**DIVERSION POLICY IN JUVENILE CRIME: PROTECTING THE BEST INTERESTS OF CHILDREN AND ADDRESSING RECIDIVISM**

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**ABSTRACT**

Legal issues are an inevitable part of society, including those involving children. In childhood, individuals lack mature self-control and are vulnerable to environmental influences. The legal consequences of criminal acts generally involve punishment or imprisonment. However, children who commit crimes require a different approach than adults. Diversion, as a legal policy in juvenile crime cases, is prioritized to protect the child’s best interests. This research employs a doctrinal legal research method. The findings reveal that the diversion policy aims to shield children from the negative impacts of the criminal justice system and imprisonment. However, for children who repeatedly commit crimes, juvenile court proceedings are conducted by existing regulations, with strict supervision to prevent recidivism. In conclusion, while the diversion policy is well-intended to safeguard the welfare of children, its application must take specific circumstances into account. Children who persistently engage in criminal behavior, whether the same or different offenses, will undergo a juvenile justice process distinct from the adult criminal process. This study recommends that the government revise laws related to juvenile crime, diversion policies, and the handling of repeat offenses while also strengthening social control, community guidance, and character education for children.

**Keywords:** Diversion, Juvenile Crime, Child Offenders, Juvenile Justice System, Recidivism.

**INTRODUCTION**

The notion of sustainable development, particularly the Sustainable Development Goals (SDGs) outlined in the 2030 Agenda, focuses on children and underscores the importance of equality(Sorooshian, 2024). Achievement of development goals is contingent upon their accessibility to all children, regardless of their location. Investing in early intervention capitalizes on crucial phases of brain development, facilitating the opportunity for all children to achieve their maximum potential and fostering societal prosperity. Consequently, child welfare is a significant indicator of advancement in pursuing the SDGs. Given that children frequently remain unaccounted for in data and policy frameworks, it is essential to implement targeted strategies to guarantee that every child is included in the execution, oversight, and assessment of the SDG agenda(UNICEF, 2019).

Legal issues persist within societal, national, and state contexts. The rise in legal problems correlates with increased legal research focused on identifying various issues from established legal viewpoints (Krisnalita, 2019). The application of penalties serves not only as a form of punishment but also aims to shape human behavior in alignment with established legal standards. The primary focus of these rules is to ensure guidance and protection, especially in situations where children are involved in criminal acts or unlawful behavior(Rumkel et al., 2022; Suparni, 1996).

Children are considered valuable resources and pivotal generations that will propel the nation into the future. In Indonesia, children are viewed as the bearers of the nation’s ideals. The international community has recognized this strategic role, leading to conventions that highlight the necessity of protecting children as human beings entitled to their rightful rights. The actions and behaviors of children involved in criminal activities are indicative of the environmental factors at play, highlighting a pattern of indifference, insensitivity, and social neglect directed toward these young individuals. Children may exhibit deviant behaviors without care and attention, which can lead to unlawful activities. Juvenile delinquency and its criminal acts can be understood as reflections of a community’s prevailing attitude, which, in the face of social upheavals, demonstrates a lack of concern for its youth(Achmad, 2005; Krisnalita, 2019).

Childhood represents a critical developmental phase characterized by a psychological state where children exhibit limited independence, incomplete awareness, and personalities still in formation and stabilization. Considering these unstable psychological conditions, it is essential to recognize that children’s actions cannot be entirely ascribed to them, as they are not solely perpetrators but also victims in this context. It is essential to consider that exposing children to the justice system may not be the most effective approach when more suitable alternatives are available to address their unlawful actions, prioritizing the child’s best interests(Krisnalita, 2019).

Recent observations regarding children indicate that multiple elements affecting their social environments have contributed to difficulties in managing cases involving children suspected of engaging in criminal behavior. Children embody the potential for the future of the nation, society, the state, and their families. Consequently, it is essential to implement specific measures to guarantee that children develop appropriately physically, mentally, and spiritually(Prinst, 1997).

Crime is analyzed through multiple expert lenses, beginning with biologists interpreting it as a biological symptom by pinpointing biological traits that affect human behavior. Endocrinologists indicate that endocrine glands significantly affect human behavior. Psychologists provide insights into the psychological factors influencing human behavior, whereas psychiatrists contend that criminal actions are motivated by mental disorders present in the offender. Legal experts interpret it as a breach of criminal law, while sociologists analyze it as a social phenomenon detrimental to society. Contemporary studies aimed at elucidating the determinants of criminal behavior frequently reference Lombroso from Italy, who is recognized as a foundational figure in the field of criminology(Nashriana, 2011; Santoso & Zulfa, 2011).

