



## EFFECTIVENESS OF COUNTERING ACTS OF TERRORISM WITHIN ASEAN: CHALLENGES AND THE PATH FORWARD

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### ABSTRACT

Acts of terrorism have emerged as a non-traditional security challenge, exacerbating the intricacies of the geopolitical security discourse and the equilibrium of power while remaining a prevalent menace in the Southeast Asia region. This article seeks to explore effective strategies to confront the evolving threat act of terrorism to establish security and promote peace in the area. This study employs socio-legal approach by analyzing legal materials, primarily ASEAN policies and secondary data. Data analysis was conducted qualitatively, and the results were delivered descriptively to answer the research questions. As a regional organization, the approach used by ASEAN to handle acts of terrorism is ineffective because of the Asian Way. This principle prevents ASEAN from overcoming the issue because it focuses on non-binding, non-specific measures without establishing a mechanism to monitor progress against these acts of terror. This research offers novelty by encouraging the reevaluation, reorientation, and reformulation of the ASEAN Way concerning the rapid global dynamics and transnational challenges. It will strengthen the main pillars, adapt to global realities, and require commitment from all member countries.

### 1. Introduction

Southeast Asia has many cultures, complex politics, and open borders. These factors make the region weak against transnational organized crime, including terrorism. In recent years, this region has become a main target in the global fight against terrorism. This came after conflicts in the Middle East. Terrorist incidents in

Southeast Asia reached 3,689 cases from 2016 to 2019.<sup>1</sup> Terrorist groups such as Al-Qaeda and ISIS have made the situation worse. They turned terrorism into a serious security threat. This threat now challenges the safety and stability of ASEAN member states.<sup>2</sup>

Terrorism does not respect borders. It spreads across countries. Recent attacks such as the 2023 Mindanao bombing and transnational financing networks linking Indonesia and Malaysia.<sup>3</sup> This makes regional cooperation very important. ASEAN has always supported peace and security in the region. It has based its efforts on key agreements such as the Treaty of Amity and Cooperation and the Zone of Peace, Freedom, and Neutrality.<sup>4</sup> However, ASEAN still faces serious problems in fighting terrorism as a group. Even after many promises of cooperation, terrorism remains a strong and growing danger. The methods and targets of terrorism have changed a lot between 1970 and 2020.<sup>5</sup>

Data from the Global Terrorism Database shows that terrorism grew quickly between 2010 and 2015 in ASEAN countries.<sup>6</sup> After 2015, the number of incidents started to go down but stayed dangerous. These acts mostly attacked civilians. The attackers used advanced weapons, such as guns and homemade bombs. ISIS and its allies also helped terrorism grow in the region. They created new networks and sent foreign fighters into ASEAN countries.<sup>7</sup>

ASEAN has taken some steps to fight terrorism. It created the ASEAN Convention on Counter Terrorism (ACCT) and introduced programs like "Our Eyes."<sup>8</sup> These are

<sup>1</sup> Hadi Pradnyana., Perspektif Kebijakan Kontra-Terrorisme ASEAN dan Perbedaan Paradigma Penanggulangan Terorisme oleh Negara-Negara Anggota ASEAN, *POLITICOS: Jurnal Politik dan Pemerintahan*, Vol.2, no.1, 2022, page.15.

<sup>2</sup> Rohan Gunaratna., ASEAN's greatest counter-terrorism challenge: The shift from "Need to know" to Smart to Share, *Combating Violent Extremism and Terrorism in Asia and Europe from Cooperation to Collaboration*, Vol.9, no.4, 2018, page.113. See too, Leonard C. Sebastian., *The ASEAN response to terrorism*, Pozuelo de Alarcón, Revista UNISCI, 2003, page.4.

<sup>3</sup> Kenneth Yeo., Geography, governance, guns: characterising Islamist terrorist sanctuaries in Maritime Southeast Asia (2014–2021), *Asian Security*, Vo.19, no.1, 2023, page.89. See too, Tom Smith and Ann Bajo., The false dawns over Marawi: examining the post-Marawi counterterrorism strategy in the Philippines, *Journal of Policing, Intelligence and Counter Terrorism*, Vol.19, no.3, 2024, page.407.

<sup>4</sup> Laura Southgate., ASEAN: still the zone of peace, freedom and neutrality?, *Political Science*, Vol.73, no.1, 2021, page.39.

<sup>5</sup> Barry Rubin and Judith Colp Rubin., *Chronologies of modern terrorism*, London, Routledge, 2015, page.8. See too, Yasir Perdana Ritonga, Suci Zalsabilah Basri, and Tiara Wiji Rahmaddhani., *The Implementation of the Asean Convention on Counter Terrorism in Preventing Terrorism for Asean Countries*, Yogyakarta, Universitas Muhammadiyah Yogyakarta, 2020, page.9.

<sup>6</sup> Zhongbei Li, Xiangchun Li, Chen Dong, Fanfan Guo, Fan Zhang, and Qi Zhang., Quantitative analysis of global terrorist attacks based on the global terrorism database, *Sustainability*, Vol.13, no.14, 2021, page.7598.

<sup>7</sup> Chris Dishman., Trends in modern terrorism, *Studies in Conflict and Terrorism* Vol.22, no.4, 1999, page.359. See too, Ahmad Harakan., Farida Tadjine, and Nursaleh Hartaman., Regional Securitization of the ISIS in the Southeast Asian Counter-Terrorism Strategies for the Post-ISIS Era, *Journal of Globalization Studies*, Vol.14, no.1, 2023, page.126; Muhammad Suryadi and Fauzia Gustarina Cempaka Timur., Fronting the return of foreign terrorist fighters: the rise and fall of ASEAN border cooperation to combat non-traditional threats, *Jurnal Hubungan Internasional*, Vol.7, no.1, 2018, page.70.

