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LEGAL PROTECTION AND RESTORATIVE APPROACH IN HANDLING CHILDREN INVOLVED IN TERRORISM CRIMES IN INDONESIA

Abstract
This study examines the implementation of restorative justice in handling children involved in terrorism crimes in Indonesia. Restorative justice, which focuses on rehabilitating and reintegrating individuals into society, is a relevant approach to rehabilitating children involved in criminal acts of terrorism. The concept also allows community and victim participation in the settlement process. The study uses normative legal and analytic philosophical approaches. Although restorative justice has the potential to handle terrorism cases involving children, its implementation still faces challenges and requires cooperation from various parties. The research emphasizes that restorative justice should be part of a broader strategy in protecting children from involvement in terrorism, involving effective education, early intervention, and support for families and communities vulnerable to extremist influences. This study also emphasizes that implementing restorative justice in the context of criminal acts of terrorism involving children poses significant challenges and requires cooperation between various parties, including the legal system, educational institutions, families, and communities. The research argues that restorative justice should be an integral part of a broader strategy that involves effective education about the values of peace and tolerance, early intervention to detect and prevent radicalization, and support for families and communities vulnerable to extremist influences.
Keywords: Children, Terrorism Crimes, Restorative Justice.

Abstrak
Penelitian ini mengkaji implementasi keadilan restoratif dalam penanganan anak yang terlibat tindak pidana terorisme di Indonesia. Keadilan restoratif yang berfokus pada rehabilitasi dan reintegrasi individu ke dalam masyarakat merupakan pendekatan yang relevan untuk merehabilitasi anak yang terlibat dalam tindak pidana terorisme. Konsep ini juga memungkinkan partisipasi masyarakat dan korban dalam proses penyelesaian perkara. Penelitian ini menggunakan pendekatan hukum normatif dan pendekatan filosofis analitik. Meskipun keadilan restoratif memiliki potensi untuk menangani kasus-kasus terorisme yang melibatkan anak, namun dalam implementasinya masih menghadapi tantangan dan membutuhkan kerja sama dari berbagai pihak. Penelitian ini menekankan bahwa keadilan restoratif harus menjadi

bagian dari strategi yang lebih luas dalam melindungi anak-anak dari keterlibatan dalam terorisme, yang melibatkan pendidikan yang efektif, intervensi dini, dan dukungan untuk keluarga dan masyarakat yang rentan terhadap pengaruh ekstremis. Penelitian ini juga menekankan bahwa penerapan keadilan restoratif dalam konteks tindak pidana terorisme yang melibatkan anak memiliki tantangan yang cukup besar dan membutuhkan kerja sama dari berbagai pihak, termasuk sistem hukum, institusi pendidikan, keluarga, dan masyarakat. Penelitian ini berargumen bahwa keadilan restoratif harus menjadi bagian integral dari strategi yang lebih luas yang melibatkan pendidikan yang efektif tentang nilai-nilai perdamaian dan toleransi, intervensi dini untuk mendeteksi dan mencegah radikalisasi, dan dukungan untuk keluarga dan masyarakat yang rentan terhadap pengaruh ekstremisme.
Kata Kunci: Anak, Kejahatan Terorisme, Keadilan Restoratif.

INTRODUCTION

One transnational crime that is a concern and threat to the world, including Indonesia, is terrorism. Terrorism has become a global problem, considering that several developed and developing countries, including Indonesia, are targeted by acts of terrorism (Mitchell, 2016). Where terrorism itself becomes a crime that does not think about who its victims are. Terrorism is a crime that not only affects individuals but also has an impact on the national and international economy, disruption of state stability, and the emergence of distrust in certain groups. So far, most of the terrorism cases carry the name of religion and political views as the basis for criminal acts of terrorism.

