

## Legal Challenges in Countering Religion-Based Terrorism in Asia

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### ABSTRACT

This study aims to enrich the academic discourse on the importance of adaptive legal reform in response to changing times, technological developments, and global and local socio-political dynamics, with a focus in the sustainable, fair, and peace-oriented prevention of religiously motivated terrorism in Asia. In this study, the method used is library research to review, inventory, and analyse scientific literature, legal documents, previous studies, reports from international institutions, and various written sources relevant to the theme of legal challenges in countering religious-based terrorism in Asia. The findings indicate that legal challenges in countering religion-based terrorism in Asia require the courage to break free from the dichotomy between security and freedom, while dismantling the illusion that law is merely a tool of the state. Instead, the complexity of Asian pluralism demands legal innovations that prioritise substantive justice, strengthen dialogue between identities, and dare to acknowledge that true harmony can only be achieved when the state, civil society, and the international community jointly formulate inclusive, reflective, and responsive counter-terrorism strategies that take into account local social dynamics and history because amid the evolving threat of terrorism, Asia's future as a peaceful and just region can only be achieved by placing humanity, equality, and diversity at the heart of every legal policy.

## INTRODUCTION

The complexity of countering religion-based terrorism in Asia is increasingly apparent when one considers how terrorist actors exploit weaknesses in national legal systems, social loopholes, and digital technology to expand their networks and mobilise sympathisers. The transformation of terrorism from physical attacks to the digital realm has posed new challenges for legal systems in many Asian countries that are not yet fully prepared to deal with cybercrime and religious extremist propaganda in cyberspace (Montasari, 2024). The emergence of transnational terrorist groups, such as ISIS and its affiliates in Southeast Asia, shows that national borders are becoming increasingly blurred in the context of transnational crime. This phenomenon has created an urgent need for the reform of criminal law systems, the expansion of jurisdiction, and the strengthening of transnational legal cooperation, which in practice is often hampered by national interests, differences in legal systems (civil law, common law, Islamic law), and state sovereignty.

In many cases, efforts to combat religious-based terrorism in Asia tend to result in controversial legal practices, including the enactment of anti-terrorism laws with broad and flexible norms, detention without trial, and restrictions on civil rights in the name of national security (Abdallah, 2019). Countries such as Pakistan, which has a long history of dealing with religiously motivated terrorism, often impose extreme security policies with harsh legal instruments, ranging from military courts to asset freezing. However, these policies often give rise to new problems, such as abuse of power, torture, and human rights violations. A similar situation exists in India, where certain religious minorities are often targeted for stigmatisation and criminalisation in the name of the war on terrorism, leading to unrest and social polarisation. Such legal practices often trigger resistance from civil society, fuelling new radicalisation and eroding public trust in the judicial system.

Indonesia, as the world's most populous Muslim-majority country, is not immune to such complexities (Muttaqin et al., 2025). Although the government has strengthened its legal framework with the establishment of the National Counter-Terrorism Agency (BNPT) and the revision of the Anti-Terrorism Law, challenges in law enforcement persist in the form of multiple interpretations of the definition of terrorism, the involvement of security forces in human rights violations, and the issue of deradicalisation that fails to address the root causes of the problem (Ibrahim et al., 2024; Karimullah et al., 2024). The highly pluralistic dynamics of society and diverse traditions of religious interpretation mean that legal strategies cannot be linear; they must be able to manage social complexity, accommodate individual rights, and guarantee collective security. At the regional level, cooperation among Southeast Asian countries in combating cross-border terrorism through mechanisms such as ASEANAPOL and the ASEAN Ministerial Meeting on Transnational Crime also faces challenges in coordination, differences in the capacity of law enforcement institutions, and diversity in socio-cultural values, which often cause disharmony in law enforcement.

