

De Jure: Jurnal Hukum dan Syar'iah

Volume 18 Issue 1, 2026, p. 191-210

ISSN (Print): 2085-1618, ISSN (Online): 2528-1658

DOI: <http://dx.doi.org/10.18860/j-fsh.v18i1.32848>

Available online at <http://ejournal.uin-malang.ac.id/index.php/syariah>

Juvenile Criminal Responsibility in Muslim-Majority States: Between Sharia, State Law, and Restorative Justice

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Received: 01-05-2025

Revised: 16-05-2026

Published: 28-05-2026

Abstract:

Juvenile justice in Muslim-majority jurisdictions reveals a persistent normative tension between Sharia-based conceptions of criminal responsibility, state-centred legal regulation, and international child protection standards. This article comparatively examines juvenile criminal sanction policies in Saudi Arabia, Egypt, Pakistan, and Indonesia, with primary attention to the construction of criminal responsibility, models of sanctioning, institutional responses, and the place of community-based restorative mechanisms. Using a comparative approach, the study analyses how these jurisdictions negotiate the relationship between Islamic legal principles, national legislation, and culturally embedded local wisdom in responding to children in conflict with the law. The findings identify three general patterns: a predominantly punitive Sharia-oriented framework, a statutory-rehabilitative framework, and a hybrid framework combining legal reform with suboptimal local implementation. Among the four jurisdictions, Indonesia occupies a distinctive position because it institutionalises diversion and restorative justice while also allowing for socially grounded forms of reconciliation. With reference to this comparative synthesis, the article advances Dumot Justice as its principal conceptual contribution—a

restorative-pluralist framework that integrates child protection, victim restoration, social accountability, and communal balance within a rights-sensitive juvenile justice design. The study concludes that sustainable juvenile justice reform in Muslim jurisdictions requires a jurisprudential model that integrates Sharia, national law, child protection, and culturally embedded restorative practices.

Keywords: restorative justice; Islamic law; comparative legal analysis; child right protection.

Introduction

The principle of child protection has been the main concern in various international legal instruments, including the United Nations Convention on the Rights of the Child (CRC)¹ and the Beijing Rules, both emphasising that justice for children should be primarily restorative rather than merely retributive.² However, in practice, many countries continue to encounter challenges in implementing policies that fully align with child protection principles.³ In countries where legal systems are rooted in Islamic Law, these challenges become even more complex due to the interplay between national law, Islamic jurisprudence, and local wisdom.⁴ These legal interactions often result in varied sanctions for juvenile offenders, reflecting the broader tension between traditional legal frameworks and contemporary child rights-oriented justice approaches.

From the perspective above, this study examines how Saudi Arabia, Egypt, Pakistan, and Indonesia construct juvenile criminal responsibility, sentencing models, and diversion mechanisms within the interaction of Sharia principles, national legislation, and local wisdom. Rather than focusing solely on the legal age of responsibility, this research analyses the forms of juvenile justice implemented, the scope of judicial discretion, and the extent to which restorative justice is institutionally embedded. The objective is to assess the degree of harmonisation between *the maqasid al-shari'ah*, as an Islamic legal philosophy, and international child protection standards. From an Islamic legal perspective, criminal sanctions for juveniles are grounded in the principles of *maqāṣid al-sharī'ah*, which aim to protect religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). In Islamic jurisprudence, the concept of *taḳlīf* (legal responsibility) is closely linked to *bulūgh* (maturity),⁵ which generally serves as the

¹ Gakku Rakhimova et al., "Legal Protection of Children in Kazakhstan: Problems and Challenges," *Lex Scientia Law Review* 8, no. 1 (2024): 489–516, <https://doi.org/10.15294/lslr.v8i1.1220>.

² Ursula Kilkelly, "Child First and Children's Rights: An Opportunity to Advance Rights-Based Youth Justice," in *Child First*, ed. Stephen Case and Neal Hazel (Springer International Publishing, 2023), https://doi.org/10.1007/978-3-031-19272-2_5.

³ Nurini Aprilianda et al., "Analysis on Flagellation Imposed as a Sanction from the Perspective of Child Protection," *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah* 9, no. 1 (2024): 324–39, <https://doi.org/10.22373/petita.v9i1.276>.

⁴ Azizah Mohd et al., "Protecting Children from Labour: Muslim Scholar's Viewpoint and Legal Provisions in Selected Muslim Countries," *Advanced Science Letters* 23, no. 7 (2017): 6106–9, <https://doi.org/10.1166/asl.2017.9215>.

⁵ Isroqunnajah Isroqunnajah et al., "Legal Capacity and Legal Authority of Adult Age in Indonesia: Medical, Psychological and Islamic Law Perspectives," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 1 (2024): 105, <https://doi.org/10.22373/sjhk.v8i1.19834>; Ending Solehudin et al., "Transformation of Shariah Economic Justice: Ethical and Utility Perspectives in the Framework of



distinguishing factor between children and adults in the enforcement of legal provisions. However, the implementation of juvenile criminal sanctions across Islamic countries is not uniform. Some countries continue to apply *hudūd* and *qiṣās* as fixed, immutable penalties, whereas others adopt a *ta'zīr* approach, allowing judicial discretion to determine punishments based on social context and the offender's circumstances.⁶ Additionally, many communities in Islamic countries retain indigenous dispute-resolution mechanisms, such as customary deliberation, community-based mediation, and traditional fines, which often prove more effective at restoring victims while rehabilitating juvenile offenders.⁷

