

# LEGAL PROTECTION PRACTICE FOR CHILDREN OF TERRORISTS AT AL-HIDAYAH ISLAMIC BOARDING SCHOOL IN DELI SERDANG REGENCY ANALYSIS OF INDONESIAN GOVERNMENT REGULATION NUMBER 78 OF 2021

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**Abstract.** The research focus is on the legal protection of children from perpetrators of terrorist crimes, regarding how the handling of children of terrorist crime perpetrators is carried out through a justice-oriented approach and analysis based on Indonesian Government Regulation No. 78 of 2021 concerning Special Protection for Children, and its implementation at Al-Hidayah Islamic Boarding School in Deli Serdang Regency. The research problem formulated in this study is how the concept of legal protection for children is defined according to Indonesian Government Regulation No. 78 of 2021 concerning Special Protection for Children. The research model is qualitative, and the preliminary steps involve field observations and interviews. This study employs legal state theory and legal protection theory. In conclusion, this research demonstrates that the legal protection practices for children of terrorist crime perpetrators at Al-Hidayah Islamic Boarding School in Deli Serdang Regency have provided partial legal protection to these children and warrant maximum improvement. This improvement could be achieved through the collaboration of various institutions such as the Ministry of Religious Affairs, Ministry of Social Affairs, Ministry of Women's Empowerment and Child Protection, National Counterterrorism Agency (BNPT), and other relevant agencies. These institutions should focus on providing services in the areas of education, ideology, and national values; counseling about the dangers of terrorism; social rehabilitation; social support and the necessity of other concrete regulations aimed at child protection. For instance, regulations could ease the administrative processes for former terrorism perpetrators and their families.

**Keywords:** legal protection; children of terrorists; Al-Hidayah Islamic boarding school.

## I. INTRODUCTION

The terrorist acts involving suicide bombings in Surabaya a few years ago were quite shocking. This is because these acts involved an entire family, including the wife and children. Women and children were no longer in the background of the terrorist actions; instead, they became victims or passive participants in actions that harmed many people. The involvement of children in terrorist activities represents a new *modus operandi* in terrorism cases in Indonesia [1]. The suicide bomb explosions in three churches in Surabaya, East Java, on Sunday, May 13, 2018, resulted in the deaths of at least thirteen people, including six suspected perpetrators, while dozens of others were injured. Nearly all international media outlets highlighted the involvement of the suspected suicide bombers in the attacks on the three churches, believed to be from the same family. The New York Times headlined with, "Family with Their Children Carries Out Suicide Attacks on Three Churches in Indonesia." The news site The Independent wrote, "Family Sends Their Children to Carry Out Deadly Suicide Attacks in Churches." The German news site Welt stated, "Islamic Family Blows Up Churches." This is because children have not yet developed strong cognitive defense mechanisms and tend to react receptively or

accept more, making them more susceptible to indoctrination [2]. An eight-year-old child of a suspected terrorist in Surabaya now has to deal with trauma and requires special protection. This child is not the only one in need of such protection; there are many other children who have fathers that were killed with the label of being suspected terrorists, and their situations are deeply concerning. Residents around their living areas often reject their presence and label them as terrorist families. Children of suspected terrorists often face heavy social sanctions as well. Orphans and widows are evicted from their homes and alienated to the extent that they struggle to sustain their lives. This occurs to families where the parents are confirmed terrorists as well as those who are merely suspected of terrorism [3]. The same sentiment was also conveyed by Seto Mulyadi, stating that children of parents who are convicted or suspected terrorists will face uncontrollable social backlash from the community. These children are forced to leave their homes by the community. There are also cases where, although not expelled, these children become targets of bullying [4].

