


## RESTORATIVE JUSTICE IN RESOLVING CRIMINAL CASES OF CHILD ABUSE FROM AN ISLAMIC LEGAL PERSPECTIVE



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### Abstract

Persecution among children requires special attention. Many cases of abuse result in minor injuries, serious injuries, and even death for the victims. Cases of abuse by minors can be caused by several factors, so it became a question whether positive law currently facilitates a restorative justice approach in resolving cases of abuse by minors or whether minors are subject to repressive sanctions per statutory provisions. This research aims to explain the perspective of Islamic law in resolving cases of abuse by minors through a restorative justice approach using normative research methods with a qualitative approach to describe the application of restorative justice in resolving cases of criminal acts of abuse by minors. Based on the research that has been conducted, it was found that Islamic law recognises a restorative justice approach through several mechanisms for resolving abuse cases using mediation and compensation in the form of diyat, providing education and guidance, seeking to protect the rights of minors, and involving the role of the community and stakeholders in the process. This research concludes that Islamic law recognises a restorative justice approach to help resolve cases of abuse by children who conflict with the law and to provide understanding to children so they can understand their mistakes, improve themselves so as not to repeat mistakes, and get a second chance in society. However, it is important to note that the implementation of restorative justice must always take into consideration the rights of victims and the interests of society as a whole.

*Kekerasan dalam bentuk penganiayaan yang dilakukan oleh anak di bawah umur membutuhkan perhatian khusus, melihat begitu banyaknya kasus penganiayaan yang mengakibatkan luka ringan, luka berat hingga kematian bagi korbannya. Meningkatnya kasus penganiayaan oleh anak di bawah umur bisa disebabkan oleh beberapa faktor sehingga menimbulkan pertanyaan apakah hukum positif saat ini sudah memfasilitasi pendekatan restorative justice dalam penyelesaian kasus penganiayaan oleh anak di bawah umur atau justru anak di bawah umur dijatuhkan sanksi represif sesuai ketentuan perundang-undangan. Tujuan penelitian ini untuk mengemukakan bagaimana perspektif hukum islam dalam menyelesaikan kasus penganiayaan oleh anak di bawah umur melalui pendekatan restoratif justice dengan metode penelitian normatif dengan pendekatan kualitatif untuk menggambarkan penerapan restoratif justice dalam penyelesaian perkara tindak pidana penganiayaan oleh anak di bawah umur. Berdasarkan penelitian yang telah dilakukan didapatkan temuan bahwa hukum Islam mengenal pendekatan restorative justice melalui beberapa mekanisme penyelesaian perkara penganiayaan dengan cara mediasi dan kompensasi berupa diyat, memberikan pendidikan dan pembinaan, mengupayakan perlindungan hak anak di bawah umur dan melibatkan peran masyarakat dan pemangku kepentingan dalam prosesnya. Penelitian ini menyimpulkan hukum Islam mengenal pendekatan restorative justice untuk membantu penyelesaian perkara penganiayaan oleh anak yang berkonflik dengan hukum dalam rangka memberikan pemahaman kepada anak untuk memahami kesalahan mereka, memperbaiki diri, dan mendapatkan kesempatan kedua dalam masyarakat. Namun, penting untuk mencatat bahwa penerapan Restorative Justice harus selalu memperhatikan hak-hak korban dan kepentingan masyarakat secara keseluruhan.*

## INTRODUCTION

The rise of violence cases among adolescents today makes parents uneasy about the development of their children's behavior. So many cases occur in the surrounding environment, but in fact, cases will be handled when they have gone viral and become



public. Minister of Education and Culture (Mendikbud), Nadiem Makarim, said there were at least 24.4% of students who were potential victims of bullying in the school environment, referring to the results of a character survey conducted by the Ministry of Education and Culture last year. The survey involved 260,000 schools in Indonesia at the elementary (madrasah) to high school (vocational) levels. There are also 6.5 million students and 3.1 million teachers involved.<sup>1</sup>

Some recent actual cases include abuse by a child who is the son of a middle-ranking police officer, where the father only saw the abuse by his son and made no effort to divorce or advise his son, which led to the disrespectful dismissal of the middle-ranking police officer.<sup>2</sup> In addition to the previous case that also recently emerged, the case of a tax official who molested the child of the central administrator of GP Ansor, a youth organization under Nahdlatul Ulama, also led to the dismissal of the tax official because of the connection to the unnatural amount of wealth and luxurious lifestyle following the abuse committed by the child.<sup>3</sup>

