Deradicalization of Minors Involved in Terrorist Attacks

Eko Nurisman[1], Winda Fitri[2], Winsherly Tan[3]

[1][2][3] Faculty of Law, Universitas Internasional Batam, Batam, Indonesia
✉ Corresponding Author: nurismaneko@gmail.com

Abstract

Terrorism as a universal threat to peace has been a huge problem specifically for Indonesia, threatening the fabrics of Indonesian society in collaboration with radicalism, which can reach even minors. To fight this, efforts to eradicate radicalization as an important factor in the spread of terrorism's influence should be supported with by adequate regulations. Using the normative legal research method, this research analyzes the reality of terrorism and its relation to the existing relevant legal framework in Indonesia. This research finds that terrorism has a wide grip on Indonesian society, especially the youth, due to the spread of radicalism and the weak normative structure surrounding the act of radicalization. Findings and analysis of this research argue that there are possibilities of using the restorative justice approach through the process of deradicalization, according to Indonesia's ideology, Pancasila.

A. INTRODUCTION

Ideology can never be separated from the growth of any nation. From everyday life to elite political spheres, ideology is a huge factor influencing the direction of someone or a group of people's acts.[1] Ideology can also be called a double-edged sword as it can either unite or divide people despite the socio-economic backgrounds behind them. Ideology can be so deeply-embedded into society that it becomes a part of many people's identity.[2] Understanding an ideology can have meaning as deep as understanding the way of life of many people. This massive influence of ideology can be seen throughout many segments of society, namely by looking at the direction of which a society of heading towards. The double-edged sword nature of ideology can't be underestimated. While the positive

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1   Widiatama, Hadi Mahmud, and Suparwi, "Ideologi Pancasila Sebagai Dasar Membangun Negara Hukum Indonesia," *Jurnal USM Law Review* 3, No. 2 (2020): 310–327, https://doi.org/10.26623/julr.v3i2.2774, p. 312.
2   *Ibid.*

impact of ideology such as uniting people or even a nation in times of crisis, or bringing a much-needed revolution to a corrupt system that has been damaging society, the negative impacts of ideology can be the perfect contrast of those said positive impacts.[3] These impacts are responsible for the many changes taking place in a society, be it for the better or for the worse.

A great example of the positive impacts of ideology can be seen in Indonesia. While it's not popular for a country to have its own ideology and formally reinforces it upon its citizens, it's not an impossible thing to do.[4] Such is the case with Indonesia, country that formally reinforces Pancasila as its national ideology and uses it as the main driving force of the nation. Pancasila is reinforced to every Indonesian, including children, to strengthen the values Indonesians hold dear and to strengthen unity in an otherwise divided people, due to the nature of Indonesia's territorial geography. Every level of education in Indonesia teaches the Indonesian children to live with the spirit and values of Pancasila. Pancasila, as an ideology, is not an oppressive or intolerant force in society. It actually reinforces tolerance between the many cultures and norms that exist within the Indonesian society.[5] These values are the main values that guide the Indonesian youth so that in the future they could contribute the growth of Indonesian society, while bringing positive changes and innovations despite the differences that exist in the everyday life of all Indonesians.

The negative impacts of ideology such as division, polarization, and extremism can cause chaos in many segments of society and will in turn become a serious threat to not only peace and harmony in the daily lives of many people, but also a threat to national security.[6] Radicalism is an ideology or flow that wants social and political change or renewal by violent or drastic means. Radicalism started as a movement supporting emancipation and individual freedom in the effort to reject reactionary political shifts, and was more often than not,

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3   Hariyanto Hariyanto, "Pembangunan Hukum Nasional Berdasarkan Nilai-Nilai Pancasila," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 1, No. 1 (2018): 53–63, https://doi.org/10.24090/volksgeist.v1i1.1731, p. 54.

4   Jerry Indrawan and M. Prakoso Aji, "Efektivitas Program Deradikalisasi Badan Nasional Penanggulangan Terorisme Terhadap Narapidana Terorisme Di Indonesia," *Jurnal Pertahanan & Bela Negara* 9, No. 2 (August 2019): 1–20, https://doi.org/10.33172/jpbh.v9i2.561, p. 6.

5   Achmad Hariri, "Dekonstruksi Ideologi Pancasila Sebagai Bentuk Sistem Hukum Di Indonesia," *Ajudikadi: Jurnal Ilmu Hukum* 3, No. 1 (2019): 1–14, https://doi.org/10.30656/ajudikasi.v3i1.1055, p. 3.

6   Akash Arshad, Aqsa Iram Shahzadi, and Ali Hassan, "Role of Media in Political Polarization: Impacts on Democracy in Pakistan," *Pakistan Languages and Humanities Review* 7, No. 3 (August 30, 2023): 296–311, https://doi.org/10.47205/plhr.2023(7-III)27, p. 308.

linked to progressive movements to introduce many substantial reform, hence the term "radicals" as used to refer to people who support such movements.[7] Radicalism overturns existing values, its characteristics are that they are intolerant or have no tolerance for groups that have different understandings outside their group, they also tend to be fanatical, exclusive and do not hesitate to use anarchist means. In the context of Indonesian society, radicalism can then be considered as dangerous, as it indicates values that are the opposite of those of Pancasila.[8] Going against the values of Pancasila means going against the sacred ideals of the Republic of Indonesia.