In this situation, the researcher recalls the statement of Albert Bandura, a figure in behavioral psychology, that the effects of suffering triggered by social punishment are often much heavier than the sanctions imposed by judges in

criminal proceedings. The significance of this research stems from classical studies conducted by J. Post on the regeneration of terrorist perpetrators, which brings awareness to the importance of providing special protection for these convicted and suspected child terrorists. Post's conclusion suggests that there are deeply rooted psychological seeds that cause a child to later decide to become a terrorist perpetrator. The mission to become the successor of a parent's struggle or the mission to redirect conflict with parents onto a substitute object are two motives that shine brightly within the depths of children's personalities [5]. Legal protection for children is the responsibility of parents, families, communities, the government, and the state. The protection given to children is intended to ensure and safeguard their right to live, grow, develop, and also to socialize in their surrounding environment [6]. Children are both a blessing and a trust from the Almighty God that should be cared for and protected. According to Setiono, legal protection is an action or effort to protect society from arbitrary actions by authorities that are inconsistent with legal regulations, in order to establish order and tranquility that enable humans to enjoy their dignity as human beings [7]. The protection of children is the responsibility of the state, government, society, family, and parents in the areas of religious life, education, health, and social well-being [8]. This is very reasonable, as children are part of various aspects of life that must be protected, and the lives of children are no different from the lives of adults [9].

Children's rights are fundamental rights that must be provided and obtained by children, including those of early age and adolescents aged 12-18 years. Before 1992, issues concerning children only revolved around the risks in their life and development as individuals. However, after the conference on "children at risk" was held in Bergen in May 1992, the issues related to children expanded beyond just that [10]. As a consequence of unmet children's needs, it will undoubtedly lead to various issues. To avoid causing problems for children, their rights must be taken into consideration and granted. According to the Convention on the Rights of the Child (CRC), ratified through Presidential Decree No. 36 of 1997, there are four fundamental rights of children: the right to life, the right to grow and develop in a child's life, the right to participation, and the right to protection [11].

In Article 59 of the Child Protection Law, it is stated that children should not be targeted with stigma, including stigma arising from the actions of their parents. According to it, the mistakes made by their parents should not be fully attributed to these children. Any form of expulsion and alienation of children of suspected terrorists constitutes a serious violation of the Child Protection Law. Especially when the state insists on equating children of suspected terrorists with children of terrorists [7]. For a child, it is essential to receive legal protection. Legal protection entails safeguarding dignity, recognition of human rights possessed by legal subjects based on legal provisions, and not from arbitrary authority, but from a set of regulations or norms that can shield one thing from another. The researcher expresses concerns that children of suspected or convicted terrorists

who are isolated in society might end up duplicating their parents' actions. As previously discussed by J. Post, the significance of providing special protection for these convicted and suspected child terrorists lies in the fact that there are deeply rooted psychological seeds that cause a child to later decide to become a perpetrator of terror [12]. The researcher's concerns are also rooted in data from the Directorate General of Social Rehabilitation at the Ministry of Social Affairs. Edi Suharto stated that there are 200 children in the Marsudi Putera Social Home (PSMP) Handayani in Bambu Apus, East Jakarta. Most of them were deported from Turkey when they were caught attempting to go to Syria. The actual capacity of PSMP Handayani was only for 100 children, but it has now increased to 200 children. Out of the children who were following their parents in carrying out acts of terror in Surabaya and Sidoarjo and managed to survive, there are a total of 7 children – 3 boys and 4 girls.

The services provided in PSMP Handayani or other social homes include social guidance, physical and mental guidance, skill development, as well as nurturing interests and talents. However, up until now, the efforts made by the government are perceived as suboptimal. This is evident from the overcapacity situation in the home, leading to inadequate individual guidance. Another challenge is the strong negative stigma prevalent in society, which places children who are victims of terrorism by their parents, former perpetrators of terrorist acts, and children in contact with radical groups in difficult positions. A specialized approach is needed for handling children who are in contact with and are within such environments, focusing on a child-friendly approach. It's important to remember that children are victims in cases of radicalization. Therefore, advocating for this condition within the Terrorism Act and other supporting legal frameworks is crucial. Currently, in Deli Serdang Regency, there is the only educational institution that aligns with the mandate of Law No. 35 of 2014 and Indonesian Government Regulation No. 78 of 2021 concerning Special Protection for Children. This educational institution is Al-Hidayah Islamic Boarding School. Al-Hidayah Islamic Boarding School is a boarding school with a special program called "Islamic deradicalization." This BNPT-sponsored Islamic Boarding School has objectives, as expressed by Ghazali, including: breaking the chain of radical ideologies, guiding children of former terrorists who often become victims of the heinous acts committed by their parents, thereby causing feelings of resentment due to lack of understanding and isolation from their environment. These children wrestle with inner struggles, as they are aware that their parents were terrorists. There are also many ex-terrorist children who are not attending school or have dropped out, even becoming child laborers. This is undoubtedly dangerous as they might follow the wrongful footsteps of their parents.

