

## Legal Protection for Children Involved in Terrorism Crimes

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### ABSTRACT

Children are the nation's future generation whose rights are constitutionally guaranteed. Yet, contemporary crime developments indicate that children are not only victims but also perpetrators of criminal acts, including terrorism, which is classified as an extraordinary crime. The involvement of children in terrorist networks raises serious legal issues concerning criminal responsibility and the protection of children's rights. This study aims to analyze the legal regulation of children who commit terrorism offenses and the forms of legal protection afforded to them under Indonesian law. This research employs a normative legal method, using statutory and conceptual approaches, to examine Law Number 11 of 2012 on the Juvenile Criminal Justice System, Law Number 35 of 2014 on Child Protection, and Law Number 5 of 2018 on the Eradication of Terrorism Crimes. The findings indicate that the legal framework applies the principle of *lex specialis derogat legi generali* in handling children involved in terrorism. Children are positioned not merely as offenders but as victims of ideological exploitation within organized networks. Consequently, legal treatment prioritizes rehabilitation, education, social reintegration, and restorative justice rather than retributive punishment. This approach is intended to safeguard the child's best interests while maintaining the objectives of law enforcement and public security.

**Keywords:** Legal protection; Children; Terrorism; Restorative justice.

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### INTRODUCTION

Children are legal subjects who occupy a strategic position in ensuring the continuity of the nation and the state. The protection of children's rights is constitutionally guaranteed under Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which affirms that every child has the right to survival, growth, development, and protection from violence and discrimination. Child protection aims to safeguard the quality of human resources so that Indonesian individuals may develop holistically in physical, mental, and social dimensions.

In contemporary social development, children are no longer positioned solely as victims but are increasingly involved as perpetrators of criminal acts. Juvenile delinquency is influenced by social change, globalization, technological advancement, and family and educational environments (Ihsan, 2016). One of the most serious forms of crime involving children is terrorism. Terrorism constitutes acts that use violence or threats of violence to create widespread fear, damage vital objects, and threaten state sovereignty (Supriyadi, 2015). The involvement of children in such extraordinary crimes presents complex legal and moral challenges.

The participation of children in terrorist networks cannot be separated from ideological exploitation by adults. Children are often recruited through indoctrination, family pressure, or exposure to radical digital media (Mahyani, 2019). As a result, children involved in terrorism are frequently trapped within organized criminal structures that manipulate their vulnerability and psychological development. Therefore, child perpetrators of terrorism should fundamentally be viewed as victims of organized crime networks rather than merely as offenders.

Indonesia regulates the eradication of terrorism through Law Number 5 of 2018. Article 19 stipulates that special minimum penalties, the death penalty, and life imprisonment do not apply to offenders under the age of eighteen. This provision demonstrates the state's recognition of the need for special treatment for children in conflict with the law. Furthermore, Law Number 35 of 2014 on Child Protection places children involved in terrorist networks under special protection through education, rehabilitation, and social assistance mechanisms.

Accordingly, the legal framework governing children who commit acts of terrorism must balance law enforcement objectives with the protection of children's rights. The approach adopted should not be purely repressive but must prioritize restorative justice, rehabilitation, and reintegration. By emphasizing the child's best interests, the legal system is expected to provide solutions that ensure accountability while safeguarding the child's future and social development.

## **METHOD**

This study employs a normative legal research design that conceptualizes law as a system of written norms analyzed systematically (Ocsila, 2025; Ramadhani & Nahrowi, 2023; Handoko et al., 2022). Normative legal research examines statutory regulations, legal doctrines, and judicial decisions that are relevant to the legal issues under investigation (Ocsila, 2025; Handoko et al., 2022). In the context of legal protection for children who commit acts of terrorism, the approaches applied include the statute approach, which reviews Law Number 11 of 2012 on the Juvenile Criminal Justice System, Law Number 35 of 2014 on Child Protection, and Law Number 5 of 2018 on the Eradication of Terrorism Crimes (Handoko et al., 2022; Aurellia & Halim, 2023).

In addition, a conceptual approach is employed to examine the concepts of children, criminal responsibility, legal protection, and restorative justice within the perspective of juvenile criminal law (Ocsila, 2025; Handoko et al., 2022; Sinambela et al., 2023). This conceptual approach is essential for understanding the theoretical construction underlying the legal regulation of children involved in terrorism offenses (Handoko et al., 2022; Aurellia & Halim, 2023).

