



LEGAL PROTECTION FOR CHILDREN THROUGH DIVERSION MECHANISM IN CRIMINAL JUSTICE

Mohammad Habibullah, Rio Saputra, Sarwo Waskito

Universitas Sunan Giri Surabaya

correspondence: mohammadhabibullah@gmail.com

Abstract

This study analyzes the diversion policy in the juvenile criminal justice system based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and its implementation in judicial practice in Indonesia. A normative juridical approach is utilized through literature study of primary, secondary, and tertiary legal materials. The results of the study indicate that diversion is the transfer of the settlement of juvenile cases from formal judicial channels to out-of-court settlement channels using a restorative justice approach. The implementation of diversion involves the police, prosecutors, judges, community advisors, as well as victims and their families. The application of diversion still faces obstacles in the form of a lack of understanding among law enforcement officials, weak inter-agency coordination, and limited victim support. Enhancing the capacity of law enforcement officials, strengthening coordination, and conducting public socialization are necessary to improve the effectiveness of the diversion policy as an instrument of legal protection for children.

Keywords: diversion, restorative justice, juvenile criminal justice, child protection, juvenile justice system.

Introduction

The juvenile criminal justice system in Indonesia has undergone a significant paradigm shift, moving from a retributive approach toward one that is more humane and oriented toward recovery. This shift is driven by the recognition that children who commit criminal acts have characteristics and needs different from adult offenders, requiring special treatment throughout the legal process they face. Children in conflict with the law are at a psychological and social developmental stage that remains vulnerable, so a harsh and stigmatizing formal judicial process can damage their future. Stigma and discrimination experienced by children who come into contact with the legal system can affect their psychological wellbeing well beyond the duration of the case itself (Udjari et al., 2021). The state is obligated to provide special protection for children, including in criminal justice proceedings, as mandated by the constitution and various national and international legal instruments (Purba et al., 2025). This obligation becomes more pressing when access to protection and legal assistance is unevenly distributed, since disparities in access tend to leave the most vulnerable children further behind (Rojak & Khayru, 2022). A legal approach is therefore needed that can balance the interests of justice for victims with the protection of the rights of children as offenders.

One form of legal protection for children in conflict with the law is the application of a diversion policy within the juvenile criminal justice system. Diversion is the transfer of a child's case from the formal criminal justice process to a resolution process outside the court through a restorative justice approach. Its main purpose is to keep children away from the negative stigma attached to formal judicial proceedings and to give them the opportunity to undergo rehabilitation and recovery without having to serve a prison sentence. This approach emphasizes resolving cases through deliberation involving the child, the victim, the family, and society, so as to reach an agreement that benefits all parties (Kartikasari & Subekti, 2025). This is consistent with the view that diversion should be paired with a structured development and social reintegration process, so that children are not merely diverted from court but also guided back into a productive social role (Utama et al., 2024). Such guidance requires the involvement of educational institutions

capable of shaping discipline and a sense of responsibility in children through a consistent, adaptive approach (Rozikin et al., 2023). Diversion thus becomes an important instrument in realizing protection and justice for children in conflict with the law.

Although diversion has been regulated in legislation, its implementation in practice still faces significant obstacles. Evidence in the field shows that not all child cases can be resolved through the diversion mechanism, whether due to limited human resources, a lack of understanding among law enforcement officers regarding the diversion mechanism, or a lack of support from victims and society. Weak regulatory effectiveness in guaranteeing children's access to protection, much like the uneven access to education and health services experienced by children from low-income households, tends to widen the gap between policy and practice (Suwito et al., 2021). Officers tasked with implementing diversion also often work under considerable organizational pressure, a burden similar to what school leaders face in managing competing institutional demands, which can push the process to be handled hastily rather than deliberately (Saputra et al., 2023). There are also differences in interpretation among law enforcement officers regarding the criteria for cases that can be resolved through diversion, which has the potential to create disparities in the application of this policy (Jahri et al., 2024). This condition results in many children still having to undergo a lengthy formal judicial process with the potential to damage their future, even though their case could actually be resolved through diversion.

