

MALAYSIAN ANTI-TERRORISM EFFORTS & THE ISLAMIC CRIMINAL JUSTICE SYSTEM: A COMPARATIVE APPRAISAL

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ABSTRACT

In general sense, terrorism is the use of intentional and indiscriminate violence as a means to create terror or fear, in order to achieve a political, religious or ideological aim. It is used in this regard primarily to refer to violence against civilians or non-combatants. Although the term has been in use since at least the 1970s, it initially became popular when journalists and politicians publicly introduced and started using the term “Islamic terrorists” following the September 11 attacks. Rather than being used to describe a type of activity, the term has often been used politically as a term of abuse or denunciation, both by insurgent groups and by governments against each other. There is no universally agreed upon definition of the term, and many definitions exist. Thus, the article will focus on the legal issues of the terrorism in Malaysia and under the Islamic criminal law perspective. The second issue is on the enhancement of the enforcement of public safety and security, the priority to protect the country from being attacked by the terrorists. Lastly, the community roles in preventing themselves from being influenced by the terrorists. Without the full support and cooperation of the community to government security agencies, the safety and security of the country may not be effectively secured.

Keywords: terrorism, political, religious, violence, terrorists, Islamic perspective.

1. INTRODUCTION

Terrorism is defined as the use of violence and threats to intimidate or coerce, especially for political purposes state of fear and submission produced by terrorism or terrorization. (Diaz-Paniagua. 2008, p. 47).

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The definition of terrorism has proven controversial. Various legal systems and government agencies use different definitions of terrorism in their national legislation. Moreover, the international community has been slow to formulate a universally agreed, legally binding definition of this crime.

These difficulties arise from the fact that the term “terrorism” is politically and emotionally charged. In this regard, Angus Martyn (2002) in briefing the Australian parliament, stated:-

The international community has never succeeded in developing an accepted comprehensive definition of terrorism. During the 1970s and 1980s, the United Nations attempts to define the term floundered mainly due to differences of opinion between various members about the use of violence in the context of conflicts over national liberation and self-determination.

These divergences have made it impossible for the United Nations to conclude a Comprehensive Convention on International Terrorism that incorporates a single, all-encompassing, legally binding, criminal law definition of terrorism (Diaz-Paniagua, 2008).

The international community has not been able to come to a universally accepted definition of terrorism. It has adopted a series of sectorial conventions that define and criminalize various types of terrorist activities. The difficulty in defining terrorism stem from the fact that it is politically and emotionally charged. The history of terrorism incidence in Northern Ireland, Middle East and South East Asia indicate that terrorism is perpetrated by a group of aggrieved people that see violence as the only means of achieving their political goals. The loose definition of terrorism resulted in the execution of State-sanctioned terrorism as well as acts of terror carried out by militant groups, each trying to legitimize their act of terror.

However, the National Security Council, Malaysia’s top policy-making body with regards to national security, defined terrorism as:-

Unlawful use of threat or the use of force or terror or any other attack by person, group or state regardless of objective or justification aim at other state, its citizens or their properties and its vital services with the intention of creating fear, intimidation and thus forcing government or organization to follow their impressed will including those act in support directly or indirectly.
(Ivanpal Singh, “Defining Terrorism”, http://www.thestar.com.my/opinion/online-exclusive/making_progress/2015/04/01/pota-terrorism/retrieved_on_03.07.2017)

2. THE DEFINITION OF TERRORISM

Terrorism is translated in Arabic as '*irhab*'. The term '*irhab*' is rooted in the word '*rahiba*' which means to fear, to scare, to intimidate, to terrorize or to threaten (Wehr, 1979). Terrorism is defined in Oxford dictionary as a system of terror (Simpson & Weiner, 1989).

The terrorist is called '*irhabi*' (Nik Rahim Wajis, 2017). The term *irhab* however, is used neither mentioned in the Qur'an nor in the hadith to denote the crime of terrorism. There is no trace found in the writings of the Muslim jurists who designate the terminology when discussing crimes in *Shari'a* law. Therefore, it is important to form a definition of terrorism which may be acceptable in *Shari'a* law. In order to form this definition, the definitions given by the Western scholars regarding this matter will be analyzed to extract the elements that may be used as components of the definition. In general, the word terrorism is used to define almost "all illegal acts of violence committed for political purposes by clandestine groups" (Sobel, 1975).

Terrorism is also defined as "the use of violence or the threat of violence to obtain political demands" (Quirk, 1987). The word terrorism is also employed to specify acts of violence for political coercion (Sobel, 1975).

From the above definitions, there are three important elements which seem to be agreed upon by modern scholars; the use of violence, political motivation and clandestine organization. These three elements with some modifications will be used as part of the definition of terrorism in *Shari'a* law. By using these elements, the terrorism can be defined as "the use of violence by Muslims or non-Muslims organizations for political reasons, against any legitimate state".

According to this definition, terrorists are those who use violence to achieve political goals against any legitimate states, whether an Islamic or non-Islamic state. The discussion in this respect will be focused on acts carried out by organizations or groups of people against states only, i. e. not on those between the conflicting states (Nik Rahim Wajis, 2017).

3. THE ELEMENTS OF TERRORISM

There are four important elements that can be extracted from the above definition of terrorism. An act can only be considered as terrorism when all of the following elements are established (Nik Rahim Wajis, 2017):-

3.1 The use of violence

Violence in terrorism is considered as a key factor that makes a political group illegal. What is meant by violence is: a killing either through the use of explosive or chemicals, kidnapping, hijacking, assassination, (and other types of violence, including) the destruction of the public places such as buildings, bridges or hospitals.

3.2 Muslim or non-Muslim Organisations

The second element of terrorism is that the violent acts are carried out by an organization or group either it is Muslim or non-Muslim. This element is important because it is clear that groups or organizations conduct most of the terrorist act in the present days.

3.3 Political reasons

Another important element in terrorism is political reasons. By political reasons it is meant that a terrorist group or organization has its own political objectives behind the terrorist attack. The ultimate objective may be to topple the existing government and replace it with the one they prefer.

3.4 Against legitimate states

It is also important for an act to be considered as terrorism if the act is carried out against legitimate states. Thus, an attack against a government, which is illegally established, is excluded from this definition. This means that struggle by people, against illegitimate government that obtains power by force and against the people's will, should not be considered as terrorism (Nik Rahim Wajis, 2017).

4. THE LEGISLATIVE APPLICATION OF TERRORISM IN MALAYSIA

In 1960, the Internal Security Act (ISA) was enacted to deal with security offences in the wake of the Communist insurgency; aimed at the continued threat of the Malaysian Communist Party (Wood, 2014).

In the new millennium however, it was more than timely for Prime Minister Dato' Seri Najib Abdul Razak to announce a review of its security legislation including ISA which he did late 2011. The resulting review led to the enactment

of Security Offences (Special Measures) Act (SOSMA) on 18 April 2012, which replaced ISA 1960. Both laws are primarily concerned with preventive detention of those suspected of serious threats of violence to the security of Malaysia, but who have not yet been charged and brought before the criminal justice system (Wood, 2014).

Macken (2011) defined preventive detention as “an order permitting a person to be taken into custody, without criminal charge or trial, and deprived of their personal liberty by executive order for the purposes of preventing a detainee from committing an imminent terrorist act” (p. 6).

