

When Global Counter-Terrorism Meets Domestic Law

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Abstract

This article examines how global terrorism concerns are translated into domestic legal norms through an intermestic lens and the capillarity of ideas. The capillarity of ideas refers to the subtle flow of policy ideas, standards, and practices from international arenas into domestic governance via policy networks, epistemic communities, technical assistance, media, and law enforcement institutions. Using a normative socio-legal approach and document analysis, the study addresses three issues. First, the global counter terrorism architecture, including United Nations Security Council resolutions, the United Nations strategy, and risk assessment standards. Second, the capillary channels that shape legal definitions, mandates, and enforcement procedures. Third, the rule of law consequences that arise when preventive and security logics expand state powers. Drawing on Indonesia as an illustrative case, the article argues that zero attack narratives and declining arrests do not automatically eliminate the risk of eroding legality, accountability, and rights protection, particularly in areas such as early intervention, digital surveillance, and the expanding role of security actors. The article proposes a rule of law assessment framework and policy design safeguards to strike a balance between the effectiveness of prevention and the need for legal certainty, judicial control, and social recovery for victims and vulnerable groups.

Keywords; *intermestic; capillarity of ideas; counter terrorism; rule of law; norm diffusion; Indonesia*

1. INTRODUCTION

Terrorism remains a salient driver of legal and institutional change, shaping how states define threats, allocate coercive powers, and regulate public life. Contemporary terrorism is rarely confined to a single jurisdiction. It is produced and reproduced through transnational networks, online infrastructures, financing flows, and cross-border mobility (Dragu & Lupu, 2021; Burton, 2023). Recent global indicators underline both persistence and mutation. In 2024, the number of countries experiencing at least one terrorist incident increased to 66, while total attacks were reported at 3,492 and deaths at 7,555, signalling an adaptive threat environment and shifting epicentres of violence (IEP, 2025). In Europe, Europol reported 58 terrorist attacks in 2024 across 14 EU Member States and 449 arrests for terrorism related offences across 20 Member States, showing that even jurisdictions with mature security architectures continue to confront diverse ideological threats (Europol, 2025). These developments confirm that counter-terrorism governance is not solely a matter of operational

security. It is a continuing process of legalisation that affects rule-of-law commitments, civic freedoms, and social trust.

Indonesia offers a particularly instructive setting for examining these dynamics. Official briefings attribute the maintenance of “zero terrorist attack” outcomes during 2023 to 2025 to proactive enforcement, accompanied by a downward trend in arrests from 147 suspects in 2023 to 55 in 2024 and 51 in 2025. However, the same official record highlights shifts toward online recruitment and indoctrination, including cases affecting 110 children across 23 provinces. In parallel, Indonesia’s prevention strategy has increasingly relied on digital governance instruments (Babele, 2021; Macdonald, Giro Correia, & Watkin, 2019; Sullivan, 2025). In 2024, BNPT and the Ministry of Communication and Digital reported takedowns of 180,954 social media content items linked to radicalism, intolerance, and extremism (Ahmed, 2023; Arangüena Fanego, 2023; Zornetta & Pohland, 2022). This juxtaposition matters for law and social transformation. A decline in visible attacks can coexist with the deepening of preventive infrastructures, expanded surveillance capacities, and intensified boundary-making in the social sphere, including stigma, social exclusion, and the contested legitimacy of enforcement.

At the global level, counter-terrorism has evolved into a complex normative architecture that extends into domestic legal orders. UN Security Council Resolution 1373 (2001) established binding obligations for states to prevent and suppress the financing of terrorism and to strengthen domestic legal frameworks under Chapter VII authority. Subsequent resolutions, including Resolution 2178 (2014) and Resolution 2396 (2017), expanded the agenda to foreign terrorist fighters, border management, information sharing, and associated preventive measures (Baker-Beall, 2023; Duffy, 2019). The UN Global Counter-Terrorism Strategy (A/RES/60/288) further institutionalized a multi-pillar approach that couples security capacity building with an explicit commitment to human rights and the rule of law. These instruments do not operate only as international law texts. They function as sources of policy models, compliance incentives, and professional standards that circulate through training, technical assistance, and transnational networks.

