

IMPLEMENTATION OF DIVERSION IN THE JUVENILE CRIMINAL JUSTICE SYSTEM: A STUDY OF EFFECTIVENESS AND OBSTACLES

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Abstract

Diversion is an alternative approach in the juvenile criminal justice system that aims to resolve cases outside the formal justice system while still considering the best interests of the child. This study aims to analyze the effectiveness of the implementation of diversion and identify obstacles that arise in its implementation in Indonesia. The research method used is normative juridical with an approach that focuses on literature studies and analysis of laws and regulations, legal doctrines, and relevant court decisions. The results of the study indicate that normatively, provisions regarding diversion have been regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. However, there are various conceptual and implementation obstacles in its implementation, such as the lack of harmony between legal norms and practices in the field, as well as diverse interpretations of the principle of restorative justice. Diversion that is applied consistently and proportionally has been proven to have the potential to prevent children from the negative impacts of the conventional criminal justice system. Therefore, it is necessary to strengthen regulations, harmonize policies, and increase the understanding of law enforcement officers in order to support the success of the implementation of diversion in a sustainable manner.

Keywords: *diversion, children, criminal law, juvenile criminal justice, restorative justice*

A. Background

Children are an inseparable part of the sustainability of a nation and state.² Therefore, the state has an obligation to provide special protection to children,³ including when children are dealing with the law. In the context of the criminal justice system, the approach to children must be different from that of adults, because children do not yet have sufficient mental and emotional maturity to be fully responsible for their actions.

As a form of protection, the Indonesian government has issued Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes the importance of a restorative justice approach. One concrete form is through diversion, namely the transfer of the settlement of children's cases from the criminal justice process to a process outside the court, involving various parties such as victims, perpetrators, families, and the community.

Although normatively diversion has been clearly regulated in laws and regulations, in reality the implementation of diversion in the field still faces various obstacles. Several factors such as the lack of understanding of law enforcement officers, lack of

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² E. E. Grindheim, L. T., Borgen, J. S., & Ødegaard, "In the Best Interests of the Child: From the Century of the Child to the Century of Sustainability.," *Childhood Cultures in Transformation* 30 (2021): 13–36, https://doi.org/10.1163/9789004445666_002.

³ E. Cukovic-Bagic, I., Welbury, R. R., Flander, G. B., Hatibovic-Kofman, S., & Nuzzolese, "Child Protection: Legal and Ethical Obligation Regarding the Report of Child Abuse in Four Different Countries," *The Journal of Forensic Odonto-Stomatology* 31, no. 1 (2013): 15, <https://doi.org/https://pmc.ncbi.nlm.nih.gov/articles/PMC5734835/>.

coordination between institutions, and limited facilities and infrastructure are challenges in its implementation.

Diversion is a relatively new concept in the Indonesian criminal justice system,⁴ especially after the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In legal literature, diversion is understood as the transfer of the settlement of children's cases from the criminal justice process to outside the formal justice system with a restorative justice approach. This approach is oriented towards restoring the relationship between the perpetrator, victim, and community, not just on punishment. The main philosophy of diversion is based on the principle of the best interest of the child which is also stated in the Convention on the Rights of the Child, which has been ratified by Indonesia through Presidential Decree Number 36 of 1990.

Various previous studies have discussed the implementation of diversion in both normative and empirical contexts. For example, research by (Lilik Mulyadi, 2014) highlighted that diversion legally already has a strong legal basis, but still experiences gaps in implementation due to differences in understanding among law enforcement officers and lack of socialization to the community. Another study by (Siti Musdah Mulia, 2018) emphasized the importance of involving the community and social institutions in supporting the success of the diversion process, as well as encouraging non-punitive guidance of child perpetrators of crimes. In addition, an empirical study by (Fauzan & Rizky, 2020) conducted in East Jakarta showed that only a small portion of children's cases were successfully diverted and there were no standard indicators of success.