Numerous factors contribute to why children engage in criminal behavior or encounter legal issues. In many instances, children engage in criminal activities due to minor issues, frequently driven by a need for survival, without fully contemplating the repercussions, as they cannot make informed decisions. Children who lack self-control and struggle to filter negative external influences may display behavioral deviations. The influence of environmental conditions, including family dynamics, community interactions, and school environments, is significant. Consequently, it is essential to implement effective self-defense strategies in children and adolescents to safeguard them from engaging in detrimental behaviors and criminal activities (Sari & Syahruddin, 2022).

The range of criminal acts perpetrated by children and adolescents is diverse, encompassing school brawls, intra-school fights, theft, and in some cases, rape. The rise in criminal activities among children and adolescents is becoming a significant concern for the public, exhibiting patterns of organization and a troubling escalation. The situation is further complicated by the failure of educational and law enforcement systems to lower crime rates among children and adolescents effectively. A preventive measure for children in conflict with the law involves the implementation of the Juvenile Criminal Justice System. The objective of structuring the juvenile criminal justice system extends beyond the imposition of penalties; it emphasizes the importance of ensuring accountability for perpetrators through a restorative justice framework. Restorative justice focuses on prioritizing the child’s well-being while also considering the interests of the victim and society as a whole(Sari & Syahruddin, 2022).

The Indonesian Constitution clearly outlines regulating children’s rights in Article 28B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. It states: “Every child has the right to survive, grow, and develop, and is entitled to protection from violence and discrimination.” Similarly, additional legislation to safeguard children’s rights encompasses Law No. 4 of 1979 concerning Child Welfare and Law No. 39 of 1999 about Human Rights(Iriani & Astuti, 2021; Widjiastuti & Kartiko, 2023).

Furthermore, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, enacted in July 2014, has achieved permanent legal status after its ratification. The law, outlined in Articles 6 through 15, includes provisions for diversion, representing a reform in the juvenile criminal justice system. Diversion encompasses actions that transition a case from formal processing to informal handling or lead to formal dismissal. It indicates that not every instance involving children in conflict with the law necessitates resolution via the formal justice system. It is essential to explore alternative solutions that adopt a restorative justice approach, prioritizing the child’s best interests while also taking into account the needs of victims and society as a whole (Davies & Robson, 2016; Siegel & Welsh, 2017).

**RESEARCH METHODS**

The research method used in this study to examine diversion policies in juvenile crime cases is doctrinal legal research. This approach analyzes legal issues by relying on established legal doctrines and prior opinions relevant to the problem. The doctrinal legal research method involves several key steps. First, it begins with an inventory of positive law, which involves identifying and cataloging the relevant laws and regulations for juvenile crime diversion. Next, it focuses on discovering the core legal principles and doctrines that underpin the diversion policies within the juvenile justice system. Another important aspect is the application of these legal rules to specific cases, known as finding the law in concreto, where the goal is to understand how these doctrines are interpreted and enforced in actual juvenile crime cases.

Additionally, doctrinal research examines the systematics of the law, which involves ensuring that the principles and rules identified are logically consistent within the broader legal framework. This is followed by evaluating the synchronization of legal rules and assessing both vertical consistency (across different legal levels) and horizontal consistency (across different legal fields) to ensure that the diversion policies are aligned with other areas of law. Comparative legal research also compares how diversion policies are applied in other legal systems, offering valuable insights for refining the local framework. Lastly, historical legal research is used to trace the development of these legal doctrines and understand the historical context that has shaped current policies.

**RESULTS AND DISCUSSION**

**THE CONCEPT OF DIVERSION IN JUVENILE CRIMINAL JUSTICE: IMPLEMENTATION AND CHALLENGES IN INDONESIA**

In the realm of human interaction, the establishment of balanced interactions relies heavily on the presence of rules and norms as fundamental components. Any breach of these standards or regulations will incur penalties. The principles governing communal life, whether acknowledged or not, fundamentally constrain human desires and govern interactions among individuals. The regulations outline the actions that are not allowed and those that are acceptable. These established principles of life influence human behavior and actions within society.

Legal regulations need to be in harmony with contemporary societal values and should not conflict with society’s foundational principles of justice. Consequently, legal policies, especially within the realm of criminal law, are essential for ensuring that these regulations are followed effectively by the public. In light of the swift evolution of criminal activities within society, a state must adapt concurrently with societal advancements. The rising number of legal violations committed by minors serves as evidence of the increasing crime rate.

The growing range of legal infractions perpetrated by minors has garnered considerable focus within Indonesia’s legal system. Children ought to function as the primary catalyst for fostering positive change in Indonesia. Nevertheless, the detrimental effects of social media have revealed children to adverse influences, prompting them to partake in behaviors they ought to steer clear of. The increasing incidence of legal violations among minors, along with the associated cases, presents a significant concern and a collective challenge that requires careful examination and response. Data from the Directorate General of Corrections of the Ministry of Law and Human Rights reveals a notable increase in cases involving children in conflict with the law from 2020 to 2023. As of August 26, 2023, reports indicated that nearly 2,000 children were involved in legal conflicts. A total of 1,467 individuals are currently detainees involved in ongoing judicial processes, whereas 526 individuals are serving sentences as convicted offenders. At present, juvenile detainees are located in specialized juvenile rehabilitation centers, which can accommodate 1,190 children (Fantono, 2023).

