

Dynamics of Non-Litigation Law Resolution in the Juvenile Criminal Justice System

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ABSTRACT

Handling children in conflict with the law in the juvenile criminal justice system requires a more humane and restorative approach. The purpose of this study is to analyze the application of diversion in the juvenile criminal justice system and identify the challenges faced. This research uses normative legal research method with statutory approach and case analysis. The results show that although diversion has been regulated in the law, its implementation still faces various obstacles, such as lack of understanding among law enforcers, community stigma towards children, and resistance from the justice system itself. Efforts to overcome these obstacles include education and socialization to the community as well as training for law enforcers. This research underscores the importance of support from all relevant parties, including law enforcement, the community, and the child's family, to ensure the success of the diversion process. Better knowledge of the purpose and benefits of diversion can reduce stigma and improve child rehabilitation. Diversion as an alternative to out-of-court settlement in the juvenile criminal justice system has great potential to protect children from the negative impacts of formal legal proceedings. However, challenges need to be overcome through education, training and community empowerment. Support from families and communities is critical to the successful rehabilitation and social reintegration of children in conflict with the law. With the right approach, it is expected that the implementation of diversion can be more effective in achieving restorative justice for children.

Keywords: Diversion, Juvenile Criminal Justice System, Non-Litigation Resolution

Introduction

The sustainability of a nation relies heavily on the quality of children as the next generation. In the process of forming their identity, children are often vulnerable to the influences of their surrounding environment. In this context, children's behaviour requires special treatment that differs from that of adults. The paradigm of parent's patria views the state as a facilitator responsible for

ensuring that children can obtain their rights, both physically and mentally (Moyo, 2014; Westman & Westman, 2019). Children are unique individuals with distinct characteristics that require special attention and treatment. In their growth and development process, children are influenced by various internal and external factors that contribute to the formation of their character. A child's character or personality has a significant impact on the actions they take, including the likelihood of deviant behavior or violations of norms. Deviant behavior or legal infringements committed by children can lead to legal consequences. Handling criminal cases involving children differs from the handling of cases for adults, where the treatment of children is specialized and governed by separate regulations. Understanding the process of handling juvenile cases may not be fully comprehended by some members of society, which often leads to diverse judgments. This can result in misconceptions, such as the assumption that children in conflict with the law receive special treatment or that they cannot be punished. However, this is not entirely true; instead, the process for handling children is specifically regulated according to applicable provisions.

Children's human rights should be respected and upheld by preventing all forms of violence and discrimination from any party. Fundamentally, children's rights are enshrined in the 1945 Constitution of the Republic of Indonesia as well as in the United Nations Convention on the Rights of the Child. Efforts to fulfill the interests of children are the responsibility of all parties, especially the government, in treating children involved in criminal acts. Appropriate treatment will significantly influence a child's mental health both psychologically and spiritually (Pramukti, 2015). Therefore, the state has an obligation to provide legal protection for children, both during the court process and afterward. This is because every citizen, especially children who are still in the developmental stage, has the right to adequate legal protection. Protection of children becomes a shared responsibility that involves the roles of parents, families, communities, the government, and the state. Article 20 of the Child Protection Law emphasizes that "the state, government, society, families, and parents have obligations and responsibilities in the implementation of child protection." (Pratama, 2015)

As children who are part of the youth generation and serve as potential human resources and successors to the nation's ideals, children play a strategic role and possess unique characteristics. Therefore, they require guidance and

protection to ensure optimal physical, mental, and social growth and development (Garghate & Choudhari, 2024; Sciences et al., 2019). Indonesia has established various regulations designed to protect, enhance the welfare of, and comprehensively fulfill the rights of children. Children require continuous guidance to ensure their survival, growth, and physical, mental, and social development, while also protecting them from any threats that could jeopardize their future (Bhadra, 2022; Masten & Barnes, 2018). Therefore, children are individuals who require special protection and have the right to legal protection, particularly within the criminal justice system. When dealing with children in conflict with the law, it is essential to consider the differences between children and adults. Given the inherently unstable nature of children, their future as assets of the nation, and their position in society that still requires protection, this serves as a basis for seeking alternative solutions that can prevent children from becoming entangled in a justice system that does not meet their needs.

