

Islam and Maritime Security Cooperation Zone for Combating Terrorism: An Overview of Islamic Legal Thought

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Abstract

This article aims to examine the phenomenon of cooperation among Southeast Asian countries in dealing with the case of maritime security and counter-terrorism. The study uses the legal approach covering both international law and Islamic law perspectives. The finding of this article reveals that the implementation of the ASEAN Convention on Counter-Terrorism (ACCT) plays a crucial role in combating terrorism in the context of maritime security. Furthermore, relevant ASEAN member state authorities need follow-up support to enhance cooperation. The supports are important to counter, prevent, and suppress terrorism, terrorist organizations, associations, and networks' plans of the act. Yet, the implementation of ASEAN cooperation has faced the challenging reality of the paradox of maritime sovereignty among states in the region. The problem is likely encouraged by the factor of the internal political dynamics within each state involving the instrumentalization of the issue of national security. Instead of remaining as the problem on the surface, the conceptual initiation of the cooperation forged by religious doctrine such as *ta'awun* may be considered.

Keywords: Maritime security; terrorism; zone of Cooperation; Islamic law; Southeast Asia.

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Introduction

The problem of terrorism is a severe problem in international relations nowadays, especially since the problem of terrorism occurs in territorial countries that are separated from the ocean. The issue of terrorism and maritime security zones is rife in Southeast Asia, where several countries are the base of terrorist groups. Understanding that the security threat of the sea zone is a serious and vulnerable problem for criminal acts of terrorism, most ASEAN countries face the same threat, namely the insecurity of sea areas in Southeast Asia.¹ The insecurity of sea area is reflected in the Holy Qur'an as mentioned below,

ظَهَرَ الْفَسَادُ فِي الْبَرِّ وَالْبَحْرِ بِمَا كَسَبَتْ أَيْدِي النَّاسِ لِيُذِيقَهُمْ بَعْضَ الَّذِي
عَمَلُوا لَعَلَّهُمْ يَرْجِعُونَ

"Corruption has spread on land and sea as a result of what people's hands have done so that Allah may cause them to taste 'the consequences of' some of their deeds, and perhaps they might return 'to the Right Path'.." (QS. Ar-Rum: 41)

The human hand caused so much damage to the sea and the land. Al-Maraghi² explained the verse in over that those who try to cause environmental damage at sea and on the earth will be instantly warned by God, a world with floods, droughts, food shortages, and forest fires. So, they

¹ Di Wu et al., "Vulnerability Analysis of Global Container Shipping Liner Network Based on Main Channel Disruption," *Maritime Policy & Management* 46, no. 4 (May 19, 2019): 394–409, <https://doi.org/10.1080/03088839.2019.1571643>.

² Kerusakan Lingkungan et al., "KERUSAKAN LINGKUNGAN MENURUT SAINS DAN AHMAD MUSTAFA AL-MARAGHI (Studi Tafsir Al-Maraghi Pada Surat Al-Rum Ayat 41, Al-Mulk Ayat 3-4 Dan Al-A'raf Ayat 56)," *Al-Tadabbur: Jurnal Ilmu Al-Qur'an Dan Tafsir* 5, no. 01 (June 2020): 121–36, <https://doi.org/10.30868/at.v5i1.702.30868/at.v4i01.427>.

want to get back on track, righteous and repentant, but after Allah set a warning in their world not to care about it, Allah warned them to wait for the day of retribution. Those conditions may occur in Southeast Asia because, as a dynamic region, Southeast Asia has a wide variety of political and security dynamics. The Region faces serious problems, particularly related to cross-border terrorist crimes. Since 2016, through the *Islamic State of Iraq and Syria* (ISIS) network, the Region's security situation has worsened. Call it the Abu Sayyaf network in the Philippines, the Pattani terrorism network in Southern Thailand, to the ISIS network through Jama'ah Ansorul Daulah (JAD) and Jama'ah Ansorul Tauhid (JAT) which then has an impact on the spread of terrorism network and becomes a regional problem.³

The phenomenon of ISIS networks spread across several regions in Southeast Asia has various background motives in its terrorism crimes, ranging from causing national threats and unrest, and instability, to attempts to secede from its parent country (*self-determination*). In the Philippines, for example, the *Moro Islamic Liberation Front* (MILF) group and the Abu Sayyaf terrorist group want to create an Islamic state separate from the Philippines in Southern Mindanao Province and have been an *insurgence* group and have been carrying out terrorism since the 1990s, including major attacks in February 2005, as well as new attacks in 2016 and 2017.⁴

The Terrorist movement in Southern Thailand (Narathiwat, Pattani, and Yala Provinces) has been growing since 2003. Moreover, the terrorist movement has

³ Marguerite Borelli, "ASEAN Counter-Terrorism Weaknesses," *Counter Terrorist Trends and Analyses* 9, no. 9 (2017): 14–20, <https://www.jstor.org/stable/26351552>.

