

ARTICLES

FUTURE IMPACT OF THE ASEAN-RUSSIA LAW DECLARATION TO THE INTERNATIONAL TERRORISM: CAN WE COMBAT TERRORIST WITHOUT WAR?

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Terrorism is defined as coordinated attacks aimed at arousing feelings of terror against a group of people. In contrast to war, acts of terrorism are not subject to the rules of war such as the time of execution that is always sudden and the target of casualties that are random and often are civilians. Terrorism is increasingly becoming a scourge for modern civilization. The nature of the actions, actors, strategic goals, motivations, expected and achieved results, Terrorism targets and methods are now increasingly widespread and varied. So it is increasingly clear that terror is not a form of ordinary destructive violence, but it is a crime against human peace and security. In order to prevent and combat Terrorism, since long before the occurrence of events classified as a form of Terrorism occurred in the world, international and regional communities and various countries have attempted criminal policies accompanied by systematic and comprehensive criminalization of categorized acts as Terrorism. Under the provisions of the 12 convention includes the main protocol rules adopted by the United Nations. These international agreements principally regulate norms including the responsibility of the state in addressing the problem of terrorism with all countries including the ASEAN region and the Russian Federation declaring to fight terrorism. Russia itself as one of the two world superpowers which is seen as having a strong military is considered strategic for ASEAN to establish cooperation in the field of security and defense in the fight against terrorism. Through collaboration agreement and ratification of terrorism regulations



in their respective countries, both the ASEAN region and the Russian Federation are expected to prevent further terrorism in their respective regions.

Keywords: terrorism; criminal policies; provisions; arousing; agreement and ratification; vulnerable; regulate norms.

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Table of Contents

Introduction

1. Emergence and Terrorist Attacks in the World

1.1. Attack Patterns

1.2. Character and Target of Terrorism

1.3. ISIS, The New Face of Global Jihad

2. ASEAN-Russia Joint Declaration for Cooperation to Combat International Terrorism

2.1. Prospect of ASEAN-Russia Cooperation

2.2. ASEAN-Russia Defense Agreement

2.3. ASEAN Convention on Eradication of Terrorism

2.4. ASEAN and Counter-Terrorism

2.5. Russian Counterterrorism Policy

3. Solution to Terrorism

Conclusion

Introduction

Every ASEAN member country has different perceptions of threats regarding the issue of terrorism. There are perceptions related to the 9/11 tragedy, some are not. Indonesia, for example, views movements that undermine independence as an issue of terrorism because the Indonesian government must face attacks by guerrillas who have a neatly organized network of movements. After the 9/11 tragedy, Indonesia experienced a series of bombs which were allegedly directly related to the global terrorist network in Afghanistan.¹ The perception of the threat of theory in Vietnam is

¹ Maryana Torocheshnikova & Farangis Najibullah, *Volleyball, Honor Roll, and Islamic State? The Double Life of an Unlikely Islamist*, Radio Free Europe/Radio Liberty, 10 August 2016 (May 3, 2020), available at <https://www.rferl.org/a/russia-islamic-state-varvara-karaulova-recruitment-double-life/27400453.html>.



more directed at maritime terrorism and separatist movements in Southern Thailand. In Malaysia, the network of pre-9/11 Communist groups and post-9/11 *Islamiyah* congregations was seen as terrorists who undermined Malaysia's national security, especially with the ongoing hijacking of Malaysia Airlines 653 (in 1977) and the involvement of several Malaysian citizens who acted as protesters. Three bombing events that took place in Myanmar (Ranggon, 1983; Yangon, 2005 and 2010) were perceived by the Myanmar government to be the existence of terrorists in its country. North Korean agents, United Liberations Front of Assam and United National Liberation Front are alleged to be networks of terrorist actors in Myanmar. Although classified as safe, the Singapore government remains vigilant about terrorist threats. Moreover, in 1965, Singapore had experienced a bombing at McDonald's and the hijacking of Singapore Airlines aircraft in 1991.²

After the 9/11 tragedy, the Singapore government was active in a series of collaborations in combating terrorism, especially in facing the movement of the Jamaah Islamiyah network and the Moro Islamic Liberation Front. The Philippines suffered a series of terrorist attacks, such as the Moro National Liberation Front (2001) rebellion, the killing of foreign tourists in the Southern Philippines (2001), the Manila attack (2002), the bombing of Philippine military bases in Zamoanga (2002), the bombing of the Airport in Davao City (2003) and the shooting of Ferry ships (2004). These acts of terror are alleged conducted by the new People's Army (NPA), Jamaah Islamiyah, Moro National Liberation Front (2001), Moro Islamic Liberation Front (MILF) and Abu Sayyaf Group (ASG).³ The terrorist threat to the Cambodian government comes from the remnants of sympathizers of the Khmer Rouge and the Cambodian Freedom Fighters (CFF). This movement network has carried out grenade throwing and attacks on Cambodian government installations in the United States in 2000. For the State of Brunei Darussalam, although there have been no terrorist attacks, this country is very active in collaborating on the issue of terrorism, while Laos and Vietnam are classified as countries safe from the issue of terrorism. In order to face a series of terrorism issues, ASEAN member countries have carried out various counterterrorism efforts supported by the existence of a series of formal policies.⁴

Criminal formulations in the ASEAN Declaration are intended to provide guidance to ASEAN countries to harmonize their views and actions from the idea that there are differences in sources and legal structures including legal culture in each country, that transnational crimes contain the main meaning as a crime committed by individuals or organized by crossing territorial borders of a nation

² Shane Preuss, *The Future of ASEAN-Russian Relations*, ASEAN Studies Center, 18 January 2017 (May 3, 2020), available at <http://asc.fisipol.ugm.ac.id/the-future-of-asean-russian-relations/>.

³ Overview: ASEAN-Russia Dialogue Relations (May 3, 2020), available at <https://asean.org/storage/2012/05/Overview-ASEAN-Russia-Dialogue-Relations-as-of-January-2019..pdf>.

⁴ Murad Batal al-Shishani, "Obliged to Unite under One Banner": A Profile of Syria's Jaysh al-Muhajireen wa'l-Ansar, 11(8) Terrorism Monitor 4 (2013).



within the region and globally.⁵ The basic thing to remember about terrorism as part of crimes categorized as transnational crime with other crimes is that the objectives and methods used in terrorism crimes are very specific compared to other crimes in the formulation of transnational crimes.

The strength of ASEAN itself is shown by its “convening power” and its ability to attract interest from the world’s great powers. However, this power also presents a challenge, because ASEAN is not only fixated having to navigate its relationship with these forces, but also debates the various relationships of each of its own members with their respective strengths. Given this, significant comments have been dedicated to the threat of increasing U.S.-China tensions to strengthen ASEAN’s unity and coherence. This tension itself, often centered on Sea disputes occurring in South China, is set to strengthen Donald Trump’s position as Chosen President, the company is even aggressive towards China. There is, however, another great power in the region, whose increasingly eager courtship of ASEAN, combined with its complex and evolving relations with both China and the USA, is set to play a significant role in the region’s geopolitics; Russia.

ASEAN-Russia cooperation started in 1991. Russia officially became ASEAN’s Partnership Speech at the 29th AMM/PMC in Jakarta in July 1996. The basic consideration for forming the partnership is Russia’s status as a permanent member of the U.N. Security Council, which is expected to be utilized for the benefit of ASEAN. Besides that the size of the Russian economic market and its natural resources is also an opportunity for ASEAN to further enhance relations with Russia in the fields of development, Science and Technology, Trade, Human Resources, Investment and Economics, Environment, Tourism, Culture, improvement of people-to-people contact, and security.

