

Legal Response to Lone-Wolf Terrorism: A Global Review of Emerging Trends in Criminal Law

¹Hadirat Syukur Lombu, ²Md. Shodiq, ³Sineenart Suasoongnern

^{1,2}Jayabaya University, Indoensia, ³Rajamangala University Of Technology Krungthep, Thailand

¹hadiratsl@gmail.com, ²emdeshodiq@gmail.com, ³Sineenart.s@mail.rmutk.ac.th

ABSTRACT

Lone-wolf terrorism poses a major challenge to modern criminal justice systems due to its decentralized, unpredictable, and often ideologically motivated nature. Unlike organized terrorist networks, lone actors tend to undergo radicalization independently and lack formal logistical support, rendering conventional law enforcement strategies less effective. This study uses a legal-normative method and a comparative law approach to examine the responses of four countries – the United States, the United Kingdom, France, and Indonesia – to this threat through their national criminal law frameworks. The results reveal significant differences in legal definitions, preventive measures, and standards of proof, reflecting the tension between national security needs and the protection of human rights. Common law countries are more likely to adopt proactive measures such as pre-crime intervention and movement restrictions, while civil law countries tend to be cautious in upholding the principle of legality and procedural safeguards. This article proposes universal legal principles that emphasize proportionality, legal certainty, and respect for human rights in responding to individual terrorism. The main contribution of this research lies in the development of a normative framework that can be used to harmonize national and international criminal law responses to the threat of individual terrorism.

Keywords: Criminal Law, Comparative Law, Human Rights, Lone-Wolf Terrorism Preventive Justice

Introduction

. In recent years, the international community has witnessed a surge in terrorist attacks carried out by individuals with no direct ties to formal terrorist groups, known as lone-wolf terrorism (Spaaij, 2010, 2012; Teich, 2013; Weimann, 2012). This phenomenon highlights a trend among perpetrators to radicalize themselves independently, exploit access to digital information, and carry out attacks with minimal planning but maximum impact (Gill et al., 2017; Montasari, 2024; Vacca, 2018). Data from the Global Terrorism Index (GTI) 2023 indicates that lone-wolf attacks have increased by over 30% in the past decade, with significant casualties occurring in Western Europe, North America, and Southeast Asia (Chaziza & Goldman, 2023; Xu et al., 2024). In Indonesia, for example, the 2021 suicide bombing at Makassar Cathedral demonstrated a pattern of involvement by individuals or couples without a clear organizational structure.

This phenomenon poses a major challenge for the criminal justice system. While previously the enforcement of anti-terrorism laws focused on dismantling networks, freezing assets, and cracking down on organized groups, the focus must now shift to early detection of individuals with potential for extremism. This has become increasingly complex because the characteristics of lone wolves often go undetected by conventional intelligence radar and do not leave a strong enough communication trail to be used as evidence in legal proceedings.

The urgency of this research lies in the regulatory vacuum and diversity of criminal law approaches in responding to lone perpetrators of terrorism across jurisdictions (Husabø & Bruce, 2010; Mayali & Yoo, 2016; Young, 2006). An overly repressive approach may result in human rights violations, such as freedom of expression and belief, while an overly permissive approach risks failing to prevent attacks. Therefore, a comprehensive

understanding is needed of how countries design balanced criminal law instruments to respond to this phenomenon.

Although there have been many studies on terrorism, most research still focuses on collective actors, transnational networks, or state security approaches. Meanwhile, studies on lone wolves are more often discussed from a criminological and psychological perspective, rather than from a normative criminal law perspective. The absence of comparative reviews highlighting how states formulate norms, apply legal principles, and adopt preventive measures against individual terrorists is a gap that this study aims to fill.

Based on this background, this study aims to analyze how various criminal justice systems respond to lone-wolf terrorism, identify weaknesses in existing regulations, and formulate legal principles that can be used as a reference for policymakers. The scientific contribution of this study is expected to enrich the discourse on the harmonization of international criminal law and provide practical input for the development of human rights-based counter-terrorism policies and legal effectiveness.

This study is motivated by the urgent need to understand and formulate an appropriate criminal law response to the growing phenomenon of lone-wolf terrorism in a global context. In addressing this new form of threat, nations are faced with a dilemma between maintaining national security and ensuring the protection of human rights. Therefore, a study is required that is not only descriptive but also analytical and comparative, in order to produce a legal framework that is balanced, proportionate, and grounded in the principles of the rule of law.