Worse, radicalism can bring an even more dangerous threat to society, by leading people into extremism and eventually be the reason for the creation of extremist groups. While radicalism doesn't always lead to extremism, it can, however, be a serious precursor to it. Extremist groups are groups that adhere to extreme violence. Radicalism can be defined as a movement that is actively going against the status quo and the establishment, which is usually ideologically-fueled. It can be called a precursor to extremism because radicals are often pro-democracy, but when cornered can become increasingly hostile and end up being anti-democracy.[9] Compared to radicals, extremists tend to be more closed-minded, intolerant, anti-democratic, extreme in its goals and the means to reach them, and has the tendency to do aggressive interventions against an establishment that doesn't accept its dogmatic belief.[10] Radicalism tends to have more adaptive capability compared to extremism by constantly observing changes and developments that are taking place in society.

Since radicalism and extremism both share the ambition to bring change to society, the two can be found in the same group. Radicalism can be a way to cover the true nature of extremist groups, especially about the teachings and beliefs that their

[7] Astrid Bötticher, "Towards Academic Consensus Definitions of Radicalism and Extremism," *Perspectives on Terrorism* 11, no. 4 (2017): 73–77, https://www.jstor.org/stable/26297896, p. 74.

[8] Agus Subagyo, "Implementasi Pancasila Dalam Menangkal Intoleransi, Radikalisme Dan Terorisme," *Jurnal Rontal Keilmuan Pancasila dan Kewarganegaraan* 6, No. 1 (2020): 10–24, https://doi.org/10.29100/jr.v6i1.1509, pp. 10-11.

[9] Astrid Bötticher, *op.cit.,* pp. 75-76.

[10] Astrid Bötticher, *Ibid.,* p. 75.

followers hold dear.[11] Both beliefs also share the common nature of intolerance, although the intensity can be different. A radical person or group can experience change using extreme means. Extreme violence through acts of terror is influenced by many things.[12] Starting from the influence of international factors such as global injustice, arrogant foreign policy, and colonialism. In addition, it is also influenced by domestic factors such as perceptions of injustice, welfare, education, disappointment in the government, and revenge.[13] Apart from international and domestic factors, other factors are cultural factors, namely because of shallow understanding of religion, narrow and textual interpretations of religion, and indoctrination of wrong religious teachings. The final product of these sinister beliefs is terrorism, which much like its name, is an act of terror. It's an act of terror that is done for the purpose of putting fear into the hearts of many people to get a certain objective.

Throughout the literatures, it's commonly accepted that radicalism and extremism can both be deeply embedded in an ideology.[14] Since radicalism contains all the opposite values that Pancasila has, it can only take form and breed in other forms of ideologies that exist in the Indonesian society. Ideology can easily spread in this digital age to the development of technology that allows easier access to information, such as social media and online communities. This is where radicalism and extremism are at their dangerous level of exposure, because social media and online communities are actively used by minors. This is even more relevant because of the new normal developed as one of the many consequences of the COVID-19 pandemic. A study even highlighted the emergence of hate-related activities on social media and how it's heavily influenced by ideology, through social media interactions that display

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[11] Arif Hidayat and Laga Sugiarto, "Strategi Penangkalan & Penanggulangan Radikalisme Melalui Cultural Reinforcement Masyarakat Jawa Tengah," *Jurnal USM Law Review* 3, No. 1 (2020): 135–154, https://doi.org/10.26623/julr.v3i1.2203, p. 135.

[12] Luh Nila Winarni, "Kebijakan Hukum Pidana Non Penal Dalam Penanggulangan Kejahatan Radikalisme Berbentuk Terorisme," *DiH: Jurnal Ilmu Hukum* 12, No. 23 (February 2016): 56–63, https://doi.org/10.30996/dih.v12i23.894, p. 58.

[13] John Harrington and Ambreena Manji, "The Limits of Socio-Legal Radicalism: Social and Legal Studies and Third World Scholarship," *Social & Legal Studies* 26, No. 6 (December 2017): 700–715, https://doi.org/10.1177/0964663917729874, p. 711.

[14] Priyantoro Widodo and Karnawati Karnawati, "Moderasi Agama Dan Pemahaman Radikalisme Di Indonesia," *PASCA: Jurnal Teologi Dan Pendidikan Agama Kristen* 15, No. 2 (November 2019): 9–14, https://doi.org/10.46494/psc.v15i2.61, p. 10.

discursive spirals of hate.[15] Considering the popularity of social media and online communities among minors, the threat of radicalism and extremism is ever so relevant in this digital age, luring the Indonesian youth into many circles of terrorism.

A study explained how deradicalization is an important process to unroot terrorism, extremism, and radicalism out of a terrorist criminal.[16] Interestingly, it put a huge emphasis on education and how it can be prevented by utilizing the education system. Unfortunately, not all terrorist criminals that have been caught are adults. However, there's a research gap in contextualizing terrorism attacks and minors' involvement in them, particularly through the criminal law perspective. This opens up a serious urgency of analysis on how the legal system should deal with minors who are involved in terrorism attacks, which may include many processes and different levels of involvement. This study aims to fill this gap, by mapping the criminal aspects of terrorism attacks within the existing normative structures in the Indonesian legal system. Furthermore, this research uses the effort of the deradicalization as an important process in dealing with minors who are connected to terrorist attacks, and analyzes the normative structure needed to support the application of the juvenile justice system to completely uproot terrorism out of those same minors.

