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Unraveling the Depths: Exploring Maritime Terrorism through International and National Legal Perspectives

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Abstract

Acts of terror are extraordinary crimes with very complicated impacts, where the perpetrators commit acts of violence and threaten targets that are determined randomly based on certain categories. The various terrorist incidents that have occurred in Indonesia do not rule out the possibility of similar incidents being even more horrific and resulting in more victims in the future. Indonesia as an archipelagic country views maritime security as an important aspect of maritime domain governance. The Sulu-Sulawesi sea area is a vulnerable route throughout Asia, it is considered that crimes committed in the Sulu Sea are extreme crimes called maritime terrorism which can threaten the sovereignty of a country. Terrorism has become an increasingly serious concern in Indonesia since the Bali Bombing and other terrorist tragedies. From these problems, the formulation of the problems that must be answered in this study is (1) What are the legal remedies for perpetrators of maritime terrorism in the perspective of international law, 2) How are efforts to enforce violations of state sovereignty in the national maritime area in maintaining national defense. This study uses the normative legal research to analyze from a legal perspective regarding maritime terrorism by terrorists that endanger state sovereignty, and the national sea in maintaining national defense.

A. INTRODUCTION

According to law no 5 of 2018 Terrorism is an act that uses violence or threats of violence that creates an atmosphere of terror or widespread fear, which can cause mass casualities, and/or cause damage or destruction to vital objects. Governments, both in developed and developing countries, even countries that are still underdeveloped, or in countries that have been established and are currently in turmoil or are unstable and are identified as “failed states”, the increasing issue of terrorism occurring in Southeast Asia make ASEAN has played a bigger role in solving this problem. According to the Global Terrorism Database (GTD) from 1970 to 2016 it experienced 11,453 terrorist incidents in Southeast Asia. For this reason,the issue of terrorism is one of the issues that need to be discussed at the ASEAN level, because member countries need to work together to fight terrorism in the ASEAN region. In Indonesia itself, the issue of terrorism crimes has received

serious attention after the Bali Bombing I, Bali Bombing II, and other terrorist tragedies. (Prakasa, 2021) terrorism crimes have transformed into crimes that attack sovereignty and these acts of terrorism do not only threaten the mainland, but is also a common crime that occurs in the sea area (Yustitianingtiyas, 2015) and the danger is very high, especially in the region in Southeast Asia.

Maritime security issues need serious attention. The issue of maritime security is in the form of threats of violence (piracy, piracy, sabotage and terror against vital objects). This is due to the existence of terrorist groups capable of carrying out acts of maritime terrorism. The Sulu-Sulawesi Sea is one of the areas where these activities take place. The presence of cross-border criminal activity in the Sulu Sea - Sulawesi is an obstacle for interest groups in the region. In the journal the prevention of maritime violence (Hesti, Amri, & Nasir, 2019) states that crimes at sea are very diverse and very dangerous for state sovereignty. Especially in the journal International Humanitarian Law Review on the Involvement of the Indonesian National Military (TNI) in Combating Terrorism Prakasa, (2021) writes that the crime of terrorism is the crime that has been highlighted the most in Indonesia since the Bali bombing terror and a series of acts of terrorism in Indonesia. Therefore, Indonesia uses a strategy of defense diplomacy to protect the Sulu-Sulawesi waters by cooperating with countries directly bordering the Sulu-Sulawesi sea.

In maritime crime journals in Indonesia, many defense theories are mentioned (Oxman, 2020), including in this case the theory of defense diplomacy which is used to understand the dynamics of the strategy used by Indonesia in addressing the issue of maritime terrorism in the Sulu Sea, Sulawesi.in the journal analysis of Indonesia's role in trilateral security in the Sulawesi-Sulu sea (2021) states that the most famous and frightening terrorist group is the Abu Sayyaf Group (ASG) (Hariri et al., 2022). The Abu Sayyaf group often commits acts of terrorism such as carrying out attacks, ship hijacking, kidnappings, beheadings, bombings and others. There was great pressure from the Philippine military causing the Abu Sayyaf Group to experience difficulties in obtaining funds. Thus, due to a lack of cash flow, the Abu Sayyaf Group often kidnaps to get ransom in cash (Pujayanti, 2017). If the ransom is not given until the specified time.

