

The Legal Effectiveness of Juvenile Diversion: A Study of the Indonesian Juvenile Justice System

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ABSTRACT

This study aims to evaluate the legal effectiveness of diversion mechanisms within Indonesia's juvenile justice system, particularly in relation to the state's commitment to restorative justice principles. Although a comprehensive legal framework is in place—namely Law No. 11 of 2012 and Supreme Court Regulation (PERMA) No. 4 of 2014 (*Peraturan Mahkamah Agung*)—the implementation of diversion remains limited, with only 14.1% of juvenile cases resolved through this mechanism. This gap reveals a significant disconnect between legal norms and practical enforcement. The study employs a normative-qualitative legal research method, utilizing document analysis of statutory regulations and institutional reports from the Ministry of Law and Human Rights, the Indonesian Child Protection Commission (KPAI), the Directorate General of Corrections, as well as secondary sources including academic literature, media coverage, and official documentation. Thematic analysis was applied to identify structural, cultural, and institutional barriers in the implementation of diversion. The findings highlight three major issues: (1) regional disparities in the application of diversion, especially between urban centers and disadvantaged (3T) areas; (2) structural obstacles, including a shortage of trained personnel, lack of proper mediation facilities, and weak interagency coordination; and (3) the persistence of a retributive and legalistic legal culture among both law enforcement officials and the general public, which impedes the acceptance of restorative approaches. This study makes a significant contribution to the discourse on juvenile justice reform by emphasizing the need for systemic support and cross-sectoral collaboration to ensure the effective realization of diversion. Policy implications include the strengthening of training programs, infrastructure development, and public legal education. The originality of this research lies in its integrative evaluative framework, which combines legal, institutional, and socio-cultural analysis, offering a comprehensive assessment of the effectiveness of diversion in Indonesia.

Keywords: Diversion; juvenile justice; legal effectiveness; restorative justice.

ABSTRAK

Penelitian ini bertujuan untuk mengevaluasi efektivitas hukum dari mekanisme diversi dalam sistem peradilan pidana anak di Indonesia, khususnya dalam konteks komitmen negara terhadap prinsip keadilan restoratif. Meskipun telah tersedia kerangka hukum yang komprehensif—yakni Undang-Undang No. 11 Tahun 2012 dan Peraturan Mahkamah Agung (PERMA) No. 4 Tahun 2014—implementasi diversi masih terbatas, dengan hanya 14,1% kasus anak yang berhasil didiversikan. Fakta ini mencerminkan adanya kesenjangan antara norma hukum dengan praktik di lapangan. Penelitian ini menggunakan metode penelitian hukum normatif-kualitatif dengan teknik analisis dokumen terhadap peraturan perundang-undangan serta laporan kelembagaan dari Kementerian Hukum dan HAM, Komisi Perlindungan Anak Indonesia (KPAI), Direktorat Jenderal Pemasyarakatan, dan data lain dari beragam sumber seperti buku, jurnal, dan laporan di media massa. Data dianalisis secara tematik untuk mengidentifikasi kendala struktural, budaya hukum, dan kelembagaan dalam pelaksanaan diversi. Hasil penelitian menunjukkan tiga permasalahan utama: (1) ketimpangan implementasi diversi antarwilayah, terutama antara daerah urban dan daerah 3T; (2) hambatan struktural seperti kekurangan petugas terlatih, minimnya fasilitas mediasi, serta lemahnya koordinasi antarinstansi; dan (3) masih kuatnya budaya hukum legalistik dan retributif di kalangan aparat maupun masyarakat yang menghambat penerimaan terhadap pendekatan restoratif. Penelitian ini memberikan kontribusi penting bagi wacana reformasi sistem peradilan anak dengan menekankan perlunya dukungan sistemik dan sinergi lintas sektor untuk mewujudkan diversi yang efektif. Implikasi kebijakan meliputi penguatan pelatihan, infrastruktur, serta edukasi hukum publik. Keaslian penelitian ini terletak pada kerangka evaluatif yang bersifat integratif—menggabungkan analisis hukum,

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kelembagaan, dan sosiokultural—sehingga memberikan tinjauan menyeluruh terhadap efektivitas diversi di Indonesia.

Kata kunci: Diversi; peradilan anak; efektivitas hukum; keadilan restorative.

INTRODUCTION

Cases of violence against children in Indonesia continue to escalate at an alarming rate, demanding serious attention from the legal system. According to the Indonesian Child Protection Commission (*Komisi Perlindungan Anak Indonesia*), in 2024 alone, there were 2,057 reported cases of child abuse, with the majority (1,097 cases) occurring within the family environment. Other types of violence included sexual abuse (265 cases), physical and psychological violence (240 cases), and restrictions on access to education and cultural activities (241 cases). The most affected age group was children aged 1–5 years (581 cases), indicating a high level of vulnerability in early childhood (KPAI, 2025). These facts not only reflect the failure of primary social environments to protect children but also reveal the limitations of the legal system in providing effective protection, especially when relying on punitive approaches.

One promising alternative to address these challenges is the application of diversion within the juvenile justice system. Diversion refers to the resolution of juvenile cases outside of formal court proceedings using a restorative justice approach. Unfortunately, the implementation of diversion in Indonesia remains far from optimal. According to data from the Ministry of Social Affairs (Krisdamarjati, 2023), only around 15–20% of children in conflict with the law (*Anak yang Berhadapan dengan Hukum—ABH*) have their cases resolved through diversion mechanisms, while the rest are processed through litigation. Various reports indicate that law enforcement personnel still lack a comprehensive understanding of restorative justice principles and often rely on rigid, formal legal procedures. This situation suggests that, although a legal framework for diversion has been established through Law No. 11 of 2012, its implementation has yet to adequately respond to the complex realities of child abuse.