According to research conducted by Hamed el-Said and Richard Barret for the United Nations (UN) that terrorism, whether domestic or transnational, has substantially impacted political, economic, social, and psychological costs. The rise of armed groups recruiting Foreign Terrorist Fighters (FTFs) has prolonged conflicts and increased destructive power, as well as adding to Foreign Terrorist Fighters a terrorist threat to countries where Foreign Terrorist Fighters (FTFs) return (El-Said & Barrett, 2017). To maintain a safe, peaceful, and prosperous life based on Pancasila and the Constitution of the Republic of Indonesia Year 1945, criminal acts of terrorism must be prevented and eradicated because they have disrupted public security and order and become a serious threat to state sovereignty. Ann Robertson argues that terrorism is a political strategy in which groups or individuals use violence against civilians or symbolic targets to ask governments to change policy. Robertson further explained that although many definitions are used for different terminology, they are still focused on 3 (three) characteristics of terrorism, namely, terrorists use violence, terrorists attack innocent targets, and terrorists want to call attention (Robertson, 2007). While David Fromkin is more concerned with the people and places that terrorists aim to harm, J. Bowyer Bell sees terrorism as a weapon of the weak that can sway more powerful actors. Terrorism is an attempt at swaying the opinions of people by means of manipulating their emotions. Terrorism can only ever perpetuate its cycle of violence and

sadism. That snare makes its activities a universal criminal, diminishing the significance of the goals they claim are "sublime" due to a lack of openness (Suryani, 2017).

Terrorism cases are also not new in Indonesia, considering Indonesia has a long history related to terrorism. Acts of terror in Indonesia began with the Bali I bombing tragedy, the Bali II bombing, JW Marriott I bomb, the JW Marriott II bomb, and many other terror tragedies, including the Sarinah bomb terror act in early 2016 (Tomsa, 2016). Acts of terrorism in various forms are carried out by adults and begin to involve children. The main reason for recruiting children in such acts of terror is the difficulty of attracting new adult members. Meanwhile, children are relatively easy to persuade and influence. In addition, the involvement of children is also supported by religious reasons, namely, inviting them to jihad. The involvement of children in terrorism crimes can be seen in the bombing case at the Indonesian Christian Church (GKI) Surabaya, where the perpetrators were a mother and two children who entered the service room of the Indonesian Christian Church (GKI) located on Jalan Diponegoro, Surabaya. In addition, the involvement of children can also be seen in the case of the attack at St. Joseph Catholic Church, Medan. The perpetrator of the terror act was a child with the initials IAH. He tried to attack and wound the priest with a knife.

Terrorism is today a transnational crime that is being carried out in ever more terrible ways. The use of minors in terrorist acts became more common. The destiny of any nation depends on its children, who are a divinely-mandated resource for that nation's long-term health and prosperity(Said, 2018). A child is a person who is judged to be too young for their responsibilities. There is no universal agreement on what makes an individual too old to be considered a child. The minimum age at which a person can be considered a kid in Indonesia is set by law, regulation, and other laws. However, there is still no consensus among these laws, rules, and requirements on the minimum age at which a person can be considered a child for purposes of criminal culpability (Hadisuprapto, 1997). So, referring to this, efforts for children to get legal protection by returning to society with rational thinking, not radicalism from the intervention of irresponsible parties and ignoring the consequences on this child's future, which are contrary to human rights in children. This explains that it is very likely that the child will return to society after serving his sentence. So that a deradicalization effort is needed for children perpetrators of terrorism crimes so that these children can be accepted by society and get their rights(Simanjuntak, 2014).

Although the concept of deradicalization for children has not been specifically regulated, it has been regulated generally in laws and regulations such as Law No. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism, Law No. 35 of 2014 concerning the Protection of Children, and Law No. 11 of 2012 concerning the Prevention of Violent Extremism. Children charged with terrorism-related crimes should be deradicalized using an approach that is consistent with restorative justice. Restorative justice for children in conflict with the law (ABH) takes several forms, and one of them is diversion, which has been governed by Law Number 11 of 2012 regarding the Juvenile Criminal Justice System. However, the idea of alternative placement for juvenile offenders (ABH) does not strictly adhere to the principles of child protection outlined in the CRC.

This highlights the complex nature of child protection, law enforcement, and deradicalization operations in Indonesia in the context of juveniles charged with terrorism related offenses. Although the number of minors who commit terrorist acts is low, there is

still a need for strong law enforcement and deradicalization strategies. However, more study and evaluation are needed to determine whether or not the deradicalization model policy for Children Facing the Law (ABH) based on the notion of restorative justice is beneficial in the context of terrorism offences. A more restorative approach to restoring and safeguarding children's rights may involve regulatory reforms, the introduction of restorative justice, and child-specific deradicalization programs. There is a hole in the current youth criminal justice system that needs to be addressed by more relevant and successful alternatives, as seen by the failure to adapt the notion of diversion to the context of terrorism. In light of the foregoing, this paper will analyze two aspects of Indonesia's response to juvenile terrorist crimes. Secondly, a restorative strategy to dealing with minors who have committed criminal acts of terrorism is being implemented and safeguarded.

