

**THE REINFORCEMENT OF INTERNATIONAL LEGAL  
INSTRUMENTS ON ARMS TRADE FOR THE PREVENTION OF  
TRANSNATIONAL TERRORISM**

**A BACHELOR DEGREE THESIS**

Presented as the Partial Fulfillment of the Requirements  
To Obtain the Bachelor Degree at the Faculty of Law  
Universitas Islam Indonesia  
Yogyakarta



By:

**HAEKAL AL ASY'ARI**

Student Number: 13410501

INTERNATIONAL PROGRAM  
DEPARTMENT OF LAW  
FACULTY OF LAW  
UNIVERSITAS ISLAM INDONESIA

2017

PAGE OF APPROVAL

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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Has been proven and declared acceptable by the Thesis Content Advisor to be  
examined by the Board of Examiners at the Thesis Examination on

March 11<sup>th</sup>, 2017

Yogyakarta, March 11<sup>th</sup> 2017

Thesis Content Advisor,



Nandang Sutrisno, S.H., LL.M., M.Hum., Ph.D.

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Language Advisor,



**Nur Gemilang Mahardhika, S.H.**

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Defended before the Board of Examiners

On the of May 30<sup>th</sup>, 2017

And declared acceptable

Yogyakarta, May 30<sup>th</sup>, 2017

Board of Examiners

Signature

1. Chief Examiner: Nandang Sutrisno, SH., LL.M., M.Hum., Ph.D.
2. Examiner I : Dr. Sefriani, SH., M.Hum.
3. Examiner II : Dr. Yudani M.Ag.

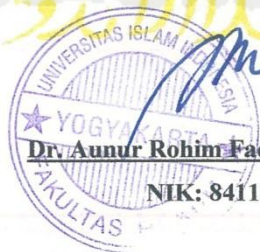


International Program

Faculty of Law

Universitas Islam Indonesia

Dean,



Dr. Aunur Rohim Faqih, SH., M.Hum

NIK: 841100101

**SURAT PERNYATAAN**

**ORISINALITAS KARYA ILMIAH BERUPA TUGAS AKHIR**  
**MAHASISWA**

**FAKULTAS HUKUM UNIVERSITAS ISLAM INDONESIA**

*Bismillahirrahmaanirrahim*

Yang bertandatangan di bawah ini, saya:

Nama : **HAEKAL AL ASY'ARI**

No. Mahasiswa : **13410501**

Adalah benar-benar mahasiswa Program Internasional Fakultas Hukum Universitas Islam Indonesia Yogyakarta yang telah melakukan penulisan karya tulis ilmiah (tugas akhir) berupa skripsi atau legal memorandum atau studi kasus hukum dengan judul:

**THE REINFORCEMENT OF INTERNATIONAL LEGAL**  
**INSTRUMENTS ON ARMS TRADE FOR THE PREVENTION OF**  
**TRANSNATIONALTERRORISM**

Karya ilmiah ini akan saya ajukan kepada tim penguji dalam ujian pendadaran yang diselenggarakan oleh Fakultas Hukum Universitas Islam Indonesia.

Sehubungan dengan hal tersebut, dengan ini saya menyatakan :

1. Bahwa karya tulis ilmiah ini adalah benar-benar hasil karya saya sendiri yang dalam penyusunan tunduk dan patuh terhadap kaidah

norma-norma penulisan sebuah karya tulis ilmiah sesuai dengan ketentuan yang berlaku

2. Bahwa saya menjamin hasil karya ilmiah ini adalah benar-benar asli (orisinal) bebas dari unsur-unsur yang dapat dikategorikan sebagai melakukan penjiplakan karya ilmiah (plagiat)
3. Bahwa meskipun secara prinsip hak milik atas karya ilmiah ini pada saya, namun demi untuk kepentingan yang bersifat akademik dan pengembangannya, saya memberikan kewenangannya kepada perpustakaan Fakultas Hukum Universitas Islam Indonesia dan Perpustakaan di lingkungan Universitas Islam Indonesia dan mempergunakan karya ilmiah saya tersebut.