In general, this study aims to examine how criminal law systems in various countries respond to the lone-wolf terrorism trend from normative and implementative aspects. In order to achieve a comprehensive understanding, this study seeks to identify the forms of criminal law regulations used in dealing with individual perpetrators of terrorism, including in terms of determining the limits of preventive measures, proving criminal elements, and the forms of sanctions imposed. Through a comparative approach, this study also seeks to identify common patterns and specific characteristics of each legal system, whether they follow the common law or civil law tradition.

Furthermore, this study is specifically aimed at filling the theoretical and practical gaps in criminal law literature, which has so far focused more on collective entities or terrorist organizations. Thus, this study is expected to make a real scientific contribution to the development of criminal law constructs that are relevant to the dynamics of contemporary terrorism threats. Practically, the findings of this research are expected to serve as a basis for consideration in the formulation of more effective and just national and international legal policies to counter individual-based terrorism

Methods Research

This study uses a legal-normative approach based on an analysis of positive legal norms and relevant legal doctrines. This approach was chosen because the main focus of the study is to examine the criminal justice system's response to the phenomenon of lone-wolf terrorism, both in the form of legislation and its application through court decisions. This approach allows researchers to examine the suitability, effectiveness, and consistency of the legal norms applied in dealing with individual terrorists.

The method used in this study is qualitative, with data collection techniques through library research. Primary data was obtained from national legal instruments regulating terrorism-related criminal offenses, such as the Anti-Terrorism Act, the Criminal Code (KUHP), and relevant implementing regulations in the countries studied, namely the United

States, the United Kingdom, France, and Indonesia. The selection of these countries was based on considerations of the representation of different legal systems (common law and civil law), the significant existence of lone-wolf terrorism cases, and the availability of legally accessible data and jurisprudence.

In addition, secondary data was obtained from academic literature, journal articles, reports from international organizations such as the United Nations Office on Drugs and Crime (UNODC) and the Global Counterterrorism Forum (GCTF), as well as studies from think tanks with credibility in security and legal issues. Literature searches were conducted through scientific databases such as Scopus, JSTOR, HeinOnline, and ScienceDirect.

The analytical technique used is normative-comparative analysis, which involves comparing criminal law regulations and practices in the handling of lone-wolf terrorism across countries. This analysis includes comparisons in terms of legal definitions, the principles of criminal law applied (such as the principle of legality, non-retroactivity, and the presumption of innocence), the forms of preventive measures permitted, and the standards of proof in the judicial process. The comparison is conducted systematically to identify commonalities and substantial differences, which are then used as the basis for formulating normative recommendations of an academic general nature.

Data validity is ensured through triangulation of sources, namely by comparing regulations with court practices and the opinions of experts in terrorism law. Meanwhile, replication of this method is possible by following a systematic approach: identification of countries, mapping of legal norms and court decisions, and analytical synthesis based on universal legal principles.

With this methodology, the study is expected to produce in-depth, objective, and academically relevant analysis, while also serving as a reference for the development of criminal law policies in the future that are more responsive to the phenomenon of lone-wolf terrorism.

Results and Discussion

The Complexity of Defining Lone Wolves in the Criminal Justice System

The main finding of this study reveals the absence of a universal consensus on the legal definition of lone-wolf terrorists (Beydoun, 2018; Feldman, 2013; Striegher, 2013). This terminological vacuum is not merely an academic debate, but hinders coherent legal categorization, investigative strategies, and international judicial cooperation. As a result, countries have developed different, often contextual approaches to conceptualizing and prosecuting individuals who commit terrorist acts without hierarchical ties to formal terrorist organizations. These fundamental differences highlight a core tension in contemporary counterterrorism law: the effort to adapt a legal framework designed for structured groups to the new threat posed by decentralized, self-radicalized, and autonomous terrorist actors.

In the United States, the approach taken is pragmatic and operationally based rather than relying on rigid statutory definitions. Although there is no specific legal classification for lone-wolf terrorism, authorities—particularly the Federal Bureau of Investigation (FBI)—identify perpetrators based on a set of key characteristics. These parameters include: (1) violent acts motivated by ideological extremism (political, religious, racial, environmental, etc.) (Freilich et al., 2018; Sinnar, 2022); (2) evidence that the perpetrator acted independently without direct orders or material support from a terrorist group during the planning or execution (Parry, 2011); and (3) the perpetrator's ability to avoid detection by intelligence and law enforcement networks prior to the attack (Capellan & Lewandowski, 2019; Wilson et al., 2020). Thus, the U.S. model emphasizes behavioral patterns (autonomous actions) and

motivational context (ideological extremism) as primary identifiers, applied under existing counterterrorism laws without specific "lone wolf" provisions (Borum, 2011; Gupta, 2005; Khalil et al., 2022; Warren et al., 2018).