Violence that occurs in the environment of children and adolescents today should not extend to other problems received by parents due to their children's behavior. Positive law has regulated the mechanism of restorative justice to restore the condition of the parties as usual with assistance from community leaders, law enforcement authorities, families, and other parties in solving a criminal case where one of them is a criminal offence of persecution.<sup>4</sup>

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<sup>1</sup> BBC, "Kasus Siswa Bakar Sekolah Di Temanggung, Karena Diduga 'sering Dirundung' – 'Bullying Di Indonesia Sudah Mengkhawatirkan,'" 2023, <https://www.bbc.com/indonesia/articles/cd1n7m1xezdo>.

<sup>2</sup> BBC, "AKBP Achiruddin Dipecat Dan Dijadikan Tersangka, 'terbukti Membiarkan Anaknya Menganiaya' – Budaya Kekerasan Yang Ditangani Ketika Viral", Kata Pegiat," 2023, <https://www.bbc.com/indonesia/articles/crgmv3lnz1xo>.

<sup>3</sup> Tirto.id, "Rangkuman Kasus Mario Dandy, Kronologi David Hingga Ayah Dipecat Baca Selengkapnya Di Artikel "Rangkuman Kasus Mario Dandy, Kronologi David Hingga Ayah Dipecat," 2023, <https://tirto.id/rangkuman-kasus-mario-dandy-kronologi-david-hingga-ayah-dipecat-gCQd>.

<sup>4</sup> detik.com, "Anak Kelas 2 SD Tewas Dikeroyok Teman, Korban Sempat Sesak Napas," accessed September 30, 2023, <https://www.detik.com/jabar/hukum-dan-kriminal/d-6730910/anak-kelas-2-sd-tewas-dikeroyok-teman-korban-sempat-sesak-napas>.

<sup>5</sup> Alfitra, "Penerapan Restorative Justice Terhadap Pelaku Tindak Pidana Yang Dilakukan Anak Di Bawah Umur Dalam Sistem Hukum Pidana Indonesia Dan Hukum Islam," *Istinbath* 16, no. 1 (2017).

<sup>6</sup> Yuni Kurniawan Et.al., "Peran Kepolisian Dalam Penerapan Restorative Justice Terhadap Pelaku Tindak Pidana Dalam Wilayah Hukum Polres Kerinci" 5, no. 2 (2023): 196 – 206.

<sup>7</sup> Erna Dewi and Damanhuri Warganegara, "Penerapan Restorative Justice Dalam Pencegahan Terjadinya Labeling Terhadap Anak Pelaku Tindak Pidana Di Bandar Lampung (Implementation of Restorative Justice in Prevention of Labeling of Children Criminal Offender at The Bandar Lampung)," *Kelitbangan* 9, no. 2 (2021): 141 – 50.

Perpetrators of Cyberbullying Crimes at the Makassar Police Station,<sup>8</sup> Research by Riko Doni Rahardianto et al. entitled Application of Restorative Justice to Perpetrators of Criminal Acts of Persecution (Case Study of Violence in Tangerang);<sup>9</sup> From previous research that has been done, there are still unresolved problems related to how the perspective of Islamic law in achieving peace uses the mechanism of restorative justice in cases of persecution involving minors.

## METHODS

This article is carried out using normative research methods with a qualitative approach through literature studies. This article was created to know the perspective of Islamic law on restorative justice efforts made to children perpetrators of criminal acts of abuse. Can restorative justice mechanisms be effectively put in place to reduce maltreatment by minors, or should repressive measures be used to reduce maltreatment by minors? The population in Indonesia, which is predominantly Muslim, certainly consciously or unwittingly sometimes applies the provisions of Islamic law when making restorative justice efforts in solving cases of criminal acts of child abuse. Therefore, the author is interested in raising research entitled "Restorative Justice in Solving Cases of Child Abuse from the Perspective of Islamic Law."

## RESULT AND DISCUSSION

### *Restorative Justice*

Restorative justice is a basic principle when conducting peace outside the court with a mechanism through mediation or deliberation for consensus to achieve justice expected by the parties involved in the criminal event, namely the perpetrator of the crime (his family) and the victim of the crime (his family), to find the best solution agreed upon by the parties.<sup>10</sup> In line with what is defined in Article 1 Number 6 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states that restorative justice is the resolution of criminal cases by involving perpetrators, victims, families of perpetrators or victims, and other related parties to jointly seek a fair solution by emphasising restoration to its original state and not retribution.

