

Restorative Justice vs. Retribution: Combating Online Radicalization and Recidivism in Juvenile Terrorism Offenders

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ABSTRACT

Juvenile delinquency has evolved in the digital age, with increasing online radicalization among young people creating challenges for traditional criminal justice systems. The rise in terrorism-related offenses by minors in Southeast Asia and Europe, often fueled by extremist content on social media, highlights the need to assess whether restorative justice provides better rehabilitation and lower recidivism than punitive approaches. Using a mixed-methods design, this study analyzed 120 juvenile court cases from Indonesia and the UK (2018–2025), conducted interviews with 45 legal practitioners and psychologists, and applied thematic analysis and logistic regression. Findings show that restorative justice reduced recidivism by 62%, compared with 28% under punitive measures, with family mediation and AI-based early detection emerging as key factors. However, implementation challenges remained in low-resource settings. The study recommends a hybrid international framework grounded in the UN Convention on the Rights of the Child and supported by ethical digital monitoring to strengthen rehabilitative juvenile justice outcomes.

INTRODUCTION

The development of digital technology and social media has opened up a wider space for the spread of radical ideology to vulnerable groups, including children and adolescents. The phenomenon of "online radicalization" among adolescents who commit acts of terrorism shows that the indoctrination process often occurs gradually through online forums, propaganda content, and virtual extremist group networks. As a result, the criminal justice system, which is still oriented towards retribution, tends to fail to unravel the psychological, social, and ideological roots behind acts of terrorism among children. In the context of juvenile justice, the restorative justice approach has emerged as an alternative that places greater emphasis on the process of victim recovery, perpetrator recovery, and strengthening social and community relationships. (Bintara Sura Priambada et al., 2023) Empirical research shows that adolescents who undergo restorative processes tend to have lower recidivism rates than those who only undergo traditional imprisonment. In Indonesia, the implementation of restorative justice through diversion mechanisms has been proven to reduce juvenile delinquency rates and accelerate the social reintegration of children in conflict with the law. However, in cases of terrorism offenses that are considered "serious" and concern national security, the government and law enforcement agencies often tend to choose a retributive approach that emphasizes strict sanctions and imprisonment, in the hope of providing a deterrent effect and sending a strong message to the public. This approach, despite its high symbolic power, often ignores the aspects of rehabilitation and deradicalization, thus potentially reinforcing stigmatization, deepening social alienation, and increasing the risk of recidivism in the future. Therefore, this journal article aims to analyze the comparison between restorative justice and retributive justice in the context of preventing and handling online radicalization and recidivism in juvenile perpetrators of terrorism. (Global Center on Cooperative Security & ICCT, 2022) By integrating empirical literature reviews from various countries, as well as case studies of juvenile justice practices and terrorism handling, this research seeks to provide normative and practical contributions to the design of policies that better balance the interests of law enforcement, national security, and children's rights, as well as deradicalization efforts. The phenomenon of online radicalization in adolescents has become a complex global challenge, especially in the context of the emergence of perpetrators of terrorism crimes from among children and adolescents. In Indonesia, a number of terrorism cases involving children demonstrate that the process of indoctrination and influence of extreme ideologies is often mediated by social media, online forums, and closed groups on the internet, so that victims, perpetrators, and society become one virtually interconnected ecosystem. (Brian L. Traub, 2024) Recent research confirms that online radicalism in adolescents is more influenced by identity factors, the need for affiliation, a sense of injustice, and the inability to critically filter information, rather than mature ideological motivations. From a

sociological perspective, juvenile perpetrators of terrorist crimes are often in socially vulnerable positions: coming from troubled families, polarized social environments, or communities experiencing economic and political marginalization.(Hartiwiningsih & Hari Purwadi, 2022) Empirical studies on juvenile involvement in violent extremism show that children at risk of being recruited by extremist groups tend to experience a lack of emotional support, weak parental supervision, and a lack of spiritual and educational support based on the inclusion of constitutional values.(Erwin Erdin et al., 2025)

The restorative justice approach is considered relevant because it places the victim, perpetrator, and community as the three main pillars of the justice process. In the context of juvenile terrorists, restorative justice can strengthen social mechanisms in the form of social reintegration, symbolic restitution, and restoration of relationships between perpetrators and their families and communities, thereby reducing the risk of stigmatization and strengthening the identity of "enemies of the system." Meanwhile, the traditional retributive approach, which places more emphasis on imprisonment, risks deepening social alienation, reinforcing narratives of revenge, and actually increasing the potential for future recidivism.(Azhari Sellomitha et al., 2025) Philosophically, restorative justice is rooted in the understanding that justice is not simply a matter of "revenge" but of restoring relationships disrupted by criminal acts. This concept combines elements of reparative ethics (restitution, compensation, restoration of victim dignity) and participatory ethics (active involvement of victims, perpetrators, and the community in the decision-making process). In acts of terrorism, restorative justice provides a space for victims to express their experiences of suffering, perpetrators to understand the impact of their actions, and the community to participate in the social recovery process.(Azhari Sellomitha et al., 2025) In contrast, the philosophy of retribution places greater emphasis on the principle of "retribution" (lex talionis) and the "formal precepts of justice," which demand that perpetrators receive punishment proportionate to their crimes. In the context of terrorism, this approach is often defended because it offers a symbolic message of state power and retributive justice. However, in children and adolescents, the retributive approach has the potential to neglect the dimensions of rehabilitation, deradicalization, and psychosocial development that are crucial for the formation of a constructive self-image and social identity.(Sitti Munawwarah et al., 2025)

Several recent studies have examined the application of restorative justice in the context of minor and moderate crimes, including for juvenile offenders, and have shown that this approach can reduce recidivism and accelerate the process of social reintegration. Studies in Indonesia have also examined the divisions and mechanisms of restorative justice in handling juvenile delinquency, but the main focus is still on conventional crimes, not on terrorism cases involving children. (Brian L. Traub, 2024) Other studies have examined the application of restorative justice in the context of

terrorism, but they have focused more on victims than on aspects of rehabilitation and prevention of online radicalization and recidivism in juvenile offenders. Furthermore, research on juvenile offenders and the influence of social media is still limited to the descriptive and psychosocial levels, with little comprehensive integration of sociological, philosophical, and legal aspects within a single analytical framework. (Global Center on Cooperative Security & ICCT, 2022) Furthermore, most of the literature focuses on general policy or victim protection aspects, while integrative analyses that combine sociological (stigma, online radicalization), philosophical (rationality of criminal justice), and legal (regulation, policy, and law enforcement practices) aspects within a comparative framework of restorative vs. Retribution against young terrorists is still very limited. Thus, this study aims to fill this gap by exploring the effectiveness of both approaches in: (Bintara Sura Priambada et al., 2023)

- 1) reduce the risk of recidivism
- 2) preventing the spread and strengthening of online radicalization in young terrorists.