Furthermore, there are 234 children residing in correctional institutions, 53 in state detention centers (Rutan), and 7 in women’s correctional facilities. The expectation is for these numbers to persist in their upward trajectory. When analyzing data from three years prior, it is evident that the number of children involved in legal issues did not exceed 2,000. The observed increase in juvenile delinquency highlights a concerning reality regarding the state of Indonesian children, indicating a trajectory toward more significant issues (Fantono, 2023).

Criminal offenses are actions that can be perpetrated by individuals of any age, including minors. Children possess distinct rights that require safeguarding by the state, particularly in situations involving legal matters. In Indonesia, the provisions for these protections are specified in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. This legislation precisely governs the judicial framework and the protocols for addressing cases involving children who conflict with the law, along with those who serve as witnesses or victims of criminal offenses. The implementation of restorative justice principles is reflected in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which establishes a diversion mechanism for minors engaged in criminal activities. Diversion involves redirecting the resolution of criminal cases away from the formal judicial process and towards alternative methods that exist outside the traditional criminal justice system.

The implementation of diversion under Law No. 11 of 2012 on the Juvenile Criminal Justice System encompasses several primary objectives: facilitating reconciliation between the victim and the child, resolving the child’s case outside of court proceedings, preventing the deprivation of the child’s liberty, promoting community involvement, and fostering a sense of responsibility in the child. The law establishes precise criteria for diversion aimed at achieving these objectives, applicable solely to instances where the child is subject to a prison sentence of under seven years and does not have a history of reoffending. This approach under Law No. 11 of 2012 on the Juvenile Criminal Justice System aims to establish a framework that protects children’s rights while simultaneously offering avenues for their reform within a more supportive context.

The concept of “diversion” emerged in criminal law development through a report on juvenile justice submitted by the President’s Crime Commission in Australia to the United States in 1960(Nurqalbi, 2023). The core concept of diversion is to mitigate the adverse consequences of traditional criminal justice systems on children, including the detrimental effects of court proceedings and the stigma linked to the criminal justice process. Consequently, the traditional judicial process is altered (Wilson & Hoge, 2013). Bynum and Thompson(Bynum & Thompson, 1992) define diversion as an action or treatment to redirect juvenile offenders away from the criminal justice system. This concept involves efforts to channel youthful offenders out of the juvenile system.

Marlina (Marlina, 2009) describes diversion as a policy aimed at preventing offenders from entering the formal criminal justice system. This approach focuses on providing protection and rehabilitation to the offender, thereby preventing the child from becoming an adult criminal. According to the Law of the Republic of Indonesia No. 11 of 2012 concerning the Juvenile Criminal Justice System, diversion is the resolution of juvenile cases outside the criminal justice process.

The implementation of diversion strategies for children involved in legal conflicts within the juvenile justice system represents a practical application of restorative justice principles. This approach seeks to provide justice and legal safeguards for children while simultaneously ensuring accountability for their behaviors. Diversion functions not just as a peaceful resolution between the child in conflict with the law and the victim or their family; it also acts as an alternative method of sanctioning through nonformal means. Within the framework of restorative justice in the Juvenile Criminal Justice System, diversion refers to the process of steering a child’s case away from formal criminal proceedings and toward alternative resolutions outside the judicial system(Darmini, 2019).

David Barnhizer(Barnhizer, 2016) articulates that successful implementation necessitates a robust system to uphold legal mandates and policies. Nevertheless, the design and implementation of laws, regulations, and policies frequently exhibit intentional flaws or are undermined during their development. This sabotage can manifest in multiple ways, occurring at both the drafting stage and during implementation. A prevalent method of sabotage involves intentionally embedding loopholes within the creation of legal standards, thereby generating an appearance of law while failing to establish substantive legal frameworks. In numerous instances, inefficacy or “design flaws” become evident within the implementing agencies or ministries tasked with oversight and enforcement. At this level, shortcomings and undermining actions are generally less apparent than in the enactment stage, where politicians actively pursue recognition for their seemingly “positive” initiatives. The failures take advantage of the bureaucratic characteristics of institutions, utilizing their intrinsic complexity to create confusion, avoid accountability, and hinder scrutiny through established procedural rules and policies.

