

ASEAN's Role in Countering Global Terrorism Towards Strengthening the Implementation of Regional Security Policy

Safira Embun Insanidya ✉ ID

Faculty of Law, Universitas Negeri Semarang,

insanidyasafira@students.unnes.ac.id

Utami Okta Khamsa ✉ ID

Faculty of Law, Universitas Negeri Semarang,

utamioкта714@students.unnes.ac.id

Rohadhatul Aisy ✉ ID

Faculty of Law, Universitas Jendral Soedirman,

rohaddhatul.aisy@unsoed.ac.id

✉ Corresponding email: insanidyasafira@students.unnes.ac.id

Abstract

The threat of global terrorism has grown beyond national borders and become a strategic issue in international security, including in Southeast Asia. ASEAN as a regional forum and

organization plays an important role in building collective cooperation among member states to tackle transnational acts of terrorism. This article discusses ASEAN cooperation in countering terrorism through instruments such as ACCT, ASEANAPOL, AMMTC, ASC, ARF to defense forums such as ADMM and ADMM-Plus. Using a normative legal approach and descriptive qualitative method, this research evaluates the effectiveness of regional security policy implementation, and identifies the main obstacles such as differences in national legal systems, the lack of integration of digital legal instruments, and attachment to the principles of non-intervention and consensus (ASEAN Way).

The results of the study show that although ASEAN has various security cooperation institutions, actual coordination in cross-border law enforcement is still not optimal. Differences in views on criminal penalties, the absence of digital evidentiary standards, and the absence of regional-scale operational agencies are the main obstacles. However, the decline in terror attacks in Southeast Asia since 2019 reflects that cooperation in prevention and intelligence is starting to show results. To strengthen ASEAN's role in dealing with global terrorism, it is necessary to establish a regional counter-terrorism agency with technical authority, develop the ASEAN Model Criminal Code as a measure of criminal law harmonization, and strengthen institutions to be able to react to threats in a fast, integrated, and binding manner. With these steps, ASEAN can move from being just a dialog forum to becoming a key actor in creating a resilient and sustainable regional security system.

Keywords

ASEAN, Terrorism, cooperation

I. Introduction

In recent years, terrorism has become one of the most complex and profound security challenges facing Southeast Asia¹. Southeast Asia, which consists of countries with high levels of social, ethnic, cultural, and religious diversity, has a geopolitical situation that is vulnerable to the infiltration of radical ideologies and extreme violence. The phenomenon of terrorism in Southeast Asia does not only manifest itself in the form of physical attacks such as bombings or mass shootings. Rather, it takes more covert forms such as digital propaganda, infiltration of religious groups, and manipulation of sensitive issues such as ethnicity or economic inequality. As a result, the impact of terrorism is not only direct in terms of loss of life and physical damage, but also spreads to the socio-political, economic, and psychological aspects of society.

The fear created by terrorism changes the patterns of civilian life, erodes public trust in the state, and triggers tensions between community groups. On the other hand, terrorism burdens the national criminal justice system, which is generally more oriented towards conventional crimes and is

¹ Frega Ferdinand Wenas Inkiriwang, "Counterterrorism Diplomacy: ASEAN's New Chapter of Regional Engagement," *Journal Of Global Strategic Studies* 4, no. 1 (2024): 27–49, <https://doi.org/10.36859/jgss.v4i1.2155>.

not yet fully prepared to deal with cross-border organized crime. The traditional approach, which relies on domestic criminal law, has proven inadequate. Terrorism is transnational in nature, involving global networks and often receiving support from non-state actors outside national jurisdiction. Therefore, regional cooperation has become an absolute necessity. Recognizing this need, ASEAN has established a number of cooperation instruments such as the Mutual Legal Assistance Treaty (MLAT), the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) forum, and the ASEAN Convention on the Suppression of Terrorism (ACCT), which are designed to collaboration in combating transnational crime² These documents serve as the legal and normative basis for member states to strengthen coordination in law enforcement, information exchange, and the development of collective counter-terrorism strategies. However, the reality of their implementation is still far from fully effective.

