

Juridical Review of Juvenile Offender Handling by the Kepahiang Police: A Fiqh Siyasah Analysis

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Abstract

This study examines the juridical implementation of juvenile offender handling by the Women and Children Protection Unit (*Unit Perlindungan Perempuan dan Anak—PPA*) of the Criminal Investigation Division at the Kepahiang Resort Police and analyzes its implementation from the perspective of *Fiqh Siyasah*. The research employed an empirical juridical method with a qualitative approach. Primary data were obtained through interviews, observations, and documentation at the Kepahiang Resort Police, while secondary data were collected from legislation, legal literature, and relevant scholarly publications. The findings reveal that the handling of juvenile offenders has generally been carried out in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2014 concerning Child Protection through the application of diversion, restorative justice, parental involvement, and child-centered legal protection. However, several challenges remain, including the limited number of certified juvenile investigators, inadequate institutional coordination, and the absence of supporting facilities, particularly juvenile correctional services, which reduce the effectiveness of child protection and rehabilitation. From the perspective of *Fiqh Siyasah*, the existing practices are consistent with the principles of *siyasah shar'iyah*, *maslahah*, justice (*'adl*), and the protection of future generations, emphasizing that state authorities have both legal and moral responsibilities to ensure rehabilitation and social welfare rather than relying solely on punitive measures. The study concludes that strengthening institutional capacity, improving inter-agency collaboration, and enhancing child-centered legal services are essential to achieving an effective juvenile justice system that is consistent with both Indonesian positive law and the objectives of Islamic governance.

Keywords: *juvenile offender, child protection, juvenile criminal justice system, Fiqh Siyasah, restorative justice, Kepahiang Resort Police.*

INTRODUCTION

The concept of law adopted in Indonesia is consistent with classical legal theories. According to Meyers, law consists of a set of moral norms governing human behavior within society and serving as guidance for state authorities in carrying out their duties. This perspective emphasizes that law is inseparable from the moral values prevailing within society. Similarly, Utrecht defines law as a collection of rules containing commands and prohibitions that obligate citizens to comply with regulations established by the state. These theoretical perspectives demonstrate that law functions not merely as a coercive instrument but also as a normative framework designed to regulate social interactions while promoting justice and public welfare (Mukhtaroma, 2023).

The constitutional affirmation of Indonesia as a rule-of-law state implies that both government institutions and citizens are equally subject to legal norms. Government

authorities are prohibited from exercising arbitrary power, while every individual has the right to obtain justice through fair legal procedures and due process of law. Accordingly, the legal system must guarantee legal certainty, fairness, and respect for fundamental human rights, including the rights of children. In this context, the law serves not only to punish offenders but also to protect vulnerable groups and ensure that justice is implemented in a manner consistent with human dignity (Mukhtaroma, 2023; Ferdian et al., 2025).

Indonesia has further strengthened its commitment to child protection through the enactment of Law Number 35 of 2014, amending Law Number 23 of 2002 on Child Protection. This legislation recognizes children as gifts and trusts from God Almighty who possess the inherent rights to live, grow, develop, and participate in society according to their dignity and humanity. The law provides comprehensive legal protection against violence, discrimination, exploitation, and other forms of abuse, whether occurring within the family, society, or the legal process itself. Consequently, when children come into conflict with the law, the legal response must prioritize the principle of the best interests of the child rather than focusing solely on punitive objectives (Khalid et al., 2025; Ilmi et al., 2023).

Despite this comprehensive legal framework, juvenile delinquency and crimes committed by children remain significant challenges within Indonesia's criminal justice system. Children who should receive protection frequently become involved in criminal activities due to complex social, economic, educational, and environmental factors. According to Soerjono Soekanto, juvenile crime is an unlawful act committed by individuals below the age of adulthood, influenced by both internal factors, such as personality and psychological conditions, and external factors, including family circumstances, peer influence, and the surrounding social environment. This explanation indicates that juvenile delinquency should not be viewed merely as the result of individual misconduct but rather as the product of multiple interacting social conditions (Arafat, 2022).

