

Counter-Terrorism by Indonesian Customs Ammonium Nitrate Smuggling

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Abstract. This paper examines the strategic role of Indonesian Customs in the enforcement of ammonium nitrate smuggling as a concrete manifestation of its contribution in implementing counter-terrorism policies in Indonesia. Some of the best practices of counter-terrorism policies in Germany, the United States, and the United Kingdom show that Customs involvement is vital because every country has the same goal of ensuring state security and the safety of citizens. The method used in this paper is a qualitative approach in the form of a case study of seizure of ammonium nitrate smuggling in Indonesia. This paper concludes that the Customs function is vital and strategic in overcoming the trafficking of ammonium nitrate as a form of contribution in preventing acts of terrorism as part of counter-terrorism policies.

Keywords: ammonium nitrate; customs; counter-terrorism; smuggling; terrorism

1 Introduction

Terrorism is currently a global, regional, and local threat in each country. Terrorism as part of the Transnational Crimes has become a concern for developed and developing countries. Many countries have implemented the national policies that are appropriate to the level of terror threats they face, both using a flexible approach like prevention, deradicalization, and counter-radicalization, and a hard procedure, such as action and law enforcement strategies. To understand terrorism better, here are some references to the descriptions of terrorism. The definitions of Terrorism are as follows: 1. Terrorism consists of violent actions directed at persons; 2. Terrorism is a strategy that involves such methods as assassinations (targetted killings), indiscriminate murder, torture, hostage-taking, kidnapping, ethnic cleansing, and the use of chemical, biological or nuclear weapons; 3. Terrorism involves terrorizing or instilling great fear in one group in order to cause some other group to do what they otherwise not have done; 4. Terrorism is a means to achieve political or military ends; 5. Terrorism relies on a degree of publicity [1]. One important thing in defining terrorism is that we must define it entirely and objectively. On the other hand, it is acceptable for academic studies, and on the other hand, it can facilitate the counter-terror operation on an international scale. To accommodate the two things above, we can take the definition based on the Clausewitzian-like approach to define terrorism based on 3 (three) essential elements, namely:

The purposes of action, which are always political, are to achieve or maintain political goals, change regimes, replace people in power, replace social and economic policies;

The essence of the action, the use of threats with violence to influence a wider audience as a form of different work from protests without violence, such as strikes, peaceful demonstrations or tax rebellions; and

The target of the action, which is civilians. Terrorism is different from several types of political violence, such as guerrilla warfare and civil uprisings, because it is targeting civilians.[2]

To enrich our understanding of terrorism, the author cites the following literature, "Terrorism is ineluctably political in aims and motives; violent or equally important, threatens violence, designed to have far-reaching psychological repercussions beyond the immediate victim or target; conducted by an organization with an identifiable chain of command or conspiratorial cell structure (whose members wear no uniform or identifying insignia); and perpetrated by a subnational group or non-state entity" [3].

Whereas, the definition of Terrorism, as regulated in Law Number 5 of 2018 concerning the Amendment to Law Number 15 of 2003 concerning the Establishment of Government Regulations in lieu of Law Number 1 of 2002 concerning Eradication of Terrorism Criminal Act into Law, is acts that use violence or threat of violence that create an atmosphere of terror or widespread fear, which can cause mass casualties, and/or cause damage or destruction to strategic vital object, environment, public facilities, or international facilities with ideological, political, or security breach motives [4].

