

TRANSCENDENCE-BASED PROTECTION OF CHILDREN IN CONFLICT WITH THE LAW AFTER DIVERSION

PROTEÇÃO BASEADA NA TRANSCENDÊNCIA DE CRIANÇAS EM CONFLITO COM A LEI APÓS A ORIENTAÇÃO

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Abstract

Protection of children in conflict with the law is a constitutional mandate that demands a sustainable process, not only during the formal diversion phase but also throughout the post-diversion phase. This study aims to analyze the urgency of reconstructing the post-diversion protection model for children in conflict with the law, which has tended to have minimal state oversight and been entirely borne by the family. Using a constructivist paradigm and critical legal studies methods, this study explores the integration of the transcendental dimension as an instrument of inner supervision to prevent recidivism. The results show that the post-diversion phase is a crucial transition period in which spiritual values such as repentance, remembrance of God (*zikir*), and parental role models (*uswatun hasanah*) serve as the foundation for psychological rehabilitation that fills the gap in positive legal instruments. This model transforms the diversion agreement from a mere administrative contract into a sacred moral bond that strengthens the child's integrity through a prophetic approach.

Resumo

*A proteção das crianças em conflito com a lei é um mandato constitucional que exige um processo sustentável, não apenas durante a fase formal de desvio, mas também ao longo de toda a fase pós-desvio. Este estudo tem como objetivo analisar a urgência de reconstruir o modelo de proteção pós-desvio para crianças em conflito com a lei, que tem tendido a contar com supervisão mínima do Estado e a ser inteiramente assumido pela família. Utilizando um paradigma construtivista e métodos de estudos jurídicos críticos, este estudo explora a integração da dimensão transcendental como um instrumento de supervisão interior para prevenir a reincidência. Os resultados mostram que a fase pós-desvio é um período de transição crucial no qual valores espirituais, como o arrependimento, a lembrança de Deus (*zikir*) e os modelos parentais (*uswatun hasanah*), servem de base para a reabilitação psicológica que preenche a lacuna nos instrumentos jurídicos positivos. Esse modelo transforma o acordo de desvio de um mero contrato administrativo em um vínculo moral sagrado que fortalece a integridade da criança por meio de uma abordagem profética.*



Keywords: Children in Conflict with the Law. Post-Diversion. Transcendence.

Palavras-chave: Menores em Conflito com a Lei. Pós-Desvio. Transcendência.

1 INTRODUCTION

Children as the younger generation are the successors of the ideals of the nation's struggle who have a strategic role and unique characteristics to ensure the continued existence of the nation and state in the future. From a legal perspective, Children's Human Rights are an inseparable part of human rights that are constitutionally guaranteed in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which emphasizes that every child has the right to survive, grow, and develop and has the right to protection from violence and discrimination. This commitment to protection is also in line with international legal instruments through the ratification of the Convention on the Rights of the Child, which mandates that in every state policy, the best interests of the child must be the primary consideration. Therefore, the state has an absolute responsibility to ensure that the national legal system does not only position children as objects of law, but as legal subjects whose dignity and basic rights are fully protected for the future of a more civilized civilization (Fitriani, 2016).

The phenomenon of juvenile delinquency, which shows a significant increasing trend from year to year, is essentially a reflection of the complexity of internal and external factors that place them in the position of children in conflict with the law. Internally, the lack of attention and control from parental figures often creates a vacuum that encourages children to seek their identity through deviant actions or are forced to commit violations to meet their living needs. This condition is exacerbated by the absence of firm action or early warnings that actually encourage children to become more involved in criminal behavior (Sumara *et al.*, 2017). On the other hand, the status of children in conflict with the law is also greatly influenced by sociological factors outside the child, such as the quality of education, social patterns, and play environment, considering that most of the crimes committed by children are the result of the imitation process or negative influence from adults and their surrounding environment (Hendrayana & Fatimah, 2024). Therefore, understanding children in conflict with the law should not

only focus on their actions in a formal legal manner, but should also touch on the root cause of the problem so that the legal treatment provided can be restorative and educational.