A prevalent approach in the realm of laws and regulations entails crafting provisions with language that seems strong and articulate at first glance—intended to serve as legislative “sound bites”—while incorporating qualifiers that weaken and obstruct the true effectiveness of implementation. This may involve placing disproportionately high or expensive burdens of proof on individuals or groups seeking to enforce the law via private action. Alternatively, it could entail the adoption of complex procedures that extend timelines, introduce delays, and result in considerable financial implications.

A different approach is based on the premise of validity and respect for agency decision-making. However, it demands empirical evidence levels that are often unfeasible in situations that are more appropriately addressed through political judgment or preventive safety measures. The standards for legal validity frequently function on a distinct plane compared to the hard sciences. Even when there is consensus on the validity tests for legal standards or policies, it is often observed that the effectiveness of laws is compromised at the executive and regulatory levels where enforcement and application occur. This is generally accomplished through insufficient funding for essential functions and restricting the necessary staffing needed for effective execution.

While legislation may formally designate critical responsibilities to regulatory bodies, it frequently creates frameworks in which the financial and human resources required for effective monitoring, processing, and execution of those responsibilities are significantly lacking. The lack of funding for core implementation costs leads to inadequate staffing for the critical components necessary for the system’s functionality. The deficiency affects essential domains, including investigations, monitoring, training, inspections, and enforcement.

Effective diversion programs result in cost savings for taxpayers, enhance the life situations of offenders, address the needs of victims, and offer valuable services to the community. However, those programs are accompanied by some debate. Diversion programs face criticism for being excessively lenient, as they permit offenders to receive sanctions through unconventional means. Perspectives suggest that the absence of incarceration for an offender indicates an insufficient level of punishment, leading to the conclusion that justice remains unfulfilled.

One notable critique is that diversion seems to prioritize the needs of the offender rather than those of the victims. Involving victims in the diversion process presents a viable solution to that problem. This involvement could enable victims to gain insights into the underlying factors of crime, potentially aiding their psychological adjustment to the experience of victimization. Individuals who engage in criminal activities might gain insights from interactions with victims, potentially leading to a deeper understanding of the damage their unlawful actions inflict.

The concept of diversion faces criticism due to the varying success rates of its programs. In certain instances, programs exhibit deficiencies in their design or implementation. In certain instances, the offender does not comply with the conditions of diversion or exhibits behavior that cannot be rectified. The failure of diversion programs leads to significant consequences: individuals endure negative outcomes, taxpayer resources are squandered, the risk of victimization escalates, and the integrity of the system is compromised. In certain instances, the costs associated with diversion can exceed those of standard processing, as offenders may require reprocessing and potential incarceration later on.

Diversion functions as a concrete application of restorative justice, requiring the active involvement of the perpetrator, victim, community, and juvenile justice professionals, with each party assuming specific responsibilities. The offender is urged to assume accountability by compensating for the damages incurred by both the victim and the community. The victim plays a significant role in influencing and deciding suitable consequences for the perpetrator. The community serves as an intermediary, with juvenile justice professionals guiding the process. This approach promotes constructive values, including encouraging the child to accept responsibility for their actions, offering the perpetrator a chance to rectify the situation with the victim, allowing the victim to engage in the justice process, maintaining the child’s familial relationships, and facilitating reconciliation and healing from the offense. An effective diversion is one that successfully meets its objectives, whereas a failure in diversion indicates insufficient safeguards for children involved in legal conflicts. After an unsuccessful diversion attempt, the case moves forward with a formal review under Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, guaranteeing that the judge’s ruling is consistent with the child’s best interests. Factors that lead to the failure of diversion in the Court, as indicated by interviews with juvenile judges, encompass requests for loss reimbursement by victims, cultural attitudes toward legal processes, differing levels of legal awareness among law enforcers and families, varying perspectives on justice among legal subjects, and insufficient facilities or infrastructure to effectively support diversion proceedings(Waluyadi et al., 2024).

Crime is characterized as behavior or actions that deviate from established legal standards(Chen, 2023). In legal studies, crime is characterized as an action that contravenes established laws, leading to repercussions for the offender, including potential penalties as specified in criminal law statutes(Michalowski, 2016). The origins of crime can be attributed to various factors, including economic conditions, social interactions, and available opportunities(Murray et al., 2007; Tanner-Smith et al., 2013).

Criminal liability arises solely when an individual has engaged in a prior criminal act (Sayre, 1930; Sistare, 1989). Accountability and punishment cannot be imposed on an individual without committing a criminal offense (Hart, 2008). Criminal liability is a framework established by criminal law to address breaches of specific actions. Criminal liability refers to the obligation of the perpetrator to face retribution as determined by the individual who has been harmed(Bergelson, 2005). Criminal liability is assessed by evaluating the perpetrator’s fault rather than merely satisfying all components of the offense (Harel, 1994).

