



## THE MANAGEMENT OF WOMEN AND CHILDREN ASSOCIATED WITH FOREIGN TERRORIST FIGHTERS UPON THEIR RETURN: A FOCUS GROUP DISCUSSION ON POSSIBILITIES FOR REPATRIATION WITH PRACTITIONERS AND GOVERNMENT OFFICIALS IN INDONESIA

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### Abstract:

This article focuses on the management of women and children associated with FTFs upon their return to Indonesia, particularly from camps in Syria. This research highlights the urgency of preparing a mechanism for the returnees and the proposed alternative solutions, as the camps in Syria are expected to be closed in the near future. In addition, the use of risk assessment tools to identify the level of risk of each individual will determine the repatriation process, time and individuals to be repatriated within a given period. The results of this research also point to the following as possible solutions (a) the establishment of rehabilitation and deradicalization centers within and outside the country, (b) the preparation of risk assessment and needs mechanisms, (c) the creation of an integrated child adoption system (SAAT) programme, and (d) the establishment of an early warning and early detection system mechanism at the community level.

**Keywords:** Women, children, foreign terrorist fighters, repatriation, risk assessment, tools.

**Titulo en Español:** *La gestión del regreso de las mujeres y los niños vinculados con combatientes terroristas extranjeros: Un debate sobre las posibilidades de repatriación con profesionales y funcionarios de Indonesia.*

### Resumen:

*Este artículo se centra en la gestión del regreso de las mujeres y los niños vinculados a los combatientes terroristas a Indonesia, en particular desde los campos de Siria. Esta investigación pone de relieve la urgencia de preparar un mecanismo para los retornados y las soluciones alternativas propuestas, ya que se espera que los campos de Siria se cierren en un futuro próximo. Además, el uso de herramientas de evaluación de riesgos para identificar el nivel de riesgo de cada individuo determinará el proceso de repatriación, el tiempo y los individuos que serán repatriados en un periodo determinado. Los resultados de esta investigación también apuntan a las siguientes posibles soluciones (a) el establecimiento de centros de rehabilitación y desradicalización dentro y fuera del país, (b) la preparación de mecanismos de evaluación de riesgos y necesidades, (c) la creación de un programa de sistema integrado de adopción de niños y (d) el establecimiento de un mecanismo de sistema de alerta temprana y detección precoz a nivel comunitario.*

**Palabras Clave:** *Mujeres, niños, combatientes terroristas extranjeros, repatriación, evaluación de riesgos, herramientas.*

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## 1. Introduction

Almost every country in the world has a problem with Foreign Terrorist Fighters (FTFs). Nearly 20.000 people across 90 countries have joined the civil war in Syria<sup>3</sup> and around 5.000 people have migrated, mainly to Europe<sup>4</sup>. In line with it, Indonesia ranks 24th in the list of countries most affected by terrorism<sup>5</sup> and is among the top countries most affected by terrorist activities<sup>6</sup> in South East Asia apart from the Philippines and Thailand.

The FTFs issue is complex because there is no globally standardized indicator of the threat of FTFs when they decide to return to their country of origin and each country sets different policy to tackle the matter. Therefore, the repatriation in particular of women and children associated with Foreign Terrorist Fighters (FTF) has also been one of the critical issues in Indonesia, given the policy changes that have taken place from time to time. For example, Law Number 15 Year 2003 regarding the Eradication of the Criminal Acts of Terrorism does not mention a single article regulating Foreign Terrorist Fighters (FTF). For a decade, there is no revision to the Law until the wave of FTFs returns to Indonesia in 2017. The rule was revised in 2018, changing it from Law Number 15 Year 2003 to Law Number 5 / 2018 on the Eradication of the Crime of Terrorism. Although the law does not particularly state the definition of Foreign Terrorist Fighters, the government has added two articles, stating that Indonesian citizens who are considered joining or being involved with international terrorism organizations during conflicts in other countries will be punished with a minimum of 2 years of imprisonment and a maximum of 15 years<sup>7</sup>.

The change of this policy happens due to many factors and circumstances. One of them is because of the failure in 2017 when Indonesian government handled the repatriation for 500 people deported from several countries such as Turkey, Singapore, the Philippines, Thailand and Hong Kong for allegedly being involved with extremist groups associated with ISIS through social media and other cross-border administrative issues. The failure itself was mainly due to the unreadiness of the system resulted in their undetected returns, adding more problems to the country as the number of terrorist acts gets higher. This circumstance led the government to impose a rule on closing the access to those people associated with FTFs to be able to return to Indonesia.

What makes it worse is that the policy of not giving access to Indonesian citizens associated with the FTFs to return to the country is actually against the international pressure from UNSCR 2178 (2014) and 2396 (2017), clearly stating that every UN member state is required to take responsibility for its citizens and prevent them from leaving for conflict countries or preparing mechanisms to receive them back and working on regional cooperation in the handling process. Thus, the rule was reconsidered in 2021, to the extent that repatriation for Indonesian citizens from refugee camps in Syria and Iraq were valid only for children age up to 10 years old so that extremist ideology can be prevented from entering Indonesia.

On one hand, this latest change on the policy seems to align with the current focus of international community, that is repatriating its citizens from the camps, and refugees return to

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<sup>3</sup> Byman, Daniel: "The Homecomings: What Happens When Arab Foreign Fighters in Iraq and Syria Return?" *Studies in Conflict & Terrorism*, Vol.38, n° 8 (May 2015), pp. 581-602.

<sup>4</sup> Renard Thomas, Coolsaet, Rik : "Returnees: Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?". Egmont paper 101, Vo.1 n° 3 (February 2018), pp. 3-60

<sup>5</sup> *Global Terrorism Index* at <https://www.economicsandpeace.org/wp-content/uploads/2023/12/GTI-2023-web.pdf>

<sup>6</sup> *Security and Counter-Terrorism Efforts in Southeast Asia*, at <https://www.risetopeace.org/2022/08/29/security-and-counter-terrorism-efforts-in-southeast-asia/risetopeace/>

<sup>7</sup> Maulana, Wibisono, Ali Abdullah: "Indonesia's response to returning foreign fighters: network affiliation as basis for risk assessment". *Journal of Policing, Intelligence and Counter Terrorism*, Vol. 18, n° 1 ( 2023), pp.122-134.



their respective countries. It is estimated that there are 90.282 people coming from 50 different countries have been accommodated in four refugee camps in Syria. It is composed of 60.000 people (approximately 4000 women and 8000 children, with 77% children under 12 years old and 33% under five years old) accommodated in two larger camps, Al-Hol and Ar-Roj; of 15.820 people (including 57% or 9.000 children) sheltered in Washokami Camp; and of 14.462 people (52% or 7520 children) lodged in Areesha Camp<sup>8</sup>. Furthermore, in relation to Indonesians enlisted as FTFs, it is recorded that there are 1406 people in total in Syria and Iraq. This number includes their dependents, those who have died and returned as returnees or deportees from Syria and Iraq, 181 women and 145 children who are now still in refugee camps in Syria and Iraq. Meanwhile, some other Indonesians are also detected to take refuge in Afghanistan (21 people) and in the Philippines (34 people)<sup>9</sup>

The repatriation is done because the situations both the camps and refugees are devastating. They have very limited access to daily-support facilities, such as clean water, safe place, proper clothes, education, and women's privacy. The condition is not conducive, particularly for women and children, and natural environment, such as severe cold weather and the recent earthquake have worsened their state<sup>10</sup>. Furthermore, crimes get higher. Boys between 10 and 12 years old are often arrested and placed in the same detention room as adult men. They are not treated like children but perpetrators of terror, allowing the authorities in the Northeastern region of Syria to exploit them violently. In other words, children's rights are neglected. They are separated from their siblings and mothers to serve a punishment that a very young child should not receive<sup>11</sup>

On the other hand, this policy has certainly raised several issues. Firstly, the separation between children and their parents or legal guardians is against the principles of child protection law both in the world and in Indonesia. Secondly, repatriation for only children is more dilemmatic than for male and female adults, especially when proving their citizenship status. In the case of male adults, the rule clearly states that they are prohibited from returning to the home country. Meanwhile, for female adults and children who were more than six years old when they went to Syria, the policy allows them to return so long as they can prove their identities as the citizens of Indonesia. The Indonesian government can trace them through some documents, such as family card, identification card, school report card, health record and birth certificate to prove their citizenship. This system cannot be applied for children who were born while their parents reside in Syria or Iraq. Their citizenships are in question and thus it is difficult to manage.

Considering that the issue is critical and the fact that solutions are highly needed, investigating the possibilities for repatriating women and children associated with FTF in Indonesia is thus important. This article explores possible solutions in the management of women and children associated with FTFs upon their returns by seeking three main aspects, including the motivation of Indonesian citizens in becoming FTFs members, risk indicators in

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<sup>8</sup> Ramsden, Emily; Huyghe, Alison: "Abandoned to Torture: Dehumanising rights violations against children and women in northeast Syria", *Rights and Security International*. Retrieved from *Right & Security Internasional* (2022)

<sup>9</sup> Suhendra, Ibnu: "Indonesian Foreign Terrorism Fighters Dependents." (Z. A. Sukabdi, & A. Fitriyanie, Interviewers) Jakarta, Stagas FTF BNPT, August, 2023

<sup>10</sup> UNICEF: "Nearly 850 children at immediate risk as violence continues in northeast Syria", May 2023 at <https://www.unicef.org/mena/press-releases/nearly-850-children-immediate-risk-violence-continues-northeast-syria>

<sup>11</sup> "UN experts alarmed by reports of boys taken from Camp Roj by de facto authorities", at <https://www.ohchr.org/en/press-releases/2023/02/syria-un-experts-alarmed-reports-boys-taken-camp-roj-de-facto-authorities>



determining repatriation, and the possible solutions to overcome the dilemma repatriation of women and children associated with FTF in Indonesia. It is expected that the article can help practitioners and policymakers understand and identify resolutions to the country's ongoing issues.

## **2. Methods**

This qualitative study employed Participatory Action Research design. The primary data were collected by using Focus Group discussion to practitioners (experts, academicians, social workers, and civil society representatives) and government officials (Counter Violent Extremism officers) gathering information as much as possible by referring to the focus under investigation. The secondary data were gathered through the literature study from journals, books, and documents relevant to the research topic, by analyzing the pattern of issues mentioned by the participants.