Diversion was born as a legal instrument aimed at protecting children's basic rights and as a preventative measure to avoid the negative stigmatization (labeling) that often occurs in formal justice processes (Alwan *et al.*, 2022). Through this mechanism, law enforcement agencies at the police, prosecutors, and court levels are authorized to divert case resolution away from litigation, given that criminal penalties are not considered the best solution for child rehabilitation (Ananda, 2018). However, the application of diversion has categorical limitations; in general, diversion is carried out whenever possible for minor or petty crimes, such as minor theft, assault without injury, or minor property damage (Setiawan, 2017). Meanwhile, for minor crimes, a comprehensive consideration of all the circumstances is required to determine the appropriateness of case diversion. Conversely, diversion is not an option for serious crimes with serious consequences, such as sexual assault or physical assault resulting in serious injury, to ensure a sense of justice for the victim and the community (Faisal & Ogli, 2025).

The implementation of a diversion agreement can manifest in various forms, ranging from peace without compensation, the return of the child to parents or guardians, to participation in educational programs and community services at related institutions, with the legal consequence that failure to comply with the agreement will result in the child being returned to the formal criminal justice system. The effectiveness of diversion should not be viewed solely on the completion of administrative procedures, but must also be tested in the post-diversion phase as a crucial transition period for the transformation of the child's behavior. Field phenomena indicate that without the strengthening of fundamental internal values, the potential for recidivism remains wide open, thus necessitating the integration of the spiritual dimension as an instrument of inner supervision, which underlies the urgency of more in-depth research.

2 RESEARCH METHOD

This research uses a constructive paradigm or constructivism as a philosophical basis to emphasize the development of in-depth ideas (Suparlan, 2019), regarding the

reality of child protection. The type of research applied is Critical Legal Studies (CLS) within a qualitative research framework, which aims to critique and reconstruct existing legal norms related to diversion. The main data sources in this study are secondary data, including primary legal materials in the form of laws and regulations, secondary legal materials such as books and scientific journals, and tertiary legal materials in the form of legal dictionaries or encyclopedias (Absori, Nurhayati, *et al.*, 2020). The data collection process is carried out simultaneously through observation techniques, unstructured interviews with relevant sources, and documentation to obtain a comprehensive and detailed picture of the focus of the protection issues for children in conflict with the law post-diversion.

The collected data was then processed and analyzed using in-depth qualitative analysis methods. The data analysis stages were carried out sequentially and systematically, starting with domain analysis to obtain an overview, taxonomic analysis to describe the problem structure, and componential analysis to identify specific characteristics within each category. Next, an interactive analysis was conducted, encompassing three main components: data reduction to sort relevant information, organized data presentation, and drawing conclusions to address the problem formulation. This approach ensures that the resulting transcendental-based diversion model reconstruction has strong scientific accuracy and theoretical validity (Nurrisa *et al.*, 2025).

3 RESULTS AND DISCUSSION

3.1 Legal protection for children in conflict with the law post-diversion

Child protection is a strategic effort to guarantee the survival and growth of the younger generation as the successors to the nation's ideals as mandated in Article 28B paragraph (2) of the 1945 Constitution (Yulius *et al.*, 2025). Within Indonesia's positive legal framework, special protection for children in conflict with the law is comprehensively regulated through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Every level of investigation, from the investigation to the court hearing, is required to pursue a diversion process to ensure the child's best interests. This

legal effort aims to provide a sense of security, both physical and psychological, from various threats and harassment that could hinder a child's future (Wibowo *et al.*, 2023).

Legal protection for Children in Conflict with the Law is a continuous state responsibility, encompassing the entire litigation process from the investigation stage to the execution of the decision to ensure that children's basic rights are protected. In the crucial phase of the investigation, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System establishes specific qualification standards for investigators, which include technical competence, dedication, and sensitivity to children's problems to ensure that the legal process does not harm their psychological condition. The implementation of this protection is operationalized through the obligation to maintain a family atmosphere and prioritize the best interests of the child, as emphasized in Articles 18 and 26 of the law (Budiono *et al.*, 2023). Thus, law enforcement against children in conflict with the law no longer relies on a rigid retributive approach, but is transformed into a humanistic and educational process aimed at rehabilitating and maintaining the dignity of children as the nation's next generation (Absori, Nugroho, *et al.*, 2020).

