

Prevention and Eradication of Terrorism Funding Criminal Act in Indonesia

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Abstract

Prevention and eradication of terrorism funding criminal acts have been published by Indonesian Government as a ratified act of International Convention for the suppression of the financing of terrorism under the Act No. 9 The Year 2013. This act was enacted for strategies and serious attempts to fight against transnational crime of terrorism. Through content analysis method on The Act, this research was meant to understand the direction of security regulation of Indonesia by using three paradigms i.e. realism, liberalism, and constructivism. It was figured out that realism was used by Indonesian Government of which the government acts as the key and dominant actor in this Act. This realistic paradigm implies on many government policies which are perceived overwhelming and tend to repress on civil right of freedom.

Keywords: *Terrorism; Funding; Realism; Repression; Civil Right; Freedom; Indonesia*

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INTRODUCTION

The word of terrorism has become more popular among Indonesian people since the tragedy of Bali Bomb in 2002. It was earlier initiated with the 911 attack on world trade center (WTC) in New York, US on September 9th, 2011. Some part of terrorism tragedy in Indonesia such as the 1st and 2nd Bali Blast, Australian Embassy Blast, JW Marriot blast had been associated with the radical Islamic movement e.g. Jamaah Islamiyah.

Consequently, the Government of Indonesia responded against the terror by establishing Special Detachment 88 in order to identify 700 suspects which had killed as much as 60 suspected terrorist members since 2002. Despite its success in eradicating the terrorism in Indonesia, the Indonesia Police authority which supervises the detachment has one more homework to convince people that these terrorism actors were not only the local organization but also it was part of international conspiracy of Central Intelligence Agency (CIA) and MOSSAD (Mashuri & Zaduqisti, 2013).

In spite of being alerts of any possi-

ble terrorist acts, the Government of Indonesia has also concentrated on keeping track of funding of this act. Coordinator ministries of Politics, Laws, and Security of Indonesia i.e. Wiranto said in his meeting with Attorney General of Australia on February 2017, "We are truly convinced that terrorism exists as long as there is financing from any sources". That meeting was discussing the mechanism to cut off the terrorist funding pathway, in BBC Indonesia (Affan, 2017).

Terrorism funding is one of the financial transaction to be kept watch by the Indonesian Financial Transaction Reports and Analysis Center (INTRAC). It was reported that the number of terrorism funding cases were accounted for 182 cases in 2015 belong to the top ten reported cases as depicted in Figure 1. According to the report, the source of financial support to terrorism network majority came from Australia (Sarwanto, 2016). Hence, the Government of Indonesia considers that prevention and eradication of terrorism funding criminal acts are as important as other criminal acts since it truly threatens national security due to trans-boundaries trespassing financially. The

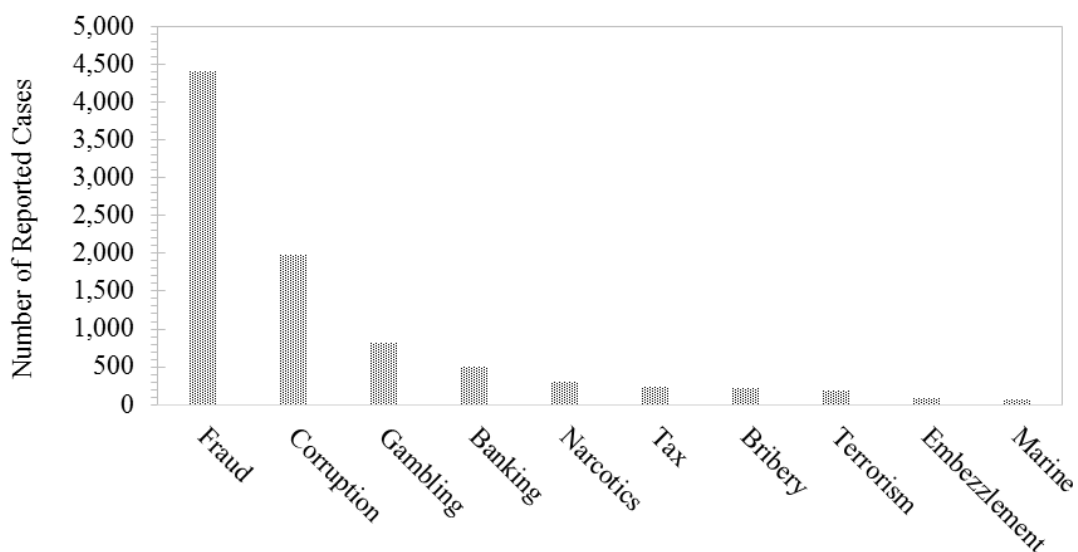


Figure 1. Reported cases of suspicious financial transaction
Source: Processed by the authors, 2017