This group did not hesitate to behead the hostages. What makes this research different is the emergence of many crimes that distinguish the Abu Sayyaf Group (ASG) from the Philippine terrorist group, one of which is the actions of the Abu Sayyaf group which tends to be more radical. Not surprisingly, the Abu Sayyaf group is the most dangerous active terrorist group in Southeast Asia. The Abu Sayyaf group commits violence and kidnappings not only in the Philippines, but also in neighboring countries such as Malaysia and Indonesia. In this way, the separatist movement by the Abu Sayyaf faction crossed national borders and posed a threat to national security ASEAN region. Based on the background that has been described above, the formulation of the problem that can be taken is as follows (1) What are the legal remedies for perpetrators of maritime terrorism in the prespective of international law? and (2) What are the enforcement efforts for

violations of state sovereignty in the sea area national defense in maintaining the country.

B. RESEARCH METHOD

Legal research conducted by the author is using the type of normative legal research, and also through this method, working or not working the law, testing the effectiveness and usefulness of the role, authority, and constructive efforts to reform the law, it is possible to do (Oxman, 2020) in this research the statue approach was also carried out, namely an approach through legislation. in this writing refers to (UNCLOS, 1982), then, rules were also adopted such as: international legal standards regarding hostage-taking crimes (Hostages Convention, 1979), Convention on Crimes Against the Security of Maritime Navigation (1988), the Convention Against Terrorism Using Bombs or Explosives (1997), and the Convention on the Financing of Terrorist Activities (1999). Law of the Republic of Indonesia Number 5 of 2018 concerning the Prevention and Eradication of Terrorism Crimes.

C. RESULTS AND DISCUSSIONS

Legal Efforts for Perpetrators of Maritime Terrorism in the Perspective of International Law

Terrorism as a crime has developed all over the world using sudden threats of violence, but previously carefully planned so as to cause major effects in the form of material losses and one of its main goals is political influence (Hatta, 2019). Currently, acts of terrorism are not only considered as the jurisdiction of the affected country, but other countries can also take on the role of their jurisdiction. This development can lead to jurisdictional conflicts that can disrupt international relations between countries that are interested in dealing with cases of dangerous crimes that break through territorial boundaries. In handling cases of dangerous crimes that bridge regional boundaries.

Terrorism acts are considered transnasional crime because they have several characteristics, such as: it is openly acknowledged that certain acts are considered crimes under international law. It is openly acknowledged that the crimes committed have certain characteristics, so that there is an obligation to punish, prevent, prosecute, and impose criminal penalties. Such action must also be made a criminal act, or there is an obligation in terms of suing, rights or obligations in terms of certain convictions, rights or obligations in terms of extradition, rights or obligations in cooperating with the prosecution process, and judicial assistance must be included in the category of criminal imposition. In addition, the bases of criminal jurisdiction must be established, references to forms of international criminal justice must also be included.

International regulations related to terrorism have always been produced through various conventions. Currently, based on the understanding of the literature, there are several conventions that are the forerunners of international regulations on terrorism, including: (1) The Prevention and Suppression of

Terrorism Convention, 1937; (2) International Convention on the Suppression of Terrorist Bombings 1997; and (3) International Convention on the Suppression of the Financing of Terrorism 19994. UN Security Council Resolution Number 1333 of 2000 dated December 19, 2000 concerning preventing the supply of weapons, airplanes or military equipment to Afghanistan and calling on all UN member states to freeze Osama bin Laden's assets.

