

## Implementation of Diversion in Handling Cases Against Children in Conflict with the Legal in the Jurisdiction of the Pekalongan Police

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**Abstract.** *Childhood is a very vulnerable period in the growth process, children are often influenced by the environment in which they socialize and interact. This often results in many children being involved in legal problems, whether children as victims of criminal acts or children as perpetrators of criminal acts. Specifically in Indonesia, the regulation regarding the Juvenile Criminal Justice System is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter referred to as the SPPA Law). In this study, the approach method used is: a normative legal approach or a statutory approach. The research specification used is Descriptive Analytical, which is an effort to analyze and explain legal problems related to objects with a comprehensive and systematic description of everything related to the Diversion of children in conflict with the law. The author believes that it is important to implement diversion in handling cases against children in conflict with the law. This aims to ensure that the child's rights are maintained as children are a major asset for the nation and state in the future.*

**keywords:** *Children; Criminal; Perpetrators; Victims.*

### 1. Introduction

In a state of law, law is the main pillar in moving the joints of social, national, and state life. One of the main characteristics of a state of law lies in its tendency to assess actions taken by society on the basis of legal regulations. This means that a state with the concept of a state of law always regulates every action and behavior of its people based on applicable laws.

Criminal law as a tool or means to solve problems in community life. The existence of criminal law can provide justice and appropriate solutions for the community. Because criminal law is a collection of regulations that regulate actions, both ordering to do or do something, or prohibiting to do or do something that is

regulated in the law with criminal sanctions for those who violate it. 1While the criminal law in force in Indonesia can be divided into two types, criminal law known in the Criminal Code (KUHP) and Special Criminal Law regulated outside the Criminal Code.

Children are the next generation of the nation in the future, because children have a very important role to lead and advance the nation. The important role carried out by children is what makes parents, society and even the government must guarantee the lives of children. In this case, the state has an obligation to guarantee the rights of every child to their survival, growth and development and the right to protection from violence and discrimination.

The purpose of the juvenile justice system is not merely to impose criminal sanctions on children who commit crimes, but rather to focus on the basic idea that the imposition of such sanctions is a means of supporting the realization of the welfare of children who commit crimes. 4 The formal criminal justice system that ultimately places children in the status of prisoners certainly has quite significant consequences in terms of the growth and development of a child.

The punishment process given to children through the formal criminal justice system by putting children in prison does not make a child become a deterrent or become a child with a better personality, but prison actually often makes children more professional in committing a crime.

Specifically in Indonesia, the regulation regarding the Juvenile Criminal Justice System is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter referred to as the SPPA Law). Although there are laws regulating children, children themselves still commit crimes because they are naughty children. Juvenile delinquency is often referred to as "juvenile delinquency" or what is commonly interpreted as "juvenile crime" and is formulated as a behavioral disorder, actions or actions of adolescents that are asocial, contrary to religion, and the provisions of the laws that apply in society.

Juvenile delinquency can no longer be viewed as ordinary delinquency, children often commit acts that are classified as criminal acts, such as: stealing, carrying sharp weapons, getting involved in fights, being involved in drug use, and so on. Juvenile delinquents are children who commit criminal acts or who commit acts that are declared prohibited for children, both according to laws and regulations and according to other legal regulations that exist and apply in the relevant society.

To avoid the negative effects of the juvenile criminal justice process that has occurred so far, a form of mechanism is needed to resolve children in trouble with the law that is oriented towards protecting children's rights. One form of such effort is by giving authority to law enforcement officers to take policy actions in handling or resolving problems of children in trouble with the law without taking

formal routes, including by stopping or not continuing or releasing them from the court process or returning or handing them over to the community and other forms of social service activities, this action is called Diversion.

The development of the birth of the Child Criminal Justice System Law provides the best solution for children in conflict with the law so that children are no longer equated with adults from the level of investigation, prosecution to examination in court. In addition, children can continue their future and can return to society. The Child Justice System Law provides the application of the diversion concept using a restorative justice approach.

Diversion is one of the alternatives in accordance with international legal conventions, diversion means the transfer of case resolution from the criminal justice process to a process outside the criminal justice system. The diversion implementation process is carried out using a restorative justice approach, which means that all parties involved in a particular crime work together to solve the problem and create an obligation to be better by involving victims, children, and the community in finding solutions to improve, reconcile, and calm hearts that are not based on retaliation.

