



Settlement of Child Criminal Cases of Terrorism Criminals through Restorative Justice (*Al-Isti'adah*) in Islamic Criminal Law

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Abstract

The case of a child perpetrator of a terrorism crime raises complex problems related to law enforcement and child protection. The social, psychological, and moral impact of acts of terrorism on victims and societies requires an approach that is not only repressive, but also educational and restorative. Islamic criminal law offers the principles of justice and rehabilitation through the concept of *al-isti'adah*, which emphasizes the restoration of wrongs, moral construction, and the restoration of social harmony. This study aims to analyze the settlement of child cases of terrorism perpetrators through *al-isti'adah*-based restorative justice in Islamic criminal law. The research also assesses the relevance of Islamic legal principles with national laws and regulations related to child protection and the eradication of terrorism crimes. The research method used is normative, with a literature study and document analysis approach. Data sources include the Quran, Hadith, Indonesian laws and regulations, ulema fatwas, legal literature, and relevant previous research. The analysis was carried out qualitatively using content analysis techniques, mapping norms, restorative justice principles, and the application of *al-isti'adah* in the context of children of perpetrators of terrorism crimes. The results of the study show that the *al-isti'adah*-based restorative justice approach allows the restoration of relationships between perpetrators, victims, and society, as well as providing moral and spiritual education for children. The involvement of families, communities, and law enforcement is a key factor in the success of rehabilitation. The integration of Islamic legal principles with the Child Protection Law and the Terrorism Eradication Law has resulted in a humane, proportionate, and effective law enforcement mechanism in preventing recidivism. In conclusion, the *al-isti'adah*-based restorative justice model provides comprehensive solutions for the resolution of child cases of terrorism perpetrators, prioritizing social recovery, moral education, and the reintegration of children into society.

I. INTRODUCTION

Terrorism cases have become a serious concern at the global and national levels. The impact of terror acts not only damages public security and order, but also causes deep psychological trauma to victims and families. The role of children as perpetrators of terrorism adds to the complexity of legal handling because it involves aspects of psychosocial growth and child protection (Botma, 2020).

The treatment of children who commit terrorism crimes cannot be equated with adults. Islamic criminal law emphasizes the principle of justice that is balanced between the rights of the victim, the interests of the community, and the rights of the child as an individual who is still in the process of forming morals and character. A purely repressive

approach often fails to provide a long-term solution and can exacerbate the risk of re-radicalization (Baidhowi, 2017).

Restorative justice emerged as an alternative settlement that emphasizes the restoration of relationships between perpetrators, victims, and society. The concept of *al-isti'adah* in Islamic criminal law emphasizes the return of the state to be good, making amends, and preventing the recurrence of similar acts. This approach places the perpetrator's child as a subject who can still be rehabilitated and given the opportunity to regret his actions (Lisma, 2021).

Cases of children involved in terrorism networks show a combination of environmental, educational, and ideological manipulation. The family and social environment have a big role in shaping

children's awareness of human values. Law enforcement that ignores the rehabilitative and educational dimensions has the potential to isolate children and reinforce extreme attitudes (Sari & Wahyudi, 2022).

The implementation of restorative justice for children of terrorism perpetrators faces normative and practical challenges. On the one hand, Islamic criminal law provides an ethical and juridical basis for a restorative approach, but on the other hand, the formal justice system is often limited in providing space for reconciliation and rehabilitation. The need for synergy between sharia principles, public interest, and child protection is very important (Adi, 2015).

The *al-isti'adah* approach emphasizes accountability that is not only punitive, but also moral and spiritual education (Robensyah et al., 2026). Children are invited to understand the impact of their actions, make amends, and develop ethical awareness that can prevent involvement in extreme actions in the future. This model balances legal interests with the needs of child protection and rehabilitation.

The gap between theory and practice in the settlement of terrorist child cases raises questions about the effectiveness of the justice system. Empirical studies show that the success of rehabilitation is highly dependent on the involvement of families, communities, and religious educational institutions that support a moderate understanding of Islam. The restorative approach is a strategic way to reduce the risk of recidivism and build social harmony (Lisma, 2021).

