet Intelligence and Research Office (CIRO)* and the *Director of Cabinet Intelligence (DCI)* and other Heads of Intelligence Agencies to the Prime Minister's Office.

From the challenge's perspective, I use Bruneau and Matei's (2011) findings on authoritarian legacy and the monopoly of intelligence by the military, lack of intelligence professionalism, and lack of experience on how to undertake intelligence reform. I put authoritarian legacy and the monopoly of intelligence in the same basket because most research shows a strong correlation between the two. Many studies acknowledge that the legacy of previous authoritarian conditions, where the political system is not democratic, have a strong influence on intelligence reform (Watts 2004; Matei 2007, 2013, 2014; Weeks 2008; Ginter 2008; Bruneau and Matei 2010, 2011; Bruneau 2010, 2015; Nomikos and Liaropoulos 2010; Sirrs 2013; Estévez 2014). The majority of the later literature that explains the lack of intelligence professionalism and lack of government experience refers to Bruneau and Matei (2011).

In terms of method or approach, a review of the existing literature shows that two main methods have been used by scholars; the single case study and comparative analysis. On the description of single cases, Bruneau and Matei (2011) propose factors supporting or arresting intelligence reform, while Bruneau (2010, 2015) focuses on Brazil and Matei (2007, 2014) focuses on Romania. Ashraf (2014) offers four factors to understand intelligence reform in Bangladesh: capacity gaps, coordination needs, crisis driven demands, and external influence. Mendee and Tuvshintugs (2013) use historiography and concepts of opportunity vs challenges approach in explaining intelligence reform in Mongolia. Other single-country studies like Boraz (2006) on

Colombia, Gonçalves (2014) on Brazil, and Lurås (2014) on Bosnia Herzegovina, each case has different focus on factors influencing intelligence reform.

The comparative approach to analysing intelligence reform is less developed than single country case studies. Caparini (2014) compares intelligence reform in East-Central Europe and the Balkans, Cepik and Ambros (2014) compare Brazil, Colombia, South Africa, and India. Estévez (2014) compares the cases of Argentina, Peru, and Ecuador. Weeks (2008) in his research into intelligence reform in Argentina, Chile and Peru suggests a framework of comparative analysis using three variables: the number of institutions involved in overseeing intelligence; the degree of presidential control; and whether military intelligence activities are overseen by the civilian government.

Glenn Hastedt in searching for a comparative framework, suggests two types of comparative approach to intelligence studies: the sequential treatment of the intelligence organizations of different states, and shifting the focus of attention away from intelligence per se to a specific problem and then engaging in a comparative examination of intelligence. For the latter approach, Hastedt proposed four levels of analysis; the individual, the institutional, the societal, and the influence of the international system (Hastedt 1991, 60-64).

Researching literature on intelligence reform has inspired this thesis to include comparative study, so the contribution of this thesis will not only be understanding intelligence reform in Indonesia, but also offers a framework of analysis that can be used in other countries. This thesis develops its own framework based on belief that intelligence reform is a result of dialectic between two different structures that influence the event: (1) security institution military, police and intelligence in one side; and (2) democratic elements within a country like politicians, Civil Society Organisations (CSOs) and academics. The balance between the two is the key to success of intelligence

reform. In the following section, literature of intelligence reform and terrorism in Indonesia will enrich aspect of intelligence reform.

2.2. Intelligence Reform and Terrorism in Indonesia

“When looking at the problems facing the counter-terrorism communities around the world, one is struck by the differences in perception by different governments of the seriousness of the threat and how it may evolve, and what legislative, policing or intelligence measures would be appropriate.” (Omand 2005)

Before discussing the literatures of intelligence reform and terrorism in Indonesia, this review observes a more general literature on intelligence and terrorism. Terrorism is not a new thing in social science and attracts many scholars to study it. One logical assumption when a terror attack occurs is that intelligence has failed to predict and prevent it. For example, the 9/11 attack in the US has been associated with intelligence failure (Goodman 2003, Zegart 2007, Gentry 2008) and more recently the Paris terrorist attacks of 13 November 2015 were widely reported in the news media as constituting an intelligence failure (Camilli 2015). In the context of terrorist attacks in the US, several scholars have compared contemporary terrorist attacks with earlier failures such as Pearl Harbor (Wirtz 2002; Borch 2003).

To explain the relations between intelligence failure and terror attack needs more than just asserting a causative relation - that the failure of intelligence allows the terror attack to happen. It may seem easy to analyse intelligence failure after terrorist attack, but the reality of intelligence and terrorism are not so simple and it needs a lot of

investigation. Jenkins argued that gathering intelligence about terrorists remains a difficult task, especially under the constraints that prevail in a democratic society (Jenkins 1982, 17). In general, although many scholars agree about the difficult task of intelligence collection on potential terrorist attack, they differ in their approach to the problem. The literature on terrorism and intelligence can be divided into two approaches, each of which offers a different focus of analysis. I refer to these as the intelligence-centric approach and terrorism-centric approach.

2. 2. 1. Intelligence-Centric Approach

In general, this approach focuses on the intelligence side rather than the terrorism problem. Many studies that fall under this category argue that intelligence has a problem and reform of the intelligence community can be made to improve its ability to prevent terrorist attacks. The range of the problems of intelligence stretches from collection and analysis to the policy recommendation. The report of the 9/11 Commission perhaps can be seen as the most comprehensive research about the problems that the US intelligence community has regarding terrorist attack. Some findings in the report (9/11 Report 2004, 339-348) mention the analytical and communications failures among the intelligence community and that although the warning was there, it was scattered among different agencies without sufficient coordination, and as a result intelligence did not properly understand the threat. From the 9/11 Commission Report (9/11 Report 2004, 399-400), it can be interpreted that the main problem of intelligence was the absence of a unifying intelligence community and strategic intelligence, of a network-based information-sharing system, and weak congressional oversight.

The 9/11 Report is not without its critics, for example Rovner and Long (2005) criticised the 9/11 commission for using a shallow and underdeveloped theory. Pillar

(2006) argued that the Commission used flawed techniques, such as highly selective use of material, partial truths, irrelevant references, plays on words, quotations out of context, and suggestive language leading to false inferences. The debate on the validity of researching intelligence problems after terrorist attack shows a possible better understanding about how intelligence works from theoretical and practical views. The 9/11 Commission report provides rich information that was not previously available to the public.

Since the intelligence-centric approach mostly starts with an assumption of existing problems within intelligence, there is a tendency of creating a problem-solving model in its analysis and in general the answer is intelligence reform. For example, Betts, despite defending intelligence performance in preventing terrorist attacks, suggested the need to sharpen quality of intelligence analysis, particularly the long-term research projects that look beyond the horizon that can be assisted by outside consultants and academia (Betts 2002, 48-50). Some scholars believe that intelligence failure is inevitable (Betts 1978; Jervis 1986; Hulnick 1999; Hedley 2005; Jensen 2012). Believing that intelligence failure is inevitable has significant implications for finding the reasons why. For example, intelligence failures are seen as part of policy makers' response (Ben-Zvi 1976; Betts 1978), the failures due to intelligence analysis (Hulnick 1999; Heuer 2005), and intelligence cycle breakdowns as the cause of failures (Wilson 1999; Turner 2005). A different approach to considering intelligence failures can be seen in Handel (1984). Whilst he believed in the inevitability of surprise, he argued that the advantage gained by surprise attack is often limited. The one conducting the attack often loses the war, and he also argued that the correlation between achieving surprise and achieving victory is not present (Handel 1984, p. 230).

Intelligence in Indonesia

Most of the literature on intelligence reform in Indonesia differs from the literature on intelligence reform in 'old' democracies in that it does not focus as much on the effectiveness discussion and focuses more instead on critics of the politicisation of intelligence during the New Order period and on demands for reform. For example, in his book *Reformasi Intelijen Negara (State Intelligence Reform)*, Widjajanto mainly still argued about the importance of civil society movements in pushing the democratisation of intelligence (Widjajanto ed. 2005). Similarly, books and papers about intelligence reform in Indonesia only discuss politicisation of intelligence in the past and the urgency of democratic control of intelligence (Widjajanto, Lay and Keliat eds. 2006; Wibisono and Idris 2006; Sulistiyanto 2007; Widjajanto and Wardhani 2008). Most publication before 2011 were full of criticism of politicised intelligence. However, after the endorsement of State Intelligence Act in 2011, there was a shift of focus towards the balance between democracy and effectiveness of intelligence. For example, Widjajanto in his article in *Kompas* newspaper raised the issue of the balance between democracy and intelligence professionalism (Widjajanto 2011).

Theoretically, studies that criticise the politicisation and to some extent militarisation of intelligence also look at the impact of politicisation of intelligence on its effectiveness. However, none of the studies available are able to portray the reality of the effectiveness of intelligence in the context of collection and analysis or the intelligence cycle. The best the literature can provide is to say that the state needs strong and accountable intelligence. The lack of balance between pushing de-politicisation and the effectiveness of intelligence creates an incomplete picture of intelligence reform in Indonesia, which this thesis aims to address.

The most comprehensive research focusing on the politicisation of intelligence during the New Order era can be found in the PhD thesis of Richard Tanter. He argued that in Indonesia the intelligence apparatus attempted to carry out four activities to benefit the aims of the state as a whole: repression, surveillance, ideological correction, and steering (Tanter 1991, p.10). Collectively, these activities were instrumental in ensuring the survival of the regime. Tanter's research has been influential in encouraging later researchers to concentrate on the politicisation of intelligence with the argument that the legacy of authoritarian and militaristic intelligence is still present in the current intelligence agencies.

Sukma and Prasetyono (2003, p.17) described the position of the intelligence community among state security actors, which are dominated by the military. They also argued that beyond Suharto's New Order, the influence of the military on intelligence remains strong. They highlight that the civilian intelligence agency, which changed its name from BAKIN to BIN, is still headed by a retired military general, a practice that began in 1966. This clearly reflects the belief among civilian elites that the leadership of civilian intelligence must have a military background because it is they who have expertise and understanding on security matters. To a certain degree, analysis of military influence on intelligence shares similar concerns with the analysis that suggests intelligence reform.

A book chapter, 'Intelligence and Security-Sector Reform in Indonesia' (Gill and Wilson 2013), which discussed democratising intelligence and effectiveness gives an alternative way of understanding intelligence reform based on historical facts, social, economic, and political context. Gill and Wilson define democratic intelligence as secret activities—targeting, collection, analysis, dissemination, and action intended to enhance security—that will be subject to control and oversight in the interest of effectiveness,

efficiency, legality, and respect for rights (Gill and Wilson 2013, 158). However, a very small portion of their explanation about the Christmas Eve church bombings in 2000 may mislead readers about the reality of intelligence in Indonesia. In telling that the Christmas Eve bombings exposed BIN's "scanty knowledge" of *Jemaah Islamiyah* (JI) network (Gill and Wilson 2013, 168) it is evident that the research has overlooked information from inside intelligence, which later become available

Conboy's book, *Intel: Inside Indonesia's Intelligence Service* (Conboy 2004), provides a history of Indonesian intelligence, especially the State Intelligence Coordinating Agency, which later become the State Intelligence Agency (BIN). The book explores important operations by Indonesian intelligence from the Cold War era to the post-9/11 era and heavily discusses the role of intelligence in counterterrorism. This is the only almost official book on Indonesian intelligence due to the personal relationship between the author and the former head of BIN, General (Retd.) Hendropriyono. The strength of this book lies in its insights into several important intelligence successes. However, it is quite disappointing for any reader who expects to find a balance between intelligence success and failure, because there is no intelligence failure in the book.

Richard Tanter's doctoral thesis (Tanter 1991), *Intelligence Agencies and Third World Militarization: A Case Study of Indonesia, 1966-1989*, constitutes the most comprehensive academic research on the history of Indonesian intelligence. Tanter aims to show how far intelligence in Indonesia has been influenced by of militarization. I agree with the author's finding that Indonesia during the New Order period had no civilian intelligence organization. One legacy of a long period of militarization is that Indonesian intelligence even today has difficulties in developing civilian-centric intelligence. I believe that militarization in Indonesia and the nature of the military approach have led

to a short-term oriented intelligence, which resulted in the continuation of threats because the roots of conflict remained untouched.

2. 2. 2. Terrorism-Centric Approach

The term terrorism is certainly not easy to define, and many scholars agree on the slippery definition of terrorism. One of the problems in defining terrorism is that “one man’s terrorist is another man’s freedom fighter” (Velter and Perlstein 1991; Kennedy 1999; Crenshaw 2001; Ganor 2002). Montiel and Shah (2008, p. 266) argued that the problem with the terrorist vs freedom fighter definition is that it is triggered by political framing and perceiver’s social position. They used positioning theory to explain that political framing can influence a socially constructed phenomenon such as terrorism. From the perspective of political framing, it is expected that majority of Muslim Indonesians are reluctant to admit the existence of the so-called Islamic terrorist group in the early 2000s. For example, Smith (2005, p. 33) argued that although there is little support for violent jihadi groups amongst the wider population, the public is skeptical about the existence of an international terrorist problem.

Exploring the definition of terrorism may eclipse the intention of this thesis to look at the relationship between intelligence reform and counter-terrorism effectiveness. Some scholars even argue that a definition of terrorism that is generally accepted is not possible. For example, Laqueur (1977, 5) believed that “a comprehensive definition of terrorism...does not exist nor will it be found in the foreseeable future.” However, for the purpose of explaining the relationship between intelligence reform and counter-terrorism, a definition is needed. On this basis, I prefer to use the definition of terrorism by Deutch who argued that: “terrorism is best defined as acts of violence committed against innocent persons or non-combatants that are intended to achieve political ends

through fear and intimidation” (Deutch 1997, p. 12). He also proposed three categories of terrorist acts: “state sponsored, separatist, and Islamic group” (Deutch 1997, 13-15), the terrorist acts case in thesis fall into the Islamic group category.

In contrast to the intelligence-centric approach, studies that fall into the terrorism-centric approach start with the problem of terrorism and question what intelligence can do about it. From a US perspective, Berkowitz (2003) believes that international terrorism represents a new kind of threat, which requires a new kind of solution. Due to the slow adaptation of American intelligence and national security organizations, he suggests the need for intelligence reform and agility in the context of procedures, management systems, standardised clearances, and opportunities in the context of thinking outside the box or try out new ideas. The terrorism-centric approach not only demonstrates the evolution or change of terrorist threats but also argues about the importance of intelligence reform to prevent terrorist attacks.

Jenkins, Liepman and Willis (2014) started the research on understanding terrorism by describing that the terrorist threat has changed with different direction and scope. The impact of a more diverse and complex terrorist threat is the spread of potential attack at the local level, so intelligence and law enforcement should be able to assist local security apparatus in preventing terror attacks. Although the threat may be smaller than the well-coordinated attack like the 9/11, London 7/7, or Paris bombing, it is still dangerous.

An interesting argument from Michael Herman (2002, p. 227) is that the 9/11 attacks and counter-terrorism campaign that followed highlighted the post-Cold War trend towards a new intelligence paradigm: that is, targeting ‘non-state’, ‘partial state’ or ‘rogue state’ entities rather than ‘decent’ states. As such it has gained increased legitimacy. This new intelligence paradigm involves new challenges that intelligence

must cope with. The implication of the change is that old-style espionage as back-channel access of the Ministry of Foreign Affairs is diminished and the new style of human intelligence (humint) covert action to penetrate terrorist groups is crucial.

No country in the world can handle international terrorism alone, including a superpower like the United States. Herman (2002) suggests that international terrorism is also reinforcing the trend for national intelligence to develop multinational intelligence machinery. However, Herman's suggestion is challenged by Gupta (2004, p. 575) who argues that cooperation in the form of intelligence sharing in investigating terrorist incidents has increased over the years, but international cooperation through the pooling of operational expertise and resources for joint operations to penetrate terrorist networks is lacking either due to political reasons or due to fears of one's own operations secrecy being compromised with or both.

Islamic-inspired terrorism is not new to the socio-political system in Indonesia. Before and after the independence of Indonesia in 1945, some Islamic groups demonstrated strong opposition to the creation of a secular government. One of the largest groups was the insurgent group Darul Islam (DI). The history of DI since its inception in the late 1940s to its defeat in 1962 is the subject of several books and articles. These works include *Rebellion under the Banner of Islam* (Van Dijk 1981), *Darul Islam and Kartosoewirjo* (Dengel 1995), and *Islam and the Making of the Nation: Kartosuwiryo and Political Islam in 20th Century Indonesia* (Formichi 2012).

In his book *The Roots of Terrorism in Indonesia: From Darul Islam to Jemaah Islamiyah (JI)*, Solahudin (2013) illustrated the historical development of Islamist politics and jihadism from the early period of independence of Indonesia in 1948 until the breakup of DI in 1962 and the creation of JI by Abdullah Sungkar in 1993. The argument of the book is that Salafi Jihadism is not alien to Indonesia's radical Islamist

movement, demonstrated by showing DI as the case study which can be seen as the source of all radical groups that use violent jihad as a method of action.

John Sidel (2006) argued that the remnants of the Darul Islam movement that survived the defeat of its various armed regional insurgencies in the 1950s and early 1960s were characterized by notable factionalism, a pattern that persisted through the Suharto years and well into the twenty-first century. He believes that the resurrection of the Darul Islam movement in the 1970s and the subsequent emergence of the supposed terrorist group Komando Jihad later in the same decade have often been attributed to an intelligence special unit led by Ali Moertopo (Sidel 2006, 207-208). Several scholars share a similar view, that intelligence played an important role in the resurrection of the Darul Islam movement (Jones 2005, pp. 3-13; Conboy 2004, pp. 140-142; Jenkins 1984, pp. 53-56).

In his book, Ramakrishna explains why some Muslims in Indonesia turn to violent jihad. Ramakrishna asserts that an, “unavoidable and large aspect of blocking radical pathways must include coping with the problem of existential identity anxiety—as we have seen, the primal force underlying radicalization within the Jemaah Islamiyah network” (Ramakrishna 2009, p. 166). Based on the identity approach, Ramakrishna discusses terrorism in Indonesia and the process of attracting, recruiting, indoctrinating, and training recruits, and finally justifying murder. Ramakrishna’s existential identity anxiety can explain the radicalization process by indoctrination and training. Although this literature is aimed at understanding Islamic radicalisation in Indonesia and not related to intelligence, it shows significant patterns of radicalisation that intelligence must understand in order to counter it.

From a different angle, Greg Barton (2004) warned of the relationship between the violent jihadi Islamist and mainstream political Islamists in effecting social change

within Indonesia. He described attempts by Islamists to establish an Islamic state in Indonesia by stealth, through the introduction of various bills in the parliament that, if passed, would enshrine the strict codes of the sharia that would affect all aspects of social, political and economic life. Barton argued that Indonesia would start to resemble Pakistan, with a domination of extremist Islamist minority over the moderate Islam majority. Furthermore, JI as the continuation of the Darul Islam struggle of the 1950s, is genuinely home grown.

The revival of the Islamist movement in mid-1985 can also be seen in the occurrence of the Salafi Da'wa movement. The characteristics of the Salafi movement include the appearance of young men wearing long beards (lihya), Arab-style flowing robes (jalabiyya), turbans (imama), and trousers right to their ankles (isbal), and women wearing a form of enveloping black veil (niqab) in public places (Hasan 2007, p. 83). In different article, Hasan also emphasized understanding jihadist discourse not as expressions of religious fanaticism or exclusively related to the irrational actions of individual groups instigated by their blind following of specific doctrines in Islam. Although he said that it is partly accurate, this kind of perception fails to disclose the more profound understanding of jihad (Hasan 2012, p. 6).

Another piece of research into Indonesia's terrorist network is that of Ken Conboy's *The Second Front* (2006), which describes how the terrorist network of JI in Indonesia started decades before Al Qaeda. One of the most important things to note from Conboy's book is the fact that the leader of Jemaah Islamiyah, Abdullah Sungkar, had embraced a more militant view of jihad brought about by his association with Afghanistan. In contrast, Darul Islam in Indonesia had backed away from armed conflict and settled on a more passive, defensive version of jihad, even suggesting that it could be waged through prayer (Conboy 2006, 62). From this perspective, the emergence of

the violent jihad in Indonesia is not part of the revival of home grown Darul Islam in Indonesia, but rather a new influence from outside Indonesia that influenced former DI members like Sungkar and Ba'asyir.

The availability of some research on terrorism in Indonesia unfortunately is not accompanied with the availability of information about how intelligence works in response to the terrorist threat. Several bombing attacks can be regarded as intelligence failures, however whether these are really because of no intelligence whatsoever about the threat or because of policy failures in responding to intelligence warning (in an echo of the 9/11 debate in the US) is not clear. In his other book, *Conboy* (2004) discusses several intelligence success stories from the Cold War to post-Cold War. However, many of the successes and failures remain unknown. The idea that intelligence was as as Conboy's book suggests, is refuted by terrorist attacks that occurred repeatedly. But if intelligence was stained by failures, why should intelligence have tried so hard to convince the government and majority Muslim population in Indonesia to realise the existence of terrorist groups? For example, Abuza (2003, 151-152) argued that despite evidence of substantial Al-Qaida activity within its borders, the Indonesian government was divided over what to do. While the police denied Al-Qaida's presence in Indonesia, A.M. Hendropriyono, the head of BIN from 2001 – 2004 tried to force the government's hand in declaring a war on terrorism. In contrast to Hendropriyono's belief about the terrorist threats, the head of BIN from 1998-1999, Z.A. Maulani, argued that the United States was using the threat of Islamic extremism and its 'war on terrorism' to gain control of Indonesia's natural resources (The Strait Times 2002).

This denial of the existence of JI in Indonesia can also be seen in the claim that JI is a mere construct and tool of the CIA and their Zionist conspirators to gain control of Indonesia. Even former President of Indonesia, Abdurrahman Wahid, was sceptical

over the existence of the *Jemaah Islamiyah* network in Indonesia (Singh 2004, 47). Similarly, Indonesian Vice President Hamzah Haz (2001-2004), who represented one of the largest Islamic parties, United Development Party (*Partai Persatuan Pembangunan* or PPP), viewed the US response to 9/11 as an attempt by the United States to discredit the Islamic world, stating, “the attacks will hopefully cleanse America of its sin” (Sukma 2003, 132). Before the first Bali bombing in 2002, as part of his denial of the existence of JI cells in Indonesia, Hamzah Haz visited Abu Bakar Ba’asyir to demonstrate Islamic solidarity and criticized Singapore and Malaysia for identifying Ba’asyir as the leader of the JI terrorist network (Desker 2003, 426). The residue of a denial mentality regarding terrorist threats in Indonesia is still around, especially from the small Islamic community who sympathise with the cause of upholding Islamic Law and creating an Islamic State. Although this community is peaceful in its actions, it maintains the narrative of Western conspiracy.

The literature review on the link between democratisation and intelligence reform suggests that democratising countries tend to experience pressure from its society to conduct security sector reform including intelligence. It is also expected that democratising countries experience a tug of war between pro-democratic movement and security institutions. According to some scholars, the most important thing is to reach the balance between principles of democracy and the mission of intelligence. While some scholars also offer different frameworks and indicators to understand intelligence reform in new democracies.

Literature reviewed on intelligence centric approach suggests the following: (a) intelligence reform is about improving intelligence capabilities in dealing with threats like terror attacks; (b) Improvement of intelligence encompasses all aspects of intelligence cycle. For a country like Indonesia, which experienced democratisation and

terrorism at the same time, intelligence reform should be seen from democratisation perspective and from the interest of intelligence to improve itself. Review on terrorism-centric literature highlights the influence of terrorism to intelligence reform to the extent that even without democracy, intelligence will likely to reform itself to face the dynamic of security threats. This thesis will combine democratisation link to intelligence reform and both intelligence-centric and terrorism-centric as reference for building a new framework to understand intelligence reform.

Chapter Three

RESEARCH DESIGN AND METHODOLOGY

A research design is a plan that:

“ . . . guides the investigator in the process of collecting, analysing, and interpreting observations. It is a logical model of proof that allows the author to draw inferences concerning causal relations among the variables under investigation. The research design also defines the domain of generalizability to a larger population or to different situations” (Nachmias and Nachmias 1987, p. 103).

This research is designed as a qualitative research project based on critical realism (CR) philosophy, critical discourse analysis (CDA) methodology, and utilizing a typology of intelligence reform based on three concepts: freedom and democracy, civil military relations (CMR), and cultures of national intelligence (CNI). This typology of intelligence reform is included in this study's research design as an innovation and model to compare intelligence reform in Indonesia, Brazil and Romania.

In preparing the material for CDA, I have established the context by explaining the historical background and observed who produce the discourse: the government and non-government actors. I also prepare the material for analysis, which should be clear and precise in making references by attributing to specific type of discourse. In this context, I choose six themes of discourse of intelligence reform as a category, which will be presented in the last section of this chapter.

3.1. Critical Realism

There are various claims based on philosophical justification about how best to understand the social world. Without philosophical justification, claims as to the best way to understand intelligence reform by matching the empirical data with the typology of intelligence reform will be flawed. The relevance of the philosophical issues in this research starts from the fact that intelligence studies is still grappling with methodologies. Research methods, concepts, and theory cannot be disconnected from the underlying philosophy because they are operated within a given set of assumptions about the nature of social political phenomena such as intelligence reform. The exploration of the interaction between the nature of society/organisation/state and the nature of human behaviour (culture, politics, etc) cannot be done randomly without reference to social science philosophies. Furthermore, the chosen philosophy of social science helps a researcher in the process of illuminating the method of knowing the knowledge.

The study of intelligence reform and its impact on structures, individual actors, and performance requires a research approach that considers the complex nature of intelligence organizations and their closed systems. Any research method results from the process of identification of the object of study and how to know it. Is it possible to understand intelligence reform in new democracies outside the usual method of connecting causative relation between political democratisation and intelligence reform, and construct functional models of intelligence organizations? Then through that elaboration, is it also possible to characterise the factors shaping events of intelligence reform and examine its characters and performance? In an attempt to answer those questions, this research engages critical realism as the social research philosophy.

The most difficult part in conducting research into intelligence is the nature of

secrecy and its centrality to all intelligence agencies in the world. How could one understand the reality of intelligence if it is hidden or concealed? Even though with a certain degree of access to released intelligence agency and government documents, there is a probability of deception within the information that a researcher gets from the intelligence agency, which Caparini (2014, p.522) acknowledged as “difficulties in accessing reliable information”. In this case, close experimental causative research based on observation or quantitative measurement is extremely difficult, so a positivist approach is not suitable for this research. Another reason why this research cannot utilise positivism is that the possibility of unexpected or unexplained variables in intelligence reform is wide open. Such research cannot be done in an isolated environment to guarantee the causative law, like in the positivist approach. Furthermore, the main purpose of this research is to understand intelligence reform in the context of transparency and effectiveness in counterterrorism.

In contrast to the positivist approach, the interpretivist approach to intelligence reform may offer a better angle for understanding the meaning of reform. King et.al. (1994, pp. 40-42) suggest that interpretivist work can “help us ask the right questions and even give us additional confidence in our conclusions. But only with the methods of scientific inference will we be able to evaluate the hypothesis and see whether it is correct”. It is inevitable that interpretation of the data about intelligence reform is needed to give the meaning to the phenomena of intelligence reform. However, intelligence is a closed entity and access to it is very limited, so the interpretative qualitative method in-depth, unstructured or semi structured interviewing should include wider participants in the process of gathering information, for example, academics who specialise in intelligence and security studies, civil society, and politicians.

Borrowing the idea of theorising intelligence from Gill and Phythian (2006,

pp.26-27) that “it will be most fruitful to identify a path that avoids the major pitfalls of both positivism and postmodernism”, I try to develop further Gill and Phythian’s suggestion of a “critical realist” approach that examines causation through the interaction between actors (agency) and structures. They further explained that the agency-structure relationship is a central methodological issue in exploring causal processes, and although there is some reality in the world, the process to understand it requires critical self-reflection on how we understand.

The combination of theoretical and empirical work to explain intelligence processes cannot only help this research to look at the dynamic of intelligence organisation related to political change, but also inspire further development of critical realism that is applicable to understand the observable and non-observable phenomena of intelligence. Although a critical realist approach can explain causal relations between intelligence organisations (actors) and the existing socio-political structure of a political system (structure), it must be supported by thorough explanation of how we separate intelligence from the state as an actor in the context of political-security relationship.

Committing to Critical Realism (CR) ontology in intelligence studies has methodological consequences for this research to explain the nature of reality in the secret intelligence world. It is very tempting to make a claim of understanding intelligence based on only empirical research of observable government documents that have been released to the public after many years kept in secret. However, to rely on the released documents without deeper research on possible other potential mechanisms may produce an incomplete picture of intelligence. Bhaskar (1978) has suggested that critical realism has a stratified rather than flat ontology and this has major epistemological implications. The stratified ontology comprises three level of ontology: the empirical, the actual and the real. To critics of the critical realist approach in this research, one may

argue that there is no difference between the empirical, actual, and real to understand the ontology of intelligence. However, it is expected that all intelligence agencies in the world will try to avoid any disclosure of their secrets because secrecy is the core requirement of an institution if it is to be called intelligence. To deal with this problem, a stratified ontology gives an opportunity for the researcher to build a theory specific to answer the question.

The stratified ontology or differentiated world here refers to the condition where the world consists not only of events, for which the empirical realist can account, but also of objects and structures capable of generating those events (Sayer 1992). In the case of intelligence reform, there are several possibilities of structures that are capable of generating the event of intelligence reform. Structure here is "...a set of internally related objects or practices" (Sayer 1992, p.92). For example, the influence of the military that is mostly studied under the concept of civil-military relations. From the perspective of a critical realist, intelligence reform is a reality but to understand it by capturing the whole picture is not easy. By differentiated ontological approach, it distinguishes the real world, the actual events that are created by the real world, and the empirical events that we can observe. In my critical realist approach, there are entities in the real world, such as the military, that have the power to influence the direction of intelligence reform. This influence, however, may or may not improve the transparency and effectiveness of intelligence. Another possible entity in the real world are human rights activists, either groups or an individual, who push intelligence reform by exploiting the moment of democratisation.

A thorough understanding of intelligence reform using a stratified ontology can then be followed by investigation of whether, or how far, the result of the reform successfully created professional intelligence in line with democratic values that is

competent to tackle the threat of terrorism. This research also examines factors influencing transparency and effectiveness, for example the existence of oversight by parliament and achievements of intelligence in countering terrorism before and after the reform.

Although CR is not entirely alien to intelligence studies (e.g. Gill and Phythian 2006), introducing CR to intelligence reform and calls for empirical work is probably something new. Gill and Phythian (2006, p. 28) argued that CR analysis of intelligence proceeds best if agency and structure are viewed as existing in a dialectical relationship. Furthermore, the task for the intelligence analyst is to develop a way to generalize about how people understand, and are thus influenced by, their structural context and how their strategic actions (or inactions) impact upon that context. The CR approach as used by Gill and Phythian was developed to avoid the major pitfalls of both positivism and postmodernism and to offer the possibility of generalisation beyond time and place.

Other studies that have similarities with the application of CR in the case of intelligence reform are related to organisational change, for example a practical guide to study organisations using critical realism by Edwards et.al. (2014) to avoid taken-for-granted practices related to organizational change by Jansson (2013), and Fairclough's (2005) contribution to research on organizational change by critical discourse analysis. Referring to the definition of intelligence as organization (Kent 1949, pp.69-147; Lowenthal 2011, p.9), to observe intelligence reform as organisational change is not only possible but also contributes to the empirical and theoretical knowledge of it.

Critical realism has several options for empirical methods of research such as quantitative methods, qualitative methods, and action research. However, quantitative methods by selecting a number of participants as a sample from a population may not effectively illuminate the process of intelligence reform. Only a small number of people

who have access and knowledge about intelligence reform, such as former and active intelligence officers, politicians who deal with national security, academics, and observers on intelligence issues, and civil society activists who specialised in security sector reform. The setting of acquiring the data is also more effective in one on one in-depth interviews to get insight about intelligence reform. Consequently, qualitative methods better suit research on intelligence reform. In addition, because the critical realism ontology is stratified and one of its main goals is to find the underlying structures and mechanisms, the data are almost always qualitative and rich with meaning.

How qualitative data and its meanings are constructed in social practice has *explanatory potential* (Bhaskar 1998, p. 238). Related to Bhaskar's construction of meaning, this research is about searching the explanatory potential of intelligence reform as a constructed social event by analysing qualitative data. Fairclough (1989; 1992; 1995) proposed discourse analysis as an approach that can contribute to the growth of critical social research. Since intelligence is closely related to state power in the state – citizen relations, the process of intelligence reform can be seen as involving a shift from domination of state power to a more balanced state – citizen relations. In this case, Critical Discourse Analysis (CDA) offers a focus of research on power relations between groups and institutions, as they are being enacted, legitimated or otherwise reproduced by text and talk (Van Dijk 1993, p. 249).

3.2. Critical Discourse Analysis

This thesis uses Critical Discourse Analysis (CDA) for several reasons. First, CDA offers a critical approach to understand the resistance of civil societies against power abuse by intelligence. Second, CDA helps us to make sense of the reality of inequality in civil-military relations within intelligence organisation, and perhaps find

ways to overcome it. With enormous data about the domination of the military over civilian elites in non-democracies, it is necessary to take sides in the methods of this research to understand the social and political power abuse in intelligence agencies. This is what Feaver (1999) called the problematique of civil-military relations, which is a simple paradox: “the very institution created to protect the polity is given sufficient power to become a threat to the polity” (Feaver 1999, p. 214).

In the context of intelligence agencies, such a threat means that the military takes full control of intelligence as both organisation and activities. Lastly, Van Dijk believes that CDA is not a specific direction of research and it does not have a unitary theoretical framework (Van Dijk 2001, p.353). Since CDA as a method does not require a unitary theoretical framework, it provides a way to combine several concepts as building blocks for constructing a theory.

Without undermining the importance of being objective in putting the research problem within the context of academic inquiry, the meaning of taking sides of this research refers to Van Dijk’s definition of CDA:

“CDA is a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context. With such dissident research, critical discourse analysts take explicit positions, and thus want to understand, expose, and ultimately resist social inequality” (Van Dijk 2001, p.352).

In this critical spirit, research about the problem of intelligence reform starts from those who experienced repression for example human rights activists, political opposition groups, and other civil society movements. This study also analyse critically the construction of discourses by those who have influence to push intelligence reform.

How is CDA suitable in studying intelligence reform discourses? Paltridge (2006) proposed four principles of CDA that: (1) social and political issues are reflected and constructed in discourse; (2) power relations are negotiated and performed through discourse; (3) discourse both reflects and reproduces social relations; and (4) ideologies are produced and reflected in the use of discourse (p. 178-184). From Paltridge's four principles, intelligence reform as a social and political issue can be assumed to be constructed via discourse. Understanding different contending discourses on intelligence reform will show how the negotiation, power and social relations regarding intelligence reform are constructed.

Another reference that can show the relevance of using CDA in studying intelligence reform is by understanding the aims and principles of CDA as presented by van Dijk:

A. Aims of CDA (Van Dijk 1995)

- 1) To disclose the social problems related to power relations and beliefs
- 2) To understand the real meanings of the texts
- 3) To explain the role of the relations between processes, relations and structures of the society, and social events, texts and discursive practices in securing domination and power
- 4) To encourage corrective actions after the disclosure of any power imbalances and inequalities or non-democratic practices

B. Principles of CDA (Van Dijk 1993)

- 1) It addresses social problems
- 2) It stresses that society and culture are historical
- 3) It deals with discursive power relations
- 4) It shows that discourse represents culture and society

- 5) It is a socially devoted scientific model
- 6) It uses the socio cognitive approach to understand the mediation between texts and the society
- 7) It is an interpretive and explanatory methodology

Van Dijk's aims and principles of CDA can guide the way this research approaches intelligence reform, especially in explaining the role of the relations between processes, relations and structures of intelligence reform from texts and discursive practices in light of power relations between state and the people.

CDA is used to explain, describe and interpret the relationships between language and society (Rogers, 2004). The concept of CDA here also refers to discourse that is perceived as a form of social practice, undertaken by social actors in contexts that are influenced by social rules, norms, and conventions – rather than being solely an individual act (Fairclough 1995; Fairclough & Wodak 1997). CDA is also not a method that provides a framework for “analysis of discourse ‘in itself’, but analysis of dialectical relations between discourse and other objects, elements or moments, as well as analysis of the ‘internal relations’ of discourse. And since analysis of such relations cuts across conventional boundaries between disciplines (linguistics, politics, sociology and so forth), CDA is an interdisciplinary form of analysis, or Fairclough preferred to call it “a trans-disciplinary form” (Fairclough 2010, p. 4). Hence, CDA can incorporate other concepts such as civil-military relations (e.g. Bruneau and Boraz 2007; Huntington 1957; Janowitz, 1960) and cultures of national intelligence (Davies 2004; Phythian 2014).

Data collection for this thesis involves the components of the Indonesian intelligence reform debate since 1998, including: official released government documents, policy proposals of intelligence reform from academics and civil society,

statements from political elites, the policy outcome, and major local newspapers for quotes that relate to the intelligence reform debate, including both articles and opinion pieces. Once I have identified key elements in the discursive context of intelligence reform (discussed in the following chapter), a number of semi-structured interviews with targeted figures (former intelligence officers, members of parliament, and intelligence observers/human rights activists and academics) have been conducted as part of the data collection. Since secrecy is fundamental to the nature of intelligence, to have quantitative measures from larger society is almost impossible.

3.3. Typology of Intelligence Reform

The combination of democracy, CMR and CNI in the typology of intelligence reform starts with the literature on democracy as the underpinning factor for intelligence reform, which highlights the importance of democratisation to intelligence reform. Meanwhile, the concept of CMR suggests that in spite of military reform in democratic countries, the influence of the military to intelligence is inevitable and remains strong. Lastly, developing a conceptual framework based on CNI allows this thesis to explain the landscape uncovered by analysis of democracy and CMR. The full picture of intelligence reform cannot be complete without understanding the national culture of intelligence.

Although each of the three concepts has its own way of approaching intelligence reform, it is possible to align the concepts in a framework to analyse intelligence reform. This framework of analysis guides the process of assessing the reality of intelligence reform and its relations with counterterrorism. The main reason why this thesis prefers to use several sets of concepts over theories in approaching intelligence reform is because it is the intention of this research to construct a theoretical approach that can provide

more comprehensive explanations about the reality of intelligence reform. Hence, the role of the concepts of democracy, CMR and CNI is to construct a theory. A theory construction based on several concepts is in line with what Jonathan Turner calls concepts as the “basic building blocks of theory (Turner 1989, p.5)”

The use of the three concepts to understand intelligence reform has something in common with classifications of intelligence services in terms of typologies that aim to facilitate understanding of the nature of intelligence services. For example, see table 3.1 for Keller’s three main types of security intelligence agencies (Keller 1989, p.17), table 3.2 for Gill’s typology of security intelligence agencies (Gill 1994, p.82), and table 3.3 for Bar-Joseph’s model of separation between intelligence and politics (Bar-Joseph 1995, p.30).

MODE OF INTELLIGENCE ACTIVITY		RELATION TO THE STATE	
		Ministerial	Discretionary
	Passive Intelligence	(1) Domestic Intelligence Bureau	(4) Unstable/Transitional
Aggressive/ Counterintelligence	(2) Political Police	(3) Independent Security State	

Table 3.1. Keller’s type of security intelligence agencies

AUTONOMY		PENETRATION		
		High	Medium	Low
High		A Independent Security State	B	C
Medium		D	E Political Police	F
Low		G	H	I Domestic Intelligence Bureau

Table 3.2. Gill’s Typology

Total separation	High level of separation	Lower level of separation	No separation
Idealistic approach	Professional approach	Realist approach	Totalitarian approach

Table 3.3. Bar-Joseph’s model of separation between intelligence and politics

Inspired by academic efforts to describe the relations between intelligence and state by typologies, the concepts of freedom and democracy, CMR, and CNI form a typology to indicate degrees of intelligence reform. This framework is very helpful in generating a more general understanding about intelligence reform, which is applicable to other cases. Furthermore, the framework is also practical in comparing intelligence reform among new democracies.

The types of intelligence reform are termed as best practice, good practice, experimenting, and not engaged. These terms constitute categories used to give attributes of advancement in the process of intelligence reform based on the three concepts. The labelling of intelligence reform types can also be done in terms of progress, such as advanced, intermediate, basic, and no progress. This model is a combination of several frameworks of analysis that each can be used individually to explain change in intelligence. As we can see in Table 3.4, it also provides a framework for assessing the intelligence reform process parallel to the social and political conditions of a state.

Intelligence Reform Types		Best practice (Advanced)	Good practice (Intermediate)	Experimenting (Basic)	Not engaged (No progress)
Democracy	Freedom level (Freedom House)	Free	Free, Partly free	Partly free	Not free
	Polity IV score	Full Democracy	Democracy	Anocracy (Open and Closed)	<ul style="list-style-type: none"> Autocracy Failed
	Democracy Index (Economic Intelligence Unit - EIU)	Full Democracy	Flawed Democracy	Hybrid Regime	Non-Democratic Regime (Authoritarian, Dictatorship, etc.)
Civil Military Relations - CMR (Bruneau and Boraz)	Democratic civilian control	<ul style="list-style-type: none"> Strong democratic civilian control Professional military intelligence separated from civilian intelligence 	<ul style="list-style-type: none"> Strong democratic civilian control and strong military influence Competition between civil and military in the leadership of civilian intelligence 	<ul style="list-style-type: none"> Weak democratic civilian control and strong military influence Strong military influence and presence in intelligence 	<ul style="list-style-type: none"> Strong military involvement with the regime Monopoly of intelligence by the military
	Effectiveness Professional civilian and military intelligence (Institutions & Personnel)	Effective in accordance to democracy and law	Less effective in accordance to democracy and law	Effective or less effective partially in accordance to democracy and law	Effective or less effective in a non-democratic environment
	Efficiency	Budget and achievement – problem with the availability of data or too limited for analysis	Budget and achievement – problem with the availability of data or too limited for analysis	Budget and achievement – problem with the availability of data or too limited for analysis	Budget and achievement – problem with the availability of data or too limited for analysis
Culture of National Intelligence CNI (Phythian)	Strategic environment	<ul style="list-style-type: none"> External (Global and Regional) Internal (National) 	<ul style="list-style-type: none"> External (Global and Regional) Internal (National) 	<ul style="list-style-type: none"> External (Global and Regional) Internal (National) 	<ul style="list-style-type: none"> External (Global and Regional) Internal (National)
	Regime type	Democratic	Democratic	Semi democratic	Non democratic
	Organisational	<ul style="list-style-type: none"> Strong professional intelligence (institutions and personnel) Lawful operation 	<ul style="list-style-type: none"> Professional intelligence (institutions and personnel) Lawful operation 	<ul style="list-style-type: none"> Partially controlled intelligence by political power (institutions and personnel) Lawful and unlawful operation 	<ul style="list-style-type: none"> Fully controlled intelligence by the regime or loyal military Operation in support to the regime do not take law into account
	Societal	<ul style="list-style-type: none"> Parliamentary Oversight Very active civil society Free press 	<ul style="list-style-type: none"> Parliamentary Oversight Active civil society Partly free press 	<ul style="list-style-type: none"> Communication with Parliament Partly active civil society Partly free press 	<ul style="list-style-type: none"> Independent intelligence Inactive civil society Controlled press

Table 3.4. Intelligence Reform Typology

The intelligence reform typology as we can see from Table 3.4, is not constructed from scratch, because all concepts used in this typology are taken from existing social science research methods. For example, the concept of democracy here is divided into four methods of measurement: freedom level of Freedom House (Freedom House 2015), Polity IV score (Marshall, Gurr, and Jaggers 2013), and the EIU Democracy Index (Kekic 2007). Each of the measurements has a specific way of explaining the condition of democracy in the observed state based on different categories. The civil-military relations concept is taken from Bruneau and Boraz's description of three fundamental issues of CMR (Bruneau and Boraz 2007, p. 4-6). Finally, the CNI is adapted from Phythian's framework of cultures of national intelligence (Phythian 2014, pp. 33-41).

Phythian's approach of cultures of national intelligence is very relevant in explaining intelligence reform especially in a more substantive aspect. The framework can actually work alone in explaining the relation between the influence of global, regional and national strategic environment, regime type, society and intelligence organisation. Without neglecting the notion of secrecy, it should be noted that in this research intelligence organisation is treated as part of an open social system. Similar research has been conducted in other parts of the world, for example, in the study of Albanian intelligence reform (Dyrmishi 2016), the historical development of Bosnia and Herzegovina's intelligence and security system (Pajević 2016), Czech intelligence (Tomek 2016), the awkward legacy of Serbian intelligence (Petrovic 2016), and Slovakian state security and intelligence (Medvecký and Sivoš 2016).

3.4. Six Themes of Intelligence Reform in Indonesia

The analysis of intelligence reform in Indonesia that follows is organised around the identification of six discourses of intelligence reform during the period 1998 to 2018.