Research on the effectiveness of diversion in Indonesia's juvenile justice system has generally followed three main trends. First are normative-conceptual studies, such as those by Yunita (2018), Karsudin and Cahyaningtyas (2021), and Rahman (2019), which highlight the importance of restorative justice and local wisdom in the diversion framework. However, these studies often lack analysis of how these legal frameworks are operationalized at the ground level. Second are studies focusing on implementation barriers. Cuesta et al. (2018) and Harve et al. (2021) identify a lack of understanding among law enforcement officers, poor inter-agency coordination, and insufficient infrastructure as primary obstacles to effective diversion. Nonetheless, these studies do not provide a systematic picture of regional disparities or the dissonance between legal substance and the legal culture of officials. Third are descriptive studies of institutional practices, such as Setiawan et al. (2023). While informative in illustrating field-level practices, such studies often lack a strong theoretical or evaluative framework and thus fail to answer why diversion has not become the dominant mechanism within juvenile justice. A key limitation across previous research is the absence of an interdisciplinary analysis that integrates legal, institutional, and cultural perspectives, along with the lack of a comprehensive indicator-based evaluation model.

This study aims to evaluate the legal effectiveness of diversion within Indonesia's juvenile justice system by integrating analyses of the normative legal framework, institutional practices, and the dynamics of legal culture. Specifically, the study will: (1) assess the extent to which the existing legal framework can be effectively operationalized; (2) examine structural and sociocultural factors that hinder successful diversion; and (3) propose an evaluative framework and policy recommendations to enhance national-level diversion implementation, particularly in underdeveloped regions. Through this approach, the study intends to fill gaps

in the existing literature and provide new contributions to the development of a restorative justice-oriented juvenile justice system.

This research argues that the effectiveness of diversion depends not only on the presence of a comprehensive legal framework, but also on the readiness of institutional structures, legal actors' understanding of restorative values, and the public's acceptance of non-litigious approaches. Drawing on Lawrence Friedman's theory of legal effectiveness (1984), this study posits that the success of diversion as a primary mechanism within juvenile justice is more likely when legal substance, institutional capacity, and restorative legal culture are synchronized. Accordingly, this study investigates how these three components interact to determine the success or failure of diversion implementation across different regions in Indonesia.

RESEARCH METHOD

This study analyzes two main categories. First, the normative legal provisions governing the diversion mechanism in Indonesia's juvenile justice system, including Law No. 11 of 2012, Supreme Court Regulation (PERMA), and the Indonesian Code of Criminal Procedure (KUHAP). Second, the documented implementation practices of diversion by law enforcement agencies such as the police, prosecution, and judiciary, as reflected in court rulings, institutional reports, and official administrative documents.

This research adopts a normative legal method with a qualitative approach (Hamzani et al., 2024). This method aligns with the doctrinal characteristics of legal research, focusing on the analysis of written legal norms and interpretations of legal texts. It enables the researcher to examine the legal effectiveness of diversion not only from a formal normative standpoint but also in terms of its application in legal practice. Additionally, this method avoids the technical complexities associated with empirical data collection, which falls outside the scope of this study (Snyder, 2019).

The data sources consist of both primary and secondary legal materials. Primary legal sources include Law No. 11 of 2012, Supreme Court Regulations, KUHAP, and judicial decisions accessed from the Supreme Court's official legal database. Secondary legal materials include legal textbooks, peer-reviewed academic journal articles, annual reports from the Indonesian Child Protection Commission (KPAI), Community Correctional Centers (*Balai Pemasyarakatan-BAPAS*), the Directorate General of Corrections, relevant government policy documents, and official reports from credible media outlets.

The researcher collected data through literature review and document analysis (Maxwell, 2009). The study compiled and organized relevant references and documents based on topic relevance and source credibility, and then classified them according to the two analytical categories mentioned above. The research did not involve interviews, field observations, or other empirical techniques, as its focus is on the interpretation of already available legal and institutional documents.

The data analysis involved three main approaches: descriptive, normative, and thematic analysis (Jacelon & O'Dell, 2005). The descriptive analysis aimed to illustrate how diversion is carried out in practice based on official documents. The normative analysis evaluated the alignment between diversion regulations and the principles of restorative justice. The thematic analysis identified key implementation issues, such as institutional coordination, legal culture barriers, and interregional disparities. Together, these approaches provided a comprehensive picture of the legal effectiveness of diversion both normatively and in practice.

RESULTS

Legal Framework for Diversion in the Juvenile Justice System

A review of legal documents and recent academic literature reveals several key normative instruments that serve as the legal foundation for the implementation of diversion mechanisms within Indonesia's

juvenile justice system. These instruments form a legal framework that is not only technical and procedural in nature but also reflects ethical and philosophical commitments to child protection through a restorative justice approach.

The first and most central instrument is Law No. 11 of 2012 on the Juvenile Justice System (UU SPPA). This law emerged in response to the limitations of Law No. 3 of 1997 on Juvenile Courts, which was highly procedural and lacked emphasis on child protection and rehabilitation. The SPPA integrates restorative justice as the main paradigm in addressing juvenile criminal cases (Davies & Robson, 2016). This is reflected in Article 1(6), which defines restorative justice as a settlement of criminal cases involving the offender, the victim, their respective families, and other relevant parties to collectively seek a fair resolution. Articles 6 through 12 specifically regulate the diversion mechanism—including general provisions, criteria for eligible cases (those with sentences under seven years and not repeat offenses), and the stages of diversion at the investigation, prosecution, and court levels. The law also mandates the involvement of Correctional Centers (BAPAS) in the diversion process and stipulates deadlines and expected outcomes for each stage, such as written agreements or minutes of deliberation (Hadiputra et al., 2024).

