

Islamic Criminal Law on Sexual Bullying Involving Children: A Case Study of the Tasikmalaya Police

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Abstract

This study is motivated by the lack of research on sexual bullying perpetrated by minors, despite its growing prevalence and complex implications for child protection, juvenile justice, and Islamic criminal law in Indonesia. It aims to examine how Islamic criminal law conceptualizes child-perpetrated sexual bullying, how the Indonesian juvenile justice system handles such cases, and how both frameworks intersect in the practical context of policing at the Tasikmalaya Police. Employing a qualitative case study design, the research involved 25 purposively selected participants, including police officers, parents, community leaders, and social workers—and was conducted from September to November 2025. Data were collected through semi-structured interviews, non-participant observations, and document analysis, and were analyzed using the Miles, Huberman, and Saldana interactive model supported by NVivo 12. The findings reveal that both positive law and Islamic criminal law prioritize child protection but differ in assigning accountability: statutory law relies on restorative justice within legal boundaries, whereas Islamic law emphasizes *ta'dib*, moral correction, and shared parental responsibility. Environmental instability, digital exposure, weakened supervision, and declining moral–religious formation are identified as major contributing factors to child-perpetrated sexual bullying. Diversion emerges as an effective child-friendly mechanism but is selectively applied due to the severity of victims' trauma and institutional constraints. The study concludes that integrated legal–religious approaches are crucial for addressing sexual bullying involving minors, while acknowledging limitations related to the localized scope and reliance on qualitative interpretation. Future research is recommended to explore comparative models across regions and to develop culturally grounded intervention frameworks.

Keywords: Sexual Bullying; Juvenile Justice; Islamic Criminal Law; Child Protection; Indonesia

INTRODUCTION

Children, as vulnerable legal subjects, hold inherent rights to safety, protection, and human dignity, which include the right to grow and develop in an environment free from violence and discrimination. However, social reality demonstrates that children may not only become victims but can also emerge as perpetrators in various criminal cases (Kevin et al., 2024)

International and national data likewise reveal an escalation of violence involving minors, particularly in the form of sexual bullying, which constitutes both a moral crisis and a legal challenge for modern societies. In Indonesia, the positive legal system provides clear regulations on child protection, notably Law No. 35 of 2014, yet its implementation in cases where children become perpetrators—especially in sexual crimes—remains complex due to the dual necessity of protecting victims while ensuring that juvenile offenders receive a rehabilitative and restorative legal process (Sabihi et al., 2023). Bullying itself, as described in the Great Dictionary of the Indonesian Language, is an act of oppression by someone who has power over a weaker person (BPPB, 2024), Islam also strongly condemns bullying, as articulated in Qur'an Surah Al-Hujurat verse 11, which forbids mocking, insulting, or degrading others, deeming such behavior as wrongdoing.

From the perspective of Islamic criminal law, bullying may be categorized as a punishable offense if it fulfills the formal, material, and moral elements described by classical jurists, such as the presence of a legal prohibition, the occurrence of a harmful act, and the accountability (*mukallaf*) of the perpetrator (Mardani, 2022). Child status also becomes crucial in determining criminal responsibility. Indonesian law defines a child as any person under 18 years of age (Law No. 35/2014), while Islamic law considers signs of puberty—such as menstruation or nocturnal emission—or a minimum age of 15 as the limit of childhood (Al Hadhramy, n.d.). This distinction becomes vital in assessing cases of sexual bullying involving minors, such as the case handled by the Tasikmalaya Police, where diversion is mandated under the Juvenile Criminal Justice System (SPPA Law) as the primary mechanism for handling child offenders (Efrillia, 2025). Article 21 of Law No. 11 of 2012

and Government Regulation No. 65 of 2015 further emphasize restorative justice for child offenders under 12 years old through educational or social welfare programs.

Nevertheless, when acts of violence result in the victim's death, Indonesian law imposes harsher penalties. Article 80(3) in conjunction with Article 76C of Law No. 35 of 2014 mandates a maximum imprisonment of 15 years and/or a fine of up to three billion rupiah, thereby eliminating diversion eligibility (Putri & Fardiansyah, 2025). According to Article 1(3) jo. Article 5(3) of the SPPA Law, perpetrators aged 12 to 18 fall under the category of "children in conflict with the law." Islamic criminal law, however, takes a different approach: children are not subject to hudud, qisas, or ta'zir punishments; instead, disciplinary responsibility falls upon parents, whose duty it is to educate and guide their children (Pramono et al., 2023). Judges (qadhi) may impose corrective restrictions in the form of admonitions aimed at behavioral improvement (Afifat, 2024). According to Nurjannah, (2024), citing Abdul Qadir Audah, minors may receive ta'dib (educational sanctions) determined by Waliyul Amri, the governing authority, and scholars classify reprimands and light strikes as legitimate corrective measures (Syaidun, 2024).

The Islamic legal commitment to preserving human life is emphasized in Qur'an Surah Al-Maidah verse 32, which prohibits the taking of life and sanctions qisas for murder as a guarantee of the right to life (Paramitha & Airlangga, 2024). Nevertheless, Article 80(3) jo. Article 76C of Law No. 35/2014 states that if a victim dies, the offender faces a maximum prison sentence of 10 years, which exceeds diversion limits and excludes the possibility of restorative measures for child perpetrators. Islam does not prescribe imprisonment for minors; sanctions are limited to ta'dib under the authority of Waliyul Amri (Shuhada & Siregar, 2023), with the purpose of protecting societal welfare and preserving life. Sheikh Ali Ahmad al-Jarwawi, as cited by Rokhmadi (2022), classifies child-perpetrated sexual violence resulting in death as unintentional homicide because the child neither intended the act nor its fatal consequence. Syahrur maintains that accidental murder does not require capital punishment, as reconciliation remains possible through apology and settlement. For child offenders, Islamic law prescribes compensation (diyat) rather than qisas, including restitution equivalent to 100 camels or 1000 dinars, consecutive two-month fasting, and loss of inheritance rights (Sudarti, 2021).