Although this definition limits the use of preventive measures to those suspected of terrorist activities, he stated that it could encompass a broader range of target activities including those that are detrimental to public order and security (Macken, 2011).

Among the most important provisions in SOSMA are between sections 4 and 6. Section 4 gives powers of arrest and detention to a police officer that has reason to believe a person is involved in security offences, and allow detention for twenty-eight days, or electronic monitoring if released. The whole act is aimed at providing preventive detention and criminal procedures for persons suspected of having committed security offences.

However, as precaution for protection from abuse, the right to authorize detention of persons for up to 28 days shall be reviewed every five years and shall cease to have effect unless a resolution is passed by both Houses of Parliament to extend the period of operation of the provision (Dhanapal & Sabaruddin, 2015).

The period of detention is one of the striking differences between ISA and SOSMA where by virtue of ISA, a suspect can be detained by the police officer up to 60 days and it can be up to two years to minister.

In addition to that, the detention can even be renewed repeatedly and even without going into trial or at least being charged of something. In contrast with SOSMA, a person must be charged with an offence after 28 days detention, and then prosecuted in the High Court.

Whereas, section 5 of SOSMA involves the right of the suspect’s family to be informed right after the suspect is arrested and detained. The section also stipulates the right of the suspect to consult a legal practitioner of their choice. As for section 6, it is pertaining to the intercept communications of the suspect

by the police officer. The Public Prosecutor, if he considers that it is likely to contain any information relating to the commission of a security offence, may authorize any police officer to intercept, and open any postal article in the course of transmission by post, to intercept any message transmitted by any communication, or to listen to any conversation by any communication. Section 6(1) of Security Offences (Special Measures) Act 2012 (SOSMA). The Public Prosecutor also, if he considers that it is likely to contain any information relating to the commission of a security offence, he may require a communications service provider to intercept and retain a specified communication or authorize a police officer to enter premises and to install on such premises any device for the interception and retention of a specified communication and to remove and retain such evidence. (Section 6(1)).

These powers of evidence gathering are supported by amendments to the Criminal Procedure Code (Amendment) (No 2) Act 2012. New section 116A authorizes a police officer not below the rank of Inspector to execute a search and seizure without a warrant where there is reasonable cause to suspect that there is evidence of commission of a security offence (or offence relating to organised crime) and that by reason of delay in obtaining a search warrant, the object of the search is likely to be frustrated.

Section 116B allows an Inspector conducting such a search to have access to computerized data, and any information so obtained shall be admissible in evidence notwithstanding any other law.

Following provisions in SOSMA are including the procedures relating to the electronic monitoring device that are being attached to the suspect, and sensitive information which is defined in section 3 as any document, information and material (a) relating to the Cabinet, Cabinet committees and State Executive Council; or (b) that concerns sovereignty, national security, defence, public order and international relations (Section 7, 8-11, SOSMA).

In addition, Sections 12 - 13 specifies the requirement to try the offences by the High Court, the procedures of witness as evidence as provided under section 12 and 13 of the Act. Similarly, proper ways to adduce evidence is provided under sections 17 to 26. Last but not least, the procedures to deal with various matters including the remand in prison of a person acquitted of a security offence pending a notice of appeal to be filed by the Public Prosecutor and the remand in prison without bail until all appeals are disposed of pursuant to sections 27 to 32.

5. INFLUENCE OF TERRORISM IN MALAYSIA

The tactics of terrorism are diverse. As important as the actual attacks is the cultivation in the target population of the fear of such attacks, so that the threat of violence becomes as effective as actual violence. While advancements in technology, modernisation and globalisation have helped many states prosper over the course of history, they have also opened terrorist groups to new tactics and weaponry. The different tactics that terrorist groups utilize can be very simple to extremely complex. Before the dawn of dynamite and automatic weapons, killings conducted by terrorists had to be done on a one-on-one basis (FEMA, 2011).

Terrorist attacks are often targeted to maximize fear and publicity, usually using explosives or poison. Terrorist groups usually methodically plan attacks in advance, and may train participants, plant undercover agents, and raise money from supporters or through organized crime.

Communications occur through modern telecommunications, or through old-fashioned methods such as couriers. There is also concern about terrorist attacks employing weapons of mass destruction. Terrorism is a form of asymmetric warfare, and is more common when direct conventional warfare will not be effective because forces vary greatly in power.

The context in which terrorist tactics are used is often a large-scale, unresolved political conflict. The type of conflict varies widely; historical examples include secession of a territory to form a new sovereign state or become part of a different state:-

- Dominance of territory or resources by various ethnic groups;
- Imposition of a particular form of government;
- Economic deprivation of a population, and
- Opposition to a domestic government or occupying army.

6. RELIGIOUS FANATICISM

In Malaysia, followers of Islamic State, formerly known as the Islamic State of Iraq and the Levant, wanted their governments toppled because the countries' constitutions were secular and not based on *Shari`a* law. The involvement of Malaysians in the Iraqi and Syrian conflicts had increased the terrorist threat in Southeast Asia, according to analysts and regional police.

Terrorists are very likely to try to carry out attacks in Malaysia. Attacks could happen anywhere including in places visited by foreigners. The Malaysian police said the country was on the highest security alert; from time to time the police presence increases in public areas. Be vigilant, monitor local media and follow the advice of the local authorities.

The impact of terrorism on Malaysia is increasing, with the nation rising from 91st place in 2013 to 48th place out of 162 countries in this year’s Global Terrorism Index (GTI), according to the Institute for Economics and Peace (IEP, 2014).

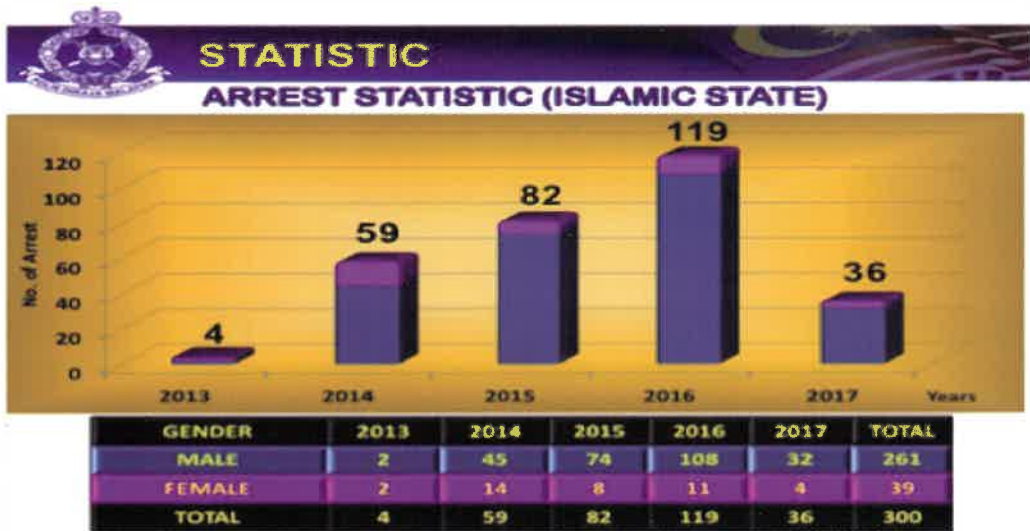


Figure 1: Statistical data from 2013-2017 showing official arrests of 36 Malaysians suspected for having ties to the terrorist groups from January to April 2017.