Consequently, fault is regarded as the pivotal element of criminal liability rather than seen solely as a mental component of the offense. For an individual to be held criminally liable for a criminal act, specific conditions must be satisfied for punishment to be applied. Consequently, alongside committing a criminal act, the imposition of criminal liability is contingent upon fault in executing the offense (Krisnalita, 2019).

Recidivism is the tendency of criminals to commit crimes again. Recidivism is defined differently depending on the time frame and the criteria used to determine reoffending, such as arrest, conviction, or imprisonment. Since the 1980s, research has shown that many released U.S. inmates are re-arrested within a few years, as in other countries. Researchers attribute recidivism to criminal peer relationships, social stigma, and lack of employable skills. Drug addiction can increase ex-prisoners stigma, making reintegration into society harder and increasing their risk of recidivism. Recidivism studies are criticized for methodological inconsistencies that lead to conflicting results. Not having a clear definition makes evaluating rehabilitation programs difficult. Ethical constraints like rehabilitation studies’ lack of a control group also limit methodology. Recidivism strains prison systems, reducing rehabilitation funding. Researchers recommend mental health, education, and vocational training programs and punitive reconviction law reforms to reduce recidivism and ease the criminal justice system strain (Nickerson, 2024).

**DIVERSION POLICIES IN JUVENILE JUSTICE: PROTECTING CHILD WELFARE AND PROMOTING RESTORATIVE JUSTICE**

The implementation of the juvenile justice system represents a significant effort to prevent and address juvenile delinquency and child criminal politics(Young et al., 2017). This system’s objective extends beyond merely imposing criminal penalties on children who have committed offenses; it emphasizes that these penalties serve as a mechanism to enhance the welfare of the child offender (Committee on the Rights of the Child, 2019).

Legal and humanitarian experts have suggested the establishment of formal rules aimed at shielding children who have engaged in unlawful acts from the formal criminal justice process. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) establish guidelines to mitigate adverse outcomes by empowering law enforcement authorities to implement actions and policies to address juvenile offenders outside of formal judicial processes. This includes options such as halting court proceedings and redirecting the child to community resources or alternative social services, a practice known as diversion(Darmika, 2018).

External factors outside their control frequently affect children engaging in unlawful acts. Legal experts have suggested implementing formal rules to exclude children suspected of unlawful acts from the conventional criminal justice system. Instead, they advocate alternative approaches considered more beneficial for the child. The Indonesian Law No. 11 of 2012 on the Juvenile Criminal Justice System defines diversion as redirecting a child’s case resolution away from the criminal justice system and into an alternative process(Delyana et al., 2024).

The rationale behind diversion implementation stems from the objective of mitigating the adverse impacts that the criminal justice system may have on the mental and developmental health of children who interact with legal processes. The execution of diversion by law enforcement relies on their judgment. Implementing the diversion concept indicates that the current formal justice system emphasizes the protection of children from incarceration. Furthermore, child protection via diversion policies can be implemented at every stage of the judicial process, beginning at the community level to avert offenses. When a child engages in an offense, they do not need to undergo processing by law enforcement. The fundamental concept of diversion involves a compelling or non-punitive strategy, allowing individuals to rectify their errors. Diversion aims to deliver justice when children have already engaged in offenses, enabling law enforcement to assess the circumstances and determine the suitable sanction or action(Fawwaz & Soponyono, 2024).

The objectives of diversion under Indonesian Law No. 11 of 2012 on the Juvenile Criminal Justice System include achieving reconciliation between the victim and the child; resolving the child’s case outside the court process; preventing the deprivation of the child’s liberty; encouraging community participation; and instilling a sense of responsibility in the child. It is essential to recognize that diversion, as outlined in Article 7, paragraph (2) of the Juvenile Criminal Justice System Law, applies exclusively in situations where the offense carries a potential imprisonment of fewer than 7 years, and the individual has not previously committed the offense(Nurmala et al., 2021).

The criteria for diversion are delineated in Articles 8 and 9 of Indonesian Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. These criteria include: the diversion process is conducted through deliberation that involves the child and their parents or guardians, community advisors, and professional social workers, all grounded in a restorative justice framework; if deemed necessary, the deliberation mentioned in paragraph (1) may also include social welfare officers and community members; and the diversion process must consider: the interests of the victim; the welfare and accountability of the child; the avoidance of negative stigma; the prevention of retaliation; community harmony; and adherence to morality and public order(Susilowati & Ariyani, 2021).

Article 9 of Indonesian Law No. 11 of 2012 on the Juvenile Criminal Justice System outlines the following provisions: investigators, prosecutors, and judges are required to take into account the following factors when executing diversion: the classification of the child’s offense; the child’s age; the findings from the community investigation conducted by the Probation Office; and support from family and the community; and the diversion agreement must obtain the approval of the victim and the family of the Child Victim, in addition to the consent of the child and their family, except cases involving: minor offenses; minor criminal acts; offenses that do not have victims; and losses that do not exceed the provincial minimum wage. Article 13 of Indonesian Law No. 11 of 2012 on the Juvenile Criminal Justice System stipulates that the juvenile criminal process will proceed under the following conditions: if the diversion process fails to yield an agreement or if the diversion agreement is not executed(Krismiyarsi, 2020).

