



THE IMPACT OF ASEAN CONVENTION ON COUNTER TERRORISM (ACCT) FOR COUNTER- TERRORISM EFFORTS IN INDONESIA

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Abstract – *Terrorism is very dangerous and detrimental to life because it is a type of extraordinary crimes. After the 9/11 Incident, terrorism became a serious concern. Various policies and strategies are made to prevent and combat terrorism, both nationally, regionally, and internationally. This article specifically presents how the Association of South East Asian Nations (ASEAN) responds to the problem of terrorism. Using qualitative research methods through literature studies, this article explains the influence of the ASEAN Convention on Counter Terrorism (ACCT), which is a manifestation of ASEAN's seriousness, for counter-terrorism policies and strategies in Indonesia. By ratifying the ACCT and translating it into policies and strategies in every aspect and form, Indonesia firmly supports all endeavors and requires regional cooperation in counter-terrorism.*

Keywords: ACCT, ASEAN, Counter-Terrorism, Indonesia, Terrorism

Abstrak – Terorisme sangatlah berbahaya dan merugikan bagi kehidupan karena merupakan salah satu jenis kejahatan luar biasa. Pasca Insiden 9/11, terorisme menjadi perhatian serius. Berbagai kebijakan dan strategi dibuat untuk mencegah dan memerangi terorisme, baik secara nasional, regional, maupun internasional. Artikel ini secara khusus mempresentasikan bagaimana *Asosiation of South East Asian Nations* (ASEAN) merespons persoalan terorisme. Dengan menggunakan metode penelitian kualitatif melalui studi literatur, artikel ini menjelaskan pengaruh *ASEAN Convention on Counter Terrorism* (ACCT) yang merupakan wujud kesungguhan ASEAN, bagi kebijakan dan strategi kontra-terorisme di Indonesia. Dengan meratifikasi ACCT dan menurunkannya ke dalam kebijakan dan strategi pada tiap aspek dan bentuk, Indonesia secara tegas mendukung segala ikhtiar dan memerlukan kerja sama regional dalam melakukan kontra-terorisme.

Kata Kunci: ACCT, ASEAN, Indonesia, Kontra-Terorisme, Terorisme



Introduction

As a crime against humanity that is universal and potential occur in various parts of the world and can be committed by anyone because it is one of the various *modus operandi* in achieving goals, terrorism should be resisted. In more methodological term, measures designed to combat or prevent terrorism is called counter-terrorism.

Globally, regionally, and nationally, various counter-terrorism policies have been developed and continuously updated according to the times. This unequivocally indicates that terrorism is a common enemy that must be fought or prevented collectively-communally. In the regional context, how does the policy of the Association of South East Asian Nations (ASEAN), for example, affect counter-terrorism policies and strategies in Indonesia? Furthermore, what aspects and in what form are these influences in the national counterterrorism policy implemented in Indonesia?

This article aims to answer these important questions. The answers of these questions should be of concern and used as a guide in combating and preventing terrorism, both global, regional, and national.

Research Methods

This article was prepared using qualitative research methods with a literature study approach. Various sources, especially those issued by The ASEAN Secretariat, are examined to find out how ASEAN policies and strategies in counter-terrorism efforts. Furthermore, the influence of ASEAN policies and strategies for Indonesia in the same effort was also shown. In this article, we first present how regional paradigm shifts have contributed. It is important to understand ASEAN's policy on counter-terrorism.



Results and Discussion

Regional Paradigm Shift

Various responses came from many parties regarding the terrorist attacks on September 11, 2001 in the United States or also known as the “Gray Tuesday Incident”. As one of the parties that takes the “Gray Tuesday Incident” very seriously, the United Nations (UN) invites all member states to tackle terrorism through special measures (UN Security Council resolutions). Politics and government; economic and social; psychology, communication, and education; judicial and legal; police and prison systems; and intelligence, military, and immigration are important and crucial aspects that comprehensively need to be given attention in order to tackle terrorism. This recommendation was issued by the UN based on a wide-ranging and in-depth study conducted by the *United Nations Terrorism Prevention Branch* (Hamzani, dkk., 2020).

