

The Essence of the Synergy of the Strategic Role of the Indonesian National Army (TNI) in Countering Acts of Criminal Acts of Terrorism in Indonesia

Amran Wahid^{1*}, La Ode Husen², Kamal Hidjaz³, Kamri Ahmad⁴

¹ Student Doctoral of Law, Universitas Muslim Indonesia, Makassar, Indonesia; Email: amranwahid19@gmail.com

² Faculty of Law, Universitas Muslim Indonesia, Makassar, Indonesia; Email: laode.husen@umi.ac.id

³ Faculty of Law, Universitas Muslim Indonesia, Makassar, Indonesia; Email: kamal.hidjaz@umi.ac.id

⁴ Faculty of Law, Universitas Muslim Indonesia, Makassar, Indonesia; Email: kamri.abmad@umi.ac.id

*Corresponding Author: amranwahid19@gmail.com

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ABSTRACT

Terrorism remains a persistent and evolving threat to Indonesia, undermining national security, constitutional order, public safety, and humanitarian values. Although the state has strengthened its counter-terrorism framework through Law No. 15/2003 as amended by Law No. 5/2018 and Law No. 34/2004 on the Indonesian National Armed Forces (TNI), recurring incidents indicate that legal instruments alone are insufficient. This study examines the essence of synergy in the strategic role of the TNI in countering terrorism, particularly within the framework of Operations Other Than War and its coordination with the Indonesian National Police (Polri) and the National Counter-Terrorism Agency (BNPT). The research employs a normative–empirical legal design. The normative component analyzes statutory provisions, legal principles, and constitutional doctrines governing counter-terrorism, while the empirical component investigates implementation practices through field observations, interviews, and case analysis in regions with high vulnerability, including Sulawesi. This dual approach reveals a persistent gap between *das sollen* (the law as it should be) and *das sein* (the law as implemented). Findings demonstrate that while the TNI possesses a legitimate constitutional mandate to assist in combating terrorism, the absence of clear operational boundaries, activation protocols, and unified command mechanisms often leads to overlapping authority, fragmented coordination, and delays in emergency responses. At the same time, concerns regarding human rights safeguards and civilian oversight persist. The study concludes that an integrated synergy model—grounded in legal certainty, accountability, proportionality, and respect for human rights—is essential to ensure that TNI involvement strengthens, rather than substitutes, civilian law-enforcement functions. Policy reform should prioritize clearer regulations, interoperable coordination mechanisms, and standardized operational guidelines to enhance effectiveness and legitimacy in Indonesia’s counter-terrorism efforts.

Keywords: counter-terrorism; Indonesian National Armed Forces (TNI); inter-agency synergy; rule of law; national security.

INTRODUCTION

Terrorism remains one of the most serious crimes confronting Indonesia, threatening the state ideology, national security, sovereignty, humanitarian values, and the stability of social, political, and economic life. Acts of terrorism are transnational, organized, and network-based, thus requiring a specific, well-planned, coordinated, and sustainable response grounded in Pancasila and the 1945 Constitution. The involvement of Indonesian nationals—individually or collectively—in domestic and transnational terrorist networks demonstrates that terrorism not only endangers national security, but also poses a wider threat to public welfare and global peace. At the same time,

terrorism has evolved in methods, actors, and motivations: from large-scale bombings to decentralized lone-actor attacks, online radicalization, and the circulation of violent extremist narratives across digital platforms. These developments challenge conventional law-enforcement mechanisms and require more adaptive, collaborative, and intelligence-driven approaches.

Indonesia has progressively strengthened its legal framework for counter-terrorism through a series of legislative instruments, particularly Law No. 15 of 2003 and its amendment, Law No. 5 of 2018, as well as Law No. 34 of 2004 on the Indonesian National Armed Forces (TNI). As a *rechtsstaat* (state based on the rule of law), Indonesia bears the constitutional responsibility to protect the dignity and security of its citizens, including through effective preventive, investigative, and prosecutorial mechanisms. Nevertheless, persistent terrorist incidents—ranging from the Bali bombings, the Makassar cathedral attack, and the East Indonesia Mujahidin (MIT) network in Poso, to more recent violent extremist actions—suggest that terrorism remains an adaptive phenomenon with the capacity to regenerate, mobilize support, and exploit social vulnerabilities such as inequality, identity politics, and weak governance in certain regions.