<sup>8</sup> I. Gede Wahyu Wicaksana., Militarising counterterrorism in Southeast Asia: Incompatibilities and implications for ASEAN, *European Journal of East Asian Studies*, Vol.18, no.2, 2019, page.205.

positive moves. However, they are not enough. Many programs look strong on paper but are weak in real life.<sup>9</sup> One major problem is that each ASEAN country sees the threat differently. For example, Singapore and Indonesia have strong systems to fight terrorism. Other countries do not have enough legal tools or political support to do the same.<sup>10</sup> These differences make it hard for ASEAN to act as one unit. The main cause is the strong belief in the principle of non-interference. This principle prevents ASEAN from forcing member states to follow shared rules. It also makes it difficult to respond to human rights problems, like those seen in Myanmar.<sup>11</sup>

Another problem is that ASEAN does not have a system for sharing intelligence.<sup>12</sup> Intelligence sharing is key in stopping terrorist plans.<sup>13</sup> Member states often hesitate to cooperate. They fear that sharing secrets could weaken their own position. Some countries also worry about being judged by others. These issues slow down cooperation and create a gap between what ASEAN wants and what it can do.<sup>14</sup>

Many academic writings have examined ASEAN's speeches and policy papers, but few studies have investigated the effectiveness of these policies in practice. ASEAN has made many public statements about working together. Yet, there is little proof that terrorist networks have been stopped or that radical ideas have been reduced.<sup>15</sup>

This brings us to a key issue. There is not enough research on how ASEAN's legal tools actually work. The main question is whether ASEAN's legal and policy instruments, particularly the ASEAN Convention on Counter Terrorism (ACCT), are strong enough to face the challenges of modern terrorism. What blocks ASEAN from

<sup>9</sup> Achmad Irwan Hamzani., The trend to counter terrorism in ASEAN, *Journal of Advance Research in Dynamical dan Control System*, Vol.12, no.7, 2020, page.107. See too, Nila Febri Wilujeng and Helda Risman., Examining ASEAN Our Eyes Dealing with Regional Context in Counter-Terrorism, Radicalism, and Violent Extremism, *International Journal of Social Sciences*, Vol.6, no.1, 2020, page.269.

<sup>10</sup> Ralf Emmers., Comprehensive security and resilience in Southeast Asia: ASEAN's approach to terrorism, *The Pacific Review*, Vol.22, no.2, 2009, page.160. See too, Senia Febrica., Securitizing terrorism in Southeast Asia: Accounting for the varying responses of Singapore and Indonesia, *Asian Survey*, Vol.50, no.3, 2010, page.572.

<sup>11</sup> Erika, and Dewa Gede Sudika Mangku., Meneropong prinsip non intervensi yang masih melingkar dalam ASEAN, *Perspektif*, Vol.19, no.3, 2014, page.181. See too, Tram-Anh Nguyen., Norm or necessity? The non-interference principle in ASEAN, *Cornell International Affairs Review*, Vol.9, no.1, 2016, page.9; Tony Yuri Rahmanto., Prinsip non-intervensi bagi ASEAN ditinjau dari perspektif hak asasi manusia, *Jurnal Ham*, Vol.8, no.2, 2017, page.150.

<sup>12</sup> Céline Cocq., Development of regional legal frameworks for intelligence and information sharing in the EU and ASEAN, *Tilburg Law Review*, Vol.20, no.1, 2015, page.58.

<sup>13</sup> Martin Rudner., Hunters and gatherers: The intelligence coalition against Islamic terrorism, *International Journal of Intelligence and CounterIntelligence*, Vol.17, no.2, 2004, page.193. See too, Daniel Byman., The intelligence war on terrorism, *Intelligence and National Security*, Vol.29, no.6, 2014, page.840; Oldřich Bureš., Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol, *European View*, Vol.15, no.1, 2016, page.60.

<sup>14</sup> Jurgen Haacke and Noel Morada., *Cooperative security in the Asia-Pacific*, New York, Routledge, 2010, page.10. See too, Marc Schuilenburg., *The securitization of society: Crime, risk, and social order*, New York, University Press, 2015, page.31.

<sup>15</sup> Sartika Soesilowati., ASEAN's response to the challenge of terrorism, *Masyarakat, Kebudayaan dan Politik (Society, Culture and Politics)*, Vol.24, no.2, 2011, page.232. See too, Marguerite Borellim., ASEAN Counter-terrorism weakness, *Counter Terrorist Trends and Analyses*, Vol.9, no.9, 2017, page.16.

carrying out its plans? What legal changes are needed to make the system work better?

This research would study these problems in detail. It will look at how ASEAN tries to deal with terrorism. It would also explore legal and political barriers to regional action. The main goal is to test the current legal framework. The study would also point out the differences in how countries see and respond to terrorist threats. Based on this, the research would suggest ways to improve cooperation and legal coordination across ASEAN.

This study would use ideas from international law, security studies, and political science. It would also rely on the views of experts like Acharya,<sup>16</sup> Katsumata,<sup>17</sup> and Hamzani.<sup>18</sup> Their works help explain how ASEAN tries to be a security community. The study would check if ASEAN's way of working together still fits the new reality of terrorism and global power shifts. In this context, this research aims to examine the effectiveness of ASEAN's current approach in countering acts of terrorism and to identify the challenges and necessary reforms for enhancing regional security and cooperation.

## **2. Research Methods**

This research used a normative and doctrinal approach. This method studies both the law and how it works in real situations. It helps the study understand not only the legal texts but also the political and social context in which the law is used. This approach is useful because ASEAN's legal response to terrorism depends on many factors, such as political interest, regional cooperation, and national policies.

The study focused on the legal documents made by ASEAN and its member states. These include treaties, declarations, and national laws about counter-terrorism. The research also studied the role of ASEAN institutions and their efforts to support regional security. This includes how they deal with different national interests and the principle of non-interference.

Data were collected through library research. The sources include official ASEAN documents, national legislation, international agreements, academic journal articles, books, and reports such as ASEAN Convention on Counter Terrorism. These materials provide legal information and also explain how the laws are applied or challenged in practice. Data analysis was conducted qualitatively, and its results were delivered descriptively so that the results of analysis could conclude to answer the research questions in this study.

## **3. Result and Discussion**

### **3.1. Regional Cooperation and Counter-Terrorism Strategies**

Southeast Asia's complex geography, political diversity, and porous borders make it a hotspot for terrorist activities, with global networks like Al-Qaeda and the Islamic

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<sup>16</sup> Amitav Acharya., *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*, London, Routledge, 2009, page.22.

<sup>17</sup> Hiro Katsumata., *ASEAN's cooperative security enterprise: Norms and interests in the ASEAN Regional Forum*, New York, Springer, 2010, page.4.