One form of Indonesia's implementation of legal protection for children is the Law No. 4 of 1979 concerning Child Welfare, which should serve as a reference for policy-making related to child protection. Additionally, Law No. 3 of 1997 concerning Juvenile Courts has been replaced by Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), along with Law No. 35 of 2014, which amends Law No. 23 of 2002 concerning Child Protection. One of the efforts to protect children in conflict with the law is through the application of diversion. Diversion is the transfer of the resolution of a child's case from the criminal justice process to a non-criminal justice pathway. Thus, not all cases involving children need to be resolved through formal courts, but can instead be settled through alternative means based on justice and the best interests of the child (Anak, 2015).

When a child is suspected of committing a criminal act, the use of the formal justice system that places the child in the status of a prisoner can have significant impacts on that child's life. The formal judicial process that results in the incarceration of a child has proven to be ineffective, as imprisonment often does not serve as a deterrent and does not help the child become a better person. In fact, prison may make children more skilled in committing crimes. Indonesia has regulations aimed at preventing child suspects from being tried through the formal justice system, namely Law No. 3 of 1997 concerning Juvenile Courts. However, this law has several weaknesses, one of which is the

absence of the concept of diversion. To address the shortcomings of Law No. 3 of 1997 concerning Juvenile Courts, which did not adopt the concept of diversion and treated children as prisoners, amendments were made through Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). The SPPA law implements a restorative justice approach through the diversion system. This law also mandates law enforcement officials to seek diversion at every stage of the legal process.

The main weakness in the dynamics of Law No. 3 of 1997 concerning Juvenile Courts lies in the absence of the concept of diversion, resulting in juvenile offenders being treated similarly to adults, including the possibility of being sentenced to imprisonment. This approach is more punitive than rehabilitative, causing children to be at risk of stigma, psychological harm, and an increased likelihood of recidivism. In response, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) was introduced with a restorative justice approach, which, through the concept of diversion, focuses on rehabilitation, restoring social relationships, and prioritizing the best interests of the child without going through the formal judicial process. However, the implementation of the diversion concept under Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) has not been fully integrated into judicial practice. Although the SPPA adopts a restorative justice approach that emphasizes rehabilitation, restoring social relationships, and the best interests of the child without formal judicial proceedings, challenges remain in its implementation in the field. Many law enforcement officials have a limited understanding of or do not fully apply the principles of diversion, causing children to remain trapped in the formal justice system. Furthermore, the lack of clear operational guidelines and adequate resources for implementing diversion can hinder the effectiveness of this law in protecting and improving the circumstances of children in conflict with the law. Therefore, this research needs to discuss the regulations regarding the application of diversion processes based on the SPPA and the obstacles and efforts during the implementation of the diversion process.

This research is very important considering the increasing number of children involved in criminal cases. With the existence of Law No. 11/2012 on the Juvenile Criminal Justice System, an in-depth evaluation of the application of the diversion principle is needed, which aims to prevent children from the negative impact of the formal justice system.

Several studies in the last decade have shown that the implementation of diversion is still not optimal. For example, research by Hidayat (2019) identified that a lack of understanding among law enforcers is one of the factors inhibiting

the implementation of diversion. In addition, research by Vadivelan (2020) found that social stigma against children in conflict with the law is still strong, causing helplessness in the rehabilitation process.

This research offers a new approach by systematically analyzing the challenges and solutions in the implementation of diversion, as well as exploring the role of education and community empowerment in supporting the diversion process. This novelty is expected to provide a new perspective in the study of juvenile law and criminal justice.

The findings of this study are expected to provide recommendations for policy makers, law enforcers, and communities to improve the effectiveness of diversion implementation. With a better understanding, it is hoped that a more humane justice system can be created and support child rehabilitation as part of comprehensive child protection efforts.

Research Method

In this research, the legal research method is based on the statute approach, also known as normative legal research. This is a process for finding legal rules, legal principles, and legal doctrines to address legal issues, which is used to discuss the regulations concerning the implementation of diversion processes based on the SPPA, as well as the obstacles and efforts in the application of the diversion process. The case approach is an analytical method used as a guideline for legal problems regarding the obstacles and efforts during the implementation of diversion. Additionally, the conceptual approach is based on the viewpoints and patterns of doctrines or theories developed by experts in legal science. From the various approaches and legal research outlined, the study will address the regulations concerning the application of diversion processes based on the SPPA, as well as the obstacles and efforts in the implementation of the diversion process.