From a sociological perspective, juvenile crime reflects broader social processes that shape children's behavior. Family disharmony, inadequate parental supervision, poor educational experiences, negative peer associations, uncontrolled social media exposure, and economic hardship frequently contribute to children's involvement in criminal acts. Internal factors such as emotional instability, limited educational attainment, and insufficient religious understanding may further increase children's vulnerability to deviant behavior. Therefore, juvenile offending should be understood as a multidimensional phenomenon requiring comprehensive interventions rather than exclusively punitive legal responses (Arafat, 2022; Ilmi et al., 2023).

In recent years, crimes involving juveniles have shown an increasingly alarming trend in Indonesia. Various offenses, including assault, theft, sexual violence, and gang-related violence, have been reported in numerous regions, including Kepahiang Regency, Bengkulu Province. Such developments create social anxiety while revealing weaknesses in moral

education, family supervision, and community social control. Initial observations conducted at the Women and Children Protection Unit (Unit Perlindungan Perempuan dan Anak—PPA) of the Criminal Investigation Division (Satuan Reserse Kriminal) of the Kepahiang Resort Police indicate that cases involving juvenile offenders continue to occur. The offenses commonly handled include child abuse, sexual intercourse involving minors, indecent acts, and domestic violence.

Case records maintained by the PPA Unit of the Kepahiang Resort Police during 2025 demonstrate that juvenile offenders were involved in several criminal cases with varying legal outcomes. Some child abuse cases were resolved through diversion and the termination of investigation (SP3), while several sexual offense cases proceeded to the prosecution stage (P21). Domestic violence cases involving juvenile offenders were resolved through restorative justice mechanisms, whereas certain indecency cases remained under investigation. Police officials identified several contributing factors behind these offenses, including uncontrolled social media use, peer pressure, family neglect, unfavorable social environments, and broader demographic and social changes within the community. These findings suggest that juvenile crime in Kepahiang extends beyond ordinary delinquency and requires specialized legal handling.

Normatively, Indonesia has established a comprehensive legal framework governing the treatment of children in conflict with the law through Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and Law Number 35 of 2014 concerning Child Protection. These statutes emphasize that law enforcement officials, particularly investigators assigned to the Women and Children Protection Unit, are responsible not only for enforcing criminal law but also for ensuring child protection through guidance, rehabilitation, diversion, and restorative justice. Nevertheless, practical implementation remains constrained by several obstacles, including the limited availability of certified juvenile investigators, insufficient specialized training, and inadequate coordination among police investigators, families, schools, social institutions, and correctional centers (Balai Pemasyarakatan). These limitations have reduced the effectiveness of child-centered legal interventions, particularly in regions where dedicated juvenile correctional facilities are unavailable (Ilmi et al., 2023; Mukhtaroma, 2023; Khalid et al., 2025).

From the perspective of Fiqh Siyasah, the state bears a religious and moral obligation to administer justice and promote public welfare (*maslahah al-'ammah*) while preventing social harm (*mafsadah*). Law enforcement is regarded as part of *siyasah shar'iyah*, referring to public policies implemented by legitimate authorities to preserve justice, social order, and the protection of vulnerable members of society, including children. Classical Islamic scholar Al-Mawardi emphasized that rulers and state officials are entrusted with maintaining security, enforcing justice, and guiding society away from moral deviation. This principle is reinforced in the Qur'an, including Surah Al-An'am (6:151), which prohibits approaching immoral acts, and Surah At-Tahrim (66:6), which commands believers to protect themselves and their families from destruction. These Qur'anic principles establish that safeguarding children is not solely a family responsibility but also a governmental

obligation. Accordingly, examining the juridical role of the Women and Children Protection Unit of the Kepahiang Resort Police in handling juvenile offenders through the perspective of Fiqh Siyasah is both legally and normatively significant, as it provides an integrated understanding of child protection, restorative justice, and the realization of public welfare within Indonesia's legal system (Mukhtaroma, 2023; Aini et al., 2023; Din et al., 2024; Fahmi, 2025).