ASEAN-Russia strategic cooperation seems to enter a new phase which is quite encouraging. The draft declaration of Russia’s proposal for the Declaration of Framework for Strengthening Security and Developing Cooperation in the Asia-Pacific Region has been readily available and is ready to be studied further by all ASEAN member countries. The proposal initiated by Russia contained guidance as well as a code of ethics related to cooperation at the regional and international level for ASEAN countries. It must be admitted that this is a new breakthrough that is quite strategic and beneficial for Russia’s role and presence in the ASEAN region. Also this marks the intensification of participation by Russia and China, which since 2001 were incorporated into a strategic alliance under the umbrella of the Shanghai Cooperation Organization (SCO), to build security cooperation with its strategic partners from ASEAN, including Indonesia.

⁵ ASEAN-Russia Relations 4 (G. Chufrin et al. (eds.), Singapore: Project MUSE Books, 2013).



1. Emergence and Terrorist Attacks in the World

The terrorism movement in the world is still a serious threat to efforts to create world security and peace. Until today and in the next few years, no country in the world can provide guarantees free from attacks by extremist groups incorporated in an international terrorist network. Blasting the WTC building in New York on 11 September 2001 was a history of turning points terrorism movement in the world, for Indonesia it is the Bali Bombing I incident dated 12 October 2002. Since the WTC bombings and the Bali bombing, the movement terrorism is a phenomenon of radicalism that is related to religion.⁶

Al-Qaeda is underground resistance organization that has since in 1998 it had the patent of war titled "World Islamic Front for Jihad Against Jews and Crusaders" (*al-Jabha al-Islamiyah al-Alamiyah li-Qital al-Yahud wal-Salibiyyin*).⁷ Al-Qaeda success in the 11 September 2001 tragedy became clear evidence that the threat of terrorism is real. The U.S. government under President Bush immediately announces "war against world terrorists" (war on terror). Osama soon became the most wanted man in the world, the main target of the operation of the U.S. government.

Osama bin Laden's death on 2 May 2011 in Abbottabad, Pakistan, Islamic-based terrorism movements are not necessarily extinct. A new global face jihad appears on the surface with more sophisticated patterns and modes and turn off, for example, Islamic State of Iraq and Syria (ISIS). ISIS becomes the main axis of Islamic-based radicalism and terrorism in the world or now post-al-Qaeda. ISIS is one step ahead of al-Qaeda. ISIS has declared ad-Dawlah al-Islamiyah "Islamic State" (IS) led by the caliph Abu Bakr al-Baghdadi, things that have not been done by al-Qaeda.

The declaration of an Islamic state by al-Baghdadi provides incentives for groups that have been fighting for the Islamic State around the world. ISIS network cells have spread throughout the world and declared allegiance to Imam Islam State Abu Bakr al-Baghdadi. Meanwhile, in the African region, especially in Nigeria and Cameroon appears to be an Islamic extremist group that also has established an Islamic state, Boko Haram. Boko Haram was founded in 2002 by Mohammed Yusuf with the aim of establishing a "purely" based Islamic state Sharia law and stop things that are considered as "Westernization." Boko Haram became the world's attention after its action kidnapping

⁶ Ali Asghar, *Gerakan Terorisme Tahun 2015: Pola Serangan, Jumlah Korban dan Wajah Baru Global Jihad* [Terrorism Movement in 2015: Pattern of Attacks, Number of Victims and the New Face of Global Jihad], 2(1) Jurnal Keamanan Nasional [National Security Journal] 2 (2016).

⁷ This Jihad Declaration was signed by Osama bin Laden, Ayman al-Zawahiri and three other al-Qaeda leaders. Rohan Gunaratna, *Inside Al Qaeda: Global Network of Terror* 45 (New York: Berkley Publishing Group, 2003). See also Peter Mandaville, *Global Political Islam* 248 (London; New York: Routledge, 2007). This appeal is broader from the previous appeal dated 23 August 1996 which contained the declaration of Jihad against American occupation of land and two holy places as contained in the newspaper speak Arabic in London, al-Quds al-Arabi. See Ronald Crelinsten, *Counterterrorism* 73–74 (Cambridge: Polity Press, 2009).



200 Nigerian female students and making women as a sex slaves. On 13 November 2013, the U.S. government classifies this group as a terrorist organization.

Al-Qaeda, ISIS and Boko Haram are prime examples of phenomena religious terrorism movement that has become the international concern. Even though Islamic-based terrorism organizations still dominate the action terror attacks in 2015, but in some cases too found terror attacks carried out by secular groups or nationalist.⁸

Some secular or national groups that actively do terror attacks in 2015 include: Turkish Left Group or the Revolutionary People's Liberation Party-Front or Devrimci Halk Kurtuluş Partisi-Cephesi (DHKP-C), Donetsk People's Republic-Ukraine, Korean Nationalist, National Liberation Army-Macedonia, the Nationalist Socialist Council of Nagaland-India, Kosovo Liberation Army-Macedonia, Baloch Separatist-Pakistan and New People's Army Philippines. Beyond the attacks carried out by terrorism organizations is an act of terror which is done individually (lone wolf).

Al-Qaeda's fading charm in the terrorist attacks in the world is attributed to the death of Osama bin Laden. Osama bin Laden is not only become al-Qaeda leader, but also an al-Qaeda funding source. Al-Qaeda attacks in the world depend a lot on funds owned by Osama bin Laden, in addition to other funding sources from Osama bin Laden's business network.⁹

Therefore, the death of Osama bin Laden has an influence on al-Qaeda's terrorist acts because there no longer exist funds that can be used to carry out large actions, for example Bali Bombing 1 and 11 September 2001 in the U.S. On the contrary, ISIS as an al-Qaeda splinter organization actually became frightening specter as a world terrorism organization. The amount ranks first from the list of terrorist organization attacks. Moreover, the pattern of ISIS attacks is also more deadly than al-Qaeda. ISIS does not only target direct attacks on symbols – western symbols, but also Islamic groups that do not agree with ISIS, for example, Shiite Islam.¹⁰ More than that, ISIS dares to take action by genocide against minority groups considered enemies, like Iraqi and Syrian Christians and ethnicity Yazidi.¹¹

1.1. Attack Patterns

Action terrorism attacks throughout the year 2015 pattern dominated the attack with the mode of firing as many as 111 times, followed the pattern of suicide

⁸ Use the term "secular or nationalist group" to make it easier in distinguishing Islamic-based terrorism movements or Islamic ideologies with non-Islamic based terrorism organization group.

⁹ Yossef Bodansky, *Bin Laden: The Man Who Declared War on America* (Rocklin: Prima, 1999); Gunaratna 2003, at 17.

¹⁰ The Islamic State of Iraq and Greater Syria: Two Arab Countries Fall Apart, *The Economist*, 14 June 2014 (May 3, 2020), available at <https://www.economist.com/middle-east-and-africa/2014/06/12/two-arab-countries-fall-apart>; As'ad Said Ali, *Al-Qaeda: Tinjauan Sosial-Politik, Ideologi dan Sepak Terjangnya [Al-Qaeda: Socio-Political Review, Ideology and its Occurrence]* 335–336 (Jakarta: LP3ES, 2014).