Result and Discussion

Regulation on the Application of the Diversion Process Based on the Juvenile Criminal Justice System Law

Children involved in legal violations are greatly influenced by various external factors outside of themselves. To protect children from the negative impacts of formal processes within the criminal justice system, legal scholars have proposed creating rules that allow for the withdrawal of children suspected of legal violations from the common criminal justice process,

providing alternatives deemed better for their development. The main weakness in Law No. 3 of 1997 concerning Juvenile Courts lies in the lack of a diversion concept, which has serious implications for how children involved in criminal acts are treated. Within this legal framework, children in conflict with the law are often subjected to judicial procedures that are nearly identical to those for adults, including the possibility of imprisonment. This approach is focused on punitive aspects, neglecting the rehabilitative potential that should be a priority in handling children.

Treating children the same as adults within the criminal justice system can have fatal consequences. First, children undergoing formal judicial processes are vulnerable to social stigma. This stigma can damage a child's self-image and affect how society interacts with them, often labeling them as "offenders" or "criminals." As a result, they experience social isolation, which further complicates the rehabilitation process.

The formal judicial process can also lead to psychological damage for children. Handling that is not in accordance with their psychological and emotional development can trigger prolonged trauma, increasing the likelihood of mental health issues in the future. Third, this punitive approach also increases the risk of recidivism. When children are not given the opportunity to understand their mistakes and do not receive support to correct their behavior, they are more likely to re-engage in criminal activities. In response to these weaknesses, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) was introduced. This law adopts a restorative justice approach that focuses on rehabilitation and restoring social relationships. Through the concept of diversion, the UU SPPA offers alternative resolutions outside the formal judicial process, allowing children to face the consequences of their actions without being trapped in stigma and a punitive system. Diversion provides children the opportunity to rectify their mistakes, learn from experiences, and reintegrate into society with necessary support.

According to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, diversion is defined as the transfer of case resolution for children from the criminal justice process to mechanisms outside the court. The implementation of diversion is motivated by the desire to prevent the negative effects of the criminal justice system on the mental health and development of children facing the law. The application of diversion by law enforcement is based on discretionary authority, allowing them to make more humane

decisions. With the implementation of the diversion concept, the formal justice system focuses on efforts to protect children from imprisonment. Furthermore, this diversion policy can be applied at all levels of justice, including in the community, to prevent criminal acts from occurring. If a child commits a criminal act, they do not need to go through the police process.

In Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the term "child" refers to a child in conflict with the law. This definition encompasses the entire process of resolving cases involving children in conflict with the law. According to Article 1 of the UU SPPA, the provisions regarding children are regulated as follows:

- (1) A child in conflict with the law is a child who conflicts with the law, a child who is a victim of a criminal act, and a child who is a witness in a criminal case;
- (2) A child in conflict with the law, hereafter referred to as "Child," is a child aged 12 (twelve) years but not yet 18 (eighteen) years, who is suspected of committing a criminal act;
- (3) A child who is a victim of a criminal act, hereafter referred to as "Victim Child," is a child who is under 18 (eighteen) years old who suffers physical, mental, and/or economic loss as a result of a criminal act; and
- (4) A child who is a witness to a criminal act, hereafter referred to as "Witness Child," is a child who is under 18 (eighteen) years old who can provide testimony for the purposes of investigation, prosecution, and examination in court regarding a criminal case that they have heard, seen, and/or experienced themselves.

Article 6 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System establishes the objectives of implementing diversion as follows:

- a. To create peace between the victim and the child concerned;
- b. To resolve cases involving children outside the judicial process;
- c. To prevent the child from deprivation of liberty;
- d. To encourage community participation in the resolution process; and
- e. To instil a sense of responsibility in the child.

