


The Legal Status of Diversion in Indonesia's Juvenile Criminal Justice System

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Article Info	ABSTRACT
<p>Keywords: Diversion, Juvenile Justice System, Restorative Justice, Legal Status, Child Rights Protection.</p>	<p>This study examines the legal status of diversion within Indonesia's juvenile criminal justice system, which is explicitly regulated by Law No. 11 of 2012 and further reinforced by implementing regulations such as Supreme Court Regulation No. 4/2014 and National Police Regulation No. 8/2021. Although the provisions on diversion support a restorative justice approach and are normatively well-established, their implementation in practice continues to face numerous challenges. These include limited understanding among law enforcement officers, a shortage of qualified facilitators, and low participation from victims and the community in the diversion process. The objective of this research is to analyze the legal position of diversion in the juvenile justice system, identify the obstacles affecting its effectiveness, and recommend measures to enhance its successful implementation. This study employs a qualitative literature review method using normative, contextual, and comparative international approaches through an analysis of primary and secondary legal materials and relevant literature. The findings reveal that despite the adequacy of existing regulations, the realization of diversion in practice remains limited due to institutional weaknesses and the lack of effective dissemination and public awareness. These results highlight the need to strengthen the capacity of legal practitioners, develop diversion models that are contextually appropriate for Indonesia, and increase stakeholder participation. Overall, this study emphasizes the importance of structural reforms and the full commitment of all stakeholders to ensure that diversion functions optimally as a humane and just instrument within Indonesia's juvenile criminal justice system.</p>
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INTRODUCTION

Indonesia's juvenile criminal justice system has undergone significant development in recent decades, in line with the growing global emphasis on the protection of children's rights. One form of this protection is the implementation of diversion, which refers to the redirection of juvenile cases from formal criminal proceedings to alternative, non-judicial mechanisms. The concept of diversion is rooted in the principle that formal judicial processes should be a last resort (*ultimum remedium*), particularly for children in conflict with the law (Waluyadi et al., 2024). In this context, diversion is not merely considered an alternative but an essential legal mechanism in realizing restorative justice for children (Sarwadi & Bawono, 2021).

In Indonesia, the implementation of diversion is firmly grounded in Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) (Alhakim et al., 2023). Under this law, diversion is a mandatory process that must be pursued at every stage of the criminal proceedings from investigation and prosecution to court hearings. These provisions reflect Indonesia's commitment to prioritizing a more humane approach that serves the best interests of the child. However, in practice, diversion continues to face numerous challenges, including issues in regulatory clarity, implementation capacity, and law enforcement officers' perceptions (Schaible et al., 2021).

Globally, the concept of diversion is not new. Countries such as the Netherlands, Norway, and Australia have long integrated diversion mechanisms into their juvenile justice systems. While their models vary, they share a common emphasis on restorative processes and the active participation of all stakeholders, including victims (United Nations Office on Drugs and Crime, 2006). In Indonesia, despite having diversion regulations in place for over a decade, the success rate of implementation remains low. This is due to several factors, such as limited understanding of restorative justice principles among law enforcement, a lack of trained facilitators, and inadequate support infrastructure for diversion at the ground level (Corcoran, 2013).

Previous studies have examined diversion from various perspectives. For example, Blais et al. (2022) highlighted weak inter-agency coordination among law enforcement as a major barrier to effective diversion. Pratama (2022) emphasized the need for training and capacity building for law enforcement personnel to apply restorative justice principles. Meanwhile, Lanni (2021) pointed to the low participation of victims as a key obstacle in achieving fair and sustainable agreements through diversion. These studies indicate that the core issues lie not only in the normative framework but also in the practical and operational aspects at the field level.