Despite the diverse approaches to juvenile criminal justice systems in Islamic countries, research that comprehensively examines how Islamic law and local wisdom can be optimally integrated into juvenile justice policies remains limited. Most existing studies tend to focus on the analysis of juvenile justice systems within a single country,⁸ without exploring comparative perspectives on juvenile justice policies across multiple Islamic countries or addressing the challenges of harmonising Islamic law, customary law, and national legal frameworks. For example, *Juvenile Justice in Comparative Perspective: A Study of Indonesian State Law and Islamic Law* examines Indonesia's system by emphasising the implementation of Law No. 11 of 2012 on the Juvenile Criminal Justice System, which promotes a restorative model, while contrasting it with Islamic jurisprudence that exempts children who have not reached *baligh* (puberty) from criminal liability.⁹ Similarly, *A Shariah Appraisal of Pakistan's Juvenile Justice Act, 2018* highlights Pakistan's efforts to align its juvenile justice policy with Sharia principles, particularly regarding the legal age at which individuals are held criminally responsible and diversion mechanisms, yet it continues to face difficulties in achieving coherence with international legal norms.¹⁰ Nevertheless, there remains a notable lack of systematic comparative studies exploring juvenile justice policies across several Islamic countries, such as Indonesia, Malaysia, Pakistan, and Syria and examining the dynamic interaction among customary, national, and Islamic legal systems. Only a limited number of studies have discussed legal pluralism within juvenile justice,

Maqashid Shariah," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 24, no. 1 (2024): 101–15, <https://doi.org/10.30631/alrisalah.v24i1.1467>.

⁶ Hanifah Haydar Ali Tajuddin and Nasimah Hussin, "Islamic Criminal Law," in *Islamic Law in Malaysia*, ed. Adnan Trakic and Hanifah Haydar Ali Tajuddin (Springer Singapore, 2021), https://doi.org/10.1007/978-981-33-6187-4_4.

⁷ Jeff Bouffard et al., "The Effectiveness of Various Restorative Justice Interventions on Recidivism Outcomes Among Juvenile Offenders," *Youth Violence and Juvenile Justice* 15, no. 4 (2017): 465–80, <https://doi.org/10.1177/1541204016647428>.

⁸ Shinta Ayu Purnamawati et al., "Child-Friendly Justice and Children's Rights from Criminal Cases; Islamic Law Notes," *Legality: Jurnal Ilmiah Hukum* 32, no. 1 (2024): 141–54, <https://doi.org/10.22219/ljih.v32i1.31681>.

⁹ Adrian Hadiputra et al., "Juvenile Justice in Comparative Perspective: A Study of Indonesian State Law and Islamic Law," *Contemporary Issues on Interfaith Law and Society* 3, no. 2 (2024): 203–28, <https://doi.org/10.15294/ciils.v3i2.31396>.

¹⁰ Malak Naeem Dilawar, "A Shariah Appraisal of Pakistan's Juvenile Justice Act, 2018," *SSRN Electronic Journal*, ahead of print, 2024, <https://doi.org/10.2139/ssrn.4716168>.



including attempts in Indonesia to integrate customary norms into the national legal structure.¹¹

The Interaction between local social practices, customary mechanisms, and Islamic legal principles often creates tensions in the implementation of juvenile justice policies. This study aims to analyse and compare juvenile criminal policies across various Islamic countries, highlighting the interaction between Islamic law, national legal frameworks, and local wisdom within juvenile justice systems. It explores how restorative justice principles in Islamic law are implemented in different jurisdictions and examines the role of indigenous dispute resolution mechanisms as viable alternatives for a more humane and child-centred justice system. Furthermore, this research seeks to identify the challenges and obstacles in harmonising national legal frameworks with *Shariah* principles and local traditions, which often result in inconsistencies in the treatment of children in conflict with the law (CICL).

Despite the growing number of studies on juvenile justice in Muslim jurisdictions, existing studies remain largely fragmented in three respects. First, most analyses are confined to single-country examinations and therefore fail to capture the broader normative variations that emerge from the interaction between Sharia, statutory juvenile law, and community-based dispute resolution across different Islamic legal systems.¹² Second, the prevailing literature tends to treat restorative justice and local wisdom as ancillary or informal supplements to state law, rather than as jurisprudential resources capable of reshaping the philosophy and architecture of juvenile sanctioning itself.¹³ Third, insufficient attention has been paid to the possibility that culturally embedded mechanisms of dispute resolution may serve not merely as practical alternatives, but as normative bridges through which child protection, social reconciliation, and Islamic conceptions of justice can be meaningfully harmonised.¹⁴ This gap is particularly important because the juvenile justice question in Muslim societies is not only a matter of legal technique; it also concerns legal philosophy: how punishment, responsibility, mercy, and social order ought to be reconfigured in cases involving child offenders.

¹¹ Syamsuddin Muchtar et al., "Juvenile Criminal Responsibility in Justice Systems: A Comparative Study of Judicial Interpretations in Indonesia and Australia," *Jambe Law Journal* 7, no. 2 (2024), <https://doi.org/10.22437/home.v7i2.387>.

¹² Sukiyawati et al., "Contrasting Legal Aid in Jinayat and Kuhap: Free Counsel Provision Diverges in Procedural Laws," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 2 (2023): 109–23, <https://doi.org/10.22515/alahkam.v8i2.8236>.

¹³ Ramy El-Kady, "Victim-Offender Mediation as a Model of Restorative Justice: An Analytical Descriptive Study in the Egyptian Law," in *Modern Insights and Strategies in Victimology*, ed. Gabriela Mesquita Borges et al. (IGI Global, 2024), <https://doi.org/10.4018/979-8-3693-2201-7.ch009>; Rakhmi Izharti et al., "The Urgency of Codifying and Unifying Restorative Justice Regulations in Criminal Procedure Code Reform," *Trunojoyo Law Review* 7, no. 2 (2025): 223–52, <https://doi.org/10.21107/tr.v7i2.30601>; Yoga Ristama and Hibnu Nugroho, "Diversion Process as a Transformative Reform of the Criminal Justice System for Children in Conflict with the Law," *Jurnal IUS Kajian Hukum Dan Keadilan* 14, no. 1 (2026): 57–73, <https://doi.org/10.29303/ius.v14i1.1941>.

