Indoctrination and the Limits of Criminal Responsibility of Children Involved in Terrorism Offences

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Abstract

The involvement of children in terrorism raises questions about the relationship between victimisation through recruitment and responsibility for criminal conduct. This study examines the relevance of indoctrination to culpability and develops criteria for determining the limits of children's criminal responsibility. It employs normative legal research with statutory and conceptual approaches. Systematic interpretation connects Indonesian juvenile justice, child protection and counterterrorism legislation with the national Criminal Code and its 2026 adjustments, supported by developmental research and international instruments. The analysis shows that indoctrination does not constitute an independent ground excluding punishment. Its relevance must be assessed separately when establishing intent, examining excuses and individualising the legal response. Recognition of exploitation does not automatically exclude criminal responsibility, but neither does it justify treating children as adult offenders. The study proposes an assessment framework covering age and development, patterns of indoctrination, knowledge, pressure and dependency, concrete participation, and recovery needs. The first five dimensions inform responsibility; the final dimension guides the response. The framework is a normative proposal rather than a validated clinical instrument. The study concludes that the legal significance of indoctrination must be established through individual evidence and reasoned findings connecting the child's circumstances to an appropriate sanction, measure or protective intervention.

Keywords: Indoctrination; Criminal Responsibility; Children; Terrorism; Child Protection

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Introduction

Children associated with terrorist networks do not necessarily enter those networks through an independent choice. Relationships with parents, dependency on caregivers, the need for group acceptance and digital communication may form part of the recruitment context that requires examination. UNODC research concerning Indonesia, Iraq and Nigeria treats recruitment, exploitation and reintegration as interconnected issues [1]. In criminal proceedings, this context raises a more specific question: whether, and to what extent, the experience of recruitment affects a child's culpability for the alleged conduct.

The issue is also illustrated by a BNPT statement reported by ANTARA on 31 December 2025. BNPT identified 112 children across 26 provinces as having been radicalised through social media and online games during 2025 [2]. This figure provides context; it is not a count of children convicted of terrorism offences. Exposure, recruitment, intervention by authorities and conviction are distinct categories. Treating them as equivalent would incorrectly imply that every child exposed to extremist material has already satisfied the elements of a criminal offence.

Indonesian law provides two avenues of concern that must be read together. Law No. 11 of 2012 on the Juvenile Criminal Justice System, referred to here as the Juvenile Justice Law, regulates children in contact with the justice system [3]. Article 69B of the amended Child Protection Law provides special protection for child victims of terrorist networks [4]. The question is therefore not simply whether protection exists, but how victimisation should be considered when a child is also accused of criminal conduct.

This inquiry must account for the criminal law applicable from 2026. Law No. 1 of 2023 on the Criminal Code supplies general rules of responsibility, while Law No. 1 of 2026 adjusts numerous criminal provisions [5], [6]. Earlier judgments and studies must be approached carefully so that the law applicable at the relevant time is not conflated with subsequent legislation. This article examines the normative framework up to 11 November 2026. It does not retrospectively reassess an individual child's guilt under newly applicable provisions.

The study aims to explain the relevance of indoctrination to children's culpability and to develop legally defensible criteria for responsibility and intervention. It asks two questions: how is indoctrination relevant to establishing culpability in children involved in terrorism, and what criteria should guide the limits of responsibility and the appropriate response? Its contribution is a separation of analytical stages and an individual assessment framework, enabling recruitment experiences to receive a clear legal analysis rather than merely appearing as background information.

Literature Review

2.1 Indoctrination and the child as a victim

This article uses indoctrination as a working concept describing repeated inculcation of beliefs within a relationship that restricts a child's opportunities to question, reject or compare the teaching received. This is neither a medical diagnosis nor a new element of an offence. Identifying it requires facts about the source of influence, duration of the relationship, messages communicated, dependency and consequences of refusal. Religious education, political opinions and obedience to parents do not in themselves establish indoctrination connected with criminal conduct.

Victim status must also be distinguished from a finding on culpability. ECOSOC Resolution 2024/12 recognises the victimisation of children recruited and exploited by terrorist groups while explaining that such recognition does not necessarily exclude responsibility or potential prosecution under national law [7]. The resolution is used here as international policy guidance, not as a directly applicable basis for punishment or exemption in Indonesia. Its relevance lies

in recognising that protection and the examination of responsibility can coexist within a response that respects childhood.