Although much research has been conducted, most previous studies focus on normative legal reviews or descriptive analyses of specific cases. Few studies have comprehensively examined the legal status of diversion within the framework of Indonesia's juvenile criminal justice system from normative, philosophical, and practical perspectives. A thorough understanding of the legal position of diversion is crucial for strengthening its theoretical and juridical foundations. By holistically analyzing the legal status of diversion, this study aims to provide a more integrated understanding of its place in the national legal system, while also identifying opportunities for regulatory and practical improvements.

There remains a critical gap in scholarship that thoroughly analyzes the legal status of diversion as an integral component of the juvenile justice system bridging positive law, criminal law theory, child rights, and restorative justice in a unified analytical framework. Bridging this gap is essential to ensure that diversion policies and practices are not implemented in a fragmented manner, but are fully integrated into the juvenile criminal justice system as a whole.

This study offers a novel perspective by examining diversion not merely as an alternative procedural mechanism, but as a legal institution with a strategic position within the juvenile criminal justice system. The research adopts a normative and conceptual

approach, taking into account international legal principles such as the Convention on the Rights of the Child, as well as judicial practices from other countries that have successfully implemented diversion. Thus, this study aims not only to reinforce the juridical arguments for the importance of diversion but also to contribute theoretically to the development of diversion as an integral part of juvenile criminal law.

There is an urgent need to strengthen Indonesia's juvenile justice system to be more responsive to the needs and interests of children. In recent years, the number of children in conflict with the law has tended to increase, while resolutions through diversion mechanisms remain low. This reflects a significant gap between normative ideals and practical realities. By understanding the legal status of diversion comprehensively, policymakers, law enforcement agencies, and other stakeholders are expected to formulate concrete steps to enhance the application of diversion and establish it as a key component in reforming the juvenile criminal justice system in Indonesia.

This study is also relevant to the broader context of national criminal law reform, including the revision of the Indonesian Penal Code (KUHP) and the strengthening of child protection institutions. Diversion, as part of a more just and child-rights-based legal system, must be given proportional attention within the framework of national legal reform. Therefore, an in-depth examination of the legal status of diversion is essential as a foundational basis for evidence-based, child-centered policy recommendations.

Based on this background, this study focuses on how the legal status of diversion in Indonesia's juvenile criminal justice system can be analyzed, developed, and strengthened. The findings of this research are expected to be useful not only from an academic perspective but also for practical application and policy formulation. This study aims to serve as a reference for policymakers, academics, and legal practitioners in designing a more just, humane, and sustainable approach to handling juvenile cases.

METHOD

This study employs a normative legal research method, focusing on the analysis of positive legal norms, legal principles, and legal doctrines related to the legal status of diversion within Indonesia's juvenile criminal justice system. Normative legal research was conducted by examining primary legal materials such as Law No. 11 of 2012 on the Juvenile Criminal Justice System, the Indonesian Penal Code (KUHP), and other implementing regulations. This was supplemented by secondary legal materials, including scholarly literature, academic journals, previous research, and expert legal opinions. The study uses several approaches: the statutory approach to analyze legal texts, the conceptual approach to explore theoretical frameworks and definitions, and the comparative approach to examine diversion practices in other jurisdictions for contextual relevance in Indonesia. As described by Soekanto & Mamudji (2010), normative legal research is also known as library research because it primarily involves the analysis of secondary data sources.

The research specification is descriptive-analytical, aiming to provide a systematic, factual, and accurate account of legal issues and to analyze the interrelations among legal phenomena surrounding diversion. Data collection was carried out through library research,

involving the review of primary, secondary, and tertiary legal sources. The data were analyzed using a qualitative analytical method, which interprets legal norms, principles, and restorative justice values relevant to diversion in the juvenile justice system. The study applies deductive legal reasoning, deriving specific conclusions from general legal rules to address the particular issues under investigation. As emphasized by Ibrahim (2007), normative legal research relies on legal literature as its main data source and constructs legal arguments through critical interpretation of legal norms.

