

## Research Article

# Combatting Terrorism in ASEAN

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**ORCID**Dini Dewi Heniarti: <https://orcid.org/0000-0002-1456-5729>**Abstract.**

This study aims to determine the strategic policy in facing the shifting scale of the threat of criminal acts of terrorism as an effort to build security in the Asean Region, because terrorism has become a non-traditional security issue adding to the complexity of geopolitical security discourse and the balance of power. The initial finding in this study is the emergence of a shift in the scale of the threat of terrorism in Southeast Asia as a second front after the Middle East so that collective security sees the state standing for a common goal following the same rules and creating peace. The challenges of regionalism to the development of terrorism must be overcome effectively because it is related to maintaining regional stability and the aspiration to make ASEAN a region free from the threat of terrorism. This study used normative legal research, the target of research materials is secondary data, especially legal materials that are secondary and tertiary (in the form of legal information materials), which are then analyzed qualitatively in the sense of formulating justification through the quality of the legal norm itself, expert opinions/doctrine, and supporting legal information.

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**Keywords:** scale of terrorism, Asean, security

## 1. Introduction

The challenges of regionalism to the development of terrorism must be overcome effectively because this is related to maintaining regional stability and the aspiration to make ASEAN a region free from the threat of terrorism. If ASEAN wants to make its region a safe region, then a collective policy is needed to kill the cells that develop terrorist networks in Southeast Asia [1]

Terrorism is not an ordinary crime, apart from being referred to as an extraordinary crime, terrorism is also a crime against humanity. Therefore, its prevention must also use extraordinary methods. Since the September 11, 2001 incident, many victims have suffered moral and material losses, not only the families of the victims, but also the entire international community, and this includes the impact on the business sector. Terrorism is always synonymous with terror, violence, extremism and intimidation so that it often has

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negative consequences for many people and can result in many victims. [2] On the other hand, the influence of globalization is inevitable and contributes to the birth of a new threat [3] Immigration has the concept of deterrence. It becomes a very open instrument. Terrorist movements often use illegally to make fake travel documents, so that there is a link between the cross-border movement of terrorists and state sovereignty at the entrance route based on the immigration policies that apply in that country. Indonesia has ratified several international conventions related to terrorism [4]

Indeed, acts of terror can be carried out by a state, an individual, a group of individuals and an organization. Terrorism is perceived as an extraordinary crime (extraordinary crimes) because of the application of random targets (random targets, non-selective targets). Currently it has the potential to create greater damage and loss of life. In fact, it is possible to use weapons of mass destruction (WMD) such as chemical and biological weapons. Thus, it becomes a serious threat because it is difficult to determine when and where terrorist groups carry out their actions. [5] There are several other summary descriptions of terrorism available. According to Jessica Stern: “two characteristics are critical for distinguishing terrorism from other forms of violence. First, terrorism is aimed at non-combatants. This is what makes it different from fighting in war. Second, terrorists use violence for a dramatic purpose: usually to instill fear in the targeted population. This deliberate evocation of dread is what sets terrorism apart from simple murder or assault. There are several other summary descriptions of terrorism available. According to Jessica Stern: “two characteristics are critical for distinguishing terrorism from other forms of violence. First, terrorism is at non-combatants. This is what makes it different from fighting in war. Second, terrorists use violence for a dramatic purpose: usually to instil fear in the targeted population. This deliberate evocation of dread is what sets terrorism apart from simple murder or assault. [6]

