

JURIDICAL ANALYSIS OF FAILED DIVERSION IN JUVENILE CRIMINAL PROCEEDINGS FROM A SIYASAH FIQH PERSPECTIVE

Harsana¹, Imam Mahdi², Nenan Julir³
Universitas Islam Negeri Fatmawati Sukarno Bengkulu
harsana970@gmail.com

Abstract

This study examines the juridical aspects of the unsuccessful implementation of diversion in juvenile criminal proceedings based on Decision Number 39/Pid.Sus-Anak/2025/PN Bgl and analyzes the case from the perspective of Siyasah Fiqh. Diversion constitutes a mandatory mechanism under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System to redirect the settlement of juvenile cases from formal judicial proceedings to restorative resolution in the best interests of the child. The diversion process in this case failed because of the Public Prosecutor's objection, resulting in the continuation of formal criminal proceedings against the juvenile offenders. This research employed a normative juridical method using statutory, case, and conceptual approaches within the framework of Siyasah Fiqh. The findings indicate that law enforcement authorities implemented diversion in accordance with the applicable legal provisions from a procedural perspective. The prosecutor's refusal to reach a settlement prevented the substantive realization of restorative justice. The state's provision of diversion reflects the implementation of Siyasah Qadhaiyyah, embodying the principles of *ishlah* and *maslahah mursalah* to safeguard the objectives of Islamic law, particularly the protection of lineage (*hifz al-nash*) and intellect (*hifz al-'aql*). The court imposed a 30-day custodial sentence at the Bengkulu Juvenile Special Development Institution (LPKA) on Juveniles I, II, and III after the diversion process failed, while Juvenile IV was returned to parental supervision. The court's consideration of the children's educational continuity demonstrates the application of the principles of *al-ta'dib* (educational rehabilitation) and *siyasah shar'iyah* in protecting the child's welfare and future development.

Keywords: *Failed Diversion, Juvenile Offenders, Siyasah Fiqh, Siyasah Qadhaiyyah, Restorative Justice*

INTRODUCTION

Children are a trust and blessing from Almighty God who possess inherent dignity and fundamental human rights. Their role as the nation's future generation makes child protection an essential responsibility of the state. Within the framework of the rule of law, children are recognized not only as objects of protection but also as legal subjects whose rights are guaranteed by the Constitution and statutory regulations. State responsibility therefore extends to ensuring that children can grow and develop optimally in their physical, mental, and social dimensions. Child protection represents a fundamental manifestation of respect for human rights. Children in conflict with the law require special treatment because their psychological and emotional conditions differ significantly from those of adults. Juvenile offenders remain in a developmental stage and therefore require guidance and rehabilitation rather than punitive measures (Dahlan et al., 2025).

Marlina argues that children in conflict with the law must be protected from actions that may hinder their physical, mental, and social development. The juvenile criminal justice system should therefore prioritize educational and humanitarian approaches while placing

the best interests of the child at the center of every legal process. Protection of children in conflict with the law also serves as an important indicator of a state's commitment to safeguarding human rights. State responsibility extends beyond imposing legal sanctions by ensuring that children retain their rights to life, development, education, and a better future. Legal policies should consequently promote justice, rehabilitation, and recovery to enable children to reintegrate into society and resume their social functions.

The increasing involvement of children in criminal offenses reflects complex social challenges within contemporary society. Environmental influences, inadequate parental supervision, economic hardship, technological development, and limited moral and religious education contribute to juvenile delinquency that may lead to criminal behavior. These circumstances demonstrate that juvenile offending cannot be separated from the surrounding social environment. Resolution of juvenile criminal cases should therefore address not only the unlawful act itself but also the underlying factors influencing the child's behavior (Arafat, 2022).