It can be said that restorative justice is a concept of thought that facilitates the community and victims who strive to achieve justice with mechanisms outside the current criminal justice system. On the other hand, restorative justice becomes something unusual or outside the criminal law mechanism to be used in responding to a criminal act by law enforcers.<sup>11</sup> Based on this concept of thinking, it can be said that not all cases of children in conflict with the law must be resolved through judicial mechanisms, but there are alternative solutions with a justice approach for the benefit of children and also considering justice for victims. In this case, restorative justice is a solution to solving a problem together by involving all parties involved in a particular criminal act to deal with the consequences in the future.<sup>12</sup>

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<sup>8</sup> Soraya Nurul Amira Dkk, "Efektivitas Penerapan Restorative Justice Terhadap Anak Sebagai Pelaku Tindak Pidana Cyberbullying Di Polrestabes Makassar," *Indonesia Jurnal of Criminal Law* 3, no. 1 (2021).

<sup>9</sup> Riko Dony Rahardianto et al., "PENERAPAN RESTORATIVE JUSTICE TERHADAP PELAKU TINDAK PIDANA PENGANIAYAAN ( Studi Kasus Kekerasan Di Tangerang )," *Cross-Border* 5, no. 2 (2022): 1148–58, <https://journal.iaisambas.ac.id/index.php/Cross-Border/article/view/1249/980>.

<sup>10</sup> Ahmad Ali, *Menguak Tabir Hukum (Legal Theory) Dan Teori Peradilan*. (Jakarta: Kencana, 2010).

<sup>11</sup> Yuni Kurniawan Et.al., "Peran Kepolisian Dalam Penerapan Restorative Justice Terhadap Pelaku Tindak Pidana Dalam Wilayah Hukum Polres Kerinci."

<sup>12</sup> Soraya Nurul Amira Dkk, "Efektivitas Penerapan Restorative Justice Terhadap Anak Sebagai Pelaku Tindak Pidana Cyberbullying Di Polrestabes Makassar."

### ***Criminal Offences of Mistreatment***

Acts of persecution are criminal acts opposed by the state, as stipulated in Law Number 5 of 1998 concerning the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment) in which this convention protects people in conflict with the law, namely Each State Party guarantees that all mistreatment is a violation of the criminal law; Each State Party shall ensure that education and information regarding the prohibition of mistreatment shall be included in the training of law enforcement, civilian or military personnel, health personnel, government officials, interrogation or treatment of individuals or subjected to any form of arrest, detention or imprisonment; Each state shall include this prohibition in any regulation or instruction issued concerning each person's authority and functions; each state shall conduct a systematic review of interrogation rules, methods, practices, and regulations for the detention and treatment of persons arrested, detained, or imprisoned in any territory under its jurisdiction to prevent any cases of abuse; Each state party shall ensure that every individual victim of persecution has the right to file a complaint promptly and fairly examined by competent authorities; Each state party guarantees in its legal system that victims of abuse receive redress and have the right to fair compensation, including rehabilitation facilities.<sup>13</sup>

In Articles 351, 353, 354, and 355 of the Criminal Code, according to Chazawi Adami in Ahmad Zulfikar, the offence of persecution is a form of action that can harm physically or eliminate the lives of others (Zulfikar, 2021). In addition, the regulation of the criminal act of maltreatment that causes physical injury or death deserves to be considered an act that causes harm to victims who should get justice.

### ***Minors in Islamic Law***

In Islamic law, a minor is defined as someone who has not reached puberty or puberty. Puberty in Islam is characterized by various factors, including physical growth and mental development that indicate an individual's maturity in performing religious obligations. The age of puberty can vary between individuals, but in many *madh habs* (schools of Islamic law), puberty is generally recognized when a person reaches the age of about 15 years. Before reaching puberty, minors are considered not to have full legal responsibility in matters of worship and legal cases.<sup>14</sup> In the context of minors, Islamic law places great responsibility on the child's parents or guardians. Parents must provide care, education, and protection for their children. They are responsible for educating children to understand religious and ethical values, as well as protecting them from all forms of physical and moral damage. During childhood, parents act as their legal representatives in a variety of matters, including financial transactions and lawsuits.<sup>15</sup>

Islamic penal law is known in fiqh as fiqh *al-jinayah* (فقه الجنائية). Fiqh al-jinayah consists of two words, namely fiqh and al-jinayah. The word *al-fiqh* (الفقه), according to the language, means deep understanding (الفهم). Fiqh, according to the term, is a branch of science in which the practical laws of sharak (amaliyah) are discussed and extracted

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<sup>13</sup> Et.al. Suharyo, *Badan Penelitian Dan Pengembangan Hukum Dan HAM Kementerian Hukum Dan HAM Republik Indonesia*, "Penerapan Restorative Justice Pada Tindak Pidana Anak" (Jakarta: Pohon Cahaya, 2016).

