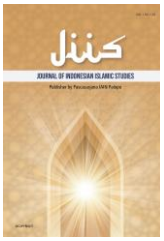
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e-ISSN 2808-8395

Journal of Indonesian Islamic Studies
Vol 6, No. 1, October 2026, pp. 757 - 768



JOURNAL OF INDONESIAN ISLAMIC STUDIES

https://ejournal.iainpalopo.ac.id/index.php/jiis/index

Criminal Liability of Lone Wolf Perpetrators in Terrorism Offenses: An Islamic Criminal Law Perspective

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Articles Information

History:
Received: October 29, 2026
Approved: November 6, 2026
Publish: November 11, 2026

Keywords:
Criminal Liability; Lone Wolf Terrorism; Islamic Criminal Law; Jarimah Hirabah; Maqashid al-shariah

Abstract

Lone wolf terrorism is a form of terrorism perpetrated independently by an individual without direct involvement in a terrorist organization. This mode of operation raises questions about the criminal liability of perpetrators under both Indonesian positive criminal law and Islamic criminal law. This study aims to analyze the criminal liability of lone wolf terrorism perpetrators under Indonesian positive criminal law and examine it from the perspective of Islamic criminal law. This study adopts a normative legal research method incorporating a statutory approach, a conceptual approach, and a comparative approach. Legal materials were collected through a literature review and analyzed qualitatively using a descriptive-analytical approach. The findings indicate that terrorist acts committed by individuals do not eliminate criminal liability, provided that the constituent elements of the offense and the perpetrator's culpability are established in accordance with applicable legal provisions. From the perspective of Islamic criminal law, acts of lone wolf terrorism can be examined through the concept of jarimah hirabah if the relevant legal elements are satisfied, particularly those involving violence or threats that cause fear and disrupt public security. Determining criminal liability and applicable sanctions requires consideration of the characteristics of the act and the elements of the jarimah that are fulfilled. The analysis further draws on maqasid al-shariah, particularly hifz al-nafs (the protection of life), as a foundational principle for safeguarding life and preventing harm. Therefore, the criminal liability of lone wolf terrorism perpetrators must be analyzed based on the provisions of positive criminal law and the principles of Islamic criminal law, while upholding justice and the protection of human life.

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Introduction

Lone wolf terrorism differs from attacks planned and executed collectively by organized terrorist groups. The term lone wolf refers to a form of terrorism carried out by an individual (individual terrorism) who is not affiliated with any organization or group and operates without direct command or coordination (G. Febiola Sirait et al., 2025, p. 108). Lone wolf terrorism has emerged as a security concern in Europe, the United States, and Indonesia. A distinctive feature of lone wolf terrorism is its covert operational character, which can complicate detection compared with coordinated terrorist activity. Because lone actors may avoid operational communication with accomplices, they can plan and execute attacks with fewer detectable interactions. Their limited operational visibility and unpredictable actions can also generate public fear (G. Febiola Sirait et al., 2025, p. 109).

The characteristics of lone wolf terrorism make its perpetrators difficult to apprehend or identify. Lone wolf attacks can pose particular investigative challenges because perpetrators generally do not operate under direct command or receive specific operational instructions. Consequently, they may initiate attacks at unpredictable times and locations, making their attack patterns difficult to identify and predict. Furthermore, the absence of communication with operational accomplices can reduce opportunities for investigators to identify suspicious activity. This operational independence can further complicate early detection (G. Febiola Sirait et al., 2025, p. 110).

An incident characterized as a lone wolf attack occurred on Tuesday, October 25, 2022, at 7:10 a.m. Western Indonesia Time (WIB), in Central Jakarta. A woman named Siti Elina was detained by security personnel after attempting to enter the Merdeka Palace complex while carrying an FN-type pistol and pointing it at a member of the Presidential Security Forces (Pasukan Pengamanan Presiden, or Paspampres). Investigators suspected that she had been exposed to extremist ideology. She was prosecuted under Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 on the Eradication of Criminal Acts of Terrorism, as well as provisions concerning the unlawful possession of firearms. In December 2023, the East Jakarta District Court sentenced Siti Elina to four years of imprisonment under Article 15 in conjunction with Article 7 after finding her guilty of committing a criminal act of terrorism.