The second legal instrument is the Criminal Procedure Code (KUHAP), which, although it does not explicitly regulate diversion, still functions as the general procedural reference in criminal law. In practice, investigators and prosecutors often refer to KUHAP for matters not specifically covered in the SPPA (Sumardiana et al., 2024). This creates practical challenges and, at times, confusion, as KUHAP's formalistic character and its focus on litigation conflict with the restorative spirit of the SPPA. Therefore, a contextual understanding of the relationship between KUHAP and the SPPA is essential to ensure that diversion practices do not fall into rigid procedural legalism.

The third highly relevant instrument is Supreme Court Regulation (PERMA) No. 4 of 2014 on Guidelines for Diversion Implementation in the Juvenile Justice System. PERMA functions as a technical guide for judges handling juvenile criminal cases eligible for diversion (Amanda et al., 2019). Article 3 of PERMA requires judges to consider diversion before issuing any ruling and imposes a 30-day deadline from the judge's appointment to complete the diversion process. This regulation also outlines procedures for deliberation, including the active participation of the child, their parents, the victim (if willing), and the correctional officer from BAPAS. This document is crucial to ensure that diversion is implemented systematically and without discrimination, while also preventing procedural violations that could harm the child's legal position.

Indonesia's legal framework for diversion is further reinforced by the national constitution, particularly Article 28B(2) of the 1945 Constitution, which affirms every child's right to life, development, and protection from violence and discrimination. This provision underscores the legal recognition of children as subjects entitled to humane and just treatment under the law (Murni, 2020).

Additionally, Law No. 23 of 2002 on Child Protection, as amended by Law No. 35 of 2014, provides a strong foundation for diversion. This law offers a comprehensive definition of children's rights and outlines the responsibilities of the state, society, and families to ensure child protection (Davies & Robson, 2016). Article 64 specifically guarantees special protection for children in conflict with the law, including rights to legal counsel, support, and resolution through non-punitive measures. This law complements the SPPA by linking criminal legal provisions with social and psychological approaches in juvenile case handling.

Finally, Indonesia's diversion framework draws from international principles outlined in the Vienna Declaration (2000) (Collins & Wright, 2022), the Bangkok Declaration (Montgomery, 2022), and various UN resolutions on juvenile justice (Liefwaard, 2015). These declarations emphasize the importance of non-custodial measures, community involvement in conflict resolution, and the necessity of avoiding the adverse effects of formal criminal justice on a child's development. These principles serve not only as moral and

political justifications for diversion policy but also as international benchmarks for evaluating the success of juvenile justice systems—including Indonesia's.

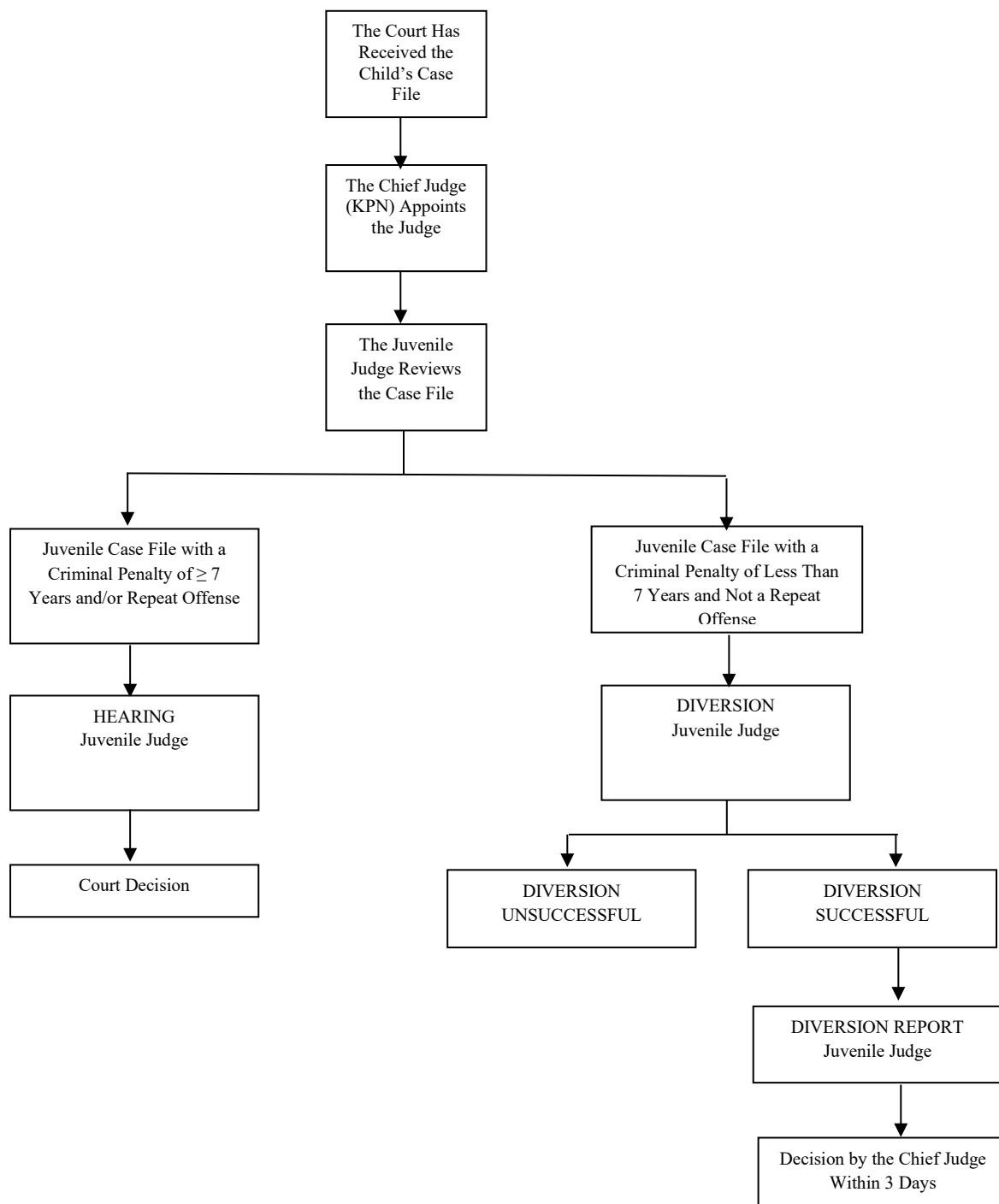


Figure 1 Flow of Diversion Implementation According to PERMA No. 4/2014

Source: Mahkamah Agung RI (2014)

