

The Role of the Police in Diversion for Children in Conflict with the Law in the Crime of Mild Theft

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Abstract. *This study analyzes the role of the police in implementing diversion for juvenile offenders of petty theft at the Natuna Police Resort and identifies obstacles and optimal solutions. This study departs from the mandate of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), which requires the implementation of restorative justice through diversion for crimes punishable by less than seven years. This study uses normative and empirical juridical methods with a statutory, conceptual, and case-based approach. Research data was obtained through literature review and interviews with juvenile investigators, Bapas (Children's Protection Agency), the PPPA Office, and community leaders. The results indicate that the police are key actors and gatekeepers because diversion begins at the investigation stage. However, its implementation has not been optimal due to a lack of juvenile investigators, a retributive legal culture in society, geographical constraints as an archipelagic region, and weak coordination between institutions. Data from 2024 shows that only around 30% of juvenile cases were successfully diverted. This study concludes that the effectiveness of diversion depends on the capacity of the apparatus, institutional support, and transformation of the community's legal culture. Optimization is needed through training of child investigators, integrated coordination models, and restorative education for the community.*

Keywords: *Children; Conflict; Diversion; Law; Restorative.*

1. Introduction

Protection of children in the criminal justice process is a crucial part of the modern law enforcement system. Children are viewed as a vulnerable group with the right to special protection, as affirmed in various national and international instruments. This aligns with the view that law enforcement for children should

prioritize a developmental approach, not a retaliatory one.¹This effort to reform juvenile criminal justice is also reflected in various previous studies, which show that a repressive approach has the potential to create stigma and increase the risk of repeat offenses in children.²

Diversion, as a mechanism for resolving cases outside the courts, is one instrument for realizing a justice system that prioritizes the best interests of children. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) explicitly shifts the paradigm of punishment from a retributive model to restorative justice, where restoring social relations is the primary goal.³Several studies have shown that the implementation of restorative justice not only reduces recidivism rates but also creates fairer solutions for victims, perpetrators, and the community.⁴

However, although the SPPA mandates mandatory diversion for minor crimes punishable by less than seven years, including petty theft under Article 364 of the Criminal Code, its implementation in some regions remains suboptimal. Previous studies have noted significant discrepancies between legal norms and their implementation, particularly in non-urban or island areas.⁵The Natuna Police are a concrete example of where the legal system faces obstacles in implementing diversion due to limited resources for child investigators, low levels of legal literacy in the community, and geographical barriers that complicate coordination between related institutions.⁶

This situation indicates a gap between what should be implemented under the law and the reality of handling child cases in the field. Friedman stated that the success of a legal system is determined by three elements: structure, substance, and legal culture.⁷Meanwhile, Barda Nawawi Arief emphasized that the effectiveness of law enforcement is greatly influenced by the implementers and institutions behind it, not just written legal norms.⁸ Thus, a study of the role of law enforcement officers—particularly the police—has both academic and practical relevance in

¹Sri Kusriyah. "Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning". *Journal of Legal Sovereignty* Vol. 4 No. 2 (2021), p. 110.

²Mujibur Rohman et al. "The Role of Leaders and Community Empowerment in Village Autonomy". *Law Development Journal* Vol. 3 No. 4 (2021), p. 301.

³Louisa Yesami Krisnalita. "Restorative Justice in the Juvenile Criminal Justice System." *Jurnal Daulat Hukum* Vol. 5 No. 1 (2022), p. 45.

⁴Marlina. "Implementation of Diversion as a Child Protection Effort in Indonesia." *Law Development Journal* Vol. 2 No. 3 (2020), p. 221.

⁵Wahyudi. "Implementation of SPPA in Island Regions". *Jurnal Daulat Hukum* Vol. 6 No. 2 (2023), p. 156.

⁶*Ibid*, p. 157.

⁷Lawrence Friedman. *Legal System Theory*, translated by M. Khoidin, (Jakarta: Prenada Media, 2018), p. 67.