Under Article 15 in conjunction with Article 7 of Law Number 5 of 2018, any person who engages in a criminal conspiracy, preparation, attempt, or assistance to commit a criminal act of terrorism as referred to in Article 7 and Article 12A may be subject to the penalties prescribed for the relevant principal offense. Any person who intentionally uses violence or threats of violence with the intention of creating widespread terror or fear among people, causing mass casualties by depriving others of their liberty, taking their lives, or destroying their property, or causing damage to or destruction of strategic vital objects, the environment, public facilities, or international facilities shall be sentenced to imprisonment for a maximum term of life.

Read together, Articles 15 and 7 require consideration of the following elements. First, the element of “any person” indicates that the legal subject under this provision is any person who may be held criminally liable. Second, the element of “engaging in a criminal conspiracy, preparation, attempt, or assistance” refers to the forms of conduct undertaken by a perpetrator to commit or facilitate the commission of a terrorist offense.

Third, the element of "to commit a criminal act of terrorism as referred to in Article 7" means that the conduct must be connected to the criminal offense regulated under Article 7. Furthermore, Article 7 requires the intentional use of violence or threats of violence with the aim of creating widespread terror or fear among people or causing mass casualties. Such conduct may also involve depriving others of their liberty, taking their lives, destroying their property, or causing damage to or destruction of strategic vital objects, the environment, public facilities, or international facilities. Therefore, the application of Article 15 in conjunction with Article 7 requires not only an assessment of whether preparation, attempt, or assistance has occurred, but also an examination of the purpose and nature of the conduct as required under Article 7.

In sentencing Siti Elina, the court considered the facts established at trial and the evidence presented. First, the court found that the prosecution had proved the charged offense beyond the applicable evidentiary threshold. Second, the court considered the circumstances of the incident, which occurred in the Merdeka Palace complex on October 25, 2022, at approximately 7:10 a.m., when the defendant carried and pointed a firearm at a member of the Presidential Security Forces. Third, the judge considered the aggravating and mitigating circumstances in determining the severity of the sentence, including the defendant's conduct during the trial and her personal circumstances. Fourth, the court considered the physical evidence found in the case, consisting of two airsoft guns, one firearm-shaped knife, and two boxes containing a total of 260 airgun pellets. According to the court's ruling, these items were ordered to be destroyed. On that basis, the court sentenced Siti Elina to four years of imprisonment.

Conceptually, the main differences between lone wolf terrorism and group terrorism lie in the perpetrator's degree of involvement, relationships with others, and role in planning and executing the offense. Lone wolf terrorism, or terrorism committed by an individual, refers to a terrorist act planned and carried out on the individual's own initiative without direct guidance or support from a group in the planning, preparation, or execution of the attack. Although acting alone, the perpetrator may still be influenced by the ideology, propaganda, or ideas of a particular group. Group terrorism, meanwhile, involves two or more individuals who carry out terrorist acts through cooperation, coordination, the division of roles, or a particular organizational structure. This is a conceptual distinction in terrorism studies and does not mean that every lone actor is entirely disconnected from social networks or ideological influences (Mark S. Hamm and Ramón Spaaij, 2017).

From the perspective of Indonesian positive criminal law, the distinction between lone wolf terrorism and group terrorism does not, in itself, determine whether criminal liability exists. Law Number 5 of 2018 does not establish lone wolf terrorism as a separate criminal offense. Instead, it determines criminal liability for terrorism based on whether the elements stipulated in the applicable legal provisions have been fulfilled. Therefore, a person who acts alone may still be held criminally liable if their conduct satisfies the elements of the offense charged. Similarly, a person involved in group terrorism must be assessed based on their conduct and the form of involvement legally proven against them. In this context, group membership does not automatically establish an individual member's guilt, just as acting alone does not eliminate the requirement to prove all the elements of the criminal offense.

The Islamic criminal law approach to addressing terrorism is rooted in the principles of justice and the prevention of threats that may disrupt public order. In Islam, criminal law is generally divided into three main categories: hudud, qisas, and ta'zir. Terrorist acts are often categorized as jarimah hirabah because of their tendency to spread fear and cause extensive harm to society. In Islamic law, hirabah refers to crimes involving armed robbery, attacks against civilians, and acts that cause social instability. The Qur'an, in Surah Al-Ma'idah, verse 33, states that the punishment for perpetrators of hirabah may include execution, crucifixion, or the cutting off of limbs on opposite sides, depending on the severity of the offense committed. These punishments aim to provide a strong deterrent against serious criminal conduct, including terrorism (Maymoni Syahputra and Karli, 2025).

