

Research Article

Optimizing Legal Protection for Child from Terrorist Perpetrators in Case of Bullying

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Abstract: The children of terrorism perpetrators are indirect victims of acts of terrorism committed by their parents. They often face stigmatization, discrimination, and bullying within their communities. Under the Child Protection Law, the children of terrorism offenders are categorized as children who are victims of terrorist networks and therefore require special protection. This study aims to identify the ideal concept of legal protection for children of terrorism offenders against acts of bullying. The research method used is normative juridical with a statute approach, comparative approach, and conceptual approach. The findings show that optimizing legal protection for children of terrorism offenders against bullying should focus on both preventive and repressive measures. Preventive actions to protect children of terrorism perpetrators from bullying. Repressive measures include optimizing the roles of the National Counterterrorism Agency (BNPT), relevant ministries, and institutions through coordinated actions to address the needs and protection of children of terrorism perpetrators.

Keywords: Bullying; Children of offenders; Radicalism; Terrorism.

1. Introduction

Children are an inseparable part of human survival and the survival of a nation and state. In order to be able to be responsible for the survival of the nation and state, every child needs to be given the widest possible opportunity to grow and develop optimally, both physically, mentally, and socially. For this reason, it is necessary to make protection efforts to realize child welfare by providing guarantees for the fulfillment of their rights without discriminatory treatment.[1].

The state upholds human rights, including children's human rights, which are marked by the guarantee of protection and fulfillment of children's rights. In the 1945 Constitution of the Republic of Indonesia, Article 28 letter B paragraph (2) it is emphasized that every child has the right to survival, growth and development, and the right to protection from violence and discrimination. Children are part of a vulnerable group that requires special protection.[2].

As a manifestation of the state's commitment to concern for children's rights, through Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, hereinafter referred to as the Child Protection Law, Article 59 paragraph (1) states that the Government, Regional Governments and other state institutions are obliged and responsible for providing special protection to children.

Between 2017 and early 2020, the Commissioner of the Indonesian Child Protection Commission for Civil Rights and Child Participation reported that early 2020 was tainted by a large number of bullying cases that caused physical and psychological injuries. The impact of this bullying is very broad, with children who are victims at greater risk of experiencing various health problems, both physical and mental.[3]. Bullying is a form of violent behavior, both physical and verbal, which includes deviant behavior that is carried out intentionally by

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a stronger party against a weaker party, with the aim of intimidating, scaring, or making the victim feel unhappy.[4].

In the long term, the suffering of victims of bullying will have an impact on emotional and behavioral problems that can end in suicide because bullying causes feelings of insecurity, isolation, feelings of inferiority, and depression. The impacts that are not so visible but cause effects in the long term are a decrease in psychological well-being and poor social adjustment.[5]. Legal protection against bullying is included in 15 categories of children who receive special protection, including in Article 59 paragraph (2) letter I, which states that children who are victims of physical or psychological violence. And the victim has the right to restitution, which is an obligation for the perpetrator of the crime to fulfill.[6].

Bullying also often occurs to children of perpetrators of terrorism. As a transnational crime and a violation of humanity, terrorism in Indonesia has become a crime that is very thick with negative stigma labeling. Therefore, both directly and indirectly this has an impact on the perpetrator's family. The stigma, prejudice, and stereotypes given by society to the families of terrorists and the discrimination they experience, are problematic issues and have so far received little attention.[7]. Even though they were not directly involved in the crime and do not have legal responsibility for the terrorist attack, they must bear the consequences of the actions carried out by the terrorist convicts which were allegedly carried out by their family members. This type of victim is often overlooked by experts and law enforcement.[8].

An example of a case of child bullying from a terrorist perpetrator who experienced intimidation and discrimination is Zulia Mahendra, the son of Amrozi, the perpetrator of the Bali Bombing I. Since his father was named a terrorist in 2002, Zulia has experienced social sanctions for years. The stigma of being a child of a terrorist that stuck to him made access to getting a job difficult. Furthermore, Adhan, the son of Ali Fauzi who is the nephew of the Bali Bombing Trio I, experienced similar treatment. He was shunned and cursed by the community and labeled a "terrorist". Moreover, he often received threatening messages addressed to his father.[9].

Through the Child Protection Law, Article 59 paragraph (2) letter K, that child victims of terrorist networks consisting of child victims, children of perpetrators, children of perpetrators, and children of witnesses are included in children who require special protection so that special efforts or approaches are needed. Which was then regulated in Government Regulation Number 78 of 2021 concerning Special Protection for Children and Regulation of the Minister of Women's Empowerment and Child Protection Number 7 of 2019 concerning Guidelines for the Protection of Children from Radicalism and Criminal Acts of Terrorism.

Labeling theory in criminology theory is a theory that emerged as a result of society's reaction to a person's behavior that is considered deviant and then labeled or labeled by their social environment.[10]. Labeling was initiated by Howard S. Becker by emphasizing two aspects, namely explaining why and how certain people are labeled and the influence of labels as a consequence of behavioral deviations. Labeling a child such as a deviant, delinquent, or criminal label as a social response to an action can have long-term impacts, where the child's behavior tends to continue according to the label given.