The six discourses are as follows:

- politicisation of intelligence
- militarism (civil-military relations)
- human rights
- transparency
- effectiveness, and
- counterterrorism

The source used in investigating the discourses of intelligence reform in this chapter cover official documents, non-governmental publications, the print media, public discussions, and interviews. The written documents were obtained from the secretariat of the parliament and civil society organisations, while the public discussions are observed through media coverage from 1998 to 2017. These include proposals for intelligence reform by civil society groups, discussions on intelligence reform in the parliament, critiques from experts, views from intelligence agencies, and relevant news articles. The interviews, which were conducted from September 2016 to January 2017, are essential in checking the accounts and detail provided in the written documents. This research was not designed to rely on one type of source of information either documents or interviews, so both are useful in mapping the intelligence reform discourse. This research is not limited to the mapping process and understanding the frames of intelligence reform discourse, but also contains a testing of the typology of intelligence reform presented in the previous chapter, which is further considered in light of the collected discourses.

3.4.1. Politicisation of Intelligence

Gregory F. Treverton defines politicised intelligence as a “commitment to perspectives or conclusions, in the process of intelligence analysis or interaction with policy, that suppress other evidence or views, or blind people to them” (Treverton 2008, 93). Treverton also outlined five different forms of politicisation of intelligence ranging from ‘hard’ to ‘soft’ forms as illustrated below:



Figure 3.1. Treverton’s Five Forms of Politicisation of Intelligence
(Illustration by author, source: Gill and Phythian 2012, p. 153)

Joshua Rovner's (2011, 2013) conceptual discussion about politicisation of intelligence highlights the bad and good sides of manipulating intelligence estimates to reflect policy preferences. The keyword in politicisation of intelligence here is the manipulation of intelligence reports to support government policy, for example in the case of the 2003 Iraq War (Bejesky 2013). Broader than Rovner, Glenn Hastedt (2013) proposed soft and hard politicisation of intelligence to explain cases of intelligence politicisation. Whilst Stephen Marrin (2013) warned that the concept of politicisation in intelligence studies is poorly defined, conceptualised, and operationalized, Uri Bar-Joseph (2013) offered a comparative approach to understand the politicisation of intelligence. For Paul Pillar (2010), politicisation of intelligence means compromising the objectivity of intelligence or how intelligence is used to serve policy or political aims.

From a number of alternative ways of defining politicisation of intelligence, politicisation of intelligence in Indonesia fit with Treverton's hard end form, perhaps even harder; to serve the political aims of the government. Richard Tanter has argued that: "In Indonesia in the New Order period from 1966 until the late 1980s, three separate political processes have come together to yield a distinctive and institutionalized pattern of control of the Indonesian population: militarisation, comprehensive domestic political surveillance, and intermittent, but persistent, state terror" (Tanter 1991, p. 3). His thesis focused on intelligence as the central element of all three political processes. The central position of intelligence in New Order political processes has led to a continuing of public suspicion against the intelligence community even years after the fall of the New Order regime.

With regard to the role of intelligence, former Chief of BIN 2011-2015, Marciano Norman admitted the residual problem of intelligence politicisation in the past. To overcome this problem, he stressed the importance of changing the mentality of

intelligence officers from ‘yes’ men who aim to please the President into professionals who can objectively provide correct intelligence with sharp analysis and the right advice (Norman, 2016). The combination of lingering public suspicion of intelligence and reform and democracy euphoria has motivated civil society groups and politicians to discuss the politicisation of intelligence.

Most studies discussing the politicisation of intelligence in Indonesia are in line with Tanter’s (1991) arguments that intelligence was central to the New Order political processes (Widjajanto ed. 2005, 2006; Widjajanto, Lay and Keliat eds. 2006; Wibisono 2006, 2009; Sulistiyanto 2007; Widjajanto and Wardhani 2008). In general, politicisation of intelligence in Indonesia is understood as amounting to more than just manipulation of intelligence reports to embrace a wide range of mechanisms for paralysing political opponents of the government by all means. As such, it was inevitable that politicisation would come to constitute one of the discourses that characterized the reform process.

3.4.2. Militarism (Civil-Military Relations)

Bruneau and Dombroski (2006) have suggested that the challenge of intelligence reform or controlling intelligence constitutes a subset within the realm of civil-military relations. They identify two factors around the issue: (1) the legacies of prior nondemocratic regimes, in which the intelligence or security apparatus was a key element of control and in which human rights abuses often were allowed, and (2) the inherent tension everywhere between intelligence and democracy. The Indonesian case, as a new democracy, supports Bruneau and Dombroski’s suggestion and the two factors are evident in the findings of this research.

Intelligence during the Old Order regime cannot be separated from military affairs due to Indonesia’s political and security situation and the availability of civilian

intelligence practitioners. The militarisation of intelligence that continue to be strengthened after the Old Order period has a lot of influence to the early period of reform. Civil-military relations in Indonesia before the launch of Law No.34 of 2004 about Indonesia's Armed Forces is best described by the existence of the military dual functions (*Dwifungsi* ABRI/TNI) doctrine. As discussed in Chapter 1, *Dwifungsi* ABRI is a military doctrine, which can be traced to the history of the Indonesian military during the era of the New Order regime (1966-1998).

Many scholars have discussed *Dwifungsi* ABRI as a political ideology, a civil-military issue or in terms of military politics in Indonesia (Crouch 1978; Jenkins 1984; Rabasa and Haseman 2002; Honna 2003; Kingsbury 2003; Mietzner 2004; Rinakit 2005; McGregor 2007). Previous research on the Indonesian military provides better understanding about Indonesian military and sometime a glimpse information of intelligence. In this research, the definition of *dwifungsi* ABRI refers to the Law No.2/1988 on ABRI Servicemen article 6, which stated, "ABRI soldiers implement the ABRI dual functions; that is as a defense and security force and as a social-political force" (Law No. 2 year 1988).

Historically, the justification of the dual functions of the military was codified in the 1966 MPR(S) decisions (Act No. XXIV/MPRS/1966 on New Policy on Defense and Security) and subsequently in law (Act No. 20/MPR/1982 on Defense and Security Principles and Act No. 2/MPR/1988 on ABRI Servicemen) (Rinakit 2005, p.8). According to Jenkins (1984, pp.23-52), the IAF's dual functions offered military officers the opportunity to occupy high positions in the bureaucracy, public firms, state enterprise and private companies (quoted also in Rinakit 2005, p.8). Two main goals of SSR since the beginning of reform were the abolition of *dwifungsi* ABRI and the separation of military and police functions and structures. The demand for the abolition of IAF dual

functions did not suddenly appear in 1998; it was a continuation of demands made during the university students' protests in the New Order era (see Chapter 1). The student protests, which were responded to by the government with the use of military force, began in the 1970s. Democratisation of intelligence can be seen as additional challenge against the dual functions long held by the military. Therefore, the issue of civil-military relations would be denied and avoided by military to be discussed in the context of intelligence reform. Instead of freeing civilian intelligence from military influence, intelligence organisation has to be accessible to military under Military Act No. 34 of 2004, perhaps beside as part of military tour of duty also as a compensation of the termination of military dual functions.

3.4.3. Human Rights

Intelligence activities targeting someone or a group of people, hypothetically contravene human rights because of its secrecy and human target as source of information. The ethical problem of intelligence activities is not easy thing to settle. Even in the name of state security, intelligence activity like surveillance against a human target infringes privacy rights. Discussing human rights issue in the context of intelligence activities is part of the complex topic of ethics-intelligence relationship. In their book, *Principled Spying: The Ethics of Secret Intelligence*, Omand and Phythian (2018) revealed the importance of framework to approach the inherent tension between ethics and intelligence. From the book that is written in a dialogue fashion, I would like to quote Mark Phythian assessment on the source of ethics tension at the international level:

“The source of the ethics-- intelligence tension at the international level, then, is clear. In the context of what is understood by intelligence professionals to be an anarchic, self-help international system, it arises from the clash between the

pursuit of national security and the development of expectations around universal human rights that are underpinned by international human rights law (Omand and Phythian 2018, p. 13).

Omand and Phythian book is presented in a dialogue fashion, so I may miss some important suggestions regarding ethics and intelligence. However, for the purpose of this study, three frameworks that Omand and Phythian discussed: the relationship between intelligence, the state and citizen, legal framework that is regularly reviewed, and Just War tradition (Omand and Phythian 2018), are relevant and applicable in understanding the thematic human rights issues in the context of intelligence reform.

Toni Erskine suggested, “a typology of ‘realist’, ‘consequentialist’ and ‘deontological’ ethical approaches to intelligence collection and explores how different practices might be variously evaluated from each” (Erskine 2004, p. 359). Understanding the standpoint of ethical intelligence activities is very important to improve the capability of intelligence apparatus.

Typology	Meaning
Realist	Hobbesian view that provides powerful arguments for the justice of actions that are deemed necessary to preserve national security – or, more boldly, to prevent other actors from achieving the capacity to threaten it.
Consequentialist	Michael Herman’s consequentialist judges actions by the value of their consequences.
Deontological	Kantian belief that some acts are good and bad in themselves, regardless of their consequences. Because some actions of intelligence are morally unacceptable, deontologist cannot condone it no matter the value it produces.

Table 3.5. Typology of Ethical Approaches to Intelligence Collection (compiled from Erskine 2004)

Erskine’s typology as shown in table 3.5 offers a way of thinking in assessing intelligence activities in the context of ethics and human rights. It can help intelligence practitioners to evaluate their behaviours and activities. In a more practical way of

monitoring and controlling intelligence to respect human rights, Peter Gill proposed that the actions of intelligence agencies must be scrutinised and the enhancement of oversight is necessary to protect human rights without hindering agencies' ability to maintain public safety (Gill 2009).

In the context of human rights in Indonesia, cases of human rights violations like military operations in Aceh, Timor Timur, Irian Jaya (later divided and named Papua and West Papua), Malari 1974, Tanjung Priok 1984, the case of the mysterious shooting or *Penembakan Misterius* (Petrus) in the 1980s, and the case of enforced disappearances of activists in 1997-1998 have been associated with intelligence (Widjajanto and Wardhani, 2008; Kontras, n.d.). The case of enforced disappearances of activists in 1997-1998 has come to public attention because of human rights CSOs efforts, especially Kontras, which has conducted a thorough investigation to uncover and publicise the case (Kontras 2009). At the international level, international human rights organisations like HRW and Amnesty International (AI) in their reports have urged the government of Indonesia to investigate cases of human rights violations and prosecute those responsible. The discourses on intelligence reform in 1998-1999 therefore heavily influenced the importance of disclosure and legal consequence of power abuse by intelligence during the New Order era. On the enforced disappearances case, for example, HRW highlighted the military's role and suggested more pressure be applied to the Indonesian government (HRW 1998a; 1998b).

All the human rights cases mentioned above were part of the government's effort to maintain security and stability through military and intelligence means. During this period of time, the police force is still part of the military and the military controls two national strategic intelligence agencies (BAKIN and BIA/BAIS). The continuation of

human rights violations involving intelligence after 1998 has strengthened efforts by civil societies to push intelligence reform.

3.4.4. Transparency

At a glance, transparency and intelligence are like water and oil. Former head of BAIS TNI, Soleman Ponto, asserted that intelligence with transparency is not intelligence. Intelligence is secret and without secrecy intelligence has lost its very own meaning (Ponto, 2016). In contrast to Ponto's conviction about the impossibility of transparency for intelligence, former chief of BIN Marciano Norman considered transparency one of the democratic values that to some extent can be implemented in intelligence organisation. He said that intelligence should be able to manage carefully transparency issues by sorting out which parts can be open and which parts should stay secret. For example, in the context of budget and its reporting, there is a certain requirement of transparency that intelligence should follow (Norman, 2016).

Some academic studies on intelligence transparency include effectiveness as the other side of transparency (Boraz 2007; Bruneau and Matei 2010). Despite the difficulties of intelligence reform, Bruneau and Matei (2010, p.771) noted that in some countries it has resulted in a proper balance between secrecy and transparency, as in Romania, Colombia, and Brazil. In addition, they admitted that an equally transparent and effective intelligence system is a quandary in any democracy, because of two conflicting demands: secrecy (required by effectiveness) and transparency (required by democratic control, openness, and accountability).

Although in the thematic division of discourses of intelligence in this research I do not put transparency and effectiveness in one category, these two themes exist in close relation to each other. By researching the existing documents, speeches, statements, and

opinions related to transparency and intelligence reform, this study can explain the competing discourses of intelligence reform.

3.4.5. Effectiveness

Lahneman (2011) in assessing the effectiveness of the US intelligence community and the US intelligence enterprise as a whole suggested that it makes sense to start by examining US national security policies and the ways that the decision makers have developed them. He said that the reason is because intelligence plays a policy support role in the US government. Bruneau and Boraz (2007) have suggested that intelligence reform in older democracies enhances civilian control and aims to improve effectiveness, but in emerging democracies this is not the same. As mentioned in the section on counter-terrorism, it is a big challenge for Indonesia to reform its intelligence while facing the pressure to counter-terrorism.

In general, the effectiveness of intelligence can be seen in the achievement of the goals of intelligence. Following the logic of Lahneman, as mentioned above, the executive branch of the government can evaluate the effectiveness of intelligence by measuring whether the products of intelligence, both written reports and prevention of strategic surprise met the expectation set out in the security policy of the government. However, public opinion on the occurrence of terror attacks can overshadow the performance of intelligence. Selecting effectiveness as one of the six discourses may not be helpful in the context of measuring the level of intelligence performance, but it does provide an understanding of how politicians, intelligence practitioners, observers and academics perceive the effectiveness of intelligence and, by extension, their expectations of it. Knowing whether they have the same view or contrasting views is essential in

understanding the process of intelligence reform, which to some extent is driven by the question of intelligence effectiveness.

3.4.6. Counterterrorism

Terrorist attacks in Indonesia are not a new phenomenon because since the 1950s Indonesia has experienced terror attacks, for example; the 1957 Cikini bomb targeting President Sukarno, the 1978 Istiqlal bombing, the hijacking of the Garuda Indonesia Airplane in 1981, the BCA bombing 1984, and Borobudur Bomb in 1985 (Priyambodo 2016). However, the frequency of terror attacks before 1998 was low compared to the dozens of terror attacks between 2000 and 2017. This development has led to increased public attention being given to the importance of counter-terrorism.

Unfortunately for Indonesia, the need for improvement in counterterrorism arose at the same time as demands to reform intelligence. Related to human rights and ethical issues, intelligence was in a dilemma in that on one side it should be able to effectively counter terrorism and on the other side this effort might be in jeopardy because of public demand for transparency. Hence, the discourse on counterterrorism that related to intelligence reform is closely linked to other discourses, especially those concerning human rights, effectiveness and transparency.

Counterterrorism as a theme in the context of intelligence reform was used extensively by intelligence to get the government's attention to improve the capabilities of intelligence. Many discourses that criticised intelligence as weak and fail has resulted in favour to intelligence to reform in the context of effectiveness.

3.5. Discourse of Intelligence Reform before 1998

Despite the limited public discussion of intelligence during the Old Order and New Order eras, there was some discussion of intelligence in the form of internal publications and newspapers which the military sponsored. For example, journals and magazines such as *Dharmasena* and *Mimbar Kekaryaan ABRI* (Ministry of Defense), *Karya Wira Jati* (Army Command and General Staff College - *Sekolah Staf dan Komando Angkatan Darat, Seskoad*), *Ketahanan Nasional* (The National Resilience Institute - *Lembaga Ketahanan Nasional, Lemhanas*), *Akabri* (Military Academi - Akademi ABRI, Akabri), *Dharma Putra* (Army Strategic Command - *Komando Strategis Angkatan Darat, Kostrad*) were published for internal use only, while military-sponsored newspapers like *Harian Angkatan Bersenjata* and *Berita Yudha* could be accessed by the public. Unfortunately, but perhaps inevitably, discussion of or information about intelligence reform was absent from these publications. Most of the discussions are about intelligence as a concept, as part of strategy, or in relation to spy stories.

Sources of discourse on intelligence in the form of books can be found in military and intelligence publications such as Karjadi (1976) titled *Intelijen: Pengawasan Keselamatan Negara* (Intelligence: State Safety Surveillance), and “Basics of Strategic Intelligence” (Soekarno 1988, 1995) which are not available for general public use. Karjadi’s book has been used by some academics as reference for their research on policing while the latter remain inaccessible publicly.

It should be noted that the historical context of the social and political conditions that existed during the Old Order and New Order eras is very important to understanding the non-existence of public discussion on intelligence. Prior to 1998, the discourse of security issues, including intelligence, was in line with political conditions, for the purpose of serving the interests of those in power. In other words, it was controlled by

the government and any challenge or contrasting discourse would face serious repercussions from the security apparatus.

This study includes only a very small number of media documentation about intelligence reform during the Old Order and the New Order so it can focus on intelligence reform since 1998. In addition, media coverage regarding intelligence is rare during these periods of time. Although there may be some small number of instances of media coverage of intelligence during the Old Order and New Order periods, further discussion of documentation of discourses on intelligence reform before 1998 is deficient.

Some academic research on the history of Indonesian intelligence labelled intelligence during the New Order as “black intelligence” (*intelijen hitam*) to emphasise the dark side of intelligence in conducting its activities. Slightly differently, intelligence during the Old Order has been given the more appreciative label “military and political intelligence” (Wibisono and Idris, 2006; Widjajanto and Wardhani 2008; Haripin, Bhakti and Mengko, 2016). However, these discourses were alien to public knowledge during the Old Order and New Order eras but become dominant and widely spread after the reform movement of 1998.

The notion of ‘strong’ intelligence before 1998 was neither in the context of highly skilled intelligence operation nor deep intelligence analysis. The main reason why intelligence was thought so strong was because of its enforcing power without legal restriction, as in a democratic state. This logical explanation to some extent can clarify the confusion as to why intelligence performance was considered so poor in the beginning of the reform period. We will discuss this in the following chapter which analyses the discourses of intelligence reform across five administrations.

Chapter Four

DISCOURSES OF INTELLIGENCE REFORM IN THE POST-AUTHORITARIAN INDONESIA 1998-2004

Due to its extensive data and analysis to cover, the examination of discourse of intelligence reform in the post-authoritarian Indonesia is divided into two chapters: chapter four covers three administration from 1998 to 2004 and chapter five covers two administration from 2004 to present day. This chapter begins the exploration of discourse of intelligence reform since the beginning of political reform in 1998. To understand the whole stories about intelligence reform in Indonesia, it would be helpful to look back to chapter one that explain the historical background of intelligence in Indonesia.

Much of the available discourses on intelligence reform were published by CSOs and academics, while the government's discourse were taken from statement in the media and requested from relevant authorities, especially from the DPR secretariat. This chapter illustrates competing discourse of intelligence reform from 1998 to 2004, which signifies my critical realist view that intelligence reform is not only an event, which the empirical realist can account, but also driven by underlying mechanism that capable of generating intelligence reform. In the following section, which covers the period of Habibie administration, I also use some references from the last day of Suharto's New Order period that contributed to the discourse on intelligence under Habibie.

4. 1. Habibie Administration: The Early Period of Political Reform (1998 -1999)

In the early period of Indonesia's political reform, the discourse of intelligence reform was still very limited and rarely discussed in public. The 1997 Asian financial crisis cracked Indonesia's economy and developed into multidimensional crises in

Indonesia bringing political uncertainty (Radelet 1999). To understand the political uncertainty during the reform, it is important to look closely at three legacies of the 1997 elections due to very tight control over election: the lack of experience with competitive elections, a deep suspicion of the electoral process, and the bureaucracy will not find it easy to implement an election in which the process and its outcome are not tightly controlled (Schiller 1999, p. 18). The combination of economic, social and political problems caused massive protests and demands for reform. Bhakti has argued that the demands were not only calls for regime change, but for changes to the political system. He explained, “such demands require an overhaul of all political, social and economic institutions and relations, and the establishment of a stable framework within which democratic practices can take root” (Bhakti 2004, p. 199).

The wave of student demonstrations gained momentum after the students’ rejection of President Suharto’s speech of accountability to the People’s Consultative Assembly (MPR) on 5 March 1998. On 15 April 1998, President Suharto asked students to end their protest and return to their campuses to study. However, the student demonstrations grew in early May following the oil price increase on 2 May 1998 and culminated on 13-15 May 1998 (Komnas Perempuan 1999). In his book, “*Reformasi: The Struggle for power in Post Suharto Indonesia*”, Kevin O’Rourke illustrated in more detail the wide-scale rioting involving thugs (*preman*), students, and general public which was tolerated by the police and security apparatus (O’Rourke 2002, 97-117).

The obscurities of the 13-15 May 1998 riots and the case of activists kidnapping in 1997-1998 add flammable fuels against the government to quickly respond to demand of political reform. Responding to the case ethnic Chinese mass rape during the May 1998 riots, the head of BAKIN, Moetojib, for example denied it and said the mass rape case was politically motivated to weaken Indonesia (Republika, 25 August 1998). In

contrast, the report by the Joint Fact-Finding Team on the 13-15 May 1998 Riot (the JFF Team – *Tim Gabungan Pencari Fakta, TGPF Mei 1998*) concluded that sexual violence including rape occurred during the May riots from 13 to 15 May 1998 (Komnas Perempuan 1999, 28).

The chairman of the Indonesian Legal Aid Foundation executive board (*Yayasan Lembaga Bantuan Hukum Indonesia – YLBHI*), Bambang Widjojanto, who was also a member of the Joint Fact-Finding Team of May Riots (TGPF) said, “intelligence operations reports tend to be used for political purposes by the New Order authorities. Therefore, in order to create a democratic society, the government and DPR need to enhance intelligence by establishing a working procedure, improving its accountability, and limiting its authority based on the State Intelligence Act” (Kompas 11 November 1998).

Regardless of agreeing with the necessity of intelligence to the security of a country, Widjojanto stressed the importance of controlling intelligence operations. He said, “..., too many intelligence operations were conducted by the military, which included the regional military command and the special forces command (Kopassus), overlapping one operation with another. In addition, intelligence operations have entered various sectors of public life. It is also possible that intelligence operations were used to insinuate false charges” (Kompas 11 November 1998).

The first document to reveal the importance of intelligence reform is the Joint Fact-Finding Team of May Riots Report which recommended that: “the government immediately draft a law on state intelligence that affirmed its principal responsibilities, functions and limits the scope of implementation of intelligence operation on government agencies or state authorities so that the security interests of the state can be protected and on the other hand human rights can be respected. Furthermore, intelligence operation is

necessary to be monitored effectively by regulatory agencies, so intelligence cannot be used as an instrument of power for the political interests” (Komnas Perempuan, 1999).

The May riots fact-finding report evidently stated the background of intelligence reform recommendation is related to the politicisation of intelligence (Komnas Perempuan 1999, page 26, 62 and 85). For example, the conclusion of the report specified that the May riots is the culmination of a sequence of intelligence activities such as the kidnaping of student activists and shooting students incidence. The report also disclosed the reason behind such intelligence activities was to protect the government. However, in the early period of reform, the recommendation of the TGPF report was not followed by public discussion, which reflected the possibility of reforming intelligence immediately.

In line with the May riots report, the case, which can be interpreted as an intelligence operation, enforced the disappearances of student activists during 1997/1998. In the interview with Panji Masyarakat magazine, the commander of Indonesian Special Force, Lt. Gen. (ret.) Prabowo Subianto explained that securing the radical student activists was an intelligence operation. He also emphasised that even President Suharto admitted to several ministers about the intelligence operations against student activists (Panji Masyarakat 27 October 1999). According to the Commission for the Disappeared and Victims of Violence (*Komisi untuk Orang Hilang dan Korban Tindak Kekerasan*, KONTRAS), between 1997 and 1998, 24 students and other activists had been abducted by the Army Special Forces Command (Kopassus) because of their activism in the struggle for change and democracy in the New Order government (Kontras, 1998). The enforced disappearances of activists 1997-1998 and the Trisakti shootings on 12 May 1998 which triggered the May riots 1998 (Landler, NYT 13 and 14 May 1998) intensified demands for the resignation of President Suharto and generated

demands for intelligence reform. Despite the fact that this case is still perceived as part of human rights violations carried out by the military, the method of kidnapping and killing leaves no doubt that it can be seen as an intelligence operation against the student activist movement.

The unstable security situation in the early reform period raised questions about the competence of intelligence organisations, especially BAKIN/BIN and BIA/BAIS. The two intelligence agencies were further on the radar of the public because of the increasing number of communal conflicts in Indonesia. The deteriorating security situation occurred in several different areas, such as the religious communal conflict in Poso, Central Sulawesi from December 1998 to 20 December 2001 (Aragon 2001; Human Rights Watch 2002; Karnavian 2008), Ambon, Moluccas which erupted in 19 January 1999 and continued to 2002 (Schulze 2002; Azca 2004; Braithwaite et.al. 2010), and also the killings of black magic practitioners (*dukun santet*) in Banyuwangi, East Java known also as Ninja killings or called *Operasi Naga Hijau* or Operation Green Dragon by the military. The name Operation Green Dragon was given by Abdurrahman Wahid or Gus Dur who later replaced Habibie as President of Indonesia (Al-Zastrow Ng 1999, 93–120; Tempo 20 February 2000). Views on the case of the Banyuwangi Ninja killings were divided into two, weak intelligence and intelligence involved in the conflict.

LtC Baringbing's opinion on the case of Banyuwangi Ninja killings is worth to note that military intelligence BAIS was behind the killing (O'Rourke 2002, p. 170). Another speculation of the intelligence operation regarding the killings was also published by Forum Keadilan (31 October 1998). In the context of the use of death squad, Robert Cribb suggested that the Ninja killings had little role to play in the pattern of political repression. He further argued that "in Indonesia, death squads have been used primarily as a tool in intra-elite struggles and the victims of the death squads have been

themselves former practitioners of violence against other sections of society” (Cribb 2000, p. 197). Although Cribb didn’t mention intelligence operations, the key words “intra-elite struggles” implies whoever in power has been tempted to use extraordinary power such as death squad for their interests.

Understanding the case of the Banyuwangi *Ninja* killing is very important because of the occurrence of contrasting discourses. On one side, ethnographic research by Nicholas Herriman revealed that the arguments of state’s responsibility of violence in Banyuwangi lack of substantiation. He found out that local residents in Banyuwangi carried out violence without external provocation or support (Herriman 2007). Chief of the Regional Police of East Java, MajGen Pol. M. Dayat negated the conspiracy theory by explaining the Ninja killing case as pure crime and organised crime (Kasdi 2001, p. 85).

On the other side, the *Ninja* killings were thought as a result of a conspiracy orchestrated by state or political and military leaders. According to this theory, these orchestrators sent masked *Ninjas*, actually thugs and criminals from outside Banyuwangi, to kill black magic practitioners, but later the *Ninjas* also killed innocent *kiayi* (rural preachers) associated with Nahdatul Ulama (NU), the major traditionalist Islamic organisation in Indonesia (Manan et.al. 2001; Ridwan 2012). Related to creation of discourse on intelligence, chairman of the National Awakening Party who later become Minister of Defense during the Megawati administration, Matori Abdul Djilil, called the Ninja killings an intelligence operation (Ali and Nurhuda Y. 2008, 166).

It was the first time that mass media and public discourse openly criticised intelligence from several different viewpoints including attacking the credibility of its leaders. For example, when President Habibie appointed his loyal advisor Lt. Gen. (ret.) Zaini Azhar Maulani to replace Lt. Gen. (ret.) Moetojib as head of the State Intelligence

Coordinating Board (Bakin), the issues of nepotism and the protection of Habibie's interests arose (Siar 23 September 1998; Aditjondro 2006, pp. 364-377). Another interesting news story was published by Sriwijaya Post around this time (25 August 1999), which accused the head of BAKIN, Maulani, of receiving 400 Billion Rupiah for a political campaign to support Habibie. The head of BAKIN responded to the news with a lawsuit against the Sriwijaya Post for defamation and spreading lies (Siar 7 September 1999; Gamma 3 October 1999). Although this occurrence is neither about SSR nor intelligence reform, it can be seen as a significant hint of increasing challenge from the public against intelligence credibility. The lawsuit by the head of BAKIN against Sriwijaya Post suggested intelligence had changed its way of action by respecting the law and not using its power beyond the law.

In February 1999, Gatra magazine published an article which questioned the culture and methods of Indonesian intelligence operations. An example of a short quote from the magazine: "*intel kok pengen terkenal?*" ("why intel wants to be famous"), criticised overacting intelligence officers that in their line of work often openly intimidated their target by mentioning their name and intelligence office. In short, the article highlighted the chaotic face of intelligence with cultural, structural and financial problems (Gatra, 20 February 1999). Discourse that criticised intelligence from cultural, structural and financial problems was very rare, and this article represents increased public curiosity about the capabilities of intelligence. Several military intelligence figures confirmed the existence of problems within the intelligence community. For example, former instructor of intelligence training at the IAF's Centre of Strategic Intelligence, RE Baringbing said, "...an intelligence officer should get used to funding their operations. Intelligence operators are allowed to search for funds, but the golden rule is that those funds should only be used for operational purposes, not personal

interests. Due to this, the lousiest problem lies in that intelligence was often deployed in tasks where they technically would not qualify for” (Gatra, 20 February 1999).

Similar to Baringbing comments, an anonymous retired lieutenant colonel that previously worked in intelligence said, “The problem is, the cultural problem. That is what we call *Intel Melayu* (Malay Intel, a degrading term for intelligence). This cultural plague is seeping from the top layer to the bottom. Our intelligence has a tendency wanting to achieve results quickly. Their secret identity was then opened. Ideally an intel should live and operate as a mysterious character in accordance with the doctrine, if you're dead you will not be searched, if you're successful you will not be complimented, and if you're fail you will be insulted” (Gatra 20 February 1999). Observers and mass media have used the term *Intel Melayu* extensively to describe the attitude and culture of intelligence officers who lack professionalism.

Overhauling all political, social and economic institutions and relations is not an easy task for the government and domestic stakeholders in Indonesia. This convolution of problems in the early reform period has a major influence in delaying Indonesia's SSR. Rizal Sukma and Edy Prasetyono underlined, “the complexity of SSR in Indonesia because of the serious political, economic, and security crises since the end of 1997 within which reform is carried out” (Sukma and Prasetyono, 2003). To add more complexity, the demands of reform consisted of amendment of the constitution, reform of the justice system, protection of human rights, an end to corruption, collusion and nepotism (*korupsi kolusi* and *nepotisme* famously known as ‘KKN’), bringing Suharto and his cronies to justice, a repeal of *dwifungsi* ABRI (Indonesian Armed Forces' - IAF's dual function), and decentralisation by regional autonomy (Kompas 4 Mei 1998; Forrester and May 1998; Aspinall 1999, 2000; Zon 2004). The only agenda of the national reform that was related to intelligence was the demand to repeal the IAF's dual

function. However, this repeal would later become a crucial factor in the continuation of military influence in intelligence.

The main force behind SSR in Indonesia was not the willingness of Indonesian security institution to reform itself voluntarily, but it was more like a combination of pressure, engagement, and intellectual exercise involving civil society groups, academics, and politicians. According to one of BIN's agents who specialised in observing foreign and domestic Civil Society Organisations (CSOs), ProPatria was the most influential domestic CSO in SSR after 1999 and the influence of ProPatria increased dramatically since 2000 to 2004. One foreign CSO that was very influential in directing democratisation in Indonesia, including reforming the Indonesian military, was the National Democratic Institute or NDI (Anonymous F 2017). Although this view is debatable, as BIN had already noticed the influence CSOs had to the SSR, regarding the issue on civilian control. This opened the possibility of BIN's strategy to exploit the research results from the CSOs for the benefit of BIN.

To assess the role of Indonesian CSOs in pushing the SSR agenda would need further research focusing on specific Indonesian CSOs that include foreign democracy assistance programmes especially from the US. Although BIN monitored the flow of funds from foreign donors to Indonesian CSOs, it seems that BIN couldn't do anything about it. It should be noted that weak successive government after 1998 were not only troubled with many domestic problems, but also had no idea of how to democratise Indonesia. That is why foreign democracy assistance played an important role in the success story of Indonesia democratisation.

Minister of Defense/Commander in Chief of the IAF, Wiranto commented on the demand of IAF's dual functions abolition that in reforming the armed forces, this issue will be deliberated. While on the separation of police from the IAF, he stated, "the notion

to separate the Police from the Armed Forces is still being assessed. The separation issue is not a simple matter and even very complex because it is related to the legal foundation, historical studies, and the primary responsibilities of the police” (Kompas, June 12, 1998). In contrast, the Attorney General, Agung Sudjono Ch Atmonegoro, answered the press and stated that he had proposed to the President BJ Habibie regarding the necessity of separating the role of National Police and the Armed Forces. He also said, “the police should obey the civilian law, not the military law. Furthermore, if the police conduct investigation or examination, their status should be the same with the one being examined. It means the examiner and the examinee should comply with the same law. Similar to the Attorney General, the National Commission on Human Rights emphasized that as long as the police is part of the military, it is feared that efforts on human right enforcement will always encounter obstacles (Kompas, June 12, 1998).

The Attorney General and Indonesian National Commission on Human Rights were in accordance with civil society in stressing the importance of the separation of police and military. It can be assumed that the priority of SSR in the early period of reform under Habibie’s administration was military reform that focused on the abolition of the IAF’s dual functions and the separation of the police from the military. At first glance, the IAF chief’s position reflects a reluctance of military reform by merely accommodating civil society aspirations and explaining the difficulties, but actually Wiranto also supported military reform in his own way and at his own pace. Wiranto preferred gradual change of the military, especially related to its socio-political role in line with the people’s maturity (Jakarta Post, 12 November 1998) and affirmed the redefinition of the military’s socio-political role (Gatra 10 October 1998). He repeated his essential statement in 1999: “We will eventually leave the political stage ... but it has to be done gradually” (Jakarta Post, 5 March 1999).

Habibie's Reform and Development (*Reformasi Pembangunan*) Cabinet, which was sworn in on 23 May 1998, has a strong presence of TNI officers. There were five serving military officers in Habibie's administration, which gave Habibie's Cabinet a slightly stronger military presence than Suharto's last Cabinet (Kompas, 23 May 1998). This military presence in Habibie's Cabinet was not a surprise because the military had backed Habibie's leadership. It should be noted that seconds after Suharto resigned and Habibie took the oath as president, chief commander of the armed forces, General Wiranto announced that the armed forces supported Habibie's presidency (Financial Times, 22 May 1998). The relationship between President Habibie and the military has led to the suggestion that the military was the actual power behind Habibie. For example, Landler believed that the military was the power broker (*New York Times*, 22 May 1998), Mydans argued that the IAF chief was Indonesia's strongest figure (*New York Times*, 23 May 1998), while Time Magazine correspondent Colmey wrote how the struggle within the military has helped Habibie prevent a coup (Colmey, 31 May 1998).

Despite the impression of a strong military influence in Habibie's administration, on Monday 5 October 1998, the IAF's 53rd anniversary, Habibie stated that "the armed forces need to make improvements and adjustments" (Asian Political News, 12 October 1998). It was a call for the IAF to reform and adjust to new realities while continuing to be responsible for both external and internal security. Six months later, in April 1999, Habibie's administration fulfilled the promise to reform the military via Presidential Instruction No. 2 on the Steps in the Framework of the Separation of the Indonesian National Police and the Indonesian Armed Forces, which separated the police from the military and stipulated the main roles of the police as enforcing law and order and protecting the community (Siregar 2015, p. 59).

Schmit believed that the separation of police from military was essential in improving the professionalism of both institutions in adapting to decentralisation and providing local public security (Schmit 2008, p. 171-184). In line with Indonesia's national reform that later include decentralisation of power, the separation of police and military is central to Indonesia's security sector reform. The separation of military and police functions and structures is part of the gradual process of the abolition of military dual functions. Sukma and Prasetyono (2003, p.9) highlight the primary function of the military and police as instruments to preserve the New Order's grip on power rather than to provide security to the people, and they conclude that military and police reforms are imperative.

This view from academics is very much in line with civil society's view. For example, activist Mufti Makarim mentioned three main goals of SSR in the early reform period; (1) the abolition of the military's political and economic roles, (2) accountability for human rights violations related to the military during the New Order era, and (3) the strengthening of civilian control over the military to create military professionalism. Makarim also stated that while most of civil society was aware of the importance of intelligence reform, for the time being the first and most pressing agenda was military reform, followed by police reform (Makarim, 2016).

Regarding militarism in Indonesia, Ariel Heryanto argued that militarism is the main source of the problem in Indonesia's socio-political life. He illustrated, "They (military) control the intelligence services, combat troops and guns. In many countries in Asia, weapons of war are used more precisely to oppress the unarmed-countrymen" (Kompas 15 November 1998). Heryanto's arguments are not only in the context of the physical presence of the military in public life and domination of bureaucratic positions in non-military agencies, but also from the perspective of culture. He said, "In severe

forms, militarism grows in the form of culture, norms, ideas, ways of thinking, social interaction, and talk. All is characterized by machismo, violence, and rigid attitude in contrasting the realities of life into two antagonisms: friend – opponent, or win – lose” (Kompas 15 November 1998). Associating intelligence with the military is inevitable in an authoritarian regime like the New Order because of the dominant role of the military in state and society.

Understanding militarism or militarisation in Indonesia before the reform is important in interpreting post-reform discourses on military and intelligence. According to Katharine E. McGregor:

“By the end of the 32-year New Order regime, the military had become associated in the minds of Indonesians and non-Indonesians alike with violence, repression, corruption, and an enduring authoritarianism. The public image of the military was a powerful, cohesive institution exercising domination over the Indonesian people. This image was the product of people’s experience, but also scholarly analyses of the military which to date have largely focused on military violence and military politics” (McGregor 2007, p.216).

McGregor’s view is also relevant to intelligence. With some additions of the characteristics of intelligence like secret, mysterious, dark, undetected, and capable of doing anything beyond the law, intelligence in the minds of Indonesian people could be as horrible as the military, or worse.

It is almost a common belief among Indonesians that intelligence is dark, a violator of human rights, and a part of the military’s domestic operations. A very thorough analysis can be found in Nainggolan’s dissertation on military reform. Despite the difficulties in finding hard evidence of military intelligence covert operations in domestic affairs, Nainggolan produced a lengthy analysis explaining several covert

intelligence operations allegedly organized by the military at the beginning of reform era (Nainggolan 2011). In line with O'Rourke's (2002) argument that disclosing military intelligence operation would verify his belief that the military was behind instability in Indonesia, Nainggolan carefully argued that several important events during Habibie's administration were actually the result of covert intelligence operations. The delayed process of military reform, the emergence of terror in Jakarta and various regions by unknown groups, new repressive approaches in troubled areas like Aceh, East Timor, Ambon and Papua, and the emergence of radical Muslim issues were all related to covert military intelligence and psychological operations (Nainggolan 2011, pp.58-142), which were all counter to the policy of the president.

If O'Rourke and Nainggolan were right, the classical problem of civil-military relations occurred during Habibie administration. That is what Feaver (1999) called "the problematique of civil-military relations" where, in the context of Indonesia, the military with its sufficient power to protect the transition government has become a threat to the government. The threat from the military was not to directly challenge the authority of the civilian government but to create a situation that slowed the efforts of the government in reforming the country.

In line with O'Rourke and Nainggolan, some scholars argued that military and intelligence had a significant role in the emergence of Muslim radicalism from time to time during the New Order and reform era. For example, several scholars shared findings that intelligence was instrumental in the revival of Muslim radicalism (Jenkins 1984, pp. 53-56; Tanter 1990, 1991; Conboy 2004, pp. 140-142; Jones 2005;). Similarly, John Sidel believed that the resurrection of the Darul Islam movement in the 1970s and the subsequent emergence of the supposed terrorist group *Komando Jihad* (Jihad Command)

later in the same decade was attributable to the intelligence special unit (*Operasi Khusus* – *Opsus*) led by Ali Moertopo (Sidel 2006, pp. 207-208).

It is still not clear who was using whom in the case of the revival of the Darul Islam radical Muslim group in 1970s. Jones believed that both sides, intelligence and Darul Islam, thought they could manipulate the other for their own purposes, and found they were seriously mistaken (Jones 2005, p. 5). Tanter argued that there was no doubt that Darul Islam members were involved with Ali Moertopo and *Opsus*. However, there were two contrasting opinions; one that Moertopo's agents provocateurs had infiltrated and incited the group to acts of violence and the other that Moertopo's good intentions were misused by the militant Muslims (Tanter 1991, pp. 260-261).

This situation has affected intelligence in general as part of the problem in civil-military relations. Both civilian and military intelligence agencies, which already had to live with the stigma of militarism, human rights violations, and that which attached to being viewed as agents of oppression designed to protect the regime, also then had to accept a further label – that of terror provocateurs. The debate over whether the military had something to do with the widespread terror and instability in 1998-1999 can be seen from contemporaneous news publications. In one side, activists, academics and political opposition groups developed a discourse that suspected the involvement of military and intelligence in creating instability. On the other side, the government, especially the military, strongly denied that military personnel had been involved in creating instability.

From the sequence of events and emerging discourses of intelligence discussed above, it can be concluded that in the early period of reform in 1998-1999, discourses on intelligence mostly linked with militarism, human rights violations, and politicisation of intelligence for the interest of those in power. There were some discourses that touched the issues of intelligence capabilities (Gatra 20 February 1999) and accountability

(Kompas 11 November 1998), but none discussed counter terrorism because of the absence of terror incidents during this period. Discourse that labelled the New Order regime as state terrorist by exploiting military and intelligence (Tanter 1990), which remained influential in the reform era, can be seen as part of the discourse about the politicisation of intelligence.

Although the discourse on intelligence reform had begun with Indonesia's national reform in 1998, the discourses were still infrequent and limited to circles around security institutions, civil society movements and academics. Some civil society figures made a claim that the debate on intelligence reform was already taking place in their internal discussions (interview with Makarim October 2016; Al Araf 16 December 2016). However, due to the top priority of SSR, civil society groups at this time concentrated their attention on military reform. From 1998 to 2004, Al Araf believed that the first step to take in order to achieve SSR was military reform. He also said that intelligence reform was hardly a concern of the public in the early period of reform (Interview with Al Araf 16 December 2016).

Although it is logical to interpret the demand for military reform as covering military, police, and intelligence reform, in practice these processes could not all take place at the same time. That is why most activists and academics supported by political opposition groups focused on military reform as the priority with two main agendas: abolishing the IAF's dual function and separating the police from the military. To some extent, this manoeuvre was successful; however, it left intelligence reform behind. In this case, the build-up of discourse on anti-militarism sentiment was reaching the point of no return as part of Indonesian national reform.

Habibie's administration achieved some fundamental reforms during his interim period of presidency. He released 213 political prisoners, revoked the anti-subversion

law, legislated to ensure press freedom, established the National Human Rights Commission (Komnas HAM), legitimised opposition trade unions, instructed the separation of police from the military, reformed the electoral system, and held democratic elections in 1999 (Lindsey e.d. 2008; Smith 2001, Funston e.d. 2001). However, Habibie could not fully fulfil the demand of abolishing the IAF's dual functions during his presidency but allowed the demand to be internalised by the military under Wiranto's leadership. Under Wiranto's direction the IAF then conducted research, discussions and produced its version of the military reform concept called the new paradigm of ABRI (Mabes ABRI, 1999).

On the extreme view, Nainggolan argued: "Habibie's administration was unable to consolidate itself because of its failure to manage crisis through the use of various forms of compromise or higher levels of coercion by cooperating with the military" (Nainggolan 2011, p. 144). A more moderate view may see it as inevitable and rational for Habibie to tolerate the redefinition, reposition, and internal reform by the military. For example, Marcus Mietzner believed that the military was granted the authority to define its own internal reform agenda as a result of its success under Wiranto in organizing a controlled transfer of power from Suharto to Habibie, avoiding the complete collapse of the New Order regime, and securing the extensive participation of the armed forces in the first post authoritarian government (Mietzner 2006, p.viii).

Another moderate view from Jun Honna highlights the divided and demoralised condition of the military after Suharto left and the role of Wiranto as the winner of the factional fighting within the military in Suharto's final months. He explained that Wiranto took almost a year to consolidate his power and revive IAF cohesion under his leadership. To respond to public pressure demanding the end of *dwifungsi*, Wiranto also needed to demonstrate military reform efforts (Honna 2003, p.198). The fact that the

military during the transition of power was divided would be enough for any president to provide an opportunity for its Chief of Command to consolidate first and reform later.

Discourse on intelligence during this period, then, is tightly related to the military - as if intelligence was just the other side of the military coin. These tight relations were present in the discourse on intelligence in relation to various events: the May riots 1998 and the idea that these were the manifestation of intelligence activities (Komnas Perempuan 1999); intelligence operations were blamed as the source of conflict in Aceh (Kompas, August 1999); military intelligence involvement in the Ninja killings (Al-Zastrow Ng 1999); weak intelligence detection in the Ambon case (Kompas 6 October 1999), and the detail of intelligence involvement in provoking continuous violence in Ambon (Aditjondro 2001). The central argument of articles covering these cases ranged from protecting the government's political power, redirection of the public's attention to create confusion, inter-elite struggles, and a desire to increase the military budget. In line with Makarim and Al-Araf's suggestions, the discussion on intelligence reform in the early reform period of 1998-1999 was closely linked to the discourse of military reform. This complex situation was inherited by the new elected President Abdurahman Wahid (Gus Dur) from 20 October 1999.

Three discourses, which resulted in demands for intelligence reform in the early reform period are dominant: the politicisation of intelligence, militarism and human rights. These discourses are interlinked; the main source of the problem can be seen to have been the politicisation of intelligence which was linked to militarism and resulted in many human rights violations. Based on the cases listed in the previous paragraph, each of the discourses took its turn in media coverage, gradually generating a public discourse on the importance of intelligence reform.