Figure 1 illustrates the procedural flow of diversion implementation within Indonesia's juvenile justice system, as stipulated in Supreme Court Regulation (PERMA) No. 4 of 2014. This process systematically begins once the child's case file is received by the court, which is then followed by the Chief Judge of the District Court (KPN) appointing a juvenile judge within a maximum of three days. This appointment marks the formal commencement of the diversion process at the court level.

After the judge receives and reviews the case file, the process proceeds in one of two directions depending on the case criteria. If the case involves a criminal offense punishable by seven years or more, or if it is a repeat offense, the process advances to formal trial proceedings led by the juvenile judge. This trial ultimately concludes with a ruling through the conventional criminal justice mechanism.

However, if the case meets the diversion criteria—namely, an offense punishable by less than seven years and not a repeat offense—the juvenile judge is obligated to pursue diversion. At this stage, the judge initiates a diversion deliberation process involving the juvenile offender, the child's parents, the victim (if willing to attend), a counselor from the Correctional Center (BAPAS), and any other relevant parties. This process unfolds in an informal and restorative mediation setting, as emphasized in PERMA No. 4 of 2014.

This diversion process may result in one of two outcomes. First, if the diversion is successful—meaning a mutual agreement is reached between the offender and the victim—the juvenile judge documents the outcome in a diversion report. The judge then submits this report to the Chief Judge of the District Court (KPN) for official ratification within three days, effectively terminating the judicial process and resolving the case peacefully. Second, if the diversion fails—due to the victim's refusal, absence of essential parties, or failure to reach an agreement—the case returns to the formal judicial route, where the juvenile judge proceeds with the trial and issues a ruling accordingly (Mahkamah Agung RI, 2014).

This scheme underscores that the entry point for diversion within the juvenile justice system is clearly situated at the initial court examination stage. Nevertheless, as regulated under the Juvenile Justice Law (UU SPPA), diversion must also be considered and pursued from the earliest phases of investigation and prosecution. The role of the judge is crucial in ensuring that every child has the opportunity to resolve their case through a more restorative and educational approach, rather than through a purely retributive process.

Considering the range of applicable legal instruments, it is evident that Indonesia has established a relatively complete and comprehensive legal framework to support the implementation of diversion as a restorative approach within the juvenile justice system. Law No. 11 of 2012 on the Juvenile Justice System (UU SPPA) serves as a foundational pillar to ensure that every child in conflict with the law (ABH) has access to an alternative dispute resolution mechanism outside the formal litigation process, one that is more humane and educational. This law affirms that diversion is not merely an option but a procedural obligation that must be pursued at every stage of the legal process—beginning with police investigations, followed by prosecution by the public prosecutor, and continuing through judicial proceedings. In practice, Supreme Court Regulation (PERMA) No. 4 of 2014 plays a vital role by translating these legal norms into systematic and measurable technical procedures at the court level, such as time limits for diversion implementation, mediation mechanisms, and procedures for involving relevant parties, including counselors from the Correctional Center (BAPAS).

Furthermore, Article 28B paragraph (2) of the 1945 Constitution and Law No. 23 of 2002 in conjunction with Law No. 35 of 2014 on Child Protection provide a strong constitutional foundation for the protection of children's rights to legal security, safety, and welfare—establishing these responsibilities as a collective duty of the state, the family, and society. These provisions are not only normative in nature but also legally obligate all state actors to act in accordance with the principle of the best interests of the child (Lamchek, 2019). Indonesia's national legal framework also aligns with international standards and principles articulated in the 2000 Vienna Declaration (Collins & Wright, 2022), the Bangkok Declaration (Montgomery, 2022), and various United Nations resolutions concerning juvenile justice. These instruments

emphasize the importance of avoiding the destructive effects of formal criminal justice procedures on a child's psychosocial development (Liefwaard, 2015). Accordingly, Indonesia's normative approach to diversion has undergone vertical harmonization, achieving coherence between constitutional mandates, national legislation, technical judicial regulations, and international norms.

Based on a comprehensive review of all relevant legal instruments, four systematic patterns emerge that characterize the structure of Indonesia's diversion legal framework. First is the normative-comprehensive pattern, in which the Juvenile Justice Law (UU SPPA) and the Child Protection Law explicitly regulate the principles of restorative justice, the procedures for implementing diversion, and the active participation of all related parties—demonstrating both the clarity and depth of the legal regulations. Second is the vertical-national-international synchronization pattern, which reflects a continuity of values between Indonesia's legal system and global best practices in handling children in conflict with the law (ABH). Third is the technical-operational pattern, evident in the role of Supreme Court Regulation (PERMA) No. 4 of 2014, which bridges abstract norms with courtroom realities through measurable and applicable technical guidance for judges. Fourth is the procedural dualism pattern, a latent challenge stemming from the disharmony between KUHP (Indonesia's general criminal procedural code) and the Juvenile Justice Law, which serves as the specific procedural code for juveniles. Many law enforcement officials in regional areas still face confusion when interpreting and applying these two legal frameworks in an integrated manner, resulting in inconsistencies in the implementation of diversion.