The next discussion is directed at how to deal with crimes of terrorism in the perspective of international law. To answer this, we need to know in advance the views of countries in the prosecution of criminal acts of terrorism. Terrorism and drug trafficking including crimes brought into jurisdiction. However, the proposal was rejected by most of the convention's major participants on the grounds that the two crimes had been regulated in separate conventions. Therefore, law enforcement against these two crimes is left to the national jurisdiction of each country involved. As a consequence of the designation of terrorism as "crimes against humanity", its handling can be carried out based on international law, this is based on one of the principles contained in the 1945 London Agreement which became the basis for the establishment of the Tokyo International Military Tribunal which was formulated in 1950, namely Principle VI the crime hereinafter set out are punishable as crimes under international law that one of the crimes that can be punished under international law is crimes against humanity (crimes against humanity). At a glance, principle VI reads:"Murder, extermination, enslavement, deportation and other inhuman acts done against any civilian population, or persecutions on political, racial or religious grounds, when such acts are done or such are carried on in execution of or in connection with any crime against peace or any war crimes"(Prabowo, 2018).

This action was carried out as response to the resolution. Therefore, efforts to prevent and eliminate terrorism cannot be carried out by just one country, but must involve more than one country or even on an international scale (Oxman, 2020). Meanwhile at the international level, various conventions have been adopted which have principles, spirit, and values that are in line with Pancasila, the 1945 Constitution, and the needs of the Indonesian state. Based on this definition, it can be explained that the jurisdiction of a country refers to a country that has the authority to make, implement, enforce, or enforce its national law outside the boundaries of its sovereign territory. According to O'Brien, sovereign state jurisdiction is divided into three, namely first of all, a state has the authority to make legal regulations for people, objects, events, or actions in its territory (legislative jurisdiction or prescriptive jurisdiction). Second, the state has the authority to enforce the enforceability of its national legal regulations (executive jurisdiction or law enforcement jurisdiction) and third, a country's courts have the authority to try and give legal decisions (judicial jurisdiction) (Sefriani, 2010).

In deciding an transnational crime, there are two principles in International Criminal Law to determine the jurisdiction of a country, namely the *au dedere au punere* principle and the *au dedere au judicare principle*. *The au dedere au punere principle* means that the perpetrators of transnational crimes can be subject to criminal

sanctions by the country where the crime was committed (locus delicti), in which that country can extradite the perpetrator to the requesting country if it has jurisdiction to try the perpetrator. The principle of *au dedere au judicare* means that every country has the obligation to cooperate with other countries in arresting, detaining, prosecuting and trying perpetrators of international crimes.

In March 2016, in the waters of Tawi-tawi, Southern Philippines, the Indonesian-flagged Anand Barge became the victim of a crime that was at stake by the Abu Sayyaf Group. This incident was under the jurisdiction of the Philippines and the perpetrator's motive was ransom. This event is reminiscent of the piracy case that occurred off the coast of Somalia against the MV ship. Sinar Kudus, where the perpetrator's motive is also related to economic problems. However, the incident occurred on the high seas, not in its territory.

The crime occurred in Somali waters about 60 miles from the MV. Sinar Kudus, which was once pirated by pirates from Somalia, is still a threat. The ship is on its way to Rotterdam, Netherlands. Somali territorial waters are world trade routes that are often passed by foreign ships. However, the area is very prone to crimes that have been going on for a long time. Supposedly, all countries have made efforts to prevent and control this crime. The difference can be seen in the incidence of piracy in the Tawi-Rawi waters of the Philippines and the waters off the coast of Somalia. The State of Somalia is a failed state that does not have an effective government in the region.

UNCLOS gives each country jurisdictional rights to prosecute pirates in international waters. However, most countries are reluctant to exercise this authority due to the lack of appropriate laws or irregularities in dealing with piracy crimes (Gunawan, 2012). In addition, there are other factors such as high costs, long distances which complicate the delivery of evidence to court, difficulties in summoning witnesses, and language problems. states in implementing certain international laws. This condition creates a situation where the match occurs legally. In doctrinal dualism, it is necessary to transform international law into national law, but not all countries do so for the 1982 UNCLOS law.

