

Strategic Intelligence Analysis in Monitoring Efforts on Potential Misuse of Commercial Explosives

Navy Pradhana Primasatya¹, Arthur Josias Simon Runturambi²

^{1,2}School of Strategic and Global Studies, Universitas Indonesia

navy.pradhana12@gmail.com

Abstract

This study discusses the efforts of the POLRI Intellegence Division in carrying out the role of supervision and control related to the misuse of the function of commercial explosives for the remaining commercial explosives through strategic intelligence analysis. This study uses a qualitative method that begins with a descriptive approach to analyze the existing conflict. The theories and concepts used are strategic intelligence analysis and security intelligence theory. This study analyzes the monitoring efforts to prevent the misuse of commercial explosives functions and the problems of the presence of commercial explosive residues. The results of research related to regulations show that there is a debate about the effectiveness of policies, regulations, and the proposed establishment of a Law on Commercial Explosives. In addition, the governance structure shows that there are problems regarding the weakness of the supervisory mechanism, low capacity of employees, and weak coordination, as well as the formulation of the Supervisory Agency as a substitute for the Explosives Supervisory Team.

Keywords

supervision, commercial explosive; potential misuse; strategic intelligence; monitoring efforts



I. Introduction

Explosives are very dangerous and vulnerable goods, so for the sake of safety and security the use of commercial explosives requires special supervision and control (Cronin, 2000). Commercial explosives are various chemical products that can be used as explosives for mining work, public works or used in certain production processes and are commercial in nature. Commercial explosives can also be misused by irresponsible persons for unlawful interests so that it will disrupt the stability of security and public order (Johnson, 2003; Johnson, 2007).

The use of hazardous materials that are not in accordance with their use is very risky for side effects (Elis et al., 2000). Moreover, its use is only for the purpose of taking unilateral advantage, without regard to defense, public health, safety and the environment in general. According to the Decree of the President of the Republic of Indonesia Number 125 of 1999 concerning Explosives, namely in Article 1 paragraph (2), explosives consist of explosives for military purposes and explosives for industrial (commercial) purposes. Further details regarding explosives for military purposes and for industrial (commercial) purposes shall be determined by the Minister of Defense and Security taking into account the considerations of the minister responsible for industry, trade, and health.

Therefore, it is necessary to supervise, control and secure the handling in terms of production, import or procurement, distribution, storage, and use of explosives up to the destruction of those that are no longer used. In this regard, the system of guidance and supervision must be precise and strict, so as to minimize the possibility of being misused by irresponsible people (Ofongo, 2018).

Based on Presidential Decree 5 of 1988 JO Presidential Decree 125 of 1999, the procurement and use of explosives is further regulated in the Regulation of the Minister of Defense of the Republic of Indonesia No. 36/2012 concerning Guidelines and Procedures for Licensing, Guidance, Development, Supervision and Control of the Explosives Industry and Regulation of the Indonesian National Police Chief Number 2 of 2008 concerning Supervision, Control and Security of Commercial Explosives.

POLRI as one of the managers and supervision of explosives in Indonesia, although Hendaridi (2017), stated that the practice of managing explosives also encountered obstacles in the perspective of legal politics, constitutional dimensions, and dimensions of legal substance and structure meaning that there are 3 government agencies that have authority in the management of explosives, namely the Ministry of Defense, TNI and POLRI (Rachmianto, 2016).

Based on Law No. 20 Prp of 1960 and Article 15 paragraph (2) letter d of Law no. 2/2002, POLRI bases its authority on the management of explosives, however if it refers to their respective authorities, POLRI must have an accountability design that is regulated to ensure that there is no misuse of explosives that are fatal to the community, of course with the role of external supervisors to strengthen supervision with the hope of achieving compliance with UN standards on the use of explosives in the context of security and law enforcement

In addition, the Decree of the Minister of Defense in appointing a business entity in the field of explosives is a principle permit which in the implementation of the Production, Procurement and Distribution of commercial explosives there must be a permit from the KAPOLRI in accordance with applicable provisions/laws, namely Law No. 8 of 1948 and Law No. 20 Prp 1960, then in the process of importing explosives there must also be a permit from the Ministry of Trade, then for its use there must be a recommendation from the Ministry of Energy and Mineral Resources.

However, regulations regarding commercial explosives in Indonesia still overlap. The existence of the institutional authority of the POLRI and the Ministry of Defense in this matter can be a node that hinders the enforcement of the Police as investigators in cases of misuse of explosives. The difficulties faced by the state apparatus due to the regulations issued by the government itself do not distinguish between the issue of supervision and licensing of commercial explosives and military explosives, both of which are also managed by two different agencies. Supervision of commercial or military explosives that is carried out in an integrated manner, which of course must first be based on regulations that can accommodate the holding of integrated supervision of explosives.