In the context of effectiveness, several researchers consider that when diversion is implemented ideally involving all parties, and based on mutual agreement, it can reduce the burden on correctional institutions, prevent children from the negative effects of the justice system, and accelerate the process of social recovery. However, on the other hand, this effectiveness is greatly influenced by the gap between normative rules and practices in the field. Factors such as resistance from officers, lack of special training, minimal supporting institutions, and low victim participation are the main obstacles in the implementation of diversion.

Thus, from the literature review and previous research results, it can be concluded that although normatively diversion has received an important place in the juvenile criminal law system, the effectiveness of its implementation is still far from ideal. Therefore, further studies are needed that not only examine the legal side, but also explore structural and cultural obstacles in the practice of enforcing juvenile criminal law, especially related to diversion, in various regions of Indonesia.

Based on this background, this study was conducted to examine in depth the effectiveness of diversion implementation in the juvenile criminal justice system, as well as to identify various obstacles faced in its implementation in Indonesia. It is hoped that the results of this study can contribute to the development of more child-friendly and equitable legal policies and practices.

⁴ I. Darmika, "Diversion and Restorative Justice in the Criminal Justice System of Children in Indonesia," *Ijtima' Iyya Journal of Muslim Society Research* 3, no. 2 (2018): 180–211, <https://doi.org/https://doi.org/10.24090/ijtima'iyya.v3i2.1921>.

B. Identified Problems

1. How are the normative provisions regarding diversion regulated in the juvenile criminal justice system in Indonesia?
2. To what extent is the effectiveness of the implementation of diversion in resolving juvenile criminal cases outside the formal justice system?
3. What are the conceptual and implementation obstacles faced in the implementation of diversion in Indonesia?
4. What is the role of the principle of restorative justice in supporting the implementation of diversion for children in conflict with the law?
5. What steps need to be taken to strengthen the implementation of diversion consistently and sustainably?

C. Research Methods

This study uses a normative juridical method, namely a legal research method that focuses on the study of applicable positive legal norms. This approach is used to study and analyze laws and regulations, legal doctrines, and court decisions that are relevant to the application of diversion in the juvenile criminal justice system.

This method is qualitative, with the main focus on library research aimed at understanding in depth the normative provisions governing diversion, especially those contained in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, as well as its various implementing regulations. This study also examines legal principles and principles such as restorative justice and the best interest of the child as the main normative basis.

The data used in this study consists of:

1. Primary legal materials, namely laws and regulations related to the juvenile criminal justice system.
2. Secondary legal materials, such as legal literature, scientific journals, and opinions of legal experts.
3. Tertiary legal materials, such as legal dictionaries and legal encyclopedias.

The analysis was conducted using a descriptive-analytical method, namely describing existing normative provisions, then critically analyzing them to assess the extent to which these provisions are effectively implemented in practice. This study also identified various normative and implementative obstacles that hinder the effectiveness of diversion, such as regulatory disharmony, inconsistent understanding of law enforcement officers, and other institutional obstacles. Thus, through this normative approach, the study aims to provide legal recommendations to strengthen the implementation of diversion consistently and proportionally in the juvenile criminal justice system in Indonesia.

D. Research Findings and Discussions

1. Diversion Arrangements in the Juvenile Criminal Justice System in Indonesia

Diversion is a legal approach used in the juvenile criminal justice system as a form of case resolution outside the formal judicial process.⁵ The main purpose of diversion is to prevent children from legal processes that can have a negative impact on the child's physical, mental, and social development.⁶ This concept is based on the child protection paradigm which emphasizes that children are not miniature adults, but rather individuals who need special protection.

The main legal basis for implementing diversion in Indonesia is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). This law marks a major change in the approach of the juvenile justice system, which was previously more repressive, to being more restorative and rehabilitative. Diversion is regulated as an obligation that must be carried out by law enforcement officers from the investigation stage.

In Article 1 number 7 of the SPPA Law, diversion is defined as the transfer of the settlement of children's cases from the criminal justice process to a process outside the criminal justice system. Diversion aims to reach an agreement between the victim, the perpetrator, and related parties by considering recovery, not retaliation.