RESEARCH METHODS

Based on the questions posed as research topics, this study is classified as one of several normative legal research kinds. Philosophy and analysis are at the heart of the methodology employed, with the study leading to conclusions that seek to provide novel results in response to the primary questions posed (Ishaq, 2017). In addition, numerous other nations' experiences with implementation are analyzed using a comparative legal framework. And will be evaluated using descriptive-analytic techniques, including a discussion of relevant legal theory and exemplary law enforcement actions (Marzuki, 2019)

RESULT AND DISCUSSION

Legal Handling of Child Terrorsm in Indonesia

The scope of the terrorism prevention process includes surveillance, counterpropaganda, deterrence, and vigilance. Every scope requires measurable, systematic, and continuous steps, effective countering terrorism depends not only on eradication strategies but also on terrorism prevention strategies (Richardson, 2006). In the field of prevention, this step is carried out extraordinarily because terrorism is included as an extraordinary crime (Hiariej, 2010). The government carries out this prevention strategy through the National Counter-terrorism Agency (BNPT) and by community groups (civil society) through community organizations.

In the field of protection, this step is carried out to provide guarantees of protection against the involvement and impact of criminal acts of terrorism. Protection of collaboration can be distinguished by its status as a suspect, accused, witness, and victim. The government's initial policy in providing protection guarantees was to ratify Government Regulation Number 24 of 2003 concerning Procedures for the Protection of Witnesses, Investigators, Public Prosecutors, and Judges in Terrorism Criminal Cases.

In deradicalization, the state has stepped up efforts to neutralize radicalism for anyone involved in acts of terrorism and sympathizers and members of the public exposed to it. Deradicalization can be interpreted as an effort to reduce activities that have a radical spirit with acts of violence, concentrate on facilitating behavior change, and untie and reject violence (Golose, 2009). In the enforcement field, as part of the scope of handling terrorism, the state strengthens the role of the National Police through Densus 88.

With this approach, the Indonesian government is trying to abandon repressive methods in its counter-terrorism operations, although in some cases, repressive means

cannot be eliminated. Unfortunately, when this happens, print, electronic, and online media tend to highlight it excessively. As a result, the development narrative is often wild and, at a certain level, encourages the birth of new volumes of radicalism, both those hiding behind old and new groups(Khamdan, 2016).

Terrorism policy discussion must be able to see and adapt to the occurrence of events in the sectors of prevention, protection, deradicalization, and enforcement. Terrorist acts in recent years have increasingly included youngsters, suggesting the necessity for specialized treatment of children who play a role in these crimes. When dealing with ABH cases involving terrorism, authorities must follow the relevant legislation and guidelines. These include Law No. 5 of 2018 on Amendments to Law No. 15 of 2003 on Stipulation of Government Regulations, which supersedes Law No. 1 of 2002 on Eradication of Criminal Acts of Terrorism into Law; Law No. 35 of 2014 on Amendments to Law N. However, the four aspects of dealing with minors who have committed terrorist crimes—prevention, protection, deradicalization, and enforcement—have not yet been thoroughly addressed by the three laws and regulations.

The ideology of knowing one of the adventures of thinking used by a child terrorist makes him appear to know what he is doing, but in reality, he has no idea what he is doing. A child charged with a terrorism-related offense is still a child who deserves all of their rights and protections under the law (ABH). To avoid the stigma of being labeled a Child Before the Law (ABH) for terrorist offenses and to facilitate a healthy readjustment to society, juvenile offenders should be given access to restorative justice through diversion from the investigation and prosecution process to the trial level.

The significant participation of individuals classified as children in terrorism networks highlights the significance of additional protection for Children Facing the Law (ABH) in cases involving terrorism. Because they are vulnerable to recruiting and brainwashing, and because they have been over-indoctrinated in the concept of jihad, the children who are the subject of Abolish All Forms of Child Abuse (ABH) terrorism are victims, not offenders. As a result, juveniles charged with terrorism should not go through the criminal justice system's Alternatives to Juvenile Halt (ABH) program. In the event of legal proceedings, any penalties imposed must involve alternatives to incarceration, such as rehabilitation. Therefore, all stakeholders' involvement is required to implement restorative justice and provide extra safeguards for juveniles who commit terrorist crimes (Mahyani, 2019).