The Head of the National Counterterrorism Agency, hereinafter referred to as BNPT, namely Suhardi Alius, who served from 2016 to 2020, revealed that former terrorists who were released from prison, along with their families and children, experienced ostracization, marginalization, and discrimination and stigma from society. If this situation continues, it is possible that the children of terrorists will be influenced and follow the views of their parents.[11]. In a research journal entitled *Deradicalization of Children of Terrorist Actors* by Rabiah Al Adawiah, it is stated that children of terrorists are more vulnerable to becoming terrorists because they are driven by several factors, including children of terrorists being taught in a family environment whose parents are terrorists, children often feel hurt or resentful after seeing or knowing that their parents were shot dead by the authorities or imprisoned.[12]. Therefore, according to the study, deradicalization is considered the right step to take for children of terrorists.

According to BNPT data in 2018, around 500 parents have been named as suspects. The children of these parents number between 1,750 and 1,800 people. These children are still waiting for government intervention to help restore their mental condition due to the stigmatization, discrimination, and bullying they experience in their neighborhoods.[13]. In the research journal entitled *The Description of Striving For Superiority in Terrorist Families* also shows the fact that the child of terrorist "S" also experienced persecution from his friends at school, which caused the child to feel reluctant and no longer want to go to school there.[14]. The reality is that not all children of terrorists who are bullied receive legal

protection. The child of terrorist "S" and his family made their own efforts to eliminate stigmatization by reflecting on opening themselves up, engaging in social interactions, and carrying out social activities. Whereas in article 69 letter B of the Child Protection Law, the efforts that should be obtained by children of terrorists are entitled to education about education, ideology, nationalist values, counseling on the dangers of terrorism, social rehabilitation and social assistance. This shows the factual conditions that should be (das sollen) with the reality (das sein) which are contradictory.

Obstacles were found so that legal protection for children from perpetrators of terrorism against bullying is not optimal, including the lack of synchronization of implementing regulations from the Regulation of the Minister of Social Affairs and the Regulation of the Minister of Women's Empowerment and Child Protection, hereinafter referred to as PermenPPPA, because in the existing regulations the position of children from perpetrators is still sidelined, legal protection is more directed at children of perpetrators, children of victims, and children of witnesses.[9]. Regulation of the Minister of Women's Empowerment and Child Protection Number 7 of 2019 concerning Guidelines for the Protection of Children from Radicalism and Criminal Acts of Terrorism in Article 10 paragraph (1) and Article 11 paragraph (2) which regulates social rehabilitation and psychosocial rehabilitation and social assistance in the explanation of the article is only intended for child victims, child perpetrators and child witnesses. Of the four forms of protection for children from perpetrators of criminal acts of terrorism, only two are further regulated in this ministerial regulation, namely education on education, ideology and nationalist values and counseling on the dangers of terrorism. Meanwhile, Article 6 letter A of the Regulation of the Minister of Social Affairs Number 26 of 2019 concerning the social rehabilitation program states that the targets of social rehabilitation include children who need special protection, namely in Article 7 letter K it is intended for child victims of terrorist networks which include children of perpetrators. This shows that there is a lack of synchronicity in the existing regulations. The second obstacle is the regulation regarding deradicalization in Article 43 letter D of Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism, hereinafter referred to as the Terrorism Law, which is an appropriate effort for children of perpetrators of terrorism.[12]. However, the existing regulations regarding deradicalization are more oriented towards adults than children, and BNPT does not yet have a special program for handling deradicalization in children.[15]. Because the existing deradicalization stages do not reflect the fulfillment of the needs of children who are victims of terrorist networks, such as educational needs, guardianship and so on. The third obstacle in the Terrorism Law only focuses on victims of terrorism, in this case victims of terrorism receive medical assistance, psychosocial and psychological rehabilitation, compensation for families in the event of death, and compensation. In fact, children of terrorists are also indirect victims of criminal acts of terrorism.

Facts show that legal protection for children from terrorists, especially related to the risk of bullying that they often face as a result of stigmatization and discrimination, has not been optimally implemented in Indonesia. This is reflected in various studies that highlight the lack of synchronicity and weaknesses in the regulation and implementation of legal protection, both at the level of legislation and field implementation, so that children involved or affected by acts of terrorism are vulnerable to unfair treatment and bullying from their surroundings. This condition has aroused the author's interest in studying and analyzing in depth the concept of legal protection for children from terrorists against acts of bullying, with the formulation of the problem: (1) How is the implementation of legal protection for children from terrorists against acts of bullying? and (2) How is the ideal implementation of legal protection for children from terrorists against acts of bullying? This is important to ensure that children's rights, both as perpetrators, victims, and affected parties, remain guaranteed and optimally protected in accordance with the principles of human rights and child protection.

2. Literature Review

2.1 Labeling Theory

Labeling Theory, introduced by Howard S. Becker, emphasizes that social deviance is not an intrinsic property of an act, but rather the result of a label given to it by society. Becker states that individuals or groups who are negatively labeled (such as "criminal" or "deviant") tend to internalize the label, thereby reinforcing deviant behavior as a new form of identity.[16]. Edwin M. Lemert, another proponent of this theory, distinguishes between

primary deviance (sporadic acts) and secondary deviance (consistent behavior due to stigmatization). This process is related to the concept of "self-fulfilling prophecy," where social reactions create a vicious cycle of deviance. For example, labeling someone a "terrorist" can isolate them socially and lead to further radicalization.[17].

