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The Urgency of Gender-Based Counterterrorism Policy Regulation in Indonesia

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Article	Abstract
<p>Keywords: Gender-based Counterterrorism; Gender Perspective; Policy; Role of Woman.</p> <p>Article History Received: Des 9, 2021; Reviewed: Jun 13, 2022; Accepted: Jul 8, 2022; Published: Jul 31, 2022.</p> <p>DOI: 10.28946/slrev.Vol6.Iss2.1628.pp205-223</p>	<p>Gender-based counterterrorism in Indonesia still has not yet obtained greater attention from policy stakeholders. The role of women in handling terrorism cases is still lacking and results in the absence of gender sensitivity. This research aims to analyse regulations regarding policies on terrorism that are spread out not only at the level of laws but also at a more technical level of regulations. This research also involves the analysis on the urgency for policy regulation for gender-based counterterrorism. This research combines both legal/juridical-normative research and juridical-empirical/socio-legal research. The results of this research indicate that counterterrorism regulation in Indonesia is still general or gender-neutral. From an institutional perspective, the institutions that handle the criminal act of terrorism, which are the National Counter-Terrorism Agency (BNPT) and Special Detachment 88 for Anti-Terrorism (Densus 88 AT), have not accommodated a gender perspective. Consequently, the involvement of female law enforcement officials is still limited. Further, the issue of "silo mentalities" among these institutions has resulted in partial counterterrorism policies that are issued by each institution. Policy stakeholders should cooperate with other government institutions and increase the involvement of women in counterterrorism strategies to ensure that counterterrorism policies integrate a gender perspective.</p>

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INTRODUCTION

The State of Indonesia has the duty and responsibility to maintain a safe, peaceful and prosperous life and to actively participate in maintaining world peace. To achieve this goal, the government

is obliged to maintain and enforce sovereignty and protect every citizen from any threats or destructive actions both from within the country and from abroad. One form of crime that has recently been widely discussed is terrorism.¹

The term terror carried out by the theoretical groups of Al-Qaeda and ISIS helped popularize this term.² At the end of 2020, the National Counter-Terrorism Agency, hereinafter stated the BNPT (Indonesian: Badan Nasional Penanggulangan Terorisme), published a research report that indicated that there was a significant decrease in the potential index of terrorism in Indonesia throughout 2020. The BNPT stated that the potential index of radicalism for 2020 decreased to 14.0 (on a scale of 0-100) compared to 2019, which reached 38.4 on the same scale.³ However, the hope that the potential for terrorism would continue to decrease could not be realized, as, in March 2021, two acts of terrorism occurred in Makassar and Jakarta. In Makassar, an act of suicide bombing was carried out by a married couple in front of the Cathedral Church on Mar 28 2021.⁴ Meanwhile, two days later, in Jakarta, a woman with the initials ZA attempted to attack the Headquarters of the Police of the Republic of Indonesia (National Police HQ) with the motif of committing jihad, which ended with the police action of shooting ZA, resulting in the death of ZA at the location.⁵

One issue that is called to attention from the two latest cases above is the more intense involvement of women in acts of terrorism. The role of women in acts of terrorism is no longer as a "passive person" or a supporting role in the preparing, planning, and executing of acts of terrorism, for which, in general, the role of executors is filled in by men. Instead, women have taken an active role as the main actor in acts of terrorism; this is in line with an article written by the Institute for Policy Analysis for Conflict (IPAC 2020) that stated, "many extremist women were actively seeking a more operational role in extremist [organizations]". In the global constellation, one example is the terrorist group Al-Qaeda which has recruited women as suicide bombers. The idea to involve women in acts of terrorism emerged from the operations of young Palestinian

¹ Hery Firmansyah, "Upaya Penanggulangan Tindak Pidana Terorisme Di Indonesia (Efforts to Combat Criminal Acts of Terrorism in Indonesia)," *Mimbar Hukum* 23, no. 2 (2011): 376–93, <https://doi.org/https://doi.org/10.22146/jmh.16193>.

² Agus Handoko, "Analisis Kejahatan Terorisme Berkedok Agama (Analysis of Terrorism Crimes Impersonating Religion)," *Salam: Jurnal Sosial Dan Budaya Syar-I*, 6, no. 2 (2019): 155–78, <https://10.0.60.48/sjsbs.v6i2.11041>.

³ "Survei BNPT 2020 Nyatakan Potensi Radikalisme Menurun (2020 BNPT Survey States That Radicalism Potential Had Decreased)," *Antaranews.com*, 2020, <https://www.antaranews.com/berita/1899920/survei-bnpt-2020-nyatakan-potensi-radikalisme-menurun>.

⁴ "Polri: Pelaku Bom Makassar Suami-Istri Baru Menikah 6 Bulan (National Police: Actors of Makassar Bombing Newlywed Couple of 6 Months)," *CNN Indonesia*, 2021, <https://www.cnnindonesia.com/nasional/20210329122107-12-623338/polri-pelaku-bom-makassar-suami-istri-baru-menikah-6-bulan>.

⁵ "Penembakan Mabes Polri: 'Terduga Teroris Berideologi ISIS', Polisi Ungkap Identitas Perempuan 25 Tahun Pelaku Serangan (Shooting at National Police HQ: 'Suspected Terrorists of ISIS Ideology' – Police Reveal Identity of 25 Year-Old Female Perpetrator)," *BBC News Indonesia*, 2021, <https://www.bbc.com/indonesia/indonesia-56579674>.

female martyrs.⁶ Understanding the concept of jihad indirectly and being exposed to radical Islamic ideology actually encourages women to get involved. Moreover, women are creatures who are loyal to religion.⁷

The active role and involvement of women in cases of terrorism provide new impressions and challenges for all elements of the state. From 2000-2020, the Institute for Policy Analysis for Conflict (IPAC) has recorded that thirty-nine women have become detainees and convicts for criminal acts of terrorism. Meanwhile, the results of research by the BNPT last February indicated that during 2020, the percentage of women exposed to radicalism reached 12.3%, while the same for men was only 12.1%.⁸ In this context, this proves that gender does not become a variable that can immediately prevent the entry of an idea. Both men and women have the same opportunity to be influenced by any point of view, including extremism and even radicalism that leads to terrorism.⁹

Cases of terrorism that involve women certainly require an approach to counterterrorism that not only depends on the argument of violence. The presence of the vulnerable subject of women as those who spearhead terrorism requires the involvement of scientific reasoning that places attention toward the position of women, as well as of agencies related to women. However, the de-radicalization strategy that has been in place since the beginning has not emphasized a critical approach that targets the dimension of imbalance due to power relations that are gender-biased and patriarchal culture.

