

# Collaborative Governance in the Effort to Prevent the Criminal Action of the Financing of Terrorism Through Freezing of Individual and Entity Assets

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## Abstract

*UN Security Council Resolutions 1267 (1999) and 1373 (2001), call on all countries in the world to provide financial sanctions against Al-Qaeda and the Taliban, including citizens of every country affiliated with and assisting Al-Qaeda and the Taliban. In 2012, the FATF once more classified Indonesia as a "Non-cooperative Countries and Territories (NCCTs)", this time in relation to the handling of criminal acts of terrorism financing, because it determined that Indonesia's regulations for handling terrorism financing did not meet the international standards outlined in the FATF's recommendations, thereby placing Indonesia at a high risk of financing terrorism, which has an effect on the Indonesian economy because all countries are at risk of financing terrorism. Based on the data obtained, this study intends to find the obstacles faced by the Indonesian government and provide input on how to build collaboration between the government and other elements in efforts to prevent criminal acts of terrorism financing through freezing the assets of individuals and entities listed on the List of Suspected Terrorists and Terrorist Organizations (DTTOT), as well as Indonesia's efforts to become a permanent member of the FATF in 2023, as per Recommendation 6 of the FATF.*

## Keywords

prevention of terrorism financing; collaboration; list of suspected terrorists and terrorist organizations (DTTOT); asset blocking; FATF



## I. Introduction

The emergence of threats to global security and peace caused by terrorism, which is an international crime that is committed in large numbers, makes it the responsibility of all nations to combat these crimes. Indonesia which is 1 (one) big country in Southeast Asia which is also part of the United Nations has ratified various resolutions issued by the UN Security Council, especially on terrorism, one of which was by ratifying the international convention on countering terrorism in 1999, by issuing Law No. 6 of 2006 on the ratification of the international convention for the suppression of the financing of terrorism, 1999 (international convention on the eradication of the financing of terrorism).

As a result of the situation in Afghanistan, the United Nations Security Council (DK) issued resolution 1267 in 1999, which was then followed by resolution 1373 in 2001 (Prost, 2018). The resolution called on all countries in the world to implement financial sanctions against Al-Qaeda and Taliban groups, as well as their supporters, including citizens of each country affiliated with and assisting Al-Qaeda and the Taliban. In 2012, the Financial Action Task Force (FATF) again placed Indonesia as a "Non-cooperative Countries and Territories (NCCTs)", but this time the sanctions were related to handling acts of terrorism financing, because the FATF assesses that the regulations for handling

terrorism financing in Indonesia do not meet the international standards set out in the FATF recommendations and make Indonesia a high risk country for terrorism financing, which has an impact on the Indonesian economy because all countries and financial institutions in the world are asked to be vigilant when carry out h economic relations with Indonesia.

The Indonesian government has not only been silent in responding to this, the Indonesian government has produced law number 9 of 2013 concerning the prevention and eradication of terrorism financing (refers to TPPT) as a handling of terrorism financing in Indonesia (Puspapertiwi, 2016), in line with the implementation of UNSC Resolutions 1267 and 1373 as well as the 6th recommendation of the FATF which requires all countries to provide financial sanctions to terrorists and terrorism organizations by freezing assets for a short time (Freezing Asset Without Delay) (Gurule, 2009), FATF interprets the phrase without delay to mean within hours of its issuance by the UNSC (1267), while 1372 is interpreted as a reasonable reason so that individuals and entities are given financial sanctions, the effort succeeded in removing Indonesia from sanctions in February 2015 and making Indonesia an Observer on the FATF. Further, in an effort to improve the state of the Indonesian economy, the Indonesian government, which is made up of various ministries and institutions, is working together toward the goal of becoming a permanent member of the Financial Action Task Force (FATF).

In fact, the FATF periodically evaluates the technical compliance and effectiveness of the regulations governing the handling of terrorism financing crimes, especially recommendations 6 of the FATF. The blocking rules in question are contained in Chapter VII of Law number 9 of 2013 pertaining to the Prevention and Eradication of Terrorism Financing Crimes, namely through the List of Suspected Terrorists and Terrorist Organizations issued by the Chief of Police of the Republic of Indonesia. In 2022, Indonesia will undergo a Mutual Evaluation Review (MER) for its compliance and effectiveness.