Source: Royal Malaysia Police 2017

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“During questioning, they [the suspects] admitted one of their main objectives was to attack the government”, said one senior official from Malaysia’s Special

Branch Counter-Terrorism Division. “They also discussed planning attacks against a disco, pubs in Kuala Lumpur and a Carlsberg factory in Petaling Jaya.”

On 28 June 2016, there was a grenade attack at a bar in the town of Puchong, injuring 8 people. Royal Malaysia Police have confirmed this was a terrorist attack by individuals with links to *Daesh* (formerly referred to as ISIL).

There is a threat from kidnapping in East Malaysia, particularly in the Sulu Sea and the islands off eastern Sabah. There has also been a case in Sandakan on mainland Sabah. The latest, seven Islamic State (IS) suspects, comprising two Malaysians and five Filipinos, were arrested in Sabah and Selangor states during a counter-terrorism sting operation between 8 and 12 March 2017.

Among them was a female Malaysian immigration officer and two Filipinos who were arrested for smuggling IS militants from Malaysia and Indonesia into southern Philippines via Sabah state to join an IS cell there. The IS was using Sabah as a staging point to smuggle militants into southern Philippines due to its close proximity. The IS group is turning Malaysia into a route (for smuggling militants) given its geographical positions which is close to the Philippines. Sabah is an easy route for anyone who wants to join IS in (southern) Philippines (“Kronologi pencerobohan di Lahad Datu,” 2013).

This is the second time this year, IS suspects have been arrested for attempting to smuggle or join IS militants in southern Philippines via Sabah. In January, four suspects were arrested for smuggling or joining IS in southern Philippines. The female immigration officer suspect had helped facilitate militants’ passageway to southern Philippines for “monetary” reasons. Confirmed by the Royal Malaysia Police that one of the suspect, the female Malaysian, who worked at the Sandakan airport as an officer who inspects immigration documents, is suspected of helping individuals without proper travel documents, including IS militants from Malaysia and Indonesia, to infiltrate and enter and depart for Philippines through Sabah.

Two other Filipino suspects, a woman who worked as a ferry ticket seller and a man who worked as a construction worker, were believed to have smuggled three Indonesian IS militants into Philippines via Sabah (Chew, 2017).

The Abu Sayyaf Group (ASG), based in the Philippines, has previously kidnapped foreigners from the east coast of mainland Sabah, the islands and the surrounding waters. The group has murdered a number of hostages. Some groups operating in the southern Philippines, including ASG, have pledged allegiance to *Daesh*

and are likely to regard Westerners as legitimate targets. Commercial shipping companies have been advised to adopt heightened vigilance when navigating the Sulu and Celebes Sea. Most maritime incidents occur in the Sulu Sea in the area between Sabah (Malaysia) and Mindanao, the Sulu Islands and Palawan (Philippines). Boats travelling to and from off-shore islands and dive sites are possible targets. The Malaysian authorities have increased security in the region in response to recent incidents (“UK-Foreign travel advice Malaysia,” n.d.).

7. THE IMPLEMENTATION OF LAW

Counter-terrorism in Malaysia is a series of measures implemented in Malaysia to detect and prevent terrorism as well as to minimize damages from such terrorist acts should they occur. These measures involve all levels of security services including military, police, border and infrastructure security, civil defence, medical readiness and psychological preparedness.

Malaysia also participates actively in international counter-terrorism efforts. Malaysian Special Branch will provide internal and external intelligence on security threats. In Royal Malaysia Police, there are enforcement of provision of law and providing logistic and handling of terrorist suspects. Hence, Southeast Asia Regional Centre for Counter-Terrorism (SEARCCT) will provide training and enhancing the capacity of enforcement, security and government officials on counter-terrorism issues.

At the forefront of the battle against terrorism are specialized military, law enforcement and civil defence units, namely:-

- 11th Uniform Squadron Rejimen Gerak Khas;
- Alpha Platoon of PASKAL;
- Flight Hostage Rescue Team PASKAU;
- Counter-Revolutionary Warfare 69 Commando of PGK;
- Special Actions Unit of PGK;
- Marine Combat Unit;
- Rapid Actions Troop;
- Special Task And Rescue;
- Special Tactical Groups.

As for law enforcement, there is a need to focus the training not only on responding to an attack but also on learning the non-criminal indicators of terrorism. It is these indicators that they are much more likely to encounter on traffic stops or while handling those everyday calls.⁴

The Malaysian government enforced a maritime curfew along the eastern coast of Sabah, in response to the continued threat of kidnapping for ransom and other transnational threats. In September, Malaysia's Deputy Prime Minister/Home Minister announced plans to establish a new Border Security Agency, which would include police, customs and immigration officials. As of year's end, that agency had yet to be created. Malaysia continued to participate in the Department of State's Antiterrorism Assistance program, with programs focused on strengthening law enforcement capacity to secure Malaysia's borders from terrorist transit.

(Counter terrorist specialized units.⁵

8. TERRORISM UNDER THE ISLAMIC CRIMINAL JUSTICE SYSTEM

This part will deal with the crime of terrorism (*irhab*) from the perspective of Islamic criminal law (*Shari'a*). The main focus of this part is to investigate whether or not this crime can be considered as *irhab* under *Shari'a* law and how the Islamic criminal justice system deals with this crime if it happens inside or outside the Islamic state. This part will also seek to clarify the differences between terrorism, holy war (*jihād*) and rebellion (*baghy*) under the perspective of *Shari'a* criminal law (Nik Rahim Wajis, 2017).

8.1 The Distinction between Terrorism and Rebellion (Baghy)

From an examination of the definition provided above, it seems that there are similarities between terrorism and rebellion (*baghy*). To see these similarities, it is important to observe the definitions of *baghy* provided by the jurists. According to the Malikis, *baghy* is disobedience to the legitimate Imam (leader) when he has committed no illegal acts. The rebellion is therefore a group of Muslims who disobey the Imam or his deputy and refuse to fulfill their duty (Zarqani, 1990). Al-Nawawi defines *baghy* as revolt against the sovereignty of Islamic authority, either by attacking the Imam or by disobeying his orders or by refusing service or taxes (zakat), legally due to him (M. I. I. Al-Bukhari, 1986; Al-Nawawī & ibn Sharaf, n.d).

⁴ Security Offences (Special Measures) Bill 2012: <https://web.archive.org/web/20121120130346/http://www.parlimen.gov.my/files/billindex/pdf/2012/DR152012E.pdf>/retrieved on 30 September 2017.

⁵ Southeast Asia Regional Centre for Counter-Terrorism: <http://www.searcct.gov.my/> retrieved on 30 September 2017.

The Hanafis define *baghy* as disobedience to a legitimate Imam with no interpretation (*ta'wil*) of the ruling (Al-Humam & Muhammad, n.d). *Baghy* is defined by the Shafi'is as a group of Muslims headed by a leader, who opposes the Imam by attacking him or by disobeying his orders with force (*shauka*) and with an interpretation (*ta'wil*) of the ruling (Al-Ansari, n.d). The definition given by the Shafi'i is preferable because it seems to be more comprehensive than other definitions. The definition contains all the necessary elements of *baghy* such as force and an interpretation. The definition also includes another necessary element of *baghy* i. e. a leader, which is not included in other definitions (Az-Zuhaili, 2009).

