



Selected Contemporary Issues *on Law, Social, and Politics*

EDITORS

Vinsensio Dugis
Nazli Ismail @ Nawang
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AUTHORS

Baiq Wardhani *et al.*

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Preface

Collaboration between Universiti Sultan Zainal Abidin (UniSZA), Malaysia and Universitas Airlangga (UNAIR), Indonesia, has been running since 2016. It was started following a visit by a group of students headed by three lecturers from International Relations Master's Program, Faculty of Social and Political Sciences, Universitas Airlangga to Faculty of Law and International Relations, Universiti Sultan Zainal Abidin in 2016. A return visit by colleagues and students from UniZSA to UNAIR was carried out in 2017. It was since then; the collaboration continues to expand involving various activities and a greater number of participants from both sides. The activities that UniSZA and UNAIR have carried out consist of writing books together, joint research, joint community service, joint conferences, exchange of students and teaching staff, and internships.

This book once again shows the results of the ongoing collaboration between UniZSA, Malaysia and UNAIR, Indonesia, especially those involving Faculty of Social and Political Sciences of UNAIR and Faculty of Law and International Relations of UniZSA, each of which is led by the Department of International Relations. Furthermore, this book is also a reminder that scientific work can be disseminated in various forms other than on the mainstream platform. In addition, this book is an alternative source of learning for lecturers, students, and the public. For the higher education, this book can be a medium to strengthen academic networks and a means of communication for its authors.

This academic activity is clear evidence of collaboration and partnership, which is the key to the future of higher education, which is currently entering difficult times due to excessive competition in achieving global rankings. The performance of higher education is measured by various absurd indicators that open opportunities for fraudulent practices. If this continues, higher education will be trapped in neo-liberalism and unable to carry out its noble missions as a

responsible educational institution. In addition, UniSZA and UNAIR are trying to find a balance in implementing higher education policies.

Collaboration and partnerships in higher education can be an inspiration for lecturers and students who have the same mission for academic excellence. This culture of achieving excellence requires a serious will to forge it because it does not rule out the possibility of collaboration and partnership only ending on paper. UniSZA and UNAIR have the same vision and mission in maintaining the spirit of cooperation because the benefits obtained by lecturers and students are tangible. UniSZA and UNAIR have also shown that collaboration and partnerships can be sustainable if there are parties who are committed to upholding the values that have been maintained. Cross-border collaboration between two universities can be a model for regional cooperation in higher education.

The process of publishing this book involves the cooperation of many parties. For this reason, the editors thank all parties: the authors who are comprised of lecturer and students from both UniZSA and UNAIR, Rector of UNAIR and Vice Chancellor of UniZSA, Dean Faculty of Social and Political Sciences, UNAIR and Dean Faculty of Law and International Relations, UniZSA, as well as the Chair and all staff of Airlangga University Press.

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Prologue

There could be many reasons for any book to be written. This book, however, is particularly a reflection of a spirit of collaboration and partnership at the higher education level. As stated in the preface, collaboration and partnerships in higher education can be an inspiration for lecturers and students who have the same mission for academic excellence. The culture of achieving excellence requires a serious will to forge it because it does not rule out the possibility of collaboration and partnership only ending on paper. This book is proof showing the results of the ongoing collaboration between Universiti Sultan Zainal Abidin (UniSZA), Malaysia, and Universitas Airlangga (UNAIR), Indonesia, especially those involving the Faculty of Social and Political Sciences of UNAIR and Faculty of Law and International Relations of UniZSA, each of which is led by the Department of International Relations. Both parties have the same vision and mission in maintaining the spirit of partnership because the benefits obtained by lecturers and students are tangible. UniSZA and UNAIR have also shown that collaboration and partnerships can be sustainable if there are parties who are committed to upholding the values that have been maintained. Therefore, cross-border collaboration between two universities can be a model for regional cooperation in higher education. While this book can be a reminder that scientific work can be disseminated in various forms other than on the mainstream platform, this book is also an alternative source of learning for lecturers, students, and the public. For higher education, moreover, this book can be a medium to strengthen academic networks and a means of communication for its authors. As a result of academic collaboration, this book presents a selected contemporary issue related to law, social issues, and politics. The book is divided into three parts: law, social, and politics.