Based on this issue, as an effort to prevent actions that could harm children's rights, the state must be capable of providing legal protection for every child in any situation and condition. The state must be present and play a role in coordinating data collection, monitoring, and providing legal protection, especially to children of terrorists and suspected

terrorists, so that these children can continue to enjoy their rights like any other child and be treated without discrimination and bullying, regardless of their location.

## II. RESEARCH METHODS

This study is a qualitative research. The approaches employed include the legislative approach, case approach, comparative approach, and conceptual approach. These approaches will be used as analytical tools by the researcher to address the issues within the research [13]. In connection with legal protection for children as victims of terrorism, the ultimate goal is to determine how legal protection for children as victims of terrorism in Indonesia should be conducted. The data sources in this study consist of primary and secondary data. Primary data for this research involve interviews with the leaders of Al-Hidayah Islamic Boarding School and Law No. 5 of 2018 concerning the Eradication of Terrorism. Meanwhile, secondary data is derived from various legislative regulations, books, and research findings discussing legal protection for children and terrorism. Sample selection in this study utilizes the Purposive Sampling method. One of the methods employed is the snowball method, which involves identifying key respondents and informants. Based on these key informants, new informants are identified as needed for the research [14]. The data analysis technique used is qualitative analysis, where the collected data is not processed using statistical formulas. Drawing conclusions is based on logical reasoning from the data obtained, after the data is explained in the form of descriptions. The data is presented and analyzed together; in other words, to prevent the loss of relevance, data presentation is not separated from its analysis but conducted simultaneously [15].

## III. RESULTS AND DISCUSSION

*Handling Children of Terrorism Crime Perpetrators with a Justice Approach in Indonesian Government Regulation No. 78 of 2021 on Special Protection for Children*

A child who becomes a victim of a criminal act, hereinafter referred to as a "Child Victim," is a child who is under 18 (eighteen) years of age and experiences physical suffering, mental distress, and economic loss caused by a criminal act [16]. A child as a victim can suffer both physical and non-physical losses. Physical losses can include disabilities, injuries, and even death. Non-physical losses can manifest as disturbed mental well-being in the child or an unending sense of fear experienced by the child [17]. Mattalata argues that efforts involving providing assistance to victims are not only the responsibility of perpetrators, but also the duty of community members and the state [18]. The protection of victims, as an effort to provide fair treatment for both children as victims and perpetrators, as well as for the community, is also an envisioned aspiration. Victims of a criminal act, who are essentially the ones who suffer the most from such acts, often do not receive as much protection as the Law provides for the perpetrators of a crime. This was

highlighted by Andi Hamzah, who stated, "When discussing criminal procedural law, especially concerning human rights, there is a tendency to focus on matters related to the rights of suspects without adequately considering the rights of victims of a criminal act." The low status of victims of a criminal act within the criminal case handling process was also mentioned by Prassell, who stated: "Victims were forgotten figures in the study of crime. Victims of assault, robbery, theft, and other offenses were ignored while police, courts, and academicians concentrated on known violators." [19].

