

Differences in Diversion Mechanisms at The Investigation, Prosecution and Examination Stages in Trial

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Abstract

Children in conflict with the law require special protection to avoid the negative impacts of the formal, repressive, and potentially stigmatizing criminal justice process. The Indonesian juvenile justice system responds to this need through a restorative justice approach, manifested in the diversion mechanism, which diverts the resolution of juvenile cases from the criminal justice process to out-of-court settlements. However, the implementation of diversion at each stage of the juvenile justice process still faces procedural differences, normative constraints, and practical obstacles that affect its effectiveness. This study aims to analyze the mechanisms for implementing diversion at the investigation, prosecution, and trial stages of the juvenile justice system. This study uses a normative juridical method with a statutory and conceptual approach and is supported by a literature review through a review of primary legal materials, secondary legal materials, and scientific journals related to diversion and restorative justice. The data obtained are analyzed qualitatively to understand the regulations, differences in mechanisms, and efforts to optimize the implementation of diversion in law enforcement practices. The novelty of this study lies in a comprehensive analysis of the differences in diversion mechanisms at each stage of the juvenile justice process. The research results show that diversion during the investigation stage has a greater chance of success than during the prosecution and trial stages because the case is still in the early stages of resolution. This success is also determined by the willingness of the parties, the role of law enforcement officials, and the support of a conducive social environment. Diversion provides a more humane solution by emphasizing the restoration of relationships between the perpetrator, victim, and the community. It also serves as a crucial instrument for realizing restorative justice and legal protection for children in a more effective and sustainable manner.

Keywords: Diversion; Juvenile Criminal Justice System; Restorative Justice; Child Protection.

INTRODUCTION

Children are the next generation of the nation who hold a very important position in determining the direction of the future of the country, because the quality of children's lives today will greatly influence the quality of national development in the future. The position of children

as a trust and an asset of the nation demands a guarantee of real legal protection from the state so that every child can grow, develop, learn, and participate in social life optimally. This protection does not only cover physical aspects, but also includes mental, emotional, social, and moral protection so that children can undergo the process of growth and development in a safe and dignified environment. The state's responsibility for child protection has been emphasized in various laws and regulations in Indonesia, including the Law on Child Protection which states that every child has the right to receive protection from violence, discrimination, neglect, exploitation, and inhumane treatment. (1) This normative guarantee shows that the state has an active obligation to ensure that children do not become victims of actions that harm their rights. The reality in the field still shows that some children are dragged into criminal incidents and ultimately have to face legal processes in the criminal justice system, so that the issue of child protection is not only related to children as victims, but also children as parties facing the law.

The involvement of children in criminal acts has become a serious problem that poses unique challenges for the criminal justice system in Indonesia. Children who come into contact with the law are fundamentally different from adults because their psychological, emotional, and social conditions are still in the developmental stage. Children's thinking is not yet fully mature, their ability to control themselves is also not yet stable, and environmental influences play a very large role in shaping their behavior. This situation means that the legal response to children cannot be equated with the legal response to adult perpetrators. An overly repressive approach in handling children's cases risks causing more severe impacts, such as the emergence of social stigma, psychological trauma, prolonged fear, and even the possibility of children repeating their actions because the legal process they undergo does not provide adequate guidance (2). Formal justice processes that place children in an atmosphere of examination, detention, and punishment often deepen social wounds and hinder their personality development. This problem shows that children who commit violations of the law must still be seen as individuals who need protection, assistance, and guidance, not simply as perpetrators who must be punished.

Indonesia's juvenile justice system was subsequently designed with a more humanistic approach, prioritizing the protection and best interests of children as the primary foundation of every case resolution process. This policy direction reflects the understanding that the goal of law enforcement for children should not focus solely on retribution, but rather on rehabilitation, education, and guidance so that children still have the opportunity to improve themselves. Special

treatment for children is crucial because their futures should not be ruined simply by mistakes made at an age when they are still highly vulnerable to environmental influences. The juvenile justice system must therefore maintain a balance between the interests of law enforcement, community protection, and children's rights to continue growing into better individuals. The presence of a more humane approach in juvenile justice also demonstrates the state's commitment to fulfilling the constitutional mandate and laws to protect children holistically. Legal protection for children in conflict with the law is ultimately not merely a matter of procedure, but rather part of a broader effort to safeguard children's dignity, ensure their future, and build a more just and civilized legal system.