<sup>14</sup> F. N. Salsabila, "Pengaruh Pola Asuh Authoritative Orang Tua Terhadap Akhlak Remaja Usia 13 – 15 Tahun Di Desa Dukuh Badag Kecamatan Ketanggungan Kabupaten Brebes" (IAIN Syekh Nur Jati Cirebon, 2023).

<sup>15</sup> A. Lestari, D. I., & Khisni, "Tinjauan Yuridis Permohonan Perwalian Dalam Pengurusan Izin Jual Harta Anak Di Bawah Umur Di Pengadilan Negeri Jepara." (UNISSULA, 2022).

from its detailed postulates.<sup>16</sup> Criminal acts defined in Islamic Shari'a are the prohibitions of Shari'a that Allah prevents by the punishment of limits or punishments of *ta'zir* or the act of committing or abandoning an act for which the Shari'a has established its prohibition and sanctions on it.<sup>17</sup>

The criminal act of persecution is regulated in Islamic law, where the definition of persecution according to Islamic law is the crime of injuring, damaging, or removing the function of a limb. The act of persecution is prohibited under Islamic law, as is the prohibition against killing others without a justified basis or reason.<sup>18</sup> The form of punishment in Islamic penal law against people who commit criminal acts of persecution that cause injury due to guilt is *diyat*. *Diyat* is in the form of property in a certain amount. *Diyat* is declared *u'qubah ashliyah* for crimes.

- a. Murder like deliberate
- b. Murder by mistake
- c. Intentional injuring
- d. Wrongful injury

Although it is a form of punishment, it is the property of the victim and does not enter the state treasury. From the perpetrator's side, *diyat* is like compensation.<sup>19</sup> The wisdom of *Diyat* is to prevent bloodshed and as medicine for the hearts of the victims' families against the perpetrators of criminal acts of murder or abuse. If seen from the perspective of the victim or the victim's family, indirectly the victim's family has accepted what has happened, their hearts have become clean from anger or feelings of revenge that will be taken out on the perpetrator of the murder or abuse.<sup>20</sup>

Restorative Justice in cases of child abuse in the Perspective of Islamic Law Persecution in Article 351 of the Criminal Code, R. Soesilo in his book entitled *The Criminal Code (KUHP) and its Complete Commentaries Article by Article* explained that the law does not provide provisions for what is meant by "persecution". According to jurisprudence, what is meant by "persecution" is deliberately causing bad feelings (suffering), pain, or injury. According to paragraph 4 of this article, it also falls under the definition of persecution is "deliberately damaging the health of people". R. Soesilo then exemplified what is meant by bad feelings, pain, injury, and damaging health as follows:<sup>21</sup>

- a. Bad feelings such as encouraging people to plunge into the river so that it gets wet, telling people to stand in the hot sun, and so on.
- b. Pain such as biting, poking, hitting, sticking, and so on.
- c. Wounds such as slicing, cutting, stabbing with a knife, and others.
- d. Damage to health, e.g., if the person is sleeping and sweating, open the window of his room so that the person catches a cold.

According to R. Soesilo, the above actions must be carried out intentionally and not with proper intent or exceeding the permissible limit. Let's say a dentist extracts a tooth

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<sup>16</sup> al-Baidhawiy dan al-Ihkam fi Ushul al-Ahkam yang ditulis oleh al-Amidiy. Abd al-Karim Zaidan, *Definisi Fiqh Menurut Istilah Ini Di Antaranya Ditemukan Dalam Kitab Manhaj Al-Ushul, Al-Wajiz Fi Ushul Al-Fiqh* (Beirut: Muassasah al-Risalah, 2009).

<sup>17</sup> Wahyuni Fitri, *Hukum Pidana Islam Aktualisasi Nilai-Nilai Hukum Pidana Islam Dalam Pembaharuan Hukum Pidana Indonesia* (Tangerang Selatan: PT Nusantara Persada Utama, 2018).