Following the report of the TGPF May Riots 1998, which had the conclusion specifying the cause of the riots being the culmination of a sequence of intelligence activities, the government did not respond to the TGPF's recommendation of drafting a law on state intelligence, which consequently shows further politicisation of intelligence, hence delaying SSR in Indonesia. Due to the impressions that intelligence to the Indonesian people during that period was negative in that they were secretive and mysterious, transparency was something the public required since one of the goals of SSR included the strengthening of civilian control over the military, who clearly had control over intelligence. These intelligence activities include the kidnapping and shooting of student activists, which are clearly human rights violations.

The demands for said SSR included the protection of human rights as well as accountability for said rights which were broken by the military, which reflects on the authoritarian regime the New Order was as many human rights were violated for the sake of maintaining government control over the population. Since the police were also a part of the military, it was feared that human rights enforcement will always encounter obstacles, which in turn slowed down the progress of SSR. However, the creation of the Komnas HAM by Habibie's administration shows that the government was striving to reach the SSR demands, despite military reformation being the main focus of this period. Regarding the military, militarism was the main source of the problem with Indonesia's socio-political life due to the authoritarian nature of the country in this period. The military had more power than, in this case, intelligence, so they effectively control intelligence. Consequently, both civilian and military intelligence agencies had to accept being viewed as agents of oppression designed to protect the regime and terror provocateurs. As military reform was the main focus during this period, the build-up of

discourse on anti-militarism sentiment was reaching its peak as part of the Indonesian national reform.

The gradual reduction of militarism and politicisation had also given way to events like the head of BAKIN pursuing a lawsuit against Sriwijaya Post over the allegation that he was bribed to support Habibie's political campaign, which shows that BAKIN was not attempting to go beyond the law to settle the problem. Therefore, intelligence was evidently displaying themselves in a more respectful manner rather than the supposed undetected body capable of doing anything beyond the law.

4. 2. Wahid Administration: Finding the Right Form of Intelligence (1999 - 2001)

The 4th President of Indonesia, Abdurrahman Wahid, was very supportive of the idea of establishing civilian control over the military. He decided to pursue concrete steps to achieve this, for example, the appointment of a civilian, Juwono Sudarsono, as the Minister of Defence. He also dissolved the military's National Stability Coordinating Agency (Bakorstanas) and the mechanism of special investigations (*Penelitian Khusus*, LITSUS) against communist followers and sympathisers (Kompas 9 March 2000), executed the separation of police from military by Presidential Decree no.89/2000 while preparing the law on the state police of the Republic of Indonesia, formulated the position of the Armed Forces under the Ministry of Defence, increased the military budget, and encouraged military professionalism (Haramain 2004).

President Wahid's view on intelligence in general is within the framework of civilian control over the military. For example, to demonstrate his control, President Wahid appointed Air Vice Marshal Ian Santoso Perdanakusuma as head of BAIS to balance the domination of the Army in the TNI (Kompas 15 Januari 2000). Wahid did not fully trust intelligence reports from BAKIN or BAIS. According to Makarim (2016),

Wahid created his own private intelligence network consisting of trusted and capable people with a background from the Nahdlatul Ulama (NU - a traditionalist Sunni Islam movement) and civil society activists. Wahid suspected that the military and intelligence had created several security problems in the regions to weaken his administration.

President Wahid appointed former Deputy Chief of BAIS, LtG Arie J. Kumaat as the Chief of BAKIN and LtG Farid Zainuddin as the Deputy Chief of BAKIN on 18 November 1999 (Media Indonesia 18 November 1999). There was a rumour that President Wahid actually wanted to pick LtG Farid Zainuddin as the Chief of BAKIN because Zainuddin had the same NU background as President Wahid himself (Anonymous J, 2017). However, Wahid's wishes could not be fulfilled due to the strong influence of the Coordinating Minister of Politics and Security, who was also former commander of the armed forces, General Wiranto (retired April 1999). Months before Abdurrahman Wahid become the President, Wiranto already conditioned strategic positions within military institution and intelligence (Forum 22 March 1999; Interview with retired intelligence officer 2016). In contrast, Conboy noted a speculation that President Wahid was tweaking the collective nose of the armed forces by picking a Catholic as intelligence chief (Conboy 2004, 204).

In December 1999, the secretary of the volunteer team for humanity (Tim Relawan untuk Kemanusiaan) Sandyawan Sumardi made a press statement that the government needed to monitor military intelligence by immediately drafting the intelligence law. The law was required, he explained, because of a lack of control over the military intelligence system. Many cases of human rights violations could not be disclosed because of the disappearance of the evidence concerning the conduct of military intelligence (Kompas 9 December 1999). It should be noted that it was difficult to differentiate between military intelligence and civilian intelligence at this time because

of the overlapping tasks of both institutions and also because the leadership of both institutions was undertaken by military people.

Sumardi's statement was a reminder of the May Riots Fact-Finding Team recommendation that the government should draft a law on state intelligence. The repetition of this discourse on the need for a law to govern state intelligence is an important part of the construction of a discourse of intelligence reform. The main argument made in favour of the significance of the law was that it would create a strong foundation based on the rule of law about the ideal of intelligence in a democratic country. This discourse challenged the dominance of the intelligence discourse by the government and encouraged more critical views on intelligence from the public, especially human rights activists and academics.

In line with the repeated discourse on the need for a new intelligence bill coming from activists, the National Commission for Human Rights (Komnas HAM) recommended the creation of an intelligence law after the human rights violations during the referendum in East Timor. Responding to the suggestion by Komnas HAM, Tayo Tarmadi, a member of the House of Representatives from the National Army/National Police (TNI/Polri) Faction who was also a former Regional Commander III in Siliwangi, stated: "the task of intelligence within the country was already well-regulated, so there is no necessity for law on intelligence" (Kompas, February 3, 2000). This view provides a good indication that at this time the military was unwilling to support intelligence reform.

In the context of politicisation of intelligence, the Speaker of the House of Representatives, Akbar Tandjung, while criticising the weaknesses of intelligence in preventing social unrest, emphasised the importance of effective intelligence in pursuit of the country's national interests rather than in pursuit of sectional interests. Similarly,

chairman of the Democratic Party of Struggle (PDI-P) faction in the House of Representatives, Dimiyati Hartono, reiterated Akbar Tandjung's opinion, adding that with: "the military intelligence in general experienced a big problem during Soeharto's administration, it was used as a tool to retain power" (Kompas 26 January 2000). Since both Tandjung and Hartono didn't mention a specific case, it implied the politicisation of intelligence was still a very sensitive discourse.

On the effectiveness of intelligence in preventing social unrest and communal conflict, Akbar Tandjung argued that the performance of the existing intelligence agency was sluggish because it was not able to anticipate riots. He further said that if there was an anticipation from intelligence officials, the riots could be anticipated and there would be fewer casualties. In contrast, former Chief of Staff of the Indonesian Army, Rudini insinuated three possible factors behind the recent widespread riots. First, the intelligence personnel lacked discipline. Second, the intelligence played a role in the riots and, third, international intelligence agencies played a role in the riots (Panji Masyarakat 9 February 2000). A seasoned politician like Akbar Tandjung did not want to create complex speculation beyond blaming intelligence's slow response, but military people like Rudini tried to create a more complicated discourse that involved opening a discussion of possible foreign intelligence intervention in the spread of riots in Indonesia. These types of discourse, however, led to the same conclusion regarding intelligence; it needed reform.

Defending the performance of intelligence during the riots, the intelligence assistant to the Chief of General Staff Yoost F. Mengko explained that the causes of said riots were very complex and could include a hungry stomach (poverty), disappointment, resentment, and lack of law enforcement. He hoped that the public were not too worried about domestic intelligence and did not think too highly of foreign intelligence. He also

emphasised that intelligence should work with all its strength and weaknesses. While in a more apologetic tone, the Chief of BAKIN, Arie Kumaat admitted that intelligence activities were not yet optimal. However, he stressed that the intelligence apparatus had worked with all their tactical capabilities and intelligence strategies. He further made an excuse by saying that it was a shame that those capabilities were not supported by personnel capabilities and sufficient intelligence budget and legal basis to take action (Panji Masyarakat 9 February 2000). Arie Kumaat's statement about the legal basis for intelligence to take action may have had contrasting meanings. Intelligence needs a legal basis for its operations to be successful, but the public represented by politicians, activists and academics considered the legal basis necessary not only to improve intelligence but also to control intelligence activities.

Similar to Arie Kumaat, former Head of the High Command (Komando Tinggi or KOTI), former Director of Military Police, personal assistant of Soeharto, and founding fathers of Bakin, MajGen (Ret) Soenarso said that Indonesia's intelligence work lacked focus and was very unsatisfactory. To improve this condition required a much larger budget because good intelligence needed to be supported with sophisticated equipment. Unfortunately, the government doesn't have enough money to meet that need now, he argued (Tempo, February 13, 2000). This simple equating of a higher budget leading to improved intelligence was not in line with the spirit of intelligence reform from civil society groups and academics, both of which saw the problem of intelligence more in terms of behaviour, activities, and professionalism. According to Al-Araf, the budget issue should not constrain the process of intelligence reform. He further said that if intelligence organisations were able to show serious efforts at reform, the public would then support budget increases for intelligence (Interview 16 December 2016).

The prominent Indonesian military observer, Salim Said, indicated that to improve intelligence is not easy because the two-existing intelligence agencies, Strategic Intelligence Agency (Bais) and State Intelligence Coordinating Agency (Bakin) were overlapping (Panji Masyarakat 9 February 2000). The unclear division of intelligence roles and responsibilities which Salim Said highlighted is well known among Indonesian intelligence practitioners. There had been competition for control over Bakin and Bais since the 1980s. A retired high ranking intelligence officer from Bakin, for example, mentioned the problem of the gradual process of weakening Bakin from 1980s to 1990s by reducing Bakin's function to one of merely coordinating national intelligence (Interview with former intelligence officer 2017). In the context of technical intelligence, Conboy illustrated the role of the CIA in giving training and intelligence devices to a team in Bais which made Bais superior to Bakin in surveillance and intercepting communications (Interview with Conboy 2016).

Following several terror attacks in Jakarta like the bombing of the Philippines Ambassador's house (Kompas 2 August 2000) on 1 August 2000, Malaysia's Embassy compound on 27 August 2000 (Reuters 28 August 2000), and the Jakarta Stock Exchange (BEJ) bombing on 13 September 2000 (hukumonline 13 September 2000), discourse on intelligence concentrated on the problem of weak intelligence detection and prevention of threats to national security. Following the BEJ bombing, intelligence was an easy scapegoat because its main function was to detect potential strategic surprise. Attacks on two foreign embassies and the economic centre in Jakarta have created further pressure for intelligence.

Responding to the Jakarta Stock Exchange bombing and other unsolved bombing cases, President Wahid demanded intelligence increase its capability to detect all potential threats to security. While political observer from the Center for Strategic and

International Studies (CSIS), J. Kristiadi believed: “Bakin’s analysis is outdated and Bais confused because of the transitional period. Furthermore, the condition of intelligence is pathetic due to its lack of analytical skill because intelligence means smart and not fury”. He suggested that intelligence must be controlled by the people through the House of Representatives (Kompas 18 September 2000).

Responding to the notion of weak intelligence, military observer, M.T. Arifin suggested reorganisation of intelligence including its mechanism of work. He also proposed cooperation among intelligence agencies in the short term. In the longer term, he suggested, the concept of intelligence should be redefined clearly, starting with a well-defined conception of military and police roles (Kompas 19 September 2000). This view shows the weak intelligence case as part of the civil-military relations problem. During the process of reform, there was a vacuum for intelligence operations as BAIS operations were held back due to uncertainties in the law and that BAKIN lacked the capability to conduct proper intelligence operations. To support this analysis, Akbar Tandjung underlined that BAKIN neither had as much operational function as BAIS nor judicial intelligence like the police. In the end, though, every piece of information should be combined into intelligence material which is then processed and reported to the President (Kompas 23 October 2000).

To overcome the weaknesses of intelligence, on 18 October 2000, Minister of Defense, Machfud MD announced his plan to create a new intelligence agency under the Department of Defense. The *raison d'être* for the new intelligence agency, beside the weaknesses of intelligence, was the dissatisfaction of President Wahid with intelligence reports (Kompas 19 October 2000; Suara Pembaruan 19 October 2000). This plan generated debate among intelligence, politicians, and civil society on where intelligence would go. Although Machfud guaranteed that the new intelligence body would not be

for the interests of President Wahid, it was obvious that his idea would result in full control of the new intelligence body. Makarim confirmed the lack of trust by President Wahid in all intelligence agencies because of the continuous conflicts, terror attacks, and protests against President Wahid (Interview with Makarim 2016). Despite the good intention to strengthen intelligence, Machfud's idea for the new intelligence body to some extent displays an attempt to politicise intelligence to further his power and position.

Machfud's idea of creating a new intelligence body within the Department of Defense was blocked by the Speaker of the House of Representatives, Akbar Tandjung. Akbar suggested the government withdraw its intention to create a new intelligence institution because the existing intelligence agencies were adequate and only needed an optimisation of their quality (Kompas 23 October 2000). Both contesting narratives on the creation of new intelligence body used the same reason to strengthen intelligence, however the real reason may have involved political interests in having access to good and reliable intelligence.

Military observer, Kusnanto Anggoro also suggested the cancelation of the idea to create a new intelligence body because the most important thing was not to create a new organisation but how to reorganise, restructure, and reposition the existing intelligence agencies in Indonesia. In a more diplomatic way, Coordinating Minister for Politics, Social, and Security (Menkopolsoskam) Susilo Bambang Yudhoyono asserted that Bakin would continue to exist with further development and restructuring, while the idea of a new intelligence body under the Department of Defense was undergoing further discussion (Kompas 20 October 2000).

The discourse of weak intelligence further developed into the question how to overcome it. For example, head of the Lestari Hijau Foundation, K. Zaedan argued that

state needs a strong intelligence and he suggested 4 steps to achieve it. First, the creation of the State Security Act which specifically concerns the state intelligence agency. Currently, he argued, the foundation for the establishment of the Bakin is only a Presidential Decree. Second, without having to wait for the establishment of state intelligence agencies based on the Act, Bakin needs to improve and refine the recruitment and education system of intelligence to produce high skilled agents. Third, military intelligence should be returned to its function; it must be able support combat unit tasks and military operations and should be forbidden from engaging in operations outside the sphere of defence. Finally, during the transitional period, while Bakin's educational institution is under development , the new state intelligence services should be able to recruit agents from military intelligence (Kompas 3 October 2000).

Responding to the discourse on intelligence reform, former Director of Bais, Rear Admiral (Ret.) Aa Kustia stated his opinion that those discussing the future of intelligence in Indonesia may not be well-informed. He divided the discourse into four types: “(1) discourse driven by emotion without understanding and reference; (2) discourse based on the outer skin of intelligence knowledge; (3) discourse by those who pretending to know intelligence; and (4) discourse by those who really know the complexity of intelligence”. Kustia argued that the most important thing for intelligence was its revitalisation, re-functionalisation, and restructuring, not adding a new intelligence body (Kompas 18 November 2000).

On 30 October 2000, after a closed meeting with his counterpart, the Commission I of the House of Representatives, the Chief of Bakin, Arie Kumaat gave a statement to the press that Bakin needed to be restructured to create a capable and effective state intelligence agency. He also explained that intelligence needed sufficient budget and so requested an increase in the intelligence budget (Kompas 31 October 2000).

Restructuring the intelligence organisation was the easiest way to respond to the significant demands for intelligence reform and reduce pressure on intelligence. From a practical perspective, it can be understood that the Chief of Bakin didn't take ambitious efforts to propose intelligence bill for intelligence reform by restructuring the whole national intelligence system. The development of intelligence reform discourse is gradually found its base to move forward from many different angles within the Indonesian society.

On 23 November 2000, President Wahid signed the first legal formal change of Indonesian intelligence based on Presidential Decree number 166 of 2000 concerning the Position, Task, Function, Authority, Organizational Structure, and Work Management of Non-Departmental Government Agencies (Keppres 166, 2000). There were at least three significant changes: renaming Bakin to become BIN; the creation of a national intelligence system; and the protection of the nation's leaders. Since the presidential decree covered all 24 non-departmental institutions of which intelligence was just one, the articles on intelligence are limited and general.

Some scholars have viewed the November 2000 intelligence reforms as being of limited significance: for example, arguing that the change was just a transition or separation from the past (Mengko, 2016); that there has not been enough time for a comprehensive intelligence reform (Wirawan, 2005); and pointing to the domination of the military and weak coordination of intelligence (Widjajanto ed., 2005). Widjajanto et.al (2006) even argued that although President Wahid wanted to use intelligence to support his presidency, he had no strong control over Intelligence. He also suspected that President Wahid was defeated by an operation by some internal faction within intelligence (Bakin). Unfortunately, this analysis was not supported by relevant

references. In contrast, a former member of BIN mentioned the creation of a task force to support President Wahid (interview with Anonymous E, 2016).

Three weeks after the introduction of Presidential Decree no.166, on 15 December 2000 President Wahid passed two decrees no.173 and 178 of 2000 on the organisational structure of non-departmental government institutions (Keppres 173, 178, 2000). According to presidential decree no. 173, BIN in the implementation of its duties is not coordinated by another Minister. While the decree no. 178 set out the new organisational structure of BIN, which consisted of Chief of BIN, Vice Chief of BIN, Principal Secretariat, Deputy for Foreign Affairs, Deputy for Domestic Affairs, Deputy for Analysis, Deputy for Security, and Deputy for Conditioning. The translation of two deputies has different interpretations in English. The term *Deputi Pengamanan* (Deputy for Security) can be translated into Deputy for Counter Intelligence (Tanter, 1990; Sebastian, 2006), but this translation may lead to misunderstanding because of the actual role of Deputy for Security is securing the state in general intelligence terms, including countering foreign intelligence and domestic threats (Keppres 178, 2000).

Former Deputy Chief of Bakin, Irawan Soekarno interpreted *Deputi Penggalangan* to English as Deputy for Conditioning, which is similar to US model of covert action, Russian active measures, or Western political action (Soekarno 2011, pp. 97). Similarly, Australian scholar Richard Tanter translated *Deputi Penggalangan* as Deputy for Supportive Operations or, more appropriately, covert action (Tanter 1990, 260). In the context of the Indonesian language (*Bahasa Indonesia*) I believe the term *pengamanan* (security) has a very broad meaning of securing the state from foreign and domestic threats. Equally the term *penggalangan* (conditioning) includes all operations to secretly influence enemies and opponents of the state, both foreign and domestic.

The most significant organisational change to come from presidential decree no. 178 was the creation of a Deputy for Security and a Deputy for Conditioning and the renaming of the Deputy for Administration into Principal Secretariat (Keppres 178, 2000). This new structure represented an enlargement of BIN and can be seen as a response to the demand for reform, especially from the perspective of effectiveness. The Chief of BIN at that time, Arie Kumaat, openly said to the public that the capabilities of BIN were low both in the context of personnel and budget (Panji Masyarakat, 2000).

At the same time as the reform of intelligence was underway, on Christmas Eve 2000, coordinated bomb attacks occurred against 38 Christian institutions in 11 cities in which 19 people were killed and around 120 wounded (ICG, 2002, p. 5). Although the level of destruction was limited and some of the bombs were successfully deactivated by the police, the impact of the Christmas Eve terrorist attacks on the discourse of intelligence reform was significant. There were at least two direct impacts on the intelligence reform narratives: first, the importance of increasing intelligence capability in order to detect and prevent terror attacks; and second, a warning of the possibility of the use of terrorism as an issue to justify the return of military rule.

In the aftermath of the bomb attacks, Defense Minister Mahfud MD stated he had a plan to reform intelligence (Jakarta Post 29.12.2000), but this statement was simply a repetition of his October 2000 plan to create a new intelligence agency under the Department of Defense. The discourse on intelligence reform lingered around the creation of a new intelligence unit.

Finally, Mahfud plan was somehow diverted into a new directorate general within the Ministry of Defense named Directorate General of Defense Strategy under the Department of Defense based on Minister of Defense decree number: Kep/19/M/XII/2000 on 29 December 2000. I believe the new directorate general was not

in line with Mahfud plan because it was not an intelligence body but more of a strategic think tank. In an interview, Major General Sudrajat as the candidate for Director General for Defence Strategy denied the obsession of the Minister of Defence to coordinate intelligence. He further explained that the new body as stated in its name was for defence strategy or in other words to give advice to the Minister of Defence for defence policies (Sudrajat, 2001). His answer reduced suspicious among those opposed to President Wahid that the Minister of Defence wanted to control intelligence.

It is not clear whether the notion of defence strategy was meant specifically in the context of defence against foreign intervention or also included domestic threats against the government. It is worth noting that the Minister of Defense, Mahfud M.D clearly stated his intention in creating the new body was to provide the government with secure and reliable sources of information (Mahfud, 2001). Mahfud's explanation of the purpose of the new body within the Department of Defense can be interpreted as meaning that President Wahid didn't receive credible information from intelligence and the military at this time.

On 27 March 2001, President Wahid signed two Presidential Decrees, No. 42 and 43 of 2001 (Keppres 42 dan 43 Tahun 2001), that once again changed the organisational structure of BIN. Five additional senior advisers to the Chief of BIN were added who were specialists in domestic politics, foreign affairs, economy, social and culture, and security. The previous structure only accommodated four senior advisers, so this change slightly enlarged BIN. Despite its concrete and direct impact on the progress of intelligence reform, public discussion of these gradual changes to intelligence was rare. From the perspective of civil society, intelligence reform needed to move beyond structural reform to change the culture and character of intelligence from one of militaristic intelligence into civilian intelligence (Al Araf, 2016).

The political reform provided a solid foundation for all subsequent departmental reform, including SSR. However, the conflict of interests among politicians, the military and civil society slowed the process of SSR. Regime change from Wahid to Megawati also contributed to the ups and downs of civilian control over the military and intelligence reform. This wave of intelligence reform discourse was shadowed by the chaotic security situation which would continue into the period of the Megawati administration after July 2001.

Discourse on militarism was starting to decrease, but the military still had some power within the government as intelligence and intelligence reform then was of somewhat limited significance as the military had domination in general. The drafting of the intelligence law was a recommendation by the May Riots Fact-Finding Team, which was reminded again during the Wahid administration due to the lack of control over the military intelligence system. Because of this lack of control, many cases of human rights violations could not be investigated due to the disappearance of evidence concerning the conduct of military intelligence, meaning that the military would not be held accountable for the human rights violations during the New Order, which inhibited transparency. This recommendation was further recommended by Komnas HAM after human rights violations during the referendum in East Timor.

The problem of transparency, though, would not be prioritised as much during the Wahid Administration as the intelligence and the military were undergoing changes which preferred the improvement of their effectiveness and professionalism, hence more discourse regarding militarism and politicisation. Nevertheless, the only instance which was related to the transparency of the intelligence was regarding the aforementioned inability to investigate the human rights violations from the period of the New Order as explained previously.

4. 3. The Megawati Administration: The Expansion of Intelligence (2001 – 2004)

Megawati Sukarnoputri was elected on 24 July 2001 by Indonesia's Parliament as the fifth president of the Republic of Indonesia to succeed Abdurrahman Wahid. During her presidency, the amount of public discussion on intelligence reform increased considerably. This was not only because of pressure from civil society but also because of the strategy of intelligence to secure its bureaucratic interest. For example, BIN under the leadership of former general Abdullah Mahmud Hendropriyono actively monitored all public discussion of intelligence reform and successfully used the public forum to propose greater powers and resources for intelligence. By accepting the idea of intelligence reform, BIN could not only continue its function as the coordinator of Indonesian intelligence, but also secure a much larger operational function supported by a higher budget (Anonymous F, 2016).

From the perspective of civil society groups, pressuring the government and politicians to reform intelligence was part of the mandate to transition from authoritarian rule to democracy. It is a combination of reconstructing the whole government system in the security sector and an idealism rooted in the basic democratic tradition of transparency (Makarim, 2016). The tension that arises between secret intelligence secrecy and democratic ideals occurs in every democratic country. For Indonesia, it was necessary to reach an agreement as to where intelligence would go from its reform.

On 13 September 2001, President Megawati signed Presidential Decree No. 103 of 2001 that represented no significant change as it largely repeated Abdurrahman Wahid's decree no. 166 of 2000 concerning the regulation of national intelligence system and intelligence support to the protection of national leaders (President and Vice President). She also endorsed Presidential Decree No. 110 of 2001 on 10 October 2001, which formally inserted the position of Vice Chief of BIN in the organisational structure.

In previous presidential decrees, no 42 and 43, the position of Vice Chief of BIN was optional. In the context of the progress of intelligence reform, the repetition of presidential decree shows lack of strategy as what kind of intelligence Indonesia wanted to achieve in the future. It may also show the internal sluggishness of change because of different opinions among intelligence practitioners during the early period of the Megawati administration.

An intelligence agency and its people are valuable source of information on discourse of intelligence reform. However, either active or former intelligence official may have different opinion on intelligence reform and how they look at themselves. For example, former Bakin director, AC Manullang alleged the vision and mission of the people in BIN was no longer clear. Whether they want to serve the Republic of Indonesia or to serve the ruling regime instead (Manullang, 2002). As a former director of Bakin, Manullang's question of to whom intelligence committed their services shows a possible existing of politicising of intelligence.

Former head of BIN (2001-2004), AM Hendropriyono insisted that Bakin was ineffective because it has only a coordinating role, and the head of Bakin did not have an official chain of command (Hendropriyono, 2002). According to a former BIN member, Hendropriyono was frustrated with the very weak operational capability of Bakin, so he made BIN more operational without dismissing its coordinating function (Anonymous I, 2016). Hendropriyono's strong military background may have influenced his ambition to create a more capable tactical intelligence operation for BIN. Under his leadership, BIN transformed itself with several focuses, such as counter terrorism, counter espionage, creation regional intelligence offices (BINDA), more active international intelligence cooperation, and also the creation of an intelligence school for young intelligence recruits (Anonymous G, 2017; Forum Keadilan 27/10/2002).

The horrific Bali bombings on 12 October 2002 accelerated the speed of intelligence reform in the context increasing intelligence capabilities to counter terrorist threats. Six days after the Bali Bombings, the Megawati administration issued Interim Law no. 1 and 2 of 2002 on counter terrorism. These Interim Laws allowed the use of all intelligence information for investigators to get early evidence and international cooperation for intelligence, police and other technical cooperation (Perpu no. 1 dan 2, 2002). At this point, BIN as the highest intelligence body was blamed for its failure and weakness for not being able to prevent the bombings and public discussion was divided. Despite critics of intelligence failure including Vice President Hamzah Haz and Minister of Defense Matori Abdul Djalil, the Chief of BIN, Hendropriyono confidently refuted allegations of intelligence failure over the Bali Bombings. He explained that BIN had early information about Bali bombing plan ten months before and had warned the government in 2001 about the possibility of a terrorist attack in Indonesia (Hendropriyono, Liputan 6, 2002). Despite BIN's efforts to collect important information regarding the existence of terrorist group in Indonesia, the low level of trust eclipsed the performance of BIN.

Indonesian Vice President Hamzah Haz, who was the leader of one of the largest Islamic Party (United Development Party – PPP), can be seen as a representative of common views held by Indonesian Muslim on the terrorism issue. For example, he viewed the US response to the 9/11 attacks as an attempt by the United States to discredit the Islamic world, “the attacks will hopefully cleanse America of its sin” (Sukma 2003, pp.18). His critical view on intelligence failure regarding the Bali bombings is smudged by his denial of the existence of any terrorist group in Indonesia. Hamzah Haz finally acknowledged the existence of a terrorist group in Indonesia two days after the Bali bombings, on 14 October 2002, with his statement that the Bali bombings were an act of

terror. He also admitted that the terrorist group had long existed in Indonesia but said that its relationship with Islamic radical groups had yet to be proven (Kompas 15/10 2002).

Greg Fealy (2002) questioned the Chief of BIN's intelligence warning in mid-December 2001 about a potential terrorist attack and the involvement of foreign citizens in a terrorist training camp in Poso, Sulawesi. Fealy said: "a close look at evidence suggests, however, that the terrorist threat has been overstated that foreign officials and the media have been alarmist in their claims. The emphatic anti-terrorism policy pursued by the US and some of its allies towards Indonesia is misguided". Before the Bali bombings Fealy's doubts were shared by many parties inside Indonesia like the local Poso authorities (Fealy 2002; Karnavian 2008).

From the fact that Hendropriyono's warning was not taken seriously by the government leading it to take necessary measures, BIN was not seen as a credible intelligence institution at that time. Even after the evidence of a video recording of a terrorist training camp in Poso was seized at the Jakarta home of a freelance German-Egyptian photojournalist, Reda Seyam (ICG 2004, p. 12; Karnavian 2008) and Bali bombings incident happened, some political activists were still suspicious of BIN. For example, the Chairman of the People's Democratic Party, Haris Rusli, insinuated that there was a potential abuse of power by the state in the name of the war on terror and that Indonesian intelligence seemed to be contaminated with CIA interests (Rusli, Kompas 2002). It should be noted that there were at least two contrasting views that created confusion and debate around the question of who perpetrated the Bali bombings: the US or a terrorist group. A conspiracy theory that saw the US or CIA as being behind the bombing was popular among Indonesian Muslims, for whom it was hard to believe that there was a strong home-grown terrorist group.

Another sample of distrust towards Indonesian security institutions, either police force or intelligence agencies, came from human rights activist, Munir Said Thalib, known as Munir. He said that the demand for the creation of an international independent investigation was logical because without independent investigation, responsibility for the Bali bombings would be directed at Islamic radical groups. He also added that even if fundamentalist figures later proved to be involved in the bombing, they must be willing to surrender openly the figures corrupted Islam with violence (Kompas, 2002).

In the context of terrorism and counter terrorism, the rhetoric of terrorism as a real threat against the state and its people was dominant over conspiracy theories that saw terrorism as an engineered discourse by intelligence or other security agencies. I would argue that start from the Bali bombings case and the disclosure of terrorist group of Jema'ah Islamiyah, both Indonesian intelligence and police are gradually improved their image and cemented higher trust from politicians and the people. It was not an easy task to prove to Indonesian society that intelligence has changed a lot and was now more capable of securing the state and supplying information to prevent catastrophic attack or strategic surprise. The counter-terrorism discourse represented an opportunity for intelligence to secure support from the government, including via an increased budget.

The transition of Indonesia's political system into a fully democratic system, the civil society movement demanding intelligence reform, the Bali terrorist attacks, and the ambition of intelligence to prove itself merged into one big narrative; how intelligence should tackle threats to Indonesia's national security. Improving the effectiveness of intelligence was seen as the direct answer to the terrorist threat. In this context, the rhetoric of intelligence reform as equating to improvement in intelligence efficacy and the Bali bombings marked the beginning of a gradual change of focus in the intelligence

reform debate towards enlargement and increasing the capabilities of BIN, and the effective coordination of all intelligence agencies.

To strengthen national intelligence coordination, Coordinating Political, Legal and Security Affairs Minister (2001-2004), Susilo Bambang Yudhoyono said that State Intelligence Agency (BIN) Chief AM Hendropriyono was appointed to coordinate all intelligence activities in Indonesia, from Bais, the military (TNI), intelligence and security (Baintelkam) of the National Police of the Republic of Indonesia (Polri), to the judiciary intelligence. He further added that although they are under the coordination of the BIN chief, every operational activity of each intelligence agency was still the responsibility of their respective commander (Yudhoyono, 2002). For Hendropriyono, the role of coordinating all intelligence agencies was important, but it was most important that the highest intelligence organisation, BIN, should have the strongest operational capability (Anonymous C, 2016).

The role to coordinate all intelligence agencies is set forth in the Instruction of the President of the Republic of Indonesia number 5 of 2002 (*Inpres No.5 Tahun 2002*). In short, the purpose of this presidential instruction was to give a mandate to the Chief of BIN to coordinate all intelligence operations and construct an efficient and effective national intelligence community. Although in essence, the coordination of all intelligence had been a long responsibility of Bakin since the New Order era, renaming Bakin as BIN in 2000 required an additional law to assure BIN leadership in coordinating other intelligence bodies.

The discourses of intelligence reform in the aftermath of the Bali bombing were focused on the improvement of intelligence. Presidential decree number 5 of 2002, issued ten days after the Bali bombing and only four days after the Anti-Terrorism Interim Laws 1/2002 and 2/2002, was part of the government's direct response to the terrorist threat.

During the discussion on the Bali bombing in the cabinet meeting on 14 October 2002, the Commander of the Indonesian Armed Forces, General Endriartono Sutarto, proposed a coordination mechanism among intelligence agencies as part of an integrated government effort in combating terrorism (Kompas, 15/10/2002).

A key impact of the Bali bombing as the culmination of a series of terror attacks that occurred since 1998 was to lead to political approval for intelligence to strengthen its operational capabilities. However, the confusion about the perpetrators of the terror attacks somehow made politicians and activists hesitate to fully support intelligence improvement. Mutual suspicion between the security apparatus and Non-Government Organisations (NGOs) about the perpetrators also contributed to the competing discourse of intelligence reform. The list of suspects from the security apparatus can be divided into three categories. First, Islamic hard-line groups such as AMIN (*Angkatan Mujahiddin Islam Nusantara*), NII (Negara Islam Indonesia – Indonesian Islamic State), and Laskar Jihad. Second, separatist groups like GAM (Gerakan Aceh Merdeka - Free Aceh Movement) and RMS (the Republic of South Moluccas), and third leftist movement like PRD (People Democratic Party) and its affiliate. In contrast, as reported in a Joint Press Conference on the Terror Bombing, 91 NGOs gave their press release mentioning they were more suspicious of various military elements and New Order as the major players (perpetrators). The reasons for their suspicion was that not everyone could get hold of bombs. From all the groups mentioned by the security apparatus, it was the military which had access to explosive materials (Forum Keadilan, 27/10/2002). Despite the differing views on the perpetrators of the terror attack, the impact of terrorism on intelligence reform was huge in the context of the discourse on the effectiveness of intelligence. There was no doubt that a country that had high level terrorist threat like Indonesia needed strong intelligence.

Several critical views concerning the improvement of intelligence in countering terrorism in Indonesia can be seen from the many perspectives. The keys of these critics are the importance of law enforcement (Kompas, 28/10/2002), the balance between counter-terrorism and the protection of human rights (Hamid, 2005), the necessity of international intelligence cooperation to support counter-terrorism (Prasetyono, Kompas 2002; Silaen 2005), and the expansion of intelligence in the name of counter-terrorism (imparsial 2010). However, due to the gravity of the terrorist threat, critical voices towards intelligence were minor. Further development of intelligence agencies, especially BIN, show the significance of counterterrorism in the efforts of improving intelligence.

A further expansion of BIN occurred in 2003 via the introduction of presidential decree no. 62 of 2003 by the creation of Deputy for Inter-Institutional and Inter-Regional Relations and Deputy for Intelligence Technology (Keppres 62, 2003). In total, BIN now had seven deputies that required more human resources to fill the structure under them. However, this kind of intelligence reform did not address other demands such as those around the question of the politicisation of intelligence, militarism, transparency and human rights.

It is very difficult to measure the implication of the expansion of BIN in the context of effectiveness because terror attacks continued to occur. Without proper research on organisational change and intelligence operation management, analysis on the expansion of BIN will be limited to some assumptions only. However, within the context of contesting discourses on intelligence reform, I believe that the effectiveness of intelligence in countering national threats especially terrorism dominated other discourses. Whatever the results of BIN's expansion post-Bali, the way forward for intelligence reform focused on the improvement of intelligence.

In a more general context of SSR, worries of the comeback of militarism grew among civil society. They highlighted the tendency of conservatism in several draft bills such as draft bill on Indonesian military, anti-terrorism, intelligence, and reserve components of the armed forces. In the context of national politics, the military had a stronger political position than during the late New Order era. Chandra and Kammen (2002, pp. 127-128) argued: “the military derives important political power from its role as a defender of property rights in the far-flung islands of the archipelago; elites therefore continue to seek the support of TNI, paradoxically ensuring that the military retains its central role in politics precisely at a time when segments of civil society are calling for civilian supremacy and demilitarisation.” This argument is logical, but the main reason is far deeper than that. In the past the military was the main instrument of the authoritarian government, while the military became the guardian of the government during the reform era. The government, though, needs to understand what the military wants in order to maintain their central role as a stabilisation guarantor.

In the context of policy and its implementation, the Presidential Decree no 28/2003 that implemented martial law in Aceh gave the military an opportunity to formally execute military operations in Aceh similar to the policy of designating Aceh as area of military operation from 1989 to 1998. Human Rights Watch (HRW 2003) criticised the imposition of martial law in Aceh as a violation of Human Rights and Humanitarian Law, while Kontras emphasised that martial law added new problems, including human rights violations, and the impact on the economic and social conditions of the population of Aceh (Kontras 2006). It was inevitable that intelligence would be involved in the implementation of martial law in Aceh because the Chief of BIN was also a member of the Daily Executive Board that supported the President (Keppres 28/2003).

BIN sent Acehese agents and many new recruits for intelligence gathering in Aceh (Anonymous H 2017).

Less than a year after the Bali bombing, on 5 August 2003, a suicide bomber detonated a car bomb outside the lobby of the JW Marriot hotel in Jakarta, killing at least 10 people and injuring nearly 150 (Bradsher, NYT 5/8/2003). This terror attack increased pressure on the government institutions responsible for security, including intelligence. The response from Defense Minister Matori Abdul Djalil, TNI Commander Endriartono Sutarto, BIN Chief Hendropriyono and Home Affairs Minister hari Sabarno was that Indonesia needed an Internal Security Act (ISA) similar to that of Malaysia and Singapore (Sebastian 2006, pp.154). This view strengthened suspicions about a reinstatement of the military's role in handling internal security matters, as in the era of the New Order.

Security challenges that came from terrorism, separatism, and communal conflicts in Indonesia tended to reduce citizens' trust in government institutions, especially the military, police and intelligence. To answer such challenges, especially in counterterrorism, intelligence response simply requires further support from the government. In other words, intelligence needs a legal basis to support its activities. Since the Bali bombing, BIN as the highest intelligence agency and coordinator of all intelligence bodies, took gradual steps towards the creation of a state intelligence bill to legalise and so legitimise its desired picture of what intelligence should be. From the beginning of the Megawati Administration, chief of BIN Hendropriyono continued the intelligence reform plan initially devised by the previous leaders of BIN, emphasising the central importance of intelligence's operational effectiveness. He also carefully constructed a three-prong gradual approach to the intelligence bill, borrowing from the

methods of the Indonesian police when they pushed the Police bill through the parliament (Anonymous E 2017).

The three ways to support the intelligence bill were secretly utilising academic research on intelligence reform, encouraging critics from civil society, and preparing a draft bill, which was done by the law bureau and a special team within BIN. In utilising academic research and encouraging critics from civil society, BIN could be seen as being on the defensive and as if it was against the demand for intelligence reform. This situation heightened when an open public debate on intelligence reform began, which was actually filled with a combination of genuine and artificial points directed to create a conducive political support on intelligence reform from all political parties in the parliament.

On the preparation of the intelligence bill, the law bureau of BIN wrote the initial draft and then it was discussed internally and was leaked by a personal contact of a BIN official to provoke civil society and academics to create their version. The intentional leaking of the intelligence bill proved successful in attracting reactions, especially from academics and civil society, which was supported financially by foreign donors. There was a debate within BIN when some foreign institutions like USAID, the British DFID (Department for International Development) and the Friedrich Ebert Stiftung (FES) from Germany showed interest in funding research on SSR, including intelligence reform in Indonesia. Several other foundations were also detected by BIN but for the benefit of collecting information and ideas without paying, BIN practically did nothing against international collaboration in intelligence reform research in Indonesia (Anonymous G 2017).

Some high ranking BIN officials close to Hendropriyono proposed recruiting some academics and think tanks to support BIN's preferred version of the intelligence bill, while others saw an opportunity to let the dynamic of intelligence reform developed

in a more natural way of debate based on common interests to improve intelligence in countering terrorism and other strategic threats. Both ideas were united in one goal; to secure BIN's preferred version of the draft bill (Anonymous F 2017). Coincidentally, in 2002, a new think tank, Pacivis was established by the Dean of Social and Political Sciences Faculty Decree No. 15/2002 (Pusat Riset UI, no date). Pacivis, which had three research divisions focused on SSR, NGO Building Capacity, and Transnational Society and from 2005 started to contribute to the state intelligence reform process (Ardhanariswari 2008) and became the most active think tank producing research on intelligence reform.

Although Pacivis started to produce comprehensive research on intelligence reform discourses from 2005, actually the initial process was already taking place earlier. According to a BIN source, the Chief of BIN, Hendropriyono and several high-ranking BIN officials had a special relationship with Andi Widjajanto, the Executive Director of Pacivis (Anonymous G 2017). Based on that, it was not a surprise that BIN was quite comfortable with Pacivis' activities regarding intelligence reform in 2003-2004. The relations between Pacivis and BIN were always based on personal relations and not formal institutional relations. This can explain why a Pacivis-led Working Group on State Intelligence Reform (WG SIR) had less influence in the actual drafting of the intelligence bill than the ProPatria Working Group (known also as Working Group on Security Sector Reform or WG SSR) had in the drafting of the Armed Forces bill. On the contrary, Pacivis tried to draft its version of the intelligence bill (Widjajanto 2008) as an alternative to BIN's intelligence bill. The influence of the WG SIR on the intelligence bill may not have been directly in the process of actual drafting, but WG SIR produced numerous references, including their version of the intelligence bill that BIN could consider.

From 2001 and the advent of the US war on terror, the emphasis of international support from the US and its allies for democracy promotion in Indonesia shifted from democratic governance to preventing Islamic terrorism. Furthermore, from 2004 international donors shifted their support away from CSOs and in favour of national institutions (Scarpello 2014, pp. 141-142). With regard to the success of SSR programmes in Indonesia, all SSR CSOs concentrated on military and police reform. To some extent, they did touch intelligence reform as part of SSR but not strongly enough to bring about rapid change. Quoting a statement from Ikrar Nusa Bhakti, Makarim said that it was too difficult to begin again the SSR programme focusing on intelligence reform, especially without the kind of budget provided in the period from 1998-2004 (Makarim 2016).

BIN did not feel an extreme urgency to reform the whole organisation and national intelligence system, including by taking forward the intelligence bill. Many senior intelligence practitioners, both military and civilian, shared Soleman Ponto's view that intelligence was just a tool that did not need rigid regulation via an intelligence act. The most important aspects of intelligence for Ponto and many others were professionalism and clear direction from the user of intelligence. He also mentioned that the intelligence act not only limited intelligence operations but also weakened the mentality of intelligence operatives in conducting their job, and that is a human hacking (Ponto 2016). However, BIN needed to secure more financial support and change some part of its structure to answer the terrorist threat problem, for example by strengthening the counter-terrorism unit and improving the territorial intelligence unit of BIN. In other words, reform for intelligence meant only one thing: improvement of its operational capacity supported by an increase in budget.

The formalisation of BIN territorial unit on 30 January 2004 based on Presidential Decree No. 9 of 2004 was a success story of convincing the government to grant BIN's request while waiting for the intelligence bill. The intelligence territorial unit was actually an expansion of the existing regional intelligence unit in all provinces of Indonesia. It was not a new structure because as the predecessor of BAKIN, BIN inherited the old small regional intelligence unit from BAKIN. Presidential decree No.19/1981 only mentioned in general that BAKIN has the authority to create information gathering units inside and outside Indonesia (Keppres 19/1981).

The domestic intelligence gathering unit was named regional post (*pos daerah or posda*), which later became territorial post (*pos wilayah or poswil*) and is now called *BIN daerah* or BINDA (Keppres 19/1981; Keppres 9/2004; UU Intellijen 17/2011). The expansion of the BIN regional unit was meant to cover information gathering of every single threat that appeared within the territory of Indonesia, including the remote areas. However, if this expansion was not carefully explained it could attract strong objections from the parliament and the people in general. Intelligence was fully aware of the past traumatic experience of the Indonesian people, especially activists who had opposed the government in the New Order era. Without the terrorist threat reason, intelligence might not have a chance to reform itself in accordance to its needs of improvement. Way forward accommodating BIN expansion within the presidential decree No. 9 of 2004 has outwitted all civil societies efforts to reform intelligence because presidential decree doesn't need approval from the parliament. It can be seen as a gradual step to support further enlargement of power of BIN.

In the context of competing discourses, BIN's effort to improve its performance by structural expansion including its human resource was challenged by civil society groups. These challenges included suspicions about both BIN as an institution and

Hendropriyono, in terms of his personal ambition. For example, two weeks before the enactment of the Presidential decree No. 9 of 2004, Imparsial advised President Megawati to explain to the public the reason behind her plan to expand BIN . Program Director of Imparsial, Rachland Nashidik worried that the function and operation of BIN's regional intelligence unit overlapped with the police. Furthermore, he also questioned President Megawati's ability not only giving command to BIN but also control and correct it if there is a power abuse by BIN in the future (Nashidik 2004). In the same tone, Executive Director of Institute for Policy Research and Advocacy (ELSAM), Ifdal Kasim expressed his concern that the expansion of BIN into the regions would repeat the past mistake of mixing executives with intelligence. The expansion of BIN offices in the regions could be seen as an excessive measure that signified that the agency wanted judicial authority (Kasim 2004).