¹⁴ Natalia Khmelevska et al., "Restoration of Juvenile Justice in the Post-War Period in Ukraine," *Sapienza: International Journal of Interdisciplinary Studies* 6, no. 1 (2025): e25002, <https://doi.org/10.51798/sijis.v6i1.883>; Ristama and Nugroho, "Diversion Process as a Transformative Reform of the Criminal Justice System for Children in Conflict with the Law."



This article addresses that gap by moving beyond descriptive comparison toward a concept-driven inquiry into the normative foundations of juvenile sanctioning in selected Islamic countries. It argues that the central challenge is not simply whether Islamic legal systems adopt diversion, rehabilitation, or judicial discretion, but whether they can construct a model of justice that remains faithful to *maqāṣid al-sharī'ah* while simultaneously protecting the child's dignity, future, and developmental interests.¹⁵ In this regard, the article introduces Dumot Justice as its principal conceptual contribution: a localised yet transferable restorative-hybrid framework derived from the Indonesian experience, particularly from the encounter between national juvenile justice law, Islamic ethical values, and community-based local wisdom. Dumot Justice is not conceived as an extra-legal compromise, nor as a romanticisation of customary settlement, but as a normative model that reorients juvenile justice toward four interrelated aims: victim protection, child rehabilitation, community reconciliation, and the restoration of social balance.

By formulating Dumot Justice from a comparative policy perspective, this study offers a new way to understand how Islamic juvenile justice can evolve beyond the binary opposition between formal legality and informal communalism. Therefore, its novelty lies not only in comparing Saudi Arabia, Egypt, Pakistan, and Indonesia, but in theorising a jurisprudential framework through which Sharia, national law, and local wisdom may be integrated into a more humane, child-centred, and philosophically coherent model of juvenile sanction.¹⁶ In doing so, the article contributes to contemporary debates on legal pluralism, restorative justice, and child rights by proposing that the future of juvenile justice in Muslim jurisdictions depends not on the exclusion of local normative orders, but on their careful reconstruction within a principled and rights-sensitive legal design.

Method

This normative legal research employed comparative and conceptual approaches to examine how selected Muslim-majority jurisdictions construct juvenile criminal sanction policies within the intersecting domains of Sharia, state law, and community-based normative orders. The comparative approach is not used merely to describe differences among legal systems, but to reveal the normative foundations, legal philosophies, policy orientations, and institutional patterns that serve as the basis for treating children in conflict with the law. In this sense, comparison functions as an analytical instrument for identifying the deeper jurisprudential problems underlying juvenile justice in Muslim jurisdictions, particularly the conflict between punishment and rehabilitation, formal legality and social reconciliation, state-centred regulations and living communal norms, as well as universal child protection standards and culturally embedded conceptions of justice. The legal materials used in this study consist of primary legal materials, constituting relevant international instruments, national juvenile justice legislation, criminal law provisions, and regulatory frameworks in Saudi Arabia, Egypt,

¹⁵ Sriwiyanti Sriwiyanti et al., "Restorative Justice for Juvenile Offenders in Indonesia: A Study of Psychological Perspective and Islamic Law," *JIL: Journal of Islamic Law* 2, no. 2 (2021): 168–96, <https://doi.org/10.24260/jil.v2i2.335>.

¹⁶ Peter C. Kratcoski, "Trends in Juvenile Justice Administration," in *Juvenile Justice Administration*, by Peter C. Kratcoski (Springer International Publishing, 2023), https://doi.org/10.1007/978-3-031-19515-0_13.



Pakistan, and Indonesia; secondary legal materials, constituting scholarly books, journal articles, comparative legal studies, and academic commentaries on Islamic criminal law, juvenile justice, restorative justice, and legal pluralism; and tertiary legal materials that assist in clarifying legal concepts and terminology. These materials were selected to normatively map how each jurisdiction defines childhood, legal maturity, criminal responsibility, sanctioning models, and institutional protection for juvenile offenders.¹⁷

The legal materials were collected through library research by tracing, reading, classifying, and critically examining statutory instruments, international standards, doctrinal literature, and academic sources relevant to juvenile criminal responsibility, *maqāṣid al-sharī'ah*, restorative justice, and community-based dispute resolution. The analysis was conducted using a prescriptive method of legal reasoning, meaning that the study does not stop at explaining how the law is structured but evaluates how juvenile justice ought to be reconstructed in light of child protection, legal pluralism, Islamic ethical principles, and restorative justice.¹⁸ The comparative inquiry was organised following four interrelated dimensions: the construction of juvenile criminal responsibility, the sanctioning model, the institutional design of juvenile justice, and the recognition of culturally embedded restorative mechanisms.¹⁹ Through these dimensions, the study assesses how each jurisdiction negotiates the relationship between Sharia, national legislation, and local socio-legal practices. This methodological design enables the article to move beyond surface-level legal comparison toward a critical and concept-driven analysis of juvenile justice across Muslim jurisdictions. Through this prescriptive and comparative synthesis, the article formulates Dumot Justice as a restorative-pluralist model emerging from the Indonesian experience, while also offering broader analytical relevance for jurisdictions seeking to reconcile Sharia, child protection, and socially grounded justice within a coherent juvenile justice framework.

Result and Discussion

Comparative Approaches to Juvenile Penal Policy in Selected Islamic Countries: Integration of Sharia, State Law, and Customary Norms

Criminal sanctions for juveniles in Muslim-majority jurisdictions reflect a complex interaction between Sharia, national legal systems, international child protection standards, and community-based normative orders.²⁰ Although Islamic legal principles provide an important foundation for determining juvenile criminal

¹⁷ Rafika Nur et al., "Model of Punishment: Juvenile Justice Systems," *Jambura Law Review* 3 (April 2021): 35–56, <https://doi.org/10.33756/jlr.v3i0.8313>.

