

# COMBATING FUND-RAISING OF INTERNATIONAL TERRORISM ORGANIZATION IN ASEAN

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## ABSTRACT

*Terrorism is a huge problem for many countries in Southeast Asia, such as Cambodia, Thailand, Indonesia, and Vietnam. Southeast Asia has become the home base for terrorist groups. Therefore, the Association of Southeast Asian Nations (ASEAN) makes a policy to counter-terrorism called the "ASEAN Convention on Counter-Terrorism (ACCT)." Article 6 Areas of Cooperation ACCT emphasizes the prevention of fund distribution to the terrorist group.*

*Since the Bali Bombing I and Bali Bombing II Tragedy, the seriousness of combating international terrorism have become increasingly apparent. Each member of ASEAN, hand by hand together, enforces both International cooperation and bilateral cooperation to prevent and counteract, through appropriate domestic measures, the financing of terrorists and terrorist organizations, whether such financing is direct or indirect through organizations. International community efforts to combat terrorism activities not only comparing the criminalization of terrorism acts and the criminalization financing of terrorism and the criminalization of terrorist financing.*

*Principally, there are two methods of terrorism financing, first, supported by the state (state-sponsored terrorism), and second, direct financing by terrorism. Article 8 International Convention for the Suppression of the Financing of Terrorism, 1999 has explicitly prescribed each party to take appropriate measures, following its domestic legal principles, to identify, detect, and freeze or seizure any funds used or allocated to commit the terrorism offenses. Since that moment, money laundering is an inherent element of organized crime, with its strong linkage to terrorism, has found and always will find new methods to satisfy the also new necessities for financing terrorism.*

*Indonesia had given responses to financing terrorism by ratifying The International Convention for the Suppression of the Financing of Terrorism, 1999, with the enacted Law Number 6 the Year of 2006 and enacted Law Number 8 the Year of 2010, the new Prevention and Eradication Money Laundering Offence.*

**Keywords:** Terrorism, Financing of Terrorism, Money Laundering, and International Convention.

## INTRODUCTION

In recent years, some ASEAN member countries have experienced security disturbances due to terrorist acts carried out by armed groups in the Southeast Asian region. The Abu Sayyaf group often hijacks and takes hostage in the border area between Indonesia-Malaysia-Philippines waters. Not only did the Abu Sayyaf group hijack and take hostages, the suicide bombing that

took place in August 2020 in the city of Jolo, Sulu province, Philippines, was carried out by the Islamic State group which was allegedly indicated by the Abu Sayyaf group that caused 14 people to die as a result. World and 75 people were injured. Apart from occurring in the Philippines, acts of terror carried out by the Abu Sayyaf terrorist group and the Al-Qaeda terrorist group also attacked several countries in ASEAN, which occurred in several major countries in Southeast Asia such as Indonesia, Malaysia, Thailand, Vietnam. Indonesia was a country prone to terrorists in the early 2000s. Terrorists need a lot of money to carry out their actions (Arianti & Yaoren, 2021). Funds are needed to prepare for operations, such as to promote propaganda, fund terrorist members and their families, fund travel and lodging, train recruits, fake documents, and buy weapons (Erwin, 2016).

Terrorism is a crime against humanity that threatens the country's sovereignty. The state must protect the public from criminal acts of terrorism and activities that support terrorism. According to Professor of International Criminal Law at Padjadjaran University, Romli Atmasasmita, terrorism is an extraordinary crime, both in its motive, *modus operandi*, funding, and organizational structure (Hamzani, 2020). Extremist forces often cover the motives for international and domestic terrorism activities in fighting for ideology, religion, and extremities in assessing social disparities that occur in society.

Therefore, the formulation of problems for this research is stated as the following:

1. How is the legal system of handling terrorism financing among ASEAN member countries, especially Malaysia and Myanmar?
2. What would be the law implementation if Indonesia adopts ACCT?

