



## Deradicalization of Children Exposed to Radical Terrorism in Terrorism Crime in Indonesia

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### **Abstract**

As the use of violence in tackling terrorism will only result in other retaliatory acts of violence committed by the same or different groups of terrorists, deradicalization is considered as one of the soft approaches worth taking. The cycle of violence involving the state, in this case the combatants, and the terrorists should not be a resort in solving terrorism. Deradicalization programs for children should differ from those for adults since their critical thinking is not well developed, compared to adults<sup>1</sup>. Therefore, the phases of reeducation and reintegration are crucial to them so that in turn they can live in a society in harmony, and they are safely guaranteed to get disengaged from any radicalism exposure. This research aims at finding out how the deradicalization program on children exposed to radical terrorism in Indonesia is implemented. Using the empirical juridical method, this study serves as legal research on the enforcement and implementation of normative legal provisions in action on every legal event taking place in society.

**Keywords:** *Deradicalization; Children; Terrorism*

### **Introduction**

Indonesia is one of the countries at high risk of bomb terrorism in several places. The act of terrorism has clearly violated the human dignity of the state, and religious beliefs.<sup>1</sup> Terrorism plays a role in the life of this country to reveal another picture of and among various types of crime, especially violent crime, organized crime, and heinous crime. Terrorism is not directly directed at the opponent, but acts of terrorism are carried out anywhere and against anyone and more importantly, the goal that terrorism wants to convey is so that acts of terrorism get special attention.<sup>2</sup> The problem of terrorism is very difficult to deal with, especially in Indonesia's diverse countries with different cultures and religions<sup>3</sup>, so in order to ensure national unity and unity, group-to-group allegations should not be taken lightly do anything else. Terrorist acts have a tendency to intimidate others in order to attract the attention of

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<sup>1</sup> Syam, F., Mangunjaya, F. M., Rahmanillah, A. R., & Nurhadi, R. (2020). Narrative and the Politics of Identity: Patterns of the Spread and Acceptance of Radicalism and Terrorism in Indonesia. *Religions*, 11(6), 290.

<sup>2</sup> Jongman, A. J. (2017). *Political terrorism: A new guide to actors, authors, concepts, data bases, theories, and literature*. Routledge.

<sup>3</sup> Novera, I. A. (2004). Indonesian postgraduate students studying in Australia: An examination of their academic, social and cultural experiences. *International Education Journal*, 5(4), 475-487.

individuals, groups, or nations. Terrorism is a very cruel act that does not completely evade, detract from and undermines the values of humanity. People who do not know the cause, mission or cause of the insurgency have been innocent victims.<sup>4</sup>

With their special nature and characteristics, children play a very strategic role as they are the next generation holding potentials and opportunities to lead this country in the future. Therefore, fostering and protecting their mental, physical, and social development holistically is very crucial<sup>5</sup>. This is supposed to be the government's great concern in terms of providing legal protection and legal certainty for citizens as stipulated in the 1945 Constitution of the Republic of Indonesia (hereinafter the 1945 Constitution) as the State Constitution.<sup>6</sup> The enactment of legal protection as rigidly stipulated in the 1945 Constitution is guaranteed in Law Number 4 of 1979 concerning Child Welfare (the Child Welfare Law) in which children are defined as those below 21 years of age and have never got married.<sup>7</sup> The age perimeter is set due to several factors like mental and social maturity that affects their effort in acquiring prosperity and welfare.<sup>8</sup>

The development of the legal system in Indonesia has led to a shift in the nomenclature of children in subsequent legislation products. Children, according to Law No. 23 of 2000 concerning Child Protection (hereinafter called the Child Protection Law), are those who are below 18 years of age including the fetus.<sup>9</sup> Meanwhile, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter the SPPA Law) define children as those who have reached the age of 12 but below 18.<sup>10</sup> Protecting and guaranteeing children's welfare turns to be complex due to special nature and characteristics of children, such as their ability to absorb things through their sensory modalities better and faster than adults. However, this may result in children's vulnerability in terms of lack of knowledge to process information received, and in turn it may lead children to the wrong path paving their way to delinquency and crime. Broadly speaking, child development is determined by genetics and the environment. Children, in Arthur Schopenhauer's theory of Nativism, have innate basic strengths or potentials that are naturally inherited, and they are passed down by the genetics of their parents' lineage. Although this theory was developed to identify the interests, talents and potential in children, it also serves as a psychological basis to understand why children commit delinquency and crime. In addition, it is also in line with the biological theory of the Positivist School of Criminology which was developed by Cesare Lombroso. The theory suggests that a person commits a crime due to an evil genetic inheritance passed down by his parents<sup>11</sup> which is projected in the person's physical appearance.<sup>12</sup>