¹¹ Minority Killings by IS "Should Be Recognised as Genocide," BBC, 21 December 2015 (May 3, 2020), available at <https://www.bbc.com/news/uk-35147645>.



bombings as much as 88 times, as many as 45, bomb attacks and car bombs as much as 24 times. Organization of Islamic-based terrorism groups uses the pattern combination of shooting, bombs, suicide bomb attacks and car bombs. The pattern of terror attacks a group of secular nationalists tend to use the pattern of the attacks and attacks using artillery firing as happening in Ukraine by the Russian pro rebel group. Nevertheless, the pattern of the attack suicide bomb (suicide bombings) are likely to be dominant and is performed by a group of Islamic-based terrorism organizations, such as ISIS, al-Qaeda, the Taliban, al-Shabab and Boko Haram.¹²

Robert A. Pape reveals factors behind the violent actions in the form of suicide terrorism is not motivated by sheer factored religious fundamentalism, otherwise even more secular motifs that is driven by nationalism in the form of political the opposition oust the American occupation in the Islamic countries. Parallel with what is revealed Pape, Faisal Devji in "The Terrorist in Search of Humanity: Militant Islam and Global Politics" try to discuss and question the representation of Islam as a motive of terrorism. Terrorism according to Devji is not sourced from religious factors but more of a form of protest against the global world order which is unfair under the control of the United States.¹³

Pape research is not enough to be a thesis that the action of suicide bombings carried out by more nationalist than the Group of Islamism. This is due to the turning point of the history of terrorism in the world is the WTC terror action in the U.S. in 2001 by al-Qaeda. Action-based Islamic terror groups before the year 2001 is not enough massif and phenomenal. So that the movement of terrorism before the year 2000 are more dominated by secular nationalist groups. Therefore, do not cover the possibility if the data is continued to the present Pape opened the possibility that the action of suicide bombings carried out by the more Islamic-based terrorism compared to the organization-based secular nationalists.

1.2. Character and Target of Terrorism

Terrorist character based on the results of studies and empirical experience in handling acts of terrorism carried out by the United Nations, among others, as follows, terrorists generally have a solid organization, high discipline, militant with an organizational structure in the form of small groups, and orders carried out through indoctrination and terrorists in training for years before carrying out their actions. Terrorists consider that the peaceful process of obtaining change is difficult to obtain. Terrorists choose actions that are related to political objectives by criminal means and do not heed applicable norms and laws.¹⁴

¹² Robert A. Pape, *Dying to Win: The Strategic Logic of Suicide Terrorism* 15 (New York: Random House, 2005).

¹³ Faisal Devji, *The Terrorist in Search of Humanity: Militant Islam and Global Politics* (New York: Columbia University Press, 2008).

¹⁴ Anna Politkovskaya, *Putin's Russia: Life in a Failing Democracy* 1–18 (London: Harvill Press, 2004).



Choosing targets that have a high psychological effect to generate fear and get broad publication strategic objectives of terrorists include, demonstrates the weaknesses of power tools (Government Apparatus), causes conflict and radicalism in the community or certain segments of society humiliating government officials and provoking them to act repressively and then discrediting the government and generating public sympathy for terrorist goals, using mass media as a tool for disseminating propaganda and terrorist political goals, building physical targets include, military installations, building vital objects such as energy generation, communication installations, industrial estates, tourism and transportation facilities, government officials, diplomats, business actors and political personnel.¹⁵ So, the target of terrorist actions that are generally against humans and other objects must be able to be maintained with a better system of terrorist systems which aims to highlight the weaknesses of the government system designed to produce positive or sympathetic public reactions for terrorists.

1.3. ISIS, The New Face of Global Jihad

The term "jihad" in Islam to be recognized nomenclature is not a foreign word. The term "jihad" many found in the Qur'an or Hadith of the Prophet.¹⁶ Etymologically, the term "jihad" means to strive in earnest or exerting all ability. Therefore, when mentioned "jihad fisabilillah" that means earnest by exerting all ability to always be in the way of God. But today, the term "jihad" more translated with the meaning of violence committed by radical Islamist groups in the effort against the parties who are considered threats to Muslims.

Jihad has had the meaning of mobilizing all abilities to always be on the road of God. But now, the term "jihad" is more connoted with the meaning of violence perpetrated by radical Islamic groups within efforts against those who are considered to be tyrannizing Muslims. The new development of the term "jihad" connotes this violence increasingly find its relevance when a terror attack occurs in WTC bomb in the United States on 11 September 2001, likewise with the first Bali bombing in Indonesia on 12 October 2002. Two of the event of terror increasingly justifies the meaning of jihad fiber with a culture of violence. Historically, the emergence and development of the global movement of jihad cannot be separated from important events in the history of world politics of Islam. There are three important events in the Islamic political arena behind the global awakening of jihad, namely first, the Islamic Revolution in Iran, secondly, the invasion of the Soviet Union in Afghanistan and third, the agreement peace between Egypt and Israel which is seen by radical

¹⁵ *In Search of Another "Small Victorious War,"* Institute for War and Peace Reporting, 8 October 2012 (May 3, 2020), available at <https://iwpr.net/global-voices/search-another-small-victorious-war>.

¹⁶ The Qur'an mentions the word "jihad" in a number of verses, more or less there is around the 41 verses in some letters in the Qur'an.



Muslim activities as a form of pro-Western regime policy.¹⁷ The three events have given birth to extremist Islamic groups that made the West as enemies and fights, including al-Qaeda. These three events have become momentum for the resurrection global jihad by groups of Islamic extremism that are fast spread in the Middle East, Asia, Africa, the Caucasus, the Balkan Gulf to Eastern Europe. This global awakening of jihad is increasingly finding its relevance when Western countries are under American command tend to intervene in a number of Islamic countries, such as Iraq, Iran, Pakistan and a number of Middle Eastern countries.¹⁸

In its development, the occupation of the American army in several Islamic state raises resistance even in the form of jihad fighting the people of kafir (read: America and its allies) and spread to all Islamic countries, including Indonesia. Mahmood Mamdani in "Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror," questioning

How do right-wing Islamist activities, an ideological tendency that only a few people support who were scattered before the Afghan war, able to move and continues to expand and color the global political arena especially after September 11.¹⁹

Al-Qaeda led by Osama bin Laden began the global jihadist movement since 1998. Orientation of the jihadist movement is violence. Jihadist groups know no compromises and negotiations:

Jihad and the rifle alone; no negotiations, no conferences, and no dialogues.²⁰

While the genealogy of radicalism in the modern century was formulated by Sayyid Qutb. Qutb provides a basic formula for reasons for use violence when dealing with tyrants that obstruct its upright Islamic sharia.²¹ After al-Qaeda, the global jihad movement emerged with a new face and a new strategy, ISIS. ISIS is present as a global movement of jihad continuing Osama bin Laden's struggle. ISIS goals have something in common with al-Qaeda namely the establishment of Islamic Shari'a in an Islamic state. However, the presence of ISIS was a step ahead of al-Qaeda, ISIS has declared an "Islamic State" while al-Qaeda has not been able to and/or not declare

¹⁷ <http://www.globaljihad.net>

¹⁸ Thomas Hegghammer, *Global Jihadism After the Iraq War*, 60(1) Middle East Journal 11 (2006).

¹⁹ Mahmood Mamdani, *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror* 129–130 (New York: Three Leaves Press, 2004).

²⁰ *Id.* at 127.

²¹ Stephen Vertigans, *Militant Islam: A Sociology of Characteristics, Causes, and Consequences* 11 (London: Routledge, 2008).



an “Islamic State.” Because that, the difference in jihad between al-Qaeda and ISIS is ISIS jihad for “Islamic State” while al-Qaeda is “Jihad Fisabilillah.”

Beyond the above, the emergence and development of ISIS cannot released from the Arab Spring phenomenon which has knocked out a number authoritarian regimes in the Middle East region such as Tunisia, Libya, Egypt, and Yemen. The demonstration revolution and protests taking place in the world Arabic since 18 December 2010, not only destroying the building of an authoritarian state but also gave birth to Islamic groups purists who take the momentum to overthrow Shiite leaders, including Syrian President Bashar al-Assad. ISIS and al-Qaeda Sunni-leaning took the opportunity the politics by trying to overthrow dictator Bashar al-Assad as Syrian-style Syrian President. Overthrow effort it was unsuccessful because Bashar al-Assad received support from Syi’ah Hizbullah militant group.²² Failure to overthrow Bashar al-Assad shifts ISIS attention to Iraq controlled by al-Qaeda. At this point there was a tension between ISIS and al-Qaeda decided that ISIS was no longer part of al-Qaeda.