B. RESEARCH METHODS

This research employs the normative legal research method to examine the laws and regulations pertaining to Indonesia's juvenile justice system in relation to acts of terrorism. Using a statutory approach, this study establishes connections between the legal framework governing the deradicalization process for minors involved in terrorist activities. The aim is to provide a comprehensive normative analysis on how this process can effectively ensure that radicalism and extremism no longer influence these young individuals. Secondary data are utilized for this research, collected through a literature review

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15 Monika Kopytowska, "Proximization, Prosumption and Salience in Digital Discourse: On the Interface of Social Media Communicative Dynamics and the Spread of Populist Ideologies," *Critical Discourse Studies* 19, No. 2 (March 4, 2022): 144–160, https://doi.org/10.1080/17405904.2020.1842774, p. 149.

16 Ida Hanifah and Nurhilmiyah Nurhilmiyah, "Analisis Hukum Bentuk-Bentuk Radikalisme Pada Pendidikan Anak Usia Dini," *Journal of Education, Humaniora and Social Sciences (JEHSS)* 4, No. 3 (January 2022): 1486–1492, https://doi.org/10.34007/jehss.v4i3.898, p. 1488.

technique.[17] The relevant laws and regulations used as secondary data include Law No. 15 of 2003 on Determination of Government Regulation in Lieu of Law Number 1 of 2002 Concerning Eradication of Criminal Acts of Terrorism Become a Law, Law No. 5 of 2018 on the Amendment to Law No. 15 of 2003 on Determination of Government Regulation in Lieu of Law Number 1 of 2002 Concerning Eradication of Criminal Acts of Terrorism Become a Law, and Law No. 11 of 2012 on the Juvenile Justice System. These data are analyzed using a legal interpretation technique described in a descriptive manner.

C. RESULTS AND DISCUSSIONS

1. Pancasila vs. Radicalism

Ideology itself has a very central function for a country, where the function of ideology itself is as something that strengthens and deepens the identity of its people. Ideology can be so deeply-embedded in everyday of the people, that it can be seen as the main influence directing people's actions. From the government standpoint, ideology can be used as a tool to legitimize the power held and to fill the gap between the authority of the ruler and the people's trust in the authority of the ruler.[18] Therefore, it can be said that ideology is positioned in society as a part of national identity.[19] Just like how everyone has something that defines their identity, ideology can be considered as an identification mark of a nation. As a part of identity, ideology can then affect the views of everyone under its influence by orientating towards certain goals that align with the values of the ideology they follow. This means ideology can become a basis for a nation in viewing the world, while providing insight and meaning for the people and also provides goals for the people.

Ideology has a very important position for every nation. This important position is due to the massive impacts of ideology as a guide or direction that influences everyday life of a nation and how that nation sets many frameworks or mechanisms to leverage its potentials and achieve its goals.

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[17] Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, No. 2 (November 2022): 289–304, https://doi.org/10.37253/jjr.v24i2.7280, p. 290.

[18] Lingga Winata and Sri Mastuti Purwaningsih, "Nasakom Sebagai Ideologi Negara Tahun 1959-1965," *Avatara* 5, No. 3 (2017): 728–737, https://ejournal.unesa.ac.id/index.php/avatara/article/view/20612, p. 729.

[19] Afib Rulyansah, Ludfi Arya Wardana, and Intan Novita Sari, "Idealisasi Ideologi Pancasila Untuk Pencegahan Radikalisme Melalui Aktivitas Bela Negara Pada PK2MABA Universitas Panca Marga," *Jurnal Pendidikan: Teori, Penelitian, Dan Pengembangan* 3, No. 12 (2018): 1680–1687, http://journal.um.ac.id/index.php/jptpp/article/view/13103, p. 1685.

In addition, another role that ideology has is as a reminder of how important unity is. Ideology can be a tool to prevent social conflict in society so that every community can live in peace and also have a high sense of solidarity. An ideology that specifically supports the importance of diversity can directly impact the perception of public to support harmony even in the midst of various differences, which is exactly like what Pancasila has instilled into the Indonesian society.[20] Another role of ideology is as a means of unifying a nation. Every nation certainly has diversity, be it ethnicity, language, customs, or culture. Ideology has a role in unifying the diversity that exists in society so that good national and state life can be formed. Having an ideology can help unite a nation to rise above the differences that exist in their society. The perfect example of this is Indonesia's Pancasila, which is Indonesia's state ideology that has contributed greatly to unifying the Indonesian people since the country's independence.[21] The identity of the Indonesian nation itself is even embodied in Pancasila. Pancasila is the ideology that defines the lives of every Indonesian and how the government is being run to achieve the nation's aspirations.

