The Politics of Intelligence Reform in Post-Suharto Indonesia
Priyambudi Sulistiyanto

Since the fall of Suharto in 1998, Indonesia has embarked on a range of reform initiatives the outcomes of which have been the subject of debates among scholars and observers in Indonesia and abroad (Budiman, Hatley, and Kingsbury, 1999; O’Rourke, 2002; Robison and Hadiz, 2004). Some of these reforms have been implemented smoothly, while others have encountered obstacles and resistances. The intelligence reform is one of these reform initiatives and the one that is very challenging. The question of establishing democratic control over an intelligence community is crucial. It cannot be denied that the process of intelligence reform during the post-Suharto period has not been a smooth one. This was mainly because during the Suharto period, the military leaders controlled intelligence agencies which in some instances became their own ‘little’ empires. Whilst the process of establishing a civilian supremacy in the post-Suharto period is still an on-going process that requires the military to gradually relinquish political involvement, any attempt to reform the Indonesian intelligence community would be shaped by the outcomes of the military reform as well.

This paper examines the politics of intelligence reform that occurred in the post-Suharto period. It argues that reforming intelligence agencies must be located within a broader context of civilian-military relations in Indonesia. Reflecting on new democracies that emerged elsewhere, Cepik and Antunes (2003) suggest that during the democratic consolidation period, establishing a civilian supremacy which requires the subordination of a military institution under civilian rule is a difficult process. It has often taken many years for the civilian rule to ensure that the military institution and intelligence agencies obey new democratic rules. It is in this situation that the power struggles involved the military, civilian leaders and other political actors affecting the outcomes of intelligence reform. Given the fact that many scholarly works have been focused on the role of the Indonesian military in politics, the relationship between democracy and the intelligence community in the post-Suharto period is understudied (Mietzner, 2006; Rinakit, 2005; Chrisnandi, 2005; Honna, 2003; Kingsbury, 2003; Rabasa and Haseman, 2002; Kammen and Chandra, 1999). Some of the early studies on the intelligence community mainly dealt with the repressive and authoritarian nature of the intelligence agencies established during Suharto period (Jenkins, 1984; Tanter, 1990). These studies shared a similar view that intelligence agencies were among the important pillars for the political survival of the Suharto’s New Order government. Furthermore, Richard Tanter (1990) refers to Indonesia under the Suharto period as
“the intelligence state” which implies the use of various forms of surveillance and terror to intimidate the population. The evidence was found in troubled areas such as Aceh, Papua and East Timor where the intelligence as well as military operations were used extensively to such an extent that led to the human rights abuses (Leith, 2003; Martinkus, 2004; Davies 2006; Tanter, van Klinken and Ball, 2006). These accounts have also suggested that the military involved in various intelligence gatherings and operations during the Suharto period aimed at cracking down on political dissent and opposition groups in Indonesia. Under this kind of authoritarian political system, combined with the fact that the parliament was very weak, intelligence agencies ran their own affairs and have never been monitored and controlled by a proper democratic mechanism that is based on openness and accountability. It is against this backdrop that the public demands for controlling intelligence in the reform period after the fall of Suharto in 1998, accelerated the process of intelligence reform in Indonesia.

Several questions are posed here. Why is intelligence reform needed in Indonesia? What were the legacies from the past that shaped intelligence reform? What have been the challenges and obstacles faced by the intelligence community in the post-Suharto era? Who were involved in the debates on intelligence reform? What sort of democratic control mechanism over intelligence agencies can be established in Indonesia? What role has the civil society played in this arena?

This paper will be divided into four sections. The first section is a short literature review on the relationship between democracy and intelligence in new democracies. The second section is an examination of the political history of the Indonesian intelligence community with an emphasis on the prominent figures and their roles in shaping the evolution of intelligence community in Indonesia. The third section is a discussion about the implications of the democratization process that happened after the fall of Suharto in 1998 on the process of intelligence reform. Finally, it discusses the role of civil society in the debates on intelligence reform and this will be done by examining the draft State Intelligence Bill proposed by the civil society.

The Pursuit of Controlling Intelligence in New Democracies

Many references on democratic control over intelligence agencies is based on the models of intelligence communities in the Western democratic countries such as the United States, Great Britain, France, and Australia (Hastedt, 1991; Gill, 1994). Intelligence is an important part of the overall government’s policy formulations in defense and foreign affairs. For this purpose, intelligence agencies must be credible in doing their job in order to provide the government leaders with credible information. In Western democratic countries, intelligence gathering, that primarily involves collecting and
analyzing data and information, is done by professional intelligence apparatus. The existence of an intelligence community is also guarded by a strong legislation. In this sort of political environment, the various forms of democratic control and oversight mechanism are also put in place (Bruneau, 2001). However, this is not the case in a country that experienced a transition from authoritarian rule to democracy. In this scenario difficulties in establishing democratic control over intelligence agencies have been encountered. It can be argued that an intelligence community that is based on Western democratic countries cannot be copied or implanted fully without critically assessing the historical and political settings of intelligence community in the new democratic countries.