⁴ Jonathan T. Chow, "ASEAN Counterterrorism Cooperation Since 9/11," *Asian Survey* 45, no. 2 (April 1, 2005): 302–21, <https://doi.org/10.1525/as.2005.45.2.302>.

proliferated and has become an insurgency movement. The alleged terrorist groups such as PULO (*Pattani United Liberation Organization*) and Bersatu (*Barisan Kemerdekaan Pattani/United Front for the Independence of Pattani*) have created regional problems, as its mobile network has direct ties with Al-Qaeda such as Omar al-Farouk and Commander Ali Gufron. Obviously, this poses a threat to regional stability.⁵

Driving terrorism in Indonesia also needs to be watched as a threat to regional stability.⁶ Bali bombings 1 and 2, the Australian Embassy bombing case, the Charlton Ritz bombing, the Poso bombing, and the Surabaya and Sidoarjo bombings in 2018. Most recently, the phenomenon of repatriation of *Foreign Terrorism Fighters-FTF* ISIS who are Indonesian citizens is considered to have pros and cons. About 6 Indonesian citizens who became FTF in Syria, precisely in the Al-Roj, Al-Hol, and Ainisa camps, wanted to return to Indonesia. *The official statement* of the Indonesian Government based on a closed Cabinet meeting (11/2/2020) stated that the Government does not plan to repatriate FTF to Indonesia.⁷ Then, some Islamist radical groups identified as terrorists contributed to the emergence of global Islamophobia at large.⁸

The issue of regional security is a serious problem, especially in Southeast Asia, which is separated through

⁵ Kavi Chongkittavorn, "Thailand: International Terrorism and the Muslim South," *Southeast Asian Affairs* 2004, no. 1 (2004): 267–75, <https://muse.jhu.edu/pub/70/article/400068/summary>.

⁶ Sholahuddin Al-Fatih and Zaka Firma Aditya, "The Legal Protection Against Terrorism Suspects In Indonesia (Case Study of The Arrest Process of Terrorism Suspects By Densus 88)," *Legality: Jurnal Ilmiah Hukum* 27, no. 1 (2019): 14–26, <https://doi.org/10.22219/jihl.v27i1.8954>.

⁷ Yordan Gunawan et al., "The Rights to Nationality for Ex ISIS Combatants Repatriation Under International Law," *Jurnal Hubungan Internasional* 10, no. 2 (January 10, 2022): 108–20, <https://doi.org/10.18196/jhi.v10i2.12227>.

⁸ Grace Armijos Bravo and Judit Vall Castelló, "Terrorist Attacks, Islamophobia and Newborns' Health," *Journal of Health Economics* 79, no. July 2020 (2021): 102510, <https://doi.org/10.1016/j.jhealeco.2021.102510>.

maritime zones, situations, and conditions of the territories facing each other. Terrorist groups threaten the situation. It is feared that using Weapons of Mass Destruction (WMD) can threaten neighboring countries' sovereignty, security, safety, and damage marine ecosystems, including disrupting international shipping traffic.⁹

According to Beckman, to solve the problem of terrorism at sea, it needs such international cooperation among countries in the Region (Southeast Asia).¹⁰ Several efforts have been made around the region through the United Nations International Crimes Convention. Besides, the relevant agreement and joint discussions have been conducted through the Security of Commercial Ships and the Regional Cooperation Agreement on Combatting Piracy and Armed Robbery Ships in Asia (ReCAAP).¹¹

Some studies research explains the manifestations of maritime terrorism to identify and pose significant threats from the most affected marine transportation sectors. The use of defense methods, international cooperation, and building a logistics distribution security system are the most effective strategies for minimizing the risks/losses and impacts of maritime terrorism.¹²

This research focuses on the ideal zone of cooperation model carried out by ASEAN member states in

⁹ Mikhail Zelenkov et al., "Maritime Terrorism as a Threat to Confidence in Water Transport and Logistics Systems," *Transportation Research Procedia*, X International Scientific Siberian Transport Forum — TransSiberia 2022, 63 (January 1, 2022): 2259–67, <https://doi.org/10.1016/j.trpro.2022.06.256>.