II. Research Method

The research uses a qualitative approach, namely research procedures that produce descriptive data in the form of written or spoken words from people and from observable behavior. This research approach needs a research paradigm, which according to Guba includes: positivism, criticality and constructivism (Denzin, 2011).

The positivism paradigm is an organized paradigm to combine deductive logic and empirical observations of individual behavior, which is useful in probabilistically finding or obtaining confirmation of causation that can be used to predict general patterns of human activity (Neuman, 2014).

Data collection techniques used in this study were participatory observation, in-depth interviews, literature studies and documentation studies. (Ardianto, 2011). This study uses data triangulation and technical triangulation, where there are several sources of data used

to examine research problems. Triangulation in credibility testing is defined as checking data from various sources in various ways, and at various times. Thus there is triangulation of sources, triangulation of data collection techniques, and time (Sugiyono, 2013).

While the stages of data analysis used in this research is the illustrative method (illustrative method). The illustration method is a qualitative data analysis method that takes theoretical concepts and is implemented into empirical situations to compile data based on theory (Neuman, 2014).

Data analysis in qualitative research is carried out during data collection and after data collection is completed within a certain period. At the time of the interview, the researcher had analyzed the answers from the interviewees. If the answers interviewed after being analyzed feel unsatisfactory, the researcher will continue the question until the stage of obtaining data that is considered credible. Miles & Huberman (1992) suggested that activities in qualitative data analysis were carried out interactively and continued until they were saturated. Activities in data analysis are: data reduction, data display, and verification.

To analyze this research, Strategic Intelligence Theory is used which explains that strategic intelligence must facilitate efforts to continuously achieve long-term goals by also providing guidance on rational tactical choices to respond to external developments (Russell, 2007). In addition, Loch Johnson and James Wirtz define strategic intelligence as the contribution to the processes, products, and organizations used by senior officials to create and implement national policies and national defense. Strategic intelligence must then make warnings of short-term and long-term threats to the national interest. Strategic intelligence becomes very important politically because it can shape and direct the national policies of a country (Russell, 2007).

This is in line with the writings of Wee Chow Hou, regarding the basic theory of Intelligence Science which was coined by Sun Tsu, a leading military strategist during the Chinese Empire 500 BC, who formulated the definition of intelligence in his writings namely Pingfa (art of the war) as the main weapon. in a battle. He stated that "intelligence is a major weapon in war: if you know the enemy and know your self, you need not fear a hundred battles. If you know your self and not your enemy, for every victory you will suffer a defeat. If you know neither yourself nor their enemy, you are fool and will meet defeat in enemy battle." Meaning: "Intelligence is a major weapon in war; if you know the enemy and know yourself, you have nothing to fear from hundreds of wars. If you know yourself but don't know the enemy for every victory you get you will experience defeat" (Hou, 2002). Through Sun Tzu's thinking, strategic intelligence aims to identify threats that threaten a national interest and recognize one's own weaknesses (the country concerned) and recognize the weaknesses of the opponent/enemy existing opportunities. For this strategic intelligence, there is a reason for being or a reason for justification for existence.

Furthermore, the author also uses the theory of Security Intelligence which, according to Shulsky & Schmith (Widjajanto & Wardhani, 2004), provides a more detailed understanding of the nature of intelligence (security intelligence), according to Shulsky & Schmith at the operational level, there are four essences of intelligence, namely; (i) part of the national security system; (ii) early warning system; (iii) information management system; (iv) a strategic analysis system, where the aim is to prevent strategic surprises in the field of national security and protect the integrity and sustainability of the country based on the principles of a democratic state. Development is a change towards improvement (Shah et al, 2020). Security intelligence theory encourages the development of intelligence organizations capable of carrying out intelligence activities such as: information gathering, analysis, information assessment and dissemination effectively and

efficiently. In order for this to be done, security intelligence is not given the task, function and authority in law enforcement. The duties, functions and authorities of law enforcement must be attached to the police and other law enforcement agencies. (Chalk and Rosenau, 2004)

Security intelligence is developed when there is a need to monitor threats that actually and potentially threaten the domestic security of a country, for that we need a surveillance agency dedicated to domestic security. Security intelligence is aimed at anticipating specific threats, including: countering terrorism, drug trafficking, transnational crimes and others. In addition, security intelligence has a close relationship with law enforcement agencies that aim to maintain public order and security (law and order). (Chalk and Rosenau, 2004) Security intelligence has close relationships (in the form of coordination relationships) with police agencies (particularly police intelligence and police investigators) and other law enforcement agencies.