<sup>18</sup> Achmad Irwan Hamzani., The trend to counter terrorism in ASEAN, *Journal of Advance Research in Dynamical dan Control System*, Vol.12, no.7, 2020, page.109.

State (ISIS) exacerbating these threats.<sup>19</sup> The Association of Southeast Asian Nations (ASEAN), established in 1967, has prioritized regional peace and stability through cooperation, dialogue, and adherence to principles like the Treaty of Amity and Cooperation (TAC) and the Zone of Peace, Freedom, and Neutrality (ZOPFAN).<sup>20</sup> ASEAN's counter-terrorism efforts, rooted in its mission to foster mutual security and combat transnational crimes, have evolved significantly since the 2001 September 11 attacks, which highlighted Southeast Asia as a potential hub for terrorist operations.<sup>21</sup> This section explores ASEAN's regional cooperation frameworks, legal mechanisms, and challenges in addressing terrorism, emphasizing initiatives like the ASEAN Convention on Counter-Terrorism (ACCT) and the ASEAN Regional Forum (ARF).

ASEAN's commitment to counter-terrorism is grounded in its founding principles, as articulated in the 1967 Bangkok Declaration, which emphasizes regional peace, stability, and collective responsibility.<sup>22</sup> The 2007 ASEAN Charter further reinforced this by introducing the concept of collective responsibility in enhancing regional peace, security, and prosperity.<sup>23</sup> To address terrorism, ASEAN has developed frameworks like the ASEAN Convention on Counter-Terrorism (ACCT), adopted in 2007, which provides a legal basis for cooperation in investigations, prosecutions, and countering terrorist financing.<sup>24</sup> The ACCT facilitates information exchange, law enforcement collaboration, and regional strategies to eradicate transnational crimes, including terrorism.<sup>25</sup>

<sup>19</sup> Leonard C. Sebastian., *The ASEAN response to terrorism*, Pozuelo de Alarcón, Revista UNISCI, 2003, page.5. See too, Rohan Gunaratna., ASEAN's greatest counter-terrorism challenge: The shift from "Need to know" to Smart to Share, *Combatting Violent Extremism and Terrorism in Asia and Europe from Cooperation to Collaboration*, Vol.9, no.4, 2018, page.115.

<sup>20</sup> Laura Southgate., ASEAN: still the zone of peace, freedom and neutrality?, *Political Science*, Vol.73, no.1, 2021, page.40. See too, Mely Caballero-Anthony and Ralf Emmers., Keeping the peace in Southeast Asia: ASEAN and the quest for positive peace, *The Pacific Review*, Vol.35, no.6, 2022, page.1079.

<sup>21</sup> Harist Dwi Wiratma and Yoga Suharman., Terorisme dan Keamanan Kolektif ASEAN, *Insignia: Journal of International Relations*, Vol.3, no.1, 2016, page.18.

<sup>22</sup> Senia Febrica., Securitizing terrorism in Southeast Asia: Accounting for the varying responses of Singapore and Indonesia, *Asian Survey*, Vol.50, no.3, 2010, page.574. See too, Rommel C. Banlaoi., Counterterrorism Cooperation between China, ASEAN, and Southeast Asian Countries, *China Review*, Vol.21, no.4, 2021, page.142.

<sup>23</sup> David Martin Jones., Security and democracy: the ASEAN charter and the dilemmas of regionalism in South-East Asia, *International Affairs*, Vol.84, no.4, 2008, page.737. See too, Helen E.S. Nesadurai., ASEAN and regional governance after the Cold War: from regional order to regional community?, *The Pacific Review*, Vol.22, no.1, 2009, page.92; ASEAN., Media Release – ASEAN Leaders Sign ASEAN Charter Singapore, 20 November 2007, *Asean.org*, May 9, 2012; Pushpanathan Sundram., A study of non-state actors in ASEAN community building post-ASEAN charter, *International Journal of Asia Pacific Studies*, Vol.21, no.1, 2025, page.214.

<sup>24</sup> Achmad Irwan Hamzani., The trend to counter terrorism in ASEAN, *Journal of Advance Research in Dynamical dan Control System*, Vol.12, no.7, 2020, page.111. See too, Yasir Perdana Ritonga, Suci Zalsabilah Basri, and Tiara Wiji Rahmaddhani., *The Implementation of the Asean Convention on Counter Terrorism in Preventing Terrorism for Asean Countries*, Yogyakarta, Universitas Muhammadiyah Yogyakarta, 2020, page.10.

<sup>25</sup> Nila Febri Wilujeng and Helda Risman., Examining ASEAN Our Eyes Dealing with Regional Context in Counter-Terrorism, Radicalism, and Violent Extremism, *International Journal of Social Sciences*, Vol.6, no.1, 2020, page.271.

The ASEAN Action Plan for the Eradication of Transnational Crimes, established in 2002, complements the ACCT by promoting cohesive strategies and coordination among member states.<sup>26</sup> This plan emphasizes Mutual Legal Assistance (MLA) treaties, which enable cross-border investigations and prosecutions, addressing issues like terrorist financing and cross-border operations.<sup>27</sup> Practical examples of cooperation include the tri-lateral sea patrols in the Sulu-Sulawesi Seas, involving Indonesia, Malaysia, and the Philippines, which target high-threat areas prone to terrorist activities. These initiatives reflect ASEAN's recognition that terrorism, as a regional threat, cannot be tackled by any single state, necessitating collective action.<sup>28</sup>

ASEAN's historical approach to security, developed in the 1960s and 1970s to counter communism, informs its current counter-terrorism strategy. This approach, based on comprehensive security and resilience, integrates national and regional efforts through dialogue and consultation.<sup>29</sup> The 2018 ASEAN Defence Ministers' Meeting underscored terrorism as the region's primary threat, expanding the role of military and intelligence forces alongside traditional law enforcement.<sup>30</sup> However, disparities in member states' capacities and threat perceptions hinder unified action. For instance, Singapore and Indonesia have robust counter-terrorism frameworks, while others, like Thailand and Malaysia, lag due to limited institutional readiness.<sup>31</sup>

The ASEAN Regional Forum (ARF), established in 1994, serves as a key platform for cooperative security, engaging 27 participants, including major powers like the United States, China, Japan, and the European Union.<sup>32</sup> The ARF promotes preventive diplomacy and confidence-building measures, aligning with ASEAN's goal of fostering dialogue to enhance mutual security.<sup>33</sup> Unlike traditional collective defense models, the ARF emphasizes cooperative security, focusing on preventing

<sup>26</sup> Abdul Razak Ahmad., The ASEAN Convention on counter-terrorism 2007, *Asia-Pacific Journal on Human Rights and the Law*, Vol.14, no.2, 2013, page.130. See too, ASEAN., ASEAN Plan of Action in Combating Transnational Crime, *Asean.org*, September 20, 2017.