Socio-legal scholarship has long warned that counter-terrorism can induce a “preventive turn” in governance, whereby uncertainty and risk management justify earlier intervention, broader administrative measures, and greater reliance on intelligence information (Hensen, 2021; Höffler, Jost, Lord, & Wijngaarde, 2022; van de Weert & Eijkman, 2020). In such settings, the central legal question is not merely whether states have authority to act, but how expanded powers are bounded by legality, necessity, proportionality, judicial oversight, and effective remedies. The UN human rights system has repeatedly documented persistent concerns in counter-terrorism practice, including overly broad definitions, due process and fair trial deficits, misuse of the terrorism label, and the accelerating use of new technologies in counter-terrorism, all of which may weaken rights protection and undermine legal legitimacy if safeguards are inadequate (Babele, 2021; Dragu & Lupu, 2021; Sullivan, 2025). This debate is directly relevant to jurisdictions like Indonesia, where digital platforms increasingly mediate the threat landscape and where preventive governance often involves regulating expression, association, and online activity.

Within the Indonesian context, existing literature and advocacy analyses have focused on the implications of legal reform, particularly following the enactment of Law No. 5 of 2018 on counter-terrorism. Policy reviews and human rights commentaries have raised concerns about the breadth of definitions, the expansion of detention and investigative powers, and the risks of weakening protections against arbitrary detention and ill treatment, arguing that overly elastic legal categories can generate abuse and delegitimise enforcement in the long term (ICJR, 2018; Human Rights Watch, 2018; Amnesty International, 2018). While these contributions are vital, they often treat the domestic legal debate as largely internal, or they reference international norms only as background obligations. Conversely, international relations and policy diffusion studies frequently explain domestic policy change through external pressure or learning. However, they may not foreground the specific legal mechanisms and rule-of-law consequences that socio-legal journals prioritise.

This article addresses that gap by integrating an intermestic perspective with the concept of capillarity of ideas to explain how global counter-terrorism concerns are translated into domestic legal norms, and what this translation does to rule-of-law conditions in practice. The intermestic lens treats counter-terrorism as a policy and legal field constituted simultaneously by international drivers and domestic filters, rather than a one-way “international to national” transfer. Capillarity of ideas, in turn, conceptualizes the microchannels through which global standards become normalized and eventually codified into law. These channels include professional networks among law enforcement and prosecutors, technical assistance and training regimes, soft evaluation metrics and reputational incentives, crisis narratives in media ecosystems, and institutional redesign within security governance (Finnemore & Sikkink, 1998; Marsh & Sharman, 2009). In this view, legal change is not reducible to formal treaty obligations or parliamentary reform alone. It is also produced through iterative professionalization and procedural embedding, which progressively shifts what is regarded as reasonable, necessary, or lawful.

The scientific novelty of this article lies in three moves. First, it reframes intermestic analysis as a socio-legal explanation of legal norm formation, not merely as an account of foreign policy or security coordination. Second, it operationalises the capillarity of ideas as a mechanism linking transnational norm diffusion to concrete domestic legal categories, mandates, and enforcement procedures. Third, it evaluates this transformation through an explicit rule-of-law assessment framework that foregrounds legality, legal certainty, proportionality, judicial control, accountability, and social consequences such as stigma and reintegration challenges. By doing so, the article contributes to debates on law and social transformation by showing how preventive security logics can reshape both legal institutions and everyday social relations even in periods characterised as “zero attack”.