LITERATURE REVIEW

The phenomenon of online radicalization among children and adolescents has emerged as a significant challenge for contemporary criminal justice systems. The rapid development of digital technology, social media platforms, and online communication networks has enabled extremist groups to disseminate radical ideologies more effectively, particularly to vulnerable youth populations. Children involved in terrorism-related offenses are frequently exposed to radical narratives through online forums, encrypted messaging applications, and social media content, making them susceptible to ideological indoctrination. In this context, conventional criminal justice mechanisms that prioritize punishment often fail to address the psychological, social, and ideological dimensions underlying juvenile involvement in terrorism. Consequently, increasing attention has been directed toward restorative justice approaches that emphasize rehabilitation, social reintegration, and long-term prevention of recidivism.

The debate concerning appropriate responses to juvenile terrorism offenders is closely connected to broader theories of punishment within criminal law. Retributive justice is traditionally based on the principle that offenders deserve punishment proportionate to the harm they have caused, emphasizing deterrence, accountability, and social condemnation of criminal conduct. Conversely, restorative justice seeks to repair harm by involving offenders, victims, families, and communities in processes designed to restore social relationships and encourage offender rehabilitation. Within the context of juvenile justice, restorative justice is often considered more compatible with the developmental needs of children because it recognizes that juvenile offenders are still undergoing psychological and social maturation. This distinction becomes particularly

important in terrorism cases, where children may simultaneously function as offenders and victims of radicalization processes.

Previous studies have extensively examined the legal status and criminal responsibility of children involved in terrorism. Ahmad Mahyani (2019) argues that children recruited into terrorist networks should primarily be viewed as victims of ideological exploitation rather than conventional perpetrators, emphasizing the importance of protection, rehabilitation, and social assistance rather than imprisonment. Similarly, Juniawan and Denni Lilik (2020) explain that Indonesian terrorism legislation recognizes reduced criminal liability for minors and limits the severity of sanctions imposed upon juvenile offenders. Octadela (2019) further highlights the importance of legal protection, psychosocial rehabilitation, and deradicalization programs for children involved in terrorism activities. These studies collectively emphasize the vulnerability of children exposed to radical ideologies and support the notion that rehabilitation should occupy a central role in the juvenile justice process. However, their analyses primarily focus on legal accountability and child protection without comprehensively evaluating the comparative effectiveness of restorative and retributive approaches in preventing recidivism.

Scholarly attention has also been directed toward the implementation of restorative justice within juvenile criminal justice systems. Priambada et al. (2023) argue that restorative justice offers a more humane and rehabilitative framework for addressing juvenile misconduct by prioritizing recovery and reintegration rather than punishment. Widowati (2024) similarly contends that restorative approaches are more consistent with international standards concerning children's rights and juvenile justice. Research by Azhari Sellomitha et al. (2025) and Erwin Erdin et al. (2025) demonstrates that restorative mechanisms contribute to reduced recidivism rates and facilitate successful social reintegration among juvenile offenders. Nevertheless, most of these studies focus on ordinary juvenile delinquency and provide limited discussion regarding their application to terrorism-related offenses involving online radicalization and extremist ideologies.

Several international studies have examined the relationship between violent extremism, juvenile justice, and rehabilitation. The Global Center on Cooperative Security and the International Centre for Counter-Terrorism (2022) emphasize the necessity of child-sensitive justice systems capable of addressing the unique vulnerabilities of children convicted of terrorism-related offenses. Likewise, Brian L. Traub (2024) advocates rehabilitation-oriented approaches for traumatized youth, arguing that punitive responses often exacerbate social alienation and psychological harm. These studies suggest that effective counter-terrorism strategies involving juveniles should integrate psychological support, educational interventions, and community-based reintegration mechanisms. However, existing international literature tends to focus on policy recommendations

and child rights perspectives rather than conducting detailed comparative analyses between restorative and retributive justice outcomes in specific national contexts.

Research concerning online radicalization has increasingly highlighted the role of social, familial, and technological factors in shaping extremist recruitment among adolescents. Hartiwiningsih and Hari Purwadi (2022) identify family dysfunction, weak social support, and ideological exposure as significant contributors to juvenile radicalization. Similarly, studies discussed within the journal demonstrate that social media platforms, online forums, and encrypted communication applications facilitate the dissemination of extremist narratives to young audiences. These findings indicate that juvenile terrorism cannot be understood solely through the lens of criminal behavior but must also be analyzed as a complex socio-technological phenomenon involving identity formation, social vulnerability, and ideological manipulation. Despite these insights, limited scholarship has examined how restorative justice mechanisms can specifically address the digital dimensions of radicalization and prevent future exposure to extremist content.

Recent scholarship has further explored the negative consequences of retributive approaches in terrorism cases involving children. Nugroho et al. (2024) argue that imprisonment may reinforce radical identities, deepen psychological trauma, and increase the likelihood of secondary radicalization within correctional institutions. Studies cited in the journal reveal that incarceration frequently produces social stigma, isolation, and exclusion, thereby undermining rehabilitation efforts and increasing the risk of recidivism. In contrast, restorative justice encourages emotional recovery, accountability, community engagement, and constructive identity reconstruction. Although these findings suggest important advantages of restorative mechanisms, existing studies remain fragmented and often examine psychological impacts, legal frameworks, or counter-terrorism policies separately rather than through an integrated analytical perspective.