Thus, the Minister of Social Affairs began the transformation of eight children's social institutions into Social Rehabilitation Centers for Children in Need of Special safety (BRSAMPK), with the aim of providing the highest possible level of safety for vulnerable children. According to Article 59 of Law No. 35 of 2014 on Child Protection, the 15 types of children listed therein fall within the purview of the Center for Social Rehabilitation of Children in Need of Special Protection (BRSAMPK). Assessment, social rehabilitation, social advocacy, implementation of monitoring and evaluation of children, mapping data, and information on children who need special protection are all tasks carried out by the Center for Social Rehabilitation of Children in Need of Special Protection (BRSAMPK). These rooms can double as LPKS if need be. There are currently 78 LPKS located throughout Indonesia. For children who are in conflict with the law (ABH), the Social Rehabilitation Center provides extra safeguards so that they can keep growing and developing normally. The Ministry of Social Affairs (Kemensos) aims to provide a safe environment free from violence

and discrimination for children who are in conflict with the law (ABH) through the Social Rehabilitation Center for Children in Need of Special Protection (BRSAMPK) (Medcom, 2018).

However, it must be realized that not only the government has the responsibility to handle and protect children involved in criminal acts of terrorism. However, the participation of families, religious leaders, community leaders, and institutions or agencies outside the government is also a determinant of success in handling and protecting children involved in criminal acts of terrorism. So, each element must have a sense of responsibility and jointly prevent, protect, and eradicate criminal acts of terrorism, both in general and specifically involving children. Because of its roots in ideologically and doctrinally motivated religious terrorism and its spread through various means, overcoming it requires various ways and involves many roles from various related parties; scholars who will interpret religious texts tolerantly and moderately, printers and publishers, media personnel both print and online and so on. All existing elements move according to the expert field and synergize with each other to emit complete strength (Khamdan, 2015).

Handling terrorism involving children requires a very different approach than the approach to adults. The Center for Social Rehabilitation of Children in Need of Special Protection (BRSAMPK) is important in this context. BRSAMPK, as an institution specifically designed for the protection of children who need special protection, including Children in Conflict with the Law (ABH), has a very crucial role in conducting the assessment, social rehabilitation, social advocacy, and monitoring and evaluation.

In addition, restorative justice, which emphasizes the recovery and reintegration of individuals into society, becomes particularly relevant in rehabilitating children involved in criminal acts of terrorism. This rehabilitation must be carried out humanely and centered on the child's best interests, following the mandate of Law Number 35 of 2014 concerning Child Protection. Finally, tackling terrorism cannot only be done with a security approach. Terrorism motivated by ideological and doctrinal religion requires a more comprehensive approach and involves various parties, including clerics and the media. They all need to move according to their respective fields and synergize with each other to create a complete force in fighting terrorism.

Restorative Justice in Legal Protection of Children Involved with Criminal Acts of Terrorism in Indonesia

Today, the criminal act of terrorism is no longer an act committed by adults, but the role and participation of children can also occur. The role of women described earlier also leads children to terrorism crimes in which, in the end, the child enters the terrorist network and is directed to become a terrorist so that these children can be included in the group of children who face the law, which in this case, certainly requires special handling and legal certainty for children involved in the criminal act of terrorism, given that children in terrorist acts are still children protected by law and have their rights as children following the Convention on the Rights of the Child (CRC) that applies internationally.

Based on Scheltema's opinion, the elements of the *rechtsstaat* are: a) Legal certainty; b) Equation; c) Democracy; and d) Government that serves the public interest (Engels, 1989). Let's pretend Scheltema's above view pertains to terrorist crimes committed by youngsters. The aspect of legal certainty is crucial in such a scenario, as it motivates states to use the law

as a foundation and guidance when dealing with terrorist crimes, including those committed by children.

One of the judges in the criminal justice system takes into account the status of juvenile offenders into account. Of course, there are age restrictions for the category of children as criminal offenders. Those who are included in the group of children who can for their actions before the law are 12 (Thus, children who are not yet 12 (twelve) years old, even if they commit a crime, cannot be classified as children who face the law and can account for their actions (although still the child must be avoided from legal proceedings). As a result, it is not covered by this rule. Similarly, those who reach the age of eighteen (18) will no longer be regarded minors but adults, and all criminal law rules (as outlined in the Criminal Code) will apply to them.