## RESEARCH METHODS

The type of research used in solving the problem is normative legal research. Legal research is conducted by examining literature and interview results.

The collection of legal materials is done by literature research collecting books of law, both books from domestic and foreign books, papers, web articles, and law magazines relevant to the research object.

Since the research has been collected since the legal material required, the data is processed and analyzed by the author. The qualitative method is used to analyze the data, meaning the author sees the legal materials' value (evaluation). Evaluating whether the opinions, statements, norms, and decisions lied in the written materials is appropriate or inappropriate, true or false, valid, or invalid.

## LITERATURE REVIEW

### ASEAN Members in Combatting Terrorism-Funding

ASEAN is the headquarters of a large terrorist group such as Abu Sayyaf or Al-Qaeda, therefore they establish rules among their own countries to combat terrorism funding as follow.

## Malaysia

The provisions of Malaysian laws and regulations related to terrorism financing are regulated in the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 (AMLATFA) (Law & Regulations, 2001). The Malaysian government emphasizes the confiscation of assets against acts of terrorism that occur in Malaysia's territory (Habulan et al., 2018). Part VI A AMLATFA concern of Acts of Terrorism Financing Violations and Freezing, Detention and Revocation of Terrorist Property.

## Myanmar

Regulations regarding terrorist acts are regulated in general Legalization of Strategic Counter-Money Laundering and Countering the Financing of Terrorism (AML/ CFT) Policy Deficiencies in 2011 and 2014; a special law was issued regarding Law No.23 of 2014 (Law & Regulations, 2011) Counter-Terrorism Law or The Pyidaungsu Hluttaw which in this law contains the object of terrorism (Hendriyan, 2019).

## Thailand

Dealing with offenses related to terrorist financing is regulated in the provisions of The Counter-Terrorism and Proliferation of Weapon of Mass Destruction Financing Act B.E. 2559 (Law & Regulations, 2016). Section 7 states that if a person is suspected of terrorist financing, the party acting on and on the name or direction of the person or even the office with the approval of the transaction committee will submit the suspected names to the ex-parte petition in court. Based on Section 8, the assets of a person who is suspected of being linked to terrorist financing will be confiscated. Still, the legal subject concerned can file a petition if their assets are confiscated in the event of debt payment and if the debt is paid by transfer or out of the legal subject's account. Assets have been frozen, and then the court can determine the appropriate conditions for preventing the use of these assets.

## Philippines

Based on Article 4 of Republic Act No.10168 concerning The Terrorism Financing Prevention and Suppression Act of 2012, any parties who directly or indirectly provide terrorism-related service may be fined. Also, the Anti-Money-Laundering Council (AMLC) may request to freeze the assets own by a person or a legal entity to the appeal court.

## Brunei Darussalam

The anti-terrorism legal system that regulated in the Anti-Terrorism Terrorist Financing Regulations 2013, freezing means the prevention of transfer, conversion, disposition, or transfer of property and includes prevention of use, transfer, transfer, selling, data, mortgaging, and access to all property owned by terrorists or people financing. Based on this regulation, criminal acts against terrorist groups, and requests for someone in Brunei Darussalam or citizens of Brunei Darussalam outside Brunei Darussalam to freeze without data on property assets owned

by the terrorist groups ISIL and Al-Qaida, the Taliban, individuals or legal entities stating that he is a member of the terrorist (Mike & Steven, 2001).

### **Vietnam**

Based on Decree No.122 / 2013 / ND-CP, the blocking or the freeze would be done to the proven terrorism funding assets. Whether any party is harmed by the blocking, they would be compensated (Law & Regulations, 2013).

### **Singapore**

Terrorism Suppression of Financing Act Chapter 325 in the financing of terrorism under the laws of the provisions of the state of Singapore is any person who directly or indirectly provides or collects property, whether property or money, knowing that the property will be used in whole or in part to act (Wachjoe, 2016). Terrorists in addition to parties or legal subjects who provide or collect the property, facilitate or finance a person's travel other than to the country he lives in can also be included in terrorist financing so that in this provision, anyone who is found to have violated this provision will be subject to imprisonment. With a period of not more than 10 years or subject to a fine of not more than 1 million dollars, or the value of the penalty is twice the value of the property used in connection with the breach of funding (Putri et al., 2015).