Another problem that arises in the application of diversion relates to the roles and coordination among law enforcement officers in carrying out the process. Diversion involves various parties, from the police at the investigation stage, the prosecutor's office at the prosecution stage, to judges at the trial stage, each holding different authority and responsibility. Coordination among these institutions tends to run more smoothly when their internal structures are flexible enough to adjust to a case's specific circumstances rather than follow a single rigid procedure (Darmawan & Mardikaningsih, 2023). A lack of coordination and communication among law enforcement officers often causes the diversion process to run less than optimally, so many child cases that

should be resolved through diversion continue to the formal judicial process (Ramdhan & Pohan, 2025). This is also related to the level of commitment among officers themselves, since positive psychological engagement with their work tends to make them more willing to pursue restorative solutions rather than default to routine procedure (Darmawan & Mardikaningsih, 2022). An inadequate understanding among law enforcement officers of the principles of restorative justice is also an obstacle in implementing diversion, as they tend to still rely on a punitive approach in handling child cases.

Social environmental factors and the age of the child are important considerations in the application of diversion, as both greatly affect a child's behavior and level of responsibility for the act committed. Children who are underage and situated in an unsupportive social environment tend to be more prone to involvement in criminal acts, requiring a more educational and rehabilitative legal approach. The role of parents in this environment is significant, since parental education level and time constraints in daily life often shape how closely children's activities and learning are supervised (Warin, 2025). The diversion process gives children the opportunity to take responsibility for their actions without bearing a prolonged burden of stigma, and provides room for them to improve themselves through coaching and mentoring programs (Ramdhan & Pohan, 2025). Character and moral guidance delivered through accessible educational channels, including those operating in digital spaces, can also serve as a complementary means of shaping children's behavior, provided such channels are managed ethically and remain mindful of the barriers children may face in reaching them (Rifaed et al., 2024). Diversion functions as an alternative resolution to a case and, more importantly, as a means of education and coaching for children so that they do not repeat their actions in the future.

Criminal accountability for children within the Indonesian legal system is specifically regulated with due regard to aspects of protection and civilized justice. The principles of protection, justice, non-discrimination, the best interests of the child, respect for the child's voice, and the survival and development of the child form the basis for implementing the juvenile criminal justice system. The coaching and

guidance process must be proportionally adjusted, and the use of punishment as a last resort must be carefully considered (Dianto et al., 2025). Public understanding of these principles still needs to be broadened, and disseminating information on children's rights and protection through accessible media channels can help build wider awareness of why children require differentiated treatment before the law (Darmawan & Fajar, 2024). This approach aims to avoid retaliatory punishment and ensure that the juvenile justice process upholds justice while guaranteeing the overall protection and development of the child. The juvenile criminal justice system must remain fundamentally different from the criminal justice system for adults.

Determining the type of criminal offense suitable for resolution through diversion requires comprehensive legal and social consideration. Offenses with a maximum sentence threat of one year become a priority for diversion, while offenses with a sentence threat of between one and five years can be considered for diversion under certain conditions. The age of the offender is an important factor, since the younger the offender, the more urgent the application of the diversion principle becomes (Rustam & Wibawa, 2025). External factors that influence a child's involvement in criminal acts increasingly reinforce the need to apply the principle of diversion (Abadiyah & Wibawa, 2024). Among these external factors, exposure to technology and its uneven effects on how children and their surroundings are treated can also shape the circumstances that lead a child toward or away from offending behavior (Darmawan, 2024). Losses caused by a child's criminal act that are material in nature, without leading to physical injury or death, the level of unrest caused in society, as well as the victim's consent and the offender's willingness, are additional considerations in determining whether a case is suitable for resolution through diversion.

Based on the description of the problems, this study aims to analyze the diversion policy in the juvenile criminal justice system based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and to examine its implementation in judicial practices in Indonesia. This research also aims to identify the obstacles faced in the implementation of diversion, from normative aspects, law enforcement officials, to social and community factors, as well as to formulate

recommendations to enhance the effectiveness of the diversion policy as an instrument of legal protection for children in conflict with the law. This research is expected to contribute to the development of the juvenile criminal justice system in Indonesia that is more responsive to the needs of child protection and rehabilitation.