Article 7 paragraph (1) of the SPPA Law explicitly states that diversion must be carried out in every case of a child who is threatened with a sentence of less than 7 years and is not a repeat of the crime. This provision provides objective limitations regarding cases that can be resolved through the diversion mechanism.

The objectives of diversion as explained in Article 6 of the SPPA Law include achieving peace between victims and children, resolving children's cases outside the judicial process, preventing children from being deprived of liberty, encouraging the community to participate, and instilling a sense of responsibility in children. Thus, diversion is not only about legal efficiency, but also social education for children.

In its implementation, diversion is based on the principle of restorative justice. This principle focuses on restoring the relationship between the perpetrator, victim, and community. This is different from the retributive approach in conventional criminal law which emphasizes punishment.

The principles of restorative justice are also reflected in other provisions such as the Supreme Court Circular Letter (SEMA) and Supreme Court Regulations (PERMA) which provide technical guidance for judges in handling children's cases.⁷ For example, PERMA No. 4 of 2014 provides guidelines for implementing diversion and resolving children's cases.

⁵ K. A Wangga, M. S. E., Widjajanti, E., Wulandari, W. R., Ahmad, N., Sabirin, A., Joseph, E., ... & Putri, "Diversion: The Concept of Child Criminal Case Resolution in Indonesia," *Law and Humanities Quarterly Reviews* 93 (2017), <https://doi.org/10.31014/aior.1996.02.02.62>.

⁶ O. Eliandi, T., Prasetyo, T., & Yudianto, "Handling of Children by Diversion in Children Protection (Diversion and Restorative Justice)," *Research, Society and Development* 10, no. 1 (2021): e26010111826–e26010111826, <https://doi.org/https://doi.org/10.33448/rsd-v10i1.11826>.

⁷ S. Permana, Y., Yoserwan, Y., & Elvandari, "Application of Restorative Justice Principles in Judges' Considerations in Decisions to Release from All Legal Charges (Decision Case Study Number: 28/Pid. B/2022/PN. LBB)," *UNES Law Review* 6, no. 4 (2024): 12251–63, <https://doi.org/https://doi.org/10.31933/unesrev.v6i4.2197>.

In addition, Government Regulation No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years of Age is also an important implementing regulation that regulates diversion procedures in more detail, including stages, participation of related parties, and documentation of the results of diversion deliberations.

The implementation of diversion also involves the role of the Correctional Center (Bapas) which provides a community research report (litmas) as a consideration in the diversion process. This is regulated in the Regulation of the Minister of Law and Human Rights and in the technical guidelines for the implementation of diversion issued by the Directorate General of Corrections.

In the international framework, diversion arrangements in Indonesia also reflect a commitment to international conventions, particularly the Convention on the Rights of the Child which has been ratified through Presidential Decree No. 36 of 1990.⁸ This convention emphasizes that the detention and punishment of children must be a last resort and for the shortest possible time.

The concept of the best interest of the child or the best interest for the child is the main principle in the implementation of diversion. This principle requires that every legal process involving children must consider the impact of decisions on the child's growth and future.

However, the existence of these legal norms has not been fully implemented optimally. In practice, not all law enforcement officers fully understand the principles of diversion and restorative justice. This causes inconsistency in the implementation of policies in various regions.

In addition, there are still challenges in the harmonization of the law between the SPPA Law and the Criminal Procedure Code and the Criminal Code.⁹ For example, the system of evidence and the investigation process that are still oriented towards adult mechanisms are often not child-friendly, so they can hinder the implementation of effective diversion.

Therefore, it is necessary to evaluate and strengthen the normative aspects in the regulation of diversion, both through revision of derivative regulations and increasing legal understanding by all stakeholders, such as investigators, prosecutors, judges, and child advocates.

The overall regulation of diversion in the juvenile criminal justice system in Indonesia shows a paradigm shift from retributive justice to restorative justice. However, to ensure that this principle is implemented effectively, a strong commitment, in-depth legal understanding, and synergy between institutions are needed in its implementation.