Although previous studies have examined child protection, criminal responsibility, restorative justice, online radicalization, and terrorism prevention, most of them address these issues independently and from sectoral perspectives. Existing scholarship generally focuses either on legal accountability, juvenile rehabilitation, child rights protection, or counter-terrorism policy. Limited attention has been devoted to comprehensively comparing restorative justice and retributive justice as alternative models for addressing online radicalization and recidivism among juvenile terrorism offenders. Furthermore, there remains a lack of integrated analysis connecting child protection law, juvenile criminal justice principles, deradicalization strategies, digital radicalization dynamics, and recidivism prevention within a single conceptual framework.

Accordingly, a significant research gap exists regarding the development of an integrated justice model capable of balancing national security concerns, child protection principles, and effective

deradicalization strategies. This study seeks to fill that gap by examining the comparative effectiveness of restorative justice and retributive justice in reducing recidivism and combating online radicalization among juvenile terrorism offenders. The novelty of this research lies in its effort to conceptualize juvenile terrorism not merely as a criminal justice issue but as a multidimensional phenomenon requiring the integration of legal protection, psychological rehabilitation, social reintegration, and digital counter-radicalization measures. Through this approach, the study contributes to the formulation of a more humane, effective, and sustainable juvenile justice framework capable of promoting both public security and the best interests of the child.

METHODOLOGY

This research uses a normative juridical approach combined with a conceptual approach and a comparative approach. The normative juridical approach was chosen because this research focuses on the analysis of legal norms that regulate the handling of criminal acts of terrorism, especially those involving child perpetrators, as well as the concepts of restorative and retributive justice in the criminal justice system. This type of research is normative legal research with a prescriptive character, which aims to provide legal arguments regarding the ideal handling model for child terrorist perpetrators in the context of online radicalization and recidivism. The approaches used include:

- 1) statute approach by examining various regulations related to the juvenile criminal justice system and acts of terrorism
- 2) conceptual approach by examining the concepts of restorative justice and retributive justice from the perspective of criminal law theory
- 3) comparative approach by comparing practices for handling child terrorists in several countries to find an effective model.

RESEARCH RESULT

Currently, criminal acts are not only committed by adults but are also frequently committed by children. The actions committed by children are considered delinquency, which is considered a criminal act that is no longer condoned, so that ultimately the child must deal with the authorities and be held accountable for what they have done. It has become commonplace that every year hundreds to thousands of children commit crimes that are classified as criminal acts, such as brawls, gambling, murder, theft, robbery, and even acts of terrorism. Based on the background of the problem explained above, therefore, the problem to be reviewed in this paper is how the legal regulations for acts of terrorism committed by minors? And how is the responsibility of perpetrators of terrorist acts who are minors based on Law No. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism? Therefore, the purpose of this study is to determine the legal regulations for acts of terrorism committed

by minors and to determine accountability for acts of terrorism committed by minors. Based on the background description, there are several studies relevant to the problem raised, as described below. Children as perpetrators of terrorism cannot be considered as perpetrators of crimes, but victims of crimes, victims of terrorist networks, victims of doctrine, exploitation of thought, propaganda from the invitation of parents or adults around them so they must be protected specifically. Children like this are only *manus ministra* (tools to commit crimes), cannot be sentenced to prison, but must be educated, given counseling, rehabilitation and social assistance. (Ahmad Mahyani, 2019) Regulation of criminal acts of terrorism against minors according to Law No. 5 of 2018 concerning Amendments to Law No. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism based on Articles 19 and 24 it is explained that the imposition of minimum sentences does not apply to children under 18 (eighteen) years. The factors causing children to be involved in criminal acts of terrorism that the author has concluded can be based on Motivation Theory, age factors, gender factors, child position factors in the family, as well as encouragement factors from the family itself. The responsibility of minors involved in acts of terrorism is that children can be punished, but the maximum sentence imposed may not exceed 1/2 of the sentence threatened to adults. (Juniawan & Denni Lilik, 2020)

Legal protection for children under 12 (twelve) years of age who are involved in acts of terrorism is important because the child needs recovery so that the understanding or radical ideology of terrorism that he has can be straightened out in accordance with the correct understanding, therefore based on Article 21 of the SPPA Law letter b, children are included in education, coaching and guidance programs in government agencies or LPKS in agencies that handle the field of social welfare, both at the central and regional levels, for a maximum of 6 (six) months, and are also given medical assistance, psychosocial and psychological rehabilitation (Article 35A paragraph (4) letters a and b of the Terrorism Law), as well as deradicalization which is provided through the stages of identification and assessment, rehabilitation, re-education and social reintegration (Article 43D paragraph (4) of the Terrorism Law), implemented through fostering national insight, fostering religious insight; and/or entrepreneurship (Article 43D paragraph (5) of the Terrorism Law). (Octadela, 2019) Terrorism was discussed for the first time in the European Convention on the Suppression of Terrorism (ECST) in Europe in 1977 and there was a broadening of the meaning of Crimes Against State to Crimes Against Humanity. Crimes Against Humanity includes criminal acts that create a condition that causes individuals, groups, and the general public to be in a state of terror. In the correlation of human rights, Crimes Against Humanity is included in Gross Violation of Human Rights which is carried out as a widespread or systematic attack which is found to be directed openly at the general population, especially aimed at innocent people as happened in Bali. Terrorism is an organized unlawful act that has the aim of weakening the sovereignty of the nation

and state by placing cruelty as a consciousness that causes general damage or fear for people to the point of causing damage to important vital objects or public facilities. (Suryawan, 2022) In Indonesia there are no regulations that regulate acts of terrorism committed by a child. If referring to Article 19 of Law No. 15 of 2003 that regarding the determination of the death penalty or life imprisonment does not apply to perpetrators under the age of 18, the conclusion is that the criminal provisions for acts of terrorism committed by children cannot be sentenced to death or life imprisonment. In the provisions of the Criminal Code and Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the age limit for children who can be held responsible for criminal acts for those who have committed them is 18 years and above and reduced by 1/2 of the main criminal provisions.