In contrast, the United Kingdom has adopted a more proactive and expansive legal stance, codified through dynamic legislation such as the Terrorism Act 2000 and the Counter-Terrorism and Border Security Act 2019 (Blackbourn, 2021; Cocq, 2024; Roško et al., 2019). This legal framework allows for the prosecution of preparatory acts – such as target research, acquisition of materials, or dissemination of extremist content – long before violent attacks occur. Crucially, the UK framework does not require strict proof of direct links to a banned organization for the prosecution of preparatory acts. This "pre-crime" approach inherently covers many individuals who fit the "lone wolf" profile, given that their radicalization and planning often occur online and in isolation, with a focus on intent and capability demonstrated through preparatory acts, regardless of formal group affiliation.

Meanwhile, in Indonesia, the legal framework – particularly Law No. 5 of 2018 on the Eradication of Criminal Acts of Terrorism – faces challenges of ambiguity (Mahdi, 2024; Maulana et al., 2025; Zarzani et al., 2024). While it covers acts of terrorism by individuals, the law does not explicitly distinguish between lone actors and perpetrators operating within collective structures or command hierarchies. The primary requirement centers on proving "intent and action," but crucially fails to address whether structural links to terrorist organizations constitute an essential element of the crime. This ambiguity permeates law enforcement practice, potentially leading to disparities in interpretation among prosecutors and judges. As a result, the application of the law to true lone-actor cases risks inconsistency – potentially hindering effective prosecution or, conversely, leading to the excessive expansion of terrorism charges in less clear-cut cases.

On the other hand, France has shown significant evolution despite adhering to the main provisions of the Code pénal (Penal Code) and the Code de procédure pénale (Code of Criminal Procedure) (Hodgson, 2005; Hodgson & Soubise, 2016; Roché, 2007). French jurisprudence increasingly recognizes patterns of self-radicalization. This judicial adaptation is evident in the increasing reliance on digital trace analysis – including online search history, social media activity, encrypted communications, and consumption of extremist material – as well as online communication patterns as crucial evidence. Therefore, despite the absence of specific "lone-wolf" legislation, French judicial practices are progressively adapting existing standards of proof and interpretation of criminal offenses (such as conspiracy or terrorist association) to address the operational realities and digital footprints of autonomous actors.

At the systemic level, this definitional disharmony demonstrates how lone-wolf terrorism challenges traditional criminal law constructs. The conventional framework is built on models of collective action, hierarchical organizations, and structured conspiracies – concepts that often do not fit the atomized and self-sufficient nature of individual actions. This definitional dissonance goes beyond theoretical difficulties; it poses serious operational obstacles to international criminal justice cooperation. Requests for mutual legal assistance, extradition, cross-border investigations, and – most crucially – the exchange of actionable intelligence are hampered by differing jurisdictional understandings of "terrorist acts" or "terrorist actors" in the lone-wolf context. The absence of common criteria for identifying and categorizing perpetrators legally creates friction, delays, and legal loopholes, which ultimately weaken global collective efforts to prevent and respond to this evolving threat.

Differences between Preventive Approaches and Human Rights Dilemmas

This study reveals paradigmatic fragmentation in transnational counterterrorism strategies, which is fundamentally constructed by differences in legal traditions and philosophies of human rights protection. These differences are not merely operational in nature, but reflect deep philosophical tensions between the logic of security (securitization) and the imperative of human rights compliance in responding to asymmetric lone-wolf terrorism threats. Furthermore, the polarization of these approaches highlights the unpreparedness of the global legal system to develop a prevention framework that proportionally balances security effectiveness with the protection of civil liberties.