Concerning the even more significant involvement of women in acts of terrorism, this research believes that gender-based policy regulation for counterterrorism has become very important. Gender perspective may helpful to create new constructions toward women as actors of terrorism, which in turn will determine the effectiveness of policies that the government takes regarding the issue of terrorism. From the background that has been explained above, this research involves the analysis of whether counterterrorism policies in Indonesia have been based on the interests of women as a vulnerable group.

RESEARCH METHODS

This research uses an interdisciplinary legal method, combining doctrinal research and socio-legal research. In addition to examining applicable legal regulations, it also examines how practices are tightly related to the problem being discussed. For the juridical aspect, this research utilized the statutory and comparative approach. The doctrinal research focuses on whether the counterterrorism policies implemented from the start have incorporated the interests of women as a vulnerable group. In contrast, the empirical aspect adopts in-depth interviews with selected subjects chosen by purposive sampling in a Focus Group Discussion that was designed to reveal

⁶ M. Endy Saputro, "Probabilitas Teroris Perempuan Di Indonesia (Probability of Female Terrorists in Indonesia)," *Jurnal Ilmu Sosial Dan Ilmu Politik* 14, no. 2 (2010): 211–28, <https://doi.org/10.22146/jsp.10937>.

⁷ Udji Asiyah, Ratna Azis Prasetyo, and Sudjak Sudjak, "Jihad Perempuan Dan Terorisme (Women's Jihad and Terrorism)," *Jurnal Sosiologi Agama* 14, no. 1 (2020): 199, <https://doi.org/10.14421/jsa.2020.141-08>.

⁸ "Perempuan Dalam Jerat Ideologi Teroris (Women in the Stranglehold of Terrorist Ideology)," Detiknews, 2021, <https://news.detik.com/berita/d-5522129/drooftalk-perempuan-dalam-jerat-ideologi-teroris>.

⁹ "Extremist Women Behind Bars in Indonesia," Institute for Policy Analysis of Conflict (IPAC), 2020, <http://www.understandingconflict.org/en/conflict/read/97/Extremist-Women-Behind-Bars-in-Indonesia>.

the required data from the subjects. A comparison was performed to validate the research data for the obtained data from the FGD against the literature and news from reputable mass media.

ANALYSIS AND DISCUSSION

Juridical Overview of Gender-Based Content

Currently, there are various legal regulations and policies for the provision of legal protection for women who become involved with the law. Although these various kinds of regulations (see table 1) do not specifically regulate women who become involved in the criminal act of terrorism, these legal materials indicate that Indonesia, in fact, has already possessed several relevant regulations.

Table 1: *Legal Regulations Related to Gender-Based Counterterrorism*

Legal Basis	Substance and Analysis
Law No. 5 /2018 on the Amendment of Law No. 15 / 2003 on the Establishment of Government Regulation in Lieu of Law No. 1 / 2002 on the Eradication of the Criminal Act of Terrorism into a Law	<p>The Articles contained in this law are still general or gender-neutral. Thus the processes of investigation, prosecution, and examination in trial courts between men and women are the same and are no different.</p> <p>Counter-radicalization is a planned, integrated, systematic, and sustainable process conducted toward people or groups of people prone to being exposed to radical views.</p> <p>It is considered that the phrase in bold and underlined is still not too specific regarding what is meant by vulnerable groups and does not even include women as a vulnerable group. Also, there are no further comprehensive details in the explanatory Article on the law <i>a quo</i>. However, this is reflected in the writings of Leebarty Taskarina in "<i>Women and Terrorism</i>,"¹⁰ which essentially states that women in criminal acts of terrorism are victims, for which the involvement of women, in this case, is dominated by a kinship system of unconscious recruitment by husbands, fathers, siblings, uncles, or even other female relatives or members of the family, and this constitutes a form of victimization. Additionally, in the same book, Leebarty explained that women enter the vortex of terrorism because of the imbalance in the gender-based relationship that, in the end, becomes the entry point for radical-terrorist doctrines, as well as the total domination (of men) that has a hazardous effect. Therefore, it is regarded that women may be categorized as a "vulnerable group," as expressed in Article <i>a quo</i>.</p>
Government Regulation No. 99 /2012 on the Second Amendment of Government Regulation No. 32 /1999 on the Terms and Protocol for the Execution of the Rights of People in Correctional Institutions	<p>The regulation in this Government Regulation specifically regulates the fulfillment of the rights of detainees in correctional institutions, such as assimilation and others. This Government Regulation does not explicitly regulate gender-based management but has a general focus, particularly on children subjects.</p>
Government Regulation No. 77 /2019 on the Prevention of the Criminal Act of Terrorism and Protection toward Investigators, General Prosecutors, Judges, and Correctional Officials	<p>Counter-radicalization, as stated in Article 21, is conducted toward people or groups of people who are prone to be exposed to radical views of terrorism. The previous explanation regarding "vulnerable groups" still applies. As well, it is considered that Article 22 Paragraph (2) Letter d is still in line with considerations, which states that vulnerable people or groups, as stated in Paragraph (1), are people or groups who fulfill these criteria:</p> <ol style="list-style-type: none"> 1. they possess access to information that contains radical terrorist views; 2. they possess relationships with people or groups of people who are indicated to possess radical terrorist views; 3. they possess restricted national knowledge that leads to radical terrorist views; and/or

¹⁰ Leebarty Taskarina, *Perempuan Dan Terorisme (Women and Terrorism)* (Jakarta: PT Elex Media Komputindo, 2018).