prevention and eradication acts were conducted based on three main aspects namely aspect of philosophy, an aspect of jurisdiction and aspect of sociology. The first aspect is meant for implementation of the social policy goals so that there has to be a policy against terrorism funding. The second, it is enacted in the Act No. 8 the Year 2010 about prevention and eradication of money laundering criminal acts and the Act No. 6 the Year 2006 about the ratification of International Convention for the Suppression of the Financing Terrorism. The last aspect, it was based on the Resolution of Security Council of United Nation No. 1267 dated October 15th, 1999 which intends to frozen up immediately of any suspicious assets related to terrorism criminal acts (Lisanawati, 2012).

One of the challenges to eradicating the terrorism funding criminal acts is that the financial operation of Al Qaeda and Jemaah Islamiyah as the main actor of terrorism in Southeast Asia including Indonesia is very complex due to various legal and illegal transaction as well as an open and closed transaction (Abuza, 2013).

Misuse of charity for terrorism funding has been accused of creating security risks toward many countries in this region so that government imposes a tighter provision of accountability to prevent such abuse (Rose, 2018). Besides, the government of the United States and Australia have also enforced to implement a similar regulation that associating terrorism and charity misuse (Bolleyer & Gauja, 2017).

Each country has their own unique perspective to determine their policy regarding security issues. A number of countries put this issue as the main pillar thus making it a military-based country. Some other countries use a liberal approach which states that security can be built with the institutionalization of civil groups given the space of freedom. Western European Countries, particularly

Great Britain showed a new era of policy against terrorism, it was known as social policy security under the Prevent program. It addressed for integration and social cohesion through mentoring schemes to control their people considered the potential of radicalism (Ragazi, 2017). Meanwhile, Russia adopts the extensive contra-terrorism policy which prefers the short-term military approach than the social-economic solution (Omelicheva, 2017). On the other hand, The United States become a leader in counteracting terrorism around the globe since the era of Bush after the tragedy of 911 whose policy was to approach military (Jamil, 2017).

This theory of Security Governance can be tracked down through various approaches namely realism, liberalism, constructivism, peaceful study, game theory, critical theory, and/or even feminism theory. These methods were meant to comprehend the direction of the national policy (Williams, 2013). Based on Homeland Security, terrorism is perceived as "snake in the grass" which threaten without any notice at a significant level and destroy massively. This approach has a great implication on national policies which tend to be exaggerating (Noftsinger, Newbold, & Wheeler, 2007)

Meanwhile, in the context of Indonesia policy on terrorism, it is influenced by domestic and international context. Terrorism has been perceived as a common enemy throughout the globe which threatens national security (Muhammad, 2011). Hence, the Government of Indonesia imposes any regulations with regards to this terrorism criminal acts accordingly. However, there is no clear understanding of what approach that the Government of Indonesia uses and how the implications are. This paper was meant to study the national policy of terrorism based on three paradigms namely realism, liberalism, and constructivism.

RESEARCH METHODS

This research objective was to study the framework of national security governance of Indonesia based on the Act No. 9 The Year 2013 about prevention and eradicating terrorism funding criminal acts. The research was conducted through counting a number of particular messages using written words expressed in the Act explicitly.

Data collection was merely carried out using secondary data i.e. the published Act in the form of soft files or books. Analysis technique was based on content analysis to understand whether or not the direction of regulation was enacted based on realism, liberalism or constructivism.

Samples and population were all words and phrases which described security governance in Indonesia. A number of samples and population were the same. This research was conducted at Department of International Relation Science, Faculty of Social and Political Science, Universitas Muhammadiyah Yogyakarta in Yogyakarta.