## **3. Participants**

As aforementioned, the participants involved in the study were the practitioners and the government officials. There were 36 participants in total attended the FGD representing two parties. The government officials included people coming from the Ministry of Foreign Affairs, the Ministry of Education, the Ministry of Social Affairs, and the Ministry of Empowering Women and Children, from the law enforcement officers, such as police, national counter-terrorism agencies, national intelligence, and from the Presidential Advisory Council. Meanwhile, the practitioners were composed of academics from the University of Indonesia, from RSIS NTU, and from CSOs' representatives based in Indonesia and in Syria. All participants were experts working for more than ten years in security and terrorism studies. Further, three members of a family from women Indonesian citizen who are still in Al-Hol Camp with her three children were also involved as the participant in the study.

## **4. Procedures**

The focus group discussion was conducted hybrid in May 2023. 29 participants (20 men and 9 women) attended offline, while 7 participants (3 men and 4 women) did it online. The FGD was started with a panel discussion, describing the most updated information on situation of Indonesian citizens detained in refugee camps in Iraq and Syria, including the current situation of Indonesian women and children associated with the FTF. The discussion was continued with the presentation from Deputy II of the first Enforcement and Capability Development and Deputy III of International Cooperation and Academics from RSIS NTU. Afterwards, the discussion was focused on the main topic of investigation, the possibilities of repatriation women and children associated with FTFs and the management upon their returns. Apart from that interviews were done to three members of a family from women Indonesian citizen who are still in Al-Hol Camp with her three children in order to find out their situations and feelings staying in the place.

## **5. Analysis**

The results of the FGD were analyzed by involving the following processes; first, the answers of FGD in the form of minutes were collected; second, the results from the secondary data were also collected and categorized into the theme based on the topic under investigation; third, the answers were categorized into three main themes, including the motivation of Indonesian citizens to become FTFs, risk indicators in determining repatriation, and possible solutions to overcome the dilemma of repatriation of women and children associated with FTFs in Indonesia; and finally the results of analyses were described and discussed.



## **6. Limitation/Scope of Research**

This research is conducted with limitations on assessment tools to measure the level of risk, repatriation time and subjects, which prioritize women and children first in the implementation of the UN Security Council mandate. Furthermore, this research is also limited by Indonesia's experience, where the government has never repatriated Indonesian citizens associated with FTF from refugee camps inside Iraq and Syria since the regulation period of the Coordinating Ministry for Political, Legal and Security Affairs ended in 2020. Based on the data obtained, the repatriation carried out during this time was carried by the government from transit countries such as Turkey, Singapore, and the Philippines, therefore the discussion of the repatriation of Indonesian citizens from camps in Syria must be immediately carried out by considering several aspects such as repatriation strategies, criteria for repatriated Indonesian citizens using tools conducted by experts such as forensic psychology, intelligence and many other stakeholders who are competent in assessing pre-border, on boarder and after border

## **7. Results**

### **7.1 Motivation of Indonesians to become Foreign Fighters**

There are three factors contributing to the motivations of Indonesians becoming Foreign Fighters, including social media, social relation and psychological factors. The primary contributing factor that encourages Indonesians to become FTFs is social media. The development of social media such as Facebook, Instagram, WhatsApp, Telegram and Twitter have given opportunities to people to spread propaganda messages and to cause self-radicalization<sup>12</sup>. The provoking messages as propaganda are either crafted in such a nice narrative by luring them with rewards (blessings from 72 angels if they died in the action and large salary (if the country they dream for is established) or being in doctrine through the teaching on the punishment of not being the Islam fighters or Jihadists by receiving torture in the Judgment Day. Some of them even think that in the future -when the world comes to an end- Syria is one of the safe places for them. Similarly, the self-radicalization can be seen in a circumstance when Abu Bakr Al Baghdadi, an ISIS leader gives instructions from Syria. His speech is translated into the respective languages, encouraging local extremist groups to follow the instructions and executing them in within the next hours or days. Further, the social media also plays a significant role in recruitment because the recruiters only approach the most sensitive issues, and many individuals who already have personal resentments against the government or society will be eager to motivate themselves to fight<sup>13</sup> (Zuhdi & Hayatullah, 2020). Finally, the social media is used as a means to present the viciousness of the "enemy" (the "kafir" state) as a lure for combatants creating a sense of desire to defend the "victim" (the Islamic state) so that they can receive the blessings of 72 angels as their belief of the promise of God<sup>14</sup>.

The second motivating factor for Indonesians becoming FTFs is social relation. It explains a social snowball effect<sup>15</sup>, meaning that when one person is recruited to be an FTF, it is highly possible that people who are close to the person, such as family, friends, and co-workers are also recruited. Rullie Ryan Zeke, the suicide bomber in Jolo, The Philippines in 2019, is one example. As he joined FTF, he took his family (his wife and children) with him, not as a

<sup>12</sup> Klausen, Jytte: "Tweeting the Jihad: Social Media Networks of Western Foreign Fighters in Syria and Iraq", *Routledge Taylor & Francis Group*, Vol. 38, n°1 (October, 2015), pp. 1-22

<sup>13</sup> Zuhdi, Muhammad Luthfi; Hayatullah, Imam Khomaeni: "Narrative for Terrorism and Transnationalism Isistheology Through the Doctrine of Religion", *Journal of Terrorism Studies* Vol.2, n° 1 (May 2020), pp. 20-31.

<sup>14</sup> *Ibid*, pp. 20-31.

<sup>15</sup> Comunale, Tommaso et al: "Systematic Review of the Social, Psychological and Economic Factors Relating to Involvement and Recruitment into Organized Crime", in *Understanding Recruitment to Organized Crime and Terrorism*. Switzerland, Springer Nature Switzerland AG (June 2020), pp.175-204.



dependent, but as another member. They firstly joined the ISIS network in Makassar, South Sulawesi and declared an oath to Abu Bakar Al-Baghdadi in 2016. Except for the eldest son, they failed to join ISIS in Syria, yet they managed to become ISIS member in the Philippines. His oldest son, Yusuf, is a part of FTF in Syria. His second son is prepared to be a fighter with IS. In 2018, the second son (A.I.R) went with his parents and his sisters to Sulu joining Sawadjan Group Armed Forces<sup>16</sup>. Meanwhile, her daughter (A.R.R), at the age of 12 was arranged to marry Rudymar Habib Jihiran or Gulam, the militant fighter of Abu Sayyaf Group in 2018. All of his family members have undergone brainwashing and indoctrination being the ‘bride’ and ‘groom’ of the suicide bombing<sup>17</sup>.

The other example is a 38-year-old woman, (SA) who left with her husband and three children, all under the age of 10, to Syria from the Turkish route. SA and her husband believed that the end of time was near and migrated to the land of Shaam (Syria) was the right choice. After successfully entering Syria with her family in 2016, SA invited her two older brothers to migrate with her and live in Syria. However, when his brother wanted to follow SA's steps, they were caught in Turkey and deported to Indonesia in 2017 along with 500 other Indonesian citizens<sup>18</sup>.

The final factor contributing to the motivation of Indonesians being FTFs is psychology. Personality is highly influential on one's motivation as a member of a terrorist group becoming an FTF combatant<sup>19</sup>. It is defined by behavior and environment since childhood. It is also referred to a concept of behaviorism that puts an emphasis on reward and punishment<sup>20</sup>, in which when children have received harsh stimuli such as domestic violence or any form of violence, they do not rule out the possibility that when they are adults, they will not hesitate to commit acts of violence<sup>21</sup>.

## **7.2 Threats and Conditions related to Foreign Fighters**

In Indonesia, terrorism activities in general were started in 1949 when a rebel group DI/TII of *Kartosuwiryo* came into existence. It was followed by the plane hijacking of Garuda Indonesia in 1980 and several bombings ranging from 2000 to 2017, including the Bali Bombing I and II, the JW Marriot Bombing, and the Church Bombing in Makassar<sup>22</sup>.

In particular, the terrorism activities related to FTF are divided into three waves. The first wave was the sending of 200 Indonesian youths to participate in the learning of “tafsir”, language, and military in Afghanistan in 1990s. The domestic and global political situations around that period gave an advantage for this group to evolve. Domestically, the political and economic conditions were worse due to the fall of Soeharto's regime and economic crisis. Globally, the political conditions in several countries in Middle East were also in a bad state resulted in conflicts, such as the Iranian revolution and the Gulf War in the 1980s-1990s. The connection and interaction of the Indonesian students who studied in those countries with the

<sup>16</sup> *Who were the Indonesian husband and wife behind Jolo bombing?* at <https://www.rappler.com/world/247991-indonesian-husband-wife-behind-jolo-bombing/>

<sup>17</sup> *Ibid*

<sup>18</sup> Ziyad, et al: “The Management of Women and Children Associated with Foreign Terrorist Fighters upon Their Returns: A Focus Group Discussion on Possibilities for Repatriation with Practitioners and Government Officials in Indonesia”, Fitriyanie, Interviewer, October 2023.

<sup>19</sup> Comunale, Tommaso, et al: “Systematic Review of the Social, Psychological and Economic Factors Relating to Involvement and Recruitment into Organized Crime”. In *Understanding Recruitment to Organized Crime and Terrorism*. Switzerland, Springer Nature Switzerland AG (June 2020), pp.175-204.

<sup>20</sup> Stout, Rowland: “The Inner Life of a Rational Agent”. In *Defence of Philosophical Behaviourism*. Edinburgh: Edinburgh University Press, Vol.119, n° 473 (January 2010), pp.246-249.