The legal materials used in this study consist of primary legal materials, such as statutory regulations; secondary legal materials, such as books and scholarly journal articles; and tertiary legal materials, including legal dictionaries and encyclopedias (Ramadhani & Nahrowi, 2023; Saputra et al., 2021; Aurellia & Halim, 2023). The collection of legal materials is conducted through library research, which involves systematically reviewing various written sources (Handrihadi et al., 2024; Kusumasanthi et al., 2023; Nury, 2025).

Data analysis is conducted qualitatively using systematic and argumentative interpretive methods (Firman, 2018; Andriani et al., 2024; Saputra et al., 2021). Qualitative analysis in normative legal research aims to present data coherently and to confirm the study's position and hypotheses (Firman, 2018; Andriani et al., 2024). Systematic interpretation is applied to identify the coherence between prevailing legal norms and the need for protection of children involved in terrorism, so that a legal construction oriented toward the best interests of the child and the strengthening of restorative justice can be formulated (Handoko et al., 2022; Aurellia & Halim, 2023; Sinambela et al., 2023).

## RESULTS AND DISCUSSION

### 1. Legal Regulation of Children Who Commit Terrorism Offenses

A criminal offense constitutes an unlawful act punishable by criminal sanctions and contains the elements of *actus reus* and *mens rea* (Loho, 2019). In the context of children, criminal responsibility cannot be equated with that of adults because children are in a phase of psychological and social development that has not yet reached full maturity.

The regulation of children in conflict with the law in Indonesia is specifically governed by Law Number 11 of 2012 on the Juvenile Criminal Justice System (*Sistem Peradilan Pidana Anak – SPPA*). This statute applies the principle of *lex specialis derogat legi generali*, thereby overriding general provisions of criminal law (Susanti, 2021). A child in conflict with the law is a person aged 12 to 18 years who is suspected of committing a criminal offense.

In the context of terrorism, Law Number 5 of 2018 stipulates that children may not be subjected to special minimum sentences, the death penalty, or life imprisonment. This provision reflects the state's recognition of differentiated treatment for children who become involved in terrorism-related crimes, emphasizing proportionality and child-sensitive justice.

Furthermore, Ministerial Regulation of the Ministry of Women's Empowerment and Child Protection (PPPA) Number 7 of 2019 explains the factors contributing to children's involvement in terrorist networks, which include internal factors such as emotional maturity and national insight, as well as external factors such as family, social environment, media exposure, poverty, and education. These conditions reinforce the argument that children involved in terrorism are essentially victims of ideological exploitation (Siahaya et al., 2023).

Accordingly, the legal regulation of children who commit terrorism offenses does not merely emphasize punishment, but rather prioritizes guidance, rehabilitation, and social reintegration so that children may recover and develop within a constructive legal framework.

### 2. Legal Protection for Children Who Commit Terrorism Offenses

Legal protection for children constitutes a state obligation to guarantee children's rights to live, grow, develop, and participate optimally in society (Bau, 2020). Such protection may be implemented through both preventive and repressive approaches (Imran & Mangesti, 2024).

Law Number 35 of 2014 defines child protection as all activities intended to ensure and protect children so that they are free from violence and discrimination. Article 59, paragraph (2), letter (k) explicitly affirms that children who become victims of terrorist networks are entitled to special protection.

From the SPPA's perspective, sanctions imposed on children are not intended for retaliation but for improvement and recovery. Articles 71 and 82 of the SPPA allow for the imposition of warning sanctions, guidance, vocational training, and social rehabilitation. This approach aligns with the concept of restorative justice, which prioritizes the child's best interests (Aziz et al., 2022).

Children who commit terrorism offenses are essentially victims of adult indoctrination. Therefore, legal protection must encompass ideological education, counseling, psychosocial rehabilitation, and social assistance so that children may return to society healthily and constructively (Gaol & Setiawan, 2025).



Figure 1. Legal Regulation and Protection of Children in Terrorism Offenses in Indonesia

### CONCLUSION

The legal regulation of children who commit terrorism offenses in Indonesia applies the principle of *lex specialis derogat legi generali* through the Juvenile Criminal Justice System Law (SPPA), the Child Protection Law, and the Anti-Terrorism Law. Children are positioned as victims of terrorist networks and, therefore, are not subject to special minimum penalties, the death penalty, or life imprisonment.

Legal protection for children involved in terrorism is realized through special protection mechanisms that prioritize the best interests of the child, including education, rehabilitation, counseling, social assistance, and restorative justice. Children are not treated as adult offenders but as victims of ideological exploitation who must be restored and reintegrated into society.

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