When a crime involving a child is reported to the police, the primary law enforcement agency, investigators have a constitutional responsibility to initiate the diversion process through a series of procedural actions that are persuasive and educational. In carrying out this function, investigators act as facilitators, bringing together the perpetrator, the victim, and their families, while providing sufficient time for reaching a consensus. The investigator's decision to grant a settlement is not only based on the agreement of the parties but must also consider aspects of benefit to the community and the factual conditions between the perpetrator and the victim, including the discretion to stop the transfer of the case if certain conditions are met, such as restitution or the withdrawal of the complaint (Anwar, 2019). In line with the mandate of Article 23 and Article 27 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, protection of children during the investigation stage is absolute through the obligation of assistance by legal counsel and Community Guidance. This synergy ensures that every legal decision is based on holistic considerations from various experts, ranging from mental health experts to religious leaders, to ensure that the best interests of the child are maintained in a dignified family atmosphere (Rudy, 2015).

Based on the researcher's observations, the procedure for handling children in

conflict with the law at the investigation level begins when the police receive a report, complaint, or case findings independently. Investigators have discretionary authority to initiate diversion efforts in accordance with the mandate of the Child Criminal Justice System Law, with reference to Supreme Court Regulation Number 4 of 2014 as a philosophical guideline for implementing diversion. The procedure for handling children in conflict with the law at the investigation level that seeks diversion to ensure the protection of children's rights (Flora, 2023). Normatively, Indonesian National Police investigators currently refer to Police Regulation No. 8 of 2021, which provides a comprehensive framework regarding the material and formal requirements for restorative justice-based case termination. This implementation is no longer purely discretionary but must be accounted for through judicial oversight mechanisms, particularly following the enactment of Supreme Court's Circulation Letter No. 1 of 2026, which requires a court ruling for every diversion agreement (Aulia & Zaki, 2024). This supervision aims to minimize the subjectivity of investigators while ensuring that the results of the diversion deliberation truly reflect the best interests of the child and a sense of justice for the victim, so that it does not only stop at formal reconciliation but also touches on aspects of substantive recovery. Newell conceptualizes 6 (six) crucial arguments underlying why child protection interventions must absolutely be prioritized by the state, namely (Kanang, 2018):

- a) The social and economic costs of recovery from the state's failure to provide child protection have proven to be extremely high. These recovery costs far exceed the preventive investment made if children had received protection from an early age;
- b) Children are a vulnerable group that will be directly and long-term impacted by every action or inaction by the government and other stakeholders;
- c) Children often experience marginalization, segregation, or disparities in access to public facilities and services;
- d) Politically and structurally, children lack the right to vote and the lobbying power to directly influence government policy agendas;
- e) In various social realities, children often face conditions of powerlessness, preventing them from accessing protection and independently demanding compliance with their rights; and

- f) Children are at a much higher risk and are vulnerable to becoming victims of exploitation and abuse of power by others.

The normative ideal (*das sollen*) is often not in line with the empirical reality (*das sein*) in handling Children in Conflict with the Law, especially for children as perpetrators. Based on the results of observations and in-depth interviews conducted in the jurisdiction of the South Kalimantan Regional Police, Banjarbaru Resort Police, Banjar Police, and Tabalong Police, it was found that the implementation of protection and supervision of children in conflict with the law in the post-diversion phase is almost entirely the responsibility of parents, guardians, or family.

At this crucial stage, state intervention and interference remain minimal. Unlike the protection and supervision provided by the state (through the Correctional Center) following a court ruling or decision, children in conflict with the law whose cases are resolved through diversion mechanisms tend to be released back into their home communities without any structured follow-up monitoring program from state institutions. In practice, post-diversion support and supervision by parents or guardians reverts to conventional parenting patterns that existed before the child encountered the criminal justice system. As a result, the effectiveness of child protection and recidivism prevention is highly vulnerable, as it relies entirely on the family's internal capacity, which is often reduced by the limited educational level, economic status, and social background of the parents or guardians.