¹⁰ Robert Beckman, "Enhancing the Security of Shipping in Southeast Asia: The Relevance of International Law," *International Law Studies* 99, no. 1 (June 3, 2022), <https://digital-commons.usnwc.edu/ils/vol99/iss1/16>.

¹¹ See also Robert Beckman, "Enhancing the Security of Shipping in Southeast Asia: The Relevance of International Law," *International Law Studies* 99, no. 1 (June 3, 2022), <https://digital-commons.usnwc.edu/ils/vol99/iss1/16>.

¹² Zelenkov et al., "Maritime Terrorism as a Threat to Confidence in Water Transport and Logistics Systems."

eradicating maritime terrorism from an Islamic law perspective. Besides, the study also explores appropriate international legal mechanisms in eradicating maritime terrorism in Southeast Asia, both with domestic, bilateral, and universally accepted international legal instruments.

Methodologically, this article uses the academic approach of legal studies. This approach deals with the comparative practices of counter-terrorism in Southeast Asia, emphasizing the implementation of maritime terrorism policies. Since the eradication of terrorism implements various ways and methods, a comprehensive analysis of information is needed in this study.¹³

Maritime Terrorism and Maritime Security

The United Nations Convention on the Law of the Sea (UNCLOS) 1982 is the basis of international law governing activities at sea for the international community, which accommodates the interests of participating States and non-participating States in determining the law of the sea used along with other principles of international law of the sea. The UNCLOS was approved and issued in Montego Bay, Jamaica, on December 10, 1982. This Convention was signed by 119 States consisting of 17 Sections, 320 Articles, and 9 Annexes. Until 2004, it had been ratified by 145 States.¹⁴¹⁵

¹³ Aparna Basu, "Social Network Analysis: A Methodology for Studying Terrorism," in *Social Networking: Mining, Visualization, and Security*, ed. Mrutyunjaya Panda, Satchidananda Dehuri, and Gi-Nam Wang, Intelligent Systems Reference Library (Cham: Springer International Publishing, 2014), 215–42, https://doi.org/10.1007/978-3-319-05164-2_9.

¹⁴ Robert Beckman, "International Law, UNCLOS and the South China Sea," in *Beyond Territorial Disputes in the South China Sea: Legal Frameworks for the Joint Development of Hydrocarbon Resources* (Edward Elgar Publishing Ltd., 2013), 47–90, <https://doi.org/10.4337/9781781955949.00012>.

¹⁵ Boer Mauna, *Hukum Internasional: Pengertian, Peranan Dan Fungsi Dalam Era Dinamika Global* (Bandung: Alumni, 2005).

The UNCLOS 1982 established an agreement on a State's maritime territory which is an expression of a country's sovereignty, in which more than 80 coastal States agreed to the size limit. Although Canada, Ecuador, and some small States did not agree on the 12-mile provision, those States still abide by the rules of territorial sea territory in the 1982 UNCLOS Convention. Based on *Article 3*, UNCLOS gives a *privilege* about the territorial sea of a State, namely: "*Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance with this Convention.*" This 12-mile measuring limit is measured based on the baseline of the nearest land area, as set out in *Article 4* of UNCLOS, namely: "*The outer limit of the territorial sea is the line every point of which is at a distance from the nearest point of the baseline equal to the breadth of the territorial sea.*"

Then the *contiguous zone* with a tonnage of ≤ 24 miles is used as a preventive area for a state to prevent violations of laws and regulations in its territorial sea, or it can be called the outermost second-tier area. This norm is clearly explained in *Article 33* of UNCLOS, namely related to handling several problems such as fiscal, monetary, sanitary (health), and immigration crimes.¹⁶ Concerning the EEZ, it is an exclusive zone of a coastal State to enjoy the territorial waters included in its jurisdiction with the provision of 200 miles as stated in *Article 57* of UNCLOS, namely: "*The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.*"

¹⁶ Evan A Laksmana, "The Domestic Politics of Indonesia's Approach to the Tribunal Ruling and the South China Sea," *Contemporary Southeast Asia* 38, no. 3 (2016): 382–88, <https://doi.org/10.1355/cs38-3a>.