John Locke, through his theory of Tabula Rasa, describes children as blank paper, to refer to clean individuals who are sensitive to stimuli coming from their environment.<sup>13</sup> Tabula Rasa theory refers to the epistemological view that a human being is born without an innate mental core, in other words "clean"; and all sources of knowledge are acquired little by little through the experience and perception of the sensing organs of the world outside themselves. This is also in line with criminological theories in the Positivist School, which base their analysis on biological and psychological conditions, but later shifted to

<sup>4</sup> Sainuddin, L., Magassing, A. M., Sakharina, I. K., & Bakhtiar, H. S. (2017). Legal Analysis of Crime Terrorism and Counter Terrorism Strategy. *International Journal of Advanced Research (IJAR)*, 5(7), 93-95.

<sup>5</sup> The general explanation section of Law No. 3 of 1997

<sup>6</sup> Bakhtiar, H. S., Sofyan, A. M., & Haeranah, H. (2019). Criminal Justice System of Children in Indonesia. *IOSR Journal Of Humanities And Social Science (IOSR-JHSS) Volume, 24*, 01-07. See also, Nur, R., Riza, M., Moenta, A. P., & Bakhtiar, H. S. (2020). Sanctions on Children: Comparative Studies of Indonesia and Netherlands. *JL Pol'y & Globalization*, 98, 225.

<sup>7</sup> Law No. 4 of 1979, Article 1 (2).

<sup>8</sup> Law No. 4 of 1979, Article 1 (2).

<sup>9</sup> Law No. 35 of 2014, Article 1 (1).

<sup>10</sup> Law No. 11 of 2012.

<sup>11</sup> Frank, E. H. (2013). *Pengantar Kriminologi (Teori, Metode dan Prilaku Kriminal Edisi Ketujuh)*. Jakarta: Prenadamedia Group. p.162-167

<sup>12</sup> Zulfa, E. A., & Santoso, T. (2009). *Kriminologi*. Jakarta: PT. Raja Grafindo Persada. p. 37-39.

<sup>13</sup> Teguh, H. P. (2018). *Teori dan praktek perlindungan anak dalam hukum pidana: dilengkapi dengan studi kasus*. Yogyakarta: CV Andi Offset. p 5.

sociological analysis.<sup>14</sup> Through Durkheim's theory of Anomie, Merton's Strain theory, cultural deviation theories, and the thoughts of Sutherland's, Reckless', Shaw's and McKay's, the immediate environment of a person is believed to significantly determine a person's character development into good or bad.<sup>15</sup> Both factors contributing to the child development mentioned earlier can be explained in an analogical interaction below:

### Genetic and Environmental Interaction on Personality

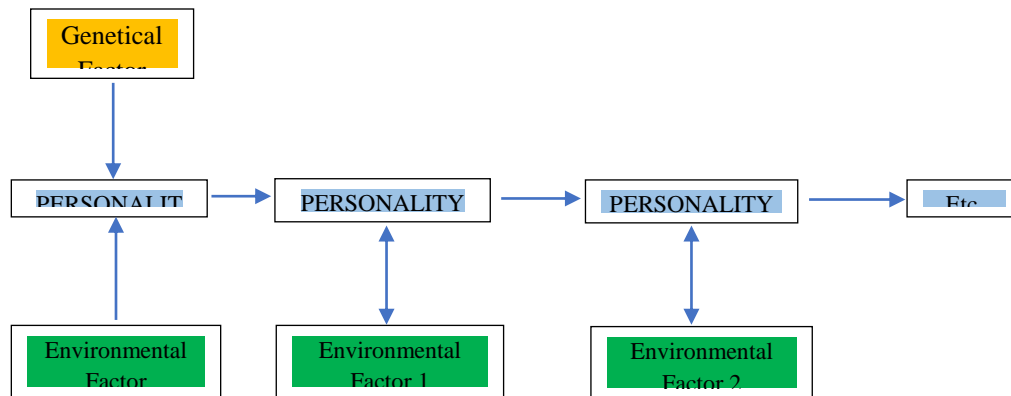


Image 1

Source: Processed by the Writer

Figure 1 suggests that a child's personality is the result of the interaction of genetic and environmental factors. The child's interaction with environmental factor 1 produces a child with personality who develops into person 1. Then, the child with personality 1 after interacting with environmental factor 2 will change into a child with personality 2. And the cycle continues until a child becomes an adult.

The interaction cycle above indicates that child's social environment can be categorized into primary (family), secondary (school), and tertiary (community). Ideally, a child begins to socialize in his primary social environment, then continues to his secondary social environment at a certain age, and later to his tertiary social environment. However, the child's personal development does not need to occur sequentially according to the interaction cycle as shown in Figure 1 above. For example, person 1 can also be created due to his interaction with his secondary social environment. This condition creates a vulnerability that can lead children to delinquency or crime, and when that happens, the child is referred to as 'children in conflict with the law' as mentioned in the SPPA Law as children aged 12 years old but under 18 suspected of committing a crime.<sup>16</sup> This vulnerability gap is expanded by the advancement of information technology that can be accessed via the Internet.<sup>17</sup> This spurs the emergence of a quaternary social environment in the form of social media which is freely accessed by children.<sup>18</sup>

<sup>14</sup> Frank, *Op.Cit.* p. 208-209.

<sup>15</sup> *Ibid.*

<sup>16</sup> Nur, R., Bakhtiar, H. S., Miqat, N., Darmawati, D., & Mustawa, M. (2021). Model Of Punishment: Juvenile Justice Systems. *Jambura Law Review*, 3, 35-56. See also, Bakhtiar, H. S., (2015). *Penerapan Sanksi Pidana dan Tindakan Terhadap Anak Menurut UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak*. Universitas Muslim Indonesia.

<sup>17</sup> Li, G., Zhao, J., Murray, V., Song, C., & Zhang, L. (2019). Gap analysis on open data interconnectivity for disaster risk research. *Geo-Spatial Information Science*, 22(1), 45-58.

<sup>18</sup> Willoughby, M. (2019). A review of the risks associated with children and young people's social media use and the implications for social work practice. *Journal of Social Work Practice*, 33(2), 127-140.

## Types of Child's Social Environment

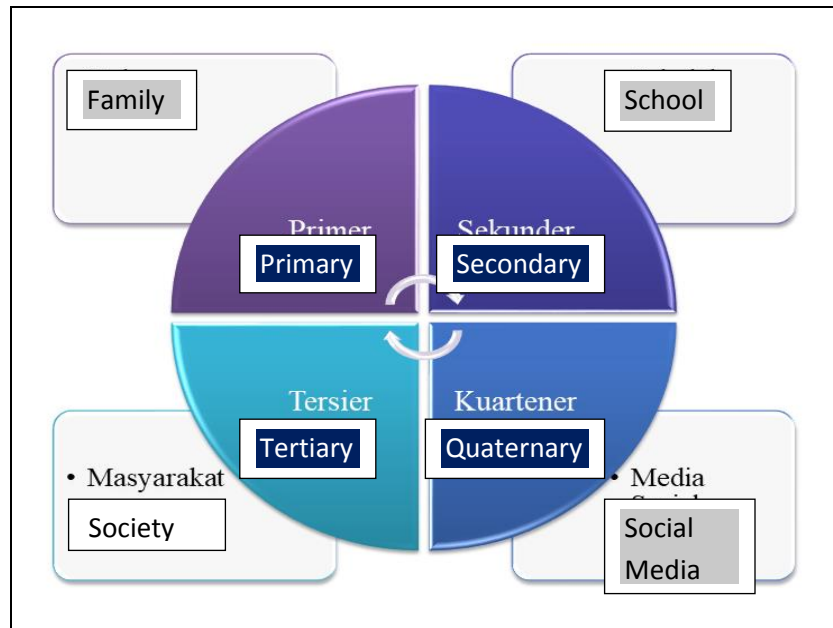


Image 2

Source: Processed by the Writer

As seen on Figure 2, the types of children's social environment are not a structural hierarchy, but rather cycles that are side by side and continuous, sometimes even intersect. However, the interaction between children and their social environment is structural, thus determining the direction of children's development and often creating integration with the social environment. This is reflected in several types of delinquency and crimes, including criminal acts of terrorism in Indonesia. Referring to the background and problem mentioned, the research problem formulated here is how the deradicalization program to children exposed to radical terrorism in Indonesia is implemented.