Christopher Harmon has provided yet another and in some respects more precise definition. “Terrorism,” he said, “has always one nature. Capable of different expressions, such as hot rage, cold contempt, and even ‘humane’ indulgences of certain victims, terrorism never loses its essential nature, which is the abuse of the innocent in the service of political power.” It is, he continued, “the deliberate and systematic murder, maiming, and menacing of the innocent to inspire fear for political ends.” Bruce Hoffman also defined terrorism ; as the deliberate creation and exploitation of fear through violence or the threat of violence in the pursuit of political change. All terrorist acts involve violence or the threat of violence. Terrorism is specifically designed to have far-reaching psychological effects beyond the immediate victim(s) or object of the terrorist attack. It is meant to instil fear within, and thereby intimidate, a wider “target

audience” that might include a rival ethnic or religious group, an entire country, a national government or political party, or public opinion in general. Terrorism is designed to create power where there is none or to consolidate power where there is very little. Through the publicity generated by their violence, terrorists seek to obtain the leverage, influence and power they otherwise lack to effect political change on either a local or an international scale. Mark Kauppi adds that traditional terrorists, which are our first concern, are “secular groups with a political agenda requiring public support. [7]

There are several effort from Indonesian for example, to reduce number of recidivist inmates with collaboration between University and Government. [18] In other side, The commitment of the international community in preventing and eradicating terrorism crimes has been presented in various international conventions and UN Security Council resolutions which emphasize that terrorism is a crime that threatens the peace and security of mankind, therefore all members of the United Nations including Indonesia are obliged to support and implement the Security Council resolutions. The United Nations condemns terrorism and calls on all its members to prevent and eradicate terrorism through the establishment of national laws and regulations relating to terrorism in their respective countries. The development of the globalized world today no longer recognizes national boundaries and keeping in mind increasingly sophisticated technological advances and ease of transportation that allows people to easily enter a country they want to go to, it is necessary to enforce law and order consistently and continuously. The existence of acts of terrorism that have occurred in several countries recently has made the United Nations Security Council place terrorism as a criminal act with the status of “International Crime”. the legal system and legislation in force in their respective countries.

UN member states need to work together to deal with the problem of terrorism, keeping in mind that acts of terrorism are still happening and increasing both in terms of quantity and quality and are increasingly becoming a serious threat to the principles of world peace as enshrined in the UN charter. A comprehensive approach to overcoming terrorism is a very important thing considering the multi-aspects surrounding the crime of terrorism, various acts of terrorism that do not recognize national boundaries, are facts that must be faced by the international community, therefore joint activities must be carried out both through cooperation bilaterally and multilaterally to counter terrorism through law enforcement. [8]

Regional security arrangements can make a number of contributions to peace and stability. For some, the primary roles concentrate on collective defence or conflict management – normally understood to include conflict prevention, conflict mitigation,

and conflict resolution – that are pursued within or even outside the geographical boundaries of the arrangement's participants. Within Southeast Asia, governments of ASEAN were no strangers to such an understanding of security. [9]

Significantly when cooperative security also became 'the key concept underlying the emergence of multilateralism in the Asia-Pacific in the post-Cold War period, rather than opt for the particular and more ambitious extra-regional understandings associated with cooperative security and confidence building, ASEAN countries preferred to extend their own past intramural experience into the future at a broader regional level. The ARF thus reflects many aspects of ASEAN's security culture. [10] ASEAN has also evolved quite substantially since its members pushed for the establishment of the ARF. Regime change in Indonesia temporarily made the Association appear more incoherent, especially given the implications of ASEAN widening to include Laos, Myanmar, and Cambodia. But Indonesia's recent governments have sought to invigorate ASEAN once more. As envisaged in the 2003 Declaration of ASEAN Concord II, member states are agreed on the formation of an ASEAN Community comprising three integrated pillars, one of which is the ASEAN Security Community (subsequently changed to ASEAN Political-Security Community). The purpose of transforming itself into a Political-Security Community by 2015 is to ensure durable peace, stability, and shared prosperity, as well as to reinforce its claim not least vis-à-vis the major powers that ASEAN remains a hub for strengthening regional peace and security. ASEAN has also sought legal status for itself as an organization and opted to become more rules based. Signed in Singapore in November 2007 and ratified by all members within a year, the ASEAN Charter is meant to provide ASEAN with a solid foundation for deeper intra-regional cooperation as well as a platform for a sustained regional and international role. ARF participants have since the end of the last millennium also encountered an increasingly large number of potential new security challenges. Indeed, some analysts have seen the ARF shifting its focus from inter-state conflicts to transnational issues. [11]