RESULTS AND DISCUSSION

The Government of Indonesia has signed and ratified the Convention for the Suppression of the Financing of Terrorism which was held in 1999. Hence, the government has obligatory duties to align any regulation or Acts related to terrorism funding with regards to the provision of the convention. It implies that the regulations or Acts were highly influenced by international politics condition at the moment. It also showed that how serious the Government of Indonesia to eradicate terrorism both domestically and internationally.

Considering that the purpose of a Unitary State of the Republic of Indonesia is to protect all the people of Indonesia and all the Indonesian homeland, the Government of Indonesia must conduct firm action against any threats which endan-

ger Indonesian people including terrorism criminal acts and any acts related to it. Terrorism funding is one of the key factors in supporting the criminal acts which has to be prevented and eradicated through the issue of the Act since there was no sufficient regulation or Acts to accommodate this factor.

Definition of Terrorism Funding according to the Act No. 9 The Year 2013 is any actions to provide, collect, donate or lend of fund both directly and indirectly for supporting or knowing to be used as terrorist financing activities. Definition of the suspicious financial transaction associated with terrorism funding is one that is intended and/or known to be used for terrorism criminal acts, or transaction which involves every person belongs to the list of a suspicious person and/or organization.

Word Counting and Indicator

Counting of associated words in the Act was conducted through various indicators i.e. actor, budget, authority, management, and output which were used to correlate and understand which approaches were used e.g. realism, liberalism, and constructivism. The first counting was conducted using words or phrase associated with the actor.

The result of the content analysis on the indicator of actor based on the three approaches is summarized in Table 1. In the realism approach, the actor of state representing the Government of Indonesia is the most repeated word as many as 102 times. It implies that the Government plays as the key player in determining the direction of national security according to the Act. In addition, the second most repeated word is police (35 times) which indicates the state relies heavily on the work of police in conducting the prevention and eradicating of terrorism funding criminal acts. There is no single role of the army in this counter acts of terrorism since the word army was not mentioned

Table 1. Number of Words Associated With the Actor
 Source: Processed by authors, 2017

Words	Realism	Constructivism	Liberalism
	Number of words		
State	102	-	-
Police	35	-	-
Investigator	17	-	-
Public Prosecutor	16	-	-
Judge	18	-	-
Army	0	-	-
Attorney	4	-	-
Officer	10	-	-
Intelligence Agent	1	-	-
Foreign State	17	-	-
National Security Bureau	1	-	-
National Terrorism Eradicating Bureau	1	-	-
Supervisory and Regulatory Agencies (16	-	-
Indonesian Financial Transaction Reports and Analysis Center (INTRAC)	24	-	-
Corporation	-	70	-
Person	-	70	-
Law Firm	-	2	-
Terrorism Organization	-	45	-
Terrorist	-	45	-
Company	-	5	-
Financial Service Provider	-	-	40
Financial Service Users	-	-	14
Foreign Agencies	-	-	0
Foreign Jurisdiction	-	-	16
International Treaty	-	-	5
International Organization	-	-	1
Total	262	237	76
Total Actors	575		
Percentages (%)	45.57	41.22	13.22

in the Act. Furthermore, INTRAC which has the authority to oversee any suspicious transaction also plays important role in this Act which is indicated by 24 times repetition. In the constructivism approaches, the actor-represented words were mentioned as many as 237 times namely corporation, person, law firm, a terrorist organization, terrorist, and company. These actors are majority belong to laws objects. While in the liberalism approach, financial service providers and users are the most mentioned actor-represented words as many as 40 and 14 times respectively. These two groups are actually parties to whom INTRAC oversees meaning that those are not the key player. Another actor-word is foreign jurisdiction which refers to governmental

partners in this counteract of funding terrorism.

The second counting was carried out using word or phrases associated with authority. Results of word counting are summarized in Table 2.