One of the main sources of ineffective regional cooperation lies in the fundamental differences in the criminal justice systems of each ASEAN country. As an organization whose members consist of countries with different colonial backgrounds, ASEAN has inherited significant diversity in legal traditions. Indonesia, Vietnam, and Thailand, for example, follow civil law systems with European Continental legal traditions, while Malaysia and Singapore are more influenced by the British common law system. Brunei

² UNODC, "Counter-Terrorism Module 5 Key Issues: Asian Region. United Nations Office on Drugs and Crime.," 2022.

integrates Islamic legal principles into its legal system, and some regions in other countries, such as autonomous provinces in the Philippines or indigenous communities in Indonesia, still apply customary law in their social practices³. This diversity poses serious technical and philosophical coordination issues, as differences in the definition of terrorism, mechanisms for dealing with perpetrators, and forms of punishment make cross-border legal cooperation very challenging. For example, an act considered terrorism in one country may be classified as a common crime in another, or even not subject to any legal sanctions at all due to differences in national legal instruments. This situation makes the extradition process complicated, uncoordinated, and even unsuccessful due to a lack of mutual legal understanding. Mechanisms for the recognition of court decisions between countries are also minimal because there is no operational and binding regional legal harmonization system. In addition, the absence of regional standards in the formation of joint investigation teams hinders efficient and accountable cross-border investigations.

This issue is further complicated by differences in approaches to the death penalty in each country's criminal justice system. In Indonesia, the death penalty is still applicable to perpetrators of terrorism and is considered a strong form of resistance by the state against crimes that threaten collective security. The death penalty is used as a legal tool to deter crime and affirm the state's position in protecting its citizens from

³ Nguyen Xuan Thuy, “Diversity of Legal Culture in Southeast Asian Countries (ASEAN)” 9, no. April (2020): 1–7.

serious threats⁴ However, this view is not uniformly adopted across ASEAN. Countries such as the Philippines have abolished the death penalty, while others have imposed a moratorium based on human rights considerations and international pressure. This disagreement has sparked controversy in cross-border cooperation. If a country refuses to extradite a perpetrator due to the possibility of the death penalty in the requesting country, the law enforcement process may be halted and the perpetrator may escape justice. ASEAN faces a normative dilemma: on the one hand, it upholds national sovereignty, but on the other hand, it wants to build a coordinated regional justice system. Without agreement on basic values such as the right to life and maximum criminal penalties, the development of common standards on terrorism will always reach a dead end.

In addition to differences in legal systems and criminal norms, ASEAN cooperation is also limited by the internal structural principles inherent in the organization, namely the principle for non intervention and consensus-based decision-making mechanisms⁵. Although born out of a spirit of respect for the sovereignty and maintenance of internal stability of each country, this principle often hinders responses to

⁴ Emi Nugraheni Solihah and Ali Masyhar, "The Implementation of Capital Punishment in Indonesia: The Human Rights Discourse," *Journal of Law and Legal Reform* 2, no. 2 (2021): 321–28, <https://doi.org/10.15294/jllr.v2i2.46625>.

⁵ Satria Unggul Wicaksana Prakasa, Sholahuddin Al-Fatih, and Abdurrahman Raden Aji Haqqi, *Terrorism Eradication in ASEAN Countries: Human Rights Perspective*, *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, vol. 16, 2021, <https://doi.org/10.19105/AL-LHKAM.V16I2.5021>.

transnational security issues that require speed, openness, and technical collaboration. In the context of counter-terrorism, the principle of non-intervention causes member states to be reluctant to share sensitive data, hinders intelligence exchange, and makes joint operations difficult to implement. The consensus mechanism in decision-making also causes the regional legislative process to be very slow, as every policy must be approved by all member states without a majority voting mechanism. On sensitive issues such as counter-terrorism, where each country has different levels of threat and policy approaches, consensus becomes a source of chronic stagnation. When one country objects for domestic political reasons or national sensitivities, the policy integration process can come to a halt.

At one time, the terrorism landscape in Southeast Asia region has also undergone significant evolution due to the development of digital technology. Terrorist groups now use the internet, encrypted communications, cryptocurrencies, and social media platforms to carry out various aspects of their operations, from recruiting members and spreading propaganda to financing⁶. According to a UN report, transnational criminals have become highly adaptive to technological advances and deliberately exploit legal loopholes and weak cross-border digital cooperation to carry out their operations. Cyberattacks, the spread of radical content, and the mobilization of sympathizers through the dark web have

⁶ UN Press Release, "With Criminal Groups Using Sophisticated Technologies to Ply Their Wares, Third Committee Stresses Urgent Need to Collectively Combat Transnational Crime.," United Nations, 2023, <https://press.un.org/en/2023/gashc4374.doc.htm>.

become real threats that can no longer be addressed through traditional means. Unfortunately, most ASEAN countries still lag behind in preparing effective digital legal instruments. There are no common standards for digital evidence, cross-jurisdictional data processing, or guarantees of the integrity of the electronic chain of evidence. This situation puts ASEAN in a vulnerable position because the technology used by terrorist groups is developing much faster than national and regional criminal law.