III. Results and Discussion

3.1 Procedures for Procurement and Use of Commercial Explosives

Based on Presidential Decree 5 of 1988 JO Presidential Decree 125 of 1999, the procurement and use of explosives is further regulated in the Regulation of the Minister of Defense of the Republic of Indonesia No. 36/2012 concerning Guidelines and Procedures for Licensing, Guidance, Development, Supervision and Control of the Explosives Industry and Regulation of the Indonesian National Police Chief Number 2 of 2008 concerning Supervision, Control and Security of Commercial Explosives.

Purchases of explosives can only be fulfilled if the customer has a Purchase and Use Permit (P2 Permit) issued by the Head of the Indonesian National Police (Kapolri) which is valid for 6 (six) months and is only given to customers who already have their own Ownership, Control and Control Permit. Explosives Storage (P3 Permit) which is also issued by the National Police Chief. Before the P2 Permit is issued by the National Police Chief, a recommendation from the Regional Police Chief (Kapolda) is required. For projects/companies under the Directorate General of General Mining or the Directorate General of Oil and Gas or the Directorate General of New, Renewable Energy and Energy Conservation, in addition to a recommendation from the local Regional Police Chief, a recommendation from one of the Directorate Generals mentioned above is also required. In addition, to get a recommendation from the Kapolda, a recommendation from the Resort Police (Polres) is also needed.

Furthermore, the P3 permit which is the Explosives Ownership, Control and Storage Permit. The P3 permit is issued by the Head of the Indonesian National Police and is valid in accordance with the validity of the Warehouse Permit issued by the Directorate General of Oil & Gas, or the Directorate General of Mineral & Coal, or the Directorate General of New, Renewable Energy and Energy Conservation. Before the P3 Permit is issued by the National Police Chief, a recommendation from the Regional Police Chief (Kapolda) is required. In addition, to get a recommendation from the Kapolda, a recommendation from the Resort Police (Polres) is also needed.

In addition, the Warehouse permit is issued by the Directorate General of Oil & Gas, or the Directorate General of Mineral & Coal, or the Directorate General of New, Renewable Energy and Energy Conservation, while the Warehouse Permit for construction projects is issued by the Head of the Indonesian National Police. Before the Warehouse Permit is issued, a recommendation from the Regional Police Chief (Kapolda) is required.

In addition, to get a recommendation from the Kapolda, a recommendation from the Resort Police (Polres) is also needed.

3.2 Findings of Monitoring and Coordination Mechanisms for the Use of Commercial Explosives

The controlled use of explosives can be beneficial to support the smooth implementation of national development, particularly in the fields of mining, exploration and construction. But on the other hand, if the supervision of the circulation of explosives, or basic materials that can be used as explosives, is not strictly monitored, the impact will be very dangerous, especially if it is used for terrorist activities. In principle, explosives are very dangerous materials, so they need strict supervision from procurement, transportation, storage, use to their destruction or when they change hands. Therefore, the guidance and supervision system must be precise and strict, so that the risk of misuse of explosives by irresponsible people can be minimized.

Considering that apart from being used for military purposes, explosives are also used commercially, it is necessary to regulate business entities whose activities are related to explosives. Both Presidential Decree No. 125/1999 on Explosives, Regulation of the Head of the Indonesian National Police No. 2 of 2008, as well as the Minister of Defense Regulation No. 36 of 2012 has regulated business entities whose activities are related to explosives. Business entities related to commercial explosives as referred to in Regulation of the Head of the State Police of the Republic of Indonesia No. 2 of 2008 which is stated in detail in Article 11 and Article 15, is classified into:

- a. Producer company
- b. Distributor business entity
- c. End user enterprise
- d. Blasting service business entities for business activities that use explosives for mining and non-mining
- e. Business entities providing explosives warehouse services, and
- f. Transportation service business entity for explosives transportation activities

According to these provisions, producers consist of explosives producers and sparks producers. Distributors consist of distributors of explosives, distributors of sparks, distributors of chemicals. While the end users are those who do business in the fields of minerals, coal and geothermal, oil and gas as well as civil works or non-mining projects using commercial explosives.