4. **they possess vulnerability from the aspects of the economy, psychology, and/or culture and therefore are easily affected by radical terrorist views.**

Presidential Regulation No. 7 /2021 on the 2020-2024 National Action Plan for the Prevention and Handling of Violence-Based Extremism That Leads to Terrorism

This Presidential Regulation regulates the design of work programs, including programs for women involved in extremism, the delegation of authority toward related parties such as government institutions, and the obligation to report achievements. Additionally, in executing the Action Plan, ministries, institutions, and regional governments may cooperate and involve the participation of the people.

Then, Article 4 accordingly also states that governors and regents/mayors are responsible for executing the Action Plan in their respective regions with coordination of the ministry that organizes affairs of domestic governance under the stipulations of legal regulations. In this case, none of the discussions contains gender-based substances.

The National Counter-Terrorism Agency Regulation 1 /2020 on the 2020-2024 Strategic Plan of the National Agency for the Handling of Terrorism

When examined in its entirety, the regulation is still general or gender-neutral. However, in reading the substance of the background and according to the 2020-2024 Middle-Term National Development Plan, there is a brief mention of the development of radical-terrorist views that have targeted groups of women and children in the background.

The Indonesia Supreme Court Regulation 3 / 2017 on the Guidelines for the Trial of Cases of Women Who Are Involved with the Law

This regulation regulates guidelines on how to put to trial the cases of women who are involved with the law, including women who are in legal conflicts, women who are victims, women who are witnesses, or women who are parties.

There are three primary objectives for creating this regulation, which is stated in writing in the stipulations of Article 3 of Regulation of the Supreme Court Number 2 of the Year 2017. The guidelines for the trial of cases of women who are involved with the law have the objective that judges:

1. understand and apply the principles as stated in Article 2 (respect for the dignity and prestige of people, non-discrimination, gender equality, equality before the law, justice, utility, and legal certainty);
2. identify situations of unequal treatment that result in discrimination toward women; and
3. ensure the right of women toward equal access to obtaining justice.

In examining cases, judges are to consider gender equality and non-discrimination by identifying facts in the trial: a. social status inequality between the parties of the case; b. legal protection inequality that affects the access to justice; c. discrimination; d. psychological effects experienced by victims; e. physical and psychological powerlessness of victims; f. power relations that cause victims/witnesses to be powerless; and g. history of violence by perpetrators toward victims/witnesses.

Judges in putting to trial the cases of women involved with the law are to: a. consider gender equality and gender stereotypes in unwritten legal regulations and laws; b. make interpretations of unwritten legal regulations and/or laws that can ensure gender equality; c. uncover legal values, local wisdom, and the sense of justice that is present in society to ensure gender equality, equality of protection, and non-discrimination; and d. consider the application of international conventions and agreements regarding gender equality that had been ratified.

Throughout examinations in trials, judges are to prevent and/or warn parties, legal counsels, general prosecutors, and/or attorneys who act or make statements that humiliate, blame, intimidate, and/or exploit the experience or sexual background of women who are involved with the law.

1. Judges are to ask women as victims about losses, case effects, and needs for recovery.

2. Judges are to inform victims about their rights to make a joining of cases according to Article 98 in the Code of Criminal Procedures and/or ordinary claims or restitution requests as regulated in the stipulations of legal regulations.
3. In the case of recovery of victims or inconvenienced parties, judges are to: a. be consistent with the principles and standards of human rights; b. be free from views of gender stereotypes; and c. consider the situations and interests of victims from losses that are disproportional due to gender inequality.

If women who are involved with the law experience physical and psychological impediments and thus require accompaniment, then: a. Judges may suggest to women involved with the law to summon a Companion; and b. Judges may grant the requests of women involved with the law to summon a Companion.

Judges, based on their initiatives and/or the requests of parties, general prosecutors, legal counsels, and/or victims, may order women who are involved with the law for their testimonies to be heard through examination with long-distance audiovisual communication at the local court or another place, if: a. the mental/personal condition of women who are involved with the law is unhealthy due to fear/psychological trauma based on the evaluation of doctors or psychologists; b. based on the evaluation of judges, the safety of women who are involved with the law is not ensured if present in public and open places; or c. based on the decision of the Witness and Victim Protection Agency (LPSK), women who are involved with the law are declared to be in a witness and/or victim protection program and by the evaluation of LPSK cannot be present in the trial to provide testimony whether because of security reasons or reasons of physical and psychological impediments.

In the case that the Supreme Court conducts material review examinations related to women who are involved with the law, it has to consider: a. principles of human rights; b. the best interests and recovery of women who are involved with the law; c. international conventions and agreements regarding gender equality that had been ratified; d. power relations and every gender-stereotypical view that is present in legal regulations; and e. comprehensive gender analysis.

Guidelines No. 1 of the Year 2021 on the Access to Justice for Women and Children in the Handling of Criminal Cases

Over time, the fulfillment of access to justice for women and children in handling criminal cases has become a legal necessity in society to protect the interests and rights of women and children involved with the law. As such, Guidelines Number 1 of the Year 2021 on the Access to Justice for Women and Children in the Handling of Criminal Cases were created to become a reference for prosecuting attorneys in the fulfillment of access to justice in the handling of cases. Additionally, these guidelines have the objective to be able to optimize the fulfillment of access to justice for women and children who are involved with the law.

These guidelines cover handling criminal cases involving women and children, whether as perpetrators, victims, or witnesses, at the stages of inquiry, investigation, pre-prosecution, prosecution, examination in trial courts, and the execution of court verdicts that have been declared legally binding.

The protection granted in the legal process covers fundamental rights as well as rights of honor, prestige, no intimidation, no justification of mistakes, no justification of ways of life, and no inquiry on decency/sexuality. Regarding the execution of a restitution verdict, there is one particular point that concerns convicts of criminal acts of terrorism: if a convict does not pay the restitution, then 14 days after a verdict becomes legally binding, a prison sentence in lieu of restitution is applied.

Source: Compiled Data from Laws and Regulations, 2021

In addition to the juridical review above, this research also involved examining several regulations that refer to international regulations and comparisons with discussions of other countries regarding the mainstreaming of gender, particularly in the criminal act of terrorism. Some of these are:

The Convention on the Elimination of All Forms of Discrimination Against Women

The Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) is one of the conventions that became international law, which was enacted because of having been initiated by the formation of the Universal Declaration of Human Rights by the UN in 1967.¹¹ As one of the UN member states, Indonesia declared its seriousness by ratifying the CEDAW through Law No. 7 of the Year 1984.