This provision is in accordance with the principle of *lex specialist derograt lex generalis*, as the majority of terrorism crimes are committed by or involve minors. These specialcriminal laws include Law No. 11 of 2012 on the Juvenile Criminal Justice System and Law No. 35 of 2014 on Child Protection, both of which are currently in force in Indonesia. Therefore, specific procedures should be used exclusively when youngsters are involved in law enforcement. Is the child old enough to be held legally accountable and where can they be found so they can be returned to their parents.

Indonesia is not alone in facing the issue of young people committing terrorist crimes. Case 22/Pid.Sus-Child/2016/PN.Jak.Tim from the East Jakarta Court in 2016 revealed a case involving children in terrorism offenses (making children face the law) and resulted in a 2-year prison sentence (Mahyani, 2019). If a child is accused of a terrorism-related crime, they should be shielded from the legal system rather than punished. Protocol II to the 1949 Geneva Conventions addresses the special status of juveniles charged with terrorism-related crimes. However, as was previously said, children are frequently rendered vulnerable "victims".

The existing response to the problem of children's participation in terrorist crimes is inadequate. Law enforcement today treats juveniles charged with terrorism charges no differently from juveniles charged with any other type of criminal offense. Terrorism, in fact, falls under the category of crimes and criminal acts as much as any other behavior that violates the norms. However, it must be stressed once more that terrorism is a particularly heinous crime. Which, in the context of law enforcement, call for special care and attention, and which cannot be reduced to the same standard as other offenses governed by Indonesian law.

Three main reasons make children easily become victims of criminal acts of terrorism, including the following:

a) The mental condition of children who can be said to be still labile (unstable) so that they cannot reject the advice of adult perpetrators of terrorism;
b) The careless condition of the "opponents" of terrorism who are exploited by the use of children as perpetrators of terror; and
c) The condition of the perpetrator who knows exactly that the children will not be able to fully account for his actions.

The conviction and handling of children involved in criminal acts of terrorism need to involve a restorative justice approach, which emphasizes the recovery and reintegration of individuals into society (Sherman et al., 2015). Restorative justice provides opportunities for

children facing the law (ABH) to make amends and return to society with a better status. In restorative justice theory, "subjective guilt" is important(Wormer, 2009). If a child is involved in a criminal act of terrorism, he can be considered a perpetrator and a victim simultaneously. Perpetrators because they commit illegal acts, and victims because they are often coerced or influenced by adults to commit such acts (Liefaard, Ton, 2017). This concept is consistent with criminological theories, such as learning theory, which explain that deviant behaviors such as terrorism are often learned from others, especially in cases where children are perpetrators (Agnew, 2001). In this context, children who are perpetrators of terrorism may have learned such behavior from the adults around them.

Moreover, the factors that make children easily victims of terrorism crimes that you mentioned, mentally unstable, careless opponents of terrorism, and the perpetrator's knowledge that children will not be fully accountable for their actions, are in line with strain theory or pressure theory, which explains that criminal acts often occur in response to stress or tension in life. To address this issue, a restorative justice approach can be used to help children who are facing the law. Through this approach, children can make amends for their mistakes and get the support needed for reintegration into society. In addition, the community is also expected to play an active role in this process, for example, through acceptance and support to children who have completed their sentences.

Terrorism's root causes can be broken down into four groups: the terrorists themselves, the terrorists' motivations, the underlying causes that fuel terrorism, and the terrorists' victims and intended victims. From the perspective of the elements that contribute to terrorist acts like the one in Surabaya, children who grow up to be terrorists play the "role" of *medepleger* (those who participate) at the behest of their parents (*doenpleger*). In the case of terrorism, the main perpetrators of the crime are parents and their children.

Assistant Deputy for Child Protection Facing the Law and Stigmatization of the Ministry of Women's Empowerment and Child Protection (Ministry of PPPA), Hasan, said that many children are involved in criminal acts of terrorism because they are persuaded, seduced, brainwashed, and taught to commit radical acts and terrorism by the closest people, such as neighbors, teachers, playmates, and even mis beset by evil parents. According to him, two factors causing the emergence of radicalism and criminal acts of terrorism are internal factors, such as the lack of understanding of children about religion, national insight, gender, age, intelligence, and emotional maturity of children. At the same time, external factors include family, environment, media, poverty, and education (Sulistyawati, 2023).