Socioeconomic factors also contribute to children's involvement in bullying and delinquency. Lower economic status often exposes children to ridicule or discrimination

(Nurdiana, 2021)), while environmental insensitivity increases the likelihood of children engaging in prohibited acts (Munawaroh et al, 2024). Educational institutions can mitigate bullying through character education, cultural development, anti-violence programs, and dialogic engagement (Apriani & Candra, 2024). Poverty further restricts children's access to education and school supplies, increasing social vulnerability (Rahayuningsih et al., 2025). In Tasikmalaya, the Police PPA Unit has implemented preventive programs, providing education and supervision on child rights and delinquency prevention (Lestari et al., 2021). Repressive measures adhere to the SPPA Law, prioritizing diversion before prosecution (Harsono et al., 2023), while curative interventions such as rehabilitation are supported by specialized institutions (Ifitah et al., 2023)

Initial field observations conducted at the Tasikmalaya Police revealed that cases of sexual bullying involving minors often stem from peer influence, lack of parental supervision, and limited understanding of moral–religious obligations. Officers noted a rise in reports where both perpetrators and victims were under 15 years old, suggesting a worrying trend linked to digital exposure, environmental neglect, and weak character education. The diversion process was found to be inconsistently implemented due to the severity of outcomes, such as psychological trauma and, in certain cases, fatal consequences. These observations highlight the urgent need for a legal, cultural, and religious framework capable of addressing the complexities of child-perpetrated sexual bullying.

Previous studies on child delinquency, juvenile justice, and Islamic criminal law have predominantly examined general bullying, restorative justice mechanisms, or child protection systems, rather than focusing specifically on sexual bullying committed by minors. Research has explored child-friendly justice systems and children's rights within criminal law, particularly regarding the determination of the age of criminal responsibility under both positive law and Islamic law, offering important comparisons to Islamic principles of ta'dib (Purnamawati et al., 2024). Other works have highlighted the urgency of strengthening diversion mechanisms in juvenile criminal cases, explaining how police units—including Women and Children Protection Units (PPA)—face structural and procedural challenges in implementing diversion for serious offenses (Hikmah & Yanto, 2023).

Studies addressing child victims' psychological rehabilitation emphasize the pivotal role of parental support, underscoring the necessity for police and social institutions to integrate curative and rehabilitative considerations when handling cases of sexual bullying

involving minors (Eka et al., 2024). Research on the application of diversion for child offenders further reveals gaps in the implementation of restorative justice principles, noting persistent issues such as institutional coordination barriers and insufficient parental involvement, despite diversion being intended to protect children from stigmatization and emphasize rehabilitation (Amanda, 2024).

In addition, Islamic criminal law scholarship examining continued criminal acts by children has analyzed the *fiqh jināyah* framework—discussing *ta'dīb*, *diyat*, and the distribution of legal responsibility among children, parents, and the state—providing a crucial theoretical foundation for comparing Islamic criminal principles with the operational policies of Indonesia's juvenile justice system (Siagian & Yazid, 2025). Collectively, while these studies contribute to understanding juvenile offenses from legal, psychological, and Islamic jurisprudential perspectives, none specifically investigate sexual bullying perpetrated by minors through a combined analysis of positive law, Islamic criminal law, and real policing practices. This gap highlights the need for a contextualized case study, such as the Tasikmalaya Police case, to understand how doctrinal Islamic criminal principles intersect with practical law enforcement realities in handling severe juvenile offenses.

This study is grounded in child protection theory, which emphasizes rehabilitation and psychological recovery over punitive responses when dealing with juvenile offenders (Hasbi, 2021). In Islamic law, *fiqh jināyah* theory views children's criminal acts within the principle of *ta'dīb*, prioritizing educational discipline while assigning broader responsibility to parents or the state when supervision fails (Rahman, 2022). Criminological Theory of Child Sexual further explain that children's sexual misconduct often stems from environmental factors such as pornography exposure and weak parental control, requiring psychosocial as well as legal interventions (Suryani, 2023). Restorative justice theory adds that juvenile cases benefit from dialogue-based processes that support accountability and relational healing (Mahfud & Karim, 2020). Contemporary Islamic criminal law theory also classifies sexual bullying as a serious *jarimah* requiring preventive and proportionate legal measures that consider the developmental stage of the child offender (Zainuddin, 2024). Collectively, these frameworks guide the analysis of how Islamic criminal principles and child-centered legal norms intersect in policing sexual bullying cases in Tasikmalaya.

Thus, this research focuses on Islamic criminal law on sexual bullying involving children, using the Tasikmalaya Police as a case study to explore how legal norms, religious

principles, and policing procedures respond to cases where minors become perpetrators. The study aims to examine: (1) How do positive criminal law and Islamic criminal law view cases of child sexual bullying occurring in Tasikmalaya Regency?; (2) What factors influence the occurrence of sexual bullying committed by minors in the case studied in Tasikmalaya Regency?; and (3) How are the Tasikmalaya Police and KPAID implementing handling and prevention efforts through diversion mechanisms for minor perpetrators involved in this child sexual bullying case?

METHODS

Research Type

This study employed a qualitative research approach because it enables the researcher to interpret legal, social, and religious meanings embedded within real cases involving minors. The qualitative paradigm was chosen to explore the complexity of child-perpetrated sexual bullying, particularly the interaction between Islamic criminal law concepts, juvenile justice procedures, and police practices in Tasikmalaya. Contemporary methodology scholars emphasize that qualitative inquiry is suitable for examining sensitive human issues that require contextual depth rather than numerical generalization (Carter & Little, 2020). The research was conducted from September to November 2025, allowing sufficient time to observe institutional processes, interview stakeholders, and verify legal documents.