METHOD

This study employed an empirical juridical research method using a qualitative approach. The empirical juridical approach was selected to examine the implementation of legal provisions governing the handling of juvenile offenders by the Women and Children Protection Unit (Unit Perlindungan Perempuan dan Anak—PPA) of the Criminal Investigation Division at the Kepahiang Resort Police, while also analyzing the practices from the perspective of Fiqh Siyasah. The research combined the examination of statutory regulations, including Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Child Protection, and other relevant legal instruments, with empirical data obtained directly from the field. Primary data were collected through in-depth interviews with police investigators, PPA officers, and other relevant informants, supported by direct observation and documentation of case records. Secondary data consisted of legislation, legal literature, scholarly journals, official reports, and other academic references related to juvenile justice, child protection, and Islamic political jurisprudence.

Data were analyzed using a qualitative descriptive method through the stages of data reduction, data presentation, and conclusion drawing. The analysis focused on identifying the implementation of child protection principles, diversion, restorative justice, and the legal challenges encountered by the Kepahiang Resort Police in handling juvenile offenders. To ensure the credibility and validity of the findings, data triangulation was conducted by comparing information obtained from interviews, observations, official documents, and relevant legal sources. The empirical findings were subsequently interpreted using the theoretical framework of Fiqh Siyasah, particularly the principles of *maslahah* (public welfare), justice (*'adl*), child protection, and *siyasah shar'iyyah*, in order to evaluate the extent to which the existing practices align with both Indonesian positive law and Islamic legal principles.

RESULTS AND DISCUSSION

Juridical Implementation of Juvenile Offender Handling by the Women and Children Protection Unit of the Kepahiang Resort Police

The handling of juvenile offenders in Indonesia is fundamentally regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (JCJS), which establishes a legal framework distinct from the conventional criminal justice system applied to adults. This legislation recognizes that children in conflict with the law require protection, rehabilitation, and guidance rather than punitive treatment. The primary

objective of the Juvenile Criminal Justice System is to safeguard the child's physical, psychological, and social development while ensuring accountability for criminal conduct. Legal procedures involving children must therefore prioritize the principles of the best interests of the child, non-discrimination, proportionality, and respect for children's dignity. These principles also align with the constitutional commitment to protecting children's rights as guaranteed by the 1945 Constitution and the Child Protection Law. Consequently, every law enforcement institution, including the Indonesian National Police, is legally obligated to implement child-sensitive procedures throughout the criminal justice process (Ilmi et al., 2023; Surbakti & Matondang, 2023).

The Women and Children Protection Unit (Unit Perlindungan Perempuan dan Anak—PPA) of the Criminal Investigation Division at the Kepahiang Resort Police plays a strategic role as the initial law enforcement agency responsible for handling juvenile offenders. Police investigators are entrusted with conducting investigations while simultaneously protecting children's legal rights and welfare. Their responsibilities extend beyond gathering evidence to facilitating counseling, ensuring legal assistance, and encouraging family participation throughout the legal process. Interviews conducted during this research indicate that investigators consistently attempt to create a child-friendly environment during examinations to minimize psychological pressure. Communication with juvenile suspects is carried out using language appropriate to the child's level of understanding and emotional maturity. Such practices demonstrate the institutional commitment to implementing child-oriented criminal justice procedures in accordance with statutory requirements.

Diversion constitutes one of the most significant legal mechanisms introduced by the Juvenile Criminal Justice System. The law requires investigators to prioritize diversion whenever the statutory conditions are fulfilled, particularly for offenses punishable by imprisonment of less than seven years and where the offense is not a repeat crime. Diversion aims to resolve criminal cases outside formal judicial proceedings through dialogue and mutual agreement among the child, the victim, their respective families, community representatives, and relevant institutions. Field findings reveal that the Kepahiang Resort Police have implemented diversion in several cases involving juvenile offenders, particularly physical assault cases committed by minors. Agreements reached through diversion generally emphasize reconciliation, restitution, supervision by parents, and behavioral improvement rather than criminal punishment. Such implementation reflects the legislative intention of minimizing the adverse consequences of formal criminal proceedings on children's future development (Ilmi et al., 2023).

Research findings also indicate that restorative justice has become an essential approach in resolving juvenile criminal cases handled by the PPA Unit. Restorative justice seeks to restore social harmony by repairing the harm experienced by victims while simultaneously promoting the rehabilitation of juvenile offenders. Police investigators encourage constructive dialogue between all parties to identify mutually acceptable solutions capable of preventing future conflicts. This approach recognizes that children often commit criminal acts due to environmental pressures rather than entrenched criminal

intentions. Restorative justice therefore balances the interests of victims, offenders, families, and society within a comprehensive conflict-resolution framework. Implementation of restorative justice has contributed to reducing adversarial legal proceedings while strengthening social responsibility among juvenile offenders (Ilmi et al., 2023; Harlina, 2025).