Legal protection for children as victims of terrorism acts can be realized through various forms, such as restitution and compensation given to victims involved in the legal trial process in court, as well as outside the courtroom through assistance like medical services, education support, social aid, and legal assistance. Legal protection for children as victims of terrorism can encompass both abstract (indirect) and concrete (direct) forms of protection. Abstract protection essentially refers to forms of protection that are experienced emotionally (psychologically), such as a sense of satisfaction, tranquility, and security. Concrete protection, on the other hand, refers to tangible forms of protection, which can be material or non-material in nature. Originally, the legal protection for children as victims of terrorism was stipulated in the Indonesian Criminal Procedure Code (KUHAP), specifically in Articles 98 to 101. However, within the KUHAP, this provision primarily focused on joining cases. In essence, as it developed, the KUHAP was insufficient in providing comprehensive protection for victims. The existence of witnesses and/or victims of a criminal act is crucial and should be carefully considered as an integral part of the criminal justice process. While the protection of an individual's rights as a witness is accommodated in the KUHAP, considering the increasingly diverse nature of criminal acts and their potential impact on the safety of the life of witnesses/victims or their families, the Indonesian government issued Law No. 13 of 2006 concerning Witnesses and Victims Protection in 2006. This law covers various rights granted by the state to victims of criminal acts that were not previously or adequately regulated in the KUHAP. The rights of victims are outlined in Article 5 of Law No. 13 of 2006 as follows:

1. Obtain protection for personal security, family, and property, and be free from threats related to the testimony that will be, is being, or has been given by the victim.
2. Participate in the process of selecting and determining forms of protection and security support.
3. Provide testimony without pressure from any party.
4. Have access to an interpreter.
5. Be free from questions that may trap the victim.
6. Receive information regarding case developments.
7. Receive information regarding court decisions.
8. Be informed about matters related to the release of the convicted party.
9. Obtain a new identity.
10. Receive reimbursement for transportation expenses as needed.
11. Have access to legal counsel for the victim.

12. Receive assistance in the form of temporary living expenses until the end of the protection period.
13. Obtain a new place of residence. These forms of protection and the rights of witnesses and victims are provided from the beginning of the investigation phase and continue in accordance with the provisions of the legal regulations.

Furthermore, even in giving testimony during a trial, if the presence of the witness would endanger their well-being, the law in this regard will provide protection for the witness or the victim or their family by allowing them to testify without the presence of the perpetrator during the trial examination. However, it's not uncommon for individuals who have suffered losses, whether material or immaterial, due to a criminal incident that has befallen them, to not exercise the rights they should rightfully obtain due to various reasons, such as in cases of terrorism. For instance, a child who is a victim of a terrorism act may feel fear in the future if the community becomes aware that their parent is a terrorist, as the terrorism status is a stigma for them and their family. Thus, the victim might choose to hide the truth or refuse to seek compensation due to concerns that the process would become prolonged and protracted, potentially resulting in prolonged suffering [20]. Furthermore, Law No. 13 of 2006 also stipulates that a victim of serious human rights violations, in addition to having the rights mentioned above, also has the right to receive medical assistance and psychosocial rehabilitation aid [21].

Next, it is further explained in the subsequent section of the Law concerning Witness and Victim Protection:

1. The right to receive compensation in cases of serious human rights violations.
2. The right to receive restitution or compensation for damages that are the responsibility of the criminal offender [22].

In its development, the assurance of protection for witnesses and victims plays a crucial role in the criminal justice process. By obtaining testimony from witnesses and victims given freely without fear and threats, criminal acts can be unveiled. To enhance the comprehensive disclosure of criminal acts, especially in the case of organized transnational crimes, protection is also required for witnesses who are perpetrators, informants, and experts. Several provisions of Law No. 13 of 2006 concerning Witness and Victim Protection need to be adjusted to the evolving legal needs within society. This led to the enactment of Republic of Indonesia Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Witness and Victim Protection. In this Law No. 31 of 2014, there are several changes, including amendments to Article 5, which governs the rights of witnesses and victims. These changes are as follows:

1. Receive protection for personal security, family, and property, and be free from threats related to their testimony that will be, is being, or has been given;
2. Participate in the process of selecting and determining forms of protection and security support;
3. Provide testimony without facing pressure;

4. Obtain an interpreter;
5. Be free from questions that may trap them;
6. Receive information related to case developments;
7. Receive information regarding court decisions;
8. Receive information regarding matters where the convicted are released;
9. Keep their identity confidential;
10. Obtain a new identity;
11. Obtain temporary residence;
12. Obtain new residence;
13. Receive reimbursement for transportation expenses as needed;
14. Receive legal advice;
15. Receive assistance with living expenses temporarily until the end of the protection period;
16. Receive accompaniment.