By analyzing the definitions of terrorism and *baghy*, it is clear that both crimes are politically motivated. The violent acts carried out by the terrorist groups and rebels (*bugha*) are intended to achieve a political goal; the overthrow of the legitimate government. It is also clear that these acts are normally conducted by organizations headed by leaders. However, it is important to note that although these two groups of people have the same objectives i. e. to overthrow the government, their justifications are totally different. In *baghy*, a group of Muslims conduct an act of terrorism with an interpretation of the ruling.

In their view, the leader has deviated from the true Islamic teachings and therefore it is their duty to correct this by whatever means available, including the use of force. It is clear that religious element motivates this group to act against the government, although they may be wrong in their perception. However, it should be noted that the action taken by *bugha* although with a right interpretation of the ruling, is against *Shari'a* law.

The Islamic authority has a right to force them into obedience and if necessary to kill them. Concerning this matter the Holy Qur'an provides:-

"If two parties among the believers fall into a quarrel, make ye peace between them: but if one of them transgresses beyond bound against the other, then fight ye all against the one that transgresses until it complies with the command of God; but if it complies, then make peace between them with justice, and be fair, for God loves those who are fair and just. (Holy Qur'an, 49: 9)"

The Holy Qur'an clearly indicates that the conflict in *baghy* is, in fact, between Muslims groups or between the Islamic authorities and their Muslim citizens. If the conflict arises between Muslims, then it is the duty for the Islamic authorities to make peace between the conflicting parties (M. I. I. Al-Bukhari, 1986). However,

if the Islamic authority is in conflict with a group in the Islamic state, it is a duty for another group of Muslims who are not involved with this conflict to reconcile them and bring the group back into submission to the Islamic authorities (Qutb, 1979). It is a general rule of Shari'a law that there should only be one Imam (leader) for the whole Muslim umma (nation). Once the Imam has been selected, it is the duty of all Muslims to give their obedience to him (Yusuf, 1985). If any rebellion arises against the Imam, it is the duty of all Muslims to fight for him (M. I. I. Al-Bukhari, 1986). This is what had happened during the time of `Ali bin Abi Talib in the battle of Siffin and Jamal (Qutb, 1979). Syed Qutb, asserts that it is permitted to fight even against Muslims in order to bring them back to obedience (Qutb, 1979).

Baghy always occurs among Muslims and within an Islamic state (Dar al Islam) and there is no specific punishment prescribed for this act. Al Mawardi when elaborating the verse stated "if one of them transgresses beyond bounds against the other, there will be two types of transgression. It is either transgression with fighting or killing or transgression against the view of authority without involving killing" (Hurvitz, 2007).

If the transgressors are involved in crimes such as killing, taking property or spreading mischief in the state, they will be punished according to the offence they have committed. However, if the revolt against authority does not involve killing or taking of property, the Imam is still authorized to punish them with ta'zir for their misconduct.

Unlike baghy, terrorist groups use violence as the most important mechanism in achieving their objectives. As their objectives (i. e. to topple the legitimate government) and justifications are rejected in Shari'a law, this group of people be they Muslims or non-Muslims, will not be tolerated.

All their acts will be treated as aggressive crimes, which are punishable under Shari'a law. In the case of baghy, although the Islamic authorities are allowed to fight against rebels, the object of the fight is not to kill them, but to bring them back into obedience to the Islamic authorities.

It is agreed among the jurists that disobedience of the people to the Imam is a sin but not rebellion ('Abidin, 1975). The act is only considered as rebellion (baghy) when disobedience is followed by the use of violence and force to oust the Imam (Al-Buhuti, 1982). A clear example concerning the use of force against the Imam is what has occurred during the time of Abdullah ibn al-Zubair when he was

ousted and killed by Abdul Malik bin Marawan. Abdul Malik seized a village and the villagers forced them to endorse him as the new Imam (Al-Buhuti, 1982). It is agreed among the jurists that bugha cannot be fought until the reasons for their opposition have been ascertained. If they cite cruelty and sins of an Imam, the Imam is obliged to rectify his mistake and request the rebels to obey him (M. Al-Bukhari, 1978). If they refuse, then they can be fought (Audah, 1992). The rebels can only be killed if they start the killing, and they are not allowed to be killed if they take to flight (Muhammad Al-Mawardi, 1960). The captured rebels cannot be killed, but rather they will be detained until the end of the war. However, if there is no fear of their return to fight, they can be released. The properties of rebels are not allowed to be taken as loot (ghanima).

9. THE RULE OF JIHAD (HOLY WAR) IN *SHARI'A* LAW

Although it may appear that jihad is irrelevant to discuss in matters concerning law, it is however important to include discussion of it in order to clarify the vagueness that might arise in a discussion of terrorism as some might argue that jihad is a kind of terrorist act against legitimate governments and foreign nations. The following discussion will touch upon the similarity between terrorism and jihad as well as their differences.

There are numerous verses from the Qur'an encouraging Muslims to carry out jihad against the unbelievers. The martyr who died for the sake of Allah has a very high position in paradise. In this context, the Qur'an says "and say not to those who are slain in the way of Allah, they are dead, nay they are living, though you do not perceive it" (Holy Qur'an, 2: 154).

The desire of jihad is also stimulated in many hadith. The Prophet was quoted as having said that "someone who struggles in the way of Allah is like someone who fast and prays constantly and does not slacken from his prayer and fasting until he returns." (Malik, 1982).

In another *hadith*, the Prophet says:-

Allah swt guarantees either the paradise or a safe return to his home with whatever he has obtained of reward or booty, for the one who does jihad in His way, if it is solely jihad and trusts in his promise that brings him to his house. (Malik, 1982).

However, the stimulation of desire for jihad in the way of Allah, either in the

Qur'an or in hadith does not mean that Muslims should ignore all the rules of jihad, which are prescribed in *Shari'a* law. One should not misinterpret the Islamic principles by taking only a part and ignoring the rest. Although jihad, which unavoidably involves killing is vital and important in the Islamic point of view, Islam has put in place, rules and principles which should be fully observed. Failure to observe all the rules and principles may lead to misinterpretation of jihad and consequently the blood of people who are protected by God would be shed (Nik Rahim Wajis, 2017).

9.1 Categories of Jihad in Islam

Jihad under *Shari'a* law can be divided into two categories; jihad to establish an Islamic state and jihad to defend an Islamic state and to expand its territories. In the first category, it is the duty of Muslims to struggle for the sake of establishing an Islamic state, which has the authority to apply *Shari'a* law (Hazm, 1970). Jihad therefore, according to Khadduri is regarded as an instrument to transform a state of war (*dar al - harb*) to a state of peace (*dar al-Islam*) (Khadduri, 1955).