<sup>27</sup> Tram-Anh Nguyen., Norm or necessity? The non-interference principle in ASEAN, *Cornell International Affairs Review*, Vol.9, no.1, 2016, page.10.

<sup>28</sup> Rohan Gunaratna., Counter-terrorism in Asia: The state partnership with civil society organizations, In *Civil Society Organizations against Terrorism*, London, Routledge, 2021, page.22.

<sup>29</sup> Laura Southgate., ASEAN: still the zone of peace, freedom and neutrality?, *Political Science*, Vol.73, no.1, 2021, page.42.

<sup>30</sup> ASEAN., Final ADMM-Plus Joint Statement on Preventing and Countering Terrorism, *Asean.org*, July 2, 2025.

<sup>31</sup> Ralf Emmers., Comprehensive security and resilience in Southeast Asia: ASEAN's approach to terrorism, *The Pacific Review*, Vol.22, no.2, 2009, page.162. See too, Senia Febrica., Securitizing terrorism in Southeast Asia: Accounting for the varying responses of Singapore and Indonesia, *Asian Survey*, Vol.50, no.3, 2010, page.575.

<sup>32</sup> Haacke and Noel Morada., *Cooperative security in the Asia-Pacific*, New York, Routledge, 2010, page.11. See too, David Arase., Non-traditional security in China-ASEAN cooperation: The institutionalization of regional security cooperation and the evolution of East Asian regionalism, *Asian Survey*, Vol.50, no.4, 2010, page.809; Muhammad Budiana., Regional Organizations and Global Governance: The Case of ASEAN, *Journal of Student Collaboration Research*, Vol.1, no.2, 2024, page.3.

<sup>33</sup> Jürgen Haacke., The ASEAN Regional Forum: from dialogue to practical security cooperation?, *Cambridge Review of International Affairs*, Vol.22, no.3, 2009, page.430. See too, Hiro Katsumata., *ASEAN's cooperative security enterprise: Norms and interests in the ASEAN Regional Forum*, New York, Springer, 2010, page.5.

threats rather than preparing for conflict.<sup>34</sup> This inclusive approach allows member states with diverse threat perceptions to collaborate without designating other countries as adversaries.

However, the ARF faces institutional challenges. It lacks a dedicated secretariat, relying on the ASEAN Secretariat's ARF Unit, established in 2004, for administrative support.<sup>35</sup> This limits its ability to evolve into a more proactive platform for preventive diplomacy. Additionally, sovereignty concerns among participants, including major powers like the United States and Japan, impede deeper integration, as some fear losing autonomy.<sup>36</sup> Despite these limitations, the ARF remains the only Asia-Pacific forum led by small and medium-sized powers, making ASEAN a central driver of regional security dialogue.<sup>37</sup>

In addition, ASEAN's counter-terrorism efforts face significant obstacles, primarily due to its adherence to the principle of non-interference, enshrined in the TAC and ASEAN Charter. This principle, while fostering mutual respect and reducing suspicion among member states, restricts ASEAN's ability to intervene in domestic issues, such as human rights concerns in counter-terrorism operations.<sup>38</sup> For example, Indonesia, a de facto leader in ASEAN, has distanced itself from the U.S.-led "war on terror" despite experiencing major attacks like the 2002 and 2005 Bali bombings, reflecting divergent national priorities.<sup>39</sup> In contrast, Singapore strongly supports global counter-terrorism efforts, despite no major attacks on its soil.

Political fragmentation and varying threat perceptions further complicate cooperation. Member states' domestic contexts, including economic constraints and political will, result in uneven implementation of counter-terrorism measures.<sup>40</sup> The lack of binding mechanisms and progress monitoring weakens ASEAN's frameworks, with agreements often remaining rhetorical rather than actionable.<sup>41</sup> For instance, while the ACCT provides a legal framework, its non-binding nature limits enforcement, and insufficient infrastructure hampers coordinated responses.<sup>42</sup>

<sup>34</sup> Laura Southgate., ASEAN: still the zone of peace, freedom and neutrality?, *Political Science*, Vol.73, no.1, 2021, page.44.

<sup>35</sup> Haacke and Noel Morada., *Cooperative security in the Asia-Pacific*, New York, Routledge, 2010, page.11.

<sup>36</sup> Hiro Katsumata., *ASEAN's cooperative security enterprise: Norms and interests in the ASEAN Regional Forum*, New York, Springer, 2010, page.6.

<sup>37</sup> Amitav Acharya., *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*, London, Routledge, 2009, page.23.

<sup>38</sup> Amitav Acharya, *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*, London, Routledge, 2009, page.24.

<sup>39</sup> Ralf Emmers., Comprehensive security and resilience in Southeast Asia: ASEAN's approach to terrorism, *The Pacific Review*, Vol.22, no.2, 2009, page.163.

<sup>40</sup> Daniel Byman., The intelligence war on terrorism, *Intelligence and National Security*, Vol.29, no.6, 2014, page.842. See too, Oldřich Bureš., Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol, *European View*, Vol.15, no.1, 2016, page.62.

<sup>41</sup> Sartika Soesilowati., ASEAN's response to the challenge of terrorism, *Masyarakat, Kebudayaan dan Politik (Society, Culture and Politics)*, Vol.24, no.2, 2011, page.234. See too, Marguerite Borellim., ASEAN Counter-terrorism weakness, *Counter Terrorist Trends and Analyses*, Vol.9, no.9, 2017, page.18.

<sup>42</sup> Tony Yuri Rahmanto., Prinsip non-intervensi bagi ASEAN ditinjau dari perspektif hak asasi manusia, *Jurnal Ham*, Vol.8, no.2, 2017, page.152.