Method

This research is a normative legal study examining written legal norms regulating the diversion policy within the juvenile criminal justice system. The data source used is secondary data obtained through literature research, including laws and regulations, court decisions, legal literature, and other legal documents relevant to the subject matter. The primary legal materials used as the main reference include Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Criminal Code, the Criminal Procedure Code, Law Number 23 of 2002 concerning Child Protection, Law Number 39 of 1999 concerning Human Rights, and Supreme Court Regulation Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System. Secondary legal materials in the form of scientific writings, scholars' opinions, and previous research results are utilized to enrich the analysis and provide an in-depth theoretical perspective. Tertiary legal materials such as legal dictionaries are used to help interpret technical terms in the fields of criminal law and child protection.

Data collection was carried out by searching, inventorying, and cataloging various relevant legal documents, sourced from both physical libraries and electronic legal databases (Glas & Glas, 2025). Court decisions related to juvenile cases and the application of diversion were collected as material to analyze the practice of law application by judges. After all data was collected, qualitative analysis was conducted using legal interpretation methods, namely grammatical interpretation and systematic interpretation. Grammatical interpretation is used to understand the meaning of words or phrases in laws and regulations based on grammar, while systematic interpretation is carried out by connecting a regulation with other regulations within the overall legal system. Analysis of court decisions was also conducted to understand the practice of law application in juvenile cases involving the diversion mechanism. The results of the

analysis are structured in the form of a narrative description that completely and comprehensively describes the diversion policy, its implementation, and the obstacles faced within the juvenile criminal justice system in Indonesia.

Result and Discussion

Basic Concept and Philosophical Foundation of the Diversion Policy in Juvenile Criminal Justice

Diversion is a strategic policy within the juvenile criminal justice system that emphasizes a non-punitive, recovery-oriented approach. The diversion policy set out in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System aims to shift the resolution of children's cases from the formal criminal justice pathway to one more suited to children's needs and welfare. Its main objective is to prevent negative stigma toward children and to give them the opportunity to undergo rehabilitation and recovery. Diversion is an important instrument within this law, designed to ensure protection and justice for children in conflict with the law. This protection is closely tied to the principle that decisions concerning a child must always place the child's best interest at the center, particularly in matters such as custody arrangements following a family breakdown (Fajar et al., 2021). It is also inseparable from the state's broader obligation to guarantee children's legal rights, including access to education and health services, as part of their overall protection (Hariani et al., 2021). In principle, diversion seeks to resolve a child's case without going through the formal judicial procedure, with the aim of achieving a peaceful agreement between the child and the victim and keeping the child from a prison sentence. Achieving this balance requires an approach that does not merely pursue procedural speed but also keeps humanistic considerations at its core, much as organizations must balance technological efficiency with attention to human values (Darmawan, 2023).

The diversion approach aligns with the principle of restorative justice, which emphasizes restoring the relationship between the offender, the victim, and society. This aim resembles the broader challenge of maintaining constructive human relations amid the shifting social patterns of contemporary urban life, where restoring

trust between individuals often requires deliberate effort (Irfan & Al Hakim, 2022). In practice, the diversion process involves various related parties, such as the child, parents, the victim, and social supervisors, to reach an agreement that benefits all sides. The child can take responsibility for their actions without bearing the burden of a legal process that has the potential to damage their future. This responsibility is also reflected in how family law protects a child's legal status and their right to education, regardless of the child's circumstances of birth (Fajar et al., 2022). Diversion becomes a form of legal protection that favors the best interests of the child and their future (Taroreh et al., 2025). Securing that future calls for guidance drawn from multiple disciplines, since a child's social competence tends to develop more effectively when education, family, and social supervision work together (Hariani et al., 2021). This policy reflects a paradigm shift from a retributive approach focused on punishment toward a restorative approach oriented toward recovery and guidance.