From these four kinds of literatures, it can be inferred that terrorism is politically motivated, uses violence or threat of violence, targets civilians, and is carried out by non-state criminals. For this act of terror, the state must respond with various policies adjusted to the level and type of threat faced. For example, the threats faced by the United Kingdom have varied since pre-World War II, including in its counter-terrorism policies approach. The United Kingdom once implemented the french model as the policies to deal with terrors in pre-World War II, including using the dark method with the involvement of intelligence, police, and soldiers who carried out repressive actions and were considered contrary to the values believed by the British. However, when shifting to the threat of post-colonialism, the United Kingdom changed its approach to the "heart and minds approach," This approach is intended to overcome insurgency actions in the British colonial country, such as the Malay Peninsula. This approach alienates radical groups and extremists from the society so that they lose their base of support and sources of radicalization. After 9/11, the United Kingdom counter-terrorism policies became more comprehensive from the upstream to the downstream, pre-emptive, and coercive also involved the community. The CONTEST (Prevent, Pursue, Protect and Prepare) strategy was considered appropriate to face the threat of terror and the possibility of radicalization in "home-grown". Many British citizens were exposed to radicalism, involved in terrorism, and become a foreign terrorist fighter in Iraq, Syria, Afghanistan, and Pakistan. The community policing approach was also carried out by the British Government as the pre-emptive effort to counter radicalization as well as the social integration between British Muslims and other citizens.

In contrast to the United Kingdom, the United States implements a relatively similar counter-terrorism policies from the era of President Bill Clinton to President Trump. It is because the United States faces relatively similar enemy threats, namely radical Islamic groups affiliated with Al-Qaeda which recently linked to ISIS. State sovereignty and state security are the main priorities from the era of President Clinton to Donald Trump, and only the counter-terrorism approach is different. President Clinton chose a law enforcement approach for acts of terror, complemented by economic isolation, involvement of international cooperation, and retaliation. President Bush, as the US president, at the time of the 9/11 incident occurred, took a stringent policy against terror by announcing "war on terror" by targeting state entities as the

target of the attack. So, there was a war against terror, especially at the base of the Taliban and Al-Qaeda in Pakistan, Afghanistan, and Iraq. During the Bush-era, US counter-terrorism policies became the main priority. This can be seen from the establishment of the Department of Homeland Security, the allocation funds of USD 31 billion for the counter-terrorism programs and the promulgation of USA Patriot Act to deal with the act of terrorism which threatens US both at home and abroad.

Obama later corrected this policy by focusing the target of attack on the terrorist groups, not the state entities. This implicates the withdrawal of US troops from Iraq and Afghanistan and the change of the function of US forces from not only hunting terrorists but also building the defense and security capacity of Iraq, Afghanistan, and Pakistan in anticipating the threat of terrorism. Obama also closes Guantanamo prison, which proved ineffective in suppressing terrorism and instead raised a new radicalism. For this reason, besides implementing a coercive policy in the form of disrupting, dismantling, and defeating the terrorist groups, Obama implemented the system of economic development and government stability in Pakistan and Afghanistan and also promoted democracy to counter radicalism and extremism.

During President Trump period, he took the similar policies as President Bush. However, Trump focused more on domestic protection by strengthening border controls, preventing the entry of immigrants from certain suspected countries related to terrorism, and enhancing national alertness to face various terror threats.

Seeing the counter-terrorism policies in the President Trump period, which is strengthening the surveillance at the border, it certainly cannot be separated from the role of customs institutions, which is, according to the international rules, must exist in every state border. World Customs Organization (WCO), in 2008 has summarized the challenges and roles of customs institutions of a country in the era of globalization in the 21st century. The problems occurred in this globalization era include the increase of the volume and complexity of international trade; the new business model; the rise of security threats and organized crime; the border security approach; the market demand for prohibited and restricted goods; the new trade patterns, and the increase of fraud on state income through avoidance and reduction of tax payment [5]. In response to these challenges, the customs institutions of a country must redefine their role. Some of the primary responsibilities of the state carried out by the customs are: facilitating the socio-economic development, creating an efficient international trade system, ensure border security, and protect the community. There has been a shift in the customs function that is from being responsible for the state revenue to border security, public health and safety, and environmental protection [6]. The Customs have a vital role in border and community protection, moreover, when it is associated with the threat of terror, which uses hazardous materials, such as chemical, biological, radioactive, nuclear, explosive, and dual-function goods; both traded officially across national borders and smuggled.