The terrorist network groups that are in Indonesia, of course, all been taught radicalism. Thus, radicalism and acts of terrorism in Indonesia still exist and develop in quality. These planned and structured activities are carried out by continuing to move in, forming new nets and cells by recruiting children who are young and immature as members. Terror perpetrators indoctrinate these young people with the idea of being ready to die defending religion based on misinterpreted arguments, justifying violence, attacking blindly, and even not hesitating to sacrifice relatives to achieve their struggle goals (Narwastuty, 2018).

The author, in this case, tries to classify the factors that cause the criminal act of terrorism by involving children as the perpetrators into two, namely:

a) *Internal Factors*, those are things that happen to and come from the child themselves. The mental immaturity of children and the influence of parents who have drawn their children into terrorist networks are to blame in this instance.

1) *Children's Mental Factors*

Article 1 Number 1 of Law Number 23 of 2002 Concerning Child Protection states that a person, including an unborn child, is considered a child only up until the age of 18 (eighteen). The next generation of leaders and citizens are the children of this country. Children are still innocent and naive, thus they require the guidance of adults, specifically, parents, who can steer them in the right route. Last but not least, the innocence of children is exploited by adults for immoral, illegal, and religiously forbidden purposes. Deviant children's primary enablers, our parents, rationalize their behavior by assuming that their young charges can't be held legally responsible for their actions because they're just kid (Panjaitan, Petrus Irwan, 1995).

Thus, a child's innocence and mental and emotional instability become a guideline and benchmark in providing protection to children. The state, through its tools, and parents or other parties are also obliged to protect children's growth and development. The protection referred to in this case is the protection of children by providing correct moral education, providing access to true and age-appropriate news of children, and limiting children from fake news (hoaxes) or news that tends to cause hatred in a party.

2) *Parental Role Factors*

There is a causal relationship between this factor and the factors in the child that are not solely attributable to the youngster. In general, the position of parents is often exempted from defending the actions taken against children in criminal acts of terrorism that make minors perpetrators of these activities. Children's mental and emotional development is still in its infancy, and as a result, they still struggle to determine what is good and wrong. The existence of such conditions exposes minors to legal consequences for participating in criminal acts of terrorism, often while under parental supervision. Parents who have been radicalized themselves are more likely to ask their children to join them in their ideology. Parents who instill their children with unjustified hatred of others, including their own country and its laws and people, put their children in peril.

b) *External factors*, in other words, influences from the child's environment. In this situation, it is usually due to external causes, such as changes in the environment, advances in technology and information, and other things that do not originate within the children themselves.

1) *Environmental Factors*

Deviant behavior in youngsters, or delinquency, is a serious problem. There is no denying the role that a child's environment has in the development of delinquency. Without a doubt, kids deviate from their chronological ages when they're exposed to an atmosphere that isn't kid-friendly or conducive to their development. Terrorist networks will have less room to operate, and children will grow up in a supportive society if individuals migrate from the smallest unit, the family, to the next larger level of neighborly harmony, community harmony, and so on.

2) *Media Factors*

The influence of social media on the spread of extremist beliefs in Indonesia is currently substantial. In addition, social media provides a platform for people all over the

world to exchange and share information in real time. Because of the widespread use of social media, even young children can quickly gain access to potentially radical information or content. Terrorism and the media have a mutually beneficial but indirect relationship. Justify your answer. This occurs because news outlets seek stories that will pique public interest. Terrorists do the same thing, exploiting technical and media developments in the name of publicity to ensure that people continue to recognize and fear them.

Terrorists utilize the media, both actively and passively, to polarize public opinion and spread ideas and threats that might induce fear among the general populace. Terrorists use the media to recruit new members, with a focus on young people, by playing on their disappointment in the government's performance. This is done in the hopes that impressionable young people, who are still developing their capacity to distinguish between good and bad, will join the terrorist network.