Accordingly, the article is guided by two research questions. First, how do global counter-terrorism architectures supply ideas, standards, and obligations that are domesticated through intermestic dynamics and capillary channels into Indonesian legal norms and governance routines? Second, what rule-of-law consequences become most salient when prevention and security rationales expand state powers in areas such as early intervention, digital surveillance, and the growing role of security actors? The objective is threefold. It aims to map the pathways

from global issue framing to domestic legal norm formation, to assess the rule-of-law implications of this process, and to propose safeguards and policy design recommendations that preserve preventive effectiveness while maintaining legal certainty, judicial oversight, accountability, and social recovery for victims and vulnerable groups.

The theoretical and conceptual framing in this article draws on three distinct bodies of literature. The first is intermestic analysis, which emphasises the mutual constitution of domestic and international arenas in shaping policy outcomes. The second is norm diffusion and policy transfer scholarship, which includes the roles of epistemic communities, professional networks, and institutional emulation in transferring standards across borders. The third is socio-legal rule-of-law analysis in counter-terrorism, which focuses on the conditions under which exceptional governance becomes routinized and how that routinization affects legitimacy, rights, and social cohesion. Methodologically, the article employs normative socio-legal reasoning and document analysis, utilizing global instruments and recent human rights reporting, alongside Indonesia's statutory framework and recent official data, to triangulate how legal norms are produced, justified, and implemented within a changing threat ecology.

2. RESEARCH METHOD

This article adopts a qualitative, document-based approach with a normative socio-legal orientation to explain how global counter-terrorism agendas and standards are translated into domestic legal norms and to assess the potential rule-of-law consequences of that translation. The analysis is interpretive, focusing on how legal and policy texts construct mandates, preventive logics, and safeguards, rather than testing causal effects through statistical modelling. The design adheres to established guidelines on qualitative document analysis and interpretive qualitative research design, encompassing systematic sourcing, close reading, thematic organization, and careful inference grounded in textual evidence (Bowen, 2009; Creswell & Creswell, 2022; Miles, Huberman, & Saldaña, 2014).

The dataset consists of publicly available primary legal instruments and recent secondary reports. At the international level, the study reviews core instruments that shape the global counter-terrorism framework, including UN Security Council Resolution 1373 (2001) and subsequent preventive-focused resolutions addressing foreign terrorist fighters and cross-border risk management (United Nations Security Council, 2001, 2014, 2017). These resolutions are treated not only as legal obligations but also as vehicles for policy models, particularly regarding foreign terrorist fighters and associated preventive governance (Baker-Beall, 2023; Duffy, 2019). The study also examines the United Nations Global Counter-Terrorism Strategy as a comprehensive policy framework linking counter-terrorism to commitments on human rights and the rule of law (United Nations General Assembly, 2006). To identify rule-of-law risk signals and safeguard benchmarks, the analysis incorporates UN human rights reporting on terrorism and human rights, as well as best practices for

administrative preventive measures, including legality, necessity, proportionality, independent oversight, and effective remedies (United Nations, 2025a, 2025b).

At the national level, the study examines Indonesia's counter-terrorism legal framework, focusing on Law No. 5 of 2018 as the primary statutory basis for contemporary counter-terrorism governance (Law of the Republic of Indonesia No. 5 of 2018, 2018). This is complemented by recent official and reputable reports that describe current prevention and enforcement patterns, including shifts toward online recruitment concerns and large-scale digital content interventions (ANTARA News, 2024, 2025). Given the increasing use of platform governance and online content actions in counter-terrorism, the analysis situates such measures within the broader literature on terrorist content regulation, automation, and rule-of-law constraints (Ahmed, 2023; Arangüena Fanego, 2023; Macdonald, Giro Correia, & Watkin, 2019; Sullivan, 2025; Zornetta & Pohland, 2022). To provide a current threat-context backdrop, the article draws on recent trend reports such as the Global Terrorism Index Briefing 2025 and Europol's EU TE-SAT 2025, which summarise developments in incident spread, attacks, deaths, and terrorism-related arrests in 2024 (Institute for Economics & Peace, 2025; Europol, 2025).

