Implementation of Restorative Justice and Rehabilitative Justice Through the Diversion and Islah Process at Pulang Pisau Police

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Abstract: This research is field research. The approach used in this problem is a juridical-empirical approach. Qualitative descriptive data analysis techniques. Empirical data collection was carried out by means of interviews with several research subjects and informants, which is a means of collecting data from sources that are correlated with existing literature such as national journals, international journals, books, regulations, and so on in order to provide comprehensive results so that they become a unified whole. The implementation of diversion settlement by the Pulang Pisau Police is an action taken to overcome legal violations without involving a formal judicial process. This legal process is also related to the Islah theory in the Islamic view of resolving disputes that occur in society. The implementation of restorative justice and rehabilitative justice through diversion and Islah processes makes it possible to provide a more holistic and responsive response to the needs of children involved in criminal acts. This approach helps minimize stigmatization, promote social responsibility, and improve relations between children and the communities in which they live. It is hoped that public awareness of Islamic teachings can prevent and resolve conflicts better. Islah encourages community empowerment so that they can be an active part in solving their own problems. Resolving diversion and Islah by prioritizing public awareness of Islamic teachings is expected to be able to prevent and resolve conflicts better. Islah encourages community empowerment so that they can be an active part in solving their own problems.

Keywords: Restorative Justice, Rehabilitative Justice, Diversion, Islah
INTRODUCTION

Protection of children's rights based on Law No. 35 of 2014 emphasizes that children are considered vulnerable and do not have the same capacity as adults to understand the legal consequences of their actions. With the implementation of Diversion, the justice system seeks to provide special protection to children from being involved in the harsh criminal justice system. Diversion provides opportunities for children to receive education, counseling, or rehabilitation. This approach aims to address the underlying problems that cause children to become involved in criminal acts and help them change their behavior so that they do not repeat the offense in the future.

In 2012, Indonesia began implementing an open process for resolving juvenile delinquency by adopting a diversion system. This system allows victims and perpetrators to resolve problems through deliberation facilitated by law enforcement according to the level of diversion applied. According to the SPPA Law, the purpose of diversion is to reconcile victims and perpetrators who are still children, resolve cases outside of court, prevent children from going to prison, encourage community participation, and instill a sense of responsibility in children.

Diversion has an important role in protecting children's human rights. When a child commits a crime, a resolution must be made. Resolution through formal criminal justice channels has a negative impact on children's development. Harefa in the book "Capita Selecta Child Criminal Law" explains that from the investigation/investigation stage by the police, children's rights have the potential to be violated. Violations of this right can continue from the stage of prosecution by the prosecutor to trial in court, where the child is at risk of being subject to criminal sanctions or action. This bad impact can even continue when the child is in a correctional institution, where the child can be affected by school crime and stigmatization (Ghoni & Pujiyono, 2020).

According to Islamic law, children who commit criminal acts will not be subject to criminal responsibility, whether in the form of hudud punishment, qishas/diyat, or ta'zir. Responsibility for children's criminal acts is transferred to their parents, because they have an obligation to educate their children to become good individuals. If children become criminals, this shows that parents do not carry out their obligations well, so they must bear the consequences by receiving sanctions for their negligence. In Islamic law, children are not legally responsible until they reach puberty. The qadi (judge) only has the authority to reprimand the child's mistakes or set certain restrictions that can help correct them and prevent future mistakes. Even if a child steals or kills, he cannot be subject to any punishment.

Diversion has an important role in protecting children's human rights. When a child commits a crime, a resolution must be made. Resolution through formal criminal justice channels has a negative impact on children's development. Harefa in the book "Capita Selecta Child Criminal Law" explains that from the investigation/investigation stage by the police, children's rights have the potential to be violated. Violations of this right can continue from the stage of prosecution by the prosecutor to trial in court, where the child is at risk of being subject to criminal sanctions or action. This bad impact can even continue when the child is in a correctional institution, where the child can be affected by school crime and stigmatization (Surabangsa & Arifin, 2022).

One clear example of the lack of attention of parents and society toward children's behavior is the emergence of juvenile delinquency which leads to criminal acts.
Adolescents aged 12-18 years are very vulnerable to external influences, such as competition, education and peers, so they easily fall into the wrong company. Therefore, parents and society need to pay extra attention to children at this age because they are not yet able to protect themselves from bad influences. In this era of globalization, the types of criminal acts that can be committed by children are very diverse and worrying, including murder, theft, cunning, obscene acts, sexual violence, to drug use and other criminal acts (Putri, 2019).

