Journal Of Legal Sustainability
Homepage: https://el-emir.com/index.php/jols

E-ISSN: 3062-7184, P-ISSN: 3062-8792
Journal Of Legal Sustainability (JOLS)

Relevance Of The Sulh Principle To The Implementation Of Diversion In The Development Of A Model For Handling Children In Conflict With The Law (Analysis Of Decision Number 9/PID.Sus-Anak/2024/PN AGM)

Relevansi Prinsip Sulh terhadap Penerapan Diversi dalam Pengembangan Model Penanganan Anak yang Berkonflik dengan Hukum (Analisis Putusan Nomor 9/PID.Sus-Anak/2024/PN AGM)

Putra Arnandi Nst[1]✉, Maulidya Mora Matondang[2]
[12]Universitas Islam Negeri Sumatera Utara, Indonesia
DOI: https://doi.org/10.63477/jols.v3i4.667, Pages: 326-340
✉ Email Correspondence: putra0205222138@uinsu.ac.id

ABSTRAK
Penanganan anak yang berkonflik dengan hukum memerlukan keseimbangan antara perlindungan anak, pertanggungjawaban, dan pemulihan korban. Penelitian ini menganalisis penerapan diversi dalam Putusan Nomor 9/Pid.Sus-Anak/2024/PN Agm, relevansi prinsip sulh, serta merumuskan model penanganan anak. Penelitian hukum normatif ini menggunakan pendekatan perundang-undangan, kasus, konseptual, dan perbandingan konseptual melalui studi dokumen serta analisis kualitatif. Kebaruan penelitian ini terletak pada integrasi prinsip sulh dari hukum Islam ke dalam mekanisme peradilan pidana anak untuk memperkuat landasan filosofis dan praktis musyawarah diversi. Hasil penelitian menunjukkan bahwa dakwaan alternatif dengan ancaman 7 dan 4 tahun relevan dengan kewajiban upaya diversi (Pasal 3 PERMA No. 4/2014) dengan menguji syarat non-residivisme. Meskipun diversi dicatat tidak berhasil pada laporan pengadilan, rincian prosesnya belum terurai dalam salinan putusan. Penerapan pidana bersyarat mendukung pembinaan anak, namun belum berorientasi pada pemulihan langsung korban. Sebagai solusi, penelitian ini menghasilkan model sintesis 7 tahap penanganan anak yang menghubungkan penapisan hukum, asesmen, musyawarah, kewajiban restoratif, validasi, pengawasan, dan reintegrasi guna menjamin transparansi dokumentasi, pemulihan proporsional, serta keberlanjutan pendidikan anak.
Kata Kunci: *Prinsip Sulh, Diversi Anak, Keadilan Restoratif, Pemulihan Korban*

ABSTRACT
Children in conflict with the law require a balanced approach between child protection, accountability, and victim restoration. This study analyzes the implementation of diversion in Decision No. 9/Pid.Sus-Anak/2024/PN Agm, the relevance of the sulh principle, and formulates a child-handling model. This normative legal research employs statutory, case, conceptual, and comparative conceptual approaches through document analysis and qualitative synthesis. The novelty of this study lies in integrating the Islamic legal principle of sulh into the juvenile criminal justice system to strengthen the philosophical and practical foundations of diversion deliberation. The findings indicate that alternative indictments with maximum penalties of seven and four years meet the mandatory diversion criteria under Article 3 of Supreme Court Regulation (PERMA) No. 4 of 2014, while evaluating non-recidivism requirements. Although official court records note that diversion failed, the detailed dynamics of the process remain unarticulated in the judicial decision. The application of conditional sentencing supports child rehabilitation but lacks direct orientation toward victim restoration. To address these limitations, this study develops a 7-stage synthesis model comprising legal screening, assessment, deliberation, restorative obligations, validation, supervision, and reintegration to ensure transparent documentation, proportional restoration, and the continuity of the child's education.
Keywords: *Sulh Principles, Juvenile Diversion, Restorative Justice, Victim Recovery*

Article Info
Copyright (c) 2026, Putra Arnandi Nst and Maulidya Mora Matondang
Received: 21-10-2026, Revised: 9-11-2026, Accepted: 11-11-2026, Published: 12-11-2026

INTRODUCTION

Handling children in conflict with the law requires attention to their physical, psychological, educational, and social development. The legal process still demands accountability, but its form must enable children to understand the consequences of their actions and improve their situation. (Suharyanto & Susilowati, 2024) explain that diversion protects children from the negative impacts of formal justice while maintaining their accountability. This restorative orientation serves as the basis for assessing whether the case resolution has balanced the interests of both the child and the victim.

This urgency is evident in the policy paper of the Indonesian Child Protection Commission(K. P. A. Indonesia, 2023). Based on data from the Ministry of Law and Human Rights from January to November 2023, 7,185 children in conflict with the law were clients of Community Guidance Counselors, and 2,296 children were successfully resolved through diversion. As of September 2023, 2,011 children remained in Correctional Institutions (LPKA), detention centers, correctional institutions, or women's correctional institutions. This data demonstrates the importance of strengthening solutions that reduce deprivation of liberty without neglecting rehabilitation after criminal acts.

Publication of crime statistics utilizes data on crime, victims, and regional conditions as input for security and legal policy(Statistik, 2024). In 2024, 561,993 crimes were recorded, with a crime rate of 204 per 100,000 residents; theft was the most common crime in 29.92% of villages/sub-districts (Statistik, 2025). Educational vulnerabilities also require attention. The number of children out of school in 2023 reached 21.61% for high school/equivalent and 6.93% for junior high school/equivalent (BPS, 2024a). This context relates to the need for child development in the case of theft of agricultural products, which was the object of this study.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System directs diversion towards peace, extrajudicial settlement, avoidance of deprivation of liberty, community participation, and the establishment of responsibility(R. Indonesia, 2012). Its implementation is detailed in Government Regulation Number 65 of 2015 (PP Diversion), which places deliberation, assistance, and written agreements as essential parts of the settlement (R. Indonesia, 2015). In cases with alternative charges, Article 3 of PERMA Number 4 of 2014 requires attention to charges that threaten under seven years even if accompanied by charges that threaten seven years or more (R. Indonesia, 2014).