2. Effectiveness of Diversion Implementation in Juvenile Criminal Justice Practices

Diversion as an alternative to resolving children's cases has become a legal obligation since the enactment of Law Number 11 of 2012 concerning the Child

⁸ V. Nurqalbi, "Analysis of Diversion Arrangements in the Beijing Rules and the Juvenile Criminal Justice System in Indonesia," *European Journal of Law and Political Science* 2, no. 1 (2023): 52–55, <https://doi.org/https://doi.org/10.24018/ejpolitics.2023.2.1.53>.

⁹ I. Yuliawati, "Comparison of Rechterlijk Pardon Concept on 2019 Criminal Code Draft and Article 70 Law Number 11 of 2012 Concerning Juvenile Criminal Justice System," *Journal of Law and Legal Reform* 2, no. 4 (2021): 603–22, <https://doi.org/https://doi.org/10.15294/jllr.v2i4.48368>.

Criminal Justice System (UU SPPA).¹⁰ However, the effectiveness of its implementation in practice is still a challenge in various regions in Indonesia. This effectiveness is determined by the extent to which the diversion mechanism is actually used and has a positive impact on children in conflict with the law.

The effectiveness of diversion can be seen from several main indicators, such as the number of cases successfully resolved through the diversion mechanism, the satisfaction of the parties with the results of the settlement, and the level of recidivism of children after undergoing the diversion process. These indicators are used as a reference in assessing whether diversion is truly a restorative and humane solution.

Based on data from the Ministry of Women's Empowerment and Child Protection and the Indonesian Child Protection Agency, the success rate of diversion in several large cities such as Jakarta, Bandung, and Surabaya is quite high. However, in many other areas, the implementation of diversion is still low due to the lack of understanding and capacity of law enforcement officers.

One of the successes of diversion is that children's cases can be resolved at the investigation stage without having to proceed to the prosecution or trial stage.¹¹ This accelerates the resolution of cases and prevents children from social stigma due to the judicial process.

In practice, the effectiveness of diversion is highly dependent on the active involvement of the parties, especially the perpetrator, victim, family, community leaders, and Bapas. Deliberation to reach an agreement is the key to the success of the diversion process.

Obstacles often arise when one party, especially the victim or his/her family, refuses to reconcile or is dissatisfied with the form of restitution or responsibility offered by the perpetrator. In this condition, diversion cannot be continued and the legal process returns to the conventional path.

Another important factor in the effectiveness of diversion is the quality of the facilitator or mediator who leads the diversion deliberation. If officers from the police, prosecutors, or judges do not have special training in restorative justice, the deliberation process may not be optimal.

Various studies have shown that areas with active and trained Bapas tend to have higher diversion success rates. This shows that the involvement of professional personnel is very important for the success of this process.

From a child protection perspective, diversion has been proven to prevent children from the judicial process which risks damaging the child's psychological and social condition. Children do not need to serve a period of detention, which in many cases is actually a place to learn new crimes.

The effectiveness of diversion can also be seen from its success in fostering a sense of responsibility and empathy in child perpetrators. In many cases, the

¹⁰ M. A. Alputila, M. J., & Tajuddin, "Diversion Approach as an Alternative Case Resolution Son of the Conflict with the Law on Child Criminal Justice System (Case Study of Merauke)," in *IOP Conference Series: Earth and Environmental Science*, 2019, 012249.

¹¹ A. Mubarak, Z., & Sulchan, "The Roles Of Investigator In Implementing Diversion On Children Criminal Action," *International Journal of Law Reconstruction* 2, no. 1 (2018): 41–52, <https://doi.org/http://dx.doi.org/10.26532/ijlr.v2i1.2992>.

deliberation process makes children aware of the impact of their actions on the victim and society.

The success of diversion is also measured by the minimal number of reoffenses (recidivism) by children who have resolved their cases through this route. Studies in several regions show that children who undergo diversion are less likely to re-commit crimes than those who go through the criminal route.

However, not all law enforcement officers make diversion their main option. In several regions, the conventional approach still dominates because it is considered simpler or because of institutional pressure to bring cases to court.