In reality, children often face deviant behavior in the form of criminal acts that violate public order and are contrary to statutory regulations. Several cases show that children's behavior is influenced by their immediate environment which has a negative impact on them. In addition, children who are neglected and unable to meet their needs are often driven to commit deviations, thereby harming themselves and others. The term "juvenile delinquency" is used to describe criminal acts by children, namely delinquent or criminal behavior that is contrary to the rules or values that apply in society (Kusworo & Fathonah, 2022).

The aim of diversion in Indonesian law is to achieve reconciliation between victims and perpetrators, resolve child criminal cases outside the formal justice process, prevent children from being isolated, and encourage community participation in helping build a sense of responsibility in children. Diversion is a component of the Juvenile Justice System regulated in Law Number 11 of 2012, which is specifically designed to identify laws that are not in accordance with juvenile criminal principles and implement a diversion and restorative justice approach. The law emphasizes that according to the provisions of the Criminal Procedure Law (KUHAP), handling child perpetrators must prioritize diversion and restorative justice approaches at all stages, starting from police investigations to court processes at the local level (Harve et al., 2021). Therefore, it is very important to evaluate whether the application of the diversion principle in juvenile criminal cases is in accordance with the provisions of the applicable law.

Based on the principle, the best interests of the child must be the main priority in handling cases of minors. By providing opportunities for rehabilitation, Diversi seeks to provide opportunities for children to develop positively and contribute positively to society. In favor of justice and community satisfaction, criminal law in Indonesia, especially the Criminal Code, must be able to adapt to developments in the times, society, and conditions in Indonesia.

Diversion provides a more rehabilitative and preventive approach to children in conflict with the law (ABH), especially minors. The implementation of diversion aims to avoid criminal records that can have a long-term negative impact on the lives of these children. Some of the reasons why the Diversion law can be implemented are as follows:

By providing a rehabilitative approach, Diversion seeks to reduce the possibility of these children becoming repeat offenders (recidivism). This approach focuses on efforts to prevent children's involvement in further criminal activities. Criminal justice system efficiency: Diversion can help reduce the burden on the criminal justice system by processing minor cases through the Diversion program so that the system can focus more on more serious and complex cases.

The philosophy of justice that wants to be upheld in resolving disputes in the community is communal justice. Communal justice is justice where no one feels disadvantaged by the decisions taken by the chairman or traditional leaders in resolving
disputes. It is very important to uphold justice as a cornerstone of the life structure of customary law communities.

Deliberation and consensus are the philosophy of Indonesian society in every decision-making, including dispute resolution. This deliberation and consensus has been recorded in the philosophy of the Republic of Indonesia in the 4th principle of the 1945 Constitution and other statutory regulations. Mediation, based on deliberation towards a peace agreement, has its own regulations for a number of legal products.

Arranging alternative dispute resolution within the rules of law is very important because Indonesia is a rule of law country (Azwad Rachmat Hambali, 2019). The basic idea of having alternative case resolutions in criminal cases is related to the nature of criminal law itself. In the Indonesian context, children are the successors of the ideals of a nation's struggle. Apart from that, children are the hope of parents, the hope of the nation and state who will continue the baton of development and have a strategic role, have special characteristics or qualities that will ensure the continued existence of the nation and state in the future. Therefore, every child must receive guidance from an early age, children need to have the widest possible opportunities to grow and develop optimally, both physically, mentally, and socially. Moreover, childhood is a period of formation of a human being's character, personality, and self-character, so that in their life they have strength and ability and stand strong in pursuing life.

The issue of crime then becomes a serious problem faced by every nation and country in the world, because crime inevitably causes victims. The problem of crime remains a frightening specter for society, the possibility of its emergence often being unpredictable or suddenly occurring in an environment and community where it was never previously predicted that a crime would occur (Dwijayanti, 2017). A sense of peace in society can be achieved and returned to its original condition as it was before the crime occurred. In relation to criminal cases committed by children, the resolution of the case can be carried out outside the court process, which is called diversion. In understanding the juvenile justice system, we can describe the criminal justice system, namely the working mechanism for dealing with crime with a systems approach to the criminal justice administration mechanism as an interaction between statutory regulations, administrative practices, and social attitudes which have implications for efficient rational interaction. and certain results with all their limitations (Ani purwati, 2020).