⁸Barda Nawawi Arief. *Anthology of Criminal Law Policy*. Semarang: UNDIP Press, 2019, p. 33.

evaluating the effectiveness of diversion policies.

Based on this description, this research is urgently needed to be developed because the implementation of diversion is not only related to law enforcement but also to the sustainability of children's future as part of national development. As Muladi emphasized, resolving juvenile cases must prioritize rehabilitation and preventing recidivism in the judicial process.⁹ Thus, an analysis of the implementation of diversion at the Natuna Police is important to determine the extent to which the policy has been implemented in accordance with the objectives of the SPPA.

Therefore, this study aims to analyze the role of the police in implementing diversion in petty theft crimes at the Natuna Police and to identify obstacles and strategies for optimizing its implementation.

2. Research Methods

The research methods used in this paper are normative and empirical juridical methods. The approaches applied include a legislative approach, a conceptual approach, and a case approach related to the implementation of diversion in petty theft cases at the Natuna Police. Data sources in this study were obtained from library studies in the form of laws and regulations, legal literature, and scientific journals, as well as field data collected through interviews with child investigators, the Correctional Center (Bapas), the Women's Empowerment and Child Protection Service (PPPA), and community leaders in Natuna Regency. Data analysis was conducted descriptively and qualitatively by comparing legal norms and diversion implementation practices through a triangulation approach between normative and empirical data.

3. Results and Discussion

3.1. The Role of the Police in Handling Minor Theft Crimes Against Children in Conflict with the Law

The research findings indicate that the police play a crucial role in implementing diversion for juvenile offenders of minor theft at the Natuna Police Department. This role is evident from the beginning of the investigation phase, where the police, through the juvenile investigation unit, act as the primary party assessing the eligibility of diversion based on the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA).¹⁰ In addition to determining the suitability of a case, juvenile investigators also act as mediators in discussions between the perpetrator, victim, and related parties to reach an

⁹Muladi. *Restorative Justice: Concept and Implementation*. Bandung: Refika Aditama, 2020, p. 112.

¹⁰Louisa Yesami Krisnalita. "Restorative Justice in the Juvenile Criminal Justice System." *Jurnal Daulat Hukum* Vol. 5 No. 1 (2022), p. 45.

agreement in accordance with the principles of child protection and restorative justice. Thus, the police serve not only as implementers of formal legal proceedings but also as gatekeepers, determining the success or failure of diversion from the initial stages of case handling.

These findings align with Marlina's perspective, which asserts that the effectiveness of diversion implementation is greatly influenced by the investigator's competence in understanding child protection principles and sensitivity in handling child cases. The quality of the child investigator will determine whether the diversion process is solely administratively directed or truly reflects the humanistic and reconciliatory approach mandated by the Child Protection Act. Therefore, the police's role in this process is not merely a normative task, but also reflects a fostering and protective function for children to prevent them from becoming trapped in conventional justice mechanisms.¹¹

Normatively, the police's authority to implement diversion has a strong legal basis as regulated in Article 26 paragraph (3) of the SPPA Law and is strengthened by Law Number 2 of 2002 concerning the Republic of Indonesia National Police.¹² This foundation provides legitimacy for the police to encourage the resolution of juvenile cases through restorative justice mechanisms, which are fairer, more flexible, and more recovery-oriented. However, research findings indicate that the implementation of this authority in the field has not been optimal. This is due, among other things, to the limited number of juvenile investigators with specialized competencies, the lack of child-friendly mediation facilities, and a lack of public understanding of the goals and benefits of diversion.¹³

Thus, although the legal framework provides the police with the space and a clear mandate to optimize diversion, its effective implementation still needs to be strengthened by increasing the capacity of child investigators, strengthening cross-agency coordination, and developing a community legal culture that supports case resolution through deliberation and restitution. These efforts are expected to ensure that diversion truly achieves the goals of child protection and the principles of restorative justice in a comprehensive and sustainable manner.¹⁴

3.2 Weaknesses of Diversion in Cases of Minor Theft Crimes Against Children in Conflict with the Law

Although provisions regarding diversion are expressly stipulated in Law Number

¹¹Mujibur Rohman et al. "The Role of Leaders and Community Empowerment in Village Autonomy". *Law Development Journal* Vol. 3, no. 4 (2021), p. 301.