An activist from the Indonesian Institute for Strategic and Defence Studies (LESPERSSI), Rizal Darmaputra, criticised Hendropriyono by revealing a rumour that Hendropriyono was secretly eyeing the presidency. By building intelligence network, Hendropriyono might hope that it could be used as his asset (Sabili 13/2/2004). It should be noted that Sabili was founded initially as a magazine focusing on *dakwah* (Islamic propagation) and it has five main topics namely: apostasy, Christianisation, deviant sect, liberal Islam, and international Islamic issues such as the Israeli-Palestinian conflict (Steele 2018). Regarding the expansion of BIN, Sabili produced a special report consisting of eight articles on BIN and Hendropriyono. Besides Rizal Darmaputra, several prominent figures were interviewed by Sabili like member of Commission I of the Parliament, Ahmad Soemargono from *Partai Bulan Bintang* (Crescent Star Party), Executive Director of Imparsial, Munir, and former special staff of BAKIN, Suripto.

Although Sabili also published an interview with Hendropriyono, in general the articles were opposed to the expansion of BIN (Sabili 13/2/2004).

Beside the expansion of BIN's structure in the provinces, another much debated discourse concerned intelligence's authority to arrest and detain terrorist suspects. On 21 February 2003, vice chief of BIN, As'at Said Ali indicated the necessity of information gathering from terrorist suspects by requesting the government and parliament to grant BIN the authority to arrest and detain terrorist suspects for a maximum of 4 days, or 4 x 24 hours. He explained why such authority was important. First, to clarify whether the suspect was a terrorist or not. Secondly, if the suspect was a terrorist, he or she could be useful for digging out information on networks and plans. Third, the terrorist suspect could be recruited for the sake of crushing terrorists in a broader sense (Kompas, 24/2/2003). A year later, Hendropriyono, during a closed meeting with the parliament on 23 September 2004, underlined that the intelligence authority to arrest someone suspected of terrorism was not in order that they could be punished but to recruit them as an intelligence asset to spy and report on terrorist planning (Tempo.co 23/9/2004). The persistence of BIN to get support for strengthening its power of lawful arrest and detainment showed a huge gap between BIN's idea of effective intelligence investigation and the understanding of proper law enforcement by the police from a civil society perspective.

BIN's call for intelligence's authority to arrest and detain terrorists' suspects sparked disagreement. Constitutional Law Lecturer from Andalas University, Saldi Isra emphasised that the early warning system of intelligence could not be used as a reason for intelligence to have judicial authority to arrest terrorist suspects (Isra 2003, pp. 119). Hermawan Sulistyono and Ikrar Nusa Bhakti from the Indonesian Institute of Sciences (LIPI), and University of Indonesia sociologist Thamrin Tamagola clearly expressed

their rejection of giving BIN the power to arrest and detain terrorist suspects (Kompas 24/2/2003). All civil society groups active in the SSR debate were very critical of BIN's efforts to enlarge its organisation and power. A coalition of 35 CSOs concluded that during the leadership of President Megawati, efforts to uphold human rights in Indonesia were going nowhere. Despite progress in the formulation of regulations on the protection of human rights, it was weak in its application. Related to intelligence reform, the government policy to enlarge intelligence's authority and structure through the Anti-Terrorism Law threatened civilian freedom (Tempo.co 15/3/2004). Responding to the public outcry about the expansion of intelligence power, Minister of Law and Human Rights, Yusril Ihza Mahendra explained that the government never meant to give more authority to intelligence. The authority to arrest and detain remained the authority of the police (hukumonline 6/9/2003).

Al-Faruq and Munir Cases

The arrest of terrorist suspect, Omar Al-Faruq on 5 June 2002 and the murder of prominent human rights activist, Munir Said Thalib on 7 September 2004 directly stimulated the debate on intelligence reform and were absorbed into the collective memory of the Indonesian public. The cases not only influenced the dynamic of intelligence reform during the Megawati administration, but also continued to influence the development of intelligence reform discourse during the Yudhoyono and Jokowi administrations. The two cases exhibited contrasting discourses between the security rhetoric of the government and the 'power abuse of intelligence' narrative from civil society groups. Both discourses were enacted and reproduced by text and talk in the social and political context.

The debate over whether BIN could arrest and detain terrorist suspects began in 2002 when the first draft of intelligence bill was intentionally leaked (Anonymous H 2017) or silently proposed to the parliament by BIN (Kontras 2006, pp. 107). To determine which one is right, a different investigation is needed by comparing sources of information and the sequence of events when the public started to know about the draft intelligence bill. For the purpose of this research, the data available can explain the way public and political processes or discussion of BIN enlargement and additional authority influences the process of intelligence reform. This research has no deeper inquiry into finding neither the fact supporting argument that intelligence has a well-crafted plan to secure intelligence bill nor intelligence was careless in handling intelligence bill.

The case of Al-Faruq is important because Al-Faruq was arrested by BIN during the time when BIN's authority to arrest and detain terrorist suspects was still not granted by any law. Chief of BIN, Hendropriyono acknowledged and declared that the arrest of Omar Al Faruq showed evidence that BIN was working optimally. Moreover, the arrest provided enlightenment for BIN to do further development about terrorism network in Indonesia (Media Indonesia 28/12/2002). Although the arrest was technically unlawful because it should be done by the police, intelligence was able to construct discourses to support its action, which unsurprisingly relied on counterterrorism.

The suspicion that a foreign power had intervened in BIN's domestic intelligence operation also arose from the Al-Faruq case. According to a Forum Keadilan magazine source in the intelligence community, there had been some intruders from Delta Force, Navy Seals, and Group six from the CIA. They did recruitment in Indonesia to help further Washington's agenda. They recruited civil bureaucrats who had strategic positions, legal experts, businessmen, military, and journalists. With this reality, in the underground, actually, Indonesia's security had been preoccupied by foreign power.

This was proven when Omar Al-Faruq was not captured by the police but instead by a BIN task force. Furthermore, BIN immediately handed Al-Faruq to the CIA. This was revealed when National Police Chief General (pol) Da'i Bachtiar claimed that he didn't know anything about the Al-Faruq arrest (Pangkapi, 2002)

Al-Faruq was actually not the first case of arrest by BIN because on 9 January 2002, BIN arrested Mohammed Saad Iqbal Madni, then handed him over to immigration in respect of an immigration law violation. The chief of BIN admitted that Iqbal Madni was arrested by BIN under intelligence cooperation with Egypt (Jawa Pos 20/10/2005). Al-Faruq was also not the last case of an arrest by BIN because in August 2003 two other terrorist suspects, Salah Nasir Salim Ali Qaru and Muhammad Bashmillah, were arrested by the Indonesian security apparatus in plain clothes (Amnesty International 2005a and 2005b). Similar to the case of Al Faruq and Madni, both Ali Qaru and Basmilah were deported because of immigration law violations. The Washington Post on 18 November 2005 reported Foreign Network at Front of CIA's Terror Fight including Indonesia. The Washington Post article not only disclosed cooperation between BIN and the CIA, but also exposed Hendropriyono's personal request to the Director of the CIA, George Tenet (Priest, WP 18/10/2005). Hendropriyono denied that he executed order from the CIA in the war on terror and his family enjoyed benefit from the relation with the CIA. He also planned to sue Washington Post for defamation (Jawa Pos 20/10/2005).

An interesting comment from former chief of BIN (1998-1999), ZA Maulani regarding the arrest of Al-Faruq showed a slightly different view. Maulani described the operation as not a military operation but instead as a dark operation (illegal). He then explained that the whole operation against Al-Faruq, including his extradition, showed the seriousness of the government in tackling terrorism. However, after explaining about the arrest of Al-Faruq, Maulani doubted BIN's information about the existence of a

terrorist group in Indonesia (Maulani, *Liputan 6*, 22/9/2002). It can be interpreted that the dark operation was just another name for an intelligence operation. Before the Bali bombing in October 2002, the denial of the existence of a terrorist group in Indonesia was not unique to Maulani.

Terrorism is indisputably a big problem with a huge impact to any society that experience large scale of terror attack like Bali bombing. No matter how small a terror attack, it will always attract public attention and media coverage. Paul Wilkinson (2001, pp. 147) explained that although terrorism has proved remarkably ineffective as the major weapon for toppling governments and capturing political power, it has been a remarkably successful means of publicising a political cause and relaying the terrorist threat to a wider audience. The chilling effect of a terror attack and continuous media coverage do not necessarily create panic or fear among the people. At first, people may be shocked and wonder about the terror attack, but later because the terror threat is shared by the people, they start to fight back, making bigger demands of the government to prevent a terror attack from happening again. When the government takes necessary policy and its implementation, critics of the government's efforts in counterterrorism will not be seen as being in line with the public interest. It was very fortunate for intelligence in Indonesia to be able to ride on the securitisation of terrorism in its reform process. Ali Wibisono (2015, pp.298) argued that the terrorism issue in Indonesia was securitised via the securitisation of the 2002 Bali bombings. In the context of intelligence reform, it was very timely for Indonesian intelligence to use terrorism as the main driver for its reform. The discourse of the importance of intelligence to counterterrorism was inseparable from the securitisation of terrorism itself.

The success of the securitisation of terrorism is one thing, but the process of intelligence reform is another thing that cannot attach to terrorism forever. Relentless

critics regarding the expansion and authority of BIN started to get its weight by a more coordinated movement of civil society organisations and experts in securing democracy and the concept of civilian control. This means the movement to push SSR entered a new wave of a larger network of activists and experts that combined different views such as professionalism, democratic civilian control, human rights, human security, rule of law, and prevention of power abuse, which targeted the military, police and intelligence. A common interest among different type of CSOs brought together a combination of activism from mass demonstration, advocacy, engagement with decision makers, and media strategy, which can narrow ways of resistance from BIN. During this gradual process of coordinated movement to push intelligence reform, Munir Said Thalib played a vital role in connecting academic research on SSR and human rights activism.

In the context of propagating intelligence reform, Munir took the hardest way by confronting the Chief of BIN, Hendropriyono with a lawsuit against the decision of President Megawati to appoint Hendropriyono as the Chief of BIN. On 8 November 2001, the Commission for Disappeared Persons and Victims of Violence (*Kontras*) where Munir was the Chairman of the Board of, filed a lawsuit in the Jakarta Administrative Court requesting President Magawati revoke her decision to appoint Hendropriyono as Chief of BIN. The reason for Kontras' lawsuit was the involvement of Hendropriyono in the Talangsari human rights incident in 1989 (Kompas 21/12/2001).

Munir was not simply helping victims of the Talangsari incident, but also challenged the leadership of BIN, which he thought was tarnished by human rights violation cases in the past. This lawsuit constructed the importance of human rights that intelligence should respect. Despite its failure in the court (liputan 6, 6/6/2002), the Talangsari incident and its impact on the newly appointed Chief of BIN were used repeatedly as a warning of possible power abuse by BIN. Beside the Talangsari issue,

Munir also criticised the arrest of Omar Al-Faruq and the substance of the intelligence bill. In regard to the intelligence bill of 2003, Munir rejected the expansion of BIN territorial posts and authority on the basis that this could jeopardise civil liberties (Kontras 2006, pp. 106-107; Kontras no date).

Munir's actions were not without early repercussion from BIN. Kontras' criticism of Megawati's appointment of Hendropriyono to head BIN led to a dispute with a prominent donor, and to the eventual return of a considerable grant (Scarpello 2014, pp. 142). This showed that BIN closely monitored SSR CSOs activities, including their sources of funding. A former high-ranking BIN official stated that BIN could not control the desirable output from the CSO's research. Learning from the 1998 to 2004 CSO's contribution to the SSR, especially on military reform and civilian control, BIN should be smart enough not to be dictated to by SSR CSOs in intelligence reform. After the separation of Police from military and the enactment of the Armed Forces Law, the next target would be intelligence that focused on BIN. He further explained that luckily, most CSOs were running out of funds with the exception of Pacivis (Anonymous G 2017).

The murder of Munir on 7 September 2004 not only sparked wild public speculation about the perpetrator and the motives behind it, but also had a significant impact on the SSR movement in Indonesia. Philip Lorenz believed that one of the most influential CSOs in SSR, ProPatria had to deal with a severe blow in its networking ability, when Munir, who had worked with the group from the beginning, was poisoned by a suspected agent of the National Intelligence Body (Badan Intellijen Negara, BIN) during a flight to Amsterdam. Lorenz explained that between 2000 and 2004 Munir remained the only active member of the ProPatria Working Group focused primarily on human rights and had made sure human rights groups remained involved in the

constructive dialogue ProPatria had started with the government side and TNI (Lorenz 2015, pp. 169-170).

This research is not designed to assess legal cases involving intelligence, like the arrest of Al-Faruq and the murder of Munir. However, in the context of understanding the discourse on intelligence reform, the two cases are indispensable. For SSR CSOs, the murder of Munir impacted to the extent of slowing down the efforts to fully implement democratic civilian control over the military beyond the enactment of the State Police of the Republic of Indonesia Law No. 2 of 2002 and the Indonesian National Armed Forces Law No. 34 of 2004. However, for intelligence, connecting Munir's case to BIN would have meant a particularly severe setback to its reform plan. BIN had to deal with questions of accountability, respect for human rights, and most importantly trust, from the government, parliament, and the Indonesian people. BIN's discourse constructed around the importance of effective intelligence in counterterrorism as the narrow definition of intelligence reform also started to weaken following the death of Munir. This issue continued to affect any BIN effort to improve intelligence performance, including the progress of the intelligence bill that to some extent started to accommodate CSOs' views.

Laws on Military and Police

A brief highlight of civil military relations during the period of the Megawati administration is necessary to show the achievements of efforts by Indonesian politicians, activists, and academics to push military reform. On 16 October 2004, four days before the new elected President Yudhoyono's presidential oath was administered, Megawati signed Law No. 34 of 2004 concerning the Indonesian National Armed Forces. Two years earlier, on 8 January 2002, Megawati also signed Law No. 2 of 2002 concerning

the Indonesian State Police. These two laws cemented the separation of police from military and were part of a mandate from the highest source of law in Indonesia, the 1945 Constitution with its amendments, article 30 paragraph 3, 4 and 5.

Prasetyono specified the importance of two principles in evaluating the Military Law. First, it must be able to create civilian supremacy and control of democratic political authority over the military institutions. Second, it must be able to create a professional army, which can be measured by competence, accountability, and welfare (Prasetyono 2004, p. 4). The withdrawal of the military from politics was a huge achievement because, according to article 39 of the military law, all active military personnel were prohibited from becoming members of any political party, engaging in political activity, involving in business, and being elected as a member of parliament or to any other political position. However, article 47 paragraph 2 of the military law stated: “Active military personnel are able to be appointed as official in offices that are in charge coordinating the Politics and State Security, State Defense, Presidential Military Secretary, State Intelligence, State Cryptography, National Defense Institute, National Defense Council, Search and Rescue (SAR), National Narcotics, and the Supreme Court”.

Article 47 paragraphs 3 and 4 also mentioned that the mechanism of appointment of military personnel in intelligence institutions should be based on the requirement from the chief of intelligence and subject to internal administrative regulations. This mechanism ideally could balance the turnover of military personnel in intelligence institutions with the existing civilian intelligence personnel, especially regarding the high-ranking positions. This balance is the prerogative of the chief of intelligence who may have different reasons as why intelligence should have more high-ranking military

officers or not. Similarly, the chief of intelligence could also recruit personnel from the Police force to strengthen intelligence organisation.

During Megawati administration, there were advancements in intelligence reform in expanding the capabilities of BIN to increase their effectiveness because of the increase in national threats, but this did not address any of the concerns with transparency. As for the military, there were growing worries about the comeback of militarism among civil society, within a general context of SSR. This is due to how the military derives their political power – through its role as a defender of property rights of far-flung islands of the archipelago of Indonesia. Consequently, elites continue to seek the support of TNI, paradoxically ensuring that the military retains its central role in politics precisely at a time when segments of civil society are calling for civilian supremacy and demilitarisation.

In addition, martial law was implemented in Aceh which gave the military an opportunity to formally execute military operations, which was seen as a violation of both human rights and humanitarian law. The link to intelligence is that the Chief of BIN was a member of the Daily Executive Board that supported the President, meaning that Hendropriyono allowed said martial law. Additionally, the upholding of human rights during this period was weak; regulations were formulated on protecting human rights, but they were not applied effectively. Hence, militarism still remained a problem for the next administration.

Chapter Five

DISCOURSES OF INTELLIGENCE REFORM IN THE POST-AUTHORITARIAN INDONESIA 2004-PRESENT DAY

5. 1. The Yudhoyono Administration: Intelligence Act (2004 - 2014)

Problems inherited from cases involving intelligence in the previous period continued to curtail every move of BIN to secure the Intelligence Act. Following his appointment as BIN Chief on 8 December 2004, retired Major General Syamsir Siregar avoided high profile public appearances and concentrated more on three main national threats: terrorism, separatism and communal sectarian conflict (Anonymous D 2017). After his inauguration as Chief of BIN, Syamsir explained that his priorities were tackling separatism and terrorism, and, in the beginning, he would undertake a process of internal consolidation and coordination among relevant institutions (Liputan 6, 8/12/2004). Syamsir's style of leadership to some extent showed his long experience in military intelligence in avoiding public attention by limiting public statements. However, in the course of his leadership, Syamsir had to respond publicly to three pressures: ongoing terror attacks in different parts of Indonesia, the Intelligence Act to regulate and control intelligence, and the Munir case (Anonymous F 2017). All three pressures are reflected in the intelligence reform discourse.

During the period of Syamsir's leadership, the relations between BIN and CSOs and think tanks concerned with intelligence reform slightly deteriorated due to tighter secrecy around BIN's strategic plan for intelligence reform. However, personal relationships between BIN officials and some academics and activists were maintained to the extent of discussion and consultation (As'at, 2016). In the context of drafting the intelligence bill, BIN continued the efforts of BIN's Law Bureau and a special team to

finish the Intelligence bill. So, the bill was genuinely made by BIN people from the beginning and later it was refined through a series of consultations with relevant institutions and individuals (Anonymous F 2017). In the process of the preparation of the Police Act of 2002 and Indonesian Armed Forces Act of 2004, the role of SSR CSOs was undoubtedly very strong due to the national sentiment for the abolition of the dual function of the Indonesian Armed Forces which created an opportunity for CSOs to take part in the process and access key decision makers both in government and parliament. In regard to CSOs' role, Lorenz (2015) who conducted empirical research on Indonesian Civil Society Organizations and Civilian Control of the Military, showed significant evidence about the role of CSOs, specifically ProPatria, in Indonesia's SSR.

In terms of the intelligence bill, BIN's version of intelligence bill of 2002 was amended twice, in 2003 and 2006. Scarpello claimed that the amendment was a response to WG SIR's draft in 2005 (Scarpello 2014, p. 148). Actually, Scarpello was right partly for the 2006 amendment, while the 2003 BIN's version of the intelligence bill was a refined draft after a year of consultation with relevant ministries and experts and also to accommodate critics around the authority of BIN (Anonymous F 2017). WG SIR indeed produced numerous researches on intelligence such as *Reformasi Intelijen Negara* (November 2005), *Intelijen: Velox et Exactus* (Januari 2006), *Mengungkap Tabir Intelijen "Hitam" Indonesia* (Agustus 2006), *Negara, Intel, dan Ketakutan* (Agustus 2006), and *Hubungan Intelijen - Negara 1945-2004* (June 2008). Beside that frequent comments and articles from WG SIR experts and activists were also published in the mainstream media.

During the early period of the Yudhoyono Presidency, the pressure from CSOs on intelligence reform was even stronger than during the Megawati presidency. The biggest factor that gave CSOs, especially the WG SIR, the energy to push intelligence

reform was funding from abroad (Anonymous D 2017). My source of information quoted the statement from former Deputy Chief of BIN for Foreign Affairs in 2005 that: “Although intelligence reform that has been promoted by many CSOs in Indonesia is a combination of idealistic views from academics and civil societies, actually there are several foreign supports in the form of ideas and fund that we should be cautious as to where they want us to go. If they want to weaken us, then it should be prevented, but if they want us to perform better, then we can benefit from their efforts.” (Anonymous D 2017). Similar to the statement of the Deputy Chief of BIN for Foreign Affairs, SSR activist Makarim said that since early reform in 1998 up to the early period of Yudhoyono administration, SSR research in Indonesia had the luxury of choosing sources of funding from the US and European countries (Makarim, 2016).

The construction of a discourse of intelligence reform by WG SIR are mostly academic based following the argument of Peter Gill in *Policing Politics: Security Intelligence and the Liberal Democratic State* (1994), and Uri Bar-Joseph’s book *Intelligence Intervention in the Politics of Democratic States* (1995). In the context of competing discourses, there was a gap between the academic approach by WG SIR and the practical needs of BIN as reflected in each version of the intelligence bill. Theoretically, this gap could have been merged as complementary if WG SIR, BIN, and the parliament had frequent communication and discussion. However, the reality showed a different picture that since 2005, members of WG SIR began to increase their criticisms of BIN.

Despite the supportive gesture of the Chief of BIN, Syamsir Siregar and his successor Police General Sutanto (22 Oktober 2009 - 19 Oktober 2011) towards the initiative of WG SIR, BIN considered WG SIR’s draft less suitable for Indonesia (Anonymous F 2017). Moreover, the pressure on intelligence reform towards BIN

gradually diminished, overshadowed by the importance of countering terrorism and other national security threats. Most of the media articles related to intelligence reform in 2005 discussed some ideal aspect of intelligence reform by members of WG SIR. For example, the importance of prevention of human rights violations and limitation of intelligence authority (Kompas 14/6/2005), separation of domestic and foreign intelligence, resolving the Munir case, rejection of regional intelligence community (Kompas 17/6/2005), the importance of oversight of the intelligence agencies (Kompas 18/6/2005), and the balance between national security, democracy and civil rights (Kompas 24/8/2005).

In contrast to the demand of intelligence reform and the intelligence bill from WGSIR, the Minister of State Secretary, Yusril Ihza Mahendra and Coordinating Minister of Political, Legal, and Security Affairs, Widodo AS, considered the formulation of the Law of Intelligence as unnecessary (Kompas 17/6/2005). I believe this response was not seriously rejecting the idea of an intelligence bill, rather it was an effort by the government to buy time while BIN prepared its draft intelligence bill. It should be noted that most WG SIR members were considered friendly to the government and famous in their subject of expertise. So, the display of competing discourse in the media was not necessarily reflecting strong opposition.

Regarding the intelligence bill, LIPI senior researcher, Ikrar Nusa Bhakti, who was also a member of WG SIR, said that to seek feedback for their version of the draft bill, WG SIR invited representatives from the State Intelligence Agency (BIN), Strategic Intelligence Agency (BAIS) of the National Armed Forces (TNI), and National Police Intelligence, to discuss its substance. However, according to a security expert from the WG SIR, Kusnanto Anggoro, the group did not accommodate all the inputs from BIN and BAIS (Kompas 24/8/2005). On the other hand, BIN's first intelligence bill was leaked or known to CSOs in 2002, followed by critics from CSOs that forced BIN to

produce an amended version in 2003. It then triggered the WGSIR's version published in August 2005, and BIN created the second draft of its version in 2006 (Anonymous F 2017).

Although civil society groups, academics and politicians produced more discourses on intelligence reform than the government, the result of the actual reform did not always reflect what the non-government organisations wanted. By utilising concepts of intelligence reform from non-government groups, BIN has crafted a way to achieve its goal to get political support and reform its organisation in line with the preferences of the organisation. BIN's effort to achieve its own agenda of intelligence reform was supported by the strongest factor that united different views on intelligence reform: terror attacks. With a simple argument of the importance of improving intelligence to protect the people, every terror attack increased demand for improvements in intelligence.

Several bombings posed questions about the performance of intelligence. Without wishing to overlook smaller terror attacks, the following incidents were considered significant and had wide media coverage, both domestic and international. On 9 September 2004 bombings took place in front of the Australian Embassy in Jakarta (Ressa, CNN 9 September 2004). Two bombings occurred in Poso, on 28 May 2005 in Tentena Market, Poso Central Sulawesi (NBC News 28 May 2005) and on 31 December 2005 in Palu Market, Central Sulawesi (Tempo 31 December 2005). On 1 October 2005 bombings took place in two restaurants in Bali known as Bali Bombing II (BBC 2 October 2005), which reminded Indonesia of the first Bali bombing. From 2006 to 2008, Indonesia was relatively peaceful but on 17 July 2009 a bombing occurred inside the Marriott and Ritz-Carlton Hotels (Antara News 17 July 2009). In the following years, from 2010 to 2014, there was no big terror attack, but several suicide bombings using low-power explosives still occurred.

The cumulative impact of these terror attacks was to create more pressure on government and politicians to start the discussion on the intelligence bill. For example, after the Bali Bombing II, the Deputy Head of Commission-I of DPR-RI, Effendy Choirie on 4 October 2005 said: “the Commission-I has received the concept of intelligence bill from the WGSIR, and it worth as input for us to draft a reformed intelligence bill. However, the government should not wait too long to submit its version of intelligence bill”. He also emphasised that the, “intelligence bill is very urgent because the Bali Bombing II has proved the performance of Indonesian intelligence is very weak” (Kompas, 5 October 2005).

On 6 December 2005 in Palu, Central Sulawesi, a workshop on National Intelligence Reform organized by the Department of International Relations Faculty of Social and Political Sciences University of Indonesia, NGO Partnership, and Institution Development of Legal Studies and Human Rights Advocacy reached a conclusion that intelligence reform required from all sides, both from the side of the law, systems, and the professionalism of the intelligence apparatus itself. They also highlighted the growing threat to national security and weak role of state intelligence in anticipating that security threats, which required immediate intelligence reform (Kompas 8 December 2005). It seemed that civil society groups were also using the securitisation of the terrorist threat in their production of intelligence reform discourse.

Terrorism occupied the public discourse whenever a bombing attack took place and intelligence would always get public attention. The impact of terrorism on intelligence was usually to highlight its weaknesses, and to focus attention on the question of the intelligence bill and the debate on intelligence reform more generally. Although more police raids and arrests of suspected terrorists occurred; the impact of bombings on the discussion on intelligence reform would not stop in days. Furthermore,

despite the negative impact of terror attacks on the image of intelligence performance, the importance of strengthening intelligence to counter terrorism was difficult to reject.

Even though civil society groups incorporated the terrorism discourse in producing their intelligence reform discourse, other discourses were not abandoned. For example, Usman Hamid reminded of the importance of democracy, civil liberties and the rule of law and stressed that the, “intelligence bill should be able to answer the questions around the standard and ideal function of intelligence, including limitation, institutionalisation, responsibility of intelligence, and how state provide mechanism of reparation for the impact of intelligence negligence” (Hamid, Kompas 1 September 2005). WG SIR members were also active in promoting their version of the intelligence bill and reiterated the importance of regulating intelligence to avoid any clash with the principles of democracy (Kompas 30 November 2005).

On 23 August 2005, WG SIR announced that their version of the intelligence bill, which was funded by Partnership for Governance Reform in Indonesia, had been completed. They hoped the parliament would use it as a counter draft to the government’s version of the bill. One WG SIR member, Andi Widjajanto, explained: “One of the main ideas of the intelligence bill, among others, is to achieve a balance between national security with democracy and civil rights. Intelligence is not a state news agency like practiced during this time. They must dig more information”. (Tjahjono and Dewabrata, Kompas 24/8/2005). In one side, Andi’s views reflect a direct intention of reforming intelligence in the context of balancing the intelligence role with democracy, as if intelligence was so powerful. But on the other side, he also questioned the quality of intelligence, as if intelligence was only a state news agency and so not so powerful.

The production of intelligence reform discourse in Indonesia was not exclusively a domestic discussion. For example, on 5 February 2008, at a national seminar about

supervision in the administration of intelligence, expert from Salford University, Peter Gill shared his views on democratisation of intelligence. Gill explained:

“Countries that have long been running democracy for 150-200 years like England and the United States have only been able to control intelligence in the last 25-30 years. The realisation of democratic intelligence is very much determined by the readiness of the intelligence service itself, the security apparatus, rules that govern intelligence services, as well as local political culture. This effort can be done with encouragement from domestic society and from abroad. For example, encouragement for democratisation of intelligence from outside occurred in the EU countries that were formerly part of the Soviet Communist bloc. This is done so that they can be accepted as members of the European Union. But encouragement from within the country is far harder to make it happen. Intelligence reform must also be done with caution. Military and police are the most "disadvantaged" from the openness of intelligence because of their authority reduced. If their interests are disturbed, they can cause political and security problems” (Gill, Kompas 2008, p. 4)

Referring to Gill’s example of two sources of encouragement for intelligence reform, Indonesia has both factors: domestic demand from civil society groups, academics and politicians and from abroad in the context of funding for research and concept and ideas. Another factor that accelerated wider public interest in intelligence was the establishment of a master’s degree program in Strategic Intelligence Studies within the University of Indonesia in mid-2004, the idea of chief of BIN, Hendropriyono (Saksono 2013). The dynamics of intelligence research after 2004 increased dramatically within the academic circle at the University of Indonesia and the alumni of the program had an opportunity to play a significant role in the familiarisation of intelligence research to public,

especially through the media. However, to draw a conclusion about the influence of strategic intelligence alumni in Indonesia's intelligence reform need another research.

Continuous production of narratives on intelligence reform took the pattern of storytelling of the conditions of intelligence in the past that should be reformed. For example, the Munir case was the most recent example of the so-called black intelligence that conducted its operations against the values of democracy and respect for human rights. As an expert from the Indonesian Institute of Science, Ikrar Nusa Bhakti said: "Munir is just one example of many cases of brutal action of intelligence agents of our country. Terror, persecution, kidnapping, arrest and murder is an example of actions that used to be used by personnel of state intelligence. However, the practices of "Black Intelligence" the New Order era was still continuing in the era this reform. (Bhakti, Kompas 7/9/2006). This simple narrative supported by a real case was used repetitively to push the agenda of intelligence reform. The whole picture of the importance of intelligence reform from this specific angle about "Black Intelligence" established a specific meaning of intelligence reform within the context of national political reform based on democracy and human rights. In other words, the dynamic production of narratives on intelligence reform did not end with a set of explanations about events, definitions, or actions, but it further developed into a construction of ideas, practices and representations concerning the question of 'what is intelligence reform?'. In this context, it falls into discourses as defined by Fairclough as ways of representing a part of the world from a particular perspective (Fairclough 2003).

On the other hand, intelligence tried to use the terrorism discourse as a reason for requesting more power. As reflected in the intelligence bill from the government, for the sake of protecting national security from strategic threats including terrorism, intelligence proposed the lawful right to arrest and detain terrorist suspects. On 23 March

2011, Deputy Head of Commission-I DPR-RI, RB Hasanuddin said: “DPR will reject the proposal from the government in the intelligence bill that give authority for BIN to arrest and investigate a suspect of specific crime [terrorism] without warrant” (Kompas 29 March 2011).

Views on intelligence reform from intelligence people, especially as represented by statements from their leaders, are in a continuous line of the importance of improving intelligence performance, domestic and foreign operations. The aim of these improvements was the prevention of strategic surprises. However, there were ups and downs in the context of communication with general public. For example, during the periods of chief of BIN, LTG (ret.) Syamsir Siregar (2004-2009) and police general (ret.) Sutanto (2009-2011), BIN shut down its public relations unit and website, and rarely engaged with the media due to concerns over security breaches, which was seen as heavy-handed. In contrast to his predecessors, chief of BIN, LTG (ret.) Marciano Norman (2011-2015) was famous for his statement: “ending the code of silence in intelligence work” (Yudisthira 2011).

Regarding his policy to end the code of silence in intelligence work, Marciano Norman explained that the culture of intelligence personnel was key to intelligence reform. Indonesian people in general assume that intelligence ideally know everything, so to some extent the State Intelligence Agency must be able to meet the demands of the people. The State Intelligence Agency in this case must be smart in responding to the demands of the community in a measurable manner. People needed to know what BIN was doing without damaging national security or disclosing state secret (Norman, 2016). When Norman mentioned culture, he was referring to the organisational culture of the military in an authoritarian political system wherein secrecy is above everything and securing the government is the ultimate purpose of intelligence.

Marciano Norman further explained: “the most difficult part in reforming intelligence is to change intelligence personnel who feel so comfortable with the intelligence culture in the past, they can do everything without restrictions. This culture is not possible in the reform era that required accountability and I work so hard to change that culture” (Norman, 2016). One of Marciano’s achievements in opening intelligence to the public was the creation of a deputy chief for information and communication with Presidential Regulation No. 90 of 2012 on State Intelligence Agency. A year before, the new Intelligence Act No. 17 of 2011 was introduced and agreed by the parliament. The intelligence Act itself was agreed by parliament during the leadership of Sutanto (Santosa 2011) but promulgated by the government on 7 November 2011 when Marciano Norman replaced Sutanto (Detik 2011).

The long process of consultations, negotiations and discussions from the first draft of the intelligence law in 2002 to the promulgation of the law in 2011 was evidence of the complexity of the process. It involved numerous meetings in parliament to discuss the intelligence law, of at least two different kinds. First, meetings between members of parliament with related government institutions such as the Ministry of Defense, Ministry Foreign Affairs, Ministry of Communication and Information, Indonesian Armed Forces, State Intelligence Agency, Council for National Resilience, State Cryptography Agency, National Resilience Institute, Television Republic Indonesia, Radio Republic Indonesia, National News Agency, Press Council, Indonesian Broadcasting Commission, and Central Information Commission (Siddiq 2011). Second, meetings between members of parliament and experts and civil society activists (ICG 2011, p. 9).

The debate on the intelligence bill was very dynamic, but in general it was about avoiding the abuse of power by intelligence and preventing threats to the country. As ICG research stated: “They face opposition, on the one hand, from human rights activists

who want more safeguards built in against potential abuse and, on the other, from the military and intelligence establishment who, in the name of fighting separatism and terrorism, want a return to some of the powers wielded during the New Order” (ICG 2011). From 2002 to 2011, there were several drafts of the intelligence bill as summarised in the table 5.1 below:

Year	Proposer	Supporter	Opposition	Result
2002	State Intelligence Agency (SIA)	Government	Civil Society, Academics	It was leaked and never reached the Parliament. Terrorism as the main reason from intelligence was not well supported by politicians
2004	State Intelligence Agency	Government	Civil Society, Academics, and Parliamentarians	Similar to the 2002 document this draft was also rejected and triggered a counter draft from WG SIR
2005	Working Group on State Intelligence Reform (WG SIR)	Civil Society and Academics Some members of Parliament use the draft to challenge government’s draft	State Intelligence Agency Government	Radical change of intelligence community by creating US’s DNI model named State Intelligence Coordination Institute (LKIN) supported by separated domestic and foreign intelligence agencies. This counter-draft somehow triggered SIA to improve its previous draft.
2006	State Intelligence Agency	Government	Civil Society, Academics, and Parliamentarians	Another attempt based on the 2002 template was also rejected by the Parliament
2009	Commission One Parliament initiative	Parliament	Government SIA	Not clear
2010	Commission One Parliament initiative	Government Parliamentarians	Civil Society and Academics	Agreed by all parties on 16 December 2010 to be discussed meant that deliberations could start as soon as the parliament reconvened in January 2011. Finally, it was endorsed on 11 October 2011

Table 5.1. Intelligence Bill 2002 - 2011
Most data was taken from ICG (2011) research on Debate over a New Intelligence Bill

ICG listed seven most contentious issues on intelligence bill: (1) arrest and detention; (2) interceptions of communications and financial transactions; (3) oversight; (4) human rights; (5) separation of foreign and domestic services; (6) recruitment; and (7) non-partisanship (ICG 2011, pp. 10-12). In contrast, the discussion between parliament and the government represented by the Minister of Defense and Minister of Law and Human Rights stressed the importance of four aspects:

1. The government refused the creation of a new organisation to coordinate all intelligence agencies.
2. The government agreed that the national intelligence agency had the authority to intercept communication but without authority for further measures.
3. The secrecy of intelligence is part of state secret with the period of retention.
4. Oversight by the parliament does not have to be included in the bill (Siddiq 2011).

The new intelligence law was criticised and rejected by civil society organisations because some articles were considered as undemocratic (Santosa 2011), but the chairman of the parliamentary commission for defence and foreign affairs, Agus Gumiwang Kartasasmita, said: “the intelligence law do not allow the State Intelligence Agency to detain or arrest suspects and the aim of the law is related to terrorism, separatism, espionage and sabotage activities that threaten national safety, security and sovereignty.” Addressing worries from civil society, chief of BIN Sutanto (2009-2011) stated that the intelligence law was not a threat to the people but a regulation of the intelligence apparatus (Wardah 2011). The continuous difference of views between the government and civil society shows that the law was the product of competing discourses on how to regulate intelligence democratically.

In January 2012, an advocacy team for intelligence law who worked on behalf of five CSOs (Imparsial, ELSAM, YLBHI, Setara, AJI) and thirteen individuals concerned with the law submitted a request for judicial review of the intelligence law to the Constitutional Court (advocacy team 2012). However, the Constitutional Court rejected the request on 11 October 2012 (Wardah 2012). The Intelligence Law No. 17 of 2011 survived many critics and became the highest legal reference for intelligence in Indonesia. The residue of debate and gap of understanding about intelligence perpetuate to the period of Joko Widodo (known as Jokowi) Administration.

During the Yudhoyono administration, intelligence reform was gradually diminishing due to the importance of countering terrorism and other national security threats, which led to another decrease in discourse on politicisation. The intelligence bill was undergoing development during this period while BIN was handling major national threats which were terrorism, separatism, and communal sectarian conflict. While BIN was trying to improve their credibility, the government was only monitoring them and refining their duties and functions, not politicising them directly at least.

Militarism saw less discourse due to intelligence reform taking place due to the pressures of three national threats intelligence had to handle as mentioned above. The intelligence bill was being drafted by BIN and CSOs, primarily WG SIR, during the Yudhoyono administration, with one of the ideal aspects of intelligence reform being the prevention of human rights violations. Otherwise, the discourse on human rights violations was fixated on the murder of Munir which placed BIN under negative light as they were thought to have been behind the murder as a black operation i.e. a human rights violation. Said bill that involved the military to some extent, as they wanted some of the powers the military used to wield during the New Order. Additionally, the continuing openness of intelligence and reduction in authority of the military have left them much

more disadvantaged than before. Therefore, any implementations in the intelligence bill which conflicts with the interest of the military could lead to political and security problems.

According to a classified Parliament's document that has been released only for this study, BIN's intelligence bill had seven clusters of problems: (1) tapping; (2) intensive investigation; (3) institutional issue; (4) code of ethics; (5) threats; (6) overseeing; and (7) retention period of intelligence information (Minutes of Parliament Meeting Discussion, 2011). These seven problems reflected positive change within the parliament, which gave more attention by reaching an agreement among members of parliament to criticise BIN's intelligence bill.

Transparency was actually slightly reduced during Yudhoyono's administration because of Syamsir Sinegar's avoidance of high-profile public appearances. The major problems which Syamisir had to respond publicly to were about the ongoing terror attacks, the Intelligence Act, and the Munir case. SSR was progressing at a faster rate due to the pressure of CSOs, making that the priority of this period followed by improving counterterrorism.

5. 2. The Jokowi Administration: Will Intelligence Continue to Evolve? (2014 – Present day)

Despite the existence of six discourses around intelligence reform in Indonesia, the core focus of intelligence reform remains the improvement of intelligence. A repetition of the request for authority to arrest and detain terrorist suspects was made by the chief of BIN, Sutiyoso (2015-2016) in January 2016 (Tempo.co 2016a). In response, National Police Chief Gen. Pol Badrodin Haiti questioned the proposal to add the authority to arrest and detain terrorist suspects (Kuwado 2016). Discussion around

improving the intelligence agency was focused on its performance in preventing terrorist attacks or other threats.

The construction of a narrative of strong intelligence was repeated again in this period, when former chief of BIN Marciano Norman (2011-2015) launched his book on 30 July 2015. During the discussion, chief of BIN Sutiyoso (2015-2016) said that intelligence should be in the frontline of defending the country by collecting information to prevent threats to the nation. In support, Prof. Tjipta Lesmana from Pelita Harapan University argued that intelligence was not strong enough, citing as an example the Tolikara incident [local clash between Muslim and Christian]. Lesmana believed that foreign intelligence was involved in the incident. In addition, expert staff from BIN Saut Situmorang stressed that if intelligence failed to do its job, the unity of Indonesia was threatened. Finally, Intelligence researcher Ken Conboy said Indonesia was the most democratic country in Southeast Asia, so its intelligence should become our attention (Kompas 2015b, p. 4). Despite some differences, the spirit of the discussion was on how to achieve a professional and strong intelligence agency.

On 9 September 2016, President Jokowi inaugurated National Police Deputy Chief Commander Gen. Budi Gunawan as the Chief of National Intelligence Agency (BIN). During a vision statement session in the parliament, Budi pledged that he would lead BIN to become a professional and objective organization with integrity. He also promised to improve BIN's performance in detecting national threats that might occur (Faiz, Tempo 2016). Several days before, responding to the nomination of Budi as chief of BIN, Al Araf repeated his view on the importance of reducing the domination of the military in Intelligence, while a political observer from the Institute for Transformation Studies, Andi Saiful Haq, said that the nomination of Budi Gunawan could be the right moment for changing the direction of BIN as a modern civilian institution. Similarly, a

former human rights activist who was active as commissioner of the National Police Commission (*Kompolnas*), Poengky Indarti, said that BIN would work more effectively and efficiently under the leadership of a civilian or non-military figure (Erdianto 2016b).

The dynamic within intelligence, especially the sudden change of BIN's leadership, couldn't be categorised as part of intelligence reform as the reason for change is debatable. Head of Strategic Information and Policy Board (*Dewan Informasi Strategis dan Kebijakan* or DISK) within BIN, Dradjad H. Wibowo, made a written statement denying the accusation of leadership failure by Sutiyoso. He also wrote of Sutiyoso's achievements within just one year as chief of BIN:

“Sutiyoso managed to get Acehese rebel Din Minimi and his troops back into the community, without even a drop of blood. Some Papuan combatants also surrender by Sutiyoso's efforts. There are also Poso terrorists who surrender themselves through BIN. Under Sutiyoso, BIN managed to capture corruptors such as Samadikun Hartono and Totok, who had been fugitives abroad for years. BIN also succeeded in helping to withdraw a tax of Rp. 400 billion in about 30 minutes, from taxpayers whose cases were *incracht* (legally binding) but did not want to pay. That's what appears in the media” (Sihaloho 2016).

Questions around the replacement of Sutiyoso were discussed among academics and civil society groups. For example, in public discussion about the replacement of the chief of BIN on 1 September 2016, all speakers agreed that the President has the prerogative right to replace the chief of BIN. However, Tjipta Lesmana rejected the pressure from political party, while director of NGO Lingkar Madani (LIMA), Ray Rangkuti, perceived political nuance and rejected politicisation and intervention. Similarly, political observer Boni Hargens said that he couldn't see the objective reason for the replacement of the chief of BIN. Hargens sensed political uniqueness like coercion (Waspada 2016).

The response from politicians can be represented by the statement of the Chairman of Commission I of the House of Representatives, Abdul Kharis Almasyhari. Regarding the change of Head of BIN, he said it was the prerogative of President Joko Widodo. He further assessed that Sutyoso's performance as Chief of the State Intelligence Agency was in some parts good and in some lacking. For example, he said: "I think there are operations that are independent of different points of view such as Din Minimi". He also highlighted the case of the terror bomb attacks at Surakarta Police station as a BIN failure because BIN should have had good cooperation with the police to arrest terrorist suspects. He said: "Sutyoso claimed that BIN has given the information of potential bomb attack to the police, but the police didn't take any necessary measures. The police decision to take any action or not is not Sutyoso's business. BIN should cooperate with the police" (Hermawan 2016).

Former chief of BIN, Hendropriyono (2001-2004) commented on the appointment of Budi Gunawan: "BIN's position in this reform era is like a political position like a minister and ambassador. The intelligence director is chosen because he is close to the President, so it is like a political appointee" (Tempo.co 2016b). Hendropriyono's statement supported the majority views that the president has the privilege to appoint or replace the chief of intelligence.

Despite some speculation of political nuance with the replacement of the chief of BIN, I would argue that it has no relation with intelligence reform as both Sutyoso and Budi Gunawan vowed to improve intelligence. On 7 July 2015, Sutyoso promised to modernise BIN's intelligence devices and improve BIN's structural organisation by educating its human resources (Aktual 2015). During the fit and proper test at the parliament, Budi Gunawan vowed to optimise BIN into an intelligence organisation that was professional, objective and had integrity (*profesional, obyektif dan berintegritas* –

PROBIN). In more detail, Budi Gunawan mentioned that the optimisation of BIN included its role as the coordinator of intelligence function, improvement of its personnel capacity, technology, management system, standard operating procedure, and organisational culture (Simanjuntak 2016). In addition, Budi Gunawan also assured that intelligence would remain neutral and independent from political interests (Tribunnews 2016; Andwika 2016).

Responding to Budi Gunawan's vows, chairman of commission – I of the parliament, Abdul Kharis Almasyhari, hoped Budi Gunawan would be able to actualise his slogan PROBIN. He also hoped that BIN under Budi Gunawan's leadership would become a strong and tough intelligence organisation in anticipating all kinds of threats from outside and inside against the Republic of Indonesia. He added some priorities such as disintegration, communism, cybercrime, illegal smuggling, illegal fishing, and so on (Bayu 2016). The positive response from parliament showed a congruence between the executive and legislature in regard to the role of intelligence and its efforts to improve its capability. This resemblance has strengthened the domination of the improvement of intelligence discourse in the context of intelligence reform.