RESULT AND DISCUSSION

The Legal Status of Diversion in the Juvenile Criminal Justice System: Legal Basis and Objectives

Diversion is explicitly recognized in Indonesian law through Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) (Setyowati, 2020). Article 1 point 7 defines diversion as the redirection of a juvenile case resolution from formal criminal proceedings to an alternative process outside the criminal justice system (Harve et al., 2021). Articles 6 to 15 of the UU SPPA mandate that diversion must be pursued at every stage of the criminal process investigation, prosecution, and court examination (Anggraeni & Irawati, 2024). The objectives of diversion include achieving reconciliation between the victim and the child, resolving the case outside the courtroom, avoiding deprivation of liberty, encouraging community involvement, and fostering a sense of responsibility in the child (Maharani, 2025).

This legal framework affirms that diversion is not merely an alternative mechanism, but a legal obligation, provided that specific conditions are met: the offender must be under 18 years old, the offense must carry a penalty of less than seven years' imprisonment, and the offense must not be a repeat offense. This aligns with the principle of *ultimum remedium*, which views imprisonment as a last resort in juvenile justice. Diversion embodies the restorative justice approach and reflects the principle of the best interests of the child as promoted by the Convention on the Rights of the Child, which Indonesia ratified through Presidential Decree No. 36 of 1990 (Aprilianda et al., 2024).

From a legal perspective, diversion enhances a more humanistic and non-retributive resolution for juvenile cases. It is grounded in key principles such as child protection, non-discrimination, and recognition of the child's developmental needs. These principles are in line with international standards such as the Beijing Rules and the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (Rasdi et al., 2022). As such, diversion functions both as a legal and social safeguard for children in conflict with the law.

The conventional criminal justice system tends to treat juveniles similarly to adults, disregarding their distinct psychological and social developmental stages. Improper treatment can result in trauma, stigmatization, and even recidivism. Therefore, diversion serves as both a corrective and preventive strategy in dealing with juvenile offenses (Zane & Mears, 2023). This approach is explicitly supported by the general elucidation of the UU SPPA, which underscores restorative justice as the foundation of the juvenile justice system.

The legal framework for diversion is further reinforced by technical regulations, such as Supreme Court Regulation No. 4 of 2014 and National Police Regulation No. 8 of 2021, which

guide consistent and targeted implementation (del Pozo et al., 2025). This indicates that diversion has become an integral component of the juvenile justice system rather than an optional or supplementary policy.

From the perspective of legal philosophy, diversion embodies the three core values of law articulated by Gustav Radbruch: legal certainty, justice, and utility (Eichenhofer, 2024). Diversion offers legal certainty through its codification in statutory law, promotes justice by enabling reconciliation and healing, and provides utility by avoiding the detrimental effects of prolonged judicial proceedings on children.

It is essential to highlight that Article 7 paragraph (1) of the Juvenile Criminal Justice System Act (Law No. 11 of 2012) uses the phrase “shall be pursued,” indicating that diversion is mandatory. Law enforcement officers who fail to initiate diversion without valid legal justification may be held accountable (Indonesia, Law No. 11 of 2012 on the Juvenile Criminal Justice System). However, in practice, diversion is often carried out as a mere formality, without a proper understanding of the restorative justice philosophy that underpins it (Djajadisastra, 2020).

For diversion to function optimally, cross-sectoral understanding and support are required from the community, families, social institutions, and local leaders. Diversion is not merely a legal procedure it represents responsive law, as conceptualized by Rahardjo (2009) a living law that adapts to and serves the needs of social justice. In this regard, the legal status of diversion rests on philosophical, juridical, and sociological foundations, affirming its role in protecting children within the criminal justice system. Diversion reinforces the notion that handling juvenile cases must be future-oriented and recovery-based, rather than relying on rigid, punitive formalism.

Implementation of Diversion in Practice: Realities and Challenges

Although diversion is normatively supported by a strong legal foundation in the Juvenile Criminal Justice System (Law No. 11 of 2012), its implementation in practice remains far from ideal. Ideally, diversion should be the primary approach in handling children in conflict with the law; however, its practical effectiveness remains relatively low. Various technical, structural, and cultural barriers hinder the optimization of diversion as a form of restorative justice.