A number of previous studies have discussed in depth various aspects of legal challenges in countering religion-based terrorism, particularly in Asia, which is unique in terms of religious, cultural, and political diversity. Prakasa, S. Al-Fatih, and Aji Haqqi (2021) point out that many ASEAN countries have adopted repressive anti-terrorism laws, such as detention without trial and restrictions on human rights. However, this strategy has instead led to distrust among religious minorities and civil society, triggering new radicalisation. Bjørge found that counter-terrorism efforts are ineffective if the laws applied are not sensitive to the local context, including religious interpretations, cultural norms, and social norms.

Sundram (2024) emphasises the importance of regional cooperation, both in strengthening joint legal mechanisms (such as the ASEAN Convention on Counter Terrorism) and in data exchange and capacity building for law enforcement. However, he also highlights the weak political will and harmonisation of regulations among ASEAN countries. Previous studies have emphasised the importance of interfaith dialogue and multicultural education as part of a non-repressive legal strategy. Studies show that strengthening the values of tolerance, both at the policy and law enforcement levels, can be an effective bulwark against the spread of religious extremism (Hasan & Juhannis, 2024; Mursalin et al., 2024; Tan, 2007).

The main objective of this study is to identify, describe, and critically analyse the main challenges faced by legal systems in Asian countries in countering religious terrorism. This study specifically seeks to unravel how the interaction between legal regulations, socio-political contexts, religious interpretations, and transnational dynamics shapes the response of states and societies to the threat of terrorism. The essence of this study lies in its integrative effort to address the complexity of combating religiously motivated terrorism, which cannot be resolved through repressive legal approaches alone.

## **METHOD**

In this study, the method used is library research, which involves reviewing, cataloguing, and analysing scientific literature, legal documents, previous studies, reports from international institutions, and various written sources relevant to the theme of legal challenges in combating religion-based terrorism in Asia. This approach was chosen because the issues under examination are transnational, multidimensional, and require theoretical understanding and critical reflection on the social, legal, and political dynamics contained in global and regional literature. Library research allows for the comparison of various legal systems, tracing the development of anti-terrorism regulations, and identifying gaps, overlaps, and contradictions between national legal instruments, international norms, and enforcement practices at the local level (Gearon, 2018). By exploring various sources, the analysis can also reveal how religiously based terrorism discourse is constructed, how security and human rights narratives interact, and where resistance and criticism lie against anti-terrorism policies that tend to be repressive or discriminatory.

Through a library research approach, this study integrates various findings from key theories such as the rule of law, sociology of law, critical criminology, and discourse analysis, so that it not only describes the normative legal reality but also examines the social, ideological, and political dimensions behind the formulation and implementation of counter-terrorism policies. The results of the literature review provide an analytical foundation for unravelling the interconnections between legal constructions, religious plurality, and intertwined power practices in Asia, while offering critiques and alternative solutions that are more holistic and based on social justice. Thus, library research in this study is not merely descriptive but also argumentative and reflective, striving to capture the full scope of challenges and potential for transformation in religion-based counter-terrorism law within the diverse, dynamic, and interest-driven context of Asia.

## **RESULTS AND DISCUSSION**

### **The Dilemma Between Religious Freedom and National Security**

In many Asian countries, experience shows that national security is often used as a broad and flexible umbrella term that can be easily exploited by the state to suppress certain groups that are considered different, radical, or disruptive to public order. The Chinese government, for

example, has openly banned the religious practices and teachings of the Uighur group in Xinjiang on the grounds of combating extremism and separatism, a policy that has drawn global condemnation for alleged human rights violations, religious discrimination, and even cultural genocide. Meanwhile, in India, policies such as the Citizenship Amendment Act and various restrictions on Muslim community activities are often justified in the name of national security and national integration, but in practice they reinforce marginalisation and exacerbate religious polarisation in society. Similar cases have occurred in Myanmar, where the military regime has used security issues to impose restrictions and even systematic violence against the Rohingya group.