Empirical evidence demonstrates that parental and family involvement represents an indispensable component of juvenile case handling at the Kepahiang Resort Police. Parents or legal guardians are consistently invited to accompany children during investigations, interviews, and diversion meetings. Their participation serves not only to provide emotional support but also to ensure that decisions concerning the child consider family circumstances and future rehabilitation. Police investigators frequently provide educational guidance to parents regarding their responsibilities in supervising and mentoring their children after case resolution. Family participation further facilitates compliance with diversion agreements and restorative justice outcomes. These practices illustrate that juvenile justice is viewed as a collaborative process involving both legal institutions and family structures (Surbakti & Matondang, 2023; Khotifah, 2022).

Case documentation obtained from the Women and Children Protection Unit shows that juvenile offenders in Kepahiang Regency were involved in various criminal offenses throughout 2025. Several reported cases concerned violence against children, while others involved sexual offenses, domestic violence, and indecent acts. Certain cases successfully concluded through diversion and the termination of investigations, whereas more serious sexual offenses proceeded to the prosecution stage because they did not satisfy the statutory requirements for diversion. Investigators carefully distinguished between offenses eligible for restorative mechanisms and those requiring formal prosecution based on applicable legal provisions. This differentiation reflects adherence to procedural requirements established under the Juvenile Criminal Justice System. Legal certainty is therefore maintained while preserving opportunities for restorative settlement whenever legally permissible.

Implementation of juvenile justice procedures nevertheless encounters several practical challenges that affect the effectiveness of child protection. One of the principal obstacles concerns the limited number of investigators possessing specialized qualifications in juvenile justice. Indonesian law requires juvenile investigators to receive specialized education and certification before handling cases involving children. Field interviews revealed that not every investigator assigned to the Criminal Investigation Division has completed the required integrated training concerning children's rights, diversion, and restorative justice. Limitations in human resources occasionally delay case handling and reduce the availability of specialized services for children in conflict with the law. These conditions demonstrate the continuing need for institutional capacity building within regional police organizations (Ilmi et al., 2023; Harlina, 2025).

Institutional coordination among relevant stakeholders also remains an important challenge in implementing comprehensive child protection. Effective juvenile justice

requires continuous cooperation between police investigators, families, schools, social service agencies, psychologists, prosecutors, and correctional institutions. Findings from this study indicate that coordination with correctional counselors is constrained by the absence of a dedicated Juvenile Correctional Center (Balai Pemasyarakatan Anak) in Kepahiang Regency. Administrative coordination must therefore rely on institutions located outside the regency, resulting in procedural delays and additional logistical challenges. Educational institutions and community organizations have likewise not been fully integrated into post-diversion monitoring and rehabilitation programs. These circumstances reduce the sustainability of rehabilitation efforts after legal proceedings have concluded (Surbakti & Matondang, 2023).

Overall, the juridical implementation of juvenile offender handling by the Women and Children Protection Unit of the Kepahiang Resort Police demonstrates substantial compliance with Indonesia's legal framework governing juvenile justice. Child protection principles, diversion, restorative justice, parental involvement, and procedural safeguards have generally been incorporated into investigative practices. Practical implementation, however, continues to face structural constraints associated with human resources, institutional coordination, and supporting facilities. Strengthening professional competence through specialized certification, expanding inter-agency cooperation, and improving child-centered support services would enhance the effectiveness of juvenile justice implementation. Such improvements are essential to ensuring that legal enforcement simultaneously fulfills the objectives of accountability, child protection, rehabilitation, and the realization of justice as mandated by Indonesian law (Ilmi et al., 2023; Surbakti & Matondang, 2023; Harlina, 2025; Saputra et al., 2025).