Children in conflict with the law cannot be treated in the same manner as adults because their psychological, emotional, and cognitive capacities remain under development. Their limited ability to fully understand the consequences of their actions necessitates a specialized approach within the criminal justice system. Legal proceedings involving children should prioritize the protection of their rights in order to prevent psychological distress and social stigmatization that may adversely affect their future. Setya Wahyudi emphasizes that juvenile justice should focus primarily on guidance and protection rather than retribution. Criminal sanctions imposed on children should therefore constitute a measure of last resort after educational and restorative alternatives have been fully considered.

Imprisonment should constitute the final measure after educational and restorative alternatives have been fully pursued. Such an approach enables children to improve their behavior, continue their education, and reintegrate into society. The juvenile criminal justice system is therefore expected to deliver justice that emphasizes rehabilitation and future reintegration rather than punishment alone. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System establishes a specific legal framework to protect children in conflict with the law. The enactment of this legislation reflects the state's commitment to safeguarding children's rights. Previous juvenile justice practices relied primarily on punitive measures similar to those applied to adult offenders, creating legal mechanisms that failed to adequately protect children's psychological development and future prospects (Atika et al., 2025).

Law Number 11 of 2012 introduced a significant reform in Indonesia's juvenile criminal justice system by emphasizing restorative justice and diversion. This framework seeks to prevent children from experiencing the adverse consequences of formal criminal proceedings by recognizing that juvenile offenders remain capable of rehabilitation and behavioral improvement. Marlina explains that the juvenile criminal justice system is designed to protect and rehabilitate children so they can successfully reintegrate into society. The legislation also guarantees children's procedural rights throughout the legal process, including legal assistance, protection from unnecessary detention, and opportunities to

resolve cases through diversion. The juvenile criminal justice system consequently serves not only as an instrument of law enforcement but also as a mechanism for child protection and rehabilitation.

Diversion constitutes one of the fundamental principles introduced by Law Number 11 of 2012. The mechanism redirects the settlement of juvenile criminal cases from formal judicial proceedings to alternative dispute resolution based on restorative justice. Diversion represents an important legal innovation because it prioritizes peaceful settlement and the best interests of the child. The mechanism protects children from psychological trauma, social stigma, and other adverse consequences associated with formal criminal proceedings. Diversion also encourages constructive dialogue among offenders, victims, their families, and other relevant stakeholders to restore social relationships and promote accountability (Dahlan et al., 2025).

Restorative justice within the diversion process aims to repair the harm caused by criminal conduct while encouraging juvenile offenders to accept responsibility for their actions. Diversion also reduces reliance on imprisonment, allowing children to continue their education and social development without unnecessary disruption. Setya Wahyudi defines diversion as a mechanism that transfers juvenile cases from formal criminal proceedings to alternative settlement in the best interests of the child. Diversion therefore serves as an essential instrument for developing a juvenile justice system that is more humane, equitable, and consistent with the principles of child protection established under Indonesian law.

The primary objectives of diversion include achieving reconciliation between victims and juvenile offenders, resolving cases outside formal judicial proceedings, preventing deprivation of liberty, encouraging community participation, and fostering children's sense of responsibility. These objectives demonstrate that diversion protects children's future while resolving criminal cases through consensus and restorative measures. The mechanism seeks to prevent children from experiencing social stigma, psychological distress, and other harmful consequences associated with formal criminal proceedings. Marlina emphasizes that diversion protects children from being labeled as criminals by avoiding unnecessary involvement in the formal criminal justice system (Ilmi et al., 2023).

Diversion also encourages active participation from families, community leaders, community counselors, and victims in resolving juvenile criminal cases. Such participation demonstrates that responsibility for resolving juvenile cases extends beyond law enforcement authorities to the wider community. Diversion therefore serves as a fundamental instrument for establishing a more humane and restorative juvenile criminal justice system. Article 6 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System stipulates that diversion aims to achieve reconciliation between victims and children, resolve cases outside formal judicial proceedings, prevent deprivation of liberty, encourage community participation, and cultivate children's sense of responsibility. These statutory objectives reinforce the restorative orientation of Indonesia's juvenile justice system.