Seeing how the global challenges have become more complex, one of the customs responsibilities that has existed since the beginning of its existence until the modern times is smuggling, which naturally occurs because of two things, namely economic interests and avoiding the restrictions. Empirically, according to research using multiple indicators multiple causes of 54 countries, it turns out that a high level of corruption and weak legal rules encourage smuggling. Although, there are other factors including the level of tariffs and restrictions [7]. Ammonium nitrate is a chemical that exists in various concentrations and physical forms. It is mainly used as agricultural fertilizer, manufacture of first aid products (such as cold packs), and explosives used by the mining and construction industries. Aside from its many legitimate uses, ammonium nitrate was the explosive used in the deadly Oklahoma City bombing in April 1995. The US Department of Homeland Security issued a regulation which controls the prevention of

the ammonium nitrate usage for terror attacks by creating a registration for buyers and sellers. This regulations was made to control the transaction involving the sales; control the transfer of ammonium nitrate at the point of the sales; make reporting procedures for the loss or theft of ammonium nitrate; and require all business entities to keep the ammonium nitrate sales transactions for the past two years [8].

The misused of ammonium nitrate is very dangerous. There was empirical evidence that the ammonium nitrate misuses as a raw material for making bombs, which later was used to blow up federal buildings in Oklahoma City in 1995 that killed 168 people and injured hundreds of others. Therefore, DHS (Department of Homeland Security) requests that there are regulations regarding the restrictions on its ownership and transfer from the supply chain. While, on the other hand, DHS also cooperates with National Academies to anticipate any shifts of other chemicals that can be misused as precursors of explosive compounds.

This paper aims to analyze how Customs in Indonesia can play an important part in preventing acts of terrorism by overcoming the ammonium nitrate smuggling. In order to complete the objectives of the research, the qualitative and library research method will be used by explaining and comparing case studies that happened in three different countries. Those three countries are Germany, the United States, and the United Kingdom.

2 Discussion

The role of customs in handling the ammonium nitrate smuggling as part of the implementation of counter-terrorism policies will be presented in the discussion. This part will explain the implementation of the counter-terrorism policies in Germany, the United States, and the United Kingdom to get a complete picture of the involvement of all state institutions in combating terrorism.

2.1. Customs Policy in Other Countries

Germany. German security forces face a dilemma in implementing the counter-terror policies. On the one hand, they face national and international terror threats, but on the other hand, they are restricted by the constitutional rules. Thus, the problem that they have to overcome is a balance between civil liberties and security issues. The next factor that Germany considers in determining counter-terror policies is the concept of comprehensive security or networked security, which emphasizes the multidimensional, multilevel, and multilateral security aspects. This concept was introduced, especially after German reunification in the 1990s. It is considered as an appropriate approach by involving all German security parties interdependently and integrated. The concept of interlocking between security institutions and policymakers creates a comprehensive understanding of security, which combines domestic and foreign security. A strong commitment to multilateralism, respect to international law, and European integration are the key to the success of the network security concept. The following are the internal security institutions of Germany: Federal Office for the Protection of the Constitution; Federal Intelligence Service; Military Counterintelligence Service; Federal Criminal Police Office; Federal Police formally called Federal Border Guard; Customs Criminal Office; Office of the Prosecuting Attorney General. All of these federal institutions are politically supervised and controlled by different ministries: Internal Affairs, Law, Defense, Finance, and the Federal Chancellor.

The German approach to pre-9/11 counter-terrorism was formed by the threat of national and international terrorism. The counter-terrorism is classified as domestic affairs. Legislation, law enforcement, and the police are developed based on the assumption that terrorism is a domestic issue. After the 9/11 incident, Germany formed a counter-terrorism coordinator who coordinated all the different ministries and federal agencies, led by the Ministry of Foreign Affairs. Post the 9/11 tragedy, the German government issued two Security Policy Packages, which have five objectives, namely: 1. Destroying the structure of terrorist organizations through a comprehensive search and investigation; 2. Ousting the terrorists before they launch attacks in Germany; 3. Increasing international cooperation against terrorism; 4. Protecting German citizens and reducing the level of vulnerability; 5. Eliminating the root causes of terrorism.