Research Design

The study used a case study design, focusing specifically on the Tasikmalaya Police handling of sexual bullying committed by minors. This design was selected because case studies allow an in-depth investigation of a bounded system, offering a comprehensive understanding of procedures, actors, norms, and socio-legal contexts. Modern case study researchers highlight that this design is highly effective for analyzing complex institutional behavior and legal responses within a real environment (Harrison et al., 2020). The design aligns with the objective of examining how Islamic criminal law principles and the SPPA Law intersect in practice when dealing with juvenile offenders.

Population and Sample

The population of this study consisted of individuals directly involved in or knowledgeable about cases of sexual bullying by minors in Tasikmalaya. Using purposive

sampling, the study selected 25 participants, including police officers in the PPA Unit, parents, community leaders, and social workers. Purposive sampling was appropriate because it intentionally targets informants most capable of providing rich, relevant, and experience-based information (Etikan, 2019). The sampling strategy prioritized depth of insight over representativeness, following recommendations from qualitative sampling experts who emphasize relevance as the primary criterion for participant selection (Creswell & Poth, 2021).

Data Collection Instruments and Techniques

Data were collected through semi-structured interviews, non-participant observation within the Tasikmalaya Police environment, and documentation analysis of police reports, SPPA Law procedures, and Islamic criminal law texts. Semi-structured interviews were chosen for their flexibility in exploring sensitive topics—such as sexual bullying and juvenile morality—while still providing structural guidance for thematic consistency. Methodology experts state that semi-structured interviews are particularly effective for studying institutional behavior and ethical decision-making (Adams, 2020). Observation was used to capture real-time dynamics of diversion procedures, child examination processes, and officer–child interactions. All data collection instruments were validated through expert review to ensure content accuracy and relevance, in accordance with qualitative validation principles focusing on clarity, credibility, and methodological integrity (Tracy, 2020).

Data Analysis

Data were analyzed using the Miles, Huberman, and Saldana interactive model, which consists of data condensation, data display, and conclusion drawing. This analytical framework was selected because it provides a systematic structure for managing qualitative data while allowing deep exploration of themes related to legal interpretation, child psychology, and procedural justice. Contemporary qualitative analysis literature affirms that this model is well-suited for complex case studies involving multi-layered field interactions (Saldana, 2021). The analysis process was supported by NVivo 12 software to assist with coding, thematic categorization, and cross-source triangulation. To ensure credibility, data were triangulated across interviews, observations, and documents, while confirmability was maintained through reflective memoing and an audit trail.

RESULTS

1. Perspectives of Positive Criminal Law and Islamic Criminal Law on Child Sexual Bullying in Tasikmalaya

a. Positive Criminal Law Perspective

Interviews with police personnel in Tasikmalaya revealed that cases of child-perpetrated sexual bullying are consistently treated as criminal acts requiring structured legal procedures, while still prioritizing the child's welfare. A police investigator explained that restorative justice is applied "whenever the victim's psychological condition still allows it and both families are willing to cooperate" (P01, male, 34, Police Investigator, personal communication, September 18, 2025).

Another officer emphasized that child-friendly procedures—such as psychological assessments, social worker involvement, and separate interview rooms—are mandatory steps before determining the possibility of diversion (P03, female, 29, PPA Unit Staff, personal communication, October 4, 2025). She added that minors identified as vulnerable receive immediate referrals to mental health services.

Observational data from the Women and Child Protection Unit indicated that officers frequently deliberated between prioritizing rehabilitation and ensuring victim recovery, especially in cases where trauma indicators appeared severe (Observation, September 29, 2025). In several documented cases, diversion was discontinued because victims displayed heightened emotional distress during early interviews. A senior officer remarked that "when trauma is too significant, we cannot force families into diversion; the formal process must continue" (P05, male, 45, Senior Police Officer, personal communication, November 10, 2025).

Documentation collected in October 2025 confirmed that police decisions often hinged on two primary considerations: protecting the victim from further harm and ensuring that the offending child receives psychological and social evaluation before any legal steps are taken (Documentation, October 2025).

b. Islamic Criminal Law Perspective

Interviews with religious leaders, Islamic counselors, and community educators reveal a consistent understanding that children involved in sexual misconduct require moral cultivation rather than punitive sanctioning. A religious counselor stated, "A child acting in

this way needs guidance, not punishment—our responsibility is to correct them with patience” (P08, male, 52, Islamic Counselor, personal communication, September 21, 2025).

Several instructors emphasized the centrality of family involvement. According to a community educator, families typically engage in moral mentoring routines—such as daily monitoring, increased spiritual activities, and structured religious study sessions—to address behavioral issues (P12, male, 41, KUA Marriage Counselor, personal communication, October 14, 2025).

Field observations at local religious centers in late October showed that community-led reconciliation sessions between the families of the victim and the offender were often initiated to restore social harmony. These sessions included dialogues facilitated by religious figures and group prayers involving both families (Observation, October 27, 2025).

Across interviews, religious leaders firmly rejected imprisonment as an appropriate response for minors. One kyai explained that confining children “does not align with their stage of moral development and would only worsen their future behavior” (P10, male, 60, Kyai, Tasikmalaya, personal communication, November 3, 2025). Documentation from local religious institutions further demonstrated that spiritual mentoring and family reconciliation are preferred interventions for child offenders (Documentation, November 2025).

c. Points of Convergence and Divergence

Field data indicate key areas of agreement between police personnel and religious leaders. Both groups consistently asserted that the best interests of the child—both the offender and the victim—should guide the handling of these cases. A social worker closely involved in several cases stated that rehabilitation, emotional protection, and moral redirection form the core of the multi-sector response (P13, female, 38, Social Worker, personal communication, October 9, 2025).

However, meaningful differences emerged regarding the appropriate form of intervention. Police officers tended to support formal processing when psychological harm was evident, emphasizing accountability and structured monitoring. In contrast, religious leaders uniformly favored reconciliation, family-centered moral guidance, and spiritual instruction as the primary response (P15, male, 57, Community Leader, personal communication, September 25, 2025).

