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Challenges and Effectiveness of Diversion at The Investigation Stage in Juvenile Justice

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Abstract. *Juvenile offenders require a justice system that prioritizes protection, rehabilitation, and social reintegration rather than punitive measures. This study aims to evaluate the implementation of diversion at the investigation stage as a form of restorative justice, identify factors that limit its effectiveness, and formulate an ideal model for resolving juvenile cases in the future. This study employed a juridical-empirical approach with qualitative methods, combining primary data obtained through interviews with law enforcement officers and secondary data derived from legal documents, regulations, and official reports. The data were analyzed using content analysis and triangulation techniques to ensure validity. The findings indicated that diversion has generally been implemented in accordance with restorative justice principles by involving offenders, victims, families, and relevant social actors. However, several obstacles persist, including the limited number of trained child investigators, inadequate child-friendly facilities, weak coordination among law enforcement agencies, regulatory gaps related to non-compliance with diversion agreements, and low levels of community participation. These challenges reduce the effectiveness of diversion practices and hinder the achievement of restorative justice outcomes. The novelty of this research lies in its integrated analysis of diversion practices at the investigation stage by combining legal, institutional, and socio-cultural perspectives to explain the gap between normative provisions and empirical implementation. Based on the findings, it can be concluded that although diversion reflects restorative justice principles, its implementation remains suboptimal due to structural and cultural constraints. Therefore, strengthening institutional capacity, improving regulatory frameworks, and enhancing community involvement are essential to optimize diversion as a sustainable and child-oriented approach in juvenile justice.*

Keywords: *Diversion; Investigation; Justice; Juvenile; Restorative.*

1. Introduction

At the investigation stage, diversion is a crucial mechanism in the implementation of restorative justice for children in conflict with the law in Indonesia. Diversion refers to the process of resolving juvenile cases outside the formal judicial system through deliberation involving the offender, the victim, their families, and the community (Mueller-Smith & T. Schnepel, 2021; Setiawan & Raharjo, 2022). This approach aims to prevent the negative psychological and social impacts of formal legal proceedings and to prioritize the best interests of the child. In this context, the application of diversion reflects a shift from punitive justice toward a more rehabilitative and restorative approach that emphasizes accountability, reconciliation, and social reintegration.

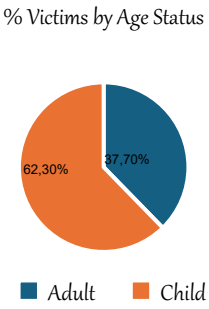
Normatively, diversion is mandated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), which requires law enforcement officials to prioritize diversion at every stage of the criminal process, including the investigation stage (Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, 2012). The law emphasizes that legal processes must not harm the psychosocial development of the child. However, in practice, the implementation of diversion is often inconsistent due to limited understanding among law enforcement officers and inadequate mediation facilities (Sri Novita, 2022). These conditions indicate that the normative framework has not been fully translated into effective implementation at the field level, thereby raising concerns about the actual effectiveness of diversion in practice.

Diversion is essentially an effort to resolve child criminal cases outside the formal court process based on deliberation and restoration rather than punishment (Putri & Susilawati, 2025). Restorative justice focuses on restoring relationships between the offender, the victim, and the community, rather than merely imposing sanctions (Bazemore et al., 2013; Ilhami et al., 2024). At the investigation stage, law enforcement agencies play a critical role in determining whether diversion can be applied through mechanisms such as social inquiry and mediation. Therefore, understanding diversion, restorative justice, and the investigation stage is essential to comprehensively analyze not only its implementation but also its effectiveness in achieving restorative justice.

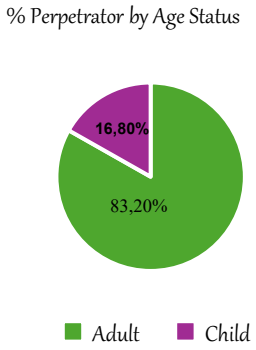
This study is grounded in restorative justice theory, which serves as the primary conceptual framework for understanding diversion in juvenile criminal justice. Restorative justice emphasizes the resolution of criminal cases through participatory dialogue involving offenders, victims, and the community, with the aim of restoring social relationships rather than imposing punitive sanctions (Ilhami et al., 2024; McCold & Wachtel, 2012). In this perspective, crime is viewed not only as a violation of legal norms but also as a disruption of social harmony that requires collective resolution. Diversion, therefore, functions as an

operational mechanism to implement restorative justice principles at the investigation stage by facilitating mediation, reconciliation, and accountability. This theoretical framework highlights that the effectiveness of diversion is not solely measured by case completion, but by the extent to which it achieves rehabilitation, victim recovery, and social reintegration.

To further understand the urgency of diversion in practice, empirical data is necessary to illustrate the current condition of children involved in criminal cases. According to the SIMFONI-PPA report (2025), children account for a significant proportion of both victims and perpetrators of criminal acts in Indonesia. The data can be visualized in Figures 1 and 2 below.