¹⁸ Nurini Apriandi et al., "Excusing Child Offenders: A Victim Justice Perspective," *Legality: Jurnal Ilmiah Hukum* 32, no. 2 (2024): 433–52, <https://doi.org/10.22219/ljih.v32i2.33937>.

¹⁹ Marlina and Mahmud Mulyadi, "Building Restorative Justice in Gampong as a Bottom-up Legitimation of the Protection of Children in Conflict with the Law in Indonesia: Case Study in Aceh," *Cogent Social Sciences* 10, no. 1 (2024): 2347410, <https://doi.org/10.1080/23311886.2024.2347410>.

²⁰ Hassan Suleiman, "Fiqh Al-Ma'alat: An Analysis of Its Origin, Subsidiary and Application," *Malaysian Journal of Syariah and Law* 10, no. 2 (2022), <https://doi.org/10.33102/mjsl.vol10no2.368>.



responsibility,²¹ their interpretation varies across jurisdictions, particularly regarding *hudud*, *qisas*, *ta'zir*, and the concept of *baligh*, which marks legal maturity.²² Saudi Arabia and Pakistan tend to retain stronger Sharia-oriented features, especially through judicial discretion in assessing maturity and culpability,²³ while Egypt and Indonesia demonstrate more reform-oriented tendencies by incorporating rehabilitation, diversion, and restorative justice into juvenile justice policy.²⁴ These variations show that juvenile justice in Muslim jurisdictions cannot be understood merely as a matter of religious doctrine,²⁵ but as a dynamic legal field shaped by the negotiation between Islamic jurisprudence, state regulation, international norms, and culturally embedded practices of social reconciliation.²⁶

To clarify the comparative structure of the analysis, the following matrix summarises the principal differences among Saudi Arabia, Egypt, Pakistan, and Indonesia in their approaches to juvenile criminal responsibility, sanctioning models, institutional orientation, and recognition of community-based restorative mechanisms. This table is not intended to reduce the complexity of each legal system, but to provide an analytical map through which the normative position of Indonesia and the conceptual relevance of Dumot Justice can be more clearly situated.

Table 1. Comparative Models of Juvenile Justice in Selected Muslim-Majority Jurisdictions

Country	Basis of Juvenile Responsibility	Sanctioning Orientation	Comparative Model
Saudi Arabia	Strongly influenced by Sharia-based maturity, particularly marked by the term <i>baligh</i> , with broad judicial discretion in assessing culpability.	Predominantly punitive, particularly through <i>hudud</i> , <i>qisas</i> , and <i>ta'zir</i> , although recent reforms have limited the most	Sharia-oriented discretionary model

²¹ Nurini Aprilianda and Liza Agnesta Krisna, "Reconstruction of Types of Sentencing in the Juvenile Justice System in Indonesia (Discussion Against the Criminal Position of Warning)," *Jambura Law Review* 5, no. 1 (2022): 1–20, <https://doi.org/10.33756/jlr.v5i1.15936>.

²² Nurul Huda Mohd. Razif, "Intimacy Under Surveillance: Illicit Sexuality, Moral Policing, and the State in Contemporary Malaysia," *Hawwa* 18, nos. 2–3 (2020): 325–56, <https://doi.org/10.1163/15692086-12341381>.

²³ Hifdhotul Munawaroh, "Restorative Justice in Settling Minor Criminal Disputes in Ponorogo, East Java: An Islamic Law Perspective," *Mazahib*, January 2, 2020, 167–200, <https://doi.org/10.21093/mj.v18i2.1632>.

²⁴ Mia Amiati et al., "Urgency of Falsum in Indonesian Criminal Justice System as Basis for Revision; An Islamic Perspective," *AL-IHKAM: Jurnal Hukum & Pranata Sosial* 19, no. 2 (2024): 303–28, <https://doi.org/10.19105/al-lhkam.v19i2.13141>.

²⁵ Farkhani Farkhani et al., "Legal Protection of Minority Rights: Study on the Implementation of Qanun Number 6 of 2014 Concerning the Jinayat Law in Langsa City, Aceh Special Region Province," *Al-Manahij: Jurnal Kajian Hukum Islam*, October 31, 2023, 215–32, <https://doi.org/10.24090/mnh.v17i2.7897>.

²⁶ Mehrdad Rayejian Asli, "Incorporating the United Nations Norms into Iranian Post-Revolution Criminal Policy: A Criminological-Victimological Approach," in *Crime Prevention and Justice in 2030*, ed. Helmut Kury and Sławomir Redo (Springer International Publishing, 2021), https://doi.org/10.1007/978-3-030-56227-4_4.



		severe sanctions for juveniles.	
Egypt	Juvenile justice is more statutory and rehabilitative. Children under 18 are protected from the most severe punishments, while juvenile courts and social rehabilitation mechanisms are used to support reintegration.	Rehabilitation-oriented, supported by juvenile courts and social reintegration measures.	Statutory-rehabilitative model
Pakistan	Constructed through a hybrid reference that amalgamates national juvenile law, common law legacy, and Sharia-based notions of maturity.	Formally rehabilitative, but uneven in practice due to regional variation and continuing Sharia-based discretion.	Hybrid and unevenly implemented model
Indonesia	Based on Law No. 11 of 2012, which frames children as legal subjects requiring protection, rehabilitation, and reintegration.	Restorative-pluralist, emphasising diversion, restorative justice, community mediation, deliberation, and local reconciliation.	Restorative-pluralist model / foundation of Dumot Justice

At the international level, the Convention on the Rights of the Child,²⁷ the Beijing Rules, and the Riyadh Guidelines establish that juvenile justice must prioritise the best interests of the child, proportionality, rehabilitation, diversion, and social reintegration rather than punitive retribution.²⁸ These standards set the normative benchmark for assessing how Muslim-majority jurisdictions construct juvenile criminal responsibility and sanctioning models within the interaction of Sharia, national legislation, and local wisdom.²⁹ These variations demonstrate that juvenile criminal sanction policies in Muslim-majority jurisdictions are shaped by Islamic legal doctrine and the interaction between national legislation, international child protection standards, judicial discretion, and culturally embedded mechanisms of social reconciliation.