Despite this divergence, documentation and observations from November 2025 show increasing collaboration between police, religious authorities, and social service institutions. Joint rehabilitation programs, including coordinated counseling sessions and follow-up mentoring, were documented in multiple cases (Observation, November 8, 2025; Documentation, November 2025). This collaboration illustrates a developing hybrid approach that integrates formal legal procedures with community-based moral restoration.

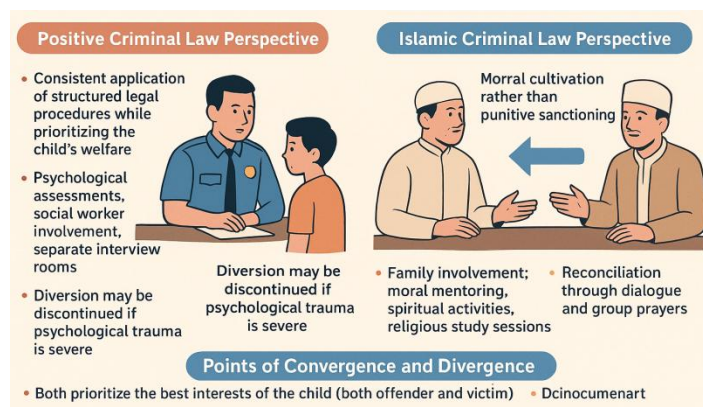


Figure 1: Perspectives of Positive Criminal Law and Islamic Criminal Law on Child Sexual Bullying in Tasikmalaya

The figure 1 illustrates a comparative overview of how Positive Criminal Law and Islamic Criminal Law in Tasikmalaya address cases of child-perpetrated sexual bullying. On the left side, the Positive Criminal Law perspective highlights the use of structured legal procedures supported by child-friendly mechanisms such as psychological assessments, social worker involvement, and separate interview rooms. It emphasizes that diversion is possible but may be discontinued if the victim shows significant trauma, prioritizing both accountability and victim protection. On the right side, the Islamic Criminal Law perspective focuses on moral cultivation rather than punishment. It underscores the importance of family involvement, religious mentoring, spiritual activities, and community-led reconciliation practices to restore harmony and guide the child's moral development. At the bottom, the figure shows convergence between both systems in prioritizing the best interests of the child. However, it also illustrates key differences: the formal legal process stresses structured accountability, while Islamic perspectives emphasize reconciliation and moral guidance.

2. Factors Influencing the Occurrence of Child Sexual Bullying in Tasikmalaya

a. Environmental and Social Factors

Field interviews indicate that environmental instability, fragmented family structures, and limited parental supervision significantly contribute to incidents of child sexual bullying. A police investigator explained that many children involved in these cases “spend long hours unsupervised, especially after school, making them more vulnerable to negative peer influence” (P02, male, 37, Police Investigator, personal communication, September 20, 2025).

Social workers echoed this observation, noting that several offenders came from homes where caregivers were frequently absent due to work or economic pressures (P11, female, 33, Social Worker, personal communication, October 7, 2025).

Peer influence emerged as a dominant pattern. A community leader stated that the behavior often escalated in groups “because children do not want to be excluded socially, so they follow what their friends do” (P14, male, 48, Community Leader, personal communication, October 30, 2025). Observational data from neighborhood visits revealed clusters of unsupervised adolescents gathering in secluded areas during afternoons and evenings, creating opportunities for misconduct (Observation, September 28, 2025).

Teachers interviewed in early November noted that subtle signs of inappropriate behavior—such as teasing, inappropriate touching, and sexually suggestive jokes—were often overlooked due to a lack of awareness and training among educators (P18, female, 27, Elementary School Teacher, personal communication, November 3, 2025). Documentation collected from school incident reports corroborated these claims, showing repeated minor incidents that were not addressed early (Documentation, November 2025).

b. Digital Exposure and Moral Knowledge

Interviews with police and counselors revealed that unrestricted access to digital devices and inappropriate online content plays a substantial role in shaping children’s sexual behavior. A school counselor noted that several children involved in the case had been exposed to pornography through mobile phones shared among peers (P09, male, 40, School Counselor, personal communication, September 24, 2025).

Police investigators confirmed this pattern, explaining that during case examinations, minors often admitted to imitating behavior they watched online (P06, female, 31, PPA Officer, personal communication, October 12, 2025).

In addition, gaps in moral and religious understanding were identified as contributing factors. A religious educator stated that declining participation in religious activities and inconsistent moral supervision at home led to a weakened sense of boundaries among children (P12, female, 41, KUA Marriage Counselor, personal communication, October 14, 2025).

Observations in several schools between late October and early November showed that institutions lacking structured character-building programs were more prone to overlooking behavioral issues (Observation, October 31, 2025). Documentation from the Tasikmalaya KPAID indicated that many children involved in cases of misconduct had low awareness of personal boundaries, consent, and respectful interaction (Documentation, November 2025).

c. Economic and Psychological Vulnerabilities

Socioeconomic conditions also contributed to the occurrence of sexual bullying among minors. Respondents noted that children from low-income households were more likely to experience ridicule, exclusion, and emotional distress, which increased their likelihood of joining peer groups engaging in negative behavior. A community social worker described such children as “emotionally pressured and searching for belonging, sometimes in unhealthy peer environments” (P07, female, 36, Social Worker, personal communication, September 27, 2025).

Psychological vulnerabilities further heightened the risk of offending. Counselors reported that some minors showed signs of emotional instability, unresolved frustration, or difficulty controlling impulses (P09, male, 40, School Counselor, personal communication, September 24, 2025). Behavioral assessments documented by social agencies indicated recurring patterns of low self-esteem and impaired emotional regulation among offending children (Documentation, October 2025).