However, whether or not Muslims can retaliate in a war against non-Muslims where the Muslims' children, women and infirm are being killed is arguable. Can they kill in the same way as the non-Muslims have? Clearly, the act of retaliation, especially when it involves the killing of children, women and infirm persons is against the general rule of jihad, which prohibits the killing of those who are not participating in the war. However, if we observe the verse of Qur'an which stated "Therein, and fight the Pagans all together as they fight you all together, but God is with those who restrain themselves" (Holy Quran, 9:36).

It is noted that there is an exception to the general rule of jihad. The verse gives a reflection that it is permitted to kill all non-Muslims in retaliation for non-Muslims having killed the Muslims in the same way. The term 'kaffah' which means 'all together' may be used to support this argument.

Syed Qutb seems to agree with this view. When interpreting the above verse, he says that "all the infidels should be killed without exception as they kill without exception." (Qutb, 1979). However, it is submitted that it should stick to the general rule of jihad, which clearly is stated by the Prophet (*pbuh*) (Qutb, 1979). In other words, Muslims are allowed to kill without exception all non-Muslims who participate in the war. Participation in a war against Muslims in this case is a justification for the killing. Jihad is a communal (*fard kifayah*), not an individual obligation. (*fard `ain*) (Nujaim & bin Ibrahim, 1997).

However, if its enemies attack a state, it becomes an individual obligation. (*fard 'ain*), because it is the duty of Muslims to defend the Islamic state from threat by enemies (Nujaim & Zain al-Din, 1997). Jihad can be carried out not only through battlefield, but also through any possible ways that could help to re-establish an Islamic state, physically and materially (Nujaim & Zain al-Din, 1997). The Prophet (*pbuh*) categorizes those who struggle for the sake of Allah as the best among people (M. Al-Bukhari, 1978).

In a *hadith* narrated by Abu Hurairah, the Prophet (*pbuh*) is quoted to have stated “struggle against the infidels with your property, life and words (*alsina*)” (Hambal, 1993). After the establishment of the Islamic state, the struggle will continue to expand its territories. The idea of *jihad* in a military context emphasizes the continuous struggle against non-believers (Farah, 1987).

The purpose of the struggle in *jihad*, according to Ibn Nujaim, is to free the universe from all corruptions (*fasad*) caused by the infidels (Khadduri, 1955). What is meant by corruption (*fasad*) in this context is corruption in terms of belief, social and moral behavior. The exercise of jihad is the responsibility of Imam, or the caliph when the powers of office are still in his hands (Farah, 1987). The Imam is under an obligation to see that Islam’s ultimate mission, namely, the supremacy of Allah’s word over this world, is carried out by *jihad* (Khadduri, 1955).

The Imam is also the one who issues the order to fight and to cease fighting. He also advises as to when the Muslim side should accept peace and come to term with the enemy (Khadduri, 1955).

Although *Shari’a* law endorses the killing of unbelievers through *jihad*, Islam never approves of any aggression against human beings and even against animals or trees (Wehr, 1979; Yusuf, 2005).

The killing is only sanctioned in very limited measure. There are rules that should be followed by all Muslims when the jihad is carried out. Some of the rules of *jihad* are clearly stated in the hadith.

Regarding this matter, Imam Malik reported that “the Messenger of Allah, may Allah bless him and grant him peace, forbade those who fought Ibn Abi Huqaya (a treacherous Jew from Madina) from killing women and children (Hambal, 1993). On another occasion of jihad against the infidels, the Prophet (*pbuh*) saw the corpse of woman who had been slayed in one of the raids, and he disapproved of such act, and forbade the killing of women and children (Hambal, 1993). Imam Malik is also quoted as saying that one of the men fighting did not kill the wife

of Ibn Abi Huqaya although he had the opportunity to do so, simply because he remembered the prohibition by the Prophet (Malik, 1982). The rules of jihad can also be found in the orders made by Abu Bakr, the second *caliph* to Yazid, who was a commander of a battalion to al-Sham:-

Do not kill women, children or infirm persons. Do not cut down fruit bearing trees. Do not slaughter sheep or camels except for food. Do not burn bees and do not scatter them. Do not steal booty, and do not be a coward. (Malik, 1982).

The order given by Abu Bakr to Yazid was actually in line with the Qur'anic verse, "Nor take life, which Allah has made sacred except for just cause" (Holy Qur'an, 17: 3); which prohibited killing those who are protected by God.

The blood of those who are not fighting or taking part in a war against Muslims is not allowed to be shed, even on a battlefield (Nujaim & Zain al-Din, 1997). Islam, whether as a religion or as an 'expanding' political force, was and is firmly opposing to oppressive rule or rulers. The spirit of *jihad* (holy war) is a noble, strong and dedicated practice of devotion to God, in its ultimate sense (Ruwayha, 1990).

Nevertheless, the Qur'an does not say that once the enemy has been subdued, and prisoners are taken, they should be treated humanely, the choice being only between 'generosity' and ransom. The precedent is that, in the battle of *Hunain* in 630 AC, Muslims captured a large number of prisoners, all of whom were repatriated on the payment of a ransom. The ransom of some of them, who were too poor to pay, was said to have been paid personally by Prophet Muhammad (peace be upon him) (Ruwayha, 1990).

The Prophet (pbuh) always preferred, as a general policy and a point of principle to overwhelm the enemy but not to annihilate them. His method was twofold: bringing economic pressure to bear and increasing his own military might with a long-range policy. He attacked at the right moment when the enemy would not dare offer any resistance, and his mission could be achieved in a peaceful manner (M. Al-Bukhari, 1978).

10. CAUSES OF TERRORISM AND ITS OBJECTIVES

In general, an act of terrorism is carried out in order to achieve the political aims of a group. A political aim is not necessarily one that opposed a government, but it could also be a vice versa (Hussain, 1988). However, the discussion in this article will be concentrated on acts of terrorism carried out by people against a government. To understand the causes and the objectives of terrorism, it is important to include some historical background, especially when discussing the Middle East. In the Middle East, the collapse of the Ottoman Empire at the end of the World War I may be considered as the starting point of terrorism. The British and French colonial powers divided the Middle Eastern countries amongst themselves. In Jordan, for example, Sherif Husain's son installed a puppet monarch in reward for collaboration. In Lebanon, the French gave power to Maronite Christians who had collaborated with them. It is dubious, that democracy could operate when political power is in the hands of one minority group (the Maronite) who govern over the majority (the Muslims)(Hussain, 1988).

These are two examples of how foreign power expanded its influence in the Middle East after the fall of the Ottoman Empire. This is one of the factors, which ignite the anger of the population against the leaders and the imperialists who put them into power. This anger gradually becomes a force, which results in violent acts and terrorism against the authorities.

Thorntorn (1964), in writing the situation in Algeria, argued that the character and interests of European settlers in Algeria were important determinants of the causes, strategy and consequences of the Algerian revolutions. It is observed that from this point of view, Western imperialism is among the factors, which provoked the revolution in Algeria. Once a revolution has erupted, it is inevitable that act of terrorism will be used to achieve the political goals. Another factor, which causes acts of terrorism against governments, is dictatorship and the constant use of terror and violence by the government itself.

Cassese (1989), in relation to this matter wrote, "One contributing factor is certainly the existence of harshly authoritarian structures within many states". In the Middle East, in the course of further abnormal developments of political power, military leaders who were dictators usurped power. These leaders did not come to power with the support of the people, but means of military coup. Because of such seizures of power, Middle Eastern countries could be considered as abnormal states. Constant use of force, has kept the political system in a state of flux (Cassese, 1989).