## **II. Research Method**

This study employs both qualitative and empirical research to examine the Indonesian government's execution of the six FATF recommendations and to examine the concepts of Good Governance (Anggara, 2012) and Collaborative Governance theory (Ansell & Gash, 2018). The subject of this study encompasses the challenges that arise with the application of asset freezing in the prosecution of terrorism financing crimes. And Indonesia's attempts to become a permanent member of the FATF from a collaborative governance approach. The data was obtained by research study at the Anti-Terror Detachment 88 Investigation of the Police Directorate.

## **III. Result and Discussion**

### **3.1 Terrorist Criminal Actions and Terrorist Financing in Indonesia**

The beginnings of terrorism in Indonesia cannot be separated from the formation of the “Negara Islam Indonesia or NII (Islamic State of Indonesia)” in 1948, which was led by SM Kartosuwiryo. The NII arose out of dissatisfaction with the leadership of the government at the time and a desire to reshape Indonesia according to its principles, and later Indonesian government arrested S. M. Kartosuwiryo and his supporters in 1962 (Holk, 1995). However, NII's aspirations continued, Ismail Pranoto, who is a DI (Darul

Islam) official, recruited and committed 2 (two) activists in Solo, namely Abdullah Sungkar and Abu Bakar Ba'asyir (ABB), (Solahudin, 2011).

After the recruitment of the 2 (two) activists, DI/TII (Darul Islam/Tentara Islam Indonesia) took action, in 1976 they blew up a Christian hospital in Bukit Tinggi, the action was known as “*Komando Jihad*” (Solahudin, 2011). Following the incident, in the year 1985, the government of Indonesia apprehended the organization; although, Sungkar and ABB were successful in evading capture and making their way to Malaysia. In Malaysia, they established a jihad program to Afghanistan, built a network with the Rasul Sayyaf mujahideen group there, and reached an agreement to provide military training to approximately 200 DI cadres, including war tactics and the assembly of weapons and explosives, in the hope that they will return to Indonesia to fight the New Order government.

In 1993, ABB and SUNGKAR founded Jamaah Islamiyah (JI) and carried out various acts of terrorism. Their jihad was first implemented in Poso, followed by the 2000 Christmas bombings, even after the WTC attack, JI was inspired to take similar actions, so they carried out various suicide bombings in Indonesia that took many victims, namely:

**Table 1.** JI group suicide bombing

YEAR	ACTION	Crime Scene	VICTIM
2002	1 <sup>st</sup> Bali Bombing	Bali	202 Dead, 325 Injured
2003	1 <sup>st</sup> Marriott Bombing	Jakarta	13 Dead, 143 Injured
2004	Kuningan Bombing	Jakarta	10 Dead, 180 Injured
2005	2 <sup>nd</sup> Bali Bombing	Bali	22 Dead, 104 Injured
2009	2 <sup>nd</sup> Marriott Bombing	Jakarta	9 Dead, 53 Injured

In response to the 1<sup>st</sup> Bali bombing attack, the Indonesian government adopted a law enforcement strategy, handling regulations in the form of Law No. 15 of 2003 concerning Stipulation of Government Regulations in lieu of Law No. 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into law, where the police are the leading in the law enforcement sector, the National Police also succeeded in arresting JI groups including ABB. Although the government of Indonesia had been making arrests of Jamaah Islamiyah members since April 21, 2008, when District Court No. 2189/Pid.B/2007/PN. Jkt.Sel of South Jakarta ruled that the organization was the illegal organization (terrorist organization), later the JI suicide bombings continued in 2009 with the JW Marriott Hotel and the Ritz Carlton Jakarta as their targets.