Understanding the terms "policy" and "diversion" is important for tracing the direction of juvenile criminal law policy. Etymologically, the word "kebijakan" (policy) derives from "bijak" (wise), which describes the ability to make decisions based on deep and skillful analysis. The affix attached to the word forms a concept that refers to the process of planning and implementing actions with careful consideration. Policy can be understood as a series of decisions taken by individuals or political groups to determine the means used to achieve a particular goal. Formulating the right policy direction ultimately depends on how well the underlying concept is understood, since accurate knowledge serves as the foundation on which effective decisions are built (Darmawan, 2023). The term diversion was first introduced within juvenile justice in 1960, referring to the transfer of the legal process from the formal judicial pathway to one that is more rehabilitative. Diversion is intended to avoid the negative impact of conventional criminal justice on children, particularly the social stigma attached to offenders as well as other adverse consequences that may arise during trial proceedings. Avoiding such negative impact is closely related to shifting behavior through education and public awareness rather than punishment, since a change in perspective toward offenders is often

achieved more effectively when built gradually through awareness than when imposed by force (Gautama & Mardikaningsih, 2022).

Diversion is an alternative approach to handling children's cases that emphasizes resolution outside the formal judicial pathway. In resolving cases involving children, diversion becomes one of the main options for moving the legal process away from the formal judicial pathway, particularly in cases involving children as perpetrators of criminal acts. The main principle in implementing the concept of diversion is a persuasive or non-penal approach, so as to give a person the opportunity to correct a wrongdoing (Astuti et al., 2023). This process involves the active role of family, social supervisors, and law enforcement officers such as the police, the prosecutor's office, and judges, to reach a peaceful resolution between the suspect and the victim. Coordinating so many different parties toward one outcome resembles the challenge of managing coordination across a supply chain, where performance improves only when each party's role is properly aligned with the others (Barzani et al., 2022). Judging whether this coordinated approach succeeds cannot rely on procedural output alone; it also needs to account for human and creative factors, much as workplace productivity is better measured when creativity and innovation are taken into consideration (Darmawan, 2023). The social supervisors involved in this process play a role comparable to educators who shape broader awareness in those they guide, a function long recognized within educational settings (Hariani & Mardikaningsih, 2022). This shows that not all criminal cases must be resolved through the formal judicial process.

The restorative justice approach was chosen because it is considered to better support the mental well-being of children while continuing to respect the rights of victims. Diversion serves as a balanced option that considers child protection while providing attention to justice for victims. Through this mechanism, the legal system strives to create a more humane justice system oriented toward rehabilitation rather than mere punishment. This approach reflects the state's commitment to protecting children's rights and respecting human dignity within the judicial process. The application of diversion within the juvenile criminal justice system demonstrates that the

Indonesian legal system has begun to recognize the importance of a more humane and equitable approach in handling juvenile cases.

Regulation and Implementation of Diversion under the Juvenile Criminal Justice System Law

The policy on the application of diversion within the juvenile criminal justice system is set out in the Juvenile Criminal Justice System Law (UU SPPA), particularly Article 5 paragraph (3). This policy focuses on several important matters, such as avoiding social stigma, ensuring the welfare and responsibility of the child, upholding justice, and respecting the interests of the victim. This orientation is consistent with the emphasis on restorative principles, protection, and social reconstruction that has also been applied in more severe juvenile cases, showing that even serious offenses are still handled with the child's recovery in mind (Al Haibah et al., 2024). This policy also aims to preserve social harmony, avoid retaliation, and enforce discipline appropriately.

Technically, the state's commitment to shifting the resolution of children's cases from the criminal justice process to a process outside criminal justice must be pursued at every level of the judicial process, from investigation, prosecution, to the examination of children's cases in district courts. This mechanism is mandated in detail in Government Regulation Number 65 of 2015 concerning Guidelines for the Implementation of Diversion and the Handling of Children Under 12 Years of Age. Carrying out this mechanism consistently requires officers who possess adequate knowledge and remain engaged with routine procedural work, since a mechanism regulated in such detail can only run well when those responsible for it understand and stay committed to it (Darmawan, 2024). Deviant behavior that leads children to commit criminal acts, particularly at a young age, is a serious problem that requires attention and obligation from various parties, including the government, society, and the child's parents or guardians. Diversion policy is an important instrument in building a juvenile justice system that is more responsive to the needs of protection and guidance.