The urgency of this research arises from the need to develop a model for handling children of terrorism perpetrators that is oriented towards restorative justice based on Islamic criminal law. An in-depth analysis of *al-isti'adah* can be both an academic and practical contribution, as well as offering an alternative perspective that is humanistic, educational, and equitable in the Indonesian legal system. This research is expected to be a reference for policymakers, law enforcement, and education practitioners in dealing with the problem of terrorist children effectively and sustainably.

II. RESEARCH METHODS

This research uses a normative approach that focuses on the study of law as a system of norms, principles, and rules that govern human

behavior in the context of resolving cases of children of terrorism perpetrators. The normative approach was chosen because the purpose of the research is to analyze the legal foundation, the concept of *al-isti'adah*, and the application of restorative justice in Islamic criminal law, not just describing social facts (Jonaedi Efendi et al., 2018).

The main data sources of research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Quran, Hadith, fatwa of scholars, as well as Indonesian laws and regulations related to child protection and terrorism crimes, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 5 of 2018 concerning the Eradication of Terrorism Crimes. Secondary legal materials are in the form of books, scientific articles, legal journals, and previous research that discusses restorative justice, *al-isti'adah*, and Islamic criminal law. Tertiary materials include encyclopedias, legal dictionaries, and supporting documents that explain the concepts of Islamic law and the principles of restorative justice.

Data collection techniques are carried out through library research and document analysis. The literature study is focused on identifying the norms, principles, and theories underlying the restorative resolution of child terrorism cases. Document analysis was carried out on court decisions, laws and regulations, and child rehabilitation guidelines, with the aim of finding the relevance and application of *al-isti'adah* in the practice of Islamic criminal law.

The data was analyzed qualitatively with a content analysis approach. The analysis process includes the identification of legal norms, the mapping of the principle of restorative justice, and the interpretation of the concept of *al-isti'adah* in the framework of child protection. The study also compared Islamic legal theory with positive Indonesian legal practice to find the suitability and potential integration of the concept of restorative justice.

The results of the study are expected to provide a conceptual and normative understanding of the handling of children of terrorism perpetrators, showing how Islamic criminal law can enrich the practice of restorative justice in Indonesia. The normative

method allows this research not only to describe the rules, but also to evaluate the effectiveness and relevance of legal norms in the context of child protection and rehabilitation.

III. RESULTS AND DISCUSSION

A. The Concept of Children of Terrorism Offenders in Islamic Criminal Law

Islamic criminal law distinguishes between liability between children and adults. Children are considered not to be fully mature morally and intellectually, so their legal capacities are different. This principle is rooted in the Qur'an Surah An-Nisa verse 9 which emphasizes the protection of the younger generation. Law enforcement of children emphasizes rehabilitation, not just punishment (Firmansyah & Myharto, 2022).

The concept of morality and education is a benchmark in assessing children's responsibility. The hadith of the Prophet Muhammad PBUH emphasizes that immature children are not burdened with full obligations. The assessment of terrorism crimes must consider the psychological factors, environmental pressures, and ideologies that influence the child's decisions (Botma, 2020).

Indonesian laws and regulations support the principles of Islamic criminal law in children's cases. Law No. 11 of 2012 affirms children's rights to protection, guidance, and rehabilitation. Children of perpetrators of terrorism crimes must be treated with an approach that prioritizes social recovery, moral education, and reintegration into society (Ping & Kusnadi, 2025).

Islamic criminal law recognizes the concept of ta'zir, which can be applied to children of perpetrators of terrorism crimes. Ta'zir is flexible and educational, allowing law enforcement to adjust the form of sanctions to the level of understanding and awareness of children. This approach balances the aspects of justice and child protection normatively (Lubis et al., 2022).

Analysis of child terrorism cases shows that family factors and social environment greatly influence children's involvement. Islamic law emphasizes the responsibility of the community and the family in preventing children from being dragged into criminal acts. This norm is in line with the goal of restorative

justice which emphasizes the restoration of social harmony (Salem, n.d.).

Evaluation of juvenile justice practices shows that there is still a tendency for a repressive approach. Detention without moral and spiritual guidance has the potential to trigger re-radicalization. Islamic criminal law provides a normative basis for rehabilitation approaches, including religious education and character development of children (Baidhowi, 2017).