After the enforcement of the law, JI was devastated, until in 2010 ABB initiated and financed the formation of a coalition of various terror groups called “*Lintas Tanzin Aceh 2010*” and conducted military training, including the JAT (Jamaah Ansharut Tauhid) group, Kompak led by Abdulah Sunata, Ring Banten, former DI Arkom, Tsauifian group Tsauri and former JI (Mustakim). Lintas Tanzin intends to establish a base in Aceh, which will eventually become the forerunner to an Islamic state, for the reasons that those area (Aceh) is geographically considered to be a very good area for guerrilla warfare; in Aceh, there are still many ex-GAM (Gerakan Aceh Merdeka) weapons, making it relatively easy to gain access to weapons; and in Aceh, Islamic law has been enforced, making the people familiar with Islam. However, the national police again succeeded in thwarting the project. After failing in Aceh, they moved the project to Poso in 2011. The JAT Poso group, led by Santoso, held military training in Gunung Biru Poso. The following year, Santoso formed a

new group called Mujahideen of Eastern Indonesia (also known as MIT), which engaged in numerous terrorist acts, including the Poso Police Bombing.

The dynamics of the development of terror groups are also influenced by the phenomenon of global terrorism, the Arab Spring phenomenon including the Iraq and Syria conflicts impacted on Indonesia, in June 2014 ISIS declared a Khilafah, and appointed Abu Bakr Al-Bagdadi as Khilafah/amir/leader, ISIS also called on Muslims in the whole world to pledge allegiance to Al-Bagdadi and call for Muslims to move to Syria, the call was warmly welcomed by extremist groups in Indonesia, there are various *bai'at* (oath) throughout Indonesia, several well-known figures in Indonesian terror groups participated in making allegiance to, including ABB and Oman Abdurrahman who are serving sentences in Nusakambangan Prison.

### 3.2 Law Enforcement Against the Suspect of Terrorism Criminal Actions

Law number 5 of 2018 is an instrument that is utilized by the Indonesian government in the process of carrying out law enforcement for criminal acts of terrorism. From the year 2000 until the end of 2021, law enforcement against terrorism has been carried out by the Indonesian government, where the Indonesian National Police is the main pillar of the implementation and has been successful in arresting as many as 2648 (two thousand, six hundred and forty-eight) people.

Meanwhile, in the last 5 years (2018-2022), the Indonesian National Police, in this case the Densus 88 Anti Terror Polri, have enforced the law against terrorism suspects as many as 1509 (one thousand five hundred and nine) people related to the investigation activities against the suspects, as set out in the following table:

**Table 2.** Law enforcement data on terrorism crimes in 2018-2022

NO	YEAR	QTY
1	2	3
1.	2018	<b>395</b>
2.	2019	<b>320</b>
3.	2020	<b>232</b>
4.	2021	<b>370</b>
5.	2022	<b>193</b>
<b>TOTAL</b>		<b>1510</b>

### 3.3 Terrorism Financing in Indonesia

The dynamics of terrorist crimes have changed in Indonesia as a result of the emergence of various terrorist organizations, each of which has its own attack strategy, recruitment method, and funding source. One of the most crucial factors for the existence or operation of any organization, including terrorist organizations, is its source of funding. A variety of logistical requirements are required to manage an organization, such as what the JI group did when they utilized the money to create weapon workshops in Central Java, run the gym where the cadres were formed, or send their members to Syria to train for battle. There are many methods for supporting terrorism, just like there are several ways to commit money laundering or money smuggling crimes. Whether it is carried out offline, for instance using a charity box, or online or virtually, either lawfully by activities like soliciting donations or selling things, or illicitly through robbery and fraud (Hinnen, 2003). As we move into the digital and technological era, terrorism financing strategies are starting to transition to a new medium, namely digital.

The FATF, in its guide to the handling of terrorism financing, states that 3 (three) main factors must be considered, namely threats, vulnerabilities and consequences/impacts (PPATK, 2021). The Indonesian government conducted research and stated in the National Threat Assessment Report on the Financing of Terrorism (NRA, 2015) said that the majority of terrorism financing carried out by terror groups came from within the country from 3 (three) aspects, including, 1. Fundraising, 2. Transferring funds, and 3. Using funds. This paper has shown that the rapid growth of technology also has a tendency to be exploited in the implementation of the method carried out by terrorist groups. This may be broken down as follows:

**Fundraising**, the collection of funds by terrorism groups in Indonesia is carried out in two ways, namely legal and illegal, legally they collect funds through regular infaq of their members, using foundations/charities in the name of religion, social and education, business, personal assets, online loans, to donations from sponsors, while their illegal methods include robbery (*fa'i*), theft of motor vehicles, buying and selling firearms, and hacking websites. **Transferring funds**, the mode of transfer of funds carried out by terrorism suspects tends to develop along with rapid technological advances, the suspects take advantage of the ease of transactions in sending funds that will be used as the cost of terrorist acts, such as what the JAD group did when they carried out a suicide bombing at the Surakarta Police, the perpetrators received funds from Bahrunnaim who was in Syria. However, based on the findings of researchers in the field, even though technological developments are increasingly advanced and perpetrators use them in sending funds to be used for their actions, the method of carrying cash tends to be more used because it is difficult to track, especially what the JI group does in sending funds. Investigators of the crime of financing terrorism explained 3 modes of sending funds, namely 1. Cash carrying, 2. Banking and 3. Non-bank fund transfer providers (refers to PTD BB) and Non-bank foreign exchange business activities (refers to KUPVA BB). **Using funds**, as in the opening paragraph that various terrorist organizations have appeared and colored the dynamics of terrorism cases, each of these terrorist organizations has an ideology, attack pattern, different methods of recruitment, and funding (NRA, 2015). Source of funding is one of the most important things for the survival or operation of an organization, including terrorist organizations. Various logistical needs needed to support the running of the organization, such as what the JI group did, they used the proceeds to build weapons workshops in Central Java, the operation of the gym where the cadres were formed, to the operational costs of sending its members to Syria to learn to fight there. Based on the risk assessment of Indonesia's terrorism financing crime on a national scale, terrorist actors use the funds obtained both legally and illegally for various activities, such as buying weapons, donations, etc.

### 3.4 Law Enforcement of Terrorism Financing Crimes

In Indonesia, the enforcement of the law against terrorist financing crimes is based on Law number 9 of 2013. Over the past five years, Densus 88 AT has been successful in implementing the law against terrorism financing crimes in the following cases:

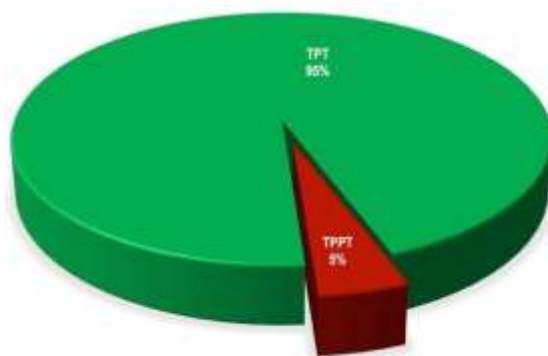
**Table 3.** Law enforcement data on terrorism financing crimes in 2018-2022

NO	YEAR	AMOUNT
1	2018	4
2	2019	16
3	2020	23
4	2021	22



NO	YEAR	AMOUNT
5	2022	8
	Total	73

In comparison to the overall number of terrorist suspects apprehended by law enforcement over the past five years, the number of terrorism suspects apprehended by law enforcement since 2018 has reached 1.509. The contrast is depicted in the figure below:



*Figure 1. Comparison of law enforcement related to terrorism crimes (TPT) and terrorism financing crimes (TPPT)*

In light of these findings, it was discovered that proving terrorism financing crimes (TPPT) in court was fairly challenging in line with the progression of the form of funding carried out by the perpetrators of the crimes.