Social environment and the age of the child are important factors in determining the appropriate legal approach to the violations they commit. The environment in which a child lives and the social influences they

receive, such as inappropriate media exposure, can affect the child's behavior (Raturi & Rastogi, 2022). This influence often mirrors broader patterns of social mobility, where children raised in urban and rural environments tend to face different exposures and pressures that shape their behavior differently (Amri & Khayru, 2021). The existence of diversion is expected to raise awareness that children are at an age requiring special treatment in the legal process. This need for special treatment also applies to children with special needs, who require an accessible and adaptable approach so that the legal process does not become an additional barrier for them (Adriani et al., 2025).

Nevertheless, it is important to remember that a criminal act committed by a child still causes harm to the victim, so diversion efforts remain applied to find an appropriate solution. In an appropriate juvenile justice system, children are treated differently from adults, taking into account factors such as the child's age, the type of criminal offense, and the results of observation of the child's environment. Such observation needs to be carried out with sufficient objectivity, since assessing a child's social and psychological condition accurately is essential before determining the right course of action (An Nafisah et al., 2025). At the court level, the formal mechanism and time limits for examining diversion are strictly guarded by Supreme Court Regulation (PERMA) Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, which requires the Juvenile Judge to appoint a diversion facilitator no later than 3 (three) days after receiving their appointment as Juvenile Judge.

The agreement or outcome of the diversion process may take the form of compensation, returning the child to their parents, or placement in a Social Welfare Education Institution (LPKS) for a maximum of 3 (three) months. This resolution, particularly in the form of compensation, reflects a similar logic to sustainable resource management, where harm is addressed in a way that restores balance rather than merely imposing a penalty (Mardikaningsih & Nuraini, 2022). Taking these various aspects into consideration, diversion becomes a fair and educational means of handling children's cases in a more humane manner. Criminal accountability for children requires a special approach different from the adult justice system.

Criminal accountability is essentially a mechanism built by criminal law to react to violations of a particular act. Criminal accountability in handling children who become perpetrators of criminal acts requires a procedure different from the justice system applied to adults, as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. A child's ability to take responsibility for their actions is closely tied to their sense of self-efficacy, since children who believe in their own capacity to change tend to adapt more readily to the guidance process (Mardikaningsih & Darmawan, 2022). If a diversion agreement is reached, the community supervisor from the Correctional Center (Bapas) is obligated to supervise the implementation of the agreement based on the provisions of Article 14 paragraph (1) of Law Number 22 of 2022 concerning Corrections (Yulianti & Fakrulloh, 2021). This supervision process should also give attention to the child's psychological wellbeing and social relationships during the guidance period, not merely to procedural compliance (Darmawan, 2023).

Article 2 of the Juvenile Criminal Justice System Law affirms that the implementation of the juvenile criminal justice system must be based on the principles of protection, justice, non-discrimination, the best interests of the child, respect for the child's voice, and the survival and development of the child. Upholding non-discrimination in practice requires the same spirit of inclusion applied in other social settings, where every individual, regardless of their background or condition, is given a fair opportunity to participate (Darmawan, 2023). The coaching and guidance process must be proportionally adjusted, and the use of punishment as a last resort (*ultimum remedium*) must be considered. This judicial process also avoids retaliatory punishment. With this approach, the juvenile criminal justice system is expected to uphold justice while ensuring the overall protection and development of the child.

Criminal accountability for minors is also regulated in the Criminal Code, applicable both within the scope of general criminal law and for cases specifically regulated outside those provisions. In the reform of national law, the principle of the best interests of the child and this restorative approach have also been widely adopted in Article 21 of Law Number 1 of 2023 concerning the Criminal Code (New KUHP), which provides a basis for limiting sanctions and exempting criminal

accountability aligned with the specific law on juvenile justice for the sake of their future continuity (Anwar et al., 2024).

Article 16 paragraph (3) of Law Number 23 of 2002 concerning Child Protection as last amended through Law Number 35 of 2014 states that the arrest, detention, or imprisonment of a child may only be carried out if it complies with applicable legal regulations. This indicates a shift from a retributive handling model toward children to a restorative justice approach that focuses more on rehabilitation and the child's well-being.