It is interesting to note that Germany uses the domestic networked security approach to involve all internal security agencies in combating terrorism, including customs institutions. Specifically, the duties of the Customs Criminal Office are related to the customs and intelligence. They are responsible for coordinating, directing the investigation of customs crimes, controlling over exports, cooperating with the police, managing the tax and trade authorities. Customs are also in charge of recording, evaluating, and coordinating the information about disarmament of mass destruction weapons, including investigating narcotics smuggling, illegal transfer of technology and money laundering [9].

The United States. After the 9/11 incident, the United States counter-terrorism policies focused on national security and the protection of the citizens from any threats of terrorism from both foreign and domestic. In the President Trump era, the government conducts the National Strategy for Counter-Terrorism by recognizing all the terrorist threats faced by the United States inside and outside the borders and emphasizing the use of all elements of national power to combat terrorism and terrorist ideology. This strategy is called America First. It focuses on protecting the homeland, building secure borders, strengthening security at all ports entering the United States, protecting its critical infrastructure, and facilitating the alertness of the country. The Priority Action in the National Strategy is to secure borders from terrorist threats by integrating the capabilities and authority of all agencies in the United States and coordinating with foreign partners to prevent terrorists from entering the country. Exchanging and using the data about watchlist, biometric information, and travel data has been done to prevent terrorists from entering the United States. It is including the sharing of technology that allows foreign partners to carry out cargo and baggage scanning to ward off threats along with weapons mass destruction and dangerous precursor explosives. At the border, by modernizing the current counter-terrorism equipment and increasing the intelligence capabilities to track the terrorist trace to prevent them from entering the United States, especially those who support terrorist ideology and violence.

The implementation of Counter-Terrorism Strategy in the United States is led by the Department of Homeland Security. This department supervises strategic agencies in the US, namely: US Customs & Border Protection; US Citizenship and Immigration Services; US Coast Guard; US Immigration and Customs Enforcement; US Secret Service; Cybersecurity and Infrastructure Security Agency; Federal Emergency Management Agency; Transportation Security Administration.

The involvement of US Customs and Border Protection (CBP) in combating terrorism is stated in one of their visions, missions and ethos: “Vision to serve as the premier law enforcement agency enhancing the Nation’s safety, security, prosperity, through collaboration, innovation, and integration; Mission to safeguard America’s borders thereby protecting the

public from dangerous people and materials while enhancing the Nation's global economic competitiveness by enabling legitimate trade and travel; Ethos we protect the American people against terrorist and the instrument of terror." CBP actualizes their contribution through targeting terrorists who will enter the United States by joining the National Targeting Center, checking visa for a visit to the US to prevent people involved or related to terrorist networks entering the country, conducting tight surveillance on national borders, conducting inspections of all cargo entering the US in cooperation with 58 major seaports worldwide, and conducting strict supervision of air cargo entering the US, especially those entering from or transiting in countries that support or are linked to terrorism [10].

The United Kingdom. Since 2003, the United Kingdom government has had a comprehensive counter-terror strategy to counter the threats to the country and the interests of the UK around the world from the International Terrorism. The strategy is known as CONTEST (Counter-Terrorism Strategy). This strategy aim to reduce the risk of the United States security and its national interests around the world from International Terrorism so that people can live freely and confidently arranged in four workflows, namely:

PURSUE, to stop the terrorist attacks

PREVENT, to stop every attempt to be terrorists or to support any extremist groups

PROTECT, to strengthen the security against terror attacks

PREPARE, to mitigate the impact of the attack

CONTEST is intended as a comprehensive program, PURSUE and PREVENT is to reduce the threat of terrorism; PROTECT and PREPARE is to reduce the vulnerability of the country to terror attacks.

Pursue. The top priority of the UK government is stopping the terror attacks. The PURSUE framework aims at reducing the terrorist threats and its interests outside the country through detecting and investigating the terrorist networks and disrupting their activities.