2.2. Criminal responsibility and previous research

The principal analytical framework is fault-based criminal responsibility, focusing on proven conduct, the mental element required by the offence and circumstances that may exclude punishment. Individualisation of sentencing applies at a subsequent stage, after responsibility has been examined. This distinction matters because mitigating considerations cannot remedy a failure to prove an offence. Conversely, proof of physical involvement does not itself establish the required intent or resolve whether legally relevant compulsion existed [5].

Zarzani, Fitrianto and Annisa examine the renewal of terrorism law through justice values, including limits on authority and stronger preventive measures [8]. Wicaksono, Fadillah and Mawadi address children's criminal responsibility through Decision No. 31/Pid.Sus-Anak/2019/PN Jkt. Tim [9]. These studies help locate the questions of justice and responsibility. The present article adopts a narrower focus: connecting evidence of indoctrination to categories of fault and reasons for selecting a legal response. This distinguishes its position within the materials examined; it does not claim that all previous scholarship has overlooked indoctrination.

2.3 Adolescent development and the limits of clinical knowledge

Icenogle and colleagues, studying more than 5,000 participants across 11 countries, distinguish cognitive capacity from psychosocial maturity [10]. Their findings support caution when equating a child's ability to explain an act with the ability to regulate behaviour under emotional or social pressure. However, the study did not specifically assess Indonesian children involved in terrorism. It is therefore used as conceptual support for individual assessment, not as proof that any particular child lacked criminal responsibility.

A developmental perspective likewise does not justify equating indoctrination with mental disorder. The Criminal Code provisions concerning mental and intellectual disabilities have their own requirements [5]. Where a clinical condition is relevant, assessment requires appropriate expertise and adequate information. Experts can explain psychological functioning, developmental history and the limits of examination, whereas the fulfilment of offence elements and legal excuses remains a legal question. Maintaining that distinction prevents neuroscience or *neurolaw* terminology from replacing proof.

Research Method

This study employs normative legal research with analytical and prescriptive objectives. A statutory approach examines the relationship between juvenile justice, protection of children victimised by terrorist networks, counterterrorism legislation and the Criminal Code following the 2026 adjustments. A conceptual approach distinguishes indoctrination, intent, compulsion, victim status and individualised sentencing. The units of analysis are legal norms and the arguments connecting them, rather than the behaviour of a population of children or the effectiveness of a deradicalisation programme.

Primary legal materials comprise legislation. The ECOSOC resolution is treated as an international policy instrument with a different legal status from domestic statutes. Secondary materials include legal scholarship, developmental research and UNODC publications. Materials were selected purposively for their relevance to children's responsibility, recruitment or recovery and located through official legislation databases, publisher websites and relevant institutions. The text of the 2026 criminal adjustment legislation was examined in its relevant amendments to the Criminal Code, including Article 622.

Analysis proceeded by mapping norms, separating conditions of responsibility from considerations governing the response, and then developing assessment criteria and their legal implications. The account of proceedings in Wicaksono and colleagues' article serves only as a secondary illustration because the official judgment was not directly analysed. This study does not claim a case approach based on the court's full reasoning, interviews, clinical examination or statistical testing. Its framework is a normative proposal requiring further examination through judgment analysis and field research.

Results

4.1 Connecting child protection and terrorism law

Systematic interpretation establishes that child protection does not cease when a child is suspected of an offence. Article 69B provides education, counselling, social rehabilitation and social assistance for child victims of terrorist networks [4]. It does not state that every child associated with a network is automatically exempt from responsibility. Protection needs must therefore be examined alongside the alleged conduct, without allowing suspect status to erase the experience of exploitation.

The Juvenile Justice Law differentiates consequences by age. Children under 12 fall within the mechanism in Article 21, while Article 69(2) permits only measures for children under 14. For children who may receive a criminal sanction, Article 79(3) excludes special minimum prison terms. Article 81 limits the maximum imprisonment available and treats imprisonment as a last resort [3]. These statutory distinctions establish legal boundaries before the significance of indoctrination is assessed in an individual case.

Table 1. Layers of legal assessment for children involved in terrorism

Layer	Legal basis	Analytical implication
Age thresholds	Juvenile Justice Law, Arts. 21 and 69; Criminal Code, Arts. 40–41	Age at the time of the act determines the applicable pathway and available responses.
Conduct and fault	Criminal Code, Art. 36; relevant offence provisions	Ideological exposure or family association cannot replace proof of an offence.
Compulsion	Criminal Code, Art. 42 and its elucidation	Indoctrination must be linked to evidence of pressure meeting legal requirements.
Victim protection	Child Protection Law, Art. 69B	Recovery may remain relevant while responsibility is examined.
Sanctions and measures	Juvenile Justice Law, Arts. 60, 69, 79 and 81; Criminal Code, Art. 54	The response requires individual reasoning within the special limits applicable to children.