Countries should adopt legal regulations related to piracy crimes because this action is considered a threat to all humanity. In this case, the goal is to eliminate the practice of impunity in cases of maritime piracy.International law distinguishes between piracy (piracy) and armed robbery (armed robbery). Piracy (piracy) refers to unlawful acts that occur on the high seas with the use of force or illegal exclusion for personal gain. On the other hand, robbery (sea/armed robbery) is a crime that occurs in sea waters. The handling of these crimes affects the applicable jurisdiction.

Several years ago, an Indonesian-flagged ship was the victim of a robbery by the Abu Sayyaf group originating from the Philippines, a very radical Islamic militant group based in the southern islands of the Philippines. This incident raises questions about how the government protects its citizens who are in other countries' territories (Vidianditha, Mangku, & Yuliartini, 2020). This incident was very detrimental and frightening for the crew and their families, especially in terms

of the safety of Indonesian cruise ships. Of course, the crew members need protection and guarantees of safety from the Indonesian government, which has been guaranteed by the Indonesian constitution. Global law has considered that piracy is a violation against humans. In his book entitled "Introduction to International Criminal Law II", Romli Atmasasmita revealed that international crimes include crimes against humanity, genocide, aggression, and crimes (Article 5 of the ICC Statute / International Criminal War Tribunal), as well as several other crimes such as theft, robbery in airplanes, currency counterfeiting, terrorism, and narcotics which fall under the jurisdiction of the International Criminal Court (Atmasasmita, 2006).

Countermeasures against piracy which is an international crime based on the principle of universal jurisdiction. Every country has jurisdiction to try the perpetrators of these international crimes regardless of the origin or nationality of the perpetrators or victims. This concept shows that the crime is a crime against all mankind and encourages international cooperation in combating piracy crimes. Therefore, a mutual agreement is needed between countries around the world.The pressure generated by a state against perpetrators of crimes must be carried out on behalf of the international community. The 1982 United Nations Convention on the Law of the Sea, known as UNCLOS, includes the principle of universal jurisdiction in Article 100. This article calls on states to cooperate in combating crimes that occur in international waters and in locations outside the jurisdiction of a single state.

In order to exercise universal jurisdiction in trying international criminals of piracy and other international crimes, a country must meet certain requirements, including possessing norms or norms in its positive law (Setiyono, 2023). If a country does not have rules or regulations to try perpetrators of international crimes, then that country cannot use the rights obtained from international law. This can cause problems by giving punishment without punishment to the perpetrators of attacks, even though the crime of attack is a common enemy of the international community and has significant consequences for international security. Therefore, it is important for every country to have clear rules and regulations in trying perpetrators of international crimes. In terms of trying perpetrators of piracy crimes, international law has given authority to all countries through the application of the principle of universal jurisdiction. Therefore, no country can exploit this authority. This condition allows the occurrence of piracy crimes and threatens the safety of navigation throughout the country.

Efforts to Enforce Violations of State Sovereignty in The National Sea Area in Maintaining National Defense

Indonesia cannot be separated from the facts and policies of international law. Therefore, we can understand that the enactment of national legal policies does not only depend on what is desired or the will of law makers, practitioners or theorists alone, but is also influenced by developments in international law. Legal policy is an election activity and the method chosen to achieve certain social and

legal goals in society. That is, to achieve the goals of the state, the ruling government must find the right way to do it in order to achieve these goals.

Each country has a different view of the threat of terrorism. Money laundering and financing of terrorism takes place due to the existence of a free foreign exchange system, bank secrecy policies, the need for funds for investment, and technological advances. Some of these views are related to the events of the WTC in 2001, but others are not. In Indonesia, movements that threaten independence are considered an issue of terrorism because the Indonesian government has to deal with guerrillas who have well-organized networks. After the 2001 WTC bombing, Indonesia also experienced a series of bombs that were allegedly linked to the global terrorist network in Afghanistan. To overcome the threat of terrorism issues, ASEAN member countries have made various counterterrorism efforts supported by a series of official policies. At the ASEAN level, the ASEAN Convention on Counter Terrorism (2007) has been agreed which shows the commitment of ASEAN member countries in fighting terrorism. However, the delegation of ASEAN member countries also approved a rehabilitation program for terrorist perpetrators so that they can return to society (Article XI) and provisions regarding "Fair Treatment" in Article VIII. With the existence of a rehabilitation program for perpetrators of terrorism and provisions regarding Fair Treatment, it shows that ASEAN member countries do not use the disengagement approach to perpetrators of terrorism as countries such as the US, Australia, UK and Canada have opposed.