Decision Number 9/Pid.Sus-Anak/2024/PN Agm examined a 16-year-old child in a case of taking fresh oil palm fruit bunches belonging to PT Elders Indonesia along with two other people, with a loss of IDR 2,599,000.00. The alternative charge uses Article 363 paragraph (1) 4 of the Criminal Code and Article 107 letter d of the Plantation Law in conjunction with Article 55 paragraph (1) 1 of the Criminal Code. The judge imposed a conditional sentence with guidance in the child's social environment (Arga Makmur District Court, 2024). This case is important to examine the relationship between the structure of the charge, the history of diversion, and the substance of recovery in the form of the chosen sanction.

Previous studies provide a basis for comparison. (Trisnawaty & Fahrazi, 2024) found a diversion success rate of over 50% at the investigation level at the Kediri City Police Department, especially when the consequences of the crime were still recoverable. (Sumardi & Mansari, 2022) emphasized that the revocation of criminal

sanctions against officers through Constitutional Court Decision No. 110/PUU-X/2012 does not eliminate the obligation to pursue diversion.(Suharyanto & Susilowati, 2024) emphasized stigma prevention and community involvement. All three support diversion investigations as both a procedural obligation and a mechanism for establishing accountability.

From an Islamic legal perspective,(Permana et al., 2025) link restorative justice with qisas, diyat, sulh, afw, and kemaslahah. Sulh emphasizes willingness, forgiveness, restoration, and relationship repair. Meanwhile, (Irawan et al., 2025) demonstrate the importance of understanding the authorities, facilities, and coordination in the rehabilitation and reintegration of children. This study connects these foundations with a concrete decision to formulate operational elements of the settlement, including balance of positions, obligations for restoration, education, family support, and evaluation.

Existing literature on the Indonesian juvenile criminal justice system primarily focuses on administrative evaluations of diversion implementation and normative statutory analyses of conditional sentencing. However, a significant research gap remains regarding why diversion deliberations often fail to foster mutual willingness, particularly in facilitating direct victim restoration. Previous studies predominantly treat diversion merely as a formal-procedural instrument for detention avoidance, largely neglecting the deeper socio-religious philosophical foundations that can cultivate genuine moral awareness and reconciliation during deliberations.

This highlights the critical urgency of integrating the sulh principle an Islamic legal framework centered on consensual peace and mutual willingness into the juvenile diversion mechanism. Sulh transcends technical legal accountability by incorporating spiritual and social dimensions that emphasize reconciliatory justice, fair compensation, and true mutual consent between the victim and the child offender. Without incorporating the values of sulh, diversion risks degrading into a mere legal formality that fails to heal victim trauma and neglects contextual child rehabilitation. Consequently, this study fills this academic void by examining Decision No. 9/Pid.Sus-Anak/2024/PN Agm to develop an innovative handling model that systematically embeds the sulh principle into the juvenile justice framework.

The research focuses on three issues: how diversion is regulated and implemented in the decisions studied; how the principle of sulh relates to the goals, process, and substance of diversion; and how a model for handling children can integrate the two. The objectives are to assess the consistency of norms and their application, explain the position of sulh as a foundation of values, and formulate a model that protects the future of children and the rights of victims. Its novelty lies in combining the analysis of alternative charges, Islamic peace principles, and the design of restorative supervision within the same case.

METHODS

This research employed a prescriptive-analytical normative legal method. The objects of study were norms, decisions, doctrines, and literature, not field respondent data. This method was chosen following the characteristic of legal research, which seeks to identify norms, principles, and arguments that address legal issues (Atikah, 2022). The analysis focused on the interrelationship between diversion requirements, judicial considerations, and the principle of sulh (relief) in developing child care models.

A statutory approach was used to examine the SPPA Law, the Diversion Government Regulation, PERMA Number 4 of 2014, the Criminal Code used in the 2024 decision, and Law Number 39 of 2014 concerning Plantations. The case approach examined the facts, charges, community research, considerations, and rulings of Decision Number 9/Pid.Sus-Anak/2024/PN Agm. A conceptual and conceptual comparison approach connected sulh, restorative justice, the best interests of the child, and ultimum remedium. The use of multiple approaches helped place norms and concepts in a systematic relationship(Satory et al., 2024).

Primary materials include these regulations and decisions, with Constitutional Court Decision No. 138/PUU-XIII/2015 considered insofar as it relates to the judicial review of the Plantation Law (Constitutional Court of the Republic of Indonesia, 2016). Secondary materials include legal research methods books, scholarly articles, KPAI reports, BPS publications, and Islamic law literature. The use of multiple materials supports the examination of the relationship between norms, decisions, and doctrine (Maiyestati, 2022). The official performance report of the Arga Makmur District Court is used as a limited cross-examination of the status of the diversion results; it does not replace the minutes of the proceedings.

Material was collected through document and literature review, then classified according to diversion provisions, the principle of sulh, and the facts and considerations of the decision. This method utilizes legal documents as the basis for argumentative analysis (Rifa'i et al., 2023). Qualitative analysis employed grammatical interpretation of the limits of criminal penalties, systematic interpretation of regulatory relationships, and teleological interpretation of the objectives of protection and recovery. The results were synthesized into a prescriptive model(Satory et al., 2024). Quranic verses were read in context and used as a basis for values, not as a substitute for procedures in the Juvenile Justice and Child Protection Act.