The transnational nature of terrorism, exemplified by groups like Jemaah Islamiyah and Abu Sayyaf, underscores the need for cross-border collaboration.<sup>43</sup> The emergence of ISIS in Southeast Asia, marked by its 2016 attempt to establish a "Wilayat" in the Philippines, has further highlighted the regional scope of the threat.<sup>44</sup> Yet, legal and political barriers, such as sovereignty concerns and reluctance to share sensitive information, impede the creation of shared databases and collaborative operations.<sup>45</sup>

ASEAN has sought to enhance its counter-terrorism efforts through partnerships with global powers like the United States, China, Japan, and the European Union.<sup>46</sup> These collaborations focus on information sharing, border security, and capacity building, aligning with international norms and the United Nations Charter.<sup>47</sup> For example, post-9/11, the United States designated Southeast Asia as a "second front" in the global war on terror, providing military support to the Philippines and re-establishing ties with Indonesia to counter groups like Jemaah Islamiyah.<sup>48</sup>

However, ASEAN's adherence to non-interference limits its ability to take a more active role in global counter-terrorism efforts. While the organization advocates compliance with UN principles, concerns about potential human rights violations in member states' counter-terrorism operations persist.<sup>49</sup> These partnerships, while valuable, are often constrained by ASEAN's reluctance to compromise sovereignty, highlighting the tension between regional and global security objectives.<sup>50</sup> However, the effectiveness of these partnerships remains limited, as current legal frameworks and practices often lack enforcement mechanisms. This raises questions about whether more centralized or binding agreements, despite their challenge to national sovereignty might offer more effective alternatives for combating transnational threats.<sup>51</sup>

<sup>43</sup> Rohan Gunaratna., ASEAN's greatest counter-terrorism challenge: The shift from "Need to know" to Smart to Share, *Combatting Violent Extremism and Terrorism in Asia and Europe from Cooperation to Collaboration*, Vol.9, no.4, 2018, page.116

<sup>44</sup> Tram-Anh Nguyen., Norm or necessity? The non-interference principle in ASEAN, *Cornell International Affairs Review*, Vol.9, no.1, 2016, page.12. See too, Rohan Gunaratna., The Islamic State's eastward expansion, *The Washington Quarterly*, Vol.39, no.1, 2016, page.52; Kirsten E. Schulze and Julie Chernov Hwang., Militant Islam in Southeast Asia, *Contemporary Southeast Asia*, Vol.41, no.1, 2019, page.3; Ahmad Harakan, Farida Tadjine, and Nursaleh Hartaman., Regional Securitization of the ISIS in the Southeast Asian Counter-Terrorism Strategies for the Post-ISIS Era, *Journal of Globalization Studies*, Vol.14, no. 1, 2023, page.124.

<sup>45</sup> Oldřich Bureš., Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol, *European View*, Vol.15, no.1, 2016, page.59.

<sup>46</sup> Haacke and Noel Morada., *Cooperative security in the Asia-Pacific*, New York, Routledge, 2010, page.11.

<sup>47</sup> ASEAN., Media Release – ASEAN Leaders Sign ASEAN Charter Singapore, 20 November 2007, *Asean.org*, May 9, 2012.

<sup>48</sup> Leonard C. Sebastian., *The ASEAN response to terrorism*, Pozuelo de Alarcón, Revista UNISCI, 2003, page.7.

<sup>49</sup> Amitav Acharya., *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*, London, Routledge, 2009, page.25.

<sup>50</sup> Saut Parulian Panjaitan, Joni Emirson, Iza Rumesten RS, and Suci Flambonita, "The Constitutional Perspective of Indonesian Social Security System," *Jurnal Hukum*, Vol.40, no.1, 2024, page.46.

<sup>51</sup> Mohamad Faisol Keling, Hishamudin Md Som, Mohamad Nasir Saludin, Md Shukri Shuib, and Mohd Na'eim Ajis., The development of ASEAN from historical approach, *Asian Social Science*, Vol.7, no.7, 2011, page.189.



### 3.2. Soft Power Approaches: Deradicalization and Disengagement

Since September 2001, the United States has focused on radical Islamic groups in Southeast Asia, particularly in the Philippines, Indonesia, Malaysia, Thailand, and Singapore, due to their links with Al Qaeda. Southeast Asia has become a central hub for Al Qaeda's operations, with the terrorist network establishing local cells, training individuals, and collaborating with indigenous radical Islamist organizations through financing and cooperation.<sup>52</sup>

Indonesia and the southern Philippines are highly susceptible to infiltration by anti-American Islamic terrorist groups. Jemaah Islamiyah (JI), an indigenous network with strong ties to Al Qaeda, assisted the September 11, 2001, hijackers and admitted to planning and executing attacks against Western targets. This included the deadly Bali bombings on October 12, 2002, which killed approximately 200 people, mostly Westerners. Furthermore, on September 9, 2004, a suicide bombing attributed to Jemaah Islamiyah targeted the Australian Embassy in Jakarta, resulting in 10 deaths and around 200 injuries. This attack underscored JI's continued capacity for large-scale operations despite numerous arrests and deaths of its members and leaders.

In response to this persistent threat, the Bush Administration pressured regional countries to apprehend suspected terrorists, deployed over 1,000 troops to the southern Philippines to support the Philippine military against the Abu Sayyaf Group, enhanced intelligence sharing, and re-established military relations with Indonesia. Counter-terrorism measures against such ideologies can involve strategies like decapitation, military interventions, and both short-term and long-term capacity-building efforts.

The collective security of the ASEAN region is vital for regional stability and has significant implications for broader security cooperation in East Asia. ASEAN's security cooperation, particularly through the ASEAN Regional Forum (ARF), can serve as a viable model for establishing an East Asian community by expanding its norm-building exercises. While seemingly less established compared to models like NATO or CSCE/OSCE, ASEAN's cooperative security model has proven its significance in contributing to regional security. This model emphasizes the cooperative and non-military pursuit of security by promoting mutual understanding and trust through dialogue and consultation, and the ARF acts as a platform for practicing these norms with the aim of sharing them with non-ASEAN countries. ASEAN has undergone substantial transformation in its strategic environment since 1967, following a period of turmoil.<sup>53</sup> The pursuit of peace and security remains a crucial aspect of any such community, and academic contributions are essential in advancing security cooperation in Asia given the varied understandings among participants.<sup>54</sup>

<sup>52</sup> David Martin Jones, Michael LR Smith, and Mark Weeding, Looking for the pattern: Al Qaeda in Southeast Asia--The genealogy of a terror network, *Studies in Conflict & Terrorism*, Vol.26, no.6 (2003), page.447.