In Indonesian positive law, regulations regarding children in conflict with the law are specifically regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). This law introduces a restorative justice approach as the basis for resolving criminal cases involving children. Restorative justice is a concept for resolving criminal cases that emphasizes restoring the original state through the involvement of the perpetrator, victim, family, and community to reach a fair agreement for all parties. This approach differs from the conventional criminal justice system, which places greater emphasis on imposing sanctions on the perpetrator.(3)

One of the main mechanisms in the implementation of restorative justice in the juvenile criminal justice system is different. Diversion is the transfer of the settlement of children's cases from the formal criminal justice process to a settlement process outside the criminal justice system through deliberation between the perpetrator, victim, family and other related parties. (4) Diversion aims to achieve peace between the perpetrator and victim, resolve children's cases outside the judicial process, and prevent children from being deprived of liberty which can have a negative impact on their psychological development.

The Juvenile Criminal Justice System Law places diversion as a legal obligation that must be pursued at every stage of the juvenile criminal justice process, starting from the investigation stage by the police, the prosecution stage by the prosecutor, to the examination stage in court by the judge. This regulation is stated in Article 7 of Law Number 11 of 2012, which emphasizes that diversion must be pursued for crimes committed by juveniles if the penalty is less than seven years in prison and is not a repeat offense (4). This regulation shows a fundamental change in the way the state views children in conflict with the law. Children are no longer

positioned solely as perpetrators who must be punished, but as subjects who still need to be protected, guided, and directed so as not to fall further into the criminal justice system. Diversion is present as a legal instrument that provides space for a more humane solution because it places deliberation, recovery, and social responsibility at the core of the case resolution process. The presence of this provision also shows that the juvenile criminal justice system in Indonesia has moved towards a restorative justice approach that emphasizes improving the situation and protecting the future of children.

The importance of diversion in the juvenile criminal justice system is evident not only in its legal status but also in the objectives it seeks to achieve through its implementation. Diversion is designed to protect children from the detrimental effects of the formal justice process, which often leads to psychological distress, fear, stigmatization, and negative labeling in society. The formal and repressive criminalization of children often worsens their mental and social development, even though they are still in a growth phase that desperately needs guidance. Diversion offers a more proportionate solution because it opens up opportunities for reconciliation between the perpetrator and victim, restitution, and family and community involvement in supporting behavioral change. Diversion's importance lies not simply in its alternative procedures but in ensuring that the law remains effective without compromising the child's best interests. The primary value of this mechanism lies in its ability to simultaneously balance the interests of law enforcement, victim protection, and the child's development needs.

In practice, the implementation of diversion has not always been optimal, even though the legal basis is quite clear. Various obstacles are still often encountered, both from law enforcement officials, supporting facilities, and the social environment. Differences in understanding among investigators, public prosecutors, and judges regarding the procedures and objectives of diversion can lead to inconsistencies in its implementation in the field. Some officials may view diversion as merely an administrative formality, while others see it as a genuine solution that must be prioritized. Limited facilities and infrastructure also pose a barrier, especially when the deliberation process requires adequate space, facilitators, or institutional support. The community's still low understanding of the concept of restorative justice also complicates the implementation of diversion because not all victims or victims' families are willing to pursue a peaceful resolution. Differences in the mechanisms for implementing diversion at each stage of the judicial process, whether during investigation,

prosecution, or trial, can also affect the effectiveness of the final outcome (5). This situation indicates that the success of diversion depends not only on legal norms, but also on the quality of implementation, institutional readiness, and the surrounding social support.