The next step is to use Law no. 9 of 2013 concerning prevention and eradication of terrorism financing. With this law, the financing of terrorism which is rampant in various countries can be prevented and eradicated by involving Financial Service Providers, law enforcement officials, and international cooperation to identify flows of funds used or suspected of being used for terrorist activities. In this context, the subjects who will be subject to punishment are not only limited to the perpetrators of terrorism, but also include other parties involved in terrorist financing activities. Therefore, Indonesia has agreed to the 1999 International Convention on Combating the Financing of Terrorism through Law no. 6 of 2006. Criminalizing the criminal act of restricting terrorism will broaden the reach of anti-money laundering laws, so that threats to financial security related to terrorism can be dealt with more effectively. This includes implementing the principles of knowing your customer, reporting and monitoring compliance, supervising remittances through transfer systems or other systems carried out by Financial Service Providers, monitoring the bringing of cash and other payment instruments into or out of Indonesia, blocking funds, listing in the list of suspected terrorists and terrorist organizations, investigations, prosecutions and court hearings, as well as national and international cooperation.

The achievements of the Indonesian nation in eradicating acts of terrorism have received recognition from the international community, as evidenced by the revocation of its status as an uncooperative country in handling money laundering cases by the Financial Action Task Force on Money Laundering/FATF. This shows

Indonesia's commitment to preventing and eradicating the financing of terrorism, both domestically and in regional and international cooperation. With international recognition of the reliability of Indonesia's AML/CFT system, Indonesia can reveal to the world that the integrity of the Indonesian financial system has been maintained so that it cannot be used as a means or target for crime.

The Indonesian people have confirmed that the legal foundation that can guarantee public interest and human rights as the basis for law enforcement must be placed as the main task in dealing with terrorism. supporting strong laws will form the basis of our national policies and actions in combating terrorism, which must be based on national processes and the outcomes of international processes. Indonesia has made anti-terrorism laws and regulations and has become a party to several relevant international conventions, demonstrating Indonesia's commitment to fighting terrorism both domestically and internationally.The annual report of the Asian Regional Forum in 2014 reported that there are three main threats to regional maritime security, namely piracy, piracy, and maritime terrorism. Moreover, these three problems are interrelated in its current development. These three crimes are considered a threat to maritime security in the ASEAN region for reasons based on the figures released by the Regional Cooperation Agreement to Combat Piracy and Piracy against Ships in Asia (ReCAAP) for 2013, there were 150 incidents consisting of 11 hijackings and 139 piracy that occurs mainly in harbors or when anchors are released. Meanwhile, in 2013, the International Maritime Bureau (IMB) recorded 123 incidents in ASEAN. However, the terror attacks are still not too massive.

Two Indonesian ships taken hostage by the Abu Sayyaf group in Tawi-Tawi waters of the Philippines have taken ten Indonesian citizens hostage. When the ship was attacked, they were on their way from Sungai Puting, South Kalimantan to Batangas, Southern Philippines (BCC News Indonesia, 2016). This act of piracy falls under the jurisdiction of the Philippines to be tried because the crime was committed in that country. Therefore, Indonesia cannot interfere in the process of arresting or prosecuting the perpetrators of this crime.Prior to the kidnapping incident in the Sulu Sea, the Malacca Strait was an area that was vulnerable to kidnapping crimes, so to deal with this problem, the government cooperated with Malaysia and Singapore (Pangestu & Rosyidin, 2018 ; Utomo & Soepandi, 2013). In fact, the coastal states have been cooperating since the 1970s through various consultations between the three countries, such as the agreement between the three coastal states to regulate the two straits (Malacca and Singapore) as one strait in 1971, and the formation of the Tripartite Technical Experts Group (Tripartite Technical Experts Group TTEG) in 1975.