This Convention recognizes that disparity and power relations are significant factors that have disrupted the relationship between women and men. In handling terrorism and/or extremism, several important aspects may be considered as the basic principles in formulating and/or creating models for counterterrorism and counter-extremism policies that situate the interests of women as the primary foundation.

Handbook on Gender Dimensions of Criminal Justice Responses to Terrorism by the United Nations Office on Drugs and Crime (UNODC)

One of the critical strategies to promote gender equality and the rights of women, as well as to erase all forms of discrimination toward women based on sex and gender, is the mainstreaming of gender. UNODC provides several recommendations of measures that can be taken for the achievement of effective policies and regulations based on the principles of the mainstreaming of gender, including the following: 1) All forms of inclusion of the principles of the mainstreaming of gender into policies or regulations require prior analysis of appropriate needs, experiences, and approaches toward women and men.¹² 2) With the existence of particular characteristics in every criminal court in the context of extremism and/or terrorism in various states, the utilized approaches are still based on gender neutrality. However, this has implications for the execution of policies or regulations regarding the handling of extremism and/or terrorism that situates that terrorists, victims of terrorism, and counterterrorism agents are exclusively male. This domination may be restrained by further studies regarding the concept of gender, particularly masculinity.

The United Nations Women (UN Women)

UN Women has not issued regulations that address explicit indicators regarding the composition of gender-based regulations, whether generally or specifically as gender-based regulations in the effective gender-based handling of terrorism and/or extremism. Yet, UN Women is currently making and has made several efforts to ensure the execution of policies and/or regulations that

¹¹ “General Explanation of Law No. 7 of the Year 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women” (1984).

¹² Jayne Huckerby, “Gender, Counterterrorism and International Law’ in Research Handbook on International Law and Terrorism,” 2019, https://www.unodc.org/documents/terrorism/Publications/GENDER/17-08887_HB_Gender_Criminal_Justice_E_ebook.pdf.

possess gender sensitivity. As the guidelines of all work programs and primary tasks and functions of UN Women, the basic regulations are several resolutions from the forum of the United Nations, including resolutions UNSCR 1325 and UNSCR 2242, as well as the UN Global Counterterrorism Strategy. Additionally, in several meetings in the forum of the UN, the Secretary-General of the United Nations, in the report regarding the Action Plan to Prevent Violent Extremism, recommends that the member states conduct the following: (1) Mainstreaming gender perspective in all efforts to prevent violent extremism; (2) Investing in gender-sensitive research and collection of data regarding the role of women in violent extremism, including identifying factors that drive women to join violent extremist groups as well as the impact of strategies of counterterrorism on their lives, to develop policies and response programs that are targeted and evidence-based; (3) Involving women and other underrepresented groups in agencies of law enforcement and national security, including as part of the framework for preventing and handling terrorism; (4) Creating capacity for women and their civil society groups to be involved in prevention and handling efforts related to violent extremism; and (5) Ensuring that a portion of all funds that are dedicated for handling violent extremism are being committed for projects that deal with the unique needs of women or the empowerment of women.

Counterterrorism and counter-radicalism programs in other countries

The Indonesian government should certainly review the policies of other states in the world to formulate an effective model of counterterrorism and counter-radicalism. These policies cover how other states in the world package gender-based policies in order to be able to suppress and even prevent terrorism in those states. In order to compare those models of guidance, for this research, three states that have had breakthroughs in conducting guidance toward terrorism were selected: Yemen, Saudi Arabia, and Singapore. Below are the counterterrorism efforts and de-radicalization programs in the three countries:

First, Yemen was one of the first states to start a program designed for jihad de-radicalization through religious dialogue. The Yemen government uses an ideological approach by collaborating with the moderate Ulama' (Muslim scholars) to have intensive dialogue and discussion with terrorist perpetrators. The basis of this program is to transform jihadist ideologies in correctional institutions from being radical and militant to being moderate and peaceful.¹³

Second, Saudi Arabia, in the past several years has, in general, possessed a de-radicalization program that can be divided into several activities: a) brief training for six weeks, b) guidance and counseling sessions, and c) an after-care program, which is conducted after the convicts return to society. This program is also aided by several committees, among which are committees of clerics (*ulama*), psychologists, social workers, media, and supporting staff who are tasked to provide the understanding of proper Islamic education. One aspect that very much aids the success of this program is the involvement of families of convicts in designing programs that are appropriate according to their family members who are being detained. Wives and family members intensively communicate with terrorist convicts. For the prevention of extremists, the government of Saudi Arabia has conducted a program to deter radical groups from the public by

¹³ Ane Skov Birk, "Incredible Dialogues: Religious Dialogue as a Means of Counterterrorism in Yemen," *Developments in Radicalisation and Political Violence*, 2014, <http://www.icsr.info>.

providing information regarding Islam and the threat of extremism. Specifically, this program emphasizes that extremists do not honestly care about the followers of Islam but exploit them without showing sensitivity to achieve their objectives.¹⁴

Third, Singapore possesses a de-radicalization program for the handling of radical groups, for which this is considered the most comprehensive.¹⁵ The rehabilitation program of the government of Singapore is composed of interrelated components, which include social rehabilitation, religious rehabilitation, psychological rehabilitation, social community, and family support.¹⁶ In Singapore, the psychological rehabilitation process began for terrorism convicts while they were still serving their sentences. This stage is done by evaluating prisoners regularly and consistently. Similar to Yemen and Saudi Arabia, the counterterrorism policy in Singapore also includes elements of theological dialogue that involve convicts of terrorism crimes. In addition to psychological rehabilitation and theological dialogue, social rehabilitation involving the community and families of terrorism convicts is an essential part of the de-radicalization process for terrorism prisoners in Singapore. Social rehabilitation is carried out through education and the provision of employment opportunities. Regarding this program, the Singapore government can be said to be quite serious about its development. It is evidenced by the formation of the Religious Rehabilitation Group (RRG) in 2003¹⁷

Several example programs of de-radicalization and counterterrorism from various states indicate that the policies are based on the soft approach by prioritizing various approaches, including religion, social affairs, economy, and welfare. However, the counterterrorism policies in several states above still have not yet included women's experiences. Furthermore, other researchers may be analysing these programs above further, in that some states that are considered at the forefront in preventing terrorism still possess minimal experience handling terrorism with female perpetrators.