This recommendation apparently influenced ASEAN’s perspective on terrorism, which was initially synonymous with the term “transnational crime”. Terrorism intersects closely with other transnational crimes such as piracy, money laundering, drug trafficking, and human trafficking. In tackling terrorism as a transnational crime, ASEAN (before 2001) referred to *the ASEAN Declaration on Transnational Crime 1997*, *Manila Declaration on the Prevention and Control of Transnational Crime 1998*, and *ASEAN Plan of Action to Combat Transnational Crime 1999*. Law enforcement agencies are responsible for dealing with terrorism because terrorism, in that Declaration and Action Plan, is seen as a criminal act and internal subversion (Pradnyana, 2022:16).

The UN’s serious response to the “Grey Tuesday Incident” demonstrated concretely through the previous strategic recommendations, in turn provoked ASEAN to institutionally change the understanding or paradigm in counter-terrorism. From a “transnational crime”, ASEAN shifts terrorism to a “special crime” that is urgent and requires concrete steps to tackle it. *The ASEAN Declaration on Joint*



Action to Counter Terrorism (The ASEAN Secretariat, 2018) as a specific stance on counter-terrorism efforts was first issued by ASEAN in 2001.

A year later, in May 2002, anti-terrorism agreements were signed by Indonesia, Malaysia, and the Philippines, following Cambodia and Thailand. The counter-terrorism agreement places a strong emphasis on border controls, including border controls need to be strengthened, intelligence and airline passenger information need to be shared, hotlines should be established, and standard search and rescue procedures should be implemented. Other countries in the region are also proactive by signing similar agreements and cooperation. In 2002 and 2003, collaboration between governments, specifically intelligence agencies and law enforcement, was enhanced (Pradnyana, 2022:17).

When *the ASEAN Declaration on Joint Action to Counter Terrorism* was just a lifetime, an act of terrorism that was very shocking and claimed so many lives, occurred in Bali, Indonesia. Since the Bali Bombing Case (2002), combination and collaboration in order to fight terrorism began and continues to be pursued by countries that are members of the ASEAN Community (Rose & Nestorovska, 2005 in Pradnyana, 2022: 17). Countermeasures must be increased in seriousness, after the first act of terrorism in Southeast Asia where the perpetrators were connected between Malaysia, Singapore, and Indonesia (ASEAN countries). In response to the Bali bombings (2002), the ASEAN Summit in Phnom Penh (November 3, 2002) issued a joint declaration on counter-terrorism. Not stopping there, ASEAN's sincerity was further demonstrated through other declarations signed with the United States, European Union, Russia, Canada, Japan, South Korea, Australia, New Zealand, India, and Pakistan as external dialogue partners. Although it does not include the term "counter-terrorism", *the Joint Declaration of ASEAN and China on Cooperation in the Field of Non-Traditional Security Issues* (The ASEAN Secretariat, 2012) as a joint declaration of ASEAN and China was also issued in 2002. Since 2002, the rapid development of various cooperation and collaboration between countries in



Southeast Asia has borne fruit, although there are still many obstacles due to both internal political and economic affairs (Pradnyana, 2022:17).

ASEAN Convention on Counter Terrorism (ACCT)

Six years later, the regional paradigm that changed after the “Gray Tuesday Incident” and the Bali Bombing Case became the conceptual-institutional basis that further led to the birth of *the ASEAN Convention on Counter Terrorism (ACCT)* in January 2007. The convention, which was agreed and adopted during the 12th ASEAN Summit in Cebu, Philippines, firmly presented the same intentions and commitments in the fight against terrorism, among ASEAN member states. Cooperation among ASEAN member states, especially law enforcement agencies involved in the fight against terrorism, is a mechanism regulated in the ACCT.