The implementation of diversion in Indonesia has shown quite positive results, although the success rate is not uniform at all stages of case handling. Nationally, the Roadmap for Strengthening the Juvenile Criminal Justice System 2023–2027 notes that 46.23% of juvenile cases have been successfully resolved through diversion. At the court level, Supreme Court data from 2024 shows that of the 996 juvenile cases submitted to the diversion forum at the District Court, 424 were successfully resolved through diversion, or approximately 42.57%, 173 cases were unsuccessful, or 17.37%, and 399 cases are still in process, or 40.06%. To date, official national figures published separately for the police and prosecutors are not yet available uniformly in a single national database. This situation actually indicates that the implementation of diversion still faces disparities between agencies, both in data recording and in handling practices. In some cases, the police, prosecutors, and courts may implement diversion differently due to differing interpretations of diversion requirements, officer readiness, community guidance support, and the availability of supporting facilities. This situation demonstrates that the success of diversion is determined not only by legal norms but also by shared perceptions, inter-institutional coordination, and an integrated implementation system at every level of investigation.

Victims are not neglected, as the restorative approach provides more space for victims to express their experiences and obtain direct redress through dialogue and mutual agreement (6). The effectiveness of diversion is evident in its ability to maintain a balance between legal and humanitarian interests. This type of resolution demonstrates that justice does not always have to be achieved through punishment, but can also be achieved through the restoration of relationships, moral responsibility, and the active involvement of all parties in resolving the conflict. The implementation of diversion ultimately reflects that the juvenile criminal justice system must be built on the principles of protection, guidance, and redress, so that children in conflict with the law still have the opportunity to grow into better individuals in the future.

Based on these problems, this research attempts to examine in more depth the differences in diversion mechanisms at the investigation, prosecution and trial stages in the juvenile criminal justice system in Indonesia. This study is crucial to understand how diversion is implemented at

each stage of the judicial process and the factors influencing its success in realizing restorative justice. This study aims to analyze the mechanisms of diversion implementation in the juvenile criminal justice system and identify differences in its implementation procedures at each stage of the criminal justice process. Furthermore, this study also aims to determine the extent to which diversion provides legal protection for children in conflict with the law.

Theoretically, this research is expected to contribute to the development of legal science, particularly in the field of juvenile criminal law and the application of restorative justice in the criminal justice system in Indonesia. This research is also expected to enrich academic studies on the implementation of diversion as an alternative resolution of criminal cases involving children. Practically, the results of this study are expected to provide input for law enforcement officials in optimizing the application of diversion mechanisms at every stage of the juvenile criminal justice process. Furthermore, this research is also expected to increase public understanding of the importance of resolving juvenile cases through a restorative justice approach in order to create a more humane justice system oriented towards the best interests of children.

METHOD/IDEA

This research uses normative legal research approach which focuses on the study of legal norms related to the application of diversion in the juvenile criminal justice system. Normative legal research is conducted by examining laws and regulations, legal doctrine, and scientific literature relevant to the problem being studied. This approach is used to analyze the concept and legal regulations regarding the diversion mechanism as part of the implementation of restorative justice in resolving criminal cases involving children. (7)

The research design in this article is descriptive in nature. descriptive-analytical, namely to systematically describe the legal regulations and mechanisms for implementing diversion at the investigation, prosecution, and trial stages. The research area is focused on juvenile criminal law, especially regarding the regulation of diversion in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and the concept of restorative justice in resolving juvenile criminal cases. (5)

The data collection technique is carried out through literature study (library research) by collecting primary legal materials in the form of laws and regulations as well as secondary legal

materials in the form of books and scientific journals related to diversion and restorative justice. The data obtained was then analyzed systematically. qualitative with a normative juridical approach to gain a comprehensive understanding of the application of diversion mechanisms in the juvenile criminal justice system. (8)