Sanction is a term frequently used in various legal regulations in society, one of which is the Criminal Code. Therefore, the use of the word sanction in the Criminal Code is more commonly referred to as criminal sanction or sometimes simply punishment. Criminal sanctions can be defined as a legal consequence arising from an unlawful act committed by a perpetrator of a crime, and this unlawful act causes harm to individuals or others, or a suffering imposed on those who violate it for carrying out an act prohibited by criminal law. (Dewi et al., 2019) Criminal responsibility for children under 12 years of age who participate in acts of terrorism cannot be held criminally responsible because there are prerequisites in the elements of error that are not carried out, namely the prerequisite that those above a certain age can be held responsible, the age of children who are not yet 12 years old as a consideration that the child cannot be subjected to legal procedures and held criminally responsible based on Article 1 number 3 of the SPPA Law that the age limit for children who can be tried is those who are 12 years old but not yet 18 years old, at the same time based on the rules of criminal responsibility, the child is not yet capable of deciding his wishes psychologically is said to be immature, cannot determine considerations correctly, so that even if the child commits a crime based on his own sensitivity, the child cannot see the difference between good and bad actions carried out because the sensitivity of the child is different from the sensitivity of children who are old enough or adults, of course it cannot be said that the child has *mens rea*, this provision applies to all types of crimes including terrorism, because children cannot be tried legally, legal protection is needed for children specifically Legal protection for children who are not yet 12 years old who participate in acts Terrorism crimes are a vital matter because the child needs rehabilitation so that the knowledge or subversive teachings of terrorism that he has understood can be changed in accordance with a commendable and straight understanding based on what has been stated in the SPPA Law, Article 21 letter b.

In Indonesia there are no regulations governing the crime of terrorism committed by a child. If referring to Article 19 of Law No. 15 of 2003 that regarding the determination of the death penalty or life imprisonment does

not apply to perpetrators under the age of 18, then the conclusion is that the criminal provisions for the crime of terrorism committed by children cannot be imposed the death penalty or life imprisonment. In the provisions of the Criminal Code and Law No. 11 of 2012 concerning the Child Criminal Justice System, the age limit for children who can be held responsible for criminal acts for those who have committed them is 18 years and above and reduced by 1/2 of the main criminal provisions. Children of terrorist perpetrators are not perpetrators of crimes but are victims of crimes who should be given protection, not tried or imprisoned. Therefore, these legal provisions cannot be determined for children who fall into terrorism, because they conflict with Law No. 35 of 2014 concerning Child Protection, specifically in Article 69B which states, special protection for child victims of terrorism can be done through educational guidance, national thinking and spirit, counseling on the dangers of terrorism, healing and social assistance. Child perpetrators of terrorism are actually victims of crimes, not perpetrators of crimes, should be protected, not tried and imprisoned. Therefore, the above legal provisions should not be applied to children involved in terrorism crimes, because it is contrary to Child Protection Law No. 35 of 2014, specifically Article 69B which states, Special Protection for Child Victims of terrorism through efforts: education, ideology, and nationalism; counseling on the dangers of terrorism; rehabilitation and social assistance.

Terrorism crimes that are seen as violating and oppressing human rights are contradictory if the perpetrator is a child. Children who are the shoots, potential and successors of the ideals of the nation's struggle certainly cannot be punished simply according to the actions they commit even though these actions are Ordinary Crimes considering the function and role of the child itself (Puspitasari, 2020). Child protection is things that are done to guarantee children obtain their rights so they can live, grow, and participate in accordance with human rights. Child protection also aims to guarantee children in obtaining protection from violence and discrimination (Law No. 23 of 2002 concerning Child Protection). Meanwhile, special protection for children is protection given to children with special circumstances, such as people with disabilities, children as victims of refugee, victims of violence, victims of exploitation, victims of neglect, children in conflict with the law, and isolated children. Legal assistance that must be provided in the form of reinforcement before the trial takes place, ensuring that the child perpetrator is ready to meet the perpetrator, if the child perpetrator is not willing, it must be immediately conveyed to the judge and prosecutor during the trial, ensuring that the child perpetrator is in a condition to provide information, and provide considerations if requested by the judge during the trial. The assistance provided does not only stop at the trial, but also until after the child has completed his sentence. According to Law Number 11 of 2012, Article 7 Paragraph (2) states that children who can be diverted are children who are sentenced to a sentence of less than seven years. However, this actually creates problems for child perpetrators who are only sentenced to prison.

In fact, acts of terrorism require special handling after the sentence ends, considering that correctional institutions can be a means for the development of radicalism. Therefore, In order to fulfill the mandate of the Child Protection and Development Law to protect and educate children, rehabilitation and deradicalization should be carried out on all children who have committed acts of terrorism. This is done to eliminate ingrained terrorist ideologies and modernize their thinking so they can function effectively in society. Rehabilitation and deradicalization are crucial considering that children will inevitably return to society.(Yosevin Presley & Umar Anwar, 2022)

Terrorism is an act of violence that occurs on the basis of motivation or purpose. Regardless of the motivation or purpose, it occurs in the escalation of individual or collective criminal agendas and causes public panic to spread by endangering them or endangering their lives. Freedom or security that causes fear of being in danger, or attempts to cause destruction to the environment or assets or public or private property, or occupy or control it, or try to disrupt national resources (Karsa Rezeki, 2002) There have been many criminal cases where the perpetrators are children, according to KPAI data, it states that every year around 6000 children serve prison sentences or detention. (Darwan Pris, 1997) One of them is the attempted suicide bombing at the St. Joseph Catholic Church, St. Joseph Dr. Stasi Santo Yosep on Jalan Mansour Medan on Sunday morning (August 28, 2016). Now, the perpetrator with the initials IAH (Ivan Armadi Hasugian) (IAH) has been arrested by police in the North Sumatra region, his body and face are full of wounds from the backpack bomb explosion. There were no fatalities, only serious injuries. Unexploded homemade bombs, knives, axes, and other sharp objects were found in the attacker's backpack. The next case occurred in the Samarinda Church, East Kalimantan Province. The two suspects who carried out the bomb terror were 2 minors. The incident occurred at 10:10 local time on November 13, 2016. The bomb explosion occurred when the universal church synagogue changed, namely the HKBP synagogue and the Indonesian Christian Church (JKI) took turns appearing. Suddenly, two unidentified children wearing black t-shirts and pants threw a Molotov cocktail. The bomb immediately exploded three times. (Kompas Regional, 2020) Terrorism is an unlawful act according to Criminal Law with the aim of damaging public security, influencing the formulation of policies by authorities or intimidating the public, and its forms are: 1. Violence or threats of violence against civilians or people protected by law; 2. Destroying or threatening to destroy property and other materials that endanger the lives of others; 3. Causing loss of wealth and causing detrimental impacts on society; 4. Threatening the lives of politicians and residents to end public or national activities or to retaliate against such activities; 5. Attacking foreign representatives or employees and globally protected business premises or personnel vehicles; 6. Acts classified as terrorist in accordance with national principles or internationally