The Increased Involvement of Female Terrorists in Indonesia

Radical Islamist movements are not a recent phenomenon in Indonesia. One of the most surprising phenomena in terrorism is those suicide bombings by terrorist organizations have opened the battlefield for women to join as combatants. The new mode of acts of terrorism makes women

¹⁴ Christopher Boucek, "Saudi Arabia's 'Soft' Counterterrorism Strategy: Prevention, Rehabilitation, and Aftercare," Carnegie Endowment for International Peace, 2008, https://carnegieendowment.org/files/cp97_boucek_saudi_final.pdf.

¹⁵ Muhammad Haniff Hassan and Tuty Raihanah Mostarom, "A Decade of Combating Radical Ideology: Learning from the Singapore Experience (2001–2011)," S. Rajaratnam School of International Studies, 2011, <https://www.jstor.org/stable/resrep05891.9>.

¹⁶ Milda Istiqomah, "National Seminar 'Understanding Deradicalization: Finding the Right Pattern for Countering Terrorism in In-Donesia,'" Faculty of Law of Brawijaya University, 2017, <https://hukum.ub.ac.id/en/seminar-nasional-memahami-deradikalisasi-mencari-pola-yang-tepat-penanggulangan-terorisme-di-indonesia-2/>.

¹⁷ Usman, "Model Deradikalisasi Narapidana Terorisme Studi Perbandingan Deradikalisasi Di Yaman, Arab Saudi, Singapura, Mesir, Dan Indonesia (Deradicalization Model for Terrorism Convicts Comparative Study of De-Radicalization in Yemen, Saudi Arabia, Singapore, Egypt)," *Jurnal Inovatif* 7, no. 2 (2014): 1–6, <https://online-journal.unja.ac.id/jimih/article/view/2056>.

the perpetrators. If previously the actions terror has a masculine face and uses a patriarchal approach, later acts of terror using women as actors and with a feminine approach.¹⁸ Women's roles in terrorism are complex and multifaceted, including their roles as active combatants (suicide bombers) or operational facilitators and ideological supporters.¹⁹

Overall, women's roles in terrorism fall into two predominant categories: a) visible and b) invisible. Visible roles include activities that attract public attention through the media, whereas invisible roles relate to women who support terrorism from 'behind the scenes. Recently, the most visible roles played by women have been carried out suicide bombings. As noted, between 1985 and 2006, there were 220 cases of female suicide bombers.²⁰ On record, the highest rate was for Sri Lanka (75 cases), and the second-highest was for Palestine/Israel (67 cases).²¹

On the other hand, the invisible role is illustrated by women involved with Al-Qaeda, a global militant Islamist organization. The role of women in this organization is quite different in that women should not be involved in violent activities.²² Their role is known as the "Female Jihad," which means obeying their husbands and maintaining the domestic sphere of life (looking after the house and raising the children).²³

A paper by Knop also argues that women act as organizational facilitators.²⁴ This is illustrated by the case of Tamil women from the Liberation Tigers of Tamil Eelam (LTTE). As facilitators, they often travel across villages to deliver messages from one group of LTTE members to another. Women are considered soft and weak in appearance by common perception; therefore, law enforcement rarely checks and/or searches them.²⁵ This effective strategy has been utilized by other terrorist organizations such as the Kurdistan Workers Party, The Shining Path, and the Revolutionary Armed Forces of Columbia (FARC).²⁶

Turning into the Indonesian context, from 2000 to 2010, the development of terror networks in Indonesia that involved women was not very significant; only approximately two women were involved in crimes of terrorism. Then, from 2012 to 2021, the involvement of women became more massive. From 2012 to 2021, there are twenty-eight women were involved in crimes of terrorism, see table 2. Ahmad Nur Wahid, the Director of Prevention of the National Counter-Terrorism Agency (BNPT), stated that the involvement of women in cases of terrorism is increasing further.²⁷

¹⁸ Musdah Mulia, "Perempuan Dalam Gerakan Terorisme Di Indonesia (Women in the Terrorism Movement in Indonesia)," *Al-Wardah: Jurnal Kajian Perempuan, Gender Dan Agama* 12, no. 1 (2018): 80–95, <https://doi.org/10.46339/al-wardah.v12i1.136>.

¹⁹ "Extremist Women Behind Bars in Indonesia."

²⁰ Anne Speckhard, "The Emergence of Female Suicide Terrorists," *Studies in Conflict & Terrorism* 31, no. 11 (2008): 31.

²¹ Speckhard.

²² Speckhard.

²³ David Cook, "Women Fighting in Jihad?," *Studies in Conflict & Terrorism* 28, no. 5 (2005): 375, 376.

²⁴ Cook.

²⁵ Alisa Stack-O'Connor, "Lions, Tigers and Freedom Birds: How and Why the Liberation Tigers of Tamil Eelam Employs Women?," *Terrorism and Political Violence*, 2007.

²⁶ Cindy D Ness, "In the Name of the Cause: Women's Work in Secular and Religious Terrorism," *Studies in Conflict & Terrorism*, 2005, 353,357.