Recently several scholars have begun to study the relationship between democracy and intelligence in Latin America countries like Brazil and Colombia (Cepik and Antunes, 2003; Boraz, 2006). Their studies are more relevant for Indonesia because of their shared political experiences in the difficult periods of transition to democracy. These countries have a long tradition of military involvement in politics and intelligence agencies were also accused of committing human rights abuses. During the democratic consolidation period, Brazil and Colombia embarked on the intelligence reform that was politically very sensitive. Their studies have shown that intelligence reform is a political process. This process involves a power struggle between political actors and different institutions that are either in favor of or against intelligence reform.

These studies also suggest that the outcomes of intelligence reform are shaped by many factors including the political history of the intelligence community, the legacies of authoritarianism, the power base of a democratic government, a strong leadership and the role of civil society. For example, the process of intelligence reform that started after the establishment of a civilian rule in Brazil in the early 1990s, was influenced by the power struggles among political elites, especially from the military camp. There was strong resistances coming from the military generals who opposed the attempt to control intelligence agencies that they had run like their own empires in the past. Not until the late 1990s did the reform process move in the right direction, especially during the Fernando Henrique Cardoso presidency (1998-2002). He played a crucial role in winning the support of the parliament to legislate a new intelligence law (Cepik and Antunes, 2003: 365). This law marked the establishment of the Brazilian Intelligence Agency (ABIN) as the coordinating intelligence agency in Brazil. The civil society also played its part in disseminating alternative views about the process of intelligence reform in Brazil.

A similar situation happened in Colombia during the democratic period in the 1990s and the 2000s. Here the process of intelligence reform dragged many political actors into power struggles that almost brought down the civilian government. The process
of intelligence reform in Colombia was much more difficult because of the history of violence committed by both the military and intelligence actors. It was under the Alvaro Uribe presidency (2002-present) that the process of democratic control over intelligence agencies was institutionalized through the multi-layers mechanism of control and oversight. The new law on state intelligence was approved by the parliament which led to the strengthening the role of El Departamento Administrativo de Seguridad (DAS) as the peak intelligence agency in Colombia (Boraz, 2006: 90).

Reflecting on the experience of Colombia, Boraz defines democratic control as “the sum of two parts-direction and oversight” (2006: 85). Direction means that the civilian government must produce the national security policy in which the intelligence community can refer to in its daily activities. Meanwhile, oversight refers to the importance of having a comprehensive reviewing mechanism for all aspects related to the intelligence community including organizational, budgeting, and legal frameworks. Boraz (2006: 86-87) also identifies at least five important elements that would help to establish democratic control over intelligence community and these are executive control, legislative control, judicial control, internal control and external control.

There is no doubt that the role of executive branch is crucial and is needed. The head of executive branch (president or prime minister) is the highest authority and is also in charge of directing and supervising the activities of intelligence agencies in the country. Democratic control can be achieved by establishing the direction and oversight mechanism to ensure that the activities of intelligence agencies follow democratic rules as set out by the executive body. The executive branch must also avoid the use of intelligence agencies for political purposes in undemocratic ways. The legislative control checks and balances the public resources given to the intelligence community ensuring that they are used properly and can be accounted for. The special committee established in parliament to deal with intelligence issues is important in enabling the representatives from the legislative and executive branches to discuss and share their views on national security in general or on intelligence issues in particular. The judicial control implies the importance of the intelligence community in upholding the rule of law and to respect the human rights or civil liberties. The intelligence community must be aware that they are not above the law and their activities must be legally accounted for. The internal control is usually attached within intelligence agencies that have their own ways in which to monitor evaluate their activities and reports. The external control refers to the role of media, non-government organizations (NGOs) or other non-state actors who are often critical to the activities of intelligence communities.

The post-Suharto Indonesia offers an interesting case where public debates emerged about the need to establish democratic control over intelligence agencies and the various actors such as government, intelligence community, and the civil society were
involved in the reform process. Different groups have engaged with each other and critiqued each other’s views about the best way to pursue intelligence reform in Indonesia. The government and the intelligence community in particular have advocated the view that the process of intelligence reform must be followed by a strong legislation that would give more power to intelligence agencies in carrying out their activities. Meanwhile, academics and scholars have argued that intelligence reform was necessary because the intelligence community has failed to do its job in preventing the widespread violent conflicts that occurred in the post-Suharto Indonesia (see Widjajanto, 2005). Therefore, they believe that a new credible and sophisticated intelligence community is needed especially one that respects the civilian rule, human rights and civil liberties.

