

# The Use of Unmanned Aerial Vehicle to Support Counterterrorism in Indonesia

## A Case Study at 51<sup>st</sup> Air Squadron in 2016-2018

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### **Abstract**

Several cases in dealing with terrorism in Indonesia involve utilization of Unmanned Aerial Vehicles (UAVs) operation from 51<sup>st</sup> Air Squadron. However, the use of UAV in counter-terrorism operations is controversial in general, particularly weighing between the effectiveness of the results achieved and the potential for Human Rights violations. The study was carried out with descriptive analysis approach. While the technique of collecting and testing data validity by means of interviews, observation, documentation and triangulation methods. From the study conducted, it is concluded that UAV utilization in counter-terrorism operations by Indonesian authorities has been proven to be very effective, efficient and technically does not violate Humanitarian Law and Human Rights, because UAVs utilization is limited to perform specific duty in terms of carrying out observations and reconnaissance. Furthermore, the UAV operations are not configured and equipped with weaponry so that it will not cause potential harm or casualties either on its own or the opponent's side.



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## **Introduction**

Terrorism issues have increasingly become the focus of world security in recent decades. This issue cannot be separated from the development of national security theory where terrorism is one of the non-traditional security issues concerned globally. Since the events of the World Trade Center (WTC) in New York, the United States on September 11, 2001, which claimed thousands of lives, terrorism has been a global issue that influences political and security policies of all countries in the world.

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Indonesian Armed Forces/Tentara Nasional Indonesia (TNI), as mandated in the Republic of Indonesia Law Number 34 of 2004 on TNI, within the framework of Military Operations Other Than War (MOOTW), states that one of the TNI's role is to combat terrorism. In addition, in the Antiterrorism Act, which was just passed in May in 2018, replacing Republic of Indonesia Law Number 15 of 2003 on the Eradication of Criminal Acts of Terrorism, it is stated that the role of the TNI in combatting terrorism is no longer to assist counterterrorism operations under the command of the Indonesian National Police (POLRI), but the role has been direct and more active within the framework of the MOOTW (Republika Daily: 2018).

The Indonesian Air Force/TNI Angkatan Udara (TNI AU), as an integral part of the TNI, has established a specific counterterrorism unit, namely the Bravo 90 Unit which is a unit under the Detachment Bravo, Korpaskhasau. In addition, the TNI AU also has another unit which has been proven to perform well in counter-terrorism support operations in Indonesia. The unit is 51<sup>st</sup> Air Squadron, which operates UAV. The existence of 51<sup>st</sup> Air Squadron is not yet widely known because it is still a relatively new unit established within TNI AU, but its role in supporting of handling terrorism has been proven in real terms. Information and data obtained from the 51<sup>st</sup> Air Squadron's UAV sent to the command post of the Task Force for Combating Terrorism is highly accurate and provides vital input for the effort to suppress terrorist groups or the release of hostages held by terrorists<sup>1,2</sup>. However, the use of UAV in combating terrorism still reaps controversy particularly weighing between the effectiveness of the results achieved and

the potential for Human Rights violations. Thus, research on the utilization of UAV to support counterterrorism operations in Indonesia is important to be carried out. In addition, no previous studies that specifically discuss similar issues in Indonesia have been conducted.

Previous research entitled 'Role of the Indonesian Air Force in Tackling the Threats of Global Terrorism in Indonesia' discussing in general, counterterrorism role of TNI AU by establishing the Bravo 90 Korpaskhasau Unit was written by Connie<sup>19</sup> Similar studies, regarding the use of military power in combatting terrorism, were carried out by Jones<sup>3</sup>, Erbay<sup>4</sup>, Hughes<sup>5</sup>, and Syaiful<sup>6</sup>. In addition, several studies conducted by Marbun<sup>7</sup>, Mckendrick<sup>8</sup> and John<sup>20</sup> have analyzed and debated the identification of legislation governing the role of combatting terrorism by the military while few other studies have emphasized that combatting terrorism cases is better handled by the police rather than by the military. These conclusions have been concluded from some research conducted by Mengko<sup>9</sup> and Goh<sup>10</sup>. However, both researchers also agreed that military power is still needed to support the counterterrorism operations by the police. Anjani<sup>11</sup> has conducted research discussing the success of the United States in the utilization of UAV in combating terrorism in Pakistan Post-9/11.