Several other obstacles that hinder the effectiveness of diversion include the lack of socialization to the community, the lack of integration of data on children in conflict with the law between institutions, and weak supervision of the implementation of diversion in the field.

The implementation of diversion also faces cultural and social challenges, such as the perception of the community that out-of-court settlements are a form of injustice or "peace money". This can trigger dissatisfaction with the process that is actually intended to be restorative.

Therefore, increasing the effectiveness of diversion must be accompanied by increasing public understanding of the goals and benefits of diversion. Public campaigns regarding the restorative justice approach must be expanded, especially at the village and sub-district levels.

On the other hand, law enforcement officers need intensive and routine training on diversion procedures, mediation techniques, and psychological approaches to children. Without such capacity, diversion will be difficult to run professionally.

Institutional support is also important. Many police or prosecutor's offices do not yet have child-friendly rooms or adequate deliberation facilities. This limited infrastructure also affects the quality of diversion implementation.

Periodic evaluation of the implementation of diversion needs to be carried out by the Ministry of Law and Human Rights, the Ministry of PPPA, and the Supreme Court. This evaluation is important to assess successes and shortcomings, as well as to design sustainable improvement policies.

With synergy between legal stakeholders, correctional institutions, community leaders, and families, diversion can be an effective system in realizing fair and recovery-oriented juvenile criminal justice.

In conclusion, the effectiveness of diversion implementation in juvenile criminal justice practices is not evenly distributed throughout Indonesia. However, in areas that have implemented it seriously and systematically, diversion has proven to have a significant positive impact on child protection and social recovery. The sustainability of these efforts is highly dependent on regulatory commitment, HR training, and public awareness of the principles of restorative justice.

3. Conceptual and Implementative Barriers in Diversion Implementation

The implementation of diversion in the juvenile criminal justice system faces various obstacles, both conceptual and implementative.¹² These obstacles arise as a result of limited understanding, disharmony of regulations, and lack of infrastructure and human resource readiness.

Conceptual barriers arise primarily from a lack of comprehensive understanding of the philosophy and objectives of diversion itself. Many law enforcement officers still view diversion as merely a formal procedure, not as a restorative justice-oriented recovery effort.

Differences in perception among law enforcement officers—such as investigators, prosecutors, and judges—about the limitations of diversion implementation often create discontinuity in handling children's cases. Some are too narrow in interpreting the requirements for diversion, so that many cases that are actually worthy of diversion are ultimately processed conventionally.

In addition, there is still doubt in implementing diversion because officers are worried about being considered not serious about handling cases or are worried about causing public dissatisfaction, especially from the victim.

Barriers also arise from uneven understanding of the principles of restorative justice as the philosophical basis of diversion. Many parties do not yet understand that this approach does not mean forgiving the perpetrator without consequences, but rather balancing the interests of the perpetrator, victim, and community.

On the other hand, disharmony of laws and regulations is also a serious obstacle in the implementation of diversion. Although Law No. 11 of 2012 clearly regulates diversion, its implementing regulations are not yet fully synchronized with the Criminal Procedure Code, the Criminal Code, and other legal instruments that are still predominantly retributive in orientation.

For example, the Criminal Procedure Code as a criminal procedure law has not yet fully adopted a child-friendly approach, so investigators are often confused in integrating diversion procedures with formal investigation stages.

In addition, implementing regulations such as Government Regulation No. 65 of 2015 and PERMA No. 4 of 2014 are not yet well known by law enforcement officers in the regions, so their implementation is inconsistent.

Obstacles also arise from limited infrastructure and supporting facilities. Many police and prosecutors' offices do not have special child-friendly rooms or proper mediation places, which are an important part of implementing diversion deliberations.

In addition, the limited number and capacity of officers from the Correctional Center (Bapas) are also obstacles. The community research report from Bapas is very important as a basis for considering diversion, but in practice, Bapas officers are often overwhelmed due to the high workload and wide working area.