Furthermore, the ACCT contains an elaboration of a series of relevant agreements in counter-terrorism to identify violations and enable revision from member states that are not parties to these agreements (Borelli, 2017). Other provisions tend to be facilitative. That is, the new obligations are not defined, instead the obligations under counter-terrorism agreements in correlation with national performance and identifying areas of cooperation under their respective national laws, are reaffirmed in the ACCT. However, as a juridically binding instrument, the ACCT is an important foundation upon which counter-terrorism cooperation among ASEAN members is built. In addition to these potentials and advantages, ACCT also allows and guarantees maximization in the field of information sharing and capacity building (Pradnyana, 2022:18).

Following up on the ACCT, in 2009, *the ASEAN Comprehensive Plan of Action on Counter Terrorism* was drafted and established. Regarding this follow-up, Pradnyana (2022: 18-19) explained, as the core of the ACCT framework, *the ASEAN Comprehensive Plan of Action on Counter Terrorism 2009* complements activities aimed at countering terrorism, preventing and suppressing the growth of terrorist groups,



disrupting networks that support terrorism, thwarting terrorism plans and acts, and bringing and processing them in the realm of court.

Thus, regional security is one of the crucial aspects discussed by ASEAN in the ACCT. There is clearly a significant increase in ASEAN's efforts to develop regional stability and security. In 2015, *the ASEAN Political-Security Community* (APSC) was formed. In general, APSC is intended to ensure political stability and security in ASEAN member states. APSC seeks to strengthen mutualism symbiotic relations between ASEAN member states, dialogue partners, and other external parties. ASEAN's central position in an unclosed, inclusive and transparent regional mechanism is also maintained in APSC, while remaining active-participatory and visionary. In the process of achieving its objectives, APSC has consolidated its institutional capacity and presence. This goal will be achieved by simplifying ASEAN's work processes, improving effectiveness, efficiency, and coordination. The ASEAN Secretariat needs to be strengthened and the presence of ASEAN institutions at the national, regional, and international levels must continue to be improved. Furthermore, preventive measures in combating terrorism (as well as radicalism and extremism) in the region need to be pursued by ASEAN. The APSC serves as the framework that directs counter-terrorism efforts in the region.

From this overall description, it can be concluded that the ACCT is a product of ASEAN law with the power to direct and regulate counter-terrorism mechanisms carried out by and in each member state. Strictly speaking, ASEAN provides a license that terrorism is a regional security issue so that legal methods or approaches are used as a reference to be able to restore and maintain that security, although the handling of terrorism in each member state has not been uniform (Pradnyana, 2022:19).

The Impact of ACCT on Indonesia

Before discussing further the impact of ACCT on Indonesia, it is important to look again at the urgency of ACCT itself. In Article 1, it states, *"This Convention shall*



provide for the framework for regional cooperation to counter, prevent and suppress terrorism in all its forms and manifestations and to deepen cooperation among law enforcement agencies and relevant authorities of the Parties in countering terrorism.” With a strong design as per regional characteristics, the ACCT is designed to have a plus compared to similar international legal instruments. The cooperation expressed in the ACCT is comprehensive-holistic covering the areas of prevention, eradication, law enforcement, and rehabilitation programs, as part of strategies and approaches to uncover terrorism networks and prevent terrorism crimes from happening again. ACCT contains various formulations of cooperation in the field of addressing the root causes of terrorism including collaboration to encourage interfaith dialogues which are conceptualizations and thoughts relevant to the Indonesian context (Ministry of Foreign Affairs of the Republic of Indonesia, 2015).