In contrast to the government's view, academics and civil society activists remained critical by underlining the importance of continuing to monitor intelligence reform. Director of Imparsial Al Araf raised the problematic of intelligence as the main issue in his article published by Kompas national newspaper. Araf questioned the Munir case and underlined that critical views from pro-democracy and human rights activists were not a national security threat. On the intelligence institution, he specifically mentioned: "Changes in state intelligence must be in the form of functions, tasks, institutions, and intelligence culture. Intelligence reform aims to shape the character and performance of professional intelligence who are subject to democratic control" (Araf

2014, p. 6). In a different interview, Araf highlighted intelligence reform as only possible by eliminating military domination (Kompas 2015, p.4; Erdianto 2016a)

During an interview, Araf emphasised the importance of the creation of civilian intelligence with civilian leadership to push intelligence reform beyond rhetoric and legal formal. The existence of an Intelligence Law could not bring about change in the intelligence culture. He suggested that at the institutional level, intelligence reform needed to conduct institutional changes, for example constructing BIN as a civilian institution. One of the characteristics of a civilian institution is that the strategic positions in BIN are filled by civilians or retired TNI-Polri who have an understanding of intelligence and not by active military with low level knowledge of intelligence who simply want to control intelligence and reintroduce a militaristic culture into intelligence (Araf, 2016).

A security observer from The Habibie Center, Bawono Kumoro, shared Araf's views and reminded that intelligence reform should be under guarded. He hoped that BIN would not become a tool for certain political interests. The leadership of BIN must have a distance against all groups so that they can filter information (Santosa 2015, p. 4). The pressure from civil society on intelligence to continue its reform decreased dramatically after the enacting of Intelligence Law No. 17 year 2011. Another factor that may lessen public attention on intelligence reform is the security threat that required more capable intelligence to prevent it from happening.

Terrorism

After two years without bomb attack (2014-2015), five bomb attacks occurred in 2016 once again calling into question the capabilities of all security institutions, especially intelligence and the police. On 14 January 2016, the bombing and shootout in

Jakarta between terrorists and police force attracted media and public attention. For example, BBC News reported the attack with headline: “Jakarta attacks: Bombs and gunfire rock Indonesian capital” (BBC News 2016). The real time news coverage both by national and international media as suicide bombers and gunmen attacked the heart of Indonesia’s capital had a huge impact on intelligence.

In the context of the January bomb attack, the majority’s view on intelligence agreed on intelligence failure. Security and intelligence observer, Muradi criticised the reluctance of Sutiyoso to admit the failure of BIN in detecting the terror attack and highlighted the old intelligence paradigm that to prevent terror attacks, intelligence should have authority to arrest suspects (Muradi 2016). Similarly, other observers like Kholid Novanto believed that the attack was BIN’s failure (Setyawan 2016), while head of the Setara Institute Hendarji criticised the weakness of the performance of the state intelligence that failed to detect and prevent this terror attack (Waskita 2016a). In a harsher criticism, terrorism observer Mardigu Wowiek Prasantyo urged chief of BIN Sutiyoso to resign due to BIN’s failure to prevent the terror attack (Widhana 2016), and Head of Islamic organisation Nahdlatul Ulama Said Aqil Siradj insisted that the, “President should totally evaluate the work of intelligence” (Ramdhani 2016).

The focus on intelligence increased yet again when four further suicide attacks occurred later in 2016; the Surakarta police station suicide bomb on 7 July 2016 (BBC News 2016b); the suicide bombing at Santo Yosef Church in Medan (Anggriawan 2016); the Molotov bomb attack at Oikumene Church in Samarinda (Probo 2016); and the Molotov bomb attack at the Buddhist Vihara Budi Dharma in Singkawang (BBC News 2016c). In the context of intelligence reform, these terror attacks opened another opportunity for intelligence to construct a discourse around the importance of improving intelligence capability. However, it seems that the public needed someone to blame and

the chief of BIN, Sutiyoso, was really under huge pressure not only from the public but also from politicians.

On 24 May 2017, three police officers were killed in bomb explosions at the Kampung Melayu bus station in east Jakarta (BBC News 2017). Although, the intelligence role in preventing terror was questioned, the construction of a narrative against intelligence was softer compared to that in 2016. For example, Chairman of Commission I of the House of Representatives, Abdul Kharis Almasyhari asked the security forces, especially intelligence, to increase awareness and early detection of potential terror after the bomb in Kampung Melayu (Amrullah 2017; Tempo.co 2017). There was no public pressure against Budi Gunawan or BIN, and Budi Gunawan quickly made a statement that Islamic State was behind the attack. He believed: “the perpetrators are part of Islamic State in Iraq and Syria (ISIS) because the alleged perpetrators are a group of Daulah Ansharut Jamaah (JAD) that affiliated with the ISIS Group (Septianto 2017).

In 2018, terror attacks occurred in four different places; Depok (Cochrane, NYT 2018), Sidoarjo (Jakarta Post 13 May 2018), Surabaya (Hilda, Detik 2018; Lamb, Guardian 2018) and Riau (Pratiwi, PR 2018; Tanjung, Okezone 2018). Similar to the situation during earlier terror attacks, intelligence was seen as incompetent for failing to detect and prevent the attacks. For example, Secretary General of Nahdlatul Ulama (NU), Helmy Faisal Zaini criticised the work intelligence and said that the failure to prevent repeated terror attacks was evidence of weak intelligence. Similarly, chair of inquiry committee on Terrorism Law, M Syafii MP and Roy Suryo MP both agreed that the attack should have been prevented if intelligence and police did their job properly (Indopos 2018).

The government response to the terrorist attacks can be seen in the operation to arrest terrorist suspects involving military and intelligence. The National Police Chief, Tito Karnavian said: “I asked the National Military Commander to send military forces for a joint operation to arrest terrorist suspects within the cell movements of *Jama’ah Ansharut Daulah* (JAD) and *Jama’ah Ansharut Tauhid* (JAT).” Karnavian also reported to the president that the military, police, and intelligence would work together (Indopos 14 Mei 2018). The government response showed a more unified action, led by the Indonesian National Police. In early June, about two weeks after terror attack in Surabaya, Karnavian said: “Indonesian police have arrested a total of 37 suspects in connection with the suicide bombings in Surabaya. Four other suspects were shot and killed by police in the dragnet to bring to justice those responsible for the May 13 attacks on three churches, as well as one on the local police station in Indonesia's second largest city the next day” (Chan 2018). This quick response added a new success story concerning Indonesia’s counter terrorism efforts and weakened critics towards police and intelligence.

After a series of counter terrorism operations by the police supported by intelligence and the military, almost automatically the polemic about weak intelligence disappeared from public discussion. However, a different aspect of intelligence activity was suddenly under spotlight. This related to the political contestation between the coalition of ruling parties and coalition of opposition. Several cases that emerged during Jokowi’s presidency include the 2018 gubernatorial and regent elections, the 2019 change president movement or more popular with hashtag #2019GantiPresiden (#2019ChangePresident), and the Muhammad Rizieq Syihab case. These cases are not as simple as they appear because there was no verified information to determine the correct information regarding contesting claims of the involvement of intelligence.

The Gubernatorial and Regents Elections (Regional elections or Pemilihan Kepala Daerah – Pilkada)

The most noticeable statement regarding the involvement of intelligence in regional elections came from the sixth president of Indonesia, Susilo Bambang Yudhoyono (SBY). During a press conference on 23 June 2018, SBY said “stories about elements or individuals from State Intelligence Agency (BIN), National Police (Polri), and Armed Forces (TNI) are real and not a hoax. Once again, this is individual member of the institutions, while as organisation BIN, Polri, and TNI are good” (Bempah, Kompas 2018). Responding to SBY’s statement, President Jokowi said: “the neutrality of TNI, Polri and BIN is absolute in the national and regional elections, and I have instructed this to Polri, TNI and BIN” (Kuwado, Kompas 2018). The suspicion against intelligence relating to regional and national elections was strong among opposition supporters, as represented by SBY’s statement. However, in regard to intelligence reform, there was no pressure for intelligence to reform itself again.

Director for communication and information BIN, Wawan Purwanto, in his official statement said: “BIN must be neutral, there is no order to side with anyone in the regional elections, legislative election and presidential election. If there is a violation, there is an internal sanction from BIN and public accountability in the DPR as well as budget accountability to the State Auditor (BPK). All the corridors are already there”. He further said: “If there is an issue of non-neutrality, it can be submitted to Election Supervisory Agency (Bawaslu), also to the General Election Commission (KPU) or even to the Constitutional Court if there are lawsuits, and of course it must be supported by evidence” (Rachman 2018). Official rebuttal by BIN’s spokesman has challenged accusation of BIN’s involvement by suggestion of bringing the issue of non-neutrality to

relevant authorities. This narrative was effective in reducing public speculation about the involvement of BIN in politics.

#2019GantiPresiden* a.k.a *#2019ChangePresident

The hashtag *#2019GantiPresiden* was first found in twitter social media as a spontaneous expression of some twitter accounts in 2016. According to my research the first use of the hashtag was within a discussion between twitter users *@phantomtroupe13* and *@black_devils4*. They started the hashtag *#2019GantiPresiden* on 22 August 2016 (Ryodan and Rudy 2016). The discussion could not be considered as viral as it was only a discussion between the two without any like or retweet. The use of *#2019GantiPresiden* increased after the Gubernatorial election in Jakarta in 2017 and it was formalised as a movement on 6 May 2018 by the initiator of *#2019GantiPresiden* movement, one of leaders of Justice and Prosperous Party, Mardani Ali Sera. (Zuraya and Mansur 2018).

Intelligence once again was in the spotlight of viral social media discussion and also mainstream media both printed and electronic due to the persecution incident on 25 August 2018 against *#2019GantiPresident* campaigners, especially against one of its leaders, Neno Warisman in Pekanbaru, Riau (Tanjung 2018). The incident was involving the chief of regional BIN, Rahman Haryadi who was seen in an amateur video recording requesting Neno Warisman to leave Pekanbaru and cancel her plan to launch *#2019GantiPresiden* Pekanbaru chapter (Ansam 2018). The polemic around this incident was to last for several days, mostly directed at the chief of regional BIN whether justified or not.

On one side, the official response from BIN came from BIN's spokesperson, Wawan Purwanto: "the appeal to return Neno Warisman to Jakarta was the best way to avoid clashes between two supporters (government and opposition) and prevent

casualties, and of course new problems would also arise over the legality of the program” (Hermawan and Nugroho 2018). Two days after his first official statement, BIN’s spokesman reiterated the importance of preventing clashes between political supporters and also made an apology for the inconvenience if the measure taken by BIN’s regional chief, *Rahman Haryadi* was seen as an excessive action (Rizky 2018). On the other side, opposition parties; for example, Secretary General of the Gerindra Party, Ahmad Muzani, perceived the behaviour of the regional BIN chief in Pekanbaru as “Intel Melayu”, a derogatory term used to describe an intelligence officer who conduct his/her acts as a show off to let the public know that he/she is an intel (Sarwanto 2018). The Deputy Speaker of the Parliament, Fadli Zon, said that the Parliament, in this matter Commission I as BIN’s partner would execute its supervision role by requesting the Chief of BIN to explain the incident in Riau (Ihsanuddin 2018).

Chairperson of Commission I of the Parliament, Abdul Kharis Almasyhari specifically mentioned the incident of Neno Warisman as unprofessional. He said: “BIN official should work unnoticeable or secretly. If BIN Riau branch has analysed a potential violent clash between two mass supporters because of the activity of Neno Warisman and friends regarding the #2019ChangePresident movement, then they should be able to prevent the clash without creating public controversy that would be splashed back to BIN as an intelligence institution. Furthermore, it should be noted that BIN has the obligation to remain neutral in political contestation” (Almasyhari 2018). The fundamental criticism towards BIN was not based on suspicion of politicisation of BIN, rather it was a matter of methods in executing preventive measures - that it was too bluntly open.

The Muhammad Rizieq Shihab Case

Similar to the two previous cases, this case to some extent is also related to the political contestation between the incumbent President Jokowi and his challenger Prabowo. However, the actual case involving Rizieq Shihab in the vortex of political Islam versus nationalism was the Jakarta gubernatorial election from February to April 2017. According to Shihab's lawyer, Kapitra Ampera, there were nine reasons why the police were looking for evidence to catch Shihab in a legal case: (1) demonstration of action for defending Islam, (2) Shihab's central role in the defeat of Basuki Tjahaja Purnama (Ahok), a nationalist governor candidate for Jakarta, (3) participated in guarding [more like pressuring] the North Jakarta Court which decided Ahok was guilty for religious blasphemy, (4) rejection of criminalisation against Islamic clerics, (5) defending justice and refusal of business mafia intervention, (6) defending poor people, (7) rejection of foreign intervention, (8) motivating Islamic communities to fight communism, and (9) wanting all Indonesian Muslims to unite in all dimensions, especially the economy (Al Birra, 2017).

Although it seems that there are so many reasons, all connected to Shihab's fundamental political views against Jokowi's administration using Islamic narratives. Mass media reported around 7 to 10 lawsuits against Rizieq Shihab that were popping up during 2016 to 2017 leading to his self-exile in Saudi Arabia (BBC 2017a; Tempo.co 2017; Aco 2017). Rizieq Shihab, the leader of the Islam Defenders Front (FPI), has been in Saudi Arabia for more than a year. Rizieq's sex scandal got its start in late January 2017, when the screenshots of pornographic conversations and photos of the fundamentalist Muslim leader and Firza via WhatsApp (Rohmah 2018). He was charged by Indonesian police for violating the 2008 Pornography Law in May 2017 and fled to

Saudi Arabia, refusing to return to Indonesia, later the police dropped the case, citing a lack of evidence.

During the progress of all cases involving Rizieq Shihab in 2016 to 2017, a discourse insinuating the role of intelligence was not dominant. However, in June 2017, there was an accusation that intelligence was behind the dissemination of the screenshots of pornographic conversations linked to Shihab by website *baladacintarizieq.com* (Rizieq Love Ballad, now inactive). The source of the accusation was an anonymous blog *analisabaladacintarizieq.blogspot.com* (The Analysis of Rizieq Love Ballad, later removed) and several twitter accounts. The anonymous social media mentioned Irfan Miftach as the man who owned the website uploading the porn chat screenshots, and he used the address of intelligence headquarters. Irfan Miftach denied the accusation and reported this to the police (Matondang 2017; Siswanto 2017), the police also clarified that the address of *baladacintarizieq.com* was in the United States (Amelia R 2017), while Deputy VI, one of the Deputy Chiefs of the State Intelligence Agency, Sundawan Salya, through a press release, said: “the allegations are not true. BIN has no interest in the Rizieq Shihab case” (Mabruroh 2017). The polemic regarding who is behind the website and where it was created and uploaded unfortunately did not touch the technical explanation that should be able to present facts. Yusuf Oik is among a few who tried to refute the allegation that the address of the *baladacintarizieq.com* is the same as Intelligence Headquarters. Quoting the opinion of Infosec Consultant and Digital Forensic Investigator, Josua M. Sinambela, both defended the innocence of Irfan Miftach (Yusuf 2017).

Responding to the many lawsuits against Rizieq Shihab, there were two contentious views. *Forum Umat Islam* or FUI (Forum of Muslims) claimed that there was an element of 'plotting and criminalization' in the Rizieq case (BBC 2017b).

Similarly, *Alumni 212* (organising committee of Islamic mass demonstration on 2 December 2016 against Ahok) said “the stipulation of the leader of the Islamic Defenders Front (Front Pembela Islam, FPI), Rizieq Shihab, as a suspect in violating the Pornography Law, is a criminalization of Islamic scholars (ulama)” (BBC 2017c). An *Alumni 212* spokesperson repeated the same statement in March 2018 (Mardiastuti 2018). On the contrary, the Indonesian police asserted that they did not criminalise Rizieq Shihab (Candraditya 2018). In the same tone, Cabinet Secretary Pramono Anung denied any attempt to criminalize him. He said the investigation process currently underway was a law enforcement effort (Budiman and Wisnu 2017).

The narrative and counter narrative about the criminalisation of Islamic scholars continues to appear in both mainstream media and social media to this today. This phenomenon cannot be isolated from the political contestation between the supporters of Jokowi and Prabowo. Intelligence as part of the executive branch of the government has a difficult position because whatever intelligence said, the opposition would always harbour suspicions against intelligence. On 5 November 2018, a very interesting case occurred in Saudi Arabia related to Shihab and the allegation about intelligence operations against him. The controversy regarding the involvement of Indonesia’s intelligence sparked by the question of who was flying a black Islamic flag at the rear of his residence in Mecca.

Saudi Arabia’s police and intelligence detained and questioned Rizieq Shihab to explain the black Islamic flag at his residence, which some media said looked like an Islamic State (IS) flag. Indonesia’s Ambassador for Saudi Arabia Agus Maftuh Abegebriel said: “Muhammad Rizieq Shihab was visited by the Makkah police because of the black flag that indicates the characteristics of extremist movements on the back wall of the Shihab house”. Ambassador Abegebriel also said: Muhammad Rizieq Shihab

was picked up by the Mecca Police and *Mabahis' Aamah* (general intelligence or General Investigation Directorate, the GID) and then taken to the police station. Furthermore, for the investigation process Shihab was detained by the Mecca regional police (Pratama 2018).

The Rizieq Shihab case in Saudi Arabia triggered several days' news reporting, speculation, allegations and rebuttal. On 8 November 2018, FPI's spokesperson, Munarman said: "Rizieq conveyed that those suspected of being perpetrators [of flying the black flag] were the rotten intelligence from Indonesia". He also said: "The Saudi security forces themselves were furious, when they heard reports from Habib Rizieq that there were people who were aiming at him with Saudi security forces, with long-distance cameras and photographs that were widely circulated in Indonesia" (Priliawito and Syaefullah 2018). On the same day, BIN's spokesperson, Wawan Purwanto, said: "all allegations that mention BIN plotted the detainment of Rizieq Shihab by Saudi Police are a hoax" (Tumanggor 2018). Similarly, responding to the allegations to intelligence and the government, the Chief of Presidential Staff Office, Moeldoko said: don't trump up (Polycarpus 2018).

The polemic about the possible involvement of intelligence in the Rizieq case in Saudi Arabia continued to roll. For example, on 9 November 2018, another FPI spokesperson, Slamet Maarif, said his party had never mentioned or accused the Indonesian Intelligence Agency (BIN) of carrying out an operation to harm Rizieq Shihab. Slamet even said that Rizieq himself never mentioned BIN. He turned back the heated debate by questioning why BIN reacted to FPI's statement that only mentioned there was an intelligence plot (CNN Indonesia 2018). Maintaining the insinuation of an intelligence operation, Rizieq Shihab's lawyer, Eggi Sudjana, added that the aim of the intelligence operation against Rizieq Shihab was to harm, deport, and trouble Shihab

(Andayani 2018). Another analysis that supported the speculation of an intelligence operation was voiced by terrorism and intelligence observer, Harits Abu Ulya. He said: “if we look at how the flag case (ISIS) happened and then the distribution of case reports by social media networks viral penetrated into mainstream media will lead to a conclusion, this is by design and my analysis, from evident or indications that what befalls to Rizieq Shihab is the product of intelligence operations” (Fatah 2018).

Contentious narratives between those who saw an intelligence operation and linked it with intelligence institutions in Indonesia and those who candidly negate intelligence operation against Rizieq Shihab each have reasonable arguments. There are many possible scenarios about who is the perpetrator of the black flag flying at the rear wall of Shihab’s house. It could have been done by anybody who had an interest in either pressuring Rizieq Shihab or trying to create an image of Shihab being intimidated by intelligence. It could also have been done by an individual or group of Indonesians in Saudi Arabia who voluntarily took action to bring trouble to Shihab, either for political reasons or out of personal grievances. The unanswered mystery that Saudi security couldn’t find out, leave the debate back to the mind of Indonesian people. Some may believe in Shihab supporters’ view about intelligence operation against Shihab, and some may see it as merely an act of Shihab supporters.

BIN’s Spokesperson: Pros and Cons of Transparency

Several days after the Rizieq Shihab case subsided, another case created a new polemic in the media. On 17 November 2018, special staff of the Chief of BIN, Arief Tugiman made a statement in a public discussion about the role of Islamic Mass Organization that 41 masjids were exposed to radicalism (Merdeka 2018; Smith 2018). BIN’s spokesperson, Wawan Purwanto later clarified that Deputy Director in Direktorat

83, Arif Tugiman revealed the finding of radicalism from a survey by *Perhimpunan Pengembangan Pesantren dan Masyarakat (P3M)* or Islamic Boarding School and Community Development Association. Further details were explained also regarding 50 Islamic preachers who spread messages leading to radicalism, that BIN would like to give an early warning and to counter radicalism, and so on. (Halim 2018).

On one side, BIN's media engagement can be seen as an effort to show transparency to avoid public misperception about BIN. But on the other side, such a statement invites unnecessary criticism towards BIN. For example, members of the Indonesian House of Representatives Commission VIII from the Democratic Faction, Khatibul Umam Wiranu regretted the way BIN, which openly announced the issue of masjids indicated as being exposed to radicalism. He also warned: "BIN makes people afraid by spreading info that is not for their consumption" (Hermawan 2018). Another critic came from Deputy Chairperson of the Gerindra Party, Fadli Zon who said that the actions of BIN which stated that there were 41 masjids allegedly exposed to radicalism were inappropriate. According to Fadli Zon, the statement from the BIN actually caused a stir and raised suspicion (Arigi 2018). Deputy Speaker of the Parliament, Fahri Hamzah said BIN has made a new uproar in the community (Aristama 2018). Similarly, Deputy Speaker of the People Consultative Assembly (MPR) Hidayat Nur Wahid demanded BIN not to worsen the situation by delivering doubtful validity of information (Tempo.co 2018).

Adding to the critics, politicians demanded further explanation of BIN's statement regarding radicalism in 41 masjids. For example, Chairperson of Islamic Justice and Prosperous Party Central Board Mardani Ali Seracriticised BIN's statement and asked BIN to disclose the 41 masjids as well as explaining the parameter of radicalism (Hariyanto 2018). While, Deputy Chair of Commission VIII of the

Parliament, Ace Hasan Syadzily requested BIN to disclose 50 Islamic preachers who spread radicalism (Erwanti 2018a). Slightly different, Deputy Chair of Commission I of the Parliament, Satya Yudha asked BIN to socialise the criteria of Islamic preacher who spread radicalism, so the people will understand, aware and resilience against provocation (Erwanti 2018b).

The role of BIN's spokesperson was also questioned. For example, Effendi Simbolon, a member of Commission I of the Parliament, reminded BIN that it was not the role of intelligence to convey information to the public. He further emphasised that BIN's information was exclusively for the President. He also said BIN's spokesperson was a role that was not needed (Carina 2018). Simbolon's statement summarized the inconvenience felt by politicians and public in general regarding the frequent public statements and clarifications, either written or spoken, from BIN's spokesperson. This situation prompts a question; what kind of transparency do the people expect from intelligence? Before 1998, people would never expect formal clarification or denial by intelligence institutions, but now when intelligence tries to communicate its finding or explain the truth, it creates an uproar amongst the public. For further research, it would be interesting to see whether intelligence in Indonesia could find the right balance as to when it should speak to the public and when it should remain silent.

Intelligence Reform: A Finished Business?

The issue of intelligence reform in Indonesian cannot be separated from the discourse of politicisation of intelligence. All four cases during Jokowi administration to some extent related to the dynamic of political contestation over local and national elections. It is not surprising that critics towards intelligence mostly came from the opposition parties. However, it is surprising that intelligence has made a blunder in

handling a security threat related to the political aspiration of the people, as in the case of hashtag #2019GantiPresiden in Riau. The rest of the cases are debatable as the hard evidence to support different narratives does not exist and allegations are mostly unverified, based on speculation, or very difficult to prove.

With regards to intelligence reform, despite many problems around intelligence, there is no ongoing public pressure for intelligence to reform itself, as if intelligence reform is a finished business. Critics of intelligence aim at different aspects of intelligence behaviour, activity, or cases that do not require an overhaul of intelligence organisation. Interestingly, vocal politicians show disagreement on intelligence public exposure by BIN's spokesperson. Politicians may represent general public sentiments that intelligence should keep the problem for themselves and try to solve it for public safety, without creating public concern about security threat.

From the six themes of intelligence reform – namely; politicisation of intelligence, militarism (civil-military relations), human rights, effectiveness, transparency, and counterterrorism - politicisation of intelligence continues to dominate the public discourse over other themes. It is followed by the debate around transparency and then counterterrorism and effectiveness of intelligence operations. However, during the Jokowi administration those themes are not discussed under the framework of intelligence reform. The framework for assessing intelligence is partial and aimed at improving intelligence in terms of one or two characteristics. For example, criticism of politicisation of intelligence is based on circumstantial evidences and cannot be seen as institutional policy. All Presidents of Indonesia after the 1998 reform have instructed the Police, Military and Intelligence to be neutral in politics. After his fit and proper test in 2016, the current Chief of BIN, Budi Gunawan said that in line with the intelligence law, BIN should be independent (neutral) and objective (Andwika 2016).

I would argue that criticism of BIN's transparency showed by frequent media engagement is very helpful for intelligence to find the balance in communicating delicate potential security threat with the people. It is also a question of the quality of intelligence information and analysis. The case of early warning about the spread of radicalism in some masjids is important, however the source of information has too many flaws. If intelligence continues to make the same mistake, it may be counterproductive to intelligence by losing public respect and trust. As for the more direct public support on counterterrorism and effectiveness of intelligence operation, there was no discrepancy in understanding the importance of intelligence building capacity in countering terrorism. Intelligence has full political support to improve its capability in counterterrorism. This trend is corresponding with the narrow definition of intelligence reform as being simply to improve its capability.

After a long case by case presentation of intelligence reform in Indonesia since 1998, the following chapter will discuss the typology of intelligence reform by analysing all available data from this chapter. The next chapter will compare intelligence reform in Indonesia with Brazil and Romania. It will also present main arguments about the key drivers influencing intelligence reform, the direction of reform, the level of success, and the possible future, to address the research questions of the thesis.

Chapter Six

INTELLIGENCE REFORM IN COMPARATIVE PERSPECTIVE: INDONESIA, BRAZIL AND ROMANIA

6.1. Why Compare Indonesia with other countries?

This thesis has presented a single country case, that of Indonesia. However, examining intelligence reform in a comparative manner does add an additional dimension to our understanding of why each factor that influences intelligence reform has a different level of influence. Hence, this chapter compares intelligence reform in three countries: Indonesia, Brazil and Romania, to show similarities and differences in the identified discourses and main drivers of reform, and the resultant measures from the typology of intelligence reform that I have developed.

Comparing intelligence reform in Indonesia with Brazil and Romania allows us to consider whether the typology of intelligence reform developed in relation to Indonesia is applicable to other cases. Conducting single case research on intelligence reform in Indonesia may have enabled me to make sense of this specific process. However, it can be argued that only by making comparisons can readers of this thesis see my arguments in relation to more familiar cases from Europe and Latin America that have been observed before. Comparing Indonesia with Brazil and Romania with systems that differ in history, culture, legal tradition, and other important contextual aspects is open to criticism. However, the intention of this thesis in comparing the three countries is to focus on a small fraction the whole systems: to make comparative observations about intelligence reform. The availability of previous research on intelligence reform in Brazil and Romania has made this comparison possible to track without conducting field work.

Guided by the typology of intelligence analytic frame, I examine how the level of democracy, civil military relations and the culture of national intelligence influence intelligence reform. It is taken from discourses on intelligence reform in the three countries. This frame is used to examine comparatively whether intelligence reform in these countries converges towards a similar reform model. Indonesia, Brazil and Romania have each undergone significant intelligence reforms, Indonesia and Brazil within the context of a post-authoritarian military state, and Romania within the context of a post-communist environment.

While the issue of intelligence reform remains problematic at the policy and implementation level, the existing research and literature on the subject, mainly in the context of developing democracies, remains scarce. There is an extensive amount of literature available concerning issues of intelligence in the context of Western and long-established democracies, though newer democracies have not had such extensive focus. Inserting the comparison of intelligence reform in Indonesia, Brazil and Romania within this thesis is inspired by Andregg and Gill's explanation about single country studies and the comparative study of democratisation of intelligence. They explained, "there are continuing intelligence controversies with important implications for democratic governance in many Latin American countries and, perhaps even more so, in the new democracies of south-east Europe that struggle to sustain themselves in the face of continuing nationalist questions and war-ravaged political economies that bred corrupt networks of government, crime and business" (Andregg and Gill 2014, p. 496). Similar controversies were found in the Indonesia case, as shown in the previous chapter. In the following sections of this chapter, intelligence reform in the three countries is compared.

Within this context, this chapter will present a critical analysis of Indonesia, Brazil and Romania approach to intelligence reform with a focus on the challenges that persist as a result of its military history. It shall be argued that contesting discourses produced by the government and public (including civil society) are very crucial to Indonesia, Brazil and Romania attempt to introduce democratic values into its intelligence reform. On the basis of this argument, this study will apply Critical Discourse Analysis (CDA) to draw out these contesting discourses. According to Van Dijk (2001, p. 352), CDA is “a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context.” By leveraging the work of Van Dijk and other CDA tools from the work of Fairclough (2013), Wodak (2007), Paltridge (2006) and others, in this chapter will draw out several contesting discourses that underpin intelligence reform in Indonesia and Brazil with respect to: the politicisation of intelligence, civil-military relations, human rights, transparency, effectiveness, and counter terrorism.

To balance the amount of information presented on Indonesia, Brazil and Romania, the following section will provide literatures and analysis on Brazilian intelligence and then Romanian intelligence. Of course, this thesis still heavily discusses Indonesia than Brazil and Romania as shown in chapter four and five.

6.2. Intelligence Reform in Brazil

This section subsequently provides a brief analysis of Brazil’s intelligence culture and it shall be argued that it is imperative for a state to function properly while conducting reforms, and the same situation is applied to intelligence institutions. On one hand, it appears that the old paradigm was transitioned to a new era of effective intelligence

underpinned by practices of transparent democratic intelligence. On the other hand, however, the production of narratives and counter narratives within government interest groups will be emphasised in this essay. This essay will therefore advocate for a more balanced approach to intelligence reform, particularly one within which civil society, academics and the media play a greater role. It is argued that this would enable a more successful story of intelligence reform. In the final section, the essay concludes with a summary of its findings.

As a subset of civil-military relations, the issue of the civilian control of intelligence services has traditionally been problematic (Bruneau and Trinkunas, 2006; Bruneau and Matei, 2008, 2012). This emanates from not only the legacy of authoritarian or non-democratic governance regimes, whereby intelligence services are given a great deal of control in a way that human rights abuses are enabled, but also as a result of the inherent tensions between intelligence and democracy. Theoretically, democracy necessitates transparency, as well as accountability to the governed (Matei and Bruneau, 2011b). As has been noted previously, there is an inherent contradiction between the precepts of intelligence and democracy because in contrast, intelligence must be operational within secretive conditions in order to be effective, thus contravening some degree of transparency and accountability. In the case of well-established democracies, some states have been successful at putting in place mechanisms that can address this inherent dilemma however formalising such mechanisms in new democracies is often comparatively problematic (Bruneau, 2001, 2008).

The balancing of democracy and intelligence in new democracies is problematic due to various reasons. First, the concepts and terms associated with intelligence are vague and thus, are inherently controversial. Then, the processes that make up

intelligence: gathering, analysis and broadcasting, are secret; because of the powerful nature of this form of knowledge, those that have access to it seek to keep it to themselves. This means that knowledge in this context, is made minimally available to members of the public. Thirdly, there is the argument that new democracies do not have a guide via which they can overtime, establish a balance between intelligence and democratization (Bruneau, 2007b). The majority of the literature focuses on established democracies such as the United States, Great Britain and France. It is only recently that there has been a surge in research that focuses on new democracies.

The history of intelligence in Brazil can be traced to 1927 during which the National Defense Council (CDN – Conselho de Defesa Nacional), subsequently renamed the National Security Council (CSN – Conselho de Seguranca Nacional) was established. One of core mandates of the CDN was to protect the President and the Executive branch of the state, by providing intelligence concerning any present or future threats to national security (Hagopian, 2007). CDN also oversaw intelligence and counterintelligences activities. Nevertheless, it was only in 1958 that the first civilian intelligence service known as the Federal Intelligence and Counterintelligence Service (SFICI – Servico Federal de Informacoes e Contra-Informacoes) was established. It is however not until the establishment of the National Intelligence Service or (SNI, SNI – Servico Nacional de Informacoes) that Brazil's intelligence community underwent significant changes (Mainwaring, 1999).

The military overthrow of 1964 which resulted in an authoritarian regime was concomitant with serious efforts to replace the SFICI via the creation of a new secret service. Through Law no. 4,341, of 13 June 1964, a new intelligence service was created, the abovementioned SNI. According to Goncalves (2014, p. 583):

the SNI was a civilian federal secret service with the main function of assisting the President of the Republic on issues of intelligence and counterintelligence. As central intelligence agency in the country, the SNI also had as a mission to supervise and coordinate the State civilian intelligence and counterintelligence system. This system included intelligence directorates in other Ministries, federal agencies, public enterprises, and even inside universities, with thousands of people gathering information, producing intelligence, and reporting to the Central Agency of the SNI. More than coordination, the relationship between the members of the National Intelligence System (SISNI – Sistema Nacional de Informacoes) and the SNI was based on subordination: the intelligence community reported directly to the SNI and received orders from the Central Agency in Brasilia. Furthermore, it was not unusual that the head of the SNI asked for information and commanded the organs of the system placed in other Ministries without consulting the Ministers to whom the organs were formally subordinated.

The new system entailed military intelligence however as a caveat, military agencies were not placed in subordinate positions to the SNI (O'Donnell, 1988). The military was autonomous and developed its own powerful secret agencies. The military did not always work conjointly with the SNI as in some cases, its agencies competed with the SNI in terms of producing intelligence. It is worthy to note that during the peak of the military regime, it was military intelligence that fuelled the authoritarian government as opposed to the SNI (Ginter, 2008). Military intelligence agencies served as key instruments of oppression during this period (Power, 2010). This is not to argue that the SNI did not also function as a tool for the oppression of Brazilian society; indeed, it became “the best-known organization of the intelligence community” (Goncalves, 2014, p.584).

Goncalves (2014, p. 584) further notes that “certainly, during the military period, the SNI turned from a small agency into an extremely powerful organization in Brazil.

Intended to be a civilian secret service, it became militarized: generals and colonels assumed posts of command in the service, and many analysts and agents were recruited from the armed forces.” The SNI comprised a Central Agency that featured three divisions: Internal Security, Special Operations and Strategic Information (Stepan and Van Oystaeyen, 1988). Upon its inception, it was exempted from the imperative of informing Congress about its activities, hence the lack of accountability that resulted in severe human rights violations (Stepan, 1973, 1989). It has been noted that “since its organization and functions were not previously established by law, this made it possible for the agency to adapt itself to the circumstances that the new authoritarian regime faced. This “elasticity” also allowed the SNI to systematically penetrate all levels of government” (Bruneau, 2015, p.2)

The SNI, has been conceptualised as a fourth military service in some circles, or a shadow state complete with powers and structures akin to the secret services of communist regimes (Schneider, 1971). An important difference however from such agencies is the ministerial rank of its leader, and the fact that it had complete oversight of the intelligence community. The SNI was explicitly responsible for both foreign and domestic intelligence, which entailed analysing information concerning enemies of the state as well as political dissidents (Power, 2010).

Overtime, the focus of the service became centred around issues of security intelligence and counterintelligence. Leaders of the SNI were extremely influential in government and served as watchdogs on behalf of the regime amidst an increasingly repressive environment. In this way, the secret services thus served the function of mitigating anti-state operations through various means such as kidnapping and torture as well as surveillance. It has been noted that its “intelligence actions caused a huge trauma

in the Brazilian society. Being central to the intelligence system, the SNI was the backbone of the military authoritarian regime in Brazil and notorious for its participation in these dreadful activities” (Goncalves, 2014, p. 584). It is for this reason that even after it was dissolved, the subsequent intelligence agency, known as the Brazilian Intelligence Agency (ABIN – Agencia Brasileira de Inteligencia) was challenged by the immense and deep-rooted stigma of the SNI.

The end of the sixties in Brazil was concomitant with the rise of opposition against the military regime. In response, the SNI increased both in number and in size. It indeed grew exponentially, gradually becoming the putative head of the network of intelligence services under the military regime. Not only did the number of SNI branches increase during this period, the head of the organisation was further afforded the power of veto, a privilege which at a point in time, was only bestowed upon Ministers of State (Ginter, 2008).

Following the dismantling of the authoritarian regime and the transition to the first civilian administration, the SNI continued to play an important role as a federal agency (Ginter, 2008). As a consequence, it was highly resistant to the reforms that took place under the 1988 Constitution (Bruneau, 2007a). It is imperative to note that the new Constitution did not abolish the SNI although it abolished other military institutions such as the National Security Council (CSN – Conselho de Seguranca Nacional).

The general focus of intelligence agencies during this period mainly pertained to issues of foreign threats and counterintelligence concerning industrial spying amongst others (Collier and Cardoso, 1979). Consequently, the SNI was adapted to encapsulate new international realities. While at the government level, foreign affairs were prioritised during the Sarney Government, the SNI was still given the mandate to monitor worker's

strikes and domestic issues (Taylor, 2008). During the 1989 presidential elections, the SNI was further placed in charge of monitoring the movement of left wing candidates across the state and additionally infiltrated agents during the Sixth National Meeting of the Workers' Party (Power, 2010).

Thus, while the SNI was positioned as an agency that was mainly interested in foreign affairs, the majority of its activities and resources were concentrated around domestic issues including the monitoring of potential disruptors to Brazilian politics (Cepik and Ambros, 2014). It has also been noted that "the SNI continued to receive large federal resources, greater than those going to other ministries" (O'Donnell, 1988, p.15). Even during the gradual and slow transition to democracy, the SNI was still accused of being directly involved in the repression of the rights of civilians, and of other crimes such as telephone bugging, invasion of privacy and correspondence.

It was not until 1990, on inauguration day that both the SNI and the SISNI were abolished. Although a basic reform, it was unexpected in the intelligence community and thus, took several onlookers by surprise (Bruneau, 2015). Owing to the legacy of the SNI, the secret service experienced significant ostracism and it is quite telling the last decades of the 20th century have been termed the years of darkness for Brazil's intelligence community (Bruneau, 2015). During this period, Brazil's intelligence community lost its prestige.

While the end of the Cold War had eliminated certain global threats, it has been noted that on "the other hand, in the domestic field, the 'internal enemy' changed. Social movements, left-wing parties, including the communists, and groups from a broad political and social spectrum that would have been considered 'dangerous to the national

interests' 10 years earlier, were now legitimate parts of the democratic process” (Goncalves, 2014, p.586). As was the case with a myriad of countries during this period, the reformation of the intelligence service and the establishment of new secret services during this period (within a post-Cold War context) was extremely challenging (Taylor, 2008).

The major challenge stemmed from the prospects of establishing intelligence services in the context of a singular international order characterised by “unipolarity in security, multipolarity in economy, new non-state organizations influencing the system, and by new threats from sources other than states” (Goncalves, 2014, p. 586). Despite this recalcitrant approach to reforms during this period, the 1990s was also concomitant with increasing debate concerning the role of intelligence in democratic societies globally (Taylor, 2008). It is within this context that Brazil’s Executive and Legislative branch increasingly considered the establishment of a new civilian secret service (Power, 2010). It is worth mentioning that although between 1964 and 1985 during the military, the Brazilian government recognised both real and imagined threats and used the SNI to repress these threats, following the advent of democracy, government perceptions changed. Bruneau has explicitly noted that “the Brazilian governments since the end of the military regime in 1985, hold a very benign view of the world in which national goals are to be achieved through diplomacy and trade. There is a huge stigma attached to the SNI, and thus to intelligence in general since the SNI was the core organization doing what was considered “intelligence” at that time. And, there is an equally great emphasis on law and legalism which members of the Congress, and particularly from political parties on the Left, have utilized in developing the legal basis for the current intelligence system” (Bruneau 2007, p.3).

In Brazil, the democratisation process has been concomitant with intelligence reforms through a strong emphasis on legality and legislature (Bruneau, 2015). Various legislative changes from 1995 onwards, have played a crucial role in the formation of the current Brazilian intelligence system. Prior to 1995, issues of security and defense were not prioritised by congress as for the executive, the economy and foreign debt were important issues to be dealt with (Bruneau, 2007a). Nevertheless, Leftist members of Congress were very passionate about consolidating Brazilian democracy especially in the area of intelligence, due to its former role in perpetuating the authoritarian regime. The increasing traction of intelligence issues from 1995 onwards, further stemmed from an awareness within Congress about its exclusive powers with regards to the provision of oversight over the Executive (“fiscalizacao”) (Bruneau, 2015).

Consequently, the intelligence system in Brazil is based on several legal documents. The current Brazilian Intelligence System (SISBIN) was established via Public Law no. 9883 in 1999 and the same law established the Brazilian Intelligence Agency (ABIN), for the purpose of intelligence gathering and analysis, counter-intelligence, counterterrorism, information security, doctrinal development and training. It is imperative to highlight five institutional developments that occurred within Brazil’s intelligence sector between the years 1999 and 2008 (Power, 2010). The ABIN was made subordinate to the Institutional Security Cabinet (GSI), and the National Congress established the Joint Commission for the Intelligence Activities’ Control (CCAI). Further, additional specialised bodies and ministries were formally added to the SISBIN. Also, law enforcement intelligence at the federal and state levels was made available via the establishment of the Public Security Intelligence Sub-System (SISP). During this

period of reform, military intelligence was reconfigured as the Defense Intelligence System (SINDE) (Bruneau, 2015).

Accordingly, from 2008 onwards, the SISBIN encapsulated the GSI, ABIN, the Ministry of External Relations, the Ministry of Defense, the Ministry of Justice, the Ministry of Science and Technology, the Ministry of Regional Integration, the Ministry of Environment, the Ministry of Social Development, the Ministry of Labour, the Ministry of Health and the Presidential Advisor's Office. As a caveat, while there are a myriad of distinct intelligence organisations in Brazil, their overlapping jurisdictions and objectives has meant that the entire national intelligence system (SISBIN) has for the most part, been characterised by a low level of functional specialisation.

Various laws have governed the process of intelligence reform in Brazil. For instance, Decree Law No. 3,448 of 5 May 2000 underpins the establishment of a Subsystem of Public Security Intelligence; Decree Law No. 3,695 of 21 December 2000 provides additional directives on Public Security Intelligence; Decree law No. 3,505 of 13 July 2000 governs the establishment of Information Security Policy in the Federal Administration and there is further a policy directive stemming from the Minister that institutes the Defense Intelligence System in the Ministry of Defense. Aside from the available detailed legal framework that governs the intelligence system, Congress further addresses the issue of oversight. Following the democratisation process, three main bodies oversee the oversight and control of Brazil's intelligence activities. In the executive branch, these are the Office of the Comptroller General (CGU) and the Brazilian Court of Audit (TCU) which has the mandate to investigate both military and civilian intelligence budget expenditures. Under the legislative branch, there is the Joint Commission for External Control of Intelligence Activities (CCAI), although according

to Cepik and Ambros (2014) it has undergone a myriad of challenges following its inception. According to the authors:

...even in 2013, almost 14 years later, it was still not able to get its internal rules approved by National Congress, nor does the Commission have a proper budget, personnel, and secure infrastructure. Its activities are intermittent, directed by whatever appears in the media rather than by any regular effort from the Parliamentarians. As a result, the level of actual external control over intelligence in Brazil could be regarded as weak. (Cepik and Ambros, 2014 p.535)

Bruneau (2015) also emphasises the challenges with respect to existing oversight mechanisms, highlighting the shortfalls with respect to the formalisation of the institutions with the mandate to oversee intelligence, national security and defense. A lack of interest from not only Congress but actors such as civil society, NGOs, the media and think tanks, have stalled efforts to improve oversight mechanisms (Wampler and Avritzer, 2004). Although between 2000 and 2002, various institutions were developed and investments were made in human resource capacity, regression as opposed to progress has been noted by Bruneau (2015) and existing challenges are further exacerbated as a result of the legacy of the past.

From the mid 1990s to contemporary times, there has been an emphasis on creating a barrier between the current intelligence system and the SNI as well as other militarized intelligence organisations which were operational during the authoritarian regime because of their associations with a particular stigma (Bruneau, 2007a). Due to the lack of external threats, the Executive had no basis for preserving the old system. With regards to the reforms, there is the point to be made that “the democratic transition was the initiative of the military, over the opposition of the sector of the military in the

SNI and other intelligence organizations. In addition, while the focus all along has been on replacing the SNI, and ABIN is that replacement, there has always been the Federal Police and the intelligence services of the armed forces” (Bruneau, 2015, p.3). To a large extent reforms were met with a degree of passivity with the importance of intelligence in a democracy gaining more traction from 2006 onwards (Taylor, 2008). To a large extent, the reforms of the intelligence system have been successful based on the parameters of democratic consolidation (Bruneau, 2015). While there are a myriad of different and in some instances, competing intelligence organisations, there is nevertheless an existing legal framework within which they operate (Bruneau, 2015). The main concern pertains to the effectiveness of this framework although it is important for democratic consolidation. It is argued, based on the analysis of the legal discourse that governs Brazil’s intelligence system via the new intelligence law, that this lack of effectiveness is a function of contesting narratives within the legal framework.