Part one consists of six chapters that deal with law issues in Malaysia. It begins with chapter one presents several crucial issues related to citizenship in Malaysia. Issues such as dual citizenship, statelessness, citizens of the adoptive child, and gender bias against women are particularly highlighted. While delicate related aspects are presented in these issues, the authors of chapter one offer some solutions that can be adopted by the government. Chapter two investigates the history of oil production in Malaysia, especially in natural gas reservoir states such as Sabah, Sarawak, Terengganu, and Kelantan which have all produced a vast amount of petroleum products. Because of the rich natural resources, oil production has helped foster Malaysia's growth as one of Asia's biggest oil producers and at the same time provided great opportunities to its oil resource states for better development. Chapter three is a comparative study of basic structure doctrine in India and Malaysia. The authors highlighted the historical context of the doctrinal laws that are adopted both in India and Malaysia. They trace the evolution and application of basic structure doctrine in both countries and evaluate the extent to which their similarities and differences. The issue of how judicial decisions affect prosecutorial powers in Malaysia is presented in chapter four. The authors presented this in response to the recent growth trends of calling for a review of the prosecutorial powers of the AG. Some of the requests were initiated through ministerial and parliamentary motions highlighting the need to separate the AG and the Prosecution to guarantee the public's confidence in the institution. In other words, they are proposing to remove the prosecutorial powers from the AG. Chapter five offers a critical analysis from the Islamic perspective about the meaning of Judicial *Ijtihad*. The authors argue that the overall discussion on judicial proceedings indicates that there are three constitutive elements of judicial proceedings that must be taken care of by the judges. These three elements are interrelated each other and have a great bearing on the decision-making process. The requirement that the judges must have knowledge of the proofs of the law (*adillah al-abkam*), the facts of occasions (*asbab*) of the case, and the evidence (*bayyinat*) strongly show that the *ijtihad* is indispensable in the judicial proceedings. Part one is closed with a chapter related to the power of a head of state in times of war and its limitation in Islam. Utilizing a doctrinal research method, the authors analyse the role of the head of state as an Islamic leader, introduce the concept of war in Islam, indicate the power and authority of the head of state during times of war, as well as highlight its limitations.

Part two consists of cases in the contemporary social issues primarily related to some spectrums of COVID-19, such as information disclosure related to personal protective products, disruption and adaptation in the Middle East, and legal governance of biosecurity. This part also discusses other dimensions of social issues, from halal tourism in Indonesia to community-based tourism in Japan, and misrepresentation in online shopping advertisements. This wide range of social issues also shows the complexity of globalization's effect. Chapter seven deals with the difficulties in developing halal tourism in Indonesia. Halal tourism is increasingly being adopted in both Muslim and non-Muslim countries. As the world's largest Muslim country, Indonesia is a Muslim market and potential. The government of Indonesia decided to place Indonesia as a significant player in the world's halal tourism industry. Since 2012, the government of Indonesia has launched halal tourism, but efforts to make it happen are not optimal for several reasons. In this article, the authors attempt to explain more about the halal infrastructure, the concept itself, and other related dimensions of halal tourism in Indonesia. Chapter eight presents some lessons learned from the boosting of tourism through community-based tourism in Japan. The chapter is intended to find a strategy for developing community-based tourism so that its development becomes sustainable with a study case of community-based tourism in Japan. As the case has succeeded in increasing the number of tourist visits to Japan, it has also outpaced tourism growth in major cities such as Tokyo and Osaka. Japan packages community-based tourism into four components which involve the active participation of the government, communities, and residents.

Chapter nine talks about misrepresentation in online shopping advertisements. In the early days, there was little need for advertising. However, with the advancement of technology, today's world is shifting from the traditional to the online market, where the product can be viewed by an unlimited number of customers worldwide. And it should be free from misleading information. The authors argue that a strong law at the national and international levels should be enforced to limit consumers' exposure to misleading advertisements. Chapter ten discusses information disclosure as an alternative measure to protect consumer rights and safety, especially during the COVID-19 pandemic. Regulation by information disclosure is undoubtedly one of the alternative instruments for enhancing consumer protection. The knowledge deficit is a critical problem concerning the contract for selling goods. The government needs to regulate the disclosure of certain information. The information disclosure should act as a bridge

to fill the holes in the current laws. The study believes that ‘information disclosure regulation’ could overcome the abovementioned struggle and be the best consumer protection tool, especially during COVID-19 outbreaks. The following chapter highlights about disruption and adaptation of Islamic identity in the Middle East during COVID-19 Pandemic. It argues that the COVID-19 outbreak may have a significant impact on high politics and public health issues and on the dynamics of preserving people’s customs, particularly in the Middle East region. Globalization also leads to various economic, political, identity, and cultural trajectory changes in which the sociocultural identity attached to individuals for centuries may be compromised depending on a region’s tolerance towards it. The Middle East’s cultural state has also been challenged through homogeneity, polarization, and hybridization. The dynamics of Middle Eastern religiosity that transpired during the pandemic in the era of globalization demonstrate that sometimes incalculable compromise is required to attain the collective good. The last chapter of Part Two deals with the legal governance of biosecurity especially during COVID-19. The authors argue that the COVID-19 outbreaks have put additional pressure on global health systems. Most countries administered pandemic governance and regulation through public health and legal measures. In some countries, they were implemented through infectious or control of disease laws and/or biosafety/biosecurity laws. It is suggested that the locally integrated biosecurity approach should be developed rather than adopting the international law approach. The authors argue that if biosecurity systems are in place, they could offer a more flexible approach and arrangement rather than Parliament’s fixed and rigid act.