Article 25 of the UNCLOS 1982 provides the obligation for coastal states with a wide variety of relevant policies and strategies to ensure the international right of sailing against foreign vessels does not apply discrimination and remains within the framework of shipping security, to be constantly supervised and inspected by a coastal guard of coastal states. In territorial sea areas, internal waters, including territorial seas that border and intersect with neighboring countries.¹⁷

Article 73 of UNCLOS 1982 gives the responsibility to coastal states to cooperate with neighboring countries that border, face, and intersect their sea areas. The cooperation relates to the following:

1. The coastal state may, in exercising its sovereign right to exploration, exploitation, conservation, and management of biological resources in the exclusive economic zone, take such measures, including boarding ships, inspecting, arresting, and conducting judicial proceedings, as necessary to ensure the observance of the laws and regulations it establishes by the provisions of this Convention.
2. Captured vessels and their crews must be released immediately upon receipt of a reasonable bail or other form of bail.
3. Coastal State penalties imposed for violations of fisheries laws and regulations in exclusive economic zones shall not include deterrence if there is no reverse agreement between the states concerned or any other form of corporal punishment.
4. In the event of the arrest or detention of a foreign vessel, the coastal state shall promptly notify the flag State

¹⁷ Anil Jai Singh, "UNCLOS: Facilitating Ocean Governance and Maritime Security," *Maritime Affairs: Journal of the National Maritime Foundation of India* 18, no. 1 (2022), <https://doi.org/10.1080/09733159.2022.2097643>.

through appropriate channels of the action taken and any punishment subsequently imposed.

In the international law context, ASEAN recognizes comprehensive policies, approaches, and frameworks to improve security in the maritime Region regarding cooperation in tackling cross-border crimes, one of which is the crime of terrorism.¹⁸ The eradication of criminal acts of terrorism has always been aimed at terrorist groups. A terrorist group is defined as individuals with their ideological awareness and willingness to be trained, changing places (as FTF) to acting as combatants in acts of terrorism crimes committed. The impact on individuals considered part of a network of terrorist groups is a ban on going to another country, freezing assets, and it will be included in the immigration red record.¹⁹

In dealing with the crucial issue of terrorism that spreads around the world massively, counter-terrorism policies should be made. This counter-terrorism is the same pattern as the UN resolutions made in the aftermath of the 9/11 WTC bombings that shook the international community, allegedly the rapidly growing networks of Osama bin Laden, Al-Qaeda, and Taliban in Iraq, Afghanistan, and Pakistan. Israeli attacks on opposition factions in Palestine are often categorized as Hamas's terrorist group. Terrorist forces in Lebanon, Hezbollah. Until recently, terrorism networks based in Iraq and Syria that today drive terrorism are increasingly widespread. The *Islamic State of Iraq and Syria* (ISIS) has become a non-state actor in conflict both with its parent country and spreading terrorism attacks in other countries of the

¹⁸ Faruq Arjuna Hendroy, "ASEAN Political Security Community (APSC) on Counter-Terrorism: Roles and Obstacles," *Jurnal Ilmiah Hubungan Internasional* 14, no. 2 (2018): 163–174, <https://doi.org/10.26593/jihi.v14i2.2982.163-174>.

¹⁹ K. Roach, *Comparative Counter-Terrorism Law* (New York: Cambridge University Press, 2015).

world.²⁰ Thus, the presence of FTF is a separate issue that has become a global development.

The anticipation for the War on *Terror* by the United States has become a *landmark decision* for the war on terrorism, where extra-territorial principles were carried out to find the perpetrators of 9/11, to the invasions of Afghanistan and Iraq that killed approximately 700,000 innocent civilians and destroyed civilian infrastructure and historic buildings, set a bad precedent for the enforcement of international humanitarian law.²¹ Thus, there needs to be a mechanism for the recognition and accountability of terrorism as parties to *non-international armed conflict* both in the mechanism of international humanitarian law and in more comprehensive rules in eradicating terrorism so that innocent civil society is no longer a victim of invasion from *combatants*. Global security will be realized as part of the mandate of the establishment of an international legal mechanism under the United Nations.²²

Through the General Assembly and the Security Council, the United Nations has drafted international legal regulations. The regulations depart from the counter-terrorism mechanisms and their relation to the impact of terrorism. It resulted in the UN General Assembly Resolution 60/1, agreed on September 20, 2005. In addition, the *Global Counter-Terrorism Strategy* was passed on September 8, 2006. It consists of the pillars of the eradication of terrorism, which: (Pillar I) related to counter-terrorism that spreads throughout the world; (Pillar II) preventing and eradicating the crime of terrorism; (Pillar

²⁰ Derek Jins and Jackson N. Maogoto, *Applying International Humanitarian Law in Judicial and Quasi-Judicial Bodies: International and Domestic Aspects*, ed. Solon Solomon (Springer, 2014).