¹²Law Number 11 of 2012 concerning the Juvenile Criminal Justice System & Law Number 2 of 2002 concerning the Indonesian National Police.

¹³Wahyudi. "Implementation of SPPA in Island Regions". *Jurnal Daulat Hukum* Vol. 6 No. 2 (2023), p. 156–158.

¹⁴Muladi. *Restorative Justice: Concept and Implementation*. Bandung: Refika Aditama, 2020, p. 112.

11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), research findings indicate that its implementation at the Natuna Police is still not optimal. The low level of diversion implementation is primarily due to limited human resources, particularly the number of certified juvenile investigators who are competent in handling juvenile cases.¹⁵ Natuna's geographical location as an archipelago also complicates coordination between agencies involved in the diversion process, such as the Correctional Center (Bapas), the PPPA Service, and community elements involved in the restorative mediation process.¹⁶

In addition to structural constraints, the legal culture of the community also poses a significant obstacle. This research found that the majority of people in Natuna still adhere to a retributive mindset, resulting in victims and their families often rejecting settlements through deliberation or restorative approaches. This impact is evident in the low success rate of diversion, with only around 30% of juvenile cases resolved through these mechanisms by 2024.¹⁷

These findings are in line with Lawrence M. Friedman's theory, which states that the effectiveness of law enforcement is determined by the harmonization of three elements: legal substance, legal structure, and legal culture.¹⁸ In the Natuna context, the disparity between available normative provisions, the limited capacity of implementing officials, and the public's lack of acceptance of the concept of restorative justice demonstrates a lack of synchronization among elements within the legal system. In other words, the written law (law on the books) has not been fully implemented as law in action, thus the goal of diversion has not been achieved.¹⁹

In line with Friedman's thinking, Marlina emphasized that the success of diversion is not only determined by the existence of legal rules, but also the consistency of implementation by law enforcement officers and public acceptance as part of the legal system itself.²⁰ If only legal substance is available without the support of a ready structure or appropriate culture, then diversion will be merely a formality and will not reflect substantive justice as mandated by the SPPA.²¹

From the perspective of legal justice, Jan Michiel Otto stated that legal certainty is not only determined by the existence of written norms, but also consistency and predictability in the application of law in the field.²² The situation in Natuna

¹⁵Marlina. "Implementation of Diversion as a Child Protection Effort in Indonesia." *Law Development Journal* Vol. 2, No. 3 (2020), p. 221.

¹⁶Wahyudi. "Implementation of SPPA in Island Regions". *Jurnal Daulat Hukum* Vol. 6 No. 2 (2023), p. 156.

¹⁷*Ibid.*, p. 158.

¹⁸Lawrence M. Friedman. *Legal System Theory*. Jakarta: Prenada Media, 2018, p. 67.

¹⁹Barda Nawawi Arief. *Anthology of Criminal Law Policy*. Semarang: UNDIP Press, 2019, p. 33.

²⁰Marlina, *Op.Cit.*, p. 223.

²¹*Ibid.*, p. 224.

²²Jan Michiel Otto. *Rule of Law and Legal Certainty*. Leiden University Press, 2003, p. 19.

demonstrates that although diversion norms have been established through the SPPA, differing interpretations among authorities and a lack of alignment between regulations and their implementation have resulted in the diversion mechanism not providing legal certainty for children, victims, or the community. This also aligns with Barda Nawawi Arief's view that effective law enforcement is only achieved when the law can operate in harmony between norms and their implementation.²³

Thus, the weaknesses in the implementation of diversion in child cases at the Natuna Police are a consequence of the lack of synchronization among elements of the legal system, including substance, structure, and legal culture. Therefore, comprehensive reform measures are needed through capacity building of law enforcement officers, harmonization of operational regulations, and internalization of restorative justice values within the community to ensure diversion implementation is more effective and aligned with the goals of child protection within the Child Protection System (SPPA).