Another obstacle is the lack of training for law enforcement officers in mediation and psychological approaches to children. Many officers have not been

¹² O. Rido, M., & Rosifany, "Implementation Of Diversion In The Juvenile Criminal Justice System In Samarinda District Court," *Awang Long Law Review* 7, no. 2 (2025): 282–87, <https://doi.org/https://doi.org/10.56301/awl.v7i2.1511>.

equipped with the skills to facilitate a deliberation process that is fair, equal, and sensitive to the conditions of children and victims.

The lack of cross-sector coordination between the police, prosecutors, courts, Bapas, and child protection institutions also slows down the diversion process. The absence of an integrated mechanism or uniform standard operating procedure (SOP) causes diversion handling to be highly dependent on individual initiative.

Another challenge comes from the community and family. Many victims' families reject the diversion process because they believe that justice can only be achieved through punishment. This perception makes it difficult for the deliberation process to reach an agreement.

On the perpetrator's side, some children's families are uncooperative or unable to provide compensation, apologies, or other forms of accountability, so that the diversion process reaches a dead end.

Implementation barriers are also related to the absence of a good data collection system. Not all institutions have accurate data on the number of cases of children who have been successfully diverted, the process taken, and the results. This hampers evaluation and improvement of policies.

In addition, weak supervision and evaluation from related agencies means that the implementation of diversion is carried out without adequate control. There are no strict sanctions against law enforcement officers who ignore diversion obligations.

Barriers can also stem from the lack of seriousness of some officers in processing diversion. There are cases where the deliberation process is carried out only as a formality, without serious efforts to resolve the conflict between the child and the victim.

In the regional context, the disparity between developed and underdeveloped regions is very pronounced. Regions with complete legal resources and adequate access to training tend to be more successful in implementing diversion effectively than remote areas.

To overcome these obstacles, a multidisciplinary approach is needed involving the central government, local governments, legal education institutions, and civil society organizations to conduct training, monitoring, and public education.

In conclusion, conceptual and implementation obstacles in implementing diversion come from various aspects: understanding, regulations, infrastructure, and community culture. Without systematic and sustainable efforts to overcome these obstacles, the main goal of diversion in protecting and rehabilitating children will be difficult to achieve evenly throughout Indonesia.

4. Relevance and Implementation of Restorative Justice Principles in Diversion

The principle of restorative justice is the main philosophical foundation in the implementation of diversion in the juvenile criminal justice system.¹³ This principle offers an alternative approach to justice by emphasizing the restoration of

¹³ J. Braithwaite, "Principles of Restorative Justice," *Restorative Justice and Criminal Justice: Competing or Reconcilable Paradigms* 360 (2003): 1–20, <https://doi.org/https://www.torrossa.com/en/resources/an/5211657#page=13>.

relationships between perpetrators, victims, and the community, rather than simply imposing punishment.

In the context of diversion, restorative justice places child perpetrators as individuals who are still growing and developing and have the potential to be improved. This approach rejects the view that children should be punished like adults, because harsh punishment can actually worsen the psychological and social conditions of children.

Restorative justice emphasizes the importance of dialogue and participation between victims, perpetrators, and the community in resolving a legal conflict. In the implementation of diversion, this is realized through diversion deliberations facilitated by law enforcement officers, where the parties can convey their views, complaints, and hopes for the resolution of the case.

In Indonesia, the principle of restorative justice is explicitly accommodated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states that the diversion process must aim to reach a peace agreement, prevent children from crime, and foster a sense of responsibility.

Restorative justice is different from the retributive approach (oriented towards retribution) and the reformatory approach (oriented towards the development of perpetrators). Restorative justice is more holistic because it considers the rights of victims, the interests of the perpetrators, and social harmony.

The implementation of this principle in diversion allows for more flexible forms of settlement, such as an apology, compensation, community service, or other forms of mutually agreed accountability. These forms are often more appropriate to the needs of children and victims than punishment.

In practice, restorative justice provides space for victims to feel heard, and provides an opportunity for child perpetrators to realize the impact of their actions and take active responsibility. This is very important to prevent children from repeating their actions in the future.