²¹ Agnieszka Jacher Neale, *International Humanitarian Law and Human Rights Law: Towards a New Merger in International Law* (Leiden: Martinus Nijhoff Publishing, 2008).

²² Ana María Salinas de Frías, Katja Samuel, and Nigel White, *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012).

III) building the capacity of states to strengthen the role of counter-terrorism under the UN mechanism; (Pillar IV) ensure the protection of civil society and *the rule of law*.²³

Regional Arrangement for Combating Terrorism

On the regional level Southeast Asia which is part of ASEAN, has agreed to counter the crime of terrorism as part of a regional problem that needs to be resolved jointly in coordination to fight terrorism. Such multilateral cooperation has been concretely proven to build a framework for combating terrorism in the Region, especially since the initiation was motivated by the facts after the 9/11 terrorist bombings and the Bali bombings in October 2002. There is a commitment to cooperation for countries in Southeast Asia both under the ASEAN mechanism and under bilateral and even extra-territorial mechanisms with countries that have an interest in combating terrorism in the Region, such as the United States.²⁴

The ASEAN Political & Security Community (APSC) is a manifestation of the international political and legal commitment of countries in Southeast Asia to defend the territory, through the APSC, the issue of cross-border crime, including terrorism using maritime methods, is a major focus and aims to build international cooperation in its handling. Such international collaboration remains within the corridors of corroborating sovereignty and jurisdiction between member states, considering that the

²³ Satria Unggul Wicaksana Prakasa, Sholahuddin Al-Fatih, and Abdurrahman Raden Aji Haqqi, "Terrorism Eradication in ASEAN Countries: Human Rights Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 16, no. 2 (December 2021): 327–61, <https://doi.org/10.19105/AL-LHKAM.V16I2.5021>.

²⁴ Jonathan T. Chow, "ASEAN Counterterrorism Cooperation Since 9/11," *Asian Survey* 45, no. 2 (2005), <https://doi.org/https://doi.org/10.1525/as.2005.45.2.302>.

issue of political security is not yet at the stage of policy integration.²⁵

Through the *ASEAN Convention on Counter-Terrorism*, signed on January 3, 2007, in Cebu, Philippines. ASEAN hopes the counter-terrorism strategy will be coherent, starting from the principles agreed upon through the UN system to be applied to regional mechanisms. Article II of the treaty, which is the object of terrorism crimes in ASEAN, is in accordance with 19 international legal instruments related to eradicating terrorism. Then Article III and Article IV regulate the principles of sovereignty, equality, and the principle of non-intervention in the eradication of terrorism in the Region.

Article VI, which is the area of cooperation of ASEAN countries, is the prevention, promotion, and strengthening of cooperation in comprehensive counter-terrorism, which still pays attention to the principle of territorial integrity of each member state—included in Article VI – Article VIII on the best ways to counter terrorism across territorial borders by strengthening *mutual legal assistance* between member states. And an important point that ASEAN countries can make is in Article IX on adopting measures into national legal mechanisms as part of the commitment to implementing the *ASEAN Convention on Counter-Terrorism*.

The threat of terrorism in the escalation area is getting higher, where starting from the threat of the terrorist groups Moro Islamic Liberation Front (MILF), Abu Sayyaf, including Jama'ah Anshorul Daulah (JAD) and Jama'ah Anshorul Tauhid (JAT) which have direct connections to global terrorism networks have carried out

²⁵ Tan See Seng and Hitoshi Nasu, “ASEAN and the Development of Counter-Terrorism Law and Policy in Southeast Asia,” *UNSW Law Journal* 39, no. 3 (2016): 1219–1238.

terrorist attacks in the Region. That is, the *ASEAN Convention on Counter-Terrorism* is the most rational option. There even needs to be a technical protocol for a comprehensive framework in the Region and how the national framework through the establishment of laws and regulations for participating countries to tackle terrorism crimes, as well as strengthening cooperation between member states in the face of terrorism attacks in the Region that disrupt territorial stability and integrity.