2. ASEAN-Russia Joint Declaration for Cooperation to Combat International Terrorism

ASEAN and Russia member countries expressed their condolences to Indonesia for the recent acts of terrorism in several cities in Indonesia. The act of terror is a sign that the threat of terrorism in the region is still very real, serious, and its response requires intensive cooperation between countries including ASEAN-Russia. In addition to highlighting cooperation in combating terrorism and other transnational crimes, the meeting also discussed various issues related to the ASEAN-Russia partnership such as trade and investment, energy, transportation, agriculture, disaster management, education and cultural exchanges and discussed the development of ASEAN-political and security cooperation Russia in the region includes the development of the Indo-Pacific concept. The position of Southeast Asia in the Indo-Pacific axis will be a bridge between the initiatives of major countries so that the Indo-Pacific region does not become an arena of adverse competition. For this reason, ASEAN and Russia need to increase synergy in Indo-Pacific cooperation that is inclusive, open, transparent and respects international law to maintain peace and increase prosperity through a mechanism led by ASEAN (ASEAN led-mechanisms).

In its response, Russia as one of the ASEAN Talk Partners expressed its full support for ASEAN’s centrality in the region and hoped that the development of the Indo-Pacific cooperation concept could also accommodate its input.²³ In the economic

²² Masdar Hilmy, *Genealogi dan Pengaruh Ideologi Jihadisme Negara Islam Iraq dan Suriah (NIIS) di Indonesia [Genealogy and Influence of the Ideology of Jihadism of the Islamic State of Iraq and Syria (ISIS) in Indonesia]*, 4(2) Jurnal Tasawuf dan Pemikiran Islam [Journal of Sufism and Islamic Thought] 404, 406 (2014).

²³ *ASEAN-Russia Relations*, *supra* note 5, at 8.



discussion, the Meeting noted that the value of trade, investment and tourism of both parties needs to be improved. The trade value of ASEAN-Russia in 2016 was only recorded at around 12 billion U.S. dollars or 0.5%, of the total ASEAN trade. This reflects the trade potential of both parties that need to be improved. On this occasion, Indonesia also expressed its readiness to become the ASEAN-Russia country coordinator of cooperation for the next three years until 2021.

The handover of the intended position from Laos to Indonesia will take place at the ASEAN-Russia Ministerial Meeting which will be held in August 2018 in Singapore. Indonesia is committed to promoting increased concrete cooperation between ASEAN and Russia during its coordination period. The 15th ARSOM meeting was an annual meeting which became a mechanism for ASEAN high-level dialogue with Russia. Cooperation between ASEAN and Russia began in 1992 and Russia became ASEAN's Speech Partner in 1996. At the 2016 Commemoration of the 20th Anniversary of ASEAN-Russia Cooperation in Sochi, both parties agreed to increase cooperation in efforts towards the ASEAN-Russia strategic partnership.

2.1. Prospect of ASEAN-Russia Cooperation

ASEAN and Russia must jointly build mutually beneficial cooperation. But ASEAN must have a clear vision, so that with Russia there will be an equal/mutually reinforcing collaboration. With Russia there must be take and give. ASEAN currently cannot determine the direction of foreign policy of other countries, including Russia. If volunteering in other countries' bandwidth, ASEAN foreign policy will not be independent and independent. Especially in determining strategic decisions in the middle of the global constellation like today. In the current global constellation, the practice of international relations emphasized is the transfer of power. This means that countries in the international system want to establish banks or financial institutions, even trade traffic that is autonomous in nature. This transfer of power is what Russia wants.

Thus America can be terminated in its role as the only dominant power in the international world. This is what is being sought by developing countries such as Brazil, India and South Africa. Indeed we do not yet know when the achievement of equality or equality. Clearly, Russia is trying to attenuate the gap or gap with America as a global dominator. It is evident that when America was hit by the economic crisis, America approached China. This is proof of the transfer of power. The strategic movements of Russia in the framework of regionalism are in APEC, East Asia Community, ASEAN Regional Forum (ARF), and G-20.

Regarding the G-20, although there are some experts who consider it an extension of America, it still must be seen as a separate entity. But before being able to maximize Indonesia's role in the G-20 forum, Indonesia must first maximize its role in the Asia Pacific economic forum in APEC, ARF and East Asia Community, because ASEAN is more likely to build a balance in APEC, ARF and East Asia Community. However, even



if they still want to play a role in the G-20, our foreign policy stakeholders must be smarter and smarter in maximizing their role. That is, Indonesia must know itself but also be able to motivate themselves. So this participation as a member of the G-20 country is not just about joining in or just wanting to get recognition.²⁴ Foreign policy makers should be aware that Russia's geopolitical reach to foreign countries is the Middle East, Central Asia, Asia Pacific and the Far East. We know that Syria in the Middle East is a key factor that Russia has never released. Central Asia, clearly mentioned earlier, moreover there are many ex-Russian satellite countries in the region. Then in the Asia Pacific region, Russia is somehow incorporated in the APEC forum. Also Russia is in the East Asia Community. Russia is also involved in the ARF like that. Whereas the primary interaction of Russia, currently remains with the United States. Then with China. Third with the European Union. Then with Japan, India and then with ASEAN.

2.2. ASEAN-Russia Defense Agreement

Sales of Sukhoi fighter planes to Indonesia and Malaysia as well as deadly submarines and anti-ship missiles for Vietnam are the most obvious aspects to see the growth of Moscow's defense ties with Southeast Asian countries. Along with the increase in the number of defense budgets of ASEAN countries, Russian arms manufacturing has changed the focus of income by targeting new opportunities. Western observers do not consider Russia a serious player in Southeast Asia. However, they were wrong. Historically, Russia's political and economic relations with this region were indeed low, but later Moscow took a defensive route to tighten ties with ASEAN countries.

Buying and selling weapons has the potential to turn into military cooperation and unite these countries in a geostrategic approach. Keep in mind, Russia is the most sophisticated supplier of weapons in the world for countries in the region. Sukhoi fighter planes for Indonesia and Malaysia, as well as deadly submarines and anti-ship missiles for Vietnam are the most obvious aspects to see the growth of Moscow's defense ties with ASEAN countries. In 1997, Russia reached a major turning point when the country succeeded in selling Igla portable missiles to Singapore, a close U.S. ally.²⁵ Moscow recorded its first military agreement with Thailand when selling Mi-17 transport helicopters and they are currently discussing the supply of T-90 tanks. Along with the increasing defense budget of ASEAN countries, Russian weapons manufacturing has changed the focus of its income by targeting new

²⁴ ASEAN-Russia Joint Declaration for Cooperation to Combat International Terrorism (May 3, 2020), available at https://asean.org/?static_post=asean-russia-joint-declaration-for-cooperation-to-combat-international-terrorism-2.

²⁵ ASEAN-Russia Embark on Capacity Building Activities on Counter-Terrorism and Transnational Crime (May 3, 2020), available at <https://asean.org/asean-russia-embark-on-capacity-building-activities-on-counter-terrorism-and-transnational-crime/>.



opportunities. The reputation of the famous Russian weapons system is very helpful, especially on the battlefield. In addition, Russian weapons are cheaper than Western-made analogs. The main stars from Russia, namely fighter jets, missiles, warships and air defense systems used to fight terrorist groups in Syria, clearly attract the attention of buyers in the coming years.