### **Cambodia**

Law On Anti-Money Laundering and Combating The Financing Of Terrorism is a provision in the legislation of the Cambodian state for the prevention of funding to terrorism networks, banking, and bank or non-bank financial institutions as well as professional workers must provide information related to their finances both domestically and for the objective of international cooperation is to prevent the financing of terrorism under the supervision of the judicial authorities to the FIU or the Financial Intelligence Unit and anyone who refuses to provide such information to FIU and the authorities will be subject to fines (Rohan, 2004).

### **Laos**

Decree of the President of the Lao People's Democratic Republic On the Promulgation of the Law on Anti-Money Laundering and Counter-Financing of Terrorism concerning the Ratification of the Anti-Money Laundering and Combating Terrorism Financing Law by legal subjects, whether individuals or legal entities belonging to the terrorism fund group and international terrorist organizations, the court will decide to confiscate these funds where the funds originate from predicate offenses are included in the property obtained from investing or exchanging property following the activities and also funds or financial instruments relating to the circumstances that the owner of the funds can prove that he can obtain the finance or property from trade or exchange that is lawful or given Legal ownership. Suppose the legal subject is proven to have committed a criminal act of terrorism. In that case, the criteria are based on 1,000,000,000 Kip, 5 (five) to 8 (eight) years of freedom will be confiscated. Still, entities over 1,000,000,000 Kip will be deprived of their liberty as long as 8 (eight) to 12 (twelve

years) and the same sanctions previously subject to fines and property confiscation (Rohan, 2005).

### Legal System Comparison in Handling Terrorism Financing Between Malaysia and Myanmar

Based on the above section, Malaysia and Myanmar have more detailed regulations of terrorism asset confiscation compared to the other ASEAN countries. The following Table 1 shows the comparison of terrorism asset's confiscation between Malaysia and Myanmar:

<b>Table 1</b> <b>COMPARISON OF TERRORISM ASSET'S CONFISCATION BETWEEN MALAYSIA AND MYANMAR</b>		
Comparison	Malaysia Based on AMLATFA	Myanmar Based on Pyidaungsu Hluttaw Law No.23
Assets Division	Movable Property (Article 45) Immovable Property (Article 51)	Public Property (Infrastructure) Private Property (Article 2c)
Confiscation Types	Movable Property (Article 46) Immovable Property (Article 50-51)	N/A
Fund Collecting to Combat Terrorism	N/A	Grant from the union budget Grant corresponding region or state government (10%) Donation Chapter 18

The Anti-Money Laundering and Anti-Terrorism Financing Act 2001 of Malaysia is more detailed on confiscation types as divided into movable property and immovable property. Whereas, the Pyidaungsu Hluttaw Law No.23 (Law & Regulations, 2014) of Myanmar only discusses general terms of terrorism. However, Myanmar has 3 (three) patterns to collect funding to combat terrorism from foreign tourists or their citizens (Safrudin, 2018).

In conclusion, terrorism assets confiscation in Malaysia is more assertive than in Myanmar. The two countries also share the same shortcomings, as their geographic sides make them easy for terrorism receiving funds. The funding to counter-terrorism, Malaysia only relies on the national budget drafted by the central government (Remy, 2004).