<sup>53</sup> Amitav Acharya., *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*, London, Routledge, 2009, page.26.

<sup>54</sup> Hiro Katsumata., *ASEAN's cooperative security enterprise: Norms and interests in the ASEAN Regional Forum*, New York, Springer, 2010, page.8.

Community security describes a group of nations that consistently engage in peaceful interactions and resolve disputes without resorting to force. In international relations, this concept has a dual significance: it suggests that states can manage anarchy and overcome security challenges through interaction and socialization, and it offers a framework for analyzing how international institutions foster peace. John Hertz introduced the concept in 1950, highlighting how state importance in anarchy can lead to arms races and conflict. This notion now encompasses various meanings, including crime prevention, public safety, future risk management, and extends to physical, military, economic, and environmental security.

Recent criminological studies show a broader focus on urban security. Securitization, as defined by Schuilenburg,<sup>55</sup> involves various actors and institutions disseminating techniques to ensure a secure future. This creates a pervasive network of prevention, inspection, and policing integrated into daily urban life, aiming to guide behavior towards enhancing public safety and commercial advantage. Historically, security was solely a government responsibility, but now, a growing number of other actors, such as airport and shopping mall guards, schools, sports clubs, and housing organizations, are assuming security duties.

The world today requires alternative approaches and new theories about justice and security. The old paradigms, especially realism and its emphasis on sovereign states, national interests, and limited hope for cooperation, do not provide an effective or safe approach for the global community to address today's increasingly complex dilemmas. A crisis has emerged in the twenty-first century, necessitating new thinking and innovative ideas to prevent the potential for significant harm in the future. Security, in the generally accepted definition, emphasizes a well-armed military approach, protected borders, and, in some cases, possession of weapons of mass destruction.<sup>56</sup> When carrying out cooperation to achieve mutual security and promote peace, ASEAN still adheres to the principle of non-intervention as stipulated in the 1976 Treaty of Amity and Cooperation (TAC) in Southeast Asia and the ASEAN Charter. ASEAN currently upholds a principle of non-intervention that applies to the ten ASEAN member countries. This certainly brings both positive and negative impacts on the continuity of this international organization. The principle of non-intervention is intended to ensure that ASEAN countries respect the independence, sovereignty, and territorial integrity of all nations. Every country has the right to maintain its existence without interference in the internal affairs of other countries. The principle of non-intervention has so far been firmly adhered to and has contributed significantly to the existence of ASEAN. At the most basic level, this principle is a tangible manifestation of respect for the sovereignty of each member state. This guarantee of recognition of sovereignty is an important factor in reducing mutual suspicion among ASEAN member countries. Respect for what is the internal affairs of other member countries indirectly helps prevent misunderstandings between members. On the other hand, ASEAN cannot intervene in violations that

<sup>55</sup> Marc Schuilenburg., *The securitization of society: Crime, risk, and social order*, New York, University Press, 2015, page.17.

<sup>56</sup> Russell E. Osborne., *Global Community: Global Security*, New York, Rodopi, 2008, page.254.

exist or occur within this organization, such as human rights violations committed by its members and those that occur within ASEAN member countries.<sup>57</sup>

The main principle of sovereignty and the principle of non-intervention are considered the most problematic concepts hindering successful integration. While these two principals have existed since the Westphalia treaty in 1648 and have become the basic rules of relations between countries in the world, ASEAN considers them its sacred principles. These principles enabled ASEAN to be established as a regional organization in a region stricken with suspicion, distrust, and political rivalry. The principle of non-intervention in domestic affairs is a significant obstacle that hinders the ability to achieve much greater integration. The early 1990s posed a different kind of challenge, such as an economic challenge that would seriously interfere with the principle of sovereignty. The current wave of movement in the global arena is the emergence of globalization. These domestic problems are increasingly manifesting themselves in diplomatic and civil society problems that arise in Southeast Asia. All of them become major victims of the traditional principles of absolute sovereignty and non-intervention of ASEAN. ASEAN, in its current configuration, is not competent in directing the region towards an integrated community. The fact that ASEAN is built on unstable norms and institutional structures will not help it weather the storms of globalization and new regional challenges posed by its two neighbouring giants, China and India.<sup>58</sup>

State sovereignty has long been viewed as a source of inter- and intra-state conflict, as well as a response to it. Among political theorists, the relationship between sovereignty and political authority, specifically that state sovereignty has emerged to enforce internal order and protect against external threats legitimately, has received the most attention.<sup>59</sup> Recently, the basis of this claim about the assumptions of international anarchy and equality between states has been questioned. Indeed, in several fields, from law to sociology, there is a shared understanding that the conventional understanding of sovereignty as the unrestricted and indivisible rule by a state over a territory and the people within it requires serious scrutiny. Implicitly, all claims of state sovereignty as the classic form taken by political authorities are related to the claim of distinguishing strictly delimited territories from the outside world and thereby improving the territorial scope of sovereignty. Territoriality, or the use of territory for political, social, and economic purposes, is widely considered a successful strategy for establishing the exclusive jurisdictions covered by state sovereignty.<sup>60</sup>

ASEAN's efforts to formulate policies and actions against terrorism have demonstrated the complexity of the problem. Difficulties have arisen due to factors such as the diversity of member states, their domestic conditions, and their foreign policies. Meanwhile, the issue of terrorism has generated a broad consensus arising

<sup>57</sup> Erika and Dewa Gede Sudika Mangku., Meneropong prinsip non intervensi yang masih melingkar dalam ASEAN, *Perspektif*, Vol.19, no.3, 2014, page.187.

<sup>58</sup> Benny Teh Cheng Guan., ASEAN's regional integration challenge: The ASEAN process, *The Copenhagen Journal of Asian Studies*, Vol.20, no.2, 2004, page.88.

<sup>59</sup> Yordan Gunawan, Arif Budiman, Nafiza Fauziah, and Wa Ode Fithrah Az-zalia Syamsudin, "Journalist Protection on the Battlefield Under the International Humanitarian Law: Russia-Ukraine War," *Jurnal Hukum*, Vol.39, no.1, 2023, page.8.