The aforementioned rights will be granted to Witnesses and/or Victims of a criminal act in specific cases according to the decision of the Witness and Victim Protection Institution (LPSK) [23]. "Crimes in specific cases" include, among others, serious human rights violations, corruption-related offenses, money laundering offenses, terrorism-related offenses, human trafficking offenses, drug-related offenses, psychotropic substance offenses, sexual offenses against children, and other offenses that expose Witnesses and/or Victims to highly perilous situations. Medical assistance can also include victim health examinations and written reports (forensic reports or medical certificates with the same legal validity as evidence). Medical statements are crucial, especially when victims intend to report crimes to the police for immediate action. "Psychosocial rehabilitation" refers to all forms of psychological and social assistance aimed at alleviating, protecting, and restoring the physical, psychological, social, and spiritual well-being of the Victim. This allows them to regain their social function in a proper manner. For example, LPSK collaborates with relevant authorities to improve the quality of life for Victims by providing clothing, food, shelter, assistance in finding employment, or educational support.

Every Victim of serious human rights violations and Victims of terrorism cases are entitled to Compensation in addition to the rights mentioned above. Compensation for Victims of serious human rights violations is submitted by the Victim, their Family, or their legal representatives to the Human Rights Court through LPSK. The implementation of payment for Compensation, as described above, is carried out by LPSK based on legally binding court decisions. The funding required to make payments as Compensation to victims is allocated within the LPSK budget [24].

The provision of compensation to victims of terrorism cases is carried out in accordance with the provisions of the law that pertain to the eradication of terrorism crimes. In addition to Compensation, victims also have the right to receive restitution in the form of:

1. compensation for the loss of the victim's wealth or income;
2. compensation for damages arising from suffering directly related to the criminal act; and

3. reimbursement of medical treatment expenses and/or psychological expenses.

From several regulations that address children and child victims of crimes, such as Law No. 11 of 2012 on Child Criminal Justice System (SPPA), Law No. 31 of 2014 on Witness and Victim Protection, and Law No. 35 of 2014 on Child Protection, it can be analyzed that the rights provided and protected by the State through these laws are quite extensive. Under Law No. 31 of 2014, the rights of victims are generally regulated, irrespective of whether the victim is a child or an adult. On the other hand, Law No. 11 of 2012 initiates protection for child victims of criminal acts in general but does not specify the types of criminal acts. Furthermore, Law No. 35 of 2014 specifically differentiates and outlines the rights of child victims of certain criminal acts. When compared to other laws, it is evident that Law No. 35 of 2014 is more accommodating in providing protection for children as victims of terrorism acts. Law No. 35 of 2014 on Child Protection offers substantial protection for children, even prior to a crime occurring against them. This law aims to prevent children from becoming victims of crimes. For instance, in the context of terrorism, efforts are made through education about ideology, values, and nationalism. This is done to help children understand the dangers of terrorism, enabling them to recognize signs of individuals promoting actions that could lead to terrorism-related activities. Additionally, religious and ethical values are instilled to guide children's behavior, which serves as a moral compass in life.

#### *Implementation of Legal Protection for Children of Terrorism Crime Offenders at Al-Hidayah Islamic Boarding School, Deli Serdang Regency*