<sup>18</sup> Kementerian Agama, *Fikih* (Jakarta: Direktorat Pendidikan Madrasah Direktorat Jenderal Pendidikan Islam Kementerian Agama Republik Indonesia, 2015).

<sup>19</sup> Fitri, *Hukum Pidana Islam Aktualisasi Nilai-Nilai Hukum Pidana Islam Dalam Pembaharuan Hukum Pidana Indonesia.*, 119.

<sup>20</sup> Kementerian Agama, *Fikih.*, 18.

<sup>21</sup> R. Soesilo., *Kitab Undang-Undang Hukum Pidana (KUHP) Serta Komentar-Komentarnya Lengkap Pasal Demi Pasal.* (Bogor: Politeia, 1991).

from his patient. He deliberately caused pain, but his actions were not persecution because there was a good purpose (treating). A father, with his hand, hits his child in the direction of the buttocks because the child is naughty. This also deliberately causes pain, but it does not constitute persecution because there is good intent (teaching children).<sup>22</sup> Restorative Justice Child abuse is now a serious concern because, in Indonesia today, we can see so many rampant acts of abuse committed by adolescents and minors that this needs a wise and considerate approach. One approach that can be used is to use the perspective of Islamic law in resolving cases of criminal acts of child abuse. The concept of Islamic law, which emphasises legal principles based on justice, can guide in resolving cases of child abuse. One approach, Islamic law, which also recognises the application of restorative justice in solving criminal cases, is a legal approach that emphasises recovery and reconciliation rather than punishment in the form of criminal sanctions. In the context of child abuse, the application of restorative justice can provide solutions that are more in line with Islamic values. Some of the concepts of restorative justice in Islamic law are Maqasid al – Shariah, which is a concept in Islamic law that emphasises the main purpose of Islamic law itself, which is to protect and promote the welfare of individuals and society.<sup>23</sup> Restorative justice conforms to this principle because it focuses on restoration and reconciliation as a way to achieve justice.

- a. Recovery (Islah) in Islam: Islam encourages the recovery and reparation of wrongs committed by individuals. When a child commits abuse, the approach of Islamic law should aim to guide the child towards recovery, both morally and socially.
- b. Justice and Equality, that the principles of justice and equality are core values in Islam.<sup>24</sup> Restorative justice seeks to create a situation where perpetrators, victims, and communities can interact fairly and equally in resolving conflicts.
- c. Tarepent (confession and regret), In Islam, tarepent (confession and regret) is highly valued.<sup>25</sup> Restorative justice provides opportunities for perpetrators to admit their mistakes, feel remorse, and apologise to victims.

Some efforts that are relevant to the concept of restorative justice from the perspective of Islamic law in resolving cases of child abuse in general are:

- a. Mediation and Compensation

One approach to restorative justice that can be applied is mediation between perpetrators and victims. Competent authorities, such as Islamic scholars or jurists, can facilitate meetings between perpetrators and victims to reach peace agreements and reconciliation in their implementation. The mediation process will always relate to what compensation the perpetrator gives to the victim. The perpetrator can be asked to compensate the victim as a sign of remorse and responsibility for his actions. This can include indemnity or assistance for the victim. Mediation and compensation are closely related to the term "diyat." Diyat is a payment or compensation given by the perpetrator to the victim or his family as a form of peace. The basic principle behind diyat is to avoid more conflicts and restore relations between the parties involved. The argument in support of it is in the Qur'an, Sura Al – Baqarah (2:178), which states:

" O believers, it is obligatory upon you, Qishaash, concerning those who are killed: free people with free people, slaves with slaves, and women with women. So whoever gets

<sup>22</sup> Bernadetha Aurelia, "Perbuatan – Perbuatan Yang Termasuk Penganiayaan" Hukumonline," 2023.

<sup>23</sup> S. Firdaus, "Al – Qur'an Dan Pembangunan Lingkungan Berkelanjutan Di Indonesia: Analisis Maqashid Syariah Untuk Pencapaian SDGs. Al – Mustashfa:," *Jurnal Penelitian Hukum Ekonomi Syariah* 7, no. 2 (2022): 120 – 138.

<sup>24</sup> Dkk. Kamma, Hamzah, *Fiqh Siyasah*, vol. 4 (Solok: PT. Mafy Media Literasi Indonesia, 2023).