Source: SIMFONI-PPA(SIMFONI-PPA, 2025)
Figure 1. Percentage of Victims by Age Status 2025



Source: SIMFONI-PPA(SIMFONI-PPA, 2025)
Figure 2. Percentage of Perpetrator by Age Status 2025

As shown in Figure 1, children as victims account for 62.30%, while children as perpetrators account for 16.80%. This condition demonstrates the increasing complexity of juvenile cases and highlights the urgent need for effective protection and restorative justice from the earliest stage of legal proceedings. The high proportion of child victims and offenders also reflects the vulnerability of children within the criminal justice system. Therefore, early intervention through

diversion becomes increasingly important to prevent further harm and social stigma and ensure sustainable reintegration into society.

These national trends are also reflected at the regional level, particularly in Riau Province, where cases involving children have shown an increasing pattern. In 2021, there were 143 recorded cases of violence against children, partly influenced by technological developments and weak parental supervision (Azizah, 2022). Furthermore, by October 2023, 711 cases of violence against women and children were reported, with 443 cases involving children (Ridho, 2023). In Pekanbaru City, although the number of criminal cases decreased by five percent in 2023 compared to the previous year, the total number remains high, indicating the continued need for effective and child-oriented legal interventions. These data confirm that the problem of juvenile crime and victimization remains significant and requires serious attention from law enforcement institutions.

In line with these conditions, previous studies have examined the challenges of diversion implementation at various levels. Munggardijaya et al. (2025) demonstrate that authorities often treat diversion as a secondary rather than a primary mechanism in handling juvenile cases.Mamonto et al. (2025) highlight weak coordination between investigators and the Correctional Center, which affects the effectiveness of diversion processes. Sundari (2021) also finds that diversion frequently occurs without active participation from victims, reducing its restorative justice value. Meanwhile, a study in the Pekanbaru City Police by Nofrian (2021) shows that diversion is implemented through mediation and non-litigation mechanisms based on restorative justice principles.

However, despite these findings, several limitations remain in the existing literature. Most previous studies focus on general or national contexts and do not specifically examine the implementation of diversion at the investigation stage in Pekanbaru. In addition, prior research tends to discuss diversion in a normative or fragmented manner without comprehensively analyzing its effectiveness and practical challenges in real contexts. This indicates a gap between the normative framework, which mandates diversion as a primary mechanism, and its empirical implementation, which remains limited and faces various structural and cultural obstacles.

Therefore, this study provides a novel contribution by specifically analyzing the implementation of diversion at the investigation stage through an integrated approach combining legal, institutional, and socio-cultural perspectives. This study not only examines how diversion is implemented but also evaluates its effectiveness and identifies the key challenges that hinder its optimal application. This study also examines in detail the supporting and inhibiting factors, including human resources, facilities, and community participation. In addition, it proposes

an ideal model for strengthening diversion practices in juvenile justice. Based on this background, this study aims to evaluate the implementation of diversion at the investigation stage as a form of restorative justice in children in conflict with the law in Pekanbaru City, to identify factors that limit its effectiveness, and to formulate an ideal model for resolving juvenile cases in the future.

2. Research Methods

This study employed a juridical-empirical approach, which combines normative legal analysis with empirical field research. This study was grounded in restorative justice theory and juvenile justice principles, which emphasize rehabilitation, reconciliation, and the best interests of the child. This method is selected because the study not only examines legal provisions related to diversion under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System but also analyzes their implementation in practice, particularly at the investigation stage in Pekanbaru. Accordingly, this approach enabled the analysis of the gap between das sollen (legal norms) and das sein (empirical reality), providing a comprehensive understanding of how diversion operates in practice.

The primary data of this study were collected through in-depth interviews and direct observation. The key informants consisted of law enforcement officers who are directly involved in handling juvenile cases, namely the Head of Criminal Investigation stage and the Head of the Women and Children Protection Unit (PPA) of the Pekanbaru City Police**.** A total of two key informants were involved in this study, selected based on their direct authority and experience in handling cases of children in conflict with the law. These informants were selected because they possess direct authority, experience, and knowledge regarding the implementation of diversion at the investigation stage. The characteristics of the informants include their institutional roles, professional experience in juvenile case handling, and involvement in diversion decision-making processes. This purposive selection ensures that the data are relevant and directly aligned with the research objectives**.** Given the limited number of relevant subjects and their specific characteristics, this study employed a purposive sampling technique, in which participants are selected based on their relevance to the research objectives and their expertise in the field. This sampling technique was chosen to ensure that the data obtained are in-depth and directly related to the research focus.

To ensure that the data collection process was conducted systematically, this study followed a structured research procedure. No experimental manipulation was applied, as this research adopts a qualitative juridical-empirical approach. The procedure involved identifying key informants, organizing interview sessions, conducting field observations, and documenting findings from both empirical and legal sources. This systematic procedure was intended to capture the actual practices of diversion and to ensure consistency in data collection.