In Arabic, terrorism is referred to as al-irhab, meaning intimidation or threat. A person who commits terrorism is called an irhabi (terrorist), while the ideology or doctrine is referred to as irhabiyyah (terrorism). According to Zaid bin Muhammad bin Hadi al-Madkhali, al-irhab is an act carried out by an individual that essentially involves intimidation, terror, or conduct intended to instill profound fear in individuals or the wider community, which had previously lived in safety, peace, and prosperity. In the Munjid dictionary, the term terrorism has a more specific meaning. Terrorism is defined as an act or conduct intended to frighten people in order to establish power (Alkana Prisma Pilanta, 2025).

Based on the foregoing discussion, research into the criminal liability of lone wolf perpetrators in terrorism cases from the perspective of Islamic criminal law is highly relevant and important. Terrorism committed by individuals raises various legal issues that require in-depth examination, particularly concerning perpetrators' legal status, the grounds for criminal liability, and the classification of the relevant jarimah and sanctions under Islamic criminal law. Using a normative legal approach, this study examines Islamic legal provisions relating to terrorist offenses committed independently. The findings seek to advance Islamic criminal law scholarship and inform scholarly understanding of the application of the principles of justice, maslahah (public welfare), and the protection of human life from the perspective of Islamic law. The study thus addresses legal questions raised by lone wolf terrorism within the framework of Islamic criminal law.

Method

This study adopts a normative legal research method incorporating a statutory approach, a conceptual approach, and a comparative approach. It aims to analyze the criminal liability of lone wolf perpetrators in terrorist offenses under Indonesian positive criminal law and Islamic criminal law. The statutory approach is used to examine the legal provisions governing terrorist offenses, particularly Law Number 5 of 2018 and Law Number 1 of 2023 concerning the Criminal Code. The conceptual approach is used to examine the concepts of lone wolf terrorism, jarimah hirabah, and maqasid al-shariah, particularly the principle of hifz al-nafs (the protection of life). Meanwhile, the comparative approach is used to compare the criminal liability of perpetrators who commit terrorist acts independently with that of perpetrators involved in terrorist groups, as well as to examine these issues from the perspective of Islamic criminal law.

The study draws on primary, secondary, and tertiary legal materials collected through library research. Primary legal materials include the Qur'an, hadith, and statutory regulations relating to terrorist offenses and criminal liability. Secondary legal materials consist of books, scholarly journals, research findings, and expert opinions discussing terrorism, criminal liability, and the concept of jarimah hirabah in Islamic criminal law. Tertiary legal materials include legal dictionaries, the Kamus Besar Bahasa Indonesia (KBBI), encyclopedias, and other reference sources that help explain the terms and concepts used in this study. The materials were organized systematically around the research questions.

The collected materials were analyzed qualitatively using a descriptive-analytical approach, which involves describing and interpreting legal provisions and concepts relevant to the research subject. The analysis examines the elements of terrorist offenses, the legal basis for criminal liability, and the sanctions that may be imposed on lone wolf terrorism perpetrators under Indonesian positive law. Subsequently, these acts are analyzed through the concept of jarimah hirabah in Islamic criminal law by considering the relevant elements and relating them to the principles of maqasid al-shariah, particularly hifz al-nafs. This analysis provides a systematic account of the criminal liability of lone wolf terrorism perpetrators under Indonesian positive criminal law and Islamic criminal law.

Results

Criminal Liability of Lone Wolf Perpetrators in Terrorism Offenses Under Indonesian Positive Criminal Law

Criminal liability concerns the legal conditions under which a person may be punished for an offense. The imposition of punishment cannot be based solely on the fulfillment of the elements of a criminal offense; culpability must also be established, in accordance with the principle of geen straf zonder schuld (no punishment without fault). In terrorism cases, criminal liability is specifically regulated under Law No. 5 of 2018, which covers the commission of criminal offenses, criminal conspiracy, preparation, attempt, aiding and abetting, and acts related to terrorist organizations.