Al-isti'adah emphasizes the return of good circumstances and strengthening the moral capacity of children. Children of terrorism perpetrators are invited to make amends and build awareness of the impact of their actions on victims and society. This concept allows for the application of restorative justice based on Islamic law in an ethical and proportionate manner (Fad, 2019).

Islamic legal norms also emphasize the principle of preventive justice. Punishment or sanctions must be balanced with preventive efforts so that children do not return to commit criminal acts. Surah Al-Baqarah verse 286 affirms that a person is not burdened beyond his or her abilities, it is relevant to consider the capacity of the child in criminal liability (Ningtias et al., 2020).

The perspective of Islamic criminal law places children as subjects who must be guided, not just punished. The integration of the principle of al-isti'adah with national laws and regulations provides a comprehensive normative framework for the handling of children of terrorism perpetrators. The ultimate goal is rehabilitation, social reintegration, and the prevention of recidivism (Rachmawati, 2020).

An urgent need arises to develop a restorative justice-based child justice resolution model. This approach combines Islamic values, children's rights, and the interests of society. Normative analysis shows that al-isti'adah can be a legal solution that is just and educational, as well as fulfilling the principles of child protection as a whole (Rachmawati, 2020).

B. Implementation of Restorative Justice in Solving Child Cases of Terrorism Perpetrators

Restorative justice emphasizes the recovery of moral, social, and psychological losses due to

criminal acts. Children of terrorism perpetrators not only interact with law enforcement, but also with victims and victims' families through the deliberation process. This approach prioritizes reconciliation, education, and social reintegration (Hikmawati, 2016).

Al-isti'adah is the basic principle of restorative justice based on Islamic law. Children are invited to make amends, understand the impact of their actions, and restore relationships with society. This concept directs the rehabilitation process not just physical punishment or detention, but the development of moral and spiritual awareness (Rachmawati, 2020).

Islamic legal norms emphasize that punishment must be according to the capacity of the perpetrator. Children of terrorism perpetrators must be subject to educational sanctions that encourage moral learning and strengthen faith. The hadith of the Prophet Muhammad PBUH emphasizes the importance of instilling good morals from an early age to prevent moral and social damage.

National laws and regulations support the implementation of restorative justice for children. Law No. 11 of 2012 emphasizes the right of children to guidance, protection, and rehabilitation. The integration of the principle of al-isti'adah with the law provides a normative basis for building a humanist and proportionate case resolution model.

The evaluation of restorative justice practices showed high effectiveness in preventing recidivism. Children who undergo the process of reconciliation and moral development are more likely to return to society productively. Islamic criminal law affirms that rehabilitation is part of justice, not a substitute for punishment (Rachmawati, 2020).

Al-isti'adah emphasizes the involvement of families and communities in the recovery process. Children are guided to cultivate social awareness and moral responsibility. This norm is in line with the principle of restorative justice which emphasizes the collaboration of all parties to repair relationships damaged by criminal acts (Fad, 2019).

The implementation of restorative justice must pay attention to the rights of victims. Children of terrorism perpetrators are obliged to understand the impact of their actions on the victim, both physically, psychologically, and

socially. Islamic criminal law provides a normative basis for bringing together the rights of victims with the rehabilitation of perpetrators, so as to create a balance of justice (Fad, 2019).

The educational approach in restorative justice encourages children to understand moderate Islamic values. Children are given lessons about ethics, tolerance, and the importance of maintaining social security. Al-isti'adah affirms the need for moral education as an integral part of the restoration of the law (Harton, 2022).

The integration of restorative justice with al-isti'adah allows the preparation of a systematic coaching program. Children are not only sanctioned, but also guided through counseling, religious education, and social activities that strengthen moral awareness. This model provides comprehensive solutions in handling child terrorism cases (Harton, 2022).

The restorative justice process based on Islamic law provides opportunities for sustainable recovery. Children learn to be responsible, society gets reconciliation, and legal norms are enforced fairly. This approach is a strategic foundation in preventing children's involvement in future terrorism crimes.