Article 1 of the ACCT, along with the attached response of the Ministry of Foreign Affairs of the Republic of Indonesia, clearly shows how the ACCT subsequently influences counter-terrorism policies and strategies in Indonesia. The concretization of the influence of ACCT was evident through the ratification of Law of the Republic of Indonesia Number 5 of 2012 concerning the Ratification of *the ASEAN Convention on Counter Terrorism* on April 19, 2012. Key points include “(a) *that the implementation of active free foreign relations based on the principles of equality, mutual benefit, and mutual respect, is one of the manifestations of the objectives of the Government of the Republic of Indonesia, namely participating in implementing world order based on independence, lasting peace, and social justice; (b) that acts of terrorism are crimes that are transnational in nature and have resulted in loss of life regardless of victims, aroused widespread public fear, loss of independence, and loss of property, therefore it is necessary to implement eradication measures through regional cooperation; and (c) that at the 12th ASEAN Summit, in Cebu, Philippines, on 13 January 2007, the Government of Indonesia signed the ASEAN Convention on Counter Terrorism”*; is the basis for consideration of the Government of the Republic of Indonesia in ratifying ACCT. These points also illustrate that ACCT is very important for Indonesia.



Importantly, the ACCT influences counterterrorism policy and strategy in Indonesia. The influence, as attached to the general explanation of Law of the Republic of Indonesia Number 5 of 2012 concerning the Ratification of the ASEAN Convention on Counter Terrorism, is among others related to the need for security cooperation in handling terrorism in ASEAN which is urgently needed in order to realize dynamic peace and stability in the region, while still prioritizing Indonesia's National Interests. These things in turn will contribute to the realization of an ASEAN Community supported by three mutually reinforcing pillars. The three pillars include the Political-Security Community, the Economic Community, and the Socio-Cultural Community.

Security cooperation with friendly countries, in the life of the nation and state, is urgent and needs to be fostered and improved continuously, guided by the principles of mutual benefit (mutualism symbiosis), equality, and full respect for the sovereignty of each country (Halkis, 2018). For this constructive reason, the Government of the Republic of Indonesia considers it necessary to increase security cooperation with countries that are members of the ASEAN Community in tackling terrorism crimes under the umbrella of ACCT. The ACCT is very important because it contains the idea and view that terrorism should not and cannot be correlated with any particular religion, nationality, civilization, or any ethnic or ethnic group; respect for sovereignty, equality, national identity, and territorial integrity; do not interfere in the domestic affairs of other countries, respect territorial jurisdiction, mutual legal assistance, extradition, and promote peaceful settlement of any disputes. In addition, the ACCT also contains principles that are pluses that are not owned by similar conventions, which in the process of handling, have rehabilitation programs for suspects or perpetrators of acts of terrorism, guarantee fair and humane treatment, and respect human rights.

After Commission I of the House of Representatives of the Republic of Indonesia ratified the ACCT, Al Muzzammil Yusuf, a legislator from *Partai Keadilan Sejahtera* (PKS), provided views that could help understand the impact of ACCT on



Indonesia. According to Yusuf (Republika, 2012), Commission I of the House of Representatives of the Republic of Indonesia agreed to ratify the ACCT because this convention guarantees each ASEAN member state to uphold the principles of equality, sovereignty, territorial integrity, jurisdiction, and not interfere in the household affairs of other countries. The ACCT insists that terrorism should not be linked to any particular religion and introduces rehabilitation programs so that perpetrators of acts of terrorism can again become part of society. The advantages or pluses of ratifying the ACCT include that each country can exchange intelligence information related to terrorism, provide mutual legal assistance, carry out extradition obligations, and carry out cooperation between law enforcement agencies. The Government of the Republic of Indonesia must commit to continue using a law enforcement-focused approach in dealing with and eradicating terrorism in Indonesia. This law enforcement approach guarantees equality before the law and upholds human rights, compared to other approaches.

Aspects and Forms of Counter-Terrorism in Indonesia

The regional paradigm shift that later gave birth to ACCT, also influenced counter-terrorism policies and strategies in Indonesia. The implementation of Indonesia's national policy can be seen in several aspects and forms, which are attached in the following table.

Num-ber.	Aspect	Form
1.	Paradigmatic	Terrorism is no longer understood as a transnational crime per se, but rather a form and extraordinary crime that needs to be dealt with specifically as well, which is evident in the ACCT, for example.