In Abintoro Prakoso's view, diversion instruments provide two fundamental forms of protection that are crucial to a child's future. First, diversion serves to prevent children from being negatively labeled (stigmatized). From a criminological perspective, particularly labeling theory, when a child is processed through formal criminal justice channels, the legal system and society tend to attach a permanent identity as a "criminal" or "deviant" to the child. This stigma is dangerous because it can be internalized into the child's psychology, which in turn causes the child to reject their conventional self-image and instead adopt this deviant identity as part of their permanent character (Prakoso, 2013). Implementation of diversion, therefore, is crucial to maintain the psychological integrity of children so that they remain within the corridor of positive social identity (Sutantie & Anwar, 2024).

Second, diversion plays a vital role in preventing the transmission and escalation

of children's interest in deviant behavior (criminal contagion). Legal protection through diversion seeks to break the chain of crime transmission that often occurs within closed institutions. If children are forced to serve their sentences in Special Juvenile Correctional Institutions, there is a sociological risk that these institutions will transform into "schools of crime." Intensive interaction with fellow offenders allows for the exchange of insights, techniques, and criminal networks, which actually increases the potential for children to recidivism after release (Putri & Angkasa, 2023).

The true essence of legal protection through diversion is to safeguard a child's future and restore them to their natural goodness through family and community-based development. However, diversion should not be reduced to merely an instrument for freeing children from the clutches of formal law (impunity). Diversion must be able to guarantee improvements for victims in order to achieve balanced restorative justice. By accommodating victims' rights, public trust in this legal mechanism will increase. Parallel to this, the reconstruction of society's legal culture (legal culture) needs to be continuously strengthened through massive outreach to foster collective awareness that diversion is the best form of protection for the survival of the nation's generations (Zulfa, 2025).

Theoretically and conceptually, the typology of diversion implementation in the juvenile criminal justice system can be classified into three main forms, namely diversion in the form of a warning, informal diversion, and formal diversion. Referring to Setya Wahyudi's view, diversion in the form of a warning is generally given by the police to children who commit very minor crimes, where the child is required to apologize to the victim and the incident is documented in internal archives as an instrument of preventive administrative supervision (Wahyudi, 2011).

Furthermore, informal diversion is applied to minor criminal cases, involving the victim's active participation in formulating a resolution plan that emphasizes the child's full responsibility and the parents' role in rehabilitating the situation. Meanwhile, formal diversion is pursued when informal diversion is inadequate, through a direct face-to-face mediation forum involving the extended family or guardian to develop a just diversion plan. In international legal discourse, this direct meeting mechanism in formal diversion is seen as a genuine representation of the implementation of Restorative Justice (Prasetyo & Handayani, 2024).

Empirical findings from research within the jurisdictions of the South Kalimantan

Regional Police, Banjarbaru Resort Police, Banjar Resort Police, and Tabalong Resort Police, indicate a significant trend in practice where police officers are proactively emphasizing the implementation of formal diversion. In practice, investigators at the Women and Children's Service Unit rarely stop at issuing a warning. In response to a Police Report, Women and Children's Service Unit takes on a crucial role as a facilitator, initiating face-to-face discussions between the perpetrator, victim, and family. This tendency to use formal diversion is driven by the need to achieve legal certainty through a Diversion Agreement Report that is more administratively and judicially accountable (Ramadhan, 2023). However, this reliance on formal diversion also confirms the challenges you find on the ground, where once a formal agreement is reached, post-diversion supervision often stagnates because the state considers its task completed at the mediation stage, leaving the burden of rehabilitation entirely on the family without ongoing supervision (Saputra & Azizah, 2025).

3.2 Transcendence-based diversion for children in conflict with the law

The transcendental dimension of the postmodernist paradigm manifests itself through a broader scope, encompassing aspects of religion, ethics, and morality. These values are no longer reduced to mere theological issues or personal desires, but rather are positioned as instruments capable of dialectical dialogue with scientific, social, cultural, economic, and even legal developments (Absori *et al.*, 2015). This approach emerged as an antithesis to the crisis of Western society, which was seen as a failure of modern civilization. This failure is rooted in modernist reasoning, which dichotomously separates spirituality from the realities of life, thus disconnecting the development of human civilization and divine values. By reintegrating the transcendental dimension, legal science is no longer trapped in a rigid positivism devoid of meaning, but rather transforms into a holistic, value-laden science, where law is implemented not merely as a technical procedure but as a prophetic effort to achieve justice (Nugroho, 2016).