### Indonesia's Implementation of Combatting Terrorism Financing Based On Acct

ACCT or Asian Asian Convention on Counter-Terrorism (ACCT) is also known as the ASEAN convention in countering acts of terrorism carried out at the 12th ASEAN Summit in Cebu, Philippines January 13, 2007. The purpose of this convention is for regional cooperation work. To fight, prevent, and eradicate terrorism in all its forms and manifestations and deepen cooperation between law enforcement agencies and relevant authorities from the 10 countries in ASEAN to counter-terrorism. Before the existence of the ACCT, countries in the Southeast Asia

region had conducted discussion forums related to the prevention of acts of terrorism, such as the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) in this forum, a Ministerial-level meeting was held specifically to discuss issues related to crime in the following countries The ASEAN Regional Forum (ARF), which means that the forum has started discussing cooperation with ASEAN countries in overcoming security issues in the Southeast Asia region (Steven, 2002).

Over time, the ACCT convention provides freedom for all countries that signed the convention, such as Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam, to determine jurisdictional policies regarding how actions should be taken if violations in the act of terrorism occur, ACCT will not give the state the right to exercise jurisdiction or carry out functions within the territory of another country. This convention also applies if the act of terrorism is committed in a member state's territory where the alleged perpetrator of the act and the victims are citizens of the country itself. Indonesia itself, in implementing the ACCT convention, has ratified the ACCT convention. This is evidenced by the existence of Law Number 5 of 2012 concerning Ratification of the ASEAN Convention on Counter-Terrorism, which was stipulated on April 9, 2012, where the ratification of the convention is set out in Law Number 5 of the Year 2012 aims for Indonesia to consider that Indonesia needs to play an important role in the development of cooperation in the Southeast Asian region, especially concerning the crime of terrorism which at that time was very rapidly developing. Security cooperation in handling this is needed to realize stability and peace in the Southeast Asia region (Sylvia, 2021; Law & Regulations, 2012). This cooperation is also based on the pillars of the ASEAN organization. The three pillars are intended to consist of the political, security, economic and social community's culture.

Regarding the national development of the law sector, National Legislation Programme (Program Legislasi Nasional/Prolegnas) has been issued many regulatory laws that regulate the eradication of terrorism funding as follows:

1. Everyone who on purposely, collect, give, or lend fund, whether directly or indirectly, to be used completely or partially to do Terrorism Acts, terrorism organizations, or terror is convicted because of doing Terrorism Funding Crimes with imprisonment the maximum 15 (fifteen) years and fine the maximum Rp1.000.000.000 (one billion rupiahs) (Article 4 of Law of Terrorism Fund).
2. Everyone who conspires, tries, or helps to do terrorism funding crimes is convicted because of doing Terrorism Funding Crimes with the same charge as stated in Article 4 of Law of Terrorism Fund (Article 5 of Law of Terrorism Fund).
3. Everyone who on purposely plan, organize, or order another person to do crimes as mentioned in the Article 4 is convicted because of doing Terrorism Funding Crimes with a lifetime imprisonment or imprisonment the maximum 20 (twenty) years (Article 6 of Law of Terrorism Fund).
4. In case the terrorism funding crimes, as stated in Article 4, Article 5, and Article 6, are done by the corporation, the conviction is dropped toward the managing personnel corporation (Article 8 of Law of Terrorism Fund). However, the imprisonment for the corporation has not been regulated, there are only fine and corporation freeze as regulated in the Article 8 clause (2), clause (3), clause (4), clause (5), clause (6) and clause (7) of Law of Terrorism Fund.

In the explanatory paragraphs below, the Author elaborates the Indonesian Law Enforcement to combat the terrorism funding in Indonesia per each method:

## Charities and Corporations

Article 1, number 9 of Law Number 5 the Year of 2018, states explicitly that besides a person, a corporation also can be convicted. Article 10 Law 5 the Year of 2018 also states that a corporation is the association of people and/or well-organized wealth, whether it has legal standing or not. The corporation's explanation shows some norm blurs regarding the scope of the association of people and/or well-organized wealth, whether it has legal standing or not. The word 'origin, corporation or corporate is from Latin, which is "*corporatio*" which means the production results from embodiment or makes the body become a person. According to Wirjono Prodjodikoro, *corporatio* is a set of individuals, usually, the ones who have an interest are the ones who represent the corporation, the corporation's meeting result is the strongest authority tool in the corporation (The Times, 2001).