Data from the Indonesian Child Protection Commission (KPAI) reveal that many eligible juvenile cases are still processed through formal judicial proceedings (Atika et al., 2025). This phenomenon illustrates a significant gap between legal norms and law enforcement practices. Reports from legal aid organizations such as the Jakarta Legal Aid Institute (LBH Jakarta) and the Institute for Criminal Justice Reform (ICJR) in 2021 indicate that in major cities across Indonesia, only around 30% of diversion-eligible cases are actually resolved through diversion mechanisms (Cahyo, 2023).

One of the main reasons for the low success rate of diversion is the limited understanding among law enforcement officials of the philosophy and principles of restorative justice (Beckman et al., 2024). Many police investigators, prosecutors, and judges continue to view diversion as a mere administrative obligation, rather than as a substantive solution that ensures child protection and social rehabilitation. The success of diversion

depends heavily on the commitment and ability of legal actors to facilitate dialogue and reconciliation between the child offender, the victim, and the community (Krinsky & Komar, 2021).

In addition, the lack of supporting infrastructure poses a serious challenge. Many regions in Indonesia lack trained facilitators or mediators capable of handling diversion processes (Widyaningsih et al., 2025). The presence of neutral third parties is crucial for bridging the interests of victims and offenders. In the absence of such support systems, diversion often becomes a top-down, formalistic procedure lacking meaningful participation from the parties involved (Adebisi & Olanrewaju, 2021). Consequently, the process fails to embody the essence of justice that diversion aims to achieve.

Victim and victim-family participation also represents a critical issue in the implementation of diversion. In many cases, victims or their families are reluctant to participate due to trauma, fear, or distrust of the legal system. For instance, research on juvenile assault cases involving death highlights that even when diversion is legally mandated, “an amicable settlement” often fails because the victim’s family does not accept it, showing that trauma and reluctance can derail the process (Merlin Theodor Handayani Samosir & R. Rahaditya, 2024). Their absence creates an imbalance in the conflict resolution process and undermines comprehensive restorative outcomes. Studies on restorative justice in child criminal cases emphasize that lack of public trust and understanding of diversion rules further discourage victim participation (Edrisy & Kamilatun, 2022). This highlights the need for social and educational strategies to raise public awareness of the benefits of diversion and to encourage active involvement in the process.

Moreover, Indonesia’s legal culture, which still tends to be punitive and repressive, undermines broader acceptance of diversion. In some cases, both law enforcement officials and the general public view non-judicial case resolution as a form of leniency or tolerance toward legal violations. Such perceptions contradict the principles of restorative justice, which do not eliminate accountability but instead seek to transform it into a more constructive and rehabilitative form.

These conditions indicate the urgent need for systemic strengthening of diversion implementation. Intensive training programs for law enforcement personnel are necessary, along with the establishment of dedicated diversion units or service centres in each legal jurisdiction. Active collaboration with non-governmental organizations experienced in mediation and child advocacy is also essential. Moreover, the government must reinforce the policy framework by developing substantive indicators of diversion success, rather than relying solely on administrative metrics.

The urgency of reforming diversion implementation is not solely about child protection, but also part of a broader effort to renew the criminal justice system to make it more humane and responsive to social dynamics. The success of diversion reflects the state’s commitment to social justice and restorative principles, while also enhancing the legitimacy of the criminal justice system in the eyes of the public. Therefore, improving the quality of diversion implementation must become a strategic priority in the development of juvenile justice in Indonesia.