Source: the authors' analysis of [3]–[5]. The implications are normative interpretations proposed by the authors.

The relationship between statutes has also changed with the national Criminal Code. Article 622(1)(o), as reformulated through Law No. 1 of 2026, repeals Articles 6 and 7 of the counterterrorism legislation. Article 622(7) redirects references to those provisions to Articles 600 and 601 of the Criminal Code respectively [5], [6]. Research conducted in 2026 must therefore avoid treating all earlier formulations as unchanged. This adjustment does not mean that the entire counterterrorism statute has ceased to apply.

Article 16A, introduced by Law No. 5 of 2018, increases the threatened penalty for a person committing terrorism offences while involving a child [11]. This provision demonstrates legislative concern with the involvement of children by others. Analytically, proceedings should also examine who directed or benefited from a child's participation. Adult responsibility

and the child's responsibility must be established through their respective conduct rather than allowing the examination of one to substitute for the other.

4.2 Three legal roles of indoctrination

First, indoctrination may be relevant to proof of intent. The examiner must distinguish a child's knowledge of a physical act from knowledge of the purpose required by the offence. As a hypothetical illustration, a child asked to carry an item without knowing its nature or purpose presents a different issue from a child who understands a violent objective and deliberately assists. The example does not predetermine a case outcome. The conclusion depends on the offence definition and evidence of what the child knew and intended at the relevant time.

Believing that the group justified an act does not automatically eliminate intent. A child may have accepted ideological justification while understanding the factual consequences of the conduct. Describing the child as brainwashed therefore cannot replace analysis of the elements. The examiner must identify which aspect of knowledge or intention was affected, the evidence establishing that effect and its connection with the alleged offence. Failure to prove an element must not be reduced to a matter of sentencing mitigation.

Second, indoctrination may be associated with compulsion, but the concepts are not identical. Article 42 of the Criminal Code covers irresistible force and threats, pressure or force that cannot be avoided. For relative compulsion, its elucidation requires consideration of whether resistance could reasonably be expected and of the relationship between the interests sacrificed and protected; it also distinguishes external psychological pressure from an individual's own considerations [5]. Loyalty to a group alone therefore does not establish an excuse.

Applying these requirements to children demands attention to context. The possibility of seeking assistance cannot be assessed solely by identifying a physical exit. Age, dependency on caregivers, threats to family members and actual access to a safe adult may affect whether refusal could reasonably be expected. This is a proposed interpretive approach, not a new exemption. A court must still test the full legal requirements, including the nature of the threat and proportionality, against the individual facts.

Third, where fault is established and no excuse applies, indoctrination may remain relevant to individualising the response. Article 54 of the Criminal Code directs attention to motive, mental attitude, life history, social circumstances and the effect of punishment on the offender's future [5]. For children, these considerations operate alongside the special limitations in juvenile justice legislation. Early recruitment, dependency and attempts to disengage may help explain treatment needs, without guaranteeing a particular reduction in punishment.

Separating these three roles disciplines legal reasoning. A decision should first address whether conduct and fault have been proved, then whether an excuse applies, and finally which response is lawful and proportionate. Compressing the child's entire experience into a sentence about remorse or youth risks concealing decisive issues. The proposed framework requires the connection between facts and rules to be explained rather than merely adding psychological terminology that has no identifiable effect on the legal reasoning.

4.3 Individual assessment and evidential requirements

The study proposes six assessment dimensions. No numerical weights are assigned because no validation supports a score determining culpability. Their purpose is to help examiners frame questions, identify relevant information and avoid conclusions based on labels. Evidence concerning one dimension must be considered with the others. An older child, for example, does not necessarily have less dependency or face less serious threats. The framework organises reasoning without presuming the answer.

Table 2. Proposed dimensions for assessing the influence of indoctrination

Dimension	Question for examination	Relevant material
Age and development	What were the child's age and capacities at the time of the act?	Age documents, educational history and expert assessment where needed.
Pattern of indoctrination	Who exerted influence, for how long and with what response to refusal?	Care history, witness accounts and lawfully obtained communications.
Knowledge and intention	What did the child understand about the act, purpose and consequences?	The child's account, conduct and communication context.
Pressure and dependency	Did threats or domination restrict the child's actual choices?	Social inquiry, supporting accounts and psychological assessment.
Concrete participation	What did the child do, and how did it relate to another person's directions?	Chronology, evidence and established allocation of roles.
Recovery needs	Which intervention and environment are safe and appropriate?	Recommendations from correctional counsellors, social workers and relevant health professionals.