Normatively, the TNI plays a strategic role within the framework of Operations Other Than War, including support to the Indonesian National Police (Polri) in security operations when terrorist threats escalate to levels that endanger state sovereignty and public order. However, the effectiveness of this role continues to be debated, particularly in relation to legal certainty, institutional coordination with Polri and the National Counter-Terrorism Agency (BNPT), and the protection of human rights. Concerns frequently arise regarding overlap of jurisdiction, ambiguity in command structures, and the risk of over-militarization if legal safeguards are not clearly articulated. The absence of precise operational boundaries and crisis-activation mechanisms often results in fragmented responses, institutional competition, and delays in decision-making during critical moments.

This study, therefore, examines the essence of synergy in the strategic role of the TNI in counter-terrorism, with particular attention to the legal framework, institutional practice, and empirical realities in regions such as Sulawesi, where terrorist networks have demonstrated resilience and continuity. The objective is to determine whether existing regulations operate as effective problem-solving instruments, to identify structural and implementation gaps, and to develop a model of inter-agency synergy that strengthens prevention, response, and recovery. Ultimately, the study aims to propose a governance framework that balances national security interests with constitutional guarantees, rule-of-law principles, and respect for human rights, ensuring that counter-terrorism policies remain both effective and legitimate.

METHODOLOGY

This study employs a legal research design using a normative–empirical (mixed) legal research approach. Normative–empirical legal research integrates doctrinal or normative legal research with non-doctrinal (socio-legal or empirical) legal research within a single framework. In this design, the researcher combines both forms of inquiry: doctrinal analysis of legal norms and principles, and empirical examination of how those norms operate in practice. Normative legal research focuses on the study of legal norms and their conceptual foundations, including statutory provisions, legal doctrines, legal theories, legal reasoning, and comparative legal analysis. In contrast, empirical legal research examines the reality of law in society through field-based observation, acknowledging the gap that often exists between *das sollen* (law as it ought to be) and *das sein* (law as it is implemented). This approach allows the researcher to analyze law not only as a normative system, but also as a social institution that interacts with political, cultural, and institutional dynamics. Accordingly, the study applies a tri-dimensional perspective on the structure of law, encompassing legal dogmatics (positive law), legal theory, and legal philosophy, thereby enabling a comprehensive evaluation of both the formal legal framework and its empirical implementation.

RESULT AND DISCUSSION

The Essence of Synergy in the Strategic Role of the Indonesian National Army (TNI) in Countering Terrorism in Indonesia

In this section, the researcher presents the research findings. These findings are based on normative data obtained through library research—books, dissertations, journals, and legislation—as well as empirical data collected in the field through interviews, questionnaires, and observation, which are then reinforced by relevant empirical evidence related to the research topic. The subsequent discussion analyzes these findings regarding the essence of synergy in the strategic role of the Indonesian National Army (TNI) in countering terrorism in Indonesia.

In the author's view, examining the essence of synergy in the strategic role of the TNI in countering terrorism

in Indonesia cannot be separated from a philosophical analysis of the following values:

1. The essence of synergy in the strategic role of the TNI in realizing justice, legal certainty, legal utility, public order, public interest, state security and defense, and the protection of human rights; and
2. The synergy of the strategic role of the TNI in countering terrorism in Indonesia from the perspective of statutory regulations.

These values can be elaborated comprehensively as follows:

The Essence of Synergy in the Strategic Role of the TNI in Realizing Justice, Legal Certainty, Legal Utility, Public Order, Public Interest, State Security and Defense, and the Protection of Human Rights

The essence of strategic synergy of the TNI in countering terrorism should be understood as part of a national strategy that harmonizes justice, legal certainty, and legal utility, as well as public order, security, and state defense. Within this framework, a solid regulatory basis is needed to ensure that TNI involvement does not generate legal confusion or overlapping authority.²⁸⁴ Ambiguous provisions risk weakening accountability and eroding public trust, thus necessitating sharper regulation so that Military Operations Other Than War (OMSP) remain within clearly defined legal limits.²⁸⁵ If the TNI's role is overly protected without adequate control mechanisms, it may ultimately undermine military professionalism and threaten democratic governance.²⁸⁶

Terrorism is an extraordinary crime that threatens not only national security but also the integrity of the state and the safety of citizens. In responding to such threats, the involvement of various state institutions is inevitable, including the TNI. Although the TNI's primary role is to safeguard national defense against external threats, Law No. 34 of 2004 on the TNI explicitly opens space for TNI involvement in OMSP, including in counter-terrorism.²⁸⁷ This involvement must be examined within the philosophy of law, particularly in relation to the values of justice, legal certainty, and legal utility, as follows:

The Value of Justice

Justice in law demands that legal norms guarantee fair treatment for all parties. Justice is not only procedural but also substantive. Substantive justice requires that the application of law be guided not merely by formal procedures but also by the ethical and moral purposes of the law itself.²⁸⁸

In the context of TNI synergy in countering terrorism, it is crucial to ensure that the use of military force is not arbitrary and that it upholds human rights and the principles of the rule of law.²⁸⁹ Satjipto Rahardjo argues that justice is the effort to balance existing legal norms with the social realities faced by society.²⁹⁰ Accordingly, TNI involvement in counter-terrorism must be carried out in a measured, accountable manner, within clear legal authority.

Aristotle distinguishes between two forms of justice: distributive and corrective.²⁹¹ In this context, distributive justice requires that responsibilities between the TNI and Polri be allocated proportionally according to their respective functions and expertise. Justice in TNI–Polri synergy is reflected in a division of roles aligned with each institution's constitutional mandate: the TNI focuses on national defense, while Polri is responsible for public security and civil law enforcement.²⁹²

However, in certain situations—such as horizontal conflict, terrorism, or integrated security operations—synergy between both institutions becomes essential so that legal approaches remain balanced and just. The principle of justice requires that law enforcement officials act not only repressively, but also with due regard for citizens' rights. The synergy between TNI and Polri, in this sense, strengthens the legitimacy of state action while minimizing human rights violations.²⁹³

The Value of Legal Certainty

Legal certainty is a fundamental principle of the rule of law, ensuring that laws are made and enforced consistently. Legal certainty provides a sense of security and confidence to the public that the state will not act arbitrarily. In the context of TNI involvement in countering terrorism, a clear legal basis is required to prevent overlapping or misuse of authority. Legal certainty is also a prerequisite for the legitimacy of state actions in line with democratic and constitutional principles.

According to Gustav Radbruch, a good legal system should embody three core values: justice, certainty, and utility; however, within positive law, certainty often takes precedence. Thus, any form of TNI–Polri synergy in this area must be explicitly regulated, for instance through Presidential Regulations or detailed implementing rules with operational character. Legal certainty demands clarity regarding the tasks, powers, and coordination mechanisms among state institutions.

TNI–Polri synergy is grounded in a legal framework such as Law No. 34 of 2004 (TNI) and Law No. 2 of 2002 (Polri), which explicitly delineate each institution's functions and spheres of operation. In practice, this synergy is strengthened by technical regulations and memoranda of understanding that prevent overlapping roles and increase legal effectiveness—for example, in security operations in conflict areas or during elections, where

TNI–Polri coordination is conducted within clear and measurable regulatory frameworks.

The Value of Utility (Benefit)

The principle of utility, rooted in utilitarianism as developed by Jeremy Bentham, holds that law should produce the greatest good for the greatest number.²⁹⁷ TNI involvement in counter-terrorism can provide significant benefits in terms of speed, strength, and operational efficiency, particularly when situations escalate into armed threats or involve transnational networks.

Synergy between the TNI and other institutions in countering terrorism must be framed within a legal corridor that upholds justice, legal certainty, and utility. Justice requires a proportional division of roles and fair treatment; legal certainty demands precise and unambiguous regulations; utility calls for effective creation of public safety and security. Without these three values, military engagement in civil matters such as counter-terrorism law enforcement may instead threaten democratic principles and the supremacy of law.

Accordingly, TNI–Polri synergy must be understood as more than a tactical arrangement; it is rooted in values of justice, legal certainty, utility, professionalism, and national effectiveness. Without value-based synergy, counter-terrorism measures risk becoming ineffective, counterproductive, and may lead to legal and human rights violations.

The synergy between TNI and Polri thus has high utility, particularly in the context of national development. Their joint presence in conflict-prone regions, border areas, or disaster-affected zones demonstrates the preventive and protective functions of law. From a utilitarian perspective, law must yield tangible benefits for society. In this regard, TNI–Polri synergy shows that law is not only about written rules but also about practical benefit for social life.

This collaboration represents a concrete manifestation of institutional integration in law enforcement. It is a form of harmonization between defense and security functions oriented toward public service and state stability. When synergy is implemented on the basis of checks and balances and within the constitutional and positive legal framework, the objectives of the national legal system—justice, certainty, and utility—can be achieved simultaneously.