**Political history of the intelligence community in Indonesia**

In order to understand the recent debates on intelligence reform in Indonesia, it is also necessary to examine the political history of the Indonesian intelligence community. The birth of the Indonesian intelligence community can be traced back to the period of independence struggle in the 1940s (Wirawan, 2005; Conboy, 2004). Zulkifli Lubis established the first intelligence agency called the Special Agency (*Badan Istimewa*) in 1945. A year later, in 1946 the Secret Agency of the State of Indonesia (*Badan Rahasia Negara Indonesia, Brani*) was established with the aim to oversee and coordinate other small intelligence agencies that belonged to various military and political groups who fought against the Dutch colonial government. This first attempt failed because there were bitter political rivalries among the Indonesian political elites. It was in this point that the intelligence community became politicized and was dragged into the political arena. In 1947, the Department of Defense established its own intelligence body called the Fifth Section (*Bagian Lima*) but it also failed to unify the intelligence community in Indonesia. One significant reason was that the polarization of political parties with their ideologies hampered any attempt to establish a central intelligence body. This situation continued and worsened throughout the parliamentary period of democracy in the 1950s when several prominent military and intelligence officers were involved directly in the political conflicts between civilian and military leaders.

Sukarno declared the state of emergency in 1958 as a way of consolidating his presidency. He set up the Intelligence Coordination Agency (*Badan Koordinasi Intelijen, BKI*) as the coordinating body to oversee intelligence gatherings done by various intelligence agencies. Soon it was apparent that the BKI failed to do its job effectively because the army did not fully cooperate in working under the supervision of the BKI (Conboy, 2004: 28; Wirawan, 2005: 31). In an attempt to secure his political
authority, Sukarno needed a powerful intelligence agency and he established the Central Intelligence Agency (Badan Pusat Intelijen, BPI) in 1959. He also appointed his trusted ally, Subandrio, the Minister of Foreign Affairs, as the head. There is no doubt that the BKI was regarded as the pioneer of the national-level intelligence agency in Indonesia. Unlike the previous intelligence agency, the BKI reported directly to Sukarno and it received modest funding and good facilities enabling it to coordinate intelligence gathering and activities done by other intelligence agencies attached to the military and the bureaucracy. However, there was an attempt to place the BKI under the jurisdiction of the Department of Defense (led by General Nasution) in the 1960s, but both Sukarno and Subandrio rejected the idea because they wanted the BKI to remain under their control especially as Indonesia was in the midst of internal political tensions and the Cold War. Ironically, the existence of the BPI from the Indonesian intelligence community ended with the downfall of Sukarno in 1966.

After the new leader, General Suharto, gained his power, he created an authoritarian government with the military dominating the power structure. He established the Operational Command for the Restoration of Security and Order (Komando Operasi Pemulihan Keamanan dan Ketertiban, Kopkamtib) enabling him to secure his power base as well as eliminate the supporters of the Sukarno and the Indonesian Communist Party. Suharto also replaced the BKI with the State Intelligence Command (Komando Intelijen Negara, KIN) and brought the top leadership of the BKI, including Subandrio, before a special court and gave them harsh sentences (Conboy, 2004: 45; Lowry, 1996: 70). The KIN was run by members of Suharto’s military intelligence circles, among them Brigadier General Yoga Sugama and Colonel Ali Moertopo. Both were the most trusted of Suharto’s followers who served under Suharto in the 1950s when Suharto was the military commander in Central Java province. According to Jenkins (1984: 23) both Yoga Sugama and Ali Moertopo were among the “inner core group” who advised Suharto on security and intelligence issues in the early part of the Suharto period and their legacies were felt profoundly in the Indonesian intelligence community.4

In 1967 Suharto established the State Intelligence Coordination Agency (Badan Koordinasi Intelijen Negara, BAKIN) with a presidential decree. He appointed Major General Soedirgo as the head of BAKIN, but a year later he was replaced by Major General Sutopo Yuwono. Under the leadership of Sutopo Yuwono BAKIN grew very fast and powerful.5 As the peak intelligence agency, BAKIN was directly responsible for any inquiries raised by Suharto. Both military officers and civilian personnel who had strong intelligence backgrounds were employed by this agency. BAKIN also engaged in both domestic and external intelligence gatherings collected by other agencies. However, there were other small intelligence agencies such as the Special Operation (Operasi Khusus, Opsus) and the Special Intelligence Operatives Unit.
(Satuan Khusus Intelijen, Satsus Intel) who remained autonomous in their intelligence activities. This caused rivalry among the intelligence figures and it often created political tensions in Indonesia. This was proven true especially as each of them became involved in various intelligence activities in order to protect the Suharto presidency that was under criticism from opposition groups and students in the 1970s.