Selanjutnya, berkaitan dengan hal di atas terutama pernyataan pada butir no. 1 dan 2, saya sanggup menerima sanksi baik sanksi administrasi, akademik, bahkan sanksi pidana jika saya terbukti secara kuat dan menyakinkan telah melakukan perbuatan yang menyimpang dari pernyataan tersebut. Saya juga akan bersifat kooperatif untuk hadir menjawab, membuktikan, melakukan pembelaan terhadap hak-hak saya. Tim Fakultas Hukum Universitas Islam Indonesia yang ditunjuk oleh pimpinan Fakultas apabila ada tanda-tanda plagiat yang disinyalir terjadi pada karya tulis ilmiah saya ini oleh pihak Fakultas Hukum Universitas Islam Indonesia.

Demikian, Surat Pernyataan ini saya buat dengan sebenar-benarnya dalam kondisi sehat jasmani dan rohani, dengan sadar serta tidak ada tekanan dalam bentuk apapun oleh siapapun.

Dibuat di : Yogyakarta

Pada tanggal : 3 Maret 2017

Yang membuat pernyataan,



HAEKAL AL ASY'ARI



## **CURRICULUM VITAE**

### **BASIC INFORMATION**

Name : Haekal Al Asy'ari  
Date of Birth : 8<sup>th</sup> of April 1994  
Place of Birth : Jambi  
Gender : Male  
Religion : Islam  
Marital Status : Single  
Phone Number : +62813 2721 3892  
E-mail Address : haekalelasyari@gmail.com  
Address : Jalan Arif Rahman Hakim, No. 36B  
RT 16/ RW 06, Kelurahan Simpang IV Sipin  
Kecamatan Telanaipura, Kota Jambi  
Provinsi Jambi  
36124

Parents Identity

a) Father : Drs. H. Suaidi Asyari M.A., Ph.D.,  
Occupation : Civil Servant (Lecturer)

b) Mother : Dra. Hj. Chodijah Kuris  
Occupation : Civil Servant

### **BACKGROUND OF EDUCATION**

1. International Program Law Department of Universitas Islam Indonesia, International Law Major, Concentrating in International Public Law, 2013-Present
2. MAN Model Jambi, 2012-2013
3. La-Tansa Islamic Boarding School, Junior and Senior Highschool, 2007-2012
4. Northcote High School, Northcote, Melbourne, 2005-2007

5. Moreland Primary School, Moreland, Melbourne, 2003-2005
6. SD Islam Al-Falah, Jambi, 2000-2003

#### ORGANIZATIONAL EXPERIENCES

1. Student Organization of International Law (SAIL FH UII): General Secretary for the Period of 2015/2016 and 2014/2015, Member of the Competition Division for the Period of 2013/2014.
2. Student Association of International Law (SAIL FH UII): Member for the 2012/2013 period, Head of the Human Resource and Development Division for the 2013/2014 period.
3. Juridical Council of International program: Member for the 2013/2014 period, staff of the Internal Division for the 2013/2014 period, former staff of the Public Relation Division for the 2014/2015 period.
4. Student Council in Language section of La-Tansa Islamic Boarding School, Banten, 2010-2011

#### COMPETITIONS AND ACHIEVEMENTS

1. Asia-Pacific Regional Manfred Lachs Space Law Moot Court Competition (Bangalore, India, May 2016): As Oralist, one of the Top 20 competing teams in the oral round.
2. International Humanitarian Law Moot Court Competition (Jakarta, 2015): As Researcher.
3. International Phillip C. Jessup International Law Moot Court Competition (Washington, 2015): As Researcher, ranked as the Top 30<sup>th</sup> Team
4. National Phillip C. Jessup International Law Moot Court Competition (Jakarta, 2014): As Researcher, Ranked as Quarter Finalist, Awarded Spirit of Jessup
5. Other minor competitions: Vary from, English debates (2015 and 2011), Scouting Competitions (2008 and 2011), Story Telling (2011), and Spelling Bee (2009).

#### SKILLS AND INTERESTS:

Modern and Contemporary Art, Beat-making, Poster Designing, Professional Procrastinating

#### LANGUAGES:

Bahasa Indonesia (native), English (Fluent speaking, writing, reading and listening), Arabic (Decent Speaking, writing, reading, and listening)



## MOTTO

Fainna Ma'al 'Usri, Yusra

*(Verily, with hardship comes ease)*

- QS Ash Sharh -

*Fabi ayyi ala i rabbikuma tukazziban*

*(Maka Nikmat Tuhanmu yang manakah yang engkau dustakan?)*

- QS Ar-Rahmaan -

*To overcome evil with good is good, to resist evil with evil is evil*

- Prophet Muhammad SAW-

*We put our trusts in Each other, and our faith in God*

- The Pensieve of Gems Quill and Parchment -

*May the bridges We burn light the way*

- Gemilang Thasa and Haekal Al Asyari -

## DEDICATION

This thesis is sincerely dedicated to:

The Angels of Guiding my Life's Existence, Papa and Mama.