Diversion regulations have been explicitly regulated in the Juvenile Criminal Justice System Law (UU SPPA) as a legal basis for the settlement of criminal cases committed by children through out-of-court processes. As is known, children are the next generation for the ideals of the nation's struggle in order to create quality human resources. Children need continuous guidance for survival, growth, physical, mental and social development as well as protection from all possibilities that will endanger their future.

Seeing the existing reality, the author is interested in conducting further research on the implementation of Diversion, as mandated by the UUSPPA. Then, in the Islamic view, resolving cases outside of court or outside the formal legal system is often seen as a recommended option, especially in the context of resolving conflicts between individuals or groups. Some Islamic concepts that are relevant in this regard include:

a. Sharia and Deliberation: The concept of Islamic sharia encourages problem solving through deliberation or negotiation. Islam teaches to reach agreements and
settlements through deliberation, and this includes resolving conflicts outside formal courts.

b. Sulh (Peace): Sulh is the concept of peaceful settlement in Islamic law. This involves a peaceful agreement between disputing parties without having to go to court. Sulh can be achieved through mediation or negotiation with the help of a fair and neutral third party.

c. Is (Justice): Justice is a central value in Islamic teachings. In resolving problems outside of court, the principle of justice is still upheld. A fair and balanced settlement is considered to be in accordance with Islamic values.

d. Tawhid (Recognition of One God): The concept of tawhid, or the recognition that there is only one God, creates the basis for the oneness and unity of humanity. In resolving issues outside of court, recognition of the similarities as human beings can strengthen social bonds.

e. Noble Morals: Islam emphasizes the importance of noble morals in every aspect of life. In resolving problems outside of court, individuals are expected to show good attitude, patience, and tolerance.

   However, it is important to remember that not all cases can or should be resolved out of court, especially if they involve serious legal violations. In some cases, a formal trial can be the only effective way to achieve justice and a fair resolution. Each case needs to be assessed specifically according to its context.

Conceptually, Islah is an effort to eliminate ugliness and division between mankind and bring about improvements in human life, in order to create conditions of security, peace, and prosperity in the lives of the people. Therefore, in global Islamic terms, Islah can be interpreted as an activity (Fauzi Ahmad Syarif and Zaini Dahlan, 2022).

Islah means an effort to give good over evil, to separate those who are in conflict. So this Islah is also a good attitude which is also commanded by Allah SWT to be carried out. Therefore, the use of the word al-Ishlah in the Koran generally shows that these values do not function naturally and therefore need improvement. The Koran calls this improvement al-Islah (Zainuddin, 2022).

In the Al-Quran, Allah SWT. has said that humans were created physically perfect and created their minds to be used for good. Humans as caliphs are meant to worship Allah SWT and carry out all the commands of Allah SWT. Because of that, Allah SWT., says that humans are caliphs on the face of the earth, meaning that humans are assigned by Allah SWT., to protect and manage this universe as best as possible, not to destroy this earth. Not only that, but humans must also be able to maintain peace between each other. As said, humans as caliphs on earth have a big responsibility, not only to manage and protect the universe but also to be able to maintain peace and security, as well as the love between people, Because humans are images of love created by Allah SWT (Hanafi et al., 2018: 20).

RESEARCH METHODS

This research is field research. The approach used in this problem is a juridical-empirical approach. By analyzing problems by combining secondary legal materials with primary data obtained from the field. Primary data sources are interviews with Pulang
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Pisau Police investigators, Central Kalimantan and secondary data sources are books, data, journals, and documents. This research uses field data as primary data and literature or documents as prescriptive secondary data.

Data analysis is the process of organizing and sorting data into patterns, categories, and basic units of description so that themes and working hypotheses can be found. Qualitative descriptive data analysis technique, namely a technique that describes interpreting the data that has been collected, so that a general and comprehensive picture of the actual situation is obtained. By analyzing problems by combining secondary legal materials with primary data obtained from the field. Primary data sources are Pulang Pisau Police Criminal Investigation Unit investigators and secondary data sources are books, data, journals, and documents. Data collection techniques used observation and documentation methods.

This research uses the theory of restorative justice. This research explores the value of restorative justice in the diversion and forgiveness process in resolving cases in Pulang Pisau.

DISCUSSION AND RESEARCH RESULTS

Diversion and Islah are two different approaches in handling children's cases in the legal realm, especially in the context of criminal law. Both aim to provide better solutions for children involved in law violations.