Analytically, the documents are processed through close reading and thematic grouping. First, the study identifies recurring themes within the global framework, including criminalization, financing controls, border and information governance, and the expansion of preventive and administrative tools (United Nations Security Council, 2001, 2014, 2017; United Nations General Assembly, 2006). Second, it examines how these themes become domestically plausible through what this article conceptualises as the capillarity of ideas, namely gradual diffusion via policy networks, technical assistance, professional exchanges, media narratives, and institutional routines, consistent with broader accounts of norm diffusion and policy transfer (Finnemore & Sikkink, 1998; Marsh & Sharman, 2009). Third, the domestic implications are assessed using rule-of-law considerations that are practical for document-based evaluation: clarity and precision of legal definitions, limits on discretion, the availability of independent oversight and accountability, transparency of criteria in preventive and digital measures, and the accessibility of remedies for affected persons (United Nations, 2025a, 2025b). Socio-legal discussions also inform this assessment on proportionality, legal thresholds, and accountability in counter-terrorism governance (Hamilton & Lippert, 2020).

To strengthen the trustworthiness of the findings, the study triangulates across document types, comparing legal texts, UN materials, and trend reporting rather than relying on a single institutional narrative (Bowen, 2009). Because the study does not use interviews, field observation, or confidential operational data, it does not claim to capture all implementation dynamics on the ground. Instead, it offers a structured, transparent reading of how legal norms are shaped through intermestic dynamics and identifies where safeguards should be embedded when preventive counter-terrorism powers expand.

3. RESULT AND DISCUSSION

Global Terrorism Trends, International Norms, and Domestic Prevention

The document review suggests that terrorism remains a persistent policy driver, even as its patterns shift across regions and modalities, including increasingly salient digital ecosystems and transnational infrastructures that shape recruitment, mobilisation, and governance responses (Dragu & Lupu, 2021; Burton, 2023). The Global Terrorism Index 2025 reports a widening geographic footprint in 2024, with the number of countries experiencing at least one terrorist incident increasing from 58 to 66. The total number of attacks was reported at 3,492, and the total number of deaths at 7,555 (Institute for Economics & Peace, 2025). In the European Union, Europol's TE-SAT 2025 similarly records continued activity and enforcement intensity, reporting 58 terrorist attacks in 2024 across 14 EU Member States and 449 arrests for terrorism related offences across 20 Member States (Europol, 2025). Taken together, these sources demonstrate that counter-terrorism remains a salient governance agenda and continues to legitimize preventive approaches, even as aggregate attack metrics decline (Institute for Economics & Peace, 2025; Europol, 2025).

A second empirical result is the presence of a dense global legal and policy architecture that supplies both binding obligations and widely circulated policy templates. UN Security Council Resolution 1373 (2001) serves as a foundational reference point, requiring states to strengthen their domestic legal frameworks, particularly in areas such as terrorist financing, asset freezing, and law enforcement cooperation (United Nations Security Council, 2001). Subsequent resolutions expanded preventive emphases, including measures related to foreign terrorist fighters and enhanced border and information management (United Nations Security Council, 2014, 2017). Scholarship on the foreign terrorist fighter concept highlights that these instruments not only expand legal mandates but also influence how states operationalize categories of risk, travel, association, and criminal liability within their domestic systems (Baker-Beall, 2023; Duffy, 2019). The UN Global Counter-Terrorism Strategy further institutionalises a comprehensive approach that explicitly links counter-terrorism effectiveness with human rights and rule-of-law commitments (United Nations General Assembly, 2006). This corpus constitutes a sustained normative supply that can be adapted into domestic law and practice (United Nations General Assembly, 2006; United Nations Security Council, 2001, 2014, 2017).