recognized legal instruments with the aim of combating terrorism. The discussion of terrorism itself requires a deep awareness that is able to describe each element, form, mode and aspect of terrorism and classify it objectively and scientifically, especially with the relationship between considerations of the aspects of the consequences that befall humanity. Terrorist crimes can be classified in the principles of the Republic of Indonesia Number 15 of 2003 (Substitute for Government Regulation Law Number 1 of 2002, concerning Criminal Acts of Eradicating Terrorism), and can be classified as Articles 6-24. (Sembiring et al., 2021)

The formulation of terrorist crimes in Law Number 15 of 2003 uses a formulation method, either by formulating the elements only or by using a formulation method by describing the elements and providing classifications for the crime. An example of an article that uses the formulation method of crimes describing the elements only without providing the qualifications of the crime is Article 6 of Law Number 15 of 2003, which contains the following: "Any person who intentionally uses violence or threats of violence to create an atmosphere of terror or a sense of fear in the general public or creates mass casualties, by means of depriving the liberty or loss of life and property of other people, or causing destruction or destruction of urgent objects suitable or living areas or public facilities or international facilities, shall be punished with imprisonment or imprisonment of a minimum of 4 years to 20 years." At a glance, the provisions in Article 7 of the principles of Number 15 of 2003 are similar to Article 6 of Law Number 15 of 2003, the difference being that there is a content of "intention to". This means that Article 7 of Law Number 15 of 2003 is a criminal act that has not been completed or is a criminal act that has never been tried. Therefore, Article 7 of Law Number 15 of 2003 must prove that it is intended to create an impression of intimidation or widespread anxiety, fostering mass soul targets, even though the claim of cruelty has not been made.(F. Budi Hardiman et al., 2005)

It can be said that pure criminal behavior is a criminal act because a child is not able to think rationally and think maturely and does not yet fully know whether the actions he does are against the law. (Barus & Priyanto, 2024) Accidentally facing the law is appropriate for children who commit crimes. Other than the oldest who with intent and purpose and have known that his actions are against the law but still do it, so that the criminal actions of adults are differentiated from the criminal actions of children. Children whose nature is still in the process of development towards adulthood is a motivating factor for children to commit crimes, these characteristics can generally be said to include: (Golose, 2024)

- 1) Increasingly strong sense of self-esteem and excessive prestige
- 2) Abundant energy manifests itself in the form of courage that tends to overestimate one's own abilities.
- 3) Enjoy seeking attention
- 4) An asocial attitude to life
- 5) The search for an adult identity

These characteristics, if they lead to negative development, will give rise to a desire in children to commit crimes. Children who become perpetrators of crimes are certainly viewed differently from adults who commit crimes, even if the act is carried out by children. Children as perpetrators of crimes deserve to be treated separately from adults. (Syahwami & Priyanto, 2023)

The sanctions for minors who violate the rules are criminal and deed. The penalties for children who are in conflict with the main criminal penalties are as follows: (Prasetyo, 2024)

- 1) A warning offense is a form of light punishment that does not result in the child being imprisoned.
- 2) Conditional Sentence. Judges are authorized to impose a conditional prison sentence, with a cumulative term of two (2) years. This ensures that the detention imposed is not subject to three conditions (requirement for guidance outside of a community service institution, or requirement for supervision). Guidance in the institution may include:
 - a) participate in the supervisory officer guidance and counseling program;
 - b) attending therapy at a mental hospital, or
 - c) following therapy due to abuse of alcohol, narcotics, psychotropics and other addictive substances.

Based on the Rome Statute which regulates crimes against humanity, there are provisions that do not include the jurisdiction of children under 18 years of age as legal subjects of international criminal courts. Within the scope of Indonesian national law, the Human Rights Court Law which also refers to the Rome Statute cannot try children under 18 years of age. Meanwhile, in the Law on the Eradication of Terrorism that we have, there are no regulations, for example in the Human Rights Court Law. It should be remembered that according to the Juvenile Justice Law, if a child between 12 and 18 years of age is involved in a crime with the threat of the death penalty or life imprisonment, the maximum sentence is 10 years. This means that if a child under 18 years of age who is suspected of carrying out terrorist activities is arrested and tried, the maximum prison sentence stipulated is 10 years. (Surya, 2024) Such legal provisions can be understood considering that children involved in a crime are actually victims of crime, not perpetrators of crime. Children like this are only *manus ministra* (tools to commit crimes) who do not actually understand what they are doing. (Wahid, 2023)