Based on the liberalism approach, there were no associated words related to authority. Based on the realism approach, it was figure out that majority of authority-associated words belong to this group. It designates that the state of Indonesia has a strong role in prevention and eradication of terrorism funding criminal acts. There is no role of society in reporting and preventing the criminal acts which are mentioned explicitly. It is understood because the major source of information of the terrorist funding criminal acts was

Table 2. Word Counting Associated with the Authority
 Source: Processed by authors, 2017

Words	R	C	L	Words	R	C	L
	Number of words				Number of words		
Preventive	-	23	-	Investigation	6	-	-
Countermeasures	-	2	-	Arrest	0	-	-
Coordination of Intelligence	0	-	-	Detention	2	-	-
Blocking	60	-	-	Protection	3	-	-
Reporting	8	-	-	Assessment	0	-	-
Rehabilitation	2	-	-	Tapping	0	-	-
Prosecution	48	-	-	Interrogation	18	-	-
Deterrence	0	-	-	Extracting Information	0	-	-
Detection	1	-	-	Intelligence agent recruitment	0	-	-
Action	0	-	-	Overseeing	16	-	-
Total	119	25	-		45	-	-
Total Authority	189						
Percentages (%)	86.77	13.23	-				

*R: realism, C: Constructivism, L: Liberalism

collected from the reports of intelligence agents, Supervisory and Regulatory Agencies, INTRAC and police, all of them belong to a state institution.

The word associated with preventive actions were not found to dominate the content of the Act, yet the word “blocking” was mentioned 60 times as the most repeated word. This word is defined as an action to prevent transferring, reforming, changing, placing, dividing, translation, or movement of financial funding for a particular period of time.

In addition, the prosecution was the second most mentioned word related to the authority. However, words which represent consecutive action prior to prosecution such as researchers, arresting, investigation were not significantly written in the Act, except the word of interrogation which was slightly mentioned often as many as 18 repetitions.

Based on liberalism approach, there were two words associated with the authority namely reporting and overseeing which are conducted by social awareness. However, these two words refer to the report and overseeing of financial services providers to the state so that they were considered belong to the group of a word associated with the authority based on realism approaches.

The third counting was performed

using words associated with a budget which was meant to understand the origin of the fund to finance any action of prevention and eradication of terrorism funding criminal acts. Results of the counting are summarized in Table 3. It was understood that no explicit statements which explain the source of the financial budget on the operation of prevention and eradication of the terrorist funding criminal acts. Both the word of state and non-state budget which commonly used to designate the source of financial support to any activities were not mentioned in the Act.

The fourth counting was conducted using words associated with governance which are summarized in Table 4. It was again figuring out that majority of the words belong to the group of realism approach. Regulation is the most mentioned words as many as 22 times signifies that the state of Indonesia imposes to constrain people movement accordingly. However, based on the liberalism approach this word means that the state assures the freedom of Indonesian People. In the Act, the realism approach definition of regulation was considered to be more relevant compared to the second one due to the fact that this rule was aimed to restrain people freedom.

Furthermore, a limited number of

Table 3. Word Counting Associated with Budget

Source: Processed by authors, 2017

Words	Realism	Constructivism	Liberalism
	Number of words		
Government	0	-	-
Institution	0	-	-
State Budget	0	-	-
Non-state Budget	-	0	-
Total	0	0	-
Total Budget		0	
Percentages (%)	0	0	-

words associated with the governance which represent both liberalism and constructivism approaches was found in the Act. It shows that the state truly confines the movement of society and tends to break the right of people freedom. It was also noticed that human rights (HAM) and democracy as the common words representing the good governance were not used in the Act. It was realized that the state has greater control of society and tends to act arrogantly toward the society.

The fifth counting was conducted using words or phrases associated with outcomes which are summarized in Table 5. It was realized that there is no words or phrases associated with outcomes based on the constructivism approach. Meanwhile, the majority of the counted words represents realism approach such as "law" in the context of law enforcement.

In comparison, independence and social welfare which are words associated outcomes based on liberalism approach were not repeatedly mentioned.