Indonesia's own experience shows how regulations such as the Joint Ministerial Regulation (PBM) on the establishment of places of worship, the Joint Decree on the dissolution of certain religious organisations, and the Mass Organisation Law and Anti-Terrorism Law have the potential to be used as political instruments to control religious life in society. The argument that these restrictions are necessary to counter radicalism and maintain security often clashes with on-the-ground realities, where religious minority groups or certain sects become victims of criminalisation, stigmatisation, and restrictions on their rights. Many cases involve the banning of a religious group or sect based more on pressure from the majority group or political sentiments than on actual evidence of a threat to national security.

The debate over the legitimacy of certain restrictions on religious practices in the context of counter-terrorism does not only revolve around legal formalities, but also touches on ethical, social, and political aspects. One of the most provocative issues is the potential misuse of counter-terrorism policies to suppress religious minorities or those with non-mainstream religious interpretations. In this context, there is a very real concern that policies initially intended to maintain security could instead become tools of repression, justification for discrimination, or even a denial of the principles of the rule of law and democracy. Ironically, in many Asian countries, these concerns are not merely assumptions but have become part of the daily reality faced by vulnerable groups.

Legal and human rights studies emphasise that any restrictions on religious freedom must meet three main criteria: legality (they must be based on clear and non-discriminatory laws), necessity (they must be strictly necessary to achieve a legitimate aim, such as security), and proportionality (they must not exceed what is necessary or cause disproportionate harm to the restricted group) (Insani, Ibrahim, et al., 2024; Karimullah, 2024). However, in practice, these three conditions are often ignored. States can enact broad and flexible laws that can easily target anyone deemed 'potentially radical' without evidence or a fair trial. In some cases, restrictions on religious practices are based more on suspicion or perception than on actual evidence of involvement in terrorist activities.

This issue becomes even more sensitive when it comes to religious minority groups, which are often positioned ambivalently in the eyes of the state and society. On the one hand, their rights are guaranteed by the constitution and various international conventions, but on the other hand, they are often victims of discriminatory and exclusive policies in the name of stability and security. The stigmatisation of certain groups as 'potential threats', troublemakers, or seeds of radicalism not only narrows the space for religious freedom, but also damages social cohesion, increases prejudice, and amplifies the risk of horizontal conflict. In such situations, counter-terrorism policies that selectively target religious practices are highly prone to becoming instruments of identity politics, which not only violate human rights but also contradict the principles of justice and diversity that should be upheld by modern states.

The tendency of states to impose restrictions or excessive surveillance on religious activities is often intertwined with political motives, concerns about opposition, or efforts to maintain the legitimacy of those in power. In some cases, the rhetoric of the 'war on terrorism' is used as a shield to silence critical groups or those demanding social and political change. This practice is extremely dangerous as it blurs the line between legitimate security policies and political repression that violates basic human rights (Karimullah, 2023). Furthermore, disproportionate and discriminatory restrictions can lead to counter-radicalisation, whereby groups that feel oppressed or criminalised become increasingly vulnerable to extremist narratives, lose trust in the legal system and the state, and ultimately resort to violence as a form of resistance.

The dilemma faced by Asian countries is exacerbated by global dynamics, where pressure from the international community to crack down on radical groups often clashes with allegations of human rights violations coming from global actors. In the case of China, pressure from the United States and the European Union for the Beijing government to respect the religious freedom of the Uighur community has been met with arguments of sovereignty and narratives that the policies taken are entirely to protect national integration from the threats of separatism and terrorism. In Myanmar, global condemnation of the military's actions against the Rohingya has been responded to with accusations of Western bias and ignorance of domestic dynamics. Meanwhile, in Indonesia, the government often stands between pressure from majority groups demanding restrictions on certain teachings or groups, and international pressure to guarantee the rights of minorities (Al Hamid et al., 2025; Hibbatulloh et al., 2025; Wiranti et al., 2025).