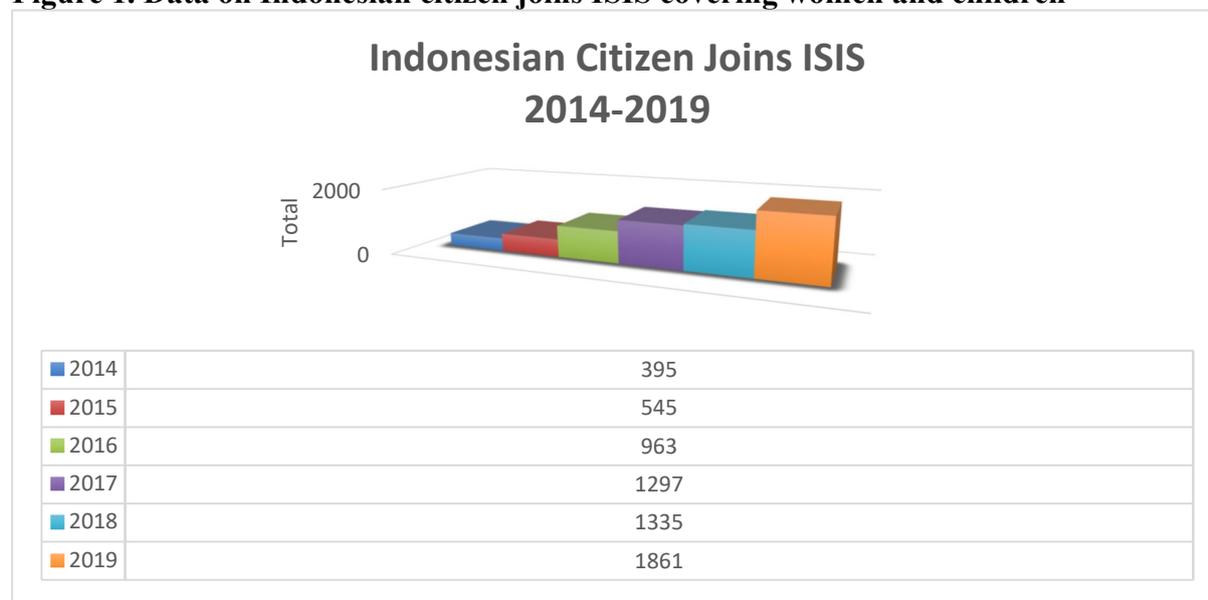
<sup>21</sup> *Ibid*.

<sup>22</sup> Maulida, Yunita Prananda: “The History of Terrorism in Indonesia and Effortsto Prevent Terrorism in Indonesia”, *Jurnal Scientia Indonesia*, Vol. 3, n° 2 (October 2017), pp.85-104.

rebel groups was the basis for the birth of the major figures of extremist groups in Indonesia, such as Abu Bakar Ba'asyir and Abdullah Sungkar. These people wanted to change the ideology of the country, making use of the momentum when Indonesia's political conditions was vulnerable<sup>23</sup>. The shift in the world terrorism groups such as Al-Qaeda had also given them ideas to form Jemaah Islamiyah (JI) group, taking Al-Qaeda as the role model of the movement and expand this group in Indonesia to recruit large number of followers in Indonesia<sup>24</sup>. The movement itself is known as FTF.

The second wave took place in 1998-2002 when FTF members were sent to the Philippines to do the military training. The surge has produced many experts in the use of weapons and bomb-making, such as Imam Samudra, Dulmatin, and Umar Patek (Sinaga et al., 2018). The third wave of FTF in Indonesia was mostly influenced by conflict in Syria and the rise of the terrorist organization of Islamic State of Iraq and Syria (ISIS) in 2014. It was estimated by the National Counter Terrorism Agency that more than a thousand people (including women and children) flew to join the rebel groups<sup>25</sup>. He further stated that the total number of Indonesian citizens who joined ISIS from 2014 to 2019 was 6.396 people as can also be seen in the following chart.

**Figure 1. Data on Indonesian citizen joins ISIS covering women and children**



Source: Rahmanto, Didik N. (2020). *Returnee Indonesia - Membongkar Janji Manis ISIS*. Jakarta: PT Elex Media Komputindo

Figure 1 shows the data on Indonesian citizens joining ISIS, including the categories of women and children. It shows that more than 200 Indonesian citizens migrate and join the ISIS group each year (2014-2019), indicating that the lowest number is in 2014 while the highest number is in 2019. The migration process during these periods was also followed by deportation and return. The difference between the two terms lies in whether people managed to enter at the Syrian border. Deportees refer to people who tried to enter Syrian territory but were arrested and deported to their home country via a transit country. Returnees, on the other hand, define those who succeeded to enter Syria and Iraq but decided to return to their country of origin<sup>26</sup>.

<sup>23</sup> Mubarak, M Zaki: "Dari NII ke ISIS: Transformasi ideologi dan gerakan dalam Islam radikal di Indonesia kontemporer", *Epistemé: Jurnal Pengembangan Ilmu Keislaman* Vol.10, n° 1 (June 2015), pp.77-98.

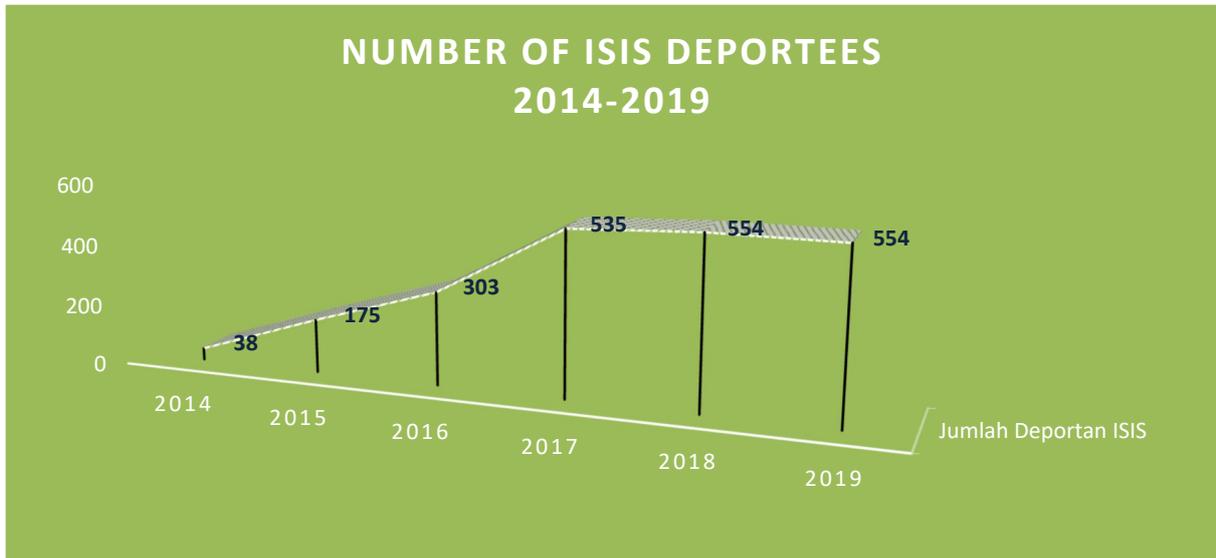
<sup>24</sup> Rahmanto, Didik N. (2020): *Returnee Indonesia - Membongkar Janji Manis ISIS*. Jakarta, PT Elex Media Komputindo

<sup>25</sup> *Ibid.*

<sup>26</sup> Renard Thomas, Coolsaet, Rik, *op.cit.*

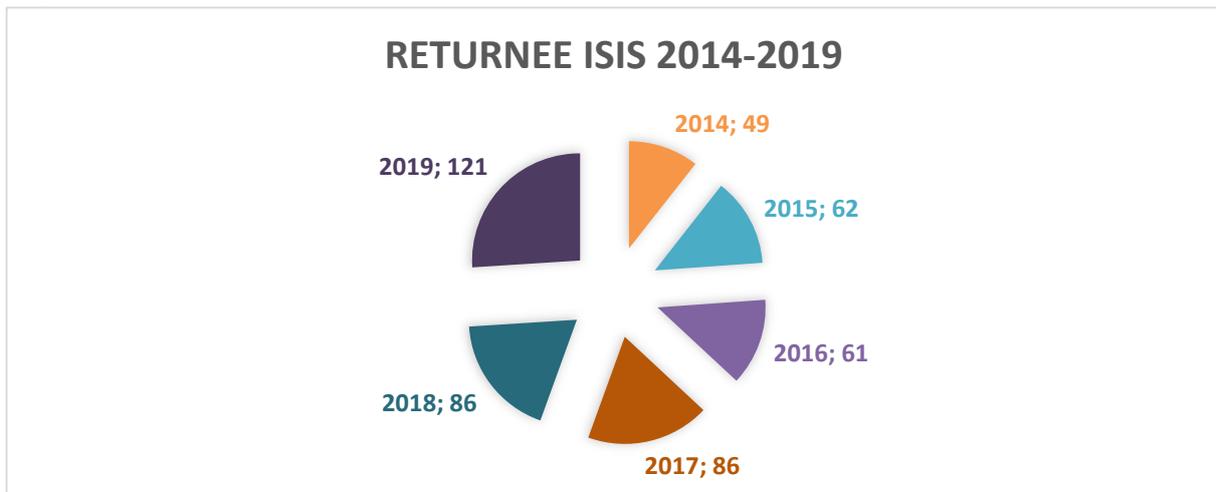
In relation to this, the number of Indonesian deportees and returnees during the same period (2014-2019) can be seen in the following figures.

**Figure 2. Number of Indonesia Deportees associated with ISIS**



Source: “Rahmanto, Didik N. (2020). Deportee Indonesia - Membongkar Janji Manis ISIS. Jakarta: PT Elex Media Komputindo”

**Figure 3. Indonesian returnees associated with ISIS**



Source: Rahmanto, Didik N. (2020). Returnee Indonesia - Membongkar Janji Manis ISIS. Jakarta: PT Elex Media Komputindo

Figure 2 and Figure 3 describe Indonesian deportees and returnees associated with ISIS from 2014 to 2019. Figure 2 illustrates that deportees entering Indonesia have increased annually. The highest spike is in 2016-2017, around 232 people, but begins to decline in 2018-2019. Furthermore, Figure 3 depicts the number of Indonesian returnees associated with ISIS from 2014 to 2019. The number of the people has never reached more than 150 people in every year of the period given. The most visible phenomenon that the world community joined as foreign fighters was due to the conflict in Syria and the formation of ISIS<sup>27</sup> and the trigger that made the global community return to their countries of origin was also due to the fall of ISIS in 2016-

<sup>27</sup> Renard Thomas, Coolsaet, Rik: “Returnees: Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?”. Egmont paper 101, Vol.1 n° 3 (February 2018), pp. 3-60.