Majority of the indicators refer to the domination of realism approach as tabulated in Table 6. In short, it is concluded that the approach to determine the direction of security policy was based on this realism approach. Thus, the Government of Indonesia which act as the main actor has a role in every decision policy including one that related to terrorism such as prevention and eradication of terrorism funding criminal acts. Nevertheless, it was believed that due to a firm domination of the state or even very stronger one, which is represented by the Police, and less participation of the society, there is a tendency that the policy is too exaggerated and has curbed freedom and democracy. No information of budg-

Table 4. Word Counting Associated with Governance
 Source: Processed by Authors, 2017

Words	Realism	Constructivism		Liberalism
		Number of words		
Convention	-	7	-	-
Religion Values	-	0	-	-
Democracy Values	-	0	-	-
Information	-	-	-	12
Ethics	-	-	-	0
Human Rights	-	-	-	2
Freedom	-	-	-	0
Power	2	-	-	-
Threat	3	-	-	-
Secrecy	5	-	-	-
Cooperation	10	-	-	-
Regulations	22	-	-	-
Total	42	7	-	14
Total Governance		63		
Percentages (%)	66.67	11.11		22.22

eting in this Act is considered to be suspicious considering that the whole activities conducted by the Police, as representative of the State must require cash of money. The source of the budget shall come from the State Budget, yet it was not mentioned at all.

Assessment of the Counting Results

Assessment of the Act No. 9 The Year 2013 about prevention and eradicating of terrorism funding criminal acts was conducted based on three approaches i.e. realism, constructivism, and liberalism. There were 4 out of 5 indicators which showed that the direction of security policy was based on the realism paradigm. The government has a role as a key actor while the Police act as the most dominant representative of the State among other actors i.e. INTRAC, Supervisory and Regulatory Agencies. the procedure to counteract the terrorist criminal acts is initiated by Financial Service Overseeing Agencies which can report any suspicious transaction to financial service users towards INTRAC. It is then followed by subsequent research and analysis of the reported

transaction to verify whether or not it occurs. INTRAC then forwards the report to the Police for further thorough investigation. According to Rawando (2016), it was reported that the Government of Indonesia had frozen up more than 328 terrorist bank accounts belong to Indonesian civilians and foreign persons since President Susilo Bambang Yudhoyono enacted the Act.

One of the instruments which can be easily used to prevent the terrorist funding criminal acts is customer bank account, known as customer due diligence (Lisanawati, 2012). INTRAC has been playing as main actor in various activities of prevention and eradicating of money laundering and terrorist funding criminal acts as financial intelligence unit (FIU) which has a wide spectrum of authorities including a request to conduct tapping over law officer as well as providing financial intelligence information toward law officers (Muslim et al, 2012). In addition, INTRAC carries out activities to exchange information with other FIU from foreign countries remembering the fact that these criminal acts are trans-national

Table 5. Word Counting Associated with Outcomes

Source: Processed by authors, 2017

Words	Realism	Constructivism	Liberalism
	Number of words		
Peace	-	-	5
Independence	-	-	2
Social Justice	-	-	2
Social Welfare	-	-	4
Stability	0	-	0
Security	3	-	2
Order	2	-	0
Law	16	-	-
Total	21	-	13
Total Outcomes		34	
Percentages (%)	61.76	-	38.24

acts (Rahayuningsih, 2013).

Based on the budget indicator, there was no single information about the source of financial supports toward activities in prevention and eradicating of the terrorist funding criminal acts whether or not they come from the State Budget or Non-State Budget or other foreign organization or foreign countries. The Government of Indonesia does not mention this financial support transparently. Besides, this information is necessary to assure that there is no bias in determining which the criminal acts are. In addition, it is believed that the actor who provides financial support is the most concerned parties toward the counteract benefits of the terrorism funding criminal acts. Hence, many people wonder whether or not the Government of Indonesia could provide their own budget, whether or not there is a foreign fund which may affect the decision of the government about terrorism financial criminal acts. It has been spread out the news that the government was financed by foreign fund against terrorism in Indonesia including Special Detachment of 88. Thus, the big questions regarding this funding obscurity will remain to exist.

The Government of Indonesia was under pressure during the legislation process of the Acts related to anti-terrorism and its implementation from the international community, particularly the United States and allies. They persuaded the gov-

ernment through various instruments including financial support, anti-terror technical supports and a promise to abolish military sanctions towards Indonesia (Muhammad, 2012).