There are still many facts in the field where from year to year the number of crimes involving children as perpetrators shows that the imposition of criminal sanctions for them has not achieved its goal, namely as an effort to resocialize them into the scope of society. If a legal process must be carried out against children, it is certainly unfair if the child defendant is subjected to the same legal process as an adult defendant. Likewise, with the punishment that will later be imposed on the child, it is certainly very unfair if the punishment that must be served is the same as the punishment for an adult defendant. Moreover, considering that children are the successors of the ideals of the nation's struggle, so in handling criminal acts committed by children, the interests and future of the child must be truly considered.

The juvenile criminal justice process starts from investigation, prosecution, trial. Treatment during the juvenile criminal justice process must pay attention to the principles of child protection and continue to uphold the dignity of children without ignoring the implementation of justice.

Law Number 35 of 2014 amending Law Number 23 of 2002 concerning child protection (hereinafter referred to as the Child Protection Law) regulates, first, the treatment of children in a humane manner in accordance with the dignity and rights of children. Second, the provision of special child support officers from an early age. Third, the provision of special facilities and infrastructure. Fourth, the imposition of appropriate sanctions for the best interests of the child. Fifth, continuous monitoring and recording of the development of children in conflict with the law. Provision of guarantees to maintain relationships with parents or

family. Sixth, protection from the provision of identity through the mass media and to avoid labeling.

One of the principles used in child protection is that children are the main capital for the survival of humans, nations and families, therefore their rights must be protected. Children cannot protect their own rights, many parties influence their lives. The state and society have an interest in trying to protect children's rights.

The criminal justice process for children will have a negative impact in the form of stigma (as a naughty child) which can increase deviant behavior and can form a criminal character so that the child is difficult to be accepted and return to society. If they are already in society, then they will continue to be considered as criminals or naughty children, even in formal education environments they will be difficult to be accepted back to continue the education they should get for the sustainability of their future. If this is associated with one of the objectives of criminal law as ultimum remedium, then the imposition of imprisonment is not appropriate. Therefore, efforts need to be made so that children do not go to prison if they only commit minor crimes. For the sake of the sustainability of the child's future and to feel responsible for their actions. So diversion is a point for efforts to resolve children who commit crimes.

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## **2. Research methods**

Research Methods, are basically a function of the problems and objectives of the research. Therefore, discussions in research methods cannot be separated and must always be closely related to the problems and objectives of the research. What is used in this research consists of approach methods, research specifications, sources and types of data, data collection techniques and data analysis techniques.

## **3. Results and Discussion**

### **3.1. Implementation of Diversion in Handling Cases Against Children in Conflict in the Pekalongan Police Area**

Law Number 3 of 1997 concerning Juvenile Courts is recognized as no longer in accordance with the legal needs in society and has not comprehensively provided special protection to children in conflict with the law, which is caused by a paradigm shift in handling children who commit crimes. Thus, there needs to be a paradigm shift in handling children in conflict with the law, among others based on the role and duties of society, government, and other state institutions that are obliged and responsible for improving child welfare and providing special protection to children in conflict with the law.

As a change and renewal of the Juvenile Court Law, the Indonesian Government has issued Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter abbreviated as SPP Anak). One of the substances regulated in the Law concerning the Juvenile Criminal Justice System is the regulation on Diversion.

#### **1) Definition and purpose of Diversion(Article 6):**

Diversion is the transfer of the settlement of children's cases from the criminal justice process to a process outside the criminal justice system, with the aim of:

- a. Achieving peace between victims and children
- b. Resolving children's cases outside the judicial process
- c. Protecting Children from Deprivation of Liberty
- d. Encourage the community to participate, and
- e. Instilling a sense of responsibility in children

2) Diversion: Mandatory at every level( Article 7 ) :

At the level of investigation, prosecution, and examination of child cases in the district court, diversion must be attempted. Diversion is implemented in cases where the crime committed is threatened with imprisonment of less than 7 years, is not a repetition of the crime, and is carried out on children aged 12 years and above.