Based on the 1982 UNCLOS maritime regulations, the three seaside states actively participate in security cooperation. In addition, they also created the TTEG and initiated coordination initiatives regarding navigational and regional security in the Malacca Straits through meetings that resulted in agreements and the formation of new committees such as the Cooperative Mechanism. An important meeting on the security of the Malacca Straits was held in 2005 in

Singapore, attended by the three foreign ministers Various forms of cooperation in the form of agreements and committees play an important role in ensuring the smooth running of the security process and its implementation to create the Malacca Strait free from violations of law and other crimes (Pangestu & Rosyidin, 2018; Prabowo, 2018). The Tripartite Technical Experts Group (TTEG) was originally formed through an official Joint Statement between the three coastal states in 1977 by setting up a navigation security agreement (Pangestu & Rosyidin, 2018). TTEG (Tripartite Technical Ecxperts Group) consists of maritime administration experts from Indonesia, Malaysia and Singapore, who gather annually to discuss and work together in dealing with issues related to security navigation, maritime area protection, and traffic problems in the Malacca Strait. Co-operative Mechanism is a cooperation mechanism created for coastal states and users of the Malacca Straits with the aim of strengthening security against crime, navigation, and protecting territory in the Malacca Straits (Suproboningrum, 2018). In this framework, it provides an opportunity for entrepreneurs involved in the Malacca Straits to help maintain the security of the strait, because their "interest" in the strait is also very large, and fear of increasing crime in the strait is the main focus of this cooperation mechanism (Suproboningrum, 2018; Utomo & Soepandi, 2013).

Although the responsibility for security of the straits is borne by the three coastal states, this mechanism opens opportunities for state or non-state users even though the assistance they provide is limited to financing, technology, and so on, but Indonesia, Malaysia and Singapore are still actively carrying out security operational processes (Prabowo, 2018). In response to the increasing crime rate in the Malacca Straits, Indonesia, Malaysia and Singapore have worked together to combat this problem through Operation MALSINDO (Malaysia, Singapore, Indonesia). The joint operation between the three countries involves the coordination of sea patrols by each of the coastal states. This initial collaboration involved 17 naval vessels from the three countries and succeeded in reducing the movement of crime in the strait and significantly increasing security. In this coordinated patrol activity, each country's coastal Navy assigns around 5-7 warships and also opens a 24-hour hot line communication channel to exchange information and reports.

Especially to speed up law enforcement actions from patrol elements in the event of disturbances or threats in the waters of the Malacca Strait (Prabowo, 2018). This coordinated patrol activity is not only based on the IMB report, but is also driven by the responsibility of the three coastal states as part of a sovereign nation to ensure security and stability in the Malacca Strait. With a 24-hour hot line, the navies of the three coastal states of the Malacca Straits can easily exchange information and prevent misunderstandings that are fatal (Pangestu & Rosyidin, 2018; Suproboningrum, 2018).

Reflecting on the takeover by Somali pirates in the Gulf of Aden. The ship was carrying food ordered by the United Nations Food Organization and flagged by the United States. Maersk Alabama Cargo Captain, Richard Philips, is being

held captive by Somali pirates. If the ship is hijacked according to ship security procedures, then all crew members must go to a safe location that is known by the captain and crew. At that time, the ship also confirmed that the cargo ship's engines could not be used and Captain Philip directed a communication signal. As a result, the ship could not be threatened by pirates waiting on the carrier or on the beach so the Maersk Alabama survived attacks by Somali pirates.