Children in conflict with the law require a balanced approach between child protection, accountability, and victim restoration. Existing literature on the Indonesian juvenile criminal justice system primarily focuses on administrative evaluations of diversion implementation and normative statutory analyses of conditional sentencing. However, a significant research gap remains regarding why diversion deliberations often fail to foster mutual willingness, particularly in facilitating direct victim restoration. Previous studies predominantly treat diversion merely as a formal-procedural instrument for detention avoidance, largely neglecting the deeper socio-religious philosophical foundations that can cultivate genuine moral awareness and reconciliation during deliberations. This highlights the critical urgency of integrating the sulh principle an Islamic legal framework centered on consensual peace and mutual willingness into the juvenile diversion mechanism, transcending technical legal accountability by incorporating spiritual and social dimensions of reconciliatory justice.

To examine Decision No. 9/Pid.Sus-Anak/2024/PN Agm, this normative legal research employs statutory, case, conceptual, and comparative conceptual approaches through document analysis and qualitative synthesis. The legal materials are analyzed using a doctrinal-prescriptive framework across systematic stages: legal inventory of primary and secondary sources, categorization based on core research themes, hermeneutic legal interpretation to evaluate compliance with Supreme Court Regulation (PERMA) No. 4 of 2014, critical synthesis of the gap between conditional sentencing and direct victim restoration, and prescriptive modeling to formulate constructive recommendations. This rigorous analytical process ensures a robust

assessment of how alternative indictments meet mandatory diversion criteria while addressing the unarticulated procedural barriers noted in official court records.

The findings indicate that while alternative indictments with maximum penalties of seven and four years meet diversion thresholds under Article 3 of PERMA No. 4/2014, the failure of diversion remains unarticulated in the judicial decision, and conditional sentencing currently lacks direct orientation toward victim restoration. To overcome these limitations, this study develops an innovative 7-stage synthesis model comprising legal screening, assessment, deliberation, restorative obligations, validation, supervision, and reintegration. By systematically embedding the sulh principle into this framework, the model ensures transparent documentation, proportional restoration, and the continuity of the child's education, bridging the gap between positive law and restorative justice values.

RESULT AND DISCUSSION

Regulation and Implementation of Diversion in the Examined Decisions

Diversion Obligation and Configuration of Indictments

Article 1, number 7 of the Child Protection and Child Protection Law defines diversion as the transfer of child case resolution from the criminal justice process to a process outside the criminal justice system. Article 1, number 6, links this to a resolution involving the perpetrator, victim, family, and related parties to prioritize recovery. Therefore, case diversion requires changes in the way responsibility is determined and compensation is redressed. The purpose of Articles 5–6 is to reconcile child protection with the interests of victims, not to eliminate either (R. Indonesia, 2012)

Article 7 of the Child Protection and Child Protection Law requires diversion efforts during the investigation, prosecution, and examination stages in district courts if the crime is punishable by imprisonment of less than seven years and is not a repeat offense. Both conditions must be examined cumulatively. Article 8 further regulates deliberations involving the child and parents or guardians, the victim, Community Guidance Counselors, and Professional Social Workers. The victim's interests, the child's welfare and responsibility, the avoidance of stigma, and community harmony are considerations that accompany the process (R. Indonesia, 2012).

The Diversion Regulation clarifies the diversion through a written agreement, court ruling, assistance, and supervision. At the court stage, diversion deliberations are held before the main case examination proceeds. If an agreement is not reached, the case can proceed according to the provisions. This distinguishes diversion from verbal settlements and from criminal penalties, which are only imposed after the child's guilt has been proven (R. Indonesia, 2015).

Article 3 of Supreme Court Regulation Number 4 of 2014 specifically regulates subsidiary, alternative, cumulative, and combined charges. Juvenile judges are required to seek diversion when charges carrying a sentence of less than seven years are accompanied by charges carrying a sentence of seven years or more. The facilitator must also listen to the child, family, victim, and guardian and ensure that the agreement does not conflict with the law or impose obligations that the child cannot fulfill (M. A. R. Indonesia, 2014). The structure of the indictment must therefore be read in its entirety.

The first charge in this case uses Article 363 paragraph (1) 4 of the Criminal Code concerning theft committed by two or more people in collusion. The maximum

threat is seven years, so grammatically different from the threat of less than seven years (R. Indonesia, 1946). The second alternative charge uses Article 107 letter d of the Plantation Law, which threatens illegal harvesting or collecting of plantation products with a maximum imprisonment of four years or a maximum fine of IDR 4 billion (M. A. R. Indonesia, 2014). The combination of seven and four years is directly relevant to Article 3 of PERMA.

Further eligibility for diversion depends on the assessment of reoffending. In the verdict, the child admitted to having harvested palm oil fruit with others several times. Conversely, the social statement and the Community Guidance Officer's recommendation stated that this was the child's first encounter with criminal proceedings (Makmur, 2024). Recurring factual actions and a history of legal proceedings are separate pieces of information. Both require a clear assessment to ensure that the child's status is not determined solely by the presence or absence of prison experience.

(Setyawan, 2023) explains that repetition in diversion regulations is not limited to narrow recidivism with a previous conviction that has permanent legal force. The explanation of the SPPA Law covers similar and different crimes, including those previously resolved through diversion. Therefore, the child's confession, previous treatment records, and the results of the community research must be examined together. The examination results must explain the basis for the decision regarding whether or not the diversion requirements have been met.

Diversion History and Conditional Criminal Status

Analysis of the decision copy does not yet reveal a detailed description of the diversion deliberations, the agreed outcome, or the reasons for its failure. However, the 2024 Government Agency Performance Report specifically notes case No. 9/Pid.Sus-Anak/2024/PN Agm with the statement "Diversion was unsuccessful"(Makmur, 2024). This official information indicates an unsuccessful diversion attempt. The lack of a detailed explanation in the decision therefore cannot be used as a basis for concluding that diversion was not attempted at all. Issues that still need to be clarified are the reasons for the failure, the assessment of the requirements, and the parties' positions on the recovery plan.