RESULTS AND DISCUSSION

The implementation of a diversion mechanism in the juvenile criminal justice system is an important step in developing a law enforcement pattern that is more oriented towards child protection and social restoration. Diversion is essentially designed as a means to divert the resolution of juvenile cases from formal criminal justice channels to out-of-court settlements through deliberations involving the perpetrator, victim, family, community counselors, and relevant community elements. The main goal of this mechanism is not simply to halt the legal process, but rather to create a solution that is fairer, more humane, and more appropriate to the needs of children who are still growing and developing. Provisions regarding diversion have been emphasized in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which requires diversion efforts at every stage of the process, namely the investigation, prosecution, and trial stages, as long as the requirements stipulated by law are met. The existence of these regulations demonstrates that the juvenile criminal justice system in Indonesia no longer places punishment as the sole means of resolving cases, but rather begins to emphasize the importance of guidance, protection, and rehabilitation. This policy direction shows a change in perspective, namely that children who come into conflict with the law must be treated specially because their psychological, emotional and social conditions are different from those of adults, so that the approach applied must also be different and more oriented towards the future of the child himself. (5)

During the investigation phase, the diversion mechanism plays a highly strategic role because it is the starting point in the entire juvenile criminal justice process. Investigators are the primary parties authorized to seek a resolution through deliberation, involving all stakeholders, including the victim, the child's family, community counselors, and community leaders. This deliberation process is aimed at finding common ground that not only provides a sense of justice for the victim but also provides the child perpetrator with the opportunity to acknowledge their mistakes, take responsibility for their actions, and correct the consequences. During the

investigation phase, the chances of reaching a diversion agreement are typically greater because the case is still in its early stages, the conflict has not yet developed, and the parties still have ample room to develop a peaceful resolution. The resulting agreement can include reconciliation, compensation, the child's return to their parents, the child's participation in education or training, and other forms of guidance deemed appropriate. This situation demonstrates that the success of diversion depends heavily on the investigator's ability to facilitate balanced dialogue, safeguard the victim's interests, and ensure that the child's rights are protected throughout the process. If a diversion agreement is successfully reached, the case does not need to proceed to the prosecution stage, so that the child can avoid the negative impacts of the formal justice process which often causes psychological stress and prolonged social stigma. (8)

The importance of implementing diversion during the investigation stage lies not only in the rapid resolution of cases, but also in its ability to rebuild social relationships disrupted by the crime. Diversion provides a space for victims to express their losses, for child perpetrators to demonstrate remorse and responsibility, and for families and communities to participate in the recovery process. This approach reflects the spirit of restorative justice, an approach that emphasizes restoration rather than solely retaliation. The application of diversion in the juvenile justice system thus demonstrates that child protection is not simply achieved through legal regulations but must also be implemented through wise, dialogical, and development-oriented law enforcement practices. Children who commit crimes cannot be viewed solely as perpetrators but must also be understood as individuals who still have the opportunity to be guided so they can return to a healthy social life. The success of diversion implementation will ultimately be greatly influenced by the understanding of law enforcement officials, the readiness of victims and families to pursue a peaceful path, and community support in accepting children back into their social environment. Diversion is not only a procedural legal instrument, but also a reflection that the juvenile criminal justice system in Indonesia strives to place the best interests of children as the primary basis in every case resolution.

At the prosecution stage, the diversion mechanism is implemented by the public prosecutor if the diversion efforts at the investigation stage fail to reach an agreement or have not been implemented at all. The position of the public prosecutor at this stage is very important because he not only functions as the party who transfers the case to the court, but also as a facilitator who is still given space by the legal system to attempt a restorative resolution of the

child's case. Through a deliberation forum that brings together the child, his parents or guardians, the victim, community guidance counselors, and other related parties, the public prosecutor strives to build an understanding that the resolution of children's cases does not always have to end in formal punishment. Diversion at the prosecution stage shows that the juvenile criminal justice system continues to prioritize child protection even though the case has entered a more advanced process. The importance of this stage lies in the state's efforts to continue to open up a space for peace, recovery, and social responsibility before the child is actually brought to the criminal courtroom. (9)