Source: the authors' normative synthesis of [3]–[5], [7], [10] and [12]. This is not a validated diagnostic or risk prediction instrument.

Assessment must preserve the temporal connection between evidence and conduct. A child's attitude after rehabilitation does not necessarily describe the mental state at the time of an offence. Equally, reluctance to speak after arrest does not itself establish ideological commitment. Accounts, communications and relationship histories should therefore be read chronologically. Expert opinions should identify their information sources and the limits of conclusions about past mental states.

Social inquiry reports provide an important connection between life circumstances and legal assessment. Article 60(3) of the Juvenile Justice Law requires the court to consider the report, and paragraph (4) provides that failure to do so renders the decision null and void [3]. This study proposes that recruitment relationships, dependency and the possibility that the family environment presents danger should be addressed specifically where relevant. The proposal develops the substance of assessment without assuming that all existing reports are inadequate.

Experts must remain within their expertise. Psychological examination may clarify development, trauma or responses to pressure, but must not become an ideological test functioning as the sole measure of culpability. Health assessment requires a demonstrated need, lawful authority and protection of the child's information. This article does not recommend routine brain imaging because no individual evidence examined here justifies its use. Healthcare needs and criminal assessment must also be distinguished so that therapy does not become a means of obtaining admissions.

4.4 Available responses and continuing protection

Assessment can lead to different outcomes. Where offence elements are not proved, a need for protection cannot justify maintaining punishment. Where an excuse is established, its legal consequences must follow the applicable procedure. Where responsibility remains, the choice between a sanction and a measure requires individual reasons and compliance with age requirements. Across these situations, the response to exploitation and healthcare needs should not depend on a child's willingness to accept an offender label.

Diversion is not synonymous with all forms of recovery. Article 7 of the Juvenile Justice Law requires an offence punishable by less than seven years' imprisonment and the absence of repetition [3]. This article therefore does not propose automatic diversion for every terrorism

case. Where diversion is unavailable under the charges and applicable rules, education, assistance and rehabilitation still require consideration through lawful mechanisms. Recovery does not remove jurisdictional limits, while limits on diversion do not remove the child's status.

The UNODC handbook on children recruited and exploited by terrorist groups addresses victim protection, juvenile proceedings, rehabilitation and reintegration [12]. Nationally, the Directorate General of Corrections issued Decision No. PAS-13.OT.02.02 of 2024 on standards for the treatment of children, children serving sentences and child clients in terrorism cases [13]. These instruments indicate an existing basis for specialised responses. The study does not assess their implementation effectiveness because it did not collect operational data.

A proposed recovery plan should identify responsible services, access to education, psychosocial support and periodic review. Returning a child to the family cannot be presumed safe without examining whether the family was connected to recruitment. Where a risk is established, alternative care or assistance must follow child protection procedures. Progress should include everyday functioning and access to support, rather than relying solely on statements of changed belief. Any restriction must have a legal basis and remain subject to review.

Recommendations

First, guidance for terrorism proceedings involving children should distinguish proof of culpability, assessment of excuses and selection of the response. Second, recruitment and dependency histories should be connected expressly to the relevant offence element or legal consideration. Third, coordination among correctional counsellors, social workers, legal counsel and experts should address individual needs and protect confidentiality. Fourth, investigation of adult recruiters should proceed on its own evidence so that processing the child does not conceal the exploitation involved.

Further development requires research into official judgments and lawfully accessible documents to test whether the six dimensions support clearer reasoning. Field research is also needed to assess the feasibility of coordination and continuity of services. These limitations do not weaken existing duties, but define the article's claims: its result is a structured normative proposal, not evidence that a particular intervention has successfully prevented reoffending.

Conclusion

Indoctrination is not an independent ground excluding punishment. For children involved in terrorism, its influence must be analysed at three distinct stages: establishing intent, examining excuses and individualising the response. Victimisation through recruitment does not automatically remove responsibility, but requires an assessment that does not equate children with adult offenders. Age thresholds and special juvenile justice provisions remain foundational, alongside the criminal law adjustments applicable from 2026.

The proposed six dimensions connect age and development, patterns of indoctrination, knowledge, pressure and concrete participation to responsibility; recovery needs then guide the response. Application requires individual evidence, social inquiry and expert assistance where necessary. The central recommendation is reasoned decision-making that explains these connections, accompanied by child protection and examination of the responsibility of those who exploited the child.

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