1. Diversion is an approach that emphasizes separating children from the formal criminal justice process. The aim is to divert children from conventional justice processes to alternative pathways, such as rehabilitation programs, counseling, or other approaches that are educational and improve children's behavior. Diversion aims to give children a second chance to improve their behavior without having to go through a harsh criminal justice process.

2. Islah is an approach that emphasizes reconciliation and restoration of relationships between perpetrators and victims of crime. This approach places more emphasis on efforts to improve social relations, reconcile the parties involved, and repair the damage caused by criminal acts. In the context of children, Islah can include a mediation process between child perpetrators and crime victims or affected communities, with the aim of reaching a fair agreement and rebuilding trust.

a. The Value of Restorative Justice in the Diversion Process

Diversion and Islah are often used simultaneously or complement each other in an effort to provide protection and second chances for children involved in law violations. According to Bripka Asep Ribut Wibowo (Bripka Asep Ribut Wibowo, 2024). In preventing children from having conflicts, they have collaborated with related parties who care for children, even though there are no non-governmental organizations or legal aid consultation institutions in Pulang Pisau Regency. The Pulang Pisau Police also coordinates with the Correctional Center Palangka Raya in an effort to regulate assistance in child cases. The Pulang Pisau Police in handling cases of children in conflict with the law, so far has focused on child protection. The direction of implementing this policy has been carried out in accordance with the capacity of restorative justice which has prioritized the importance of repairing damage caused by criminal acts,
including through reconciliation between perpetrators, victims, and affected communities (Bripka Asep Ribut Wibowo, 2024).

Reconciliation or mediation efforts carried out by the Police for children who are victims of violence or involved in violations of the law can be part of the diversion or Islah strategy mentioned previously. Mediation in the context of children's cases can be carried out at the following stages:

**Pre-prosecution**

Mediation can occur before the case is brought to court. At this stage, the police can facilitate a meeting between the perpetrator and the victim or other related parties to try to reach a peaceful agreement or solution that is satisfactory for all parties involved.

**Pre-trial**

Mediation can also occur before the trial begins. At this stage, the police or other parties involved in handling children's cases can organize mediation between the perpetrator and the victim to try to resolve the conflict or problem outside of court.

**During the trial**

In some cases, mediation can be carried out during the trial process. This can happen if there is an attempt at reconciliation between the perpetrator and the victim or if the court considers that mediation can help achieve a just and dignified resolution.

Mediation in cases of children involved in crime or violence aims to reach an adequate agreement for all parties involved, reduce conflict, improve relations between disputing parties, and facilitate recovery for victims. This can help prevent further stigmatization of child offenders, promote social responsibility, and improve relations between children and the communities in which they live.

b. The Rehabilitative Value of Justice in Islah

Islah comes from Arabic. Originally the word was saluha, which means good or good, which then got the addition of alif to become aslaha-yuslihu which means to make better or make improvements (Akmaliah, W, 2014). The word islah is often contrasted (opposite word) with damage (al-fasad). Therefore, Islah is interpreted more towards repairing previous damage (Munawwir, 1997: 789). Meanwhile, the term and its various derivations generally have a tendency towards three meanings in the First Qur'an, which are more directed towards efforts to improve things, make peace, eliminate disputes and damage, try to create peace; bring harmony; and encourage people to make peace with one another. Second, reform, both individually and in groups to become better. Third, Islah is an effort to maintain ecology and care for orphans. However, among the three definitions, the first meaning is the one that is often used in the daily practice of Muslims, namely Islah as an effort towards peace that produces new relationships between conflicting people or groups.

The meaning of Islah according to the scholars is:

1) Ibn Jalil al-Tabari explained that Islah is an effort to reconcile two people who are at odds because of something so that Allah can bring peace between them (Tabari (al), Muḥammad bin Jarir, 2014).
2) M. Quraysh Shihab said that the term Islah comes from the word Ashlaha whose root is Shaluha, which is usually interpreted as an antonym of the word facade (damaged), and also means profit. Therefore, Ishra is an effort to prevent bad things or improve the quality of something in order to obtain greater profits (Shihab, M. Quraish, 2002).

In the context of Islamic law, islah refers to the concept of improving or solving problems in society. Islah has several meanings and applications in Islamic law, especially in resolving conflicts and building social justice. Several aspects of islah in Islamic law include:

1) Improving Social Relations, Islah encourages Muslims to improve social relations between fellow humans. This can involve conflict resolution, mediation, and other steps to restore peace and harmony in society.