Fiqh Siyasah Analysis of Juvenile Offender Handling by the Kepahiang Resort Police

Fiqh Siyasah provides an Islamic legal framework for understanding the role of the state in maintaining justice, public order, and social welfare (Din et al., 2024). Within this perspective, government authority is exercised not merely to enforce legal sanctions but also to realize the objectives of the Sharia (maqāṣid al-sharī'ah), particularly the protection of religion, life, intellect, lineage, and property (Nur, 2025). Juvenile justice therefore cannot be separated from the broader responsibility of the state to preserve the future of its younger generation (Nabilah et al., 2025). Law enforcement agencies are expected to implement policies that promote justice while safeguarding children's dignity and opportunities for rehabilitation. Such an approach reflects the Islamic principle that punishment should always serve the greater public interest rather than becoming an instrument of retaliation (Din et al., 2024). Consequently, the handling of juvenile offenders should integrate legal certainty with moral responsibility and social protection (Nur, 2025).

The authority exercised by the Women and Children Protection Unit of the Kepahiang Resort Police may be understood as part of *siyāsah shar'īyyah*, namely public

policy implemented by legitimate authorities to achieve *maslahah* (public welfare) (Din et al., 2024). Classical Islamic scholars emphasize that governmental authority carries the obligation to prevent social disorder while protecting vulnerable members of society (Nur, 2025). Al-Mawardi argued that rulers must establish justice, maintain public security, and ensure the proper administration of law for the benefit of society. This principle supports the involvement of police institutions not only in investigating crimes but also in guiding and educating juvenile offenders (Harlina, 2025). State intervention therefore extends beyond criminal prosecution toward the broader objective of restoring social harmony. The implementation of child-centered legal measures by the PPA Unit reflects the essential principles of *siyāsah shar'iyyah* in protecting public welfare and vulnerable groups (Nabilah et al., 2025).

The principle of *maslahah* occupies a central position in evaluating the treatment of children in conflict with the law (Nur, 2025). Islamic jurisprudence recognizes that every legal policy should produce benefits while preventing harm to individuals and society (Din et al., 2024). Diversion and restorative justice illustrate this principle because they seek to resolve criminal cases without exposing children to the long-term negative consequences of formal imprisonment whenever legally appropriate (Ilmi et al., 2023). Research findings indicate that the Kepahiang Resort Police have prioritized diversion in eligible cases involving juvenile offenders, thereby reducing the possibility of social stigma and psychological trauma. Such practices simultaneously protect victims' interests through reconciliation and accountability, reflecting the objectives of restorative justice in Islamic law (Fahmi, 2025). Accordingly, diversion may be viewed as a practical realization of *maslahah* within Indonesia's juvenile justice system (Arafat, 2022).

Justice (*'adl*) represents another fundamental principle within *Fiqh Siyasa* that is directly relevant to juvenile criminal justice (Saputra et al., 2025). Islamic law requires justice to be implemented proportionally by considering the circumstances surrounding each individual case rather than applying punishment mechanically (Din et al., 2024). Juvenile offenders differ significantly from adult offenders in terms of psychological maturity, emotional development, and decision-making capacity (Khalid et al., 2025). These differences justify the adoption of special legal procedures emphasizing education and rehabilitation rather than retribution (Ilmi et al., 2023). Empirical findings demonstrate that investigators in the Kepahiang Resort Police generally consider these characteristics during investigations and diversion proceedings. Such an approach reflects substantive justice because legal decisions are adapted to the child's condition while remaining consistent with statutory requirements (Saputra et al., 2025).

The Qur'an provides normative guidance concerning the obligation to prevent immoral behavior and protect future generations. Allah commands believers, "...Do not approach shameful deeds, whether open or hidden..." (Qur'an 6:151), emphasizing the importance of preventing conduct that may lead to social harm. Another verse states, "Protect yourselves and your families from a Fire whose fuel is people and stones..." (Qur'an 66:6), highlighting the collective responsibility of families and society in educating children. These verses indicate that preventing juvenile delinquency requires proactive

educational and moral efforts rather than relying exclusively on criminal sanctions (Nur, 2025). Police institutions therefore share responsibility with parents, schools, and communities in fostering children's moral development (Din et al., 2024). Juvenile justice becomes an integral component of collective social responsibility within the Islamic legal tradition (Nabilah et al., 2025).