In Indonesia, the juvenile justice system is one of the recognized and implemented frameworks within the criminal justice system. The phrase “juvenile justice system” denotes a collection of institutions that play a role within the court framework, encompassing the police, public prosecutors, legal advisors, probation agencies, juvenile detention centers, and child development facilities. The term “juvenile” is essential for differentiating it from the adult criminal justice system. Indonesian Law No. 3 of 1997 on Juvenile Courts defines a juvenile as a child who engages in delinquent behavior or commits a crime, highlighting the legal framework surrounding prohibited conduct for minors(Aripin, 2020).

According to Indonesian Law No. 11 of 2012 regarding the Juvenile Criminal Justice System, a juvenile is defined as a child who conflicts with the law. This definition encompasses the comprehensive process of addressing cases that involve juveniles interacting with the legal system. Article 1, paragraphs (2), (3), (4), and (5) delineate the following: a juvenile in conflict with the law encompasses a child who is involved in legal issues, a child who has been victimized, and a child who serves as a witness; a child in conflict with the law, henceforth termed “the Juvenile,” is defined as a child aged 12 to 17 years who are suspected of criminal activity; a child who is a victim of a crime, subsequently referred to as “the Victim Child,” is a minor under 18 years who experiences physical or psychological harm and financial loss as a result of a crime; and a child who is a witness to a crime, subsequently known as “the Witness Child,” is a minor under 18 years capable of providing relevant testimony for investigations, prosecutions, and court proceedings related to a crime they have observed or experienced directly.

The factors that affect the application of diversion consist of (1) Regulations governing the implementation of diversion. Indonesian Law No. 11 of 2012 on the Juvenile Criminal Justice System delineates the framework for implementing diversion throughout the investigation, prosecution, and court trial stages (Lubis & Lubis, 2024). The legislation outlines the procedure for diversion and identifies the categories of offenses that qualify for diversion. The law also specifies the structure of agreements that emerge from effective diversion processes. This law provides a framework for institutions, especially investigators, prosecutors, and judges, to effectively implement diversion strategies in juvenile criminal cases. This serves as a guideline for law enforcement, confirming that they are systematically equipped to implement diversion measures throughout all phases of the criminal justice system. This level of preparedness improves the efficacy of mediation as a diversion strategy, promoting restorative justice for juvenile offenders and crime victims alike. Human resources. The effectiveness of diversion initiatives in juvenile cases is significantly shaped by the capabilities and qualifications of the law enforcement personnel tasked with implementing these strategies. The role of human resources in law enforcement is pivotal, and within this framework, the preparedness of police, prosecutors, and courts to engage in diversion is essential. Friedman (Friedman, 1975) delineates three critical components that shape the legal system: legal structure, legal substance, and legal culture. Human resources constitute a component of the legal framework. Law enforcement’s role significantly influences pertinent institutions’ preparedness to execute diversion. Successful diversion efforts hinge on the presence of investigators, prosecutors, and judges who possess the necessary knowledge and skills to facilitate agreements through diversion effectively. Enhancing the knowledge and skills of law enforcement officers requires implementing various measures to improve their expertise and proficiency. Factors within the legal culture that obstruct the application of diversion principles.

The intense inclination to incarcerate offenders contributes to prison overcrowding and obstructs the execution of diversion strategies, particularly in situations concerning minors. Even in cases involving juvenile offenders, the prevailing punitive culture within society hinders the implementation of diversion, an essential aspect of restorative justice. In Indonesia, the societal culture has yet to embrace restorative justice, including the concept of diversion entirely. Imposing punitive measures on juveniles, primarily through prolonged incarceration, fails to address the underlying challenges they encounter adequately. The prevailing mindset in society, which perceives punishment as the most effective deterrent for juvenile crime, obstructs the adoption of diversion strategies. Due to its legal foundation, law enforcement may perceive diversion as more straightforward to comprehend and execute. However, the prevailing culture within law enforcement frequently challenges the implementation of restorative justice practices, such as diversion. Diversion seeks to mitigate the adverse effects on juveniles throughout the justice process (Ali, 2015).

In this context, diversion in juvenile cases stems from the discretionary power of investigators, prosecutors, and judges to pursue restorative justice outcomes. Discretion manifests in the authority granted to investigators, prosecutors, and judges to implement diversion strategies for juveniles facing legal issues. Restorative justice represents a method of conflict resolution aimed at fostering an understanding among offenders regarding the inappropriateness of their actions while maintaining a supportive and respectful approach toward the individuals involved. The individuals anticipated to gain from restorative justice include the offenders, victims, and other stakeholders engaged in the case. The restorative justice approach in sentencing reflects a model that seeks to balance various interests (Morris & Maxwell, 2001).