In the aftermath of the Malari affair that happened in January 1974, Suharto needed to restore the credibility of BAKIN so he appointed Yoga Sugama as the head. In addition, Suharto also brought Major General Benny Moerdani, who has a strong intelligence background, from his overseas posting in South Korea to help him to restore the political situation in Indonesia. The Malari affair was a lesson to Suharto and his loyalists of the need to have a reliable intelligence agency in Indonesia. The job of rebuilding the intelligence community was carried out by Benny Moerdani. He was also the person who was in charge of the military operations in East Timor in 1975. He deployed his top intelligence officers and the commandos attached to the military elite group of Kopassandha (later on renamed Kopassus) to East Timor before the final military operation was carried out (Jenkins, 1984: 24). From there Benny Moerdani’s career went up very fast especially after Suharto appointed him as the Chief of Armed Forces in 1983. Moerdani continued to undertake major initiatives to improve the capability of the Indonesian military including its intelligence agency. He established the Strategic Intelligence Agency (Badan Intelijen Strategis, BAIS) in 1984 and placed the military and non-military intelligence institutions under the control of BAIS. BAIS also expanded its activities reaching out into the international arena by appointing military intelligence officers to be stationed in Indonesian embassies abroad. Benny Moerdani became the second powerful figures after Suharto throughout the 1980s as he occupied many strategic positions in both military and intelligence institutions (see Jenkins, 1984: 27-28; Pour, 1993; Singh, 1994).

Ironically, Suharto saw the rise of Benny Moerdani as a serious threat and therefore replaced him with General Try Soetrisno in 1988. Consequently, Benny Moerdani’s influence in the intelligence community gradually disappeared but he was still regarded as the influential figure within the Indonesian military and intelligence circles as his followers still held strategic positions. In 1994 the ABRI Intelligence Agency (Badan Intelijen ABRI, BIA) was established to replace BAIS. The birth of BIA marked, as Honna (2003: 20) puts it, the end of the Moerdani’s powerful personal network. In fact, BIA was less powerful compared to BAIS and it was placed under the supervision of the general affairs section in the military headquarters. The main task of BIA was to oversee the internal intelligence activities within the Indonesian military itself, moving away from engaging in domestic intelligence activities which were naturally in the hands of BAKIN.
In sum, we can highlight important points in the examination of the political history of the Indonesian intelligence community. Firstly, the intelligence community grew out of the military and has been participating in the process of a nation-building in Indonesia. In the early years, the intelligence activities were aimed at defending Indonesia from the Dutch aggressions, while later on, they were drawn into intelligence gatherings for various political activities that occurred during both the Sukarno and the Suharto periods. Secondly, throughout this journey, the Indonesia intelligence community was also involved in politics and directly participated in a series of political conflicts that emerged throughout the post-independence periods. In fact, intelligence agencies were involved in bitter political rivalries which caused the political crises in Indonesia from the 1940s to the 1970s. Their political activities occasionally also undermined the political leadership as well. Thirdly, the military figures played an important (if not central) role in the evolution of the Indonesian intelligence community. There was also a strong tendency for these military figures when they became very powerful to run their intelligence agencies as their own “little’ empires”. The rise and fall of the intelligence tsars such as Zulkiifli Lubis, Yoga Sugama, Sutopo Yuwono, Ali Moertopo and Benny Moerdani in their respective periods left marks on the Indonesian intelligence community. Fourthly, the weakness of parliament and of civil society during the Suharto period made it difficult to establish a mechanism of democratic control over intelligence agencies in Indonesia.

**Democratic Era, Civilian Supremacy and Intelligence Reform**

The emergence of human rights and of democratic movements around the world in the 1990s also opened up the political spaces for political activities in Indonesia. In this changing political climate, the international and domestic pressures to put scrutiny over the activities of intelligence institutions in Indonesia also grew stronger. However, it was only in the lead up to the fall of Suharto in 1998 that the public began to take notice of the involvement of military intelligence agencies in ensuring that the Suharto government remained in power (Hafidz, 2006: 71). The widespread news about the kidnapping and disappearances of political activists also increased the public attention on the intelligence community. The public finally were exposed to the dark sides of the intelligence community and demanded them to be accountable for their activities in the past. But, it was only after the fall of Suharto in 1998 that the public demands for improvements in the capability of intelligence agencies in Indonesia gained wider support. Especially now that Indonesia has recently entered a new democratic era, more political actors have now emerged and are participating in the public debates on the national security issues, including the intelligence reform. Also with the failure of the intelligence community to provide an early warning system to stop the spread of
inter-ethnic and religious conflicts and of acts of terrorism that occurred after the fall of Suharto, the reason for reforming the intelligence community is more compelling and urgent.