Several cases show that the implementation of ACCT is highly dependent on domestic policies that may not be in line with the spirit of regional cooperation. In the Philippines, for example, the approach to terrorism remains highly militaristic, with law enforcement carried out through armed force rather than formal legal procedures⁷. This raises concerns about human rights violations, loss of accountability, and potential abuse of power. Such practices are contrary to the legal principles underlying the ASEAN Political-Security Community. On the other hand, in Indonesia, despite active participation in training and technical exchange forums, the implementation of ACCT principles in national law remains normative and does not yet include substantial legal harmonization⁸. There have been no systematic steps to

⁷ UNODC Regional Office for Southeast Asia and the Pacific, “The Philippines Operationalizes Policy on Terrorism and Terrorism Financing,” UNODC, 2025,

<https://www.unodc.org/roseap/en/philippines/2025/01/terrorism-policy-financing/story.html%0A>.

⁸ A Wulandari, R., & Pratama, “Perspektif Kebijakan Kontra-Terrorisme ASEAN Dan Perbedaan Paradigma Penanggulangan Terorisme Oleh Negara-

strengthen the alignment between national criminal law and regional cooperation principles, resulting in only administrative commitments that have not reached a substantive level.

Given this reality, ASEAN needs to take more innovative, concrete, and systematic steps. One such step is to develop an ASEAN Model Criminal Code that not only serves as a technical legal reference but also as a normative basis for member states to formulate terrorism policies in accordance with it. This model needs to be supported by the establishment of a regional institution with authority in technical law enforcement, with the ability to handle real-time data, monitor the implementation of conventions, and enforce cross-border decisions. Without an institution that has legitimacy and operational authority, ASEAN cooperation in combating terrorism will remain declarative. Therefore, strengthening institutions and harmonizing criminal law are two important prerequisites for ASEAN to build a robust and fair regional security architecture that is capable of addressing the increasingly complex challenges of contemporary terrorism.

II. Method

This study uses a normative legal approach. A normative legal approach is an approach that refers to

Negara Anggota ASEAN,” *Politicos: Jurnal Politik Dan Pemerintahan* 4, no. 2 (2022).

applicable laws and regulations⁹. This approach focuses on analyzing the legal norms that govern regional cooperation in countering terrorism. The main focus is on the compatibility between applicable legal principles and the challenges of implementing security policies in the region.

The method used is descriptive qualitative. Descriptive Qualitative research is employed to investigate behaviors, phenomena, events, or conditions, with the results being in-depth descriptions that illustrate an understanding of the object being studied¹⁰. Data was obtained through a literature study covering national legal regulations, regional cooperation frameworks, and scientific literature. Data sources were selected based on their relevance to the issue of criminal law harmonization and the effectiveness of inter-state cooperation.

The analysis techniques used were normative analysis and comparative law. This research examines the differences in the criminal law systems of countries in the region to understand the obstacles to policy integration. The analysis is conducted systematically to identify gaps between legal norms and practices in the field. Through this approach, the research is anticipated to offer a thorough comprehension of the normative challenges in the formation of a regional legal system. The results of the analysis form the basis for

⁹ Kornelius Benuf and Azhar Muhamad, "Perlindungan Hukum Terhadap Keamanan Data Konsumen Financial Technology Di Indonesia," *Refleksi Hukum: Jurnal Ilmu Hukum* 3, no. 2 (2019): 145–60, <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

¹⁰ Hunowu, "Sosialisasi Internet Sehat, Cerdas, Kreatif Dan Produktif Pada Masyarakat Kalijaga Baru," *Valid Jurnal Pengabdian* 1, no. 3 (2019): 1–10.

formulating recommendations for strengthening joint criminal policies that are more responsive and coordinated.

III. Result & Discussion

A. Forms and roles of ASEAN cooperation in countering terrorism in the Southeast Asian region

Terrorism groups that roam the Southeast Asian region often show their terrorist acts that harm Southeast Asian region countries and are part of the challenges that must be faced by ASEAN countries. ASEAN acts as a regional forum for countries in Southeast Asia region that aims to build a closely connected ASEAN community, creating an open and harmonious community, characterized by peace, stability and prosperity. ASEAN member states are expected to show mutual concern for each other and establish active and dynamic cooperative relationships. Terrorist groups are still roaming the region and are closely connected to international terror groups such as Al-Qaeda, which is one of the major obstacles in realizing ASEAN goals. The threat of terror attacks that occur in the region is considered to be able to disrupt peace and stability in the development process of ASEAN countries and plus recently, there is a new movement that is known to be an act of terrorism in Southeast Asia marked by the emergence of the ISIS network that left Iraq and Syria which is now targeting countries in Southeast Asia, so

that ISIS members are Southeast Asian citizens in the ASEAN region¹¹.