The principles underlying diversion are consistent with the Islamic concept of deliberation (*shura*) as reflected in Qur'an Surah Ash-Shura (42:38), which emphasizes collective consultation in resolving public affairs. Diversion promotes reconciliation among

offenders, victims, families, and the community through peaceful settlement outside formal judicial proceedings. This mechanism protects children from psychological trauma and social stigma while providing opportunities for personal improvement without jeopardizing their future. Setya Wahyudi explains that diversion functions as a legal instrument to shield children from the adverse consequences of formal criminal proceedings.

Law Number 11 of 2012 reflects a significant shift in Indonesia's approach to juvenile justice. Children who commit criminal offenses are no longer viewed solely as offenders deserving punishment but also as individuals entitled to guidance, protection, and rehabilitation. Diversion therefore plays a central role in developing a juvenile criminal justice system that is more humane, equitable, and centered on the best interests of the child (Setyana, 2023).

Diversion does not always achieve its intended objectives in practice. Numerous juvenile criminal cases continue to proceed through formal judicial proceedings despite statutory requirements encouraging restorative settlement. Failure to reach diversion agreements may result from disagreements between offenders and victims, objections raised by victims' families, or limited public understanding of the objectives of diversion within the juvenile criminal justice system. Public perceptions that diversion provides an overly lenient response to juvenile offending also contribute to unsuccessful diversion processes.

The seriousness of the criminal offense may further influence the failure of diversion. Victims or their families may insist that juvenile offenders remain subject to formal criminal proceedings as a means of ensuring accountability. Marlina explains that successful diversion depends primarily on the willingness of all parties to reach an agreement through deliberation and reconciliation. Absence of mutual consent inevitably leads to the continuation of formal judicial proceedings. Such circumstances expose children to psychological pressure, social stigma, and long-term consequences that may adversely affect their future development. The failure of diversion therefore represents a significant issue within the implementation of the juvenile criminal justice system (Hossain, 2023).

One example of unsuccessful diversion appears in Decision Number 39/Pid.Sus-Anak/2025/PN Bgl. Diversion efforts undertaken during the proceedings failed to produce an agreement, resulting in continuation of the case before the court and the eventual issuance of a judicial decision. This outcome illustrates that implementation of diversion does not always fulfill the objectives established under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Diversion is fundamentally intended to prevent children from entering formal criminal proceedings while safeguarding their future development.

Victims and their families may insist that juvenile cases proceed through formal judicial proceedings as a means of ensuring accountability for the offense committed. Setya Wahyudi emphasizes that the success of diversion depends largely on the willingness of all parties to achieve reconciliation. Failure to reach an agreement during the diversion process requires the continuation of criminal proceedings in accordance with the applicable legal framework. Practical implementation of diversion therefore continues to encounter legal, social, cultural, and institutional challenges. Children who undergo formal criminal proceedings remain vulnerable to psychological distress and social stigmatization that may adversely affect their

future. Comprehensive evaluation of the factors contributing to unsuccessful diversion is therefore essential to improve the effectiveness of its implementation and strengthen the protection of children's rights (Arafat, 2022).

Diversion constitutes the principal mechanism for realizing restorative justice within Indonesia's juvenile criminal justice system. Peaceful settlement, rehabilitation, and protection of children's future represent the primary objectives of this mechanism. Diversion provides children with an opportunity to acknowledge their mistakes without experiencing the detrimental consequences of formal criminal proceedings. Successful implementation of diversion has therefore become one of the key indicators of an effective juvenile criminal justice system (Islam, 2015).

Failure of diversion requires children to undergo formal criminal proceedings that may generate psychological, social, and educational consequences. Juvenile offenders may experience emotional distress, diminished self-confidence, and negative social labeling throughout the judicial process. Marlina explains that formal criminal proceedings may produce long-term stigma that hinders children's personal development. Protection of children's rights consequently requires serious attention to the effectiveness of diversion in fulfilling its rehabilitative objectives. This principle is consistent with Qur'an Surah An-Nisa (4:58), which commands justice in the administration of legal affairs. Diversion also warrants examination from the perspective of *Siyasah Fiqh*. Islamic law encourages peaceful dispute resolution and prioritizes public welfare in maintaining social harmony. Legal responses to criminal conduct are not limited to punishment but also emphasize rehabilitation, reconciliation, and the realization of justice for all parties involved. Diversion therefore reflects values that are closely aligned with the objectives of Islamic law in resolving juvenile criminal cases.

