



## **The Effectiveness of Diversion In Resolving Juvenile Breast Groping Cases**

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**Abstract:** *Sexual harassment committed by minors, particularly in the form of breast-grabbing, is a complex phenomenon due to the offender's ongoing psychosocial development. The legal handling of such cases requires not only a repressive approach but also the application of restorative justice through diversion mechanisms. This study aims to analyze the effectiveness of diversion in resolving a breast-grabbing case committed by a minor in Semarang. This research uses a juridical-empirical method with a qualitative approach, focusing on a case study at the Class I Correctional Center (Bapas) in Semarang. Data were collected through interviews and the analysis of legal documents related to the diversion process. The findings indicate that the diversion was conducted in accordance with legal provisions and resulted in an agreement involving an apology, financial compensation, and a commitment to rehabilitate the offender. However, the study also identifies limitations in the victim's recovery and the continuity of the offender's rehabilitation. It further questions whether justice is truly achieved when the victim remains psychologically affected, and highlights the risk of behavioral normalization if rehabilitation is not effectively implemented. Therefore, the effectiveness of diversion in sexual offense cases should be understood not only from a procedural standpoint but also in terms of achieving substantive justice for all parties involved.*

**Keywords:** *Diversion, Breast Grabbing, Restorative Justice*

**Abstrak:** Tindak pidana pelecehan seksual yang dilakukan oleh anak, khususnya dalam bentuk pembegalan payudara, merupakan fenomena yang kompleks karena pelaku masih berada dalam tahap perkembangan psikososial. Penanganan hukum terhadap kasus semacam ini memerlukan pendekatan yang tidak semata-mata represif, melainkan mengedepankan prinsip keadilan restoratif melalui mekanisme diversifikasi. Penelitian ini bertujuan untuk menganalisis efektivitas pelaksanaan diversifikasi dalam penyelesaian perkara pembegalan payudara oleh anak di wilayah Kota Semarang. Penelitian menggunakan metode yuridis-empiris dengan pendekatan kualitatif, dan berfokus pada studi kasus di Balai Pemasyarakatan (Bapas) Kelas I Semarang. Data diperoleh melalui wawancara dan analisis dokumen hukum terkait. Hasil penelitian menunjukkan bahwa diversifikasi telah dilaksanakan sesuai ketentuan perundang-undangan dan menghasilkan kesepakatan berupa permintaan maaf, ganti rugi, serta komitmen rehabilitasi bagi pelaku. Namun demikian, ditemukan keterbatasan dalam aspek pemulihan korban dan keberlanjutan rehabilitasi pelaku. Artikel ini juga menyoroti potensi ketidakadilan apabila korban merasa tidak mendapatkan pemulihan yang memadai, serta risiko normalisasi perilaku menyimpang apabila proses rehabilitasi tidak berjalan optimal. Dengan demikian, efektivitas diversifikasi dalam kasus kekerasan seksual perlu dipahami secara lebih komprehensif, tidak hanya dari sisi formil, tetapi juga dari pemenuhan keadilan substantif bagi semua pihak.

**Kata Kunci:** Diversifikasi, Pembegalan Payudara, Keadilan Restoratif

## **A. Introduction**

Children are legal subjects entitled to special protection, both as victims and as perpetrators of criminal acts. In Indonesian positive law, the definition of a child is regulated in Article 1 paragraph (1) of Law Number 35 of 2014 concerning Child Protection, which defines a child as a person under the age of eighteen (18), including those still in the womb. Protection of children is of paramount importance, as they are in a vulnerable stage of psychological, emotional, and social development and still require guidance and supervision from adults. Therefore, the legal approach to children must differ from that applied to adults, both in terms of handling and judicial proceedings. The juvenile justice system must prioritize principles that are corrective, educational, and recovery-oriented, with the primary objective of protecting the rights of the child and preventing long-term negative consequences that may result from their involvement in criminal activities. This approach aligns with international norms, such as the Convention on the Rights of the Child, which emphasizes the need for special treatment of children within the legal system. Consequently, child law policies and practices in Indonesia must be carefully designed to ensure justice while simultaneously supporting the optimal growth and development of children.<sup>1</sup>

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<sup>1</sup>Edhei Sulistyono, Pujiyono, and Nur Rochaeti, "Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators," *International Journal of Criminology and Sociology* 10 (2021); Saidah, "Counterproductive Of Diversion For Children In Conflict With The Law: The Context Of Legal Imposition From The Perspective Of Islamic Law," *Russian Law Journal* 11, no. 3 (2023).

Adolescence represents a crucial stage in the psychosexual and emotional development of a child, which can significantly influence their behavior and patterns of conduct. The changes that occur during this period often give rise to various challenges, both for the adolescent and for the surrounding social environment<sup>2</sup>. One of the recurring issues during adolescence is the emergence of deviant sexual behavior, which often carries negative consequences. Such behavior is frequently associated with inappropriate ways of expressing sexual desire. A key factor contributing to the occurrence of sexual harassment committed by minors is an unsupportive environment, including easy access to pornographic content in the form of books, images, and films that are widely available in society. Exposure to pornographic media can stimulate arousal and influence a child's sexual development, thereby increasing the risk of sexual deviance, particularly during adolescence. Pornography is defined as any form of explicit media that openly displays sexual activity with the intention of arousing the viewer. Since pornographic content is intended for adult audiences, children who access or are exposed to such material often experience a discrepancy between their mental age and chronological age. This imbalance has the potential to significantly impact a child's psychological development and behavioral patterns.<sup>3</sup>

Deviant sexual behavior committed by minors, such as acts of sexual harassment, constitutes a deeply concerning and complex issue.<sup>4</sup> This phenomenon highlights not only children as victims but also as perpetrators who must be held legally accountable for their actions. In recent years, cases of sexual harassment involving minors as offenders have increased significantly. The motives behind such acts vary widely, ranging from consensual relationships to actions accompanied by threats, coercion, or psychological pressure against the victim. This situation demonstrates that sexual harassment committed by minors cannot be viewed merely as an ordinary criminal act, but rather as a social issue that requires a holistic approach.

The impact of such offenses is extensive—not only affecting the victims, who are often also children or adolescents, but also generating significant public concern and unrest within society. For instance, according to a report by the news site *kuasakata.com* in late September 2024, a case of sexual harassment occurred in Demak Regency, where a 15-year-old boy from Jepara committed sexual harassment involving

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<sup>2</sup>Olga A. Plockaya, "Customary Law Experience of Crime Prevention in the Customary Law of the Permian Peoples," *Russian Journal of Criminology* 13, no. 2 (2019): 354–64; Swati Kaushal, "Punishment for Crimes: An Instrument of Social Change," *Proceedings of International Young Scholars Workshop* 9 (2020).