These findings indicate that although Indonesia possesses a strong, progressive, and responsive normative legal framework for child protection, the mere existence of legal instruments does not guarantee effective implementation. The success of diversion in practice depends heavily on the availability of well-trained human resources, the legal literacy of law enforcement actors, and supporting infrastructure such as deliberation rooms and mediation facilities. Moreover, successful diversion also relies on cross-sectoral commitment—from the police, prosecutors, courts, BAPAS, and local communities—to fully and sincerely implement restorative justice principles, rather than treating them as mere legal formalities. Therefore, harmonization between legal norms and actual implementation becomes a crucial element in determining whether Indonesia's juvenile justice system can truly operate in a humane, fair, and educational manner. Structural and cultural interventions must work in tandem to bridge the gap between normative idealism and empirical reality within the diversion legal system.

Effectiveness of Diversion Implementation in the Field

The implementation of diversion as a mechanism for resolving juvenile cases outside formal judicial proceedings constitutes an integral part of the restorative justice principle within Indonesia's legal system. Institutions within the Juvenile Justice System—including the police, prosecutors, courts, and juvenile correctional facilities—play a coordinated role in safeguarding the rights of children in conflict with the law (CICL). This process involves supervision by social workers from the Correctional Center (BAPAS) and prioritizes deliberation, protection of children's rights, and community participation.

Although Law No. 11 of 2012 provides the legal basis for diversion, its implementation continues to face major challenges. The Juvenile Justice System Report (Darmawati, 2021) recorded that out of 29,228 juvenile criminal cases between 2017 and 2020, only 4,126 cases (14.1%) were resolved through diversion. The remaining 85.9% proceeded through formal litigation, indicating the limited effectiveness of the diversion mechanism.

Data from the Directorate General of Corrections, Ministry of Law and Human Rights (*Ditjen Pemasarakatan Kemenkumham*, 2024), further support this finding: 1,089 children in conflict with the law (3.7%) were still undergoing formal detention, contradicting the spirit of diversion, which seeks to avoid depriving children of liberty whenever possible.

Table 1 Comparison of Diversion and Non-Diversion Cases in Indonesia (2017–2020)

Category	Number of Cases	Percentage	Description
Diversion Cases	4,126	14.1%	Resolved through restorative means
Non-Diversion Cases	25,102	85.9%	Proceeded through litigation

Source: Darmawati (2021)

Furthermore, data from the Ministry of Women’s Empowerment and Child Protection (MoWECP) from January to September 2024 reported 20,360 cases involving children, with 17.6% of the children identified as offenders (Kementerian PPA, 2024). This figure demonstrates that legal protection efforts for juvenile offenders have not yet been fully realized. The report also highlighted significant disparities in implementation between urban and rural areas. For example, East Java achieved a diversion success rate of 30%, while East Nusa Tenggara (NTT) reported only 10%, and Aceh 20%.

Table 2 Diversion Success Rates in Three Regions (2023–2024)

Region	Diversion Rate	Description
East Java	30%	High due to strong interagency coordination
Aceh	20%	Challenges related to distance and understanding
NTT	10%	Severe limitations in human resources and facilities

Source: KPAI (2025)

One of the primary factors hindering effective implementation of diversion in Indonesia is the limited availability of human resources trained in restorative justice approaches. According to data from KPAI, in Malang Regency, only 2 out of 10 police officers had received specialized training on diversion mechanisms and principles (KPAI, 2025). This disparity means that most officers lack both substantive and technical competencies required to conduct effective diversion deliberations. In practice, successful diversion requires facilitation skills that are sensitive to the psychological condition of the child and the social dynamics between the offender, victim, and families. Without adequate training, law enforcement personnel tend to revert to procedural and retributive legal approaches, which directly contradict the restorative emphasis outlined in the Juvenile Justice Law.

In addition to the issue of human resources, another equally significant obstacle is the lack of supporting infrastructure, particularly in Eastern Indonesia. According to data from the Directorate General of Corrections at the Ministry of Law and Human Rights, 70% of Correctional Centers (BAPAS) in this region do not have proper mediation rooms or adequate facilities to conduct diversion deliberations. The absence of safe and conducive spaces for children, families, and victims impedes the creation of open dialogue, which lies at the heart of the restorative process (Ditjen Pemasayarakatan Kemenkumham, 2024). In many cases, mediations take place in public or non-private areas, which fail to foster a calm and empathetic atmosphere and, instead, often create pressure for the child involved.

The third factor that exacerbates the situation is weak inter-agency coordination. A case study in East Nusa Tenggara (NTT) revealed that 40% of planned diversion processes failed due to the absence of support staff from the Social Affairs Office or the Witness and Victim Protection Agency (LPSK) (Lodja, 2022). The lack

of involvement from these key institutions reflects not only poor institutional integration in handling children in conflict with the law (CICL), but also exposes the weak governance in implementing diversion policy at the local level. As a result, children who should have been given the opportunity to resolve their cases peacefully and educatively are instead pulled back into the conventional judicial process, which poses serious risks to their psychosocial development.

Ultimately, these three factors—limited human resources, inadequate infrastructure, and poor coordination—form a structural triangle of barriers that significantly undermine the effectiveness of diversion implementation in Indonesia. Addressing these barriers cannot be done in a piecemeal or sectoral manner. It requires systemic intervention, including reforming training for law enforcement officers, investing in equitable infrastructure across regions, and developing standardized inter-agency coordination protocols.

Thus, the presented data clearly indicate that although Indonesia's legal system mandates diversion as a child protection measure, its implementation falls far short of expectations. With only 14.1% of cases successfully diverted, the majority of children still undergo formal judicial processes that risk damaging their psychosocial well-being (KPAI, 2025). The disparity between regions is also stark: while areas like East Java show relatively better implementation, regions such as NTT suffer from a lack of facilities and trained personnel, making diversion largely ineffective. This imbalance highlights that the implementation of diversion remains uneven and demands structural reform.