The principle of *isblab* (reconciliation) occupies a central position within Islamic dispute resolution. Reconciliation seeks to restore harmonious relationships between disputing parties while preventing prolonged conflict. This principle is particularly relevant to juvenile justice because children retain significant potential for personal development and behavioral improvement. Abdul Wahhab Khallaf explains that the ultimate objective of Islamic law is the realization of human welfare in both worldly life and the hereafter. Resolution of juvenile criminal cases should therefore prioritize public welfare and protection of children's future rather than punitive objectives alone (Kopak & Frost, 2017).

Siyasah Fiqh examines governmental policies designed to achieve justice, public order, and societal welfare. Public authorities bear responsibility for formulating legal policies that protect individual rights while promoting the common good. Protection of children in conflict with the law forms an integral part of this responsibility because children represent a vulnerable group requiring special legal safeguards. This study therefore addresses two principal research questions. The first examines the juridical analysis of diversion implementation in juvenile criminal proceedings based on Decision Number 39/Pid.Sus-Anak/2025/PN Bgl. The second analyzes the failure of diversion in the same decision from the perspective of *Siyasah Fiqh*.

RESEARCH METHOD

This study employed normative juridical research, which conceptualizes law as a normative system consisting of legal principles, statutory regulations, judicial decisions, and legal doctrines. The research adopted both a statutory approach and a case approach. The statutory approach examined Law Number 11 of 2012 concerning the Juvenile Criminal Justice System together with other relevant legal instruments governing juvenile justice, while the case approach focused on an in-depth analysis of Decision Number 39/Pid.Sus-Anak/2025/PN Bgl. These approaches were applied to examine the legal implementation of diversion and to evaluate its conformity with the applicable legal framework as well as the principles of *Siyasah Fiqh*. The analysis was directed toward identifying legal issues, interpreting relevant legal norms, and providing a comprehensive assessment of the juridical aspects surrounding the failure of diversion in juvenile criminal proceedings.

The study relied exclusively on secondary data comprising primary, secondary, and tertiary legal materials. Primary legal materials included statutory regulations, Supreme Court Regulation Number 4 of 2014, and Decision Number 39/Pid.Sus-Anak/2025/PN Bgl. Secondary legal materials consisted of scholarly books, accredited scientific journals, and academic literature concerning juvenile criminal law, restorative justice, *Siyasah Fiqh*, and *Siyasah Qadhaiyyah*, while tertiary legal materials included legal dictionaries and the *Kamus Besar Bahasa Indonesia* (KBBI) to clarify legal terminology. Data were collected through library research by identifying, classifying, and systematically reviewing relevant legal sources. Qualitative legal analysis was subsequently conducted using deductive and inductive reasoning to relate general legal norms to the specific facts of the case. The findings were further interpreted through the Public Policy Implementation Theory proposed by George C. Edward III and the doctrine of *maslahah* within *Siyasah Fiqh* to generate a comprehensive juridical analysis of the implementation of diversion in the examined case.

RESULTS AND DISCUSSION

Juridical Analysis of Diversion Implementation Based on Decision Number 39/Pid.Sus-Anak/2025/PN Bgl

Examination of Decision Number 39/Pid.Sus-Anak/2025/PN Bgl demonstrates that the case involved four juvenile offenders, identified in the judgment as Juveniles I, II, III, and IV, who were prosecuted for committing a criminal offense involving the use of a black golf club measuring approximately 100 centimeters in length. Prior to the examination of the substantive elements of the case, the Juvenile Court Judge of the Bengkulu District Court, Yongki, S.H., assisted by Court Clerk Fagansyah Dewa Putra, S.H., and attended by Public Prosecutor Mery Susanti, S.H., facilitated a formal diversion meeting as required under Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The diversion process also involved the juvenile offenders, their parents, and legal counsel, namely Lefi Efanisia Hartati, S.H., and Ade Putra Bayu, S.H. Procedural requirements governing diversion were therefore fulfilled because all parties prescribed by the applicable legislation participated in the deliberation process. Law enforcement authorities consequently discharged their statutory obligation to prioritize restorative justice before proceeding with formal criminal adjudication (NeMoyer et al., 2020).