Prevent. To reduce the risk of terrorism, not only by stopping the terror attacks but also by preventing people from becoming terrorists or supporting extremism that uses violence. Over the next three years, this workflow has five main objectives, which are to oppose the ideology that underlies violent extremism and supports the mainstream voices, interfere anyone who supports violent extremism and the location they use, keep individuals who are potential to be recruited or have been recruited by terrorist groups, and increase the community resilience to the violent extremism. The government has allocated more than GBP 140 million for the program.

Protect. This step aims to reduce the level of the country vulnerability and its interests against terrorist attack outside the country. A progress has been seen during the implementation of the workflows, including protection of the national infrastructure, crowded centers, transportation system, borders and foreign interests, as well as protection against threats from the misuse of hazardous materials.

Prepare. This step mitigates the effects of terror attacks that cannot be stopped. The objectives of the program are to guarantee the capabilities available to handle various terrorist incidents, maintain the continuity or rapid recovery in vital national infrastructure after the terrorist incident, and ensure the procurement of a central, regional, and local crisis management structure that is complete, competent, and well-trained.

The UK Government will also carry out further planning to manage the consequences of the highest-impact of terrorism threat as stipulated in the National Risk Assessment, including the use of unconventional techniques (for instance, chemicals, biological, and radiological materials) [11].

2.2. The Function of Indonesian Customs

Indonesia, as a sovereign country on its territory, has the international right to secure its land, sea, and air borders for the security of the country and the safety of its citizens. In the rules of international law, there are three institutions must exist in the national borders, which are customs, immigration and quarantine with their respective duties and authorities. Customs are tasked with supervising goods traffic; Immigration is in charge of managing people; Quarantine is tasked with carrying out medical examinations and the appropriateness of a carrier that crosses national borders.

The Directorate General of Customs and Excise (DGCE), as one of the official Customs institutions under the Ministry of Finance of the Republic of Indonesia, performs four functions as follows: 1. Revenue Collection, it collects state revenue from the import duty, excise, and tax sector in the framework of imports; 2. Trade Facilitation, it facilitates trade by applying customs procedures that are easy and simple; 3. Industrial Assistance, it increases domestic industrial growth through the provision of customs and excise facilities on target; 4. Community protection, it protects the public, local industries, and national interests through supervision and/or prevention of the entry of imported products and the export of goods that have negative and dangerous impacts that are prohibited and/or limited by the regulations [12].

In carrying out the task of community protection to combating the terrorism, based on Law Number 17 of 2006 concerning the Amendment to Law Number 10 of 1995 concerning Customs, Article 64A paragraph 1, it is regulated that, “goods which, based on former evidence, are suspected to be related to terrorism offences and or transnational crime, can be undergone legally by Customs Officers“. The task is carried out by supervising the crossing of dangerous goods (chemical, biological, radioactive, nuclear, explosives, weapons of mass destruction, and dual-use goods), both of which imported or exported officially or smuggled. Positive laws that apply and are related to Customs authority in carrying out the enforcement against goods associated to terrorism are Law Number 5 of 2018 concerning the Amendments to Law Number 15 of 2003 about Establishment of Government Regulations in place of Law Number 1 of 2002 about Eradication Terrorism Criminal Act becomes Law, Article 10A, Paragraph 1 which reads, “Any person who unlawfully enters into the territory of the Republic of Indonesia, makes, receives, acquires, hands over, possesses, carries, has inventory on him or has in his possession, keeps, transports, hides or removes any chemical weapons, biological weapons, radiology, microorganisms, nuclear, radioactive or its components from the territory of the Republic of Indonesia, with the intention to commit a Terrorism Act shall be punishable by imprisonment for a minimum of 3 (three) years and a maximum of 20 (twenty) years, life imprisonment, or capital punishment.” Paragraph 4, “Every person who enters into and/or expels an item from the territory of the Republic of Indonesia, other than as referred to in paragraph (1) and paragraph

(2) which can be used to commit a Terrorism Criminal Act, shall be punishable by imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years.”