Regarding the protection of children who are victims of terrorism crime offenders, their parents should provide them with education about education, ideology, and national values, which should be conducted by relevant institutions. However, up to this point, this has not been fully implemented. Ironically, society also tends to equate the punishment for terrorism offenders with the children who are victims of the acts of terror committed by their parents. This sentiment has been highlighted by the Ministry of Women's Empowerment and Child Protection, indicating that societal stigma against children of terrorism offenders as individuals who should be punished presents a challenge for the government's efforts to rehabilitate them from exposure to radicalism. The public still views these children as potential terrorists who need to be eradicated rather than nurtured because they are seen as "future terrorists." This sentiment is also expressed by Al-Ghazali (Leader of Al-Hidayah Islamic Boarding School in Deli Serdang Regency and a former deprogrammer of terrorism offenders) who believes that children of terrorism crime offenders are victims of improper parenting patterns. Moreover, society tends to worsen their situation by hesitating to reintegrate these children back into their villages or communities, largely due to the stigma attached to their parents. As a result, these children are often rejected by their families and communities. This became the motivation for Al-Ghazali to establish the Al-Hidayah Islamic Boarding School

as a safe place for education and protection for children who are victims of terrorism crime offenders committed by their parents. Among all the students at Al-Hidayah Islamic Boarding School, the majority are children of terrorism crime offenders who were involved in the terror attack at CIMB Bank in Medan. These children have chosen to pursue education at Al-Hidayah Islamic Boarding School. While receiving education there, they only receive a small portion of the assistance outlined in the Indonesian Government Regulation No. 78 of 2021 regarding Special Protection for Children. This includes assistance such as educational expenses, basic living needs, and other social support specifically provided by the government.

Al-Ghazali explained that initially, the Islamic boarding school he established on June 11, 2015 was named Darusy Syifa. However, on September 7, 2016, it was renamed Al-Hidayah Islamic Boarding School. The construction of the boarding school coincided with the construction of the Al-Hidayah Mosque, which was built at the same time by the Head of the National Counterterrorism Agency (BNPT), Commissioner General Pol. Drs. Suhardi Alius. Initially, Al-Hidayah Islamic Boarding School could only accommodate 25 students due to limited facilities and infrastructure. The children who study there are not burdened with fees; education is provided free of charge. Most of the children of former terrorists who study here are under the care of the National Counterterrorism Agency (BNPT). Furthermore, the establishment of this Islamic boarding school aims to instill deradicalization values in the children of former terrorists. More importantly, it aims to prevent these children from suffering the unfortunate consequences of their parents' actions. Al-Ghazali wants the children of former terrorists to be able to continue their education and be accepted by society. Therefore, efforts are made to promote the school to the community, especially to the children of terrorism offenders, encouraging them to enroll their children there. Despite some of them choosing other schools or opting for home schooling, during their time at the Islamic boarding school, a distinctive deradicalization curriculum is provided to them as students (children of former terrorists).

This curriculum includes one hour of post-dawn prayer deradicalization lessons conducted by Al-Ghazali himself as the main speaker. The deradicalization content is taught to all students at every level. Although the deradicalization curriculum hasn't yet been structured as part of the formal curriculum, efforts are maximized by incorporating it into the congregational post-dawn prayers to ensure the deradicalization content truly resonates with the hearts and minds of the children. Furthermore, values of deradicalization are also integrated into the development of curriculum content for Quran and Hadith studies. Regarding the government's assistance in the management of Al-Hidayah Islamic Boarding School, Al-Ghazali explained that the government provided land owned by PTPN to BNPT under a temporary use status. Later, BNPT entrusted Al-Ghazali with the land for the establishment of the Islamic Boarding School for the children of former terrorism offenders in North Sumatra, particularly. Concerning financial needs within the boarding

school, Al-Ghazali further explained that to fulfill the requirements of the children of former terrorists during their time here, they rely on the harvest from the garden, including crops like sweet potatoes, water spinach, and other vegetables, as well as fish, ducks, and chickens. They also receive cross-subsidies from regular students (students who are not children of terrorism offenders). With these funding sources, they allocate funds for teachers' salaries, gardeners' wages, seedlings for vegetables and livestock, and other necessities within the Islamic Boarding School, allowing them to be self-sustaining.