The conditions for the implementation of diversion are regulated in Articles 8 and 9 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which consist of:

- (1) The diversion process must be conducted through deliberation involving the child, parents or guardians, community facilitators, and professional social workers, using a restorative justice approach.
- (2) If necessary, the deliberation referred to in paragraph (1) may involve social welfare workers and/or community members.
- (3) The diversion process must consider:
 - a. The interests of the victim;
 - b. The welfare and responsibility of the child;
 - c. Avoidance of negative stigma;
 - d. Avoidance of retaliation;
 - e. Community harmony; and
 - f. Decency, morality, and public order.

Article 9 of Law No. 11 of 2012 stipulates that:

- (1) Investigators, Public Prosecutors, and Judges must consider the following factors in carrying out diversion:
 - a. The category of the criminal offense committed by the child;
 - b. The age of the child;
 - c. The results of the community study from the correctional center (Balai Pemasyarakatan/Bapas); and
 - d. Support from the family and community environment.
- (2) Agreements in the diversion process must be approved by the victim and/or the family of the child victim, as well as the willingness of the child and their family, except for:
 - a. Criminal offenses categorized as violations;
 - b. Misdemeanours;
 - c. Criminal offenses that do not have a victim; or
 - d. The value of the loss suffered by the victim does not exceed the local minimum wage.

Based on Article 13 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the juvenile criminal proceedings will continue if:

- a. The diversion process does not result in an agreement; or
- b. The agreement reached in the diversion process is not implemented.

The application of the diversion process based on Articles 9 and 10 of Law No. 11 of 2012 concerning the Child Criminal Justice System states that both parties, namely the child acting as the perpetrator and the victim or their family, must be accompanied by the child's parents or guardians, community supervisors, and professional social workers. At the investigation level, they may also be accompanied by community leaders. The results of the agreement between the two parties are documented in a diversion agreement and signed by all parties involved. Subsequently, the results of this diversion agreement must be submitted to the immediate superior at the police investigation level (such as the Head of the PPA Unit at the Regional Police, Local Police, or Police Station) within 3 (three) days after the agreement is reached. The document must also be submitted to the Chairman of the local court to issue a decree regarding the results of the diversion.

This decree must be issued no later than 3 (three) days and then communicated to the community supervisor, investigator, public prosecutor, and judge. After receiving the decree letter, the police investigator will issue a letter of termination of the investigation. If no agreement is reached in the diversion implementation process, the juvenile criminal proceedings will continue to the next level. Supervision over the diversion process is the responsibility of the immediate superior of the investigator in the Women and Children's Protection Unit, whether at the Regional Police, Local Police, or Police Station. During the on-going diversion process until the agreement is implemented, the community supervisor is obligated to provide assistance, guidance, and supervision. If the diversion agreement is not implemented within the specified timeframe, the community supervisor is required to immediately report this to the immediate superior of the child investigator in the local police. The superior must then follow up on that report no later than 7 (seven) days after the report is received.

The Child Public Prosecutor, as part of the prosecution institution involved in the implementation of the juvenile criminal justice system, is responsible for carrying out diversion in accordance with the provisions stipulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. As a follow-up to this regulation, Article 32 of Government Regulation of the Republic of Indonesia No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children has been established. This regulation states that for children under the age of 12 (twelve) years, the

Public Prosecutor will take responsibility for the child and the evidence from the investigator. Subsequently, within 7 x 24 (seven times twenty-four) hours from the transfer of responsibility, the Public Prosecutor will offer the child and/or their parents/guardians, as well as the victim or the Child Victim and/or their parents/guardians, to settle the case through the diversion process.

The stages of the diversion deliberation in the prosecution process are initiated by the Child Public Prosecutor as the facilitator. In the opening of the deliberation, the Child Public Prosecutor introduces all parties present, explains the purpose and objectives of the deliberation, and conveys the regulations that must be agreed upon by all participants. As a facilitator, the Child Public Prosecutor also explains their role and provides a summary of the charges. The community supervisor provides information regarding the behaviour and social conditions of the child and offers suggestions for achieving a resolution. The Child Public Prosecutor is required to give the Child Perpetrator the opportunity to provide statements regarding the charges against them. Next, the parents or guardians of the child may convey matters related to the child's actions and the form of resolution expected. The victim or Child Victim, along with their parents or guardians, also have the right to respond and express their desired form of resolution. In the diversion process, the Public Prosecutor must consider several factors, including the category of the crime, the child's age, the results of the social inquiry, as well as support from the family and community environment.