2.2 Criminal Law Policy Theory

The Criminal Law Policy Theory, developed by Marc Ancel and contextualized in Indonesia by Muladi and Barda Nawawi Arief, combines absolute (retaliation) and relative (prevention) approaches. This theory emphasizes that punishment should serve as a means of rehabilitating perpetrators, preventing crime, and protecting society. In Indonesian law, this policy is reflected through the principle of "ne peccetur" (so that crimes do not recur) by balancing retributive and utilitarian justice. For example, punishment for terrorism not only punishes the perpetrators but also aims to break the chain of radicalism through deradicalization.

2.3 Criminal Act of Terrorism

According to the expert opinion, James Adam, terrorism is the use or threat of physical violence by individuals or groups for political purposes, either to support certain interests or to oppose existing power, aimed at shocking, paralyzing, or intimidating groups that seek to overthrow a certain regime, address the grievances of groups or countries, or disrupt the prevailing international political order.[18]. Terrorism is considered a form of gross human rights violation that was first discussed in the European Convention on the Suppression of Terrorism (ECST) in Europe in 1977. This convention broadens the view from Crimes Against State to Crimes Against Humanity. In this context, Crimes Against Humanity includes criminal acts that aim to create conditions of terror for individuals, groups, or the wider community. From a human rights perspective, these acts are classified as gross violations of human rights, because they are carried out as part of a widespread or systematic attack, which is known to be consciously directed at civilians, especially innocent people.[19].

2.4 Children of Terrorists

Children as the next generation of the nation play a strategic role in the sustainability of national development, so that protection of their rights to survival, growth and development, and freedom from violence and discrimination is guaranteed by the 1945 Constitution and the Convention on the Rights of the Child ratified through Presidential Decree Number 36 of 1999. The vulnerable character of children to psychological and social pressure demands a collaborative role of the government, family, and community in providing holistic guidance and protection that includes physical, mental, and social aspects, especially for child victims of terrorism who face double stigmatization as direct victims, witnesses, or descendants of perpetrators. Unlike conventional crimes that are materially motivated, terrorism has a systemic impact through a covert network with political goals that create multigenerational trauma, so psychosocial intervention is needed to break the cycle of violence by ensuring the fulfillment of participation rights, mental rehabilitation, and social reintegration so that they can develop into a generation free from the legacy of the ideology of parental violence.[13].

2.5 Bullying

Dan Olweus, a leading expert on bullying, defines bullying as repeated aggression with an imbalance of power between the perpetrator and the victim. This theory emphasizes three criteria: intention to harm, repetition, and dominance of power (physical, social, or psychological).[20]. Emile Durkheim, through a structural-functional perspective, explains that bullying reflects a dysfunction in social integration, where collective norms fail to prevent destructive behavior.[21]. In Indonesia, bullying cases are often triggered by differences in economic or physical status, which is exacerbated by a culture of "beating the weak". School-based interventions, such as the Olweus Bullying Prevention Program, focus on restructuring social hierarchies to reduce status rewards for perpetrators.

3. Research Method

This study uses a normative legal research method as defined by Peter Mahmud Marzuki, which focuses on identifying legal rules, principles, and legal doctrines. The research approach includes three aspects: (1) statute approach to analyze laws and regulations such as the Terrorism Law, the Child Protection Law, and PPPA Regulation Number 7 of 2019; (2)

conceptual approach to explore the ideal concept of legal protection; and (3) comparative approach by comparing Indonesian and Malaysian laws. Data sources include primary legal materials (1945 Constitution, Law No. 5/2018, Law No. 35/2014, PP No. 78/2021), secondary (books, journals, theses), and tertiary (legal encyclopedia). Data collection was carried out through literature studies and interviews with Inspector General. Pol. Ibnu Suhaendra (Deputy of BNPT), Dr. Leebarty Taskarina (Head of Intelligence Section of BNPT), Ms. Werda (Social Worker of BRSAMPK Handayani), and Dr. Haezreena Begum (Criminologist of University of Malaya). The data analysis is prescriptive in nature by assessing the coherence of legal norms and individual behavior based on the applicable legal framework.

4. Discussion

4.1 Implementation of Legal Protection for Children from Terrorists Against Bullying Acts

Indonesia, as the world's fourth most populous Muslim-majority country, has faced the threat of terrorism since the 2002 Bali bombings, which prompted the government to implement preventive and repressive programs, although terrorist incidents continued to recur until 2019.[7]. Terrorism as an act of violence motivated by ideology or politics that causes mass terror not only results in physical impacts in the form of loss of life and damage to infrastructure, but also causes psychosocial losses in the form of trauma, stigmatization, and social disharmony.[22].

From a victimology perspective, the families of terrorists, especially children, become indirect victims who experience stigmatization from society simply because of their family relationship with the perpetrators. Children of terrorists face bullying, psychological trauma, and social stigma that can affect their mental development.[8]. Rabiah Al Adawiah's research shows that these children need special protection to prevent them from falling into the cycle of terrorism and provide an alternative better future[12].

Deradicalization is a systematic and continuous process to eliminate radical understanding that has been formed. This program is important because radicalism as an understanding of drastic change through violence can develop into anti-democratic extremism, then terrorism. The danger of early indoctrination by parents who are exposed to radical understanding can form the next generation who are intolerant and violent, so early intervention through deradicalization is crucial.[23].