3) Diversion Process( Article 8 )

The diversion process is carried out through deliberation involving the Child and his/her parents/guardians, the victim and/or his/her guardian, Community Guidance Officer, and professional Social Workers based on the Restorative Justice approach. If necessary, the deliberation may involve Social Welfare Workers, and/or the community. The Diversion Process must take into account:

4) Victim's interests

- a. Child Welfare and Child Responsibility
- b. Avoiding negative stigma
- c. Avoidance of retaliation
- d. Social harmony, and
- e. Propriety, morality and public order.

Then the provisions of Article 9 paragraph 1, mention the things that must be considered by Investigators, Public Prosecutors, and Judges in carrying out Diversion, namely:

- a. Category of criminal acts
- b. Child Age
- c. The results of community research from Bapas, and
- d. Support from family and community environment.

This provision is an indicator that the lower the criminal threat, the higher the priority for implementing diversion. Diversion is not intended to be implemented against perpetrators of serious crimes, such as murder, rape, drug dealers, and terrorism, which are threatened with a sentence of more than 7 (seven) years. While the age of the child in this provision is explained, that it is intended to

determine the priority of granting diversion and the younger the age of the child, the higher the priority of diversion. So the measure for diversion to be carried out is not solely on the age limit of the child.

a. Diversion without the victim's consent (Article 9 paragraph 2):

Diversion Agreement must obtain the consent of the victim and/or the victim's child family and the willingness of the child and his/her family, except for: a. Criminal acts in the form of violations, b. Minor criminal acts, c. Criminal acts without victims, or d. The value of the victim's loss is not more than the local provincial minimum wage. The provisions regarding "consent of the victim's child family", here explained, are intended in the case where the victim is a minor. While what is meant by minor criminal acts is explained as criminal acts that are threatened with imprisonment or imprisonment for a maximum of 3 (three) months.

b. Results of the Diversion agreement (Article 11):

The results of the Diversion agreement can be in the form of:

- a. Peace with or without compensation,
- b. Return to parents/guardians,, c. Participation in education or training at educational institutions or
- d. LPKS (Social Welfare Institution) for a maximum of 3 (three) months, or Community Service.

c. Implications of Diversion arrangements

The regulation on diversion in the Child SPP will have implications for the regulation of material criminal law on children. Material criminal law is the rules that determine and formulate what actions can be punished, the rules that contain the conditions for imposing a penalty and provisions regarding the penalty.

The provisions of material criminal law are generally regulated in the Criminal Code. While more specific regulations regarding material criminal law regarding children are mostly regulated in laws outside the Criminal Code. More specific regulations regulate the age limit for children to be held criminally responsible and regulate the types of criminal acts and actions that can be imposed on children in conflict with the law. Furthermore, the implications for formal criminal law (procedural law) concern the trial process in juvenile criminal justice. So far, the juvenile criminal justice process in the trial process has been guided by Law Number 3 of 1997 concerning Juvenile Courts. With the renewal of regulations regarding diversion which is a trial process outside formal justice, the formalization policy relates to the authority of law enforcers in the investigation

process, prosecution process, and examination process in court in carrying out diversion needs to be included in the general formal criminal law reform. Then the implications of diversion regulations also affect the reform of the criminal law system for children. Here, it is necessary to reform the development programs in relation to the diversion program, so that every criminal decision imposed by the judge on a child in conflict with the law does not have to be fostered and serve a sentence in a correctional institution.

For this, cooperation is needed with related parties as places for fostering these naughty children. The expected implications in the Diversion arrangement are a reduction in the number of children entering the criminal justice process; increasing the resolution of children's cases by prioritizing restorative justice and diversion; increasing public participation in handling children in conflict with the law; and increasing the role of advocates in children's cases in court.

To guarantee and maintain the continuity of individual balance in relations between members of society, legal rules are required which are upheld by all members of society, where the legal rules are obeyed and implemented with the aim of protecting the interests of society. Application of sanctions

law against citizens including children who break the law, is expected to have a positive influence on the development of the child's personality, as long as the punishment is educational and not merely a form of sanction or criminal punishment for children who commit crimes. As stated by Carl von Savigny, it can be seen through the creation of laws and the main functions of law, namely:

#### 1) Law Making

Law is not a concept in society because law grows naturally in social interactions where law always changes along with social change.