To support this procedure, several research instruments were utilized, including interview guidelines, observation checklists, and document analysis frameworks. The interview guidelines were designed to explore key issues such as the implementation of diversion, barriers to mediation, the role of the victim's family, and access to mediation facilities. Observation checklists were used to record field practices, while document analysis frameworks were applied to examine legal documents and institutional reports. These instruments ensured that the data collection process remained focused, consistent, and aligned with the research objectives.

The interviews were conducted in 2018 and 2021 and focused on several key aspects, including the process of diversion implementation, barriers to mediation, the role of the victim's family, and access to mediation facilities. In addition to interviews, direct observation was conducted to obtain a more comprehensive understanding of the actual practices of handling juvenile cases. The integration of these methods allows the researcher to capture both normative expectations and field realities.

Secondary data were obtained from various legal documents and supporting literature to reinforce the research findings. The primary legal sources include Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, relevant regulations, and official reports from the Indonesian National Police. In addition, this study utilizes data on child violence in Riau Province (2021–2023) from SIMFONI-PPA. Academic references were also used to support the analysis, including studies by Setiawan & Raharjo (2022), Sri Novita (2022), Mamonto et al. (2025) and Ilhami et al. (2024), which discuss diversion, institutional constraints, coordination issues, and restorative justice principles. These sources strengthen both the normative and empirical dimensions of the analysis.

The data were analyzed using qualitative descriptive analysis with a content analysis approach. The analysis process was carried out through several stages, including data reduction, data coding, categorization, and interpretation. Interview transcripts and observation notes were systematically organized and classified into key themes, such as the legal framework, implementation processes, and obstacles in diversion practices. This process facilitated the identification of patterns and supports the evaluation of diversion effectiveness at the investigation stage.

To ensure the validity and reliability of the data, this study applied triangulation techniques by comparing information obtained from interviews, observations, and secondary sources. This method helped to minimize bias and improve the accuracy of the findings. Furthermore, the results of the analysis were interpreted

in relation to the principles of restorative justice, particularly in terms of rehabilitation, reconciliation, and the best interests of the child. This ensures that the findings were analytically linked to the theoretical framework, not merely descriptive.

3. Result and Discussion

3.1 Implementation of Diversion at the Investigation Stage as a Form of Restorative Justice in Children in Conflict with the Law in Pekanbaru City

The findings of this study indicate that the implementation of diversion at the investigation stage in Pekanbaru City has reflected restorative justice principles, although it has not yet been fully optimal in practice. Special treatment of children in conflict with the law has been given in law number 11 of 2012 on the child criminal justice system (Law on Child Criminal Justice) starting at the investigation stage. Law enforcement officers, as the vanguard of delivering juvenile justice, must accord special care and consideration to children in conflict with the law in order that they do not turn into casualties of the enactment of formal legal processes (Syahadat et al., 2024). The optimum option of restorative justice at this stage is the discretionary authority, that is, the authority of law enforcement officers who deal with criminal cases to determine whether or not to proceed with a case they are dealing with and make a decision under specific conditions in accordance with their wisdom and responsibility and within the limits of their jurisdiction (Jade et al., 2021). This indicates that diversion is not merely a procedural option, but a substantive mechanism that reflects the flexibility of restorative justice in prioritizing the best interests of the child over rigid legal formalism. It is done that way in child investigations by female police officers (Polwan), and in a few instances, when there is a need to, with the help of male police officers (Safe et al., 2025).

The results further reveal that the implementation of diversion is constrained by limited human resources, particularly the insufficient number of specialized child investigators. Child investigators should also have an understanding of fields like psychology, psychiatry, sociology, pedagogy, and anthropology and love children and be dedicated so that they can know the psyche of a child and his desires and use companions of the Correctional Service (Bapas) or parents (Safe et al., 2025). This interdisciplinary requirement confirms that the implementation of diversion is closely linked to the capacity of human resources, which becomes a determining factor in achieving restorative justice outcomes. In an actual sense, its application at the Pekanbaru City Police (Polresta) cannot yet be ideal, as the female police officers are not enough, and the child and women protection unit (PPA) has only 10 individuals, despite the fact that the area the Pekanbaru City Police takes care of has 11 District Police Stations (Polsek). This imbalance demonstrates a structural limitation that directly affects the effectiveness and consistency of diversion practices.

According to the requirements of Article 18 of the SPPA Law, the nature of the investigation stage is to interrogate the suspect in a family-like environment (Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, 2012). This principle states that the examination process has to be performed through a productive and understanding approach. Effective means that the examination is short and straight forward and that it is in simple language that even children can follow. "Sympathetic" refers to the fact that the investigator is amicable, courteous, and not intimidating, and thus the child will feel secure when being interviewed. Investigators are also prohibited from wearing official uniforms in order to support a comfortable environment and to do away with any coercion or intimidation that may possibly lead to fear or trauma (Perdana et al., 2023). These procedural aspects are in line with restorative justice theory, which emphasizes a non-coercive and child-friendly approach to ensure meaningful participation of the child in the resolution process. In this way, we hope that the child will be in a position to give clear and honest information and that the process of examination will be smooth without any adverse psychological impact on the child.