<sup>3</sup>I. Nyoman Juwita Arsawati, I. Made Wirya Darma, and Putu Eva Ditayani Antari, "A Criminological Outlook of Cyber Crimes in Sexual Violence against Children in Indonesian Laws," *International Journal of Criminology and Sociology* 10 (2021); Mahendra Ridwanul Ghoni and Pujiyono Pujiyono, "Perlindungan Hukum Terhadap Anak Yang Berhadapan Dengan Hukum Melalui Implementasi Diversi Di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020).

<sup>4</sup>Felicitas Hesselmann, "Punishing Crimes of the Mind: Sanctions for Scientific Misconduct as a Case for the Cultural Theory of Punishment," *Theoretical Criminology* 23, no. 4 (2019); Titi Nuryati, "Kebijakan Hukum Pidana Terhadap Tindakan Rehabilitasi Anak Sebagai Pelaku Tindak Pidana Kekerasan Seksual (Studi Kasus Perkara Nomor 04/Pid.Sus-Anak/2021/PN.Clp)," *Thesis* (Universitas Islam Sultan Agung Semarang, 2023).

threats against a junior high school student. A similar case was reported in Sragen, where a 17-year-old male adolescent was the perpetrator of harassment against a 15-year-old victim. These cases underscore the urgency of appropriate handling for child offenders who are still in the process of psychosocial development. Children at this stage are highly susceptible to environmental influences and are not yet fully capable of comprehending the legal and moral consequences of their actions.

Therefore, law enforcement approaches that emphasize punitive sanctions without considering the developmental and rehabilitative needs of the child may risk exacerbating their psychological and social condition in the future. In this context, a legal approach that is not solely repressive but also prioritizes restorative justice principles and diversion mechanisms is essential for a more humane and constructive resolution. Restorative justice emphasizes the importance of restoring relationships between the offender, the victim, and the community, while also providing the child offender with the opportunity to reform their behavior and reintegrate into society. Diversion, as an alternative legal process, aims to resolve juvenile cases without resorting to formal criminal proceedings, thereby avoiding negative stigmatization and allowing space for effective rehabilitation. This approach is crucial to ensure that the resolution of juvenile sexual offenses is not merely punitive, but also centered on protection and guidance, enabling the child to grow and develop into a responsible individual.

In addressing juvenile delinquency and criminal behavior committed by children, a specialized approach distinct from the adult criminal justice system is required. This is realized through the implementation of a juvenile justice system specifically designed to provide protection and tailored handling for child offenders. The primary objective of the juvenile justice system is not merely to impose criminal sanctions, but rather to focus on recovery and rehabilitation efforts, enabling the child to grow into a responsible and well-adjusted individual. In other words, criminal sanctions imposed on children are regarded as supportive measures aimed at promoting the child's well-being, rather than as punitive measures in themselves. In Indonesia, the juvenile justice system is specifically regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). This law outlines procedures for handling children in conflict with the law while emphasizing the best interests of the child and the principles of restorative justice. One of the key mechanisms stipulated in the law is *diversion*, a process that seeks to resolve juvenile cases without resorting to formal criminal proceedings. There must be procedural frameworks within the justice system that accommodate such resolutions, one of which involves adopting a restorative justice approach. This requires not merely changes in legislation but also modifications to the existing criminal justice system to ensure that the objectives of the law are fully achieved.

A form of restorative justice that aligns with Indonesian cultural values is the use of dialogue, commonly known as *musyawarah untuk mufakat* (deliberation to reach consensus). Therefore, diversion—particularly when grounded in the concept of

restorative justice—becomes a crucial consideration in resolving criminal cases involving children. Diversion grants law enforcement authorities the discretion to take alternative actions, such as terminating legal proceedings or removing the child from the judicial process, when such actions are deemed more beneficial and aligned with the child's best interests. Thus, diversion serves as a highly strategic instrument to mitigate the negative impacts of formal judicial processes on children while also providing them with opportunities for guidance and rehabilitation.

Diversion itself is regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), as stipulated in Article 1, point 7 of the law,<sup>5</sup> it states that "Diversion is the transfer of the resolution of a child's case from the criminal justice process to a process outside of the criminal justice system." The main principle underlying the implementation of diversion is a persuasive or non-penal approach that provides an opportunity for the individual to correct the wrongdoing they have committed. In practice, officers carrying out diversion are expected to emphasize the importance of compliance with laws and regulations as an integral part of the rehabilitation process<sup>6</sup>. Diversion aims to provide opportunities for children in conflict with the law to rectify their mistakes without undergoing formal criminal proceedings, which often have negative impacts on the child's psychological and social development<sup>7</sup>. Through the diversion mechanism, it is expected that children can undergo a more humane process of recovery and rehabilitation, thereby minimizing social stigma and increasing the likelihood of positive reintegration into their family and community environments. This approach aligns with the spirit of child protection within the juvenile criminal justice system, which prioritizes the welfare and rights of the child as the primary focus.

Diversion is an out-of-court settlement effort applicable to criminal acts punishable by imprisonment of less than seven years and that do not involve repeated offenses. The primary objective of diversion is to prevent children from experiencing the negative impacts that may arise from formal criminal justice proceedings, while still prioritizing the recovery of the victim and the rehabilitation of the offender. Thus, diversion focuses not only on the legal aspect but also on the humanitarian dimension, taking into account the child's condition and future. In practice, the diversion process is conducted through deliberation involving various related parties, such as the victim, the offender, their respective families, probation officers, and professional social

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<sup>5</sup>Law Number 11 of 2012 on The Juvenile Criminal Justice System; Law Number 35 of 2014 on Child Protection

<sup>6</sup>Bruce Baker, "Hybridity in Policing: The Case of Ethiopia," *Journal of Legal Pluralism and Unofficial Law* 45, no. 3 (2013); Shannon M. Sliva and Mark Plassmeyer, "Effects of Restorative Justice Pre-File Diversion Legislation on Juvenile Filing Rates: An Interrupted Time-Series Analysis," *Criminology and Public Policy* 20, no. 1 (2021).

<sup>7</sup>Dedy Sumardi, Mansari Mansari, and Maulana Fickry Albaba, "Restoratif Justice, Diversi Dan Peradilan Anak Pasca Putusan Mahkamah Konstitusi Nomor 110/Puu-X/2012," *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 11, no. 2 (2022): 248–65; Erny Herlin Setyorini, Sumiyati, and Pinto Utomo, "Restorative Justice Concept for Children Conflicting Laws in Children Criminal Justice System," 2020.

workers.<sup>8</sup> This approach emphasizes the involvement of all parties in the recovery and reconciliation efforts, ensuring that the outcomes of diversion are mutually agreed upon and provide optimal benefits for all stakeholders involved. This is in accordance with the provisions of Article 8 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states: "The diversion process is conducted through deliberation involving the child and their parents or guardians, the victim and/or their parents or guardians, probation officers, and professional social workers based on a restorative justice approach." In Indonesia, diversion has been implemented in the resolution of various criminal acts committed by children, such as theft, minor assault, and other offenses<sup>9</sup>. However, the application of diversion in cases of sexual harassment remains relatively rare. This situation raises important questions regarding the effectiveness of the restorative justice approach in handling sexual offenses committed by children, considering the sensitivity and complexity of such cases. One example of a sexual harassment case resolved through the diversion mechanism is the case of breast groping committed by a 14-year-old child against a university student in Semarang. The resolution of this case through diversion demonstrates that although the implementation of restorative justice in sexual harassment cases is considered challenging, the mechanism remains feasible by fulfilling certain conditions that support the recovery process for the victim as well as rehabilitation for the perpetrator.