Article 9 of the Juvenile Criminal Justice System Law stipulates that in the implementation of diversion, investigators, public prosecutors, and judges must consider the type of criminal offense committed, the age of the child involved, the assessment results from the Community Correctional Center (Bapas), as well as support from the child's family and surrounding community. The diversion agreement must obtain the consent of the victim and the victim's family, as well as the willingness of the child and their family. Based on the provisions of Article 7 paragraph (2) of Law Number 11 of 2012, it must be borne in mind that diversion can only be implemented in cases where the criminal offense committed is punishable by a prison sentence of under 7 (seven) years and does not constitute a repeat offense (recidivism).

Criteria and Procedure for Applying Diversion in Children's Cases

Determining the type of criminal offense suitable for diversion requires comprehensive legal and social consideration. Offenses with a maximum sentence threat of one year should be a priority for diversion, while offenses with a sentence threat of between one and five years can be considered for diversion. All theft cases should ideally be handled through a diversion approach, except those causing physical or mental harm to the victim. Consideration of the offender's age is an important factor, where the younger the offender, the more urgent the application of the diversion principle becomes. This urgency is closely related to the family environment the child grows up in, since children raised by working parents who face competing demands between work and parenting often receive less direct supervision, making them more exposed to situations that lead to offending (Evendi et al., 2023). Parenting style and the culture instilled by schools also shape a child's discipline and character, so

weaknesses in either area can be one of the external factors pushing a child toward delinquent behavior (Djazilan & Darmawan, 2021). Research findings from the Correctional Center showing external factors that influence children's involvement in criminal acts further reinforce the need to apply the principle of diversion. These external factors are often inseparable from the social inequality present in urban environments, where limited access to opportunity and weak social cohesion can push children toward situations that lead to conflict with the law (Mardikaningsih, 2021). Losses caused by a child's criminal act that are material in nature without leading to physical injury or death mean that the application of diversion is strongly recommended.

The level of discomfort or unrest caused in society by a child's actions, consent from the victim or the victim's family, and the willingness of the offender and their family to undergo the diversion process are additional considerations in determining whether a case is suitable for resolution through this mechanism. This willingness tends to grow stronger when the offender's family receives adequate social support, since such support can foster the confidence needed to engage constructively in the diversion process (Ernawati et al., 2022). Ensuring that this willingness is genuinely informed also depends on equal access to legal understanding, a challenge similar to that faced by schools in remote and underserved areas struggling to provide adequate educational quality (Kurniawan & Seran, 2024). If a child is involved in a criminal act committed together with an adult, the child must be processed according to the applicable legal procedure (Rustam & Wibawa, 2025). Facing this legal process without an adult accomplice's involvement in diversion demands considerable resilience from the child, comparable to the adaptability required of individuals navigating a new and demanding professional environment (Liwak et al., 2023). Taking these various factors into consideration, diversion becomes an appropriate instrument for handling children's cases proportionally and fairly. The application of diversion through a restorative justice approach is an important pillar of the juvenile criminal justice system in Indonesia, as regulated in Supreme Court Regulation Number 4 of 2014.

Based on Supreme Court Regulation Number 4 of 2014, diversion deliberation is a discussion process involving various parties, including the

child, parents or guardians, the victim and the victim's parents or guardians, community supervisors, professional social workers, and other related parties, to reach a diversion agreement through a restorative justice approach. This kind of deliberation reflects a long-standing cultural practice of resolving disputes through collective discussion, similar to how narratives and cultural symbols have historically been used to build shared understanding and identity among those involved (Kurniawan et al., 2021). Restorative justice in diversion aims to repair, reconcile, and calm the parties involved, not based on retaliation but on restoring social relationships and the child's responsibility for their actions. This process of reconciliation also touches on the child's inner condition, since psychological wellbeing plays a role in how well a person can process guilt and move toward genuine behavioral change (Darmawan & Zahid, 2025). In this process, the judge appointed by the Head of the Court to handle the child's case acts as facilitator. Diversion exists as an alternative to avoid the formal legal procedure, which tends to be lengthy and rigid.