2.3. Smuggling

The motivation for people carrying out smuggling is to avoid tax/tariff collection and avoid state control in prohibiting/limiting the sale of certain goods. Smuggling often involves other crimes such as fraud, conversion fraud, bribery, even extortion, and violence. Although trafficking has attracted much attention in the policy debate, the empirical literature is rather limited. In most countries, import tariffs or quotas (restrictions on the number of imported goods) limit the ability of consumers to choose between imported goods and domestic goods. The factors of smuggling causes, include 1. Amounts of tariffs and trade restrictions. As discussed above, it shows that trade restrictions and tariffs encouraging the doer to carry out illegal trade, such as smuggling of goods and incorrect notification on import/export customs documents; 2. Legal regulations. Literature studies show that law enforcement prevents trafficking because it causes a high cost, such as fines or even criminal penalties; 3. Corruption. A research shows that smuggling is positively correlated with corruption. Smuggling becomes easier in a corrupt bureaucratic country, misusing the public power for personal gain and allowing smugglers to escape when they are arrested for bribing officers. Meanwhile, the smuggling indicators, include 1. GDP per capita and tax revenue. Smuggling involves both real and monetary costs. Smuggling arises from the transfer of production factors, such as capital and labor, into the illegal and hidden parts of the economy. Monetary cost arises from tax and tariffs avoidance which become an additional burden on the government. Naturally, smuggling has reduced the ability of governments (especially developing countries that rely on indirect taxes) to provide consumer goods to the public; 2. Mis invoicing. Illegal trade transactions are detected by using the payment data balances in the trading partner country. There will be an imbalance of data between the number and types of goods exported by a country and the number and types of similar goods imported by a country. The successful hypothesis is that the higher the smuggling rate, the higher the differences in trade data in trading partner countries [13].

Smuggling in customs contexts in Indonesia falls into the category of customs crimes as regulated in Article 102 of the Customs Law, "Everyone who: a. Transport imported goods that are not listed in the manifest as referred to in Article 7A paragraph (2); b. Unload imported goods outside the customs area or other places without permission from the head of the customs office; c. Unload imported goods that are not listed in the customs notification as intended in Article 7A paragraph (3); d. Unload or hoard imported goods, which are still under local customs control and has not been arrived at the destination that have been determined and/or permitted; e. Hide imported goods illegally; f. Remove imported goods, whose customs obligations have not been settled, from customs areas or bonded zone or other places under customs supervision without the approval of customs officials which results in the non-fulfillment of the tax under this law; g. Transport imported goods from temporary bonded zone or bonded zone that do not reach the destination customs office and cannot prove that this is beyond their capacity; or h. Intentionally notify the type and/or the quantity of imported goods in customs notification incorrectly, convicted for smuggling in the import field with a minimum of 1 (one) year imprisonment and a maximum of 10 (ten) years imprisonment and a minimum fine of IDR 50,000,000.00 (fifty million rupiahs) and at most IDR 5,000,000,000.00 (five billion rupiahs).

This article is categorized as a formal accusation. It is considered fulfilled if the person is suspected of violating on what was formulated in article 102. Thus, it is no longer necessary to prove the consequences of the actions taken by the suspect as in material accusation. Smuggling

cases in Indonesia are driven by the need to avoid the restrictions and are helped by the vast territory of the Republic of Indonesia and the large number of illegal entrances along the maritime boundary, especially along the east coast of Sumatra as one of the strategic points of international trade [14].