Although the diversion mechanism is clearly regulated under the Child Criminal Justice System Law (UU SPPA) and has been implemented in various juvenile criminal cases, empirical research evaluating the effectiveness of diversion, particularly in cases involving sexual harassment, remains very limited. Therefore, this study aims to fill this gap by evaluating the effectiveness of diversion in the breast groping case that occurred in Semarang.

Although diversion is clearly regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), its implementation and effectiveness in actual cases—particularly those involving sexual offenses committed by children—still require deeper examination. Empirical research on how the diversion mechanism is implemented and its effectiveness in achieving restorative justice for both victims and perpetrators remains very limited. Several previous studies have examined the effectiveness of diversion within the juvenile criminal justice system, focusing on various types of offenses and law enforcement institutions. For example, Muh. Arifin (2024) studied the effectiveness of diversion in handling juvenile offenses at the Rembang Police Department. This research revealed both the successes and challenges of diversion implementation in general, but did not specifically address diversion in

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<sup>8</sup>Ulang Mangun Sosiawan, "Perspektif Restorative Justice Sebagai Wujud Perlindungan Anak Yang Berhadapan Dengan Hukum (Perspective Of Restorative Justice as A Children Protection Against The Law)," *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2017).

<sup>9</sup>Muliani S et al., "Reformulasi Syarat Pelaksanaan Diversi Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 5, no. 2 (2023).

cases of sexual violence.<sup>10</sup> Similarly, Eja Muhliang (2023) evaluated the implementation of diversion in cases of theft committed by juveniles at the Makassar Metropolitan Police (Polrestabes Makassar), using an empirical approach that emphasized police involvement. However, this study did not link the application of diversion to cases involving sexual offenses.<sup>11</sup> Meanwhile, Afdhal Helmi Rahmat Yuliansyah (2023) examined the effectiveness of diversion during the investigation phase of child sexual violence cases at the Demak Police Resort (Polres Demak). This study begins to address similar cases involving sexual crimes; however, its focus remains limited to the investigation phase and does not explore the final outcomes or the success of diversion as a realization of restorative justice.<sup>12</sup>

Based on the reviewed literature, it can be concluded that studies on the effectiveness of diversion in cases of sexual harassment committed by children, particularly in the form of breast groping, remain very limited. Most previous research has focused on general criminal acts such as theft or minor assault, with few studies specifically addressing sexual contexts. On the other hand, sexual crimes such as breast groping present unique complexities, both in terms of the psychological impact on the victim, public perception, and the appropriate legal approach. This study aims to fill this gap by examining the effectiveness of diversion implementation in cases of non-penetrative sexual harassment (breast groping) committed by children. The research not only evaluates the formal mechanisms of diversion but also assesses the extent to which the process effectively upholds the principles of restorative justice. By focusing on a concrete case study at the Class I Correctional Facility in Semarang, this article aims to make an empirical contribution to the literature on child protection within the justice system, as well as to broaden the understanding of diversion applications in sexual offense cases that are rarely studied.

This study employs a socio-legal (juridical-empirical) research approach, involving the collection of field data. Juridical-empirical research is utilized to examine or determine the extent to which legal rules and regulations function effectively in practice<sup>13</sup>. The purpose of juridical-empirical research is to observe the development of law in society by closely monitoring the application of legal norms. This type of legal research is often employed to understand the law as it is written in legal texts, as well as a set of principles or norms that guide human behavior towards proper conduct<sup>14</sup>. This study uses a qualitative approach to explore the effectiveness of the implementation of diversion in resolving a breast groping case committed by a child,

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<sup>10</sup>Rizanizarli Rizanizarli et al., "The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat," *Samarah* 7, no. 1 (2023).

<sup>11</sup>Wikan Sinatrio, "The Implementation of Diversion and Restorative Justice in the Juvenile Criminal Justice System in Indonesia," *Journal of Indonesian Legal Studies* 4, no. 1 (2019).

<sup>12</sup>Faiz Rahman, "Contextualizing Restorative Justice Through Diversion Mechanism: A Study Of Indonesia's Juvenile Justice System," *Indonesia Law Review* 9, no. 3 (2019).

<sup>13</sup>Ronny Hanitijo Soemitro, *Metodologi Penelitian Hukum Dan Jurimetri* (Jakarta: Ghalia Indonesia, 1990).

<sup>14</sup>Jhonny Ibrahim, *Teori Dan Metodologi Penelitian Hukum Normatif* (Malang: Bayumedia Publishing, n.d.).

employing a case study method conducted at the Class I Probation Office (*Bapas*) Semarang. According to micro-level studies, qualitative research is commonly employed in the social sciences and humanities, particularly in examining human behavior, patterns, and the underlying causes of behavior that are often difficult to quantify. This is because what is truly in one's mind and desires often differ from what appears as observable symptoms.<sup>15</sup>

This research was conducted at the Class I Probation Office (*Balai Pemasarakatan Kelas I*) in Semarang, located at Jalan Siliwangi No. 508, Kembangarum Subdistrict, West Semarang District, Semarang City. The data in this study is divided into primary and secondary data. Primary data is obtained directly from the original sources, which may include individuals, groups, or organizations. To collect primary data, the researcher employed various techniques, including surveys, observations, and interviews. One of the most common techniques for collecting primary data is interviews, where the researcher asks questions directly to participants and documents their responses. Another useful technique is observation, in which the researcher closely observes events or actions related to the research variables.<sup>16</sup> Primary data in this research includes interviews with the Community Counselor (*Pembimbing Kemasyarakatan*) at the Probation Office who handled the case examined in this study, as well as with other Probation Officers involved in the implementation of the diversion. In addition to primary data, the researcher also used secondary data as supporting information. Secondary data may be obtained from institutions, libraries, or other relevant sources.<sup>17</sup> Examples of secondary data sources include books, academic journals, articles, financial reports, and government census data. Secondary data refers to research data obtained indirectly through intermediary media, meaning that the data were not collected directly by the researcher but rather sourced from pre-existing materials, such as documents, literature, or data compiled by other parties.<sup>18</sup> The secondary data used in this research were obtained from legal literature, the diversion agreement file related to this case, correctional research reports, and the official diversion decision.