## 1.1. Problem

Terrorism has not proved the only transnational challenge that ARF participants have confronted in recent years, however. The security of the Malacca Strait, for example, came into focus given fears in some quarters about the possible nexus between maritime terrorism and piracy. The significant number of piracy incidents recorded before the 2004 Indian Ocean tsunami devastated much of the Sumatra coastline, particularly Aceh, has of course since declined, but maritime security remains an important issue.

Other transnational issues and challenges that have had to be confronted by regional decision makers include still other various forms of transnational crime, the possible proliferation of weapons of mass destruction to non-state actors, or potential pandemics, to name but some

## 1.2. Discussion

A country is said to be sovereign if it has the freedom to regulate everything in its territory with all its legal provisions and law enforcement, which is known as the jurisdiction of a country. State jurisdiction is the authority of a state to establish and enforce laws made by the state itself, as a sovereign state. A sovereign state certainly has the freedom to regulate internal and external problems. States have the exclusive right to exercise their sovereign jurisdiction over their respective territories without any interference from other parties. The juridical aspect of a country's jurisdiction is the acceptance or even rejection of foreign nationals who will enter a country based on security, political, economic and legal reasons of a country. [12] A state is said to be sovereign if there is no intervention from any party, this is important in international relations. The concept of state sovereignty has flexibility because it is influenced by the state's ability to carry out its rights and obligations. Each country is expected to have national laws in prosecuting terrorist criminals in accordance with applicable general law and international law. [13] Terrorism is a dynamic, mutable phenomenon. It adapts to changes in the abilities and limitations of terrorist organizations, as well as to changes in their interests and motivations and those of their patrons and benefactors. A terrorist organization is a learning organization.<sup>1</sup> In order to survive, on the one hand, and realize its goals, on the other, it must "study" both itself and its enemy country. In looking inward at itself and its community of origin, the terrorist organization must recognize its advantages and disadvantages, identify the obstacles confronting it, and set short- and long-term goals. It must be very familiar with the community of origin that it purports to represent, and able to accurately identify that community's aspirations, needs, and expectations from it. In examining its rival, the terrorist organization must identify the enemy country's characteristics, strengths, and, primarily, its weaknesses, which can be exploited. The learning process leads terrorist organizations to change their characteristics and tactics over time; this, in turn, has affected trends in terrorism. Specifically, modern terrorist organizations have adapted their methods and strategies to a liberal democratic enemy: they have learned to exploit the latter's institutions, values, and inhibitions, and to manipulate its ethos to gain legitimacy. In so doing, they have striven to create a global

environment that is hostile to countries that must cope with terrorism, turning liberal democracy and international humanitarian law into a double-edged sword pointed at the heart of Western democracy. This trend is analogous to the evolution of the modern battlefield. Classic warfare—that is, a war between two or more states—was conceived as symmetric warfare, waged on a military battlefield, with each party aiming to defeat the military capabilities of its opponent(s). Armies sought to impose this defeat by using their firepower to deprive their rivals of their fighting capabilities. In the mid-twentieth century, warfare strategies began evolving, concomitant with a wave of terrorism. This “modern” terrorism deliberately spread fear and anxiety among the population of enemy states, with the intention of reducing those states’ motivation to continue fighting. To this end, modern terrorism strategy fought its enemies in the media, as well as on traditional military battlefields. Recently, modern terrorist warfare has evolved even further. States are now fighting a new breed of terrorist organization: the hybrid terrorist organization. Hybrid terrorist organizations typically have at least two parts: a military arm and a political arm. At times, a hybrid terrorist organization may develop a third part, which is charged with winning the hearts and minds of its community of origin by providing social welfare services and free or subsidized religious and education services. [14]