2.3. ASEAN Convention on Eradication of Terrorism

Recalling the Charter of the United Nations and the principles of relevant international law, relevant international conventions and protocols relating to combating terrorism, and relevant United Nations resolutions on measures intended to eradicate international terrorism, and reaffirming our commitment to protect human rights, fair treatment, legal rules, and due process and the principles contained in the Agreement on Friendship and Cooperation in Southeast Asia made in Bali on 24 February 1976. ASEAN reaffirming that terrorism cannot and must not be associated with any religion, nationality, civilization or ethnic group. Recalling also the ASEAN Declaration on Joint Action on the Eradication of Terrorism and the Declaration on Terrorism, each of which was accepted at the ASEAN Summit in 2001 and 2002.²⁶

ASEAN reaffirming in the commitment to the Vientiane Action Program made in Vientiane on 29 November 2004, in particular its emphasis on “forming and sharing norms,” and the need, among other things, to assist in the signing of an ASEAN Mutual Legal Assistance Agreement, and a Convention ASEAN concerning the Eradication of Terrorism, and the establishment of an ASEAN Extradition Agreement, mandated by the ASEAN Declaration of Concord in 1976, also carefully considering the serious danger posed by terrorism to innocent humans, infrastructure and the environment, regional and international peace and stability, and economic development, realizing the importance of effectively identifying and resolving the root causes of terrorism in the formulation of every step of eradicating terrorism.

This represent that terrorism, in all its forms and manifestations, carried out anywhere, anytime, and by anyone, constitutes a major threat to international peace and security and a direct challenge to the achievement of ASEAN peace, progress and prosperity, and the realization of the Vision ASEAN 2020. ASEAN reaffirming strong commitment to enhance cooperation in eradicating terrorism which covers prevention and termination of all forms of terrorist acts. This represent the need to enhance regional cooperation in combating terrorism and take effective steps by strengthening cooperation between law enforcement agencies in ASEAN and relevant authorities in combating terrorism, also encouraging the Parties to join as soon as possible relevant international conventions and protocols relating to the eradication of terrorism.

²⁶ Konvensi ASEAN mengenai Pemberantasan Terorisme (2007) [ASEAN Convention on Combating Terrorism (2007)] (May 3, 2020), available at https://id.wikisource.org/wiki/Konvensi_ASEAN_mengenai_Pemberantasan_Terorisme.



2.4. ASEAN and Counter-Terrorism

The actions of extremism, terrorism and Islamic militancy are a real threat to the diversity of ASEAN communities.²⁷ Recently, the case of the Islamic State of Iraq and Syria (ISIS) in Iraq-Syria is believed to be capable of arousing and inspiring treason and acts of terror in the Southeast Asian region. The authorities in each ASEAN country must begin to realize the potential for the growth of the seeds of Islamic radicalism in their respective areas. Because this time, ISIS is very massive, creative, and attracts young people to make propaganda in a way compared to Jemaah Islamiyah (JI) or al-Qaeda in the past decade.

There are several opinions that have developed regarding this issue. According to the senior International Crisis Group advisor Sidney Jones, Indonesian citizens who will join the war in Iraq-Syria exceed the number who has gone to Afghanistan in the period of 1985–1994.²⁸ In December 2014 the Head of the National Counterterrorism Agency (BNPT) said, 514 Indonesians had traveled to Iraq and Syria.²⁹ But it does not explain how many joined ISIS.

In Malaysia alone the number of citizens recruited by ISIS is around 40 and in the Philippines around 200.³⁰ The New Straits Times published a report, independent terror groups such as JI, al-Qaeda and ISIS subscribed to similar ideologies. The ideology was reproduced and offered back to other militia groups. Like its predecessor, ISIS also made contact with militants in the Southern Philippines, Abu Sayyaf. Meanwhile, ISIS also seems to be aggressively doing propaganda on social media. Senior ISIS leader Abu Muthanna al-Yemeni broadcast a video titled “There Is No Life Without Jihad” on YouTube.³¹ In the video, the British citizen claims, ISIS has gathered Muslim militias from all over the world, starting from Bangladesh, Iraq, Cambodia, Australia, the United Kingdom. But Muslim leaders in Cambodia rejected the claim. Despite the denukian, their diplomat noted that hundreds of students and students from Cambodia studying in madrassas in the Middle East joined in.

How does ASEAN respond to these problems? If you look at the historical context, the threat of extremism and radicalism that led to acts of terror began to get a big response from ASEAN after the events of 11 September in the United States and the

²⁷ ASEAN Efforts to Counter Terrorism (May 3, 2020), available at https://asean.org/?static_post=asean-efforts-to-counter-terrorism-this-paper-was-prepared-for-the-un-counter-terrorism-committee.

²⁸ Elliot Brennan, *How Southeast Asia Is Responding to ISIS*, The Interpreter, 5 March 2015 (May 3, 2020), available at <https://www.lowyinstitute.org/the-interpreter/how-southeast-asia-responding-isis>.

²⁹ Alarming Rise in Support for ISIS in Indonesia, Says Counter-Terrorism Chief, The Straits Times, 8 December 2014 (May 3, 2020), available at <https://www.straitstimes.com/asia/se-asia/alarming-rise-in-support-for-isis-in-indonesia-says-counter-terrorism-chief>.

³⁰ Ahmed S. Hashim, *The Impact of the Islamic State in Asia*, Policy Report (February 2015) (May 3, 2020), available at http://www.rsis.edu.sg/wp-content/uploads/2015/02/PR150211_The_Impact_of_the_Islamic_State_in_Asia.pdf.

³¹ Luke Hunt, *ISIS: A Threat Well Beyond the Middle East*, The Diplomat, 7 July 2014 (May 3, 2020), available at <https://thediplomat.com/2014/07/isis-a-threat-well-beyond-the-middle-east/>.



Bali bombing on 12 October. Some observers see Southeast Asia as the “second front” in the global project against terrorism promoted by the United States. The response to terrorism reached its peak in November 2001 when ASEAN leaders declared war on terrorism.³²

However, it appears that the declaration did not originate from a real consensus among member countries. The existence of different domestic interests between Indonesia, Malaysia, the Philippines and Singapore has achieved regional agreements and the formulation of concrete steps has not gone well. On the other hand, the domestic political dimension is also very strong in this response.³³ For example, Malaysian Prime Minister Mahathir Mohamad and Philippine President Gloria Macapagal-Arroyo quickly supported the American war against terrorism and used it for political gain. Mahathir took advantage of 11 September to discredit Malaysia’s Islamic Party by describing it as an Islamic militant party. Arroyo, who described the Abu Sayyaf as an international terrorist movement, was willing to accept U.S. military assistance to crush its members on Basilan Island. Singapore, which since the Cold War has become one of the U.S. allies, has contributed directly to supporting the project.

On the contrary, at that time the Indonesian President Megawati Soekarnoputri faced a difficult situation. Indonesia relies on moderate Muslim organizations that oppose the political response to terror groups that are identified with Islam. The absence of anti-terrorist measures in Indonesia, such as not arresting the leaders of Jemaah Islamiyah (JI), caused Singapore’s Senior Minister Lee Kuan Yew to respond in the form of a speech in February 2002. Yew stated that Singapore would be at risk of terrorism if extremist leaders it were not captured. This of course brings a little tension to the relations between the two countries in the region.

Thus, it is seen that as a regional entity, the approach used by ASEAN is still compatible with the initiatives of its member countries. This can be understood, as criticism from some analysts, the birth of ASEAN is not based on a solid institutional foundation (not like the European Union, for example), therefore stability is not something that can be explained objectively whether it can last long or not.³⁴ ASEAN was also criticized for its weaknesses because international organizations have minimal resources that are institutionally inefficient.

However, ASEAN actually still has regional ideals in looking at the reality of the future. Therefore ASEAN still has to continue to develop social construction in society, the importance of ASEAN and its strength in the global realm.³⁵ Meanwhile, the main impact of ISIS propaganda in Southeast Asia is believed to be the inspiration for the extremist Islamic movement directly. This potential poses a threat and alludes

³² Brennan, *supra* note 28.