## **B. The Mechanism of Diversion Implementation in a Breast-Groping Case Committed by a Minor at the Class I Correctional Center (*Bapas*) Semarang**

Sexual violence against children is not always perpetrated by adults; it may also involve children as offenders, either individually or collectively. In practice, children who commit criminal acts are still subject to the provisions of criminal law, as stipulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Law No. 35 of 2014, which amended Law No. 23 of 2002 on Child Protection. These two regulations explicitly state that children who commit criminal offenses can still be held

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<sup>15</sup>Nursapia Harahap, *Metodologi Penelitian Kualitatif* (Medan: Wal Ashri Publishing, 2020).

<sup>16</sup>Muhaimin, *Metode Penelitian Hukum* (Mataram, NTB: Mataram University Press, 2020).

<sup>17</sup> Sugiono, *Metodelogi Penelitian Kuantitatif Kualitatif Dan R&D* (Bandung: Alfabeta, 2015).

<sup>18</sup> Sari Anita et al., *Dasar-Dasar Metodologi Penelitian*, 2023.

criminally responsible; however, the approach differs from that applied to adults, taking into account the child's age, mental maturity, and the principle of the best interests of the child.<sup>19</sup>

In the juvenile criminal justice system, sanctions imposed on children are not limited to principal punishments such as placement in a juvenile correctional facility (LPKA), but may also include additional penalties, depending on the judge's consideration. Judicial practice has shown that in certain cases, judges impose cumulative sentences that combine custodial and educational measures. Nevertheless, criminal sanctions are not the sole approach, as Indonesian law allows for alternative resolutions through the diversion mechanism—particularly in cases where the criminal offense carries a sentence of less than seven years and the offender is not a recidivist. Therefore, understanding the legal construction of juvenile punishment is essential as a basis for evaluating the effectiveness of diversion as a legal instrument that not only resolves cases but also focuses on the protection and rehabilitation of the offender. Diversion serves as a strategic option in handling juvenile criminal cases that meet the legal requirements, as it offers a resolution more oriented toward restoration rather than punishment. The implementation of diversion not only reflects a humanistic approach in juvenile criminal law but also underscores the crucial role of Probation Officers and other stakeholders in ensuring that the resolution process aligns with the principles of restorative justice. This is clearly demonstrated in the case under study, where diversion was implemented from the early stages of the legal process.

According to the interview conducted with the Probation Officer responsible for handling this case,<sup>20</sup> the implementation of diversion for the perpetrator in this case was carried out at the investigation stage at the Gunungpati Police Sector (Polsek Gunungpati), in accordance with Article 7 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). This article advocates for the application of diversion at every stage of investigation, prosecution, and court examination, enabling juvenile cases to be resolved outside the formal criminal justice process. The diversion process begins with a notification to the relevant parties, including the perpetrator, the perpetrator's parents, the victim, and the victim's family. It is followed by a deliberation (*musyawarah*) involving the perpetrator, the perpetrator's parents, the victim, the victim's family, the Probation Officer, a representative of social workers (PPTK), community leaders, and a representative from the perpetrator's school. This diversion forum aims to reach a settlement agreement through a familial approach that prioritizes the principles of restorative justice, namely the restoration of social relations and collaborative conflict resolution. The 14-year-old perpetrator was suspected of committing an act of indecency under Article 281 paragraph (1) of the Indonesian Penal Code (KUHP), which carries a

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<sup>19</sup>Christian B.N. Gade, "Is Restorative Justice Punishment?," *Conflict Resolution Quarterly* 38, no. 3 (2021).

<sup>20</sup>Interview with Yosy Yudha Kusuma, Probation Officer at Class I Semarang Probation Office.

maximum imprisonment of 2 years and 8 months or a fine of up to IDR 4,500,000. As such, the offense falls under the category of crimes punishable by less than seven years, thereby fulfilling the requirements for diversion as stipulated in Article 7 paragraph (2) of the UU SPPA. In the diverse minutes<sup>21</sup>, the discussion process included the offender's admission of guilt, expressions of remorse, and a commitment not to repeat the offense. The diversi deliberation established a resolution that involved providing material compensation in the form of restitution from the offender's family to the victim. Additionally, it was agreed to implement medical and psychosocial rehabilitation for the offender as part of a holistic treatment approach. The offender's parents also issued a direct apology to the victim, serving as a form of social responsibility that strengthens reconciliation and the restoration of relationships between the parties involved.

Factors contributing to the offender's behavior included an authoritarian parenting style that fostered an impulsive character prone to psychological pressure. The offender employed coping mechanisms such as PMO (Porn Masturbate Orgasm) as an alternative way to manage anxiety and emotional stress. Addiction to pornography and masturbation further reinforced the offender's subconscious impulses to commit the sexual misconduct.

The Probation Officer holds a strategic role in implementing diversity, acting as a neutral party that bridges the interests of the child offender, the victim, and law enforcement officers. Within the context of the juvenile criminal justice system, the Probation Officer does not merely perform administrative functions but also serves as an active mediator and facilitator in fostering restorative dialogue among the parties involved. This role is crucial in ensuring that the diversi process is not merely a formality but genuinely reflects the principles of restorative justice, prioritizing recovery and social reintegration as the primary objectives. Through their involvement, the Probation Officer promotes a fair and equitable deliberation, guiding the process so that the resulting agreement embodies substantive justice for both parties.

Beyond facilitating communication, the Probation Officer is responsible for ensuring that the diversion agreement adequately protects the rights and interests of both the victim and the offender. In this regard, victim protection encompasses not only material compensation but also psychological recovery, a sense of security, and satisfaction with the settlement outcome. Conversely, rehabilitation for the offender focuses on behavioral improvement, psychological healing, and comprehensive social reintegration, preventing the child from falling into a cycle of legal violations.<sup>22</sup> This approach is rooted in the doctrine of the best interest of the child, as stipulated in Article 3 paragraph (1) of the Child Criminal Justice System Law and international

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<sup>21</sup>Interview with Atiq Joni Wardani, Head of the Subsection of Community Guidance at Semarang Class I Probation Office.

<sup>22</sup>Giuseppe Maglione, "Restorative Justice, Crime Victims and Penal Welfarism. Mapping and Contextualising Restorative Justice Policy in Scotland," *Social and Legal Studies* 30, no. 5 (2021).

instruments such as the Convention on the Rights of the Child, which prioritize the child's interests as the foremost consideration in every legal decision involving children.

The diversion process does not stop at deliberation and verbal agreement alone; it must be formalized in writing through a diversion agreement statement. This document serves as legal evidence and a guideline for implementing the results of the jointly approved deliberation. In this case, the statement includes provisions that are morally and legally binding, including the obligation of the offender's family to provide psychological support and rehabilitation for the child, as well as compensation payment to the victim as a form of accountability for the offender's actions. The signing of this statement is done by all parties present at the deliberation, including the Probation Officer who supervises and ensures the integrity of the process.