Meanwhile, business entities related to the explosives industry according to the Regulation of the Minister of Defense No. 36 of 2012 is divided into 4 (four) namely:

1. Production Business,
2. Procurement Business,
3. Distribution Business
4. Warehousing Business
5. Blasting Effort.

In addition to these regulations, regulations regarding explosives are also regulated in Presidential Decree Number 125 of 1999 concerning Explosives. In the provisions of Article 5 of the Presidential Decree, supervision of the production, procurement, storage and distribution of explosives must be carried out in a coordinated manner between the Ministry of Defense and:

- a) TNI Headquarters, in terms of supervision and control of production activities, procurement, storage, distribution, export, use and destruction of explosives for military purposes and explosives for industrial (commercial) purposes
- b) National Police Headquarters of the Republic of Indonesia, in terms of supervision and control of production activities, procurement, storage, distribution, export, use, transfer and destruction of industrial explosives (commercial)
- c) The department in charge of trade, in terms of trade control and distribution of explosives
- d) The department responsible for finance in terms of fulfilling customs obligations related to the export/import of explosives.

Regarding technical coordination related to the explosives, Minister of Defense Regulation No. 36 of 2012 mandates the formation of an Inter-ministerial Explosives Supervisory Team chaired by the Director General of Defense Potential of the Ministry of Defense and tasked with coordinating inter-related agencies, namely the Ministry of Trade, Ministry of Industry, Ministry of Finance, Ministry of Energy and Mineral Resources, State Ministry of Environment, Coordinating Agency Investment, the Intelligence and Security Agency of the Indonesian National Police, and the Strategic Intelligence Agency of the Indonesian National Armed Forces.

Furthermore, in implementing the authority of the Ministry of Defense related to explosives, the Ministry of Defense must coordinate with:

- 1) TNI Headquarters, in terms of supervision, control of production activities, procurement, storage, ownership, distribution, export, use, and destruction of explosives.
- 2) National Police Headquarters of the Republic of Indonesia in terms of supervision and control of production activities, procurement, storage, distribution, export, use, transfer of use, and destruction of explosives.
- 3) Ministry of Trade in terms of monitoring trade and distribution of explosives.
- 4) The Ministry of Industry in terms of determining the types of chemicals that can be classified/categorized as hazardous materials as raw materials for explosives.
- 5) The Ministry of Energy and Mineral Resources in terms of supervising the purchase or use of explosives, implementing provisions governing mining, technical requirements for explosives warehouses, and handling work safety issues.
- 6) Ministry of Finance in terms of fulfilling customs obligations related to the export or import of explosives.
- 7) Ministry of Environment in terms of management, monitoring, feasibility, and efforts to handle impacts on the environment caused by businesses related to explosives.
- 8) Investment Coordinating Board in terms of investment and operation of foreign investment in the explosives business.

So far, supervision in terms of the acquisition and use of explosives has been systematically regulated, starting from the regulation of the acquisition, use, warehousing, to the final report if any leftovers are stored or change hands. As stated in the Presidential Decree of the Republic of Indonesia Number 125 of 1999 concerning Explosives Article 2, it explains that the supervision and control of the management of explosives is carried out in an integrated manner between agencies and coordinated by the Ministry of Defense. Meanwhile, in its use, explosives are categorized into two purposes, the first is for military purposes and the second is for commercial purposes. For military purposes, the development, use and control of explosives is specifically regulated by the Ministry of

Defense. Meanwhile, for commercial purposes, the development, use and control of explosives are regulated by the National Police and the Ministry of Industry and Trade. However, the procurement of explosives by civil society for commercial purposes remains through the Ministry of Defense. Especially in the case of imports of high explosive explosives. (Indonesian Defense Research and Development, Number 24 Year 2010). For commercial purposes by civil society, issues of supervision, use and control are the responsibility and authority of the National Police. This begins when the local Police is asked for a Letter of Recommendation, purchase, storage, use, storage of residual explosives, warehousing, grants, transportation and destruction of explosives. (Regulation of the National Police Chief Number 2 of 2008, dated April 29, 2008, concerning Supervision, Control, & Security of Commercial Explosives).

Although the control system for explosives, both for military and commercial purposes, is already in place, however, this well-organized system still has obstacles that are prone to negligence in the monitoring process. In addition, regulations regarding explosives are regulated, among others, in the licensing regulations for Explosives Business Entities in accordance with Presidential Decree no. 125/1999 on Explosives; Minister of Defense Regulation No. 22/2006 concerning Guidelines, Regulation, Guidance, and Development of Commercial Explosives Business Entities; and also the Decree of the National Police Chief No. 2 of 2008 concerning Supervision, Control and Security of Commercial Explosives. In this regulation, the National Police Chief regulates the Explosives Licensing Procedures, Requirements for Residual Use Permits, Requirements for Explosives Grant (Transfer-Use) Permits, Requirements for Explosives Manufacturing at the Final Location, Requirements for Explosives Destruction Permits, Security and Storage of Explosives. To obtain a permit to use commercial explosives, administrative and technical requirements must be complete. Meanwhile, explosives used for commercial purposes are limited to construction and production processes in the mining industry of a commercial nature.

