

## Diversion Reform in Juvenile Criminal Law Based on Prophetic Restorative Justice

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### Abstract

Restorative justice in the Juvenile Criminal Justice System remains predominantly shaped by pragmatic and secular approaches, limiting its capacity to support substantive character formation among children in conflict with the law. This study examines the integration of prophetic legal values into diversion and rehabilitation processes to strengthen the ethical and transformative dimensions of restorative justice. Using a normative juridical method, the study analyzes the weaknesses of conventional restorative justice practices within the Indonesian juvenile justice framework. The findings indicate that diversion is largely implemented as a formal conflict resolution mechanism through peace agreements, with limited attention to character development and deep value internalization. In response, this study proposes a prophetic restorative justice model grounded in the values of humanization, liberation, and transcendence, offering a more holistic approach to juvenile rehabilitation. The integration of ethical and transcendental dimensions repositions diversion as a structured process of character rehabilitation and sustainable social relationship reconstruction rather than mere case settlement. This study contributes conceptually and normatively by reconstructing restorative justice through a prophetic legal paradigm, while also providing policy-oriented implications for strengthening regulations and technical guidelines to institutionalize prophetic restorative justice within Indonesia's Juvenile Criminal Justice System.

### Keywords

Prophetic Law; Restorative Justice; Juvenile Justice System; Diversion

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### 1. INTRODUCTION

The protection of children in conflict with the law has become an important agenda in the development of modern criminal law. Indonesia, through Law No. 11 of 2012 on the Criminal Justice System for Children, emphasizes that the settlement of cases involving children must prioritize restorative justice and diversion mechanisms to prevent children from entering formal judicial proceedings. This approach is based on the understanding that children are still in the process of



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character formation, so the application of repressive and retributive sanctions can damage their future and hinder their growth and development. Therefore, the settlement of children's cases focuses on restoring social relations between children, victims, families, and the community. (Nashriana et al., 2023)

Various studies show that the application of restorative justice in juvenile justice practices continues to face fundamental and structural problems. Diversion is often carried out in a procedural, administrative, and formalistic manner, thereby being more oriented towards technical resolution than substantive recovery. Law enforcement officials often treat diversion as an instrumental and ceremonial mechanism that only emphasizes the achievement of a peaceful agreement without addressing changes in the character and moral awareness of the child offender. (Walgrave et al., 2021) Several studies also reveal that restorative justice in Indonesia tends to be pragmatic, secular, and reductionist because it ignores the ethical and spiritual dimensions of the recovery process. As a result, diversion has not been able to encourage fundamental, reflective, and transformative change in children, whether in terms of remorse, understanding of values, or the formation of a responsible and moral personality. (Song et al., 2020)

A study on the implementation of restorative justice in the juvenile criminal justice system shows that diversion mechanisms still face fundamental and structural problems. Kimbrell emphasizes that the effectiveness of restorative justice depends heavily on the quality of its implementation, not merely on the existence of formal rules. The findings indicate that many diversion practices are focused solely on administrative resolution, without guaranteeing changes in the child's character or moral understanding. The effectiveness levels in the low to moderate category indicate that restorative justice has not been implemented as a process of substantive healing but rather as a procedural ritual that yields peaceful agreements without meaningful psychosocial transformation. (Kimbrell & Wilson, 2023)

Ackerman's research strengthens this perspective by showing that procedural and technocratic intervention models often fail to deliver meaningful rehabilitation. Through a systematic review comparing incarceration and diversion, he finds that the success of alternatives to punishment depends on integrating children's personal, moral, and spiritual values into the recovery process. These findings indicate that administrative diversion does not address the root causes of children's behavioral problems. (Ackerman et al., 2024)

Maswandi's study reveals a gap between the progressive norms of the Juvenile Criminal Justice System Law and their implementation in practice. He finds that law enforcement officials tend to treat diversion as a formalistic tool to accelerate case resolution, while neglecting the moral, spiritual, and educational dimensions of restorative justice. Maswandi also highlights limited operational guidelines,

inadequate training for officials, and weak community participation, which prevent diversion from producing a transformative impact on juvenile offenders. (Ingratubun & Ingratubun, 2023)