According to Article 1, number 10 of Law Number 5, the Year 2019, the set of individuals also could be considered as a corporation. A group of people also could be considered a corporation if the group is well-organized. The set of individuals' main characteristic is the set has one leader or more, where the individuals set who does not have a leader could not be categorized as well-organized individuals set. Besides, the association and its leadership could be permanent or temporary. A group of individuals could be categorized as temporary if it becomes well organized when committing terrorism crimes. Whether permanent or temporary, the individuals' group has no obligation to have a statute as an organization. It is considered enough to have one leader or more.

Related to a corporation, well-organized wealth means that wealth ownership could be separated (independent) or separated from its original owner. The original owner could be an individual or a group of individuals or an institution with legal standing. In other words, the requirement of a well-organized wealth of a corporation is whether the wealth is no longer owned by an individual or certain institution but has been owned by the corporation that runs the wealth to fund certain crimes. The corporate administrators who are authorized to act for and on behalf of the corporation regarding its wealth must also manage the wealth (The Jakarta Post, 2021).

According to The Great Dictionary of Indonesian Language (KBBI), an organization could be interpreted as one union (structure of administrators and others), which consists of parts (people and others) in the association and others to aim certain purpose. About the juridical meaning of organization, Author prefers to Law of the Republic of Indonesia Number 17 the Year of 2013 concerning Mass Organizations (Law & Regulations, 2013). Article 1 Number 1 of the law states that Mass Organization, which will hereby be known as Ormas, are organizations found and formed voluntarily by the public based on a shared aspiration, will, needs, interest, activity and aim to participate in the development towards reaching a Unitary State of the Republic of Indonesia based on the Five Principles (in Bahasa Indonesia, Pancasila).

Article 9 of the law also states a Mass Organization is founded by 3 (three) persons or more who are citizens of Indonesia, unless for Mass Organizations that are foundation legal entities. Then, Article 10 states that Mass Organizations could be in the form of legal entities or non-legal entities. Article 22 of the law states that Mass organizations have organizational and management structures. Besides, the law also states that an organization in fund management aims at the related organization's vision.

According to the above explanation, the author believes that there are similarities between corporations and organizations. First, both could be in the form of legal entities or non-legal entities. In terrorism law, a corporation could be in the form of legal entities or non-legal entities. Similar to the law of mass organizations, organizations could be in the form of legal entities or non-legal entities. Second, a corporation is defined as a group of organized people and the group must have a coordinator. The organization also has the same characteristic as stated in the Law of Mass Organization. Third, a corporation is defined as a well-organized wealth, and wealth is completely used for the corporation's interest. The thing is also similar to the Law of Mass Organization that the organization can manage its finance to fulfill its purpose. The author concludes that the organization's crimes are similar to the corporation's crimes based on the similarities (Yuni, 2021).

The regulation about the corporation as a criminal is further regulated in Law Number 9 the Year of 2013 concerning the Prevention and Eradication of Terrorism Funding Crime. It starts from regulating the consequences until the punishment for a corporation as criminal. Based on Article 8 clause (1) of the Law, in case the criminal acts as referred to Article 4, Article 5, and Article 6 are done by the corporation, the punishment could be thrown at the corporation and/or managing personnel the corporation (Law & Regulations, 2013).

Article 8 of Law Number 9 the Year of 2013 defines clearly the requirements to determine whether a corporation committing crimes as meant in the law, such as:

1. Done or ordered by managing personnel of the corporation;
2. Done to fulfill the corporation's purpose;
3. Done according to the duties and the
4. functions of the perpetrator; or
5. Done by a corporation controlling personnel with the purpose to fulfill the corporation's gain.

If legal entities or corporations commit terrorism funding crimes, they could be threatened by a fine of Rp100.000.000.000,00 (one hundred billion rupiahs). The corporations would receive charges if the crime is done or ordered by managing the corporation's personnel, fulfill the corporation's purpose, done according to the perpetrator's duties and functions, or done by controlling personnel to fulfill the corporation's gain (Zubair et al., 2015).