**DIVERSION AS A MECHANISM FOR CHILD-CENTERED JUSTICE: AN ANALYSIS IN LIGHT OF THE CRC**

The principle of legal protection for children should be fundamentally consistent with the Convention on the Rights of the Child (CRC), ratified by the Indonesian government via Presidential Decree No. 36 of 1990 regarding the Ratification of the Convention on the Rights of the Child. At present, diversion is viewed as a flexible legal tool that serves the interests of the parties engaged in resolving criminal cases, whether outside or inside the courtroom. Diversion involves discussions involving the child and their parents or guardians, the victim and their parents or guardians, community mentors, and professional social workers, all about restorative justice approaches. The diversion process requires careful consideration of the victim's interests, the child's welfare and responsibilities, the need to avoid negative stigma towards the child, the prevention of retaliation, the maintenance of community harmony, and the implications for morality and public order (Anzward, 2020).

Alongside the overarching rights that apply to all children, Articles 37 and 40 of the CRC delineate specific principles pertinent to children who conflict with the law and their engagement with the justice system. Article 40(1) emphasizes that countries party to the Convention acknowledge the right of every child alleged to have committed, accused of, or admitted to violating criminal law to be treated in a way that upholds their dignity and self-esteem. This treatment aims to enhance the child’s respect for human rights and the fundamental freedoms of others while also considering the child’s age and the objective of facilitating their reintegration into society and constructive roles within the community (Kilkelly et al., 2023).

This provision encompasses several fundamental principles that establish a rights-based and child-centered framework for addressing the needs of children in conflict with the law. Article 40(1) initially establishes that protection is extended to all children who face accusations, trials, or criminal convictions. No indication within this provision suggests any deviation from this overarching principle, regardless of the nature of the crime or the specific circumstances surrounding it. In this context, a child accused or convicted of a serious offense is entitled to the same rights protection as a child involved in minor offenses. Based on these classifications, the state cannot differentiate between children (Kilkelly et al., 2023).

The application of the principle of diversion—especially in the context of preventing detention—Article 40(4) of the CRC stipulates a range of community-based measures that serve as alternatives to institutional detention. The CRC specifies that measures including “care, guidance, and supervision orders; counseling; probation; foster care; educational programs; and vocational training” should be accessible to guarantee that children receive treatment aligned with their well-being and appropriately matched to their circumstances and offenses. The robustness of the diversion provision within the Convention highlights its significance as a core element of a rights-based framework.

The mention of the child’s welfare underscores the significance of prioritizing the child's best interests as outlined in Article 3 of the CRC within juvenile justice. Additionally, the principle of proportionality—about the child’s circumstances and behavior—highlights the necessity for this overarching principle of criminal justice to be applied, with necessary modifications, to children.

The incorporation of diversion for children in conflict with the law is evident in various international standards. The Beijing Rules indicate that, when suitable, attention should be directed towards managing children in conflict with the law through diversion. It is asserted that “diversion at an early stage and without reference to (social) alternative services may be the optimal response,” particularly in cases of less severe offenses and when families, schools, or other informal social control institutions have responded or are expected to respond constructively and appropriately. Rule 11.4 recommends implementing initiatives to offer community-based programs, including temporary supervision and guidance, restitution, and victim compensation. Rule 11.3 mandates obtaining consent from the child, parent, or guardian, highlighting the importance of exercising caution to reduce the risk of coercion or intimidation throughout the diversion process (Kilkelly et al., 2023).

The European Guidelines on Child-Friendly Justice address the concept of diversion, highlighting the importance of providing alternatives to judicial proceedings that should be promoted when they align with the best interests of the child. The significance of thoroughly educating children and engaging them in the process of diversion is emphasized, particularly regarding the possible outcomes that may result (Mahmoudi et al., 2015).

**EVALUATING DIVERSION STRATEGIES: A STUDY OF JUVENILE RECIDIVISM AND REHABILITATION**

In every instance of diversion, it is evident that not all challenges encountered can be effectively addressed through deliberation. Obstacles consistently arise during the process, impeding the diversion and resulting in failure. Certain situations, including assault, traffic accidents, and child protection issues, often result in lingering anger and resentment among victims, complicating the process of achieving a peaceful resolution. The decision must rest with the victims and their families; law enforcement officials should refrain from exerting any force or pressure on them regarding accepting or rejecting the diversion agreement. Law enforcement plays a role in the diversion process by engaging in careful deliberation among the parties involved.