How has the intelligence reform finally taken place in Indonesia? As mentioned earlier, reforming the intelligence sector has not been a smooth process during the post-Suharto period. This was caused mainly by two factors: the nature of intelligence itself which is a full of secrecy, and also its close connection to the process of military reform. It is true that the intelligence community has been controlled by the Indonesian military and with many prominent military officers moving their ranks up through their associations with various military intelligence agencies. Since the fall of Suharto in 1998, the Indonesian military embarked on its own reform initiatives. The first one was in 1998 (soon after the fall of Suharto) and the second was in 2001. These two military reform initiatives were seen by observers as a gradual reform but still not enough to bring about the changing role of military in political arenas in Indonesia (Lee, 2004; Rinakit, 2005:100-101; Hafizd, 2006: 118-199; and Mietzner, 2006). For instance, the first wave of reform, the military leadership announced the “new paradigm” campaign aimed at gradually reduced the active military officers from occupying various political and social positions in Indonesia.

However, not much was done on the intelligence sector. Many military officers remained in various intelligence agencies outside the military structure. In fact, the then Chief of the Armed Forces General Wiranto revived the military intelligence agency by establishing BAIS (the one that established by General Benny Moerdani in the 1980s) and appointed Lt. General Tyasno Sudarto as the head (Honna, 2003: 175). It was during the Habibie presidency that the chief of the Armed Forces, General Wiranto, established a close relationship with the military intelligence community especially to advise him on the strategies to win the referendum organized by the United Nations in East Timor. He brought the top military intelligence officers such as Major General Zacky Anwar Makarim, Major General Glenny Kairupan and Andreas Sugianto into his team (Tanter, 2001). This was the time when General Wiranto became the most powerful military leader and he expanded the military intelligence activities to secure his military and political ambitions.

The second wave of military reform occurred during the Abdurrahman Wahid presidency (1999-2001) and this reform influenced considerably the pace of intelligence reform in Indonesia. During this period President Wahid abolished the Agency for the Coordination of Support for National Stability Development (Badan Koordinasi dan Stabilitas Pembangunan Nasional, Bakorstanas) which was staffed by military and intelligence officers from BAKIN and BAIS from the Suharto period. President Wahid also restructured BAKIN and renamed the National Intelligence Agency (Badan
Intelijen Negara, BIN) and appointed Major General Ari Kumaat as the head. The second wave of military reform also paved the way for the separation of the police from the military structure and for the transfer of domestic security and intelligence responsibilities to the hands of the police. This separation also expanded greatly the capacity of intelligence gathering by the police. However, it was proven later that for the police these new responsibilities were too heavy to put upon their shoulders. At the same time, the military was also not too happy with the fact that they have lost their privileges and additional incomes which they enjoyed in the past. This resulted in a ‘tug of war’ between military and police over managing security and intelligence activities, creating a sense of confusion within the intelligence community.

After President Megawati Sukarnoputri assumed her presidency in 2001, she took a drastic action to strengthen the intelligence agency of BIN. She appointed her closest adviser, General Hendropriyono, as the head of BIN. She moved the BIN up to a ministerial level with the main task being to advise the president on security and intelligence issues. The appointment of Hendropriyono created an uproar as he was implicated in the Lampung affairs of 1986. Domestically, Hendropriyono’s credibility to run BIN was in doubt from the beginning. The human rights groups believed that because he did not have a good track record in the past, he was not regarded as the right person to run BIN (Tapol, May 2002). However, the appointment of Hendropriyono was warmly welcomed by the international community. He soon took up the international efforts to fight against terrorism into Indonesia. Under his leadership, BIN worked together with other international intelligence agencies (especially the US) to provide the necessary intelligence information on the existence of the Al Qaeda terrorist networks in Indonesia and this was particularly true after the terrorist attack hit the popular tourist place in Kuta, Bali, in October 2002 (see Conboy, 2004). After this event, President Megawati issued a presidential decree to give BIN the mandate to oversee and coordinate intelligence gatherings and activities done by other intelligence agencies in Indonesia.

But the elevation of BIN did not help in terms of improving her capacities to prevent a series of terrorist bomb attacks that occurred in Indonesia from 2003 to 2005. BIN was set up to be the coordinating intelligence agency but without having its own operational infrastructure that was required for engaging in intelligence gatherings, BIN relied very much from the cooperation from and the information provided by intelligence agencies attached to the police and the military. In the end, BIN could not do much without the support of its counterparts. As a result, the Megawati Government drafted the State Intelligence Bill in 2003 which would give more power to BIN. This first draft Bill was criticized by the civil society on several grounds that it defined the “national threat” (ancaman nasional) very widely and this could lead to the abuse of
power by BIN (Kompas, 21/2/2003). However, the draft Bill was also criticized because with that power BIN could seriously undermine the principles of human rights and civil liberties enjoyed by the Indonesian people in the post-Suharto period (Falaakh, 2005; Human Rights Watch, 2005).

