

Criminal Law Frameworks For Counter Terrorism And National Security

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ABSTRACT

The criminal law systems have been central to the attempts of modern states to avert, research and convict terrorism in the context of national security paradigms. The research paper critically analyzes both substantive and procedural aspects of criminal law procedures used in counter-terrorism, and the way in which the legal frameworks address the demands of effective security in accordance with the human rights, legality, and due process provisions. Starting with a discussion of legal definitions and the broadening of terrorist related crimes, the research emphasizes the reasons why broad or non-specific language may increase the scope of criminalization of crimes beyond violent behaviours to preparatory and supportive actions. It also covers preventive detention, longer investigation authority, special procedural accommodations in court, and surveillance authorities that increase state ability in disrupting terror networks at the expense of arbitrary implementation and reduced procedural protection. The study is a synthesis of the doctrinal study and comparison perspectives and human rights critique that indicated that there were enduring tensions on state security goals and civil liberties. Social and psychological aspects are also taken into consideration showing how the criminal law can be used to influence the levels of community trust, social cohesion, and perceptions of justice. It highlights the significance of the judicial review, accuracy in the drafting of legislation, and incorporation of proportionality concepts to reduce the risk of abuse and violation of rights. Some of the policy recommendations include the definition of offences, enhancement of the monitoring processes, instillation of human rights, and the involvement of communities to develop trust and obedience. The paper is relevant to the body of literature since it provides an extensive discussion of the role of criminal law in counter-terrorism and presents reform directions that can ensure the national security and the rule of law

Keywords: counter-terrorism law, criminal justice, national security, preventive detention, human rights, due process.

1. INTRODUCTION:

1.1 Background of the Study

The trend of terrorism has changed significantly in the early 21st century and states have tried to rehabilitate the national legal tools that were originally meant to deal with normal crimes to benefit the wider national security purposes. There are certain offences, increased investigative authority, and new prosecuting apparatuses incorporated into domestic criminal justice systems with the goal of prevention, investigation, and prosecution of terrorism-related activities. Such a transition in most countries has led to a counter-terrorism law that crosses the thin dividing line between criminal justice practices and emergency security practices (UNODC, n.d.).

The recurring activity in legislative systems in democratic systems towards the refinement of the systems is one of the indicators of such evolution. As an illustration, the Terrorism (Protection of Premises) Act 2025 in the United Kingdom demands that facilities hosting mass events carry out certain counter-terrorism risk management

strategies as a response to an active security paradigm that jointly incorporates both criminal liability and preventive national security duties (Wikipedia, 2025). Moreover, other states such as China have also recently defined new models in order to bring the criminal law into a set of national security goals that emphasize social stability and counter-terrorism performance (State Council Information Office, 2024).

At the same time, research has suggested that the broadening of the scope of criminal law to include acts preparatory and the precursors can create the risk of over-criminalisation, which extends past the historic harm-based concept of punishment, and therefore, removes legal predictability and civil liberties (Rus, 2025). At the global level, no one universal statute determines what terrorism is and instead, terrorism is criminalised through domestic law and enhanced by the requirements of counter-terror countermeasures and mutual legal assistance regimes issued under the UN mandate. Such legal patch work signifies differing and conflicting national interests in securitisation and risk management influenced by domestic constitutional principles,

institutional strengths and geopolitical dangers, and trans jurisdiction coherence has remained a challenge.

The background context both highlights the growing complexity of criminal law in its response to terrorism and the necessity to examine in which ways these structures reconcile the demands of effective national security with the pillars of legal tradition of due process, equality before law, and proportionality. The current paper falls within the framework of such an analysis, exploring the mechanisms of criminal law as applied to counter-terrorism and evaluating them in terms of their logic and overall legal and social consequences.

1.2 Problem Statement

The application of criminal law as a key tool in counter-terrorism is a complex issue: on the one hand, states have to protect their national security against new threats, however, the legal tools used in this area tend to give more authority to law enforcement and prosecutorial institutions, which in turn leads to the violation of civil rights. Numerous anti-terrorism laws have expansive definitions of terrorism to give excessive discretion to prosecutors, who can constitute terrorism by non-violent political or expressive actions, which creates the possibility of misuse and arbitrary interpretation (IJCRT, 2025).

These broad statutory authorizations tend to contain preventive imprisonment, prolonged surveillances, and reverse burdens of proving, which are not in line with classical doctrines of criminal justice like presumption of innocence and procedural protections. Although such actions are likely to be excused under the guise of national security, they can threaten the principle of due process and even be violated in accordance with human rights as established in international documents and constitutional provisions. Furthermore, the discriminatory enforcement of counter-terrorism laws may contribute to the emergence of discriminatory enforcement patterns, especially when it comes to minority groups the government regards as security threats. This issue is compounded by the legal uncertainty surrounding most counter-terrorism provisions, which leaves room to abuse power by the executive and defer to the judiciary at the expense of accountability.

The paper discusses how valid state security considerations conflict with upholding rule-of-law principles in criminal justice systems under the name of counter-terrorism and introduces the boundaries and implications of legal means of giving prominence to the security needs at the cost of basic rights.