The criminal justice systems of Islamic countries demonstrate variations in the application of Sharia principles, particularly in determining the criminal responsibility of minors. A key factor differentiating legal approaches among these countries is the extent to which Sharia law is integrated into national legal systems and how *hudud*, *qisas*, and *ta'zir* principles are interpreted within the juvenile justice

²⁷ Farkhani et al., "Legal Protection of Minority Rights."

²⁸ Farkhani et al., "Legal Protection of Minority Rights."

²⁹ Asli, "Incorporating the United Nations Norms into Iranian Post-Revolution Criminal Policy."



framework.³⁰ For instance, Saudi Arabia strictly applies Sharia law, using the attainment of *baligh* as a primary indicator of criminal responsibility. In contrast, Egypt and Pakistan adopt more flexible approaches, incorporating elements of restorative justice and modern national legal frameworks. Although all these respective countries base their legal systems on Islamic principles, the implementation of Sharia law in handling juveniles in conflict with the law varies significantly. These differences are shaped by each country's legal structure and evolving socio-political dynamics.

In Saudi Arabia, the implementation of Sharia law in the juvenile justice system is based on the principle that an individual can be held criminally responsible upon reaching *baligh*, which in Islamic law is typically marked by physical maturity. Due to the absence of a clearly defined age threshold in national law, judges have broad discretion in determining whether a minor can be held criminally liable. In cases involving serious offences classified under *hudud* or *qisas*, juveniles may receive the same punishments as adults if deemed mature based on judicial evaluation. However, in recent years, legal reforms in Saudi Arabia have introduced restrictions on the death penalty for individuals under 18, particularly in *ta'zir* cases, as part of broader efforts to modernise the justice system and align it more closely with international standards.

Egypt, on the other hand, has undertaken significant reforms in its juvenile criminal justice system by adjusting the minimum age of criminal responsibility to international legal standards. Under national law, minors under the age of 18 cannot be sentenced to death or life imprisonment and are instead directed toward social rehabilitation programs rather than incarceration. While Islamic law remains one of the primary legal sources in Egypt, the implementation of restorative justice principles and rehabilitative approaches is more emphasised in the juvenile justice system. Additionally, Egypt has established specialised juvenile courts to ensure that legal decisions consider child protection principles, psychological development, and efforts toward the social reintegration of minors in conflict with the law.³¹

Pakistan's legal system is a hybrid of Sharia law and national law, with the latter influenced by its British colonial heritage. While Pakistan's criminal law explicitly defines the minimum age of criminal responsibility, Sharia principles still allow judges some discretion in assessing an individual's maturity in certain cases. For instance, in regions where Islamic law is more strictly enforced, minors who are deemed to have reached *baligh* may face harsher penalties than those still considered juveniles. Although Pakistan's juvenile justice laws have been reformed to incorporate restorative justice and rehabilitation principles, local-level implementation remains inconsistent, largely depending on the extent to which Sharia law influences judicial decisions.

In addressing cases involving juveniles in conflict with the law, Islamic countries have difficulties balancing the principles of justice in Islamic law with the need to align with international child protection standards. In Saudi Arabia, the

³⁰ Wais Alqarni et al., "The Strategic Role of Local Political Parties in the Legislative Process Qanun for Sharia Financial Institutions in Aceh," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1881, <https://doi.org/10.22373/sjhk.v8i3.21802>.

³¹ Misran Ramli et al., "State, Custom, and Islamic Law in Aceh: Minor Dispute Resolution in the Perspective of Legal Pluralism," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (2024): 872, <https://doi.org/10.22373/sjhk.v8i2.15924>.



legal system grants judges broad discretion in determining sanctions based on Sharia principles, whereas Egypt prioritises rehabilitation and restorative justice for juvenile offenders. Pakistan, with its hybrid legal system, seeks to integrate Islamic legal principles with modern child protection frameworks, though challenges in implementation persist across different regions. Therefore, further efforts are needed to strengthen a more inclusive and balanced legal system for juvenile justice—one that accommodates Sharia principles while ensuring the best interests of the child in every judicial decision.

Indonesia presents a particularly significant model in the context of juvenile justice in Muslim-majority jurisdictions, not merely because it has formally institutionalised diversion and restorative justice, but because it seeks to fairly and normatively adhere to state law, Islamic ethical values, and socially embedded local wisdom. Through Law No. 11 of 2012 on the Juvenile Criminal Justice System, Indonesia departs from a punitive logic of juvenile sanctioning by placing rehabilitation, reintegration, and the best interests of the child at the center of legal response.³² This orientation is jurisprudentially important because it demonstrates that juvenile justice in a Muslim-majority society need not be structured around the binary of strict punishment versus legal leniency; rather, it may be constructed as a framework of responsible restoration in which accountability is maintained without sacrificing the child's dignity, future, and social belonging.

The comparison of these four jurisdictions reveals at least three broad models of juvenile justice in Muslim-majority legal systems. Saudi Arabia reflects a predominantly Sharia-oriented and discretionary model; Egypt reflects a statutory-rehabilitative model; Pakistan reflects a hybrid and unevenly implemented model; while Indonesia reflects a restorative-pluralist model that integrates national law, child protection principles, Islamic ethical values, and local wisdom. This comparison demonstrates that the central challenge of juvenile justice reform in Muslim jurisdictions is not simply the adoption of modern juvenile legislation, but the construction of a coherent normative framework capable of reconciling responsibility, protection, rehabilitation, and social legitimacy.