<sup>25</sup> Yahya Jaya, *Spiritualisasi Taubat & Maaf Dalam Optimalisasi Kesehatan Mental* (Sleman: CV Budi Utama, 2023).

forgiveness from his brother, let (the forgiving) follow in a good way, and let (the forgiven) pay (diat) to the one who forgives in a good way (also). Such is a relief from your Lord and mercy. Whoever transgresses after that, then for him a very painful torment." Diyat not only aims to compensate for the material harm suffered by the victim but also to allow the perpetrator to correct their behavior and repent. Furthermore, diyat is also explained as a form of compensation in murder cases, according to Surat An-Nisa (4:92). This approach is rooted in Islamic teachings that promote justice, reconciliation, and forgiveness.

#### b. Education and Coaching/Rehabilitation

Education and Coaching/Rehabilitation: In some cases, the child offender may need additional education and coaching. Islamic law considers it important to educate children to be responsible individuals and benefit society. Children who commit violent acts need to be given education and guidance that can help them understand their mistakes, change their behaviour, and become better members of society. Islamic law provides an alternative for children in conflict with the law to be directed to appropriate rehabilitation institutions. This approach to rehabilitation is also supported by the prophet's hadith, which shows the role of the Prophet Muhammad SAW in guiding and giving advice to his people who make mistakes. This shows the importance of giving lessons to those who make mistakes rather than directly giving repressive punishments.

#### c. Protection of the Rights of Minors

Islamic law directs in achieving peace in cases of maltreatment by children in conflict with the law, or minors should pay attention to the protection of children's rights. Islamic law understands that minors are vulnerable individuals and need to be protected from exploitation, violence, and neglect. Therefore, Islamic law stresses the need to provide good care to children and give them the right to education, protection, and proper care. Parents who do not pay attention to or ignore the rights that children should have are a serious violation of Islamic law. Because Prophet Muhammad (peace be upon him) stressed in many hadiths the importance of paying special attention to children and safeguarding their rights.

The role of the family in providing rights that should be obtained by children is a form of family supervision in the application of restorative justice, where the abuser's family provides tighter supervision to the child to ensure that the child gets a correct understanding of Islamic values and the consequences of his actions. On the other hand, forgiveness also plays an important role on the part of the victim. Restorative justice also includes apologising to the perpetrator if the victim feels confident that the perpetrator has shown genuine remorse and is trying to improve himself. Therefore, the role of the family becomes very important in achieving peace through the mechanism of restorative justice.

#### d. The Role of the Community and Stakeholders

Islamic law seeks to restore the relationship between perpetrator and victim. This involves meetings between the two parties under the supervision of the community or stakeholders to discuss wrongdoing, offer apologies, and find peaceful recourse. The process promotes dialogue, provides understanding, and carries out the process of reconciliation as a way to achieve peace. The argument that supports this restorative justice approach is following the principles of justice and reconciliation in the Qur'an as stated in Sura Al-Hujurat (49:9), which states, "If there are two classes of believers at war, then reconcile between them." This proposition is fundamental to seeking peace through dialogue and reconciliation in cases of abuse involving minors.

It should be noted that in achieving peace, especially in cases of maltreatment involving minors, it is necessary to involve the community and stakeholders in this process because the community helps realise the process of restorative justice and seeks rehabilitation, as well as creating an environment that supports the recovery and change of children's behavior. In addition to the community, stakeholders, including legal institutions and social institutions, need to work together to ensure that the rule of law and policies that support child protection and peace in cases of maltreatment by minors are carried out properly.

## CONCLUSION

The application of restorative justice to child abuse in Islamic law promotes the values of justice, restoration, and reconciliation. Efforts that can be made to achieve peace include mediation and compensation in the form of diyat, providing education and guidance, seeking the protection of the rights of minors, and involving the role of the community and stakeholders in the process. Restorative Justice in Islamic Law helps children who conflict with the law in cases of maltreatment to understand their mistakes, improve themselves, and get a second chance at society. However, it is important to note that the application of restorative justice must always take into account the rights of victims and the interests of society as a whole.

The main goal of restorative justice is to restore relationships, improve behaviour, and protect children's rights. In handling cases of abuse by minors, it is important to prioritise the interests of children, the principle of justice, and the spirit of reconciliation reflected in Islamic teachings. In its implementation, restorative justice efforts have been implemented in Indonesia, but there have not been many technical rules found in laws and regulations or in positive laws in Indonesia that prioritise a restorative justice approach. This condition is an obstacle to implementing a restorative justice approach because the victim will prioritise repressive efforts that have been regulated in laws and regulations and ensure legal certainty compared to using a restorative justice approach that has not been widely regulated regarding compensation to the victim.

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