Therefore, the key to preventing the misuse of explosives is its control or supervision. Our positive law is still focused on the issue of licensing and its use. However, it does not explicitly regulate the problem of supervision in its use. As a Dual Munition agent, on the one hand, explosives are useful to support the smooth implementation of national development, but will be very dangerous if misused, especially for the benefit of terrorism activities.

So far, law enforcement regarding the misuse of explosives has been carried out in accordance with applicable procedures and regulations, but law enforcement officers must be given the authority to carry out inspections and control.

IV. Conclusion

The results of the study explain that supervision or control of commercial explosives is the first step in preventing the misuse of explosives. However, observing all existing explosives licensing regulations, it does not or has not explicitly stated provisions for supervision and control over the circulation of explosives. In addition, the regulations show that there is a debate about the effectiveness of policies, regulations, and the proposed establishment of a Law on Commercial Explosives. In addition, the governance structure shows that there are problems regarding the weakness of the supervisory mechanism, low capacity of employees, and weak coordination, as well as the formulation of the Supervisory Agency as a substitute for the Explosives Supervisory Team. In addition, related to the relationship structure, business actors pay attention to security factors and

economic value, because there are cases of explosives and unfair business competition which indicate that the practice in the field is not in accordance with existing regulations. This research resulted in the development of the concept of supervision theory that can be applied to public sector organizations. In order for the control of commercial explosives to be more effective, it is necessary to enact a Law on Explosives. So, it is necessary to change the status of the Supervisory Team to a Supervisory Agency whose position is directly under the President so that it has bargaining power in carrying out the duties and functions of controlling explosives. It is also necessary to pay attention to increasing the capacity of supervisory officers and maximizing the role of business actor associations.

References

- Ardianto, E. (2011). *Metode Penelitian untuk Public Relations Kuantitatif dan Kualitatif*. Bandung: Remaja Rosdakarya.
- Cronin, B. (2000). Strategic intelligence and networked business. *Journal of Information Science*, 26(3), 133-138.
- Denzin, N. K. (2009). *Handbook of Qualitative Reserch*. Yogyakarta: Pustaka Pelajar.
- Ellis, J. D., Kiefer, G. D., & Kiefer, M. G. D. (2004). *Combating proliferation: strategic intelligence and security policy*. JHU Press.
- Hou, Wee Chow. (2002). *Sun Tzu: Perang dan Manajemen (War and Management)*. Jakarta: Elex Media Komputindo.
- Johnson, L. K. (2003). Preface to a theory of strategic intelligence. *International journal of intelligence and counterintelligence*, 16(4), 638-663.
- Johnson, L. K. (Ed.). (2007). *Handbook of intelligence studies* (Vol. 1, pp. 14-28). London: Routledge.
- Miles, M. B., & Huberman, M. (1992). *Analisis Data Kualitatif Buku Sumber Tentang Metode-Metode Baru*. Jakarta: UIP.
- Neuman, L. W. (2014). *Social Research Methods: Qualitative and Quantitative Approaches*. Assex: Pearson Education Limited.
- Ofongo, O. A. (2018). *Defence strategy: intelligence and management of Boko Haram terrorism in Nigeria* (Master's thesis).
- Rachmianto, A. (2016). Indonesia's Approach to Strategic Trade Controls: The Perspective of a Developing and Archipelagic Country. *Strategic Trade Review*, 2(2).
- Russell, R. L. (2007). *Sharpening Strategic Intelligence: Why the CIA Gets It Wrong and What Needs to Be Done to Get It Right*. London: Cambridge University Press.
- Shah, M. M., et al. (2020). The Development Impact of PT. Medco E & P Malaka on Economic Aspects in East Aceh Regency. *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* Volume 3, No 1, Page: 276-286.
- Soeprapto, I. (1976). *Spektrum Ancaman Terhadap Keamanan Nasional, Konsepsi Ketahanan Nasional*. Jakarta: Tanpen.
- Sugiyono. (2013). *Metode Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif, dan R&D*. Bandung: Alfabeta
- Widjajanto, A., & Wardhani, A. (2008). *Hubungan Intelijen-Negara 1945- 2004*. Jakarta: Pacivis dan Friedrich Ebert Stiftung.