³³ Ralf Emmers, *ASEAN and the Securitization of Transnational Crime in Southeast Asia*, 16(3) *Pacific Review* 419 (2003).

³⁴ *Empire and Neoliberalism in Asia* (V.R. Hadiz (ed.), London; New York: Routledge, 2006).

³⁵ Hashim, *supra* note 30.



to regional security issues. ISIS propaganda must also be handled carefully and effectively. Because, their priority to present militant energy and resources began to glance at non-core areas of conflict, namely the ASEAN region began to grow. The experience of militant and extremist groups in Indonesia, Malaysia, the Philippines and Thailand has great potential to supply the needs of recruited candidates.³⁶

Radicalism and terrorism in the region can certainly disrupt the prospect of ASEAN stability going forward. However, the prospect is not so easy to collapse if the norms in the ASEAN Way are infused. The points of the ASEAN Way are, (1) non-intervention in military affairs and use; (2) focus on things that unite rather than separate potential enemies; (3) priority on development (developmentalism); (4) personalistic practices, consensus-based, and negotiations that uphold the dignity of all parties, save great potential to optimize the direction of security policy later.³⁷

ASEAN's response to these acts of terror and radicalism is often just a rhetorical device.³⁸ So far, ASEAN member countries have focused more on actions that are not binding, not specific, and without building a mechanism for monitoring progress against these acts of terror. The ASEAN modern society needs to break away from the tendency to issue statements without serious affirmative action at the regional level.³⁹

By redefining ASEAN Way, norms at the regional level in avoiding radicalism are able to build a better democratic and economic spirit. Focusing on issues that are more able to unite regional enthusiasm such as the similarity of maintaining local culture, growth into a modern, democratic and developmental state is able to make ASEAN study and mobilize its internal strength to eliminate such narrow radicalism. ASEAN has not lost the ability to pursue these cases. It's just that the policy approach instruments and strategies for handling radicalism need to be pursued whether they have brought the spirit of one ASEAN or still like to walk individually.

2.5. Russian Counterterrorism Policy

After the 9/11 tragedy and the world, including Russia, simultaneously issued a war on terrorism policy. The Russian government is increasingly aggressively saying that the Chechen separatist movement has links and relations with the international terrorist group al-Qaeda, although there is no concrete evidence to prove this connection. There were also several tragedies that befell Russia related to the Chechen separatist movement, for example in 1995 when the Chechen separatist group led by Shamil Basayev took 1500 hostages in the city of Budyonnovsk, which ended with the death of 170 people when the rescue action was carried out. Then

³⁶ T. Jasudasen, *ASEAN'S Legal Framework: Lost its Stripes or Back With a Roar?*, Times, 9 March 2010 (May 3, 2020), available at <http://www.iseas.edu.sg/aseanstudiescentre/Speech-TJasudasen.pdf>.

³⁷ Timo Kivimäki, *Southeast Asia and Conflict Prevention. Is ASEAN Running out of Steam?*, 25(4) Pacific Review 403 (2012).

³⁸ Hunt, *supra* note 31.

³⁹ Alarming Rise in Support for ISIS in Indonesia, Says Counter-Terrorism Chief, *supra* note 29.



the war was carried out by Russia with Chechnya in 1996. This war received attention from the international community because of the use of military power as its main strategy. The international community sees Russia's actions towards Chechnya as excessive and violating human rights. But immediately the international world changed course when the 9/11 tragedy struck the U.S. Therefore in this paper, the author stated that the events of 9/11 had become an "unexpected gift" for Vladimir Putin and Russia, because the war on terrorism policy issued by the United States after 9/11 was used by Russia as the basis for the war against the Chechen separatist movement. Russia then adopted the concept of the U.S. Preemptive Strikes which justified acts of attack on other countries when the threat of terrorism was found in the country. Therefore, Russia's involvement in the war on terrorism policy issued by the U.S. is not solely due to moral encouragement to help the world overcome the threat of terrorism but also used by Russia as legitimacy to justify its actions against the Chechen separatist movement which was previously considered to violate human rights.

In recent years, large-scale terrorist attacks are unlikely in Russia. However, it does not mean that terrorism is no longer a threat. Conversely, terrorism has come into being and changed from a real threat to a hidden threat. Ten years have passed since the most terrible terrorist attack in modern Russian history, when 1,100 people were held hostage in a school in North Ossetia, Beslan.⁴⁰ In a special operation to end the siege, 334 hostages were killed, most of them children. In recent years, terrorist attacks on such a scale seem unlikely in Russia. However, it does not mean that terrorism is no longer a threat. Conversely, terrorism has come into being and changed from a real threat to a hidden threat. The threat of real terrorism such as those presented by Chechnya, Dagestan and Ingushetia militants is no longer considered the main threat. The experts stated this, and the community felt the same. Based on the VTsIOM poll, only 13 percent of the Russian people still care about the issue of terrorism. This figure dropped two percent from a year ago, and fell 75 percent compared to 2004 when 88 percent of respondents saw terrorism as the country's main problem.

Caucasus Study Expert Nikolai Silayev said the number of terrorism incidents in the North Caucasus in 2014 had declined. According to Silayev, there are several things that underlie this. In recent years, the military has increased pressure on the underground terrorist movement. Many militants were killed or captured. According to Director of Federal Security Service Alexander Bortnikov, in the first six months of 2014, 130 guerrillas were killed, including 21 group leaders. In addition, more than 160 rebel hideouts and armories were found and destroyed. Special security guards also operate very actively ahead of the Sochi Olympics. The special commission negotiated

⁴⁰ Stasys Knezys & Romanas Sedlickas, *The War in Chechnya* 13–14 (College Station, TX: Texas A&M University Press, 1999).



with the rebels to convince them to leave the battle and return to peaceful life. Then, many hardline militants eventually chose to go to fight in Syria or Iraq.⁴¹

More serious threats come from the Middle East. Some Russians join in fighting in the midst of the Islamic State militants. Moscow is worried that these people might return to Russia and apply their skills and experience to destabilizing the situation in Russia, especially in the North Caucasus, Tatarstan and Crimea regions. But, some experts consider the threat of Middle East terrorism not to target Russia, but target Central Asia.

The number of Russians among foreign jihadists fighting in the Middle East is relatively small, around 400–600 people. For Russia, which has a strong secret service and sufficient resources, the potential threat of mercenaries fighting in Iraq and Syria is relatively low. But for Central Asian countries, their authorities still cannot destroy the underground radical Islamic movement. That might have a fatal impact,

said Leonid Isayev, an expert in Arabic studies.

The most serious threat actually comes from the radicalization of the situation in Ukraine. At present, a serious nationalist political process that is affecting the security situation in three federal districts is ongoing. According to Russian Attorney General Yuri Chayka, all federal districts face problems with terrorist threats, arms trade, and uncontrolled numbers of immigrants. Ukraine delegated some of its rights to commit acts of violence to various “private armies” in the form of volunteer battalions. In addition, there are several paramilitary groups, such as Sektor Kanan, which operate in Ukraine. All non-state structures have seen Russia as their enemy since the end of last year.

They all called for occupying the border region,

said Director of the Moscow Bureau for Human Rights Alexander Brod. Therefore, it is possible that even though Petro Poroshenko reached a peace agreement with pro-autonomy militias in the Donbass, irregular pro-government units would refuse to comply and would continue the war.

Overall, threats from the Middle East and Ukraine have so far been more potential than real.⁴² Russia itself still has enough time to minimize this. The best choice is

⁴¹ Robert W. Schaefer, *The Insurgency in Chechnya and the North Caucasus: From Gazavat to Jihad* 49–61 (Westport, CT: Praeger, 2010).