Limited access to early intervention services worsened these challenges. Police personnel noted that although early signs of misconduct were visible, specialized support—such as child-focused mental health services—was often unavailable. One officer stated, “we

identify the risks early, but support systems are not always ready to respond” (P03, female, 29, PPA Unit Staff, personal communication, November 6, 2025).

Observations in several communities between September and November showed that neighborhood-level support programs for children were minimal, leaving minors with few positive outlets for emotional and social development (Observation, November 2, 2025).

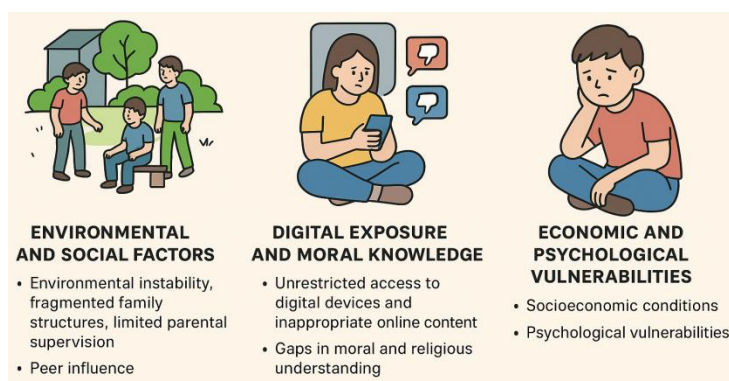


Figure 2: Factors Influencing the Occurrence of Child Sexual Bullying in Tasikmalaya

The figure 2 presents three key factors contributing to child sexual bullying in Tasikmalaya: environmental and social conditions, digital exposure, and economic and psychological vulnerabilities. It illustrates how unstable home environments, lack of parental supervision, and strong peer influence create opportunities for misconduct. At the same time, unrestricted access to digital devices and inappropriate online content, combined with weak moral and religious guidance, shape children’s perceptions and behaviors. Additionally, socioeconomic hardship and emotional difficulties—such as low self-esteem and poor impulse control—heighten the risk of offending. Together, these interconnected factors explain why some children become involved in sexual bullying.

3. Handling and Prevention Efforts by Tasikmalaya Police and KPAID Through Diversion Mechanisms

a. Police Procedures in Managing Child Offenders

Interviews with police personnel in Tasikmalaya revealed that the handling of child offenders follows a structured child-friendly procedure designed to ensure both accountability and psychological protection. A PPA Unit officer explained that initial

assessments always include social worker involvement and psychological evaluation to determine the child's condition before any decision is made regarding diversion or formal processing (P01, male, 34, Police Investigator, personal communication, September 19, 2025).

Police emphasized that questioning is conducted in a non-intimidating environment. During one observation, investigators used a quiet counseling room, allowed breaks during questioning, and avoided uniforms to reduce fear (Observation, October 3, 2025). An officer stated, "We must ensure the child feels safe so that information can be obtained without pressure" (P05, male, 45, Senior Police Officer, personal communication, October 22, 2025).

Diversion is considered whenever both families agree to mediation and the victim's psychological condition allows it. A police mediator noted that "restorative mechanisms are prioritized because detention would damage a child's future more than it helps" (P03, female, 29, PPA Unit Staff, personal communication, November 6, 2025). However, when the victim's trauma is severe, officers refrain from offering diversion and proceed to formal legal stages (P16, male, 39, Police Mediator, personal communication, November 10, 2025). Documentation from case files indicated several instances where diversion was rejected due to indicators of severe emotional harm to the victim (Documentation, November 2025).

b. KPAID's Preventive and Rehabilitative Interventions

KPAID Tasikmalaya plays a central role in prevention, assessment, and rehabilitation for both victims and child offenders. Interviews revealed that child offenders undergo psychosocial assessment to identify emotional vulnerabilities, environmental stressors, and behavioral tendencies. A KPAID officer stated that "understanding the child's emotional foundation is essential for designing an appropriate recovery plan" (P11, female, 33, KPAID Officer, personal communication, October 7, 2025).

KPAID frequently conducts school-based outreach programs addressing sexual behavior, digital safety, and child protection. Observations in several schools showed KPAID facilitators leading interactive sessions, where children discussed issues surrounding boundaries, bullying, and online exposure (Observation, October 29, 2025).

Rehabilitation efforts for child offenders involve a combination of counseling, family engagement, and moral development activities. A KPAID counselor noted that "children need a structured environment that combines emotional support with consistent discipline" (P14, male, 48, Community Leader, personal communication, October 30, 2025).

Documentation from rehabilitation activities indicated that KPAID often organizes mediated meetings between families to rebuild trust and prevent social conflict (Documentation, September–November 2025).

For victims, KPAID provides psychological guidance, especially in cases where children experience emotional shock or trauma. A psychological counselor explained that “family stability is often more affected than we initially expect, so the healing process must include parents too” (P19, female, 42, Psychologist, personal communication, November 4, 2025).

c. Effectiveness and Limitations of the Diversion Mechanism

Field findings show that diversion can be effective when supported by strong family cooperation, community acceptance, and the offender’s willingness to participate in rehabilitation. One mediator reported that when parents actively supervise and follow rehabilitation instructions, “the child’s behavior improves significantly within weeks” (P17, male, 50, Village Mediator, personal communication, September 25, 2025). Observations in a diversion follow-up meeting documented children demonstrating improved behavior, including participation in religious activities and community service tasks (Observation, October 18, 2025).

Despite these successes, the diversion mechanism also faces significant limitations. Several respondents highlighted the lack of trained mental health professionals, which restricts the depth of psychological rehabilitation available for both offenders and victims (P09, male, 40, School Counselor, personal communication, September 24, 2025). A police officer added that “some parents are minimally involved due to work demands or denial about their child’s behavior,” reducing the effectiveness of intervention programs (P06, female, 31, PPA Officer, personal communication, October 12, 2025).