2017, as happened in Indonesia<sup>28</sup>. It creates a spectrum of threats to the country of origin because the return of people with military capabilities, such as in war tactics, use of weapons, can be considered the more threatening ideologies<sup>29</sup>.

In addition, returnees with the ability to recruit, establish and join local terrorist networks may carry out attacks in their home countries. An example of this can be seen in several cases of explosions and attacks in Brussels in 2014 and 2016, and in Paris in 2015. The perpetrators were returnees and fighters returning from Syria and Iraq<sup>30</sup>. Similar cases have also occurred in Indonesia. The first case involved the planning of suicide bombings at several locations in Indonesia, including the Bandung Pindad Company, the headquarters of the Mobile Brigade Corps in Depok and the State Palace in Jakarta. The perpetrators were a husband and wife, Anggi Indah Kusuma and Rahman in 2017. The second case was the attack on Jaka Ramadhan, who had joined the East Indonesia Mujahidin (MIT)<sup>31</sup>. However, the case was closed as he was shot dead by Detachment Special Forces 88 Anti-Terror (Densus 88 AT) together with Ali Kalora in 2019 in Poso<sup>32</sup>. The third case was the suicide bombing in Jolo, The Philippines, in 2019 who was done by husband and wife, Rullie Rian Zeke and Ulfa Andayani Saleh<sup>33</sup>.

On the other hand, the case of Indonesian citizens whose migration was purely due to their beliefs that Syria is the Promised land as one of ISIS propagandas, is currently in poor condition. At the camp, the treatment received by women and children is very inappropriate as reported by UNHCR. SA, for example, when she left in 2016, she brought three children who were under 10 years old, and the next three years, 2019, she gave birth to three more children, a total of six children. However, when the city where she lived was bombed, she lost her second son to a bomb attack along with her husband. During the first evacuation of Al-Hol camp, her fourth child died before her due to extreme weather. Arriving at the camp, she still had to fight emotionally because her fifth and sixth children were injured and in critical condition. After receiving medical attention, her sixth child could not be helped, and eventually died. Struggling to be a single mother with her three children made her desperate to return to Indonesia. The causes are three factors including extreme weather, child-unfriendly neighborhood, and high rate of violence<sup>34</sup>.

### **7.3 The Handling of Foreign Terrorist Fighters by Indonesian Government**

The fall of ISIS in 2016-2017 has created new problems in which FTF returnees have only few options on their returns; being left in the conflict area for the rest of their lives, returning to their countries and receiving punishment in accordance with the law, or seeking asylum in a third country. The UK and France, for example, took the first option by adopting a strict policy of

<sup>28</sup> Rahmanto, Didik N. (2020): *Returnee Indonesia - Membongkar Janji Manis ISIS*. Jakarta: PT Elex Media Komputindo.

<sup>29</sup> Renard Thomas, Coolsaet, Rik: "Returnees: Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?". Egmont paper 101, Vol.1 n° 3 (February 2018), pp. 3-60.

<sup>30</sup> *Ibid.*

<sup>31</sup> Wijaya, Teddy Indra: "Peran Manipulasi Informasi Terhadap Keikutsertaan Perempuan Dalam Gerakan Terorisme", *Journal of Terrorism Studies*, Vol.2, n° 1 (July 2020), pp.94-113.

<sup>32</sup> *Selain Ali Kalora, Teroris Poso Lainnya Jaka Ramadhan Juga Tewas Tertembak at* <https://www.tribunnews.com/nasional/2021/09/18/selain-ali-kalora-teroris-poso-lainnya-jaka-ramadhan-juga-tewas-tertembak>

<sup>33</sup> *Who were the Indonesian husband and wife behind Jolo bombing?* at <https://www.rappler.com/world/247991-indonesian-husband-wife-behind-jolo-bombing/>

<sup>34</sup> Ziyad, et al: "The Management of Women and Children Associated with Foreign Terrorist Fighters upon Their Returns: A Focus Group Discussion on Possibilities for Repatriation with Practitioners and Government Officials in Indonesia", Fitriyanie, Interviewer, October 2023.



not accepting FTFs back and revoking their citizenship<sup>35</sup>. Meanwhile, the German government has allowed its citizens to return to their country and has so far offered consular assistance to returnees with German citizenship. This assistance also applies to immigrants with permanent residence permits, while those with temporary residence permits have their rights revoked and are banned from returning to Germany<sup>36</sup>.

In the case of Indonesia, the government took the second option, facilitating Indonesian returnees deported from several countries, including Turkey, Hong Kong, Singapore and Thailand, as an "emergency response" policy under Law Number 15 Year 2003 and Law Number 8 Year 1981. Although both laws are still valid, none is specifically concerned with the handling of FTF. Law Number 15 Year 2003 concerns Eradication of Criminal Acts of Terrorism, while Law Number 8 Year 1981 is concerned with the procedural law in Article 17 on an arrest order against a person who is suspected of having committed a crime based on sufficient evidence of initiation<sup>37</sup>.

Upon returning to Indonesia, both deportees and returnees associated with ISIS at that time faced two situations: either they were rehabilitated or they were prosecuted. Returnees and deportees were rehabilitated for several reasons, including the lack of evidence and nomenclature regarding FTF in the Terrorism Criminal Law. Their status was that of deportees from Turkey, Hong Kong and Malaysia. Although they posted pro-ISIS videos, messages or narratives, they could not be prosecuted because posting or going to another country under the pretext of a tourist visa could not be prosecuted under the terrorism law as stated in Article 17 of the Law Number 8 Year 1981<sup>38</sup>. Therefore, in order to prevent them from escaping, they were sent to the rehabilitation centers at Centra Handayani of the Ministry of Social Affairs and a shelter of the National Counter-terrorism Agency (BNPT) for 14 days<sup>39</sup> to give the Special Detachment enough time to investigate the involvement of terrorist crimes in the FTF. Nevertheless, the rehabilitation process was not very successful because the standard operating procedures used were not specifically designed to deal with FTFs, but rather with juvenile criminal proceedings. In this respect, the rehabilitation and reintegration process seemed to be a matter of form, and the indicator was merely that family, close and distant relatives could be contacted and were willing to receive them<sup>40</sup>. Meanwhile, in the case of deportees and returnees who were prosecuted, the court used articles dealing with involvement in terrorist networks such as JI, JAD, MIT or other terrorist organisations designated by the government, or on terrorist financing, without relating them to their involvement as ISIS fighters or their efforts to join ISIS in the migration process<sup>41</sup>.

Due to the previous circumstance, the Indonesian government revised and added articles (12 A and 12 B on activities of prevention and combat of terrorism) to Law Number 5 Year

<sup>35</sup> El-Muhamm, Ahmad and Schonveld Ben: "Homecoming: The Return of Foreign Terrorist Fighters in South-East Asia", Thailand, UNDP Report, 2020, at [https://www.entryandexitpoints.asia-pacific.undp.org/reports/UNDP\\_HomecomingTheReturnofForeignTerroristFighters.pdf](https://www.entryandexitpoints.asia-pacific.undp.org/reports/UNDP_HomecomingTheReturnofForeignTerroristFighters.pdf)

<sup>36</sup> Renard Thomas, Coolsaet, Rik: "Returnees: Who Are They, Why Are They (Not) Coming Back and How Should We Deal with Them?". Egmont paper 101, Vol.1, n° 3 (February 2018), pp. 3-60.

<sup>37</sup> Shodiq, M.D. (2021): *Hukum dan Kebijakan Keamanan Nasional Terhadap Terorisme*. Jakarta, Pasca Sarjana Sekolah Kajian Strategik dan Global, Universitas Indonesia.

<sup>38</sup> Wibisono, Ali.Abdullah; Maulana, Iwa: "Indonesia's response to returning foreign fighters: network affiliation as basis for risk assessment", *Journal of Policing, Intelligence and Counter Terrorism*, Vol. 18, n° 1 (March 2022), pp.122-134.

<sup>39</sup> Wibisono, Ali. Abdullah: "Indonesia's Policy Response to Foreign Terrorist Fighter Problem in Post-2002 Bali Bombings", *Journal Politica*, Vol.11, n° 1 (January 2020), pp.19-42.

<sup>40</sup> Saragih, S: "Laporan Bulanan Program Emergency Respond DFAT", Jakarta, Civil Society Against Violent Extremism Report

<sup>41</sup> Wibisono, Ali Abdullah: "Indonesia's Policy Response to Foreign Terrorist Fighter Problem In Post-2002 Bali Bombings", *Journal Politica*, Vol.11, n° 1 (January 2020), pp.19-42.



2003. The revision was Law Number 5 Year 2018 and is concerned with the Eradication of Terrorism<sup>42</sup>. This recent law is considered to be more effective by the participants of the study as it adds articles on prevention, yet it still needs clarity on the legal status of the FTFs.

Furthermore, there has not been much update on the number of deportees and returnees since 2020 and the regulation of task force for FTF ended in December 2020. This is also related to the statement of President Joko Widodo, describing that the government will not repatriate Indonesian citizens who are proven to be ISIS combatants<sup>43</sup>. It is different from Malaysia as only this country in Southeast Asia that has repatriated its citizens under the government's initiative<sup>44</sup>.

The consideration on repatriating children under 10 has not yet come into practice until today. The research participants state that there is a resistance in Indonesia to repatriate children associated with FTF because they are still connected with their mothers. In this case, some officials participating in the study believe that these children and parents will automatically lose their citizenship because of their involvements in a foreign country's army as regulated in the Government Regulation Number 2 Year 2007 Article 31. However, it is not entirely true as the next articles state that in order to lose citizenship, the case should be reported to the relevant official at the ministerial level (Article 32), the report should include the data of the citizen who will lose his citizenship (Article 33), and the minister must verify the data from the reported party before finally being reported to the President for the ratification process Article 34 Paragraph (2)<sup>45</sup>.

In line with the issue on foreign country's army, a critical question was raised; whether ISIS is a formal country or not. Since participants agree that ISIS is a rebel group and not a country, Indonesian citizens joining as combatants in this organization cannot be considered to involve in a foreign country's army and thus the automatic loss of nationality cannot be applied in that case. Further, the Indonesian government has stated that the data of Indonesian citizens involved in the case were not validated accurately and all relevant information were received from other countries' intelligence agencies, such as the CIA<sup>46</sup>.