²⁷ Results of an internal Focus Group Discussion (FGD) forum organized in a limited manner by the Center for Research and Development of the Criminal Court System of Brawijaya University (PERSADA UB), attended by Brig. Gen. Pol. Ahmad Nur Wahid, S.E., M.M. as the Director of Prevention of the National Agency for the Handling of Terrorism (BNPT), Dr. H. Md. Shodiq, S.H., M.H. as the Director of Identification and

The joining of women with terrorist groups is a form of their awareness of the issues of injustice, inequality and disappointment over economic inequality. They believe that all their anxieties can be resolved by violence, namely by acts of terrorism. Then, the patriarchal culture rooted in the conservative Muslim tradition which always places women in the second position after men. According to them, radical groups can accommodate what they want and involve women in acts of terror. This is what they believe is a form of 'equality' that they get so that they are in the same position as men who dare to fight in the cause of Allah.²⁸

Table 2: *List of Female Terrorist Perpetrators in Indonesia (2016-2021)*

No.	Name	Year	Affiliation/Location/Attack Target
1	Dian Yulia Novi	2016	Bahrin Naim (ISIS) from Taiwan to Merdeka Palace/Presidential Palace, Jakarta, December 2016
2	Ika Puspitasari	2016	Arrested in Purworejo, Central Java, funded several acts of terror in Bandung, West Java Barat and Istana Negara, 18 December 2016
3	Puji Kuswati	2018	Detonated three bombs in churches in Surabaya, East Java
4	Tri Ernawati	2018	Bombing at the Major City Police Resort of Surabaya
5	Marnita Sari Boru Hutauruk (Solimah)	2019	ISIS, wife of Abu Hamzah in Sibolga, North Sumatra, 14 March 2019
6	Dewi Anggraini	2019	ISIS, wife of Rabial Muslim Nasution, a suicide bombing at the Police Resort HQ of the City of Medan, North Sumatra, arrested Nov 15, 2019
7	Ulfa Handayani	2019	Rullie Rian Zeke and Ulfah Handayani Saleh, bombing at the Roman Catholic Cathedral Church of Our Lady of Mount Carmel, Jolo Island, southern Philippines, on Sunday, Jan 27, 2019
8	Yogi Sahafitri Fortuna /Dewi.	2021	Makassar Cathedral
9	ZA	2021	Shooting at the National Police HQ Complex, South Jakarta, on Wednesday, Mar 31, 2021

Source: Compiled Data from BNPT, Processed, 2021

Md. Shodiq (Director of Identification and Dissemination, Special Anti-Terrorism Detachment 88 POLRI) stated that what becomes the background for the involvement of women in acts of terrorism is “...reading content from social media, the events in Syria, and the injustice in this country toward the approach of the state with the followers who are marginalized...”.²⁹ This is in line with what was stated by Ahmad Nur Wahid, in that “...approximately 67% of religious content in cyberspace is dominated by the content of intolerance and radicalism”.³⁰ The patriarchal culture that is very strong in Indonesia is what makes women feel that they cannot obtain justice and do not obtain recognition in the social interactions in society. Al Chaidar Abdurrahman Puteh, a scholar and researcher in the field of terrorism, revealed that “...the phenomenon

Dissemination of Densus 88 AT POLRI, Dr. Imam Nahe'i, M.H.I. as Commissioner of the Commission Against Violence Toward Women (Komnas Perempuan), and Al Chaidar Abdurrahman Puteh, M.A. as a scholar and researcher of terrorism, on Aug 8, 2021.

²⁸ Sityi Maesarotul Qori'ah, “Keterlibatan Perempuan Dalam Aksi Terorisme Di Indonesia (Involvement of Women in Acts of Terrorism in Indonesia),” *Sawwa: Jurnal Studi Gender* 14, no. 1 (April 30, 2019): 31, <https://doi.org/10.21580/sa.v14i1.2967>.

²⁹ *Results of an internal Focus Group Discussion (FGD)*.

³⁰ *Results of an internal Focus Group Discussion (FGD)*.

*of the involvement of women, for example in terrorism as a masculine world, a world that is filled with an extreme patriarchal power, has recently been increasing...*³¹

Other motivating factors also cause the entry of women into extremist and terrorist movements. Imam Nahe'i, Commissioner of the Commission Against Violence Toward Women (*Komnas Perempuan*), stated that:³²

"...factors that motivate someone to enter radical and extremist movements are rather varied, for example, because of religious and political affiliation, and then the perception that their groups have been marginalized and mistreated by the government or the structure of global politics and economy. [This is] because women experience two layers of injustice, the first injustice by the state and [the second] injustice in the family. Thus, [...] their vulnerability and spirit to counter injustice are ever stronger. [As such,] women [become] radical more quickly and are quite strong in maintaining their radicalism and extremism. This is because [...] women's experience with injustice is layered differently from men..."

Moreover, during the pandemic, the concern is that this female involvement trend is increasing. Imam Nahe'i added that:³³

"...95 women admit that in this COVID-19 situation, they are the most affected, and the work at home continues to pile up, and this comes at the same time with the absence of recognition that extraordinary work outside the home is considered non-existent. Therefore, when they are no longer present, women feel that there is no meaningfulness in life, and there is no meaning for life except to devote oneself to the family. Thus, when the family also treats her unfairly, this situation will find a space out there, when they are promised that there is real justice, that there is a space of meaningfulness in life for women, which is by [...] selling themselves with religion. [This is] because usually in unfair gender relations, women are always considered non-existent."

This latest trend, in fact, situates women not only as actors in acts of terrorism but also as people who possess more radical views than men do. This is also confirmed by Md. Shodiq, expressed that the results of an investigation showed that it was the wife of the terrorist suspect who indeed planned out and completed the act.

"From the results of my interrogation of Hamzah – how were you, before the bomb exploded when we arrested you in the alley [...] First, Hamzah told me, because I was the one who directly interrogated, 'Sir, my wife, and children are still in there.' Then who assembled and made the bomb? 'My wife and I.' I was surprised; why did you get your wife involved? 'In fact, Sir, the one who asked me immediately to head to and to transact with Allah was my wife [...], and the one who is more radical is actually not me, but my wife.'"

Md. Shodiq added that Densus 88 was surprised and unprepared in the handling of female terrorists. Although presently, there has been the addition of female personnel in the effort to prevent terrorism, the lack of experience and handling procedures still become the most significant obstacle for the BNPT and Densus 88.

The Lack of Gender Perspective in The Handling and Prevention of Criminal Acts of Terrorism in Indonesia

Two institutions play an active role in the handling and prevention of the criminal act of terrorism. These two institutions are the National Counter-Terrorism Agency (BNPT) and the Special Detachment 88 for Anti-Terrorism (Densus 88 AT). However, these two institutions are regulated separately. This becomes a disadvantage due to each institution not being integrated. In

³¹ Results of an internal Focus Group Discussion (FGD).