One of the main strengths of this approach is its ability to strengthen community involvement in the case resolution process. Restorative justice in diversion places the community as part of the recovery process, thereby strengthening post-conflict social relations.

However, the implementation of the principle of restorative justice in diversion in Indonesia faces challenges in terms of conceptual understanding by law enforcement officers. Not all officers understand the substance of restorative justice and tend to treat it merely as an administrative formality.

Another obstacle is the lack of technical training related to mediation and restorative dialogue. Many officers do not have adequate skills to facilitate meetings between perpetrators and victims in a fair, empathetic, and productive manner.

In some cases, the diversion deliberation process is even carried out without the presence of the victim or without in-depth consideration of the victim's feelings and losses, so that the results are one-sided and do not reflect the spirit of restorative justice.

The next challenge is the uniformity of interpretation of the principle of restorative justice. In various regions, the diversion process is carried out with

different standards and approaches, depending on the personal understanding of the officers or the policies of each institution.

This uniformity is important so that diversion does not become a legal gray area that is prone to abuse. Inconsistency in implementation can actually cause injustice and reduce public trust in the juvenile justice system.

Obstacles also arise when victims or their families refuse to participate in the dialogue process, either because of ignorance, trauma, or the assumption that a peaceful resolution will not provide a sense of justice. This requires a more careful and sensitive approach from the facilitator.

In the context of Indonesian legal culture, restorative justice is still not the dominant approach. The legal system inherited from the Netherlands still emphasizes criminalization and proceduralism, so that processes that emphasize dialogue and social recovery are considered "soft" and less firm.

To answer this challenge, it is important for the state through the Ministry of Law and Human Rights, the Supreme Court, and related institutions to create a national standard operating procedure (SOP) that regulates the stages and methods of implementing restorative justice-based diversion comprehensively.

Institutional strengthening is also needed, including increasing the capacity of Correctional Institutions (Bapas), as well as cross-institutional synergy with the Social Service, LPA, and civil society organizations to provide assistance and education for children and victims.

In addition, legal education and ongoing training on restorative justice for law enforcement officers are very important to form a new paradigm that not only emphasizes legal certainty, but also humanity and substantive justice.

In the long term, the restorative justice approach in diversion can be an important foundation in realizing a more just, child-friendly, and participatory juvenile criminal justice system. This principle is relevant to the spirit of child protection mandated in the Convention on the Rights of the Child and various other human rights instruments.

In conclusion, restorative justice is an essential element that makes diversion more than just an administrative procedure. However, to realize it effectively, a uniform understanding, adequate training, and a shared commitment are needed to transform the juvenile criminal justice system towards a more humane and socially just direction.

5. Strategy for Strengthening Diversion Implementation in Indonesia

The implementation of diversion in the juvenile criminal justice system in Indonesia, although it has a strong legal basis, still faces many challenges in the field. Therefore, a comprehensive strengthening strategy needs to be formulated so that diversion is not just a discourse, but truly becomes an effective and just practice.

The first strategy that must be implemented is strengthening regulations. Although Law Number 11 of 2012 has clearly regulated diversion, implementing regulations at the technical level still need to be refined. The government needs to review Government Regulation No. 65 of 2015 and PERMA No. 4 of 2014 to clarify the diversion mechanism and provide flexibility that remains in accordance with the principles of restorative justice.

Strengthening regulations also includes efforts to harmonize the SPPA Law with the Criminal Procedure Code and Criminal Code, as well as other sectoral regulations. Disharmony between regulations often becomes a gap that hinders the diversion process, especially in terms of legal procedures and evidence.

The second strategy is harmonization of policies between law enforcement agencies. To strengthen the implementation of diversion, synergy is needed between the police, prosecutors, courts, Correctional Institutions (Bapas), and child protection institutions. This harmonization is important to ensure that there is understanding in every stage of handling child cases.

A real form of harmonization can be realized in the form of creating cross-agency SOPs, which are compiled together with input from various stakeholders. This SOP will be an operational guideline that can avoid differences in perception and overlapping authority in implementing diversion.