In this case, Kenneth Waltz's Neorealism Theory emphasizes that in an anarchic international system, states act to maintain their security and national interests rationally. In the context of ASEAN, member states cooperate in countering terrorism not merely because of regional solidarity, but because the threat of terrorism is considered to disrupt their respective national stability and regional security¹².

The ASEAN Joint Declaration on Counter Terrorism is a collective commitment of Countries in Southeast Asia are dealing with the threat of terrorism. This declaration then became the basis for the preparation of an official report entitled ASEAN's Effort to Counter Terrorism which was presented before the United Nations (UN). In the report, ASEAN emphasized that terrorism is a serious crime that has the potential to destabilize and hinder the achievement of ASEAN Vision 2020. To mitigate the risk of the spread of terrorism in the region, ASEAN member states agreed on the 2001 ASEAN Summit's signing of the ASEAN Declaration on Joint Action to Counter Terrorism. After the ratification of the declaration, ASEAN has become more serious in implementing various countermeasures, including by strengthening coordination among law enforcement agencies, establishing a cooperative network in combating terrorism,

¹¹ Muhamad Fajar Arismunandar, "Kerjasama Asean Dalam Menanggulangi Terorisme Di Kawasan Asia Tenggara 2023," *JOURNAL Jurnal Mahasiswa Magister Hubungan Internasional* 1, no. 1 (2024): 18–29, <https://doi.org/10.36859/dgsj.v1i1.2852>.

¹² Muhamad Fajar Arismunandar.

and exchanging information and intelligence related to terror activities. In this context, a number of security cooperation mechanisms have also been developed, such as intelligence coordination in the ASEAN Chiefs of Police (ASEANPOL), integration through the ASEAN Security Community, ministerial meetings in the ASEAN Ministerial Meeting on Combating Transnational Crime, as well as dialogue forums such as the ASEAN Regional Forum and the ASEAN Defense Ministers' Meeting (ADMM) involving defense ministries from all member states¹³.

ASEAN Chiefs of Police (ASEANAPOL)

The organization serves as an official forum that brings together Chiefs of Police from ASEAN member countries on an annual agenda. In the forum, various cross-border criminal issues are discussed, including the threat of terrorism. Until now, ASEANAPOL consists Brunei Darussalam, Indonesia, Cambodia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam are among the 10 member nations.¹⁴

One of the main objectives of this cooperation is to deal with transnational crimes, including acts of terrorism and ASEANAPOL plays an active role in dealing with terror threats in the Southeast Asian region with various steps, such as sharing facilities and data, freezing assets related to

¹³ Bayu Wira Pratama, "Peran Indonesia Dalam Mewujudkan Kerjasama Penanggulangan Terorisme Melalui Asean Our Eyes Di Asia Tenggara Tahun 2018-2022," *Diplomacy and Global Security Journal* 1, no. 1 (2024): 1–17, <https://doi.org/10.36859/dgsj.v1i1.2851>.

¹⁴ ASEANAPOL e Bulletin, "ASEANAPOL," 2013.

terrorism, establishing extradition agreements for terrorists, and tracking activities and groups suspected of being involved in terrorist networks. In addition, ASEANAPOL also strengthens collaboration with other institutions directly related to terrorism issues. In this context, the exchange of intelligence information becomes one of the strategic aspects, where ASEANAPOL plays an important role as a data distribution center on suspected terrorist individuals, their groups, as well as other relevant information, to ensure prevention efforts are effective and coordinated¹⁵. ASEANAPOL plays a role in the aspects of prevention, law enforcement, and the implementation of operational cooperation in dealing with transnational crimes.

ASEAN Security Community (ASC)

The ASEAN Security Community (ASC) serves as a frame of reference in strengthening regional cooperation in politics and security between participating nations. The ASC concept is based on a comprehensive security approach that encompasses early conflict prevention, comprehensive and constructive conflict resolution, and sustainable peacebuilding after conflicts subside¹⁶. Through the ASEAN

¹⁵ Rahil Lailatul Jannah M. Saeri, "Implementasi ASEAN Convention on Counter Terrorism (ACCT) Dalam Upaya Penanganan Terorisme Di Indonesia," *Politik Antarbangsa Globalisme Dan Intermestik* 01, no. 01 (2023): 95–109.

¹⁶ Adi Kusumaningrum, "The Asean Political-Security Community: Asean Security Cooperation on Combating Transnational Crimes and Transboundary Challenges," *Indonesian Journal of International Law* 11, no. 1 (2013), <https://doi.org/10.17304/ijil.vol11.1.268>.