Sea Colonel Mr. Taufiq Arif stated that the Indonesian ship had been equipped with a safe room for the crew to take refuge in times of danger, just like the Maersk Alabama ship. In addition, the ship was also equipped with a water cannon to repel pirate ships which usually use small boats. This is an international procedure that must be followed to meet international standards. The ship is also equipped with a radar and emergency button that can be used in emergency situations to protect the ship from crimes that occur. If the emergency button is pressed, there will be a report to the nearest military headquarters that a crime has occurred in the area (Pratiwi & Nugroho, 2017).

Western Quick Response has proven that the Malacca Strait is now safe from piracy. Indonesia provides advice to ships so that they meet the communication and archive requirements that have become international standards. By complying with these SOPs, ships can be protected from piracy crimes (Pratiwi & Nugroho, 2017).To resolve the issue of hostage-taking and attacks on Indonesian-flagged ships requires cooperation with other countries between Indonesia and the Philippines. The cooperation that has directly or indirectly had an impact on eradicating the crime of attacks that occurred between the Philippines and Indonesia was coordinated patrols (Patkor Philindo) carried out by the Indonesian National Navy (TNI AL) and the Republic of Philippines Navy / RPN in territorial waters the sea borders of the two countries with the aim of protecting the sea borders of the two countries (Lestari, 2016).

Meanwhile, Patkor is carried out on a provisional basis, with a duration of about 20 days once a year, but does not yet have an SOP that can serve as a guide when conducting Patkor in the field. The basis of this Patkor is Law Number 20 of 2007 which legalizes an agreement between the Indonesian and Philippine governments regarding cooperation in the field of defense and security. Patkor is carried out between Malaysia, the Philippines and Indonesia, where each country conducts patrols in its jurisdiction. For this program to be successful, additional warships are needed to involve guarding the border waters of the Philippines and Indonesia (Lestari, 2016). To increase excellence, it is necessary to add and develop base facilities and infrastructure that can support the country's superiority at sea. This is done by preparing forces for war, preventing military intimidation at sea, and protecting regional security and stability. (Rahman & Susiatiningsih, 2019 ; Rustam, 2017). This cooperation can be implemented every year to protect and strengthen relations between the two countries. However, the waters in the islands around Sulu are still dangerous due to frequent crimes committed by the Abu Sayyaf group. Inhibiting factors like this need to be overcome to improve water security in the region.

In order to increase excellence, it is necessary to increase and develop base facilities and infrastructure that can support the country's superiority at sea. This action is carried out by preparing forces for war, preventing military intimidation at sea, and maintaining regional security and stability (Rahman & Susiatiningsih, 2019).This collaboration can be implemented every year to maintain and strengthen relations between the two countries. However, the waters in the islands around Sulu are still dangerous because crimes are often committed by the Abu Sayyaf group. Obstacles like this need to be overcome to improve water security in the area.Finally, an agreement was reached to start maritime patrol cooperation between the three countries. This agreement began with the inauguration of the use of MCC (Maritime Command Control) and the launch of TMP Indomalphi in Tarakan on June 19, 2017. This form of cooperation will be integrated with ground patrols and exercises using mechanisms that have been planned and prepared beforehand. This activity is a comprehensive model to provide security guarantees for traffic users such as fishermen, transportation, and exploration of aquatic wealth in the Sulu Sea area (Fajardin, 2017).

Article 111 of the 1982 United Nations Convention on the Law of the Sea regulates Hot Pursuit Rights. This right is interpreted as the right to pursue ships that have violated the rules of the coastal state and cannot be separated from sanctions or punishments if they try to escape into the high seas (Jamilah & Disemadi, 2020). In certain situations, this can be interpreted as the ability of the coastal state to extend its jurisdiction to the high seas to pursue and detain vessels suspected of having violated the law.