Karyatin's study shows that restorative justice in Indonesia remains pragmatic and reductionist. Officials often use restorative justice as an administrative tool to reduce caseloads rather than as a value-based recovery mechanism. In practice, they focus on ceremonial procedures. Facilitating meetings, drafting peace agreements, and closing cases without ensuring value internalization or character change in children. Karyatin identifies key contributing factors, including limited resources, resistance from officials rooted in a legalistic work culture, and the absence of measurable evaluations of the moral and spiritual impact of diversion. (Venisha & Sreenivasulu, 2023)

Priyana's study provides a detailed empirical account showing that administratively successful diversion often fails to support children's social reintegration. Her case studies reveal that limited involvement of community leaders, counselors, and religious figures weakens the moral and spiritual foundation of the recovery process. (Nur Zulfah, 2021) As a result, diversion functions merely as a forum for peace without reconstructing sustainable social relationships. Priyana emphasizes that diversion success should be measured not only by case resolution, but also by the extent to which children experience repentance, value learning, and accountable behavioral change. (Awe et al., 2025)

The five studies consistently show that restorative justice in juvenile courts remains procedural, formalistic, and pragmatic. (Siswanto & Sholichah, 2025) Diversion fails to integrate moral, ethical, and spiritual dimensions essential to child development, thereby limiting profound recovery and increasing the risk of reoffending and weak social reintegration. This gap underscores the urgency of researching prophetic restorative justice. This approach not only resolves legal conflicts but also cultivates moral and spiritual awareness as the foundation for transforming the character of juvenile offenders. (Sriwyanti et al., 2021)

Therefore, this study emphasizes the importance of developing a new approach called prophetic restorative justice. This approach integrates prophetic legal values into diversion mechanisms so that case resolution focuses not only on achieving peace agreements but also on character building, moral awareness, and spiritual transformation. Unlike previous paradigms that emphasize interpersonal restoration alone, prophetic restorative justice strengthens the ethical and spiritual foundations of the recovery process, aligning it with substantive justice values within Indonesia's religious and morally rooted social context. (Hibrawan, 2023)

Research by Atma, Susanto, and Yustia confirms that restorative justice has strong philosophical and spiritual potential, making it highly relevant for integration with prophetic values such as humanization, liberation, and transcendence. Deni's study demonstrates that restorative justice in Indonesian law extends beyond procedural mechanisms and can be grounded in a normative

framework that emphasizes reconciliation, reparation, and community involvement as a process of social healing rather than mere punishment. He further provides a philosophical-normative analysis showing that restorative justice has significant potential to rehumanize both perpetrators and victims within the Indonesian criminal justice system. (Setiyawan, 2025)

Kurniawan's study examines the role of customary law in restorative justice for juvenile cases. It proposes that Indonesia learn from traditional practices that restore social and moral relations through community deliberation.(Djalaluddin, 2023) Iswari's study emphasizes the role of restorative justice from a social work perspective, arguing that it should not only resolve conflicts but also protect children's dignity, provide social and emotional support, and foster moral responsibility within families and communities. (Quia, 2025) Peggy's study on the effectiveness of restorative justice in juvenile crime in Indonesia finds that a major obstacle lies in law enforcement officials' limited understanding of non-legal values, such as emotional reconciliation, psychological support, and social guidance, which constitute the moral and spiritual dimensions of recovery. (Nilam Sari, 2020)

Most previous studies have focused on normative compliance, procedural effectiveness, or technical constraints in the implementation of diversion. At the same time, the moral and spiritual dimensions, as important elements in child rehabilitation, have not received adequate attention. This study fills this gap by offering a conceptual and normative reconstruction of restorative justice through a prophetic legal approach based on the values of humanization (*amar ma'ruf*), liberation (*nahi munkar*), and transcendence (*tu'minūna billāh*). Unlike the conventional restorative justice approach, which emphasizes interpersonal relationship restoration, the prophetic law approach emphasizes moral responsibility and spiritual awareness as integral to the diversion process. Therefore, this study aims to analyze the limitations of conventional restorative justice, examine the integration of prophetic legal values into diversion mechanisms, and formulate normative and policy implications for reforming restorative justice in the Juvenile Criminal Justice System in Indonesia.