<sup>60</sup> John Agnew., *Globalization and Sovereignty: Beyond the Territorial Trap*, London, Rowman & Littlefield, 2009, page.54.

from the common threats facing member states. Significant differences still exist in the demands of anti-terrorist policies at the national level. Other obstacles to this cooperation stem from factors such as geographical, political, social, ethnic, religious, and economic differences between ASEAN countries. They devote the scale of national priorities of each member country and the limited resources and capacities to the struggle with terrorism. Another significant challenge that the Association must overcome is its weak institutional mechanism, which tends to prioritize national interests and priorities over regional interests that intersect with state sovereignty.

Meanwhile, the ability of terrorist networks to operate across borders has an impact on political, social, and economic aspects that cannot be ignored by ASEAN. The solution to such problems lies in a new level of cooperation and collaboration between the governments of member states and their law enforcement and intelligence agencies. In terms of security community theory, ASEAN's counter-terrorism efforts fall short of classic ideas of how such a community should act.<sup>61</sup>

### **3.3. Enhancing Intelligence Information Exchange and Regional Resilience**

The fundamental aim of intelligence gathering is to anticipate future threats rather than to merely prosecute past offenses. Nonetheless, its utility in forecasting future dangers is undeniable. While human sources offer potentially the most valuable intelligence, their application in law enforcement, particularly through undercover officers and informants, remains constrained by high costs and inherent risks. Terrorist and organized hate groups are often insular, making infiltration exceedingly difficult. Consequently, a significant portion of intelligence is derived from conventional channels such as reports, search warrants, public records, and records management systems. This information then populates various investigative databases.

Terrorists, conversely, employ extreme measures to evade detection. As exemplified by the 9/11 hijackers who had minimal contact with law enforcement, gleaning intelligence on such individuals necessitates innovative approaches. Analysts must explore unconventional information sources, including purchasing records, internet activity, published materials, court documents, and self-published extremist literature like *The Turner Diaries* and *Hunter* by Andrew MacDonald.<sup>62</sup> A crucial distinction exists between typical street crime and terrorism: while most crimes stem from motives like greed, anger, or a desire for dominance, terrorism is often driven by a perceived mission to improve the state of the world or a nation. When collecting intelligence for homeland security, recognizing this fundamental difference is paramount, necessitating a global perspective rather than being solely bound by legal collection parameters.<sup>63</sup>

<sup>61</sup> Sartika Soesilowati., ASEAN's response to the challenge of terrorism, *Masyarakat, Kebudayaan dan Politik (Society, Culture and Politics)*, Vol.24, no.2, 2011, page.236.

<sup>62</sup> Andrew Macdonald and William Luther Pierce., *Hunter*, Washington, D.C., National Alliance, 1900, page.12.

<sup>63</sup> Michael R. Ronczkowski., *Terrorism and organized hate crime: Intelligence gathering, analysis and investigations*, Florida, CRC press, 2017, page.24.

Terrorists typically engage in meticulous planning and preparation before an attack, encompassing target selection, recruitment and training of operatives, securing financial backing, and international travel to the target location. To elude authorities, they meticulously conceal their true identities and camouflage attack-related activities. Despite these challenges, leveraging information technology can significantly aid in detecting potential terrorist acts. By analyzing communication and activity patterns, identifying fraudulent identities, or employing other surveillance and monitoring techniques, intelligence and warning systems can issue timely critical alerts, thereby preventing attacks.<sup>64</sup>

Terrorism and radicalization pose a widespread threat requiring complex, asymmetrical warfare strategies. International cooperation is a vital component of this response. The "Our Eyes Initiative" (OEI) is a prime example of such a collaborative pact, facilitating the exchange of intelligence concerning terrorism and radicalization among Indonesia, the Philippines, Malaysia, Brunei Darussalam, Thailand, and Singapore.<sup>65</sup> While military action plays a central role in this cooperation, it mandates the comprehensive involvement of various entities, including police, intelligence agencies, and other government bodies. OEI is a concerted effort to combat terrorism and bolster cross-country cooperation within ASEAN. As an intelligence cooperation mechanism focused on strategic information exchange, OEI operates without political agendas, solely dedicated to counter-terrorism an enemy to all nations. Therefore, it is imperative that no information related to terrorism remains classified.

ASEAN faces multifaceted challenges and threats, prompting member countries to enhance regional cooperation and strategic information exchange through initiatives like ASEAN Our Eyes. This aims to counter escalating non-traditional threats, including terrorism, radicalism, and violent extremism, which have grown from domestic to regional and global scales.<sup>66</sup> The rise of ISIS and its attempt to establish a new operational branch in Southeast Asia, marked by the appointment of an Abu Sayyaf leader in the Philippines in 2016 to form an Islamic caliphate (*Wilayat*), underscores the increased terrorist threat and the need for collective action.

Since terrorism cannot be entirely prevented, expanding current intelligence and information-sharing systems to include resilience policies is crucial. A novel approach involves adopting a combined network that connects not only law enforcement and intelligence communities for prevention but also other emergency response components like fire departments and healthcare systems for mitigation, response, and recovery.<sup>67</sup> Such integrated networks transcend traditional

<sup>64</sup> Hsinchun Chen., *Intelligence and Security Informatics for International Security Information Sharing and Data Mining*, Berlin, Springer Science Business Media, 2006, page.23.

<sup>65</sup> Legionosuko Tri Legionosuko., Opportunities and Optimization of the Our Eyes Initiative as the Strategy for Counter-Terrorism in ASEAN, *International Scholarly and Scientific Research and Innovation*, Vol.13, no.1, 2019, page.11.

<sup>66</sup> Nila Febri Wilujeng and Helda Risman., Examining ASEAN Our Eyes Dealing with Regional Context in Counter-Terrorism, Radicalism, and Violent Extremism, *International Journal of Social Sciences*, Vol.6, no.1, 2020, page.272. See too, Tiara Devi Maharani, Aris Sarjito, Christine Sri Marnani, Hikmat Zakky, and Reinpal Falefi Almubaroq., Separatist and Terrorist Movements in Papua: The Challenges of Social Disaster Management and the Important Role of Human-Made Disaster Intelligence, *Jurnal Pertahanan*, Vol.9, no.3, 2023, page.447.