Within the framework of international law, there is indeed room for states to restrict religious freedom in the name of national security, but this space must be used with great caution, transparency, and accountability. Restrictions must be based on strong evidence, undergo a fair legal process, and be open to public scrutiny and criticism. Without adequate oversight and accountability mechanisms, such restrictions are highly susceptible to abuse by state authorities to suppress political opponents, strengthen the dominance of majority groups, or maintain the status quo of power. Therefore, any counter-terrorism policy that impacts religious freedom must always be critically assessed in terms of its legality, fairness, and long-term effects on society.

The paradox between religious freedom and national security in Asia can also be seen in the context of the relationship between the state and religion, which is often fluid and pragmatic (Kurniawan et al., 2025; Latif et al., 2025; Rifa'i et al., 2025). Many Asian countries have adopted a secular model at the constitutional level, but in practice they continue to give special treatment to certain religions or use religious symbols as a means of political legitimisation. This situation creates ambiguity in determining the limits of state intervention in religious practices. On the one hand, the state claims neutrality, but on the other hand it engages in structural discrimination or selective restrictions in the name of the common good. This ambiguity complicates the enforcement of fair and consistent law and increases the scope for abuse of authority.

The implications of this dilemma are far-reaching and multidimensional. Legally, disproportionate restrictions on religious freedom weaken the rule of law, erode public trust in the judicial system, and exacerbate social fragmentation. Socially, discriminatory policies will increase prejudice, deepen polarisation, and sow the seeds of horizontal conflicts that are difficult to resolve. Politically, the misuse of security issues to suppress certain religious

groups will undermine democracy, strengthen authoritarianism, and create fertile ground for identity-based populism.

Even globally, policies that violate religious freedom have the potential to worsen a country's international image, invite criticism, and weaken its bargaining position in global forums. It is undeniable that the need to maintain national security is a very important and legitimate interest for every country. However, security should not be used as an excuse to sacrifice the fundamental rights that form the foundation of national life.

The challenge of religiously motivated terrorism is real and requires a firm response, but its handling must be based on the principles of justice, respect for human rights, and appreciation of diversity (Insani & Karimullah, 2023; Suyahman et al., 2025). Every restrictive policy must always be tested for proportionality: is it truly necessary, has it gone through a transparent and fair process, and does it not cause greater harm to the group being restricted?

In the context of Asia, which is highly pluralistic and fraught with political identity dynamics, the state must always maintain a delicate balance between maintaining security and guaranteeing freedom of religion. Solutions cannot be based solely on a repressive approach, but must prioritise dialogue, education, community strengthening, and the creation of inclusive spaces for participation. The state needs to uphold the principles of the rule of law, strengthen oversight mechanisms, and open space for public criticism and control over every policy taken. Only in this way can the dilemma between religious freedom and national security be resolved without sacrificing human rights, which are the main pillars of modern civilisation.

### **Legal Politics and Stigmatisation of Religious Minorities**

In countries such as China, India, Myanmar, and even Indonesia, the politicisation of anti-terrorism laws is often evident in the designation of organisations, groups, or individuals as terrorists based on parameters that are not always objective or transparent. In China, the systemic counter-extremism policy targeting the Uighur group in Xinjiang has come under international scrutiny for alleged gross human rights violations, ranging from mass detention, restrictions on religious practices, to re-education programmes laden with political indoctrination (Karimullah et al., 2025). The government frames these policies as efforts to maintain national integration and eradicate separatism, but international critics call them a clear form of cultural genocide that violates universal human rights principles.

Meanwhile, in India, a number of government policies, such as the Citizenship Amendment Act and repressive measures against the Muslim community in Kashmir, are often based on the narrative of fighting terrorism and religious extremism (Feyyaz & Husnain Bari, 2024). However, their implementation has opened the door to religious and ethnic profiling, thereby increasing the risk of marginalisation of minority groups, structural injustice, and intractable horizontal conflicts. Similar trends can be seen in Myanmar, where the military uses counter-terrorism as a pretext to justify violence against the Rohingya community, which many reports consider one of the worst humanitarian tragedies of this century.