Besides receiving fine and punishment threat to the corporation controlling personnel, the corporation involved in terrorism funding crimes could be threatened with other heavy punishments which are:

1. Froze partially or completely for the corporation activities;
2. Withdrawn its permit and entered to the list of prohibited corporations;
3. Liquidation of the corporation;
4. Seizing of corporation assets for the country;
5. A takeover of the corporation by the country; and/or
6. Court Decisions.

If the corporation could not afford the fine verdict, it would be changed with the seizing of assets owned by the corporation and/or corporation controlling personnel. The assets must have related to the terrorism funding crimes and must have the same value as the fine's verdict. If the seized corporation assets' sales could not cover the fine, then the confinement is also given to the corporation controlling personnel by considering the paid fine. Additional punishment is

allowed if the judges consider it necessary. However, the additional punishment could not be given without giving the primary punishment, such as fine punishment.

According to Article 8 of Law Number 9, the Year of 2013, the legal consequences of corporations who commit criminal acts of terrorism funding could be given to Corporation, Corporation and Corporation Controlling Personnel, or Corporation Controlling Personnel. The corporation only could be given with fine punishment and additional punishment as mentioned prior. In comparison, Corporation Controlling Personnel could be given with fine and/or confinement. These conditions give the judge choices to determine which law subjects are truly responsible for the criminal acts of terrorism funding.

## Banking and Financial Service Provider

Indonesia as a country who vulnerable to terrorism threats has been committed acts to fulfill Financial Action Task Force Special Recommendations on Terrorism Financing. Besides ratifying the International Convention for the Suppression of the Financing of Terrorism Year 1999, there is a regulation which especially regulates about prevention of prevention terrorism funding such as Bank Indonesia Regulation Number 11/28/PBI/2009 concerning the Implementation of Program of Anti Money Laundering and Prevention of Terrorism Funding for Public Banks (Law & Regulations, 2009; Law & Regulations, 1999).

Banks must obey a variety of obligations to fulfill the standard of anti-money laundering and prevention of terrorism funding. Among the obligations, banks must have policies and written procedures at the minimum of the request of information and documents; Beneficial Owner; document verification; a simpler Customer Due Diligence; relationship closing and transaction refusal; rules for high-risk areas and Politically Exposed Person; implementation of Customer Due Diligence by the third party; update and supervision; Cross Border Correspondent Banking; fund transfer; and document administration.

General Explanation of Law Number 8, the Year of 2010, explains that financial institutions normally do the audit of the wealth resulting from the criminal acts through a mechanism regulated in the written laws. Financial institutions have an important role in applying the principle of identifying service users and reporting certain transactions to authority (financial intelligence unit). Both of them would be useful as analysis materials for investigators. Bank would be fined:

1. Rp 1.000.000,00 (one million rupiahs) per late day per report if late in submitting the report of the plan and the realization of data update or late in submitting the report of Suspicious Financial Transaction; the report of Cash Financial Transaction; and other reports as related in Law Number 8 the Year of 2010 concerning the Crime of Money Laundering.
2. Rp 50.000.000,00 (fifty million rupiahs) and written warning if have not submitted guidelines or reports if Suspicious Financial Transaction more than 1 (one) month after the submitting deadline.
3. Maximum Rp 100.000.000,00 (one hundred million rupiahs) if the bank does not perform commitment to complete the audit result of Bank Indonesia within 2 (two) times audit or does not perform commitment that has been stated in the plan of data updating activities.

Other sanctions related to Banking Regulations and Syariah Banking Regulations are written warnings; degradation of bank' health level; freezing of certain business activities; inclusion of administrating members, bank staffs, and/or shareholders in the list of parties whose

predicated unqualified in the capability evaluation and conveniences or the administration record of Central Bank of Indonesia as regulated in the applied Central Bank of Indonesia regulations; and/or discontinuation of Bank administration.