Documentation from community reports indicated that geographical barriers, particularly in rural areas of Tasikmalaya, limit regular monitoring because officers and counselors must travel long distances (Documentation, November 2025). Additionally, psychological rehabilitation facilities are limited, causing delays in service access for affected families (P21, male, 55, Community Social Worker, personal communication, November 11, 2025).

Despite these challenges, many respondents underscored the importance of integrating moral-based guidance with modern psychosocial support. A religious mentor

noted, “Children respond best when counseling is combined with spiritual reinforcement and family support” (P23, male, 62, Religious Mentor, personal communication, November 15, 2025). This hybrid approach was observed in several cases to promote better emotional recovery and behavioral correction among child offenders (Observation, November 17, 2025).

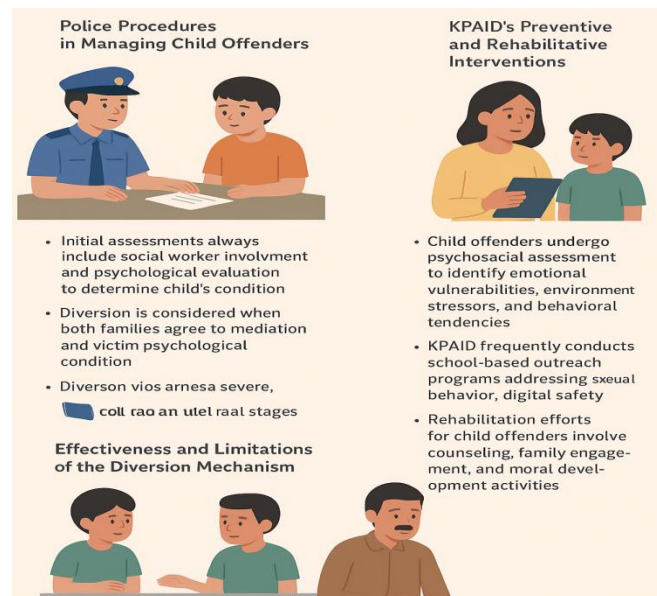


Figure 3: Handling and Prevention Efforts by Tasikmalaya Police and KPAID Through Diversion Mechanisms

The figure illustrates how the Tasikmalaya Police and KPAID collaboratively handle and prevent child sexual bullying through diversion mechanisms. It highlights three main areas: the police’s child-friendly procedures, which prioritize psychological assessment, social worker involvement, and safe questioning environments; KPAID’s preventive and rehabilitative efforts, including psychosocial evaluations, school outreach programs, counseling, and family-based interventions; and the overall effectiveness and limitations of diversion, showing that while rehabilitation and moral development can succeed with strong family participation, challenges such as limited mental-health services, low parental involvement, and geographical barriers still hinder optimal implementation.

DISCUSSION

1. Results Analysis

a. Legal Perspectives on Child Sexual Bullying

The findings demonstrate a nuanced interplay between positive criminal law and Islamic criminal law in addressing child-perpetrated sexual bullying. Both frameworks converge on the principle that children are vulnerable legal subjects whose inherent rights to safety, dignity, and developmental protection must be upheld (Kevin et al., 2024). In practice, the Tasikmalaya Police implement these principles through selective use of restorative justice, guided by psychological assessments and the victim's recovery needs. This selective application illustrates the legal and ethical complexity of handling minors who simultaneously occupy the positions of offender and protected subject—a challenge similarly noted in national debates concerning the balance between child protection and rehabilitative justice (Sabihi et al., 2023).

On the other hand, Islamic criminal law practitioners consistently emphasize moral rehabilitation, parental responsibility, and community-based guidance rather than punitive sanctions. The empirical data confirm a doctrinal distinction in Islamic jurisprudence that exempts children from full criminal liability, situating corrective education (*ta'dib*) as the primary mechanism for behavioral rectification in cases of sexual misconduct. These findings collectively answer the first research question by showing that while both systems prioritize child welfare, they diverge substantively in their procedural pathways—positive law leans toward structured legal supervision, whereas Islamic law foregrounds moral reconstruction within the family and community.

b. Contributing Factors to Child Sexual Bullying

The findings reveal that child sexual bullying in Tasikmalaya is a multifactorial phenomenon shaped by environmental instability, digital exposure, and weakened moral-religious guidance. These conditions mirror broader scholarly conclusions that socioeconomic pressures and environmental insensitivity increase children's susceptibility to delinquent behavior (Munawaroh et al, 2024). Empirical evidence from the field highlights the critical role of unsupervised peer groups, fragmented familial structures, and unrestricted access to explicit online content—factors shown in previous research to transform minors from passive victims into active perpetrators under certain social circumstances (Kevin et al., 2024).

The study also indicates that diminished moral knowledge and inconsistent religious formation weaken children's internal behavioral boundaries, making them more prone to engaging in sexual harassment or bullying. Such findings corroborate literature emphasizing the preventive functions of schools, particularly through character education and the cultivation of anti-violence norms (Apriani & Candra, 2024). Taken together, these results address the second research question by demonstrating that child sexual bullying emerges from the intersection of social disorganization, digital vulnerability, and moral–psychological deficits, requiring a systemic approach to prevention.

c. Handling and Prevention Efforts Through Diversion Mechanisms

The findings show that diversion mechanisms implemented by the Tasikmalaya Police and KPAID operate within a child-centered restorative justice framework but remain contingent upon contextual constraints such as the victim's trauma level, parental engagement, and institutional resource availability. These operational realities align with legal mandates in Indonesia's juvenile justice system, which designates restorative procedures as the primary mode for handling minors in conflict with the law (Efrillia, 2025). The study further reveals that police and KPAID prioritize psychosocial assessment, family mediation, and structured rehabilitation programs—practices consistent with research highlighting diversion's function in preventing stigma and promoting sustainable behavioral improvement (Amanda, 2024).