In Egypt all sort of terror, including assassination, torture and imprisonment, is carried out by the government against whoever opposes or is considered as a threat to the authorities.

In 1949, Hassan al-Banna, the founder of Muslim Brethren (*IkhwanAl- Muslimin*), was assassinated by King Farouq's police (Kepel, 2004). When Nasser and his comrades took power in Egypt on 23 July 1952, he took the same step as his predecessor. On 9 December 1954, six leaders of the Society of Muslim Brethren mounted the gallows, and thousands of others languished in prison. Never, in the quarter of a century since the founding of the society by Imam Hassan al-Banna in 1928, had the Brethren suffered such violent repression (Kepel, 2004). It is important to note that the Muslim Brethren had initially welcomed the coup of 23 July and put Nasser in power (Kepel, 2004).

On 30 June 2012, for the first time in the history of Egypt, Dr Mohamed Morsi, the leader of the Freedom and Justice Party, and the first with the support of the Muslim brethren, a grassroots of Islamic movement, had been elected as the President of Egypt. However, only a year after that he was ousted by a military coup, which took place on 3 July 2013 after mass protests. Despite this, the condition in Egypt has never changed with a change of its President. The people of Egypt have never tasted the freedom to choose their leader and government. Those who oppose the government's policy will be imprisoned and tortured.

Similar measures are taken by various states in the Middle East. In Algeria, for example, when the opposition party led by the Islamic Salvation Party (F. I. S) won the first round of the general election on 26 December 1991 with a plurality of 189 seats, ensuring it a sure majority in the second round, the army stepped in, ousted Chadli, cancelled the poll and arrested most of the F. I. S leaders including Abbas Madani and his colleague, Ali Belhadj (Mortimer, 1991).

People were disappointed and protested against the illegitimate military government. The armed forces were deployed to halt the opposition and often shot suspected guerrillas on the spot and laid waste to villages and neighborhood who gave the guerrillas aid. Within the last three years, the war in Algeria has claimed 35,000 lives (Mortimer, 1991). In another development, in the richest state in the Middle East, Saudi Arabia, hundreds of members of opposition groups were arrested and tortured because they asked for the restoration of freedom and democracy (Mortimer, 1991).

In Saudi's neighboring country, Bahrain, the Security Force led by Ian Anderson of Britain, under orders from the government, had engaged in terrible violence

against the people of Bahrain. They suffer all kinds of torture, and even death, simply for asking the government to restore the democratic system to their country (Lutterbeck, 2013). As a result of the acts of governments, violence takes place and the state oppresses all dissidents through its instruments of power. Acts of terrorism carried out against the state are normally operated from the underground, through groups with a wide support base among the people.

In Syria, more than 250,000 Syrians have lost their lives in four-and-a-half years of armed conflict, which began with anti-government protests before escalating into a full-scale civil war. More than 11 million others have been forced from their homes as forces loyal to President Bashar al-Assad and those opposed to his rule battle each other (Offer & Assare, 2016).

Terrorism is a part of the strategy of insurgents who are attempting to gain political power through the overthrow of an incumbent government, and therefore it has to do with fundamental political change. Terrorism used for this purpose is not an isolated event. In its most extreme form, terrorism creates terror an emotional state of extreme fear and anxiety (Rodgers, Gritten, Offer & Asare, 2016). Professor Cooper of the Institute for Advanced Studies in Justice at the American University suggested that:-

Terrorism is so awful that it needs justifications. Reasoning with a fervent appeal of ideology approaches it, by moronic with blind, soldierly obedience. Neither politics nor ideology belong to terrorists, they are only rationalizations for acts of terrorism. The seeds of such violence are in some peoples' souls rather than their brains. It is suggested that explanations of terrorism and the terrorist in term of politics or ideology are superficial and misleading. The purpose here is to focus more critically upon the individual. (Sobel, 1975)

Cooper's view seems to be acceptable both politically and ideologically. If an act of terrorism kills innocent people who have no direct involvement with the conflict except that of being linked by some element such as nationality, religion, color etc., the terrorist group will gain no sympathy from the masses and this not only in that particular region but also from people all over the world. Without doubt, the sympathy and the support from the masses are of vital importance to the achievement of political objectives.

Iran may be a good example of how a non-violent movement (led by Khomeini) achieved political objective. With no killing or violent acts against any group or even those in power, the revolutionary movement succeeded in achieving the

ultimate power with the full support of the masses. Kepel (2004) considered the overthrow of the Shah in recent years was a spectacular success for the Islamic revolution.

There are probably other factors that helped Khomeini to gain control of the country. Nevertheless, it was a clear indication that a political goal is not easily achieved if violence and the killing of civilians are involved. Furthermore, if any movement involves itself in violent acts, the authorities have justification for using the same methods to prevent those acts. With the support that the government may have from the people, who are not content with the killing of innocent people, the government could use this opportunity to destroy the opposition to its roots.

Moreover, with involvement of civilians in the conflict will create other problems between the people from both sides. All parties will try to justify their actions. Retaliation is probably one of the justifications that both parties in conflict will chose.

11. IS TERRORIST TRANSGRESSOR CONSIDERED AS A *MUHARIB*?

As previously emphasized, terrorist acts are rejected by Islam. Killing innocent people, who do not directly participate in a conflict is prohibited and unjustifiable (M. Al-Bukhari, 1978). To determine whether the act of terrorism is considered as *hiraba* or not, a few points should be thoroughly analyzed. The first important point is concerned with acts that are considered *hiraba*.

As indicated earlier, the definition of *hiraba* by the Maliki school is preferable and therefore in this case that definition will be used. The definition of the Maliki school is also applicable to the case of terrorism because the verse that prescribed punishment for the crime of *hiraba* does not mention property as the main element. Hence, we should rely on the general meaning of the verse (*dhahir*), which includes all acts of terrorism regardless of their objectives. Moreover, the same verse states that the act of *hiraba* is complete when someone 'spreads the mischief through the land' (*fasad fil ard*). As such, the acts of terrorism which involves terrorizing innocent people, killing them, and causing destruction to state property certainly fulfills that criteria of *hiraba*.

The robbers kill their victims for self-protection whereas terrorists act with intent to cause destruction to the greater society. The objective of their action is not property but rather death. In reference to this, should someone who goes out

with the intention of robbery is then involved in homicide this is considered as a *muharib*, those who go out solely with the intention to kill and cause destruction should also be considered as *muharib*.

As terrorist acts are considered *hiraba*, then the terrorist is categorized as *muharib*. The *muharib* if found guilty will suffer *hadd* punishment for *hiraba*. The terrorist will not be punished until he is proven guilty whether through confession or by testimony. Other evidence such as circumstantial evidence can also be accepted provided that the judge is convinced that the evidence has reached the level of certainty required for inflicting *hadd* punishment. All procedures of *hiraba* will apply in this case. As for the punishment, the judge can choose from four categories of punishment. If the act of terrorism involved killing, the terrorist must suffer mandatory death penalty. The Qadi is also allowed to crucify the offender if he sees it as appropriate.