The chances of successful diversion at the prosecution stage are generally lower than at the investigation stage. This occurs because the case has undergone further procedural development, so the parties' attitudes are often more firmly formed and more difficult to soften. In many cases, victims or their families already have certain expectations regarding the legal process, while the perpetrator's children and their families also begin to feel the psychological burden of the ongoing process. Public prosecutors face a more complex challenge because they must maintain a balance between the interests of child protection, the interests of the victim, and the demands of law enforcement. This situation shows that the timing of diversion has a significant impact on the likelihood of reaching an agreement. The earlier diversion is attempted, the greater the chance of creating open dialogue and a resolution that is not overshadowed by the tensions of the formal legal process. Conversely, when a case has moved to the prosecution stage, the room for compromise tends to narrow because the parties are already tied to their respective positions in the criminal justice process. (9)

During the trial examination stage, the judge retains the authority to seek diversion if an agreement has not been reached during the investigation and prosecution stages. This authority demonstrates that the Indonesian juvenile criminal justice system is designed with a consistent spirit of prioritizing restorative justice right up to the final stage before a verdict is rendered. At this stage, the judge is positioned not only as a law enforcer who examines and decides the case, but also as a party who can encourage a fairer, more humane, and recovery-oriented resolution. In the diversion forum at the trial, the judge facilitates dialogue between the child perpetrator, the victim, the families of both parties, community counselors, and other relevant elements to find a mutually acceptable form of resolution. This role demonstrates that juvenile criminal law does not merely position the judge as the final decision maker, but also as a keeper of the balance

between legal certainty, the best interests of the child, and the need for recovery for the victim.
(10)

The implementation of diversion at the trial stage continues to face significant obstacles. The trial has brought the case into a more formal setting, so the atmosphere created is often no longer as comfortable as the deliberation process at the initial stage. Limited trial time, administrative demands, and differing interests between the parties are factors that often hinder the effectiveness of diversion at this stage. The victim may have sought a judge's decision as a form of certainty and justice, while the child perpetrator is in an increasingly vulnerable position because he is facing a direct court forum. The judge must also work within stricter procedural boundaries than investigators and public prosecutors. This situation indicates that diversion at the trial stage is essentially a last resort to prevent children from the consequences of formal criminal punishment. This fact also emphasizes that the success of diversion is highly dependent on the sincerity of law enforcement officials from the earliest stages, because the later the diversion effort is implemented, the greater the obstacles faced in realizing a restorative agreement. (10)

The findings of this study indicate that the diversion mechanism in the juvenile criminal justice system has created a more humane, more proportional, and more aligned pattern of case resolution in accordance with the principles of child protection. Diversion cannot be understood merely as an instrument to prevent children from imprisonment or formal court proceedings, but rather as a legal means that provides children with the opportunity to take responsibility for their actions in a more educational and constructive manner. Formal criminal proceedings often give rise to social stigma, psychological pressure, fear, and obstacles in the development of a child's personality and future. Diversion presents a wiser path because it places children as individuals who are still in the growth stage and still have the potential to be developed into better individuals (11). This approach also emphasizes that the resolution of juvenile cases should not only rely on the logic of revenge, but must be directed towards restoring relationships, strengthening responsibility, protecting the interests of victims, and reintegrating children into their social environment in a healthy and dignified manner.

The implementation of diversion demonstrates that the juvenile criminal justice system should not be built on the basis of revenge, but rather on a solution that can accommodate the interests of the child, victim, family, and community in a balanced manner. Diversion creates

space for victims to obtain recovery, for child perpetrators to be responsible for their actions, and for the community to participate in creating a peaceful and educational solution. The position of diversion is very important because children's cases are essentially not only about violations of the law, but also concern the future of children who are still in the growth and development stage. At this point, the Community Guidance Officer from the Correctional Center plays a central role, because their presence is not only administrative, but also substantive in bridging the legal approach with the interests of child protection. The Community Guidance Officer helps ensure that the diversion process does not simply produce a formal agreement, but truly reflects the best interests of the child and the goals of restorative justice. (12)