The ACCT, a regional legal instrument in eradicating terrorism, has the scope and recognition of types of terrorism crimes growing globally. Article II of the ACCT states that the recognized types of terrorism crimes are: (a) Terrorism crimes and their relation to *aircraft hijacking*; (b). Terrorism crimes and attacks on foreign diplomats; (c). The crime of terrorism and its relation to the protection of captives; (d). Terrorism crimes and the use of dangerous nuclear weapons; (e). Civil aircraft aviation safety protection protocols; (f) terrorism crimes that interfere with international shipping; (g) the prosecution of terrorism and the suppression of bombers in terrorism; (h). financing of terrorism crimes.

Something that makes it difficult for the ACCT to be integrated in terms of cracking down on terrorism crimes in the Region is the existence of Article III-IV ACCT, which explains that inter-states are obliged to respect the sovereignty of each country. The exclusivity of law enforcement related to the enforcement of terrorism crimes has stagnated ASEAN's steps in eradicating it. Article V of the ACCT focuses only on efforts to prevent terrorism crimes, as described in Article II of the ACCT.

One thing highlighted in Article V of the ACCT is how inter-member states strengthen borders (cross-border cooperation), which has been a loophole so far in terrorism

crimes in ASEAN. For example, the crimes committed by Abu Sayyaf, made the location of the Sulu/Mindanao and Sulawesi borders an area for travel, the distribution of war logistics and weapons, and created the base of attack objects from the Terrorists themselves, resulting in a significant attack in Mid-September 2013 with a civilian captive of about 30,000 people, this is not only a Philippines problem, but also a regional problem, Because some fishermen from other countries are also hostages. Thus, it not only requires cooperative action, but it is also important to create an *armed alliance*.²⁶

However, it has remained highly likely the paradox in terms of the execution of the cooperative action to eradicate terrorism in the Region (ASEAN). Sovereignty arguments – that are based on the global achievement of international law, so-called "equal sovereignty" – have been persistently grasped by each country in the name of respect for the Westphalian perspective. Any involvement other than a country that has legal authority over its certain territories has often been perceived as a kind of intervention and/or penetration. It has happened especially in dealing with the case of while the involvement in the action of regional security must meet the certain issue of national security of the state in the junction of the internal political dynamics. Therefore, such a peaceful implementation of cooperative action among states in the Region depends on the evolvement of democratic practice or even electoralism, which may instrumentalize the issue of defense, national security, and foreign policy. Even though the cooperative action of eradicating terrorism in the Region must face the current challenging reality of the sovereignty-security paradox, it has been argued that a

²⁶ Senia Febrica, "Securing the Sulu-Sulawesi Seas from Maritime Terrorism: A Troublesome Cooperation?," *Perspectives on Terrorism* 8, no. 3 (2014): 64–83.

more stabilized political realm in each state would strengthen the possibility of cooperation based on the regional perspective of sovereignty.

In addition to forming defense alliances, ASEAN member states must work on integrating the criminal system and making regional jurisdictions for terrorism crimes. This needs must be fulfilled considering the impact of terrorism on creating regional instability.²⁷ Awareness and willingness for the integration of criminal policies, unification of criminal acts of terrorism, and enforcement actions by law enforcement officers between member states that exceed the jurisdiction of the state will make awareness and strengthen commitments to the eradication of terrorism crimes in the Region, especially concerning the use of sea transportation facilities as a means of terrorism crimes.

Through the legal umbrella of the ACCT, accompanied by a commitment to national legislation, it is hoped that the eradication of maritime terrorism will be accelerated, with the constraints of policy integration between countries, considering that the APSC is still very dependent on the will of the state to be bound by security agreements at sea, international cooperation both bilateral, sub-regional, and regional under ASEAN is needed to ensure security at the maritime border, what is the role of the Coastal Guard in conducting a right to the hot pursuit of ships used by terrorist groups. Thus, the security of the Region will be well-formed and strong.

²⁷ Sandy Gordon, "Regionalism and Cross-Border Cooperation against Crime and Terrorism in the Asia-Pacific," *Security Challenges* 5, no. 4 (2009): 75–102.