Part three discusses political issues from various perspectives and theories of international relations. This part begins with an explanation of the cases in South-East Asia. The subjects include the role of the Rohingya diaspora in Myanmar’s political spectrum, Malaysia’s quiet diplomacy in the South China Sea dispute, Indonesia’s global footprints in establishing Indonesia’s Agency for International Development, and the maritime strategy of the Malacca Sultanate. To close this part, there are examinations of two global political cases of terrorism and its accountability and the effectiveness of the global coalition to end wildlife trafficking online to diminish illegal wildlife trafficking (IWT). Chapter thirteen presents the role of Rohingya Diaspora in Myanmar. As has been widely known, Myanmar has long been ruled by the military and failed to establish a multi-party democratic system. Since the early days of independence, ethnic minorities have struggled to establish their rights. Due to state-sponsored oppression, the Rohingya

fled the country in the 1970s. From then on, the diaspora community formed political parties and community organizations in their respective residing countries. The case shows an excellent example of the significant role of the diaspora in restoring democracy, peace, and stability in Myanmar. Malaysia's diplomacy in the South China Sea dispute is another issue presented in chapter fourteen. The authors portray Malaysia's quiet diplomacy in the South China Sea dispute using an Arthashastra perspective. As a claimant state, Malaysia has been a safe player in the South China Sea. It has long considered power asymmetry and rivalry as structural conditions over which Malaysia has little control. The authors argue that Malaysia pursues diplomacy in the South China Sea disputes based on its geopolitical position. By adopting the Kautilya Arthashastra primary foreign policy methods, the authors show Malaysia's preference for peaceful diplomacy, including bilateral and multilateral ways of protecting its national interests and economic prosperity. The next chapter is dealing with Indonesia's effort to establish Indonesia's agency for international development. Indonesia's humanitarian diplomacy has made an essential footprint in the realm of global development and humanitarian activities by launching the Indonesian Agency for International Development (Indonesian AID) or also known as Lembaga Dana Pembangunan Internasional (LDKPI). The establishment of LDKPI signifies a new approach to Indonesia's foreign policy and international development cooperation. By embracing a new status as a donor country, it will likely generate support from the public as the funds have been used to promote prosperity in the developing world. This indicates that Indonesia ensures the sustainability of its international assistance. LDKPI also represents the revivalism of Indonesia's independent and active foreign policy. Chapter sixteen talks about Malacca Sultanate's maritime strategy between 1400–1511. The authors reveal that from Malacca's perspective, the maritime strategy imposed did secure the soft and hard power of Malacca. Thus, the correct way to look into this tremendous maritime strategy is to understand its primary objective: securing the sea passage through the projection of soft and hard power. The authors explain the projection of soft power, which can be traced to its extensive diplomacy reaching most parts of the world and complete sea laws on Undang-Undang Laut Melaka supplement by the Hukum Kanun Melaka. On the other hand, the hard power is sustained by advanced naval shipping technology and the effective use of ground warfare. Chapter seventeen looks at the origin and terrorism as instruments measuring terroristic accountability. The author addressed the various causes and effects of terrorism. Nevertheless, to rely merely on the causes and effects of terrorism in

ascertaining the conclusive answer to a question of terroristic accountability is arguably inadequate and misleading. Other factors should be considered to evaluate the terroristic accountability of a particular terrorist attack. The absence of a clear and specific definition of terrorism would perhaps include or leave out several acts that are actually terroristic or otherwise out of scope. In the end, evaluating justice is often a daunting task. The last chapter of Part Three analyses the effectiveness of the global coalition to end wildlife trafficking online as part of an effort to diminish illegal wildlife trafficking (IWT). The wildlife trade proliferates due to technological advances using social media to reach a broader market. Anonymity and ease of switching platforms make illegal wildlife trade a challenge in reducing the pace of trade. The emergence of The Global Coalition to end Wildlife Trafficking Online in 2018 is one of the global civil society movements that aim to suppress the illegal wildlife trade. This article elaborates on the Coalition's effectiveness in relation to the number of wildlife free from the threat of illegal trade. The authors suggest that the coalition needs to collaborate with legal authorities to increase this coalition's effectiveness.