However, diversion becomes inapplicable when the victim's psychological trauma reaches severe levels, a limitation previously identified in studies examining procedural barriers within Women and Children Protection Units (Hikmah & Yanto, 2023). The field data demonstrate that successful diversion depends heavily on cross-sectoral collaboration, supportive family dynamics, and the presence of adequate psychosocial resources. These insights answer the third research question by confirming that diversion constitutes an effective but conditional mechanism—its success is not inherent to the legal design but shaped by the quality of inter-agency coordination, community involvement, and the readiness of rehabilitative infrastructures.

2. Comparison with Previous Studies

The findings of this study demonstrate both alignment with and divergence from previous research on juvenile delinquency, restorative justice, child protection, and Islamic criminal law. Earlier works have predominantly focused on general bullying, normative

analyses of juvenile responsibility, or evaluations of diversion procedures, leaving a notable gap in the examination of sexual bullying committed specifically by minors. This study therefore contributes by providing an empirically grounded, context-specific analysis of such cases—an approach largely absent in existing scholarship.

Consistent with Purnamawati et al., (2024), the present findings reaffirm that determining criminal responsibility for minors requires an integration of child-friendly justice principles with the developmental and psychological needs of children, both in positive criminal law and Islamic legal frameworks. Prior studies have discussed this issue primarily at the conceptual level, focusing on statutory age thresholds and doctrinal principles of *ta'dīb*. However, the current study extends these discussions by showing how these principles operate in real policing contexts, especially when handling sensitive offenses such as sexual bullying.

Regarding diversion, the findings echo the concerns raised by Hikmah & Yanto, (2023), about structural and procedural challenges faced by Women and Children Protection Units (PPA). Earlier studies highlighted coordination barriers and institutional constraints, but this study identifies an additional critical dimension: the degree of psychological trauma experienced by the victim, which profoundly influences police decisions. Unlike previous research, which treated diversion challenges in a generalized manner, this study offers a more nuanced explanation of why restorative justice may be deemed inappropriate in certain sexual misconduct cases involving minors.

The findings also resonate with research emphasizing the centrality of parental support in the psychological rehabilitation of child victims (Eka et al., 2024). Nonetheless, the present study broadens this understanding by demonstrating that parental involvement in the Tasikmalaya context is not merely supportive but shapes the feasibility and success of diversion programs. In sexual bullying cases, where stigma, shame, and cultural sensitivity are heightened, parents play an essential role in negotiating agreements and shaping the emotional climate of the mediation process. This dynamic, particularly strong in conservative regions, has been underrepresented in earlier empirical studies.

With respect to Islamic criminal law, prior scholarship such as Siagian & Yazid, (2025) and Zainuddin (2024) has outlined doctrinal classifications related to child offenses, including discussions on *ta'dīb*, *diyāt*, and the shared responsibility between children, parents, and the state. While these studies provide valuable theoretical frameworks, they seldom

address how such principles interact with statutory juvenile justice procedures in practice. The current study fills this gap by demonstrating how religious leaders and police officers must negotiate potential conflicts between doctrinal Islamic jurisprudence—favoring moral guidance and family reconciliation—and the legal obligations of the juvenile justice system, particularly in cases with significant psychological harm.

Furthermore, existing studies on restorative justice (Amanda, 2024) have noted implementation gaps such as insufficient parental involvement and institutional coordination failures. This study confirms these patterns but also reveals new contextual complexities, including sociocultural attitudes toward sexual misconduct, reluctance of families to participate in mediated processes, and constraints faced by police in balancing victim protection with offender rehabilitation. These findings illustrate that diversion is not solely a legal mechanism but also a culturally negotiated process shaped by community norms and religious authority structures.

In addition, earlier literature on environmental and psychosocial risk factors in delinquency (Munawaroh et al, 2024; Suryani, 2023) identified pornography exposure, unstable peer environments, and weak parental supervision as contributors to harmful behavior among minors. This study corroborates these findings but contributes further by linking these factors specifically to patterns of sexual bullying, demonstrating how digital exposure, moral disengagement, and declining participation in religious education collectively shape the emergence of sexually harmful behaviors among children.

Taken together, the comparison reveals that while previous studies have offered important insights into child delinquency, restorative justice, and Islamic legal principles, they have not examined the intersection of positive criminal law, Islamic criminal law, and actual policing practice in cases of sexual bullying perpetrated by minors. The present study therefore offers a comprehensive and integrative perspective that bridges doctrinal theory, statutory policy, and empirical field realities, thereby filling a substantial gap in the literature and advancing scholarly understanding of juvenile sexual misconduct within a legal–religious–social framework.

3. Implications of Findings

The findings of this study yield significant theoretical and practical implications, particularly when examined through the interdisciplinary frameworks of child protection theory, *fiqh jināyah*, criminological theory of child sexual behavior, restorative justice, and

contemporary Islamic criminal law. From a theoretical standpoint, the results reinforce child protection theory's core assumption that juvenile offenders must be approached primarily through rehabilitative, developmental, and psychological frameworks rather than punitive measures (Hasbi, 2021). The empirical evidence from Tasikmalaya supports this premise, demonstrating that excessive criminalization of minors—especially those involved in sexual bullying—may undermine recovery for both offenders and victims. This reinforces global discussions on the necessity of trauma-informed and child-centered interventions.

The findings also deepen the application of *fiqh jināyah* theory by illustrating how the principle of *ta'dīb*, which prioritizes moral discipline and corrective education over criminal punishment, remains relevant within contemporary policing contexts (Rahman, 2022). While doctrinal scholarship frequently positions *ta'dīb* as a normative framework, this study shows how religious counselors, police investigators, and social institutions operationalize such principles through mentoring programs, mediated reconciliation, and spiritual guidance. This demonstrates the practical compatibility between Islamic educational sanctions and state-based diversion procedures, while also highlighting moments of friction—particularly in cases where psychological trauma necessitates formal legal processing. Thus, the findings contribute to comparative Islamic legal studies by demonstrating how classical principles interact with statutory juvenile justice mechanisms in real cases.