2.	Juridical	A law enforcement-focused approach is used in combating terrorism in Indonesia. In addition, a more concrete form is the ratification of the ACCT into the Law of the Republic of Indonesia, which in turn becomes a legal direction guide in conducting counter-terrorism in Indonesia.
3.	Communal-Regional	By ratifying the ACCT as a convention that will provide a framework for regional cooperation to prevent, counter, and suppress terrorism in all its forms and manifestations and to deepen collaboration among law enforcement agencies and relevant authorities of counter-terrorism parties, Indonesia, in conducting counter-terrorism, requires collaboration with fellow ASEAN member states. In this form, exchange intelligence information related to terrorism, provide mutual legal assistance, carry out extradition obligations, and/or cooperate among law enforcement agencies.

Table 1. Aspects and Forms of Counter-Terrorism in Indonesia

Furthermore, the National Counterterrorism Agency of the Republic of Indonesia as the main institution, also focuses on counter-terrorism efforts. The counter-terrorism model applied is a criminal justice model with a legal basis Law of the Republic of Indonesia Number 15 of 2003 with a revision of Law of the Republic of Indonesia Number 5 of 2018 (Timur, 2020 in Timur, 2023). In accordance with the mandate of Law of the Republic of Indonesia Number 5 of 2018, National Counterterrorism Agency of the Republic of Indonesia is required to prevent terrorism through national preparedness, counter-radicalization, and deradicalization. Not only that, National Counterterrorism Agency of the Republic of Indonesia is also the main coordinator of the Synergy Team between 38



Ministries/Institutions which is part of a counter-terrorism program with a humanist approach through welfare development. The multi-stakeholder approach allows National Counterterrorism Agency of the Republic of Indonesia, in fighting terrorism, to involve elements of Ministries/Institutions, communities across religions and cultures, to friendly countries. This collaboration is important given the multidimensional nature of terrorism that cannot be solved partially but holistically.

In the context of State Defense, the Directorate General of Defense Potential of the Ministry of Defense of the Republic of Indonesia also comprehensively develops strategies in preventing and tackling terrorism in Indonesia. Prevention and countering terrorism requires a comprehensive collaboration. In addition to the quality and quantity of apparatus that has been formed by the government, support is also needed in the form of community concern, because by involving the community, early control and prevention of all acts or activities of terrorism can be done easily. Under the framework of *the Universal People's Defense and Security System* (SISHANKAMRATA), the Indonesian National Army (TNI) and the Indonesian National Police (Polri) as the main components in dealing with terrorism crimes must always coordinate with government or private agencies or other civilian elements. The national counter-terrorism institution as a kind of extra institution, whose manning is handled in an integrated manner between the Indonesian National Army (TNI) and the Indonesian National Police (Polri), and elements of society under one command and control, is needed in efforts to prevent and counter terrorism in Indonesia. In addition to increasing domestic cooperation, collaboration with counter-terrorism institutions abroad is also needed, especially friendly countries, which of course is based on a legal framework. A solid legal basis will form the basis of national policies and actions in counter-terrorism efforts. A strong legal basis is also expected to be able to protect various interests, both public interests and human rights.



Conclusion

The recommendations issued by the UN as a massive response to the “Gray Tuesday Incident” in the United States, greatly influenced the regional paradigm, in this case ASEAN member states. ASEAN then views terrorism as a special criminal act that is urgent and requires concrete steps to tackle it. Various declarations, cooperation agreements, and action plans were made, drafted, and agreed, especially after the Bali Bombing Case (2002). *The ASEAN Convention on Counter Terrorism (ACCT)* was born out of this long and serious process.

ACCT as a product of a regional paradigm shift in viewing terrorism and goodwill and sincerity in preventing and tackling this extraordinary crime, has urgency and significance for ASEAN member states in counter-terrorism efforts. By ratifying the ACCT, as well as reducing it into policies and strategies in each aspect and form, Indonesia firmly supports all efforts mandated in the ACCT and continues to require regional cooperation in counter-terrorism. Be it counter-terrorism domestically, within the region, or internationally.

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