My Kin, Beloved Sisters, Fadhilatul Hikmah and Fairuz El Mechwar.

Our new member of the Family, My Mentor, My Lecturer,

Mr, Nandang Sutrisno, S.H., LL.M., M. Hum., Ph.D.

The Patronus of my soul, enlightenment of all the burned down bridges,

Nur Gemilang Mahardhika, S.H.

The Traditionalists, Millenials, and Centennials

## ACKNOWLEDGEMENTS

### *Bismillahirrahmaanirrahiim*

1. **ALLAH SWT.** The one and only true God. The creator of all universe, the owner of all souls, the author of all minds, decider of Qada and Qadar. The most gracious and merciful. May your blessings will always be upon us, forgiveness be open for us, love endlessly for us. I bear witness that there is no God except for Allah.
2. **Prophet Muhammad saw.,** Allah's Messenger, Peace be upon him. Gratitude and blessings always sent towards him. The driver of mankind from the dark into the light. The role model for all human beings. We would be nothing without your guidance.
3. **Mr. Nandang Sutrisno, S.H., LL.M., M.Hum., Ph.D.,** the preceding rector of Universitas Islam Indonesia, may all the guidance, patience, perseverance, divined by God will help you strive to overcome every challenge along the way for yourself and for UII.
4. **Dr. Aunur Rahim Faqih,** Dean of our proud Law Faculty, thank you for all the support and caring you have given me, directly and indirectly. Contributions of moral, financial, and religious values throughout the competitions I have been put through for the good name of the campus.
5. **Mr. Nandang Sutrisno, S.H., LL.M., M.Hum., Ph.D.,** more than just a teacher, lecturer, and thesis advisor. But also a father figure for me in this educational city. Endless appreciations and gratitude for our newest member of the family. Thank you very much Pakde.
6. My Respectable lecturers in UII Law School: **Mrs. Sri Wartini, S.H., M.Hum, Ph.D.,** as the newest director of our International Program, thank you for all the guidance, from teaching in class, training the moot court teams, and contributing to make IP students better and well prepared for the future. **Mrs. Sefriani, S.H., M.Hum,** our motherly figure for every moot court adventures that we have had. Thank you for all the knowledge, careness, support, and advice you have given me, every step in campus, Yogyakarta, Jakarta, Semarang and India would never have been possible without you. **Mr. Masnur Marzuki, S.H., LL.M.,** as our former International Program Director. A person whom I was jealous with in the first class I've had, but now has become a role model for me. Allahumma syifaan syifauka. **Mrs. Aroma Elmina Martha, S.H. M.H.,** another

motherly figure for me. Whose class I've always been excited to enter but late for most of the time. Thank you for all your kindness and summaries. **Mr. Mahrus Ali, S.H. M.H.**, one of the most disciplined and straight person I have ever met. Who resembles my father a lot. The first time I entered your class I have never imagined that I will meet a person alike my father. Appearance and character wise. I look forward to working with you in the future. **Prof. Jawahir Thontowi, S.H. Ph.D.**, the first ever professor whom I have been taught by. Thank you for all your time and knowledge. Forgive me for all the misbehaving attitudes that I may have in the past. For not completing that essay you told me to. **Mr. Agus Triyanta, M.A, M.H., Ph.D.**, one of the very nicest, kindest, and politest lecturer ever. Thank you for all the Islamic law knowledge you have given me. It will definitely come in handy in the future. **Mr. Eko Riady, S.H. M.H.**, An ideal piece of mindset I will never become. I hope all your sense of nationality and integrity will infect me. **Dr. Siti Anisah, S.H M.Hum.**, Thank you for each time you have mistaken me with Ibe. For all the motivation you have given me. The funny jokes you have told us in class. **Prof. Ridwan Khairandy, S.H M.Hum.**, all the contract and obligations I will be involved in the future will always remind me of you. **Mr. Agus Subroto, S.H. M.H.**, all the court proceeding classes and practices are very much helpful and an unforgettable experience. **All of the lecturers, teachers, and caretakers** of the faculty whose name I cannot mention one by one. Thank you.