The Pancasila ideology itself was formulated based on Sukarno's thoughts on June 1, 1945, and has since hold so much philosophical values for the life of Indonesians. The ideology of Pancasila became very important for the Indonesian nation because Pancasila has several positions in the life of the nation and state in Indonesia. These positions are of the following: Pancasila as the soul of the Indonesian nation; Pancasila as the personality of the Indonesian nation; Pancasila as the outlook on life of the Indonesian nation; Pancasila is the basis of the state; Pancasila is the source of all existing laws in Indonesia; Pancasila is the noble agreement of the Indonesian nation when establishing the state; and Pancasila is the ideals of the nation.[22] Through these

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[20] Ulung Napitu *et al.*, "Challenges and Its Approaches to Bring Integration of Indonesian People," *Britain International of Humanities and Social Sciences (BIoHS) Journal* 2, No. 2 (May 30, 2020): 381–391, https://doi.org/10.33258/biohs.v2i2.236, p. 389.

[21] Khoirul Anwar, "Pancasila Village, Multicultural Education and Moderation of Diversity in Indonesia," *Nazhruna: Jurnal Pendidikan Islam* 4, No. 2 (2021): 221–234, https://doi.org/10.31538/nzh.v4i2.1238, p. 223.

[22] Masrukhi *et al.*, "Pancasila Clinic Model Based on Local Affairs in Village Communities (Village Case Around the Semarang State University Campus)," in *Proceedings of the 1st International Conference on Character Education (ICCE 2020)*, (2021), 190–200, https://doi.org/10.2991/assehr.k.210204.029, p. 192.

positions, it can be interpreted that Pancasila is a foundation for the Indonesian people in carrying out all aspects related to the life of the nation and state.

In addition, Pancasila also serves as a guide in the life of the Indonesian state. Pancasila also contains historical values in it because Pancasila is an agreement made by the founders this nation when establishing the Republic of Indonesia. These things make Pancasila have a very important function and position for the Indonesian nation. Pancasila is formally recognized as Indonesia's state ideology, influencing laws and regulations that govern the lives of Indonesians. It's the source of values that the Indonesian Constitution, *Undang-Undang Dasar Negara Republik Indonesia 1945*, stem from.

With a very important function and position in the life of this very multicultural nation, Pancasila and its applications must be preserved by every component of the Indonesian nation.[23] Preservation of Pancasila values can be done by implementing the values contained in Pancasila in everyday life. The values of Pancasila itself are reflected in every precept in it. These values are divine values, human values, unity values, social values and also the values of justice. Divine values can be implemented by respecting every religious community in Indonesia.

The Indonesian society consists of people with many different backgrounds, especially religion, so every people must respect the differences that exist as a form of implementation of divine values. Human values can be practiced by not discriminating against other ethnic groups in Indonesia. Unity values can be practiced by showing love for the Indonesian homeland. No society can exist with only one ideology, and ideological diversity is a normal thing in the development of modern views on life.[24] While every Indonesian can say openly that they wholeheartedly believe in the ideology of Pancasila, the practical reality of exercising Pancasila-ist values can be difficult due to various socio-economic, and cultural backgrounds. Considering the fact that the Indonesian society consists of many different socio-economic and religious backgrounds, other framework of

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23 Anissa Wika Alzana, Yuni Harmawati, and M Pd, "Pendidikan Pancasila Sebagai Pendidikan Multikultural," *Citizenship Jurnal Pancasila Dan Kewarganegaraan* 9, No. 1 (2021): 51–57, http://e-journal.unipma.ac.id/index.php/citizenship/article/view/2370, p. 52.

24 Bogdan Constantin Mihailescu and Silviu Petru Grecu, "Ideological Diversity and Cognitive Difficulties," *Meta* 10, No. 2 (2018): 540–567, https://philpapers.org/rec/MIHIDA-3, p. 541.

beliefs or views must have a fair amount of impact in the lives of Indonesian. This is even more relevant in the digital age, where people can easily access information and learn about other ideologies.[25] Pancasila, like other ideologies that influence the growth and development of other nations, face many challenges from other competing ideologies.

Having another ideology as a framework of beliefs that help guide everyday life is not something illegal in Indonesia. After all, it's an abstract thing that can't really be proven to be a threat to the existing influences of Pancasila in the Indonesian society. This goes back to the very open nature of Pancasila that allows room for other beliefs and thoughts to influence Indonesians, as long as it doesn't go against the core values of Pancasila that are already reflected in the Indonesian legal system and in everyday life of Indonesians. Radicalism is the exact opposite of Pancasila, hence the strong pushback from the government. The efforts to eradicate

radicalism can then be called the efforts to save Pancasila values in the Indonesian society.

As the national spirit and state ideology of Indonesia, Pancasila has guaranteed the protection of human rights in Indonesia, by recognizing that diversity in Indonesia shouldn't be treated as a challenge, but rather a source of power and potential, that could take Indonesia to higher heights socially and economically. The existence of radicalism, on the other hand, is a direct threat to the existence of Pancasila and also a direct threat to the protection of human rights.[26] The close-minded and intolerant nature of radicalism make it impossible for radicalism to be supportive of differences in the Indonesian society and as a consequence, restricts the freedom of thoughts, beliefs, and speech that are held very dear by Indonesians.