### Method

This research will be conducted using an empirical juridical method to make legal research regarding the enforcement and implementation of normative legal provisions in action on every legal event that occurs in society.<sup>19</sup> This research will use both primary and secondary data which later will be analyzed using descriptive qualitative methods to show legal interpretation, reasoning, and arguments in answering the formulation of legal problems and providing solutions.<sup>20</sup>

### Results and Discussion

Terrorism has drawn international attention especially since 2001 when Al Qaeda carried out a terror attack, known as the 9/11 Tragedy.<sup>21</sup> Al Qaeda hijacked three commercial planes, two were directed to New York City to destroy the twin towers of the World Trade Center which were a symbol of the economic superpower of the United States, and one was aimed at Virginia to destroy the Pentagon which is a symbol of the military power of the United States.<sup>22</sup> This was the event that started the feud between Al Qaeda and the United States. Although denounced and labeled as a terrorist group by the United

<sup>19</sup> Muhammad, A. (2004). *Hukum dan penelitian hukum*. Bandung: Citra Aditya Bakti. p 134.

<sup>20</sup> Marzuki, M. (2017). *Penelitian Hukum: Edisi Revisi*. Jakarta: Prenada Media.

<sup>21</sup> Hoffman, B. (2002). Rethinking terrorism and counterterrorism since 9/11. *Studies in Conflict and Terrorism*, 25(5), 303-316.

<sup>22</sup> Murphy, S. D. (2002). Terrorism and the Concept of Armed Attack in Article 51 of the UN Charter. *Harv. Int'l LJ*, 43, 41.

States, Al Qaeda still earned sympathy and even followers who supported what Al Qaeda believed.<sup>23</sup> That strong belief resonated globally, making Al Qaeda a new scourge on the international scene. In fact, Indonesia was one of the targets of Al Qaeda attacks by local radical groups affiliated to it. The suicide bombings carried out in Bali in 2002, or the incident known as the Bali Bombing I, was the beginning of the movement of those who believed their actions to be a jihad struggle to criticize relations between Indonesia and the United States.<sup>24</sup>

However, in the development of the world terrorism movement, Al Qaeda experienced an internal conflict so that it broke out and gave birth to a new group called the Islamic State of Iraq and Syria (ISIS), which was more radical and extreme.<sup>25</sup> Meanwhile in Indonesia, in line with world developments, sporadic, radical, and extreme groups emerged; Jamaah Ansharut Daulah (JAD); Jamaah Ansharut Tauhid (JAT); East Indonesia Mujahideen (MIT); and the West Indonesia Mujahideen (MIB) are to name a few. Through comments full of radicalism, some groups who had not managed to attract enough attention from law enforcement officials.<sup>26</sup> Radicalization is the action or process of causing someone to adopt radical positions on political or social issues.<sup>27</sup> Radicalization is believed to be one of the ways used by terrorist groups to direct their members to extreme and violent acts of violence, including committing suicide attacks, like those happening in Indonesia.<sup>28</sup> Through clandestine operations, the wide area of exposure to radicalism is not limited to age, gender, occupation, or social status, including children or those who have not reached the age of 18 years. Exposing children to radicalism and recruiting them in terrorist networks is not a new thing. Indonesia recorded that since 2016 terrorists in Medan have involved children in their criminal acts of terrorism. Children are no longer victims but become suicide bombers using even their own homemade bombs. This phenomenon became widespread in 2018, where some of the suicide bombers in Surabaya were children, aged nine.<sup>29</sup> This is indicated by a fairly high integration between children and their social environment, including social media, where there has never been direct face-to-face communication, but it creates loyal social integration.