Based on the phenomena conveyed above, the authors are interested in conducting research on the utilization of UAV in supporting role to combat terrorism in Indonesia. Through this research, it is expected to get a better overview on the controversies between effectiveness and the potential of human rights violations on the utilization of UAV by the 51<sup>st</sup> Air Squadron in supporting counter-terrorism operations in Indonesia.

### **Literature Review**

Terrorism according to Adji<sup>12</sup> comes from the Latin "terrere" which means "making vibrate or vibrating". According to the 1973 UN Convention, Djari<sup>13</sup>, terrorism has been defined as any form of crime actions shown directly to the state with the intention of creating a form of terror against certain people or groups of people or communities. In Law Number 5 of 2018 on Amendments to Law Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on Eradication of Criminal Acts of Terrorism into Law, Article 1 states that Terrorism is defined as an act using violence or threats of violence that causes widespread atmosphere of terror or fear, which can cause mass victims, and/or cause damage or destruction to strategic vi-

tal objects, the environment, public facilities, or international facilities with ideological, political motives or security disturbances. Referring to the above definitions, actions by KKB in Papua may also be classified as an act of terrorism because there is a clear threat of violent acts which potentially and leads and creates an atmosphere of terror and fear to residents in Kimberly and Banti villages widely.

The House of Representatives/Dewan Perwakilan Rakyat (DPR) and the Government agree on the involvement of the TNI in combating terrorism. The agreement was set forth in Law Number 5 of 2018 on amendments to Law Number 15 of 2003 on Eradication of Terrorism Crimes. TNI involvement is defined in Article 43 in the form of three paragraph. Paragraph (1) states, "The task of the TNI in overcoming acts of terrorism is part of Military Operations Other Than War." Then paragraph (2) states, "In overcoming acts of terrorism as referred to in paragraph (1) carried out in accordance with the duties and functions of the TNI." Paragraph (3) states, "Further provisions regarding the implementation of overcoming terrorism as referred to in paragraph (1) are regulated by a Presidential Regulation/Perpres.

Barry Buzan<sup>14</sup> describes National Security and defines it as, "Security is freedom from threats and the ability of the state and society to maintain their independent identity and their functional integrity to the forces of change, which they consider hostile." The point of security is survival and includes a large number of concerns about the conditions of existence. From the above information, the emphasis on the definition of national security is freedom from threats and the ability of the state to maintain its existence to safeguard and protect the sovereignty and people<sup>15,16</sup>.

Terrorism, people smuggling, environmental crime, human rights crime are few examples of transnational crimes which have shown a sharp increment and has emerged in a wider spectrum into international security issues. The cross-linkage that takes place at the process of globalization, regional and domestic change has formed a complex spectrum of international and domestic threats. Based on the criteria of security issues, Buzan<sup>14</sup> divides security into five dimensions, namely political, military, economic, social and environmental dimensions. Each security dimension has different security units, values, characteristics and threats.

Security Approach from the Realist perspective presupposes that the object of security is the state and the international system structure is

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anarchic, and in order to secure its sovereignty its military capability is increased, supported by the strength of its weapons on the basis of political calculations. Tjarsono<sup>17</sup> argues that the Realists look into the military as an important part of the security approach in maintaining its sovereignty. The role and function of the military can be defined as:

1. Prestige Power: a country shows its military superiority through mastering new technology with destructive power that can thrill opponents.
2. Deterrent Power: convinces the opponent of the consequences that will be faced when carrying out undesired military action.
3. Defensive: protect yourself from enemy forces.
4. Coercive Diplomacy: forcing another country to follow the wishes of one country to or not to carry an action.

The Air Power theory by William Billy Mitchell confirms that “In the future, no nation can call itself great unless its air is properly organized and provided for, because its air power, both from a military and economic standpoint, will not only dominate the land but the sea as well.” The theory asserts a country that is well organized and prepares its air power will be able to protect its land and territorial waters. Utilization of UAV to support air power, especially in terms of monitoring and observing not only on the airspace but also on the sea and land areas from potential threats. As from the definition, UAV is an aircraft or air vehicle which does not require the presence of pilots in the aircraft to fly it, because it can be remotely controlled by an operator from a considerable distance. Such control methods make UAV able to minimize risk factors, without having to worry about the safety of the pilot’s life. UAV’s design and features can be thoroughly pre- configurable and flown effectively to infiltrate the opponent’s territory.