Transcendentalism in the development of science emphasizes the integration of science and religion, which occupies a place within the world of science according to postmodernism. In this sense, science is understood in a broader context, including the ethical, moral, and spiritual values of religion. This is where religion plays a crucial role

in understanding science from a holistic perspective (Absori, 2015). Transcendental principles influence the paradigm for the formation of all national legal instruments, including the juvenile justice system through diversion mechanisms. The centuries-long integration of Islamic teachings has enriched this moral foundation with divinely revealed values, so that Pancasila is no longer viewed as antithetical to religion but rather as a vehicle for the articulation of religious values within an inclusive state framework (Jumiati, 2021). The implementation of Pancasila for Muslim citizens is essentially a manifestation of the practice of sharia that effectively eliminates the dichotomy between religious identity and national loyalty, while also confirming that legal morality in Indonesia is based on a harmonious synergy between humanistic values and divine values that are manifested in efforts to resolve cases outside of formal criminal justice for the best interests of children.

A deliberation that brings together all relevant parties to formulate a fair settlement agreement for the child perpetrator and victim will not have legitimacy without fulfilling the fundamental prerequisites, namely an honest admission of guilt from the child perpetrator and his/her voluntary willingness to undergo diversion. This admission is not merely an administrative requirement of procedural law, but rather the starting point of the process of instilling moral responsibility, ethical learning, and spiritual recovery of the child, which is philosophically rooted in Surah Ali 'Imran verse 159. This verse provides a comprehensive psychological and ethical foundation that can be constructed into four pillars of transcendental diversion, namely: a persuasive approach that rejects legal violence, the command of substantive forgiveness (*al-afwu*), the essence of deliberation (*shura*) as a manifestation of legal democracy, and *tawakal* as a spiritual seal of the agreement that has been reached. In the deliberation process, the interests and voice of the victim become an integral part of the decisions taken, so the involvement of the victim's family is crucial because in general the root of the problem and the recovery of the impact begin in the family environment, especially if the victim is still a minor (Ghoni & Pujiyono, 2020).

The conditions of guilty plea, deliberation, forgiveness, and trust in God constitute a unified whole that transforms the juvenile criminal justice process into a profound spiritual endeavor. Through the integration of these values, the diversion agreement is no longer interpreted simply as a civil contract or administrative formality of procedural law,

but rather a sacred moral bond witnessed by God. Consequently, this transcendental manifestation creates a much stronger inner bond for the child to maintain their integrity and not betray the agreement made, enabling this legal process to touch the deepest aspects of the perpetrator's consciousness in order to achieve true restorative justice (Sianturi, 2016).

The concrete manifestation of spiritual remorse within the framework of transcendental diversion is not merely a formal statement, but is demonstrated through the child's readiness to bear absolute moral responsibility for his or her actions. This is implemented in four fundamental recovery instruments: First, an admission of guilt as a form of self-education to avoid "plunging oneself into destruction" (the Qur'an, Chapter *Al-Baqarah* (The She-Cow): 195); second, restitution to create a balance of substantive justice (the Qur'an, Chapter *Al-Ma'idah* (The Table Spread): 45); third, a commitment to positive behavioral change (*ihsan*) post-diversion (the Qur'an, Chapter *An-Nahl* (The Bee): 90); and fourth, respect for the inherent human dignity of every individual (the Qur'an, Chapter *Al-Isra'* (The Night Journey): 70). Through this dialectic of apology and spiritual reconciliation, the diversion agreement transforms from a mere legal contract into a sacred bond that rebuilds fundamental trust (*ta'awun*) between the child, the victim, and society.

The construction of this spiritual responsibility finds crucial common ground with the legal mandate in the Child Protection Law, where the state mandates holistic protection that prioritizes the best interests of children. This synchronization is evident in the obligation to protect children in educational environments from all forms of violence (Article 54) and the guarantee of care for neglected children (Article 55), which are essentially manifestations of the command to protect human life and honor. Furthermore, systemic efforts through the socialization of regulations to eliminate economic and sexual exploitation (Articles 66 and 69) emphasize that child protection is a collective responsibility involving the government, non-governmental organizations, and corporations. By integrating transcendental values into the implementation of these articles, policies to combat violence are no longer viewed as a regulatory burden, but rather as a form of social worship in preserving the nature of the nation's future generations (Sulisrudatin, 2014).