The written agreement resulting from the diversion deliberation has legal force as the basis for terminating the formal criminal justice process against the offender. This is in accordance with Article 9 paragraph (2) of the Child Criminal Justice System Law (UU SPPA), which states that when a diversion agreement is reached, investigators, prosecutors, or judges are obliged to halt the criminal justice process. Thus, the diversion mechanism serves as a legitimate legal means to resolve juvenile cases outside formal litigation, while also creating a more humane and educational resolution space for the child offender, without neglecting the rights of the victim. This practice demonstrates that restorative justice is not only focused on conflict resolution but also on transforming social relationships and promoting holistic healing for all parties involved.

The implementation of diversion in this case has met the legal requirements as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), particularly Article 7 paragraph (2), which requires that diversion can be applied to children who commit criminal acts with a maximum threat of imprisonment of less than seven years and who are not repeat offenders. In this case, the offender is still 14 years old and is charged under an article where the maximum penalty is less than seven years, and is not a recidivist. Therefore, normatively, this case legitimately meets the legal parameters for the application of diversion. Substantively, the diversion also aligns with the principles of child protection and restorative justice, as the resolution process focuses not only on punishment but also prioritizes the recovery of all parties involved.<sup>23</sup> The diversion approach offers an alternative resolution for juvenile criminal cases in a more humane manner, by avoiding dragging the child into the formal justice system, which carries the risk of causing psychological trauma,

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<sup>23</sup>Hari Disemadi, Sholahuddin Al-Fatih, and Mochammad Yusro, "Indonesian Children Protection against Commercial Sexual Exploitation through Siri Marriage Practices in Maqashid Al-Shariah Perspective," *Brawijaya Law Journal* 7, no. 2 (2020); Muslim Zainuddin et al., "Protection of Women and Children in the Perspective of Legal Pluralism: A Study in Aceh and West Nusa Tenggara," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 3 (2024): 1948-73.

stigmatization, and hindering the child's social development in the long term.<sup>24</sup> This process emphasizes an educational and corrective approach that takes into account the psychological, social, and background factors of the child's actions. By providing space for rehabilitation and social reintegration, diversion becomes an effective tool in preventing the child from further involvement in criminal activity, while encouraging healthier moral and emotional development. Meanwhile, the victim is also given the opportunity to receive a more comprehensive recovery through a mechanism of social responsibility that is direct and personal from the offender and their family.

The implementation of diversion in this case reflects a concrete commitment by law enforcement officers and the government to uphold the mandate of restorative justice, which has been adopted as part of Indonesia's juvenile justice system. The concept of restorative justice emphasizes dialogue, active participation of all parties, and peaceful, constructive conflict resolution. The diversion process in this case is positioned not only as an alternative legal solution but also as a multidimensional approach touching on legal, social, psychological, and cultural aspects. This aligns with the direction of modern criminal policy, which regards the punishment of children as a last resort and recommends the use of non-punitive measures oriented toward rehabilitation.

More than just a mechanism for case termination, diversion acts as a strategic instrument in psychosocial recovery for victims, guidance and behavioral improvement for offenders, and restoration of social cohesion within the community. Restoring social relationships is a key achievement in restorative justice because criminal acts committed by children affect not only the victims but also disrupt the broader social order. Therefore, the diversion process conducted with attention to the principles of deliberation, responsibility, and recovery—as demonstrated in this case—serves as an ideal model for handling juvenile cases. This model can reduce the burden on the justice system, strengthen the family's role, and build a more inclusive and responsive society toward legal issues involving children.

### **C. The Effectiveness of Diversion Implementation in Resolving Breast Groping Cases Committed by Juveniles**

The term "effectiveness" originates from the idea that an organization successfully achieves its set goals. The relationship between expected outcomes and actual results is always a factor in effectiveness. Effectiveness is the capacity of an organization to carry out tasks, functions (such as program activities or missions), and the like without experiencing stress or pressure during execution.<sup>25</sup> Based on the explanation above, legal effectiveness is measured by the achievement of targets in

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<sup>24</sup>Craig Proulx, "Blending Justice: Interlegality and the Incorporation of Aboriginal Justice into the Formal Canadian Justice System," *Journal of Legal Pluralism and Unofficial Law* 37, no. 51 (2005): 79–109.

<sup>25</sup>Olga A. Plockaya, "Customary Law Experience of Crime Prevention in the Customary Law of the Permian Peoples," *Russian Journal of Criminology* 13, no. 2 (2019).

accordance with the plan. This serves as an indicator of effectiveness in achieving the predetermined goals or objectives.<sup>26</sup> The effectiveness of a law is demonstrated by the fact that the rules are applied and obeyed, and that people behave as they should. Generally, the theory of legal effectiveness views law as a standard for appropriate behavior or attitudes towards actions. There is a dogmatic way of thinking because the deductive-rational method is used. On the other hand, some believe that law is a consistent (stable) behavior or action. Due to the inductive-empirical way of thinking, law is seen as an activity that is repeatedly performed in the same manner with a specific purpose.<sup>27</sup>

If someone states that a regulation has succeeded or failed in achieving its goals, it can generally be determined whether its influence has effectively regulated certain attitudes or behaviors to align with its objectives. This indicates the effectiveness of the law in legal actions or reality. The efficacy of a regulation implies that legal effectiveness will be considered in relation to the goals that must be fulfilled. Mentioning sanctions is one typical effort to ensure that society complies with the law. These sanctions can be positive or negative, meaning they encourage people to perform good deeds or to refrain from doing harmful actions.<sup>28</sup>

The main issue faced in law enforcement is the variables that can influence it. Since these characteristics are neutral, the factors that can have either a positive or negative impact are what matter.<sup>29</sup> Soerjono Soekanto, there are five factors that determine whether a law is effective or not, namely:

1. The law itself (the substance of the law);
2. Law enforcement factors, namely, the parties who make or enforce the law;
3. The facilities or infrastructure factors that support law enforcement;
4. The community factors, which are the environment where the law is applied, and
5. The legal cultural factors, which are the products of human creativity, ideas, and feelings based on human will in social life.

These five factors are interconnected because they constitute the essence of law enforcement and serve as the benchmark for measuring its effectiveness.

#### 1) Legal Factor

Specifically, the implementation of diversion has been regulated in several legal instruments that serve as the legal framework for handling children in conflict with the law (ABH) in Indonesia, among others:

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<sup>26</sup>Abdulwahab Danladi Shittu, Shehu Folohun Ismail, and Muhammad Nasiru Ndaman, "Shariah And Social Reconstructions In Northern Nigeria: Evidence From Niger State Zakat And Endowment Board (2001-2017)," *Malaysian Journal of Syariah and Law* 10, no. 2 (2022); Achmad Ali, *Menguak Teori Hukum Dan Teori Peradilan*, 5th ed. (Jakarta: Kencana, 2013).