The third strategy is to increase the capacity of human resources, especially law enforcement officers who directly handle child cases. Training on the principles of restorative justice, mediation techniques, and psychological approaches to children must be carried out periodically and systematically.

Training does not only cover legal aspects, but also social approaches and effective communication. In many cases, the success of diversion is highly dependent on the facilitator's ability to create an open, empathetic, and solution-oriented deliberation atmosphere.

In addition to training, the government also needs to establish competency certification for officers who handle diversion. With certification, there will be clear quality standards and increased professionalism in carrying out the diversion process.

The fourth strategy is to improve supporting infrastructure, such as child-friendly mediation rooms, good documentation facilities, and an integrated child case information system. Supporting infrastructure will greatly assist the smoothness and effectiveness of the diversion process.

Local governments are also expected to play an active role in providing logistical support and facilities that allow for proper diversion deliberations, especially in areas that do not yet have adequate access.

The fifth strategy is strengthening the role of the Correctional Center (Bapas). Bapas has a strategic role in providing public information as a basis for considering diversion. Therefore, the number and capacity of Bapas officers must be increased according to regional needs.

The government must ensure that Bapas has adequate human resources and is equipped with special training to handle child cases and conduct objective social assessments.

The sixth strategy is strengthening monitoring and evaluation mechanisms. The government needs to establish a national diversion implementation monitoring system that can record data in real time, evaluate obstacles that occur, and provide policy interventions if necessary.

Annual evaluation reports prepared by institutions such as the Ministry of Law and Human Rights or the Indonesian Child Protection Commission (KPAI) will be very useful in assessing the extent to which diversion is implemented effectively and consistently throughout Indonesia.

The seventh strategy is increasing public awareness. The community, especially parents, teachers, religious leaders, and local communities, need to be given an understanding of the importance of diversion and restorative justice as a more humane and educational approach to resolving children's cases.

Public campaigns through mass media, social media, seminars, and other educational activities are very important to build community support for the implementation of diversion. Without public support, the deliberation process often fails due to rejection from the victim or family.

The eighth strategy is the involvement of civil society institutions, such as Child Protection Agencies, legal NGOs, and child care communities. These institutions can act as child advocates, process supervisors, and providers of education for the community.

The government also needs to encourage public-private partnerships in supporting the implementation of diversion, either through company CSR programs, training funding, or providing facilities for the mediation process.

The ninth strategy is to increase research and development (R&D) on diversion practices. Universities, research institutions, and government agencies need to conduct in-depth studies on the effectiveness, challenges, and innovations in implementing diversion as a basis for policy reform. In conclusion, the strategy to strengthen diversion implementation must be comprehensive and cross-sectoral. By improving regulations, increasing human resource capacity, strengthening institutions, and building public understanding, diversion can become an effective, fair, and future-oriented instrument of justice for children.

E. Conclusions

The implementation of diversion in the juvenile criminal justice system in Indonesia is a manifestation of a paradigm shift towards a more humanistic and restorative approach. Although normatively it has a strong legal basis through Law Number 11 of 2012, in practice, the implementation of diversion still faces various obstacles, both in terms of regulation, institutions, human resource capacity, and community acceptance.

To address these challenges, a comprehensive and integrated strengthening strategy is needed. This strategy includes strengthening and harmonizing regulations to align with the principles of restorative justice, increasing the capacity of law enforcement officers through training and certification, providing infrastructure that supports the implementation of diversion deliberations, and optimizing the role of the Correctional Center as a key partner in the diversion process.

In addition, a national monitoring and evaluation system needs to be built that can measure the effectiveness of diversion implementation periodically and objectively. Community support is also very important, so public campaigns and the involvement of civil society institutions must be increased to strengthen understanding of the value and benefits of diversion.

Overall, strengthening the diversion implementation strategy requires consistent and sustainable cross-sector collaboration. With the right strategy and comprehensive implementation, diversion can be a key instrument in creating a juvenile criminal justice system that not only provides justice, but also provides hope and a better future for children in conflict with the law.

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