2.4. Ammonium Nitrate

In the Indonesian Customs system, there is Harmonized System (HS) which is the nomenclature of the classification of goods used throughout the world. It is based on the International Convention on the Harmonized Commodity Description and Coding System, and it is used for the purposes of tariffs, statistics, rules of origin, and supervision of import/export commodities. HS consists of the numbering of goods up to level 6 (six digits). Ammonium Nitrate is one of the commodities included in the customs tariff system with the tariff post 3102.30.00. This commodity is known as mineral fertilizer or chemical fertilizer containing nitrogen. For the import of this commodity, it needs a permit in the form of IT Industrial Explosives (Commercial) and Approval of Import of Industrial Explosives from the Ministry of Trade. Ammonium Nitrate can be misused easily as a bomb-making material according to the data from the National Police in the period 2000-2018, it is known that explosives used by terrorists, including: Black powder (Potassium Chlorate, Sulfur, Charcoal); Urea Nitrate (Urea and Nitric Acid); Flash Powder (Potassium Chlorate, Sulfur, Aluminum Powder); Nitroglycerin (Glycerin, Nitric Acid), HMTD (Hexamine, Hydrogen Peroxide), UNAL (Urea and Aluminum Powder), ANFO (Ammonium Nitrate, Gasoline), Lead Azide (Lead Nitrate and Sodium Azide). Urea and Ammonium Nitrate have almost the same chemical content and can be used as the material to make bombs. Thus, it needs strict control from the state regarding its ownership, distribution, use, and supply chain.

2.5. Strategic Role of Indonesian Customs

Counter-terrorism policies in each country aim to maintain the security of the country and the safety of its citizens. The counter-terrorism policies are also integral and comprehensive by involving all state institutions in accordance with their respective duties of authority. Indonesian customs, as part of the government of the Republic of Indonesia, carry out a vital and strategic function on national borders. Nowadays, contemporary terrorism uses dangerous chemicals that are easily obtained, such as ammonium nitrate. Functionally, ammonium nitrate is used as a fertilizer and is legal to import in Indonesia after obtaining permission from the relevant technical agency, in this case, the Ministry of Trade. The import data in 2018 until 2019 shows that ammonium nitrate officially imported by nine importers with a total weight of 78.85 thousand tons. But on the other hand, ammonium nitrate was also smuggled and successfully defended by the Customs Patrol Team of the Directorate General of Customs and Excise (DGCE). During 2012-2018, DGCE cracked down on 13 cases of ammonium nitrate smuggling with a total of 539.53 tons of evidence with an estimated value of IDR.49.49 billion, originating from Malaysia through the east coast of Sumatra to the Celebes Sea. For the smuggling cases, the suspects were prosecuted using the multi doors investigation method between DJBC and the Indonesian National Police (INP). The suspects were charged with several laws at once, which are Law Number 17 of 2006 concerning Customs; Emergency Law of the Republic of Indonesia Number 12 of 1951; Law Number 7 of 2014 concerning Trade; Law Number 8 of 2010 concerning Money Laundering; Law Number 31 of 2004 concerning Fisheries. The motivation for smuggling is the economic factor, which is avoiding the state charges and preventing the

prohibition of restrictions as mentioned above. Most of the ammonium nitrate smuggling is sent to Sulawesi, especially South Sulawesi, to make fish bombs. One thing that needs to be anticipated and watched out for. Ammonium nitrate is potentially smuggled into the terrorism-prone areas in Sulawesi, namely Poso, Central Sulawesi. The place is known as the terrorist base of the East Indonesian Mujahidin (MIT), a group led by Santoso (late) and Ali Kalora. The data also shows that several bombings in Indonesia used ammonium nitrate or urea fertilizer with similar chemical contents as one of the bomb-making materials, including the Ekayana Monastery bomb (2013), the Tasikmalaya Sector Police bomb (2013), and the terrorist raid in Ciputat (2013). The bomb terror case in Poso by MIT, led by Santoso (late) and Ali Kalora, also used ammonium nitrate fertilizer or urea fertilizer under the brand name "MATAHARI," which was mixed with water and nitric acid. It changed into a powerful and deadly explosive bomb. Ammonium nitrate can also be mixed with gasoline/diesel fuel to make it into a bomb (ANFO: ammonium nitrate fuel oil), ANFO has a stronger explosive power. MIT easily obtains the ammonium nitrate or urea fertilizer because the majority of villagers in Poso work as farmers who use ammonium nitrate or urea fertilizer in their fields.