1.3 Aim and Objectives

Aim:

To critically review the design, scope as well as implications of criminal law frameworks applied in counter-terrorism in national security settings, such as how the legal frameworks address the security issues in a manner that appeals to the fundamental legal protections.

Objectives:

To examine the substantive and procedural provisions of the existing criminal laws on counter-terrorism.

To assess the impact of these frameworks on the national security outcomes.

To determine the consequence of expanded criminalisation on human rights and due-process.

To suggest legal changes that guarantee effective security, as well as the rule of law.

1.4 Research Questions

What are the criminal law models of defining and criminalising terrorism in national security context?

What are the impact of these legal provisions on due process and civil liberties?

Which legal and institutional strategies are in place to protect rights in criminal justice processes under and during counter-terrorism?

What can be done to reform criminal law systems to bring about better security imperatives and rule of law?

2. LITERATURE REVIEW

2.1 Terrorism, Criminal Law and National security

Farber (2025) posits that the legal conceptualisation of terrorism has played a key role in the way states conceptualise and utilise criminal law in national security. The paradigm of war on terror depicted by Farber compares this paradigm to the paradigm of law enforcement where the focus is on the traditional criminal justice process, including due process and human rights considerations. These two aspects emphasize the fact that the reaction of criminal law can protect or undermine civil liberties based on the prevailing paradigm followed by the domestic legal systems (Farber, 2025).

As pointed out by Bures (2025), the gradual transformation of counter-terrorism actions in Europe, which focuses more on criminalisation of funding and preparation, is an indication of the inclination to criminal law instruments, as opposed to the involvement of solely military solutions. According to Bures, these changes can be observed because of critical events that promote the shift in perception and policies, and this shift leads to the radicalization of criminal laws that target terrorism crimes (Bures, 2025).

The conflict between effective counter-terrorism and respect of human rights is examined by Ni Aolain (2024), who claims that the criminal law systems should take into account the international human rights, as well as the security requirements. She points out that as much as terrorists should be prosecuted criminally, courts and legislatures should make sure that the measures are not inappropriate as they have to respect the basic rights such as the right to be tried or the fact that punishment should be proportional. According to the literature, judicial supervision and protections to be inculcated within criminal law systems in counter-terrorism must be legitimate and effective (Ni Aolain, 2024).

Lombu et al. (2025) give a comparative view of the application of criminal law in various legal systems in dealing with terrorism at the individual level. They find differences in definitions of offences, evidentiary standards, and preventive measures reflecting the

continuing problems of balancing national security imperatives with the protection of fundamental rights that signify a normative gap that continues to exist across jurisdictions (Lombu et al., 2025).

All in all, the modern literature appreciates the complexity of the process of framing terrorism under the criminal law. It shows a long-standing conceptual conflict in that criminal law has to be strong to safeguard national security and limited by legal principles that defend human rights and democratic principles.

2.2 Counter-Terrorism Criminal Legislation Development

Patria et al. (2025) discuss how the criminal law frameworks have evolved to counter-terrorism in Indonesia, and the connection between the changes in laws and the strategic national security issues. Their discussion shows how the Law Number 5/2018 broadened the definitions of terrorism and handed the law enforcement agencies with great discretion as part of a larger movement in which states are incorporating counter-terrorism priorities directly into criminal law. Patria et al. emphasize the political contribution of criminal law to the process of security policy development, and they state that models tend to focus more on the right to state power than on procedural protection and democratic responsibility (Patria et al., 2025).

Farber (2025) explains how criminal reactions to the traditional penal codes changed into hybrid systems and constitute a combination of preventative control, special courts, and increased powers of detention. His work shows that when there is no universal definition of what terrorism is, domestic laws are evolved to suit the perceived threat, often at the expense of a clear, consistent criminalisation of terror. This development is a demonstration of a continuous conflict between legal confidence and security emergencies (Farber, 2025).

The comparative studies also focus on the way various national systems tune the responses on criminal law in different ways. An example is the adoption in common law systems of so-called pre-crime power and reverse burden, an indication that there is a readiness to criminalize preparatory acts, whereas civil law nations are more inclined to follow the classical principles of penal law, focusing on the concept of legality and procedural safeguards (Lombu et al., 2025).

Although it is not that international frameworks criminalise terrorism per se, they shape the evolution of national law by compelling states to apply certain offences of financing or logistics to the local criminal statute. These commitments provoke the ongoing revision of legislation, which aligns the state criminal law with the international standards of counter-terrorism, but its application is varied (UNODC, 2025).

Altogether, the development of counter-terrorism criminal legislation is a dynamic process due to the influence of security threats, political needs, and international requirements. The literature has pointed out such a trend and emphasizes the importance of protection of key legal principles despite the refinement of criminal law reactions by states.

2.3 Preventive Justice and Pre-Emptive Criminalisation

Ni Aolain (2024) highlights that criminal law is now more concerned with the preventive justice mechanisms that are intended to thwart any possible acts of terrorism before they translate into harmful acts. One of the aspects of this trend that her work criticizes is that although control orders, extended detention, and increased surveillance may seem to be required to guarantee national security, they can easily become a threat to such fundamental legal principles as a presumption of innocence and proportionality unless carefully restricted through procedural protections (Ni Aolain, 2024).