In Indonesia, although the constitution and a number of legal instruments guarantee freedom of religion and equality before the law, practices on the ground often reveal a different side (Nuriskandar et al., 2025; Nurizka et al., 2025; Parhi et al., 2025). The designation of certain organisations as banned, the prohibition of minority religious sects, and the criminalisation of non-mainstream religious figures are often carried out under the pretext of security, despite often lacking strong evidence or fair trial processes. The dissolution of religious organisations

or the labelling of certain groups as 'heretical' are clear examples of how the law can be used as a tool of majoritarian politics, especially when social pressure, identity sentiments, and short-term political interests converge in policy-making. Human rights activists have repeatedly warned that such actions not only cause social wounds but also erode public trust in the legal system, weaken social cohesion, and open the door to counter-radicalisation among marginalised groups.

The politicisation of anti-terrorism laws is closely linked to profiling, a process whereby state agencies or the state label individuals or groups negatively solely on the basis of their religious, ethnic or political affiliations. Religious profiling violates the fundamental principle of justice, as all citizens should be treated equally before the law without discrimination. However, in many cases, the profile of terrorists tends to be automatically associated with a particular religion or group, thereby reinforcing collective stigma. As a result, minority groups not only face the risk of arbitrary law enforcement, but also experience social exclusion, restrictions on access to public services, and even physical violence from community groups provoked by state narratives.

Discrimination arising from such political-legal dynamics does not occur solely within the formal realm of law enforcement but permeates social and cultural spaces. When the state justifies restrictions or repression against certain religious groups, such narratives are reproduced by society, amplified by the media, and even legitimised by some religious figures or political elites (Hayatullah et al., 2025). Public discourse is dominated by a us versus them logic, in which the majority group feels entitled to determine the boundaries of truth, while minorities are placed in a defensive position, always suspected, and rarely given space to voice their rights equally. In the long term, this situation exacerbates social fragmentation, hinders the process of national integration, and creates social conditions that are prone to horizontal conflict and identity-based violence.

One of the fundamental problems with the politicisation of anti-terrorism laws is the tendency to blur the line between legitimate policies to maintain security and actions that constitute human rights violations (Ibrahim et al., 2025). The government often argues that the harsh measures taken are a form of preventive action to prevent violence or real threats to the state. However, in practice, these actions are often taken based on mere suspicion, invalid data, or strong political pressure from certain groups. As a result, oversight and accountability mechanisms become weak, opening the door to abuse of power.

Sharp criticism from human rights activists has emerged because such patterns not only violate the principle of due process of law, but also have the potential to reinforce a culture of impunity within law enforcement agencies and the government. Minority rights violations are often not thoroughly investigated, while victims of stigmatisation and discrimination rarely have adequate access to justice. Such conditions not only undermine the integrity of the legal system, but also signal a deep crisis of social justice (Al Hamid et al., 2023; Muhajir et al., 2023). In many cases, victims of stigmatisation even lose their basic civil rights, ranging from access to education and health care to the political right to participate freely in society (Wahyudi et al., 2025).

The issue of justice is central to discussions on legal politics and the stigmatisation of religious minorities. A healthy and democratic legal system should guarantee protection for every citizen without discrimination, provide equal access to the judicial process, and ensure that every state action is subject to the principles of legality, proportionality, and accountability. However, when the law is used as a political tool, justice becomes scarce, and the law loses its function as a protector of human rights and freedoms. In such situations, anti-

terrorism law enforcement no longer serves to protect society from real threats, but becomes an instrument of repression that leads to broader injustice. The abuse of authority in anti-terrorism law enforcement cannot be separated from the political, economic and cultural factors that shape the power ecosystem in various Asian countries.

The pressure to demonstrate firmness in the fight against terrorism often comes from political elites who want to strengthen their legitimacy in the eyes of the public or maintain support from majority groups. At the same time, the rise of identity populism in Asia reinforces incentives for governments to pursue exclusionary policies, expand the definition of extremism, or disregard human rights principles under the guise of popular aspirations. In such an atmosphere, space for critical discussion and public control over state policies becomes increasingly narrow, while the logic of security takes over all discourse on rights and justice.

