

The Challenges of Implementing Intelligence-led Policing in Indonesia

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Abstract: Intelligence-led policing (ILP) is currently considered a most favourable model of policing that may positively contribute to prevention and reduction of crime, particularly transnational organized crime and terrorism. ILP works under the framework of collaboration approach to law enforcement, under the basis of information sharing, police accountability with the enhancement of intelligence activities and the advancement of technology. This paper aims to explore the increasing reliance on the use of intelligence in countering terrorism in Indonesia. Further, this paper examines how the proactive intelligence and information sharing has been conceived and the limitations of the implementation that are taking places.

1 INTRODUCTION

The growing number and complexity of criminal activities such as transnational organized crimes and terrorism have driven more questions toward police capacities and capabilities. Since then their approaches in preventing these crimes are scrutinized. Regarding this, law enforcement becomes more concern and aware to the new challenge that they faced as the result of global terrorism and various kind of transnational organized crimes (Boister, 2003; Ransley and Mazerolle, 2009). They also aware there is growing need to use intelligence report and analysis in more realistic and integrated way (Bell and Congram 2013; Innes and Sheptycki 2004).

In responding this new challenge, the level of cooperation among police officers from different countries have increased (Derencinovic and Getos 2007; Interpol 2017). For example, police from different countries conducted joint training programs which then followed by founding a new counterterrorism task force team, gathering and exchange of intelligence, and in cooperation in intelligence-led counterterrorism operation (Interpol 2017; Paripurna, Indriani and Widiati 2018).

It has been recognized worldwide that until now there is no country shows the most effective approach in deal with terrorism. Regarding to this

issue, Intelligence-led policing (ILP) has been considered as a favourable counterterrorism policing to address the complexity of preventing terrorism (McGarrell, Edmund, Freilich and Chermak, 2007).

The main point of ILP framework is a collaborative approach to law enforcement, which combines problem-solving policing, information sharing, police accountability, and the enhancement of intelligence operations (Ratcliffe, 2008). ILP emphasize on the practice of information sharing and collaboration among different units or organizations and at all levels (ibid).

The ILP concept has its basis in founding that police were spending too much time responding to crime and too little time targeting offenders, as a result there is an urge to increasing employ intelligence, surveillance and informants to target major offenders (ibid). At end it may enabling police to be more effective in proactively fighting crime.

Information sharing is a complex issue to be implemented and at the same time efficient counterterrorism is an arduous task. Undoubtedly, many progresses have been made post 9/11, however common understanding remains lacking in counterterrorism about who is doing what. Therefore, as part of counterterrorism strategy, special efforts and measures are needed to improve the level of cooperation and collaboration in law enforcement and intelligence sharing (Keohane 2005, pp. 30-31; Omand 2005). To be more precise,

either domestic or international level, between law enforcement and intelligence has been urged to conduct intelligence sharing (ibid).

The purpose of this paper is to explore the use of intelligence, particularly in the context of counterterrorism. Further, this paper examines how the proactive intelligence and information sharing has been conceived and the limitations of the implementation that are taking places between Densus 88 as the main police forces in charge on counterterrorism and other counterterrorism agency.

It is a qualitative study involved a thorough review of the extant literature, as well as analysis of in-depth interviews with key informants at counterterrorism and security intelligence agencies. This study addresses two primary research questions, they are: 1. How does the role of intelligence at the pre-crime aspect of counterterrorism; 2. How the limitations of the use of intelligence led-policing are taking places?

2 DISCUSSIONS

2.1 The Utilization of Intelligence in Counterterrorism

In the context of Indonesia, the society has a tendency to misunderstand how police and counterterrorism agencies gather intelligence, operating from oversimplified stereotypes about secret operations conducted by secret agencies. Intelligence is often associated with negative connotations, envisioning secretive, subversive and possibly illegal acts by government officials. In reality, “intelligence provides the knowledge on which to base decisions and select appropriate targets for investigation” (UNODC 2011, p.7). Furthermore, intelligence may also involve a discovery of reliable information and potential dangers. In intelligence process, there is a complex process that include informed judgments about the state of affairs or even a single fact as well as an information management and conversion of information into useful data to support and direct law enforcement (ibid, p. 10-16).

Whilst, in the context of precrime aspect of counterterrorism intelligence is paramount important. The fact has shown that the collaboration and cooperation between law enforcement and intelligence agencies has been acknowledged by many countries, as it brings advantages for counterterrorism efforts (Omand 2005, p. 115; Keohane 2005, p. 30-31; Walsh, 2009; Reveron

2008, p.1-13). This benefit has also been realized by the Indonesian government to support the intelligence in counterterrorism measures (Paripurna 2017, p. 74).