Based on the data analysis and document review, this study identifies several significant patterns that reflect the dynamics of diversion implementation within Indonesia's juvenile justice system. First, at the national level, the overall effectiveness of diversion remains relatively low. According to the SPPA report, only about 14.1% of juvenile cases were resolved through diversion mechanisms between 2017 and 2020 (KPAI, 2025). This means that more than 85% of children continued to undergo formal legal proceedings, despite regulations mandating diversion efforts from the investigation stage. This percentage indicates that diversion has not yet become the primary practice in handling children in conflict with the law (CICL) but remains an exception.

Second, the analysis reveals regional disparities in diversion implementation. Urban areas such as East Java report higher diversion success rates compared to regions like East Nusa Tenggara (NTT) or Aceh. This correlates directly with the availability of legal infrastructure, the competence of law enforcement officials, and the understanding of restorative justice principles. In urban areas, institutions like BAPAS, the police, and the courts tend to have more well-trained human resources, as well as better access to facilities such as mediation rooms and organized documentation. In contrast, in rural and remote areas, the lack of infrastructure and personnel who fully understand the diversion process remains the main obstacle.

Third, several structural barriers consistently appear in reports. These include a shortage of personnel trained specifically in diversion facilitation, limited mediation rooms and supporting facilities, and suboptimal coordination among agencies such as BAPAS, the police, prosecutors, and social institutions (Cuesta et al., 2018). The absence of any one party in diversion deliberations—as observed in several cases in NTT—has led to the failure of the process from the outset.

Fourth, another notable pattern is the persistent influence of retributive legal culture among both law enforcement and the broader public. Many officials still view diversion as a form of leniency that weakens deterrence, rather than as a restorative approach more appropriate to the developmental needs of children. Meanwhile, the public often demands punitive justice, without considering the importance of rehabilitation and social reintegration. This reflects the fact that restorative justice values have not been evenly internalized within the national legal culture.

These findings reinforce the understanding that a normative-comprehensive legal framework alone does not guarantee the effective implementation of diversion in Indonesia's juvenile justice system. Although

Law No. 11 of 2012 on the Juvenile Justice System (UU SPPA) explicitly and thoroughly regulates the diversion mechanism, its real-world application is heavily influenced by more complex factors.

From the perspective of Lawrence Friedman's theory of legal effectiveness (Friedman, 1984), three essential elements directly influence whether a law achieves its goals: legal structure, legal substance, and legal culture. First, in terms of legal structure, implementing institutions such as the police, prosecutors, courts, and BAPAS have not yet demonstrated adequate or synergistic capacity. Many law enforcement officials have not received specialized training in restorative justice principles or the technical aspects of facilitating diversion. The uneven distribution of trained human resources causes diversion practices to rely more on the quality of individual officials than on standardized systems.

Second, regarding legal substance, although the available regulations are progressive and have adopted restorative justice values, their local implementation remains inconsistent. Many officials fail to fully understand or internalize the spirit of the SPPA, leading to diversion being treated as a mere administrative formality rather than a primary mechanism for resolving juvenile cases. The inconsistent interpretation and application of the SPPA contribute to irregularities and failures in the diversion process across various regions.

Third, legal culture represents the most subtle yet decisive factor. In many cases, both officials and society continue to perceive diversion as a form of "leniency" or evasion of punishment, rather than as a constructive approach aimed at restoring social relationships. This view is rooted in a legal culture dominated by a retributive paradigm, where punishment is regarded as the only means of upholding justice. As a result, diversion has not been fully accepted—either socially or institutionally—as a legitimate and dignified resolution strategy.

This condition shows that the effectiveness of diversion can only be realized in regions that possess strong institutional support, adequate human resources, and a comprehensive understanding of restorative justice values among officials. Conversely, areas with limited access to training, facilities, and supportive institutional networks tend to lag behind in diversion implementation. Geographic disparities and unequal access to legal services exacerbate the uneven national application of diversion. Therefore, affirmative policy interventions must target underdeveloped, frontier, and outermost regions (3T) to expand the reach of diversion services and ensure that all children in Indonesia have equal access to just, humane, and restorative legal protection.

Factors Impeding the Implementation of Diversion

Although Law No. 11 of 2012 on the Juvenile Justice System (SPPA) provides a detailed normative framework for diversion mechanisms, the implementation of diversion across various regions in Indonesia continues to face serious obstacles. According to assessments from the Indonesian Child Protection Commission (KPAI) and the Directorate General of Corrections (Ditjen PAS), these barriers include structural, regulatory, and socio-cultural challenges. One major factor is the lack of supporting infrastructure, especially outside Java. Many Correctional Centers (BAPAS) still lack mediation rooms, safe houses, digital data systems, and trained professional facilitators. This condition contributes to the low rate of diversion success and exacerbates prison overcrowding, which by mid-2024 reached 189% of the ideal capacity (265,000 inmates compared to a capacity of 140,000) (Arjuna, 2024; KPAI, 2025).

In addition, low levels of community compliance and participation pose a serious impediment. In some regions, communities still perceive diversion as a form of evading justice rather than as a restorative effort. For instance, in Aceh, a diversion attempt in a child abuse case failed because the victim and their family refused to settle the case peacefully (Mubarak, 2022; Waspada Id, 2023). A similar situation occurred in the case of a teenage girl's assault in Malang, where two diversion attempts—at both the police and court levels—failed due to the victim's mother rejecting the process and insisting on pursuing justice through litigation

(Aminudin, 2021). In South Tangerang, in the case of student bullying at Binus School Serpong, the victim's family also rejected diversion, arguing that the offenders' actions were too serious to be resolved peacefully and asserting that formal legal proceedings were the only acceptable route (Iqbal, 2024). These cases demonstrate that public resistance to restorative justice remains high. Without significant improvement in public legal literacy, diversion mechanisms will continue to fail at the social level, regardless of how well regulatory and institutional systems are prepared. This highlights the limited public understanding of restorative justice principles.