7. *Mama*, **Ibunda Dra. Chodijah Kuris**. My key to Allah's Blessings. The door to His *Jannah*. No words or actions of thank you will ever be sufficient to give. The endless prayers you have sent him during *dhuha* and *tahajjud*. The phone calls that always come when I needed it to remind me of my obligations in life and hereafter. The visitations I always look forward to. The coming home I am always excited for. May Allah give you a long and healthy life so that you can witness me become a successful person. Because it is the only way I can every repay you. Thank you very much Ma.
8. *Papa*, **Ayahanda Dr. Suaidi Asyari M.A, Ph.D.**, My role model, my hero, and Guardian. I will never be where I am if I have not listened and followed your words. All your moral, academic, disciplinary, religious, and integrity values and support you have given me will always become a set of principles I will hold on to until I am no longer alive. I pray that you, both with Mama will be granted a long and healthy life, so that I can show you, your son can become a successful person. Aamiin.

9. *Ayuk*, **Fadhilatul Hikmah**. The Greatest sister anyone can ever have. Without realization along the time that you are and always will be the shoulder to which I lay my head on. The canopy to which I rest my body under. The hands to which I ask to feed myself with. I seek your forgiveness for all the hard times I have put you through, the disrespectful times that I have gotten mad at you. I am very regretful. I hope you will never ever stop from being my kindest big sister. Thank you Yuk.
10. My little sister, **Fairuz El Mechwar**. Not just a little sister to me, but also a little brother, my buddy, and closest friend. All the cartoons, games, and songs I have infected you with, I hope you will never become a part of the millennials today. I wish you follow the good footsteps of your siblings and leave the bad ones, and become more successful than any of us.
11. *Datuk* and *Nenek* from *Sungaimanau*, *Datuk* and *Nyai* from *Ladangpanjang*, the home to which we all come to every Eid, I hope to see you all in heaven, *Inshaa Allah*.
12. **Mr. Muhammad Setiawan, S.H.**, endless gratitudes, and very much respect for all the help you have given me. We would all never be where we are without your help sir. I wish you a longlasting and successful life.
13. **Ms. Novera Widyarani**, for always being there when we needed you. Thank you for all the gadgets and accessories and candies I have asked for and borrowed. I really hope you survive in our faculty's office for a long time. We very much need you. Thank you.
14. My little big brother, **Yaries Mahardhika Putro**, whom I was really sure at the start that I would not be close with because we will compete and become rivals. But now we are close but with less rivalry and competitiveness. I hope All the secrets we have between us will never be needed to be used against each other. Salih!
15. My Brothers and Sister of **IP Class of 2013**, Era, Aida, Alan, Ali arab, Afi, Andan, Oky, Aril, Aryo, Aulia Sarah, MSY Aulia, Ayur, Brenda, Dian, Halin, Dwita, Yaries, Firman, Gegi, Ibe, Intan, Elli, Hanif, Cimeng, Julian, Tejok, Laras, Uci, Bang Ali, Teguh, Marga, Misbah, Broto, Nizar, Wening, the survivors and fallen. I hope we meet again someday. Any of your children is welcome to work at my place in the future, and so my children too will need your assistance.
16. My Colleagues in **SAIL (Student Association of International Law)** and **JCI (Juridical Council of International Program)** all the members and functionaries throughout every period of the association's history. The source of organizational experience I will ever need. I pray that we will always grow to be better, brighter, and competitive in the future.

17. Last, but definitely will never ever be least, **Nur Gemilang Mahardhika S.H.**, soon to be M.H., and LL.M, one of the dedication to whom I strive in this writing for. The uplifter to my motivation, the enlightenment to my future, and the companion to get myself closer to God. My identical twin from the previous lifetime, my Parabatai in the present lifetime, and my partner for the near future lifetime. Thank you for all the time, patience, and trust, you have put upon me during all those hours when we thought the universe was against us. I very much look forward and cannot wait to spending the rest of my life with you. May all the Bridges We Burn, Enlighten the way.