Policy on the prevention and eradication of terrorist funding criminal acts was also influenced by foreign organization namely Financial Action Task Force (FATF) which is an international organization for implementation of international standards and promoting effective measures to overcome terrorist funding problems. Through Nine Special Recommendation of FATF, Indonesia has successfully been pulled out from blacklist countries and declared as a safe country (Putri, 2015).

The dominant role of the state in various activities to prevent and eradicate the terrorist funding criminal acts with a little contribution of the civil society has led to lack of control to the government. The use of realism paradigm during the legislation of the Act tends to make the government acting arrogantly to people of Indonesia and civil freedom. For instance, each donation and funding transaction which is conducted and owned by the communal organization must be reported and overseen by the government. Moreover, donation for the humanitarian charity of victims of natural disasters or wars shall be declared to the government.

The Security Council of United Na-

Table 6. Tabulation of Word Counting
 Source: Processed by authors, 2017

Words Association	Realism	Constructivism Percentages (%)	Liberalism
Actors	45.57	13.22	41.22
Authority	86.19	0	13.81
Budget	0	0	0
Governance	66.67	22.22	11.11
Outcome	61.76	38.24	0
Total	65	18.5	16.5

tion had issued a resolution No. 1267 the Year 2015 which requested every country belongs to UN to freeze up of assets related to suspected terrorist throughout the globe. With regards to this resolution, there were three (3) suspected local terrorist organization whose assets had been frozen in Indonesia i.e. Al Haramain Foundation Jakarta; Hilal Ahmar Society of Indonesia (suspected as part of Jemaah Islamiyah) in Jakarta, Solo, Surabaya and Makasar; and Anshorut Tauhid Organization in Sukoharjo, West Java.

Based on the content analysis of the Act, it was concluded that the Government of Indonesia uses realism paradigm and a Homeland Security approaches to combat any acts of terrorism. Consequently, these approaches tend to cause many exaggerating policies. For example, various cases of terrorist funding criminal acts were associated with the money laundering criminal acts including the case of Chairman of National Movement of Fatwa Fighters of Islamic Scholar Organization (NWFF ISO) i.e. Bachtiar Nashir. In this case, his organization was accused to commit money laundering due to transferring cash of money assumed to impersonate humanitarian charity from the NWFF ISO to the humanitarian organization in Turkey. According to the intelligence information collected by the police, the Turkish humanitarian organization was suspiciously linked to having a connection with Islamic State of Iraq and Syria (ISIS). This accusation was firmly denied by the Turkish organization who intended to take lawful measures reporting the Indonesian Police to international courts. This case is one of the examples how ignorant the Police as representative of the government in accusing Islamic Organization as a terrorist. It was believed due to the approach of realism paradigm which underlying the security policy in Indonesia.

In order to support the Act No. 9 the Year 2013, the Government of Indonesia

has enacted other regulation i.e. Presidential Decree No. 18 The Year 2017 regarding the procedure to receipt and donate fund through the communal organization in the prevention and eradication of terrorist funding criminal acts. Collection of zakat, infaq, and alms was also getting tightly overseen. Every agencies or foundation must be licensed and has to report any cash flow of financial transaction, even if activities of fundraising were meant to support victims of natural disasters or wars. Both fund donor and recipient must know exactly with whom they dealt with to prevent any potential criminal acts.

In addition, the Government of Indonesia also cooperates with the foreign government of other countries, for instance, Australia. The cooperation has listed the document of an international treaty between the Republic of Indonesia and Australia under the Framework of Security Cooperation. It is mentioned in article 3 regarding the scope and form of cooperation under the section of law enforcement No. 7 that the form of cooperation was about terrorism funding.

In summary, the present of the prevention and eradication of terrorism funding criminal acts along with other acts and cooperation with other countries has shown how serious the Government of Indonesia is in combating the acts of terrorism in Indonesia. It is a real evidence that the government supports and participate in establishing a peaceful condition around the globe.

CONCLUSION

Assessment of content analysis toward the Act No.9 the Year 2013 regarding the prevention and eradication of terrorism funding criminal act in this research was shown that the direction of security policy refers to realism paradigm in which the main actor is the state or the government. The use of this paradigm and its implementation has made the govern-

ment to commit various arrogant policies toward people of Indonesia and tend to restrain civilian freedom throughout the nation.

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