The civil society responded to the draft Bill with suspicion as it could establish BIN as a powerful intelligence body like those of BAKIN and BAIS during the Suharto period. The civil society argued that Indonesia did not need to revert back to the Suharto period when these intelligence agencies had an excessive power which caused human rights abuses and damaged the reputation of Indonesia in the eyes of the international community (see Widjojanto, 2005; Kompas, 17/6/2005; Tjahyono, 2005). In the spite of this, the civil society had no reservations over the proposal for having a credible intelligence body and they believed that Indonesia must reform intelligence agencies enabling them to deal with domestic and external threats faced by the country. However, the establishment of a credible intelligence body must be done, they argued, with the approval of Parliament and through a series of public consultations that are commonly adopted in a democratic country. The Indonesian intelligence community, as they argued, must be transformed into a professional and policy-oriented intelligence community and also must abide by the rule of law and civil liberties. It was under the Yudhoyono presidency that the process of intelligence reform entered another stage. At this stage, the government (represented by the Minister of Defense Yuwono Sudarsono and the Head of BIN General Syamsir Siregar) has been engaged in various public meetings with the civil society and other non-state actors to discuss the strengths and weaknesses of the draft Bill. A series of public discussion on intelligence reforms has been held in many places but the public was not yet satisfied with a number of issues especially on giving more power to BIN. From 2003 to date, the draft Bill has been revised several times but it has not been accepted in the legislation process in the Parliament.

Role of Civil Society in Public Debates on Intelligence Reform

As mentioned earlier, the participation of civil society in national political issues was not a new phenomenon during the post-Suharto period. However, it must be pointed out here that, to my mind, the involvement of civil society in the public debates on intelligence reform is a new thing and arguably it deserves serious attention. In a series of public debates on intelligence reform that occurred in many cities in Indonesia from 2003 to 2005, the role of public intellectuals, academics, lawyers, to human rights activists has been impressive, if not phenomenal. They did not just criticize the government’s views on intelligence reform but also offered alternative views and solutions as well. One of them is PACIVIS, a research institute attached to the
In 2005, PACIVIS established the Working Group for Intelligence Reform (Kelompok Kerja Reformasi Intelijen) which comprises academics and scholars who are concerned with intelligence and security issues affecting Indonesia during the post-Suharto period. They organized a series of public forums and academic workshops to raise the public awareness about the urgency of intelligence reform in Indonesia. They published their research findings on various security and intelligence issues and sent them to the policy makers and the international community in Indonesia. In the middle of 2005, the Working Group came out with an alternative draft of State Intelligence Bill which outlines in detail the necessary stages required to establish a new intelligence structure in Indonesia. The Working Group argued that the draft Bill was much better than the one prepared by the government and sent it to both the government and the Parliament for further consideration. The Working Group believed that the Parliament could propose the draft Bill as a part of parliament’s prerogative rights to initiate a new law in the Parliament (Kompas, 24/11/2005; Kompas, 1/2/2006).

The following are the main features of the draft Bill (see Pacivis, 2005a; 2005b). The Draft Bill comprises fifty four articles and it covers different important areas required to establish a new intelligence structure in Indonesia. Accordingly, the national intelligence community comprises all intelligence agencies who are working together under a system of networking and of a circle coordination called the Cakra Byuha. The centre of this system is the Coordinating Agency for State Intelligence (Lembaga Koordinasi Intelijen Negara, LKIN) which functions as an umbrella organization with the main task being to coordinate the activities of intelligence agencies attached to various government institutions. Structurally, the LKIN would be set up by and responsible to the President. The head of the LKIN would be a ministerial position and act as the main adviser to the President on intelligence issues. The head of LKIN would automatically also become a member of the National Security Council (Dewan Keamanan Nasional) sitting together with other top level ministers in the cabinet.

There are five types of intelligence activities which would be under responsibilities of different agencies. Firstly, the national intelligence agency with its activities to anticipate the security threats coming from the domestic arena would be carried out by the National Intelligence Agency (BIN). Secondly, the strategic intelligence agency responsible for external threats would belong to the Strategic Intelligence Agency (Badan Intelijen Strategis, BIS). Thirdly, there would be different intelligence agencies established within the Indonesian military structure. Fourth, other intelligence agencies would be attached to various government bodies such as the police, attorney general, customs office, and immigration. Fifth, other government agencies whose activities can be linked up to the national defense issues in a general sense such as the State
Cryptography Agency (*Lembaga Sandi Negara*), the National Narcotic Agency (*Badan Narkotika Negara*), the Electronic National Agency (*Badan Elektronika Negara*), the National Agency for Aerospace and Flying (*Badan Antariksa dan Penerbangan Nasional*) and the Atomic National Agency (*Badan Tenaga Atom Nasional*) would have an intelligence role. The division of labor detailed above is aimed at avoiding the accumulation of power in a single intelligence agency and also ensures that the process of democratic control toward intelligence agencies can be maximized.