1. The role of investigators and community counselors at the investigation stage

During the investigation phase, investigators play the primary and most crucial role in opening up the opportunity for successful diversion. Investigators are the first to assess whether a child's case qualifies for diversion, then facilitate deliberations between the child, the victim, the family, and relevant parties. The investigator's role at this stage is highly strategic because the earlier a case is directed toward restorative justice, the greater the likelihood of achieving reconciliation and the lower the risk of the child being drawn into the stigmatizing formal justice process. This role is inseparable from the Community Counselor (BAPAS), who conducts community research and provides support, guidance, and supervision throughout the diversion process. The Community Counselor assesses the child's background, family circumstances, and social environment, as well as the most appropriate guidance options. This ensures that the outcome of diversion is not only oriented toward dismissal of the case but also toward tangible improvements in the child's behavior. Compared to other officials, investigators play the most preventive role at this stage, while the Community Counselor provides the social foundation and guidance that reinforces the decision to divert.

2. The role of the public prosecutor and social counselor at the prosecution stage

During the prosecution phase, the public prosecutor plays a role in continuing diversion efforts if diversion during the investigation phase is unsuccessful or has not yet been implemented. Unlike investigators working in the early stages of a case, public prosecutors face cases that are more procedurally advanced, so the parties' positions are usually more defined and the room for compromise begins to narrow. In such

circumstances, the public prosecutor acts not only as a representative of law enforcement interests but also as a facilitator who is still obliged to prioritize restorative resolutions for the child. At this stage, the Community Counselor (BAPAS) retains a crucial role as a recommendation provider, child advocate, and supervisor of the implementation of the agreement if diversion is achieved. The difference from the investigation phase lies in the greater challenge, as the public prosecutor must balance the interests of child protection with the demands for legal certainty and the victim's expectations regarding the law enforcement process. Compared to investigators, the public prosecutor's role places greater emphasis on assessing the feasibility of restorative resolutions in cases that have entered the formalization stage, while the Community Counselor continues to function to ensure that the orientation of child protection does not shift solely to punishment.

3. The role of judges and social counselors at the examination stage in court

During the trial examination phase, the judge has the authority to re-initiate diversion as a final form of protection before the case is decided through criminal proceedings. The judge's role differs from that of investigators and prosecutors because they are at the most formal stage in the juvenile criminal justice system. Judges not only examine and adjudicate cases but also mediate the possibility of achieving a just resolution for all parties. In this forum, judges act as mediators, maintaining a balance between the interests of the victim, the child's responsibilities, and the general legal interests. The Community Counselor (BAPAS) remains crucial during the trial phase because the community research report and the results of their assistance serve as considerations for the judge in assessing the child's condition, the possibility of rehabilitating the child, and the feasibility of a restorative resolution. Compared with investigators and prosecutors, judges have the strongest authority to provide final legitimacy to diversion outcomes, but they face limited latitude because the case is already in the more formal and rigid court arena. This comparison demonstrates that the further a case progresses through the judicial process, the greater the challenges of diversion, even though the Community Counselor's role remains consistent as the guardian of the child's best interests.

Diversion should therefore not be understood merely as a means to prevent children from imprisonment, but rather as a mechanism that positions children as subjects who can still be guided, directed, and restored. Investigators, prosecutors, and judges do have different positions

according to the stage of examination, but all three are bound by the same obligation to prioritize solutions oriented towards restorative justice. Throughout this process, the BAPAS Community Counselor is an element that differentiates the juvenile criminal justice system from the general criminal justice system, because its presence ensures that the handling of juvenile cases is inseparable from the social, psychological, and developmental dimensions. The involvement of the Community Counselor means that diversion does not stop at a peace agreement alone, but rather moves towards a more complete recovery for the child, the victim, and their social environment. (13)