Zone of Maritime Cooperation for Combating Terrorism: Lesson from Southeast Asian Countries

In order to establish a strong defense zone in Southeast Asia, countries separated by sea need to develop comprehensive cooperation to create regional security and stability. Of course, this must be in accordance with international cooperation.²⁸ In fact, international cooperation is a diplomatic process between two or more countries with a common basis of interests in connection with a common interest in fostering legal order and justice. Those Countries carry out international cooperation to hand over the perpetrators of crimes to the country where the crime occurred. This cooperation has been reflected in the state's practice of returning a person accused or convicted of committing the crime to which they belonged.²⁹ International cooperation must be carried out by considering the principle of equality based on the mutual respect and sovereignty of the countries involved in the cooperation. International cooperation contained in a treaty will be valid and politically and legally binding on the countries that make it.³⁰

The cooperation in the context of multilateralism in combating terrorism is supported by the Islamic concept of *Ta'āwun*. According to the Holy Qur'an, Surah Al-Maidah verse 2,

وَتَعَاوَنُوا عَلَى الْبِرِّ وَالتَّقْوَىٰ وَلَا تَعَاوَنُوا عَلَى الْإِثْمِ وَالْعُدْوَانِ يَوْمَئِذٍ اللَّهُ إِتَّكُفُفًا شَدِيدٌ
الْعِقَابِ

²⁸ J. Y. Wee, "Maritime Terrorism Threat in Southeast Asia and Its Challenges," *Journal of the Singapore Armed Forces* 43, no. 2 (2008): 32–44.

²⁹ Satria Unggul Prakasa, "Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures," *Lentera Hukum* 3, no. 3 (2019): 407–24.

³⁰ Nong Hong and Adolf K.Y. Ng, "The International Legal Instruments in Addressing Piracy and Maritime Terrorism: A Critical Review," *Research in Transportation Economics* 27, no. 1 (2010): 51–60.

"And help you in (doing) virtue and piety, and do not help each other in sin and enmity. Fear Allah; indeed, Allah is very severe in punishment."

The relevant Islamic legal maxim also supports this Islamic perspective of cooperation. Since the cooperation itself is a part of *mu'āmalah* (involving the agreement(s) of two or more different parties), it is allowed. It is stated that:

الأصل في المعاملة الإباحة إلا أن يدلّ دليلٌ على تحريمها

The Islamic principle above means that "the basis of cooperation among parties is allowed unless any restriction is applied to them." The cooperation would be stronger and supported while it has mutual goals of parties. The Islamic legal maxim mentions that

كُلُّ شَرْطٍ كَانَ مِنْ مَصْلَحَةِ الْعَقْدِ أَوْ مِنْ مُفْتَضَاهُ فَهُوَ جَائِزٌ

This Islamic legal principle emphasizes that it is preferable to have such an agreement of cooperation based on the essentials of the mutual goals among parties.

The OCB (organizational citizenship behavior) concept, which already existed, has been improved upon by the *Ta'āwun* concept. This *ta'āwun* behavior's orientation to the world and the hereafter is more successful at lessening the desire to relocate voluntarily.³¹ Thus, based on the *ta'āwun* principle, the cooperation that is built, both bilateral and multilateral, among ASEAN countries will be more bound because the orientation encouraged is not only pragmatic but also religious. Thus,

³¹ Ken Sudarti, Olivia Fachrunnisa, and Alifah Ratnawati, "Can the Sense of Ta'awun Behavior Reduce Voluntarily Job Turnover in Indonesia?," *Journal of Islamic Accounting and Business Research* 12, no. 6 (2021): 831–48, <https://doi.org/10.1108/JIABR-07-2019-0130>.

efforts to fight terrorism based on cooperation with the *ta'āwun* principle can bring a strong attachment and firm commitment to protecting the ASEAN sea area from terrorist attacks. From the *siyāsa* perspective, cooperation between ASEAN countries is classified as the fulfillment of *siyāsa harbiyah*³² as a joint effort to maintain regional security based on the consensus of international humanitarian law.