According to Lombu et al. (2025), the legal frameworks, which respond to lone-wolf terrorism, show an increased dependency on pre-crime interventions and prosecutorial discretion. As they have comparatively analysed, such measures should be well balanced considering security needs with human rights protection since, too broad pre-emptive authority can result in the arbitrary exercise of pre-emptive security, and violation of civil liberties (Lombu et al., 2025).

Bures (2025) talks of the manner in which preventive criminalisation in the EU context is mostly done by focusing on the financing, logistics, and preparatory actions in respect of terrorism. The purpose of this approach is to disrupt the terror networks during their initial stages, however, there are legal problems, including uncertainty of the law and avoiding excessive generalness of offences that could be used to define legitimate actions (Bures, 2025).

In a variety of jurisdictions, control orders, proscription lists and security certificates reflect the growing role of criminal law outside of the conventional framework of retributivism. This growth poses normative issues of permissibility regarding the legitimacy of criminal punishment or quasi criminal limitations to individuals who have not yet carried out any act of violence, which challenges the proportionality and substantive justice paradigm in the context of security.

2.4 Concerns of Human Rights and Due Process

Patria et al. (2025) point out that the concept of criminal law about counter-terrorism has frequently been oriented towards the achievement of security goals at the expense of the protection of due process. In Indonesia, they believe that the provisions, which allow the increasing unrestricted powers of detention and the broad scopes of definitions, have been criticized as a lack of accountability and lack of respect for procedural fairness, which are international discussions on the validity of security-focused criminal laws (Patria et al., 2025).

Ni Aolain (2024) points out that the human rights standards like the right to a fair trial, legality (non crimen sine lege) and non-discrimination are threatened in the context of the counter-terrorist laws that bring pre-emptive actions to life without adequate judicial checks and balances. She claims that tough legal protection is essential to ensure against the abuses and preserve the integrity of criminal justice systems when strained by national security concerns (Ni Aolain, 2024).

According to the International Journal of Civil Liberties and Human Rights (2025), the excessive power of the state in the counter-terrorism regimes may compromise the freedom of democracy unless it is met with proportions, necessity and the respect established in relation to the liberty of individuals. Legal scholars underscore the fact that in absence of these protections criminal law can be used to oppress opposition, as opposed to fighting real security challenges (Baig et al., 2024).

Unequal protection of due process has also been observed in comparative literature in relation to jurisdictions. As an example, criminal law regulations that have many jurisdictions with strict preventive detention laws are subject to legal challenges in courts demanding the implementation of constitutional provisions, which show that criminal law provisions are constantly put to the test against human rights models in judicial reviews (Lombu et al., 2025).

On the whole, scholarship highlights the necessity of integrating the protection of the due process and human rights in the criminal law systems of the counter-terrorism context in order to avoid arbitrary state behavior and keep the process of national security protection without impairing the foundations of democracy.

3. RESEARCH METHODOLOGY

3.1 Research Design

The study takes the form of a doctrinal and descriptive-analytical study to investigate the criminal law systems that have been established to deal with counter-terrorism and national security considerations. Legal research based on statutory texts, judicial decisions, and established legal doctrine with analytical interpretation to assess the implication of legal norms and frameworks should use a doctrinal design (Farber, 2025). The analysis examines in a systematic way statutory provisions in major national laws (as well as codes of procedure) on counter-terrorism, including those amendments that affect investigative authority and discretion in prosecution. In this way, it determines criminalisation trends, process variations, and due process and human rights protection or loopholes.

The descriptive element entails the categorizing and contrasting of significant legislative tools such as the Unlawful Activities (Prevention) Act in India and the counter-terrorism laws in other regions to depict how criminal law constitutes and functions to develop counter-terrorism mechanisms (UAPA, 2019). These mechanisms are evaluated with the help of the analytical element on the critical basis of such principles as proportionality, legality, and rule-of-law. The paper also compares applicable policy tools and guidelines by international bodies such as the United Nations Office on Counter-Terrorism to ensure that all the frameworks that shape the response of the law in countries are covered (UNODC, 2025).

The comparative and normative analysis, including the doctrinal design, allows the research to strike the balance between descriptive and evaluative knowledge of the relationship between criminal law arrangements and security and legal values. The strategy will guarantee that

the outcome of the research will cover the practical structures of the law along with their normative consequences.

3.2 Data Sources

Primary data is the statutory texts such as the legislation amendments and governmental records on criminal law frameworks of counter-terrorism and national security. As an illustration, the Unlawful Activities (Prevention) Act (UAPA) in India, and its latest addendum in 2019 give important lessons on the way terrorism is defined and what authorities are entitled to do to investigate and prosecute terrorists (UAPA, 2019). It also analyses the national legislative reforms like the Bharatiya Nagarik Suraksha Sanhita (2023) to get insight into the changing landscape of procedural laws in concern to terrorism and security (BNSS, 2023).

The sources of secondary data will be academic articles, policy papers, international guidelines, and comparative analyses of the response to the issue of terrorism by criminal law and the human rights implications thereof. Also included are reports and policy briefs provided by international organisations like the United Nations Office of Counter-Terrorism and scholarly criticisms on over-criminalisation to place national frameworks on a wider normative discussion (UN Office of Counter-Terrorism, 2025; Rus, 2025).