3.3. The Role of the Police in Handling Petty Theft Crimes in the Future

Based on the research findings, future law enforcement policies and practices should be directed toward improving the quality of diversion, particularly in cases of minor theft by children within the Natuna Police Department. One strategic step that needs to be taken is to increase the capacity of child investigators through ongoing training on restorative justice, penal mediation techniques, and professional standards for handling children in conflict with the law.²⁴ This capacity building is necessary to ensure that the child protection perspective is not merely a normative doctrine but is truly internalized in investigative practices and diversion processes in the field. Furthermore, optimizing diversion implementation requires the development of a more systematic and responsive cross-agency coordination pattern that addresses Natuna's geographical constraints as an archipelago, including through the use of technology for case documentation and remote mediation.²⁵

The idea of strengthening the diversion system also aligns with Muladi's thinking, which emphasizes that the juvenile justice system must be adaptive, humane, and oriented toward restoring social relations, not retribution. Therefore, the development of a legal culture in society through the socialization of restorative justice values is necessary on an ongoing basis to reduce public resistance to resolving cases outside of formal justice. In this context, institutional transformation, increased capacity of officials, and internalization of restorative

²³Barda Nawawi Arief, Op.Cit., p. 35.

²⁴Marlina. "Implementation of Diversion as a Child Protection Effort in Indonesia." *Law Development Journal* Vol. 2, No. 3 (2020), p. 221.

²⁵Wahyudi. "Implementation of SPPA in Island Regions". *Jurnal Daulat Hukum* Vol. 6 No. 2 (2023), p. 157.

values are prerequisites for creating a legal ecosystem that aligns with the principles of the Child Protection and Juvenile Justice System (SPPA).

To strengthen this analysis, a comparative study with other countries illustrates that the success of diversion is largely determined by institutional design and consistent implementation governance. Malaysia, through its Diversion Program, regulated in the Child Act 2001, provides flexible authority to judges and social workers to determine the form of intervention based on the child's socio-psychological needs—not solely based on the threat of criminal punishment.²⁶ This approach aligns with Barda Nawawi Arief's idea that the effectiveness of restorative justice requires an active role for the community in supervising and guiding children after a violation.²⁷

Meanwhile, Singapore, through the Rehabilitation and Protection Act, implements an early intervention-based rehabilitation model through Family Guidance Orders (FGO), social counseling, and school involvement as part of the ecosystem for handling child cases.²⁸ This approach reflects the principle that preventing deviant behavior is more effective than punishing it after the offense has occurred. However, the Singaporean model is considered inflexible because it is bureaucratic and tends to be uniform without considering the social context of specific cases.²⁹

On the other hand, China implements the Community Correction Program model which places social supervision as the foundation for resolving juvenile cases.³⁰ This approach provides ample space for community participation through moral development, public services, and psychosocial rehabilitation. This model is relevant for community-based areas like Natuna because it allows for the adaptation of the roles of traditional institutions and community leaders in the child's social recovery process.³¹ Different from mechanisms that are too bureaucratic.

Compared to these three countries, Indonesia's diversion system—as stipulated in the Juvenile Justice and Child Protection Law—still has weaknesses in post-diversion monitoring and implementation. Vivi Agesti's research shows that Malaysia excels in social institution integration, Singapore in early intervention,

²⁶Muhammad Ali. "Diversion Program under Child Act 2001 Malaysia". *Asian Journal of Legal Studies* Vol. 7 No. 1 (2023), p. 44.

²⁷Barda Nawawi Arief. *Op.Cit.*, p. 35.

²⁸Chandra. "Family Guidance Order in Singapore Juvenile Law Reform". *International Journal of Child Law* Vol. 5 No. 2 (2023), p. 76.

²⁹Rika Saraswati. "Model of Child Legal Intervention in Southeast Asia". *Journal of Child Protection* Vol. 4 No. 1 (2009), p. 60.

³⁰Zhang & Zhao. "Community Correction Model in China". *Beijing Law Review* Vol. 9 No. 3 (2022), p. 88.