Indonesia and Restorative-Pluralist Juvenile Justice

Indonesia occupies a distinctive position in the comparison of juvenile justice in Muslim-majority jurisdictions because its legal framework does not merely adopt rehabilitative language, but formally institutionalises diversion and restorative justice as guiding principles in responding to children in conflict with the law. Through Law No. 11 of 2012 on the Juvenile Criminal Justice System, the Indonesian model departs from a punitive conception of juvenile sanctioning and places the best interests of the child, proportionality, rehabilitation, and social reintegration at the centre of legal intervention.³³ This statutory orientation is

³² Agustin Hanapi et al., "Bridging Fiqh and Positive Law: A New Paradigm for Child Legality and the Best Interest of the Child in Indonesia," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 2 (2024): 293–308, <https://doi.org/10.31958/juris.v23i2.10712>.

³³ Setya Wahyudi et al., "Recomposing the Handover and Return to Parents in the Juvenile Justice System in Indonesia: Dilemma between Best Interest of the Juvenile and Legal Shadow," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, June 30, 2025, 263–84, <https://doi.org/10.24090/volksgeist.v8i1.13130>; Hesti Septianita et al., "Online Child Sexual Exploitation And Abuse As Organized Crime: Towards a New International Legal Framework,"



significant because it redefines juvenile accountability not as the imposition of suffering, but as a structured process through which harm is acknowledged, repaired, and transformed into an opportunity for moral and social restoration.

The philosophical foundation of Indonesia's juvenile justice model lies in the recognition that children cannot be treated as miniature adults within the criminal justice system. A child's responsibility must be understood in relation to developmental capacity, vulnerability, family environment, social formation, and the possibility of future rehabilitation. For this reason, punishment cannot be the primary language of justice when the offender is a child.³⁴ The law must instead give a response that preserves accountability while protecting children from stigmatisation, exclusion, and the destruction of their future. In this sense, the Indonesian framework reflects a more humane understanding of criminal responsibility, one that links legal accountability with protection, education, and social reintegration.³⁵

What makes Indonesia particularly important is that its restorative orientation does not operate solely within the formal language of legislation. In many local communities, juvenile case settlement is also shaped by deliberation, family deliberation, community mediation, customary reconciliation, and other socially embedded practices of dispute resolution.³⁶ These mechanisms are not merely informal alternatives to state law; they represent living normative orders through which communities understand harm, responsibility, apology, forgiveness, and the restoration of social balance.³⁷ Juvenile justice in Indonesia, therefore, emerges from the interaction between statutory law and communal morality, between institutional procedure and culturally grounded expectations of reconciliation. This pluralist character gives the Indonesian model a deeper jurisprudential relevance. It shows that justice is not always experienced by communities as a strictly state-centred process administered through courts, prosecutors, and correctional institutions. In many social contexts, justice is also understood as the restoration of relational harmony among the child, the victim, the family, and the community.³⁸ Such a conception is especially relevant in societies where law is embedded in religious, ethical, and customary traditions. Indonesia's experience demonstrates

LITIGASI 27, no. 1 (2026), <https://doi.org/10.23969/litigasi.v27i1.43221>; Achmad Kadarisman et al., "Best Interest of the Child in Islamic Family Law: Integrating Maqāṣid Al-Sharī'ah and Double Movement Theory in Ḥaḍānah Cases," *Jurnal Al-Dustur* 8, no. 2 (2025): 155–74, <https://doi.org/10.30863/aldustur.v8i2.10459>.

³⁴ Hamja Hamja, "Community-Based Correction (CBC): Efforts to Achieve a Balance Between Rehabilitation and Social Justice," *Jurnal Pembangunan Hukum Indonesia* 7, no. 1 (2025): 137–49, <https://doi.org/10.14710/jphi.v7i1.137-149>.

³⁵ Kuat Puji Prayitno et al., "Addressing Prison Education and the Obstacles in Ensuring the Right to Education in Indonesian Juvenile Correctional Facilities," *Journal of Southeast Asian Human Rights* 7, no. 2 (2023): 123, <https://doi.org/10.19184/jseahr.v7i2.42656>.

³⁶ Helen Diana Fridayani and Dina Desvita Pramesti Putri, "Sounding the Justice for Child: Does Restorative Justice Matters?," *Journal of Law and Legal Reform* 4, no. 3 (2023): 303–24, <https://doi.org/10.15294/jllr.v4i3.68106>.

³⁷ Putu Arya Wibisana et al., "Beyond the Courtroom: Enhancing Prosecutors' Innovation Through Transformational Leadership, Emotional Intelligence, and Person-Organization Fit," *Social Sciences & Humanities Open* 13 (June 2026): 102813, <https://doi.org/10.1016/j.ssaho.2026.102813>.

³⁸ Achmad Irwan Hamzani et al., "Restorative Justice and Legal Pluralism in Indonesia: Implications for Atrocity Crimes and Global Criminal Justice Reform," *International Criminal Law Review* 26, no. 2 (2026): 217–49, <https://doi.org/10.1163/15718123-bja10257>.



that juvenile justice can be more effective when it recognises that legal repair and social repair are closely connected.

However, the incorporation of local wisdom into juvenile justice must not be understood as an unconditional endorsement of all customary practices. Local mechanisms may strengthen restorative justice only when they are aligned with child protection, voluntariness, equality, victim recognition, and procedural fairness.³⁹ Without these safeguards, community-based settlement may reproduce pressure, silence victims, or subordinate children's rights to communal expectations. Therefore, the normative value of local wisdom lies not in its traditional character alone, but in its capacity to be reconstructed within a rights-sensitive legal framework.⁴⁰ Indonesia's restorative-pluralist model is precisely valuable because it invites a disciplined integration of local practices into the structure of juvenile justice.