## 2. METHOD

This study applies a normative juridical method to analyze the integration of a prophetic legal approach into restorative justice mechanisms within juvenile criminal law. The legal materials examined consist of primary legal materials, including Law No. 11 of 2012 on the Juvenile Criminal Justice System, the Criminal Code, and relevant implementing regulations, selected based on their direct normative relevance to diversion and restorative justice. Secondary legal materials, such as scholarly articles, legal doctrines, and authoritative commentaries on restorative justice and prophetic law, are selected based on academic credibility, thematic relevance, and their contribution to normative legal discourse.

This research does not employ empirical methods because its primary objective is not to measure behavioral outcomes or institutional performance, but to reconstruct legal concepts and normative frameworks governing diversion through a prophetic legal paradigm. Empirical analysis is therefore considered secondary to the study's conceptual and normative focus. The legislative approach assesses the coherence and adequacy of existing legal norms regulating diversion.

In contrast, the philosophical approach examines the prophetic values of humanization, liberation, and transcendence as ethical foundations for juvenile justice. The conceptual approach constructs a model of prophetic restorative justice by integrating these values with modern restorative justice theory and Indonesia's moral-spiritual context. To clarify this integration, the study proposes a conceptual framework that illustrates the relationships among prophetic values, diversion mechanisms, and holistic child rehabilitation outcomes.

### **3. FINDINGS AND DISCUSSION**

#### **3.1. Limitations of Conventional Restorative Justice in Juvenile Cases**

Restorative justice in Indonesia's Juvenile Criminal Justice System rests on a strong normative foundation, primarily Law No. 11 of 2012, which mandates diversion at every stage of the judicial process. Article 6 defines the goals of diversion as achieving peace between victims and children, resolving cases outside court, preventing deprivation of liberty, and fostering child responsibility, as supported by Government Regulation No. 65 of 2015 and Supreme Court Regulation No. 4 of 2014. This framework reflects a clear preference for restorative mechanisms over punishment.

However, a significant gap persists between normative ideals and practical implementation. Studies show that diversion often remains conceptualized in procedural, administrative, and legal-formal terms rather than as a process of character building and moral restoration. In practice, authorities prioritize avoiding detention or litigation over transforming children's behavior, resulting in the substantive restorative orientation mandated by Article 5 of the Juvenile Criminal Justice System Law remaining largely unrealized. (Dwi Elsa et al., 2025)

Another limitation lies in conventional restorative justice in Indonesia, which remains pragmatic, secular, and reductionist. Practitioners often narrow diversion to achieving peace through mediation between the child and the victim. By prioritizing material agreements, such as compensation or symbolic apologies, the process neglects ethical and spiritual dimensions that are essential for rehabilitating children's behavior. As a result, rehabilitation remains superficial and fails to produce big moral change. This pragmatic approach also conflicts with Indonesia's strong cultural and religious foundations, making it inconsistent with the socially embraced paradigm of substantive justice. (Gufroni, 2019)

In practice, restorative justice in Indonesia faces serious challenges due to limited competence among implementers and inadequate resources. Law enforcement officials often lack the psychological, pedagogical, and social skills needed to handle children, causing psychosocial assessments to be conducted formally or ignored altogether. (Sriwidodo, 2021) As a result, diversion relies on technical deliberation rather than an analysis of children's moral development, social conditions, and psychological needs. Another limitation arises from the absence of comprehensive operational guidelines on rehabilitation quality. Existing regulations prioritize diversion procedures over moral, emotional, and spiritual intervention models and provide no standards for evaluating post-diversion behavioral change. (Suwito et al., 2023)

Consequently, authorities measure success solely by achieving peace agreements, not by character transformation. Restorative justice also suffers from minimal community involvement, as officials rarely engage community leaders or moral figures who could shape children's ethical awareness. This exclusion weakens the socio-spiritual context essential for sustainable behavioral transformation. (Flora, 2022)