³¹*Ibid.*, p. 90.

and China in community supervision.³² Thus, the Natuna Police and law enforcement at the regional level can adopt positive elements from that country, particularly post-diversion monitoring, family counseling models, and community supervision.

From the perspective of Lawrence Friedman's legal system theory, the success of the diversion system will only be achieved if the legal substance, implementing structure, and community culture are in harmony.³³ In addition, Barda Nawawi Arief emphasized that an effective juvenile criminal law system must be contextual and in accordance with local social values as living law.³⁴ Therefore, adapting elements of other countries' best practices must still take into account Indonesia's legal and social characteristics, rather than simply copying the formal forms of its institutions.

Thus, it can be concluded that the direction of strengthening the police's role in handling petty theft cases by children in the future must focus on two main dimensions: first, strengthening institutional structures through cross-sector coordination and investigator competency training; and second, internalizing restorative values in society through education and community involvement. These two dimensions are interrelated and form the basis for developing an adaptive, humane, and sustainable juvenile criminal justice system.

4. Conclusion

The conclusion of this study indicates that the implementation of diversion in cases of minor theft involving children at the Natuna Police Department has been carried out based on the applicable legal framework, namely the Juvenile Criminal Justice System Law and other supporting regulations oriented towards restorative justice and child protection. However, the effectiveness of its implementation has not been fully maximized due to obstacles still found in the three main pillars of the legal system: substance, structure, and culture. In terms of substance, legal provisions that limit the scope of diversion only to cases with certain criminal threats mean that the application of restorative justice is not always in line with the needs of cases in the field. In terms of structure, the capacity of the apparatus, the limited number of trained child investigators, and suboptimal coordination between institutions have resulted in inconsistent implementation of diversion, including in the monitoring stage of the agreement results. Meanwhile, in the dimension of legal culture, some people still view case resolution through diversion as a form of leniency, not a mechanism for recovery, so that social resistance often hinders non-litigation resolution. Considering these three findings, future policy direction should focus on strengthening institutional

³²Vivi Agesti et al. "Comparative Model of Juvenile Diversion in ASEAN". *Journal of Restorative Justice Studies* Vol. 2 No. 1 (2025), p. 22.

³³Friedman. *Op.Cit.*, p. 67.

³⁴Barda Nawawi Arief, *Ibid.*, p. 37.

coordination and enhancing the competence of officers, as well as creating more flexible opportunities for diversion through a legal analogy approach that remains aligned with the principles of restorative justice. This approach is expected to create a balance between legal certainty, substantive justice, and social benefit, so that the juvenile criminal justice system's goal of protecting, educating, and rehabilitating children in conflict with the law can be realized comprehensively and sustainably. The recommendations in this study emphasize the need to strengthen the implementation of diversion through the strategic roles of the police, policymakers, the community, and relevant further research. For the police, particularly the Natuna Police as the primary implementer of diversion during the investigation stage, improving the quality of implementation is necessary through continuous development of the competency of child investigators, optimizing post-diversion evaluations based on a monitoring system, and strengthening cross-agency coordination with the Bapas (Children's Protection and Rehabilitation Agency), the Prosecutor's Office, the Women's Empowerment and Child Protection Agency (PPPA), and traditional elements and local communities to ensure more comprehensive and contextual diversion implementation. For policymakers, this study recommends regulatory revisions, particularly the normative limits of diversion in the SPPA Law, the application of adaptive legal analogies to specific social cases, and the development of technical guidelines tailored to the characteristics of remote areas such as Natuna to ensure uniform, flexible, and humane implementation. Furthermore, the community and social institutions are expected to take an active role in building a restorative legal culture through public education, support for post-diversion child development, and the involvement of traditional institutions as social partners in the reintegration and social restoration of child offenders, thereby minimizing social stigma and suppressing the potential for recidivism. Finally, further research is recommended to develop an integrated diversion implementation model based on local wisdom and a measurable post-diversion evaluation system, to ensure the long-term sustainability of the effectiveness of restorative justice.

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