From an Islamic legal perspective, this model is also compatible with the ethical orientation of *maqāṣid al-sharī'ah*. Juvenile justice should not be reduced to the question of whether a child has reached *baligh* or whether punishment may formally be imposed. Rather, it should be assessed through broader objectives that consider the protection of life, intellect, dignity, lineage, and social welfare.⁴¹ Restorative justice, when properly institutionalised, resonates with these objectives because it seeks to prevent harm, restore relationships, educate the offender, protect the victim, and preserve communal balance. In this regard, Indonesia provides a meaningful example of how Islamic ethical principles, national law, and local wisdom may converge within a child-centred legal design.⁴²

The Indonesian experience also offers an important critique of two dominant tendencies in juvenile justice reform. The first is the punitive tendency, which treats criminal responsibility primarily as a basis for sanctioning and risks ignoring the child's psychological aspect. The second is the purely formalistic tendency, which adopts rehabilitative principles in legislation but fails to connect them with the social realities in which juvenile conflict occurs.⁴³ Indonesia's restorative-pluralist model moves beyond both tendencies by combining statutory safeguards with socially grounded reconciliation. It preserves the authority of national law while acknowledging that genuine restoration often requires the participation of families, victims, and communities.

³⁹ Junaidi, "The Restorative Justice Approach in the Tepung Tawar Tradition: How Do Customary Rules Resolve Criminal Cases?," *Udayana Journal of Law and Culture* 10, no. 1 (2026): 26–51, <https://doi.org/10.24843/UJLC.2026.v10.i01.p02>.

⁴⁰ Emily Keddell, "Recognising the Embedded Child in Child Protection: Children's Participation, Inequalities and Cultural Capital," *Children and Youth Services Review* 147 (April 2023): 106815, <https://doi.org/10.1016/j.childyouth.2023.106815>.

⁴¹ Taufiqurohman Taufiqurohman and Nelli Fauziah, "The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law," *El-Ussrah: Jurnal Hukum Keluarga* 6, no. 1 (2023): 81, <https://doi.org/10.22373/ujhk.v6i1.13035>.

⁴² Suparno Suparno et al., "A New Restorative Justice Paradigm in the Sociology of Islamic Law in Indonesia: Nahdlatul Ulama and Muhammadiyah's Responses to Corruption Cases," *Syariah: Jurnal Hukum Dan Pemikiran* 24, no. 2 (2025): 480–502, <https://doi.org/10.18592/sjhp.v24i2.16221>.

⁴³ Daud Rismana et al., "The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System," *Khazanah Hukum* 7, no. 2 (2025): 190–205, <https://doi.org/10.15575/kh.v7i2.44162>.



Thus, Indonesia should be understood not merely as one case among several Muslim-majority jurisdictions, but as a normative site from which a more integrated theory of juvenile justice can be developed. Its significance lies in its ability to connect legal protection, Islamic ethical reasoning, and local mechanisms of reconciliation within a single restorative framework. This does not mean that the Indonesian model is without weaknesses; problems of implementation, institutional consistency, and unequal local practices remain. Nevertheless, its conceptual promise lies in showing that juvenile justice reform in Muslim societies need not choose between state law and communal wisdom, or between child protection and accountability. It can instead construct a restorative-pluralist pathway in which responsibility, dignity, victim restoration, and social balance are treated as mutually reinforcing dimensions of justice.

Dumot Justice as a Framework for Juvenile Justice Reform in Muslim Jurisdictions

The concept of Dumot Justice emerges from the Indonesian restorative-pluralist experience as a jurisprudential framework for rethinking juvenile justice in Muslim-majority jurisdictions. It is premised on the idea that children in conflict with the law should not be placed within a rigid punitive logic that equates responsibility with retribution. Instead, juvenile responsibility must be understood as a relational and developmental category; this approach requires the legal system to respond to harm while simultaneously preserving the child's dignity, moral development, and possibility of reintegration.⁴⁴ In this sense, Dumot Justice does not deny accountability, but reconstructs it as a process of restoration rather than stigmatising punishment.

As a normative framework, Dumot Justice integrates four interrelated dimensions: child protection, victim restoration, social accountability, and communal balance. Child protection ensures that the juvenile justice process does not destroy the future of the child through excessive punishment or criminal labeling. Victim restoration affirms that restorative justice must not be offender-centred alone, but must also recognise the harm, suffering, and interests of victims. Social accountability requires the child to understand the consequences of the offence and to participate meaningfully in repairing the harm caused.⁴⁵ Communal balance emphasises that juvenile offending often disrupts not only legal order, but also family relations, social trust, and community harmony.

The philosophical significance of Dumot Justice lies in its attempt to move beyond the binary between formal legality and informal compromise. In many Muslim societies, justice is not experienced merely as the enforcement of state law, but also as a moral process shaped by religion, family, custom, and communal legitimacy. However, community-based reconciliation cannot simply be taken for granted, given that informal mechanisms may produce coercion, inequality, or the

⁴⁴ María José Bernuz Beneitez, "Emotions in Juvenile Justice. A Preliminary Analysis," *Política Criminal* 16, no. 32 (2021): 588–610, <https://doi.org/10.4067/S0718-33992021000200588>.

⁴⁵ Sekaring Dyah Ika Wulan et al., "Justice for Child Offenders: A Humanistic Legal Approach," *Journal of Human Rights, Culture and Legal System* 5, no. 3 (2025): 749–79, <https://doi.org/10.53955/jhcls.v5i3.773>.



marginalisation of victims and children.⁴⁶ Dumot Justice, therefore, proposes a disciplined integration of local wisdom into juvenile justice: local practices may be recognised as normative resources only when they are consistent with child rights, procedural fairness, voluntariness, victim protection, and restorative justice principles.

Within Islamic legal thought, Dumot Justice resonates with the ethical objectives of *maqāṣid al-sharī'ah*. The purpose of law is not limited to the imposition of sanctions; it also includes the protection of life, intellect, dignity, lineage, property, and social welfare. When applied to juvenile justice, these objectives require a legal response that prevents future harm, educates the child, restores victims, and maintains social order without resorting to excessive penal severity.⁴⁷ Thus, Dumot Justice offers a child-centred interpretation of Islamic justice, in which mercy, responsibility, rehabilitation, and social repair are treated not as exceptions to justice, but as integral elements of justice itself.