³² Results of an internal Focus Group Discussion (FGD).

³³ Results of an internal Focus Group Discussion (FGD).

general, the BNPT is regulated in Law Number 5 of the Year 2018, and its existence was then further affirmed with Presidential Regulation Number 46 of the Year 2010 on the BNPT. Then, for the Densus 88 AT, its existence is regulated in Law Number 2 of the Year 2002 on the State Police. When reviewed comprehensively, of the two institutions, the one with the higher hierarchy is the BNPT.³⁴ The BNPT is involved in matters of de-radicalization, prevention, and handling of terrorism, while the Densus 88 AT is involved in matters of investigation for criminal acts of terrorism.

Even so, there is not yet a clear line of coordination between the institutions. This is because the two institutions are present in different structures; Densus 88 AT is under the National Police, and the BNPT is its institution and thus the execution of counterterrorism programs at present still has the impression of being sectoral and still sporadic.

In addition, the multitude of institutions that conduct counterterrorism programs causes the authorities between institutions to overlap. These authorities include the funding, formation, and targeting of counterterrorism programs. Therefore, there needs to be an institution that acts to coordinate between the institutions. Structurally, the BNPT acts as a coordinating institution, considering that the BNPT is a particular institution that is formed as a response to the crime of terrorism. In contrast, the other institution (Densus 88 AT) can execute its respective functions according to its institution, which is law enforcement and prevention of terrorism through the intelligence function (see table 3). Thus, as it should be, optimization of the BNPT should be conducted so that the authority as a center of terrorism prevention can progress well.

Table 3: *Implementation of Counterterrorism Programs by the Institutions*

Densus 88	BNPT
Detection, analysis, and counter-intelligence of terrorism	Implementation of counterterrorism programs for former terrorists with the humanist, soul-based, and grassroots approaches
Arrest of and law enforcement toward suspects of terrorism	Prevention programs are composed of two layers, which are strategies counterterrorism as well as counterterrorism itself
Assignment of special personnel in counterterrorism to be involved and blend in with society for the prevention of radical views	Counseling method that leads to reorientation, reeducation, and resocialization
Dissemination and guidance toward society regarding terrorism, as well as maintenance of good relationships and communication with former perpetrators of terrorism, for example, by holding social gatherings and routine meetings	Formation of the Coordination Forum for the Prevention of Terrorism (FKPT) in regions

Source: *Comparative Data from Laws and regulations on Densus 88 and BNPT, Processed, 2021*

³⁴ Ekky Rachmawati Agustin and Indien Winarwati, "Pengaturan Lembaga Negara Dalam Menangani Kasus Teroris Dalam Tindak Pidana Terorisme Di Indonesia," *Symposium Hukum Indonesia* 1, no. 1 (2019): 476–83, <http://journal.trunojoyo.ac.id/shi>.

Based on the table 3, counterterrorism in Indonesia is fundamentally divided into two forms, the gentle approach, and the hard approach. The hard approach is conducted through law enforcement and handling of cases of terrorism that involves the National Police, General Prosecutors, and Judges. For the soft approach, the targeted parties are not limited only to perpetrators but also parties around perpetrators, covering families and even local communities where perpetrators often socialize in everyday life. However, counterterrorism with a gentle approach has the impression of not providing women with sufficient opportunity to take part in the prevention and eradication of terrorism.

Therefore, the form of the soft approach covers several aspects such as formal education, religion, community, and the government. For formal education, the conducted approach is by creating a curriculum that can accommodate knowledge regarding antiviolence and extremism. Meanwhile, various approaches may be conducted for religion and the community, such as the provision of moderate family education, seminars on religion and ethnicity, sermons, and early detection. The final form of the soft approach is through approaches by the government that may be accomplished in various ways such as assistance for the economy and education of the families of perpetrators, dissemination, seminars, films, commercials, and other forms by the BNPT and even up to Immigration.

In the framework of law enforcement, Md. Shodiq stated that “...by law, the actions are the same, but the implementation of the physical approach toward the person is different”. Therefore, regarding the implementation of necessary approaches toward perpetrators of crimes of terrorism based on gender (women), Densus 88 created a policy with the formation of a team, which consists of female police officers with an educational background of a degree in psychology, as explained by Md. Shodiq:

“...women or females are vulnerable from perpetrators of terrorism that have been faced, who have always been men. The approach then has to be a different approach. Thus, to implement this, I have a team – it is a team of female police officers with the background of a degree in psychology to face them...”

Still, concerning the above matter, on the one hand, at the BNPT, regarding the involvement of female officials in gender-based counterterrorism policies, Ahmad Nur Wahid revealed that:

“...the BNPT concentrates on involving women to the minimum standard of at least 30% in line with state policy in the organizational structure as we recall, which we will immediately follow up on. There is a bit of a problem: indeed, our search for female personnel is rather difficult, particularly those who are experts in the fields of the issues of radicalism and terrorism.”

Law enforcement preventive action is the task of Densus 88, which may be said to be the action to deal with and arrest to prevent people from committing acts of terrorism, while the BNPT is more focused on pre-emptive and preventive efforts. However, there is then the problem regarding the primary tasks and functions of Densus 88; as they should be, Densus 88 should only focus on law enforcement, yet they are also involved in affairs after conducting law enforcement, as accompaniment in the reintegration process in the form of economic assistance.

BNPT, as the institution responsible for handling terrorism in Indonesia, still cannot be responsive and can even be said not to demonstrate optimal performance and to have transferred its primary tasks and functions to Densus 88 AT. Thus, the BNPT shift's tasks should conduct to Densus 88 AT and much of the work. This is evident by a statement given by Ahmad Nur Wahid in the FGD forum with the pretext that the matter may be made as:

"...a moment to develop or restructure the Densus further, because, from the start, the Densus has always been the enforcer". As well, Ahmad Nur Wahid added, "...Densus in this context must be appreciated greatly, [...] because they have developed themselves not just by solely conducting law enforcement, but by having conducted de-radicalization from the start..."