The Indonesian government has provided a legal framework for the protection of child victims of terrorist networks through the Child Protection Law, Article 59 letter K and Article 69 letter B, which were later strengthened by PP Number 78 of 2021 and PPPA Ministerial Regulation Number 7 of 2019. Forms of protection include education on education, ideology, values and nationalism, counseling on the dangers of terrorism, social rehabilitation and social assistance.

4.2 The Role of the National Counterterrorism Agency in Legal Protection of Children from Terrorists

The National Counterterrorism Agency (BNPT) plays a crucial role in the legal protection of children from terrorists through a multidimensional approach that includes education, ideology, and counseling, while social rehabilitation is the responsibility of the Social Rehabilitation Center for Children Needing Special Protection (BRSAMPK) Handayani Jakarta. Based on an interview with the Deputy for Enforcement and Capacity Development of BNPT, Inspector General. Pol. Ibnu Suhaendra, and the Head of the Intelligence Analysis Section of BNPT, Leebarty Taskarina, on February 24, 2025, BNPT focuses on children exposed to radicalism through moral and mental value education programs to build legal awareness and compliance with legislation. This is in line with Article 30 Paragraph (1) of PP No. 77/2019 which regulates the prevention of criminal acts of terrorism by targeting families of suspected terrorists, including children affiliated with Foreign Terrorist Fighters (FTF) or victims of deportation.

The implementation of the BNPT program includes four main pillars: (1) Education through instilling moral values to prevent destructive behavior, character formation based on mutual cooperation, and strengthening attitudes of mutual respect in order to maintain social harmony; (2) Strengthening the Pancasila ideology with historical-philosophical explanations to ward off radicalism; (3) Development of nationalism through teaching love of the

homeland and reducing extremism; (4) Comprehensive counseling including religious aspects that emphasize the prohibition of violence, the development of positive personalities, understanding community norms, and the importance of the role of the family in the growth and development of children. Meanwhile, BRSAMPK Handayani Jakarta is responsible for rehabilitating child victims through social assistance and reintegration, especially for those who experience psychological trauma due to the involvement of parents in terror networks. This division of roles shows a strategic collaboration between early radicalization prevention by BNPT and psychosocial recovery by special institutions, with a legal basis that emphasizes the responsibilities of each institution.[24].

4.3 The Role of the Social Rehabilitation Center for Children Requiring Special Protection (BRSAMPK) Handayani in Optimizing Legal Protection for Children from Terrorism Perpetrators

Based on the Regulation of the Minister of Social Affairs Number 17 of 2018 and Number 26 of 2019, the Social Rehabilitation Center for Children Needing Special Protection (BRSAMPK) Handayani Jakarta has a mandate to implement the Child Social Rehabilitation Program through registration, assessment, social rehabilitation, advocacy, and evaluation. This institution handles 15 clusters of children who need special protection, including children who are victims of terrorist networks (cluster 11) based on Article 59 paragraph (2) of the Child Protection Law. Data from the Ministry of Social Affairs shows that since 2016, BRSAMPK Handayani has handled 139 children who are victims of radicalism, with a peak in 2017 (85 cases) and handling 7 children after the 2018 Surabaya bombings.[25].

Although PPPA Regulation Number 7 of 2019 differentiates rehabilitation for child perpetrators (in LKPS) and victims/witnesses (in LKSABH), BRSAMPK Handayani integrates handling through a holistic approach in accordance with Permensos 26/2019. The rehabilitation process includes 8 stages: (1) facilitating access through referrals from related institutions or community reports; (2) intake & engagement with initial assessment of identity and psychological conditions; (3) comprehensive assessment for 1-2 months to map the level of radicalism; (4) preparation of a case conference-based intervention plan; (5) implementation of psychosocial therapy, formal education, and national insight for 3-12 months; (6) monitoring and evaluation of behavioral development; (7) termination after psychosocial stability is achieved; and (8) post-reintegration monitoring for up to 1 year. This program not only heals trauma but also prevents stigmatization through community-based resocialization, while advocating for children's legal rights in the judicial process.[26].

4.4 Contribution of Handayani Special School (SLBe Handayani) in Deradicalizing Children of Terrorists

Emotion Special School (SLBe) Handayani plays a strategic role in the deradicalization program for children from terrorism perpetrators through an integrative approach that combines psychological rehabilitation, strengthening moderate religious understanding, and national insight, in collaboration with the National Counterterrorism Agency (BNPT) and the Jakarta Social Rehabilitation Center for Children in Need of Special Protection (BRSAMPK). The education system adopts a curriculum equivalent to regular schools Package A (SD), Package B (SMP), and Package C (SMA) with the integration of moderation values through subjects such as Indonesian, Civics, and Social Sciences, not through a special curriculum. In the 2017-2018 academic year, SLBe handled 7 child victims of the suicide bombing in Surabaya, with a composition of 2 SMP and 5 SD students, which then changed dynamically in 2020-2021 along with the addition of cases such as the family of the victim of the stabbing of Wiranto and deportees. The main obstacle lies in bureaucracy, especially the absence of a written memorandum of understanding with the Ministry of Education and Culture (Kemendikbud), requiring intensive coordination for each national exam to ensure student participation. Nevertheless, the school has succeeded in instilling the principles of tolerance, anti-violence, and respect for diversity, changing perceptions of radical religion into moderate ones through a learning environment that is integrated with social services and counseling.[26].