These cross-referring sources guarantee an all-encompassing compilation of statutory law and international standards as well as interpretive scholarship in order to conduct thorough analysis.

3.3 Analytical Framework

The theoretical framework that will be employed in this research is the concept of legal rights balancing and normative assessment of criminal law efforts to counter-terrorism. The analysis is guided by two major axes: (1) security effectiveness, which is the power of criminal law provisions to prevent or deter terrorism by the means of substantive provisions and procedural means; and (2) legal legitimacy, which is the extent to which the said provisions meet the criteria of legality, proportionality, due process, and human rights standards. The study adopts a balance-of-interests strategy, which compares the demands of the state security with the rights of individuals, especially where it comes to preventive detention, broad surveillance, and special procedural provisions. This framework would permit a combined criticism of legal structures and their effects.

3.4 Ethical Considerations

In this study, the ethical approach is observed since only publicly available legal materials and academic sources are used and no work with sensitive personal information is involved. All explanations are consistent with the principles of academic integrity, including the provision of adequate reference and adherence to objective analysis of the law that is not connected with the desire to use some partisan approach and a list of confidentiality issues.

4. CRIMINAL LAW COUNTER-TERRORISM MECHANISMS.

This part examines substantive and procedural tools in the framework of the criminal law that are applied to combat terrorism. It highlights the role of legal definitions, investigative authority, prevention, special procedure deviation and evidence standards to national security goals and raises both legal and rights concerns.

4.1 Definition of Terrorist Offences and Criminal Liability

The criminal law systems normally start with the definition of terrorist offences in the national criminal codes or special laws. To use the example of the Unlawful Activities (Prevention) Act (UAPA) 1967 of India, which categorizes terrorism as any action that threatens the integrity of the nation or the citizens of the country by the use of violence or interference of any nature, the 2019 amendments to the law enable the government to declare individuals as terrorist activities, in addition to the organisations (PRS India, 2019). This wide meaning is an indication of a shift in which states have broadened criminal liability including preparatory conduct as well as the violent acts.

In Figure 1 below, some elements of terrorist offence definitions as defined under various jurisdiction frameworks, including India, Australia, and the United Nations can be observed.

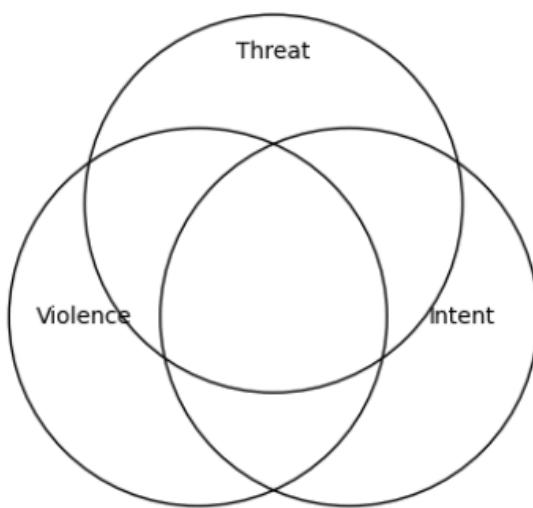


Figure 1. Shared attributes of the definition of terrorism

This number is a summary of the common denominator such as violence, intent to intimidate and disturbing a crowd, that are applied in legal systems to characterize terrorism.

The broad definitions are meant to offer clarity and power of prosecution. They can however, also obscure the line between political dissent and terrorism, particularly in cases where criminal provisions of such acts as the promotion of terrorism do not explicitly provide lines at which violence and harm may be regarded as excessively high. The United Nations Global Counter-Terrorism Strategy strengthens the mandate of states to criminalise terrorism offenses under their domestic statute, but with a

focus toward harmonising with international requirements (UN Office of Counter-Terrorism, 2025).

The criminal responsibility is also transferred to collateral crimes such as funding, recruiting and planning of terrorism, which is an effective expansion of culpability. Although these provisions assist the prosecutors to have a wider scope, they generate doubts on the *lex certa* (legal certainty) and the possible abuses where imprecise definitions of offences allow random prosecution (Baig et al., 2024).

Table 1. Comparative Definitions of Terrorist Offences Across Jurisdictions

Jurisdiction	Key Definition Elements	Scope of Liability
India (UAPA 1967)	Violence, disruption, promotion	Individuals/organizations designated
Australia (Criminal Code)	Intention to coerce government/public	Acts preparatory to terrorism
UN Framework	Serious harm, threat to security	Acts undermining peace/security

Source: Compiled from PRS India (2019); Australian human rights guidance (2025); UN counter-terrorism strategy (2025).

4.2 Preventive Detention and Extended Investigative Powers

One of the major processes in modern criminal law of counter-terrorism is preventive detention where a person may be imprisoned without trial over prolonged durations in case he or she is suspected of being involved in activities related to terrorism. The provisions are not in line with the classical criminal procedures in that they sanction arresting on suspicion as opposed to guilt. The UAPA under the Indian law enables the investigators to have long periods of detention before they can be charged, and the authorities have to seek permission to prosecute them with senior officials in the agency (PRS India, 2019).