The findings show that external factors, particularly media exposure, create challenges in maintaining the confidentiality of children involved in criminal cases. In the case of the child reported to have committed a criminal offense, where the investigator is obligated to withhold the identity of the child in the face of media coverage in print and electronic media (Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, 2012). the investigator acknowledges that this is hard to practice. These are the great impacts of the mass media and the aggression of journalists in seeking news pertaining to children in conflict with the law using disclosure of public information. This complicates the process of initiating the diversion process because of the stigma, which has already been attached to the children who are in conflict with the law (*Wawancara Dengan Kanit PPA Polresta Pekanbaru, Tanggal 3 Januari 2018*, 2018). This finding indicates that external social pressures, particularly media exposure, can undermine the effectiveness of diversion by creating stigma that contradicts the restorative justice principle of reintegration.

Article 33 of the SPPA Law states the detention of a child under the pretext of investigation must be conducted no longer than 7 (seven) days and can be extended at the request of the Investigator by the Public Prosecutor no longer than 8 (eight) days. In case of expiry of the period, the child has to be emancipated by law. Children are detained in LPAS; in the case of the absence of LPAS, such detention is possible in the local LPKS (Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, 2012).

The results indicate that the limited detention period becomes a major constraint in the effective implementation of diversion. According to the interviews with the Head of the Child and Women Protection Unit (PPA) of the Pekanbaru City Police, the 7-day detention period that could be elongated to 8 days is minimal. But finding witnesses and evidence to fill the investigation report (BAP) is time-consuming (*Wawancara Dengan Kanit PPA Polresta Pekanbaru, Tanggal 3 Januari 2018*, 2018) which is a challenge to diversion implementation. This situation reflects a gap between normative legal provisions and empirical realities, where procedural time limitations may hinder the optimal application of restorative justice. The term of detention of children pursued under Article 33 of the Child Protection Law (SPPA) must be revised in light of the best interest of the child, since acquisition of correct evidence takes a significant period of time, whereas the coordination between investigators and the Bapas is still not properly developed. This also implies the need for regulatory adjustment to balance child protection and procedural effectiveness.

The findings reveal that weak coordination between investigators and the Probation Office significantly hinders the diversion process. In cases where the police are careless or slow in seeking the services of the Probation Office to carry out a social inquiry of the child, the investigation is inaccurate and appears hurried. This is due to the fact that the duration of detention of the child during the investigation stage is limited to not more than 7 (seven) days and may be prolonged to 8 (eight) days. A hindrance is the weak of coordination between the investigator and the probation office; the probation office has been complaining about the peacemaking done by the police. The reason is that the outcomes of the peacemaking are hardly communicated to the Probation Office. On the other hand, the police do not always perceive peacemaking activities by the Probation Office positively since the process of peacemaking is not identified in criminal incidents. This weak of coordination indicates that institutional fragmentation remains a major barrier to the successful implementation of diversion, as restorative justice fundamentally requires collaboration among stakeholders.

The findings also indicate that not all cases involving children are eligible for diversion, particularly serious and repeat offenses. In accordance with the provisions of the Child Criminal Justice Act (UU SPPA), cases where diversion is not mandatory are children in conflict with the law in which the criminal acts are punishable by a term of imprisonment exceeding 7 (seven) years or cases where the criminal acts are recurrent; the research findings indicate that there are cases of children who cannot be diverted (Che & Adhari, 2021; Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, 2012). This is actually significant bearing in mind that a prison term exceeding 7 (seven) years is regarded as a serious crime and a repeat offense, which implies that the child has previously committed the criminal offense, whether of the same nature or otherwise. The

recurrence of crime by children is a testimony that the intent of diversion has not been fulfilled, i.e., to shape the responsibility of children in such a way that they avoid repeating what amounts to criminal acts (Setyawan, 2023). This finding highlights a limitation of diversion, indicating that its success is also dependent on post-diversion supervision and long-term behavioral change.