#### 7.4 Citizenship Status

Citizenship status of women and children associated with FTF is the most basic discussion in this research because the government's services can be provided if their citizenship status is clear. The circumstances on their status and citizenship are regulated in some laws explained as follows. Firstly, Indonesia does not recognize dual and stateless citizenships. It is explained in the Law Number 12 Year 2006 regarding citizenship with clarification in the general discussion section. Further, what defines an Indonesian citizen, as stated in the same law Article 4 Paragraph (e), is a child born from a legal marriage to an Indonesian citizen, but the father

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<sup>42</sup> Shodiq, M.D. (2021): *Hukum dan Kebijakan Keamanan Nasional Terhadap Terorisme*. Jakarta, Pasca Sarjana Sekolah Kajian Strategik dan Global, Universitas Indonesia

<sup>43</sup> *Pemerintah Buka Peluang bagi WNI Non-FTF Pulang*, at <https://www.kompas.id/baca/polhuk/2020/02/12/pemerintah-buka-peluang-bagi-wni-non-ftf-untuk-pulang-ke-indonesia>

<sup>44</sup> *Abandoned to Torture: Dehumanising rights violations against children and women in northeast Syria* at [https://www.rightsandsecurity.org/assets/downloads/Abandoned\\_to\\_Torture\\_-\\_Final\\_Report.pdf](https://www.rightsandsecurity.org/assets/downloads/Abandoned_to_Torture_-_Final_Report.pdf)

<sup>45</sup> *Procedures for Obtaining, Losing, Canceling and Reclaiming Citizenship of the Republic of Indonesia*, at <https://peraturan.bpk.go.id/Details/4722#:~:text=PP%20No.%20%20Tahun%202007,Republik%20Indonesia%20%5BJDIH%20BPK%20RI%5D>

<sup>46</sup> *Pemerintah Tak Boleh Gegabah Pulangkan WNI Eks NIIS*, at <https://www.kompas.id/baca/internasional/2020/02/10/pengamat-hukum-wni-eks-niis-otomatis-kehilangan-kewarganegaraan/>



does not have citizenship of Indonesia or the law of the father's country of origin does not grant citizenship to the child<sup>47</sup>.

Secondly, Government Regulation Number 21 Year 2022 concerning Amendments to Government Regulation Number 2 Year 2007 regarding Procedures for Obtaining, Losing, Canceling and Reclaiming Citizenship of the Republic of Indonesia, Article 31 does state that an Indonesian citizen will lose his citizenship status when he voluntarily renounces his citizenship, and the government can only relinquish one citizenship status when the person is above 18 (eighteen) years old or married and chooses to live abroad (Article 31 Paragraph 2)<sup>48</sup>.

Further, with regard to children, Indonesia has several laws regulating them. Law Number 35 Year 2014 concerning Child Protection Article 1 states that a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb<sup>49</sup>. It means that children in Syrian and Iraqi camps cannot be released as Indonesian citizens when they are not even 18 years old and have not decided to move to another country and ISIS is not a state entity recognized by Indonesia. Despite this, the fundamental right of the children citizenship status must be attached to them as also illustrated in Law Number 35 Year 2014 Article 1 Paragraph 2 stating that child protection is all activities to ensure and protect children and their rights in order to live, grow, develop, and participate optimally in accordance with the dignity of humanity, and receive protection from violence and discrimination<sup>50</sup>.

Likewise, Children's rights are part of human rights that must be guaranteed, protected, and fulfilled by parents, family members, society, the state, and the government (Law Number 35 Year 2014 Article 1 Paragraph 12), strengthened by Law Number 39 Year 1999 regarding Human Rights Article 1 Paragraph 1 stating that human rights are a collection of rights inherent in humans when they are born into the world, where these rights should have been obliged to be respected, upheld and protected by the state, law, government, and everyone for the sake of honor and protection of human dignity. The rights to life, not to be tortured, to personal freedom, thoughts and conscience, to religion, not to be enslaved, to be recognized as a person and equality before the law, and not to be prosecuted on a legal basis retroactive effect is a human right that cannot be reduced under any circumstances and by anyone (Law Number 39 Year 1999 Article 4) and henceforth, the government must guarantee the child's citizenship status as a form of human rights that all children should receive<sup>51</sup>.

In line with it, Law Number 12 Year 2005 concerning Ratification of the Covenant on Civil and Political Matters, Article 24 states that first, every child has the right to obtain the right to the necessary protective measures because of his status as a minor, against his family, society and the state, without discrimination based on race, color, sex, language, religion, national or social origin, wealth or birth. Second, every child must be registered immediately after birth and must obtain a name and third, every child has the right to acquire citizenship<sup>52</sup>. In addition, the Convention on the Rights of Children, published in 1989, stated that UN

<sup>47</sup> *Undang-undang (UU) Nomor 12 Tahun 2006 tentang Kewarganegaraan Republik Indonesia*, at <https://peraturan.bpk.go.id/Details/40176/uu-no-12-tahun-2006>

<sup>48</sup> *Procedures for Obtaining, Losing, Canceling and Reclaiming Citizenship of the Republic of Indonesia*, at <https://peraturan.bpk.go.id/Details/4722#:~:text=PP%20No.%202%20Tahun%202007,Republik%20Indonesia%20%5BJDIH%20BPK%20RI%5D>

<sup>49</sup> *Ibid.*

<sup>50</sup> *Indonesia Child Protection Law No. 35 of 2014* at <https://peraturan.bpk.go.id/Details/38723/uu-no-35-tahun-2014>

<sup>51</sup> *Indonesia Human Rights Law no.39 of 1999* at <https://peraturan.bpk.go.id/Home/Details/45361/uu-no-39-tahun-1999>

<sup>52</sup> *Ratification International Covenant on Civil and Political Rights*, at [https://peraturan.bpk.go.id/Home/Details/40261/uu-no-12-tahun-2005#:~:text=UU%20No.%2012%20Tahun%202005,Politik\)%20%5BJDIH%20BPK%20RI%5D](https://peraturan.bpk.go.id/Home/Details/40261/uu-no-12-tahun-2005#:~:text=UU%20No.%2012%20Tahun%202005,Politik)%20%5BJDIH%20BPK%20RI%5D)



countries must respect and guarantee the rights outlined for every child within their jurisdiction without any discrimination.

The participants of the study explain that children must be fully prepared to live an individual life in society, where they get the support upholding the spirit of peace, dignity, tolerance, freedom, equality and solidarity in their social environment. Therefore, the government should not be in a dilemma regarding citizenship status for Indonesian citizens associated with ISIS because the legal instruments are adequate. Similarly, verification and data collection to ensure women and children's citizenship status should be conducted with a good political will to protect children of Indonesia and contribute to world peace as agreed by Indonesian founding fathers. Meanwhile, criminal justice processes should be carried out by certified professionals based on careful risk and need assessments.

### **7.5 Political Will in Repatriating Women and Children Associated with FTF**

The Preamble of the 1945 Constitution has stated the *political will* to "Implementing world order based on freedom, eternal peace, and social justice"<sup>53</sup>. Therefore, the participants in this research have agreed that the country should return to its original spirit and consensus stated in its constitution, which is to repatriate Indonesian women and children associated with FTF to break the chain of violence and prevent long-term radicalization processes. In this case, the state is responsible for preventing violence, radicalization, and social conflict in various parts of the world by preventing its citizens from getting involved in conflicts or wars abroad or joining the FTF. Furthermore, the participants of this research propose to separate the handling of women and children within the FTF network. In other words, the state does not unite children and women in the same category as victims. It is based on the consideration that women, despite considered being weak by some parties in various counter-terrorism forums, are still individuals with intellectual perfection or over 18 years of age that are different from children.

This research has two significant recommendations with respect to 1) risk and need assessment and 2) solutions for repatriating children associated with the Foreign Terrorist Fighters (FTF) network.

### **7.6 Need and Risk Assessment**

Assessment is a crucial thing to do for both victims and perpetrators who are involved in the FTF network. The risk and needs assessment are carried out by collaborating with forensics and health experts. The participants highly recommend that risk and need assessments must be conducted abroad before children and women in the FTF network return to the country (It can be facilitated by the SOMTC ASEAN or Indonesian Ministry of Foreign Affairs, in which BNPT takes role as the leading sector in the country).

The assessment of the risks and needs of women and children associated with FTF network is carried out by certified practitioners or assessors, involving detections on several aspects as follows<sup>54</sup>:

- Trauma and motivational factors that influence behavior, such as interests and desires that lead to feelings and emotions. These motives include economic motives, justice, situation, domination or power, and actualization/adventure;
- The ideology/belief system/thought that directs the actor to relate knowledge, rationality, and reason by actualizing it in the form of action. This ideological assessment applies

<sup>53</sup> Preamble of the 1945 Indonesia Constitution, at <https://jdih.kemenkeu.go.id/fulltext/1945/UUDTAHUN~1945UUD.HTM>

<sup>54</sup> Soeparan, Dandy F; Sukabdi, Zora A: "Early Detection of Extremism in Indonesia Overseas Community", *Jurnal Hubungan Luar Negeri*, Vol.6, n° 2 (July 2021), pp.25-44.



to all religions, not just focusing on a particular religion. The scope of this assessment includes the doctrines of violence, attitudes, life goals/mission targets, position in the group, militancy, and nationalism; and

- Knowledge and combining it with the ability shown as an acceptable skill. The capability assessment covers the following abilities: intelligence and infiltration, language, cyber and information technology (IT), war and KBRN (Chemistry et al.), recruitment and mobilization, and mechanic-electricity.

Terrorism is different from any form of violence that criminologists learn<sup>55</sup> and from general crimes in that (1) terrorists declare higher goals, therefore they are viewed by their sympathizers as altruists, (2) the responsivity to terrorism goes beyond local authorities, (3) terrorists overtime modify their criminal activities, (4) terrorist offenders look for an extreme exposure, (5) terrorism is used as an instrument for certain political goals, and 6) terror actions make numerous crimes<sup>56</sup>.