6.3. Intelligence Reform in Romania

Prior to 1989, Romania was an authoritarian communist state and one-party rule via the Romanian Communist Party (PCR) and its leader Nicolae Ceausescu prevailed. In keeping with the characteristics of authoritarian states, Romania during this period, had a core intelligence apparatus known as the Department of State Security (DSS) which concurrently served as the source of the regime’s consolidation and maintenance of power (Deletant, 2001; Deletant, 2016). Indeed, via the DSS, also known as the Securitate, the regime was able to maintain a grip on its power via the use of coercive force against the Romanian society. With its roots in the remnants of the pre-communist Siguranta (Stan, 2004; Stan, 2002), the Securitate was modelled on the Soviet Komitet gosudarstvennoy bezopasnosti (KGB) model via its role as a communist secret political

police that gradually became independent from the KGB in the context of Romanian communist rulers isolating themselves from Moscow (Delletant, 1996). It is notable that in 1958, the Securitate established an antiKGB department although the department did not have much longevity and was dismantled shortly after (Guruita, 1998).

The genesis of the DSS can be traced to the 1940s during which it was formed to defend the new regime at the time (Stan, 2004). Following its establishment, it grew rapidly in terms of its size, quickly become the largest Eastern European political police, when measured in terms of its proportion to Romania's total population at the time (Deletant, 1993). It comprised full-time agents and part-time informers who reported on the activities of their friends, relatives, co-workers and individuals in general out of coercion and fear, or as a result of misplaced patriotism and the hope for rewards (Behr et al., 2010). Throughout the period of communist rule, the Securitate was used as a tool for maintaining the hegemony of the Ceausescu regime when faced with real or imagined opposition.

A primary function of the Securitate was to ensure the removal of all enemies of the state via whatever means necessary. For this purpose, it entailed a specially trained force which had mandate over the internal security of the Ceausescu regime (Matei, 2008). Further, it also entailed the use of police oppression to mitigate the activities of counterrevolutionaries or enemies of the state, based on the official narrative of protecting national security. An important arm of the DSS was the Department of External Information (DIE), which was in charge of issues of foreign and counterintelligence. It is worth mentioning that the Securitate enjoyed immense support from both the communist party and citizens of the country, each of whom wanted to ensure its loyalty (Stan, 2004). While some citizens voluntarily offered information and

services to the Securitate, others were made to do so via coercive means. It has been noted in the literature that “like so many other Eastern Bloc intelligence organizations, Securitate frequently operated against both imaginary and real “enemies” of the regime without regard to any objective framework for analysis and assessment. These “enemies” were intimidated, beaten, had their property broken into or confiscated, imprisoned, and murdered. The Securitate officers themselves were in turn under observation by their superiors” (Matei, 2008, p.5). Further, Matei (2007, p.631) notes that:

...the Securitate maintained rigid controls on the entire populace, keeping tabs and records via recruiting a considerable network of collaborators and informers, including children. The “enemies of the regime” underwent permanent surveillance (including mail, telephones, offices, and homes), harassment, and imprisonment. The result was a pervasive atmosphere of fear, intimidation, suspicion, and mistrust.

During the period of authoritarian rule, Securitate/DIE agents committed terrorist acts abroad and, in some case, worked conjointly with organized crime groups (Krauss, 2002; Eriksen, 2007). As the institution of the Securitate become largely associated with fear and violence, “the visible presence of officers was [conceptualised as] only an infinitesimal element of an omnipresent network of officers, agents, informers, and collaborators” (Matei, 2008, p.5) that were watching members of society. To a large extent, the Securitate served as the main instrument of state oppression and it is crucial that during this period, there was no formal oversight of intelligence agencies. Following the collapse of the Berlin Wall and the resultant discontent against communism and Ceausescu’s regime, Romania underwent a revolution in 1989¹ that culminated in the

disbanding of the Securitate amidst national perceptions of the unit as a repressive organ (Kligman, 1998;Gallagher, 1995).

Securitate forces which became viewed as a symbol of communist oppression were placed under military control and important Securitate leaders were detained and trialled. It has been noted in the literature that “deactivating Securitate was critical only for deterring elements still loyal to the regime, but also for the success of regime change. Romania could have easily ended up in civil war between pro-communist and pro-democratic factions had the Securitate not been dismantled and its leaders arrested. Because of the absence of any liberalizing faction, Romania’s transition to democracy was not a protracted negotiation between Ceausescu’s old guard and the pro-democratic elements; it happened with violence and the deaths of students, intellectuals and common people” (Matei, 2008, p.5).

Since the fall of communism, Romania has implemented a series of intelligence reforms that have ultimately shaped a new intelligence system which operates not only on a legal basis, but also based on defined mandates according to the threats present in a post-Cold War political climate. In the post-Communist period, Romania has further initiated a series of control and oversight mechanisms to ensure that intelligence agencies operate within the confines of the law in the process of warding off security threats, and addressing security challenges.

In the post-Communist era, Romania’s intelligence system has evolved from its role as a tool for communist dictatorship to an effective system within a democratic environment (Tismaneanu, 2003; Gilberg, 1990; King, 1980). Reforms in Romania’s intelligence system and culture have mainly emanated from two key factors: the democratization process and the establishment of new institutions within a democratic

environment, and the establishment of institutions based on the security environment. The 1989 revolution marked Romania's transition to democracy. The Romanian government assumed the form of a Republic consisting of an executive, legislative and judicial arm. During this period, Romania's Constitution as well as the National Security Law of 1991 governed the oversight of national security activities including intelligence organisations.

The creation of new intelligence agencies during this period of democratic consolidation, albeit on a legal basis was problematic due the country's history of the Securitate and its reign of terror on citizens of the country. Thus in the immediate post-revolution years, the government did not display any effort to deal with the Securitate which had been placed under the armed forces (Matei, 2014). It is only the emergence of several important events such a rising ethnic unrest in countries with large Hungarian minorities, that necessitated the formation of an intelligence system (Watts, 2007). It has been noted that "establishing one service was out of the question; a return to a concentration of power was not what the Romanian people wanted after the overthrow of the communist regime," therefore, "the government decided to divide the former intelligence sector into several agencies" (Matei, 2008, p.5). Ever since this period, Romania's intelligence system has "transited from a genuine Communist-era "inquisition," which destroyed interpersonal relations with people of all ages spying on friends and relatives to a professional, accountable, and transparent community, which actually works for the citizenry, as required by democratic principles" (Matei, 2007, p.630). As shall be discussed in the ensuing sections of this dissertation, this is not to suggest that Romania's reform process is not devoid of any limitations or continuities from the past.

During the 1990s, Romania developed a new intelligence system by compartmentalizing the former Securitate into various agencies. Six notable intelligence agencies include: The Foreign Intelligence Service (SIE), the Romanian Intelligence Service (SRI), the Special Telecommunication Service (STS), the Guard and Protection Service (SPP), the Directorate for General Information of the Army (DGIA) and the General Directorate for Intelligence and Internal Protection (DGIPI) (Matei, 2014). Its intelligence community thus comprises a mix of independent and government agencies which operate on the basis of national security and criminal procedural legislation, as well as constitutional principles which stipulate the protection of personal and privacy data. In government agencies, intelligence activities are regulated by Parliament and via the judicial *review of warrants for data collection although weaknesses in the judicial system have rendered this form of control inefficient.*

The Foreign Intelligence Service (SIE)

The SIE has the mandate for overseeing foreign intelligence activities for the purpose of safeguarding Romania's national interests and security. The SIE was formed on January 1990 and is regulated by Law Number 1 /1998: "Organization and Functioning of the Foreign Intelligence Service", military regulations and Supreme Defence Council Supremes. The activities of the SIE are coordinated via the Ministry of Foreign Affairs and its overarching objectives aside from analysing external threats to the national interests of Romania include the collection of intelligence to inform national security policy, the provision of early warnings concerning threats and risks, strategic assessments of the global security climate, as well as the implementation of operations to promote and protect Romania's interests (Matei, 2008).

Romanian Intelligence Service (SRI)

Established under Decree 181 of 26 March 1990, the SRI oversees the collection of data concerning Romania's national security. It is also responsible for analysing intelligence concerning both foreign and domestic threats and comprises an anti-terrorism protection and intervention department which works conjointly with the SIE and other similar institutions.

The Special Telecommunication Service (STS)

The STS was established in 1996 in accordance with the Government Resolution 229 of 27 May 1993. Its overarching duty is to safeguard the security of military and government communications and to provide national signals intelligence. The institution has a myriad of agents that are operating under cover for these purposes.

The Guard and Protection Service (SPP)

The SPP is an independent military-administrative institution established on 7th May 1990 for the purpose of ensuring the protection of the Romanian President, diplomats and party leaders (Matei, 2014). The service is the reconfigured version of the Directorate V of the Department of State Security which was formerly in charge of protecting Ceausescu until it was dismantled following his overthrow in 1989. It is worth mentioning that the SPP is a completely re-structured organisation and thus does not have the features of the old Securitate Department. The SPP oversees terrorist protection for Romanian dignitaries and their foreign partners, guarding both their headquarters and residences. It is a military-administrative authority that is autonomous although coordinated via the Supreme Council for the Defence of the Country (CSAT).

The Ministry of Defence's Directorate for General Information of the Army (DGIA)

DGIA was created via the Emergency Ordinance Number 14 of 26 January 2001 for the purpose of collecting and analysing intelligence on external, domestic, non-military and military threats to the national security of the state. Its core mandate is to oversee the protection of security information as well as the security of cryptographic activities. DGIA further oversees the attainment of geographical intelligence required by the military. Institutions such as the Directorate for Intelligence and Military Representation (DIRM), which is in charge of monitoring the foreign activities of the military service, as well as the Directorate for Military Security (DSM) which is the former Counter-Espionage Department are now in a subordinate position to DGIA.

The General Directorate for Intelligence and Internal Protection (DGIPI)

Established on 1st February 1990, the Counter-intelligence department of the Ministry of the Interior, initially included reserve Securitate officers. However, following protests against the presence of ex-Securisti forces in the unit, it was restructured in 1998 and underwent significant employee restructuring and reduction (Deletant, 2016). Based on the orders of the First Deputy Minister of the Interior, the institution initiated extensive background checks on all employees as part of its restricting initiative. In 1999, it was formally restructured as the General Directorate for Intelligence and Internal Protection (DGIPI) and includes two bodies that are mandated to oversee anti-corruption and crime prevention activities.

Aside from the establishment of the abovementioned institutions as part of intelligence reforms during the era of democracy, Romania also adjusted its intelligence

system in accordance with new threats and challenges to national and international security in the post-Cold war context (Government of Romania, 2007). Particularly between 1996 and 2004 which marks the period of NATO integration, the government of Romania implemented a series of sustained reforms for the purpose of ensuring that it may achieve accession to NATO during the second wave of enlargement (Matei, 2014). It has been noted that the following reforms were implemented:

institutionalizing security policies; improving recruitment and human resource management of the agencies so as to include a vetting process and granting security clearances; consolidating the professionalization of intelligence; demilitarization of Police (including DIPI); developing legislation and a system for protecting classified information; and modernization of equipment, especially regarding military and technical intelligence.

It is interesting that prior to Romania's NATO/ EU integration, and despite the limited knowledge of policy makers with regards to their knowledge and expertise in the area of intelligence reform, there was a high degree of political interest (because of the desire for NATO accession). During this period, there was a marked focus on democratic control and oversight, and Matei (2014, p. 621) notes that "and when/if Romania stumbled, did not undertake rigorous reforms, or when wrongdoing happened in the intelligence realm, civil society and the media stepped in to expose these problems to both national and international public (including NATO/EU), ultimately coercing the government to continue reform." Following NATO/EU integration which is marked by a period of decreased emphasis on control and effectiveness, there were still concerted efforts that were made to ensure that openness and transparency was still achieved, till date, it is argued that Romania is still largely unsuccessful with regards to improving accountability and ensuring better control/oversight mechanisms of intelligence within

its intelligence community. Scholars such as Matei (2014) have explained this shortfall within the context of a lack of political will and interest. As a caveat, it is worth noting that knowledge and the desire to consolidate the democratisation of intelligence has been boosted significantly amongst policy makers. It is for this reason that Matei (2014, p. 636) posits that “20 years after the end of communism, the ‘effectiveness/democratic control’ balance is heavily towards ‘effectiveness’ in Romania. One could sensibly argue this is a natural trend of old and new democracies alike, considering the complex and unpredictable security environment which calls for effective intelligence agencies.”

It is further crucial to note the proliferation of interagency coordination and cooperation during the pre-NATO/EU integration period (Leonard, 1999; Gheciu, 2005; Seidelmann, 2002; Wagner, 2002; Kramer, 2002; Phinnemore, 2001; Gallagher, 2004). Additionally, legislative changes were implemented such as the adoption of the Freedom of Information Act (FOIA) in 2001 (Ristei, 2010). Legislation that facilitated the opening of Securitate files were also implemented and Romania supported the United States’ war in Afghanistan to demonstrate its support to the international community (Linden, 2004). In 2002, Romania officially received an invitation to join NATO, achieving full accession in 2004. It has however been noted by Matei (2014, p. 620) that “nevertheless, despite the fact that the new legal framework stipulates political neutrality, politicization of some intelligence agencies (and abuses of agencies’ exceptional powers, which have, from time to time, been used for vendettas and personal reasons, rather than national security) still happened throughout this stage.”

Crucial to the restructuring of Romania’s intelligence community during this period, was the imperative of ensuring that its intelligence community operated in accordance with democratic values. Thus, the reform process encapsulated intelligence

processes, strategy revisions, doctrine revisions, amongst others. The transition process was not however, without challenges as Romania struggled to make the transition from a counterintelligence state, to one that was working within the parameters of democracy while safeguarding its effectiveness (Matei, 2009a, 2009b). It is a crucial point that the root of such challenges stemmed from the fact that intelligence reforms and new intelligence systems were established on the back of the much-loathed Securitate. It has been noted explicitly that:

The populace's hostility toward the former Securitate officers, lack of confidence in the state institutions, the incomplete and dysfunctional legal framework and oversight, as well as the lack of transparency, shed a bad light on the intelligence agencies during the first years of transition. In time, the situation changed in favor of democracy: legislation on the organization and functioning of the intelligence agencies was enacted and continues to be amended; civilian democratic control and oversight were institutionalized and strengthened; and personnel management was improved with modern recruitment, education, and training techniques, while a dialogue with the civil society was established. (Matei, 2007, p. 630)

While compared to the immediate post-communism years, the legacy of the Securitate for the most part has been dissipated, continuities within the intelligence system exists which will be discussed in the ensuing sections of this dissertation. To do away with the scepticism associated with elements of the Securitate persisting within the intelligence system, the Romanian government has implemented a myriad of accountability structures to firstly dispel the aura of secrecy previously associated with its intelligence system, and to introduce credibility, control, accountability and oversight of its intelligence community. While intelligence reforms were concomitant with the introduction of a legal framework unlike the previous era, this was not deemed by

government critics and the media as sufficient for regulating the behaviour of intelligence agencies. Given the atrocities committed by the Securitate in the past, it was crucial for the government to demonstrate to its citizens that it would hold security agencies responsible for their actions.

Surely, a crucial feature of democracies, is the implementation of control mechanisms to guide both the oversight and direction of the intelligence community of a state (Wilson, 2005). Prior to the implementation of reforms, in the aftermath of the anti-Ceausescu revolution, Romania's security agencies were devoid of accountability and transparency, did not necessarily operate within their legal mandate, and were extremely politicised. Consequently, it has been noted that "the need to scrutinize the activity of the intelligence agencies in order to make them accountable, impartial, and transparent was evident. Mechanisms of control and oversight were therefore created to balance the tension between security and liberty, and ensure that the intelligence agencies implement and observe the legal framework imposed upon them" (Matei, 2014, p. 620). Oversight and monitoring mechanisms are encapsulated in the following areas: executive management and control, legislative control as well as judicial oversight. Romania's implementation of executive control entails the coordination of the activities of intelligence agencies via that National Defense Supreme Council (CSAT) which was established for this particular purpose via Law Number 39 of 13 December 1990. The CSAT features members from a myriad of government offices such as the President, Prime Minister and Ministers of State, the National Security Advisor for the president, amongst others. The CSAT further has the mandate to assess and approve military and national security strategies.

The legislative oversight and control of intelligence agencies entails the implementation of a legal framework in line with democratic principles as well as legal structures, mandates and monitoring mechanisms for the implementation of legislation. The legislative control of intelligence agencies further entails the provision and approval of funds for intelligence. Parliament has oversight of respective ministry services in accordance with the directives of the Romanian Constitution. The parliamentary control of Romanian intelligence is enacted via standing and special select committees. Explicitly, these committees, conjointly with standing committees, are responsible for verifying legal and constitutional compliance as well as investigating illegal intelligence collection allegations amongst other functions. Other functions specifically include investigating agency directors and staff, conducting unannounced visits to agencies as well as the drafting of parliamentary reviews and annual reports. It has however been noted that:

despite such great authority granted to the committees, parliamentary oversight has been occasionally challenged by a series of factors, including the state's initial focus on other issues (elections, building new institutions, and supporting economic reforms); deficient parliamentary expertise in intelligence matters (as members of the committees change with every legislature); poor cooperation and coordination among parliamentary committees, as well as between former and current members of the oversight committees; and hostile attitude of the intelligence agencies when requested to provide information. (Matei, 2014, p.621).

Indeed, there has been some challenges with respect to the parliamentary oversight of the intelligence community however improvements have also been made with respect to the enhanced role of authorities in the democratization of intelligence agencies. The last dimension of the available oversight and monitoring mechanisms

include judicial oversight which serves the purpose of analysing and overseeing the national activities of intelligence agencies. Its specific functions include the monitoring of agencies' use of their powers to ensure that a balance is attained between the collection of information via covert means and the upholding of citizens' rights. Judicial oversight has however been weak in Romania due to prevalent levels of corruption and further as a result of the country's weak legal framework.

6.4. The Role of Intelligence: Protecting the State or its People

Security Sector Reform (SSR) has been increasingly conceptualised as an integral part of peace-building and reconstruction efforts in post-conflict societies, as well as in the context of new democracies (Sedra, 2010; Chanaa, 2002; Cooper and Pugh, 2002; Harfield and Harfield, 2008; Jackson, 2011; Scheye and Peake, 2005). To a large extent, this is due to the fact that security is a precursor to development, human rights protection and long-term sustainable peace (Gordon, 2014). SSR, is predicated on several core principles including local ownership, which is perceived as the main cornerstone for a successful SSR strategy (Oosterveld and Galand, 2012; Baker, 2010).

As Gordon (2014, p.126) argues, "if SSR programmes are not locally owned, it is likely that security sector institutions, processes and policy will be less able to respond to local needs. If they do not respond to local needs, efforts to increase security and the rule of law will be compromised, public trust and confidence in the state and its security institutions will be limited...and institutions and other outputs may be rejected." Thus, an overarching argument that Gordon (2014) makes is that state security institutions must be responsive to the needs of citizens as a precondition for enjoying their trust and confidence, therefore facilitating the intended outcome of SSR strategies. Against this backdrop, this thesis focuses on intelligence reform as a subset of SSR. Within the

context of democratisation, comparing intelligence reform in Indonesia, Brazil and Romania is imperative in finding more convincing evidence about its success and failure.

In the context of democratic systems, intelligence reform is integral to policy and decision-making processes (Matei and Bruneau, 2011). In new democracies, governments seek to establish and maintain intelligence systems that protect the institution of democracy by remaining democratically accountable while also engaging in secret operations (Matei and Bruneau, 2011). Inherently, intelligence is predicated on achieving a balance between democracy and secrecy. In the context of well-established democracies, there are mechanisms that are implemented to address the imperative of balancing democracy and intelligence and these are continually reworked and revised (Andregg and Gill, 2014). This is however not the case in the context of new democracies whereby decisionmakers must develop these mechanisms in a very new environment and consequently, are not always successful in balancing transparency and effectiveness.

In authoritarian states, the main objective of governments is to preserve and consolidate their regimes, and to further suppress opposition groups (Andregg and Gill, 2014). Thus, in these contexts, intelligence agencies essentially serve as proxies for ruling parties. They may form a part of a military command structure or may even serve as an autonomous shadow government that is independent of any formal oversight or monitoring mechanisms (Matei and Bruneau, 2011). In democracies, by contrast, “the functions of security intelligence are defined in line with a more inclusive definition of national security threats; although monitoring ‘enemies of the state’ remains, it should be the case that they pose a genuine threat to public security rather than simply political opposition” (Andregg and Gill, 2014, p.487). The workings of a democracy require that state intelligence activities are concomitant with oversight and control to guarantee the

respect of rights, legality, propriety, effectiveness and efficiency. While this may serve as the overarching goal, the extent to which intelligence governance achieves this is uncertain. New democracies are particularly susceptible to continuities of old intelligence activities which become legitimised under the banner of democracy. As has been noted in the literature “first and not surprisingly, national intelligence institutions tend to be based on military intelligence precedents; that is, they are strongly hierarchical and assign priority to military-style challenges” (Bruneau and Boraz, 2007, p.5).

The available research has conceptualised such continuities within the context of civil-military relations which emphasises the “concentric spheres that define the macro-world of civil-military affairs” or the “elements that can impinge on policy-makers and soldiers alike without necessarily coming in direct contact with them” (Pion-Berlin, 2011, p.224). There is the argument that in new democracies, “events and arrangements in the past give shape to interactions in the future. Regime practices, constitutions and other legal instruments, along with elite pacts between generals and politicians often set into motion trends that are difficult to upend. Early choices become institutionalized in the form of organizations, power-sharing agreements, and prerogatives” (Pion-Berlin, 2011, p.224). Even in successful cases, it is imperative to note that decisionmakers in new democracies still remain susceptible to a myriad of challenges which ultimately, in the long term, can be managed to achieve transparency and effectiveness (Bruneau and Trinkunas, 2006). For intelligence reform to be successful, it has been noted that policymakers must demonstrate both willingness and interest in achieving delineated objectives at the national level.

The question of whether to secure the state or secure the people within the role of intelligence is fundamental in explaining the dynamic of intelligence reform in Indonesia,

Brazil and Romania. A comprehensive answer to this question should mention the historical background of intelligence organisations and their culture, the political systems, the role of civil society, and cases involving intelligence organisations both in the context of protecting the regime and preventing security threats in a broader sense. Limitation of words prevent this thesis from analysing the whole aspect of intelligence reform in the three countries.

Indonesia's intelligence from its establishment up to the national political reform of 1998 was perceived as a dark, even evil, force designed to support the regime in power (Tanter 1990, 1991; Widjajanto 2006; Wibisono 2006). In a Crisis Group interview, one of the drafters of the intelligence bill said, "I want to change the paradigm that intelligence is something dark that the public must not know about, that it is a political tool to cripple rivals or eliminate opposing views" (Crisis Group 2011, p.2). In the context of state-citizen relations, Indonesia before the democratic transition put regime survival above the protection of its own people. The role of intelligence was crucial in providing information by surveillance against Indonesian people, especially those who were seen as being in opposition to the government. For example, in 1991 Tanter observed how: "Surveillance by the complex of military and other intelligence and security agencies has grown to an extraordinary degree in the New Order period. While pre-1966 intelligence agencies were politically active, their powers were nothing compared to the articulated system of surveillance reaching from the Armed Forces Strategic Intelligence Agency [Bais] headquarters through the Army intelligence staff and line structure into the villages,..." (Tanter 1991, p.303).

Brazil formally established its intelligence system via the Brazilian Intelligence Agency (Agência Brasileira de Inteligência - ABIN) over two decades ago. In the

Brazilian case, military influence still permeates the intelligence community via ABIN (Bruneau and Boraz, 2007). ABIN continues to experience challenges within its intelligence community, which was established on the back of the authoritarian regime that ruled Brazil between 1964 and 1985 (Gonclaves, 2014). According to Gonclaves (2014, p.598) “Brazilian society and policy-makers share a prejudice against intelligence and there is a lack of motivation within the officers. With a reduced budget and without legal support, the secret services operate in great difficulties. The result is inefficiency, ineffectiveness, and a bad reputation”.

Prior to 1989, Romania was an authoritarian communist state ruled via the Romanian Communist Party (PCR) and its leader Nicolae Ceausescu. In keeping with the characteristics of authoritarian states, Romania during this period, had a core intelligence apparatus known as the Department of State Security (DSS) – the Securitate - which served as the source of the regime’s consolidation and maintenance of power (Deletant, 2001; Deletant, 2016). Indeed, via the Securitate, the regime was able to maintain its grip on power via the use of coercive force against Romanian society. With its roots in the remnants of the pre-communist *Siguranta* [Secret Police] (Stan, 2004; Stan, 2002), the Securitate was modelled on the Soviet Komitet gosudarstvennoy bezopasnosti (KGB) model via its role as a communist secret political police that gradually became independent from the KGB in the context of Romanian communist rulers isolating themselves from Moscow (Deletant, 1996).

In contrast to Romania, Indonesian intelligence especially BAKIN (1966-1998) was not modelled on foreign intelligence. However, in the context of operation and technology the influence of US model was strong. In early 1980s, the CIA gave assistance to BAKIN to counter the threat of communism from foreign entities like Soviet

Union, China and North Korea. The US assistance shaped the creation of UP-01 that specialised in countering foreign espionage in Indonesias. (Interview Anonymous H 2018 /former Head of UP-01).

Although the details were varied in Indonesia, Brazil and Romania, the similarities of the role of intelligence stand out as one examines each intelligence agency within the three countries. All protect the regime to survive by surveillance and to some extent by coercive force. The fact that the role of intelligence was and focused heavily on supporting the survival of a regime, meant that intelligence became increasingly politicised in the three countries. The next question would be how the intelligence reform was continuing to unfold in the context of politicisation.

6.5. The Politicisation of Intelligence and Counterterrorism: A Critical Discourse Analysis

A brief critical discourse analysis of speeches by government representatives in Indonesia, Brazil and Romania is conducted in this section to demonstrate how and why intelligence was being politicised. CDA has not been applied across this chapter entirely because of limited access to government discourse on security issues. Van Dijk (2001, p. 352), defines CDA as "a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context." This section applies tools proposed by practitioners such as Wodak (2007), Fairclough (2013), Van Dijk (1993, 1995, 2001) and Paltridge (2006) to unpack the politicisation of intelligence in the three countries through discourses of counterterrorism. The language used by government representatives will be analysed mainly based on word and phrase choices.

Intelligence in Indonesia has not only experienced politicisation in the context of protecting the government (Tanter 1991; Widjanto 2006; Bhakti 2016), but also in the context of counterterrorism. In the 2009 presidential state speech, President Susilo Bambang Yudhoyono said: “The threat of terrorism in Indonesia is also caused by the absence of a strong legal umbrella for intelligence activities to support efforts of prevention and countering terrorism” (Pidato Presiden, 2009). From this speech, we can see how the government of Indonesia has used the discourse of the terrorist threat to support the need for the intelligence bill. There was no association between politicisation and intelligence in the speech. Despite accusations of politicisation of intelligence from civil society and academics, the government preferred to use counterterrorism as the public rationale for intelligence reform.

“Threats of terrorism” has been used frequently by the government as the main reason for intelligence reform and the logic of “the absence of a strong legal umbrella for intelligence activities” as an excuse for intelligence failure to prevent terror attacks. In reality before and after the introduction of the intelligence law, intelligence still faced terror attacks from time to time. The relations between counterterrorism narrative for intelligence reform was so strong because of the logic of strengthening intelligence to prevent future terror attack.

Brazil has similarly politicised the issue of intelligence however unlike the case of Indonesia, this serves international and domestic functions. In 2016, the Permanent Representative of Brazil to the United Nations, Ambassador Antonio Patriota commented on terrorism.

No single country is immune to violent extremism conducive to terrorism, regardless of its size and resources. Foreign terrorist fighters have also been

recruited in prosperous societies. As was rightly assessed by the Secretary-General, the phenomenon cannot be solely explained by a lack of access to economic opportunity. Terrorist groups such as “Daesh” have been attracting recruits by offering them a sense of purpose, belonging and identity that they have failed to acquire elsewhere. Genuinely combating exclusion – in law as well as in practice – can go a long way to neutralizing extremist narratives and ensuring that our societies develop resilience to radicalization. (Ministry of Foreign Affairs, 2016, para. 13)

His choice of action verbs such as ‘combat’ and ‘neutralise’ and ‘develop resilience’ suggests that the politicisation of intelligence serves the purpose of establishing the country as a thought-leader in the area of security. At the domestic level, however, the politicisation of counterterrorism through discourses of counterterrorism is being conceptualised as a proxy for perpetuating human rights abuses given the anti-human rights posturing of Brazil’s current President. I would argue that discourses of counterterrorism are being used to justify the increased surveillance capabilities of ABIN which are infringing the rights of civilians. The scope of the political activity of citizens is also being limited through measures to clamp down on terrorism. This is particularly evident when the discourse encapsulated in bill, PLC 101/2015 is analysed. Given the length of the bill, only the key phrases and statements contained in it are analysed.

As a starting point, the bill conceptualises terrorism as an “attack against a person, through violence or serious threat, motivated by *political extremism*, religious intolerance, ethnic, racial and gender prejudice or xenophobia, with the objective of provoking generalized panic” (PLC 101/2015) whereby political extremism is defined as “a serious attack against the stability of the democratic system with the purpose of subverting the functioning of its institutions” (PLC 101/2015). The bill effectively removes a caveat previously implemented by the Chamber of Deputies which excludes

political demonstrations, unions, social movements and similar forms of protests from definitions of terrorism. Under the current bill, persons involved in 'political extremism' may be accused of terrorism and face up to 24 years in prison.

Intelligence is increasingly being politicised in the case of Romania through discourses of counterterrorism as part of an apparent desire of the Romanian government to boost its role in European security affairs. During a speech at the United Nations in 2017 President Iohannis remarked as follows:

Our bid for a non-permanent seat during the tenure of 2020-2021 is about my country's sincere engagement in supporting the UN efforts for peace and security. It is about our enduring commitment to peace, development and justice. If our endeavour to become a non-permanent member of the Security Council for the term 2020-2021 is successful, we will be honoured to work even harder for the advancement of our common projects and of the Organization as a whole...Romania remains committed to the common initiative developed with Spain for the future possible establishment of an International Court against Terrorism. (Posirca, 2017, paras. 1-3).

From the speech above, we can see that Romania ostensibly seeks to position itself firmly as a leader in European security affairs. The use of verbs such as 'honour', 'support', 'endeavour' is suggestive of this desire. The President's revelation that his country has 'sincere engagement in supporting the UN efforts' for security and peace suggests that it wants to be seen as a regional partner concerning issues of terrorism. This notion of partnership is evoked through the repetition of the word 'common.' The politicisation of intelligence through discourses of counterterrorism, in this way, serves the purpose of boosting the country's profile in Europe regarding security issues. As a caveat, this is not to suggest that Romania is only interested in counterterrorism at the regional level. It has taken several steps to enhance its intelligence capabilities in this

area. In the following section, the explicit typology followed by the three countries is presented.

6.6. The Typology of Intelligence Reform in Indonesia, Brazil and Romania

First of all, it should be noted that there is a gap of time frame within this comparison due to different chronological events from each country see table 6.1. As we can see from table 6.1, the bolded years show when intelligence reform start substantially in each country. Another notes, the availability of statistical data on the level of democracy from freedom house in 2019, polity IV in 2013 and EIU democracy index in 2018 is somewhat confusing. This thesis uses the latest available data and the importance of level of democracy to intelligence reform is to show a mechanism to find a correlation between democracy and intelligence reform. For example, Indonesia, Brazil, and Romania show similar level of freedom and democracy or at least within the same range of grouping from three different method. Polity IV and EIU Democracy Index put Indonesia, Brazil and Romania in the same basket. In the level of freedom from freedom house, Indonesia falls into partly free category and both Brazil and Romania join the free category see table 6.2. This thesis only uses the end result of categorisation that show the level of democracy and freedom. To find out whether or not level of freedom and democracy has impact to intelligence reform, a different research using the detail dataset from Polity IV, EIU Democracy Index and Freedom House is needed.

	COUNTRIES COMPARISON			Explanation
	INDONESIA	BRAZIL	ROMANIA	
CHRONOLOGY OF CHANGE TOWARDS INTELLIGENCE REFORM	<p>1998 National Reform Movement.</p> <p>2004 – Direct Presidential Election</p> <p>2011 – The launch of New Intelligence Law no.17.</p>	<p>1985 – Transition to democracy.</p> <p>1988 – New constitution reduces presidential powers.</p> <p>1989 – Fernando Collor de Mello becomes first directly elected president since 1960.</p> <p>1990 – Both the SNI and the SISNI were abolished.</p> <p>1994 Fernando Henrique Cardoso was elected as president.</p> <p>1999 – The creation of ABIN.</p> <p>2002 – The implementation of SESBIN.</p>	<p>1989 – Revolution has marked Romania’s transition to democracy.</p> <p>1990s – Romania developed a new intelligence system by compartmentalizing the former Securitate into various agencies. Romania also established National Defense Supreme Council (CSAT) via Law Number 39 of 13 December 1990</p> <p>2002 – Romania officially received an invitation to join NATO and achieving full accession in 2004.</p>	<p>From the perspective of Democracy, CMR and CNI, the typology of intelligence reform in Indonesia is already in a good practice score. Brazil and Romania have several steps ahead than Indonesia because both started the reform in 1980s. Indonesia’s intelligence reform is the youngest and formally started in 2011 with a promising future. With lack of external pressure like EU for Romania and lack of foreign model like Canada and the US for Brazil, Indonesia may have to find its own way in reforming intelligence.</p>

Table 6.1. Chronology of change towards intelligence reform (compiled from various sources like BBC.co.uk Timeline; Widjajanto 2005,2006; Deletant 2001; Matei 2007; Bruneau 2007, 2015; and Goncalves 2014)

Democracy		COUNTRIES COMPARISON			Explanation
		INDONESIA	BRAZIL	ROMANIA	
1.	Freedom level (Freedom House) Freedom in the World 2019	Partly Free (62/100)	Free (75/100)	Free (81/100)	Indonesia is the least free among the three countries, while the score of Romania is the highest.
2.	Polity IV score Up to 2013	Democracy	Democracy	Democracy	All get the score democracy (6 – 9)
3.	Democracy Index (EIU) 2018	Rank: 65 Score: 6.39	Rank: 50 Score: 6.79	Rank: 66 Score: 6.38	All in the category Flawed Democracy

Table 6.2. Level of Freedom and Democracy in Indonesia, Brazil and Romania (compiled from online sources/website of Freedom House, Polity IV and EIU)

To compare and contrast the typology of intelligence in Indonesia, Brazil and Romania, this thesis relies on a conceptual framework that is based on three concepts: the level of democracy, culture of national intelligence (CNI), and civil-military relations (CMR) as presented in the methodology chapter. Brazil and Romania oscillate between the good practice and advanced category of intelligence reforms. In both countries' intelligence reform can be conceptualised as within the good and advanced category using the CNI parameter established by Phythian (2010, 2014). In contrast, Indonesia owing to the existence of a 'partially controlled intelligence by political power' that is engaged in 'lawful and unlawful operation' falls into experimenting category see table 6.3.

Culture of National Intelligence (Phythian)		COUNTRIES COMPARISON			Explanation
		INDONESIA	BRAZIL	ROMANIA	
1.	Strategic environment External a. Global b. Regional Internal (National)	Indonesia experienced colonialism and has high suspicion over foreign intervention. External. Global: United Nations (UN), Non-Block during the Cold War, G20, Islamic Cooperation (OIC), other international organisations. Threat: international terrorism, Regional: ASEAN, Pacific Island Forum (PIF), Melanesian Spearhead Group (MSG). Internal: Threat from terrorism, separatism and radical ideology (communism and Islamist)	The largest country in South America, Brazil has experienced colonialism and now major regional power. External. Global: UN, G20, BRICS (Brazil, Russia, India, China and South Africa), and other international organization. Threat: International terrorism. Regional: Mercosur, the Community of Latin American and Caribbean States(Celac). Internal: Threat of crime and terrorism	Former authoritarian communist state in Eastern Europe. External: Global: UN Regional: Organization for Security and Cooperation in Europe (OSCE), the North Atlantic Treaty Organization (NATO), and the European Union (EU). Threat: International terrorism, Russia? Internal: terrorism	In the context of intelligence reform, strategic environment guides the definition of threats for each country. Indonesia as the biggest country in ASEAN must face a potential regional conflict in the South China Sea and competition between the US and China. Brazil relatively lies in a more stable region than Indonesia, while Romania enjoys assistance from EU in its intelligence reform
2.	Regime type	Democratic	Democratic	Democratic	All democratic
3.	Organisational	Partially controlled intelligence by political power (institutions and personnel) Lawful and unlawful operation	Professional intelligence (institutions and personnel) Lawful operation	Professional intelligence (institutions and personnel) Lawful operation	The closeness between the leadership of intelligence and political power is necessary in Indonesian case because of the principle of President as the single client
4.	Societal	Parliament Oversight Active civil society Free press	Parliamentary Oversight Active civil society Free press	Parliament Oversight Active civil society Free press	There is a somewhat different in the societal category in Indonesia that the parliament oversight is not as strong as in Brazil and Romania.

Table 6.3. Comparison of Culture of National Intelligence

CNI framework can explain intelligence reform comprehensively due to its level of analysis from societal to global. It worth to mention strategic cultural approach that dig deeper into the cultural aspect of a country may have better approach to intelligence in each culture. Aldrich and Kasuku used the concept of strategic culture on China and South Africa cases. They described: “Culture is partly about difference, and each intelligence community has its own unique interface with national strategy. Appreciating the importance of associated norms and values is central to understanding how they function” (Aldrich and Kasuku 2012, p. 1027).

Similar to the comparison in the CNI parameter, for the CMR parameter only Indonesia demonstrates experimenting intelligence reform, whereas Brazil and Romania display different good practice intelligence reforms and to some extent advanced, as per the principles established by Bruneau and Boraz (2007). Among the three countries, competition between the military and civilians in supervising civilian intelligence openly debated in Indonesia. Using Bruneau and Boraz's (2007) CMR framework that frames the level of intelligence reform through measuring the democratic civilian control, transparency and military influence, each country shows different score.

Intelligence reform in Indonesia alternates between experimenting and good practice scores in the area of CMR, see table 6.4 and 6.5. The implementation of control mechanisms over intelligence at the legislative level is in the form of hearing session between intelligence agency and the parliament. This mechanism was very weak during the New Order era and getting stronger after reform 1998. An improvement of parliamentary oversight on intelligence was introduced in January 2016 by the creation of Intelligence Oversight Team consist of representatives from all political parties in the Parliament (Republika 2016). Despite the creation of parliament oversight team,

Intelligence Law No.17 of 2011 mentioned: “recruitment of personnel for State Intelligence Agency is taken from the graduates of the State Intelligence College, personnel from other Intelligence bodies including military, police, attorney office, ministries, and individual recruitment”. From the perspective of Bruneau’s CMR, this model falls into good practice score and the possibility to go down into experimenting score is also open whenever the democratic civilian control is weakening.

Concerning democratic control, Romania is placed in the ‘good practice’ range because of the implementation of control mechanisms at the legislative level which assigns oversight responsibilities to civilian-managed institutions such as Supreme Council of National Defence (*Consiliul Suprem de Apărare a Țării* or CSAT). Brazil after 1999, similarly, is placed in the good practice category. However, before 1999 Brazil was in the experimenting category because of ‘authoritarian’ continuities that undermine civilian oversight mechanisms which have been present since the early years of reform. Brazil's 1988 Constitution which facilitated the country's intelligence reforms firmly places the military under "the supreme authority of the President of the Republic" (Article 142) thus undercutting the civilian oversight of the army and effectively legalising its political autonomy. Moreover, the lack of changes to existing amnesty laws in Brazil has made it difficult for civilians to hold military officials accountable for past human rights abuses. According to Bruneau (2015, p.3), in the context of Brazil, "the intelligence services are only partially under civilian control. The only clear proviso in the Constitution is regarding the necessity of the armed forces to be under civilian control. The norm set by the Constitution is clear vis-à-vis the requirement of the armed forces to be subordinate to the democratically elected president. This partly explains why it is in this domain that civilian control is most advanced" (Bruneau, 2015, p.3).

Civil-Military Relations (CMR) (Bruneau and Boraz)		COUNTRIES COMPARISON			Explanation
		INDONESIA	BRAZIL	ROMANIA	
1.	Democratic civilian control	Strong democratic civilian control and strong military influence. Competition between civil and military in the leadership of civilian intelligence.	Strong democratic civilian control. Professional military intelligence separated from civilian intelligence.	Strong democratic civilian control. Professional military intelligence separated from civilian intelligence.	Both Brazil and Romania separate civilian intelligence from military intelligence, while Indonesia still maintains competition between civil and military in the leadership of civilian intelligence.
2.	Effectiveness Professional civilian and military intelligence (Institutions & Personnel)	Effective or less effective partially in accordance to democracy and law.	Less effective in accordance to democracy and law.	Less effective in accordance to democracy and law.	There is no guarantee of accuracy in measuring the effectiveness of intelligence. In most cases, effectiveness is seen in the context of success preventing or countering attack.
3.	Efficiency	Budget and achievement – problem with the availability of data or too limited for analysis.	Budget and achievement – problem with the availability of data or too limited for analysis.	Budget and achievement – problem with the availability of data or too limited for analysis.	Without or only with very limited data, the measurement of efficiency is not conclusive.

Table 6.4. Civil-Military Relations in the context of Intelligence Reform in Indonesia, Brazil and Romania.

	COUNTRIES COMPARISON		
	INDONESIA	BRAZIL	ROMANIA
TYPOLOGY OF INTELLIGENCE REFORM	Experimenting: (Basic) <ul style="list-style-type: none"> • CNI • CMR Good practice (Intermediate): <ul style="list-style-type: none"> • Democracy • CMR • CNI 	Good practice (Intermediate): <ul style="list-style-type: none"> • Democracy • CMR • CNI Best practice (Advanced): <ul style="list-style-type: none"> • CMR • CNI 	Good practice (Intermediate): <ul style="list-style-type: none"> • Democracy • CMR • CNI Best practice (Advanced): <ul style="list-style-type: none"> • CMR • CNI

Table 6.5. Typology of Intelligence Reform in Indonesia, Brazil and Romania

6.7. Assessing Effectiveness and Transparency

As a subset of civil-military relations, the issue of the civilian control of intelligence services has traditionally been problematic (Bruneau and Trinkunas, 2006; Bruneau and Matei, 2008, 2012). This emanates from not only the legacy of authoritarian or non-democratic governance regimes, whereby intelligence services are given a great deal of control in a way that human rights abuses are enabled, but also as a result of the inherent tensions between intelligence and democracy. Theoretically, democracy necessitates transparency, as well as a accountability to the governed (Matei and Bruneau, 2011b). As has been noted previously, there is an inherent contradiction between the precepts of intelligence and democracy because in contrast, intelligence must be operational within secretive conditions in order to be effective, thus contravening some degree of transparency and accountability. In the case of well-established democracies, some states have been successful at putting in place mechanisms that can address this inherent dilemma however formalising such mechanisms in new democracies is often comparatively problematic (Bruneau, 2001, 2008).

Transparency of intelligence in Indonesia is getting better from time to time by the mechanism of parliament oversight. However, due to the sensitivity of issues that intelligence deal with, transparency has been interpreted as a closed discussion with members of parliament. Another development that can be interpreted as transparency of intelligence in Indonesia is the creation of Deputy Chief Intelligence for Communication and Information within BIN (Presidential Decree No.90, 2012). Sometimes one or two officials from this unit take the role as spokesperson. Through this new unit, intelligence held press conferences and published comments regarding security issues, including defending the position of intelligence. During an interview, former Chief of BIN, LTG Marciano Norman (2011-2015) gave the best illustration for transparency of intelligence in Indonesia: “we intelligence may apply transparency, but the openness of intelligence must be measured. For example, intelligence can share information and analysis with members of parliament especially the Oversight Team. However, information for public through mass media should be very selective” (Norman, 2016).

It is interesting that prior to Romania’s NATO/ EU integration, and despite the limited knowledge of policy makers with regards to their knowledge and expertise in the area of intelligence reform, there was a high degree of political interest (because of the desire for NATO accession). During this period, there was a marked focus on democratic control and oversight, and Matei (2014, p. 621) notes that “and when/if Romania stumbled, did not undertake rigorous reforms, or when wrongdoing happened in the intelligence realm, civil society and the media stepped in to expose these problems to both national and international public (including NATO/EU), ultimately coercing the government to continue reform.” Following NATO/EU integration which is marked by a period of decreased emphasis on control and effectiveness, there were still concerted

efforts that were made to ensure that openness and transparency was still achieved, till date, it is argued that Romania is still largely unsuccessful with regards to improving accountability and ensuring better control/oversight mechanisms of intelligence within its intelligence community. Scholars such as Matei (2014) have explained this shortfall within the context of a lack of political will and interest. As a caveat, it is worth noting that knowledge and the desire to consolidate the democratisation of intelligence has been boosted significantly amongst policy makers. It is for this reason that Matei (2014, p. 636) posits that “20 years after the end of communism, the ‘effectiveness/democratic control’ balance is heavily towards ‘effectiveness’ in Romania. One could sensibly argue this is a natural trend of old and new democracies alike, considering the complex and unpredictable security environment which calls for effective intelligence agencies.”