Arlina<sup>18</sup> states in ‘International Humanitarian Law (IHL)’, there are five basic principles used as the basis of the rules contained in the IHL. The five principles are:

1. Military Necessity. It means that a disputing party has the right to take all actions that can result in the success of a military operation, but in its implementation, it is not justified if it violates the provisions contained in International Humanitarian Law.
2. Proportional Principle. This principle exists to avoid excessive damage of civilian objects that are in and around the battlefield.

With this principle in place, military actions are limited to using their power reasonably so that they can avoid unnecessary damages.

3. **Humanity.** This principle exists to avoid unnecessary suffering for victims of war. Where combatants are prohibited from committing violence which can cause excessive suffering on the part of the victims. The Den Haag regulation also states the prohibition on the use of weapons which can do excessive damage to the victim.
4. **Limitation Principle.** This principle advocates limiting the means, equipment, and methods of warfare carried out by the parties to the dispute. This principle includes rules regarding the prohibition of the use of weapons which are considered to have mass damage effects without being able to distinguish between civilian objects and the military.
5. **Distinction.** This is a principle which divides the population of each party who fights into two major groups, namely Civilian and Combatant. Combatants are a group of people from each warring country who actively participate in combat such as the army, while the civilian population is a group of people who have no right to participate in combat.

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In the study of International Humanitarian Law, human life is an aspect that must be protected and appreciated by all parties, especially those who are at war. This law teaches that “taking hostages is nobler than hurting; hurting is nobler than killing.” Departing from this thought, the existence of UAV is a threat to this principle. Until now, there is no specific regulation governing the application of UAV. What has been used as a justification for those who disagree with the use of UAV, is the components applied to UAV instead of UAV itself. One example is the application of cruise missiles on Harpy UAV owned by Israel which violates Intermediate-Range Nuclear Force Treaty (INF Treaty) because the missile reach exceeds the rules set by the INF Treaty which is 500 km.

## **Methodology**

This research is carried out with descriptive analysis approach. Sources of data are obtained from the results of interviews with informants and the results of observations from predetermined sources. While the data collection techniques used in this study include:

1. Observation. Observations made by researchers are by going directly to the field to observe the behavior and activities of individuals at the research site.
2. Interview. In this study, the subjects interviewed were the Commander of 51<sup>st</sup> Air Squadron, Commander of the Supadio Air Base, Operations Staff Officer of Indonesian Air Force Headquarter, Planning Staff Officer of Indonesian Air Force Headquarter, Secretary of Indonesian Air Force Justice Service, and the Secretary of Indonesian Navy Justice Service.
3. Document. Documents are complementary to observation and interview techniques in data collection.

Data validity techniques used by the researcher were carried out with the Triangulation Method Technique where includes interviews, documents, and observations. Triangulation Method is used as a process to establish the level of trust and data consistency, as well as a tool for data analysis in the field. According to Peter Hough <sup>21</sup> Triangulation technique is a search for quickly testing the data that already exists in the interpretation to strengthen and improve evidence-based policies and programs.

## Discussion

In Indonesia, Military Operations Other Than War (MOOTW)/Operasi Militer Selain Perang (OMSP) is stated in article 10 of the Defense Law No. 3/2002, but the explanation regarding the types of MOOTW only appears in article 7 of the TNI Law No.34/2004. MOOTW focuses on preventing war, resolving conflicts, peace and supporting civilian authorities in responding to domestic crises. MOOTW may also involve both elements of war and non-war operations in situations of peace, conflict, and war. Furthermore, in Law No. 34/2004, the task of the TNI in the MOOTW is stated. Elucidation of article 6 paragraph (1) letter c says: that the TNI as state defense's tool and functions as a criminal act and recover means that TNI's forces together with other government agencies function to assist the government's function to overcome conditions that disturb state's security due to insurgency, communal conflict, riots, terrorism, illegal activities and so on.

This type of MOOTW is divided into 14 types of operations, which include:

- i. Operations in order to overcome armed separatist movements.