### 3.5 Importance of International Institutions in Eliminating Terrorism Financing

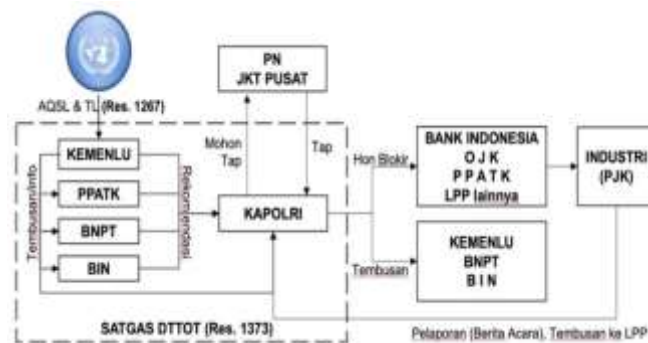
The FATF, which once placed Indonesia as NCCTs in the handling of terrorism financing, is a stepping stone for Indonesia to improve the structure of Indonesia, especially in security and economic aspects. To show Indonesia's serious commitment in preventing and eradicating criminal acts of terrorism financing, the Indonesian government issued Law No. 9 of 2013 concerning the Prevention and Eradication of TF, this is done in addition to improving security in Indonesia, it is also one of the two FATF assessment methods to all countries regarding the handling terrorism financing crimes (TPPT). The assessment methods carried out by FATF are 1. Technical Compliance (TC) or assessment of regulatory and institutional compliance (legal and institutional framework) with 40 FATF recommendations, 2. Immediate Outcomes (IO) or assessment of the effectiveness of implementation (operationalization) of regulations and policies owned in line with 11 IO FATF.

Indonesia, which has left the NCCTs because it is considered to have regulations in dealing with terrorism financing crimes (TPPT), makes Indonesia an observer at the FATF, Indonesia is not satisfied there and seeks to become a full member of the FATF for a better economy, on the other hand Indonesia is currently the only country out of 40 FATF permanent member countries with observer status (Ginting & Chairunissa, 2021). As for the requirements to become a full member FATF, each country must: 1. get a rating of at least 33 Compliant/Largely Compliant (ranking order: Compliant, Largely Compliant, Partially Compliant, Not Compliant and Not Applicable) and get at least 5 High/Substantial ratings of 11 IOs (ranking order: High level, Substantial, Moderate and Low).

### 3.6 Indonesian Government Collaboration in The Implementation of Terrorist Assets Blocking and Terrorist Organizations

In an effort to prevent terrorism financing crimes (TPPT) and make Indonesia a permanent member of the FATF, in line with the collaborative governance theory developed by Criss Ansel, the Indonesian government collaborates with elements of the private sector and the community in implementing it. FATF in recommendation 6 and immediate outcome 10 provides guidance to all countries in providing financial sanctions against terrorists and terrorist organizations and sets standards in carrying out blocking must be carried out in a short time (freezing assets without delay) (Nance, 2018).

List of Suspected Terrorists and Terrorist Organizations (DTTOT) is a list of the names of individuals and entities related to terrorism sourced from the Al-Qaeda Sanction List and the Taliban list (issued by the UN Security Council res. 1267) (PPATK, 2016) and sourced from the Indonesian government (res. 1373), which in turn refers to the names of the names of individuals and entities are blocked for their assets, technically it is specifically regulated in chapter VII of law number 9 of 2013 concerning the prevention and eradication of terrorism financing crimes (TPPT), since the issuance of the law the FATF has judged that the implementation has not been effective enough in accordance with IO 10 standards, because in a matter of fact, the implementation of asset blocking takes a very long time because of the bureaucracy in each of the ministries and institutions (K/L) involved. The implementation can be seen in the figure below:



**Figure 2.** The implementation flow on List of Suspected Terrorists and Terrorist Organizations (DTTOT)

Therefore, the Indonesian government considers it necessary to accelerate efforts in the implementation of asset blocking with the List of Suspected Terrorists and Terrorist Organizations (DTTOT) instrument, these efforts are:

#### a. Joint Regulation 5 K/L

The Government of Indonesia through five institutions issued Joint Regulation Number 231 of 2015 dated 11 February 2015, namely the Supreme Court, the Ministry of Foreign Affairs, the National Counter-Terrorism Agency, the Centre for Financial Transaction Reports and Analysis, and the Indonesian National Police, with 3 objectives: 1. Optimal cooperation, between relevant agencies. 2. Improved time efficiency required. And 3. Provide technical implementation instructions to all agencies involved

#### b. List of Suspected Terrorists and Terrorist Organizations (DTTOT) Task Force

The Indonesian government also formed the DTTOT Task Force in May 2017 consisting of the National Police, the Ministry of Foreign Affairs, BNPT, PPATK and

BIN, this was done because in practice the implementation of asset freezing with various instruments and the steps taken have not been able to accommodate what is recommended by the FATF namely freezing assets without delay. In general, the purpose of establishing this Task Force is the same as the Joint Regulation of 5 K/L as an effort to optimize K/L Cooperation in freezing assets with the DTTOT instrument, but the Task Force is also given more authority, including collaborating with other parties including non-government to identify targets for both terror networks and terrorist financing.