The absence of provisions specifically addressing lone wolf terrorism does not necessarily create a legal vacuum. This law uses the legal subject "Every Person," which includes both individuals and corporations. Therefore, the fact that a perpetrator acts individually does not eliminate their status as a legal subject. The basis for punishment is whether the elements of a terrorism offense have been established, rather than whether the perpetrator belongs to a group.

A central provision is Article 6 of Law No. 5 of 2018 (Law of the Republic of Indonesia Number 5 of 2018, n.d., Article 6). This article stipulates that any person who intentionally uses violence or threats of violence that cause widespread terror or fear, mass casualties, or damage to strategic vital objects, the environment, public facilities, or international facilities may be subject to criminal punishment (Law of the Republic of Indonesia Number 5 of 2018, n.d., Article 6). The penalties range from five to twenty years of imprisonment, life imprisonment, or the death penalty (Law of the Republic of Indonesia Number 5 of 2018, n.d., Article 6). This provision emphasizes intent: the perpetrator must act knowingly and voluntarily (Law of the Republic of Indonesia Number 5 of 2018, n.d., Article 6). Acting

alone does not eliminate this element. Article 7 is also relevant because it requires the intention to cause terror or mass casualties, making proof of intent central to the legal classification of terrorism. Article 15 regulates criminal conspiracy, preparation, attempt, or aiding and abetting, with penalties equivalent to those for the principal offense. Accordingly, prosecution may be possible even before an intended attack produces its ultimate consequences.

In lone wolf cases, proof of criminal liability cannot rely solely on the perpetrator's presence at the scene; it must establish the connection between the perpetrator's mental state and their actions (Wirjono Prodjodikoro, 2003, p. 67). The aspects assessed include the criminal act, the capacity to be held responsible, culpability, and the absence of grounds for excluding criminal liability (Jan Remmelink, 2003, pp. 85–86). This principle is affirmed in Article 36 of Law No. 1 of 2023 concerning the Criminal Code. Since the provisions on terrorism use the phrases “intentionally” or “with the intention,” the relevant form of culpability is intent, which is assessed based on the conduct, preparations, means, targets, and circumstances surrounding the act. Criminal responsibility is assessed with reference to the perpetrator’s condition at the time of the act, including relevant mental or intellectual disabilities under the national Criminal Code (Moeljatno, 2008, pp. 165–167). Grounds for excluding criminal liability, such as an official order, an emergency, and self-defense against an unlawful attack, must also be examined based on the facts established during the trial.

Three cases illustrate the application of these provisions. Siti Elina was apprehended on October 25, 2022, after attempting to enter Merdeka Palace by pointing a pistol at a member of the Presidential Security Force (Paspampres) (Tim detikcom, 2022). The East Jakarta District Court sentenced her to four years of imprisonment under Article 15 in conjunction with Article 7. This illustrates that the assessment concerned whether the elements of preparation or attempt had been established, rather than on her status as a sole perpetrator. Leopard Wisnu Kumala detonated a bomb alone at Alam Sutera Mall in 2015, injuring one person. He was found to have violated Article 7 of Government Regulation in Lieu of Law No. 1 of 2002, as enacted by Law No. 15 of 2003, and was sentenced to seven years of imprisonment (Sunaryanto, 2017, p. 129). This case illustrates that acting without a group does not, by itself, exclude criminal liability. In the case of Rofik Asharudin, who carried out the Kartasura Police Post bombing on June 3, 2019, authorities stated that he had acted alone. However, the investigation also reportedly identified communication with ISIS leaders and an oath of allegiance, meaning that the operationally individual nature of the attack must be distinguished from ideological influence or network connections. In Decision No. 40/Pid.Sus/2020/PN Jkt.Tim, he was sentenced to twelve years of imprisonment under Article 15 in conjunction with Article 7 of Law No. 5 of 2018.

Criminal Liability of Lone Wolf Perpetrators in Terrorism Offenses From the Perspective of Islamic Criminal Law

In Islamic criminal law, criminal liability refers to the imposition of legal consequences on a person for committing a *jarimah* (criminal offense) under Islamic law (Ahmad Hanafi, 1967, p. 142). Liability is determined not only by the existence of a prohibited act but also by the perpetrator's condition: the person must be capable of

understanding their actions, possess free will, act consciously, and have no valid Sharia-based grounds that eliminate liability (Abdul Qadir Audah, 1960, p. 370). Thus, Islamic criminal law considers both the perpetrator and their culpability, rather than focusing solely on the consequences of the act (Maswandi, 2025, p. 55).