The mediation, dialogue, or deliberation process is at the core of achieving restorative justice, which requires a procedure that can support the resolution of cases in a more flexible manner. Realizing this flexible resolution requires participants capable of following the discussion critically rather than passively, since a diversion agreement reached without genuine understanding from those involved risks being difficult to sustain (Darmawan et al., 2024). To achieve this, changes in the law and adjustments to the existing criminal justice system are needed so that the objectives of the law can be achieved more effectively. These adjustments also depend on how well the process is communicated among all parties, since a diversion agreement is more likely to hold when the strategy for conveying and managing that agreement is clearly designed (Mardikaningsih & Darmawan, 2022). The dialogical approach known in Indonesian culture as *musyawarah untuk mufakat* (deliberation for consensus) is one of the main forms of the restorative justice mechanism. If the diversion agreement is not fully implemented based on the report from the Community Supervisor at the Correctional Center, the judge will continue the judicial process in accordance with the juvenile criminal procedural law (Yulianto, 2023). In making a decision, the judge must

consider the extent to which the previously reached diversion agreement has already been implemented.

Supreme Court Regulation Number 4 of 2014 stipulates that diversion can be applied to children aged 12 years but not yet reaching 18 years, or to children aged 12 years even if they are married, as long as they are under 18 years of age, and are suspected of being involved in a criminal offense. This regulation also establishes procedures within the diversion deliberation, wherein the facilitator appointed by the Head of the Court is obliged to provide an opportunity for the child to present statements regarding the charges faced, for the parents or guardians to express their views concerning the child's actions and the desired resolution, as well as for the victim, the child victim, or the victim's parents or guardians to provide responses and express the expected form of resolution. With a participatory procedure oriented toward restorative justice, diversion becomes an important mechanism in resolving juvenile cases in a more humane manner.

The Role of Law Enforcement Officers and Coordination in Implementing Diversion

Protection for children facing the law is a constitutional and legal mandate that cannot be ignored. Article 28 paragraph (2) of the 1945 Constitution, Law Number 39 of 1999 concerning Human Rights, and Law Number 23 of 2002 concerning Child Protection all affirm the importance of giving special attention to the protection of children involved in legal proceedings. This protection matters because children who carry stigma from a legal case often face difficulty accessing basic services afterward, a pattern documented among other vulnerable groups exposed to social stigma (Oluwatosin & Da Silva, 2021). The lasting effect of such stigma is also seen in how identity and coping strategies develop among groups facing discrimination, where psychological wellbeing tends to be affected long after the triggering event has passed (Pakpahan et al., 2022). Guaranteeing protection of children's basic rights is a crucial factor underlying the need to apply diversion within the law. The application of diversion is a strategic step to ensure children's rights remain protected throughout the criminal justice process. Diversion is an alternative approach within the juvenile criminal justice

system that emphasizes recovery rather than retaliation, involving various parties connected to the victim, such as parents or guardians, community supervisors, and social professionals.

Within the juvenile criminal justice system, the first stage begins with investigation by the investigator, which then proceeds to prosecution, and at the district court level, it is important to pursue the application of diversion. This pursuit means that all parties involved in the diversion process are expected to be active in carrying it out. The success of diversion greatly depends on the active participation of all parties, including law enforcement officers and social workers, in building an agreement oriented toward recovery (Ramdhan & Pohan, 2025). This active participation is easier to sustain when officers work within a positive climate built on authentic leadership, since such a climate tends to encourage the kind of voluntary cooperation diversion requires (Mardikaningsih et al., 2022a). A positive and sustainable working culture among law enforcement officers, shaped through ethical leadership, also helps keep the diversion process consistent rather than dependent on individual officers' goodwill (Mardikaningsih et al., 2022b). Diversion must be implemented for criminal acts carrying a sentence threat below seven years and that do not constitute repeated offenses, based on Article 5 paragraph (3) of the Juvenile Criminal Justice System Law. The diversion process involves parties connected to the victim and community supervisors, and may involve social welfare workers and society if needed.

In the prosecutor's office, case transfer is carried out by the public prosecutor at the District Court, who holds authority in accordance with criminal procedural law. This diversion process aims to shift the juvenile justice system from the formal pathway to one that does not involve criminal court. The public prosecutor plays a role in this process by ensuring no action leads toward court proceedings, since the prosecutor's duty is to enforce the law through the court. This requires the prosecutor to understand how a child's environment, including the school setting that shapes discipline and interpersonal relationships during adolescence, may have contributed to the offense (Multihakiki et al., 2024). The prosecutor needs a broad outlook and the ability to view the problem from various governmental and societal perspectives, so that the application of diversion as a transfer from the formal judicial process can be carried out effectively.