In terms of applying the diversion to the investigation stage at the Pekanbaru City Police. The researchers have done diversion in some of the cases they are dealing with. The measures undertaken by the investigator at the Pekanbaru City Police could be observed in Table 1 below:

Table 1. Diversion Practices at the Investigation Stage by Investigators in Pekanbaru City Police

No	Child Case Condition	Investigator's Action Form	Result/Decision
1	The perpetrator is still a student	Arrests will continue, but they will be accompanied by advice	The legal process was not continued, and the child was given a warning
2	The perpetrator and the victim forgave each other, and there was compensation	Facilitate peace between both parties	The case is dismissed
3	The child regrets it and promises not to repeat it, and the parents are willing to guide	The child is returned to the parents under supervision	The case is dismissed

Source: Interviews with the Head of the Pekanbaru City Police are processed by the author

The findings presented in Table 1 demonstrate that diversion is primarily implemented through non-litigation approaches pattern at the investigation stage at the Pekanbaru City Police. It seems that the strategy followed by the investigators focuses on the elements of recovery and prevention of recidivism, but not just punishment. The age of the perpetrator, whether there is reconciliation between the perpetrator and the victim, and the parents' willingness to offer guidance are some of the factors that investigators are likely to consider. Therefore, the decision to reject the case does not imply the disregard of the legal aspects but is made to restore the social relations and safeguard the best interests of the child. Such a practice is in line with the principle of restorative justice in the Child Criminal Justice Act (SPPA), which focuses on settling children in conflict with the law outside the court system when feasible. This confirms that diversion at the investigation stage functions as a practical manifestation of restorative justice principles.

The results also show that the effectiveness of diversion strongly depends on the willingness of victims and their families to reach reconciliation strongly relies on whether the victim and his or her family are ready to forgive and the family of the perpetrator is ready to accept accountability in raising their child. This proves that the role of the society and family is of utmost importance in the successful

implementation of diversion during the investigation phase. This implies that social acceptance and community participation are crucial determinants of diversion success.

Prior to the adoption of the SPPA Law, the Pekanbaru City Police had already applied the diversion, in accordance with the Regulation of the Chief of the Indonesian National Police Number 7 of 2008, Article 14, letter f, on the Basic Guidelines and Implementation of Community Policing in the Discharging of the Duty of the Police, and the Letter of the Chief of the Indonesian National Police no. Pol: B/3022/XII/2009/Sdeops dated December 14, 2009. In short, the directions that the police leadership has provided in the letter include the measures that should be undertaken during the law enforcement procedure in cases that have very small losses (*Wawancara Dengan Kanit PPA Polresta Pekanbaru Tanggal 23 Januari 2021*, 2021).

Firdaus et al. (2023) suggest that the successful example of the implementation of diversion should consist in directing those cases with minor losses to the resolution by ADR, on the basis of the agreement of the parties, the consensus, and adherence to legal and customary norms. Ideally this ought to engage the community and local persons, enable the role of Polmas, and make sure that cases that are solved using ADR are never taken to court using the formal law, which may prove to be counterproductive (Firdaus et al., 2023). This is the ideal step that is yet to be adequately put into practice on the ground.

The rationale behind this letter by the Chief of the Indonesian National Police to the Investigator is that the patterns of dealing with children when they are in conflict with the law, as perpetrators as well as witnesses/victims, are not yet in agreement with the laws and regulations governing the handling of children in conflict with the law. As such, the Indonesian National Police are deemed unprofessional or yet professional, as they have not demonstrated sensitivity to the psychological effect of the legal process and have not been oriented towards the best interests of the child, and this is highly detrimental to the best interests of the child. When applied to the Pekanbaru City Police, the criteria of resolving criminal cases involving children who have committed a crime against the law by a diversion approach are observable in Table 2 below:

Table 2. Criteria for Diversion Implementation Based on the Perspective of the PPA Unit, Pekanbaru City Police

No	Child Case Condition	Explanation/Requirements for Diversion Application
1	Category of offense	Diversion is prioritized for criminal offenses with a threat of ≤ 1 year; it can be considered for threats of 1–5 years; all theft cases are pursued for diversion unless they cause bodily or mental harm
2	Age of the perpetrator	The younger the perpetrator, the more urgent the application of the principle of diversion

3	Driving factor	If the results of the Bapas social investigation stage show that the child's involvement is driven by factors beyond their control, the urgency of diversion becomes even more necessary
4	Type of loss	If the consequences of the crime are purely material and do not involve the body or life, then diversion becomes even more necessary
5	Level of public anxiety	Various factors are considered, including the extent to which the child's actions cause public anxiety
6	Family and community support	Support for victims/perpetrators, as well as their families and surrounding environment, significantly impacts the success of diversion
7	Victim's consent	Diversion can only be implemented if the victim and their family agree
8	Willingness of the perpetrator	Several require the willingness of the child perpetrator and their family
9	Adult involvement	If a child commits a criminal act with an adult, the adult will still be processed according to ordinary law

Source: Interviews with the Head of the Pekanbaru City Police are processed by the author

The findings in Table 2 reveal that the implementation of diversion is influenced by a combination of legal, social, and psychological factors, the implementation of diversion at the investigation stage in the Pekanbaru City Police takes into account numerous substantive and social factors. This finding aligns with restorative justice theory, which emphasizes contextual and participatory approaches in resolving conflicts (Taufan et al., 2023). The first is the type of criminal offense and the severity of the punishment, as they are the main criteria: those with lighter sentences are more easily diverted, whereas serious offenses or those that involve physical harm to the victim are less likely to be diverted. Second, much attention is paid to the age of the perpetrator since the younger the child is, the higher the protection requirements and the implementation of principles of restorative justice.