The diversion process, however, failed to achieve its substantive objective because the Public Prosecutor objected to the proposed settlement, preventing the parties from reaching a mutual agreement. The failure of the deliberation resulted in the issuance of an official record declaring the diversion unsuccessful, requiring the court to continue the proceedings through indictment, examination of witnesses, evidentiary hearings, and final adjudication. The judgment delivered on 13 November 2025 found all juvenile defendants legally and convincingly guilty of the charged criminal offense. Juveniles I, II, and III were sentenced to thirty days of imprisonment at the Bengkulu Juvenile Special Development Institution (LPKA), whereas Juvenile IV was returned to parental supervision as a corrective measure. The court further ordered that the period of temporary detention previously served at the Temporary Juvenile Placement Institution (LPAS) be deducted from the custodial sentence, directed the destruction of the golf club used as evidence, and imposed court costs amounting to IDR 5,000.00.

Evaluation of the implementation of diversion through George C. Edward III's Public Policy Implementation Theory indicates that the failure of diversion resulted from the ineffective operation of four essential variables: communication, resources, disposition, and bureaucratic structure. Communication was procedurally adequate because the court clearly informed all parties of their legal rights during the diversion process. Substantive communication, however, failed to establish a shared understanding between the Public Prosecutor and the juveniles' families regarding the objectives of restorative justice. The Public Prosecutor maintained a retributive approach by emphasizing the seriousness of the offense and its potential impact on public safety, ultimately rejecting the proposed settlement (Mariana, 2025).

The findings demonstrate that procedural compliance alone does not guarantee the successful implementation of diversion when communication among stakeholders fails to produce a common understanding of restorative justice objectives. Effective policy implementation requires not only the formal dissemination of legal procedures but also substantive dialogue capable of reconciling institutional perspectives with the best interests of the child. Divergent interpretations of legal priorities consequently weakened collaborative decision-making and shifted the resolution process toward conventional criminal adjudication rather than restorative settlement. This condition reflects a gap between the normative framework established by the Juvenile Criminal Justice System Law and its practical implementation within judicial proceedings (Chintapalli et al., 2024).

Institutional resources also proved inadequate during the implementation of diversion. The court records indicate that the diversion meeting proceeded without the participation of a Community Counselor from the Bengkulu Correctional Center (Bapas), resulting in the absence of an independent Social Inquiry Report capable of assessing the juveniles' social and psychological conditions. Limited institutional coordination and insufficient professional support significantly reduced the effectiveness of the diversion process. Disposition likewise emerged as an important contributing factor. The Juvenile Court Judge and defense counsel demonstrated a clear commitment to resolving the dispute through diversion, whereas the Public Prosecutor adhered to a predominantly punitive perspective by refusing to approve

the proposed agreement. Divergent institutional perspectives regarding the best interests of the child transformed diversion into a procedural formality rather than an effective restorative mechanism. Bureaucratic structure further constrained implementation despite the existence of a comprehensive legal framework under the Juvenile Criminal Justice System Law and Supreme Court Regulation Number 4 of 2014. Coordination among the District Court, the Public Prosecutor's Office, and the Correctional Center remained fragmented, limiting opportunities for broader negotiation and reducing the possibility of achieving restorative justice through consensus (Nurcahaya & Karimuddin, 2025).