This broad outlook also needs to account for the living conditions surrounding the child, since urban sprawl and weakened community cohesion in fringe areas can influence how well a diversion agreement is actually followed through (Wisnujati & Mardikaningsih, 2021). However, applying diversion does not mean eliminating the sanction that the child offender will still receive; rather, it changes the form of the sanction into one that is more educational and rehabilitative.

The responsibility that a child offender must face through diversion replaces the sanction that might otherwise be received in the formal judicial process. This process often gives rise to a sense of remorse in the offender after committing the criminal act. Diversion provides room for the child to take responsibility for their actions constructively, while also fostering awareness and remorse for the criminal act committed (Hyder et al., 2025). This awareness tends to grow more naturally when a child's inner potential, including the spiritual dimension of their intelligence, is given proper attention during the guidance process (Masfufah & Darmawan, 2023). Personal setbacks such as this can also shape how a child views their own future, since the way young people respond to failure often influences their aspirations and motivation going forward (Rahman & Hariani, 2022). Although the child as offender must not be given special treatment, legal balance must still be maintained. However, there is a specific aspect in the application of diversion that gives the child the opportunity to receive a resolution more suited to their condition. Diversion is a strategic instrument in realizing restorative justice for children facing the law.

Compliance with the diversion procedure is an important part of guaranteeing accountability in the juvenile criminal justice process. Article 29 paragraph (4) of the Juvenile Criminal Justice System Law clearly states that if the diversion process is unsuccessful, the investigator must continue the investigation and submit the case to the public prosecutor, attaching the diversion report and the community research report (Sinaga, 2016). Ensuring this procedure is followed properly also means paying attention to how vulnerable groups are actually treated in practice, since portrayals of marginalized groups in other fields have shown how easily formal procedure can overlook the interests of those with the least power (Kurniawan & Seran, 2025). Thus, if diversion

efforts fail, the investigator must proceed with the case to the next stage of the juvenile justice process. This step ensures that the legal process continues proportionally and in accordance with applicable provisions. The integrity of law enforcement officers is the main foundation in implementing the juvenile criminal justice system, where criminal provisions apply to all law enforcement officers, including investigators, public prosecutors, judges, and court officials.

Coordination among law enforcement officials serves as the key in ensuring the effectiveness of diversion implementation. At the investigation and prosecution stages, investigators and public prosecutors are obliged to report the results of the diversion process to the Head of the District Court. Subsequently, the Head of the District Court will issue a determination. Based on this determination, the investigators will terminate the investigation, while the public prosecutors will terminate the prosecution of the case. Based on the Criminal Procedure Code, the termination of prosecution can be carried out due to technical or policy reasons, with technical reasons including insufficient evidence, the event not constituting a criminal offense, or the case being closed by law. With proper procedures, the termination of a case through diversion can serve as a form of legal protection for children in conflict with the law.

Conclusion

This research concludes that the diversion policy within the juvenile criminal justice system is a strategic legal instrument in realizing protection and justice for children in conflict with the law. Diversion based on a restorative justice approach provides an opportunity for children to take constructive responsibility for their actions without having to undergo a stigmatizing formal judicial process. The implementation of diversion involves various parties, including the police, prosecutors, judges, community advisors, as well as victims and their families, all of whom play a role in achieving a mutually beneficial agreement. Nevertheless, the application of diversion still faces obstacles in the form of a lack of understanding among law enforcement officials, weak inter-agency coordination, and limited support from victims and the community.

The implications of this research are the need to enhance the capacity and understanding of law enforcement officials regarding

diversion mechanisms and restorative justice principles through continuous training and socialization. Strengthening coordination among law enforcement officials, ranging from the police and prosecutors to the courts, is also necessary to ensure the effectiveness of diversion implementation. In addition, socialization needs to be conducted for the public regarding the importance of diversion as a more humane and equitable alternative for resolving juvenile cases. The government also needs to provide adequate facilities and infrastructure, including increasing the number of community advisors and social welfare education institutions, to support the optimal implementation of diversion.

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