⁴² Rakesh Krishnan Simha, *Letusan Senapan di Asia: Lampu Hijau ASEAN untuk Senjata Rusia* [Rifle Eruption in Asia: ASEAN Green Light for Russian Weapons], *Russia Beyond*, 7 March 2016 (May 3, 2020), available at https://id.rbth.com/politics/2016/03/07/letusan-senapan-di-asia-lampu-hijau-asean-untuk-senjata-rusia_573613.



of course working with the United States and Europe, which is threatened by the Central Asian radical Islamist movement because it will end their plans to export Central Asian hydrocarbons to Europe. However, given the current status of relations between Russia and the West, any useful cooperation is temporarily impossible. This is of course very unfortunate, given the many successes in the history of cooperation between the Russian and Western secret services so far.

The Russian Federation government itself has amended its laws to eradicate terrorist activities in the country, and will firmly punish those who finance terrorism or recruit terrorists. The 2006 counter-terrorism law is similar to the 1998 law in scope and structure, but there are clear differences on a number of points. The most important changes relate to the redistribution of responsibilities among the various executive branch agencies, including the military. Furthermore, the law defines the mission area for counter-terrorism measures and gives the executive branch broader rights to encroach on civilian life. For the first time, the new law permits counter-terrorism units to seek out and destroy suspicious airplanes or ships.⁴³

3. Solution to Terrorism

People the world over are trying to find a solution to terrorism. The authorities are trying to crush the terror menace through legal action; western powers are trying to crush it through warfare; however, these methods are, apparently, proving ineffective. According to Maulana Wahiduddin Khan, the present problem of terrorism is based on an ideology and an ideology cannot be countered or killed through legal action or by mere condemnation. We have to develop a counter-ideology to overcome it.⁴⁴ According to UNESCO, "Violence begins from the mind." It must, therefore, be uprooted from the mind itself. This goes directly to the root cause of terrorism. Therefore, in order to eliminate this root cause we need to initiate our efforts by beginning from the right starting point. And this starting point is the re-engineering of minds of individuals by taking them away from the culture of violence and bringing them closer to the culture of peace.

In order to explain the importance of the above, let us state two parallel examples from history. One pertains to the American campaign against Communist Russia and the other refers to the American campaign against Saddam-led Iraq. Both Communist Russia and Iraq were declared enemies of the United States of America, but while the U.S. was successful in curbing the menace of Communist Russia, the same America failed to cope with the menace of Saddam-led Iraq. The reason behind this difference was that America met the Russian challenge at an ideological level, while it opted

⁴³ Otto Luchterhandt, *Russia Adopts New Counter-Terrorism Law*, Russian Analytical Digest 02/06 (May 3, 2020), available at <https://css.ethz.ch/content/dam/ethz/special-interest/gess/cis/center-for-securities-studies/pdfs/RAD-2-2-4.pdf>.

⁴⁴ Theodore Shabad, *Moscow Honors Caucasus Tribes*, The New York Times, 3 December 1972 (May 3, 2020), available at <http://nyti.ms/2b6WD81>.



for military action against Saddam's Iraq. According to Maulana Sahab, terrorism will persist in one form or another until the ideology of violence is countered with another ideology based on peace.⁴⁵

The ideology behind present-day terrorism is that, Islam being a political system, it is the duty of all Muslims to establish Islamic rule in the world. This thinking was not prevalent during the time of the Prophet Muhammad. It is a later innovation which was developed in the last few centuries by a handful of people. Having become widespread in the Muslim world today, it is leading to present-day violence. A large number of Muslims, and especially many easily influenced youth, have become obsessed with this ideology and are trying to establish the political rule of Islam, thinking it to be their ticket to paradise. Having failed to achieve this objective of establishing Islamic rule by the peaceful method, they have started resorting to suicide bombing, the idea being that if we cannot eliminate non-Islamic rule, then let us at least de-stabilize it and pave the way for Islamic rule.

Maulana Wahiduddin Khan, having studied Islam from its original sources – the Quran and Hadith – says with certainty that this political interpretation of Islam is an innovation and the real Islam, as followed by Prophet Muhammad and his early followers, is based upon peace, compassion and tolerance.

Peace is not prevalent in the world as people the world over are acting intolerantly and indulging in acts of violence, saying, "Give us justice and peace will ensue." But when people, ostensibly seeking justice, stoop to violence, peace can never prevail. Peace is always desirable for its own sake, and every other desirable state comes after peace, not along with it. So, the maxim to follow, when peace is the desired state, is: "Ignore the problems, avail of the opportunities."

Once people become tolerant and obtain peace for its own sake, what that actually does is open up opportunities – it creates favorable conditions, which enable people to strive for their ideals, eventually attaining justice and other constructive ends. This is the ideology of peace. By ignoring the problems and availing the opportunities, one can obtain all that he originally was asking for – just by being patient and tolerant. This happens due to the law of nature. When the individual refrains from making a controversial matter into one of prestige, this gives rise to serious thinking. This non-emotional thinking helps him to understand that if he were to walk out of the point of controversy he would find all other paths open to him.⁴⁶

According to Maulana Wahiduddin Khan, this ideology of peace, based on the original sources of Islam, can counter the ideology of violence.⁴⁷ The Prophet

⁴⁵ Solution to Terrorism, CPS International (May 3, 2020), available at <http://www.cpsglobal.org/solutiontoterrorism>.

⁴⁶ Vladimir Georgiev, *Military Ensured Victory*, Nezavisimaya Gazeta, 28 March 2000, in 52(13) Current Digest of the Post-Soviet Press 3 (2000).

⁴⁷ United States Department of State Publication, Bureau of Counterterrorism and Countering Violent Extremism, Country Reports on Terrorism 2015 (June 2016), at 143 (May 3, 2020), available at <https://www.longwarjournal.org/wp-content/uploads/2016/06/2016-State-Department-Country-Report-on-Terrorism.pdf>.



Muhammad provides a very clear historical example of this in his method of negotiating the Hudaibiyya peace treaty. On this occasion he brought matters to a successful conclusion by unilaterally accepting all the conditions of his opponents. In this peace treaty, the Prophet had not apparently received justice or his rights. But what was in effect a 10-year no-war pact, gave the Prophet an opportunity to work uninterruptedly on a constructive program which would otherwise have been impossible. By means of this peaceful non-political program, the Prophet and his companions were able to consolidate themselves so thoroughly that they had no need to wage war: they were able to take control of Makkah peacefully. From this example of Prophet, we can understand that there is no room for violence in Islam. The ideology of Islam banishes the notion that there can be anything acceptable about terrorism. Islam is a completely peaceful religion and the Islamic method is a completely peaceful method.

Terrorism is organized crime that has an ideology that is radicalism that attacks the ordinary people or the parties that are made enemies by using terror as a means to realize the goals of their organization. This group network is no longer focused only in a country but is more likely to be cross-country so that close cooperation is needed in order to exchange data and information between countries, especially in the Southeast Asia region in an effort to mitigate it. Countermeasures should not only accentuate repressive actions but be supported by pre-emptive and preventive actions in reviewing the root causes. The current wave of terrorism in the majority tends to be a religious wave triggered by the existence of "global injustice" which is based more on a radical notion that is embraced by existing terrorist groups. The "deradicalization" offered seems more appropriate in order to resolve the root causes of terrorism that have occurred.

The internet is a computer-based means of communication that offers a new reality in the form of virtue, but as if we feel the real thing.⁴⁸ Internet was born as a form of development of science and technology which has two controversial functions, namely a positive function as a repertoire of knowledge in the form of information, actual news, and banking transaction services and a number of other businesses. The negative function when the internet becomes an enrichment of science falls on the wrong person, meaning that knowledge of technology is used as another form of crime, such as in ATM burglary, Virus Spread, including the use of websites or sites to spread ideology, ideology, and terrorism attacks. Terrorist groups use the internet in an attempt to attack and cultivate their ideology and support a series of acts of terror and use the internet as a medium of coordination and communication.