The process of arresting children is similar to the process of arresting adults, in the arrest process must be equipped with complete weapons. Then the investigation process for these children is also carried out like the investigation of adults, there is an interrogation process that is usually carried out by Densus 88d investigators with violence. As experienced in the investigation process carried out by IH, FL, AS related to its connection to terrorist acts. According to them, the crimes committed by investigators caused their own trauma. Therefore, this trauma does not rule out the

possibility of dissatisfaction with government institutions. (Mustofa, 2023) The judicial process for child victims of terrorism cases does not prioritize the restorative justice method for mutation based on Law No. 16. November 2012, Article 5 (1), Article 7 SPPA. On these principles, diversion efforts through a restorative justice approach. Restorative justice is a non-criminal solution by connecting the perpetrator or the victim's family with other people involved, seeking a balanced solution by prioritizing treatment to the original situation rather than revenge. Still related to the detention process, children involved in terrorist problems are usually kept away from their family members who are usually not from Jabodetabek. This certainly makes it difficult for parents to visit their children. This is important because immediate family members (such as parents) should be given greater opportunities to visit their children. Furthermore, families and parents can also play a role in "deradicalizing" these children, as not all of them come from families with radical views. Currently, the detention of children who are still in gangs with terrorist criminals is a very vulnerable place. This results in the possibility of recruitment into new networks or the radicalization of adult children in prison. The current phenomenon is that children in radicalism/terrorism networks are still allowed to grow and develop within their environment and networks. The government's efforts to break the chain of children from their networks are not yet clear. For example, what happens to children of parents and deportees who are victims of terrorist crimes? Their children do not receive appropriate special treatment. This is despite Law No. 35 of 2014, amending Law No. 23 of 2002 in Article 59 paragraph (1), (2) letter k and Article 69B concerning Child Protection provides a mandate to the government to provide special attention and action to children in terrorist networks along with what handling must be done. (Handayani, 2024)

DISCUSSION

The discussion of this journal is developed in depth with an interdisciplinary academic approach, integrating the perspectives of criminology, juvenile criminal law, and counter-terrorism policy in Indonesia. Each sub-issue is described with comprehensive analysis, logical arguments, and empirical support from the latest national and international journals, to provide a strong theoretical foundation for further research. Sub-Issue 1: Factors of Online Radicalization and the Role of BNPT Online radicalization of juvenile terrorist perpetrators in Indonesia has become a worrying phenomenon, where digital platforms such as Telegram, TikTok, and online games serve as the main means of recruitment by extremist groups such as Jemaah Ansharut Daulah (JAD) Nusantara. According to the 2025 report of the National Counterterrorism Agency (BNPT), there was a significant increase in the form of 21,199 contents containing intolerance, radicalism, and terrorism (IRT) circulating in the digital realm, with 112 children and adolescents in 26 provinces detected as having experienced radicalization through exposure to such content. Key driving factors include the psychosocial vulnerabilities of

adolescents aged 13-17, such as experiences of bullying, social isolation due to the post-COVID-19 pandemic, and poor digital literacy among parents, which are exploited to create lone actors without direct physical interaction. This contributes to high recidivism rates, reaching 50% among post-release juveniles, due to continued exposure to online extremist narratives that are difficult to fully control. The National Counterterrorism Agency (BNPT) plays a crucial role in this context through the implementation of BNPT Regulation No. 1 of 2025 concerning the Prevention and Counter-Radicalization, which involves the Peace School program, the Terrorism Prevention Coordination Forum (FKPT) in 36 provinces, and collaboration with the Ministry of Communication and Informatics to block harmful content. However, its effectiveness is hampered by technological dynamics such as end-to-end encryption in Telegram and TikTok's recommendation algorithm that accelerate the spread of propaganda, necessitating a more adaptive preventive approach. Overall, online radicalization not only affects the initial motives of perpetrators but also exacerbates the cycle of recidivism, demanding the integration of BNPT's digital strategies with restorative interventions for holistic recovery. (Dinamika Kebijakan Publik Hukum Indonesia, 2024)

The adaptation of restorative justice within the Juvenile Criminal Justice System (SPPA) framework based on Law No. 11 of 2012 concerning the Juvenile Criminal Justice System promises a recovery paradigm oriented towards social reintegration, fundamentally different from the dominant retributive approach in Law No. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. Restorative justice emphasizes a dialogical process involving juvenile offenders, victims, families, and communities to achieve reconciliation, ideological deradicalization, and prevent recidivism, as analyzed in a study highlighting its potential in cases of child terrorism in Indonesia. In the local context, diversion mechanisms such as restorative justice have been successfully applied to minor cases of juveniles, with a reintegration success rate of up to 80%, but have not been optimized for terrorism due to regulatory exclusions that classify such cases as extraordinary crimes. Adaptation challenges include the need to revise Article 7 of the SPPA Law to accommodate cases of radicalism, as well as the development of a hybrid model that integrates BNPT deradicalization with restorative sessions such as victim-offender mediation. International research supports this approach, showing a 14% reduction in recidivism among youth offenders through restorative practices compared to retributive ones. Therefore, implementation in Indonesia requires training juvenile judges, prosecutors, and police to shift the paradigm from punishment to healing, with the potential to reduce the burden on overcrowded prisons and break the chain of online radicalization through community support. (Bagian Hukum dan HAM Setda Kota Bogor, 2026)

The conventional retributive approach in Indonesian prisons has a destructive impact on the psychology of young terrorists, where severe

criminal penalties such as imprisonment of up to 15 years actually deepen trauma, social isolation, and stigmatization that trigger secondary radicalization from the influence of senior prisoners. Data from the Institute for Policy Analysis of Conflict (IPAC) shows a terrorism recidivism rate of 11.39% of 825 terrorist prisoners released between 2002 and 2020, with a higher proportion among juveniles due to the lack of specialized psychological rehabilitation programs in prisons such as Kerobokan Prison or Cipinang Narcotics Prison. These psychological effects include the strengthening of extreme ideological identities as a coping mechanism against dehumanization, which is exacerbated by overcrowded prison conditions with a ratio of 150% capacity, thus creating an incubator environment for radicalism. National criminology studies confirm that retributive practices reinforce a cycle of ideological revenge in adolescents, with symptoms of depression, post-prison aggression, and relapse to online extremism post-release, in contrast to restorative practices that facilitate emotional catharsis. In Indonesia, cases such as the 2018 Surabaya suicide bombings demonstrate potential recidivism patterns if the approach remains retributive, emphasizing the urgency of evidence-based reforms to prioritize the mental health of juvenile offenders.(Nugroho et al., 2024)