Figure 2. Preventive Detention Timeline

This table shows the common length of detention under the laws of counter-terrorism against the normal criminal law practice.

Preventive detention is accepted due to national security reasons since terrorism is in many cases understated planning and early intervention is vital in order to avoid losses. Such powers however create due process issues because the suspects might be denied liberty without the direct protective measures that accompany the normal course of criminal justice. Human rights groups, such as Amnesty International, have condemned how counter-terrorism rules have been misused against civil society and activists by stating that extensive surveillance authorities can anything to harm peaceful civic action and opposition (Amnesty International, 2023).

A closely related procedural tool is extended investigative powers that comprise of lengthy custody, special reporting, and intercepting of digital communications. These authorities are meant to provide law enforcement agencies with the means with which they can break terrorist networks. Indicatively, some authorities such as the National Investigation Agency (NIA) of India have been endowed with greater powers to probe terror-related crimes with specialised knowledge and geographical jurisdiction (PIB, 2024).

Table 2. Detention and Investigative Powers Under Counter-Terrorism Laws

Mechanism	Description	National Security Objective
Preventive Detention	Detention without immediate charge	Disrupt planning of attacks
Extended Custody	Longer pre-charge custody	Obtain actionable intelligence
Surveillance Powers	Interception of communications	Uncover networks/financing

Sources: PRS India (2019); Amnesty International (2023); PIB (2024).

Increased power in collecting information and making prosecutions can help in efficient intelligence collection and prosecution, although stringent court control is necessary to ensure it is not done arbitrarily and does not infringe upon individual rights.

4.3 Special Courts and Procedural Deviations

Numerous criminal legal systems create specialized courts or tribunals in order to speed up the process of court proceedings over terrorism cases. Such courts have procedural departures not always in line with a standard criminal court, such as in-camera hearings, relaxed rules of evidence, and secrecy. The reason is that the trials of terrorism should be confidential and efficient to safeguard the intelligent and national interest of the country (Neog, 2025).

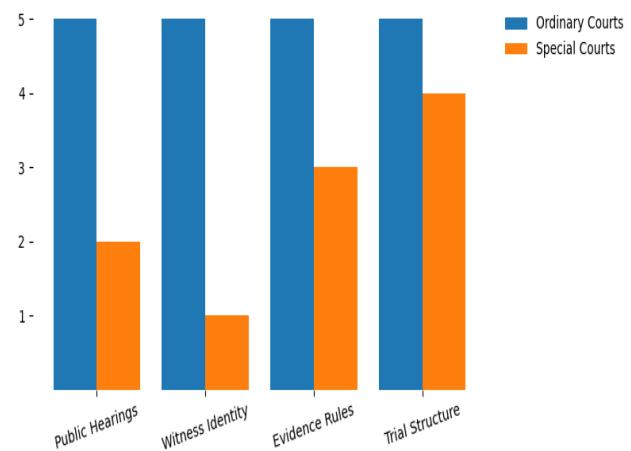


Figure 3. Special Courts Procedural Deviations.

This number offers a comparison of the practice in the regular criminal courts and special counter-terrorism courts.

Special courts can also permit anonymity of witnesses or safeguard of the at-risk of reprisal, a potential strength of protecting witnesses but a weakness of adversarial justice system protection of cross-examination privileges. Procedural departures are would be based on operational necessity but this may undermine transparency and accountability unless tied with protections.

Table 3. Procedural Deviations in Terrorism Trials

Procedural Element	Ordinary Courts	Special Counter-Terrorism Courts
Public Hearings	Yes	Limited/In-camera
Witness Identity	Public	Anonymous/Protected
Evidence Rules	Standard	Flexible/Expert evidence accepted

Compiled from Neog (2025) and national legal practices in counter-terrorism.

Special courts are not used without criticism. According to scholars, the right to judicial review and possibilities to appeal should balance the procedural flexibility in order to avoid the miscarriage of justice. In the absence of this, trials may involve giving precedence to state security concerns at the cost of the basic rights of defendants.

4.4 Surveillance, Data Collection and Evidentiary Standards

Modern criminal justice systems that are used to counter-terrorism and collect data allow states to apply mass surveillance and data gathering techniques in order to identify and thwart any terrorist act. These authorities comprise eavesdropping of messages, intrusion into electronic data, and surveillance of money flows. As an example, the Australian law of counter-terrorism criminalises preparatory conduct and authorises

surveillance measures which may intercept communications that are pertinent to terrorism investigations (Australian Human Rights Commission, 2025).

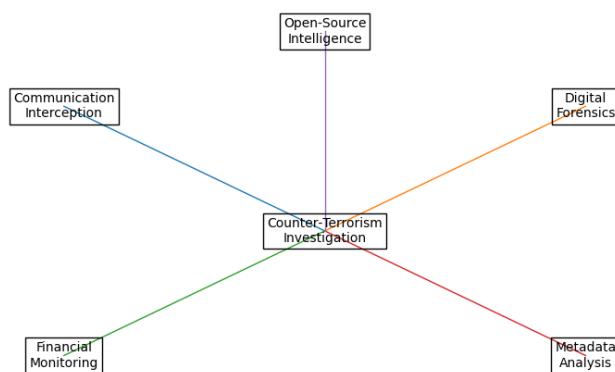


Figure 4. Surveillance and Data Collection Mechanisms

This figure charts surveillance devices in the counter-terrorism investigation, such as digital interception and financial surveillance.