At the court examination stage, the judge plays a crucial role in determining whether the diversion process will be applied or not. This decision depends not only on the applicable legal provisions but also on the individual conditions of the child and their family, as well as the impact on community harmony. Judges who have applied diversion usually do so with the belief that the conditions of the child and their family support the implementation of diversion, which can contribute to the child's rehabilitation and the restoration of social relations. Conversely, there are judges who choose not to or have not yet applied diversion. This decision is often taken if the judge feels that the child and their family are not ready to undergo the diversion process. For instance, if the child has experienced severe trauma due to the crime they committed or if the family's social situation is unstable, the judge may feel that the diversion process would not be effective and could instead add to the psychological burden of the child. In such situations, judges prefer to proceed

with formal legal proceedings, hoping that this will yield better outcomes for the child's future. Judges also consider the impact of the application of diversion on community harmony. If the application of diversion could trigger conflicts within the community or damage relationships among citizens, judges may hesitate to proceed with such a process. In this case, careful consideration of the social conditions surrounding the child is crucial. The judge's decision to apply or reject diversion must be balanced, prioritizing the best interests of the child while also considering the stability and harmony of the community as a whole. Thus, judges serve as a balancing force between the child's right to protection and rehabilitation and social responsibility to the community.

It is important to recognize that the judge's decision regarding the application of diversion is not only influenced by the condition of the child and their family but also by the perceptions and knowledge of the community and law enforcement regarding this alternative resolution. When the community and relevant parties do not have a clear understanding of the purpose of diversion, for example, as an effort to rehabilitate the child and prevent negative stigma, judges may feel pressured to avoid using the process in order to prevent conflicts in the community. This creates a cycle in which misunderstanding among the community impacts the judge's decision, which in turn exacerbates the situation for the child in conflict with the law. To support a more effective implementation of diversion, better education and socialization regarding the benefits and procedures of diversion for all parties involved are necessary.

There is a lack of understanding and awareness among the involved parties, including law enforcement, parents, and the community, regarding the concept and purpose of diversion itself. Many parties still believe that the formal legal process is the only way to resolve criminal cases, thus they are hesitant to accept restorative alternative resolutions. This misunderstanding can lead to resistance against the diversion process, which in turn hampers efforts to rehabilitate the child and restore social relationships between the perpetrator child, the victim, and the community. Without adequate support and understanding, the application of diversion becomes difficult and ineffective, even though it has been legally regulated and made possible.

Barriers and Efforts in Implementing Diversion as a Non-Litigation Resolution for Juvenile Crime

A lack of understanding and awareness of the concept and purpose of diversion is one of the main barriers to its implementation as a solution for juvenile offenses. This stems from minimal information and socialization about the principles of restorative justice underlying the diversion system. Many parties, including law enforcement, parents, and the community, still cling to the conventional view that formal legal processes are the only way to address legal violations. This perspective often results in doubt and resistance to the implementation of diversion, even though the concept is designed to provide protection and rehabilitation for children in conflict with the law. Law enforcement officers who do not fully understand the purpose of diversion tend to prefer formal judicial routes because they feel more comfortable and familiar with those procedures. This can lead to neglecting opportunities to resolve cases through a more restorative approach, which could, in fact, be more beneficial for the child and society.

This misunderstanding can also impact the way they handle juvenile cases, potentially leading to decisions that do not consider the best interests of the child. On the other hand, parents and the community who do not understand the benefits of diversion often feel anxious or skeptical about the process. They may believe that only through formal adjudication can a child receive appropriate sanctions and that diversion might be seen as a form of neglecting the law. The negative stigma associated with children in conflict with the law can be further exacerbated by community misunderstanding, which assumes that such children do not deserve a second chance. Therefore, it is essential to conduct comprehensive education and socialization regarding the objectives, mechanisms, and benefits of diversion, so that all parties can contribute to creating a more humane justice system that supports the rehabilitation of children.