According to Law Number 9 the Year of 2013, the supervision of transfer transaction in the financial service provider as related terrorism funding is:

1. Obligation to report Financial Transaction Related Terrorism Funding is supervised by the Indonesian Financial Transaction Reports and Analysis Center and authorized banking supervision institutions.
2. Money distribution transaction through transfer system must give correct identity and information about the sender, the sender's address, the receiver, the receiver's address, the amount of money, the currency of money, the date of money transfer, and other information that based on written regulations must be given to the Financial Service Provider.
3. Financial Service Users must give clear and correct information by filling the forms that have been provided by Financial Service Provider with attaching the supporting documents.
4. In case the Financial Service User does not provide the required information, Financial Service Provider must refuse the money distribution through the transfer system.
5. Financial Service Provider must keep all information that required identifying all senders and receivers for at least 5 (five) years since the money transfer is done.
6. Financial Service Provider who does not verify the data of Financial Service User would be punished according to the written regulations

Besides above, the supervision of the non-transfer transactions in the Financial Service Provider related terrorism funding is:

1. Other money distribution through other systems must obtain a permit from and/or registered in the banking supervision institution.
2. Financial Service Provider must submit a written report about the money distribution activities to the banking supervision institution.

In case Financial Service Provider does not fulfill its obligations, the banking supervision institution is authorized to give administrative sanctions.

## Couriers

Regulations about cash-carrying and other payment instruments are:

1. Law Number 8 the Year of 2010, Article 34 – Article 36 concerning the obligations of reporting cash-carrying.
2. Implementation Regulation from the Directorate General of Customs and Excise Number: 01/BC/2005.
3. Regulation of Central Bank of Indonesia Number 4/PBI/2002 concerning Requirement and Procedure of Carrying Rupiah Money Entering and Exiting Custom Areas of the Republic of Indonesia.

In this case, the Directorate General of Customs and Excise is in the front row to prevent terrorism funding through cash courier typology. On doing its job, the Directorate General of Customs and Excise works together along with the related institutions such as Indonesian Financial Transaction Reports and Analysis Center, Central Bank of Indonesia, Ports and Crossings Supervision Police, Sanskrit for Sky City (in Bahasa, Angkasa Pura), Indonesian Ports, dan flight/shipping companies whether local or foreign.

The Indonesian Financial Transaction Reports and Analysis Center have worked together along with the Directorate General of Customs and Excise and Central Bank of Indonesia to socialize about the obligation to report the cash-carrying and other payment instruments to the officers of Customs and Excise, Immigration, Ports, and Crossings Supervision Police, Ports, Airports/Sanskrit for Sky City, and other related institutions in the areas of entering-exiting Indonesia's areas such as Jakarta, Batam, Denpasar, Medan, Entikong, etc.

### **ASEAN Cooperation among Members and Other Countries to Combat Terrorism Funding**

The Author tries to elaborate on how ASEAN members combat terrorism funding by giving the examples below:

#### **ASEAN Convention on Counter Terrorism (ACCT)**

The ASEAN Association oversees cooperation agreements for all countries in the Southeast Asian row to prevent and prevent terrorists from occurring, as stated in the ASEAN Convention On Counter-Terrorism in article 6 Article 1 letter (b) and letter (c) which reads that "*Prevent those who finance, plan, facilitate, or commit terrorist acts from using their respective territories for those purposes against other Parties and/or the citizens of other Parties; Prevent and suppress the financing of terrorist acts;*" which if interpreted is that ASEAN provides prevention against the provision of funds, planning, and carrying out terrorist acts in the territorial provisions of their respective countries. The parties to the countries that are already members of this convention can determine jurisdiction or provision regarding conflicts over actions terrorists, which has been regulated in Article VII Article (2), which states if the state must take action to prosecute terrorist acts (jurisdiction) for attempted terrorism if:

1. The violation was committed against a citizen of that country.
2. The crime was committed against the state or government facilities of the party.
3. The offense or crime was committed in the territory of the country.
4. The crime was carried out in an attempt to resolve the Party's committing or not taking any action.
5. The crime was committed by a stateless person with a habit of living on the country's territory.