Like any ideology, radicalism can also be taught to children which in this digital age, is a fairly easy feat and has been a huge problem to many families.[27] The

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[25] Grace Anika Susilowati, "Pengaruh Sosial Media Dalam Membentuk Persepsi Pemuda Terhadap Partisipasi Politik," *Ikon-Jurnal Ilmiah Ilmu Komunikasi* 23, No. 1 (2019): 38–52, https://journals.upi-yai.ac.id/index.php/IKON/article/view/1250, p. 40.

[26] Budi Gunawan and Barito Mulyo Ratmono, "Threats to the Ideology of Pancasila In the Reform Era: Praxis Case of Regional Development Policy," *Jurnal Studi Pemerintahan* 9, No. 1 (2018): 56–82, https://doi.org/10.18196/jgp.2018.0057.56-82, p. 62.

[27] Moh Khoerul Anwar and Muhammad Wildan, "Family Well-Being and Radicalism in Digital Era," in *Proceedings of the Borneo International Conference on Education and Social Sciences (BICESS 2018)*, (2020), 142–149, https://doi.org/10.5220/0009017901420149, p. 147.

indoctrination of minors into radicalism is an even bigger threat to Indonesian society because it threatens the future of the nation that is held by the Indonesian children. Minors who have fallen into this dark framework of beliefs should be brought back and educated to value the differences that exist in the Indonesian society, to prevent the regeneration of terrorist groups and ultimately to eradicate terrorism.

2. Terrorism and Its Reach on Minors

Ideology can be spread in a lot of ways. Whatever ways ideology is spread, one thing that always remains the same is that it requires interaction. Ideology doesn't magically spread among a group of people while creating a collective of consciousness that are connected by similar ideas and aspirations. Ideology requires discussion, arguments, agreement, and cooperation to finally have an effect on a group of people. That group of people will then spread the ideology in their own respective circles influence even more people and gain more followings for their ideology.

Unlike Pancasila, which is spread formally throughout all government institutions, other ideologies require more effort to spread and gain followings. While Pancasila is formally embedded in the constitutions, other ideologies are understood and sympathized by actions of other people and similarities that exist between many people's lives. Other ideologies are constantly in question to make it able to adapt to the changes happening in society. The advantage that other ideologies have is that it's more flexible and has changed throughout its development. Pancasila, on the other hand, remains the same as changing would mean changing the foundation that built the nation of Indonesia. This advantage makes it possible for other ideologies to infiltrate many social institutions and influencing the lives of many people, just like Pancasila.

Social institutions such as religions, social class, political class, education spheres, and etc., are prone to many forms of ideological infiltrations. Ideologies with sinister intentions often claim that it originates from the core of the related social institutions.[28] Such is often the case with religious radicalism and extremism, which can lead to terrorism. Terrorism often bases its argument on the fall of morals in the

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[28] Muhammad Akmansyah and Nurnazli, "Prevention of Radicalism Infiltration in Pesantren," in *Proceedings of the 1st Raden Intan International Conference on Muslim Societies and Social Sciences (RIICMuSSS 2019)*, 2020, 264–269, https://doi.org/10.2991/assehr.k.201113.050, p. 266.

modern society and how its existence is justified to guarantee the survival and the continuation of a religion its affiliated with. Due to its flexible nature, it can have more impact than Pancasila on the personal level and in turn, makes it so easily sympathized. Those who have fallen into the realms of terrorism usually have an unwavering sense of loyalty, despite the constant reminder from the news and social media, on how wrong it is to believe that it's justified to hurt innocent people to put fear into society, all for the sake of a vague objective.

The digital age has brought many changes to many societies around the globe. Offering to boost productivity, new digital technologies are becoming more integrated to the daily lives of many people, encouraging more people to learn many digital skills.[29] The use of social media and online communities, particularly, has been some of the most important factors that encourage the rising trend of using digital means to interact with other people, increasing the levels of digital literacy among many segments of the society. The digital age has brought new meanings to interaction, allowing other factors and effects of physical interaction to also get into the digital realm. This development is exploited by terrorist groups to spread their influence even more, allowing wider reach into the Indonesian society. The digital spheres are now the biggest platform of terrorism recruitment process as how it's been found many times by many governments around the world.[30]

Along with many positive impacts, the digital age also brings many negative impacts. One of the biggest problems of the digital age is the excessive use of technologies related to it. Excessive use of social media has been shown to be a form of addiction, which has many negative psychological impacts.[31] It can also lead to isolation and depression, which is already

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[29] Raniasari Bimanti Esthi, "Strategi Sumber Daya Manusia Di Masa Pandemi Dan New Normal Melalui Remote Working, Employee Productivity, Dan Upskilling for Digital," *JPM: Jurnal Pengabdian Masyarakat* 1, No. 1 (2020): 22–24, https://djournals.com/jpm/article/view/6, p. 24.

[30] Stephen Osaherumwen, "International Terrorism: The Influence of Social Media in Perspective," *World Wide Journal of Multidisciplinary Research and Development* 3, No. 10 (2017): 86–91, https://wwjmrd.com/archive/2017/10/473/International-Terrorism:-The-Influence-of-Social-Media-in-Perspective, p. 87.