Another structural barrier is the lack of training and capacity among law enforcement officers (Purba, 2025; Sukardi & Purnama, 2022). KPAI (KPAI, 2025) reports that many officers still lack the competence to facilitate diversion meetings, and the involvement of professional social workers remains minimal. This lack of understanding often causes failures during the initial mediation stages. Additionally, diversion failures also occur due to poor interagency coordination. The absence of representatives from the Social Affairs Office (Dinsos) or the Witness and Victim Protection Agency (LPSK) often disrupts the process (Christian, 2023; Suciarti & Syihabuddin, 2024). From a regulatory standpoint, discrepancies between national policies and local-level implementation persist, and harmonization across institutional regulations remains suboptimal. Differing interpretations of the law have also led to disparities between regions in implementing the principles of the SPPA.

Table 3 Ratio of BAPAS Officers and Diversion Support Facilities in Eastern Indonesia

Province	PK-to-Juvenile Case Ratio	Available Mediation Room	Digital System
NTT	1 : 48	Not available	Not available
Maluku	1 : 55	Not available	Limited
Papua	1 : 60	Not available	Not available

Source: KPAI (2025)

Table 3 shows that the ratio between the number of community guidance officers (PK) at Correctional Centers (BAPAS) and the number of juvenile justice cases (Children in Conflict with the Law or ABH) in Eastern Indonesia is severely imbalanced and far from ideal. In provinces such as East Nusa Tenggara (NTT), one officer is responsible for handling up to 48 ABH cases, while in Maluku and Papua, the ratio increases to 1:55 and 1:60 respectively (KPAI, 2025). These figures highlight an overwhelming workload that makes it extremely difficult for officers to provide proper, personalized, and consistent assistance in diversion processes.

Furthermore, the data reveals that none of these three provinces have adequate mediation rooms, and digital systems are either nonexistent or extremely limited. The lack of physical infrastructure and supporting systems not only delays diversion-related administrative procedures but also directly affects the quality of restorative conferences and the dignified participation of all parties involved (Cuesta et al., 2018). This inequality underscores the lack of equitable access to restorative justice, as children in remote and underdeveloped regions (3T areas: disadvantaged, frontier, and outermost) are not afforded the same legal treatment based on principles of restoration and the best interests of the child (Fridayani & Putri, 2023).

Therefore, based on the above data and reports, we can conclude that the primary obstacles to diversion implementation stem not only from technical limitations such as the lack of personnel and facilities but also from a more pervasive legalistic culture, unprepared law enforcement personnel, and limited societal

understanding of restorative values. These obstacles are systemic and interrelated, which explains why diversion has yet to function as the main mechanism for resolving juvenile cases.

An analysis of various obstacles in the implementation of diversion in Indonesia's juvenile justice system reveals at least four interrelated patterns. First, there are significant institutional limitations—indicated by the insufficient number of community guidance officers at BAPAS, the absence of dedicated mediation rooms, the lack of safe houses, and weak digital systems. These deficiencies hinder both the efficiency and the dignity of children and their families during diversion proceedings. Second, resistance from law enforcement persists, especially among those still entrenched in retributive paradigms. Many officers conduct diversion proceedings merely to fulfill administrative obligations, without fully understanding or embracing the core principles of restorative justice.

Third, a prevailing community culture does not yet support restorative principles. In many cases, victims or their families refuse peaceful settlements and prefer harsh punishment for the child offender. This response reveals that restorative values have not yet taken root socially, and the public often continues to equate justice with retribution. Fourth, significant regional disparities exist in training and legal comprehension. Urban areas tend to have better access to legal education and officer training, while rural and remote areas face geographic challenges, logistical constraints, and a lack of trained personnel.

These four patterns demonstrate that the barriers to diversion effectiveness are not merely technical but reflect broader systemic inequities within Indonesia's legal structure and culture. This finding confirms that successful diversion depends heavily on institutional readiness, legal substance alignment, and cultural acceptance of restorative approaches. Addressing these systemic barriers requires cross-sectoral interventions, including comprehensive training for law enforcement personnel, infrastructure investment in underdeveloped regions, interagency policy harmonization, and public education on the importance of restoration and social reintegration for children.

Discussion

This study reveals three main findings concerning the effectiveness of diversion in Indonesia's juvenile justice system. First, at the normative level, Indonesia has established a comprehensive legal framework that supports the implementation of diversion, ranging from Law No. 11 of 2012, Supreme Court Regulation (PERMA) No. 4 of 2014, to various national and international regulations that promote restorative justice. Second, the practical implementation of diversion remains suboptimal. Only 14.1% of juvenile cases have been successfully diverted nationwide, with a significant disparity between regions—urban areas demonstrate higher diversion rates compared to rural and underdeveloped (3T) regions. Third, the primary barriers stem from institutional limitations, entrenched retributive legal culture, and the low level of legal literacy among both the public and law enforcement officers concerning restorative justice principles. These findings highlight that diversion effectiveness cannot be achieved through regulation alone but requires comprehensive structural, technical, and cultural readiness.

The suboptimal implementation of diversion, despite the availability of detailed legal instruments, demonstrates a gap between legal norms and real-world practice. This gap arises from several factors, including the lack of adequate training among law enforcement officers to understand and apply restorative approaches (Sukardi & Purnama, 2022). Many officers lack the technical competence to facilitate restorative conferences, reducing diversion to a mere administrative formality (Cuesta et al., 2018). The absence of mediation rooms, safe houses, and digital infrastructure exacerbates the situation, particularly in eastern Indonesia (Fridayani & Putri, 2023). Regional disparities in diversion practices also correlate closely with local institutional capacity and the adaptability of judicial leadership. Moreover, the retributive legal culture inherited from the colonial legal system and slow bureaucratic reforms have hindered the normalization of restorative approaches in juvenile case handling.