2) Conflict Resolution, Islah can be used as a way to resolve conflicts between individuals or groups. Islamic law pays special attention to peaceful and fair conflict resolution.

3) Social Justice, Islah also includes efforts to create social justice in society. This can involve redistribution of wealth, protection of human rights, and other measures aimed at creating prosperity for all members of society.

4) Education and Awareness, Islah can also involve public education and awareness. Through education, people are expected to understand the principles of Islamic law and moral values that support a just and dignified life.

5) Community Empowerment, Islah can include efforts to empower the community so that they can actively participate in problem solving and community development. Empowering communities involves providing knowledge, skills, and resources so they can manage their own problems.

In many cases, Islah is seen as a form of good deeds that can be carried out by individuals or institutions in order to improve the welfare of society as a whole. By applying the principles of Islah, it is hoped that a just, peaceful and just society can be created based on Islamic values.

The concept of Islah in the Islamic view has an important role in solving problems in society. Islah in Islam refers to efforts to improve, solve problems, and reform to create a society that is more just, harmonious, and in accordance with the principles of the Islamic religion. The following are several aspects of the concept of Islah in the Islamic view to resolve problems in society. Islah encourages a deliberative (negotiation) approach to resolving problems. The deliberation process involves negotiations between disputing parties with the aim of reaching a mutual agreement. This reflects participatory and democratic values in decision-making. The concept of sulh, or peaceful settlement, is advocated in Islam. Sulh involves efforts to reach agreement and peace between disputing parties without having to involve formal court processes. Sulh often involves a neutral mediator or intermediary.

Islah emphasized the importance of social justice in society. This includes the fair distribution of resources, protection of human rights, and overcoming inequalities to create shared prosperity. Islah involves efforts to educate the public about Islamic values,
ethics, and social responsibility. It is hoped that public awareness of Islamic teachings can prevent and resolve conflicts better. Islah encourages community empowerment so that they can be an active part in solving their own problems. Empowerment involves building community capacity, providing education, and supporting local initiatives. The principle of noble morals is very important in islah. Individuals are expected to show good attitudes, such as patience, tolerance and honesty, in responding to problems and conflicts. Islah includes the enforcement of Islamic law to ensure justice and order. However, law enforcement should be carried out with full fairness, transparency and respect for individual rights.

Islamic Sharia has outlined the principles and etiquette for deliberation, dialogue and discussion on a matter. The discussion was based on sound reasoning, sound thinking and debate carried out as well as possible. All of this aims to seek truth, goodness and the benefit of humanity as a whole. Differences in human opinion whether in matters of religion or the world are normal in human life and tabie. Among the causes of differences of opinion are understanding of a passage and the proposition held or differences in language terms. Apart from that, adhering to taqlid solely without any knowledge, fanaticism towards one's views, envy and following one's desires. The Koran has confirmed the apostleship of the Prophet Muhammad SAW and half of the polytheists acknowledged the truth of the Prophet. Due to feelings of fanaticism, envy and arrogance, they deny the apostleship of Muhammad SAW (Mohd Rumaizuddin Ghazali, 2017).

Bripka Asep Ribut Wibowo explained that when the investigation process is carried out on children who are victims or involved in criminal acts (Children in Conflict with the Law), there is special treatment that must be taken into account in accordance with child protection principles (Bripka Asep Ribut Wibowo, 2024).

The following are several aspects of special treatment and assistance that are usually given to children in contact with the law during the investigation process:

a. Investigating officers must provide sensitive treatment and respect children's rights during the investigation process. This includes talking to children in a friendly manner, avoiding intimidation or threats, and ensuring that children feel safe and protected.

b. Children have the right to be accompanied by a lawyer or legal representative during the investigation process. This legal assistance is important to ensure that children's rights are protected, including the right not to provide information that could harm themselves.

c. Sometimes psychological assistance is needed to help children overcome stress and trauma that may arise during the investigation process. Child psychologists can provide emotional support and help children express their experiences safely.

d. The child can also be accompanied by a social worker or child welfare worker during the investigation process. This social assistance aims to ensure that children's basic needs are met, such as safety, food and shelter, as well as to help children and their families access the necessary support services.

e. If necessary, special protective measures can also be implemented to protect children during the investigation process, for example by maintaining the confidentiality of the child's identity or providing physical protection if necessary.
f. The investigation process into Children in Conflict with the Law must be carried out with a child-friendly approach, using language that is easy for children to understand, and considering the special needs of children as vulnerable individuals.