The impact of the politicisation of law and the stigmatisation of religious minorities is very evident in everyday social life. Interfaith relations are fraught with suspicion, public spaces are filled with narratives of hostility and confrontation, and the likelihood of violence has increased significantly. Social harmony, which should be built on mutual respect and tolerance, has been replaced by an atmosphere of fear, prejudice and mutual recrimination (Karimullah et al., 2023; Karimullah & Sugitanata, 2013). When minorities feel unsafe, lose their basic rights, or even have to live in the shadow of state terror, national integration becomes nothing more than empty rhetoric with no real meaning on the ground. In the long term, this situation not only weakens social stability but also creates fertile ground for radicalisation, resistance, and even more intense opposition from marginalised groups.

A major challenge for Asian countries is how to build a legal system that is truly fair, balanced, and not easily tempted to use the law as a tool of power. Serious efforts are needed to reform anti-terrorism legislation so that it is subject to the principles of a democratic state governed by the rule of law, respects diversity, and places justice at its core. The state must strengthen oversight mechanisms, transparency, and provide space for civil society to participate in policy monitoring and evaluation. The law must serve as a bulwark for the protection of minorities, not an instrument of discrimination or repression.

The need for anti-terrorism law reform is increasingly urgent amid globalisation, technological developments, and the evolving complexity of terrorist threats. The state must be able to balance the need to maintain national security with respect for human rights and pluralism. Policy reforms should not rely solely on repressive approaches but also prioritise prevention strategies, education, community empowerment, and interfaith and intercultural dialogue.

Inclusive and socially just policies will be far more effective in building community resilience to the threat of terrorism without sacrificing democratic principles and fundamental human rights. Politicised anti-terrorism policies that stigmatise religious minorities are a reflection of a crisis of justice that threatens the foundations of democracy and humanity in Asia. Any form of discrimination legalised by the state, any act of profiling legitimised by law, is a real threat to social harmony and the future of freedom. States must learn from history that repression in the name of security will only prolong the cycle of violence, strengthen polarisation, and delay the creation of a truly just and peaceful society. The way out of this dilemma is to build transparent, accountable politics that are committed to substantive justice, a system that respects human rights without compromise, while being responsive to the real and complex security challenges of the modern era.

### **Harmonisation of National Laws with International Standards on Counter-Terrorism**

The issue of harmonising national laws with international standards on counter-terrorism often takes the form of a tug-of-war between effectiveness and legitimacy. Asian countries face enormous pressure to update their legal instruments, ratify international conventions, establish cross-border law enforcement cooperation units, and strengthen surveillance of terrorist financing and cross-border movement of persons. However, in reality, these legal changes do not always proceed smoothly. In some countries, the adoption of international standards has resulted in ambivalent legal frameworks, on the one hand, demonstrating formal compliance with international norms, but on the other hand, leaving ample room for local authorities to act authoritatively, interpret the law freely, or even permit human rights violations to occur.

Indonesia's experience, for example, in revising its Anti-Terrorism Law, shows strenuous efforts to meet global demands regarding human rights protection, due process of law, and fair treatment of suspects (Karimullah, 2022). However, in practice, allegations of abuse of power, detention without proper judicial process, and violence against specific groups continue to arise. In harmonising national laws with international standards, the definition of terrorism itself is an issue. To date, there is no single, universally agreed definition of what constitutes terrorism, even the United Nations has not succeeded in standardising a definition accepted by all members. Asian countries, with their complex histories and politics, often use very flexible and sometimes overly broad definitions, allowing any form of resistance, criticism, or dissent to be categorised as terrorism. In many cases, this opens the door to the abuse of the law for political purposes, the silencing of opposition, or the oppression of religious and ethnic minorities.