#### 2) Main Functions of Law

The concept of the soul of society about this law cannot clearly show how its contents and scope are. So it is very difficult to see its function and development as the main source of law according to this theory. (Walter Friedman, p. 61)

Child protection efforts need to be implemented as early as possible, namely from the fetus in the womb until the child is 18 years old. Starting from the concept of complete, comprehensive and comprehensive child protection, the Child Protection Law places an obligation to provide

protection for children based on the principles of non-discrimination, the best interests of the child, the right to life, survival and development and respect for the child's opinions.

Law No. 23 of 2003 concerning Child Protection in Article 59 states that the



government and other state institutions are obliged and responsible for providing special protection to children in emergency situations, children who commit crimes, children from minority and isolated groups, children who are exploited economically and/or sexually, children who are traded, children who are victims of abuse of narcotics, alcohol, psychotropics and other addictive substances, children who are victims of kidnapping, sale and trade, children who are victims of physical and/or mental violence, children with disabilities and children who are victims of mistreatment and neglect.

The purpose of diversion is to find a way to deal with violations of the law outside the court or formal justice system. There are similarities between the purposes of discretion and diversion. The implementation of diversion is motivated by the desire to avoid negative effects on the child's soul and development by their involvement with the criminal justice system. The implementation of diversion by law enforcement officers is based on the authority of law enforcement officers called discretion.

The main principle of implementing the diversion concept is persuasive action or non-penal approach and giving someone the opportunity to correct their mistakes. Officers in implementing diversion show the importance of obedience to the law and regulations. Officers carry out diversion by means of a persuasive approach and avoid arrests that use violent and coercive actions. Violent actions during arrests carry a coercive nature as a result of law enforcement. Avoiding violent and coercive arrests is the goal of implementing diversion. The goal is to enforce the law without committing violent and painful acts by giving someone the opportunity to correct their mistakes without going through criminal punishment by the state which has full authority. One example of the background to the importance of the diversion policy is the high number of children who enter criminal justice and are sentenced to prison and experience violence while undergoing a series of processes in the criminal justice system.

Diversion is carried out on the grounds of providing an opportunity for lawbreakers to become good people again through non-formal channels involving community resources. Diversion seeks to provide justice to cases of children who have committed crimes to law enforcement officers as law enforcement. Both of these justices are presented through a study of the circumstances and situations to obtain appropriate sanctions or actions (appropriate treatment). Three types of diversion program implementation are:

- 1) Implementation of social control (social control orientation), namely law enforcement officer hand over the perpetrators to the responsibility of supervision or observation of the community, with obedience to the agreement or warning given. The perpetrator accepts responsibility for his actions and the community does not expect a second chance for the perpetrator.

2) Social services by the community towards the perpetrator (social service orientation), namely carrying out the function of supervising, intervening, improving and providing services to the perpetrator and his/her family. The community can intervene with the perpetrator's family to provide improvements or services.

3) Towards the process of restorative justice or negotiation (balanced or restorative justice orientation), namely protecting the community, giving the perpetrator the opportunity to be directly responsible to the victim and the community and making a joint agreement between the victim, the perpetrator and the community. The implementation of all related parties is brought together to jointly reach an agreement on action against the perpetrator. (Marlina, 2010: 2).

The main principle of implementing diversion is persuasive action or a non-penal approach and giving a person the opportunity to correct their mistakes. With this approach, it is hoped that there will be no more torture, coercion or violence against children. This is the main objective of implementing diversion. With diversion, the law can be enforced without committing violent and painful acts, by giving a person the opportunity to correct their mistakes without going through criminal punishment by the state which has full authority.

The factors that influence the decision to divert are as follows:

1) The seriousness of the crime.

The most common types of crimes committed by children are theft, drugs, ganging up, and traffic accidents. The crimes committed by children are indeed intended or planned to fulfill their desires.

2) The nature and number of violations previously committed.

The more often a child is caught by the police committing a violation, the less chance there is of getting diversion. Because the evil deeds are made a habit by this child, so it can be concluded that this child is not good to develop in the general community.oes the child admit to the violation?

Children who are willing to admit with a clear conscience that their actions have violated the law and harmed other parties can be made a priority in providing diversion.

3) The victim's view.