Al-Ghazali clarified that as of now, they do not have a permanent donor. They do receive occasional assistance, but it's usually voluntary contributions in the form of money or essential items like rice and sugar, and the timing and the donors vary. Apart from these contributions, they receive government Basic Operational Assistance (BOS) funds, and that's about it. Other forms of aid, such as from the Ministry of Social Affairs or BNPT, specifically designated for the school or the children of former terrorism offenders, have not been received so far. The researcher also conducted interviews with students who are the children of terrorism offenders. One of the informants, M. Zidan, explained that during their time at the Islamic Boarding School, they receive good educational facilities and materials. They have proper bedding and nutritious meals. Their education is similar to regular schools, including subjects like Pancasila and Indonesian language. Additionally, there is a deradicalization curriculum after the congregational dawn prayer, led directly by Buya Al-Ghazali. From this curriculum, they understand the importance of loving the country, Indonesia, maintaining religious and national unity, and refraining from violence that harms or takes lives for any reason. As for the assistance they receive during their stay, it includes occasional visits from government officials or the parents of fellow students who provide rice and other essentials for their meals, but apart from that, there's no other regular assistance.

The same explanation was also given by Fathurrahman. He mentioned that during their time at Al-Hidayah Islamic Boarding School, they receive free education and lessons from the teachers both inside and outside the classroom. They have lessons on deradicalization that are conducted in the mosque after the congregational dawn prayer. Regarding government assistance, besides receiving free education here, the boarding school also receives aid from visits by officials or contributions from parents and the community. Informant M. Hanafi also explained that he enjoys pursuing his education at the Islamic Boarding School. He feels treated equally to others, both in terms of how the teachers treat him and how fellow students, regardless of their background, treat him. Through deradicalization lessons, they are taught to love their country, nurture brotherhood, and refrain from actions that harm others, let alone taking someone's life for any reason. He feels well-treated here, as there are no fees charged, and everything is provided for free. Apart from basic living necessities during their stay, there is no specific or additional assistance given, such as monthly or yearly support from the government due to their status as children of former terrorism

offenders. Furthermore, M. Hanafi expressed his hope that the Islamic Boarding School would eventually provide education up to the Aliyah level, as currently, Al-Hidayah only offers education up to the Tsanawiyah level due to limitations.

The statement above highlights that students receive protection as children of former terrorism offenders through the educational opportunities provided by Al-Hidayah Islamic Boarding School, including good facilities and educational materials. However, the management of the boarding school heavily relies on irregular assistance from BOS funds and donors. There is no dedicated program or allocated funding specifically for the school or the education of children of former terrorism offenders. Therefore, the education support received by these children is sporadic and not consistently measured. According to the researcher, in order to provide maximum legal protection, the government should take note of certain factors. As of now, the Islamic boarding school still relies on the remaining land for farming and animal husbandry, with the proceeds being used to meet the school's needs. This poses a challenge, as if the number of children from offenders were to increase significantly, the school might not be able to accommodate them due to limited facilities and economic resources to support them during their stay. Al-Ghazali further explains the importance of the government formulating policies to protect children of terrorism offenders. He points out that outside of the Islamic boarding school, children of such offenders do not receive any support. This situation could lead to them becoming dangerous individuals who follow in their parents' footsteps. For instance, the children of Fadli Sadama (Perpetrator of the Attack on Hamparan Perak Police Station) remain isolated from society, studying at home without receiving social assistance like the PKH (Family Hope Program) and KIP scholarships that others in society receive. Fadli Sadama's wife explains her perspective: "I'm aware that there are schools provided for children of our relatives who have been involved in jihad activities. However, personally, I can still provide the best education for my children, and I don't need government assistance for our livelihood."

Regarding legal protection for children of terrorism offenders, Ajeng Asih Lianasari, Sub-coordinator for Community Empowerment at BNPT (National Counterterrorism Agency), confirms that no specific program has been implemented by BNPT to protect children of terrorism offenders. Current programs at BNPT focus on the protection of former terrorists, although there is a dedicated subunit within BNPT's organizational structure that deals with this issue. Given recent cases involving women and children in acts of terror, BNPT plans to shift its focus toward protecting children of terrorism offenders. While no budget has been allocated or programmed for educational or social support for these children, BNPT has been conducting activities such as KIP scholarships and PKH assistance in recent years. However, there are challenges, including many children of terrorists lacking necessary administrative documents like birth certificates, marriage certificates of their parents, family cards, and ID cards, making them ineligible for KIP and PKH assistance. Some family members, like

wives and children of terrorism offenders, even reject this aid. This situation calls for collaborative efforts to address these issues, and it is hoped that the government and relevant agencies can formulate specific policies to manage the administrative needs of families of former terrorism offenders.