4.5 Ideal Implementation of Legal Protection for Children from Terrorists Against Bullying Acts

The emergence of terrorism as a new global threat has made it a major focus of attention in terms of state security. Terrorism is a long-standing political phenomenon, defined as the actions of actors, both state and non-state, who use violence to achieve their political

goals.[27]. Terrorism is now not only a domestic threat, but has developed into a global threat that endangers the security of every country in the world. This can be seen from how terrorist organizations expand their reach beyond national borders. Globalization has expanded the reach of terrorist groups' activities, allowing them to operate transnationally and gain support from international networks. The development of digital technology, especially through the use of the internet and various online platforms, has contributed significantly to the process of individual radicalization and has become an effective means of spreading ideological propaganda that supports the terrorist agenda. They not only carry out acts of terror in their home countries, but also build networks in various countries around the world.

The terrorist attacks on September 11, 2001 marked the beginning of increasing global attention to the issue of terrorism. The attacks targeted two strategic infrastructures owned by the United States, namely the World Trade Center (WTC) in Washington DC and the Pentagon in New York, both of which are considered symbols of the supremacy and dominance of the United States as a global power. The United States government then accused the Al-Qaeda group, led by Osama Bin Laden and with networks in Iraq, as the main perpetrator behind the attacks. Al-Qaeda is a global terrorist organization founded in 1988. Al-Qaeda is the first multinational terrorist group in the 21st century to use the name of jihad in carrying out attacks on actors they consider to be enemies of Muslims. Al-Qaeda adheres to a radical Islamic ideology that makes jihad or holy war the main means to achieve its goals. This group is positioned as a global power that opposes the dominance of the United States, and has succeeded in adapting their ideology and strategy through the use of the dynamics of globalization[28].

The September 11 terrorist attacks carried out by Al-Qaeda became a turning point in the global perspective on the issue of terrorism. This event not only reflected the religious dimension of terrorism, but also confirmed that terrorism is an extraordinary form of crime that has a transnational character and has a broad impact on international security.[29]. Since then, terrorism has been seen as a serious threat to international security. This event became a momentum for the United States to establish an aggressive foreign policy in an effort to eradicate terrorism, while also rallying support from the international community. One concrete form of this response was the launch of the "Global War on Terror" policy by President George W. Bush, which became a major milestone in the United States' global counter-terrorism strategy.[30].

In addition to Al-Qaeda, there is another terrorist group that is still active today, namely ISIS (Islamic State of Iraq and Syria). This group is also known as ISIL (Islamic State of Iraq and the Levant) or Daesh, according to its acronym in Arabic. ISIS began to emerge in the early 2000s and began to attract global attention when it succeeded in controlling large areas in Iraq and Syria in the mid-2010s.[31]. The ISIS group has utilized Islamic narratives that are selectively and effectively designed to support their political goals. In spreading propaganda, ISIS not only manipulates the interpretation of Islam in an extreme way, but also highlights the image of areas that are in conflict and war.[32]. ISIS considers its group as the most pious group and other groups are apostates or infidels. ISIS has a radical Islamic extremist ideology and aims to establish an Islamic state that is strictly governed by sharia law. They are involved in terror attacks in various countries and create chaos and destruction in the region. One of the most famous attacks claimed by ISIS is the Paris attacks in 2015 and the attacks in Brussels in 2016[33].

4.6 Correlation between Indonesia and Malaysia in Combating Criminal Acts of Terrorism

The issue of terrorism in the Southeast Asia region has developed into a multidimensional threat that affects the security, economic, and social stability of society. This region, with a Muslim majority population, has become the focus of the Global War on Terror campaign by the United States, which has designated it as the "Second Front" after Afghanistan. This phenomenon cannot be separated from the existence of religious-based radical groups, such as Jemaah Islamiyah (JI) and the Islamic State of Iraq and Syria (ISIS), which utilize cross-border networks to expand their influence. Indonesia and Malaysia, as countries with the largest Muslim populations in the region, face similar challenges in dealing with jihadist terrorism, although with different operational dynamics.[34].

Malaysia is seen as a strategic location for ISIS to recruit members and plan attacks. This indication is reflected in the circulation of Malay-language propaganda videos threatening to carry out acts of terror in the country. Malaysian authorities, through the Counter Terrorism Division under the Royal Malaysian Police (PDRM), have arrested more than 12 citizens

suspected of being involved in terrorist activities, and identified around 100 of its citizens who joined ISIS in Syria. Meanwhile, Indonesia recorded 300–700 of its citizens as Foreign Terrorist Fighters (FTF) who participated in the Syrian and Iraqi conflicts, with a significant impact on domestic security. The JI group, founded in Malaysia in 1993 by Abu Bakar Ba'asyir and Abdullah Sungkar, is a clear example of cross-border collaboration. Although JI's operational base in Malaysia is more focused on planning attacks in other countries such as the bombing of the Philippine Embassy (2000) and the Bali Bombing (2002), this group received logistical support from local networks, including the Kumpulan Mujahidin Malaysia (KMM).[34].