A community study recommended returning the child to his parents. Considerations included remorse, family willingness to supervise, desire to continue education, and imprisonment as a last resort. Social evidence also indicated that the child dropped out of school due to family economic circumstances, came from a farming family, and lost his biological mother. The judge did not fully follow this recommendation, considering the child still needed education, psychological, and religious guidance(Makmur, 2024). This child's circumstances provide a basis for guidance that addresses social factors, not just behavioral control.

The verdict imposed a four-month prison sentence in the LPKA, but the sentence need not be served if the child does not commit a crime during the six-month probationary period. Special conditions for eight months include mosque activities and cleanliness, congregational dawn and evening prayers, restrictions on leaving the house after 8:00 PM WIB except for justified reasons known to the parents, and a ban on smoking and consuming alcohol. The child was ordered to be released from detention (Makmur, 2024). This form of punishment with conditions has a basis in

Article 73 of the SPPA Law and must still respect the child's freedom (R. Indonesia, 2012).

Conditional sentences and diversion have different positions. Diversion diverts the settlement before a guilty verdict, while conditional sentences arise after an investigation and sentencing. Both can support rehabilitation outside of prison, but rehabilitative sentences are not necessarily the result of a diversion agreement. In this case, conditional sentences should be considered as a sentencing option after diversion has been proven unsuccessful, with special attention paid to the quality of rehabilitation and rehabilitation.

The specific requirements in the ruling primarily regulate the child's behavior. There are no obligations directly related to the Rp2,599,000 loss, such as proportional reparations, dialogue, or an apology agreed upon with the victim (Makmur, 2024). Religious guidance can support rehabilitation, but the link to victim recovery still needs to be strengthened. This assessment provides the basis for developing a model that distinguishes the obligation to rehabilitate children from the act of restoring victims' rights and links the two within a fair process.

The Relevance of the Sulh Principle to the Goals and Substance of Diversion Proportional Peace and Accountability

Sulh or iṣlāḥ directs conflict resolution toward peace, forgiveness, dialogue, and improved relationships. (Darmawan et al., 2025) explain that integrating the iṣlāḥ principle can strengthen participation and recovery in restorative justice practices. (Ramadhanti et al., 2022) also demonstrate the intersection of Indonesian criminal law and Islamic law in the orientation of recovery. However, diversion still has conditions, stages, actors, and legal consequences determined by positive law. Sulh serves to enhance the quality of agreements and their implementation within this framework.
The foundation for the value of peace is found in QS. An-Nisā' (4): 128. The text and translation of the following verse follow the Al-Qur'an and its translation provided by the Ministry of Religion of the Republic of Indonesia (2020, QS. 4:128).

وَاِنِ امْرَاَةٌ خَافَتْ مِنْۢ بَعْلِهَا نُشُوْزًا اَوْ اِعْرَاضًا فَلَا جُنَاحَ عَلَيْهِمَآ اَنْ يُّصْلِحَا بَيْنَهُمَا صُلْحًاۗ وَالصُّلْحُ خَيْرٌۗ وَاُحْضِرَتِ الْاَنْفُسُ الشُّحَّۗ وَاِنْ تُحْسِنُوْا وَتَتَّقُوْا فَاِنَّ اللّٰهَ كَانَ بِمَا تَعْمَلُوْنَ خَبِيْرًا

Translation: If a woman is worried that her husband will be naughty or indifferent, the two of them can make real peace. Peace is better (for them), even though humans are stingy by nature. If you do good and protect yourself (from nusyuz and indifference) then Allah is most careful about what you do.(K. A. Indonesia, 2020)

This verse addresses marital disputes. Its relevance to diversion lies in the value of reconciliation and relationship repair, not the transfer of marital matters to criminal law. The notion that reconciliation is preferable directs the parties to seek a just and sincere resolution. In cases involving children, this value must be realized through a willingness to understand the harm, the opportunity to express needs, and decisions made free from coercion. QS. Asy-Syūrā [42]: 40 places forgiveness alongside

improvement, without eliminating considerations of equality (Ministry of Religion of the Republic of Indonesia, 2020, QS. 42:40).

وَجَزٰٓؤُا سَيِّئَةٍ سَيِّئَةٌ مِّثْلُهَا ۚفَمَنْ عَفَا وَاَصْلَحَ فَاَجْرُهٗ عَلَى اللّٰهِ ۗاِنَّهٗ لَا يُحِبُّ الظّٰلِمِيْنَ

Translation: The reward for evil is equal evil. However, whoever forgives and does good (to people who do evil), his reward will be from Allah. Indeed, He does not like the wrongdoers (K. A. Indonesia, 2020).

Forgiveness in this verse is not separate from efforts to improve the situation. In diversion, children need to understand the injured party and the form of responsibility they can take. Victims still have the opportunity to express their losses. This interpretation aligns with the discussion by (Permana et al., 2025), who place sulh and afw alongside the dimensions of recovery and well-being. Peaceful resolution therefore needs to result in actions whose implementation can be verified.

The Position of Victims and Justice in Peace

Recognition of parties who have the right to forgive and the obligation to fulfill appropriate settlements is contained in QS. Al-Baqarah [2]: 178 (Ministry of Religion of the Republic of Indonesia, 2020, QS. 2:178).

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا كُتِبَ عَلَيْكُمُ الْقِصَاصُ فِى الْقَتْلٰىۗ اَلْحُرُّ بِالْحُرِّ وَالْعَبْدُ بِالْعَبْدِ وَالْاُنْثٰى بِالْاُنْثٰىۗ فَمَنْ عُفِيَ لَهٗ مِنْ اَخِيْهِ شَيْءٌ فَاتِّبَاعٌۢ بِالْمَعْرُوْفِ وَاَدَاۤءٌ اِلَيْهِ بِاِحْسَانٍۗ ذٰلِكَ تَخْفِيْفٌ مِّنْ رَّبِّكُمْ وَرَحْمَةٌۗ فَمَنِ اعْتَدٰى بَعْدَ ذٰلِكَ فَلَهٗ عَذَابٌ اَلِيْمٌ

Translation: you who believe, it is obligatory for you (to carry out) kisas regarding those who are killed. Free people with free people, slaves with slaves, and women with women. Whoever obtains forgiveness from his brother should follow it in an appropriate way and should fulfill it in a good way. This is relief and mercy from your Lord. Whoever exceeds the limit after that, he will suffer a very painful punishment (K. A. Indonesia, 2020).