The absence of comprehensive institutional support illustrates that successful diversion depends upon effective collaboration among all agencies responsible for juvenile justice rather than the isolated performance of individual institutions. Integrated coordination among judges, prosecutors, correctional counselors, and legal representatives constitutes an essential prerequisite for producing balanced decisions that adequately consider the child's legal, psychological, and social circumstances. Fragmented bureaucratic interaction ultimately reduced the capacity of diversion to function as a restorative mechanism capable of protecting children's rights while simultaneously maintaining public confidence in the criminal justice system. These findings further suggest that strengthening inter-agency coordination and professional involvement is indispensable for improving the effectiveness of diversion in future juvenile criminal proceedings (Wibowo et al., 2026).

The Perspective of Siyasaah Fiqh on the Implementation of Diversion in Decision Number 39/Pid.Sus-Anak/2025/PN Bgl

The implementation of diversion under Indonesia's Juvenile Criminal Justice System reflects the application of Siyasaah Qadhaiyyah, which authorizes the state to formulate judicial policies intended to realize justice and public welfare. Diversion represents a legitimate legal policy because it seeks to resolve juvenile criminal cases through reconciliation rather than punitive measures. This approach is consistent with the Islamic legal maxim stating that governmental policies concerning society must always be directed toward the realization of public welfare (*tasarruf al-imam 'ala al-ra'iyah manutun bi al-maslahah*). Diversion also embodies the principles of *ishlah* (reconciliation) and *shura* (deliberation), both of which are strongly encouraged in Islamic law as mechanisms for restoring harmonious social relationships. Failure of the diversion process in Decision Number 39/Pid.Sus-Anak/2025/PN Bgl consequently limited the realization of the substantive public welfare envisioned by both the Juvenile Criminal Justice System and the objectives of Islamic law (Imam, 2026).

The findings indicate that diversion should not merely be interpreted as a procedural obligation imposed by statutory law but as a judicial policy instrument designed to achieve substantive justice through reconciliation and social restoration. Within the framework of Siyasaah Qadhaiyyah, judicial discretion is expected to balance legal certainty with the broader objective of safeguarding public welfare (*maslahah*). The inability to reach a diversion agreement therefore signifies not only the failure of a legal mechanism but also the reduced effectiveness of state policy in realizing the humanitarian values embedded in Islamic legal philosophy. This condition demonstrates that successful implementation of diversion

depends upon the integration of legal norms, institutional commitment, and ethical responsibility in protecting the best interests of the child (Rois et al., 2024).

Islamic law recognizes children as individuals whose legal capacity remains incomplete, requiring legal responses that emphasize education, rehabilitation, and character development rather than retributive punishment. Juvenile sanctions are therefore expected to pursue the objectives of *al-ishlah* (rehabilitation), *al-ta'dib* (moral education), and *al-ʔajr* (prevention) instead of retaliation. Court records indicate that the diversion process proceeded without the participation of a Community Counselor from the Bengkulu Correctional Center (Bapas), resulting in the absence of a comprehensive social assessment concerning the children's personal and social circumstances. Such conditions are inconsistent with the principle of prudence in Islamic adjudication, which requires judges to consider the social background of an offender before imposing discretionary sanctions (*ta'zir*). Failure of diversion also diminished the realization of the objectives of *Maqasid al-Shariah*, particularly the protection of lineage (*hifʔ al-nasl*) and the protection of intellect (*hifʔ al-'aql*), because custodial sanctions may expose children to psychological distress, social stigma, moral degradation, and disruption of their educational development despite being served within a specialized juvenile correctional institution (Yusuf et al., 2025).

From the perspective of *Maqasid al-Shariah*, legal protection afforded to children extends beyond safeguarding physical well-being and encompasses the preservation of intellectual, psychological, and social development. Judicial policies affecting juvenile offenders should therefore minimize the potential for long-term adverse consequences while promoting rehabilitation and reintegration into society. The absence of comprehensive social assessment during the diversion process limited the court's ability to evaluate the children's individual circumstances holistically, thereby reducing the opportunity to formulate restorative solutions that more effectively reflected the objectives of Islamic law. These findings reinforce the principle that individualized justice constitutes an essential component of juvenile criminal adjudication within the framework of *Siyasah Fiqh* (Arifulloh et al., 2025).