Moreover, synergy is not merely a structural relationship among institutions, but also reflects a systemic approach to law enforcement that is responsive to societal needs. Within this context, the roles of TNI and Polri as components of the national legal system must consistently be carried out with respect for human rights, accountability, and professionalism. Without strong synergy, law enforcement risks fragmentation, overlapping authority, and institutional conflicts that hinder the realization of substantive justice.³⁰⁴

The Value of Public Order

Public order is a fundamental pillar for a peaceful, stable, and civilized society. In a state based on the rule of law such as Indonesia, public order is not only about compliance with legal norms, but also about ensuring protection of citizens' basic rights: security, freedom of expression, and the guarantee of a peaceful life.

Security and public order are dynamic conditions essential for the implementation of national development, characterized by guaranteed security, social order, the rule of law, and social tranquility. These conditions enable society to develop its potential and strength to prevent, deter, and address legal violations and other forms of disturbance.

The essence of strategic synergy of the TNI in countering terrorism, from this perspective, is a manifestation of the state's responsibility to maintain social stability and public tranquility against radical and destructive terrorist threats that endanger the social order at large.

The TNI, as a component of national defense, is involved through OMSP to respond to extraordinary situations that cannot be handled solely by civil authorities, such as armed terrorist attacks. Synergy between TNI and Polri in this context aims to ensure the continuity of state functions in safeguarding public order, especially in emergency conditions where the existence of the state or society is under serious threat.

The philosophical basis rests on the maxim *salus populi suprema lex esto*—the safety of the people is the supreme law. In this frame, TNI involvement is not a form of military domination of the civil sphere, but rather part of an integrated national security system, implemented proportionally and under applicable law.

The Value of Public Interest

Public interest refers to the interest of society and/or the nation and the state in guaranteeing internal security. It is a fundamental principle guiding all state actions involving public safety, welfare, and social order.

In the context of counter-terrorism, the value of public interest is the primary basis legitimizing synergy between the TNI and Polri. Terrorism does not only threaten individuals or certain groups; it disrupts social order, political stability, and territorial integrity. Thus, TNI involvement as the state's defense force in supporting counter-terrorism efforts is justifiable insofar as it is grounded in broader public interest, namely the protection of the

safety of the population as a whole.

This value is reflected in state efforts to protect life, human rights, and to preserve the integrity and sovereignty of the state against armed and organized terrorist threats. When Polri faces limitations in addressing complex threats, TNI involvement becomes part of the state's obligation to respond swiftly and effectively, while still adhering to legal principles and human rights standards.

Therefore, TNI–Polri synergy in countering terrorism must be understood not merely as technical cooperation between institutions, but as an expression of the state's commitment to the public interest—the protection of all citizens and the continuity of national life.

The Value of Human Rights Protection

The philosophical foundation of the TNI's existence is not merely rooted in military strength or the supremacy of arms, but in the noble values of Pancasila, the 1945 Constitution, and the spirit of service to the people, the nation, and the state.³¹³ Within this framework, the protection of human rights (HAM) is an integral part of the TNI's mission as a state instrument subject to democratic principles and the rule of law.

The values underlying the TNI's strategic role in realizing human rights protection include humanity, justice, responsibility, and professionalism. The TNI is not only a combat force, but also a moral force required to perform its duties in accordance with military ethics that respect human dignity. The value of humanity is the primary foundation, in line with the Second Principle of Pancasila—"Just and civilized humanity"—which explicitly places respect for human rights and dignity as universal and non-negotiable values.

As a defense institution, the TNI has a strategic responsibility not only to protect sovereignty and territorial integrity, but also to protect and realize human rights.³¹⁵ In dealing with armed threats, terrorism, or large-scale conflict, TNI involvement is not only aimed at national security, but also at protecting the right to life, the right to security, and the right to justice, in line with the concept of non-derogable rights that cannot be limited under any circumstances.

By integrating human rights into its institutional values, the TNI acts not only as a guardian of sovereignty but also as a guardian of humanity, consistent with military reform and the development of a modern, democratic, and civilized defense system.

Moreover, TNI synergy with civil institutions also reflects the value of national integration, that is, cross-sector collaboration for a peaceful and just social order. Professionalism and respect for civilian supremacy are crucial in ensuring that defense tasks do not violate human rights but rather reinforce them.