This special assistance and treatment aims to ensure that children's rights are protected, that they are treated fairly, and that they receive the support they need during the investigation process. This is in line with the principles of the Convention on the Rights of the Child and other international laws which place the best interests of children as the main priority.

The application of notes in the Police Record Certificate for reporting crimes committed by Children in Conflict with the Law, who have been reconciled (with their reports withdrawn) can vary depending on local policies and applicable laws in a particular country or jurisdiction. Here are some points to consider (Bripka Asep Ribut Wibowo, 2024).

a. In some cases, when reports of crimes committed by Children in Conflict with the Law have been reconciled and the report has been deleted, the record can also be removed from the official Children in Conflict with the Law track record. This is intended to provide a second chance for ABH to start over without being burdened by a past criminal record.

b. Even though the record is removed from the official track record of Children in Conflict with the Law, it is possible that the record is still available in the internal database of the police or other related institutions. However, access to these records can be limited and can only be accessed by certain authorized parties.

c. Policies and practices related to recording criminal reports of children in conflict with the law who have been reconciled may vary from one country or region to another. Some hope to perhaps retain the note in the Police Certificate, while others may remove it completely.

d. In situations like this, it is important for legal advisors or lawyers who are experienced in juvenile criminal law to understand the legal consequences of releasing the crime report of Children in Conflict with the Law and whether the record will remain documented in the Police Certificate.

Thus, it is important to understand that policies regarding the recording of reconciled ABH crime reports may vary depending on the legal and policy context of the locality.

Article 22 paragraph 1 of the Criminal Procedure Code (KUHAP) states that temporary detention can be carried out against a person if there is sufficient reason to impose detention, such as the need for further investigation or to confirm the whereabouts of the suspect in the legal process. In principle, temporary detention also applies to Children in Conflict with the Law, if there are sufficient reasons in accordance with legal provisions. However, in the context of Children in Conflict with the Law, there are additional considerations that must be taken into account, considering the age range and special protection needs they have (Bripka Asep Ribut Wibowo, 2024).

Handling of cases of children in conflict with the law is regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes a
rehabilitative approach and the best interests of the child. In this context, temporary detention of children in conflict with the law must be considered by taking into account the best interests of the child, protection of the child's rights, as well as other alternatives that are more in line with legal principles and child welfare. Although temporary detention can be applied to Children in Conflict with the Law in accordance with applicable legal provisions, the handling of cases of Children in Conflict with the Law usually takes into account the child's special needs in the legal process. This could mean that the implementation of temporary detention for Children in Conflict with the Law will be based on more careful considerations, including other alternatives that are more in line with the child's best interests and rehabilitative principles.

CONCLUSION

Based on the results of the research and discussion, the author can conclude that the diversion efforts at Pulang Pisau Police are in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Government Regulation of the Republic of Indonesia Number 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children not yet 12 (twelve) years old. Diversion in a legal context can be interpreted as an attempt to resolve cases alternatively outside the formal criminal justice process. The diversion process is usually carried out by law enforcement, such as the police, with the aim of providing a faster resolution and providing legal certainty in society. Several benefits from implementing diversion by the Pulang Pisau Police or local law enforcement agencies can speed up the resolution of cases without having to involve a lengthy judicial process.

The fundamental difference between the concept of Islah and diversion lies in the criminal acts that can be pursued through peaceful efforts. In terms of criminal acts that cannot be pursued are crimes that fall into the Hudud category such as adultery, accusation of adultery, alcoholism, theft, apostasy, and rebellion. Apart from these categories, peaceful means can be taken even if they involve serious criminal acts such as murder and so on. Meanwhile, in diversion, the benchmark is the period of confinement.

Peace efforts can be taken as long as they are threatened with imprisonment for less than 7 years and are not recidivists. The implementation of restorative justice and rehabilitative justice through diversion and Islah processes makes it possible to provide a more holistic and responsive response to the needs of children involved in criminal acts. This approach helps minimize stigmatization, promote social responsibility, and improve relationships between children and the communities in which they live. It is hoped that public awareness of Islamic teachings can prevent and resolve conflicts better. Islah includes the enforcement of Islamic law to ensure justice and order. However, law enforcement should be carried out with full fairness, transparency, and respect for individual rights.

REFERENCES


Bripka Asep Ribut Wibowo. (2024). Jabatan Kanit 3 Satreskrim, Penyidik Pembantu Polres Pulang Pisau.,