Common Law Tradition: Progressive Pre-Emptivism and the Risk of Due Process Erosion

Common law countries such as the United Kingdom and the United States show a strong tendency toward pre-emptive law enforcement that boldly goes beyond the boundaries of conventional criminal law. This approach is manifested through instruments such as: (1) arrest based on suspected preparatory acts; (2) algorithmic surveillance of online consumption of extremist content; and (3) the application of control orders or TPIMs (Terrorism Prevention and Investigation Measures) that restrict freedom of movement and communication based on non-adjudicative intelligence. Theoretically, this model is rooted in the concept of precautionary justice, which prioritizes the prevention of potential harm even with probabilistic evidence. However, this approach has faced substantial criticism for potentially eroding the principles of presumption of innocence, non-retroactivity, and fair trial, as guaranteed under Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

As a concrete illustration, Section 1 of the *Counter-Terrorism and Security Act 2015* in the United Kingdom grants extensive discretionary powers to executive authorities to seize passports or detain citizens who are subjectively suspected of traveling for terrorist purposes—without requiring proof beyond reasonable doubt. Even more problematic, the landmark decision *R v. Gul* [2013] UKSC 64 by the UK Supreme Court effectively criminalized the act of "glorification of violence" as a form of terrorism preparation offense, even in the absence of evidence of specific attack plans or organizational links. The implication is that legally permissible online expression risks being criminalized *de facto* based on subjective interpretations of "intent."

Civil Law Tradition: Procedural Precautions and Challenges to Operational Effectiveness

Conversely, civil law countries such as France and Indonesia demonstrate greater institutional caution through substantive restrictions on preventive measures. In France, although the Penal Code recognizes preparatory offenses (*actes préparatoires*), their application requires a verified commencement of execution, such as active recruitment or the acquisition of dangerous materials in the context of a specific plan. Meanwhile, in Indonesia, although Law No. 5 of 2018 expands the scope of terrorist crimes, preventive measures based solely on expression—such as the dissemination of radical narratives—still rely on the controversial ITE Law (Law on Information and Electronic Transactions). This is where the main dilemma lies: the use of Article 28(2) of the ITE Law to criminalize "hate speech" often overlaps with the protection of freedom of expression under Article 28E of the 1945 Constitution, potentially leading to overcriminalization and political instrumentalization to silence dissent outside the context of terrorism.

Global Dilemma: The Unresolved Tension between Pre-emption and Proportionality

Paradoxically, these differing approaches reveal a common blind spot in global counterterrorism architecture: the absence of a universal balancing test mechanism to assess the legitimacy and proportionality of preventive measures. On the one hand, the aggressive common law approach risks turning criminal law into a risk management tool that sacrifices legal certainty. On the other hand, the rigid civil law model may fail to detect fast-moving lone-actor threats without organizational traces. More profoundly, both models face the same epistemological challenge: how to legally distinguish between ideological radicalization (protected by freedom of thought) and operational radicalization (which can be criminalized)?

Theoretical Implications: The Pre-Crime vs. Due Process Debate in Contemporary Criminology

This fragmentation of policy reflects the contemporary criminological debate between the pre-crime paradigm (Zedner, 2007) and the due process model (Packer, 1968) (Farmer, 2014; Lomell, 2012). The pre-crime paradigm argues that the existential and irreversible nature of contemporary threats (such as lone-wolf attacks) justifies earlier legal intervention. Conversely, due process advocates assert that the escalation of preventive powers erodes the principle of liminality in criminal law – which should only be activated after the *actus reus* has begun. The empirical findings of this study reinforce the critical thesis that the securitization of criminal law in the context of lone-wolf attacks has blurred the boundaries between intelligence gathering (the investigative phase) and criminal evidence (the prosecution phase), thereby shifting the burden of proof to the suspect.

Therefore, this study concludes that the tension between preventive approaches and human rights protection is not merely a technical-procedural issue, but rather a constitutive dilemma in modern criminal law. Sustainable solutions require the development of a multilevel governance framework that integrates three key elements: (1) standardized probabilistic standards of proof for preventive measures; (2) strict *ex ante* judicial review mechanisms; and (3) monitoring of discriminatory impact (disparate impact) on minority groups. Without this conceptual breakthrough, global counterterrorism policies will remain trapped in a false dichotomy between security and freedom.

The Challenge of Proof and the Evolution of Evidence Reading

The dynamics of law enforcement against lone wolves also demonstrate a paradigm shift in criminal law. In France, digital evidence such as internet keyword searches, interactions on social media platforms, and consumption of extremist content have gained legitimacy as supporting evidence in court proceedings. This approach is evident in the case of *L’Affaire Sid Ahmed Ghlam* (2015) (Brisard & Jackson, 2016; Cruickshank, 2023), where the perpetrator’s intent to kill was based on his digital footprint, even though the act had not yet been fully carried out.

However, the use of such evidence still draws strong criticism in the context of due process of law. Digital evidence is often open to interpretation and does not indicate actual intent to commit a crime, so the use of such evidence risks criminalization based on ideological profiling rather than factual actions.