The urgency of building trust and cooperation in goodness has a very strong

normative foundation in the Qur'an through four main pillars, namely the foundation of cooperation (*ta'awun*) in the Qur'an, Chapter *Al-Ma'idah*: 2, commitment and trust in fulfilling agreements (*al-birr*) in the Qur'an, Chapter *Al-Baqarah*: 177, trust in Divine guidance as a moral compass in the Qur'an, Chapter *Al-A'raf* (The Heights): 158, and surrender (*tawakkal*) as a lock on anxiety in the Qur'an, Chapter *At-Taubah* (The Repentance): 51. This transcendental framework is very crucial in the context of child protection, considering that children are special gifts from God who demand treatment and protection that are equal to their specialness. Considering that children's growth and development are greatly influenced by the quality of education and environmental guidance, the formation of self-confidence is a fundamental aspect that must be prioritized. Self-confidence is not just a psychological complement, but the main driving force that ensures that all children's potential can be actualized to the maximum; because without strong self-confidence, the great potential within the child will be hampered or even disappear, so building inner confidence that is based on divine values is an absolute prerequisite for the success of the recovery process and social integration (Mulyani *et al.*, 2021).

The success of the Juvenile Criminal Justice System is not only measured when the judge's gavel is struck or when the diversion agreement is signed, but is actually tested in the post-diversion phase as a fundamental effort to prevent recidivism. When positive legal oversight instruments experience limitations, a transcendental approach exists to fill the gap by internalizing faith values that serve as the primary foundation for psychological rehabilitation and social reintegration for Children in Conflict with the Law. In this regard, the Qur'an and Hadith provide comprehensive epistemological guidance through spiritual guidance that emphasizes inner transformation and repentance, where the teachings of Sufism play a crucial role in fostering serenity, balance, and closeness to God. Through spiritual practices such as *dhikr* (remembering God), *tafakur* (contemplation), and *muhاسباب* (self-reflection), children in conflict with the law are directed to achieve inner peace, especially *dhikr* which is scientifically highlighted as a powerful method in managing anxiety because it is able to shift the focus from worldly concerns to peace of mind that is centered on God, thus effectively calming the mind while increasing the child's spiritual awareness in living their social life again (Azmi & Salsabilah, 2024).

The post-diversion development process for Children in Conflict with the Law is essentially an effort to guide children back to their natural purity through the gate of repentance, which involves full awareness to abandon sin and a firm vow not to repeat it. Within this framework, eight foundational verses of the Qur'an are constructed into five phases of transformation of children's repentance, which include: the phase of awareness of the natural nature and gift of reason (the Qur'an, Chapter *An-Nahl*: 78); the phase of declaration of true repentance or *taubatan nasuha* (the Qur'an, Chapter *At-Tahrim* (The Prohibition): 8); the phase of time urgency to erode manipulative attitudes (the Qur'an, Chapter *An-Nisa* (Women): 17-18); the phase of constructive behavioral transformation or *ishlah* (the Qur'an, Chapter *Al-Ma'idah*: 39 and the Qur'an, Chapter *An-Nahl*: 119); and the phase of social reintegration and hope for God's mercy (the Qur'an, Chapter *Al-A'raf*: 153 and the Qur'an, Chapter *At-Taubah*: 112). The implementation of these values, as practiced in the Qadiriyyah Naqsyabandiyah Order, has been proven effective in increasing emotional and spiritual intelligence, demonstrating a positive correlation between the intensity of Sufi practices and children's emotional well-being. Thus, the integration of Sufi principles with modern psychological concepts, such as emotional regulation and mindfulness, offers a comprehensive approach to addressing mental health challenges and emphasizes the importance of emotional balance and finding meaning in life for children in conflict with the law (Carberry, 2025).