The context of this verse is a story about murder, so it cannot be applied literally to theft committed by a child. The relevant values are recognition of the victim's position, the possibility of forgiveness, and the fulfillment of obligations in accordance with good and good deeds. In diversion deliberations, the victim's voice must be heard, and the form of reparation must be agreed upon appropriately. At the same time, the agreement must not contain demands that demean or exceed the child's capabilities. The principle of making peace fairly is emphasized in QS. Al-Ḥujurāt [49]: 9 (Ministry of Religion of the Republic of Indonesia, 2020, QS. 49:9).

وَاِنْ طَاۤىِٕفَتٰنِ مِنَ الْمُؤْمِنِيْنَ اقْتَتَلُوْا فَاَصْلِحُوْا بَيْنَهُمَا ۚفَاِنْۢ بَغَتْ اِحْدٰىهُمَا عَلَى الْاُخْرٰى فَقَاتِلُوا الَّتِيْ تَبْغِيْ حَتّٰى تَفِيْۤءَ اِلٰٓى اَمْرِ اللّٰهِ ۚفَاِنْ فَاۤءَتْ فَاَصْلِحُوْا بَيْنَهُمَا بِالْعَدْلِ وَاَقْسِطُوْا ۗاِنَّ اللّٰهَ يُحِبُّ الْمُقْسِطِيْنَ

Translation: If there are two groups of believers at war, reconcile them both. If one of the two mistreats another (group), fight the (group) that is committing the abuse, so that that group returns to Allah's commands. If that group has returned (to Allah's command), reconcile them both fairly. Be fair! Indeed, Allah loves those who act justly (K. A. Indonesia, 2020).

The verse addresses intergroup conflict; its relevance to diversion lies in the obligation to restore relationships justly. A resolution cannot be judged solely on the basis of reaching an agreement if the process oppresses one of the parties. Facilitators need to ensure that both the victim's desire for reparation and the child's need for protection are equally addressed. The agreement is then assessed based on the reasonableness of its content and the ability to implement it. The dimension of reconciliation is strengthened by QS. Al-Ḥujurāt [49]: 10 (Ministry of Religion of the Republic of Indonesia, 2020, QS. 49:10).

اِنَّمَا الْمُؤْمِنُوْنَ اِخْوَةٌ فَاَصْلِحُوْا بَيْنَ اَخَوَيْكُمْ وَاتَّقُوا اللّٰهَ لَعَلَّكُمْ تُرْحَمُوْنَ ۝

Translation: Indeed, believers are brothers, therefore reconcile your two brothers (who are at war) and fear Allah so that you may be blessed (K. A. Indonesia, 2020).

The value of reconciliation supports the involvement of mediators in reducing tension and maintaining a balanced position. In diversion, this role is played by the facilitator, along with Community Guidance Counselors, Professional Social Workers, and the family. Community or religious leaders can assist as needed in the case. Their involvement should reinforce the fairness of the process, not pressure the victim to forgive or the child to accept obligations without understanding the consequences.

Voluntary action is a crucial link between sulh and diversion. (Al Ayyubi & Erniwati, 2023) emphasize peacemaking that avoids pressure and creates space for recognition and improvement. For children, agreements need to be explained in understandable language and supported by mentoring. (Maulani & Sunardi, 2023) position diversion in theft cases as a policy that prioritizes the child's best interests. Therefore, acknowledgment of harm, victim participation, child responsibility, and the sustainability of social relationships must be jointly designed.

In the case analyzed, mosque activities and behavioral restrictions demonstrate a focus on individual development, but stem from a criminal sentence (Makmur, 2024). The principle of sulh provides an additional measure: whether self-improvement is accompanied by a process of listening to the victim, reparation for harm, and improved relationships. The victim's willingness cannot be assumed simply because the child participates in counseling. Conversely, recovery should not become an economic burden that hinders the child's education and development.

Integrative Model of Sulh and Diversion in Handling Children

The integrative model is built through seven stages: screening for legal eligibility; mapping losses, needs, and risks; deliberation; formulation of restorative obligations; validation of agreements; monitoring of implementation; and reintegration and evaluation. The four accompanying interests are child protection, victim recovery, child accountability, and restoration of social relations. The integration of iṣlāḥ values

provides the basis for participation and improved relationships (Darmawan et al., 2025), while authorities and procedures remain within the SPPA Law and its implementing regulations.

Legal Eligibility Screening

The first stage examines the child's age, type and potential threat of punishment, the structure of the charges, their criminal history, and the results of the community research. Article 7 of the Child Protection and Child Protection Law serves as the basis for testing the threshold for threats and relapse (R. Indonesia, 2012). In alternative charges, the assessment must include charges threatening sentences of less than seven years, as per Article 3 of the Supreme Court Regulation (PERMA), not just the most serious charges (M. A. R. Indonesia, 2014). The results are recorded to explain the basis for diversion or continuation of the process. In this case, the relapse status requires a separate assessment, while the institutional report has noted that diversion was unsuccessful.

Mapping of Loss Needs and Risks

The second stage assesses the victim's economic and social losses, along with their education, family, social interactions, ability to understand their actions, and available support. Article 9 of the Child Protection and Child Protection Law (UU SPPA) considers the category of crime, age, results of community research, and family and community support (R. Indonesia, 2012). This mapping prevents settlements from being narrowed down to payment. The PP on Diversion provides space for agreements that consider rehabilitation, community service, education, or training as stipulated (R. Indonesia, 2015). These options need to be tailored to the actual losses and capabilities of the parties.