<sup>27</sup>Soerjono Soekanto, *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan Di Indonesia* (Jakarta: Universitas Indonesia, 1976).

<sup>28</sup>Lili Rasjidi dan Wyasa Putra, *Hukum Sebagai Suatu Sistem* (Bandung: Manda Maju, 2003).

<sup>29</sup>Satjipto Rahardjo, *Penegakan Hukum Suatu Tinjauan Sosiologis*, I (Yogyakarta: Genta Publishing, 2009).

- a. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA), which explicitly regulates diversion as one of the mechanisms for resolving juvenile cases in a more humane manner and oriented towards rehabilitation and social reintegration.
- b. Government Regulation of the Republic of Indonesia Number 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years Old, which provides technical guidance for law enforcement officers in carrying out diversion, including procedures and principles of implementation.
- c. Regulation of the Supreme Court of the Republic of Indonesia Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, which regulates procedural standards for judges and related officials in facilitating and deciding juvenile cases that can be resolved through diversion.

Although these legal instruments already exist and contain provisions supporting diversion, their implementation still faces significant obstacles in practice. One of the main challenges is the weak law enforcement and the lack of a comprehensive understanding among law enforcement officers regarding the diversion mechanism. Furthermore, the existing regulations tend not to provide sufficiently detailed and integrated guidance as practical references to ensure maximum protection for children involved in cases, especially in sensitive cases such as sexual violence or breast robbery committed by children. Strengthening and refining the substance of the law will be key to overcoming various obstacles in the implementation of diversion, thereby providing fair, humane, and sustainable solutions for all parties involved.

## 2) Law Enforcement Factor

Lawrence M. Friedman, as cited in Achmad Ali, states that the entire legal institution, including its apparatus such as the police and police officers, prosecutors and their staff, courts and their judges, and so forth.<sup>30</sup> Sociologically, each law enforcer holds their own position and role. The issue of role is considered important because discussions about law enforcement often focus on the discretion of law enforcement officers. According to M. Faal, “police discretion is a policy based on power to take action based on one’s own consideration and conviction.” This can be interpreted as a policy based on power to take action grounded on one’s own judgment and belief.<sup>31</sup>

Discretion becomes very important in the context of law enforcement. First, there are no rules so comprehensive that they can regulate all human behaviors. Second,

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<sup>30</sup>Lawrence M. Friedman, *The Legal System of Social Science Perspective* (New York: Russel Sage Foundation, 1975).

<sup>31</sup>M Faal, *Penyaringan Perkara Pidana Oleh Polisi (Diskresi Kepolisian)* (Jakarta: Pradnya Paramita, 1991).

there is uncertainty caused by delays in regulations or legislation in adapting to societal developments. Third, there is a lack of resources to implement legislation as intended by lawmakers. Additionally, certain cases require special handling.<sup>32</sup>

The proper roles of certain law enforcement officers have been formulated in several laws and policies of their respective institutions. The weaknesses of existing regulations can be overcome if there is concern and sensitivity from law enforcement officers in handling children in conflict with the law (ABH). This is possible because they have the discretion to provide alternatives that are better than imprisonment to protect the child's future interests. Unfortunately, many law enforcement officers still hold a legalistic paradigm that relies solely on written law. Obstacles in the implementation of diversion often arise from an imbalance between the existing legal substance and the capacity, understanding, and commitment of law enforcement officers. Law enforcement that has not fully internalized the principles of restorative justice often fails to function optimally as an alternative mechanism.<sup>33</sup>

However, in the case of breast grabbing committed by a child, the role of law enforcement in implementing diversion shows a fairly significant effectiveness. This is reflected in the collaboration between the probation officer, the offender, the victim, and their families through a deliberation process that upholds the principles of restorative justice. This mechanism not only provides space for the victim's recovery and the offender's accountability but also demonstrates the sensitivity of the authorities to the needs for child protection and rehabilitation. Thus, this case serves as evidence that when law enforcement possesses an adequate understanding, a strong commitment, and the ability to wisely exercise discretion, diversion can function optimally as a means of resolving juvenile criminal cases while upholding the values of justice and humanity.

### 3) The Facilities and Infrastructure Factor

Facilities and infrastructure encompass all physical assets, technology, human resources, and administrative support systems necessary to carry out legal functions efficiently.<sup>34</sup> In addition, the availability of child-friendly consultation spaces, specialized training for officers, and supporting tools such as documentation and integrated information systems are essential to ensure that the diversion process runs effectively and focuses on rehabilitation. Facilities and infrastructure play a crucial role in supporting the effectiveness of diversion implementation. In the context of the juvenile criminal justice system, facilities encompass physical infrastructure, including child-friendly mediation rooms, psychological counseling services, information technology tools for case documentation, and integrated standard operating

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<sup>32</sup>Daniel S. Lev, *Hukum Dan Politik Di Indonesia: Kesenambungan Dan Perubahan* (Jakarta: LP3ES, 1990).

<sup>33</sup>Siti Zubaedah, Andi Tira, and Almusawir, "Implementation Of Diversion On Examining The Process Of Children In Conflict With The Law," *Jurnal Ilmiah Peuradeun* 11, no. 1 (2023).

<sup>34</sup>Sarwadi Sarwadi and Bambang Tri Bawono, "Restorative Justice Approach in Diversion System for Settlement of Criminal Cases for Children in Indonesia," *Jurnal Daulat Hukum* 3, no. 4 (2021).

procedures across institutions. Non-physical infrastructure is also needed, such as continuous training for law enforcement officials to ensure a comprehensive understanding of the restorative justice approach. In this study, the implementation of diversion at the Class I Correctional Center (Bapas) in Semarang was found to be quite effective due to the support from social counselors. However, there are still limitations in the provision of rehabilitation services for victims, particularly in the form of continuous psychosocial support. This highlights the urgent need to strengthen both physical and non-physical facilities and infrastructure for both perpetrators and victims so that the goals of diversion go beyond administrative resolution and truly address the recovery and protection of the rights of all parties involved.

#### 4) The Community Factor

The effectiveness of diversion is greatly influenced by the extent to which the community understands and accepts the restorative justice approach. Communities that lack sufficient understanding of diversion often demand harsh punishment for child offenders, including in cases of sexual harassment. The stigma attached to children in conflict with the law, as well as social pressure on the victim, also serve as significant barriers.<sup>35</sup> In the case under study, the participation of both the victim's and the offender's families in the diversion deliberation process serves as a positive indicator that the restorative approach can be accepted, provided it is properly socialized. Therefore, it is essential to raise public legal awareness through legal education, public campaigns, and the involvement of community leaders, so that the diversion mechanism can be accepted as a fair and humane solution for addressing juvenile criminal offenses.