**c. Delegation of authority**

Internally, the National Police also assessed that there were efforts to accelerate the signing of the DTTOT document. The Chief of Police in May 2017 issued a Decree of the Chief of Police regarding the Delegation of the authority of the Chief of Police to the Kadensus 88 AT Polri to sign documents related to the implementation of Law No. 9 of 2013, especially in the scope of asset blocking with the DTTOT instrument.

**d. List of Suspected Terrorists and Terrorist Organizations (DTTOT) App**

Not only until the efforts that have been made, both the internal police and K/L are involved, the K/L which are members of DTTOT take a new policy in an effort to accelerate the blocking process, this time the DTTOT Task Force utilizes advanced technology, a digital application was created to held directly by the policy makers who have the authority to sign documents at every Ministry/Agency involved, starting from the Ministry of Foreign Affairs, Polri, PPATK, BNPT, the application is quite effective in fulfilling FATF recommendations in blocking assets immediately (freezing assets without delay), several asset blocks can be executed within 1-3 days.

These efforts were able to reduce the time required for inclusion in the DTTOT, and the Indonesian government has now included the individuals and entities indicated in the following table.

**Table 4.** Individuals and entities in List of Suspected Terrorists and Terrorist Organizations (DTTOT)

		SOURCE		AMOUNT
		1267	1373	
INDIVIDUAL	Indonesian citizen	23	22	45
	foreigner	367	-	367
ENTITY	Domestic	5	22	27
	Overseas	88	-	88

Explanation: Indonesian citizen: Indonesian citizen, Foreigner: foreign citizen, DN: domestic, LN: overseas

Of the total individuals and entities listed in the DTTOT, the government has frozen assets amounting to Rp. 600 million and an insurance policy of almost Rp. 100 million rupiah,

Further, we try to analyze the DTTOT implementation document starting from the issuance of law number 9 years until the use of the DTTOT application to find out the duration of inclusion in DTTOT asset freezing, as follows:



**Table 5.** listing duration on the List of Suspected Terrorists and Terrorist Organizations (DTTOT)

NO	ERA	DURATION
1	Issued Law 9/2013	1 to 6 months
2	Common Rules	10 days to 8 months
3	DTTOT Task Force	3 months
4	Application	1-7 days

From the results shown in the table, it can be concluded that the collaboration carried out by K/L in Indonesia is quite effective in implementing asset blocking in line with recommendations 6 and IO 10 of the FATF.

#### IV. Conclusion

1. The Indonesian government's implementation efforts by freezing assets in the handling of terrorism financing crimes (TPPT) and making Indonesia a permanent member of the FATF found several obstacles, the very prominent obstacles were 1) not all Ministries / Institutions involved in the process carried out the commitments that had been mutually agreed upon, 2 ) There is limited capacity in one of the ministries regarding the use of technology, so that efforts to use technology with the aim of accelerating the asset freezing process tend not to be achieved. 3). The phenomenon of the change of officials authorized to sign the DTTOT document in one of the K/L does not understand what is being faced, so that it requires repeated socialization by other K/L which takes a lot of time which is not in line with the time recommended by FATF 4) limited government resources in identifying targets that will be included in the DTTOT based on Res. 1373, which affect FATF's assessment on Indonesia is inversely proportional to the law enforcement of terrorism crimes (TPT) and terrorism financing crimes (TPPT) in Indonesia.
2. While other follow-up efforts are required for developing collaborative governance for handling terrorism financing crimes (TPPT) and making Indonesia a permanent member of the FATF, the most important thing is the commitment of every Ministry/Agency to process all implementations that have been mutually agreed upon and to eliminate the sectoral ego of certain Ministries/Agencies in the name of together interests, particularly to make Indonesia look better to the world. It is also vital to strengthen collaboration between government, corporate sector, and societal aspects in an open and transparent manner.

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