Fair and Voluntary Deliberation

Children need the opportunity to explain their actions and hear the consequences for the victim. The victim expresses their need for recovery without being obliged to forgive, while the family explains the support they can provide. The companion helps assess the reasonableness and ability to implement the action. This deliberation structure aligns with the roles of the parties in Supreme Court Regulation Number 4 of 2014 (M. A. R. Indonesia, 2014). The values of QS. Al-Hujurāt (49): 9–10 reinforce the mediator's obligation to maintain justice. Disagreement should not be immediately treated as indifference because it may relate to unanswered needs or concerns.

Formulation of Restorative Obligations

The agreement should separate obligations to victims from child rehabilitation programs and define the relationship between the two. An apology, return of property, or agreed-upon reparations are directly related to the victim. Education, counseling, family guidance, and social activities support the child's transformation. Recovery and responsibility need to go hand in hand, as discussed by (Ramadhanti et al., 2022). Article 6 of the Child Protection and Child Protection Law provides the basis for instilling responsibility without depriving liberty (R. Indonesia, 2012). Each obligation must have a clear form, implementer, timeframe, and settlement criteria. Protecting the future of children is a consideration at all stages. QS. An-Nisā' (4): 9 reminds us of our

responsibility towards vulnerable offspring (Ministry of Religion of the Republic of Indonesia, 2020, QS. 4:9).

وَلْيَخْشَ الَّذِيْنَ لَوْ تَرَكُوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعٰفًا خَافُوْا عَلَيْهِمْۖ فَلْيَتَّقُوا اللّٰهَ وَلْيَقُوْلُوْا قَوْلًا سَدِيْدًا

Translation: Let them be afraid of those who should (die) leave behind them, weak offspring (whom) they fear. So, fear Allah and speak with the right words (in terms of protecting the rights of your descendants).

In the context of parenting and the rights of descendants, this verse emphasizes concern for the vulnerable generation. Its value can be used to assess whether the obligation to restitution actually weakens the child's education, economic situation, or family relationships. Best interests do not eliminate responsibility, but rather shape it to support development. In cases of child theft, a resolution that reduces stigmatization and maintains family support aligns with these needs (Maulani & Sunardi, 2023).

Agreement Validation

Agreements are written down, signed by the parties involved, and submitted to obtain a court order according to the applicable procedures. A review of the content is necessary to ensure consent, clarity of obligations, and compliance with the law and the child's capabilities. The Diversion Regulation links the agreement with the decision and its implementation mechanism (R. Indonesia, 2015). Validation provides certainty regarding the form of responsibility, the accompanying parties, and follow-up procedures, ensuring that the reconciliation has a justifiable basis.

Implementation Supervision

Community Counselors connect children, families, victims, and relevant institutions in mentoring and monitoring agreements. Implementation reports should demonstrate fulfillment of obligations, any obstacles encountered, and follow-up actions in accordance with regulations. Termination or continuation of the process follows the stages determined by the Diversion Regulation, not simply a verbal declaration that the case is closed (R. Indonesia, 2015) . (Wicaksono & Aliyanti, 2024) place community responsibility and involvement as a crucial part of diversion efforts. Measures of success should therefore include victim recovery and child development, in addition to administrative compliance.

Social Reintegration and Evaluation

Reintegration was planned from the time the agreement was drawn up. QS. Al-Mā'idah [5]: 39 links repentance with self-improvement (Ministry of Religion of the Republic of Indonesia, 2020, QS. 5:39).

فَمَنْ تَابَ مِنْۢ بَعْدِ ظُلْمِهٖ وَاَصْلَحَ فَاِنَّ اللّٰهَ يَتُوْبُ عَلَيْهِۗ اِنَّ اللّٰهَ غَفُوْرٌ رَّحِيْمٌ

Translation: So, whoever repents after committing injustice and amends himself, Allah will surely accept his repentance. Indeed, Allah is Oft-Forgiving, Most Merciful(K. A. Indonesia, 2020).

These values can be translated into activities that support change: returning to school, family mentoring, strengthening healthy relationships, and implementing recovery. Repentance needs support to develop into sustainable action. The Diversion PP provides space for mentoring, guidance, supervision, and collaboration in rehabilitation and social reintegration (Republic of Indonesia, 2015). Evaluations assess the continuity of education, family relationships, community acceptance, and the implementation of victim recovery. Preventing stigma is the responsibility of the environment that accepts the child back.

Application of the Model to Case Characteristics

This model is a prescriptive formulation for cases that meet legal requirements, not a statement that a new agreement has been reached in the case under study. PT Elders Indonesia's losses need to be part of the mapping and dialogue through company representatives. The Rp2,599,000.00 (approximately US$2,599,000) does not have to be automatically borne entirely by the child if financial circumstances prohibit it. The parties can discuss restitution, installment payments, an apology, or other forms of legal and voluntarily accepted redress. The choice must take into account the child's role, the family's capabilities, and the victim's rights.

School dropout and family vulnerability highlight the need for educational planning, parental guidance, counseling from the Child Protection Agency (Bapas), and community support. Religious guidance can be part of rehabilitation if it aligns with the child's religious beliefs and developmental needs. These activities should coexist with the victim's recovery, not replace it. The program should also clarify who provides support, when progress is evaluated, and how obstacles are addressed. This type of support addresses factors related to the offense while strengthening the child's chances of returning to social functioning.

A rigorous legal analysis of Decision No. 9/Pid.Sus-Anak/2024/PN Agm reveals a critical substantive inconsistency between statutory mandates and administrative judicial practice regarding juvenile diversion. Under Article 3 of Supreme Court Regulation (PERMA) No. 4 of 2014 in conjunction with Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), judges and law enforcement officers are legally obligated to attempt diversion when a child is charged with an offense punishable by imprisonment under seven years and is a non-recidivist. In the analyzed case, the alternative charges carrying maximum imprisonment terms of seven and four years fully met the formal statutory prerequisites for mandatory diversion. However, while official court records briefly noted that diversion failed, the judicial decision failed to articulate the underlying dynamics, procedural obstacles, or substantive reasons for this failure, thereby compromising judicial transparency and accountability in juvenile justice.