This concept is relevant to lone wolf terrorism, which refers to terrorism carried out by an individual without direct involvement in a terrorist organization. The fact that the perpetrator acts alone does not preclude criminal liability where the elements of the offense are established. Islam rejects unjustified violence, including terrorism committed by individuals, because it conflicts with the protection of life and public security (Alkana Prisma Pilanta, 2025, p. 15). In fiqh jinayah, the basis of criminal liability is not the number of perpetrators, but the existence of a prohibited act, intent or culpability, and fulfillment of the elements of a jarimah (Maswandi, 2025, p. 72).

The protection of life (hifz al-nafs) is a central objective of Islamic law within the framework of maqasid al-shariah. One of its foundations is Qur'an 5:32, which states that killing one person without lawful justification is as though one had killed all humanity, while saving one life is as though one had saved all humanity (Miski Miski, 2021).

مِنْ أَجْلِ ذَٰلِكَ كَتَبْنَا عَلَىٰ بَنِي إِسْرَائِيلَ أَنَّهُ مَن قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا وَمَنْ أَحْيَاهَا فَكَأَنَّمَا أَحْيَا النَّاسَ جَمِيعًا وَلَقَدْ جَاءَتْهُمْ رُسُلُنَا بِالْبَيِّنَاتِ ثُمَّ إِنَّ كَثِيرًا مِّنْهُم بَعْدَ ذَٰلِكَ فِي الْأَرْضِ لَمُسْرِفُونَ

Translation*:*
"For this reason, We prescribed for the Children of Israel that whoever kills a person unless in retribution for a person killed or for spreading corruption in the land it is as if they had killed all humanity. And whoever saves a life, it is as if they had saved all humanity. Our messengers certainly came to them with clear proofs. Yet many of them continued to commit excesses throughout the land afterward" (Ministry of Religious Affairs of the Republic of Indonesia, 2019).

Terrorist acts that consciously threaten the lives of others conflict with hifz al-nafs and help establish the normative significance of the offense. Intent may be assessed through the selection of targets, the preparation of means, and the execution of violence or threats. However, such an assessment must be grounded in the facts and evidence of the act, rather than solely in the perpetrator's thoughts, beliefs, or ideology (M. Akendra Pasha and Sofa Laela, 2025, pp. 15–16).

Lone wolf terrorism can be analyzed through the concept of jarimah hirabah because both may involve violence or weapons, the creation of fear, and threats to human safety. Research by Miski in Al-Mazaahib links terrorism to hirabah, particularly armed violence that causes fear and may result in loss of life (Miski Miski, 2021, pp. 91–92). Its normative basis is Qur'an 5:33:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ خِزْيٌ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

Translation*:*

"The only recompense for those who wage war against Allah and His Messenger and strive to spread corruption in the land is that they be killed, crucified, have their hands and feet cut off on opposite sides, or be banished from the land. That is their disgrace in this world, and they will suffer a tremendous punishment in the Hereafter" (Ministry of Religious Affairs of the Republic of Indonesia, 2019).

According to the majority of Islamic jurists, the four punishments mentioned in this verse are associated with the nature of the act rather than the identity of the perpetrator: (1) killing and taking property, punishable by death and crucifixion; (2) killing without taking property, punishable by death; (3) taking property without killing, punishable by amputation of the hand and foot on opposite sides; and (4) merely terrorizing the public, punishable by banishment (*al-nafy*), the interpretation of which varies among scholars (Miski Miski, 2021, p. 94). Scholars also differ on whether the punishment must correspond to the specific type of offense or whether the judge may choose among the prescribed punishments (Moh Khasan, 2021).

In the context of lone wolf terrorism, acts involving only threats or the creation of fear may be compared with the fourth category. However, this classification does not apply automatically. It must first be determined whether the act satisfies the elements of hirabah under the particular jurisprudential view being applied. If the act involves killing, the applicable legal category must be determined according to the facts proven.