According to Matei and Bruneau (2011, p.604), intelligence reforms should be concomitant with "the need to develop additional principles and practices that boost the effectiveness of the intelligence agencies and strengthen the democratic nature of control and oversight." Other parameters mentioned by Matei and Bruneau (2011, p.604) include "raising public interest on intelligence and security matters; increasing civilian expertise in intelligence; institutionalizing processes that support transparency and effectiveness; fostering a political culture that supports intelligence in society and inside the agencies; and, professionalizing the intelligence services." Drawing from Matei and Bruneau's (2011) parameters, the limited effectiveness of intelligence reforms in both countries become apparent.

The case of Brazil is quite similar in terms of oversight limitations however compared to Romania, Brazil similar to Indonesia has a weaker institutional structure and the legal frameworks that have been designed to facilitate oversight, accountability

and transparency have been concomitant with loopholes. According to Wampler and Avritzer (2004), oversight in democracies is achieved not only through legislative, executive or judicial means but through informal structures and institutions such as civil society institutions and the media. In Romania, the main challenge is that parliament is playing an oversight role however some members of the commissions that have been formed have a conflict of interest. In the case of Brazil, the oversight role of parliament is generally lacking. This is also the case with respect to the informal oversight role of the media and civil society. As Cepik and Ambros (2014), as well as Goncalves and Cepik (2017), argue, while Brazil has formalised a set of rules to govern the oversight of intelligence agencies, the financial constraints of established commissions and poor infrastructure have hampered their effectiveness. It is for this reason that Cepik and Ambros (2014, p. 535) suggest that the activities of such Commissions are "intermittent, directed by whatever appears in the media rather than by any regular effort from the Parliamentarians. As a result, the level of actual external control over intelligence in Brazil could be regarded as weak." The status quo is very much different from the case of Romania where the media is playing an oversight and gatekeeper role (Matei, 2008).

On paper, Indonesia, Brazil, and Romania appear to have adequately established adequate oversight however in practice each country has its own unique cases challenging the transparency of intelligence. Oversight of intelligence agencies is particularly crucial for emerging democracies not only for the purposes of addressing corruption but also because it helps to enhance the legitimacy of intelligence agencies by promoting accountability and transparency which ultimately improves responsiveness to the public (Bunbongkam, 2001). While in Indonesia and Romania, oversight responsibility is placed in the hands of parliament, in Brazil, it is the parliament, national

councils and ministries, as well as some policymaking institutions that have been mandated to do so (Ríos-Figueroa and Taylor, 2006) and each of these institutions, have played a limited role owing to the lack of jurisdictional clarity between them. This especially the case of SISBIN and ABIN which have jurisdictional overlap (Gonclaves and Cepik, 2017). Generally, also, there is a lack of political will to implement intelligence reform which is ultimately a low-priority issue within the Brazilian policy space (Gonclaves and Cepik, 2017).

Matei and Bruneau point out the dilemma of transparency and effectiveness: “intelligence at least at some level, requires secrecy to be effective, which negates to some degree both accountability and transparency”. They further highlight that “there is no solution to the security – democracy paradox; rather, all democracies must grapple as best as they can with balancing transparency and secrecy” (Matei and Bruneau, 2011a, p. 603). Indonesia, Brazil and Romania display weakness in terms of balancing transparency and secrecy and it is secrecy that for the most part, dominates intelligence culture. In the case of the commission on SRI in Romania which is mandated to make decisions concerning intelligence budget allocation and policy, there is a lack of insight with respect to the budgetary allocations and policy decisions that have been made thus far. It is the Chamber of Deputies website that typically provides this information however only three decisions made by the commission in 2014, 2015 and 2017 respectively, have been published on the website.

Even with respect to these published decisions, it is worthwhile to highlight that budget approvals were made in the presence of high-ranking SRI members and on the basis that the budget allocation could be increased, if needed, so that "lack of funds does not negatively affect the SRI activity of defending national security" (Stan and Zulean,

2018, p.308). The impartiality of this allocation and the kind of power relations involved are therefore questionable. Aside from the three decisions referred to above, there is no other available evidence concerning the meetings held by the commission and their respective agendas; this lack of transparency is also the case with respect to the yearly budget. Meetings held by CSAT which is responsible for the presidential oversight of intelligence agencies are particularly lacking in transparency (Stan and Zulean, 2018; Gallagher, 2005).

Brazil has also experienced challenges in balancing transparency and secrecy which as a result of the legacy of its military regime which remains in the country's intelligence culture. Compared to Romania however, Brazil's intelligence community is lacking in effectiveness more so as a result of institutional challenges which are ultimately as a result of the legacy of the past. Such challenges are observable in the context of Romania however arguably, it is on a smaller scale when compared to Brazil. In the case of Brazil, ABIN has not been given the mandate to open mail or intercept communications which are a privilege only granted to the Federal Police. ABIN does therefore not play the traditional role of a security agency. Recruitment to ABIN is not based on selective recruitment but on public competition drawing questions about its analytical capability since staff are not recruited on the basis of the specialised skills required for the agency. Staff members are also by law, not held accountable for any leaks of classified information. Since there is a lack of specific laws that regulate the releasing of classified information very serious impediments are presented with respect to effective intelligence in Brazil. ABIN which is at the core of the overall system is founded upon a flawed institutional design.

Chapter Seven

CONCLUSION

Before setting out the findings of my research on intelligence reform in Indonesia, I begin this concluding chapter with a brief final evaluation of the comparison of intelligence reform in Indonesia, Brazil and Romania. While these three countries have different experiences of intelligence reform as a function of their different political systems there are, nevertheless, several similarities that were highlighted in chapter six. Intelligence reforms in Indonesia, Brazil and Romania experienced slow progress in oversight and transparency. The longer the reform process the better the oversight and transparency as shown in the case of Brazil and Romania, which have longer time in reforming intelligence than Indonesia.

On the basis of the CNI parameter which places an emphasis on oversight and the lawful behaviour of the intelligence services, both Brazil and Romania demonstrate good practices. Indonesia to some extent determines to implement good practice of intelligence reform. However, the current model of Indonesian civilian intelligence is a mixture of military, police and civil service. This situation, inevitably, has created a competition for control of intelligence. Without the emergence of a new intelligence culture, in the long term this competition may deepen into an unhealthy relationship that has the potential to adversely affect intelligence practice.

In the contemporary context, in all three countries intelligence is being politicised through discourses of counterterrorism that serve domestic, regional, and international agendas. The dominance of the counterterrorism discourse has smoothed the process of intelligence reform because out of the two paths that reform can follow -

democratisation and improvement - the dominance of the counterterrorism discourse allows intelligence to focus its reform agenda on improvement.

The typology that I crafted, and which draws on existing concepts of freedom and democracy, CNI and CMR offers an interpretation of intelligence reform in a measurable way. This thesis has also argued that the framework that combine three concepts: freedom and democracy, CNI and CMR showed differences and similarities of intelligence reform in Indonesia, Brazil and Romania. Even though this research didn't utilise a complete dataset for finding correlations between variables, I find that a convincing pattern emerges – i.e. that when it reaches a certain level of democracy, a country will undertake intelligence reform. Hence, measuring the level of freedom and democracy is the foundation, or starting point, for research on intelligence reform. I would argue that it will be difficult to conduct research on intelligence reform in a non-democratic or authoritarian country. Matei on Romanian intelligence reform said : “Thus, the transition of the Romanian intelligence community from the Communist Securitate to democratic control and effectiveness followed two paths: one drawn by democratization (by establishing new institutions and bringing them under democratic control) and the other drawn by the security environment (through redefined roles and missions)” (Matei 2007, p. 630). The first path of democratising intelligence can't be researched in an authoritarian country. However, it would be very interesting to read research about intelligence reform in a hybrid regime or comparative research based on different levels of democratisation. Matei's second path, the security environment, is one that drives the redefinition of roles and missions of intelligence as an organisation and can be implemented in any regime type because it is a matter of state survival by improving intelligence.

Using culture as the main frame for analysing intelligence reform requires considerable field work and interviews to support the argument that widely shared beliefs, feelings and values influence intelligence reform. This thesis shows the importance of CNI as a frame to understand intelligence reform. From a critical realist perspective, CNI is not only the soul of the reform process, but also determines the possible future that a reform will take. In other words, CNI is the underlying factor that can explain why intelligence reform happens in the way and at the pace it does. Before conducting this research and simply by reading newspapers, I saw a causal relationship between democratisation and intelligence reform. A hypothetical statement that democratisation as an independent variable directly influences intelligence reform as dependent variable is simple and straight forward. However, borrowing Matei's two paths of intelligence reform, I would argue that the security environment may have stronger influence than democratisation. In this context, CNI will help provide a better understanding of how both paths to intelligence reform interact.

Romanian intelligence reform compared to Indonesia and Brazil has shown a shorter time to reach the balance between effectiveness and transparency. In contrast, Indonesia and Brazil will have to grapple longer, and or possibly experience marked fluctuations in progress, to arrive at the same balance as Romania. One of the findings from the comparison of intelligence reform in the three countries is that the regional strategic environment – for example, the role of organisations like the EU and NATO - plays a very important role in assisting and shaping intelligence reform in Romania. The lack of regional support, such as that provided by the EU and NATO, in the cases of Indonesia and Brazil has allowed these two countries to focus more on how to improve intelligence while facing threats to a standard of their own setting. In addition, as the

biggest countries in each region, Indonesia in Southeast Asia and Brazil in South America, CNI elements at the organisational and societal levels have more influence in directing the reform. The security environment at the global level has similar influence because each country in the world must prepare to face global threats, for example international terrorism. The similarities of influence from international security environment are not necessarily emerged in a physical form like the existence of terrorist group in a country.

International terrorism as one of source of security threats has different level of influence to each country in the world. However, no country in the world can't rule out terrorist attack from its security calculation. For example, in March 2016, Brazilian government passed counterterrorism bill that criminalise terrorism, advocacy for terrorism and terrorist financing (Soares, 2016). Although historically there is no major terrorist attack in Brazil, according to Brazilian Federal Police, seven Islamic organisations operate in Brazil: Al Qaeda, Jihad Media Battalion, Hezbollah, Hamas, Jihad Islâmica, Al-Gama'a Al-Islamiyya, and Moroccan Islamic Combatant Group. Most of them are not only located in Brazil territory but are also on the border of Paraguay and Argentina with Brazil (Duran, 2013). In addition, Brazilian Police and Intelligence have conducted special operation to prevent terrorism as stated by Ambassador Nelson de Oliveira in UN High Level Conference:

“My country has been vigilant in preventing terrorism. In coordination with the Brazilian Intelligence Agency, in "Operation Hashtag" the Federal Police has recently arrested eleven individual accused of promoting ISIS and disseminating extremist messages through social media. In addition, in the context of the Rio Olympic Games, in 2016, a number of people were arrested

and, recently, eight of them were convicted of planning terrorist attacks” (de Oliveira speech, 2018).

Six Themes of Intelligence Reform in Indonesia

CDA for this study was carried out in three stages. Firstly, I identified various discursive constructions of intelligence reform in texts; secondly, searched for the discourse that is used most often and identified six themes of intelligence reform; and finally, investigated the result of the CDA within the framework of typology of intelligence. The six themes of intelligence reform are groups of statements about intelligence reform. Although these groups of statements are different in context and meaning, they often interact and overlap in text and interviews. The list of discourses of intelligence reform mentioned in this thesis is by no means exhaustive. Other discourses about intelligence reform in Indonesia may not be listed just because of lack of available information. For example, discourse on the effectiveness of intelligence may attract a question about the efficiency of intelligence. In reality, researching intelligence efficiency in regard to analysing the use of intelligence budget vis a vis the success of intelligence operation is impossible because apparently intelligence budget description is the most secretive thing.

The six discourses of intelligence reform identified here - politicisation of intelligence, militarism (civil-military relations), human rights, effectiveness, transparency, and counterterrorism - are the most often to appear in documents, texts and statements produced either by government or non-governmental groups such as opposition politicians, academics, civil society groups, and the mass media. The Indonesian case shows that intelligence as an organisation can successfully focus on just two of these - effectiveness and counterterrorism - with the other discourses as

accessories. This doesn't mean that the other discourses are completely neglected, but it is a matter of priorities. Based on the Indonesian case and using Matei's two paths of intelligence reform, my starting point of analysis of the six discourses on intelligence reform is that the competing discourses can be put in two categories:

1. Following the path of democratisation:
 - a. Politicisation of intelligence
 - b. Civil-military relations
 - c. Human rights
 - d. Transparency
2. Following the path of the security environment
 - a. Effectiveness
 - b. Counterterrorism

The first finding from the case of Indonesia, I suggest that "intelligence reform" has become a code for the improvement, revitalisation and professionalism of intelligence. Improvement, revitalisation and professionalism were the core drivers of the intelligence reform after 1998 introduced by three chiefs of BAKIN/BIN; Z.A. Maulani, Arie J Kumaat, and A.M. Hendropriyono. The culmination of the discourse of intelligence reform in the context of improvement, revitalisation and professionalism occurred under the leadership of Hendropriyono who introduced the motto *velox et exactus* (fast and accurate) and expanded BIN's domestic and international operations. The words 'improve' and 'revitalise' were used in the new intelligence law from 1998. The Presidential Decree No. 34 of 2010 stated: "that in order to face the demands and challenges of the development of the strategic environment and to improve the

effectiveness and efficiency in the implementation of the tasks and functions of the State Intelligence Agency it is necessary to improve and revitalise the organization of the State Intelligence Agency” (Presidential Decree 34, 2010). The same words, ‘improve’ and ‘revitalise’, were used again in Presidential Decree No.73 of 2017. It seems that in every regulation regarding the change of organisational structure of intelligence, improvement and revitalisation of intelligence were used as ways to deliver the responsibility of intelligence to tackle the security threat.

The word ‘professionalism’ always appeared in new legislation and regulations regarding intelligence. For example, in Intelligence Law No. 17 of 2011 article 2 (a) put ‘professionalism’ as the first principle of conducting intelligence. In the context of democracy, ‘professionalism’ of intelligence absorbs the meaning of objectivity, neutrality in politics and also skill, capability and commitment (Intelligence Law No.17, 2011). The current Chief of BIN, Police General Budi Gunawan, has stressed his intention to increase the professionalism of intelligence. In a presentation to Parliament, he proposed three concepts to improve intelligence: professionalism, objectivity, and integrity (Gunawan 2016).

Seeing the dominant discourse of intelligence reform in terms of ‘improvement’, ‘revitalisation’ and ‘professionalism’ can explain why current criticism of intelligence in Indonesia is like a soft wind that passes by. For example, in the context of democracy, the accusations of politicisation of intelligence made during the local election 2018 and presidential election 2019 are clearly serious. However, the inability to challenge intelligence has led to some cases involving intelligence officials seemingly being forgotten. Regarding the civil society groups that actively pushed the intelligence reform agenda from 1998 to 2004 and culminated in 2011, I would argue that one contributory factor is that during that period foreign assistance, in terms of both funding and expertise,

was abundant. Today, however, international donors perceive security sector reform in Indonesia as a success story, leaving only the issue of impunity for those elements of the security apparatus who conduct crimes against humanity.

Ever since the early period of Indonesia's political reform, all intelligence chiefs have reiterated the importance of intelligence reform in terms of improving its quality. Chief of BIN, LTG ZA Maulani (1998-1999) in 1998, for example, said: "all intelligence product is like garbage in garbage out". He also mentioned: "The ability and quality of intelligence is determined by the reliability and quality of the education and training system which is a form of an effort to make someone competent and mature through the provision of professional skills and the systematic experience" (Maulani no date, p. 114 and 17). Jump to a newer example, the current chief of BIN, Police General Budi Gunawan, in an interview vowed: "to improve intelligence performance on early detection and early warning, to make a more effective coordination among all intelligence organisations" (Gunawan, 2016).

In line with my previous argument that democratising intelligence is not the main agenda of intelligence reform, the use of CDA in identifying the actual fact of intelligence reform is very important. This study showed that the terms that are used by different stakeholders to define intelligence reform can be used as evidences to understand the process of reform and to predict the possible future. The continued usage of certain terms associated with intelligence reform discourse will construct the end result of intelligence reform. As I mentioned above, the government especially intelligence emphasised intelligence reform as improvement, revitalisation and professionalism. These terms absorb democratisation of intelligence discourses such as transparency and politicisation. For example, professionalism of intelligence as a defined discourse of intelligence reform

will have several interpretations such as competence, high operational skill, sharp analysis, quick, accurate, objective, neutral in politics, and accountable. With such wide definition of professionalism of intelligence, people may disregard the importance of understanding neutral in politics and accountable as a separate quality from professionalism.

The danger of discourse domination is that it is entirely subjective, and it allows those in power to determine which discourse will come out on top. Even with the best of intentions, the consequences can be detrimental for democracy, particularly when intelligence meddling with politics. What makes this thesis unique and, I would argue, important is that I posit that the six discourse on intelligence reform are very helpful in disclosing the underlying factors for intelligence reform. We should expect pro and cons during the process of intelligence reform in any country in the world. We should also expect competing discourses on intelligence reform either between pro-democracy and anti-democracy (in the beginning of reform) or between the government and non-government. Without careful observation, one cannot look at the domination of discourse from security environment over discourse from democratisation path. In the words of Van Dijk, "dominance is defined here as the exercise of social power by elites, institutions or groups, that results in social inequality, including political, cultural, class, ethnic, racial and gender inequality" (Van Dijk 1993, pp. 249-250). In the context of intelligence reform, research on domination of discourse on intelligence reform has specific focus not about social inequality like in many CDA research, but it is merely to understand how intelligence protects its interest to maintain its position.

Van Dijk also described that CDA, "focuses on social problems, and especially on the role of discourse in the production and reproduction of power abuse or domination.

Wherever possible, it does so from a perspective that is consistent with the best interests of dominated groups” (Van Dijk 2001, p. 96). Although this study shows that CDA can create an awareness of domination and how it is produced and reproduced, it may lack of systematic methods during the research and the result may also reflect bias. The typology of intelligence reform to some extent prevent the bias of the unsystematic CDA by putting the result of CDA inside the typology of intelligence as a frame to evaluate. Because intelligence reform as a subject of this study has less concrete impact to social inequality than sociological research, the relevancy to discuss inequality is very low. Opposition politicians, academics, and civil society who have different views from the government about intelligence reform may not aware that they are in the inferior position. The goal of using critical theory in this thesis is to allow those in the inferior position to understand their situation and how it may become different. In broader ambition, it can also help general populations who may not feel oppressed or those who study intelligence reform become aware of discourses of intelligence reform.

The second important finding from this study is the existing structures that very influential in driving intelligence reform. Despite active civil society, academics and politicians who were all eager to push intelligence reform. The military, police and intelligence were together in defending the importance of increasing intelligence capabilities. During the process of dialogue, there were only two camps; those who advocating principles of democracy and those who suggesting the revitalisation of intelligence. At the surface and according to media reports, the dialogue was successful and reach an agreement of intelligence reform. However, regarding the detail of the reform, the roles of military, intelligence and police was very dominant. It was the CNI that unite military, intelligence and police to support the new law that make intelligence

bigger and better. Similar to the influence CNI, the strategic culture security apparatus in Indonesia highly likely identical.

The discourses related to democracy in intelligence reform have varied over the five administrations. The first evidence of such discourse begins with intelligence politicisation, which can be seen during the early period of intelligence reform, as outlined by the May Riots Fact-Finding Team's report which had the conclusion specifying the cause of the riots being the culmination of a sequence of intelligence activities. These intelligence activities include the kidnapping and shooting of student activists, which are clearly human rights violations. Following this report, the government did not act on the May Riots Fact-Finding Team's recommendation of drafting a law on state intelligence, which consequently shows further politicisation of intelligence, hence delaying SSR in Indonesia. Due to the impressions that intelligence to the Indonesian people during that period was negative in that they were secretive and mysterious, transparency was something the public required since one of the goals of SSR included the strengthening of civilian control over the military, who clearly had control over intelligence.

The demands for said SSR included the protection of human rights as well as accountability for said rights which were broken by the military, which reflects on the authoritarian regime the New Order was as many human rights were violated for the sake of maintaining government control over the population. Since the police were also a part of the military, it was feared that human rights enforcement will always encounter obstacles, which in turn slowed down the progress of SSR. However, the creation of the Komnas HAM by Habibie's administration shows that the government was striving to reach the SSR demands, despite military reformation being the main focus of this period.

Regarding the military, militarism was the main source of the problem with Indonesia's socio-political life due to the authoritarian nature of the country in this period. The military had more power than, in this case, intelligence, so they effectively control intelligence. Consequently, both civilian and military intelligence agencies had to accept being viewed as agents of oppression designed to protect the regime and terror provocateurs. As military reform was the main focus during this period, the build-up of discourse on anti-militarism sentiment was reaching its peak as part of the Indonesian national reform.

The gradual reduction of militarism and politicisation had also given way to events like the head of BAKIN pursuing a lawsuit against Sriwijaya Post over the allegation that he was bribed to support Habibie's political campaign, which shows that BAKIN was not attempting to go beyond the law to settle the problem. Therefore, intelligence was evidently displaying themselves in a more respectful manner rather than the supposed undetected body capable of doing anything beyond the law.

When compared to how politicisation of intelligence was like during the Wahid administration, the topic was not as significant due to the changes previously brought by Habibie's attempt on abolishing the IAF's dual function and separating the military from the police which would weaken the power the military would have i.e. reduction in militarism, though there was an instance where the Speaker of the House of Representatives, Akbar Tandjung emphasised the importance of effective intelligence to pursue the country's national interests instead of sectional interests. In other words, intelligence should not be used for personal interests within the government, rather it should be used to fulfil Indonesia's *raison d'état*. However, the lack of discourse on

intelligence politicisation during the Wahid administration also implies that the topic was sensitive, as if it was to be avoided.

Discourse on militarism was starting to decrease, but the military still had some power within the government as intelligence and intelligence reform then was of somewhat limited significance as the military had domination in general. The drafting of the intelligence law was a recommendation by the May Riots Fact-Finding Team, which was reminded again during the Wahid administration due to the lack of control over the military intelligence system. Because of this lack of control, many cases of human rights violations could not be investigated due to the disappearance of evidence concerning the conduct of military intelligence, meaning that the military would not be held accountable for the human rights violations during the New Order, which inhibited transparency. This recommendation was further recommended by Komnas HAM after human rights violations during the referendum in East Timor.

The problem of transparency, though, would not be prioritised as much during the Wahid Administration as the intelligence and the military were undergoing changes which preferred the improvement of their effectiveness and professionalism, hence more discourse regarding militarism and politicisation. Nevertheless, the only instance which was related to the transparency of the intelligence was regarding the aforementioned inability to investigate the human rights violations from the period of the New Order as explained previously.

The Megawati administration had even less discourse on intelligence politicisation, for intelligence was experiencing pressure to reform due to many mishaps in preventing terror attacks. As a result, they were not seen as a credible intelligence institution, consequently putting BIN in no position to be used as effectively as BAKIN

was during the Suharto Administration, hence the lack of politicisation. There were advancements in intelligence reform in expanding the capabilities of BIN to increase their effectiveness because of the increase in national threats, but this did not address any of the concerns with transparency.

As for the military, there were growing worries about the comeback of militarism among civil society, within a general context of SSR. This is due to how the military derives their political power – through its role as a defender of property rights of far-flung islands of the archipelago of Indonesia. Consequently, elites continue to seek the support of TNI, paradoxically ensuring that the military retains its central role in politics precisely at a time when segments of civil society are calling for civilian supremacy and demilitarisation.

In addition, martial law was implemented in Aceh which gave the military an opportunity to formally execute military operations, which was seen as a violation of both human rights and humanitarian law. The link to intelligence is that the Chief of BIN was a member of the Daily Executive Board that supported the President, meaning that Hendropriyono allowed said martial law. Additionally, the upholding of human rights during this period was weak; regulations were formulated on protecting human rights, but they were not applied effectively. Hence, militarism still remained a problem for the next administration.

During the Yudhoyono administration, intelligence reform was gradually diminishing due to the importance of countering terrorism and other national security threats, which led to another decrease in discourse on politicisation. The intelligence bill was undergoing development during this period while BIN was handling major national threats which were terrorism, separatism, and communal sectarian conflict. While BIN

was trying to improve their credibility, the government was only monitoring them and refining their duties and functions, not politicising them directly at least.

Militarism saw less discourse due to intelligence reform taking place due to the pressures of three national threats intelligence had to handle as mentioned above. The intelligence bill was being drafted by BIN and CSOs, primarily WG SIR, during the Yudhoyono administration, with one of the ideal aspects of intelligence reform being the prevention of human rights violations. Otherwise, the discourse on human rights violations was fixated on the murder of Munir which placed BIN under negative light as they were thought to have been behind the murder as a black operation i.e. a human rights violation. Said bill that involved the military to some extent, as they wanted some of the powers the military used to wield during the New Order. Additionally, the continuing openness of intelligence and reduction in authority of the military have left them much more disadvantaged than before. Therefore, any implementations in the intelligence bill which conflicts with the interest of the military could lead to political and security problems.

Transparency was in up and down situation during Yudhoyono's administration. Syamsir Siregar's avoidance of high-profile public appearances has put intelligence in less transparent attitude. Syamsir had to deal with the ongoing terror attacks, the Intelligence Act, and the Munir case that public wanted to know. SSR in intelligence was progressing at a faster rate due to the combination of pressure of CSOs and intelligence interest for improvement especially on counterterrorism. During Yudhoyono's second period, In contrast to Syamsir, Marciano Norman as the head of BIN started to introduce a new style of communication which known as "ending the code of silence". Norman's

idea was not reckless because in ending the code of silence he stressed on two principles: need to know basis and releasing measured information to public.

Currently, in the Jokowi administration, discourse on intelligence reform has reached its lowest, with it not being the fundamental criticism for BIN. The appointment of National Police Deputy Chief Commander Gen. Budi Gunawan as the Chief of BIN by President Jokowi could be seen as further reduction of military dominance over intelligence, for this would drive BIN to become a modern civilian institution. Furthermore, Budi Gunawan assured that intelligence would remain neutral and independent from political interests, implying that they will not be politicised or used by the military unlike how intelligence was during the New Order.

The main criticism, rather, was a matter of methods in executing preventive measures - that it was too bluntly open. Specific cases include the Rizieq Shihab case and the statement on radicalised masjids. During these cases, the amount of engagement BIN had with the media and public surpasses previous interactions during other presidential periods. This distinct act of BIN can be interpreted as a way to show transparency, clearing any misconceptions the public may have on intelligence. However, this act was also criticised by many as it invited unnecessary criticism towards BIN. In this case, the statement that 41 masjids were exposed to radicalism could be seen as scaremongering, which ultimately prompts the question; what kind of transparency do the people expect from intelligence? It could be that the public was distraught on the contrast between the behaviour of pre-reform intelligence and the current intelligence. Therefore, while intelligence is taking the right steps to becoming more transparent, they will have to approach the public with the right balance in either speaking or staying silent.

But with the Jokowi administration, the discourse on human rights in intelligence had dissipated due to the transparency BIN has been showing.

The discourse related to effectiveness in intelligence reform is interesting because of its dominance over other discourses in the five administrations. In the period of the New Order, intelligence was effectively a part of the military, so they would act jointly. As mentioned before, the act of kidnapping student activists was supposedly an intelligence operation. To some extent, this shows effectiveness in handling a situation, though it violated human rights and presented themselves as authoritarian oppressors. The intelligence law recommendation from the May Riots Fact-Finding Team addresses this problem by monitoring intelligence operations, which would reduce politicisation and actually have intelligence focus in striving for Indonesia's *raison d'état*.

The same recommendation was reiterated again during the Wahid administration, implying that intelligence was still not as effective as it could. Considering the restructure/rebranding of BAKIN into BIN, the capabilities of intelligence in this period was not as good it was during the New Order. Terror incidents also started to become a major issue, which effectively kickstarted the improvisation of intelligence in handling counterterrorism for the next presidential administrations. Henceforth, counterterrorism became the main driving force for intelligence reform.

During Megawati's administration, BIN was improving their image despite failing to prevent many terror attacks. Each of these terror events were pushing intelligence reform to the expansion of BIN's capabilities rather than complying with the previous demands of SSR, with little criticism due to how grave the threat of terrorists was. Additionally, all the CSOs were concentrated in the reform of the military and police, so intelligence was not the main concern. From this, it can be said that the only

reform intelligence was truly experiencing was in the improvement of their operational capacity in order to enhance their effectiveness.

Intelligence went through further improvements in Yudhoyono's administration, with an example being the creation of a deputy chief for information and communication by Marciano Norman. While intelligence reform was still being urged by WG SIR, the actual pressure for intelligence reform towards BIN diminished, overshadowed by the importance of counterterrorism and other national security threats, further proving the dominance of counterterrorism as the main discourse.

In the current administration, the Jokowi administration, intelligence reform does not fully focus on counterterrorism, rather it is now about improving certain characteristics of intelligence. In other words, intelligence has reached the point where they will receive full support in enhancing their effectiveness in handling counterterrorism and national threats without the pretence of intelligence reform. Furthermore, the performance of BIN, along with the police, has improved greatly over the last two administrations, hence showing their competence.

In the end, the discourses related to democracy was eclipsed by the discourse related to effectiveness, for that was what drove intelligence to improve to where it is currently. Discourse regarding intelligence politicisation, militarism, and human rights were gradually being answered since the national reform of Indonesia, while counterterrorism and effectiveness were highly prioritised for intelligence reform. Transparency was also handled gradually, peaking with the current BIN's increase in engaging with the public.

Appendices

Appendix 1

List of Acts, Government Regulations, Presidential Decree, Presidential Regulations and other Regulations on Intelligence (1946 – 2019)

No	Year	Number KEPPRES/PERPRES/PP/INPRES	About
1.	1945	Keputusan Badan Keamanan Rakyat	Badan Istimewa (Special Agency)
2.	1946	Keputusan Panglima Besar Letnan Jenderal Sudirman bikin keputusan untuk membubarkan PMC pada 3 Mei 1947, begitu yang tercatat dalam "Arsip Kementerian Pertahanan RI Nomor 752 (Surat dari Pimpinan Badan Rahasia Negara (BRANI) tanggal 22 Agustus 1946)".	Pembubaran Badan Istimewa dan PMC (Penjelidik Militer Khusus)
3.	1946	Surat Keputusan (SKEP) Perintah Presiden Sukarno kepada Menteri Pertahanan untuk membentuk Badan Rahasia. 7 Mei 1946 Arsip Kementerian Pertahanan RI Nomor 752 (Surat dari Pimpinan Badan Rahasia Negara (BRANI) tanggal 22 Agustus 1946 tentang BRANI yang berdiri langsung di bawah Presiden)".	Badan Rahasia Negara Indonesia (Indonesia State Secret Agency)
4.	1946	Surat Keputusan Perdana Menteri 14 Juni 1946 Amir Sjarifoeddin Arsip Kementerian Pertahanan RI nomor 738	Bagian B Kementerian Pertahanan (B Division of Ministry of Defence): - Military Combat Intelligence - Civilian Combat Intelligence - Military Counterintelligence - Civilian Counterintelligence - Counter Propaganda, and - Bureau of Investigation
5.		Surat Keputusan (SKEP) Presiden Sukarno 30 April 1947 Sukarno mengeluarkan keputusan untuk memecahkan problem dualisme lembaga intelijen. Saat itu,	Bagian V Kementerian Pertahanan / KP-V (V Division of Ministry of Defence) known as KP-V ada Badan Rahasia Negara Indonesia (BRANI) yang dikepalai Zulkifli Lubis dan Bagian B pimpinan Soekardiman yang dikendalikan Amir Sjarifoeddin. Dua lembaga ini mempunyai kewenangan yang tumpang tindih dan kadang-kadang tidak lepas dari kepentingan politik orang-orang yang mengendalikannya. Maka, Sukarno pun berkeputusan untuk menyatukannya. Terbentuklah Kementerian Pertahanan Bagian V, yang dikenal sebagai KP-V.
6.	1958	Peraturan Pemerintah (PP) No. 64 5 Desember 1958 (Soekarno)	Badan Koordinasi Intelijen (Intelligence Coordinating Agency)

7.	1959	Peraturan Presiden (Perpres) No. 8 10 Nopember 1959 Soekarno	Badan Pusat Intelijen (Central Intelligence Agency)
8.	1966	Keputusan Presiden (Keppres) No. 181 22 Agustus 1966 Soekarno	KOMANDO INTELIDJEN NEGARA – Mencabut Perpres No.8 Tahun 1959 (STATE INTELLIGENCE COMMAND – Revoke Presidential Regulation No.8 Year 1959)
9.	1967	Keputusan Presiden (Keppres) No.70 22 Mei 1967 Soeharto	BADAN KOORDINASI INTELIDJEN NEGARA – Mencabut Keppres No.181 Tahun 1966 dan Keputusan Presidium Kabinet No. 32/U/KEP/9/1966 (STATE INTELLIGENCE COORDINATING AGENCY – Revoke Presidential Decision Decree No.181 Year 1966 and Decree of Presidium Cabinet No. 32/U/KEP/9/1966)
10.	1969	Keputusan Presiden (Keppres) No. 23 10 Maret 1969 Soeharto	KEDUDUKAN DAN ORGANISASI BADAN KOORDINASI INTELIDJEN NEGARA (POSITIONING AND ORGANISATION OF THE STATE INTELLIGENCE COORDINATING AGENCY)
11.	1970	Keputusan Presiden (Keppres) No. 76 17 Nopember 1970 Soeharto	PENJEMPURNAAN STRUKTUR ORGANISASI BADAN KOORDINASI INTELIDJEN NEGARA (STATE INTELLIGENCE COORDINATING AGENCY ORGANISATION STRUCTURE IMPROVEMENT)
12.	1973	Keputusan Presiden (Keppres) No.38 1 Oktober 1973 Soeharto	PENYEMPURNAAN STRUKTUR ORGANISASI BADAN KOORDINASI INTELIJEN NEGARA (STATE INTELLIGENCE COORDINATING AGENCY ORGANISATION STRUCTURE IMPROVEMENT)
13.	1976	Keputusan Presiden (Keppres) No. 8 16 Februari 1976 Soeharto	PERUBAHAN KEPUTUSAN PRESIDEN NO.38/1973 TENTANG PENYEMPURNAAN STRUKTUR ORGANISASI BADAN KOORDINASI INTELIJEN NEGARA (CHANGE IN PRESIDENTIAL DECISION DECREE NO.38/1973 ABOUT THE ORGANISATION STRUCTURE IMPROVEMENT OF THE STATE INTELLIGENCE COORDINATING AGENCY)
14.	1981	Keputusan Presiden (Keppres) No. 19 6 Mei 1981 Soeharto	PENYEMPURNAAN ORGANISASI BADAN KOORDINASI INTELIJEN NEGARA – Mencabut Keppres 38/1973 dan Keppres 8/1976 (STATE INTELLIGENCE COORDINATION AGENCY ORGANISATION IMPROVEMENT – Revoke Presidential Decision Decree 38/1973 and Presidential Regulation 38/1973)
15.	1989	Keputusan Presiden (Keppres) No. 64 26 Desember 1989 Soeharto	PERUBAHAN KEPUTUSAN PRESIDEN NOMOR 19 TAHUN 1981 TENTANG PENYEMPURNAAN ORGANISASI BADAN KOORDINASI INTELIJEN NEGARA (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 19 YEAR 1981 ABOUT THE ORGANISATION IMPROVEMENT OF THE STATE INTELLIGENCE COORDINATION AGENCY)
16.	2000	Keputusan Presiden (Keppres) No.166 23 Nopember 2000 Abdurrahman Wahid	KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN – Mencabut Keppres 19/1981 dan Keppres 64/1989 (POSITIONING, DUTY, FUNCTIONS, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT)

			AGENCY – Revoke Presidential Decision Decree 19/1981 and Presidential Decision Decree 64/1989)
17.	2000	Keputusan Presiden (Keppres) No.173 15 Desember 2000 a/n President RI Wapres Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 166 TAHUN 2000 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 166 YEAR 2000 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY)
18.	2000	Keputusan Presiden (Keppres) No.178 15 Desember 2000 a/n President RI Wapres Megawati Soekarnoputri	SUSUNAN ORGANISASI DAN TUGAS LEMBAGA PEMERINTAH NON DEPARTEMEN (ORGANISATION COMPOSITION AND DUTY OF NON-DEPARTMENT GOVERNMENT AGENCY)
19.	2001	Keputusan Presiden (Keppres) No. 42 27 Maret 2001 Abdurrahman Wahid	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 166 TAHUN 2000 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH BEBERAPA KALI DIUBAH TERAKHIR DENGAN KEPUTUSAN PRESIDEN NOMOR 16 TAHUN 2001 (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 166 YEAR 2000 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY SUCH THAT IT HAS BEEN CHANGED SEVERAL TIMES LAST DONE BY PRESIDENTIAL DECISION DECREE NUMBER 16 YEAR 2001)
20.	2001	Keputusan Presiden (Keppres) No.43 27 Maret 2001 Abdurrahman Wahid	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 178 TAHUN 2000 TENTANG SUSUNAN ORGANISASI DAN TUGAS LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH DIUBAH DENGAN KEPUTUSAN PRESIDEN NOMOR 17 TAHUN 2001 (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 178 YEAR 2000 ABOUT ORGANISATION COMPOSITION AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY SUCH THAT IT HAS BEEN CHANGED SEVERAL TIMES THROUGH PRESIDENTIAL DECISION DECREE NUMBER 17 YEAR 2001)
21.	2001	Keputusan Presiden (Keppres) No. 103 13 September 2001 Megawati Soekarnoputri	KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN (POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY)
22.	2001	Keputusan Presiden (Keppres) No. 110 10 Oktober 2001 Megawati Soekarnoputri	UNIT ORGANISASI DAN TUGAS ESELON I LEMBAGA PEMERINTAH NON DEPARTEMEN (ORGANISATION UNIT AND DUTY OF ECHELON I OF NON-DEPARTMENT GOVERNMENT AGENCY)

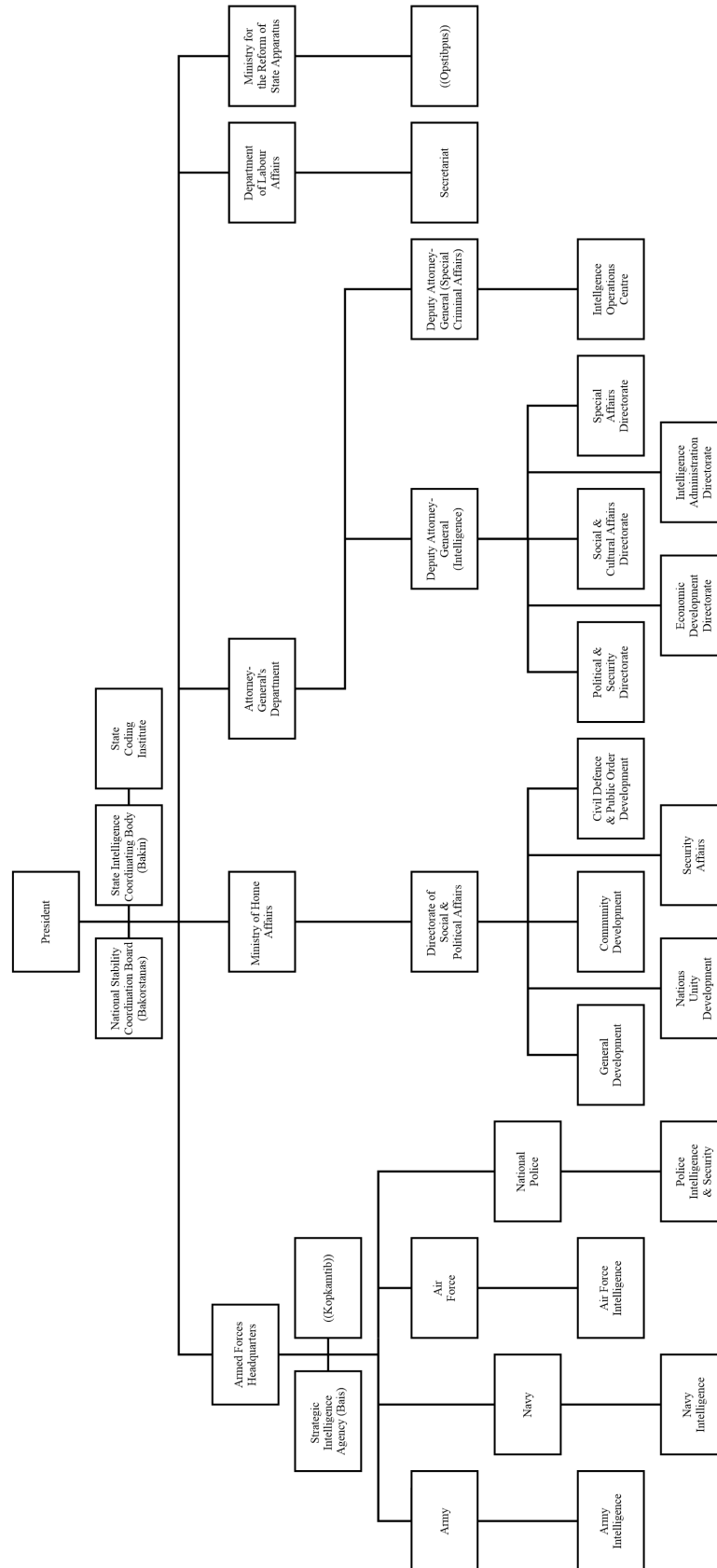
23.	2002	Keputusan Presiden (Keppres) No. 3 7 Januari 2002 Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 103 TAHUN 2001 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN (catatan: <i>Perubahan Pertama</i>) (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 103 YEAR 2001 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY) (note: <i>First Change</i>)
24.	2002	Keputusan Presiden (Keppres) No.46 1 Juli 2002 Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 103 TAHUN 2001 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH DIUBAH DENGAN KEPUTUSAN PRESIDEN NOMOR 3 TAHUN 2002 (catatan: <i>Perubahan Kedua</i>) (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 103 YEAR 2001 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY SUCH THAT IT HAS BEEN CHANGED BY PRESIDENTIAL DECISION DECREE NUMBER 3 YEAR 2002) (note: <i>Second Change</i>)
25.	2003	Keputusan Presiden (Keppres) No. 30 26 Mei 2003 Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 103 TAHUN 2001 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH DIUBAH DENGAN KEPUTUSAN PRESIDEN NOMOR 46 TAHUN 2002 (catatan: <i>Perubahan Ketiga</i>) (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 103 YEAR 2001 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY SUCH THAT IT HAS BEEN CHANGED BY PRESIDENTIAL DECISION DECREE NUMBER 46 YEAR 2002) (note: <i>Third Change</i>)
26.	2003	Keputusan Presiden (Keppres) No. 32 26 Mei 2003 Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 110 TAHUN 2001 TENTANG UNIT ORGANISASI DAN TUGAS ESELON I LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH BEBERAPA KALI DIUBAH TERAKHIR DENGAN KEPUTUSAN PRESIDEN NOMOR 48 TAHUN 2002 (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 110 YEAR 2001 ABOUT THE ORGANISATION UNIT AND DUTY OF ECHELON I OF NON-DEPARTMENT GOVERNMENT AGENCY SUCH THAT IT HAS BEEN

			CHANGED SEVERAL TIMES LAST DONE BY PRESIDENTIAL DECISION DECREE NUMBER 48 YEAR 2002)
27.	2003	Keputusan Presiden (Keppres) No. 62 31 Juli 2003 Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 110 TAHUN 2001 TENTANG UNIT ORGANISASI DAN TUGAS ESELON I LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH BEBERAPA KALI DIUBAH TERAKHIR DENGAN KEPUTUSAN PRESIDEN NOMOR 32 TAHUN 2003
28.	2004	Keputusan Presiden (Keppres) No. 9 30 Januari 2004 Megawati Soekarnoputri	PERUBAHAN ATAS KEPUTUSAN PRESIDEN NOMOR 103 TAHUN 2001 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN SEBAGAIMANA TELAH BEBERAPA KALI DIUBAH TERAKHIR DENGAN KEPUTUSAN PRESIDEN NOMOR 30 TAHUN 2003 (catatan: Perubahan Keempat) (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 110 YEAR 2001 ABOUT THE ORGANISATION UNIT AND DUTY OF ECHELON I OF NON-DEPARTMENT GOVERNEMENT AGENCY SUCH THAT IT HAS BEEN CHANGED SEVERAL TIMES LAST DONE BY PRESIDENTIAL DECISION DECREE NUMBER 32 YEAR 2003 (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 103 YEAR 2001 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY SUCH THAT IT HAS BEEN CHANGED SEVERAL TIMES LAST DONE BY PRESIDENTIAL DECISION DECREE NUMBER 30 YEAR 2003.) (note: Fourth Change)
29.	2005	Peraturan Presiden (Perpres) No.11 31 Januari 2005 Susilo Bambang Yudhoyono	PERUBAHAN KELIMA ATAS KEPUTUSAN PRESIDEN NOMOR 103 TAHUN 2001 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN (THE FIFTH CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 103 YEAR 2001 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY)
30.	2005	Peraturan Presiden (Perpres) No.52 15 September 2005 Susilo Bambang Yudhoyono	PERUBAHAN KETUJUH ATAS KEPUTUSAN PRESIDEN NOMOR 110 TAHUN 2001 TENTANG UNIT ORGANISASI DAN TUGAS ESELON I LEMBAGA PEMERINTAH NON DEPARTEMEN (THE SEVENTH CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 110 YEAR 2001 ABOUT THE ORGANISATION UNIT AND DUTY OF ECHELON I OF NON-DEPARTMENT GOVERNMENT AGENCY)
31.	2005	Peraturan Presiden (Perpres) No. 64 14 Oktober 2005 Susilo Bambang Yudhoyono	PERUBAHAN KEENAM ATAS KEPUTUSAN PRESIDEN NOMOR 103 TAHUN 2001 TENTANG KEDUDUKAN, TUGAS, FUNGSI, KEWENANGAN, SUSUNAN