#### 5) The Legal Culture Factor

The legal culture within society also plays a significant role in determining the success of diversion implementation. Social values such as deliberation, mutual cooperation, and reconciliation are inherently aligned with the spirit of restorative justice that underpins the diversion process. However, in practice, there still exists a culture of vengeance and strong demands for severe punishment, especially towards perpetrators of sexual crimes<sup>36</sup>, without taking into account the age and psychological condition of the child; a punitive culture can prevail. Furthermore, the presence of taboos or feelings of shame attached to victims of sexual violence makes resolution through deliberation particularly sensitive and challenging. In the case under study, the success of the diversion process demonstrates that, with the right approach, local cultural values can be harnessed to support both victim recovery and offender

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<sup>35</sup>Annie Cossins, "Restorative Justice and Child Sex Offences: The Theory and the Practice," *British Journal of Criminology*, 2008.

<sup>36</sup>Hendra Wahyudi, Umar Ma'ruf, and R. Sugiharto Sugiharto, "The Efforts to Implement Diversion to Realize Restorative Justice for Children in Conflict with the Law in the Juvenile Criminal Justice System," *Law Development Journal* 4, no. 3 (2022).

rehabilitation. Therefore, it is essential for law enforcement officers to understand the cultural dynamics of the community where the case occurs, in order to bridge formal legal values with the social norms that prevail in society.

Although the restorative approach, facilitated through the diversion mechanism in this case, has fulfilled normative requirements and was implemented in a participatory manner, its effectiveness in ensuring comprehensive recovery for the victim remains subject to further scrutiny. In cases of sexual offenses, particularly non-penetrative sexual harassment such as breast groping, recovery is not limited to material or administrative aspects, but also involves profound psychological dimensions. Deliberation processes and compensation do not always succeed in eliminating the trauma or sense of insecurity experienced by the victim. In some instances, the victim's involvement in such processes may even cause emotional pressure that exacerbates their psychological condition.

On the other hand, the application of diversion in sexual offenses committed by minors also carries the potential risk of normalizing deviant behavior. If the rehabilitation process for the offender is not conducted optimally or lacks regular evaluation, there is a possibility that the offender may fail to fully comprehend the serious impact of their actions, which could increase the likelihood of recidivism.

Therefore, the effectiveness of diversion in cases of sexual violence should not be assessed solely based on administrative success or case termination, but also on the extent to which the process achieves holistic victim recovery and prevents reoffending by the perpetrator. In light of this, it is imperative to strengthen psychological rehabilitation mechanisms for victims, enhance the quality of rehabilitation programs for offenders, and implement long-term post-diversion evaluations to assess the sustainability of recovery and prevention efforts. These measures are essential to ensure that restorative justice does not merely serve as a symbolic act of reconciliation but genuinely realizes substantive justice for all parties involved.

#### **D. Conclusion**

Diversion in the resolution of breast groping cases committed by juveniles at the Class I Semarang Probation Office generally demonstrates effectiveness both juridically and socially. The process has been carried out in accordance with statutory regulations, involving relevant parties through deliberation, and producing agreements that reflect the principles of restorative justice. The active role of the Probation Officer is also a crucial factor in guiding the process to ensure it proceeds fairly and in a participatory manner. The agreements reached, which include an apology, compensation, and a commitment to rehabilitation for the offender, normatively indicate that diversion has become a viable alternative resolution in this case. However, this effectiveness needs to be viewed more critically, especially in the context of sexual violence cases that affect the emotional and psychological aspects of the victim. In some instances, resolution through deliberation may not fully accommodate the victim's needs for comprehensive recovery. When the diversion

process focuses solely on administrative and symbolic resolution, there is a risk that the victim's dissatisfaction or trauma may be overlooked. This raises an important question: can a resolution be considered just if the victim continues to experience unresolved psychological impacts.

On the other hand, the use of diversion mechanisms in cases with a sexual nature must be accompanied by an evaluation of the potential risk of recurrence, particularly if the rehabilitation program for the offender is not implemented comprehensively. Therefore, although diversion serves as an important instrument within the juvenile justice system, its application in certain cases requires a more comprehensive and sustainable approach. To ensure that restorative justice is truly realized in a substantive manner, it is necessary to strengthen support systems that not only guarantee protection for the offender but also ensure that the rights of the victim are fulfilled. This includes the provision of psychological rehabilitation services, gender-sensitive accompaniment, and consistent post-diversion monitoring. Thus, diversion should not merely serve as an alternative to formal judicial processes but also function as a means of holistic recovery and protection for all parties affected.

## **Bibliography**

- Ali, Achmad. *Menguak Teori Hukum Dan Teori Peradilan*. 5th ed. Jakarta: Kencana, 2013.
- Baker, Bruce. "Hybridity in Policing: The Case of Ethiopia." *Journal of Legal Pluralism and Unofficial Law* 45, no. 3 (2013).
- Cossins, Annie. "Restorative Justice and Child Sex Offences: The Theory and the Practice." *British Journal of Criminology*, 2008.
- Disemadi, Hari, Sholahuddin Al-Fatih, and Mochammad Yusro. "Indonesian Children Protection against Commercial Sexual Exploitation through Siri Marriage Practices in Maqashid Al-Shariah Perspective." *Brawijaya Law Journal* 7, no. 2 (2020).
- Faal, M. *Penyaringan Perkara Pidana Oleh Polisi (Diskresi Kepolisian)*. Jakarta: Pradnya Paramita, 1991.
- Friedman, Lawrence M. *The Legal System of Social Science Perspective*. New York: Russel Sage Foundation, 1975.
- Gade, Christian B.N. "Is Restorative Justice Punishment?" *Conflict Resolution Quarterly* 38, no. 3 (2021).
- Ghoni, Mahendra Ridwanul, and Pujiyono Pujiyono. "Perlindungan Hukum Terhadap Anak Yang Berhadapan Dengan Hukum Melalui Implementasi Diversi Di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (2020).
- Harahap, Nursapia. *Metodologi Penelitian Kualitatif*. Medan: Wal Ashri Publishing, 2020.
- Hesselmann, Felicitas. "Punishing Crimes of the Mind: Sanctions for Scientific