[31] David Zendle and Henrietta Bowden-Jones, "Is Excessive Use of Social Media an Addiction?," *The BMJ* 365 (2019): 1–2, https://doi.org/10.1136/bmj.l2171, p. 1.

prevalent among young adults.[32] These things happen because of the drop of social skills as many people find physical interaction less necessary than ever. Children can also fall prey to these negative impacts, as they're also actively using social media and many other digital platforms, which has been a serious research topic in the field of psychopathology.[33] Leading to the lack of physical activity and physical interaction, problems such as depression, low self-esteem, and anxiety have become some of the most common mental illnesses among children and adolescence.[34]

These issues will end up creating a void in the lives of children and adolescence, and can be dangerous as they're susceptible to all kinds of ideas to fill that void. This void is what terrorism actively tries to exploit through many of its digital recruitment channels. In Indonesia, minors are even more vulnerable due to the constant social, cultural, and religious frictions that are happening in the very diverse Indonesian society. Because radicalism can be a result of

a social friction itself, looking for potential recruits can be an easy task. Minors can also be a potential recruit group because of how easy information can be accessed in this digital age. Minors can easily get information about issues they are concerned with and join all kinds of online forums to find like-minded people. Combine that with underlying mental health issues that they suffer because of excessive use of many online platforms, terrorism can be something interesting and exciting for them.

The reach terrorism has on Indonesian society is now wider than ever thanks to the development of many digital technologies.[35] Therefore, the legal development on the framework of fighting terrorism also needs to follow the developments of the said technologies to able to keep up with the development of terrorism recruitment mechanisms. Although the process of fighting terrorism already includes cyber warfare, a normative construction on this topic will improve the ruling process even better. It can also be a good legal base

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[32] Brian A Primack *et al.*, "Social Media Use and Perceived Social Isolation Among Young Adults in the U.S.," *American Journal of Preventive Medicine* 53, No. 1 (2017): 1–8, https://doi.org/https://doi.org/10.1016/j.amepre.2017.01.010, p. 7.

[33] Michael Kaess, "Editorial: Social Media Use in Children and Adolescents – on the Good or the Bad Side of the Force?," *Child and Adolescent Mental Health* 25, No. 4 (2020): 199–200, https://doi.org/10.1111/camh.12432, p. 200.

[34] Lauren A. Rutter *et al.*, "Social Media Use, Physical Activity, and Internalizing Symptoms in Adolescence: Cross-Sectional Analysis," *JMIR Mental Health* 8, No. 9 (2021): 1–14, https://doi.org/10.2196/26134, p. 10-11.

[35] Muhammad Zulfikar and Aminah Aminah, "Peran Badan Nasional Penanggulangan Terorisme Dalam Pemberantasan Terorisme Di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, No. 1 (January 2020): 129–144, https://doi.org/10.14710/jphi.v2i1.129-144, p. 131.

argument for restorative justice approach for minors who happen to be involved with terrorism acts. The expansion of meaning for terrorism act into the digital sphere is necessary for these frameworks of normative constructions to facilitate the fight against radicalism to be developed, as it will provide the needed normative basis. Lastly, these aspects of legal development need to be in line with Pancasila, as the main driving force of Indonesian legal development.

3. Normative Restrictions in the Juvenile Justice System to Help Deradicalization Processes

The criminal act of terror or what most people call terrorism is a problem plaguing many societies around the globe.[36] The fight against terrorism is essentially a fight to protect human rights and peace. Although the fight itself is heavily reliant on the implementation of security and even warfare strategies, a robust normative construction is still needed.[37] This is to help the competent court in its ruling that decides the fate of terrorists that have been caught authorities. Indonesia has fallen victim many times in the hands of terror attacks, namely the 'Bom Bali I' and 'Bom Bali II', which are a monumental wake-up call for Indonesia and the world that terrorist organizations feared no government agencies, even after the constant and serious threats from a superpower like the United States who had fallen victim earlier in 2001 in an attack on September 11.

To help the fight against terrorism, Indonesia legislated its own law specifically dealing with the acts of terrorism, to strengthen the efforts to criminalize terrorists.[38] Terrorism according to Law Number 15 of 2003, is "the use of violence or threats of violence which creates a situation of terror or widespread fear of people and causes mass casualties, by seizing other people's property, resulting in damage or destruction of vital objects. strategic, environmental, public facilities and state facilities." It's a fairly old law as it was

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[36] Marthsian Yeksi Anakotta and Hari Sutra Disemadi, "Melanjutkan Pembangunan Sistem Keamanan Nasional Indonesia Dalam Kerangka Legal System Sebagai Upaya Menanggulangi Kejahatan Terorisme," *Jurnal Keamanan Nasional* 6, No. 1 (2020): 41–71, https://doi.org/10.31599/jkn.v6i1.455, p. 42.

[37] Marthsian Yeksi Anakotta, Hari Sutra Disemadi, and Kholis Roisah, "From Youth for 74 Years of Independence of the Republic of Indonesia (Masohi Militancy: Youth Efforts to Eradicate Radicalism And Terrorism)," *Jurnal Hukum Prasada* 7, No. 1 (2020): 53–60, https://doi.org/10.22225/jhp.7.1.2020.53-60, p. 54.