Political-Security Community (APSC) pillar, ASEAN demonstrates a strong commitment in creating a regional environment that is safe, peaceful, and free from the threat of criminality, including acts of terrorism.

In maintaining regional stability, the ASEAN Security Community (ASC) plays an important role in responding to security challenges, such as terrorism and extreme violence. The APSC Blueprint 2025 clearly affirms ASEAN's determination to enhance cooperation among countries in combating terrorism, radicalism, and other forms of cross-border crime. A concrete manifestation of this move was the signing of the ASEAN Convention on Counter Terrorism (ACCT) in 2007. The convention serves as the basis for member states to establish cooperation, such as the exchange of intelligence information, harmonization of national legal policies, and joint training of officers¹⁷.

ASEAN Ministerial Meeting on Combating Transnational Crime (AMMTC)

The ASEAN Ministerial Meeting on Combating Transnational Crime (AMMTC) is a ministerial meeting that has been held since 1997 and serves as a coordination forum for ASEAN countries in dealing with terrorism and other types of cross-border crime. This forum has the role as the highest authority in regional policy-making related to countering transnational crimes, such as drug smuggling, terrorism, and other forms of transnational criminality. In the realm of combating terrorism, the AMMTC is a strategic arena

¹⁷ ASEAN, "ASEAN Convention on Counter Terrorism," ASEAN, 2012.

for member state ministers to exchange information, strengthen institutional capabilities in responding to threats, and formulate collective policies to deal with the increasingly complex dynamics of modern terrorism, including attacks carried out by individual actors or known as “lone wolf”, which are often difficult to detect and anticipate¹⁸.

One of the main priorities of the AMMTC is the development of early warning systems and rapid detection mechanisms among ASEAN countries to anticipate and respond effectively to potential terror attacks. AMMTC meetings are held regularly, and in the last three editions-the 15th to 17th meetings-Indonesia served as ASEAN Chair in 2023 and hosted the AMMTC held in Labuan Bajo, East Nusa Tenggara¹⁹.

ASEAN Regional Forum (ARF)

ASEAN has shown its strong commitment in combating terrorism as part of cross border crimes that threaten the region. This support was affirmed during the 9th ASEAN Regional Forum (ARF) Summit that where place in Brunei in July 2001. Both ASEAN and ARF recognize that terrorism has

¹⁸ Lanang Jagat Sejati, Syaiful Anam, and Ahmad Mubarak Munir, “Upaya Indonesia Untuk Mengatasi Terorisme Dalam Kerangka Kerjasama Asean Ministerial Meeting On Transnational Crime (AMMTC) +3,” *Publikasi UNRAM*, 2023, 1–34, [http://eprints.unram.ac.id/43222/2/Jurnal Skripsi Lanang Jagat Sejati L1A017064.pdf](http://eprints.unram.ac.id/43222/2/Jurnal%20Skripsi%20Lanang%20Jagat%20Sejati%20L1A017064.pdf).

¹⁹ “ASEAN Ministerial Meeting on Transnational Crime (AMMTC) Ke-17,” Indonesia, NCB Interpool, 2023.

now become a collective threat that requires joint action by countries in the region²⁰.

The ASEAN Regional Forum (ARF), which was established in 1994, was designed as a forum for dialog between countries to talk about a range of security and political problems or issue, including terrorism. The forum aims to build trust among participating countries through the exchange of views and information, in order to reduce the potential for conflict and maintain regional stability, particularly in Southeast Asia. ARF has a wide membership scope, including all ASEAN countries and major partners such as the United States, China, Russia, Japan, and the European Union.

ASEAN's consistency in fighting terrorism is reflected in the agreement reached The ARF Statement on Counter terrorism Financing Measures forum held in Brunei in 2002. In the statement, ASEAN member states agreed to cooperate in efforts to eradicate terrorist financing, as well as strengthen coordination with various international institutions such as the United Nations (UN), Financial Action Task Force on Money Laundering (FATF), and other international institutions²¹.

²⁰ Alvandini Nanda Fajriah and Emmy Latifah, "Peran ASEAN Dalam Menanggulangi Terorisme Di Laut Sebagai Ancaman Terhadap Keamanan Maritim," *Belli Ac Pacis* 4, no. 1 (2018): 21–32.

²¹ Felix Ferdin Bakker, Andhika Parama Putra, and Respati Triana Putri, "The Role of ASEAN in Tackling the Main Issues of Transnational Crime in the Southeast Asia Region," *Journal of Law and Border Protection* 2, no. 1 (2020): 47–58, <https://doi.org/10.52617/jlbp.v2i1.182>.