The concept of offering international cooperation made between countries in Southeast Asia based on *ta'āwun* values in guarding their borders to cooperate, and determining the point of guarding at the border, not only stops at the commitment of international agreements but is followed up by delegating defense provisions from each country to cooperate,³³ including the recognition of the crime of maritime terrorism as a cross-border crime that is the jurisdiction of ASEAN member states. The right to hot pursuit provided for in Article 111 (3) of UNCLOS 1982 should be a great opportunity that Southeast Asian countries can take advantage of, in terms of the spontaneous authority of the Coast Guard to pursue maritime terrorism actors who threaten the defense and sovereignty of member states.³⁴

In the context of prevention efforts, how international cooperation in terms of the free flow of natural persons, which is the implementation of The Charter of ASEAN, should be further tightened to

³² Ramadhan Siddik Pane UIN Sunan Kalijaga Yogyakarta and Sawaluddin Siregar UIN Syekh Ali Hasan Addary, "Qiyas Sebagai Konstitusi Keempat Dalam Islam: Implementasi Qiyas Dalam Konteks Siyasah," *Jurnal EL-Qanuniy: Jurnal Ilmu-Ilmu Keyariahan Dan Pranata Sosial* 8, no. 2 (2022): 153–206, <http://jurnal.iain-padangsampung.ac.id/index.php/elqanuniy/article/view/6224>.

³³ Basil Germond, "Maritime Security and Safety — Securing, Policing, and Protecting the Seas," in *The Maritime Dimension of European Security* (London: Palgrave MacMillan, 2015), 73–89, https://doi.org/10.1057/9781137017819_6.

³⁴ Wee, "Maritime Terrorism Threat in Southeast Asia and Its Challenges."

anticipate its misuse to carry out maritime terrorism. Through FTF policy, tracking terrorist groups at the maritime border becomes a logical and strategic choice. However, the policy should be strengthened in international legal commitments through international treaties to address it. At the 5th ASEAN Defense Minister's Meeting (ADMM), in Singapore on October 19, 2019, Defense Ministers from 10 countries made a multilateral agreement to facilitate intelligence strategies in the exchange of data on terrorism groups, radicalism, and extremism violations.³⁵ The Ministers of Defense from Indonesia, Malaysia, the Philippines, Thailand, Singapore, Brunei have agreed to create a single database, personnel exchanges, combat training, and Joint operations, personnel capacity building at the border, and create a comprehensive working group.³⁶

Such measures need to be improved within the preventive framework and law enforcement cooperation. Moreover, it is how to maximize the role of ASEAN as a well-established regional organization for economic integration, but it still considers state sovereignty in terms of international defense and security. ASEAN should be encouraged as a common platform to effectively improve the security and safety of the maritime Region for its member states.³⁷ The strategy to reduce the egoism of countries in Southeast Asia through an integrated cooperation mechanism in combating terrorism will have a tremendous impact on creating regional security, which

³⁵ Arya Sandhiyudha, "Countering Terrorists in Southeast Asia: The Hardline Approach," *Jurnal Politika Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional* 7, no. 2 (October 2018), <https://doi.org/10.22212/JP.V7I2.1130>.

³⁶ Ryacudu, R. (2018). Terrorism in southeast Asia: the need for joint counter-terrorism frameworks. *Counter Terrorist Trends and Analyses*, 10(11), 1-3

³⁷ Aileen Baviera and Larry Maramis, eds., *Building ASEAN Community: Political-Security and Socio-Cultural Reflections*, 4th ed. (Manila: Economic Research Institute for ASEAN and East Asia., 2017).

will undoubtedly have positive implications for the economic growth of the ASEAN community, and the obstacles that the terrorism group fears will cause can be minimized. From this theoretical effort, ASEAN members might realize welfare within their territorial areas.³⁸

Conclusion

ASEAN had an agreement known as ASEAN Convention on Counter-Terrorism (ACCT) for combating maritime terrorism. ACCT implementation in national legal regulations of ASEAN members during the spread of terrorism plays a crucial role in combating terrorism in maritime security. Enhance cooperation among the law enforcement, intelligence agencies, and other relevant authorities of ASEAN Member States to counter, prevent, and suppress terrorism, terrorist organizations, and their associations, disrupt their support networks, impede their plan of terror acts, and bring them to justice. Efforts for combating terrorism in Southeast Asia, therefore, leave a severe problem regarding the border problem in maritime sovereignty between states in ASEAN. Several problems are ranging in the issue through a mixture of security, law enforcement, socioeconomic, ideological, and mutual policies. ASEAN members should then solve those numerous issues with regional cooperation. Therefore, the best deals to bring international collaboration between Southeast Asian countries are made with the *ta'awun* concept. The *ta'awun* idea covered bilateral and multilateral cooperation to eradicate maritime terrorism.

³⁸ Hoang Tien Nguyen and Ba Hung Anh Dinh, "Comparative Analysis of the Process of Economic Integration of EU and ASEAN," *International Journal of Commerce and Management Research* 5, no. 3 (2020): 96–99.

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