Also, Bapas social research report are significant in revealing the motivating factor of a child engaging, particularly when external influences are the primary reason. It is also seen that diversion is more applicable in the cases where the losses sustained are merely material and therefore do not result in any physical or psychological harm to the victim. Additional conditions like the degree of societal fear and the support given by the family to the abuser and the victim, as well as the approval of both the parents, are absolute conditions to the success of the diversion. The latter requirement proves the fact that the children in conflict with the law is the only one who will be diverted, as the adults are offenders who will be subjected to the regular criminal law. In that way, the diversion system in the Pekanbaru City Police Department does not only focus on healing the relationship between the child and the victim but also guarantees a balance between the interests of preserving the child and legal certainty to the community.

The Head of the Women and Children Unit (PPA) at the General Criminal Investigation Directorate, AKP Jusniarti, came forward with the revelation of the

practice of settling cases involving children in conflict with the law in the Pekanbaru City Police Headquarters. According to AKP Jusniarti, the underage children committing crimes still have to be subject to the law on the basis of the principle of equality before the law, but they cannot be compared with adults. This is due to the fact that the physical and psychological stability of the child is not yet fixed, so the restorative justice approach is extremely topical.

The findings further confirm that diversion practices are implemented through structured stages involving supervision, mediation, and parental responsibility. In the Pekanbaru City Police, the diversion practice is carried out in three steps (stopping the investigation process and making the child perpetrator report twice a week during a two-month period) as shock therapy and supervision. The perpetrator was also brought back to their parents and paid damages to the victim, and there was mediation between the perpetrator, the victim, their respective families, community service counselors, and professional social workers. A peace process between the two parties is obviously aimed to achieve this diversion mechanism; in case they agree on it, the victim will withdraw the report, a peace letter will be prepared, and the result should be presented to the police chief to be decided by a case review. By doing so, the Pekanbaru City Police are trying to enforce the law and also protect the best interests of children who conflict with the law (*Wawancara Dengan Kanit PPA Polresta Pekanbaru Tanggal 23 Januari 2021*, 2021).

3.2. Factors Hindering the Effectiveness of Diversion

Investigators in the Pekanbaru City Police only accept diversion under certain conditions, like the crime is viewed to be minor, the community is not shaken, the culprit and the victim have reconciled, the parents are ready to guide the child, and the culprit is not a recidivist. Non-litigation diversion is typically done in a family deliberation, and its consequences could be financial compensation, forgiveness between both parties and the family duty to guide the child. Even though these conditions are set, the actual implementation demonstrates significant variability due to structural, social, and institutional constraints. Even then, when referring to the results of the research, the implementation of diversion continues to face its barriers and is yet to achieve numerous peace agreements due to the five basic issues that can be observed in Table 3 below:

Table 3. Key Barriers to Effective Diversion Implementation in Pekanbaru City Police

No	Obstacle Factors	Problem Description
1	Limited of Human Resources	1) Investigation of children in conflict with the law is not always conducted by child investigators due to the limited number of qualified personnel; and 2) the number of Polri personnel who have completed integrated training is still limited, and they are often rotated
2	Inadequate of facilities and infrastructure	There are no dedicated examination rooms for children or child detention rooms available in accordance with the provisions of the Child Protection Act

3	Weak Inter-agency coordination	1) There is often no coordination between investigators and the Probation Office, resulting in community research being conducted hastily due to the limited detention period; and 2) The Probation Office complains that the results of mediation are rarely reported to the police; conversely, the police are less responsive to mediation conducted by the Probation Office because it is not recognized in criminal cases
4	Regulatory Gaps	The Child Criminal Justice Act (UU SPPA) has not yet regulated the mechanism for default in diversion. If children in conflict with the law breaks the peace agreement, there are no strict sanctions, so the child can still be prosecuted. This is detrimental to the child's interests
5	Low Public Participation and Legal Awareness	Community participation, especially from the victims' families, is still low. Many demand that the child be punished equally with adults, making it difficult for investigators to promote peace through diversion

Source: Interviews with the Head of the Pekanbaru City Police are processed by the author.

As indicated in the table 3 above, the introduction of diversion at the Pekanbaru City Police continues to be confronted with many structural and cultural challenges. To start with, the human resources are limited such that the investigation stage of cases involving children are not necessarily conducted by investigators with specialized knowledge, which influences the quality of applying the principles of restorative justice (Rasiwan et al., 2025). This gap in expertise highlights the practical challenge of ensuring that restorative justice is not merely procedural but meaningful in addressing the psychosocial needs of children.