[38] Marthsian Yeksi Anakotta, "The Criminal Acts by Armed Criminal Group in Papua, 'Treason' or 'Terrorism'?," *Jurnal Komunikasi Hukum (JKH)* 7, No. 2 (2021): 641–662, https://doi.org/10.23887/jkh.v7i2.37994, pp. 653-654.

legislated in 2003, a time where terrorism still maintained most of its seeds of influence in the physical world. Now that digital technologies have become more integrated than ever with the daily lives of Indonesians, normative restrictions are bound to exist.

Indonesia's legal framework specifically dealing with the issue of terrorism, consists of Law no. 15 of 2003. This law was based on Government Regulation in-Lieu-of-Law of the Republic of Indonesia No. 1 of 2002 Concerning Eradication of Criminal Acts of Terrorism. This law had many normative voids as it mentioned nothing about radicalism as a precursor of terrorism, and didn't cover enough aspects and factors that contribute to the act of terrorism. This law was later partly revised with Law No. 5 of 2018 (Revised Law on Terrorism). Throughout the two laws, unfortunately, there hasn't been any concrete normative structure that deals with the spread of radicalism as a precursor to terrorism, even though Law No. 5 of 2018 did mention counter-radicalization as a process to defend against the spread radicalism, through Article 43C paragraph (1), (2), and (3), which states "(1) Counter-radicalization is a planned, integrated, systematic and continuous process that is carried out against people or groups of people who are vulnerable to being exposed to radical terrorism that is intended to stop the spread of radical terrorism; (2) Counter-radicalization as referred to in paragraph (1) is carried out by the Government which is coordinated by the agency that organizes affairs in the field of counter-terrorism by involving the relevant ministries/agencies; and (3) Counter-radicalization as referred to in paragraph (1) is carried out directly or indirectly through counter-narratives, counter-propaganda or counter-ideology."

These are a fairly decent normative construction because it covers the very base of the purpose to fight radicalism as a precursor to terrorism; however, the problem with this regulation is that it lacks normative foundation for the term radicalism. To date, there's still no normative basis for what radicalism means in the Indonesian legal system. This is a disappointing aspect of legal development, considering the fact that the regulation was legislated in 2018, a time where radicalism

was at a heightened state, especially after the Surabaya bombing.[39]

Another term used in this law is the term "deradicalization", which according to Article 43D paragraph (1), is "a planned, integrated, systematic and continuous process that is carried out to eliminate or reduce and reverse the understanding of radical terrorism that has occurred." The main difference between counter counter-radicalization and deradicalization is that the former deals with the fight against radicalization before it's embedded into the thoughts of many people, while the latter deals with the process to unroot radicalism from the minds of people who have already fallen for it. The regulation regarding deradicalization in this law is comprehensive as explained in detail, including the implementation process, through Article 43D paragraph (2) to (6), which state "Deradicalization as referred to in paragraph (1) is carried out to a. suspect; b. defendant; c. convict; d. prisoners; e. former Terrorism convicts; or f. a person or group of people who have been exposed to radical terrorism; Deradicalization as referred to in paragraph (1) is carried out by the Government which is coordinated by the agency that organizes affairs in the field of counter-terrorism by involving the relevant ministries/agencies. Deradicalization of people as referred to in paragraph (2) letters a to d is given through the following stages: a. identification and assessment; b. rehabilitation; c. re-education; and d. social reintegration; Deradicalization as referred to in paragraph (1) is carried out by the Government which is coordinated by the agency that organizes affairs in the field of counter-terrorism by involving the relevant ministries/agencies. Deradicalization of people as referred to in paragraph (2) letters a to d is given through the following stages: a. identification and assessment; b. rehabilitation; c. re-education; and d. social reintegration; Deradicalization of people or groups of people as referred to in paragraph (2) letters e and f can be carried out through: a. development of national insight; b. fostering religious insight; and/or c. entrepreneurship; and The implementation of deradicalization as referred to in paragraph (5) is carried out based on identification and assessment."

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[39] Hannah Beech and Muktita Suhartono, "At the Heart of Indonesia Terror Attacks, a Well-Liked Family," https://www.nytimes.com/2018/05/18/world/asia/indonesia-surabaya-terrorism-dita-oepriarto.html., accessed Feb 20, 2023.

This regulation provides a comprehensive framework of deradicalization, which is even more comprehensive than that of counter-radicalization. It provides a sufficient structure to carry out many implementations and plans for deradicalization through a number of carefully-observed steps mentioned in paragraph (3). One curious term used in this regulation is entrepreneurship, which doesn't have any direct link to terrorism, and doesn't really help deradicalization in any specific way. Perhaps an argument can be made for this normative construction by looking at entrepreneurial activities as emancipatory works that could help radicalized people in decontaminating themselves from ideological constraints.[40]

A big problem concerning the normative construction on radicalization and the efforts to prevent and fight it, is that there's no stipulation that criminalizes the act of radicalization in the mentioned Laws. This huge void is problematic, because it still leaves a considerable space for terrorism to continue to grow from radicalism and it shows that the efforts to fight terrorism through the Indonesian legal system is one dimensional, not covering the radicalism as the root cause of it. It shows the Indonesian legal system still views radicalization in a conservative manner, going back to theories explaining how inner circles such as family members are the main reasons behind radicalization.[41] Furthermore, there's no mention of minors in any possible situation related to the criminal act of terrorism in the law. However, the law did mention minors in the position of victims of terrorist attacks. Considering how radicalism is in Indonesia and how vulnerable minors are to it, the non-existence of regulation that mentions the possibility of minors as terrorists shows the lack of understanding on the problems concerning the youth development in this digital age.