This procedural defect directly impacted the final disposition, resulting in a conditional sentence that, while serving correctional goals and avoiding immediate incarceration, entirely neglected direct victim restoration. The panel of judges focused almost exclusively on the offender's rehabilitation without framing any restorative accountability mechanism to address the victim's material and non-material damages. This case highlights a broader systemic flaw: conventional juvenile justice in Indonesia remains bound to a retributive, legalistic framework where restorative justice is often reduced to a formal administrative hurdle rather than a substantive mechanism for balanced resolution.

To bridge these statutory and practical gaps, this study formulates a comprehensive Seven-Stage Child Handling Model designed to harmonize legal screening, victim restoration, and child protection. The model operates progressively through: (1) Legal Screening, which verifies non-recidivism and offense thresholds under PERMA No. 4/2014; (2) Holistic Assessment, conducted by social workers and probation officers to evaluate the child's psychosocial background; (3) Consensual Deliberation, an integrated sulh-based mediation forum fostering genuine mutual willingness; (4) Restorative Obligations, defining fair victim compensation and moral rehabilitation; (5) Judicial Validation, securing formal court approval to enforce the agreement legally; (6) Integrated Supervision, ensuring compliance through continuous probation monitoring; and (7) Reintegration, safeguarding the child's return to society and uninterrupted educational continuity.

The philosophical foundation of this model derives its legitimacy from integrating restorative justice with Islamic jurisprudence, specifically the principle of sulh (consensual settlement) rooted in the Qur'an. The primary theological anchor, Surah An-Nisa verse 128, explicitly affirms that "wa-sulhu khair" (reconciliation is best). Historically contextualized within domestic and social dispute resolution to prevent escalating animosity, this verse serves in modern jurisprudence as a universal mandate for resolving criminal conflicts through social harmony rather than punitive retribution.

Furthermore, the concept of sulh is deeply reinforced by Surah Al-Hujurat verses 9 and 10, which command believers to reconcile conflicting parties with justice (bil-'adli) and impartiality (aqsitū), while upholding human brotherhood. A textual and contextual analysis of these passages demonstrates that sulh is neither an act of impunity nor unearned forgiveness; rather, it is a corrective framework requiring an explicit acknowledgment of wrongdoing, equitable restitution for the victim, and a genuine commitment to personal reform by the child offender.

When embedded into Indonesian positive law, the sulh framework enriches the philosophical underpinning of restorative justice by filling the moral void left by conventional criminal procedure. While statutory law supplies the formal-procedural skeleton through diversion regulations, sulh infuses the process with moral, spiritual, and psychological weight fostering mutual consent (an-tardin minkum), sincere forgiveness, and the restoration of dignity for both the victim and the child. This synthesis establishes a harmonious convergence between state law and Islamic principles, shifting the judicial objective from incarceration to sustainable social reconstruction.

By combining a critical evaluation of judicial decisions, the operational implementation of the Seven-Stage Model, and the theological grounding of sulh, the juvenile criminal justice system can move past procedural formalisms. Ensuring transparent documentation of diversion proceedings, proportional victim restoration, and guaranteed educational continuity provides a viable path toward substantive justice one that effectively balances legal certainty, societal benefit, and moral fairness within contemporary judicial practice.

The analysis results lead to three recommendations. Law enforcement officials should document eligibility checks, history of attempts, and reasons for failed diversions so that process options can be tracked. Facilitators should maintain the child's willingness and link the child's obligations to the victim's concrete losses. The Penitentiary Board (Basan Paser), families, local governments, educational institutions, and the community need to collaborate on education and supervision. The model's

success is measured by the recovery achieved, the child's understanding of responsibility, improved social conditions, and stigma-free readmission. Thus, sulh supports peace that maintains the child's responsibility and future.

CONCLUSION

This study answers all core research questions through three main conclusions. First, the legal analysis of Decision No. 9/Pid.Sus-Anak/2024/PN Agm confirms that alternative charges carrying maximum penalties of seven and four years meet the statutory prerequisites for mandatory diversion under Article 3 of Supreme Court Regulation (PERMA) No. 4 of 2014 in conjunction with the Law on Juvenile Criminal Justice System (UU SPPA). However, judicial practice reveals a critical accountability gap: the written judgment lacks explicit documentation detailing the formal feasibility, procedural dynamics, and substantive reasons for diversion failure. Furthermore, while the imposed conditional sentence supports child rehabilitation, it remains deficient in providing direct restoration to the victim.

Second, integrating the Islamic legal principle of sulh significantly strengthens the philosophical and practical foundation of diversion. Sulh elevates diversion from a mere procedural mechanism for detention avoidance into a meaningful legal process rooted in genuine mutual consent, balanced justice, victim restitution, and authentic juvenile accountability. Third, this study formulates an operational Seven-Stage Child Handling Model encompassing Legal Screening, Holistic Assessment, Sulh-Based Deliberation, Restorative Obligations, Judicial Validation, Integrated Supervision, and Reintegration with Educational Continuity to ensure a balanced, transparent, and enforceable juvenile justice framework.

Theoretically, this research contributes to juvenile criminal jurisprudence by constructing a novel conceptual bridge between Islamic legal philosophy (sulh) and positive legal standards, effectively filling the moral and spiritual void within conventional restorative justice. Practically and editorially, it offers actionable policy recommendations for law enforcement and the judiciary specifically advocating for mandatory judicial transparency in documenting diversion outcomes and adopting the Seven-Stage Model to achieve substantive, sustainable, and child-centric justice.