Second, failure to provide adequate facilities and infrastructure including lack of special examination and detention rooms to deal with children can have adverse psychological effects on conflict with the law children (Siregar et al., 2024). Recent studies emphasize that the physical environment, such as child-friendly spaces, is crucial to minimize trauma during legal proceedings. There is also a lack of liaison between the law enforcement agencies especially the police and the Bapas. This prompted community research that was done in a rush and the end result was a poor integration of the resulting peace mechanisms (Saputra et al., 2023). Furthermore, the inadequate coordination reduces the effectiveness of diversion as a preventive measure against recidivism, underlining the need for systematic inter-agency communication (Firdaus et al., 2023).

The other weakness is the regulatory part wherein the SPPA Law has not yet developed a clear default in the implementation of diversion, thereby bringing harm to the child in case the peace agreement is not implemented (Tode et al., 2023). This legal gap has both theoretical and practical implications: theoretically, it challenges the robustness of restorative justice frameworks, while practically, it exposes children to repeated legal jeopardy, undermining the best interest principle.

Lastly, low societal engagement and lack of legal awareness is also a major challenge. The family of the victims puts intense pressure on the diversion process by insisting that the child should be punished just as the adult (Nashiroh et al., 2024). Strengthening community legal literacy and advocacy for child rights can enhance the acceptance and legitimacy of diversion as a restorative mechanism. Therefore, the most effective way to maximize diversion initiatives is not only to increase the capacity of law enforcement personnel but also to enhance regulation, offer sufficient infrastructure, and reinforce the understanding of the population of the significance of using the restorative justice approach in the best interests of the child (Dehi, 2025; Hariyanto & Swardhana, 2021). These measures collectively support both the procedural and substantive success of diversion, linking closely to contemporary literature on restorative justice and child protection policy.

3.3. Ideal Concept for Resolving Cases of Children in Conflict with the Law in the Future

The implementation of diversion in the Pekanbaru City Police has been carried out non-litigiously using family reconciliation, compensation, and obligatory reporting regulations, as well as family member guidance. Such practice evidences the intentions of the authorities in ensuring that the negative effects of formal judicial processes on the development of children are reduced and is also in accordance with the provisions of the Child Protection Act (SPPA), which requires out-of-court determination of the best interests of the child (Zainuddin & Hambali, 2023). This finding reinforces the theoretical implication that restorative justice (RJ) prioritizes rehabilitation and social reintegration over punitive measures, aligning with global best practices in juvenile justice.

The priorities of this model of peace are the goals of social rehabilitation and reintegration of the children; thus, the legal process is implemented not to penalize actions but to restore broken social relationships and help children feel responsibility (Rahayuningsih et al., 2025). Practically, this suggests that juvenile justice systems need structured diversion mechanisms that actively involve families and communities to ensure accountability and social cohesion. The forced reporting and family guidance tools provided as one of the requirements of the diversion agreement can also be taken as a combination of rehabilitation and a monitoring system capable of decreasing the possibility of recidivism under the condition of systematic monitoring (Suyoto & Widowaty, 2024).

Nevertheless, several challenges continue to affect diversion practices in Pekanbaru, such as the lack of trained human resources, which implies that children in conflict with the law are not always investigated by special investigators; the absence of child-friendly facilities like examination rooms and special detention rooms; and inadequate coordination between investigators and

the Correctional Center, which in turn leads to the practice of social research being rushed and the recommendations of social research report being less detailed (Siregar et al., 2024). These findings are consistent with the literature on juvenile justice challenges, which highlights that structural and institutional limitations often undermine the intended outcomes of diversion programs.

The other hindrance is the regulatory one, where a mechanism of default in implementation of diversion has not yet been laid down by the SPPA Law. Thus, in case of failure to conduct a peace agreement, the child stands the risk of being tried in a court of law, and this state of affairs is definitely detrimental to the interests of the child (Cahyo & Cahyaningtyas, 2021). Also, the high rates of low community participation and opposition by families of victims seeking litigation usually result in unsuccessful efforts of restorative justice as a conceptual framework used in diversion efforts (Arham & Rahman, 2024). This emphasizes the practical importance of community education and engagement campaigns to build public trust in restorative justice principles.

To clarify this, it is necessary to present the theory behind restorative justice as the conceptual framework of the efforts of a diversion. Overall, restorative justice is a paradigm of law enforcement that is placed on restoration instead of retribution (Rahayuningsih et al., 2025). The theory underlines that criminal activities are not just an offense against the state but also against the victim, the criminal themselves, and the society. Hence, the case decision is guided by a participatory dialog process between the perpetrators, the victims, the families, and the community to come up with a justifiable agreement, to restore the losses of the victims, to reintegrate the perpetrators into the right track of the social path, and to regain community peace (Taufan et al., 2023). When it comes to children, RJ validates the best interest of the child principle through attempts to minimize psychological trauma in children, protecting them against the stigma of being prisoners, and through an educational rather than repressive approach to social responsibility (Rahayuningsih et al., 2025).