Conventional restorative justice in the juvenile criminal justice system remains far from its ideal goal as a mechanism for substantive recovery. Normative, conceptual, and implementation gaps show that the current approach has not adequately addressed children's holistic recovery needs. Although diversion serves as a legal and formal instrument, it has not optimally achieved moral and spiritual recovery or character transformation. (Saefudin & Nasirudin, 2022) This condition underscores the need to develop a prophetic, restorative-justice paradigm that integrates the values of humanization, liberation, and transcendence into diversion mechanisms. Such an approach can restore the essence of authentic recovery and align juvenile justice practices with the moral and spiritual character of Indonesian society. (Hambali, 2020)

These findings demonstrate that existing diversion practices are predominantly procedural, administrative, and pragmatic, with limited normative recognition of character formation and value internalization. The findings also establish the absence of explicit regulatory provisions that incorporate moral and spiritual dimensions into restorative justice. The interpretation and discussion build upon these findings by providing a conceptual and philosophical analysis through the lens of prophetic law. This interpretative section explains how the identified normative limitations can be addressed by integrating the prophetic values of humanization, liberation, and transcendence into restorative justice mechanisms.

The discussion further interprets the findings to propose prophetic restorative justice as a reconstructed normative framework, offering policy-oriented insights for regulatory reform and technical guidelines. Thus, while the findings identify existing normative gaps, the interpretation

advances a theoretical and policy-based response to strengthen diversion as a transformative process within the juvenile criminal justice system.

### **3.2 Integration of Humanization, Liberation, and Transcendence Values in Prophetic Restorative Justice**

The concept of prophetic law draws on philosophical and theological ideas that integrate normative legal dimensions with moral, ethical, and spiritual values rooted in the prophetic tradition. In modern legal thought, the prophetic framework develops from the interaction among social philosophy, religious ethics, and critical legal theory, with Kuntowijoyo's concept of Prophetic Social Science serving as a key reference later adopted in the legal field. Prophetic law views law not merely as a system of rules, but as a means of promoting humanitarian missions, liberation, and spiritual transformation.

This concept emerges as a critique of legal positivism, which tends to be legalistic, mechanistic, and detached from moral values and social realities. By reducing law to normative texts and state commands, positivism neglects the ethical and spiritual dimensions of human life. In the context of Indonesia's pluralistic and religious society, prophetic law offers an alternative paradigm that restores law's function as an instrument of humanization, liberation, and transcendence. (Muin, 2023)

The historical roots of prophetic law lie in the traditions of moral philosophy and legal theology, including Islamic and Eastern virtue ethics. In Islamic thought, prophetic justice derives from the *maqāṣid al-sharī'ah*, which emphasizes protecting fundamental human values and frames justice as a moral, not merely legal, obligation. Prophetic law thus views regulation as a means of moral and social transformation grounded in divine values. Kuntowijoyo introduced the concept of prophetic law in the late 1990s in response to modern social science that he considered descriptive, secular, and lacking transformative direction. He proposed a paradigm that not only explains reality but also guides social change through prophetic values. Legal scholars later adapted this framework to develop a more ethical, humanistic, and transcendental approach to lawmaking, law enforcement, and legal application. (Ash-shidiqqi, 2020)

Prophetic law is understood as a model of law oriented towards moral and social transformation, not merely towards certainty or proceduralism. It combines three main principles: humanization (*amar ma'ruf*), which is humanizing humans and upholding the value of goodness; liberation (*nahi munkar*), which is freeing humans from structures of injustice and destructive practices; and transcendence (*tu'minūna billāh*), which is the recognition of the spiritual and divine dimensions as the ethical foundation of law. Thus, prophetic law functions not only as a mechanism of social control but also as an instrument for character building, strengthening public ethics, and restoring society's morality.

The idea of prophetic law gains relevance through criticism of the limitations of the existing legal system. National law is often seen as too bound by legal-formal structures, making it unable to achieve substantive justice. Many regulations and policies are formulated without considering society's moral and spiritual values, even though these values have been integral to Indonesia's legal identity since pre-colonial times. Therefore, prophetic law seeks to revitalize the role of religious values, social ethics, and local culture in developing responsive and meaningful laws. (Supriyadi, 2020)

The prophetic law approach emerged in Indonesian legal scholarship alongside transformative legal reform, particularly in criminal law, family law, and legal philosophy, to promote not only procedural justice but also substantive justice. (Ingsaputro, 2025) In criminal law reform, prophetic law shifts the paradigm from retribution toward moral restoration, aligning with restorative justice while emphasizing spiritual values. One of its early contributions lies in integrating prophetic principles with restorative justice.