Evaluation of the court's legal reasoning nevertheless demonstrates that the judgment remained consistent with the principles of *Siyasah Qadhaiyyah*. The court imposed relatively lenient sanctions by sentencing Juveniles I, II, and III to thirty days of imprisonment at the Bengkulu Juvenile Special Development Institution (LPKA) while ordering the return of Juvenile IV to parental supervision. Judicial consideration emphasized that the juveniles remained active students, had no prior criminal record, demonstrated respectful conduct throughout the proceedings, and expressed remorse for their actions. These considerations indicate that the court sought to preserve the children's educational opportunities and future development while ensuring legal accountability (Zubaidah et al., 2025).

The proportionality reflected in the judgment illustrates the court's attempt to reconcile punitive and rehabilitative objectives within a single legal framework. Consideration of the juveniles' educational status, personal conduct, and absence of prior criminal history demonstrates that sentencing was not exclusively oriented toward retribution but also toward protecting the children's future prospects. Such judicial reasoning is compatible with the discretionary nature of *ta'zir*, which permits judges to determine sanctions according to the

offender's circumstances and the anticipated social consequences of the decision. The judgment therefore reflects a contextual application of judicial discretion that remains consistent with both positive law and Islamic legal principles (Rido & Rosifany, 2025).

The court's approach is consistent with Yusuf al-Qaradawi's view that Islamic law is founded upon the principles of justice, compassion, and public welfare. The imposed sanctions were designed to function as an educational measure rather than as an instrument of retaliation. The limited period of imprisonment provided an opportunity for the juveniles to recognize the legal consequences of their conduct without permanently depriving them of access to education, family support, and social reintegration. The judgment therefore reflects an appropriate balance between legal certainty under the positive legal system and the broader objectives of Islamic law in protecting the welfare and future of children (Hidayah & Putri, 2026).

The present findings suggest that effective juvenile justice requires a balanced interaction between statutory provisions and Islamic legal values to ensure that criminal sanctions continue to serve educational and restorative purposes. Diversion should consequently be strengthened through more intensive institutional coordination and greater participation of correctional counselors, prosecutors, judges, and the families of juvenile offenders. Such improvements would enhance the realization of *maslahah* while reinforcing the role of *Siyasah Qadhaiyyah* as a normative framework capable of harmonizing legal certainty, justice, and child protection within Indonesia's juvenile criminal justice system (Fahmi, 2025).

CONCLUSION

This study concludes that the implementation of diversion in Decision Number 39/Pid.Sus-Anak/2025/PN Bgl complied procedurally with Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Substantive implementation, however, failed to achieve restorative justice because the Public Prosecutor objected to the proposed settlement, eliminating the possibility of reaching a diversion agreement. Analysis based on George C. Edward III's Public Policy Implementation Theory indicates that the unsuccessful implementation of diversion resulted from ineffective communication, inadequate institutional resources, divergent perspectives among law enforcement authorities, and fragmented bureaucratic coordination. These conditions ultimately led to custodial sanctions for Juveniles I, II, and III, while Juvenile IV was returned to parental supervision.

Analysis from the perspective of *Siyasah Fiqh* demonstrates that diversion represents a legitimate judicial policy directed toward the realization of public welfare and the protection of children's rights. Failure of the diversion process limited the achievement of the objectives of *Maqasid al-Shariah*, particularly the protection of lineage (*hifz al-nasl*) and intellect (*hifz al-'aql*), because formal criminal proceedings may expose children to psychological and social consequences that adversely affect their future. Judicial consideration in imposing a limited custodial sentence while prioritizing the children's educational continuity nevertheless reflects the application of *al-ta'dib* and *al-ishlah* as fundamental principles of *Siyasah Qadhaiyyah*. The decision therefore demonstrates an appropriate balance between legal

certainty, child protection, and the realization of public welfare within the administration of juvenile criminal justice.

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