<sup>67</sup> John M. Pfiffner., *Public administration*, New York, Ronald Press Company, 1946, page.4.

organizational boundaries, enabling faster communication, smarter understanding of threats, and more cost-effective virtual collaboration. As terrorists adopt new attack methods, law enforcement and first responders require comprehensive, timely intelligence and adaptable responses. Effective information sharing among various agencies through these networks is vital for a comprehensive understanding of the threat environment; failures in this regard can lead to fragmented decision-making and detrimental outcomes for overall objectives. Historical events like the 9/11 attacks and the Iraq War highlight how mismanagement and misinterpretation of information can lead to significant vulnerabilities and flawed decisions, underscoring the critical role of robust information management in intelligence work and national security.<sup>68</sup>

The shortcomings of information management are evident in the impact of Europol's counterterrorism actions, which are difficult to evaluate due to the limited information available to the public. Despite the considerable increase in intelligence and analytical capability at Europol headquarters since 9/11, the volume of data officially received by Europol remains relatively low. Several reasons contribute to this, including the defense of sovereignty in matters of national security, which is further reinforced by the culture of secrecy and independence of the national service, with concerns that secret sources and working methods may be compromised if intelligence is widely shared. In the case of Europol, these concerns were further amplified due to its previous designation as a mere law enforcement support unit prior to 9/11. However, after 9/11, it was decided at the political level that Europol would support all competent authorities, including the intelligence services<sup>69</sup>. The exchange of information is crucial because the information collection standards encompass human spying, interception of phone calls, emails, and other signals, and imaging of terrorist activities. HUMINT, often referred to as the "second oldest profession," emerged thousands of years ago, while SIGINT and IMINT played an important role in the Cold War against the Soviet Union and other non-terrorist targets. Despite these advantages, terrorists still need to communicate with each other and have a place to reside.

Additionally, they must procure attack materials, scout targets, travel to locations, and overcome defenses upon arrival to launch an attack successfully. Furthermore, terrorists are humans who fight, have families, commit crimes, strive for excellence in the organization, become greedy, abuse drugs, and engage in sexual activities, all of which provide opportunities for information gathering and counterterrorism in general. This information is crucial for policymakers to act on promptly.<sup>70</sup>

The exchange of information in the context of intelligence cooperation is crucial for obtaining accurate and timely information. Cognitively processed intelligence with a certain meaning for the beneficiary can be defined as communication or news that makes a person aware of a situation, clarifies information about someone or something, all information and documentation materials, and each

<sup>68</sup> Bruce W. Dearstyne., Fighting terrorism, making war: Critical insights in the management of information and intelligence, *Government Information Quarterly*, Vol.22, no.2, 2005, page.175.

<sup>69</sup> Oldřich Bureš., Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol, *European View*, Vol.15, no.1, 2016, page.68.

<sup>70</sup> Daniel Byman., The intelligence war on terrorism, *Intelligence and National Security*, Vol.29, no.6, 2014, page.844.

new element about previous knowledge of the meaning of a symbol or group symbol. Intelligence activity is the process by which certain types of information deemed important to national security are required, collected, analysed, and presented for decision-making. Intelligence serves as the first line of defence against terrorism. It can guide law enforcement activities, concentrate on covert actions, and define the scope of military operations. The term intelligence refers to an agency that collects information and, on the other hand, information that is processed and ready for use by consumers. Intelligence collects under the same umbrella in the components of national security information, internal and external policies, and certain aspects of international security in cases across global entities such as countries and organizations.<sup>71</sup>

As mentioned in the above discussion, the problem within ASEAN handling acts of terrorism was caused by a narrowed practice of the non-intervention principle. What should be transformed by ASEAN to fix this praxis is a similar point of view that security can benefit from greater transparency. To promptly identify terrorist threats and infrastructure vulnerabilities, a cohesive and cooperative information network is required. The government, corporate sectors, and the general public all play an important role in identifying suspicious actions and individuals, as well as discovering and resolving security breaches. Clearly defined rules created via negotiation or deliberation can boost public trust in new initiatives. Information technology can help to reduce conflicts, enhance collaboration, and ensure timely distribution of vital information. To ensure the effectiveness of information-sharing strategies, it is imperative to institutionalize rigorous accountability and oversight frameworks that address operational vulnerabilities. Procedures that enhance accountability and monitoring can help to strengthen the nation's information strategy for combating terrorism. Information sharing is a useful strategy for increasing collaboration and coordination within the intelligence and counterterrorism communities. The amount to which government and private sector partners engage in systematic, effective, and multidirectional information sharing and analysis determines the success of a decision-making plan's execution. The anti-terror coordinating agency's actors may include electronic infrastructure owners and operators, government agencies and decision-makers, military and civilian intelligence services, expert advisory groups, and local and regional authorities. Developing a culture of information sharing in the risk management framework requires inventorying and categorizing assets. Through this approach, ASEAN is believed to be capable of minimizing, controlling, and even ending acts of terrorism.

#### **4. Conclusion**

Several things cause challenges in combating terrorism in ASEAN, such as the difference in the definition of terrorism, which causes difficulties in reaching an agreement on what actions are considered terrorist and what actions are not. This has an impact on the difference in domestic priorities in each country because it depends on the threat patterns faced by each country. Another issue is the reluctance of some countries to intervene directly because they are constrained by the principle of non-intervention, which is related to the sovereignty of each country,

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<sup>71</sup> Mărcău Flavius-Cristian and Ciorei Mihaela Andreea., The role of intelligence in the fight against terror, *European Scientific Journal*, Vol.9, no.2, 2013, page.34.

thus resulting in an attitude that they do not want to hand over some of their authority to regional mechanisms. Implementing the flexibility of the principle of non-intervention in the context of combating terrorism in ASEAN is a complex challenge. This can be achieved through the development of common indicators to measure the threat of terrorism and progress in combating it through intelligent information exchange. To address these challenges, ASEAN must go beyond declaratory commitments and begin developing institutionalized mechanisms that enable real-time intelligence sharing, coordinated responses, and mutual legal assistance. Only by striking a balance between national sovereignty and regional responsibility can ASEAN effectively respond to the transnational nature of terrorism. This study will further explore how such a balance can be legally and institutionally pursued.

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