If the perpetrator/suspect child is seen by the victim's family to be a good child, or if he/she committed the crime because he/she was forced to or accidentally, then at the request of the victim's family, a diversion can be submitted.

4) The attitude of the child's family.

Parents/family/guardians do not want their children to go to prison, so they make various efforts to submit a diversion request for their children.

In addition to the factors that influence the decision to divert the above, some of the author's research results below will explain the considerations for using diversion in handling problems of children in conflict with the law. In practice, law enforcement officers do the following:

1) Against children as perpetrators, practices were found of shaving children's hair without paying attention to propriety and aesthetics, taking money/items belonging to children even though the money/items were not related to the case, ordering children to clean the Police Station or wash cars, giving physical punishment, stripping, mistreating, shouting, placing children in the same room as adult prisoners, and publishing children to the media.

the money/goods are not related to the case, ordering the child to clean the Police Station or wash the car, giving physical punishment, stripping, abusing, shouting, placing the child in the same room as adult prisoners, publishing the child to the media.

2) For children as victims, Law No. 23 of 2002 concerning Child Protection is not used as the main article that is the basis for upholding the rights of children as victims and still publishes pictures of children, the identities of children and their families.

3) There is still a tendency to resolve cases involving children as perpetrators using the formal legal system and there is still very little creativity in finding alternative solutions to children's problems outside of formal law/court. (Marlina, 2010: 2).

Based on the facts that the author has described above, it is sufficient to describe the consideration of using the concept of diversion in handling child cases, because a child is at high risk of having his/her human rights violated when he/she has to be involved in the criminal justice system. Therefore, it would be better if diversion is implemented in handling the problems of children who are in conflict with the law. The fact is that criminal justice for children who commit crimes through the criminal justice system causes more harm than good for children. This is because the court will stigmatize the child for the actions he/she has committed, so it is better to avoid him/her from leaving the criminal justice system.

### **3.2. Obstacles to Implementing Diversion in Handling Cases Against Children in Conflict with the Law in the Pekalongan Region**

Restorative justice as any action to uphold justice by repairing the damage caused by a crime. Restorative justice is based on the type of punishment in the form of community service, compensation, and other forms other than imprisonment by

allowing the convict to remain active in society (Elan Jaelani, 2018:75). In article 1 number 6 of the UUSPPA, restorative justice is determined as a resolution of juvenile criminal cases by emphasizing the perpetrator's recognition by imposing an obligation to be responsible in order to restore the disturbed situation.

This restorative justice is carried out by involving the perpetrator, victim, the perpetrator/victim's family and also other related parties with the aim of jointly seeking a solution in accordance with the wishes of the parties, with an emphasis on restoring the original state and not retaliation. Diversion is the transfer of the settlement of children's cases from the criminal justice process to a process outside the criminal justice system.

As mandated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, in essence this diversion also aims to protect children from the negative impacts of criminalization. Diversion also aims to ensure that children grow and develop both physically and mentally. The Juvenile Criminal Justice System Law prioritizes the resolution of children in conflict with the law by handling the resolution through restorative justice, namely the resolution of cases involving the perpetrator, victim, the perpetrator/victim's family, and other related parties to jointly seek a fair resolution by emphasizing the restoration of the original state.

A restorative approach must be carried out in resolving child cases as mandated in Article 5 paragraph (1) of the UUSPPA which states "The juvenile criminal justice system must prioritize a restorative justice approach". This shows that in order to guarantee protection of children's interests so that children are protected from all negative effects of criminalization that prioritizes distributive justice. Restorative justice as a form of case resolution is then realized in diversion.

The obligation of diversion by law enforcement has been regulated in Article 7 paragraph (1) of the UUSPPA which states "At the level of investigation, prosecution and examination of child cases in the District Court, diversion must be attempted." So, if law enforcement officers do not implement it, the law enforcement officers can be held accountable. For law enforcers who have been mandated by law to implement diversion. However, they deliberately do not implement it, they will be given criminal sanctions as regulated in Article 96 of Law Number 11 of 2012 concerning the Child Criminal Justice System with a maximum imprisonment of 2 (two) years or a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explains that in essence this diversion has the aim of preventing children from the negative impacts of criminalization. So that law enforcers are required to carry out diversion in cases of children in conflict with the law in accordance with the provisions of applicable laws and regulations without ignoring the interests of the community, especially the victims and the families of the victims. According to

Soerjono Soekanto, what is meant by law enforcement is the activity of harmonizing the relationship of values outlined in solid and embodied rules and attitudes as a series of final stage value descriptions, to create, maintain and defend peace and social interaction (Soerjono Soekanto, 2007: 5).