In China, for example, the government officially defines extremism and separatism as part of the terrorism spectrum, allowing for harsh measures against the Uighur community under the pretext of fighting global terrorism. In India, the definition of terrorism in a number of laws is often used to legitimise repressive actions against Muslim communities in Kashmir or separatist groups in the north-east. The ambiguity of these definitions clearly contradicts international legal principles that demand clarity, legal certainty, and protection of civil and political rights.

Sharper tensions arise when universal principles of human rights protection collide directly with domestic political realities marked by identity politics, majority sentiments, and covert authoritarianism. International conventions require states to protect the fundamental rights of every individual, including suspected terrorists, such as the right to a fair trial, the prohibition of torture, and humane treatment. However, in politically charged situations, governments often prioritise security and stability, even sacrificing these principles to demonstrate firmness. Moreover, the narrative of the war on terrorism in many countries is frequently used as a tool of political legitimisation to strengthen power, silence political opponents, or even mobilise extreme nationalist sentiments. As a result, the harmonisation of national laws and international standards often stops at the level of legalistic formalism, without any fundamental transformation in the practice of law enforcement and human rights protection.

The cultural and social realities in Asia are also a source of tension in this harmonisation process. Many societies in Asia have strong traditions of collectivism, respect for authority, and a tendency to place community interests above individual rights. These values often clash with universal human rights principles that emphasise individuality, freedom of expression, and the protection of minorities. In many cases, rejection of international standards comes not

only from the state but also from communities who feel that foreign values are irrelevant to their local identity (Prianto et al., 2024; Sugitanata et al., 2023). This makes the agenda of legal harmonisation highly political, easily politicised, and vulnerable to resistance from social groups that feel threatened. The narrative of foreign intervention is often used to reject the adoption of certain principles, or even to consolidate domestic political power through anti-imperialist and national sovereignty rhetoric.

In the practice of countering terrorism, clashes between national law and international standards often arise in concrete issues, such as the extradition of suspects, the management of assets suspected of being linked to terrorism, witness protection, or the exchange of intelligence data. On the one hand, the international community demands transparency, accountability, and compliance with universal norms; on the other hand, Asian countries often strengthen internal oversight mechanisms, restrict public access, or even keep information secret on grounds of national security. In the case of the detention of terrorism suspects, for example, international standards require open and fair trials, a ban on torture, and the right to legal assistance. However, in practice, many countries continue to impose detention without trial, harsh interrogations, and unlimited surveillance, especially in cases considered sensitive or related to national security. These forms of deviation are often justified by the argument that the threat of terrorism in Asia has unique characteristics that cannot be equated with the Western experience.

The conflict of values between the international community and nation-states has become increasingly apparent in the discourse on who has the right to determine standards in the war on terrorism. Asian countries that feel they have a long history of Western colonialism and intervention are highly sensitive to any form of pressure or demands for harmonisation that they perceive as disregarding their own historical experiences (Lu, 2015). Narratives about cultural relativism and legal nationalism often emerge as forms of resistance to the dominance of international discourse. This can be seen, for example, in the rejection of certain clauses in international human rights conventions, ambiguous attitudes towards the ratification of international agreements, or even the creation of national legal instruments that explicitly declare the supremacy of domestic law over foreign norms.

On the part of the international community, there is a tendency to impose the universality of human rights and anti-terrorism principles as absolute conditions for international cooperation or assistance. In the context of globalisation, pressure to conform to international standards is growing, particularly in the areas of finance, banking, migration, and cross-border law enforcement. Countries that are considered uncooperative or non-compliant with international standards often face threats of sanctions, asset freezes, or diplomatic isolation. However, such name and shame strategies are not always effective and sometimes even strengthen domestic resistance and exacerbate tensions between the international community and nation-states.

The imbalance of power in the global legal order is also an important focus in discussions on harmonising national laws with international standards on counter-terrorism. Many Asian countries highlight the fact that international standards are often formulated and dominated by Western countries, and therefore do not fully reflect the aspirations, values or needs of Asian societies (Bajpai & Laksmna, 2023). Claims of universality are also seen as not neutral, but rather laden with geopolitical, economic, and even ideological interests. As a result, Asian countries feel the need to maintain distance, make selective adjustments, or even openly reject certain international norms that are considered inappropriate.