Indonesia illustrates how a domestic narrative of operational success may coexist with a deepening preventive infrastructure and digital governance. Official briefings reproduced by national reporting emphasise that Indonesia recorded zero terrorist attacks through 2025 and that arrests declined to 51 suspects in 2025 from 55 in 2024 and 147 in 2023 (ANTARA News, 2025). However, the same narrative highlights the shift toward online recruitment and indoctrination targeting minors, affecting 110 children across 23 provinces (ANTARA News, 2025). In parallel, state prevention has included large-scale content interventions, which increasingly position platform governance and content moderation as counter-terrorism tools that raise rule-of-law questions about transparency, criteria, and remedies (Babele, 2021;

Macdonald, Giro Correia, & Watkin, 2019; Sullivan, 2025). BNPT and the Ministry of Communication and Digital reported the removal or restriction of 180,954 online content items linked to radicalism, intolerance, and extremism during 2024 (ANTARA News, 2024). This pattern aligns with scholarship on the legal and technical trade-offs of terrorist content moderation, including the risks of over-removal, opacity, and accountability gaps related to automation (Ahmed, 2023; Arangüena Fanego, 2023; Macdonald et al., 2019; Zornetta & Pohland, 2022). These Indonesian materials indicate that the governance center of gravity is moving toward early intervention and digital prevention (van de Weert & Eijkman, 2020; Macdonald et al., 2019).

Finally, UN human rights reporting consistently identifies rule-of-law risk areas that become more pronounced under preventive counter-terrorism models. The UN Secretary-General's report on terrorism and human rights highlights recurring concerns, including overly broad frameworks, constraints on civic space, and the expanding use of digital technologies without adequate safeguards (United Nations, 2025a). A complementary report associated with the UN Special Rapporteur compiles best practices for administrative measures used to prevent terrorism, emphasising legality, necessity, proportionality, independent oversight, and effective remedies for measures that restrict rights outside ordinary criminal adjudication (United Nations, 2025b). These sources provide an external benchmark for assessing domestic legal design choices in preventive and administrative domains (United Nations, 2025a, 2025b).

Rule of Law Safeguards in Intermestic Counter Terrorism Governance

The results support an intermestic interpretation of how counter-terrorism becomes law, in which domestic legal outcomes are shaped by the interaction of international frameworks and domestic political-legal filters, rather than by one-directional legal transplantation (Kurniawati, 2017). International instruments do not merely impose formal obligations; they also circulate policy models that become domestically plausible through professionalisation, technical assistance, cooperation incentives, and institutional routines. This is consistent with broader accounts of norm diffusion in which international ideas become embedded through learning, emulation, and institutionalisation (Finnemore & Sikkink, 1998; Marsh & Sharman, 2009). In the context of this article, the capillarity of ideas provides a mechanism for explaining how global standards and practices gradually shape domestic definitions, mandates, and enforcement procedures, particularly in areas that evolve rapidly, such as digital surveillance and online content governance where algorithmic and platform-based enforcement can deepen opacity and accountability concerns (Babele, 2021; Macdonald et al., 2019; Sullivan, 2025).

Indonesia's recent pattern illustrates why "zero attack" outcomes do not automatically resolve rule-of-law questions. When the threat ecology shifts toward online recruitment and platform-based mobilisation, counter-terrorism governance tends to rely more heavily on early intervention, intelligence-informed prevention, and administrative restrictions, including large-scale content actions (ANTARA News, 2024, 2025). These shifts parallel preventive counter-terrorism research, showing how early detection, risk assessment, and local security professional practice can routinize preventive intervention beyond conventional criminal processes (Höffler, Jost, Lord, & Wijngaarde, 2022; van de Weert & Eijkman, 2020). Such

measures may operate without the evidentiary testing typical of criminal trials, which makes the quality of legal constraints and oversight mechanisms more decisive for legitimacy and rights protection (Hensen, 2021; Larue, 2017). In this context, rule-of-law assessment shifts from post-incident prosecution toward the legal architecture governing preventive action, including clarity of legal bases, transparency of criteria, proportionality, and accessible remedies (Hamilton & Lippert, 2020; United Nations, 2025b).