The only law to look at to find normative construction on this issue is Law No. 11 of 2012 on Juvenile Justice System. The only mention of terrorism in this law is in the Explanation of Article 9 paragraph (1) letter a, which states "This provision is an

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[40] Yanto Chandra, "Social Entrepreneurship as Emancipatory Work," *Journal of Business Venturing* 32, No. 6 (2017): 657–673, https://doi.org/10.1016/j.jbusvent.2017.08.004, p. 659.

[41] Izabela Zych and Elena Nasaescu, "PROTOCOL: Is Radicalization a Family Issue? A Systematic Review of Family-Related Risk and Protective Factors, Consequences, and Interventions against Radicalization," *Campbell Systematic Reviews* 17, No. 3 (2021): 1–20, https://doi.org/10.1002/cl2.1190, p. 7.

indicator that the lower the criminal threat, the higher the Diversion priority. Diversion is not intended to be carried out against perpetrators of serious crimes, for example murder, rape, drug dealers and terrorism, which are punishable by more than 7 (seven) years of imprisonment." This regulation puts a normative restriction on the possibility for restorative justice to be placed upon minors who are connected to terrorist attacks. Diversion is defined by Article 1 number 7 which states that "Diversion is the transfer of settlement of child cases from the criminal justice process to processes outside of criminal justice."

First, it's important to note that terrorism is a coordinated act of violence.[42] Meaning, it takes more than 1 person to do it. A terrorist attack is an act of violence with a lot of variations, depending on the level of difficulty and the objectives targeted. Terrorism overall is a criminal act that requires preparation and is usually set up by connecting many networks of terrorist groups.[43] Based on this, legal implications of an act of terror also varies, depending on the roles each convict plays. The diversification of roles in terrorist attacks allow terrorist groups to spread the workloads to many people, in many age ranges. This opens up the possibility that minors could be related to a terrorist attack, in so many different ways. The role could be as insignificant as giving information about the movement of a target, which can't be compared to the act of mass shooting or bombing.

These possibilities are a strong consideration to open up the possibilities for restorative justice approach, which is normatively restricted by the explanation of Article 9 paragraph (1) letter a, in the Juvenile Justice System Law. Ironically, the Juvenile Justice System Law also gives room for further interpretation, although vague, through the remaining regulation mentioned in the same Article, specifically paragraph (1) letter b to d, which in order, mentioned child's age; social research results from Bapas *(Penitentiary Bars)*; and family and community support, as factors of consideration for minors to receive Diversion.

42 Rochanah Rochanah, "Students' Perceptions of Islamic Religious Education about Islam and Radicalism: A Study of Three PTKIN Central Java," *Bulletin of Science Education* 1, No. 3 (2021): 228–236, https://doi.org/10.51278/bse.v1i3.261, p. 232.

43 Nazli Avdan and Clayton Webb, "The Big, the Bad, and the Dangerous: Public Perceptions and Terrorism," *Dynamics of Asymmetric Conflict: Pathways toward Terrorism and Genocide* 11, No. 1 (2018): 3–25, https://doi.org/10.1080/17467586.2017.1414276, pp. 6-7.

Furthermore, the possible application of restorative justice that is going to be applied to minors who are connected to a terrorist attack could refer back to Article 43D of the Revised Law on Terrorism as already mentioned before. All the framework of actions to be implemented should also go back to *Pancasila*-ist values and other community values that are held dear by the Indonesian people. Community values can be practiced by respecting the opinions of others when expressing opinions. The value of justice can be practiced by maintaining the rights and obligations of every citizen. This description is only a small part of the practice of Pancasila values in everyday life and there are still many things that can be done in an effort to preserve Pancasila values in this Motherland. Pancasila ideology must be preserved because this ideology is an ideology that reflects the personality of this nation.

D. CONCLUSIONS

Through a deeper understanding of what terrorism really is, it is evident that the criminal actions related to a terrorist attack varies, which in turn opens the possibility for restorative justice approach to be applied. For that approach, the result of normative analysis on this research shows that there are rooms for interpretations other than the literal one, that could help with the process of deradicalization of minors who are involved in terrorist attacks. Deradicalization as an important effort needs to be connected Diversion mechanisms through a better normative construction in an effort to uproot and eradicate radicalism from Indonesian youth. There's also room for further adaptation of values extracted from Pancasila as the Indonesian state ideology. The Indonesian government needs to make up its mind on how to deal with radicalism because the current vague regulation on radicalization gives way too many spaces for terrorist groups to grow its influence and expand its networks even to minors. The limitation of this research is the lack of specific analysis on the roles of community support, despite the negative perceptions of terrorism, which can also be a good indicator of community resilience and unity. This can be further delved into with various methods of socio-analysis, supported by empirical evidence.

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