2. Operations in order to overcome armed rebellions.
3. Operations in order to overcome acts of terrorism.
4. Operations in order to secure border areas.
5. Operations in order to secure strategic vital national objects.
6. Operations in order to carry out the tasks of world peace in accordance with foreign policy.
7. Operations in order to secure the President and Vice President of the Republic of Indonesia and their families.
8. Operations in order to empower defense areas and their supporting forces early in the framework of the universal defense system.
9. Operations in order to assist government tasks in the area.
10. Operations in order to assist the National Police of the Republic of Indonesia in the framework of the duty of security and public order regulated in the law.
11. Operations in order to secure state guests at the level of Head of State and representatives of Foreign Governments who are in Indonesia.
12. Operations in order to help overcome the consequences of natural disasters, displacement and the provision of humanitarian assistance.
13. Operations in order to assist in the search and help in accidents (search and rescue).
14. Operations in order to assist the government in securing shipping and aviation against piracy, piracy, and smuggling.

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The implementation of these MOOTW tasks is required to be based on the country's political policies and decisions determined by the President/Head of Government. With these policies or regulations, TNI can carry out the MOOTW's operations legally, and the Government can allocate budget for its implementation. In accordance with the explanation above, the duty of handling terrorism has been included the TNI's role within the framework of the MOOTW.

Some of the counterterrorism operations by TNI involves UAV Aero-star from 51<sup>st</sup> Air Squadron. 51<sup>st</sup> Air Squadron is a unit of TNI AU under the command of Air Force Operations Command (Koopsau I) based at Supadio Air Force Base, Pontianak, West Kalimantan. Responsibilities and duties of 51<sup>st</sup> Air Squadron which are listed in the Organizational Principles and Air Squadron Procedures of Unmanned Aircraft are to prepare and operate UAV to carry out activities/control operations, border surveillance, surveillance, mapping, and aerial photography.



In carrying out this task, the 51 Air Squadron performs several functions, namely:

1. Carry out operations, training and maintenance tasks for UAV, flight crew and facilities to improve operational readiness of aircraft personnel and defense equipment.
2. Lead, coordinate, control border areas, carry out mapping, air intelligence reconnaissance operations and activities in the defense area, carry out retrieval and sending data/aerial photography above the outer islands of Indonesia, border areas, natural disaster areas, and conflict-prone areas.
3. Carry out guidance on personnel in their units.
4. Carry out air intelligence operations as directed.
5. Prepare personnel with special qualifications, such as intelligence background, certification of airborne observers, computers skills and ability in education and training.
6. Conduct coordination and cooperation with relevant agencies inside and outside the UAV Air Squadron.

The counterterrorism operations that has been conducted by 51<sup>st</sup> Air Squadron include the pursuit of terrorist king Santoso in the Gunung Biru area in Tangkura Sub-district, Poso Regency, release of hostages from terrorists from the Abu Sayyaf group on the border of North Kalimantan-Malaysia and rescue of Papuans from Armed Criminal Group/*Kelompok Kriminal Bersenjata* (KKB) in Banti Village and Kimberly Village, Tembagapura, Mimika, Papua. This Armed Criminal Group if viewed from the activities and effects caused can also be classified as acts of terrorism because it creates an atmosphere of terror and fear, and potentially may involve a large number residents as victims.

Counterterrorism operations which involve UAV in the implementation of its operations are also carried out by other countries. As an example, United States (US) uses UAV in combating terrorism in Pakistan. According to research conducted by Anjani<sup>11</sup> entitled 'Analysis of the Use of Unmanned Aircraft (Drone) in the United States Counterterrorism Policy in Pakistan Post-9/11', it is stated that Americans utilized MQ-1B Predator and MQ-9 Reaper UAVs in their operations in Pakistan. MQ-1B Predator is a UAV with the capability of information gathering required for intelligence activities. The MQ-9 Reaper is primarily capable of "hunter or killer" mission and is also used as secondary support for intelligence activities.

During Pakistan Counterterrorism operation, US has utilized UAV as an instrument to carry-out 'targeted killings' against identified terrorists for more than ten years since 2004. Targeted killing is a method of warfare in targeting specific enemy combatants, believed to be a vital tool in the fight against terrorism. In this case, the UAV has been proven to be an effective instrument to deliver the intended goals. At least it had succeeded in killing 102 leaders of Al Qaeda and the Taliban in Pakistan in the period of 2004 to 2014 when these terrorists were identified as high value and vital targets. These success has been a consideration for the US to continuously utilize the UAV for 'targeted killing' in combatting terrorism.