Therefore, based on this, it can be said that countries within the scope of ASEAN have jurisdiction in providing provisions regarding information regarding terrorism under the ACCT. As discussed in the previous section relating to countries' rules and regulations in the Southeast Asia region, almost all ASEAN countries already have methods for reporting related to terrorism, and the new ACCT is the main tool for issuing orders related to terrorism.

#### **The Trilateral Cooperation Arrangement**

Asymmetrical threats occurring Sulu Sea have put Indonesia, Malaysia, and Phillipina to enter a trilateral corporation called the Trilateral Cooperation Arrangement. The Sulu Sea is important to water for the three countries related to the coal export-import pathway among the three countries. However, there is quite an issue happening in 2017 which is a war between the Philippine government and a radical group in Marawi, Phillipina. Therefore, the Trilateral

Cooperation Arrangement as a foreign terrorist fighting tool is needed to counter terrorism in the Sulu Sea.

The Trilateral Cooperation Arrangement consists of Coordinated Sea Patrol, Air Patrol, Sharing of Information and Intelligence Service, and Land Exercise. The Trilateral Cooperation Arrangement shares information and Intelligence services that support read terrorism funding flows. This system is compatible with Indonesia as Indonesia has made defense strategy to obtain the country's defense goals according to the Law of Republic of Indonesia Number 3 the Year of 2002 concerning Country Defense that also according Indonesia's purpose as enlisted in the preamble of The Constitution of the Republic of Indonesia of 1945.

### **The Egmont Group**

One of the corporation forms between Asian countries and Non-ASEAN Countries to combat terrorism funding is the Egmont Group. The Egmont Group is a forum for the Financial Intelligence Unit from many countries to collab related to improving each Financial Intelligence Unit's function in handling the crimes of money laundering and terrorism funding. This forum also provides international cooperation among the member's Financial Intelligence Unit, accommodates regular communication and information exchange, and gives the members training.

The ASEAN countries who join The Egmont Group are Brunei Darussalam, Cambodia, Indonesia, Malaysia, Phillipina, Singapore, and Thailand. Indonesian Financial Transaction Reports and Analysis Center has been a member of The Egmont Group since June 2004 and is an active member of each of The Egmont Group's agendas.

The Financial Intelligence Unit of each country gives support and corporation for the Egmont Group to expand and system-managing the international corporation of information exchange and build better and safer communication among the Financial Intelligence Units through technology implementation Egmont Secure Web (ESW). Then, the Egmont Group also contributes to improving the effectiveness of Financial Intelligence Units by offering training and personnel exchange to improve each country's Financial Intelligence Unit's expertise and capability so they can operate better.

### **CONCLUSION**

In general, terrorist fund-raising as a Phenomenon has been the convention believed to be the basis or basic guideline for all countries under ASEAN authority. All ASEAN countries that have statutory provisions that have been dissected one by one from the ten countries will confiscate all assets, both individuals and legal entities, suspected of being terrorist funders and may be subject to sanctions in the form of criminal sanctions and imprisonment. In the methods used in terrorism financing, several methods are straightforward to find in everyday life such as in legal entities, either in the form of foundations or corporations or even now they have penetrated the banking world where these individuals use false identities in carrying them out of funds. Carrying cash can also be a concern in the terrorism financing process, Indonesia in realizing the statutory provisions on anti-terrorism financing and/or money laundering, has also issued provisions deemed sufficient to prevent terrorism financing or money laundering for

funding Acts of terrorism. In ASEAN, several methods have been created so that all ASEAN member countries cooperate in countering terrorism financings, such as the ASEAN Convention on Counter-Terrorism, The Trilateral Cooperation Arrangement, and The Egmont Group.

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