While conventional restorative justice focuses on repairing social relationships, it often neglects the moral and spiritual dimensions of the offender. Prophetic law addresses this gap by repositioning restoration within an ethical and transcendental framework, ensuring that case resolution emphasizes not only peaceful agreements but also character formation and moral awareness. Through this integration, prophetic law deepens the philosophical foundation of restorative justice by embedding values of humanization, liberation, and transcendence. (Hamdani, 2017)

The emergence of prophetic law is closely linked to criticism of legal globalization that imports Western liberal values into national legal systems without sufficient regard for local contexts. The prophetic approach offers an alternative by emphasizing Indonesia's moral identity as a religious and communal society, rejecting moral relativism, and grounding justice in universal ethical values rooted in divinity and humanity. Prophetic law also arises from the recognition that law cannot be separated from ethics and spirituality, viewing contemporary legal crises as moral crises rather than merely normative or institutional problems. Accordingly, it places divine values as fundamental guidelines in lawmaking, implementation, and enforcement. (Katic et al., 2020)

In academic discourse, prophetic law increasingly proves relevant in Indonesian legal theory and practice, not to replace positive law, but to enrich and guide it toward greater humanity, justice, and spirituality. As an extension of restorative justice, prophetic restorative justice complements existing models by addressing their reductionist implementation in juvenile justice, which often prioritizes administrative settlement over genuine behavioral transformation in children. (Hasibuan et al., 2025)

Prophetic restorative justice views restoration as both an ethical and spiritual process, addressing crimes by children as symptoms of deeper value crises. It emphasizes value internalization, self-reflection, and character building beyond mere peaceful negotiation. By integrating humanization,

liberation, and transcendence, this approach offers a holistic moral framework distinct from conventional restorative models. Humanization restores children's dignity through empathetic, educational diversions that support psychological development and moral identity. (Rogie Garcia Junior et al., 2024)

Liberation frees children from social, structural, and psychological roots of deviant behavior through diagnosis, counseling, rehabilitation, and sustained assistance. Transcendence embeds recovery in spiritual awareness and moral responsibility by encouraging reflection through universal religious values and involving spiritual mentors. Together, these values create a comprehensive restoration that rebuilds both social and spiritual relationships. Prophetic restorative justice thus not only resolves cases peacefully but also fosters lasting moral-spiritual transformation aligned with Indonesia's religious and humanistic character, offering a strategic alternative to secular and procedural restorative justice. (Rasiam et al., 2023)

### **3.3 The Urgency of Strengthening Regulations and Technical Guidelines in the Implementation of Prophetic Restorative Justice**

The implementation of restorative justice in Indonesia's Juvenile Criminal Justice System has a normative foundation in Law No. 11 of 2012 and its implementing regulations at the police, prosecution, and court levels. However, this framework still reflects a conventional restorative paradigm that prioritizes diversion over formal judicial proceedings. (Zulfiani, 2023) Regulations mainly aim to prevent children from entering the court process, reduce the negative impact of criminalization, and resolve cases through consultative mechanisms. This approach has not adequately incorporated ethical, moral, and spiritual dimensions that characterize Indonesia's religious and value-based society. Consequently, diversion often operates in a procedural, legal-formal, and administrative manner, failing to produce substantial healing or meaningful transformation of the child offender's character. (Iksan et al., 2023)

These limitations reveal a clear gap between the ideal objectives of restorative justice and its practical implementation. Law enforcement agencies often treat diversion as an administrative obligation rather than a profound restorative process for children, victims, and communities. As a result, psychosocial rehabilitation and character building remain underdeveloped. The absence of moral and spiritual dimensions renders rehabilitation superficial, merely diverting children from court without fostering self-reflection, repentance, or value formation. This condition highlights the urgency of integrating prophetic values into restorative justice so that diversion not only resolves cases but also restores children's dignity and moral awareness. (Rizal & Indani, 2025)