The social stigma against children in conflict with the law is a significant obstacle in their rehabilitation and reintegration into society. Children involved in criminal offenses are often labeled as "perpetrators" or "criminals," leading others to view them with skepticism and prejudice. This stigma not only affects the community's perception of the child but also influences how parents, families, and peers interact with them. Children who have already faced difficulties due to their actions become increasingly isolated, making it hard for them to find the social support they need for positive change. Social stigma can worsen the psychological condition of the child. When a child feels rejected by society, they may internalize the stigma, leading to feelings of inferiority,

anxiety, and depression. In such circumstances, the child tends to feel hopeless and powerless, hindering their rehabilitation efforts. The success of the rehabilitation process greatly depends on the social support received by the child, and negative stigma creates barriers to obtaining that support. As a result, these children may re-engage in criminal behavior due to a lack of positive involvement from their surroundings. The process of social reintegration of children in conflict with the law becomes more complicated because of the stigma they face. A community that views the child as a "criminal" may not provide them with opportunities to prove that they have changed. Difficulties in finding employment, accessing education, or forming healthy social relationships will further exacerbate their situation. Without the chance to demonstrate that they can change and contribute positively to society, many children remain trapped in a cycle of criminality, ultimately harming not only themselves but also society as a whole.

Resistance from law enforcement against implementing diversion in the juvenile justice system is one of the main barriers in the effort to rehabilitate children in conflict with the law. Many law enforcement officials, including investigators, prosecutors, and judges, have become accustomed to formal legal pathways. This habit often makes them hesitant to adopt alternative approaches like diversion, even though it is legally regulated under Law No. 11 of 2012. A lack of understanding or inability to apply the concept of diversion can result in the loss of opportunities for children to receive better protection and rehabilitation. Insufficient training and education about diversion is also a key factor influencing law enforcement attitudes. Many may not gain a deep understanding of the concepts and objectives of diversion, making it difficult for them to implement it in practice. Without adequate training, they may not know how to carry out diversion discussions involving all parties, including the child, parents, victims, and community supervisors. This can lead to ineffective diversion processes, potentially resulting in failure to reach agreements that benefit all parties involved. This resistance can negatively impact community trust in the justice system. If law enforcement does not demonstrate commitment to implementing diversion, the community may perceive that the justice system is not functioning well in protecting children in conflict with the law. Such trust is essential to create an environment supportive of children's rehabilitation. If communities feel that law enforcement leans toward formal pathways without considering restorative approaches, it could worsen the existing stigma against children involved in offenses.

Education and socialization are crucial steps in enhancing the understanding of both the community and law enforcement regarding the concept, benefits, and objectives of diversion as a non-litigation resolution for children in conflict with the law. By conducting a well-planned educational campaign, all stakeholders—whether community members, law enforcement officials, or relevant institutions—can be provided with clear and accurate information about the processes and expected outcomes of implementing diversion. This campaign not only offers insights into the theory behind diversion but also presents case studies and success stories that can inspire the acceptance of this concept across various layers of society. One effective method that can be utilized in educational campaigns is through seminars, workshops, and panel discussions involving various stakeholders. In these events, legal experts, child psychology professionals, and social practitioners can be invited to share their knowledge and experiences. Thus, law enforcement will better understand their important roles in the diversion process and how they can effectively contribute. Furthermore, community members will have the opportunity to ask questions and interact directly with speakers, which can help reduce misunderstandings and negative stigma toward children in conflict with the law.

The importance of education is not limited to law enforcement and the general public but should also encompass the parents and guardians of children. They need to be informed about children's rights and the mechanisms available for protecting and rehabilitating those involved in criminal offenses. This education can help parents understand that the diversion process is not only aimed at sparing children from severe sanctions but also providing them with the chance to learn from their mistakes and improve themselves. With increased awareness among parents, it is expected that they will support their children during the diversion process and actively participate in seeking the best solutions. Mass media can also be an effective tool in this educational campaign. By utilizing platforms such as television, radio, print media, and social media, information regarding diversion can be disseminated more widely and reach various segments of society. Talk show programs, news articles, and stories about children successfully navigating this process can attract public attention and create a more positive understanding. Moreover, success stories from children who have completed the diversion process can offer hope and inspiration, helping the community better understand the potential for rehabilitation.