ASEAN Defense Ministers' Meeting (ADMM)

ADMM, or ASEAN Defense Ministers' Meeting, is a cooperation platform established by ASEAN with the main objective of strengthening Confidence Building Measures (CBMs) and maintaining regional stability and peace through discussion and hands-on cooperation in the defense sector. The ASEAN Political and Security Community (APSC), one of the key pillars of the ASEAN Community that went into force in 2015, was established with significant assistance from the ADMM Forum. The main foundation in creating a solid regional community is the existence of a strong level of trust among its member states²². The establishment of this forum was motivated by the increasing diversity and complexity of security threats in the Southeast Asian region.

The inaugural meeting of ADMM was held on May 9, 2006 in Kuala Lumpur, Malaysia. On this occasion, Myanmar did not participate due to internal domestic reasons, while the other nine ASEAN member states attended in full. ADMM is now the highest forum within ASEAN for defense cooperation, where defense ministers from member states are directly involved in strategic decision-making on regional security issues²³. Topics discussed at the meeting focused on a number of unconventional security issues, such the possibility

²² Yudi Rusfiana, "Diplomasi Pertahanan Indonesia Dalam Asean Defence Ministerial Meeting (Admm)," *Jurnal Pertahanan dan Bela Negara* 4, no. 2 (2018): 145–64, <https://doi.org/10.33172/jpbh.v4i2.335>.

²³ Vrizky Latifa Laksmo and Nabil Ahmad Fauzi, "Diplomasi Pertahanan Indonesia Dalam ASEAN Defence Ministers Meeting (ADMM) Untuk Menghadapi Ancaman Terorisme (Counter Terrorism) Periode," *Balcony* 8, no. 1 (2024): 19–27.

of terrorism. The ASEAN Defense Ministers' Meeting (ADMM) serves as the main dialogue forum for defense ministers of ASEAN member states to discuss strategic issues related to regional security, strengthen defense collaboration, and foster mutual trust between countries.

In 2010, the scope of ADMM was expanded through the establishment of partnerships with eight countries outside the ASEAN region. These partner countries include Australia, the United States, China, India, Japan, New Zealand, and South Korea which later became part of ADMM-Plus-a defense cooperation forum involving ASEAN member states and the eight strategic partners²⁴. The addition of member countries in ADMM brought about a name change to ADMM-Plus in 2010 which was launched in Ha Noi, Vietnam on October 12, 2010.

B. Challenges ASEAN faces in implementing regional security policies in a synergistic manner

Differences in ASEAN Member Countries

The ten countries of Southeast Asia show a wide diversity in terms of culture, ethnicity, religion, as well as the influence of external forces and differences in economic progress. In addition, they also hold non-uniform political and ideological views. These conditions reflect the formation of a pluralistic

²⁴ "Tentang Pertemuan Menteri Pertahanan ASEAN Plus," ADMM ASEAN, 2025.

cultural group. Moreover, people in the region are not accustomed to living in unity. Historically, Southeast Asia has often experienced divisions, which have been exacerbated by the introduction of foreign interests in the region²⁵. Each ASEAN member has different national goals, legal frameworks, and security challenges, which complicates reaching a common agreement in formulating collective policies.

ASEAN is often appreciated for its contribution in creating a space for dialogue and strengthening mutual trust among countries in the region. However, this role remains bound by the organization's essential ideas of consensus decision-making and non-intervention. Both principles emphasize the importance of respecting the sovereignty and national interests of each member, but they also hamper ASEAN's ability to act decisively on security issues. Member states generally prioritize national independence and show resistance to binding decisions. As a result, ASEAN functions more as a forum for interstate communication than as a conflict resolution actor. Even in the drafting process of the ASEAN Charter, disagreements and divisions among its members were evident, further underscoring the lack of collective coordination²⁶.

²⁵ Hendra Maujana Saragih, "Tantangan Dan Harapan Komunitas Keamanan ASEAN 2015," *International & Diplomacy* 2, no. 1 (2016): 2016.

²⁶ Alice D Ba "Asian Survey, International Relations of the Asia Pacific, Pacific Review, and Contemporary Southeast Asia. Her Book, (Re)Negotiating East and Southeast Asia: Region, Regionalism, and the Association of Southeast Asian Nations," *Journal of Current Southeast Asian Affairs* 3 (2010): 115–30.

In addition, the diversity in legal systems among ASEAN member states is one of the main factors that affect the ability of organization to develop and implement legal policies together. Although ASEAN countries generally have similar objectives in criminal law enforcement, namely ensuring justice and protecting the public from criminal acts, there are still fundamental differences in the application of their respective criminal systems²⁷.