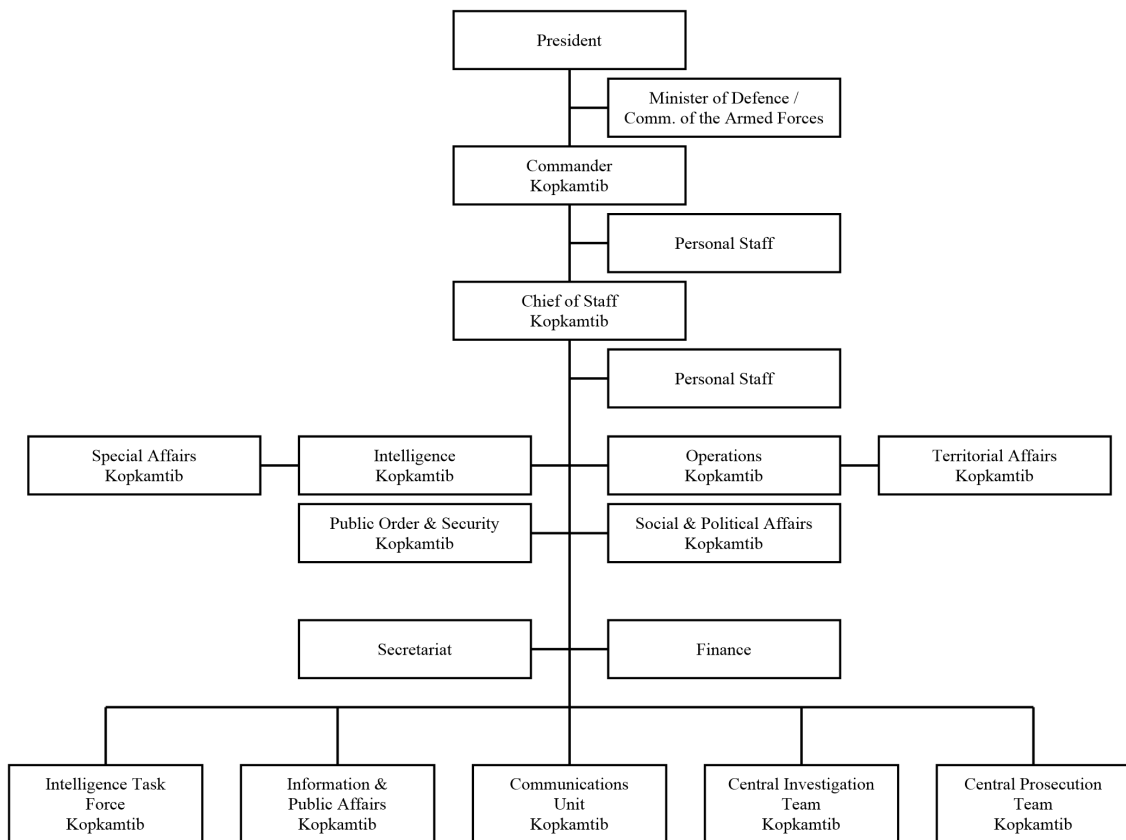
			ORGANISASI, DAN TATA KERJA LEMBAGA PEMERINTAH NON DEPARTEMEN (THE SIXTH CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 103 YEAR 2001 ABOUT THE POSITIONING, DUTY, FUNCTION, AUTHORITY, ORGANISATION COMPOSITION, AND WORK PROCEDURES OF NON-DEPARTMENT GOVERNMENT AGENCY)
32.	2009	Peraturan Presiden (Perpres) No. 14 13 April 2009 Susilo Bambang Yudhoyono	SEKOLAH TINGGI INTELIJEN NEGARA (STATE INSTITUTE OF INTELLIGENCE)
33.	2010	Peraturan Presiden (Perpres) No. 34 25 Mei 2010 Susilo Bambang Yudhoyono	BADAN INTELIJEN NEGARA (STATE INTELLIGENCE AGENCY)
34.	2011	Undang-Undang (UU) No. 17 7 November 2011 Susilo Bambang Yudhoyono	INTELIJEN NEGARA (STATE INTELLIGENCE)
35.	2012	Peraturan Presiden (Perpres) No. 90 30 Oktober 2012 Susilo Bambang Yudhoyono	BADAN INTELIJEN NEGARA (STATE INTELLIGENCE AGENCY)
36.	2013	Peraturan Presiden (Perpres) No. 67 4 November 2013 Susilo Bambang Yudhoyono	KOORDINASI INTELIJEN NEGARA (STATE INTELLIGENCE COORDINATING)
37.	2017	Peraturan Presiden (Perpres) No. 73 21 Juli 2017 Joko Widodo	PERUBAHAN ATAS PERATURAN PRESIDEN NOMOR 90 TAHUN 2012 TENTANG BADAN INTELIJEN NEGARA (CHANGE IN PRESIDENTIAL DECISION DECREE NUMBER 90 YEAR 2012 ABOUT THE STATE INTELLIGENCE AGENCY)
38.	2017	Peraturan Kepala BIN (PerKaBIN) No. 7 23 Agustus 2017 Budi Gunawan	KODE ETIK INTELIJEN NEGARA (STATE INTELLIGENCE EHTICS CODE)

Appendix 2

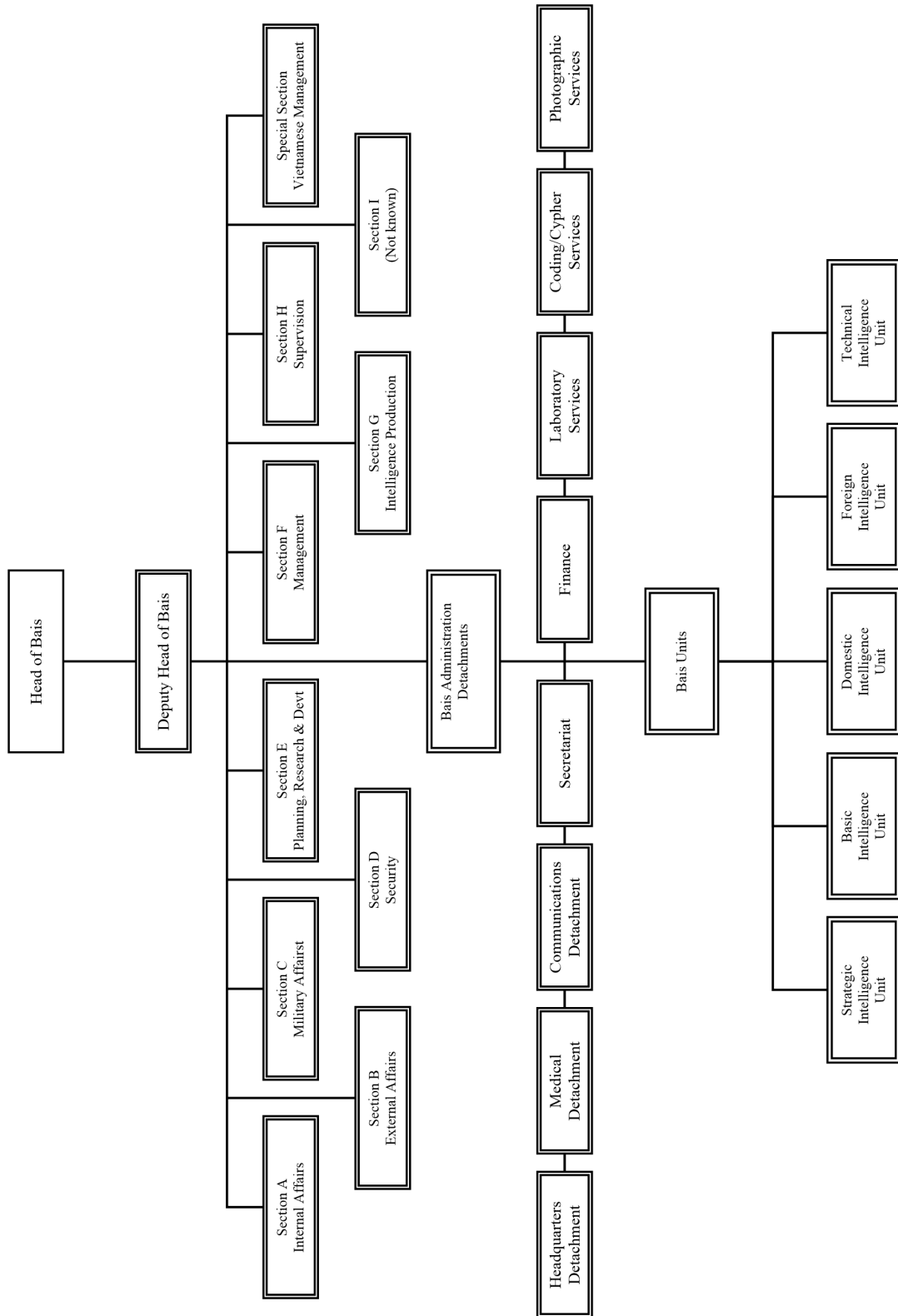
Appendix 2.1. Indonesian National Security System in New Order Era.



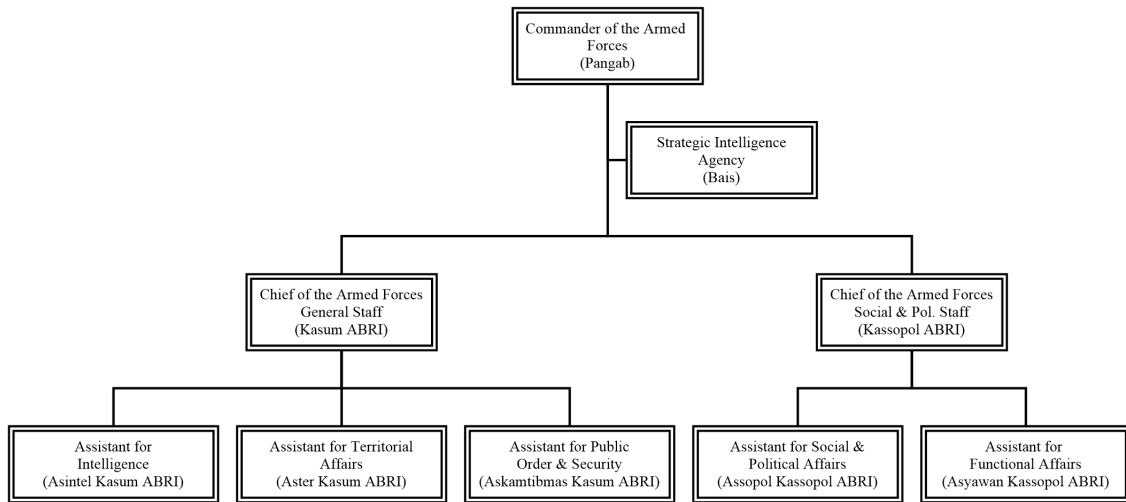
Appendix 2.2. Structure of Kopkamtib New Order Era.



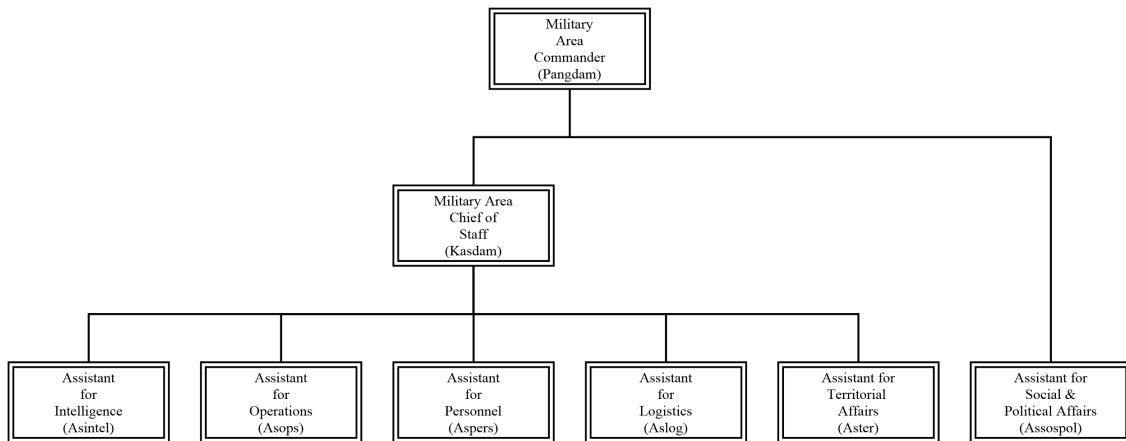
Appendix 2.3. Indonesian Military Intelligence (Strategic Intelligence Agency – BAIS TNI) in New Order Era.



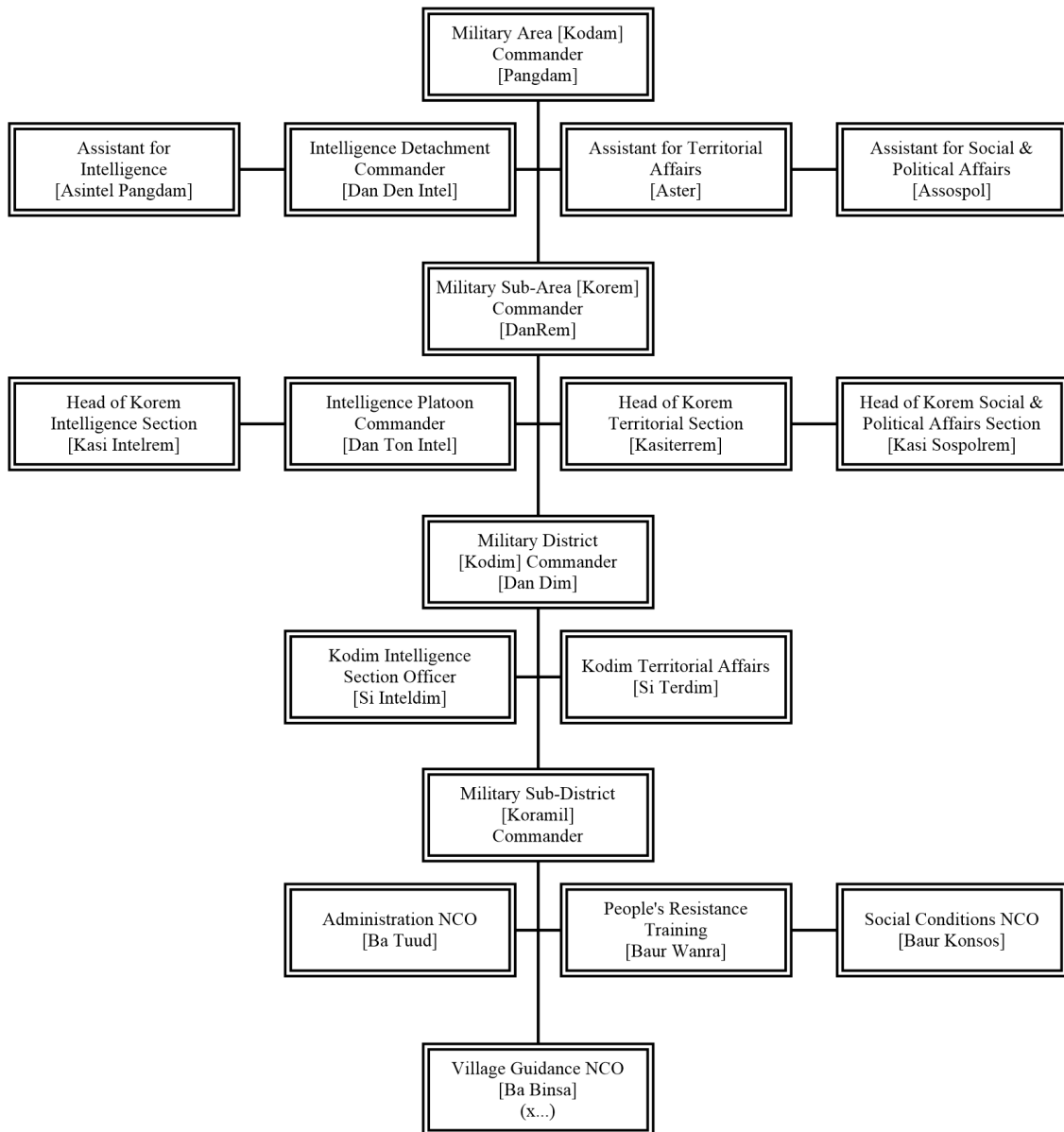
Appendix 2.4. National Military Intelligence System in New Order Era.



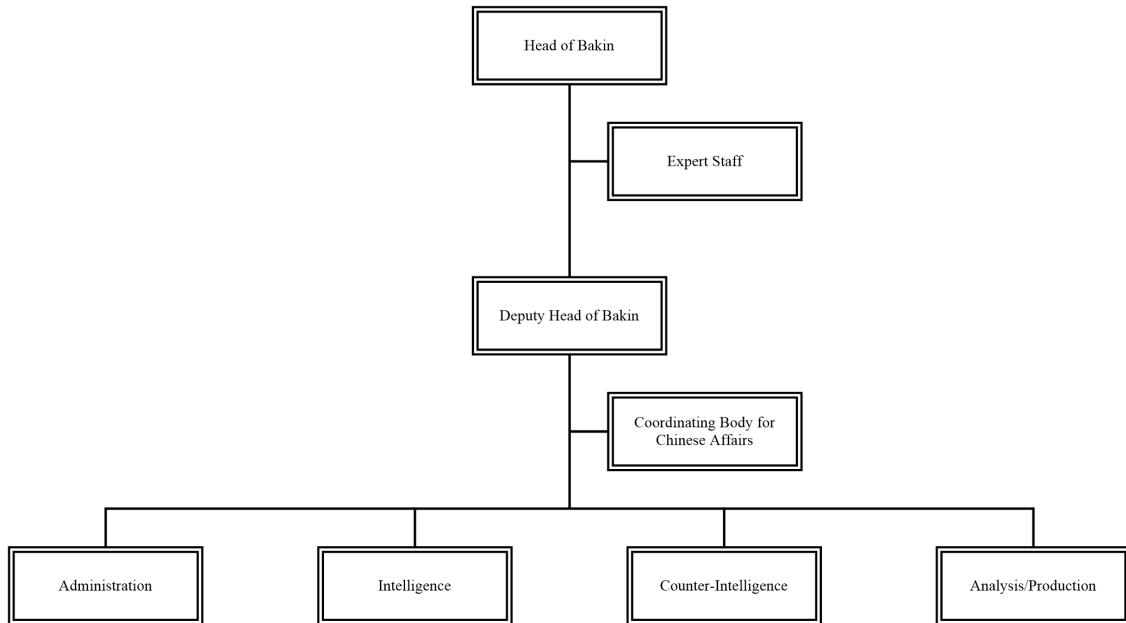
Appendix 2.5. Regional Military Intelligence System in New Order Era



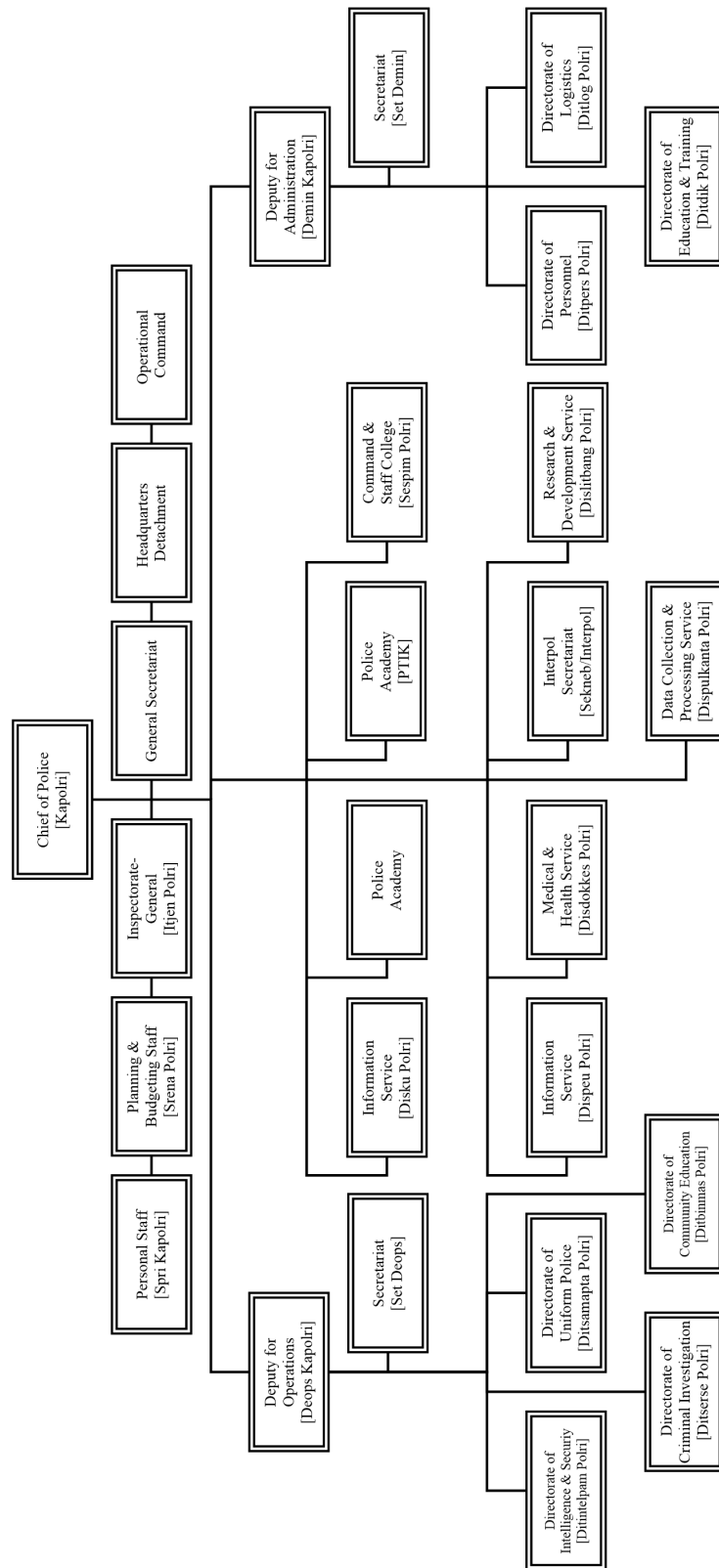
Appendix 2.6. Indonesian Military Intelligence System up to Village Level in New Order Era



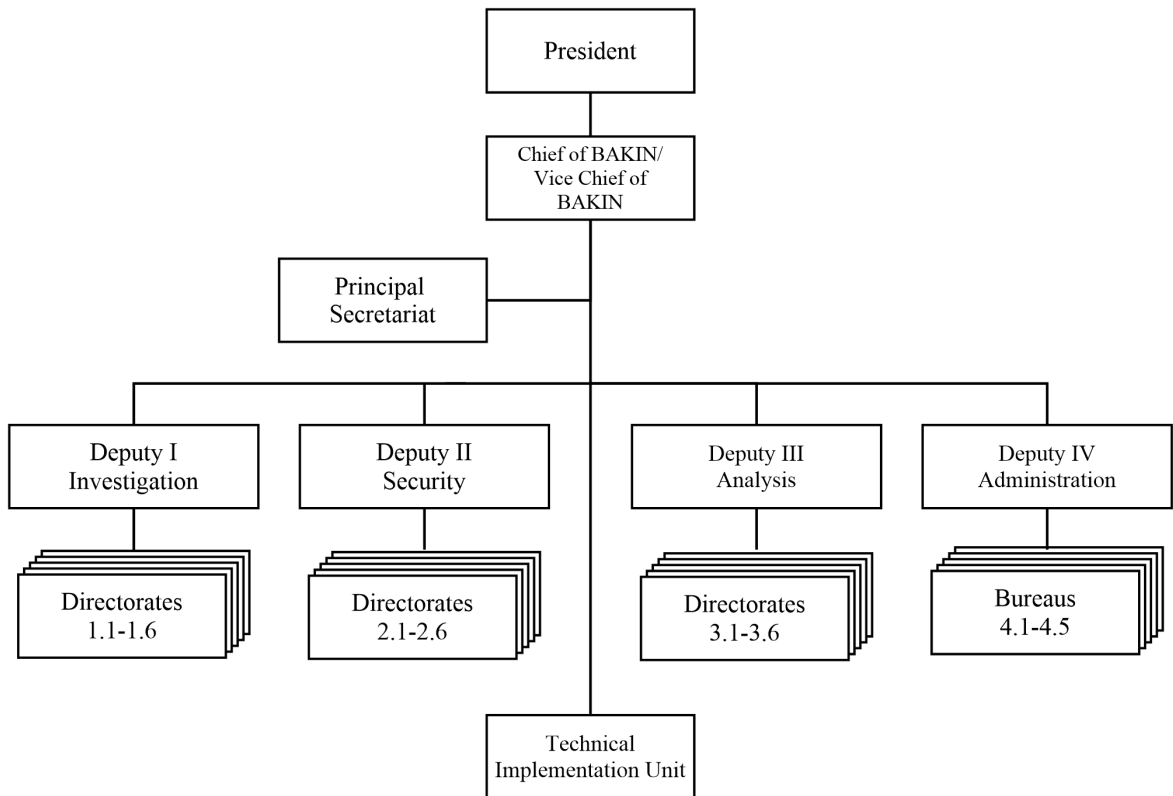
Appendix 2.7. Indonesian Civilian Intelligence (BAKIN) in New Order Era



Appendix 2.8. Indonesian National Police in New Order Era

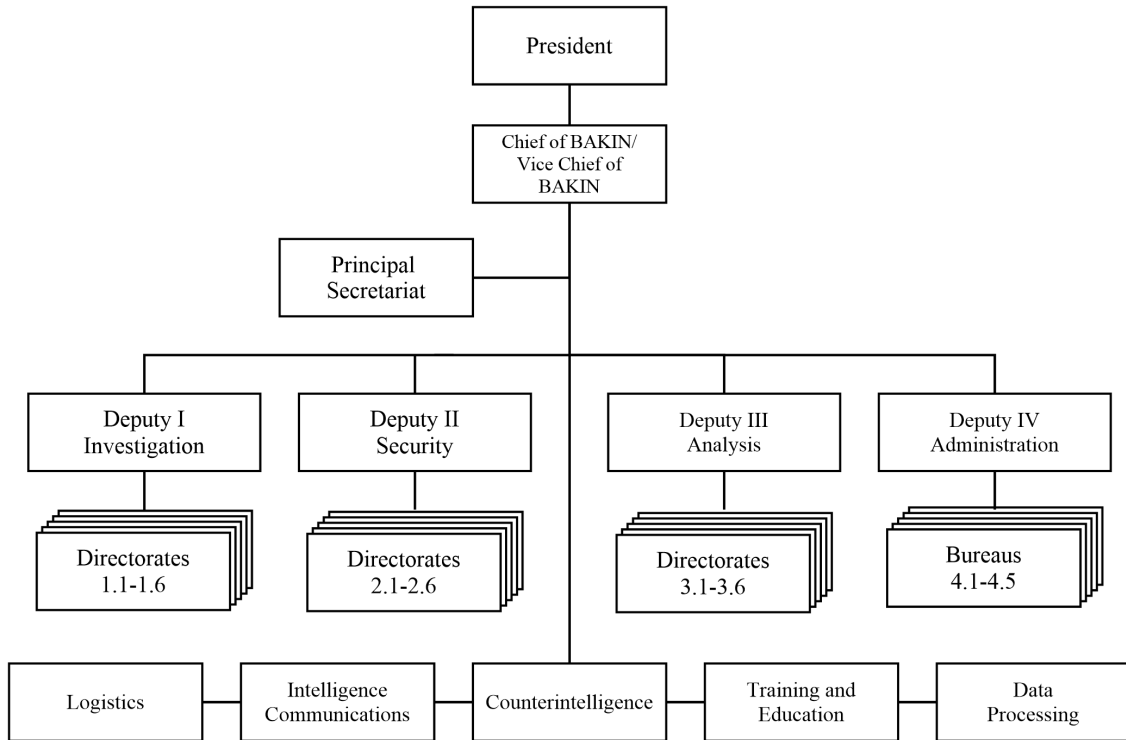


Appendix 2.9. Civilian Intelligence (BAKIN) Structure 1981



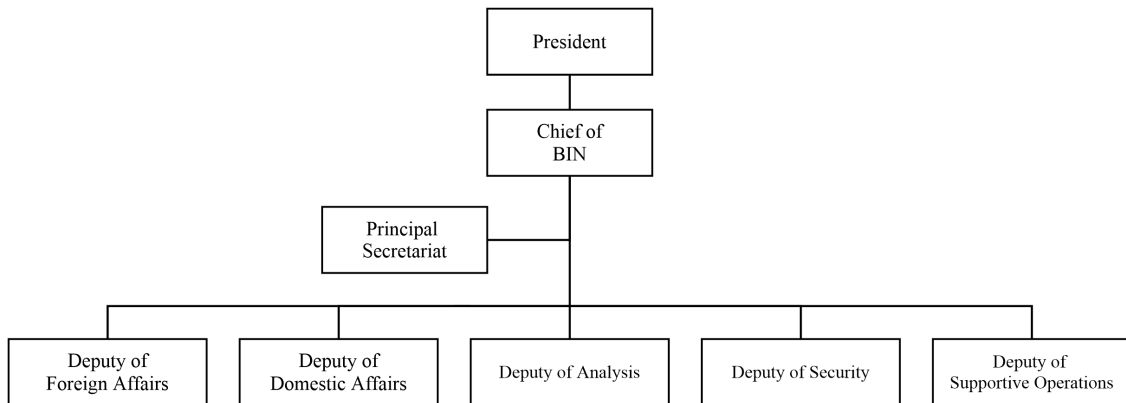
Based on Presidential Decree No. 19 of 1981

Appendix 2.10. Civilian Intelligence (BAKIN) Structure 1989



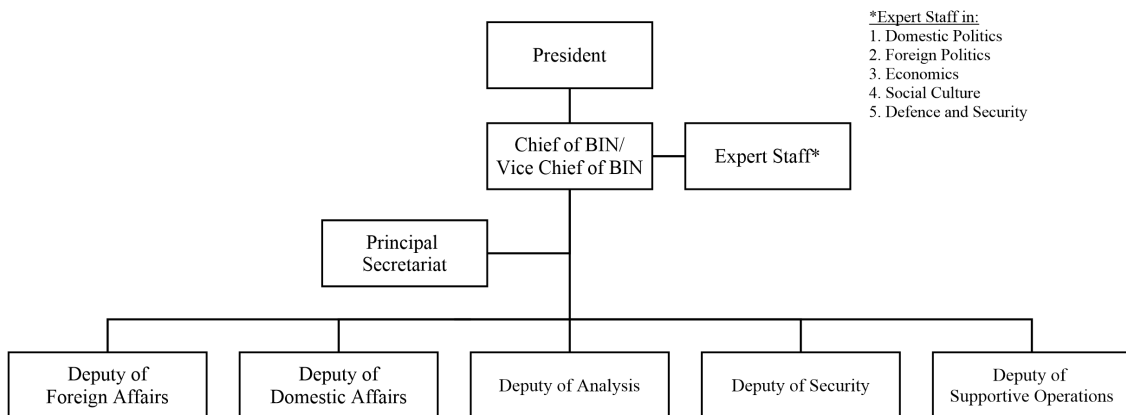
Based on Presidential Decree No. 64 of 1989

Appendix 2.11. Civilian Intelligence (BIN) Structure 2000



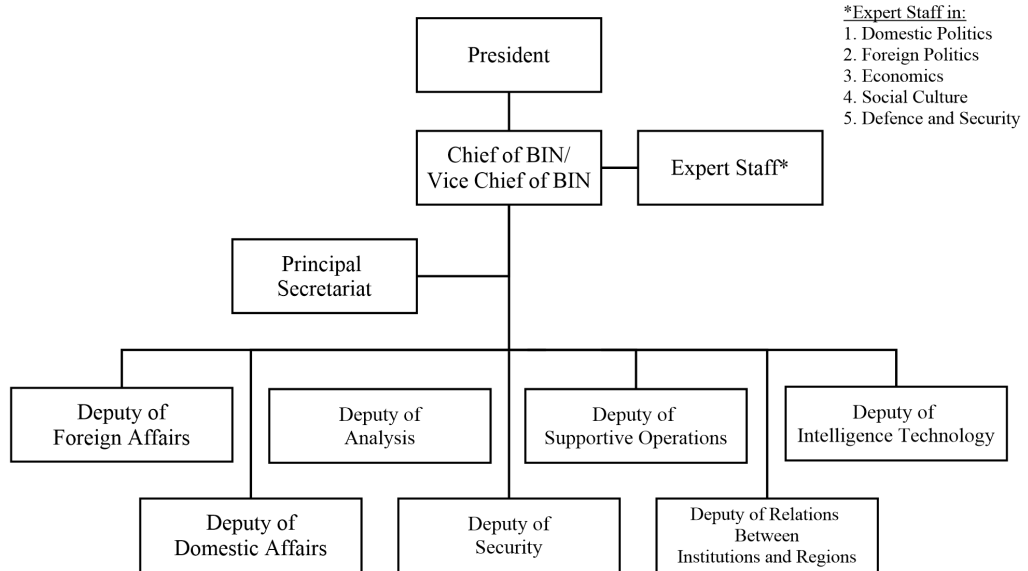
Based on Presidential Decree No. 178 of 2000

Appendix 2.12. Civilian Intelligence (BIN) Structure 2001



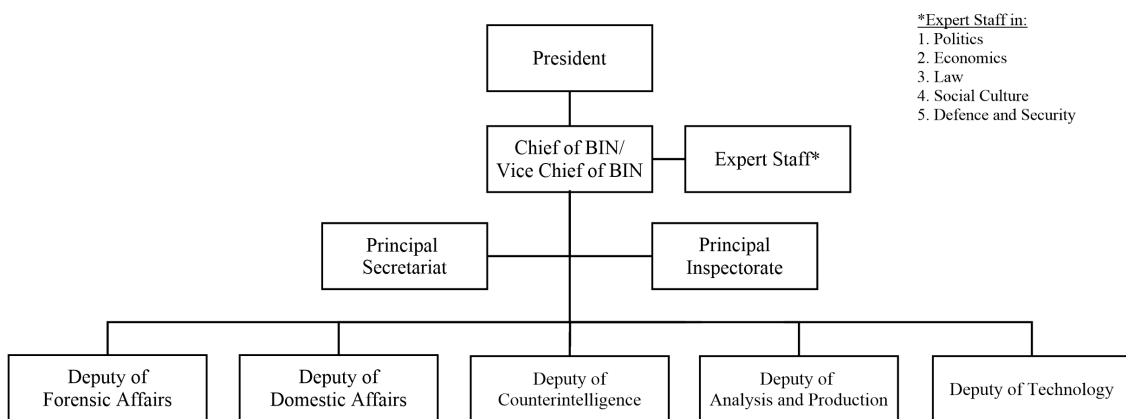
Based on Presidential Decree No. 110 of 2001

Appendix 2.13. Civilian Intelligence (BIN) Structure 2003



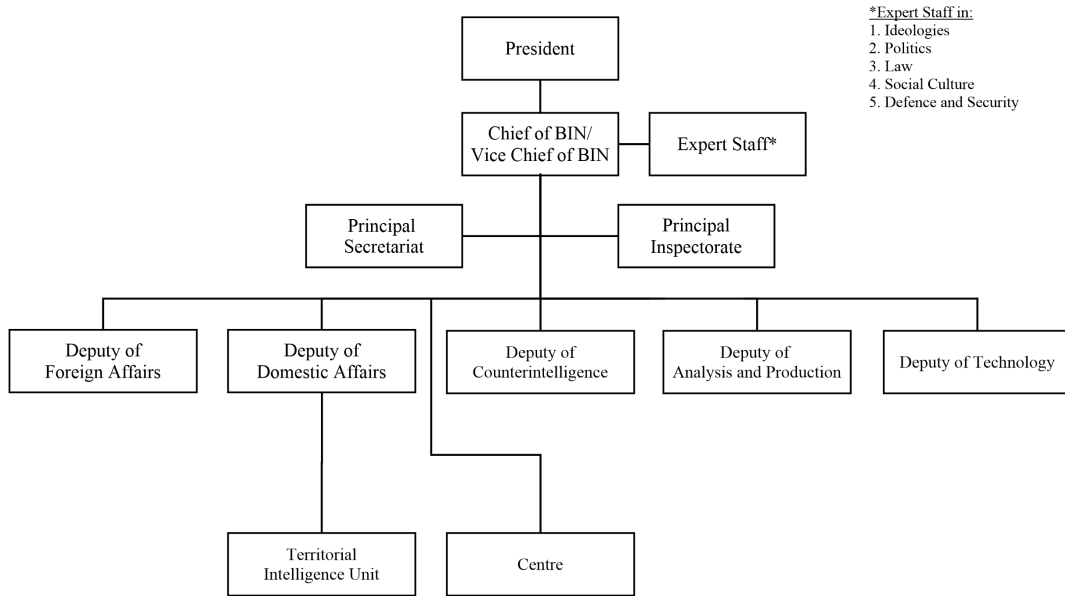
Based on Presidential Decree No. 62 of 2003

Appendix 2.14. Civilian Intelligence (BIN) Structure 2005



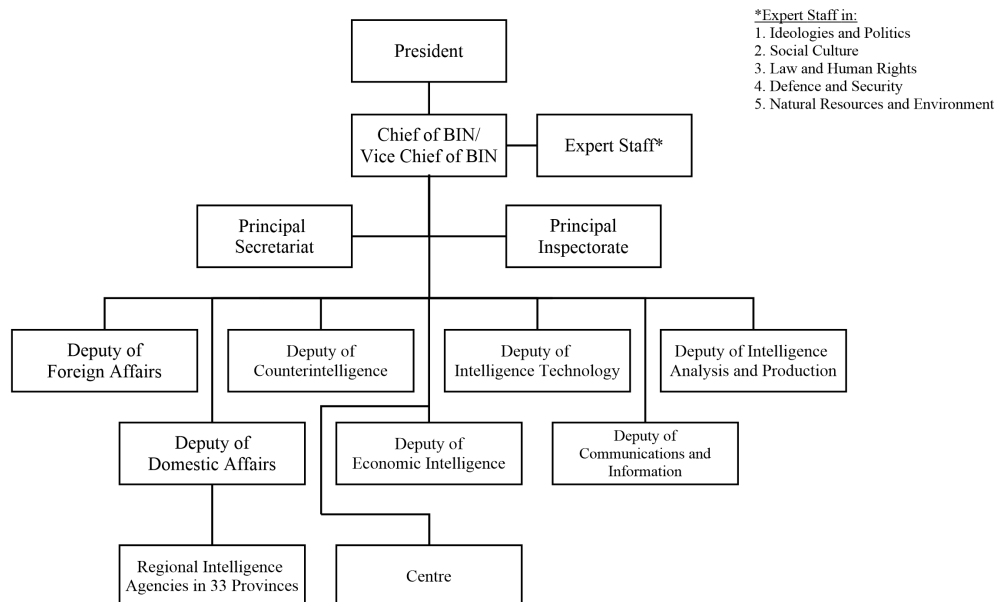
Based on Presidential Decree No. 52 of 2005

Appendix 2.15. Civilian Intelligence (BIN) Structure 2010



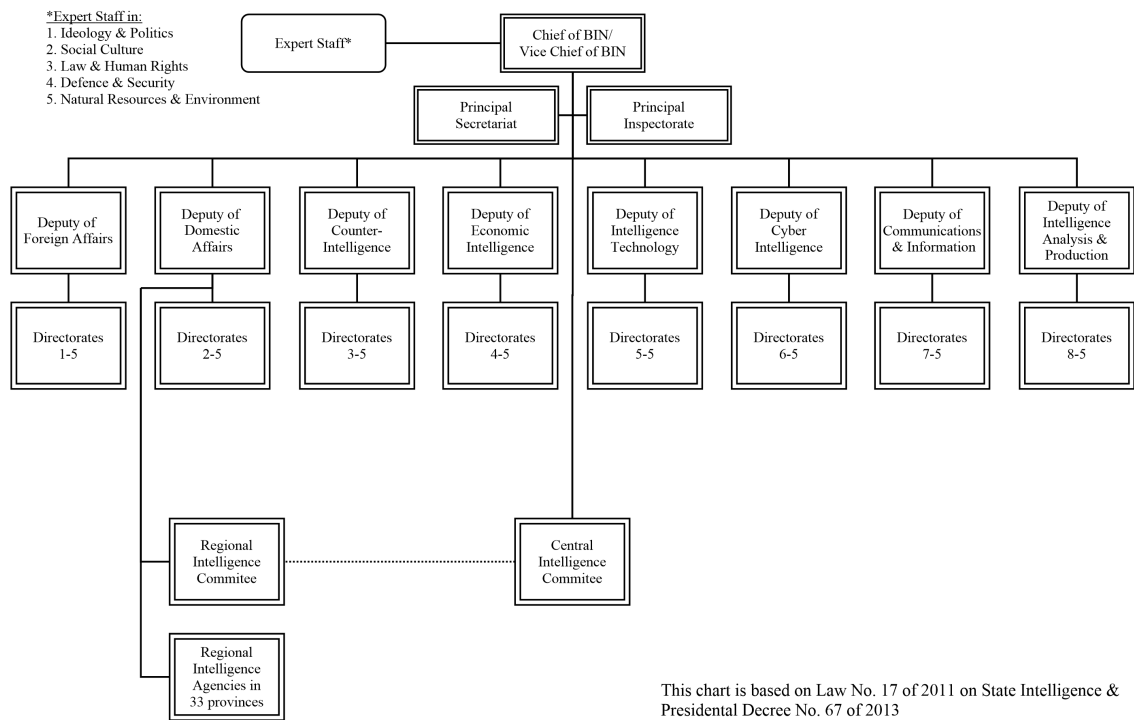
Based on Presidential Decree No. 34 of 2010

Appendix 2.16. Civilian Intelligence (BIN) Structure 2012

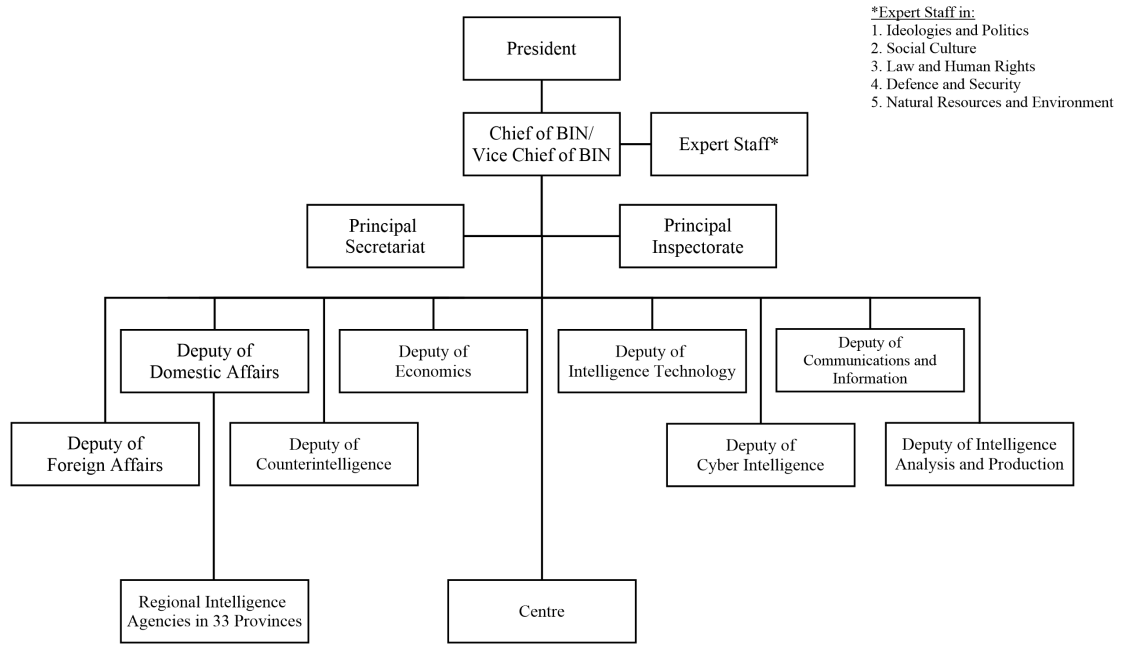


Based on Presidential Decree No. 90 of 2012

Appendix 2.17. Civilian Intelligence (BIN) Structure 2013



Appendix 2.18. Civilian Intelligence (BIN) Structure 2017



Based on Presidential Decree No. 73 of 2017

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