This is what makes legal harmonisation in counter-terrorism a process of negotiation, tug-of-war, and compromise, rather than simply passive adoption of global standards. In this situation, the effectiveness of national laws is at stake. Many Asian countries, despite formally ratifying various international conventions on counter-terrorism and human rights, still face serious challenges in implementation at the local level.

Structural obstacles such as weak institutional capacity, overlapping regulations, corruption, and fragmentation of authority make the application of international standards merely an administrative formality without substantive change on the ground (Abbott & Snidal, 2021). On the other hand, countries that are too rigid in upholding national principles often fail to address the transnational, cross-network, and borderless nature of the terrorist threat. This is the great paradox of legal harmonisation: being too rigid in legal nationalism can weaken the effectiveness of counter-terrorism, but blind adoption of international standards without local sensitivity can lead to resistance, non-compliance, or even prolonged value conflicts.

The solution to this paradox is not simply a choice between national sovereignty or the universality of international standards, but rather the building of creative and inclusive dialogue between nation-states and the global community. The process of legal harmonisation must be seen as a reciprocal process, in which international norms are not imposed unilaterally, but adapted to take into account local political, cultural and legal realities (Beddu et al., 2024; Insani, Sumiyati, et al., 2024). The international community needs to recognise the diversity of experiences, respect the autonomy of states in managing threats, while maintaining the fundamental principles of human rights protection, justice and legality that form the foundation of the global order. On the other hand, Asian countries must be able to build national legal systems that are responsive, adaptive, and progressive, so that they not only fulfil the formalities of ratification but are truly capable of providing real protection for the community from the threat of terrorism without sacrificing human rights.

To achieve effective harmonisation between national laws and international standards, serious investment is needed in strengthening the capacity of law enforcement institutions, improving public legal literacy, and developing independent oversight mechanisms capable of critically assessing the implementation of counter-terrorism policies. Openness to external evaluation, regional cooperation, and the exchange of good practices among countries will greatly help reduce gaps, encourage policy innovation, and ensure that international standards are truly implemented in accordance with the principles of justice and humanity. At the same time, the international community must also be more sensitive and dialogue-oriented towards local realities, open space for consultation, and respect the plurality of approaches in countering terrorism.

## CONCLUSION

The legal space in Asia is not merely an arena for conflict between regulations and criminals, but also a grand stage for negotiations between national security, religious freedom, and the collective identity of Asian nations. Behind every anti-terrorism policy, there are always interests, narratives, and even historical traumas that influence how laws are formulated, implemented, and ultimately evaluated for their success. Ironically, the more complex a state enforces the law in the name of security, the greater the risk of abuse of power, stigmatisation, and betrayal of the principles of substantive justice that should be the core of the legal system. Asia's complexity, with its rich religious pluralism, diverse cultural traditions, and history of colonialism, requires states to be cautious in maintaining a balance between global demands

and local sensitivities. If this dilemma is ignored, the law will instead become a new source of conflict, deepening mistrust and strengthening the narrative of extremist groups seeking to create social polarisation. However, there is both hope and a constructive challenge for the future of countering religious terrorism in Asia.

The key lies in the collective courage to reform the legal framework, making it more adaptive, transparent, and grounded in a contextualised respect for human rights in Asia. States can no longer rely solely on the logic of power or close themselves off to the tide of global legal reform; instead, they must be able to encourage civil society participation, build interfaith dialogue, and ensure that the principles of justice and accountability guide every step of law enforcement. Harmonisation between national law and international standards will only be meaningful if it is carried out with critical reflection, empathy for local experiences, and a spirit of diversity that is the strength of Asia itself. Thus, countering terrorism is not merely a security project, but a civilisational movement that prioritises humanity, social justice, and solidarity across identities.

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