Thus, TNI involvement in realizing human rights is not a form of militarization of civil affairs, but a manifestation of basic state values: protection, justice, social solidarity, and security for all citizens.³¹⁹

The Value of State Security and Defense

The essence of strategic synergy of the TNI in confronting terrorism is grounded in the concept of Sistem Pertahanan dan Keamanan Rakyat Semesta (Sishankamrata)—the total people's defense and security system. This concept affirms that state security is the responsibility of all components of the nation, with the TNI as the main component, and the people as reserve and supporting components.

The strategic role of the TNI in countering terrorism reflects the state's responsibility to protect sovereignty, territorial integrity, and the safety of the nation from all forms of conventional and non-conventional threats. Terrorism as a non-traditional threat not only targets public security but also endangers national stability and state existence, thus becoming a strategic concern within the realm of national defense.

The underlying value is that defense and security are not separate domains but a single state function. TNI involvement in counter-terrorism is therefore not a manifestation of military dominance but the implementation of its defense responsibility to protect the entire Indonesian people. Synergy between the TNI and Polri in combating terrorism reflects democratic values, the supremacy of law, and respect for human rights. The principles of proportionality and accountability are essential to prevent military dominance over the civil sphere and to ensure that the military acts as a professional force within a constitutional state.

National defense is defined as all efforts to uphold state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia, and protect the safety of the entire nation from threats and disturbances, taking into account Indonesia's geographic condition as an archipelagic state.

In this context, the TNI's role is inseparable from the mandate of Law No. 34 of 2004 on the TNI, which regulates OMSP, including responses to armed terrorist actions. Its philosophical foundation is that defense and security are a unified state function aimed at maintaining world order based on freedom, lasting peace, and social justice.

Internal security, in turn, refers to a condition characterized by guaranteed security and public order, the rule of law, and the provision of protection, guidance, and services to the community.

Thus, the essence of synergy in the TNI's strategic role in countering terrorism is not merely operational and

technical but rooted in fundamental national values, which serve as normative and philosophical foundations for the formulation of policies and state actions towards terrorist threats.

The Value of National Resilience

As the main component of national defense, the TNI plays an active role in maintaining the unity and sovereignty of Indonesia's territory. In addressing terrorism as a threat to national stability, its synergy with other agencies reflects the value of national resilience: a collective, coordinated response to disruptions to the nation's life.³²⁷

The Value of Security and Peace

Terrorism threatens security and social peace. Synergy of the TNI in countering terrorism reflects the state's effort to achieve sustainable peace, in line with the Preamble of the 1945 Constitution: "to protect the whole people of Indonesia" and "to participate in the establishment of a world order."³²⁸

The Value of Justice and the Supremacy of Law

In a constitutional state, counter-terrorism must uphold justice and the supremacy of law. Therefore, TNI involvement must be conducted within a clear legal framework (TNI Law, Terrorism Law) to ensure that military actions do not violate human rights and remain proportional.

The Value of Synergy and Solidarity (Gotong Royong)

Synergy between the TNI, Polri, and other agencies reflects the spirit of gotong royong and inter-institutional collaboration as part of Indonesia's noble values. In confronting major threats such as terrorism, no single institution can work alone.³²⁹

The Value of Professionalism and Constitutional Responsibility

The TNI is required to act professionally, with discipline and obedience to regulations. Its strategic role in counter-terrorism demonstrates its constitutional responsibility to maintain state integrity and protect citizens from armed violence.³³⁰

In conclusion, the essence of synergy in the TNI's strategic role in countering terrorism is not only operational and technical, but deeply rooted in the fundamental values of national life. These values form the normative and philosophical basis for policy-making and the implementation of state measures in response to terrorism.

CONCLUSION

The essence of synergy in the strategic role of the Indonesian National Army (TNI) in countering terrorism is to safeguard national stability, protect the Constitution, and strengthen the effectiveness of security policies, while upholding the supremacy of law and human rights. The involvement of the TNI is grounded in the values of justice, legal certainty, utility, public interest, public order, human rights protection, security, and national resilience, and is implemented through legal mechanisms and state political decisions. However, the implementation of the TNI's strategic role system in countering terrorism in Indonesia has not yet been effective, primarily because effective synergy has not been fully established between the TNI, the Indonesian National Police (Polri), and the National Counterterrorism Agency (BNPT), particularly in matters of coordination, division of authority, and operational execution in the field.

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