The evidence produced through digital surveillance can be used in special courts or tribunals. Nevertheless, such use based on evidentiary grounds brings up some questions on the right to privacy and the possibility of intrusion in the personal data being disproportionate. The balance between privacy and security is fragile and states should make sure that the authorisations to surveillance are subject to external control that should allow meeting the legal standards (OHCHR, 2025).

Another major evidentiary domain is the financial surveillance that is designed to monitor the financing of terrorism. According to reports by the Financial Action Task Force (FATF), anti-money laundering and counter-terrorist financing systems have become central to determining the channels through which actors of civil society fund their operations, but there is concern that it is also abused against non-state actors when the definition is too broad (FATF, 2024).

Table 4. Key Evidentiary Tools in Counter-Terrorism Prosecutions

Evidentiary Tool	Legal Basis	Rights Consideration
Communication Intercepts	Statutory authorisation	Privacy safeguards
Financial Monitoring	FATF compliance	Avoid misuse against NGOs
Digital Forensic Data	Court-ordered access	Data protection norms

Compiled from OHCHR (2025) and FATF (2024).

In cases of terrorism, evidentiary standards have to find a balance between the admissible information that was

obtained on an intelligence-based approach and the privacy of defendants to confront and challenge the evidence. The use of such evidence should have procedural protections such as judicial sanction and control as a measure to ensure its legitimacy.

4.5 National Security Achievements and Legal Responsibility

The interplay between the criminal law processes and national security goals brings mixed results. Prosecution of terrorism is a criminal act that helps in deterring, crippling and reassuring the people. Specialized agencies, like the National Investigation Agency (NIA) of India, improve the ability to carry out sophisticated cases of terrorism, aligning expertise and interjurisdictional coordination (PIB, 2024).



Figure 5. Criminal Law Measures to National Security Results

This number illustrates some of the most significant outcomes of deterrence, prevention, prosecution based on criminal law systems in counter-terrorism.

The mitigating measures in the legal accountability systems, including judicial review of the detention and trial processes, assist in reducing the risk of rights violation. But under the influence of national security, accountability can be placed on the backburner thus leading to the possible abuse. The cases of journalists and activists being targeted with counter-terrorism provisions despite not being involved in terrorism have been reported by the human rights groups, which have led to questions about what the law permits and what it does not (Amnesty International, 2023).

Table 5. Outcomes and Accountability in Counter-Terrorism Criminal Law

Outcome	Positive Effect	Accountability Challenge
Deterrence	Reduced threat actions	Overreach risks
Prevention	Early disruption	Due process limits
Prosecution	Convictions	Fair trial vigilance

Bilateral structures must be supervised independently, have clear standards of using special powers, and have strong appeal rights so that criminal law mechanisms can guarantee security without compromising justice.

5. SOCIAL and Psycho-psychological aspects of counter-terrorism law.

In this section, the authors discuss the social and psychological consequences of criminal law practices addressing counter-terrorism on the impacted communities, social confidence, identity, and personal wellbeing. It also examines the empirical data and intellectual views on the cross-cutting of law and enforcement practices with social cohesion and psychological health.

5.1 Social Implication to Communities

Criminal law models of counter-terrorism may have a great societal effect on the communities, especially the socially perceived and projected communities that are taken to be related to terrorism. Western counter-terrorism contexts have been studied and revealed that such actions may lead to the stigmatization of minority groups, their sense of belonging, and civic engagement (Messa, 2015). Studies show that where a legal system is focused to monitor or discriminate certain groups more than the others, this may negatively affect the social unity and results to an experience of alienation as well as marginalism. These effects can actually be self-contradictory as they strengthen the distrust and disengagement that weaken the long-term national security aspirations (Messa, 2015).



Figure 6. Counter-Terrorism Law Social Impact Pathways

This figure depicts some of the important social pathways such as stigma and lowly civic engagement as well as distrust.

Additionally, in scholarly discussions, it is noted that counter-terrorism policy that is enacted in the absence of community participation and protections may result in a suspect community where any interaction between the law enforcement agency and a person is influenced by fear and suspicion. These circumstances may undermine trust in state apparatus and deter the normative foundation of cooperation, which is the main prerequisite of good policing and security (Equality and Human Rights Commission, n.d.).

Table 6. Social Effects of Counter-Terrorism Criminal Law

Social Effect	Description	Potential Outcome
Stigma	Groups labelled as security threats	Alienation, social withdrawal
Distrust	Reduced trust in institutions	Less cooperation with authorities
Differential citizenship	Unequal perceived rights	Civic disengagement

Sources: Messa (2015); Equality and Human Rights Commission (n.d.).

5.2 Psychological Impact and Individual Well-Being

In addition to social impacts, criminal law counter-terrorism actions may have psychological effects upon individuals and communities who witness and are subjected to counter-terrorism enforcement actions. The very fact of terrorism is married to the overwhelming fear and trauma; the studies indicate that the perception of threat by the population and the legal reaction to it impact the mental health outcomes of the community and individuals (UNODC, 2025).