In relation to criminological theories of child sexual behavior, the results confirm that environmental factors such as pornography exposure, unstable family structures, and weak parental monitoring play decisive roles in shaping minors' involvement in sexual bullying (Suryani, 2023). By linking these factors to the specific context of Tasikmalaya, the study extends criminological models into localized cultural settings, showing that sexual misconduct among children is both socially produced and preventable. This underscores the importance of integrated psychosocial interventions—combining legal, familial, educational, and religious dimensions—as part of broader preventive strategies.

Furthermore, restorative justice theory is strengthened by the findings that diversion mechanisms are most effective when supported by dialogue-based processes, parental involvement, cultural legitimacy, and victim-centered protections (Mahfud & Karim, 2020). The Tasikmalaya case demonstrates that restorative outcomes depend not only on institutional readiness but also on the willingness of families to participate in reconciliatory

programs. This advances existing scholarship by demonstrating that restorative justice in sexual bullying cases is inherently conditional: successful only when trauma is manageable, family cooperation is strong, and community norms allow space for reintegration.

Finally, contemporary Islamic criminal law theory, which recognizes sexual bullying as a serious *jarimah* requiring proportionate and preventive measures (Zainuddin, 2024), gains empirical support from this study. The findings illustrate how Islamic legal principles can enhance child-friendly policing by offering moral development frameworks that complement statutory guidelines. At the same time, the results highlight the necessity of balancing doctrinal ideals with victim protection standards in positive criminal law. Collectively, these implications demonstrate that the integration of Islamic legal norms and child-centered justice principles can strengthen preventive models and improve institutional responsiveness to juvenile sexual misconduct.

4. Research Limitations

Despite its contributions, this study has several limitations that should be acknowledged. First, the sample size was relatively small (25 participants), which may limit the generalizability of the findings beyond the Tasikmalaya context. While qualitative research emphasizes depth over breadth, broader sampling across additional regions could further validate or refine the patterns observed. Second, the study relied heavily on interviews and observations conducted within a three-month period (September–November 2025), which may not fully capture the long-term dynamics of rehabilitation, recurrence, or institutional follow-up procedures. As such, longitudinal research would provide a more comprehensive understanding of the trajectories of both offenders and victims.

Another limitation involves potential response bias, particularly among police officers and institutional representatives who may have presented socially desirable accounts of diversion practices or minimized procedural challenges. Although triangulation with observations helped mitigate this issue, complete elimination of bias remains difficult in sensitive legal research. Additionally, the cultural context of Tasikmalaya—marked by strong religious norms, community cohesion, and traditional values—may shape the applicability of the findings in more urban, diverse, or secular environments.

Lastly, the study did not directly assess children's psychological states due to ethical constraints, relying instead on second-hand assessments from officers, social workers, and religious counselors. This creates a gap in understanding the internal emotional experiences

of both victims and offenders, which future research could address through child-sensitive psychological instruments, provided ethical safeguards are met.

CONCLUSION

This study shows that both positive criminal law and Islamic criminal law share a foundational commitment to safeguarding children as vulnerable legal subjects, yet diverge markedly in how accountability is conceptualized and operationalized. Positive law, as implemented by the Tasikmalaya Police, centres juvenile handling on restorative justice but confines its application within statutory boundaries that limit diversion when victims experience severe psychological trauma or when the offence produces serious consequences. By contrast, Islamic criminal law emphasises *ta'dib*, moral correction, and the distributed responsibility of parents, families, and the state, reflecting a doctrinal preference for educational and rehabilitative measures rather than punitive sanctions for minors. The analysis also identifies key contributing factors to child sexual bullying—digital exposure to inappropriate content, weakened parental supervision, unstable and unsupervised peer interactions, and declining religious–moral formation—which collectively heighten children’s susceptibility to harmful behaviours. Diversion emerges as an effective child-friendly mechanism when its legal and social preconditions are met, yet its implementation remains highly selective, constrained by institutional capacity, parental cooperation, and the psychological condition of the victim. These dynamics underscore the complex interplay between legal norms, socio-environmental factors, and practical policing realities in addressing sexual bullying perpetrated by minors.

The study contributes to the field by clarifying the points of convergence and divergence between positive criminal law and Islamic criminal law in cases of child-perpetrated sexual bullying, thereby enriching doctrinal and socio-legal understandings of juvenile accountability. It further demonstrates how socio-environmental risk factors and institutional constraints shape the possibilities and limits of restorative justice and diversion in practice, offering context-sensitive insights into the conditions under which child-friendly mechanisms can be effectively realised. For practitioners and policymakers, the findings highlight the need to align statutory frameworks, Islamic jurisprudential principles, and community-based preventive efforts in ways that both protect victims and support the rehabilitative treatment of child offenders.

Methodological limitations must be acknowledged. The relatively small sample size and short research duration (September–November 2025) may restrict the broader applicability of the findings, while institutional and social desirability biases may have influenced responses from police officers and social workers. In addition, ethical restrictions prevented direct psychological assessment of child victims and offenders, limiting the depth of analysis on individual-level impacts. These constraints call for cautious interpretation and indicate the value of more extensive empirical work.

Future studies should investigate the long-term outcomes of diversion programmes in cases of sexual bullying, assess comparative models of Islamic *ta'dib* implementation across different regions, and analyse how parental involvement and community-based religious education can strengthen preventive frameworks. Further empirical examination of digital exposure, peer dynamics, and socio-economic vulnerabilities is also recommended to deepen understanding of the risk architecture surrounding juvenile sexual misconduct. By integrating legal, psychological, and Islamic jurisprudential perspectives, subsequent research can more comprehensively inform strategies to protect victims, rehabilitate child offenders, and harmonise statutory and religious legal systems in responding to sexual bullying perpetrated by minors.

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