Accordingly, the criminal liability of lone wolf terrorism perpetrators is determined by analyzing the specific act, intent, capacity to be held responsible, and consequences for human life and public security (Abdul Jamil Wahab et al., 2025, p. 9). Punishments discussed in fiqh must be interpreted within the jurisprudential positions on which the analysis relies and should not be equated directly with criminal sanctions under Indonesian positive law. This approach is consistent with maqasid al-shariah, because terrorism not only harms its direct victims but also creates fear and disrupts security across society (Moh. Thamsir et al., 2025, p. 5724). Studies in fiqh jinayat indicate that terrorism may be classified as hirabah because it involves violence, threats, the creation of fear, and attacks on human safety (Surya Mukti Pratama, 2021). Punishment is therefore not solely retributive (uqubah), but also serves deterrence (al-zajr) and the protection of society, with the broader aim of safeguarding life and public order (Muhammad Yasir et al., 2026, p. 1265).

Discussion

Indonesian positive criminal law and Islamic criminal law share the principle that the occurrence of a prohibited act alone is insufficient to justify punishment. Both legal systems require a connection between the act and the perpetrator's mental state. This commonality is relevant to the assessment of lone wolf perpetrators, who act alone and

whose criminal liability must therefore be established based on their own conduct and circumstances.

In positive criminal law, this principle is grounded in geen straf zonder schuld (no punishment without fault). This principle is affirmed in Article 36 of Law No. 1 of 2023 concerning the Criminal Code, which stipulates that a person may only be held criminally liable for an offense committed intentionally or through negligence. The assessment encompasses the criminal act, culpability, the capacity to be held criminally responsible, and the absence of grounds for excluding criminal liability.

In Islamic criminal law, criminal liability refers to the imposition of legal consequences on a person for committing a jarimah (criminal offense) under Sharia. The perpetrator must be capable of understanding their actions, possess free will, act consciously, and have no valid Sharia-based grounds that exclude criminal liability (Zulhamdi, 2020). Both legal systems therefore regard the perpetrator's circumstances as relevant factors in whether criminal punishment may be imposed, rather than focusing solely on the consequences of the act.

Under positive law, Law No. 5 of 2018 contains no specific provision concerning lone wolf terrorism. However, this does not create a legal vacuum. The law uses the legal subject "Every Person," which includes both individuals and corporations. Therefore, the individual nature of the perpetrator's actions does not eliminate their status as a legal subject. The basis for punishment is the fulfillment of the elements of terrorism offenses under Articles 6, 7, and 15, rather than whether the perpetrator belongs to a group or organization.

A comparable approach can be found in fiqh jinayah. The basis of criminal liability is not the number of people involved in an act, but the existence of a prohibited act, the perpetrator's intent or culpability, and the fulfillment of the elements of a jarimah (Maswandi, 2025, p. 72). Islam also rejects unjustified violence, including terrorism committed by individuals, because it conflicts with the principles of protecting human life and maintaining public security (Miski Miski, 2021, p. 97).

The main difference between the two legal systems lies in their normative foundations. Positive law is based on written definitions of criminal offenses, meaning that an act is assessed by determining whether the concrete conduct corresponds to the elements specified in the relevant statutory provision. Islamic criminal law, on the other hand, is grounded in the objectives of Sharia (maqasid al-shariah), particularly the protection of life (hifz al-nafs), with Qur'an 5:32 serving as one of its foundations. This verse emphasizes that killing one person without lawful justification is as though one had killed all humanity, while saving one life is as though one had saved all humanity. Within this framework, terrorism that knowingly threatens the lives of others conflicts with hifz al-nafs, and the protection of life provides a basis for assessing the seriousness of a criminal act (Miski Miski, 2021, p. 90).

To analyze lone wolf acts, fiqh jinayah employs the concept of jarimah hirabah, which concerns violence and the disruption of public security. Terrorism may be associated with hirabah because the two share characteristics, namely the use of violence or weapons, the creation of fear, and threats to human safety. Its normative basis is Qur'an 5:33 (Ministry of Religious Affairs of the Republic of Indonesia, 2019). Research by Miski published in Al-Mazaahib also explains that, within Islamic criminal law discourse,

terrorism may be associated with hirabah, particularly armed violence that causes fear and may result in loss of life (Miski Miski, 2021, pp. 91–92).

This classification does not automatically apply to every perpetrator. It must first be established that the act fulfills the characteristics of hirabah according to the jurisprudential perspective adopted as the basis of the analysis (Moh Khasan, 2021, pp. 19–20). This is consistent with positive law, under which an act can only be classified as terrorism once the elements of the offense have been legally established through sufficient evidence.