The latest literature highlights two pillars of RJ as well: the procedural fairness (fair and transparent deliberation process) and voice (the right of the victim and offender to hear each other equally) (Huda, 2023). Thus, implementing these pillars in Pekanbaru provides empirical support that procedural fairness and equal voice significantly improve diversion outcomes, ensuring that the child's best interest is upheld while maintaining justice for the victim.

The principles of RJ essentially manifest in various projects of perpetrators, victims, families, community service officers, and social workers within Pekanbaru since they allow space to restore dialog and mutual agreement. Nevertheless, in the absence of explicit regulatory support, trained human resources, and child-

friendly facilities, diversion would just be an administrative check without actual rehabilitation (Siregar et al., 2024). Therefore, the study confirms that institutional support, inter-agency coordination, and legal clarity are critical for translating RJ principles into effective practice, reinforcing the practical contribution of this research.

Thus, improving the capacity of law enforcement officers through tiered training (Rahayuningsih et al., 2025), providing child-friendly examination facilities and infrastructure, and establishing standard operating procedures (SOPs) to strengthen cross-agency coordination particularly with the Bapas (Sedemen et al., 2025) are essential steps. In addition, enhancing regulations to incorporate default and post-diversion monitoring mechanisms (Rahayuningsih et al., 2025) and coordinating community-based socialization in the law and campaigns to make the restorative justice paradigm more palatable in the society are essential for achieving measurable improvements in diversion success rates (Purba et al., 2025). By these measures, diversion can indeed be used as a tool of restorative justice that can mend victims, raise the offenders, and reinforce the social peace to the ultimate benefit of the child. Ultimately, these recommendations directly address the research objectives of identifying gaps and improving the effectiveness of diversion in juvenile justice.

In terms of a summary of recommendations for addressing resolving facilities to the conflict between the children and the law, it may be viewed as shown in Table 4 below:

Table 4. Policy and Practical Recommendations for Improving Diversion in Child Justice Cases

No	Recommendation	Brief Explanation
1	Revision of Article 33 of the Child Protection Law regarding the detention period for children	The government needs to review and adjust the detention period to ensure it remains in the best interest of the child, considering that the evidence-gathering process requires sufficient time
2	Clear formulation regarding default in diversion	Clear provisions are needed in the Child Criminal Justice Act (SPPA) if a child who is the perpetrator breaches the agreement after a peace agreement has been reached with the victim
3	Enhancement of human resources for child investigators by the Indonesian National Police	The leadership of the Indonesian National Police needs to improve the quality and quantity of human resources through special training in child investigation stage so that handling is more professional
4	Provision of supporting facilities and infrastructure	The government needs to provide LPAS and LPKS for children in conflict with the law at the district/city level in Riau Province, as mandated by the Child Criminal Justice System Law

Source: Data processed by the author

The suggestions made in the table 4 above are that there should be regulatory improvements, capacity building of law enforcement officials and infrastructure support in solving children in conflict with the law cases. It is worth revising the

regulations especially those concerning the diversion default and diversion detention period since doing so will uphold the best interests of the child principle. Also, the professionalism of the personnel will be improved by increasing the capacity of child investigators with the help of special training. Lastly, the availability of the facilities like LPAS and LPKS ABH in the areas is a key determinant of the optimal and coherent implementation of the Child Criminal Justice System Law on the ground.

Despite the contributions of this study, several limitations should be acknowledged. This research was limited to a specific institutional setting, involving only two key informants from the Pekanbaru City Police, which may not fully represent the perspectives of all stakeholders involved in diversion, particularly victims and their families. In addition, the study focused primarily on the investigation stage, without examining the continuity of diversion outcomes at later stages of the juvenile justice process.

Therefore, future research is recommended to expand the scope of analysis by involving a wider range of participants, including victims, families, and social workers, in order to provide a more comprehensive understanding of diversion practices. Further studies may also explore longitudinal aspects of diversion outcomes and compare implementation across different regions to identify broader patterns and best practices in restorative justice.

4. Conclusion

This study found that the implementation of diversion at the investigation stage in Pekanbaru has generally reflected the principles of restorative justice by involving offenders, victims, families, and relevant stakeholders in a dialogical process to reach mutually agreed resolutions. However, its effectiveness remains constrained by several key factors, including regulatory gaps in addressing non-compliance with diversion agreements, limited availability of child-friendly facilities, and insufficient capacity of specialized child investigators. These findings indicate a clear gap between normative legal provisions and their practical implementation, where diversion risks becoming a procedural formality rather than achieving meaningful social rehabilitation. Therefore, strengthening the capacity of law enforcement officers through tiered training, improving child-friendly facilities and infrastructure, establishing effective cross-agency coordination mechanisms, enhancing regulations on post-diversion monitoring, and promoting community-based legal awareness are essential to optimize diversion practices. Although this study is limited to a specific regional context and does not fully capture the perspectives of victims and their families, it provides important insights for improving the effectiveness of diversion as a restorative justice mechanism that prioritizes rehabilitation, reconciliation, and the best interests of the child.

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