In the Juvenile Criminal Justice System, when formal state oversight instruments end following the signing of a diversion agreement, the epicenter of child supervision and rehabilitation shifts entirely to the family institution, embracing the vital role of parents in constructing Islamic parenting after diversion. In this phase, parents no longer merely serve as advisors but also assume a far greater responsibility as role models, or role models, in practicing Islamic values in everyday life. Given that children have a strong psychological tendency to imitate the activities of those around them, consistent parental behavior in practicing religious duties, honesty, integrity, and non-violence will have a deterministic influence on a child's moral development. Therefore, the synergy between parental example and harmonious and loving interactions is a crucial stimulant in rehabilitating a child's character, ensuring that Islamic values are deeply internalized as internal protection to prevent the child from falling back into deviant behavior (Farizeni & Astutik, 2025).

By prioritizing closeness to Allah SWT, Sufism transforms into a highly effective instrument for managing anxiety while maintaining mental stability amidst the complex dynamics of life. In the context of the rehabilitation of Children in Conflict with the Law, there are three fundamental guidelines that must first be reconstructed in the child's soul to foster strong moral resilience. First, internalizing monotheism and the foundation of faith as spiritual anchors that provide certainty of the meaning of life; second, instilling disciplined worship that serves as an instrument of self-control to dampen negative impulsivity; and third, internalizing good manners and noble morals that serve as a moral bulwark in interacting with society. By strengthening these three pillars, the post-diversion process does not stop at formal legal compliance, but reaches a degree of inner transformation that guides the child back to their human integrity (Ulfa & Firmasari, 2025).

Spiritual guidance for Children in Conflict with the Law is essentially a holistic effort to reconstruct and restore the child's mental, emotional, and spiritual condition through a teleological goal that guides the child back to the straight path (*shiratal mustaqim*). In Islamic pedagogical discourse, this framework for soul recovery is operationalized through the concept of Spiritual Teaching based on the perspective of the hadith that integrates three main pillars of intelligence: spiritual intelligence, emotional intelligence, and intellectual intelligence (Purwasetiawatik *et al.*, 2023). The synergy of these three intelligences serves to structure a noble personality while simultaneously building resilience in children so they can reintegrate into society with resilience. This aligns with the research findings of Hasym Hasanah and Ainun Fadlilah (2018), which confirmed that through this approach, children in conflict with the law experience a significant transformation in their religious orientation; where initial obstacles related to beliefs, knowledge, rituals, and spiritual experiences gradually resolve and develop into a comprehensive understanding and practice of Islamic teachings (Hasanah & Fadlilah, 2018).

4 CONCLUSION

Legal protection for Children in Conflict with the Law in the post-diversion phase remains largely administrative and formalistic and does not yet reflect the essence of

comprehensive restorative justice. Empirical findings demonstrate that although police have proactively facilitated diversion deliberations at the investigation level, this instrument suddenly experiences a legal vacuum following the issuance of the Court's Decision Letter and the Investigation Termination Order. This legal vacuum is manifested in the de facto withdrawal of state intervention, reducing the responsibility for foster care to a unilateral burden on parents without a binding psychosocial evaluation from state institutions. The state also fails to include alternative restitution schemes if the child's family is economically vulnerable and unable to pay the agreed-upon support. Consequently, the absence of a state safety net makes diversion agreements highly vulnerable to default, ultimately threatening the child with being returned to the formal criminal justice system and significantly violating the principle of the best interests of the child. The concept of diversion for Children in Conflict with the Law based on transcendentalism is a reconstruction of the legal paradigm that integrates restorative justice mechanisms with divine values, religious morality, and humanity to address the systemic weakness in the form of a legal vacuum in state supervision after diversion.

This approach transforms diversion from merely a compromise of sanction relief into a moral court through the pillar of spiritual conflict resolution, which requires absolute accountability from the child in the form of genuine repentance (*Taubatan Nasuha*) and the birth of pure forgiveness from the victim (*Al-'Afwu*) which has the value of worship without retributive tendencies. Considering that the state withdrew its formal intervention after the issuance of Court's Decision Letter and the Investigation Termination Order, the implementation of this transcendental supervision delegates full guidance authority to the family institution through Islamic parenting that includes internalization of monotheism, discipline of worship as a form of self-control instrument (internal locus of control), and education of noble morals. The synergy between family supervision and psychological recovery through Spiritual Teaching (spiritual, emotional, and intellectual intelligence) ultimately forms an inner immunity system that protects children from recidivism, but is able to make children transform into responsible individuals and return to their natural creation as *khalifatullah fil ardh* (caliphs on earth).

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