Another case study in Afghanistan shows that ammonium nitrate fertilizer was used in 95% of bomb attacks. Terrorists in Afghanistan use IED (Improvised Explosive Devices), which has ammonium nitrate fertilizer as the main ingredient because it is easy to obtain. Most of the population in Afghan who lives in the village work as farmers. The United States military in 2009 carried out a major operation to reduce the supply and availability of ammonium nitrate in the field by conducting a raid and giving compensation money to the farmers whose ammonium nitrate fertilizer was seized. The operation seized 250 tons of ammonium nitrate in total [15]

This fact shows the vital importance of supervision over the import, use, distribution, transportation, and use of ammonium nitrate fertilizer. Indonesian Customs, in this case, the Directorate General of Customs and Excise (DGCE), performs a vital and strategic function at the borders of the country by taking action against ammonium nitrate smuggling. By successfully blocking it at the border before entering and being misused by the terrorists, the potential of ammonium nitrate misuse by the terrorist can be lessened so that the threat of ammonium nitrate-based bomb attacks in parallel can also be reduced.

DGCE, in carrying out its community protection function, continues to improve its surveillance at sea, mainly to prevent and crackdown on the smuggling of strategically dangerous commodities, such as ammonium nitrate. DGCE strengthened the monitoring along the east coast of Sumatra by placing Customs Patrol Vessels in vulnerable points, such as the Indonesia - Malaysia maritime boundary and the Natuna Sea, which is bordering the South China Sea. The data shows that the ammonium nitrate smuggling route originated from Malaysia and then used the east coast of Sumatra or went around through the Natuna Sea to the Java Sea next to the Celebes Sea. The data shows that the ammonium nitrate smuggling mostly took place in Riau waters, including Pejantan waters, Marapas waters, Berakit waters, Tokong Malang waters, and Anambas waters. Other locations of the prosecution are North Bali waters and Tahulandang waters in North Sulawesi. The location of ammonium nitrate smuggling prosecution by the DGCE during 2012–2016 can be seen in **Figure 1**.



Fig. 1. Location of Ammonium Nitrate Smuggling Prosecution by the Directorate General of Customs and Excise During 2012-2016

The counter-terrorism policies which involve all state institutions following their respective functions show that the problem of terrorism must be resolved integrally and comprehensively from upstream to downstream. DGCE, as an official state institution on the border, continues to carry out its duty to protect the boundaries of the country from the entry of dangerous goods that can be used or misused for acts of terrorism.

3 Conclusion

A counter-terrorism policy must integrally and comprehensively involve all state institutions. The Directorate General of Customs and Excise contributes to countering terrorism by cracking down on the smuggling of ammonium nitrate that is often used by contemporary terrorists in making bombs/explosives. By taking enforcement of the national borders, DGCE contributes to reduce the chance of ammonium nitrate for being used by the terrorists. DGCE is also committed to carrying out the community protection functions consistently and continuously as a form of DJBC contribution in preventing acts of terrorism as part of implementing counter-terrorism policies.

As mentioned above, the control of ammonium nitrate starts from its import, stockpiling, distribution, and use. For this reason, the policies need to be integral and synergistic between the agencies to monitor the movement and the use of ammonium nitrate. Indonesia can review the policies adopted by the United States Department of Homeland Security (DHS) which requires reporting on the use and theft of ammonium nitrate and restricting on the ownership and movement of ammonium nitrate in the supply chain. DHS also asks National Academies to examine the possibility of shifting in need of other chemicals that misused as explosive chemical precursors.

The concept made by DHS can be a useful reference for the Indonesian government to start formulating appropriate policies to conduct a comprehensive supervision. It can be done from upstream to downstream of ammonium nitrate by involving relevant technical agencies, such as the Indonesian National Police, Ministry of Agriculture, Ministry of Trade, Ministry of Finance, to be precise the Directorate General of Customs and Excise, Ministry of Industry, fertilizer SOEs (State Owned Enterprise)s (PT. Pupuk Indonesia (Persero)), Indonesian Institute of Sciences (LIPI), and Academics. All of these efforts are solely to prevent acts of terrorism as a tangible manifestation of the Republic of Indonesia ideals that contained in the Preamble of the 1945 State Constitution, which is to protect all the Indonesian people and all Indonesian blood.

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