The differences in the patterns of terrorism operations in the two countries are clear. In Malaysia, physical violence such as bombings or burning of places of worship is rare, while Indonesia has faced a series of devastating attacks, including the Bali Bombings (202 fatalities) and the JW Marriott Hotel attack (2003). The 2016 Global Terrorism Index data reinforces this difference: Indonesia is ranked 38th with a score of 4.429, while Malaysia is ranked 61st with a score of 2.691. This difference reflects the variation in threat intensity and the effectiveness of countermeasures.[34].

Counter-terrorism institutions in both countries also show structural differences. Indonesia established the National Counter-terrorism Agency (BNPT) after the 2002 Bali Bombings, which operates under the president and collaborates with the National Police's Special Detachment 88 Anti-Terrorism. BNPT focuses not only on law enforcement, but also on deradicalization programs through a socio-religious approach. In Malaysia, the Counter-terrorism Division under the PDRM serves as the core of intelligence operations and law enforcement, with a mandate to rehabilitate terrorism convicts since 2013. Both countries have agreed to increase trilateral cooperation with the Philippines, such as sea patrols in the Sulu-Sulawesi waters and the exchange of intelligence information, which has succeeded in reducing maritime terrorism activities by 80%. The challenge ahead lies in harmonizing deradicalization policies and preventing digital radicalization, given that both countries are still vulnerable to infiltration of extremist ideology through online platforms.[35].

4.7 Ideal Implementation of Legal Protection for Children from Terrorists Against Bullying Acts

Optimizing legal protection for children from terrorists against bullying focuses on preventive and repressive actions. Preventive actions include preventing radicalism against children from terrorists and repressive actions regarding countermeasures include optimizing legal protection obtained by children from terrorists. Children from terrorists are indirect victims of terrorist acts committed by their parents, they often receive labels, stigmatization, discrimination, and bullying.[36].

If bullying continues to occur with them being labeled as “terrorist children” then within the child of the perpetrator there will be a feeling of hatred that can trigger radicalism in him to follow the labeling received from the bullying. This is in line with the labeling theory by Howard Becker which states that crime is formed because of environmental rules, individual characteristics, and societal reactions to crime. Societal reactions to a behavior can lead to evil behavior. Labeling can cause someone to become evil[37].

Children of terrorists tend to be at greater risk of following in their parents' footsteps than other children, due to several factors. First, they grow up in a family environment where their parents are involved in terrorism. Children of perpetrators often experience ostracization and marginalization in society. Second, there is a sense of hurt or a desire to retaliate after seeing or knowing that their parents were shot dead by the authorities or imprisoned.[12].

According to Alius, this phenomenon raises concerns about the potential for the birth of a new generation of terrorists. There is a possibility that families, especially children who are left behind, are exposed to the radical ideology of terrorism inherited from their parents. In addition, a sense of obligation to avenge the death of a parent, or the experience of being ostracized by the social environment, can be a driving factor that increases the risk of their involvement in terrorist activities. This condition opens up opportunities for the emergence of new seeds of terrorists in the future.[38].

The fact of how children can follow in the footsteps of their terrorist parents is the case of a terrorist with the initials FRH who is still 17 years old and is the biological child of SNR, a terrorist who has been arrested by the authorities. At the time of SNR's arrest, FRH was still 12 years old, which shows that the process of internalizing radicalism had begun since FRH was still in elementary school. Then the son of Imam Samudra, the perpetrator of the

Bali Bombing I, who followed in his father's footsteps. Imam Samudra's son joined ISIS and was killed in 2015 in Syria[9].

Before explaining in detail about preventing radicalism against children from terrorists, we must first explain the meaning of radicalism. The Terrorism Law mentions several terms that are attached to terrorism, namely: radicalization, radical terrorism, counter-radicalization, and deradicalization. However, the definition of radicalism including radical terrorism itself is not formulated in this Law. In terminology, the meaning of the word radical comes from the Latin "radix" which means root. In English, the word radical can mean extreme, comprehensive, fanatic, revolutionary, ultra and fundamental. While radicalism means the doctrine or practice of adherents of radical or extreme ideologies.[39].

Then KBBI defines radical as fundamentally (to the principle), strongly demanding change and progress in thinking and acting. While the written definition of radicalism in juridical terms is contained in the Regulation of the Minister of PPPA Number 7 of 2019 article 1 number 7, namely an understanding that wants to make total and drastic changes to the social and political system by setting aside existing values and norms, by teaching intolerance, fanaticism, exclusivity, or anarchy.

4.8 Preventive Actions to Prevent Radicalism Against Children from Terrorist Perpetrators

Preventing radicalism against children who commit terrorism is an important preventive measure to break the cycle of violence, considering that negative labels such as "terrorist children" through bullying can trigger hatred that has the potential to internalize deviant identities according to Howard Becker's Labeling Theory. Becker explains that society's reaction to deviant behavior actually strengthens deviant identities through two mechanisms: (1) intensification of social supervision of labeled individuals, and (2) the tendency for individuals to adopt the label as part of their self-identity, thus creating a continuous cycle of deviance.[16]. Risk factors for radicalization in children include internal aspects such as narrow religious understanding, low national insight, and emotional immaturity, as well as external factors such as the influence of the terrorist's family, social environment, and exposure to radical content on digital media that terrorist groups use for recruitment through social media platforms. In Indonesia, Article 43 of the Terrorism Law mandates a preventive approach through national preparedness, counter-radicalization, and deradicalization, by involving the community in early detection and community empowerment to overcome the spread of radicalism in cyberspace. Meanwhile, Malaysia through the Security Offence Act (SOSMA) 2012 empowers Unit E8 of the Royal Malaysian Police to carry out preventive arrests of perpetrators of the spread of terrorist content on social media, with 26 cases based on Article 130G of the Malaysian Criminal Code related to the digital promotion of terrorist groups. This holistic effort emphasizes the importance of avoiding stigmatization, strengthening children's mental resilience through critical education about online content, and optimizing the role of society in creating an inclusive environment that breaks the chain of intergenerational radicalization.