Conceptual Analysis: Diversion as an Instrument of Restorative Justice

Conceptually, diversion is closely aligned with the paradigm of restorative justice a criminal justice approach that focuses on restoring the relationship between the offender, the victim, and the community (Sugita, 2022). This approach emphasizes that crime is not merely a violation against the state, but also a disruption of social relationships and communal harmony (Zehr, 2003). Therefore, the handling of legal violations, particularly those involving children, should not focus solely on punishing the offender but also on healing the victim and reintegrating the child into society (Adebisi & Olanrewaju, 2021). In this framework, diversion should be understood as the institutionalization of restorative justice values within the juvenile criminal justice system (Wibisono, 2019).

Normatively, the principles of restorative justice have received legal legitimacy through Law No. 11 of 2012 on the Juvenile Criminal Justice System (JCJS Law) (Indonesia, 2012). This law places diversion as a central component of the system, mandating its application at every stage of legal proceedings: investigation, prosecution, and trial (Adebisi & Olanrewaju, 2021). This represents a significant conceptual shift, positioning diversion not as a supplementary option but as a legal obligation. In other words, diversion is not merely an administrative procedure but a substantive choice aimed at achieving a more humane and contextually appropriate form of justice.

Diversion should not be interpreted as a reduction or evasion of the legal process; rather, it is an integral part of the legal system itself. From this perspective, diversion holds substantive legal status, not merely administrative. When properly implemented and resulting in a mutual agreement among the parties particularly the child offender, the victim, and their families and documented in an official report ratified by the court, the outcome of diversion carries binding legal force, equivalent to a court judgment (Adebisi & Olanrewaju, 2021). Therefore, the understanding of diversion must shift from simply being a “procedural diversion” to a “legally valid case resolution grounded in restorative justice values.”

Restorative justice reflects a more relational and participatory approach to resolving juvenile cases. In the conventional justice system, children in conflict with the law are often treated as mere objects of legal procedure, denied the opportunity to express remorse, take responsibility, or repair the harm caused. In contrast, diversion provides a platform for children to recognize the impact of their actions, engage in dialogue with victims (when appropriate), and commit to meaningful reparation. This process is more educational and future-oriented, aligning with the principle of the best interests of the child (Nakamura et al., 2023).

Diversion also underscores the importance of community participation in resolving juvenile cases. In many instances, the role of community leaders, families, and social institutions is crucial in ensuring that diversion is carried out fairly and equitably. This is what differentiates the restorative approach from the retributive model: the former is dialogical and collaborative, while the latter tends to be formal and hierarchical (Vooren et al., 2023). Therefore, diversion must be conducted based on principles of openness, voluntariness, and fairness for all parties involved, not merely to comply with statutory obligations.

In this regard, diversion as an instrument of restorative justice holds three key dimensions of legal standing: first, philosophical, as it embodies the values of humanity,

forgiveness, and social restoration; second, juridical, as it is explicitly regulated by national legislation; and third, sociological, as it creates space for community involvement in resolving legal conflicts that arise in their environment. These three dimensions establish diversion as not only relevant but essential in shaping a progressive and socially just juvenile justice system (Pappas & Dent, 2023).

Thus, the understanding of diversion's legal position must be viewed within the broader context of juvenile justice reform. Diversion is not a "legal compromise" that weakens the system; rather, it is a vital element in the transformation toward a more just, humane, and child-centered justice system. As emphasized in the General Explanation of the JCJS Law, the juvenile criminal justice system must be built upon restorative justice principles with diversion at its core.

International Comparison: Lessons from Diversion Systems in Other Countries

In international practice, diversion has long been an integral part of juvenile justice systems in countries that adopt restorative justice approaches. Countries such as the Netherlands, Australia, New Zealand, and Canada have demonstrated how diversion policies can be effectively implemented through strong institutional support, consistent regulation, and active community involvement in resolving juvenile cases (Vooren et al., 2023).