This pattern emphasizes that justice in juvenile cases is not always synonymous with imprisonment or severe sanctions, but can be achieved through deliberation, agreement, responsibility, and the restoration of previously disrupted social relationships. Diversion has a very important value because it can prevent children from entering further into criminal circles, prevent them from being labeled negatively, and maintain children's opportunities to grow into better individuals in the future. The success of this mechanism is very dependent on the seriousness of investigators, public prosecutors, judges, and especially BAPAS Community Guidance Counselors in placing the best interests of children as the primary basis for resolving cases. Thus, the effectiveness of diversion is not only determined by the existence of legal regulations, but also by the commitment of all law enforcement officers to carry out their roles in a humane, coordinated, and consistent manner. (14)

Viewed from the perspective of restorative justice theory, the resolution of juvenile criminal cases through diversion reflects a change in perspective in criminal law enforcement. Restorative justice theory views criminal acts not only as violations against the state, but also as acts that damage the relationship between the perpetrator, the victim, and society (15). The main goal is not simply to impose punishment, but also to restore losses, improve social relationships, and foster moral responsibility in the perpetrator (16). In the realm of juvenile justice, such an approach is very relevant because children do not yet have the same level of emotional and social maturity as adults. The legal response to children who commit crimes must consider elements of education, guidance, and rehabilitation (17). Diversion is a concrete form of a legal approach that emphasizes recovery rather than retribution, thus better meeting the needs of child protection.

Furthermore, the diversion mechanism demonstrates that child protection in the criminal justice system is not simply contained in legislation, but must also be evident in everyday law

enforcement practices (18). Children in conflict with the law are vulnerable, so an overly rigid, repressive approach could potentially worsen the situation (19). Diversion presents itself as a more dialogic, participatory, and future-oriented resolution pathway. In this process, children are encouraged to recognize their mistakes, victims are given space to express their experiences, and families and communities are involved in supporting the recovery process (20). This situation demonstrates that diversion is not only beneficial for resolving cases individually, but also plays a role in building a more humanistic legal culture. The important value of diversion lies in its ability to maintain children's dignity while encouraging the creation of more peaceful and just solutions (21).

Based on the overall discussion, it can be concluded that the diversion mechanism plays a crucial role in realizing a just, humane, and best-interested juvenile justice system. Diversion is not only an alternative way to resolve criminal cases but also a means to emphasize that juvenile justice must be built on the principles of protection, recovery, and guidance. Its successful implementation is largely determined by the understanding of law enforcement officials, the readiness of victims and families to participate in the resolution process, and community support for a restorative justice approach. Optimizing diversion needs to be continuously carried out through capacity building of officers, broader outreach, and fostering a shared awareness that children who violate the law still have the right to guidance and correction. In this way, the primary goal of the juvenile justice system, namely protecting children while upholding justice, can be achieved more effectively and sustainably.

CLOSING

CONCLUSION

Based on the results of a study on the application of diversion mechanisms in the juvenile criminal justice system, it can be concluded that diversion is a crucial instrument in implementing a restorative justice approach in resolving criminal cases involving children. Diversion provides an alternative resolution outside the formal criminal justice process by involving the perpetrator, victim, family, and community through a deliberation mechanism to reach a mutual agreement.

Diversion is implemented at every stage of the juvenile criminal justice process, namely the investigation, prosecution, and trial examination. At the investigation stage, the chances of successful diversion are relatively greater because the case resolution process is

still in its early stages, allowing the parties to reach an agreement. Meanwhile, at the prosecution and trial examination stages, diversion mechanisms can still be implemented if an agreement has not been reached in the previous stages. However, the success of diversion at this stage tends to be more limited because the legal process has progressed further.

Overall, the implementation of diversion in the juvenile criminal justice system plays a crucial role in providing legal protection for children in conflict with the law and preventing the negative impacts of the formal criminal justice process. Diversion aims not only to resolve cases peacefully but also to provide children with the opportunity to correct their mistakes and restore social relationships between the perpetrator, victim, and community.

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