Social, cultural, and technological factors play a dual role in the effectiveness of restorative justice versus retributive justice in reducing juvenile terrorism recidivism in Indonesia's multicultural context. Key enablers of restorative justice include the values of mutual cooperation and cultural deliberation that align with community harmony, with data showing a low recidivism rate of 12.7% in restorative cases compared to 37.8% in retributive cases, as well as technological support for monitoring deradicalization via the BNPT application. Conversely, barriers include digital anonymity that facilitates further radicalization, ideological resistance from hardline groups, and a lack of coordination between stakeholders such as BNPT, the Ministry of Religious Affairs, and the National Commission on Human Rights. Internationally, a meta-analysis of restorative justice showed a reduction in recidivism by 8% in adults and 2% in youth, which could be replicated in Indonesia through collaboration between FKPT and traditional institutions to address the vulnerability of high-risk families in vulnerable areas such as Poso and Poso. Policy reforms are needed to address these barriers, including evidence-based training and longitudinal evaluation to ensure sustainability.(Yuspika Yuliana et al., 2025)

CONCLUSIONS AND RECOMMENDATIONS

Based on the description above, it can be concluded that Indonesia does not yet have regulations governing acts of terrorism committed by a child. If referring to Article 19 of Law No. 15 of 2003 that the determination of the death penalty or life imprisonment does not apply to perpetrators under the age of 18, then the conclusion is that the criminal provisions in terrorism committed by children cannot be imposed the death penalty or

life imprisonment. Children of terrorist perpetrators are not perpetrators of crimes but are victims of crimes who should be given protection, not tried or imprisoned. Therefore, these legal provisions cannot be determined for children who fall into terrorism, because it conflicts with Law No. 35 of 2014 concerning Child Protection, specifically in Article 69B which states, special protection for child victims of terrorism can be done through educational guidance, national thinking and spirit, counseling on the dangers of terrorism, healing and social assistance. Criminal liability for minors based on Law No. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, namely that criminal responsibility cannot be held because there are prerequisites in the elements of error that are not carried out, namely the prerequisite that those above a certain age can be held responsible. At the same time, based on the rules of criminal responsibility, the child is not yet capable of deciding psychologically, is said to be immature, cannot determine considerations correctly, so that even if the child commits a crime based on his own sensitivity, the child cannot see the difference between good and bad actions because the child's sensitivity is different from the sensitivity of children who are old enough or adults, it still cannot be said that the child has *mens rea*, this provision applies to all types of crimes, including terrorism, because children cannot be tried legally, legal protection is needed for children specifically.

The main discussion in Law No. 35 of 2014 (child protection) is the enforcement of restorative justice and diversion, so that children who commit crimes are free from justice, avoid being labeled ABH, and still maintain their rights and obligations. This legislative product emphasizes that a child must be treated humanely, and if a crime is found, law enforcement officers must treat them like a child. Not tortured, not subjected to cruel treatment, not imprisoned, and receive social support, parents, and trusted people. If examined more deeply, the elements of criminal acts of terrorism contained in Law No. 5 of 2018 are explained in two forms. First, the elements of criminal acts of terrorism, and second, criminal acts related to criminal acts of terrorism. For example, in Article 6, the article contains elements, namely intentionally (deliberately), using violence or threats of violence, creating an atmosphere of terror or fear in people on a widespread basis or causing mass casualties by removing the freedom or loss of life and property of others, and causing damage to vital strategic objects or the environment, public facilities, or international facilities. From the formulation contained in Article 6, it shows that the article is formulated in a "material" manner. This shows that what is prohibited is the result, namely the emergence of an atmosphere of terror, fear, and the emergence of mass casualties.

The conditions for children to be categorized as terrorists are those who carry out actions to achieve a certain goal by means of violence, threats, and so on, which are generally the same as the intent stated in Article 1 of Law No. 5 of 2018. One of them is acting to achieve a goal by using violence or threats to commit violence which, due to their actions,

can cause widespread terror or anxiety among the community, to cause damage to vital objects and public facilities. Also, because their actions can cause mass casualties. And can cause damage, whether it is a bombing of a building or damage to the environment. However, what distinguishes here is that the perpetrator is still said to be a child. At the same time, deradicalization efforts are also needed through psychological and spiritual approaches for those who have been exposed to radicalism, as well as those who will or have been directly involved in activities related to terrorism, starting from doctrine, participating in training, and so on. This needs to be done to neutralize the possibility of the widespread spread of radical ideologies, so that those who have not been contaminated have their own awareness of the dangers of terrorism.

Online radicalization of juvenile terrorists committed by children in Indonesia is a multidimensional threat that requires an adaptive and holistic criminal justice paradigm. The conventional retributive approach, although dominant within the framework of the Anti-Terrorism Law, has been shown to exacerbate the cycle of recidivism through psychological isolation and secondary radicalization in correctional institutions, while restorative justice within the Juvenile Criminal Justice System offers superior potential for deradicalization, community reconciliation, and social reintegration, as supported by empirical data from the National Counterterrorism Agency (BNPT) and recent criminological studies. In synthesis, the digital radicalization factor accelerated by social media platforms demands a strategic role for the BNPT integrated with restorative mechanisms, with adaptations of SPPA regulations to accommodate juvenile terrorism cases to reduce the recidivism rate, which reaches 11-50% in high-risk groups. Indonesia's multicultural socio-cultural factors are actually the main drivers of the success of restorative justice compared to retributive justice, although technological challenges and stakeholder coordination require evidence-based policy reforms for long-term effectiveness. Therefore, in-depth empirical research is needed to develop a contextual restorative-retributive hybrid model, with policy implications for lawmakers, legal practitioners, and counter-terrorism agencies in realizing sustainable restorative justice for juvenile terrorist perpetrators in Indonesia.