ASEAN has stated its commitment to dealing with the threat of terrorism as one of the transnational crimes. This support was provided by ASEAN through the ninth ARF meeting in Brunei in July 2001. ASEAN has two mechanisms of cooperation to deal with terrorism at sea, namely: ASEAN Regional Forum One form of ASEAN cooperation in dealing with cases of terrorism at sea is by cooperating with other countries who are members of the ASEAN Regional Forum (ARF). ASEAN and ARF feel the need to deal with the problem of terrorism because it has become a problem that is faced together. Although there is no official definition of terrorism at sea among ASEAN countries or among ASEAN members, the concept contained in the SUA convention implicitly provides a definition of terrorism at sea referring to the definition issued by ARF and CSCAP. The two institutions are bodies that discuss regional security in the Asia-Pacific region between ARF members.ARF as part of efforts to increase cooperation among Asia Pacific countries in addressing increasingly complex and diverse maritime security issues. This forum discusses various issues related to maritime security, such as illegal fishing, ship piracy, and other crimes in Asia Pacific waters. Through ARF, member countries can discuss and formulate joint solutions to deal with these maritime security issues, so as to create a better security environment in the Asia Pacific region.

Law enforcement in transnational crimes is through national law, but in its efforts to uphold the law for perpetrators of transnational crimes requires the

participation of other countries (ASEAN Security Outlook, 2007), law enforcement efforts can use the mechanism of Mutual Legal Assistance in Criminal Matters (ACCT, 2013). MLA cooperation is cooperation that concerns issues related to law enforcement which includes assistance with legal action in investigations, prosecutions, trial proceedings and confiscation of proceeds of crime. Mutual Legal Assistance is regulated in Article 18 UNTOC where in paragraph (1) it is explained that "States Parties shall afford one another the widest measure of mutual legal assistance in investigations, prosecutions and judicial proceedings in relation to the offenses covered by this Convention as provided for in article 3 and shall reciprocally extend to one another similar assistance where the requesting State Party has reasonable grounds to suspect that the offense referred to in article 3, paragraph 1 (a) or (b), is transnational in nature, including that victims, witnesses, proceedings, instrumentalities or evidence of such offenses are located in the requested State Party and that the offense involves an organized criminal group."An act of terrorism that can be carried out in accordance with international law shows that terrorism is not a problem that only occurs within the country, even though the crime occurs in the territory of a country. The role of international countries in eradicating corruption crimes can be seen in the Bali bombing case. After three days of the incident which left 120 people dead and 300 injured, the United Nations Security Council (UNSC) resolution No. 1438 condemned the attack and called on all UN member states to help the Indonesian government catch and bring the perpetrators, organizers and sponsors of the attack to justice.

D. CONCLUSION

The issue of terrorism from the perspective of national and international law is not only about how to eradicate or combat terrorism through repressive measures, but also must be a comprehensive and sustainable measure to prevent, cover up, and deter terrorist activities, organizations and terrorist activities. In addition, punitive measures must be taken to stop terrorism, including stopping financing and freezing assets that support terrorist activities. This effort cannot be carried out by one country alone, but needs to be carried out by several countries. The act of terror in the waters is one of the crimes that breaks national boundaries. Terrorist attacks at sea can be considered as a threat to ASEAN maritime security, especially the ASEAN Security Community. ASEAN's role in fighting terrorism at sea can be carried out through ARF cooperation and cooperation under ACCT. ARF's cooperation in combating terrorism at sea includes the Inter-Sessionary Meeting on Counter-terrorism and Transnational Crime (ISM CT-TC) and the Inter-Sessionary Meeting on Maritime Security (ISM MS). Meanwhile, ACCT covers prevention efforts, joint investigations, and law enforcement in combating terrorism at sea.The steps that the author can give to overcome terrorism are to take comprehensive actions, such as forming a set of laws and regulations, amending laws and regulations related to terrorist activities such as laws and regulations concerning banking, immigration, police, defense and security in

country, special procedural law books for terrorist trials, land, sea and air transportation. In addition, it is necessary to establish a national anti-terrorism unit which will coordinate all steps and activities for prevention, deterrence, eradication and agreement on terrorist activities under the Ministry of Justice and Human Rights of the Republic of Indonesia. This must be done together with responses to several international laws issued in preventing and eradicating criminal acts of terrorism.

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COMPETING INTEREST

We declare that there are no competing interests among the authors regarding this research article.

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