Organizing training programs for law enforcement and other supporting personnel is essential for enhancing their understanding and skills regarding the principles of restorative justice and the application of diversion (Gavrielides, 2020; Van Ness et al., 2022; Wilson et al., 2018). These training programs should be comprehensively designed to cover both theoretical and practical aspects, ensuring that participants not only gain knowledge but also the necessary skills to implement diversion. The training materials can include introductions to the concept of restorative justice, the mechanisms and procedures of diversion, and how to interact with children in conflict with the law and their families. Participants will also be trained to recognize various factors influencing the child's condition, such as social, economic, and psychological backgrounds so they can make better and wiser decisions in the context of diversion. Furthermore, the training should emphasize the importance of collaboration among agencies and institutions, including cooperation with psychologists, social workers, and rehabilitation institutions. By improving the competencies of law enforcement officials through ongoing training, it is expected that greater awareness and willingness to apply the principles of restorative justice and diversion will be fostered in every case they encounter.

Community empowerment is also a key aspect of implementing diversion as a non-litigation resolution for children in conflict with the law. Involving the community in the diversion process means giving them an active role in supporting the child's rehabilitation, including understanding the importance of social support for that child. Socialization and education programs that engage the community can create a more supportive environment for children involved in legal issues (Mazerolle et al., 2021; Tyler & Trinkner, 2017). Community empowerment activities can include discussions, seminars, and workshops involving community leaders, parents, and other stakeholders. During these activities, information about the community's essential role in supporting the diversion process can be conveyed, including examples of successes that have occurred in other communities. By increasing community awareness and support, it is expected that negative stigma against children in conflict with the law can be reduced, allowing them to reintegrate more successfully into the community.

Family involvement for the child perpetrator is crucial in the diversion process. The family is a primary factor affecting the child's development and can serve as the main support in their rehabilitation (Smith & Samuels, 2021; Tye-Murray, 2022). Through family involvement, families will gain a better understanding of the diversion process and how they can actively participate.

Support programs can include counseling sessions, training on how to provide emotional support to the child, and information on children's rights in legal processes.

By providing adequate support to families, it is expected that they can help the child navigate the diversion process more effectively. Actively involved families can motivate children to change and correct their behavior, thereby increasing the chances of successful diversion. Additionally, this approach can help create better relationships between the child and their family, minimizing the risk of recidivism in the future. With effective support, children in conflict with the law may have better opportunities for rehabilitation and successful social reintegration.

Conclusion

The importance of implementing diversion as a non-litigation resolution alternative in the juvenile justice system. Diversion, as regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, aims to protect children from the negative effects of formal judicial processes and to provide opportunities for rehabilitation and social reintegration. The implementation of diversion does not only focus on legal aspects but also considers the well-being of the child, the interests of the victim, and community harmony. Through a restorative justice approach, diversion allows for deliberations involving all relevant parties, including the child, family, and victims, to reach fair and mutually beneficial agreements. However, achieving these objectives requires understanding and support from all parties, including law enforcement, the community, and the families of the children. Various barriers such as social stigma, resistance from law enforcement, and the lack of education regarding diversion need to be addressed through training, socialization, and community empowerment.

The application of diversion as an alternative approach in the juvenile criminal justice system. Diversion aims not only to spare children from formal judicial proceedings that can negatively affect their development but also focuses on rehabilitation and social reintegration. However, various barriers, such as a lack of understanding and awareness of the concept and purpose of diversion, social stigma against children in conflict with the law, and resistance from law enforcement, pose significant challenges that must be overcome. To effectively achieve the goals of diversion, comprehensive education and socialization efforts are needed for all parties involved, including the community, law enforcement, and families of the children. Training programs for law enforcement will improve their understanding of the principles of

restorative justice and diversion mechanisms, preparing them to implement more humane solutions for children. Community empowerment is also crucial in creating a supportive environment for the rehabilitation process of children and reducing the negative stigma often obstructing their social reintegration. Family support for the child perpetrator is an essential step in the diversion process, as family involvement can enhance the chances of successful rehabilitation. With a collaborative approach among all stakeholders, it is hoped that diversion can be better implemented, providing protection and opportunities for children in conflict with the law to change and contribute positively to society. The awareness and involvement of all parties in this process will significantly determine the effectiveness of diversion in achieving the objectives of rehabilitation and social reintegration for children.

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