Prophetic restorative justice integrates the values of humanization, liberation, and transcendence into child recovery mechanisms. Emerging from criticism of secular, reductionist restorative approaches, this paradigm emphasizes that genuine healing requires restoring the moral and spiritual dimensions, especially for children in the process of identity formation. By incorporating prophetic values, restorative justice becomes a means of self-transformation, moral reconciliation, and strengthened social responsibility, rather than merely a case-resolution tool. (Fitria et al., 2024)

The value of humanization in prophetic restorative justice affirms children as dignified individuals capable of change. It requires diversion to address their psychological needs, trauma sensitivity, and dignity rather than treating them as criminals. However, current regulations lack clear mechanisms to assess values, restore dignity, and involve families from a humanistic perspective, underscoring the need for regulatory strengthening. The value of liberation focuses on freeing children from structural causes of crime, such as poverty, exploitation, and lack of education. (Djanggih et al., 2023)

Formalistic diversion often ignores these factors, so regulations must mandate integrated social assessments and concrete interventions to prevent future victimization. The value of transcendence distinguishes prophetic restorative justice from conventional models by emphasizing moral and spiritual awareness, including remorse, honesty, and forgiveness. Although these values align with Indonesia's religious society, existing regulations do not systematically accommodate them. (Setiyawan & Alhadi, 2024) Therefore, technical guidelines must enable the structured involvement of spiritual and moral figures so that transcendence becomes an integral component of comprehensive child recovery rather than a situational addition.

The urgency to strengthen prophetic restorative justice regulations arises from the need to achieve substantive justice rather than merely legal-formal outcomes. Peace agreements that fail to address internal change in the child often produce superficial resolutions that fail to address the root causes of offending. In contrast, prophetic restorative justice requires resolutions to emerge from self-reflection, acknowledgment of wrongdoing, moral learning, and a genuine commitment to change. To realize this approach, the legal framework must provide clear technical guidance on dialog facilitation, the use of universal spiritual approaches, moral development programs, and recovery indicators that measure character formation and behavioral change, not merely the achievement of peace agreements. (Saputra, 2021)

Operational policies must ensure the effective application of prophetic values in practice. Regulations should establish competency standards for diversion facilitators who master not only legal procedures but also values-based mediation, moral-spiritual counseling, and social analysis sensitive to children's contexts. Strengthening law enforcement officers' capacity through training and certification is therefore essential to prevent prophetic values from remaining merely rhetorical.

(Mashdurohatun et al., 2025) Integrating humanization, liberation, and transcendence into regulatory frameworks also builds a sustainable recovery ecosystem that extends beyond diversion into social reintegration. Regulations must govern post-diversion monitoring, family and community involvement, and cross-sector collaboration among legal, social, educational, and religious institutions. Consequently, strengthening prophetic restorative justice regulations and technical guidelines becomes urgent to ensure that the juvenile justice system delivers not only procedural justice but also ethical, spiritual, and transformative outcomes aligned with Indonesia's moral and humanitarian values. (N. Afifah, 2024)

#### **4. CONCLUSION**

This research confirms that restorative justice in the juvenile criminal justice system remains substantively limited when applied through a conventional, pragmatic, and secular framework focused on formal conflict resolution. Practices often end with peace agreements or material compensation without addressing children's character development, moral internalization, and ethical awareness, resulting in superficial and unsustainable recovery. By integrating the values of humanization, liberation, and transcendence, prophetic restorative justice offers a more holistic and transformative paradigm.

This approach restores relationships, rebuilds children's dignity, frees them from harmful social structures, and fosters spiritual awareness. Diversion thus functions not merely as case resolution, but as a long-term process of character building and value reconstruction. The study highlights the urgent need to strengthen regulations and technical guidelines to operationalize prophetic values. Regulatory reform, cross-agency collaboration, and enhanced competencies of law enforcement officers are essential to ensuring an ethical, spiritual, and socially meaningful justice. Overall, prophetic restorative justice presents a more comprehensive and humane model for resolving juvenile cases.

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