In addition, the policy paradigm for handling violent extremism in Indonesia is based on the repressive approach plentifully marked by a number of violations.³⁵ This leads to a lousy image of the law enforcement apparatus, particularly Densus 88. The legalistic approach that is oriented to law enforcement can only be done case per case but does not result in comprehensive impacts in the long term. This matter requires approaches and policies outside of the legal approach, as approaches that deal with social affairs, culture, religion, education, economy, and welfare.

Through the gentle approach, the targeted parties are not only perpetrators but also the people who are closest to them, such as their families and communities where the perpetrator is present. Unfortunately, this approach does not provide much opportunity for women to be able to participate in counterterrorism efforts. Nevertheless, women play an essential role in the family, particularly in shaping the character of children in the family.

The policies of handling terrorism that refer to Law No. 5 of the Year 2018 also tend to be male-centric or gender-neutral in handling or preventing violent extremism.³⁶ Efforts of prevention instead are initiated more by civil society organizations in regions, which indicates the weak leadership capacity of the government in understanding and responding to threats of radicalism and extremism that are becoming more frequent.³⁷ The government's laggardness in accommodating women's experience in counterterrorism policies becomes a matter that must be immediately attended to.

It cannot be denied that when discussing terrorism, what comes to mind is men with weapons and bombs.³⁸ As such, the presence of women in these activities tends to be underestimated or even eliminated because women are considered not to possess attributes of violence, particularly those associated with terrorism.³⁹ With the increasing involvement of women, the attention that should be given to female involvement in acts of terrorism should be increased further.

This ignored involvement of women in terrorism, seen from the perspective of feminism, is caused by labels, stigmas, and gender stereotypes that adhere to women, for which women are considered more peace-loving and antiviolence when compared to men.⁴⁰ Additionally, there are influences from a patriarchal structure that differentiate and isolate women in private spaces and gender norms that dictate that women are to be regarded as a vulnerable group (almost the same as children), a party that is weak and must be protected. Women are passive subjects or victims

³⁵ Reza Gunadha and Lili Handayani, "KontraS Ungkap Fakta Pelanggaran HAM Densus 88," *Suara.com*, 2018, <https://www.suara.com/news/2018/08/03/225121/kontras-ungkap-fakta-pelanggaran-ham-densus-88?page=all>.

³⁶ Lisa R. Wulan, "Enhancing the Role of Women in Indonesia to Counter Terrorism," *Asia Pacific Center for Security Studies*, 2015, <https://arellanolaw.edu/alpr/v12n1b.pdf>.

³⁷ Wulan.

³⁸ Fionnuala Ni Aolain, "Situating Women in Counterterrorism Discourses: Undulating Masculinities and Luminal Femininities," *Boston University Law Review* 93, no. 3 (2013): 1098.

³⁹ Aolain.

⁴⁰ Jezzamine Faye Matias-Martinsen, "A Feminist Perspective in Countering Terrorism: Does It Really Matter?," *Arellano Law and Policy Review* 12, no. 1 (2011).

and are only seen as a supporting factors, not as powerful subjects in changes in society.⁴¹ Ironically, the terrorist narrative that removes female agency is what becomes a gap to be then exploited by terrorist networks to make women a part of their strategy.⁴² When the state – in this case, the BNPT and Densus 88 – eliminates women's agency, terrorist groups recognize their agency by offering the narrative and discourse that even women can possess important roles and an equal position with men. For women who have always been discriminated against and marginalized in their groups and societies, this narrative may be seen as a liberating narrative and a form of recognition of women's roles.

The present shift in strategies by terrorist groups that involve women becomes a large and dangerous gap in counterterrorism efforts. With women's lack of experience in the prevention and handling of crimes of terrorism, this may become a threat because the state lags behind in formulating policies and is prone to become a terror target.

Therefore, the state must make an effort for laws and policies for handling violent extremism to be able to integrate a gender perspective and the rights of women. Women and female organizations must participate and be involved in the creation process of every law and policy at the national and local levels.⁴³ Differences in the viewpoints of women and men in understanding violent phenomena, as well as in internalizing feelings of security, peace, social harmony, and openness in everyday life, allow women to possess strategic leadership in activities to prevent radicalism and extremism. Thus, women's leadership needs to be promoted to prevent violence and extremism.⁴⁴

CONCLUSION

The research by the BNPT from February 2020 indicated that in 2020, the percentage of women exposed to radicalism was 12.3%, while for men, it was only 12.1%. This context indicates that gender is not a variable that can later hinder the entry of an ideology, from extremism to radicalism that leads to terrorism. The solid patriarchal culture in Indonesia makes women feel unable to obtain justice and unable to be recognized in society, which leads to their entry into extremist and terrorist movements. Counterterrorism in Indonesia fundamentally consists of two forms: the gentle approach and the hard approach. Regrettably, the approach does not allow women to have the opportunity to participate in the war against terrorism. Nevertheless, women have an essential role in the family, especially in forming children's character within the family. Therefore, the government must formulate laws, create policies for handling violent extremism, and integrate a gender perspective, particularly regarding women's rights. The involvement of women in law enforcement institutions that handle cases of terrorism as well as female organizations in de-radicalization and counterterrorism programs must be increased, including in every process of law and policy creation at the national and local levels. The separate regulation of state institutions involved in handling the criminal act of terrorism causes disintegration in each institution's

⁴¹ Matias-Martinsen.

⁴² Aolain, "Situating Women in Counterterrorism Discourses: Undulating Mascunities and Luminal Femininities."

⁴³ Aolain.

⁴⁴ "Analisis Gender Dalam Countering Violent Extremism (Gender Analysis in Countering Violent Extremism)," USAID from the American People, USAID/Indonesia, 2017, [https://msiworldwide.com/sites/default/files/additional-resources/2018-12/Gender Analysis of Countering Violent Extremism %28CVE%29 in Indonesia.pdf](https://msiworldwide.com/sites/default/files/additional-resources/2018-12/Gender%20Analysis%20of%20Countering%20Violent%20Extremism%20in%20Indonesia.pdf).

policies and uncertainty in the division of primary institutional tasks and functions in handling the criminal act of terrorism. As such, the improvement and optimization of the role of the BNPT as a center of terrorism prevention must be conducted, including by encouraging them to adopt a gender-based approach that not only involves female apparatus but also protects women, being a vulnerable group that may be exposed to terrorist views.

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