In the case of criminal acts, there is no difference between those who are directly involved with the crime and those who supported it, whether financially or by giving shelter to the criminal (Nawawi & ibn Sharaf, n.d.). All of them should have the same degree of punishment as the one who carried out the act. It was stated in *al-Muhadhab* that those who commit the act of *hiraba* whether it is killing or terrorizing others, helping the criminal, giving aid for the criminal in his escape, all are considered as *muharib*. (Nawawi & Ibn Sharaf, n.d).

This opinion is however is opposed by al-Shafi'i who holds that those who give help and support but do not commit the actual act of *hiraba* are not to be considered *muharib* and therefore will not be condemned to the *hadd* punishment for *hiraba*. However, the act is still considered illegal and therefore the criminals will be punished by *ta'zir* (Nawawi & Ibn Sharaf, n.d). Nevertheless, the former view is preferable because a group or people or organizations, normally carry out the acts of *hiraba* i.e. terrorism.

Therefore, it is acceptable to inflict punishment on those who are involve in this act alongside with the one who conducts the actual act of terrorism; those who are responsible for certain acts either directly or indirectly, are considered as *muharib* and if found guilty, will suffer the same degree of punishment. The actual criminal in this case can be any person instrumental in crimes perpetrated by an organisation.

The gender of the terrorists is not an important issue here. Both men and women will suffer the *hadd* punishment for *hiraba* if they are involved in a terrorist act. These days, with the existence of all kind of weapons, crimes can easily be

committed by anyone. The effect of the crime is the same. Women are involved not only in local terrorism but in international terrorism as well. Therefore, there should be no difference according to Shari`a law between men and women who committed terrorist acts. All of them will suffer the same punishment regardless of whether the victims are Muslims or non-Muslims and in any other circumstances. It has become clear that once the acts of terrorism are determined as *hiraba*, all kinds of terrorism (including international terrorism) therefore will fall under the same category.

Therefore, those who are responsible for this crime will be punished according to *hadd* punishment. All are equal before *Shari`a* law, regardless of whether they are in power or are ordinary citizens. Regarding this matter, Ibn Hazm is quoted as saying that “one who commits the acts of *hiraba* either with the use of a weapon or without it, during night or day, in the castle or in the mosque or even if he is the caliph himself is considered as *muharib*” (Hazm, 1970). It is clear that from this point of view that no one can escape punishment regardless of their status. Civilians and ruler will be subject to the same punishment if they are found guilty of this crime. According to Abu Hanifa, the *muharib* will only suffer *hadd* punishment if the crime is conducted in *dar al-Islam* (Khadduri, 1955). Therefore, if a crime takes place in *dar al-harb*, the offender will not be punished with the *hadd* punishment even if the offender is a citizen of *dar Islam*. The Imam has no authority to inflict any punishment beyond the boundary of *dar al-Islam* (Al, 2003).

However, according to *Shafi`i*, *Maliki*, *Hanbali* and *Zahiri* schools, the criminal should face *hadd* punishment even though the crime occurs in *dar al-harb* (Nawawi & ibn Sharaf, n.d., p. 358). Since there is no clear indication on this matter in the text, it is understood that the offender will suffer their punishment when they return to *dar al-Islam*. This is because a judge has no authority to inflict any punishment on an offender in *dar al-harb*, even if they are the citizens of *dar al-Islam*. It is unacceptable for a judge to inflict punishment without his jurisdiction, and it may cause a conflict between neighboring countries (Khadduri, 1955).

Therefore, the latter view of the jurists is more acceptable, because if a citizen from *dar al-Islam* commits theft or some other crimes in *dar al-harb* and is left unpunished when they return home, the reputation of *dar al-Islam* will be badly affected, and the criminals will begin to use *dar al-harb* as a safe place in which to commit crime. As a result, the relationship between these two countries may become tense. The criminal will be punished when they come back to *dar-Islam*, regardless of where they committed their crimes (Khadduri, 1955).

12. CONCLUSION

In conclusion, Malaysia has raised the alert status to the highest level, with police heightening security measures at several key locations. Malaysian authorities have arrested over 100 individuals for activities linked to IS. They have also been very proactive, especially in terms of monitoring flight manifests, preventing people from traveling to and fro from Syria and Iraq and monitoring social media.

Furthermore, the government passed a so-called Prevention of Terrorism Act (POTA), granting itself sweeping powers, which enable it to detain terror suspects (without trial) for up to two years, say experts. However, critics fear the government might use the additional powers as instruments to stifle legitimate political dissent. The authorities should focus more on intelligence sharing and law enforcement cooperation in the region, rather than on passing new laws. The security expert stresses that IS-affiliated groups in Southeast Asia are comprised of individuals from across the region.

Still, surveillance and security measures can only be part of a wider strategy, hinting that not enough is being done to counter the spread of radical, fundamentalist ideology, which breeds terrorism. In fact, some of the people were sympathetic towards IS.

However, the government is fighting terrorism movements such as IS, while at the same time propagating the real image and teaching of Islam that is often connected to the terrorists and extremist interpretations. The expert therefore calls on Malaysian authorities to promote an enlightened version of Islam that acknowledges and promote peace and harmony in the multi-religious and multi-cultural realities of our beloved country.

REFERENCES

- Abu Bakar Ala al-Din Kasani. (2003). *Kāsāni Bada'i al-Sanai'fi Tartib al-Shar'ie*, 7. Beirut: Dar al-Hikmah.
- Al-Ansari, Shams-al-Din Al. Ramli (1596). *Nihayat al-Muhtaj fi Sharh al-Minhaj*, 8. Maktabat Al-Halabi, le Caire.
- Al-Buhuti, Muhammad Bin Idris. (1982). *Kashaf al-Qanaan Matin al-Iqna*, 4, Beirut: Dar al Fikir.

- Al-Bukhari, Muhammad Ibn Ismail. (1986). *The translation of the meanings of Sahih Al-Bukhari*, 4. Tehran, Iran: Kazi Publications.
- Al-Bukhari, Muhammad Ibn Ismail. (1986). *The Translation of the Meanings of Sahih Al-Bukhari*, 9. Tehran, Iran: Kazi Publications.
- Al-Bukhari, Muhammad Ibn Ismail. (1986). *The Translation of the Meanings of Sahih Al-Bukhari*, 9. Tehran, Iran: Kazi Publications.
- Al-Humam, Ibn, and Kamal al-Din Muhammad. (2003). *Fath Al-Qadir, Sharh Al-Hidaya*, 4.
- Ali, Abdullah Yusuf. (1989). *The Holy Qur-an: English translation of the meanings and commentary* (Presidency of Islamic Researches, IFTA ed.). Saudi Arabia, Maddinah: AL-Madinah AL-Munawarah King Fahd Holy Qur-an Printing Complex.
- Al-Nawawī, Muhyi al-Din Abu, and Zakariya Yahya ibn Sharaf. (1914). *Minhaj al-Talibin: A manual of Muhamadan law, Eng. trans.* E. C. Howard. London: W. Thacker & Co.
- Al-Qaradawi, Yusuf. (1999). *The lawful and the prohibited in Islam (Al-Halal wal Haram fil Islam)*. Illinois, United States of America: American Trust Publications
- Arumugam, T. (2015). US department of state commends Malaysia's counterterrorism efforts. *New Straits Times*. Retrieved from <http://www1.nst.com.my/news/2015/09/us-department-state-commends-malaysia%E2%80%99s-counterterrorism-efforts/>
- Astro Awani. (2013). Kronologi pencerobohan pantai timur Sabah. *Astro Awani Online*. Retrieved from <http://www.astroawani.com/berita-malaysia/kronologi-pencerobohan-pantai-timur-sabah-9460>
- Audah, Abdul Qadir. (1992). *al-Tasyri' al-Jinai al-Islami*, 2, Beirut: Muassasah Ar-Risalah.
- Az-Zuhaili, Wahbah. (2009). *Al-Mausu'ah Al-Quraniyyah Al-Muyassarah*. 1.
- Bernama. (2013). Sabahans will not forget Lahad Datu incident — Musa. *The Borneo Post*. Retrieved from <http://www.theborneopost.com/2013/06/30/sabahans-will-not-forget-lahad-datu-incident-musa/>