Therefore, within Indonesian context, Sukabdi distinguishes 18 psychological risk factors of terrorist offenders potentially applied to religious extremists or militants in terrorist organizations/movement (Table 1)<sup>57</sup>. The 18 psychological risk factors mainly divided into three domains: Motivation, Ideology, and Capability (3 Hs: Heart, Head, and Hand) and each domain has six risk factors as follows. Motivation ('Heart') includes economic, situational/trauma, justice, actualization/adventure, power/political, and social motives. Ideology ('Head') covers targets of missions, violent extremism doctrines, attitudes, understandings of philosophy and contexts, militancy, and layers/positions in ideological groups. Capability ('Hand') includes several skills in mechanical and electrical (M and E), information and communication technology (ICT), military, language, social domination (recruitment and mobilization/financing), and intelligence/infiltration. The details of each risk and need factors can be seen in the table below.

**Table 1. 18 Psychological Terrorism Risk and Need Factors in Indonesia**

Risk and Need Factors	
1.	<i>Economic Motives</i> : economic and biological needs
2.	<i>Justice Motives</i> : fairness-seeking needs
3.	<i>Situational Motives</i> : safety and security needs
4.	<i>Social Motives</i> : social support, sense of belonging, and social identity needs.
5.	<i>Power Motives</i> : political power need, including reaching a higher position in the hierarchy within a terrorist organization.
6.	<i>Actualization Motives</i> : needs for giving impact to others.
7.	<i>Values (Doctrines)</i> : thoughts, concepts, dogmas, doctrines, and favorable ideas to violence and other destructive behaviors.

<sup>55</sup> Rosenfeld, Barry: "Recidivism in stalking and obsessional harassment", *Law and Human Behavior*, Vol.27, n°3 (2003), pp.251-265.

<sup>56</sup> LaFree, Gary; Dugan, Laura: "How Does Studying Terrorism Compare to Studying Crime?", *Terrorism and Counter-Terrorism in Sociology of Crime, Law and Deviance*, Vol. 5 (April 2004), pp.53-74.

<sup>57</sup> Sukabdi, Zora.A: "Psychological Risk Factors of Terrorist Offenders in Indonesia", *Journal of Psychological Research*, Vol.3, n° 4 (October 2021), pp.1-15.



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Risk and Need Factors

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8. *Violent Ideology-Driven Attitudes*: attitudes toward outside social group driven by thoughts, concepts, dogmas, doctrines and favorable ideas to violence and destructive behaviors.
9. *Beliefs about Objectives (Targets of Missions)*: goals, objectives, purposes and targets of life driven by thoughts, concepts, dogmas, doctrines and favorable ideas to violence and destructive behaviors.
10. *Layers in Ideological Groups*: roles, status, involvement, grades, layers, levels, positions, tasks, and ranks in ideological groups driven by thoughts, concepts, dogmas, doctrines, and favorable ideas to violence and destructive behaviors.
11. *Terrorism Militancy*: belief system presentations including loyalty, persistence, and commitment to a more dominant figure or to a set of favorable doctrines to violence and destructive behaviors.
12. *Understandings on Philosophy and Contexts*: belief system presentations incorporating knowledge and understanding of religious teachings and philosophy and its implementation in many contexts.
13. *Intelligence Skills*: skills to acquire, collect, manage, store, retrieve, combine, compare, distribute, build, and use information including complex data, to manage or conduct terrorism activity.
14. *Language Skills*: skills of listening, reading, speaking, and writing in multiple languages, used to manage or conduct terrorism activity.
15. *ICT (Information and Communication Technology) Skills*: skills in using and creating Information and Communication Technology, such as computers, programs, cyberspace, Information Technology (IT) and Dark Web, used to manage or conduct terrorism activity.
16. *Military Skills*: skills in physical fighting, battlefield, warfare, and conflicts, used to manage or conduct terrorism activity.
17. *Social Domination Skills*: skills in influencing others, such as persuading, negotiating, recruiting, mobilizing, directing, manipulating, controlling, financing, and leading people, used to manage or conduct terrorism activity.
18. *Mechanical and Electrical (M and E) Skills*: skills in using and creating technical, mechanical and electrical device(s) for managing or conducting terrorism activity.

Source: Amelia, Widodo, & Budiarto (2020); Slamet (2019); Sukabdi (2018, 2021a)

Sukabdi further launches an instrument to investigate these 18 risks and need factors, known as **MIKRA** currently used in Indonesian criminal justice system by several agencies to evaluate risk levels of militants/convicts or FTFs and to track their rehabilitation process. As *MIKRA* is used in forensic setting for violent extremism cases where convicts/FTFs and wives use deceptions and religious narratives in justify their behaviors, the instrument is presented in behavior rating scale to avoid faking. In other words, it is not self-report type of tool/test to avoid deceptions, faking, or other possible unfavorable attitudes during assessment<sup>58</sup>.

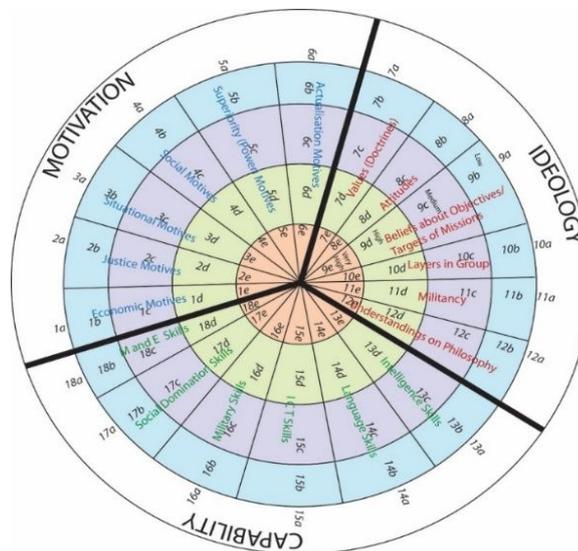
The instrument is used at the beginning of treatment as pre-assessment, in the middle of treatment to clarify progress, and at the end of treatment as post-assessment before the person

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<sup>58</sup> Sukabdi, Zora.A: "Measuring the Effectiveness of Deradicalisation: The Development of MIKRA Risk Asses", *American Journal of Psychiatric Research and Reviews*, Vol.4, No.30 (June 2021), pp.1-20.

investigated is released from correctional centers/prisons. With respect to administration, *MIKRA* risk assessment needs to involve informants, such as investigators, lawyers, witnesses, social workers providing advocacy or significant others who know very well the examined targets (e.g., offenders/convicts/FTFs or families) and their very specific behaviors and skills<sup>59</sup>. *MIKRA* risk and need assessment describes four risk categories: “very high”, “high”, “medium”, and “low”, with codes of behaviors illustrated in Figure 4. Risk indicators from 1a to 18d become the parameters of measurement when tracking the progress of rehabilitation, that is, to transform offenders from being at ‘very high’ (score: 5) to ‘high’ (score: 4), ‘medium’ (score: 3), ‘low’ (score: 2), or even ‘no’ risk (score: 1), described in Table 2. An individual will score 18 for all 18 factors and an average score of these 18 scores as a final score of *MIKRA* (Table 3). *MIKRA* 3D Model (Figure 5) with a contour is illustrated as a U-shaped valley explaining individual profiling and an offender’s positions in risk categories. The concept of terrorism rehabilitation consists of moving the offender from the underground/deepest part of the valley (“very high risk”) to the ground level/sea level (“no risk”). The ground level is “no risk” state and becomes a protection from terrorism risk factors<sup>60</sup>.

**Figure 4. Codes of Behaviors in MIKRA Terrorism Risk Assessment**



**Table 2. Scoring system of MIKRA**

Risk Categories	Scores
Very high	5
High	4
Medium	3
Low	2
Zero	1

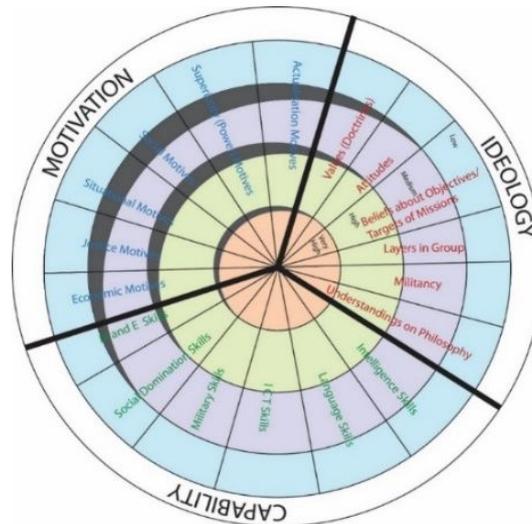
<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

**Table 3. Categories of total score of MIKRA**

Scores	Categories
0.00 - 1.00	“No risk” (Protected)
1.01 - 2.00	“Low risk”
2.01 - 3.00	“Medium risk”
3.01 - 4.00	“High risk”
4.01 - 5.00	“Very high risk”

**Figure 5. MIKRA Terrorism Risk Assessment in 3D Model**



Therefore, based on the risk and need assessment of MIKRA in this context is that the repatriation of women and children associated with FTF is not executed all at once, but requires processes and stages in accordance with assessments from forensic psychologists, the State Intelligence Agency and the Special Detachment 88 Anti-Terror Police to verify the level of risk and danger in each individual. If at the assessment process stage a high level of risk is still found, then their return will be postponed. Priority for repatriation is for those who already have a low/minimal level of risk of dangerousness to be able to continue the rehabilitation program in the country. As for those who still have a high level of risk, it is conveyed in several steps of recommendation solutions as follows in next sub-headings.

**8. Alternatives Solutions**

Determining the policy for the repatriation of women and children associated with the Foreign Terrorist Fighters network requires the political will and commitment of all stakeholders (e.g., ministries, civil society organizations) so that the Preamble of the 1945 Constitution which is to "Implementing world order based on freedom, eternal peace, and social justice" and the UN Resolutions 2178 (2014), 2396 (2017), 2427 (2018) can be implemented. In relation to this, the participants proposed several innovative recommendations explained below.



### **8.1. Renewal of the Decree of the coordinating minister for Political, Legal and Security Affairs Number 100 Year 2020**

The renewal of the Decree Number 100 Year 2020 concerning the Task Force for Handling Foreign Terrorist Fighters<sup>61</sup>, valid only until December 30 2020, is significant because it gives mandates to the FTF Task Force to ensure all stakeholders to pay attention to the FTF handling as a part of the counter-terrorism program, to coordinate and integrate by engaging with relevant ministries/institutions.