One notable example is the Netherlands, with its Halt (Het Alternative) program. This initiative allows police officers to refer minor offenses committed by children and adolescents to a specialized agency, Stichting Halt, without involving formal judicial proceedings. Offending minors may participate in educational activities, community service, or counselling sessions designed to foster awareness and responsibility for their actions. Upon successful completion of the program, the offense is not recorded as a criminal record. However, rigorous evaluation showed that participation in Halt was associated with increased recidivism (+39 % within one year) compared to controls. The key strength of this system lies in the presence of an independent implementing agency that prioritizes educational rather than punitive approaches. Complementary studies in the US further support the effectiveness of police-initiated restorative diversion in reducing re-arrests among youth, including marginalized groups (Beckman et al., 2024).

In Australia, particularly in the state of New South Wales, diversion is implemented through a mechanism known as Youth Justice Conferencing (Alizzi et al., 2025). This process brings together the offender, the victim, their families, and community representatives in a dialogue facilitated by a professional mediator. The goal of the conference is to understand the impact of the offense, formulate a joint resolution plan, and rebuild social trust. This model has proven effective in reducing recidivism and enhancing community engagement in juvenile offender rehabilitation.

New Zealand is another important reference point in the development of diversion systems, through its Family Group Conference (FGC) model, which has been part of the juvenile justice system since 1989. FGC is a formal forum that involves offenders, victims, families, and representatives from social institutions in collaboratively developing a resolution plan rooted in restorative justice principles and family welfare (Mousourakis, 2010). This

approach positions families and communities as primary actors in child rehabilitation, supported by trained facilitators and sufficient government funding.

These comparative studies reveal that the effectiveness of diversion depends on several key factors: the presence of specialized and professional institutions, consistent public policy, and the capacity of human resources to internalize restorative justice values. In these countries, diversion is not merely a legal norm but a practice grounded in systematic and integrated approaches. The role of mediators or facilitators is critical, as they bridge dialogue between victims and offenders and ensure that the diversion process is fair and free from coercion.

In contrast, Indonesia continues to face both structural and cultural challenges in implementing diversion. Although a strong legal foundation exists through Law No. 11 of 2012 on the Juvenile Criminal Justice System, the execution of diversion remains highly dependent on the discretion and understanding of law enforcement officials (Zainuddin & Hambali, 2023). Diversion procedures are still closely tied to institutions such as the police and prosecution offices, which often lack sufficient capacity or perspective in restorative justice.

Moreover, Indonesia has yet to establish a dedicated and independent institution to manage diversion in a professional and sustainable manner. The absence of a clear institutional framework has led to sporadic, unstandardized, and often superficial implementation of diversion. Inter-sectoral coordination among law enforcement agencies, social institutions, child protection bodies, and civil society organizations remains weak. The lack of comprehensive operational guidelines and dedicated funding further exacerbates these challenges.

Thus, a key lesson from international practices is that the success of diversion relies not only on legal provisions but also on the availability of adequate supporting infrastructure. Indonesia must undertake institutional reform by establishing independent and professional diversion implementation units, while equipping law enforcement officers with intensive training on restorative justice principles. Additionally, systematic efforts are needed to encourage meaningful community participation, involving religious leaders, customary authorities, educational institutions, and civil society organizations, so that diversion can truly function as a means of healing rather than merely a procedural avoidance of criminal prosecution.

By learning from other countries, Indonesia can strengthen its diversion implementation in ways that are not only legally valid but also socially effective and morally educational ensuring the protection of children as valuable assets for the nation's future.

Normative and Systemic Implications: Expanding the Legal Status of Diversion

The legal status of diversion within the juvenile criminal justice system should be positioned as an imperative norm, not merely a facultative option. This is explicitly reflected in Article 7(1) of Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), which states: "At the stages of investigation, prosecution, and examination of cases in the district court, diversion shall be pursued (Setyowati, 2020)." The term "shall" in this provision carries a binding legal obligation for all law enforcement authorities including the police,

prosecutors, and courts to pursue diversion in handling eligible juvenile cases (Maharani, 2025).