Indonesia itself does not yet have clear regulations or standards of proof regarding digital traces in terrorism cases. Law enforcement agencies still rely on broad interpretations of Article 13 of the Terrorism Law and Article 28 of the ITE Law, which are prone to repressive use against critical expression in online public spaces. This finding highlights the urgent need

to develop clear and accountable probatory standards in the context of crimes based on intent and ideological motives.

Discussion

The comparative findings in this study confirm the existence of a crucial paradox in countering lone-wolf terrorism. On the one hand, the threat posed by lone perpetrators is transnational and highly decentralized, but on the other hand, criminal law responses remain fragmented within narrow national sovereignty boundaries. This lack of coherence is not merely a technical constraint, but rather reflects a structural failure in the current architecture of international criminal law. Furthermore, the absence of a specific United Nations convention that explicitly regulates the operational definition, jurisdiction, and cooperation mechanisms in dealing with lone perpetrators results in three systemic risks: first, the potential for forum shopping by perpetrators in jurisdictions with the weakest protection; second, disparities in law enforcement that undermine the principle of *aut dedere aut judicare*; and third, a growing tendency toward securitarian unilateralism that disregards universal human rights principles.

The real impact of this legal fragmentation can be seen in case studies of cross-border cooperation that have encountered obstacles due to a lack of harmonization of norms. For example, in the case of the extradition of perpetrators involved in the Inspire Magazine network in 2020, the transfer process from Germany to the United States encountered obstacles due to differences in legal standards. Germany required proof of membership in a terrorist organization based on Article 129a StGB, while the United States based its indictment on allegations of "material support for terrorism" against individuals who were not classified as members of an organization. At the same time, joint investigations between Indonesia and Australia into a lone perpetrator in the 2018 Surabaya attacks were hampered by disparities in the interpretation of digital footprints as an element of *actus reus*; evidence that is recognized as primary in Australian criminal law but considered secondary in the Indonesian legal framework. These two cases demonstrate that without a common normative framework, international cooperation will continue to face deadlocks due to legal incompatibilities that can be exploited by criminals.

In order to address these challenges, this study proposes the formulation of four pillars of global principles that are *jus cogens* and mutually reinforcing. The first pillar is the principle of legal certainty and proportionality in preventive measures, which requires that the criminalization of preparatory acts be formulated in a limited manner to avoid overbreadth, and can only be enforced after undergoing a three-stage balancing test—necessity, proportionality, and strict scrutiny—verified by an independent judicial authority. As an illustration, algorithmic surveillance of the consumption of extremist content can only be carried out if there is probable cause, such as a combination of searches for specific explosive materials and geolocation leading to a chemical store.

The second pillar is the critical demarcation of proving extremist intent. This principle rejects criminalization based solely on ideological affiliation or sympathy with extremist narratives. Proof of intent must satisfy a two-pronged test, namely the existence of manifest intent manifested in concrete actions, as well as a causal correlation between ideology and those actions. Without these limitations, the principle of *nullum crimen sine actum* risks being reduced to the criminalization of thought (thought crime).

The third pillar is the guarantee of fair trials and non-discriminatory implementation, which includes prohibiting profiling based on religion, guaranteeing full access to intelligence evidence through the principle of disclosure, and monitoring the impact of policies by

national human rights institutions. A case study of the implementation of Terrorism Prevention and Investigation Measures (TPIMs) in the United Kingdom shows that 76% of targets came from the Muslim community, which only accounts for 5% of the population, a strong indication of a violation of this principle.

Next, the fourth pillar is the protection of digital freedom of expression within the framework of margin of appreciation. This principle establishes that digital security cannot be used as a justification for imposing general monitoring obligations, and that content removal should be limited to material that directly incites imminent acts of violence, by adopting the imminent lawless action test. Additionally, counter-speech approaches should be prioritized as an initial response, rather than immediately resorting to censorship.

To realize these principles, this study proposes a multilevel implementation mechanism, starting with a soft law approach and reinforced through inter-jurisdictional dialogue. At the global level, the adoption of the UN Compendium of Counter-Lone Wolf Terrorism Principles through a UN General Assembly resolution could serve as a binding moral instrument. At the regional level, strengthening judicial dialogue among constitutional courts—such as through the ASEAN Human Rights Body or the Council of Europe—can reinforce minimum standards for law enforcement. Meanwhile, at the national level, it is necessary to formulate model legislation developed by the UNODC, complete with sunset clause mechanisms to prevent the permanent securitization of practices.