In their article, Laura Huey and Eric Witner stated that women's role in pro-terrorist groups was initially invisible. Still, thanks to social media, they increasingly play an active role (Huey, Laura, 2016). In this context, they serve at least two functions. First, they provide a social setting where women can learn more about terrorist organizations and their ideology and make connections with other supporters or potential enlistees. Potential followers, propagandists, and supporters, including minors and parents of children objectified in recruiting, can all be reached by these ladies. Second, women's participation in pro-terrorist groups' online networks was uncovered thanks to social media. Third, because of Western government prejudices about terrorist actors from Muslim nations, terrorist groups increasingly use women, especially white ones, as fighters/bombers. Terrorist organizations are actively recruiting young girls and boys who don't fit the stereotypical appearance of a Muslim woman (dark skin, light hair, and narrow eyes). To sneak into a certain country and carry out assaults, women who are neither Arab nor South Asian have a significant advantage.

Facing the issue of terrorism and radicalism involving children is a big challenge for all parties, both government, society, and family. The internal and external factors described above show a need for a multi-dimensional approach to preventing and overcoming this problem. In addition to a firm legal approach, strong education is also needed for children, both from parents and schools, as well as strict media and internet supervision, as well as the community's active role in maintaining a conducive environment for children's growth and development.

Based on that, restorative justice is an approach in the legal system that aims to improve the relationship between perpetrators and victims through dialogue and mutual understanding rather than just providing punishment. This approach is particularly relevant in the context of child protection involved in criminal acts of terrorism. Why? First, restorative justice focuses on rehabilitating and reintegrating offenders into society, not just on punishment. Children involved in criminal acts of terrorism are often victims of the environment, education, and influence of the adults around them. In this case, restorative justice offers a path to recovery and redemption, allowing these children to learn from their mistakes and rebuild their lives. Second, restorative justice involves communities in the conflict resolution process. Children involved in criminal acts of terrorism need support from their communities for reintegration into society. This process involves not only individuals and the legal system but also society at large. Third, restorative justice allows

victims, in this case, communities affected by terrorism, to participate in the settlement process. It helps build understanding and empathy between perpetrators and victims and facilitates healing and peace. However, implementing restorative justice is not easy, especially in serious criminal acts such as terrorism. It requires cooperation between various parties, including the legal system, educational institutions, families, and communities, to ensure this approach is effective. Finally, in the context of protecting children from involvement in terrorism, restorative justice must be part of a broader strategy. These include effective education about peace and tolerance, early intervention to detect and prevent radicalization, and support for families and communities vulnerable to extremist influence. Restorative justice is not a single solution but an important component in broader efforts to protect children from the damaging effects of terrorism.

Conclusion

This research proves that restorative justice has great potential as an approach to handling cases of children involved in terrorism crimes in Indonesia. Although implementing this approach poses challenges, restorative justice offers an alternative to rehabilitation and reintegration rather than mere punishment. In this context, the participation of communities, legal systems, educational institutions, and families is important. Restorative justice should be part of a broader strategy involving education about peace and tolerance, early intervention to prevent radicalization, and support for vulnerable families and communities. Although not a single solution, restorative justice is an important component of protecting children from the destructive effects of terrorism.

Bibliography

Agnew, R. (2001). Building on the Foundation of General Strain Theory: Specifying the Types of Strain Most Likely to Lead to Crime and Delinquency. *Journal of Research in Crime and Delinquency*, *38*(4). https://doi.org/https://journals.sagepub.com/doi/10.1177/0022427801038004001

El-Said, H., & Barrett, R. (2017). Enhancing the Understanding of the Foreign Terrorist Fighters Phenomenon in Syria. *Study on Behalf of the UN Counter-Terrorism Centre, (UNOCT)*, *July*, available http://www.un.org/en/counterterrorism/as. http://www.un.org/en/counterterrorism/assets/img/Report_Final_20170727.pdf

Engels, J. W. (1989). *De Rechtsstaat herdacht*.

Golose, P. R. (2009). *Deradikalisasi Terorisme: Humanis, Soul Approach, Dan Menyentuh Akar Rumput* (1st ed.). Yayasan Pengembangan Kajian Ilmu Kepolisian.

Hadisuprapto, P. (1997). *Juvenile Delinquency: Pemahaman dan Penanggulanganya*. Citra Aditya Bakti.

Hiariej, E. O. S. (2010). *Pengadilan Atas Beberapa Kejahatan Serius Terhadap Hak Asasi Manusia*. Erlangga.