The draft Bill also states that the members of the national intelligence are categorized into two groups: the intelligence analyst and the operational intelligence officer. The former is responsible for intelligence gatherings, analysis, evaluation, interpretation and preparing policy recommendations. Meanwhile, the latter is responsible for collecting information from open sources, classified or unexpected sources, and also for participating in special operations for specific tasks. The draft Bill also states that the intelligence community must respect the principles of democracy and human rights which are now adopted in Indonesia. These principles include, for example, the rights to live, the rights to freedom from torture, the rights to freedom from inhumane treatment and punishment, the rights to freedom from slavery, the rights to receive the recognition that no one is above the law, and the rights to have the freedom of thinking, conscience and religion. The activities of intelligence agencies must be monitored and supervised through internal and external mechanisms to ensure that they would not commit actions which are against the existing laws and beyond their responsibilities. These mechanisms would involve the participation of both the executive and legislative bodies. The executive must have an internal control and a proper legal system to avoid the abuse of power committed by intelligence agencies. The legislative must also establish a sub-committee of intelligence sectors to discuss the institutional and budgeting issues faced by the intelligence community. Meanwhile, other institutions as Ombudsman, the Anti-Corruption Commission, the National Commission on Human Rights and also non-government organizations will also be allowed to monitor the activities of intelligence agencies.

Generally there are three main differences between the government’s draft Bill with the one of the Working Group’s. First, in the government’s draft Bill, the coordinating intelligence agency role would be given to BIN, while according to the Working Groups BIN is part of the actors in the national intelligence community which would be under the umbrella of the so-called the Coordinating Agency for State Intelligence (LKIN). In other words, the former proposes BIN to be in the top hierarchy of the intelligence community, and in the latter, BIN would be given a mandate to engage in intelligence gatherings to prevent the threats coming from domestic arena. Second, in the government’s draft Bill, BIN would be given a special authority like those of the police.
For instance, BIN would be allowed to arrest and detain a suspected person of committing serious crimes for up to seven days (or seven times twenty hours). Meanwhile, in the Working Group’s version, BIN would need to have a special authorization letter signed by the Attorney General and the Head of LKIN before undertaking a specific intelligence task and that the task must be used proportionally. Third, unlike the Working Group’s draft Bill, the government’s bill does not elaborate in great details on the obligation of intelligence communities to respect the principles of human rights. Fourth, the Working Group’s draft Bill recognizes the multi-layers of the control and oversight mechanism which involved the President, Minister, LKIN, Parliament, internal intelligence agencies and the civil society. The government’s draft Bill only recognizes the legislative control which is, in this case, through the establishment of the sub-committee on intelligence in Parliament only.

Conclusion

This paper has examined the politics of intelligence reform that occurred in the post-Suharto period. I have suggested that the process of intelligence reform must be located within a broader context of civilian-military relations in Indonesia. Intelligence reform is a political process that involves the power struggles among the military and other political actors. This paper suggests that during the democratic consolidation period, the process of intelligence reform is needed to enable the establishment of democratic control over intelligence agencies and this process often takes many years to achieve in new democracies. Indonesia is no exception and has been experiencing a slow process in intelligence reform, mainly caused by the gradual process of military reforms that took place during the post-Suharto period.

I have suggested that the examination of the political history of intelligence community in Indonesia gives us a complex picture of how the intelligence community actually grew out of the military that were at the time in the process of nation-building in Indonesia. Hence it must be noted here that the military figures played an important role in shaping the establishment of the Indonesian intelligence community. However, these military figures became very powerful with their abilities to run intelligence agencies like their own “little empires”. Through out their journey, we saw the rise and fall of intelligence agencies and their leaders and also, in some cases, the prominent intelligence leaders drawn into elites rivalries and conflicts.