The UN human rights materials clarify the main fault lines where preventive counter-terrorism is most likely to generate rule-of-law harms: elastic definitions that reduce legal certainty, administrative restrictions that can bypass judicial scrutiny, and expanded technological surveillance that outpaces oversight (United Nations, 2025a, 2025b). These risks are amplified in digitally mediated prevention environments, where surveillance capacity, secrecy dynamics, and algorithmic governance can create information asymmetries and weaken accountability if safeguards are not embedded (Babele, 2021; Dragu & Lupu, 2021; Sullivan, 2025). Domestic critiques of Indonesia's 2018 counter-terrorism reforms reflect similar concerns, emphasising risks to safeguards and the possibility of rights-undermining effects when state powers expand without strong accountability (Amnesty International, 2018; Human Rights Watch, 2018; Institute for Criminal Justice Reform, 2018). Interpreted through an intermestic lens, these critiques can be read not as rejection of global counter-terrorism norms per se, but as a warning that domestication without safeguards can impose long-term social costs, including stigma, distrust in legal institutions, and contested legitimacy of enforcement (Kurniawati, 2017; United Nations, 2025a).

Accordingly, the policy implication is that adopting or adapting global counter-terrorism norms is not inherently incompatible with the rule of law. The decisive factor is whether domestic legal design embeds safeguards alongside preventive tools. Priority safeguards consistently highlighted across UN guidance include precise legal definitions, transparent criteria for administrative and digital measures, independent oversight with real review capacity, and effective remedies for affected individuals (United Nations, 2025a, 2025b). For Indonesia's increasingly digital prevention environment, these safeguards are also socio-legally significant because they help limit spillover effects on lawful expression and association while supporting social recovery and reintegration for vulnerable groups (ANTARA News, 2024, 2025; Ahmed, 2023; Macdonald et al., 2019; Zornetta & Pohland, 2022).

4. CONCLUSION

This article has argued that the pathway from global terrorism concerns to domestic counter-terrorism law is best understood as an intermestic process rather than a simple transmission of international obligations into national statutes. Global instruments and policy frameworks do more than set formal duties. They also supply governance templates and professional standards that are disseminated through technical cooperation, institutional routines, and policy networks, gradually shaping what domestic actors consider workable, necessary, and legally defensible. By introducing the capillarity of ideas, the article highlights

how this translation often occurs through incremental and partly informal channels that precede, accompany, and sometimes exceed legislative reform.

The analysis also shows that apparent operational success does not settle the legal and social questions that surround preventive counter-terrorism. When threat dynamics move into digital ecosystems, the center of gravity shifts toward early intervention, administrative restrictions, and platform-based governance. These modalities can expand state power while producing fewer “court-tested” moments in which legality and evidentiary standards are openly contested. As a result, the quality of domestic legal design becomes the decisive site where effectiveness and legitimacy are either reconciled or placed in tension.

The main implication is that domesticating global counter-terrorism norms is compatible with the rule of law only when safeguards are built into preventive tools at the point of design and implementation. This requires legal clarity that limits discretion, transparent criteria for administrative and digital measures, independent oversight that can review the necessity and proportionality of these measures in practice, and remedies that are accessible and meaningful for affected individuals. In socio-legal terms, these safeguards are not merely technical constraints; they are also legal requirements. They are also instruments of social legitimacy that reduce stigma, protect civic trust, and support reintegration and recovery for communities impacted by both terrorism and counter-terrorism.

By reframing norm diffusion through an intermestic and capillary lens, the article provides a practical approach to assessing how preventive governance influences the transformation of legal institutions and social relations. Future research can deepen this account by combining document analysis with court data, implementation studies, and community-level fieldwork to capture better how preventive measures operate on the ground and how they shape, over time, public confidence in the legal order.

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