In response to the changes and developments, a number of states have sought to expand and strengthen the regional security infrastructure. Since the inaugural ARF Ministerial Meeting in 1994 the wider Asia-Pacific region has witnessed the establishment or adaptation of multilateral frame works that to different extents have engaged or may yet engage in political-security matters. Since 1997, for instance, the region has seen the development of the ASEAN Plus Three framework, which is mostly associated with financial cooperation but that has also been regarded as having potential to serve as a forum within which regional states could pursue certain non-traditional security issues. Fifteen years after its creation, the ARF is still struggling to become more institutionalized even as it attempts to move to the next stage of its evolution, which is preventive diplomacy. Much of this could be attributed to the continuing rift between activist participating states (the United States, Japan, and Australia for example) who see the importance of implementing a number of security cooperation agreements, on the one hand, and those that remain reluctant, uncomfortable, and fearful of ‘losing’ a part of their sovereignty. That ASEAN remains the main driving force in the ARF is also a significant factor in this regard given that its members still do not appear to want to share its leadership role with non-ASEAN states in the Forum.

In the Asean scope, based on the results of several meetings, several agreements resulted, including steps to take action against transnational crimes, terrorism crimes,

including paying attention to parties who provide financial support for terrorism activities. The meeting also resulted in a Plan of Action to Combat Transnational Crime in order to build cohesiveness as well as regional strategies in overcoming and supervising transnational crimes and also increasing cooperation in conducting investigations, prosecuting and rehabilitating perpetrators. Establish regional and sub-regional agreements on criminal justice including MLA (Mutual Legal Assistance). [15]

Security in the context of state politics and international relations is a concept that offers guarantees in which every citizen, society, and state can live in safety. This concept is quite controversial because it contains at least two things: the flexibility of the threat definition (notation of threat) and the subjectivity of the referent object (community or state). The two are interrelated. Threats can be defined by the referent object which is usually played by the state or government regime. Once defined, the state begins to describe the type and scale of threats to its territory, sovereignty, ideology. On the state side, this concept is important in order to secure the national interest. [16] ASEAN views the issue of terrorism in the Southeast Asia region as an issue that requires comprehensive handling and cooperation between ASEAN countries to be overcome. [17] In carrying out cooperation to realize mutual security and promote peace, ASEAN still adheres to the principle of non-intervention as regulated in the 1976 Treaty of Amity and Cooperation in Southeast Asia (TAC) and the ASEAN Charter. ASEAN currently upholds a principle of non-intervention which applies to the ten ASEAN member countries. Of course this brings a positive and negative impact for the continuity of this international organization. The principle of non-intervention is intended so that ASEAN countries respect the independence, sovereignty, and territorial integrity of all nations. Every country has the right to maintain its existence from interfering in the internal affairs of other countries. The principle of non-intervention has so far been firmly adhered to and has contributed a lot to the existence of ASEAN. At the most basic level, this principle is a tangible manifestation of respect for the sovereignty of each member state. This guarantee of recognition of sovereignty is an important factor in reducing mutual suspicion among ASEAN member countries. Respect for what is considered to be the internal affairs of other member countries indirectly helps prevent misunderstandings between members. On the other hand, ASEAN cannot intervene in violations that exist or occur within this organization, for example human rights violations committed by its members and those that occur within ASEAN member countries.

ASEAN's efforts to formulate policies and actions against terrorism have demonstrated the complexity of the problem. Difficulties arose, motivated by factors such as the diversity of member states, their domestic conditions, and their foreign policies.

Meanwhile the issue of terrorism has been able to generate a broad general consensus arising from the common threats facing member states. Significant differences still exist in the demands of anti-terrorist policies at the national level. Another obstacle to this cooperation stems from factors such as geographical, political, social, ethnic, religious and economic differences between ASEAN countries. The scale of national priorities of each member country and the limited resources and capacities they can devote to the struggle with terrorism. Another most important difficulty that the Association must overcome is its weak institutional mechanism, which tends to prioritize national interests and priorities over regional interests that intersect with state sovereignty. Meanwhile, the ability of terrorist networks to operate across borders has an impact on political, social and economic aspects that ASEAN cannot ignore. The solution to such problems lies in a new level of cooperation and collaboration between the governments of member countries and their law enforcement and intelligence agencies. In terms of security community theory, ASEAN's counter-terrorism efforts fall short of classic ideas of how such a community should act.