According to Soerjono Soekanto, the main problem of law enforcement actually lies in the factors that influence it. The factors that influence it include: 1. The legal factor itself, which in this article will be limited to laws only 2. Law enforcement factors, namely the parties that form or implement the law 3. Factors of facilities or facilities that support law enforcement 4. Community factors, namely the environment in which the law applies or is implemented 5. Cultural factors, namely as a result of work, creativity and feeling that are based on human will in social interaction. (Soerjono Soekanto, 2007:8)

Based on the research results that the author collected regarding the factors that influence law enforcement as stated by Soerjono Soekanto, the obstacles in implementing diversion in the jurisdiction of the Pekalongan Police obtained the following results and analysis:

#### 1) Law Enforcement Factors

In essence, PERMA No. 4 of 2014 must be implemented by judges in handling diversion cases, but in reality, PERMA has not been fully implemented optimally by child judges in enforcing the law on diversion efforts in child cases.

The legal knowledge and understanding of law enforcers regarding article 7 of the UUSPPA differs between law enforcers. This different understanding is a factor that becomes an obstacle in law enforcement, especially the law enforcer factor. Unequal law enforcement due to different understandings will harm the interests of children, namely that all decisions taken by law enforcers must always consider the survival and development of children.

#### 2) Community Factors

Society can influence law enforcement, this is because law enforcement comes from the desire of society which aims to seek peace in the midst of society (Mega Wardani and Kelly Manthovani, 2014: 165). The paradigm in society that requires every criminal act that arises must be subject to criminal punishment is still attached.

In addition, there is a negative response from the community to efforts to resolve the issue through peace and family channels carried out by law enforcement officers. The mindset that exists in society until now is that if someone commits a crime, be it an adult or a child, they must be subject to sanctions, if necessary severe sanctions in order to create a deterrent effect for the perpetrators of the crime.

The community considers that prison is the right place for children who commit crimes. In this case, the victim believes that imprisonment is a fair punishment for children who have committed crimes. Most people in general still predominantly resolve children's cases with the old system, namely that guilty children must be imprisoned, not with diversion as referred to in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In addition, there is a factor from the perpetrator's family who does not understand the importance of diversion for children in conflict with the law.

In this case, the District Court's juvenile judge should first prioritize alternative resolution efforts in juvenile cases that are not serious crimes by referring to Article 3 of PERMA Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System that "juvenile judges are required to attempt diversion in cases where a juvenile is charged with committing a crime that is punishable by imprisonment for less than 7 (seven) years and is charged with a crime that is punishable by imprisonment for less than 7 (seven) years.

7 (seven) years or more". This is one of the efforts to overcome barriers to diversion.

#### **4. Conclusion**

Based on the results of the research and discussion conducted by the author above, the author concludes: 1. That the idea and arrangement of diversion is in accordance with internationally recognized instruments that pay attention to child welfare, namely: a. Diversion is an educational criminal justice process for children because it does not have to harm the child's mental development due to stigmatization or labeling. b. The implementation or application of the concept of diversion is a way of resolving children's cases through agreement, and providing children with the opportunity to improve themselves based on their own will without any coercion but rather recommendations. 2. Factors inhibiting diversion for children in conflict with the law in the jurisdiction of the Pekalongan Police are: a. Law enforcement factors, knowledge and legal understanding of law enforcers regarding article 7 of the UUSPPA which differs between law enforcers, resulting in different handling. And the less than optimal use of PERMA Number 4 of 2014 by judges so that child cases that should have been diverted were ultimately not carried out. And the number of Bapas is inversely proportional to the number of children in conflict with the law. The number of children in conflict with the law is not followed by an adequate number of Bapas officers in various regions in Indonesia. b. Community Factors, the paradigm in society that requires every criminal act that arises must be subject to criminal penalties. In addition, there is a negative response from the community to efforts to resolve through peace and family channels carried out by law enforcement officers.

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