The Indonesian government takes more serious concerns to fight against all forms of terrorism following the Bali Bombings and series of bombings attack in capital city. Part of counterterrorism measures, the government emphasized the importance of efficient cooperation in intelligence matters. To support this concern, the government issued policy and regulation to encourage the sharing of information between the intelligence community and the law enforcement community, such as, National Intelligence Law of 2011, the Presidential Instruction No. 5/2002 Ministry of Home affairs Decree No. 11/2006.

It is, however, information sharing and the use of intelligence in criminal proceeding has lifted some questions on the legal dimensions and has left legal problems. It is, particularly, when weighted under the general criminal law procedure (Kitab Undang-undang Acara Pidana, KUHAP).

The provision on the use of intelligence in criminal proceeding has lack of specific mechanism and procedure. Therefore, it is vulnerable to violate due process of law. Paripurna (2017) in her research dissertation found that eventhough the law enforcement and intelligence agencies are encouraged to collaborate and shared information, but it is not equipped with mechanism to share information between them. How the flow of information from the intelligence community to the law enforcement community should work is not clearly defined and regulated.

The function of intelligence within the police service is to collect information about the activities of individuals or groups involved in the crime. Its existence is as an integral part of the main function of Polri, which perform repressive, preventive and pre-emptive actions (Ricardo 2010, Paripurna 2017). In terms of precrime counterterrorism, the intelligence activity conducted by police authorities in the framework of countering terrorism has increased, particularly since the Counterterror Law granted counterterrorism authority to the police (Paripurna, 2017). In other words, the precrime counterterrorism strategy lays significantly on the activities of law enforcement intelligence. For example, the work of Densus 88 is mainly focused on the intelligence process itself. The intelligence products are created and used for making decisions about whether to intervene (ibid, p.215).

Based on this example it can be seen that intelligence plays significance role in the precrime aspect of counterterrorism. In this sense, the priority and target of policy activity is based on the result of the intelligence product. Furthermore, intelligence is utilized for crime analysis in its process of identifying patterns and relationships between crime data and other relevant data sources (ibid).

2.2 The Limitation of Implementing Intelligence-led Policing

Within the police organization, the collaboration, cooperation, and informant sharing has been occurred even though in limited ways. More specifically, the collaboration, cooperation and information sharing has been occurring at the strategic level (Paripurna, 2017). For example, a sharing information meeting forum which initiated by Densus 88. This forum attended by the intelligence community, covers criminal intelligence, custom and border intelligence and other types of information. In addition, this forum intended to encourage proactive data and information sharing, and to give guidelines to or to direct community intelligence. In this forum, there are two-fold information sharing, they are, bottom-up and top-down information sharing (ibid, p.183).

Similarly, the information sharing which occurred between Densus 88 and security intelligence services is conducted in limited ways. The information sharing among Densus 88, BIN and BAIS have not been well established, and internally has not been institutionalized (ibid, p. 192-194). When they shared the information, basically it does not touch the practical level. The intelligence that they shared are usually referring to information or tangible data about personalities and events around the globe (strategic intelligence).

To overcome the difficulty of interagency communication, BNPT as the national counterterrorism agency has made an effort to facilitate the sharing information forum among Densus 88, BIN and BAIS. Since BNPT lacks legal authority, thus BNPT is not able to encourage each agency to proactively sharing information (ibid).

There are numerous nuances that contribute to the hurdles of sharing information within police organization, Densus 88, BIN and BAIS and any other intelligence communities. The challenging factors include, the different interpretation of what is allowed to be shared under the law, the inconsistent implementation of policy, the absence of policies or regulations governing coordination mechanisms to

support the appropriate, effective and timely sharing of both intelligence and sensitive information for law enforcement (ibid, p. 219-221).

3 CONCLUSIONS

The paper concludes that partially the principle of intelligence-led policing has been applied for counter-terrorism policing. It is, however the implementation faces major managerial challenges especially in defining the separate roles of the various actors of counterterrorism and in coordinating their actions.

There are intermingling factors that may contribute to these challenges, the major one being rivalry among counterterrorist agencies, the overlapping of tasks and duties set forth, but not clearly coordinated in the legislation granting their formal powers and responsibilities,

The encouragement of counterterrorism agency to strengthen information sharing efforts is not equipped with mechanisms or policy guidance on how to implement the effective and timely sharing of information.

The lack of guidance and absence of mechanism or policy guidelines have provoked the division of staff. In addition, it has caused poor communication within the intelligence that has tasked for countering terrorism. Furthermore, the cultural, goal-oriented, methodological, and operational differences hinder information sharing among the agencies.

The existence of intelligence is necessary and needed; however, the oversight mechanism should be enforced. It is because the method to gather information very likely to use of highly intrusive investigating powers without prior judicial authorization. To avoid abuse of power, their powers should be strictly defined and separated from the law enforcement.

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