This research reinforces and expands the scope of previous studies on the implementation of diversion in Indonesia. Yunita (Yunita, 2018) emphasized the importance of integrating local wisdom values to support diversion success but did not address regional disparities, which this study identifies as a central issue. Karsudin and Cahyaningtyas (Karsudin & Cahyaningtyas, 2021) highlighted the government's role in promoting diversion during times of crisis, yet they did not critically assess institutional capacity as a determining factor. Setiawan et al. (Setiawan et al., 2023) described diversion practices in several regions but did not systematically analyze the interconnection between legal norms, institutions, and legal culture. This study contributes a novel perspective by mapping out three determinants of diversion effectiveness: institutional structure, law enforcement understanding, and community acceptance. Unlike Harve et al. (Harve et al., 2021), who focused on regulatory disharmony, or Rahman (2019), who discussed restorative justice from a theoretical standpoint, this study presents an integrative analysis that bridges the gap between normative frameworks and practical implementation through an interregional comparative lens. As such, the findings not only deepen empirical understanding but also contribute to the development of more comprehensive indicators of diversion effectiveness.

These findings offer meaningful insights into the challenges of implementing restorative justice within Indonesia's still formalistic legal system. The gap between legal norms and their implementation suggests that the effectiveness of a legal policy is not solely determined by regulatory completeness but also by institutional infrastructure and a supportive legal culture. Regional disparities in diversion practices reveal structural injustice in children's access to legal protection—children in 3T regions face dual marginalization: geographically and legally (Cuesta et al., 2018; Noviana et al., 2024). For instance, a study by Zubaedah, Tira, and Almusawir (2023) in Makassar found that, while diversion was applied at every stage of the legal process, including investigation, prosecution, and court examination, only 9.46% of cases succeeded in reaching a diversion agreement. This highlights the challenges of fully implementing diversion even in urban areas with relatively better institutional infrastructure. These findings align with the broader issue of regional disparities, suggesting that reform efforts must address both social and spatial dimensions to ensure equitable access to restorative justice for children in conflict with the law.

The ideological significance of this study lies in challenging the dominant retributive paradigm in Indonesia's juvenile justice system, which is a legacy of colonialism. This study calls for a shift toward a more restorative and humanistic approach, focusing on the restoration of social relationships, the active involvement of victims and offenders, and prioritizing the best interests of children. The restorative justice approach contrasts with the traditional justice system, which often emphasizes punishment and retribution, offering a more inclusive alternative for conflict resolution. This approach, which emphasizes humanistic mediation, involves active participation from both victims and offenders, providing an alternative to the offender-centered traditional criminal justice system (Ropei, 2020; Umbreit & Hansen, 2017). The ideological implication of this approach is the need for a deeper understanding of the legal culture in implementing restorative justice, as its success relies on the legal system's ability to adapt to the social values of the community, rather than just enforcing formal rules (Díaz Gude & Navarro Papic, 2020). In Indonesia, the study highlights that transforming the legal system to be more humanistic and inclusive aligns with the challenges of globalization and societal changes, which encourage the integration of restorative justice principles into contemporary legal frameworks (Triasmono & Ruslie, 2024). Therefore, this research contributes to a broader understanding of how the application of restorative justice requires an ideological shift that not only involves regulatory changes but also strengthens institutional capacity and addresses the inequities in legal access, especially for children in underdeveloped (3T) regions who face both geographical and legal marginalization (Cuesta et al., 2018; Noviana et al., 2024).

This study's findings demonstrate both functions and dysfunctions that warrant critical reflection. On one hand, the existence of legal frameworks such as Law No. 11 of 2012 and PERMA No. 4 of 2014 provides

a strong normative foundation for promoting restorative approaches in handling children in conflict with the law. On the other hand, dysfunction arises when these regulations are not accompanied by institutional preparedness and cultural awareness. The gap between urban and rural regions, the lack of officer training, and public resistance to peaceful settlement illustrate that diversion has yet to become the dominant norm in juvenile criminal proceedings. The positive consequence of these findings lies in the identification of key systemic weaknesses that can be addressed through affirmative policy interventions. However, the negative consequence is that if these findings are not met with a systemic response, the existing regulations will remain legal ornaments that fail to substantively protect children. Therefore, this study calls for concrete actions including institutional harmonization, expansion of restorative training, investment in mediation facilities, and public legal education as an integrated policy package to enhance the national effectiveness of diversion.

CONCLUSION

This study concludes that the effectiveness of the diversion mechanism within Indonesia's juvenile justice system depends heavily on the alignment between a normatively comprehensive legal framework and practical implementation that responds to social dynamics. Normatively, Indonesia has established a strong legal foundation through Law No. 11 of 2012, Supreme Court Regulation (PERMA) No. 4 of 2014, as well as constitutional support and international principles that mainstream restorative justice. However, implementation in the field continues to face serious challenges, including limited human resources, persistent legalistic legal culture, and regional disparities in understanding, all of which contribute to the low national rate of successful diversion.

The primary contribution of this study lies in its multidimensional mapping of the legal effectiveness of diversion by integrating normative, implementation-based, and sociocultural analyses into a single evaluative framework. This research not only offers a descriptive account of empirical conditions but also presents an analytical model that can serve to formulate contextually grounded and measurable indicators of diversion success. Additionally, the policy recommendations proposed provide concrete directions for reforming the juvenile justice system through intersectoral approaches, training of law enforcement personnel, and institutional strengthening—particularly of the Correctional Center (BAPAS).

Nevertheless, this study has limitations regarding primary empirical data, particularly the absence of direct interviews or field observations that could have enriched the qualitative findings. These limitations stem from constraints in time, field access, and the research scope, which focused on legal document and instrument analysis. Therefore, future research should expand its approach by incorporating fieldwork, broader analysis of court rulings, and direct engagement with legal actors to deepen understanding of diversion practices across diverse local contexts and to strengthen the validity of the findings.

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