- Cassese, A. (1989). *Terrorism politics and law*. London: Polity Press Cambridge.
- Chew, A. (2017). Malaysian police arrest 7 Islamic State suspects. *Channel News Asia*. Retrieved from <http://www.channelnewsasia.com/news/asiapacific/malaysian-police-arrest-7-islamic-state-suspects-8764546/>
- Dhanapal, S. & Sabaruddin, J. S. (2015). Rule of law: An initial analysis of security offences (special measures) Act (SOSMA) 2012. Retrieved from <http://journals.iium.edu.my/iiumlj/index.php/iiumlj/article/view/143/157>
- Diaz-Paniagua, C. F. (2008). *Negotiating terrorism: The negotiation dynamics of four UN counter-terrorism treaties, (1997–2005)*. New York: City University of New York.
- Farah, C. (1987). *Islam: Beliefs and observations*. New York: Barrons.
- Federal Emergency Management Agency (FEMA). (2011). Evolving terrorist threat: Long-term trends and drivers and their implications for emergency management. Retrieved from http://www.fema.gov/pdf/about/programs/oppa/evolving_terrorist_threat.pdf/
- GOV.UK. (n.d.). Foreign travel advice: Malaysia. Retrieved from <https://www.gov.uk/foreign-travel-advice/malaysia/terrorism>
- Hambal, Ahmad Ibn. (1993). *Musnad Imam Ahmad, 2*. Beirut: Dar Ihya al-Turath al 'Arabi.
- Hashia Ibn 'Abidin. (1975). *Raddul Muhtar ala Durrul Mukhtar, 3*, USA: Darul Hikmah.
- Hazm, Ibn. (1970). *al-Muhalla, 11*. Cairo: al-Muniriyyah.
- Hurvitz, N. (2007). *Competing texts: The relationship between al-Mawardi's and Abu Ya'la's al-Ahkam al-Sultaniyya*. Cambridge, MA: Islamic Legal Studies Program-Harvard Law School.
- Hussain, Asaf, (1988). *Political terrorism and the state in the Middle East*. London: Mansell Publishing Limited.
- Imam Malik. (1982). *Al-Muwatta*. Cambridge: Diwan Press.

- Institute for Economics and Peace (IEP). (2014). Measuring and understanding the impact of terrorism. *Global terrorism index (GTI) 2014*. Retrieved from <http://visionofhumanity.org/app/uploads/2017/04/Global-Terrorism-Index-Report-2014.pdf>
- Ivanpal Singh, "Defining Terrorism", <http://www.thestar.com.my/opinion/online-exclusive/making-progress/2015/04/01/pota-terrorism/retrieved-on-03.07.2017>.
- Kepel, G. (2004). *The war for Muslim minds: Islam and the west*. Cambridge, MA: Belknap Press of Harvard University Press.
- Khadduri, M. (1955). *War and peace in the law of Islam*. Baltimore: John Hopkins Press.
- Astro Awani (Producer). (2016, February 15). Kronologi pencerobohan lahad datu. Retrieved from <http://www.astroawani.com/video-isu-semasa/kronologi-pencerobohan-lahad-datu-25523>
- Longman Dictionary of Contemporary English. (1987). England: Longman.
- Macken, C. (2011). *Counter-terrorism and the detention of suspected terrorists: preventive detention and international human rights law*. London: Routledge.
- Martyn, A. (2002). The response to the terror attacks of 11 September. International terrorism and international law. Retrieved from http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/CIB/cib0102/02CIB08
- Mohamad Yunus & Mohamad Ismail. (2016). Islam Anti Keganasan. Majallah Resmi Polis DiRaja Malaysia, 1 (pp.27-35). Retrieved from <http://irep.iium.edu.my/53591/>
- Nawawi, Abu Zakariyya Mahy al-Din, and Yahya ibn Sharaf. (n.d.). *al-Majmu 'Sharh al-Muhadhab*. 2, Beirut: Dar al-Fikr.
- Nik Rahim Nik Wajis. (2017). *The crime of terrorism in Shari'ah Law*. Nilai, Negeri Sembilan: NAM Publications.

- Nujaim, Ibn, and Zain al-Din bin Ibrahim. 1997. *al-Bahr al-Ra'iq Sharh Kanz al-Daqa'iq*, 5. Beirut: Dar al Maktabah.
- Qutb. S. (1979). *In the Shade of the Qur'an*, 6. London: MWH London Publishers.
- Rodgers, L., Gritten, D., Offer, J. and Asare, P. (2016). Syria: The story of the conflict. *BBC News*. Retrieved from <http://www.bbc.com/news/world-middle-east-26116868>
- Ruwayha, Walid Amin. (1990). *Terrorism and hostage-taking in the middle-east*. Paris.
- Sayyidi Muhammad al-Zarqani. (1990). *Sharh al-Zarqani 'ala Muwatta' al-Imam Malik*, Beirut: Darul Fikr.
- Security Offences (Special Measures) Bill 2012: <https://web.archive.org/web/20121120130346/http://www.parlimen.gov.my/files/billindex/pdf/2012/DR152012E.pdf> retrieved on 30 September 2017.
- Sobel, L. A. (1975). *Political Terrorism (Ed.)*, 1. Oxford: Clio Press.
- Southeast Asia Regional Centre for Counter-Terrorism: <http://www.searccct.gov.my/> retrieved on 30 September 2017.
- Tan, Y. L. (2014). Impact of terrorism on Malaysia increasing, says IEP. *The Star Online*. Retrieved from <http://www.thestar.com.my/news/nation/2014/11/19/terrorism-ranking-malaysia-impact/#0Udb-TqeUPHC8WOFs.99/>
- The Oxford English Dictionary (2nd ed.). (1989). Clarendon Press, Oxford.
- Thorntorn. T. P. (1964). *Terror as a Weapon of political Agitation in Internal War Problems and Approaches*, ed. Harry Eckstein, New York Free Press.
- Wehr, H., (2007). A dictionary of modern Arabic. Retrievable from https://archive.org/details/Dict_Wehr.pdf
- Wood, S. (2014). The operation of the security offences (Special Measures) Act 2012 and a comparison with the old internal security act 1948. Heralding a new democratic era, or old wine in a new bottle? Retrieved from <http://www.Ijtra.Com/Special-Issue-View/>