The goal of preventing radicalism is to prevent the influence and involvement of children in extreme ideologies and acts of terrorism. Risk factors are divided into internal and external. Internal factors include weak understanding of religion, minimal national insight, and personal characteristics such as age, gender, intelligence level, and emotional maturity. External factors include family influence through parental indoctrination, peer pressure in the social environment, and exposure to radical content on the internet that spreads extreme teachings and guidelines for terrorist actions.[36]. Technological developments encourage the evolution of the mode of terrorism crime through the use of internet networks. Terrorist groups use social media such as Facebook and special blogs to recruit sympathizers and spread radical ideology. This phenomenon is reflected in the number of Muslims who are exposed to radical teachings through online information searches about the movement before finally joining[40]. Children need to be protected from the negative impacts of the development of global communication-information, technological advances, and changes in parents' lifestyles that trigger fundamental social changes and influence their values and behavior. Violations of the law committed by children generally originate from external factors beyond their control.[41].

According to the Terrorism Law Article 43A paragraph (1), the government is obliged to prevent criminal acts of terrorism through national preparedness, counter-radicalization, and deradicalization. Radicalization of children can occur quickly, especially through meetings with instructors or teaching materials in cyberspace. Article 43B paragraph (1) stipulates that national preparedness is carried out in a planned, integrated, and sustainable manner,

including community empowerment, increasing the capacity of the apparatus, protecting infrastructure, developing studies, and mapping areas prone to radicalism. The community plays an important role in preventing and early detection of potential terrorism, especially in cyberspace through social media activists. Optimizing the role of the community is the key to the success of preventing terrorism, including eliminating the negative stigma against children who are influenced by radicalism.

Meanwhile in Malaysia, according to the results of the author's online interview with Dr. Haezreena Begum who is a criminologist and senior lecturer at the Faculty of Law, University of Malaya. She who has expertise in terrorism and violent extremism, explained her views regarding the prevention of radicalism circulating in cyberspace against children of terrorists, that Malaysia has the E8 Police (Counter Terrorism Division) which has the authority to arrest anyone suspected of being involved in terrorism, as stipulated in Article 4 paragraph (1) of the Security Offence Act (SOSMA) 2012 procedure or the Security Offences Act 2012 procedure. They have the power to detain without a warrant because there is a need to make an arrest as soon as possible. Arrests related to violence in Malaysia are carried out by implementing SOSMA and the Malaysian Penal Code Chapter VI (Offences against the state) and Chapter VIA (Terrorism-related Offences). These errors are listed in the Malaysian Penal Code, from Article 130B to Article 130Z, under the category of promoting, recruiting, spreading, encouraging, assisting, protecting, spreading, and organizing terrorist activities. Of these, 26 people were charged under Article 130G (Malaysian Penal Code) for promoting terrorist groups through social media, and four people were charged under Article 130E (Malaysian Penal Code) for recruiting new members through social media. According to him, with full authority over the E8 police, so that acts of terrorism in Malaysia do not occur massively. Because the spread of propaganda in the form of radicalism through social media is a preventive form to break the chain of terrorism to the roots and can be arrested immediately without a warrant.

4.9 Repressive Actions Optimizing Legal Protection for Children from Terrorism Perpetrators

A series of acts of terrorism in Indonesia have an impact not only on the direct victims, but also on the families of the perpetrators who are often stigmatized by society. Children of the perpetrators often experience secondary prisonization, namely the emotional, psychological, and social impacts due to their family members being imprisoned.[9]. Bullying is not explicitly mentioned in the Child Protection Act, but it can be categorized as violence because bullying, according to KBBI, is an act of hurting another person physically or psychologically, either verbally, socially, or physically, which is done repeatedly. This is in line with Article 1 number 15 letter A of the Child Protection Act which defines violence as an act that causes physical, psychological, sexual suffering, or neglect, including threats, coercion, or unlawful deprivation of liberty.

As a repressive effort to optimize legal protection for children from perpetrators of terrorism against bullying, law enforcement against perpetrators of bullying is very necessary. Based on Article 76C and Article 80 of the Child Protection Law, perpetrators of bullying against children can be sentenced to a maximum of 3 years and 6 months in prison and/or a fine of up to IDR 72 million; if the victim is seriously injured, the maximum sentence is 5 years and/or a fine of IDR 100 million; if the victim dies, the maximum sentence is 15 years and/or a fine of IDR 3 billion; the sentence is increased by one third if the perpetrator is the victim's parent.