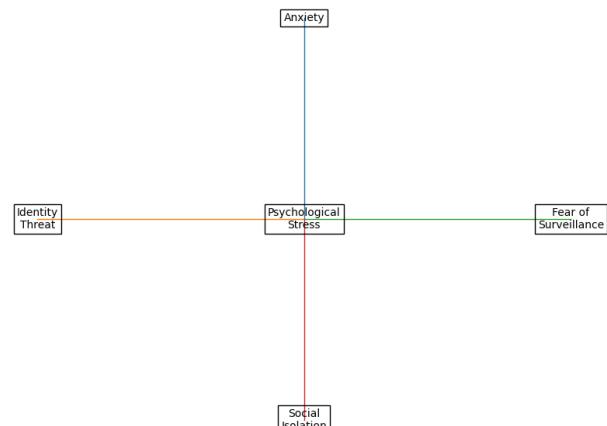


Figure 7. Psychological Stressors within Counter-Terrorism Situations

This characterization is a plot of stressors such as fear, anxiety, and identity threat.

Nonetheless, even in recent psychological studies of legal structures, the trauma and fear reactions to terrorism, and by extension to anti-terrorism government action, are well known. These are anxiety, insecurity and community strain, especially where the law enforcing strategies are seen to be aggressive or discriminating. When accompanied by a sense of threat to identity and cultural belonging, psychological distress can be aggravated, particularly in those populations that face recurrent negative profiling (UNODC, 2025).

Table 7. Psychological Dimensions of Counter-Terrorism Law

Psychological Dimension	Indicator	Example Outcome
Anxiety	Persistent fear of legal scrutiny	Reduced social participation
Identity Threat	Sense of marginalisation	Depression or stress
Fear of stigma	Heightened vigilance	Social withdrawal

Source: UNODC (2025).

5.3 Media, Public Perception, and Community Relations

The media portrayals and the rhetoric of counter-terrorism prominently affect the legal aspects of counter-terrorism perceptions by the general population. The major focus of criminal law can include the area of the coverage that may trigger the feeling of fear, lack of trust, or threat perception, which affect social psychology and relations between communities. The threat perception theory of social psychology postulates that when terrorism and legal response are continuously interconnected in the media, the groups related to the perceived threat might experience identity pressure and loss of trust in the society (UNODC, 2025)..



Figure 8. Media Effect on the Social Perception of Counter-Terrorism

This graph demonstrates the impact of media framing on feelings and social trust.

Media discourses on the public perception can enhance prioritisation of security over civil liberties, which usually ends up popularising intrusive criminal law. This process may undermine the democratic discussion of legal protection and the rights guarantees (UN Security Council, n.d.). Best anti-terrorism models must thus incorporate open communications approaches that curb panic and prevent further propagation of stereotypes of groups that are over-enforcement by the security regulations.

Table 8. Media and Public Perception Effects

Media Effect	Psychological Impact	Social Outcome
Threat Amplification	Increased fear	Support for harsher laws

Group Scapegoating	Heightened bias	Intergroup tension
Securitisation Narratives	Civil liberty trade-offs	Reduced rights advocacy

Sources: UNODC (2025); UN Security Council (n.d.).

5.4 Community Trust, Legal Compliance, and Long-Term Security

The criminal law structures can be effective in counter-terrorism in the long run, not just along the legal mechanisms, but also through the cooperation of the people themselves and the trust in the system. Lack of fairness of target communities may lead to a degradation of preventive and investigative activities because they are likely to lose interest in legal adherence and social coexistence. Collective security involves trusting the law enforcement and justice institutions because the adherence to the law and desire to share information play a role in detecting the threat effectively.

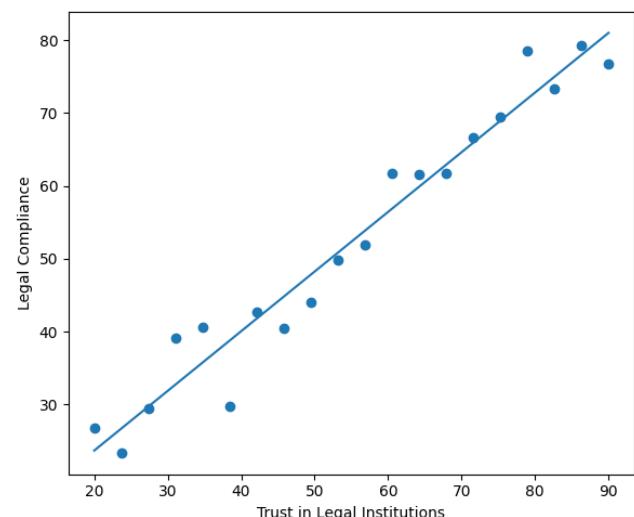


Figure 9. Trust and Legal Compliance Relationship

This statistic explains the correlation of trust in law enforcement and community cooperation.

The limited depth of the empirical and qualitative studies imply that the perception of bias or discrimination may destroy trust and cause social fragmentation. In the example, those who perceive the legal frameworks as unjust to certain groups might not want to be associated with it, or may distrust it, which in turn undermines the counter-terrorism aims by decreasing the legitimacy of law enforcement and justice systems in those populations (Messa, 2015).