The decree is coordinated under the Ministry for Political, Legal and Security Affairs and explains the responsibilities of the FTF task force. There are three main responsibilities of the FTF task force related to the handling of the handling of FTFs. First is to conduct Pre-Operation. It includes several tasks as follows: (1) having command center for handling FTF, (2) synchronizing information data related to the presence of suspected Indonesian citizens associated with Foreign Terrorist Fighters in Syria, Iraq, Turkey, and other foreign countries owned by ministries/institutions, (3) validating data with information systems owned by the Directorate General of Population and Civil Registration and the Directorate General of Immigration, (4) coordinating with Syria, Iraq, Turkey, and other foreign countries, as well as relevant United Nations Agencies, humanitarian agencies, and foreign representatives in Indonesia regarding the issue of the Foreign Terrorist Fighters in Syria, and (5) mapping the threats and challenges in the field to develop options taken in the field operations process.

Second is to conduct operation. The involve several following tasks: (1) coordinating with relevant parties in Syria, Iraq, Turkey, and other foreign countries regarding the field operation plan, particularly related to risk mapping, (2) conducting operation plan, especially related to security risk mapping, access routes, and data collection process mechanisms by respecting regional sovereignty, (3) collecting data in the identification and verification of the citizenship status of suspected Indonesian citizens associated with the Islamic State of Iraq and Syria (ISIS), especially in two camps in Syria (Al-Hol and Al-Roj), and (4) coordinating with the Terrorist Financing Task Force.

Third is the post-operation. The tasks include the followings; (1) conducting a comprehensive assessment through data collected during field operations as an initial reference so that the actions can be determined and taken by the government (after border), (2) conducting an in-depth assessment of the readiness of ministries/agencies related to the handling of FTFs at the border and after the border, and (3) making comprehensive options and considerations for repatriating or not repatriating. Even after the changes of the regulation, it is still important to monitor this regulation in order to maintain proper implementation.

### **8.2. Establishment of Rehabilitation and Deradicalization Centers Abroad**<sup>62</sup>

The second recommendation suggested by the participants is the establishment of rehabilitation and deradicalization centers at the Indonesian Embassies in Syria, Iraq, the Philippines, Turkey and other countries close to Indonesian refugee camps. It can also be carried out by working with ASEAN countries or at the ASEAN countries embassies abroad (in the SOMTC Forum, for example).

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<sup>61</sup> When the FGD was conducted last May, this regulation had not been updated, but in August 2023, this regulation was then updated to become the Decree of the coordinating minister for Political, Legal and Security Affairs of the Republic of Indonesia Number 90 /2023 regarding the Task Force for Handling Indonesian Citizens Overseas Associated with Foreign Terrorist Fighters.

<sup>62</sup> Focus Group Discussion: “The Management of Women and Children Associated with Foreign Terrorist Fighters upon Their Returns: A Focus Group Discussion on Possibilities for Repatriation with Practitioners and Government Officials in Indonesia” at University of Indonesia, May 2023.



Establishing a rehabilitation and deradicalization center at the Indonesian Embassy is one of the solutions offered because it has several advantages, as follows. First, Indonesian citizens in evacuation can have data and be verified by the Indonesian Embassy's authorities in cooperation with the authorities of the four countries. It is more time-effective than doing the verification in Jakarta, Indonesia. One of the purposes of this data and verification is to confirm their citizenship status. Although some believe that Indonesian citizens who go to Syria/Iraq to join ISIS have automatically lost their citizenship because their passports or cross-border identities have been thrown away/burnt as also stated in the Government Regulation Number 2 Year 2007 Article 31, this article highlights more Indonesian citizens who have lost their citizenship because they voluntarily relinquish their Indonesian citizenship to join a foreign country's army and voluntarily serve as soldiers in a foreign country. The loss of nationality will be in effect so long as to report to the relevant official at the ministerial level (Article 32) and the government must include the data of the citizen who will lose his citizenship (Article 33) and further the minister must be able to verify the data from the reported party, and who reported it before finally being reported to the President for the approval process (Article 34 Paragraph 2) (BPK, 2007).

Second, through the FTF Task Force, the Decree of the coordinating minister for Political, Legal and Security Affairs Number 100 Year 2020 can be implemented by involving experts/professionals such as forensic psychologists, psychiatrists, doctors, educators, religious counsellors and social workers for the process of adaptation, preparation, rehabilitation, and reintegration to Indonesia. Third, the establishment of a rehabilitation and deradicalization center abroad will make the social reintegration process in Indonesia more manageable and easily-accepted by people in the country as it meets their sense of certainty and security. Furthermore, the centers may assist women to be ready for the judicial process and help children learn Indonesian language and culture before entering Indonesia.

Finally, rehabilitation and deradicalization centers abroad carried out by related ministries by involving certified professionals/experts demonstrate Indonesian political will and serious commitment to apply the Preamble of the 1945 Constitution. Because the Indonesian Law Number 5 Year 2018 regarding Terrorism does not clearly mention that deradicalization or rehabilitation of FTFs and family members (children associated to FTFs) is compulsory, rehabilitation and deradicalization centers overseas will prove that Indonesia is committed in the rehabilitation and the bringing of their citizens/children back home.

### **8.3. Empowerment of a Shelter in Indonesia as an Education and Rehabilitation Center**<sup>63</sup>

Another recommendation by the participants is the empowerment/use of a special shelter or particular shelter in Indonesia designated as an education and rehabilitation center that is comfortable and conducive for educational purposes so that an effective rehabilitation can be organized. Both women and children associated with the FTF network who are still evaluated as being at moderate to high risk but have been returned back to the country need to transit to this special shelter before their status being declared as low risk through a series of risk assessments by certified forensic experts. Trauma assessment and various interventions (such as education, counselling, psychotherapy, and psychosocial therapy) should be carried out effectively in this shelter by bringing in experts/therapists/practitioners from various parts of Indonesia.

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<sup>63</sup> *Ibid.*



#### **8.4. Integrated Child Adoption System**<sup>64</sup>

Further recommendation by the participant to handle the repatriation of women and children associated with FTFs upon their returns is a responsible adoption system (referred to as the Integrated Child Adoption System (SAAT)). It is an alternative when children associated with the FTF network have large families who cannot manage or conduct Pancasila education properly. The adoption process has been carried out in several countries when dealing with children associated with FTF. However, the obstacle is that children placed in schools/*pesantrens*<sup>i</sup> have not adapted to changing situations. Hence, they may vent their emotions through violence, which, in the end, will make parents and teachers in a new schools/*pesantrens* overwhelmed.

Thus, in general, the adoption process can only be carried out when it has passed several following procedures: (1) Certified forensic psychologists and certified child psychologists carry out the process of assessing children's trauma, risks, and needs; (2) Cross-professionals or related ministries conduct verification process; and (3) the citizenship administration process is completed. In order to realize a responsible Integrated Adoption of Children System (SAAT), the government needs to do the following procedures (Figure 6):

- Conducting a comprehensive assessment of the feasibility of extended families or biological families of children associated with FTF so that families can educate children associated with FTF to become good citizens guided by Pancasila as the foundation of the state. The extended family assessment in welcoming children to the FTF network also involve various experts/academicians from universities and practitioners from Civil Society Organizations (CSOs) under the coordination of BNPT. When the extended family has been declared eligible, the child's reintegration process is facilitated by various village officials, CSO practitioners, and community leaders.
- Taking into account that under circumstances where the biological families of children associated with FTF are declared unfit or unable to carry out/manage Pancasila Education for these children to be law-abiding citizens, the state provide options/recommendations of families ready to adopt the children associated with FTF formally. Recommendations for new families are given by the state through BNPT as the leading sector in collaboration with the Ministry of Women Empowerment and Children Protection (*KemenPPPA*) and the Ministry of Social Affairs. It is done after an assessment of the feasibility of the new families has been carried out. In this case, the assessment is carried out by practitioners in the field of children, Pancasila ideology activists, and certified professionals (social workers, doctors, psychiatrists, and educational/social psychologists).
- Providing opportunities to or even prioritizing the National Army (TNI) and National Police (Polri) families to adopt children associated with FTF. It shows the role of TNI and Polri in Indonesia as the front guard in upholding Pancasila as the fundamental value of the state.
- Providing reward/assistance to the adopting family by providing monthly financial support (allowance) until the child is declared an adult or capable of being independent.
- Closing the door of radicalization by not allowing previous families of children associated with FTF to make contact with or take the children who have been adopted by new families/adopters.
- Conducting regular reviews or assessments (e.g. annual basis) on the children's