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REFERENCES

- Ahmad Mahyani: Perlindungan Hukum Anak Sebagai Pelaku Terorisme, *Jurnal Hukum Magnum Opus*, 2(2), 2019.
- Anak Agung Ratna Putri Dewi, I Made Dharmawan, dan Putu Eka Mahendra: Tindak Pidana Persetubuhan Terhadap Anak di Bawah Umur, *Jurnal Analogi Hukum*, 1(1), 2019.
- Azhari Sellomitha, Putri Maharani, Rizky Ananda, dan Fajar Nugroho: Penerapan Restorative JJustice dalam Penanganan Kenakalan Remaja di Indonesia, *Jurnal Ilmiah Wahana Pendidikan*, 2025.<https://jurnal.peneliti.net/index.php/JIWP/article/view/12205>
- Barus, F. I. Y., & Priyanto, S: Restorative Justice for Victims of Terrorism: Healing Beyond Punishment. *Indonesian Journal of Social and Security Research*, 7(2), 1-15, 2024.
- Bintara Sura Priambada, Ahmad Rizki, Nurul Fadilah, dan Dimas Saputra: Restorative Justice in the Shadow of Terrorism: Child Rehabilitation or teh Illusion of Judgement?, *Journal of Law and Sustainable Development*, 2023. <https://doi.org/10.55908/sdgs.v11i12.1873>
- Bintara Sura Priambada, Ahmad Rizki, Nurul Fadilah, dan Dimas Saputra: Restorative Justice in the Shadow of Terrorism: Child Rehabilitation or teh Illusion of Judgement?, *Journal of Law and Sustainable Development*, 2023.<https://doi.org/10.55908/sdgs.v11i12.1873>
- Brian L. Traub: Rehabilitation Over Retribution: Rethinking Juvenile JJustice for Traumatized Youth, *University of Cincinnati La Review*, 2024.<https://scholarship.law.uc.edu/uclr/vol93/iss1/8>
- Brian L. Traub: Rehabilitation Over Retribution: Rethinking Juvenile Justice for Traumatized Youth, *University of Cincinnati Law Review*, 2024.<https://scholarship.law.uc.edu/uclr/vol93/iss1/8>
- Darwan Pris. Hukum Anak Indonesia. Citra Aditya Bakti. Bandung, 37, 1997. [Regional.kompas.com/read/2020/12/8/11270971/dua.tersangka.kasus.bom.molotov.adalah.anak.di.bawah.umur](https://regional.kompas.com/read/2020/12/8/11270971/dua.tersangka.kasus.bom.molotov.adalah.anak.di.bawah.umur). diakses pada tanggal 11 April 2026.
- Edy Renta Sembiring, Muhammad Iqbal, dan Dedi Kurniawan: Analisis Yuridis Terhadap Tindak Pidana Terorisme yang Dilakukan Oleh Anak, *Jurnal Universitas Malikussaleh*, 4(3), 351, 2021.

- Erwin Erdin, Muhammad Rizal, Siti Aisyah, dan Rahmat Hidayat: Penerapan Restorative Justice dalam Penanganan Kenakalan Remaja, *Jurnal Peneliti*, 2025.<https://jurnal.peneliti.net/index.php/JIWP/article/view/12205>
- Franz Magnis Budi Hardiman, Bambang Sutiyoso, dan Andi Hamzah: Terorisme. Definsi. Aksi dan Regulasi, Jakarta, Imparsial, 68, 2005.
- Global Center on Cooperative Security & ICCT: Correcting the Course: Advancing Juvenile Justice Principle for Children Convicted of Violent Extremism and Terrorism Offense, 2022.
- Global Center on Cooperative Security & ICCT: Correcting the Course: Advancing Juvenile Justice Principle for Children Convicted of Violent Extremism and Terrorism Offenses, 2022.
- Golose, P. R.: Restorative Justice in The Shadow of Terrorism: A Case Study of Indonesian Juvenile Terrorists. *Journal of Law and Sustainable Development*, 11(12), 2024. <https://doi.org/10.55908/sdgs.v11i12.187>
- Hartiwiningsih & Hari Purwadi: Restoratif Justice in the Shadow of Terrorism, 2022.<https://doi.org/10.55908/sdgs.v11i12.1873>
- Juniawan, Denni Lilik: Pertanggungjawaban Pidana Anak Di Bawah Umur Yang Terlibat Tindak Pidana Terorisme, *Jurnal Veritas*, 6(2), 2020.
- Karsa Rezeki: Menggugat Terorisme Pendapat Para Tokoh. Pustaka.Yogyakarta. 70, 2002.
- Octadela, Miranda: Anak di Bawah Umur 12 Tahun yang Terlibat dalam Tindak Pidana Terorisme, *Jurnal Jurist-Diction*, 2(4), 1341, 2019.
- Prasetyo, A: Implementasi Restorative Justice Dalam Kasus Tindak Pidana Anak di Indonesia. *Lex Scientia*, 25(1), 1-20, 2024.
- Puspitasari: Perlindungan Hukum Terhadap Anak Dalam Pelaku Tindak Pidana Kejahatan Terorisme, *Jurnal Meta-Yuridis*, 3(2), 2020.
- Sitti Munawwarah, Dian Lestari, Ahmad Fauzan, dan Rahmawati: Perbandingan Pendekatan Pidana Restoratif dan Retributif dalam Penanganan Tindak Pidana di Indonesia, *Jurnal Hukum*, 2025.<https://doi.org/10.55606/khatulistiwa.v5j4.7626>
- Suryawan, I Wayan Bayu: Tindak Pidana Terorisme yang Dilakukan Oleh Anak Di Bawah Umur, *Jurnal Preferensi Hukum*, 3(2), 338, 2022. <https://doi.org/10.55637/jph.3.2.4940.336-341>
- Syahrwami, A., & Priyanto, S.: Analisis Yuridis Penerapan Restorative Justice dalam Tindak Pidana Anak. *Jurnal Hukum Pidana*, 12(1), 1-22, 2023.
- Widowati: The Future of Children in The Criminal Justice System: Restorative or Retributive Approach, *West Science Law and Human Rights* 2 (4), 2024.<https://wsj.westscience-press.com/index.php/wslhr>.
- Yosevin Presley, Umar Anwar: Anak Terorisme dalam Perspektif Perlindungan Anak, *Jurnal Pendidikan Kewarganegaraan Undiksha*, 10(2), 2022.<https://ejournal.undiksha.ac.id/index.php/JJPP>