However, in practice, diversion is still often treated as a voluntary alternative. Many law enforcement officials cite technical factors such as the absence of facilitators, lack of agreement between parties, or resistance from victims' families as reasons to bypass the diversion stage (Indira & Lubis, 2024). Yet, upon closer examination, the provisions of the SPPA Law clearly mandate diversion, and failure to pursue it without legitimate justification should be considered a breach of professional duty. To address the gap between legal norms and implementation, it is necessary to strengthen the legal status of diversion normatively, institutionally, and culturally through clearer guidelines, enhanced training for facilitators, and broader public socialization efforts (Hariyanto & Swardhana, 2021).

First, from a normative perspective, more detailed, binding, and technically operational implementing regulations are needed. These regulations should include standardized national procedures for diversion, maximum allowable timeframes for the diversion process, the roles and authorities of facilitators, and legal accountability mechanisms for officials who fail to properly implement diversion. Although regulations such as Supreme Court Regulation No. 4 of 2014 and several internal guidelines within law enforcement institutions exist, they are not yet fully operational in many regions especially remote areas with limited human resources. Harmonized inter-agency policies and robust implementation oversight are necessary to ensure these regulations are more than mere administrative formalities.

Second, on the institutional level, it is crucial to establish diversion facilitation bodies at both the district/city and provincial levels. These institutions should be cross-sectoral, staffed by independent, professional facilitators trained in restorative justice principles and child protection. The presence of such institutions would eliminate dependency on the personal initiative of law enforcement officers who may lack sufficient understanding. Furthermore, these bodies could serve as coordination hubs for various stakeholders including the police, prosecutors, courts, social workers, educational institutions, and civil society organizations to conduct diversion processes transparently and accountably.

Third, the cultural aspect is equally vital. A transformation in mindset among law enforcement officials and society is needed regarding children in conflict with the law. There remains a widespread perception that child offenders deserve punishment equal to that of adults, without considering their psychological, social, and moral development. Ongoing education and training for police, prosecutors, judges, as well as for children's families and the broader community, must be promoted to raise awareness of the importance of restorative rather than punitive approaches. Such training could be facilitated through modules developed by the Ministry of Law and Human Rights, the Ministry of Women's Empowerment and Child Protection, and child protection agencies such as the Indonesian Child Protection Commission (KPAI).

Equally important, the strengthening of diversion should not be viewed solely in terms of the interests of juvenile offenders but also for the benefit of victims and society. Diversion rooted in restorative justice principles enables more substantive recovery for victims and facilitates the social reintegration of children into their communities. In this way, the handling

of juvenile cases is no longer merely a legal process but an integral part of inclusive and humane social development.

By reinforcing diversion in these three dimensions normative, institutional, and cultural it can be transformed from a merely normative discourse into a living law that is meaningful within society. This represents a concrete step toward building a juvenile justice system that is progressive, socially just, and oriented toward the future of children as the next generation of the nation.

CONCLUSION

Diversion constitutes a vital component of Indonesia's juvenile justice system, as firmly mandated by the 2012 Juvenile Criminal Justice System Law (UU SPPA). It aims to realize restorative justice and uphold children's rights by resolving cases outside the formal court process through educational and reconciliatory approaches. Although the legal framework is relatively robust and supported by various implementing regulations, its practical application remains fraught with challenges. These include limited understanding of the philosophy of diversion among law enforcement officials, a shortage of qualified facilitators, and low levels of victim and community participation, all of which hinder the optimal success of the diversion process. To address these issues, there is a pressing need to enhance the capacity of law enforcement personnel through continuous training, strengthen institutional support systems, and develop diversion models that are contextually relevant to Indonesia. The active participation of all stakeholders particularly the community and victims is essential to the effectiveness of diversion mechanisms. Additionally, regulatory and institutional reinforcement is necessary to position diversion as a central instrument in a more humane and equitable juvenile justice system. This aligns with the spirit of national legal reform aimed at protecting children's rights and promoting social justice.

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