In order to fight terrorism movements and reduce radicalization, Indonesia produces regulations related to terrorism which are part of positive law. The Law No. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism (the Anti-Terrorism Law) is the latest regulatory product related to terrorism, which adds several provisions in it related to the Prevention of Criminal Acts of Terrorism, including deradicalization as a form of Government preparedness in preventing criminal acts of terrorism.<sup>30</sup> The government is certain that the terrorists who are caught, whether they are suspects, defendants, or terrorist convicts (Napiter) and even ex-convicts, are supposed to get a deradicalization program which aims to reduce radical activities and deconstruct their mindset on radicalism. This program is conducted through legal, psychological, religious, economic, and sociocultural approaches to instill the values of Pancasila.<sup>31</sup>

The stages of deradicalization referred to in the Anti-Terrorism Law are (i) identification and assessment; (ii) rehabilitation; (iii) re-education and (iv) social reintegration. The National Counter-Terrorism Agency (BNPT) oversees these stages as mandated by the Anti-Terrorism Law. However, other institutions, such as the Directorate General of Corrections (Dirjen Lapas), Special Detachment of 88 of the Indonesian National Police (Densus 88) are also held liable for conducting the programs. The number of institutions dealing with the programs does not ease the deradicalization process itself,

<sup>23</sup> Moghadam, A. (2008). *The globalization of martyrdom: Al Qaeda, Salafi Jihad, and the diffusion of suicide attacks*. JHU Press. See also, Walter, B. F. (2017). The extremist's advantage in civil wars. *International security*, 42(2), 7-39.

<sup>24</sup> Temaluru, T.C. (2020). *Bunuh Diri Altruistik oleh Teroris di Indonesia (Tesis)*, Depok: Universitas Indonesia, p 50-54.

<sup>25</sup> Cockburn, P. (2015). *The rise of Islamic State: ISIS and the new Sunni revolution*. Verso Books.

<sup>26</sup> Temaluru, *Op.Cit.* p. 64-67.

<sup>27</sup> Borum, R. (2011). Radicalization into violent extremism I: A review of social science theories. *Journal of strategic security*, 4(4), 7-36.

<sup>28</sup> Ramakrishna, K. (2009). *Radical pathways: understanding Muslim radicalization in Indonesia*. Greenwood Publishing Group.

<sup>29</sup> Temaluru, *Op.Cit.* p. 95-108.

<sup>30</sup> Law No. 5 of 2018, Chapter VIIA.

<sup>31</sup> Firmansyah, R. (2019). Rehabilitasi dan deradikalisasi terhadap anak pelaku tindak pidana terorisme. *Jurist-Diction*, 2(2), 669-686.

especially when it comes to children as the issue is still debatable whether to call them victims or perpetrators as they are influenced and involved by adult terrorists through children's primary, secondary, and tertiary social environment, or virtual exposure as their quaternary social environment.

### **Conclusion**

Children are entities that have special characteristics, traits and characteristics, which as the next generation of the nation need to be guaranteed and given protection for their welfare. This includes when children become perpetrators of criminal acts, especially acts of terrorism which have become increasingly widespread since 2016. The rise of criminal acts of terrorism in Indonesia has made the government pay more attention to terrorism. This is projected in a number of legislation products and policies produced by the government to regulate matters related to terrorism, including deradicalization. Even BNPT itself as the agency that carries the mandate of legislation has produced policies related to deradicalization. Unfortunately, these regulations and policies have not adequately accommodated the needs of children, who still require further supervision even after the deradicalization process. Because children are still vulnerable to being exposed to radical ideas when they interact with a social environment that adheres to radical ideas.

### **Recommendation**

Seeing the vulnerability of children to interactions with their social environment, which allows children to be exposed and exposed to radical ideas, it is necessary to do the following things: The government needs to produce regulations or further policies related to the deradicalization of children in criminal acts of terrorism explicitly, so as to guarantee legal protection of children against the potential for re-exposure to radicalism. The government through the relevant agencies, in this case the BNPT, is to be able to make a follow-up program of deradicalization of children, by including further monitoring and supervision variables that can protect children from the potential for re-exposure by radicalism. In addition, BNPT can also work with independent institutions that deal with children, such as KPAI and the Indonesian National Commission for Children as community representatives, to carry out further monitoring and supervision of children who have succeeded through deradicalization programs and returned to society.

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