## 2. Conclusion

Some researchers say that terrorism in Southeast Asia is more local in nature, starting from the roots of national security. Therefore, strengthening the domestic regime is very necessary in order to contribute to regional and global security. However, several other researchers have stated that the threat of escalation of terrorism has expanded from the global level to the regional and domestic levels, especially supported by technological developments that allow terrorists to move on their own without guidance and without organizational ties and other forms of technology-based terrorists. Other observers believe that terrorism is increasingly lethal and that attacks by weapons of mass destruction in the United States could inflict untold damage on the nation's infrastructure and soul. While it is true that terrorism is an enduring historical phenomenon, it is also evident that today's terrorist groups are increasingly different from their Cold War counterparts. Issues other than politics, including religion, millennialism, racism, and financial gain, motivate terrorists today. Religious terrorism specifically describes how the motivations of modern terrorist groups are changing. All forms and motivations behind terrorist acts require collective action and response through cooperation that is built on the capabilities of ASEAN member countries. ASEAN is still not optimal in dealing with the shift in the scale of the terrorist threat in an effort to build regional security. Therefore, a strategy is needed to accelerate the realization of the above. Ideally, ASEAN's efforts



are based on a comprehensive security concept. Since the events of 9/11, the concept of resilience that has been promoted is based on national and regional security, and pays special attention to domestic regimes that are enforced through regional consolidation. One of ASEAN's working guidelines is the principle of non-intervention, which should be reformulated and reconstructed, because it is not in accordance with current dynamics and developments. Several cases of internal conflict that occurred in ASEAN, among others, violated the universal values of human rights and democracy. With the rigid non-intervention principle, ASEAN countries cannot do much which will have a worse impact and hinder the process of protecting, respecting, and fulfilling human rights. This principle limits the space for ASEAN countries to contribute in providing advice or input to countries that have violated or deviated from human rights principles. For example, cases of violence against Rohingya Muslims continue to receive attention and criticism from the international community. The Independent Human Rights Commission (IPHRC) of the Organization of Islamic Cooperation (OIC) strongly condemns the human rights violations against Rohingya Muslims in Myanmar's Rakhine state. However, the problem that becomes an obstacle in handling this seems to have started when the countries that are members of the Association of Southeast Asian Nations (ASEAN) should not be able to take action to solve the problem because of the principle of non-intervention which has become the basic principle or in ASEAN membership. . ASEAN actually has a Human Rights Commission between ASEAN countries or The ASEAN Intergovernmental Commission on Human Rights (AICHR) which was formed in 2009 and can be used as an instrument for upholding human rights in the region. However, it is estimated that this Commission can only encourage each member state to uphold and protect human rights values. The principle of non-intervention is not the same as the principle of non-involvement, due to cooperation between governments for the same interests in the political, economic or social fields including various fields such as military cooperation, trade plans or efforts to limit illicit narcotics trafficking. not prohibited by the principle of non-intervention, although such activities have an impact on national sovereignty. Nor is it prohibited by the state to fight actions from neighbouring countries that have a detrimental impact, such as narcotics production, environmental pollution to refugee problems. The approach used by ASEAN still relies on the initiatives of its member countries. This can be understood, as criticized by some analysts, the birth of ASEAN was not backed by a strong institutional foundation unlike the European Union, for example, stability is therefore not something that can be explained objectively whether it can last a long time or not. has minimal resources that are institutionally inefficient

The Association of Southeast Asian Nations (ASEAN) has played an important role in negotiating and managing order in Southeast Asia and the Asia-Pacific.

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