Table 9. Trust and Compliance Indicators

Aspect	Positive Indicator	Negative Indicator
Trust in legal system	Shared security goals	Perceived discrimination
Community cooperation	Information sharing	Avoidance of police
Compliance adherence	Obedience to law	Resistance or non-compliance

Source: Messa (2015).

6. DISCUSSION

This part is a synthesis of the empirical and doctrinal lessons to date, to analyse the interaction of criminal law processes, national security goals, and the most fundamental legal principles of due process, proportionality and rule of law.

Some of the criminal law regimes that exist as result of counter-terrorism efforts have been aimed at balancing between security concerns and human rights and legal protection. According to the literature, integrating substantive and procedural guarantees in criminal justice allows delivering legitimate and accountable responses to terrorist acts that do not violate human rights even in the conditions of threat (UNODC, 2018). An approach to criminal justice based on a rule of law focuses on transparency, judicial control, and protection against arbitrary power, a point of view that is endorsed by international standards that emphasize valid legal procedures despite national security issues (UNODC, 2018).

Nonetheless, the real-life application of counter-terrorism criminal law discloses that there are great tensions between the increased security levels and the basic rights. When overly broadly applied or without adequate oversight, preventive detention, longer investigation authorities and special procedural deviations, which are discussed in Section 4, can erode fundamental safeguards to liberty and the right to trial. Such measures as preventive detention subject suspects to the risk of extended denial of freedoms without timely evaluation by the court, risking the criminal justice system to the assumption of innocence on which it is based. The degradation of procedural protections in the name of security has been repeatedly warned by human rights experts to result in rights abuse and warped justice when not strictly limited by the law and other control mechanisms (IJCRT, 2025).

A similar issue comes with the statutory definition of terrorism which is broad or vague, and therefore, may inadvertently criminalise lawful behaviour, including peaceful protest or dissent. The UK government is notably criticized by other countries regarding its banning of a protest organization under the laws of terrorism, which illustrates how loosely interpreted statutes can be applied to silence dissent, has a potential to instigate an organization practicing peaceful protest as a terrorist

organization, and is a substantial concern to the executive discretion and adherence to the rule of law (The Guardian, 2025). The need of precise legal definitions that would draw a clear distinction between violent terroristic acts and activities that can be considered lawful and civic actions is emphasized by such critiques in order to avoid making the criminal law an instrument of political coercion instead of a means of protecting the people.

The question of judicial deference and accountability also serves to explain the tension that is inherent in the counter-terrorism legal framework. Courts have in other contexts been too deferential to executive assertions of security necessity which threatens to jeopardize judicial independence in reviewing detentions or extraordinary powers (van Ark, 2024). This dynamic may undermine the access to justice and restrict the successful redress of persons subjected to counter-terrorism actions.

In spite of these issues, criminal law mechanisms can still be promising as a valid and effective answer to terrorism in case they are incorporated into strong legal and institutional protection. To balance it, more procedural protection needs to be reinforced, yet there must be a clear definition of legislation, and more control mechanisms should be implemented so that security measures do not overshadow the basic rights. The legitimisation of counter-terrorism actions in the framework of democratic legal orders requires integrated solutions that would reflect the integration of human rights compliance into the law enforcement measures of the national security.

7. POLICY RECOMMENDATIONS

An effective compromise between national security and basic legal safeguards can only be attained through planned legislative, institutional, and procedural changes. To begin with, it is necessary to make statutory definitions of terrorism and other related offences clear and precise to avoid over-criminalisation and to make sure that only the conduct that is of objective threshold of violence and harm is within the scope of criminal law (UN Office of Counter-Terrorism, 2025). Limited legal terms minimize prosecutor discretion which poses a threat of labelling legal opposition or political thought as terrorism.

Second, improved judicial control of preventive detention, surveillance authorisations and extended investigative authority will increase accountability and reduce the possibility of arbitrary application. Procedural safety nets and maintenance of due process norms can be achieved by independent review mechanisms, including periodic judicial re-evaluation of detention orders.

Third, the incorporation of proportionality and human rights standards into the counter-terrorism processes, including: explicit standards of special court treatment, and admissibility of evidence, will uphold fairness and confidence in the justice systems. Arguably, international best practices insist that counter-terrorism actions should adhere to the principles of the international human rights such as the necessity and proportionality principles (UN Human Rights Office of the High Commissioner, 2025).

Lastly, encouraging community-based engagement practices will build trust and collaborations with the law

enforcement to minimize social alienation and increase preventive opportunities without violating civil liberties.

8. CONCLUSION

This study has discussed the role of criminal law frameworks as the fundamental elements of national counter-terrorism measures, the nature of their substantive definitions, procedural operations, and the implications on legal rights and trust in the society. Enhancing state capacity to disrupt security threats may be improved with

criminalisation of terrorism, preventive detention, and more investigative powers, though should be established with strictly defined legal terms and a strong framework to protect due process and human rights (UN Office of Counter-Terrorism, 2025; UN Security Council, 2021). The limited use of force against terrorism must be balanced by security demands and the rule of law, which would assure legitimacy and eventual trust of justice in the society.

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