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<sup>64</sup> *Ibid.*

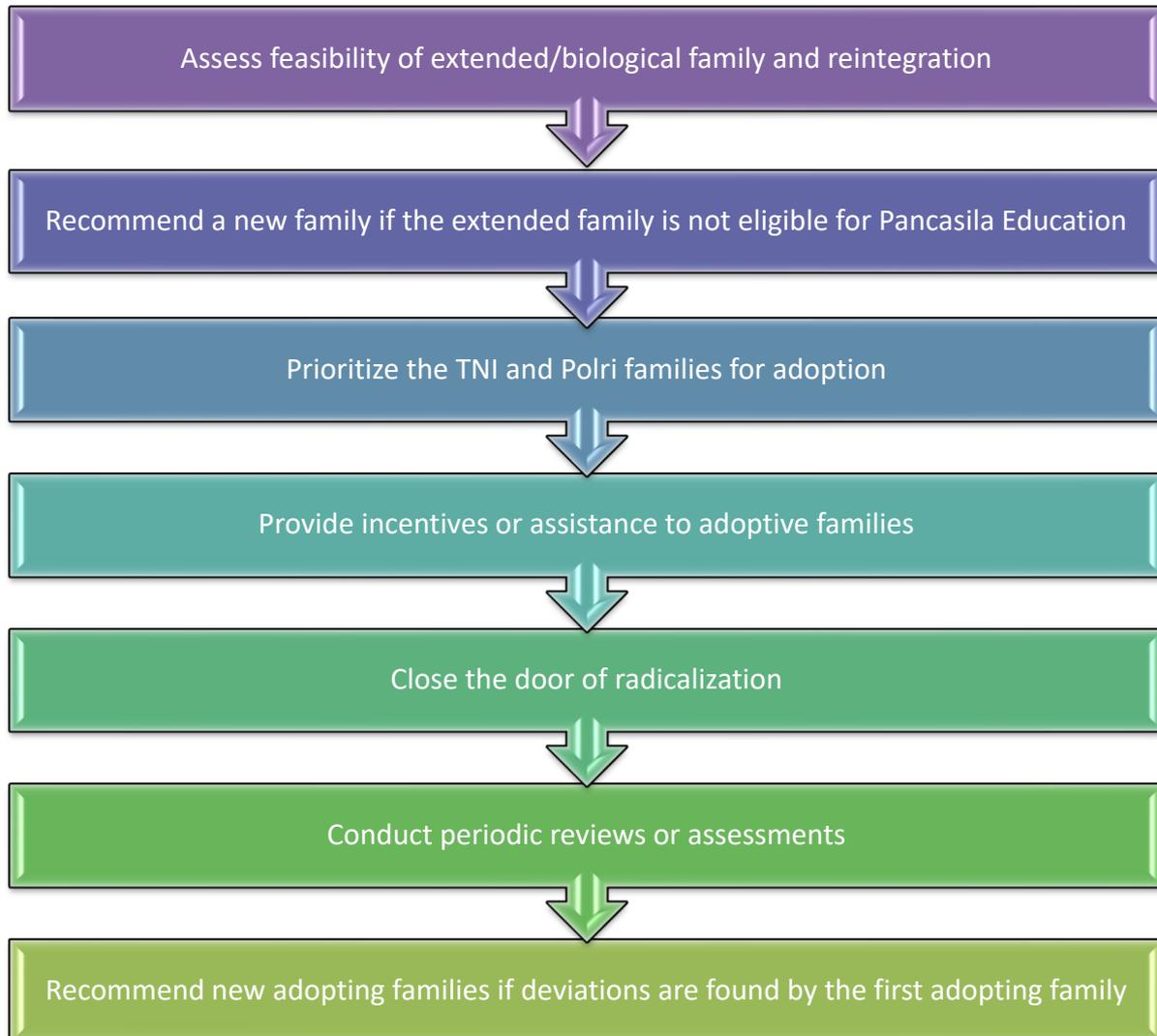


development and the performance of adopting families in carrying out the educational mission of the adopted children associated with FTF. The assessment is also for detecting any mismanagement of the aid funds.

- Finding and recommending new adoptive families if the first adopting families commit any irregularities in aid funds, violence, or abuse of trust. Thus, all forms of abuse and violence that impede the growth and development of children can be prevented.

Responsible Integrated Child Adoption System refers to the Preamble of the 1945 Constitution in which Indonesia commits to consistently participate in educating the nation's life and maintaining world peace. Article 34 of the 1945 Constitution states, "The poor and neglected children are cared for by the state". The Integrated Child Adoption Process (SAAT) flow is as follows:

**Figure 6. Process of SAAT**



This adoption process is very important in a case that parents of children associated with FTF are not eligible to be their guardians. It is if there is evidence that their understanding of ideology is not in harmony with Pancasila. Further, there are eight (8) psychological development in humans that must be fulfilled, including building trust, autonomy, identity as a strong human being, closeness with others until adulthood, and human beings who continue to work and contribute to society. In the case that the child cannot fulfil all these eight psychological developments, then the child should not be put together with these parents. In the



case of children associated with FTF, if it is proven that their parents are involved in the terror network, then the child must be separated from their mother/extended family to fulfill their rights in optimal growth and development so that they can become good citizens in the future.

By establishing centers for rehabilitation and deradicalization abroad, opening special shelter, and performing the integrated adoption system (SAAT), Indonesia is one step ahead in supporting international program ideas; by creating a socio-ecological child protection framework program in which this program protects children from forms of violence and threats that carried out by many parties namely family, peers, community, institutions/organizations, government systems and broader structural issues all have an important role to play in strengthening children's resilience or/and preventing exposing children to harm<sup>65</sup>.

### **8.5 Establishment Early Detection and Early Response System in Community**

The government's concern about the extremist ideology carried by women and children associated with FTF is well understood because the wider community can be vulnerable when they return to the community. Therefore, another alternative solution that could be developed at the community level is to build early detection and early response in community based. It has two aims as follows; (1) to raise awareness of the latent threat of radicalization and extremism and to provide education for the community to understand how to respond to when they have signs that the people closest to them are being radicalized and influenced by extremist ideology and (2) to make the community resilient to the extremist movement that is spreading around them. If this system can be implemented in all provinces down to the village level, the community can be protected and the government can monitor this system by collaborating with local governments and local civil society organizations<sup>66</sup>.

In line with it, the Indonesian government has set a regulation as stated in the Presidential Regulation Number 7 Year 2021 and in the Ministry of Home Affairs Circular Letter Number 339/5267/SJ dated September 29, 2021 regarding the National Action Plan for Preventing and Combatting Violent Extremism that Leads to Terrorism. These regulations explain the role of the national and local governments in providing protection to maintain security rights of citizens from extremism. The form of protection can be interpreted according to the needs of each province / local government and involves the role of civil society in its implementation<sup>67</sup>.

One such civil society organization, the *Empatiku* Foundation, describes how this early detection and response system works in the community through four pillars. Pillar 1 is to improve awareness and understanding on the risks of violent extremisms and the ability to identify early warning signs. The objective of pillar 1 is to help community members understand and recognize the early warning signs of violent extremism to prevent cases becoming criminal acts of terrorism. Early signs and or symptoms indicate the behavior of individuals or groups of people related to violent extremism. Behaviors can be described in the form of action, verbal or written hate speech. Pillar II is to establish Case Management System with five purposes as follows: (1) to form and train Early Detection & Handling System Resilience Teams formed from components in the community such as religious leaders, community leaders and Family Welfare Movement (PKK) members at the village level; (2) to implement Standardized

<sup>65</sup> UNICEF: "Nearly 850 children at immediate risk as violence continues in northeast Syria", May 2023, at <https://www.unicef.org/mena/press-releases/nearly-850-children-immediate-risk-violence-continues-northeast-syria>

<sup>66</sup> Focus Group Discussion: "The Management of Women and Children Associated with Foreign Terrorist Fighters upon Their Returns: A Focus Group Discussion on Possibilities for Repatriation with Practitioners and Government Officials in Indonesia" at University of Indonesia, May 2023.

<sup>67</sup> *Rencana Aksi Nasional Pencegahan dan Penanggulangan Ekstremisme Berbasis Kekerasan yang Mengarah pada Terorisme Tahun 2020-2024* at <https://peraturan.bpk.go.id/Details/157948/perpres-no-7-tahun-2021>



Procedures Case Management; (3) to manage early cases and social reintegration cases through discussion, mediation, dialogue, and social assistance for remedial cases, and (4) to create networks and partnerships with other resources for case referrals; and (5) to develop a simple data management system. Pillar III is to enhance Community Social Cohesion by using three steps including binding, bonding and bridging. Pillar IV is to conduct EWS Policy and legal basis by issuing the Village Decree on the formation of the Community-based Early Detection and Response Team under the Regional Action Plan for the Prevention and Handling of Violent Extremism that Leads to Terrorism at the Provincial Level<sup>68</sup>.

## **9. Conclusion**

This research concludes that Indonesia needs to protect its citizens, especially women and children, before, during and after armed conflict. Pre-condition means ensuring that Indonesian citizens cannot leave the country to join terror network groups, especially those involving children. During condition refers to the situation of Indonesian citizens in conflict areas. Their situation is far from safe and protected, very worrying, inappropriate and dangerous for women and children as there are many threats of gender-based violence in refugee camps. In post-conflict situations, the government must be able to prepare processes for the protection, repatriation, rehabilitation and reintegration of women and children who have directly experienced armed conflict in Syria and Iraq.

Currently, the camps in eastern Syria are not managed by the Syrian government, and rebel groups or ISIS still manage many camps, so there is no guarantee for the lives of Indonesian citizens there. The camps could be dismantled at any time. When this happens, Indonesia will need to prepare a structured repatriation process. In this study, the authors understand that the repatriation of women and children associated with the FTF will be controversial for some people who believe that their repatriation will not have a positive impact on the country. However, again, this research has been conducted to serve as a consideration for policy makers, legal and intelligence officials. If they are not sent home transparently, they are likely to find a way to return to their country of origin through illegal channels. If they arrive in Indonesia through illegal channels and already have a grudge against the government, it will not be difficult for them to join local or foreign terrorist networks and carry out more significant acts of terrorism. When this happens, the government will once again be overwhelmed.

The preamble to the 1945 Constitution states the political will to 'establish a world order based on freedom, perpetual peace and social justice'. The repatriation of Indonesian women and children associated with the FTF is intended to break the chain of violence and prevent long-term radicalisation processes. In this case, the state is responsible for preventing violence, radicalisation and social conflict in various parts of the world by preventing its citizens from getting involved in conflicts or wars abroad or joining the FTF. Moreover, by repatriating women and children associated with the FTF in the right way and process, Indonesia is a step ahead in valuing human rights and fulfilling the mandate of UN Security Council Resolutions 2178 (2014), 2396 (2017) and 2427 (2018).

Another conclusion of this research is that the repatriation of women and children associated with the FTF is not done all at once, but requires processes and stages in accordance with assessments by forensic psychologists, the State Intelligence Agency and the Special Anti-Terrorism Police Detachment 88 to verify the level of risk and danger of each individual. If a high level of risk is still identified at the assessment stage, their return will be postponed. Priority for repatriation is given to those who already have a low/minimal risk level, so that they can continue their rehabilitation programme in the country. As for those who still have a

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<sup>68</sup> Empatiku. (2023): “*Guidebook to Identifying the Early Warning Signs of Violent Extremism*”, Jakarta, South Asia Network for Civil Society Organization (SEAN CSO).



high risk, it is conveyed in several steps of recommendations such as the establishment of rehabilitation and deradicalisation centres abroad, opening special shelters, as an anticipatory step. As for children with low risk by implementing the Integrated Adoption System (SAAT), and building mechanism of early detection and early response at community level, Indonesia is one step ahead in supporting international programme ideas. Creating a socio-ecological child protection framework programme served to protect children from forms of violence and threats carried out by many parties.

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