If the perpetrator of bullying is a child, then based on the Child Criminal Justice System Law, diversion must be attempted, namely resolving the case outside of criminal justice for the sake of restorative justice, with outcomes such as an apology, returning the child to the parents, education, community service, or compensation.

The state is also required to provide special protection for child victims of terrorist networks, in the form of education, counseling, social rehabilitation, and social assistance as regulated in Article 59 paragraph (2) letter k of the Child Protection Law. However, PPPA Regulation Number 7 of 2019 only regulates two forms of protection, namely education and counseling, while Social Affairs Regulation Number 26 of 2019 emphasizes that social rehabilitation is also provided to child victims of terrorist networks, including children of terrorist perpetrators.[42].

According to the author's interview with the Head of the Intelligence Analysis Section of BNPT, Leebarty Taskarina, according to her, the handling of legal protection for children from terrorist perpetrators carried out by BNPT related to education about education,

ideology, nationalism values; counseling about the dangers of terrorism encountered obstacles in obtaining permission from one of their parents. According to her, there were several parents who did not give permission for their children to receive the program, on the other hand BNPT also still has obstacles in the lack of human resources. According to her, training related to the protection of children who are victims of terrorist networks needs to be carried out comprehensively, not only for field workers who are in direct contact with children, but also needs to be carried out for policy makers. In handling it, children from perpetrators who are associated with terrorist groups or live in a terrorist family environment also pose potential threats that need good anticipation and mitigation, especially with the radicalization they get from an early age.

BNPT, as mandated by law, acts as a coordinator in countering terrorism, for this reason BNPT collaborates with various agencies to mitigate potential threats of terrorism that may arise in the future. Children associated with terrorist groups are one of the subjects managed by BNPT, both in terms of prevention, risk mitigation, intelligence and other related aspects. In carrying out this, BNPT coordinates with various agencies. BNPT coordinates with the Sentra Handayani Ministry of Social Affairs in handling deported children affiliated with Foreign Terrorist Fighters (FTF). BNPT encourages efforts to prevent and overcome acts of terrorism and extremism through the presence of Presidential Regulation Number 7 of 2021 concerning the National Action Plan for the Prevention and Overcoming of Violent Extremism Leading to Terrorism (RAN PE). In line with this, BNPT together with UNODC (United Nations Office on Drugs and Crime) with the support of the European Union has also launched the STRIVE Juvenile Program to strengthen the government's strategy in handling children associated with terrorist groups and violent extremists through capacity building training and synergy between ministries or related institutions that carry out the duties, main points, and functions of handling children associated with terrorist groups and extremism. BNPT was also involved by the Ministry of Women Empowerment and Child Protection in compiling the Guidelines for the Coordination Mechanism for the Protection of Child Victims of Terrorism Networks. The next progressive step was that in 2016 BNPT inaugurated and supported the Al-Hidayah Islamic Boarding School in Deli Serdang, North Sumatra, owned by a former terrorist convict, Al-Ghazali. The establishment of the Islamic boarding school aimed at educating children from terrorist families was based on the fact that not many people recognized their existence. The specialty of this Islamic boarding school is that it has a deradicalization subject.[43].

Leebarty Taskarina assessed that deradicalization is the right step to handle children of terrorists who are likely to be exposed to radicalism. In the Terrorism Law, deradicalization is an integrated, planned, systematic, and continuous process to eliminate or reduce and reverse the radical understanding of terrorism. Children of terrorists are included in the group that has been exposed to radicalism, with identification and assessment of categories based on intelligence. Handling includes fostering national, religious, and entrepreneurial insights. However, deradicalization is more directed at adults, while children require a different approach that emphasizes the fulfillment of children's rights, psychological recovery, health, education, and the formation of positive values with family and community, not just tackling radical ideology.

The Terrorism Law does not explicitly recognize child perpetrators as victims, but BNPT supports expanding the definition of victims to include children who are socially and psychologically impacted. BNPT together with related ministries and institutions have implemented a protection program for child perpetrators of terrorism. In Malaysia, legal protection for child perpetrators of terrorism is still very limited due to the lower frequency of terrorism, so it has not become a national legal priority, although in certain conditions cases can be handled by the police E8. Indonesia has developed a more complex approach and involves many institutions such as BNPT, the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection, and Densus 88, although it often faces challenges in inter-agency coordination. Malaysia tends to be centralistic and practical, while Indonesia is more progressive in developing legal instruments but still needs to improve coordination between agencies.

5. Conclusions

Based on the analysis conducted, the implementation of legal protection for children from terrorists against bullying involves coordination between the National Counterterrorism Agency (BNPT) and the Social Rehabilitation Center for Children Needing Special Protection (BRSAMPK) Handayani. BNPT is responsible for education on educational values, Pancasila ideology, nationalism, and counseling on the dangers of radicalism, while BRSAMPK Handayani focuses on social rehabilitation and assistance to restore children's psychosocial conditions. The ideal implementation of legal protection requires an integrated preventive and repressive approach. Preventive actions include preventing bullying of children from terrorists, while repressive actions involve optimizing cross-agency coordination such as BNPT, the Ministry of Social Affairs, and the Ministry of Women's Empowerment to ensure that rehabilitation and social assistance are effective. This synergy is important to break the cycle of radicalism and ensure that children's rights are protected from the psychological and social impacts of bullying.

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