The growth of internet use by Southeast Asian extremist groups continues to increase. Reports from the Australian Strategic Policy Institute and the S. Rajaratnam

⁴⁸ Foreign Fighters: An Updated Assessment of the Flow of Foreign Fighters into Syria and Iraq, The Soufan Group (December 2015), at 4 (May 3, 2020), available at https://wb-iisg.com/wp-content/uploads/bp-attachments/4826/TSG_ForeignFightersUpflow.pdf.



School of International Studies explain that currently groups often accused by the West of being terrorists are intensively using the internet, especially social networking sites to recruit new members. This growth is in line with the explosion of the internet in Southeast Asia since 2000. The two institutions further explained the growing internet used by terrorist groups as an important tool for recruiting members to carry out various acts of violence. The number of sites accused of belonging to radical groups, both in Indonesian and Malay, increased dramatically. In 2007, only 15 sites were accused of being radically smelling, but in 2008 it increased to 117 sites.⁴⁹ These sites are used to do propaganda through videos, images, or statements via the internet. The internet is also used as a means of communication by terrorist groups. In addition to being considered safe they also do not want to take the risk of being caught using letters and shipping via post or existing shipping services. In response to this situation, Southeast Asian countries should unite to combat the radicalization movement through the internet. Unfortunately in a number of Asia Pacific countries there are no specific regulations that can touch cyberspace.

Terrorism is a real security threat. Communities are very disadvantaged by terrorism crimes that occur. Still remembering a series of terrorism crimes in the form of bomb explosions in Indonesia that are very detrimental to the state starting from the most significant sectors of the economy, tourism, and security of terrorism to the people.⁵⁰ Terrorism, which is a category of transnational crime, in its development is no longer a threat to one country. Globalization, which is a growing social movement due to the increasing interconnection between people on the entire surface of the earth, has resulted in increasingly reduced national boundaries. The development of telecommunications, especially the Internet, population migration and globalization have been the drivers of the development of transnationalism.

Handling of terrorism must be taken seriously. Its structure and characteristics are not governed by a re-investigation approach, of course, it cannot be done by law alone, the police itself.⁵¹ Collaboration of all components at home and abroad is needed in dealing with terrorism crimes. Its characteristics tend to involve networks in several countries which result in the need for regional and international cooperation with other countries in the Southeast Asian exchange in terms of exchanging data and information. Domestically, inter-departmental coordination and cooperation between law enforcement agencies such as police, prosecutors, immigration, customs, finance departments, religious departments, and other

⁴⁹ Милашина Е. Халифат? Приманка для дураков! // Новая газета. 2017. 29 июля [Elena Milashina, *Caliphate? A Lure for Idiots!*, Novaya Gazeta, 29 July 2015] (May 3, 2020), available at <https://novayagazeta.ru/articles/2015/07/29/65056-171-halifat-primanka-dlya-durakov-187>.

⁵⁰ John B. Dunlop, *Russia Confronts Chechnya: Roots of a Separatist Conflict* 79–81 (Cambridge: Cambridge University Press, 1998).

⁵¹ Artem Kroupenev, *Radical Islam in Chechnya*, International Institute for Counter-Terrorism, 29 January 2009 (May 3, 2020), available at <https://www.ict.org.il/Article.aspx?ID=1057#gsc.tab=0>.



institutions involved in dealing with terrorism crimes where each party must leave “ego department” is needed.⁵²

In the domestic context, facing the threat of terrorism occurring in Indonesia, carrying out repressive police functions, a preemptive and preventive approach is needed.⁵³ By using knowledge that offers various solutions for solutions through research and research, as well as scientific bases such as: psychology, criminology, sociology, religion and police technology. One example is the psychological approach taken by Indonesia against perpetrators or former terrorists who are already inactive, so that we can uncover terrorism networks. This approach can be carried out through family, religious and gift approaches for those who have collaborated to get information about terrorist activities and modus operandi, as well as ideas that are embedded in new members, so that the organization can reproduce, or according to the proverb: missing ones are lost. Responding to ideas of radicalism, it is necessary to return the perpetrator or someone who has contracted ideology. Some experts argue to hold a counseling institution to rehabilitate terrorists.⁵⁴ Petrus Golose states that recovery is not at the level of rehabilitation, but is radicalized, because they are not highly addicted drug addicts, but their beliefs must be restored.

Conclusion

Many countries in the world have sacrificed human rights for the enforcement of the anti-terrorism law, including rights that are classified into non-derogable rights, namely rights that cannot be reduced under any circumstances. The Anti-terrorism Act now applies in many countries to ratify arbitrary detention against the principle of free and fair trial. A recent report from Amnesty International states that the use of torture in the process of questioning people suspected of being terrorists tends to increase. This kind of thing must be avoided, because Terrorism Acts must be eradicated for reasons of Human Rights, so that the eradication must also be carried out with due regard to Human Rights. Thus according to Munir, that indeed nationally there must be a Law that regulates the question of Terrorism, but with a clear definition, it should not be precisely against Human Rights. Fighting Terrorism must be aimed at the protection of Human Rights, not the other way around limiting and opposing Human Rights. And what is important is also how it does not provide space for the legitimacy of abuse of power. For its eradication, we can only give advice so that Islamic countries in the world, including Indonesia

⁵² Michael Wines, *War on Terror Casts Chechen Conflict in a New Light*, The New York Times, 9 December 2001 (May 3, 2020), available at <http://nyti.ms/2b6YHx2>.

⁵³ Chechen Official Puts Death Toll for Two Wars at Up to 160,000, The New York Times, 16 August 2005 (May 3, 2020), available at <http://nyti.ms/2aQzEOa>.

⁵⁴ Dale R. Herspring, *Civil-Military Relations and Shared Responsibility: A Four-Nation Study* 211–242 (Baltimore: John Hopkins University Press, 2013).



with the largest Muslim population, work together to clean up the influences of persistent ideologies of terrorism to create global fears and ignore human rights. This is a basic requirement to neutralize the environment, which can be used as a habitat for terrorism in regenerating. That it can be seen that Terrorism arises with a background of various causes and motives. However, we should realize that terrorism is not an ideology or certain values in religious teachings. Terrorism is a strategy, an instrument and/or a tool to achieve a goal.

References

- Dunlop J.B. *Russia Confronts Chechnya: Roots of a Separatist Conflict* (Cambridge: Cambridge University Press, 1998). <https://doi.org/10.1017/CBO9780511612077>
- Hegghammer T. *Global Jihadism After the Iraq War*, 60(1) Middle East Journal 11 (2006). <https://doi.org/10.3751/60.1.11>
- Herspring D.R. *Civil-Military Relations and Shared Responsibility: A Four-Nation Study* (Baltimore: John Hopkins University Press, 2013). <https://doi.org/10.1353/book.22478>
- Hilmy M. *Genealogi dan Pengaruh Ideologi Jihadisme Negara Islam Iraq dan Suriah (NIIS) di Indonesia* [Genealogy and Influence of the Ideology of Jihadism of the Islamic State of Iraq and Syria (ISIS) in Indonesia], 4(2) Jurnal Tasawuf dan Pemikiran Islam [Journal of Sufism and Islamic Thought] 404 (2014).
- Mamdani M. *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror* (New York: Three Leaves Press, 2004).
- Vertigans S. *Militant Islam: A Sociology of Characteristics, Causes, and Consequences* (London: Routledge, 2008). <https://doi.org/10.4324/9780203891070>

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