The explanation of the cases studied reveals that a majority of former terrorism convicts currently enroll their children in educational institutions that are not affiliated with extremist or terrorist violence groups. Some others opt for homeschooling. Only a few of the cases studied show a tendency for former terrorism convicts to enroll their children in educational institutions with a Salafi or Wahhabi Islamic orientation. Several factors influence the considerations of former terrorism convicts when seeking educational services for their children, such as a larger portion of religious education, availability of Quran memorization (tahfiz) programs, affordability, and ease of access. In cases where school choices are still strongly influenced by connections with fellow former terrorism convicts, proximity becomes less important. However, a key finding is the limited maximal involvement of the government, particularly the Ministry of Religious Affairs, Ministry of Social Affairs, and Ministry of Women's Empowerment and Child Protection, in providing religious guidance and counseling services, as well as educational services (including religious education), social assistance, and other support for children of former terrorism convicts. The Ministries of Religious Affairs, Social Affairs, and Women's Empowerment and Child Protection point to coordination problems with related institutions, including the police and correctional facilities, as the reason for not fully implementing child protection measures as mandated by Law No. 35 of 2014 concerning Child Protection.

#### IV. CONCLUSION

The legal protection for children who are victims of criminal acts, especially terrorism, is an important and complex issue. In terms of criminal and social law, Law No. 13 of 2006 concerning Witnesses and Victims Protection grants rights to victims, including children who are victims of criminal acts, while Law No. 35 of 2014 concerning Child Protection provides more specific protection for children, including victims of terrorist offenses. This protection includes rights such as safeguarding against threats and violence, the right to information about case developments, medical assistance, psychosocial rehabilitation, and the right to compensation or restitution. Despite the existence of laws safeguarding child victims of criminal acts, further efforts are needed to implement them. Many child victims of criminal acts, especially terrorism, might be afraid to report or exercise their rights. Therefore, the rights of child victims should be respected and protected through education, psychological support, and strict supervision. Overall, safeguarding children who are victims of criminal acts, including terrorism, is a challenging task involving multiple legal, social, and psychological aspects. With the foundational laws underpinning this protection, it is hoped that children who fall victim to criminal acts, including terrorism, will receive

proper and fair protection within society and the criminal justice system. Pondok Pesantren Al-Hidayah pays attention to several important aspects related to the protection of children involved in terrorism-related activities, including: 1) The importance of providing protection to children who are victims of terrorism through education about ideologies, values, and nationalistic education. However, this program has not been optimally implemented as of now. 2) The stigma that still exists in society towards children who have been involved in terrorism-related crimes as potential or actual terrorists continues to hinder their recovery from radicalization. 3) The vital role of Pondok Pesantren Al-Hidayah in providing a safe educational environment and protection for children involved in terrorism-related activities. This Islamic boarding school offers educational courses and deradicalization resources free of charge. 4) Financial resource limitations are challenges faced by the management of Pondok Pesantren Al-Hidayah. Harvest proceeds and subsidies from students' families are crucial to manage educational and living needs. 5) The need for government assistance in providing legal protection and aid to children involved in terrorism-related criminal acts. Until now, there have been no specific programs implemented, but scholarships and additional aid are starting to be prioritized. 6) Most former terrorism convicts choose to teach their own children or send them to non-extremist-affiliated schools. 7) Coordination issues exist among relevant institutions such as the Ministry of Religious Affairs, Ministry of Social Affairs, and Ministry of Women's Empowerment and Child Protection in providing religious guidance, education, and social support to children of former terrorism convicts.

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