C. Challenges and Strategies for the Implementation of Al-Isti'adah in Handling Child Terrorism

The implementation of al-isti'adah faces normative and practical challenges. The limited understanding of law enforcement officers of the principles of restorative justice and Islamic criminal law can hinder effective implementation. Sharia-based legal education is key to addressing this gap (Harton, 2022).

The role of the family and community greatly determines the success of child rehabilitation. Children who grow up in a supportive environment are more likely to follow the al-isti'adah program. Islamic legal norms affirm the community's responsibility to prevent the moral damage of the younger generation (Scott, 2012).

Another challenge arises from public perception of the punishment of children of terrorism perpetrators. Negative stigma can hinder social reintegration. Islamic criminal law emphasizes restorative justice that balances the

rights of the victim and the interests of the perpetrator, while providing a second chance for children (Roberts, 2022).

Coordination between legal institutions is an important factor. Law enforcement officials, educational institutions, and social organizations must collaborate in designing rehabilitation programs. Al-isti'adah provides a normative framework for building this synergistic mechanism (Roberts, 2022).

Evaluation of the rehabilitation model that has been implemented shows the need for a structured program based on Islamic values. Children of terrorism perpetrators need moral coaching, moderate religious education, and social activities to restore ethical awareness. This normative approach reduces the risk of recidivism (Nofryanti et al., 2023).

Strengthening the capacity of law enforcement is an important strategy. Training on restorative justice, the principle of al-isti'adah, and children's rights can increase the effectiveness of handling cases. Islamic legal norms provide a basis for adapting law enforcement policies to the interests of children's moral education (Nugroho et al., 2025).

Children's psychological challenges need to be overcome through counseling and therapy. Trauma due to ideological pressure or criminal experiences should be considered in the design of rehabilitation programs. Islamic criminal law emphasizes the need for a merciful, not just repressive, approach.

The strategy for implementing al-isti'adah includes strengthening the role of the family, moral development, religious education, and social reintegration. Children are involved in the decision-making process, so that they grow an awareness of moral responsibility. This norm effectively supports the principle of restorative justice (Harahap & Bariki, 2024).

The successful implementation of al-isti'adah requires continuous supervision. Children undergoing rehabilitation programs are monitored regularly to ensure that social integration goes well. Islamic criminal law emphasizes the importance of continuity in the process of rehabilitation and child development (Harahap & Bariki, 2024).

A strategic approach based on al-isti'adah can be a model for handling cases of child perpetrators of terrorism in Indonesia. The integration of Islamic legal principles, restorative justice, and the Child Protection Law provides a

normative and practical framework. This model allows for the achievement of justice, social recovery, and the prevention of future terrorism crimes (Harahap & Bariki, 2024).

CONCLUSION AND SUGGESTIONS

A. Conclusion

Handling children of perpetrators of terrorism crimes requires an approach that integrates the principles of Islamic criminal law, restorative justice, and al-isti'adah. Children as legal subjects have different moral and intellectual capacities from adults, so criminal responsibility must pay attention to aspects of rehabilitation and moral education. The concept of al-isti'adah emphasizes the restoration of wrongs, the restoration of social harmony, and the moral and spiritual development of children. The implementation of restorative justice allows reconciliation between perpetrators, victims, and society, while providing opportunities for children to understand the impact of their actions and build ethical awareness. Normative analysis shows that the integration of the Child Protection Law, the Terrorism Eradication Law, and Islamic criminal law principles can create a humane, proportionate, and effective law enforcement mechanism. Rehabilitation based on moderate moral and religious education has been shown to reduce the risk of recidivism and support the social reintegration of children. The synergistic involvement of family, community, and law enforcement is a key factor in the success of the al-isti'adah model. This approach emphasizes that the enforcement of justice for children of terrorism perpetrators is not only punishment, but also social recovery, moral education, and prevention of future crimes.

B. Suggestions

The government and law enforcement agencies need to strengthen al-isti'adah-based rehabilitation programs, involving families and communities. Moral education, psychological counseling, and moderate religious coaching should be a priority. Ongoing supervision and evaluation of the program will ensure that the child's reintegration is effective and reduces the risk of recidivism.

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