The concept of rehabilitation embodied in Indonesia's Juvenile Criminal Justice System is also compatible with Islamic teachings concerning repentance (*tawbah*) and personal reform (*islāh*) (Fahmi, 2025). Islamic law recognizes that individuals who commit wrongful acts should be provided opportunities to improve themselves and reintegrate into society (Din et al., 2024). Children possess greater potential for behavioral change because their character and personality remain in the developmental stage (Khalid et al., 2025). Punitive measures that permanently stigmatize juvenile offenders contradict the Islamic objective of encouraging moral transformation (Arafat, 2022). Field observations indicate that investigators frequently provide guidance and involve parents during legal proceedings to facilitate behavioral improvement. These practices demonstrate substantial harmony between Indonesia's restorative juvenile justice policy and the rehabilitative philosophy of Islamic law (Ilmi et al., 2023).

The participation of parents and families throughout the juvenile justice process also reflects important principles of *Fiqh Siyasah* (Harlina, 2025). Islamic teachings emphasize that family constitutes the primary institution responsible for nurturing children's character and preventing deviant behavior (Khotifah, 2022). Police investigators consistently encourage parental involvement during investigations, mediation, and diversion meetings to strengthen children's emotional support and accountability. Family participation facilitates the implementation of diversion agreements while promoting long-term behavioral supervision after legal proceedings conclude (Ilmi et al., 2023). Such collaboration illustrates that protecting children cannot be accomplished solely through state intervention. Effective juvenile justice therefore depends upon shared responsibility among legal institutions, families, educational institutions, and the wider community (Surbakti & Matondang, 2023).

Several practical obstacles identified during this research require careful consideration from the perspective of *Fiqh Siyasah*. The limited number of certified juvenile investigators, insufficient institutional coordination, and the absence of a dedicated juvenile correctional center reduce the effectiveness of child protection efforts. Islamic public administration requires state authorities to ensure that governmental institutions possess adequate competence and resources to fulfill their legal responsibilities (Din et al., 2024). Administrative deficiencies that hinder justice may reduce the realization of *maslahah* and weaken public confidence in legal institutions (Nur, 2025). Strengthening institutional capacity therefore constitutes not only an administrative necessity but also a religious and ethical obligation within the framework of *siyāsah shar'īyyah* (Harlina, 2025). Improvement of professional competence and interagency cooperation would significantly enhance the protection afforded to children in conflict with the law (Saputra et al., 2025).

Overall, the handling of juvenile offenders by the Women and Children Protection Unit of the Kepahiang Resort Police demonstrates substantial conformity with the principles of *Fiqh Siyasah*. The implementation of diversion, restorative justice, parental involvement, and rehabilitation reflects the Islamic values of justice, compassion, public welfare, and the protection of vulnerable individuals (Fahmi, 2025). Remaining institutional limitations should be addressed through continuous improvement in professional training, organizational coordination, and child-centered legal services (Harlina, 2025). Such reforms would strengthen the realization of both Indonesian positive law and the ethical objectives of Islamic governance (Saputra et al., 2025). Ultimately, juvenile justice should not merely resolve criminal cases but should also restore children's dignity, promote moral development, preserve social harmony, and contribute to the realization of *maqāṣid al-sharī'ah* in contemporary law enforcement (Nabilah et al., 2025).

Conclusion

The findings of this study demonstrate that the handling of juvenile offenders by the Women and Children Protection Unit (PPA) of the Kepahiang Resort Police has generally been implemented in accordance with Indonesia's legal framework, particularly the Juvenile Criminal Justice System and the Child Protection Law, through the application of child protection principles, diversion, restorative justice, and parental involvement. Nevertheless, several practical challenges remain, including the limited number of certified juvenile investigators, inadequate institutional coordination, and the absence of sufficient supporting facilities, which affect the effectiveness of juvenile justice implementation. From the perspective of *Fiqh Siyasah*, these practices are consistent with the principles of *siyāsah shar'īyyah*, *maslahah*, justice (*'adl*), and the protection of future generations, emphasizing that law enforcement should prioritize rehabilitation and moral development rather than punitive measures alone. Therefore, strengthening institutional capacity, enhancing inter-agency collaboration, and expanding child-centered legal services are essential to ensuring that juvenile justice not only upholds legal certainty but also realizes the broader objectives of public welfare and the *maqāṣid al-sharī'ah*.

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