It has been pointed out that the fall of Suharto in 1998 paved the way for the process of intelligence reform especially during the period of Habibie, Wahid, Megawati and Yudhoyono presidencies. The democratization process in post-Suharto Indonesia helped considerably in widening participation of the civil society in all aspects of Indonesian political life, including intelligence. For example it was civil society which
argued that the intelligence community had failed to do its job in the widespread inter-ethnic and religious conflicts and also the bomb attacks that occurred in many places in Indonesia from 2002-2005. It was in this context that the civil society put pressure on the government to establish a new intelligence structure that suits the challenges and problems faced by Indonesia in a democratic era. In this paper I have highlighted the contestation between the government and the civil society about the best way to undertake intelligence reform which will pave the way in establishing democratic control over intelligence community in Indonesia. We must be aware that the process of withdrawing the involvement of the military from intelligence community and dismantling the power and the privileges of the military will take time. It must also be stressed here that it is important for Indonesia to undertake intelligence reform and there will be pitfalls and setbacks along the way in reforming intelligence sector in Indonesia. However, this cannot be done by relying on the government initiatives alone because intelligence (and security) issues are affected directly and indirectly by the well-being and the sense of security experienced by the Indonesian people as a whole. The participation of the civil society is needed and crucial in the legislation process of the draft Bill on intelligence. By bringing many parties into the public debates on intelligence reform, it is hoped that more ideas and perspectives on intelligence reform can be discussed and critically examined which in the end would help significantly in the establishment of democratic control over the intelligence community in Indonesia.

References


Pacivis (2005a) _Naskah Akademik Rancangan Undang-Undang tentang Intelijen Negara_ (Jakarta: Departemen Hubungan Internasional, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Indonesia).

— (2005b) _Rancangan Undang-Undang tentang Intelijen Negara_ (Jakarta: Departemen Hubungan Internasional, Fakultas Ilmu Sosial dan Ilmu Politik, Universitas Indonesia).


Rabasa, A. and Haseman, J. (2002) _The Military and Democracy in Indonesia: Challenges,
Politics, and Power (Santa Monica, CA: RAND).


Footnotes

1 To my knowledge, Widjojanto’s book is the first comprehensive book that examines the current situation faced by the intelligence community in the post-Suharto period.

2 Zulkifli Lubis joined the Peta (Pembela Tanah Air) or the semi-military volunteer organization set up by the Japanese in the early of the 1940s. He was also trained on intelligence skills by the Japanese intelligence officers belong to the Nakano intelligence school. See, Mercado (2002: pp. 238-239).

3 For example, the episode of the political conflicts involving figures such as Zulkifli Lubis, T.B. Simatupang and A.H. Nasution in the 1950s.

4 In addition, there were also Admiral Soedomo and General Benny Moerdani who in charge of the Kopkamtib and the Armed Forces respectively through out the 1980s.

5 Sutopo Yuwono has a strong intelligence background as he was trained under the leadership of Zulkifli Lubis, the founder of Brani.
6 The Malari affairs refers to the anti-Japanese demonstration happened in January 1974 had implicated directly to the rivalries between three military figures such as General Ali Moertopo (Opsus) and General Sutopo Yuwono (Bakin) and also General Soemitro (Kopkamtib).

7 Included in this team was Major General (ret.) Garnadi who also was known to be the closed adviser of the Coordinating Minister of Security Affairs General Faisal Tandjung (Hafidz, 2006: 131).

8 President Megawati issued the Presidential Decree (No. 5) on 22 October 2003. Prior to this, President Megawati also issued the Government Law on Anti-Terrorism Acts on 18 October 2003.

9 It was believed that BIN was the one who prepared the draft Bill.

10 Among the power that BIN would be having are, for example, to interrogate and to question the ordinary people without legal procedures and to arrest the suspected person up to nine months which are against the principles of human rights recognized in the Indonesian Criminal Code.

11 Susilo Bambang Yudhoyono came into power in 2004 after won a direct presidential election that the first time held in Indonesia. Yudhoyono was a former general who run his presidential race with Yusuf Kalla, a rich and powerful politician who is also the head of the ruling party Golkar.

12 Yuwono Sudarsono was a civilian leader and a former lecturer at the Department of International Relations at the University of Indonesia, Jakarta. He is the advocate for the gradual withdrawal of the Indonesian military from politics. He was also the Defense Minister during the Wahid government (1999-2001). General Syamsir Siregar was appointed as the Head of BIN after Hendropriyono tendered his resignation after Megawati lost in her presidential race against Yudhoyono in 2004.

13 Pacivis is a non-government organization that was set up in 2002 by a number of prominent academics and scholars attached to the Department of International Relations, the University of Indonesia. It works in the security, intelligence and peace-building areas. For further information about Pacivis can be found in <http://www.pacivis.id.org>.

14 They are Andi Widjajanto, Aleksius Jemadu, Corlenis Lay, Edy Prasetyono, Fajrul Falaak, Hariyadi Wirawan, Ikrar Nusa Bhakti, Kusnanto Anggoro, Makmur Keliat and Rudy Satriyo Mukantardjo (Media Indonesia, 24/8/2005).