- Misconduct as a Case for the Cultural Theory of Punishment.” *Theoretical Criminology* 23, no. 4 (2019).
- Ibrahim, Jhonny. *Teori Dan Metodologi Penelitian Hukum Normatif*. Malang: Bayumedia Publishing, n.d.
- Kaushal, Swati. “Punishment for Crimes: An Instrument of Social Change.” *Proceedings of International Young Scholars Workshop* 9 (2020).
- Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (2012).
- Lev, Daniel S. *Hukum Dan Politik Di Indonesia: Kesenambungan Dan Perubahan*. Jakarta: LP3ES, 1990.
- Maglione, Giuseppe. “Restorative Justice, Crime Victims and Penal Welfarism. Mapping and Contextualising Restorative Justice Policy in Scotland.” *Social and Legal Studies* 30, no. 5 (2021).
- Muhaimin. *Metode Penelitian Hukum*. Mataram, NTB: Mataram University Press, 2020.
- Nuryati, Titiek. “Kebijakan Hukum Pidana Terhadap Tindakan Rehabilitasi Anak Sebagai Pelaku Tindak Pidana Kekerasan Seksual (Studi Kasus Perkara Nomor 04/Pid.Sus-Anak/2021/PN.Clp).” *Thesis*. Universitas Islam Sultan Agung Semarang, 2023.
- Nyoman Juwita Arsawati, I., I. Made Wirya Darma, and Putu Eva Ditayani Antari. “A Criminological Outlook of Cyber Crimes in Sexual Violence against Children in Indonesian Laws.” *International Journal of Criminology and Sociology* 10 (2021).
- Plockaya, Olga A. “Customary Law Experience of Crime Prevention in the Customary Law of the Permian Peoples.” *Russian Journal of Criminology* 13, no. 2 (2019): 354–64.
- . “Customary Law Experience of Crime Prevention in the Customary Law of the Permian Peoples.” *Russian Journal of Criminology* 13, no. 2 (2019).
- Proulx, Craig. “Blending Justice: Interlegality and the Incorporation of Aboriginal Justice into the Formal Canadian Justice System.” *Journal of Legal Pluralism and Unofficial Law* 37, no. 51 (2005): 79–109.
- Putra, Lili Rasjidi dan Wyasa. *Hukum Sebagai Suatu Sistem*. Bandung: Manda Maju, 2003.
- Rahardjo, Satjipto. *Penegakan Hukum Suatu Tinjauan Sosiologis*. I. Yogyakarta: Genta Publishing, 2009.
- Rahman, Faiz. “Contextualizing Restorative Justice Through Diversion Mechanism: A Study Of Indonesia’s Juvenile Justice System.” *Indonesia Law Review* 9, no. 3 (2019).
- Rizanizarli, Rizanizarli, Mahfud Mahfud, Riza Chatias Pratama, and Fikri Fikri. “The Application of Restorative Justice for Children as Criminal Offenders in the Perspective of National Law and Qanun Jināyat.” *Samarah* 7, no. 1 (2023).
- Ronny Hanitijo Soemitro. *Metodologi Penelitian Hukum Dan Jurimetri*. Jakarta: Ghalia Indonesia, 1990.
- S, Muliani, Adil Kasim, Jamaluddin Ahmad, and Nurjannah Nonci. “Reformulasi Syarat

- Pelaksanaan Diversi Dalam Sistem Peradilan Pidana Anak Di Indonesia.” *Jurnal Pembangunan Hukum Indonesia* 5, no. 2 (2023).
- Saidah. “Counterproductive Of Diversion For Children In Conflict With The Law: The Context Of Legal Imposition From The Perspective Of Islamic Law.” *Russian Law Journal* 11, no. 3 (2023).
- Sari Anita, Dahlan, Tuhumury Nicodemus August Ralph, Prayitno Yudi, Siegers Hendry Willem, Supiyanto, and Werdhani Sri Anastasia. *Dasar-Dasar Metodologi Penelitian*, 2023.
- Sarwadi, Sarwadi, and Bambang Tri Bawono. “Restorative Justice Approach in Diversion System for Settlement of Criminal Cases for Children in Indonesia.” *Jurnal Daulat Hukum* 3, no. 4 (2021).
- Setyorini, Erny Herlin, Sumiyati, and Pinto Utomo. “Restorative Justice Concept for Children Conflicting Laws in Children Criminal Justice System,” 2020.
- Shittu, Abdulwahab Danladi, Shehu Folohun Ismail, and Muhammad Nasiru Ndaman. “Shariah And Social Reconstructions In Northern Nigeria: Evidence From Niger State Zakat And Endowment Board (2001-2017).” *Malaysian Journal of Syariah and Law* 10, no. 2 (2022).
- Sinatrio, Wikan. “The Implementation of Diversion and Restorative Justice in the Juvenile Criminal Justice System in Indonesia.” *Journal of Indonesian Legal Studies* 4, no. 1 (2019).
- Sliva, Shannon M., and Mark Plassmeyer. “Effects of Restorative Justice Pre-File Diversion Legislation on Juvenile Filing Rates: An Interrupted Time-Series Analysis.” *Criminology and Public Policy* 20, no. 1 (2021).
- Soekanto, Soerjono. *Beberapa Permasalahan Hukum Dalam Kerangka Pembangunan Di Indonesia*. Jakarta: Universitas Indonesia, 1976.
- Sosiawan, Ulang Mangun. “Perspektif Restorative Justice Sebagai Wujud Perlindungan Anak Yang Berhadapan Dengan Hukum (Perspective Of Restorative Justice as A Children Protection Against The Law).” *Jurnal Penelitian Hukum De Jure* 16, no. 4 (2017).
- Sugiono. *Metodelogi Penelitian Kuantitatif Kualitatif Dan R&D*. Bandung: Alfabeta, 2015.
- Sulistyo, Edhei, Pujiyono, and Nur Rochaeti. “Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators.” *International Journal of Criminology and Sociology* 10 (2021).
- Sumardi, Dedy, Mansari Mansari, and Maulana Fickry Albaba. “Restoratif Justice, Diversi Dan Peradilan Anak Pasca Putusan Mahkamah Konstitusi Nomor 110/Puu-X/2012.” *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum* 11, no. 2 (2022): 248–65.
- Wahyudi, Hendra, Umar Ma’ruf, and R. Sugiharto Sugiharto. “The Efforts to Implement Diversion to Realize Restorative Justice for Children in Conflict with the Law in the Juvenile Criminal Justice System.” *Law Development Journal* 4, no. 3 (2022).
- Zainuddin, Muslim, Mukhsin Nyak Umar, Dedy Sumardi, Mansari Mansari, and Zakki

Fuad Khalil. "Protection of Women and Children in the Perspective of Legal Pluralism: A Study in Aceh and West Nusa Tenggara." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam Hukum Islam* 8, no. 3 (2024): 1948–73.

Zubaedah, Siti, Andi Tira, and Almusawir. "Implementation Of Diversion On Examining The Process Of Children In Conflict With The Law." *Jurnal Ilmiah Peuradeun* 11, no. 1 (2023).

### **Statute**

Law Number 11 of 2012 on The Juvenile Criminal Justice System.

Law Number 35 of 2014 on Child Protection

Indonesian Penal Code

Government Regulation No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under the Age of 12 (PP No. 65 Tahun 2015)

Supreme Court Regulation (PERMA) No. 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System

### **Documents**

Diversion Agreement Document

Diversion Litmas Document (Litmas: Case Guidance Document)

Diversion Determination Document