Regarding evidentiary requirements, both perspectives require proof of concrete conduct rather than relying solely on the perpetrator's thoughts, beliefs, or ideology. Under positive law, intent is assessed through the sequence of actions, preparations, means used, targets selected, and circumstances before and during the act. In fiqh jinayah, intent is assessed through the selection of targets, preparation of means, and execution of violence or threats. In this respect, the two approaches exhibit important similarities.

The application of positive law can be observed in three cases. Siti Elina was sentenced to four years of imprisonment under Article 15 in conjunction with Article 7 because her conduct fulfilled the elements of preparation or attempt. Leopard Wisnu Kumala was sentenced to seven years of imprisonment under Article 7 of Government Regulation in Lieu of Law No. 1 of 2002 after detonating a bomb alone at Alam Sutera Mall. Rofik Asharudin was sentenced to twelve years of imprisonment under Article 15 in conjunction with Article 7 of Law No. 5 of 2018. Taken together, these cases illustrate that the absence of group involvement does not itself exclude criminal liability.

The case of Rofik also illustrates that the designation lone wolf does not necessarily imply complete independence from broader networks. Authorities stated that he acted alone, but the investigation reportedly identified communication with ISIS leaders and an oath of allegiance. Therefore, the individual nature of the attack must be distinguished from ideological influence or communication with networks outside the scene of the incident.

The two systems also differ in their approaches to sanctions. Positive law prescribes criminal penalties within the ranges established by the violated statutory provisions. Fiqh jinayah, by contrast, discusses the punishments for hirabah according to the majority of Islamic jurists and relates them to the type of act committed. Killing and taking property are punishable by death and crucifixion. Killing without taking property is punishable by death. Taking property without killing is punishable by amputation of the hand and foot on opposite sides. Under the cited jurisprudential classification, causing public fear without killing or taking property may be punishable by banishment (al-nafy), although its interpretation varies. Scholars also differ on whether the punishment must correspond to the specific type of act or may be selected by the judge (Miski Miski, 2021, p. 94). In the case of a lone wolf perpetrator who only threatens or terrorizes others, the conduct may be compared with the fourth category. If the act involves killing, however, the applicable category must be determined according to the facts established. Accordingly, punishments under fiqh cannot be directly equated with criminal penalties under Indonesian positive law (Miski Miski, 2021, p. 95).

Despite these differences in sanctions, both systems seek to protect society. In Islamic criminal law, punishment is not merely retributive (uqubah), but also serves a preventive and deterrent function (al-zajr) to prevent similar acts from recurring (Muhammad Yasir et al., 2026, p. 1265). This objective is consistent with Article 15 of Law No. 5 of 2018, which enables law enforcement action against individuals involved in terrorism before more serious consequences occur. Studies on terrorism and fiqh jinayah also identify the protection of life, property, and public order as important objectives in the Islamic criminal law framework for addressing terrorism (Sunaryanto, 2017, p. 129). The similarities between the two systems lie in their rejection of violence, their requirement that culpability be proven, and their objective of protecting human life and public security. They differ, however, in their sources of law, analytical frameworks (statutory terrorism provisions and the jurisprudence of hirabah), and prescribed sanctions.

Conclusion

Under Indonesian positive criminal law, perpetrators of lone wolf terrorism may incur criminal liability even when they act independently of terrorist organizations. Law No. 5 of 2018 does not establish lone wolf terrorism as a separate offense; rather, liability depends on whether the statutory elements of the relevant terrorism offense are established. Therefore, the determination of criminal liability must be based on proof of the act, intent, the capacity to be held criminally responsible, and the existence or absence of grounds for excluding criminal liability. Thus, acting alone does not exclude criminal liability where the elements of the offense have been legally established.

From the perspective of Islamic criminal law, acts of lone wolf terrorism can be examined through the concept of jarimah hirabah if they fulfill the elements related to violence, threats, the creation of fear, and disruption of public security. The determination of criminal liability and sanctions must consider the nature and degree of seriousness of the act based on the relevant fiqh provisions adopted as the analytical framework. This analysis is also related to maqasid al-shariah, particularly hifz al-nafs (the protection of life), which emphasizes the importance of safeguarding human life and preventing harm. Both Indonesian positive criminal law and Islamic criminal law therefore require an assessment of the act and the applicable elements of liability, while emphasizing justice and the protection of society.

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