REFERENCES

Al Ayyubi, A. S., & Erniwati. (2023). Restoratif Justice pada Kasus Kekerasan dalam Rumah Tangga Menurut Perspektif Hukum Pidana Islam. *Ta'zir: Jurnal Hukum Pidana*, *7*(1), 66–79. https://doi.org/10.19109/tazir.v7i1.18384.

Atikah, I. (2022). *Metode Penelitian Hukum*. Haura Utama.

Darmawan, J. B., Suhariadi, F., Widjojo, S., Amiati, M., & Abdullah, A. H. (2025). Incorporating Islah Principles into Restorative Justice: Bridging Contemporary Legal Practice and Islamic Values. *MILRev: Metro Islamic Law Review*, *4*(1), 269–294. https://doi.org/10.32332/milrev.v4i1.10435.

Indonesia, K. A. (2020). *Al-Quran dan Terjemahan Indonesia*.

Indonesia, K. P. A. (2023). *Sistem Peradilan Pidana Anak 2023: Kertas Kebijakan*. KPAI.

Indonesia, M. A. R. (2014). *Peraturan Mahkamah Agung Republik Indonesia Nomor 4 Tahun 2014 tentang Pedoman Pelaksanaan Diversi dalam Sistem Peradilan Pidana Anak*.

Indonesia, R. (1946). *Kitab Undang-Undang Hukum Pidana, khususnya Pasal 363*.

Indonesia, R. (2012). Undang-Undang Republik Indonesia Nomor 11 Tahun 2012

tentang Sistem Peradilan Pidana Anak. In *Lembaran Negara Republik Indonesia Tahun 2012 Nomor 153, Tambahan Lembaran Negara Republik Indonesia Nomor 5332*.

Indonesia, R. (2014). Undang-Undang Republik Indonesia Nomor 39 Tahun 2014 tentang Perkebunan. *Lembaran Negara Republik Indonesia Tahun*.

Indonesia, R. (2015). *Peraturan Pemerintah Republik Indonesia Nomor 65 Tahun 2015 tentang Pedoman Pelaksanaan Diversi dan Penanganan Anak yang Belum Berumur 12 Tahun*.

Irawan, A., Hadiyanto, A., & Ciptono, C. (2025). Kebijakan Kriminal Anak dalam Kasus Narkotika: Perspektif Restorative Justice. *Jurnal USM Law Review*, *8*(2), 923–937. https://doi.org/10.26623/julr.v8i2.11961.

Maiyestati. (2022). *Metode Penelitian Hukum*. LPPM Universitas Bung Hatta.

Makmur, P. N. A. (2024). *Putusan Nomor 9/Pid.Sus-Anak/2024/PN Agm*.

Maulani, E., & Sunardi, dan M. M. (2023). Kebijakan Diversi dalam Penyelesaian Tindak Pidana Pencurian yang Dilakukan oleh Anak untuk Kepentingan Terbaik bagi Anak. *Jurnal Mercatoria*, *16*(2), 139–150. https://doi.org/10.31289/mercatoria.v16i2.10499.

Permana, Y., Marpaung, W., & Harahap, A. M. (2025). The Role of Restorative Justice in Juvenile Criminal Law Islamic Law Analysis. *Jurnal Akta*, *12*(1), 85–94. https://doi.org/10.30659/akta.v12i1.43730.

Ramadhanti, S. N., Nurensa, A., & Rianto, S. A. (2022). Konsep Restorative Justice dalam Perbandingan Hukum Pidana di Indonesia dengan Hukum Islam. *PESHUM: Jurnal Pendidikan, Sosial Dan Humaniora*, *1*(4), 417–423. https://doi.org/10.56799/peshum.v1i4.533.

Rifa'i, I. J., Purwoto, A., Ramadhani, M., Muksalmina, M. T. R., Harahap, N. K., Mardiyanto, I., Churniawan, E., Junaedi, M., Agustiwi, A., Saragih, G. M., Bariah, C., & Surasa, A. (2023). *Metodologi Penelitian Hukum*. Sada Kurnia Pustaka.

Satory, A., Febrianty, Y., Astuti, W. R. B., & Pradana, A. F. K. (2024). *Metode Penelitian Hukum*.

Setyawan, V. P. (2023). Makna Frasa 'Pengulangan Tindak Pidana' dalam Regulasi Penyelesaian Perkara Anak dengan Keadilan Restoratif. *IJOLARES: Indonesian Journal of Law Research*, *1*(2), 28–31. https://doi.org/10.60153/ijolares.v1i2.19.

Statistik, B. P. (2024). *Statistik Kriminal 2024*. Badan Pusat Statistik.

Statistik, B. P. (2025). *Statistik Kriminal 2024/2025*. Badan Pusat Statistik.

Suharyanto, M. E., & Susilowati, H. (2024). Diversi dan Restorative Justice. *Journal of Mandalika Literature*, *5*(4), 780–791. https://doi.org/10.36312/jml.v5i4.3519.

Sumardi, D., & Mansari, dan M. F. A. (2022). Restoratif Justice, Diversi dan Peradilan Anak Pasca Putusan Mahkamah Konstitusi Nomor 110/PUU-X/2012. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, *11*(2), 248–265. https://doi.org/10.22373/legitimasi.v11i2.16010.

Trisnawaty, O. E., & Fahrazi, M. (2024). Pelaksanaan Diversi terhadap Anak sebagai Pelaku Tindak Pidana di Polres Kediri Kota Berdasar Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. *Mizan: Jurnal Ilmu Hukum*, *13*(1), 96–101. https://doi.org/10.32503/mizan.v13i1.5336.

Wicaksono, A. D., & Aliyanti, A. (2024). Upaya Diversi dalam Menyelesaikan Perkara Anak yang Berkonflik dengan Hukum. *Equality Before the Law*, *4*(1). https://doi.org/10.36232/equalitybeforethelaw.v4i1.454.