According to the data and facts that have been collected and analyzed by Kemenhan RI Dirjen Strahan <sup>22</sup> in the research entitled "Juridical Analysis of the Use of Unmanned Aircraft as the Main Tool of Armament Judging from International Law (Case Study of the Use of UAV by the United States in Pakistan)", it can be concluded that: the use of UAV in this case having caused many casualties on the city is clearly a violation of the provisions of International Humanitarian Law regarding the means and methods of warfare which also contradict Article 23 of the Den Haag Regulation concerning the prohibition of the use of weapons which have the potential to cause widespread damage or loss.

Furthermore, another study by Totok Sudjatmiko <sup>23</sup> entitled 'Juridical Analysis on the Use of Unmanned Drones in International Law' concludes that the use of UAV as one of the technology tools to fight has drawn a lot of criticism and controversies since 2001. This study highlights armed weaponry equipped with UAV application and a high number of casualties among the innocent parties due to the use of UAV in combat. These criticisms and controversies are viewed both from the tactical and strategic utilization of UAV. In practice, the international community justifies the use of armed forces from a country against other countries or other entities. However, the use of armed forces in the above conditions must follow the principles adopted in International Law, such as the principle of immediacy, necessity, and proportionality contained in Article 51 of the UN Statute or the principles of distinction, precaution, military necessity, proportionality and humanity contained in Geneva Convention.

From the results of interviews with several experts in Humanitarian Law the use of weapons including the use of UAV in Humanitarian

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Law is permissible. The use of armed UAV is also possible to attack selected military objects (there are strategic values). Human rights violations may occur if utilization of armed UAV is used without being based on actual and precise intelligence or facts on the field, resulting in misdirecting and potential harm to innocent victims. Other legal experts say that the use of UAV has the potential to violate the law if it causes excessive injury or unnecessary suffering, has the potential to attack blindly, damages civilian objects, and threatens the safety of protected persons.

In Indonesia, according to the research carried out, it is known that UAV in counter-terrorism operations is not equipped with weapons or armed. The activities through its missions were limited to observation and reconnaissance for information gathering so that the use of UAV did not cause any casualties; even there were no innocent victims at all. The use of UAV is intended only to provide information and guidance for the ground forces approaching enemy positions and provides a situation of awareness in operation. Utilization of UAV for the said missions allows clear and precise information in order to differentiate and distinguish between real target and innocent persons.

Based on the results of the research, statements of experts and the literature studies aforementioned, it can be said that the use of UAV from 51<sup>st</sup> Air Squadron on counterterrorism operations in Indonesia is permissible because it follows the principles adopted in International Law and is proven not to violate Human Rights and International Humanitarian Law. This is because UAV in counter-terrorism in Indonesia is not equipped with weapons at all. The use of UAV by the 51<sup>st</sup> Air Squadron is limited only for observation and reconnaissance, and the information obtained is forwarded to ground forces in carrying out operations.

## **Conclusion**

Unmanned Aerial Vehicle (UAV) has been widely utilized by countries worldwide in various ways, including in countering terrorism. The use of UAV has proven to be effective and efficient and could minimize the loss of lives. In practice, some countries complement UAV with deadly weapons and its use has caused many innocent civilian casualties. This will potentially violate Humanitarian Law and Human Rights because it can target innocent civilian victims.

The use of UAV in the fight against terrorism in Indonesia has proven to be very effective and efficient. It can be said that because of the help of UAV, the operations carried out are quickly resolved and can save operational costs and minimize human casualties on its own side. Furthermore, it is proven that it does not violate Humanitarian Law and Human Rights because it is only limited to carrying out observations and reconnaissance. In addition, UAV Aero-star from 51<sup>st</sup> Air Squadron is not equipped with weapons at all so that it will not cause direct casualties either on its own or the opponent's side.

From the discussion and conclusions above, the author suggests:

1. That UAV strength is developed in the ranks of the Air Force to carry out increasingly complex future tasks facing asymmetric wars that are not clear who the opponent is, when to attack and where it comes from.
2. That to avoid legal polemic in the use of UAV the role of the TNI in overcoming acts of terrorism needs to be regulated explicitly in the Presidential Regulation, as mandated by Article 43 of Law Number 5 of 2018.

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