From a comparative perspective, Dumot Justice responds to the limitations identified in different models of juvenile justice across Muslim-majority jurisdictions. It addresses the risk of excessive judicial discretion in punitive Sharia-oriented systems, the institutional gap in statutory-rehabilitative systems, and the uneven implementation found in hybrid legal systems. Its central contribution is to serve as a normative bridge between Islamic legal principles, national juvenile justice legislation, international child protection standards, and culturally embedded restorative practices. By doing so, Dumot Justice transforms legal pluralism from a source of fragmentation into a structured framework for normative integration.

The broader implication of Dumot Justice is that sustainable juvenile justice reform in Muslim jurisdictions requires more than statutory modernisation or formal harmonisation with international standards. It requires a jurisprudential model capable of reconciling responsibility with protection, legality with social legitimacy, and Islamic ethical values with contemporary child rights. Dumot Justice offers such a model by placing the child, victim, family, and community within a single architecture of principled restoration. It indicates that juvenile justice in Muslim societies can move beyond the opposition between punitive legality and informal settlement toward a more humane, accountable, and philosophically coherent model of justice.

Conclusion

This study has shown that juvenile justice in Muslim-majority jurisdictions cannot be understood merely as a matter of legal variation in legal age limit, sentencing techniques, or institutional design. More fundamentally, it reflects an unresolved normative tension between Sharia-based conceptions of responsibility, state-centred legal formalism, and the contemporary demand to protect the dignity, development, and future of the child. The comparison of Saudi Arabia, Egypt,

⁴⁶ Arbanur Rasyid et al., "Contestation of Customary Law and Islamic Law in Inheritance Distribution: A Sociology of Islamic Law Perspective," *Al-Ahkam* 34, no. 2 (2024): 419–48, <https://doi.org/10.21580/ahkam.2024.34.2.20843>.

⁴⁷ Dian Ekawaty Ismail et al., "The Comparative Study: Protecting Children's Rights Through Law Reform of Restorative Justice in Juvenile Cases," *Journal of Law and Legal Reform* 6, no. 2 (2025): 909–50, <https://doi.org/10.15294/jllr.v6i2.13724>.



Pakistan, and Indonesia demonstrates that juvenile justice reform in Muslim jurisdictions proceeds along uneven trajectories: some systems continue to rely heavily on judicial discretion rooted in biological maturity and punitive tradition, while others have moved toward statutory rehabilitation and restorative mechanisms. Yet across these different pathways, the central question remains the same: how can a legal system respond to juvenile offending without reducing the child either to an object of punishment or to a passive beneficiary of abstract protection?

From this comparative analysis, Indonesia emerges as the most conceptually significant case, not simply because it has institutionalised diversion and restorative justice, but because it reveals the possibility of a more dialogical relationship between state law, Islamic ethical principles, and local normative orders. The Indonesian experience suggests that child-centred justice in Muslim societies may be strengthened when community-based legitimacy and culturally embedded understandings of reconciliation are not excluded from legal imagination, but carefully reconstructed within a rights-sensitive framework. It is on this basis that this article advances Dumot Justice as its principal conceptual contribution: a restorative-pluralist model through which juvenile sanctioning may be reimagined as a process of principled restoration, combining victim protection, child rehabilitation, social accountability, and communal balance. In this sense, Dumot Justice offers more than a local insight. It provides a jurisprudential framework for thinking about how Muslim jurisdictions might move beyond the binary of punitive legality and informal compromise toward a more coherent, humane, and philosophically established model of juvenile justice.

Acknowledgment

The authors wish to extend their profound gratitude for the generous funding and institutional support that have been pivotal in completing this study and fostering further scholarly advancement in the field.

Conflict of Interest Statement

The authors declare that there is no conflict of interest regarding the publication of this article. The research was conducted independently without any commercial, financial, or personal relationships that could be construed as influencing the objectivity, integrity, or interpretation of the research findings.

Declaration of the use of AI

The authors declare that artificial intelligence (AI)-assisted tools were used solely to support language refinement, grammar checking, and improvement of manuscript readability during the preparation of this article. All conceptual development, data analysis, interpretation of findings, and final academic decisions remain entirely the responsibility of the authors. The authors have carefully reviewed and validated all contents to ensure the accuracy, originality, and academic integrity of the manuscript.

Funding Statement

This research is funded by *The Indonesian Education Scholarship* (Beasiswa Pendidikan Indonesia), *The Higher Education Funding and Assessment Center* (Pusat



Pembiayaan dan Asesmen Pendidikan Tinggi), *The Ministry of Higher Education, Science, and Technology of Republic Indonesia* (Kementerian Pendidikan Tinggi, Sains dan Teknologi Republik Indonesia) and *The Indonesian Endowment Fund for Education* (Lembaga Pengelola Dana Pendidikan).

Credit of Author Statement

Julisa Aprilia Kaluku contributed to the conceptualization of the study, comparative research design, data analysis, manuscript drafting, and overall coordination of the research project. **Nurini Aprilianda** contributed to methodological development, construction of the theoretical framework, interpretation of findings, supervision of the legal analysis, and substantive revision of the manuscript. **Prija Djatmika** contributed to the development of the analytical framework, examination of juvenile justice policies, validation of findings, and critical review of the manuscript. **Alfons Zakaria** contributed to theoretical analysis, comparative legal interpretation, manuscript editing, and academic proofreading of the article. **Fatiha Gourari** contributed to the international comparative perspective, refinement of the restorative justice framework, final review of the manuscript, and language editing. All authors contributed substantially to the study, read and approved the final manuscript, and agreed to be accountable for all aspects of the work.

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