One example is the differences in the structure and content of the Criminal Code (KUHP) in each member state, which is not uniform. To date, there has not been a single binding regional criminal law codification at the ASEAN level. This is due to ASEAN's strong commitment to the principle of avoiding meddling in other nations' domestic problems and using a consensus-based decision-making process. This condition has an impact on limited cooperation in the field of law, especially in terms of resolving legal conflicts and implementing law enforcement between countries.

The principle of non-intervention in the ASEAN Way

ASEAN utilizes a set of principles that form the basis for fostering relations among its member states in the Southeast Asian region, known as the ASEAN Way. This notion reflects a set of norms that are deeply embedded in ASEAN's institutional order, with the main focus on the prohibition of interference in the domestic affairs of other countries and the

²⁷ Zaitir Rahma Syarifah Aini, "Analisis Perbandingan Sistem Hukum Pidana Di Negara-Negara ASEAN," *Jurnal Riset Aplikatif Dan Pengabdian (JRAP)* 1, no. 1 (2025): 29–34.

resolution of regional issues through negotiation, joint dialogue, and collective decisions, rather than through confrontational means²⁸.

The ASEAN Way approach is a distinctive pattern that ASEAN follows in normatively managing interactions among its member states. This approach is characterized by values such as dialogue through deliberation, reaching decisions through consensus, an informal atmosphere, rejection of open confrontation, and particularly the rule against meddling in other nations' domestic issues. These values not only shape the identity of the region's diplomacy, but also serve as unique features that distinguish ASEAN from other regional organizations. The ASEAN Way is not merely a collection of policies, but a process that emphasizes collective communication and shared decisions, while avoiding direct clashes²⁹. The uniqueness of this approach allows ASEAN to build a sense of solidarity among member states without having to adopt a formal and rigid institutional structure as implemented by the European Union. In the context of maintaining regional security, this approach has a double impact, on the one hand supporting stability through communication and dialogue, but on the other hand it can be an obstacle in responding quickly to cross-border crises or

²⁸ Arief Bakhtiar Darmawan and Hestutomo Restu Kuncoro, "Penggunaan ASEAN Way Dalam Upaya Penyelesaian Sengketa Laut Tiongkok Selatan: Sebuah Catatan Keberhasilan?," *Andalas Journal of International Studies (AJIS)* 8, no. 1 (2019): 43, <https://doi.org/10.25077/ajis.8.1.43-61.2019>.

²⁹ S. C. Padmakumara, "A Conceptual Analysis on 'ASEAN Way' as a Normative Approach for Conducting Regional Affairs," *Colombo Journal of Multi-Disciplinary Research* 6, no. 1 (2021): 1–12, <https://doi.org/10.4038/cjmr.v6i1.58>.

conflicts due to the absence of a mechanism that allows for collective binding decision-making³⁰.

Historically, the ASEAN Way approach has its roots in traditional values, such as the practice of deliberation and consensus in Malay culture, as well as the pattern of inter-kingdom relations in the systems that developed in pre-colonial Southeast Asia. This shows that the ASEAN Way is not a contemporary idea, but a continuation of local practices that are then elevated into the regional institutional order. In the context of countering terrorism in Southeast Asia, the ASEAN Way principle plays an important role, but at the same time, it also presents a dilemma. An approach that relies on the fundamental tenets of ASEAN member state engagement are consensus, non-interference, and informal consultation. Despite the fact that these principles have prevented open disagreement and preserved a stable partnership, in the issue of counterterrorism, these principles actually create obstacles in building a solid and efficient security cooperation.

As each ASEAN member state upholds its national sovereignty, collaboration in the field of counter-terrorism tends to be limited to soft forms of cooperation, such as policy dialogue, regular meetings, and voluntary data exchanges. As a result, joint responses to terrorism threats are often not swift and coordinated, especially in the face of cross-border terrorist networks that demand immediate and integrated responses. This condition reinforces the view that the ASEAN Way principle is actually an obstacle in building an effective counter-terrorism strategy in the region, because the approach that emphasizes national sovereignty limits cooperation to

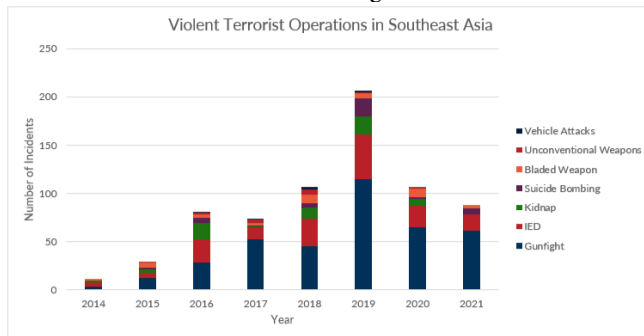
³⁰ Padmakumara.

dialogue, without touching the realm of cross-border law enforcement in a comprehensive and structured manner³¹.