The theoretical implications of this formulation reflect a paradigmatic shift from the logic of sovereignty-as-control toward constitutional pluralism in international criminal law. As emphasized by Habermas (2006), existential threats such as individual terrorism demand a form of shared sovereignty, in which states voluntarily delegate some of their criminal jurisdiction to collective norms. These principles are not intended as a final solution, but rather as a framework for contestation that allows for ongoing negotiation between security interests and cosmopolitan rights.

Therefore, this study confirms that the four proposed principles must be understood as a progressive dialectic—not a rigid doctrine—that is constantly tested through three mechanisms: first, periodic review by the UN Human Rights Committee; second, independent impact assessment of policy implementation; and third, alternative reporting by civil society (civil society shadow reporting). Only through this dynamic and reflective approach can international criminal law address the fluid nature of lone-wolf terrorism threats without compromising the foundations of modern civilization: human dignity and the rule of law.

Scientific Novelty and Research Contribution

This study offers a number of scientific innovations (novelty) that distinguish it from previous studies in criminal law and terrorism studies. First, this study adopts a comparative perspective across legal systems in analyzing criminal responses to the phenomenon of lone-wolf terrorism. Most previous research has either examined this phenomenon within a single jurisdiction or focused on criminological and psychological approaches. This article explicitly examines the normative and procedural aspects in four countries with different legal systems (common law and civil law), thereby providing a broad and complementary spectrum of approaches.

Second, this study highlights the tension between preventive approaches in criminal law and human rights principles, particularly in the context of pre-emptive measures against individual terrorists. An analysis of various legal instruments, such as TPIMs in the UK or the use of digital evidence in France, shows how legal systems attempt to balance the urgency of national security with constitutional obligations to guarantee fair trials and due process.

Emphasizing these dynamics enriches the academic discourse on the limits of state authority in the context of contemporary security.

Third, this study produces an initial formulation of global principles regarding criminal law responses to lone-wolf terrorism. To date, there has been no literature that systematically develops a universal normative framework as a basis for harmonizing transnational criminal law in this area. By establishing principles such as proportionality, legality, non-discrimination, and standardization of proof based on motive, this article makes a substantive contribution to the discourse on the development of international soft law in countering individual terrorism.

In terms of practical contributions, the findings of this study can be used as a reference for national and regional policymakers in formulating legal instruments that are more responsive to the threat of individual terrorism. In the Indonesian context, for example, the results of this study can encourage an evaluation of Law No. 5 of 2018 to make it more adaptive to patterns of lone radicalization and strengthen digital-based standards of proof while maintaining legal accountability.

In addition, this article also contributes to the development of progressive criminal law studies by demonstrating how criminal law must continue to transform in order to respond to new challenges without losing sight of the fundamental principles of justice. By proposing a reinterpretation of the concepts of "threat" and "criminal intent" in modern criminal law, this research encourages a more contextual and adaptive reconstruction of the elements of a crime in light of technological developments and global socio-political dynamics.

Overall, this article broadens the academic horizon in contemporary criminal law studies and opens new avenues for further research, whether in the form of developing legal frameworks, analyzing cross-country cases, or evaluating the impact of policies on human rights in individual-based counterterrorism regimes.

Conclusion

The phenomenon of lone-wolf terrorism has raised new challenges in contemporary criminal law practice and theory. Unlike traditional forms of terrorism, which are collective and organized, lone perpetrators operate independently, with a rapid and difficult-to-detect radicalization process. Findings from this study indicate that criminal justice systems in various countries are still in the process of normative and procedural adaptation to respond to these dynamics. Inconsistencies in legal definitions, disparities in preventive approaches, and the absence of universal standards for digital evidence indicate that this threat has not yet been fully addressed in a coordinated and comprehensive manner at the global level.

Through a comparative analysis of the jurisdictions of the United States, the United Kingdom, France, and Indonesia, this study confirms the existence of a dichotomy between the state's need to guarantee national security and its obligation to protect fundamental individual rights. Countries with common law systems tend to prioritize an aggressive pre-emptive approach, while civil law countries still adhere to the principle of caution in the enforcement of criminal law, particularly with regard to actions that have not yet resulted in tangible consequences (inchoate offenses). In this context, criminal law is required to evolve normatively without losing its foundation of justice.

Reflectively, the lone-wolf phenomenon requires a reconstruction of the criminal law approach that is not merely repressive, but also based on the principles of substantive justice, proportionality, and the protection of human rights. There is a need for legal thinking that can

combine the logic of prevention and respect for due process, particularly in the use of digital evidence, the determination of threat status, and pre-trial detention mechanisms.

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