Huey, Laura, and E. W. (2016). Exploring a New Role for Women in Terrorism. *Journal of Terrorism Research*, *7*(1), 2016. https://doi.org/https://doi.org/10.15664/jtr.1211

Ishaq. (2017). *Metode Penelitian Hukum Dan Penulisan Skripsi, Tesis, Serta Disertasi* (1st

ed.). Alfabeta.

K, V. W. (2009). Restorative justice as social justice for victims of gendered violence: a standpoint feminist perspective. *Social Work*, *54*(2), 107=116.

Khamdan, M.-. (2016). Pengembangan Bina Damai Dalam Penanganan Tindak Pidana Terorisme Di Indonesia. *Jurnal Cita Hukum*, *4*(1), 105–132. https://doi.org/10.15408/jch.v4i1.2835

Khamdan, M. (2015). Rethinking Deradikalisasi: Konstruksi Bina Damai Penanganan Terorisme. *ADDIN*, *9*(1). https://doi.org/https://doi.org/10.21043/addin.v9i1.612.

Liefaard, Ton, and J. S.-N. (2017). The United Nations Convention on the Rights of the Child: Taking Stock after 25 Years and Looking Ahead. In *Edinburgh University Library Catalogue*. Leiden ; Boston : Brill/Nijhoff. https://doi.org/10.1353/cye.2019.a864310

Mahyani, A. (2019). PERLINDUNGAN HUKUM ANAK SEBAGAI PELAKU TERORISME. *Jurnal Hukum Magnum Opus*, *2*(1), 47–54. https://jurnal.untag-sby.ac.id/index.php/Magnumopus/article/view/2180

Marzuki, P. M. (2019). *Penelitian Hukum* (14th ed.). Kencana.

Mitchell, J. (2016). Transnational Organised Crime in Indonesia: the Need for International Cooperation. *Brawijaya Law Journal*, *3*(2), 176–199. https://doi.org/10.21776/ub.blj.2016.003.02.05

Narwastuty, D. (2018). Protection for Childrens of Victim of the Terrorism Crime Under the Criminal Laws (a Basic Examination To the New Law Protection for the Victims and Witness). *Hukum Pidana Dan Pembangunan Hukum*, *1*(1). https://doi.org/10.25105/hpph.v1i1.3538

Panjaitan, Petrus Irwan, P. S. (1995). *Lembaga Pemasyarakatan Dalam Perspektif Sistem Peradilan Pidana* (1st ed.). Pustaka Sinar Harapan.

Richardson, L. (2006). *What Terrorists Want: Understanding the Terrorist Threat*. John Murray. https://www.tci-thaijo.org/index.php/EAUHJSci/article/view/38833/32140

Robertson, A. E. (2007). *Terrorism and Global Security*. Facts On File.

Said, M. F. (2018). Perlindungan Hukum Terhadap Anak Dalam Perspektif Hak Asasi Manusia [Legal Protection of Children in the Perspective of Human Rights]. *Jurnal Cendekia Hukum*, *4*(1), 141–152. http://e-jurnal.stih-pm.ac.id/index.php/cendekeahukum/article/view/97/110

Sherman, L. W., Strang, H., Mayo-Wilson, E., Woods, D. J., & Ariel, B. (2015). Are Restorative Justice Conferences Effective in Reducing Repeat Offending? Findings from a Campbell Systematic Review. *Journal of Quantitative Criminology*, *31*(1), 1–24. https://doi.org/10.1007/s10940-014-9222-9

Simanjuntak, J. Y. A. (2014). *Deradikalisasi Sebagai Suatu Program Rehabilitasi Terhadap Pelaku Tindak Pidana Terorisme Untuk Mencapai Tujuan* [Universitas Indonesia]. https://lib.ui.ac.id

Sulistyawati, R. L. (2023). *Faktor Dan Dampak Keterlibatan Anak Dalam Terorisme*. https://news.republika.co.id/berita/ptptv5320/faktor -dandampak-keterlibatan-anak-dalam-terorisme

Suryani, T. (2017). Terorisme Dan Deradikalisasi: Pengantar Memahami Fundamentalisme Islam Dan Strategi Pencegahan Aksi Terorisme. *Jurnal Keamanan Nasional*, *3*(2). https://doi.org/10.31599/jkn.v3i2.57

Tomsa, D. (2016). The Jakarta Terror Attack and Its Implications for Indonesian and Regional Security. *ISEAS Perspective*, *5*(5), 1–8.