Therefore, while the ASEAN Way has succeeded in creating a calm and stable atmosphere of cooperation, in the context of transnational security issues such as terrorism, this principle can actually be a major obstacle in the formation of a collective system that is able to function in a real and efficient manner.

The trend of violent terrorism in the Southeast Asia region has shown a fluctuating pattern over the past seven years. Based on data from the Southeast Asia Militant Atlas cited by The Diplomat, the following graph illustrates the number and types of terror operations that occurred in the region from 2014 to 2021.

Image 1



Source: The Diplomat

A graph showing the pattern of terrorism incidents in the ASEAN region from 2016 to the early 2020s, based on the findings of the Southeast Asia Militant Atlas and a report by the S. Rajaratnam School of International Studies (RSIS)³².

³¹ Rahmaddi Rahmaddi, Andri Yanto, and Dwi Haryadi, "Integration of ASEAN Way Principles in Negotiations for The ASEAN-China Code of Conduct for Creating Stability of The Southeast Asia Region," 2024, <https://doi.org/10.4108/eai.21-10-2023.2343544>.

³² Kenneth Yeo, "As Southeast Asia Reopens, Will Transnational Terrorism Return?," The Diplomat, 2022.

Statistics show that 2019 recorded the highest number of terror attacks since 2014 in the ASEAN region. However, after that, there was a significant downward trend in terrorism incidents from 2019 to 2022. The graph taken from the Southeast Asia Militant Atlas and RSIS illustrates ASEAN's ability to provide concrete responses to terror threats. This decline is not solely due to the impact of external factors such as the COVID-19 pandemic, but also reflects the result of collaborative efforts in the field of security that continue to be strengthened among its member states.

Although there are a number of obstacles in the implementation of regional defense policies, such as differences in positions between countries, the application of the ASEAN Way principle, and the principle of non-interference, the downward trend in post-2019 terror acts is more than just statistics. It demonstrates the success of ASEAN's collective security approach that is responsive, structured, and rooted in the spirit of inclusive regional cooperation.

Based on Insight Report on Terrorism released in 2024, it was stated that although the potential threat remains, most ASEAN countries now only face small-scale and less organized attacks. Intensive counter-terrorism approaches and improved intelligence capabilities are considered effective in reducing the space for militant groups to operate, especially in countries such as Indonesia and Malaysia. Meanwhile, although incidents still occur in the southern region of Thailand, Yala province shows a consistent downward trend in the number of cases compared to the previous two years³³.

³³ "Insight Report Terrorism, Militancy Trends in Southeast Asia," *Inter SOS*, 2024.

IV. Conclusion

In the era of globalization of contemporary security threats, terrorism has become a crime that demands a collective cross-state response. ASEAN, as a regional forum and organization that houses Southeast Asian countries, has taken a strategic role in responding to this phenomenon through the establishment of various forums, such as ASEANAPOL, ASC, AMMTC, ARF, and ADMM. All of these platforms strengthen the pillars of regional political and security cooperation inside the structure of the ASEAN Political-Security Community (APSC).

However, the effectiveness of this cooperation still faces various obstacles. Differences in legal systems and criminal policies among member states, non-uniform approaches to human rights such as the death penalty, as well as attachment to the principles of non-intervention and consensus-based decision-making (ASEAN Way) often cause policy coordination to be slow and less responsive to fast-changing threat dynamics. While terror groups utilize digital technology, encrypted communication, and international networks to operate flexibly, ASEAN is still hampered by limited cross-jurisdictional digital regulation and the absence of efficient collective legal mechanisms. Nevertheless, the significant decrease in the number of terrorism attacks in Southeast Asia since 2019 shows that ASEAN, although not

yet optimal, has made positive achievements in narrowing the space for terrorist groups to operate.

To make ASEAN play a bigger role in countering global terrorism and not just as a normative dialogue forum, policy reformulation is needed that includes the establishment of a strong regional counter-terrorism institution, the drafting of the ASEAN Model Criminal Code as a reference for criminal law harmonization, and the implementation of binding legal instruments. This is important to ensure a common minimum standard in defining, prosecuting, and tackling cross-border terrorism crimes. These institutional and legal transformations are not only crucial for the sustainability of regional security, but also serve as the foundation to make ASEAN a strong model of regional cooperation in the face of global terrorism.

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