Specific cases cannot be submitted for diversion due to non-compliance with the established requirements. A child may receive diversion provided specific criteria are satisfied, including that the criminal charge is less than seven years and that it is not a repeat offense. Upon reaching an agreement regarding the diversion, a report will be generated and submitted to the court to formalize this agreement. The outcomes of the diversion discussions may manifest as peace, either with or without compensation, the return of the child to the parent or guardian, the child's engagement in educational or training programs for a duration of up to three months, or involvement in community service activities aimed at maintaining the cleanliness, order, and security of places of worship or other beneficial community initiatives.

The ineffectiveness of diversion agreements in assault cases can be attributed to multiple factors. The victim’s family might reject any agreements and instead opt for legal action to guarantee that the perpetrator faces the repercussions of their behavior. The family of the victim frequently lacks a comprehensive understanding of diversion, including aspects such as compensation for incurred expenses like hospital bills and the time lost during recovery, which hinders the victim's ability to work. The family of the victim might concentrate exclusively on incarceration, believing it will provide a sense of justice. Consequently, it is essential for law enforcement, particularly prosecutors, to clarify the legal framework that underpins restorative justice and diversion throughout the deliberation process regarding diversion.

The project succeeded at a significantly reduced cost compared to typical trial operations. The initial program’s success resulted in the establishment of a second trial initiative, the Sacramento Diversion Project 602, which accepted juveniles referred for criminal behavior into diversion services, as outlined in Section 602 of the California Code pertaining to juvenile law violations. The established protocols of Project 601 were systematically applied to this new initiative, encompassing the targeted training of probation officers designated for the program, the management of control groups by standard personnel, and an emphasis on family counseling. The assessed outcomes of Project 602 notably surpassed those of Project 601. The number of court petitions saw a significant decline of 99 percent, while overall recidivism experienced a reduction of up to 40 percent. Additionally, criminal recidivism was lowered by more than 50 percent (Baron & Feeney, 1976).

The Sacramento projects, while influential, prompted a broader and more varied implementation of diversion programs. Specific programs were integrated within the criminal and juvenile justice systems, such as those in Sacramento; others functioned as elements of social service agencies, encompassing both public and private sectors, and some operated as independent community-based initiatives. Specific programs adhered to an intermediary format suggested by Norman, directing youths to suitable service providers, whereas others offered services directly to the youths for whom they received referrals. Specific programs accepted referrals exclusively from law enforcement, while others permitted referrals from probation services, and some accepted them from a more comprehensive array of sources, including educational institutions.

The programs offered a range of direct services, including family counseling, individual therapy, peer counseling, job development and counseling, drug counseling, advocacy, educational counseling and tutoring, recreational activities, crafts placement, and short-term shelter. Nearly all diversion programs underwent formal evaluations due to the stipulations of federal funding. The outcomes were predominantly less favorable than those observed in Sacramento; however, specific achievements bolstered the optimism derived from the Sacramento results. In contrast to the findings presented by Baron and Feeney (Baron & Feeney, 1976), a notable and thorough evaluation conducted during that period concluded that “diversion policies are no more successful in avoiding stigma, improving social adjustment, or reducing delinquent behavior than normal judicial processes or direct release.”

Ira M. Schwartz (Schwartz, 1992), in her examination of diversion policies and incarceration rates in the U.S., pointed out that even with the implementation of diversion, judicial interventions for children remained unchanged. The emergence of private correctional facilities over the last ten years has resulted in a notable increase in the institutionalization of children. Schwartz observed that the federal government primarily established diversion policies in the U.S., yet they did not mandate states to reduce their incarceration rates. The outcome indicated a rise in community-based interventions; however, traditional correctional institutions persisted. Schwartz hoped that the increasing fiscal challenges states face could lead policymakers to evaluate diversion as a practical alternative to incarceration.

Richard J. Lundman (Lundman, 1976) posited that diversion may not decrease recidivism or enhance the management of current offenses. A potential drawback of widespread diversion is the heightened number of juveniles under state control. One reason police and intake officers refrain from formal action is their recognition of the severity and overall inefficacy of the juvenile justice system. Nonetheless, diversion programs offer the potential to mitigate this severity and enhance effectiveness. As a result, decision-makers might exhibit reduced reluctance to pursue formal action. The introduction of indefinite sentences may lead to a rise in the population of juveniles under state control.

It is essential to consider the potential risks linked to the expanded discretionary authority of juvenile justice bureaucrats, especially intake officers. The heightened discretion may not necessarily pose issues; however, a substantial body of literature indicates that the potential for abuse is apparent. Research involving police, defense attorneys, and judges indicates a pattern of discriminatory and arbitrary exercise of authority affecting children's lives. Variables including social class, gender, age, majority/minority status, and particularly attitude have been associated with decision-making processes. Without universal criteria, as opposed to particularistic ones, diversion could potentially worsen existing abuses instead of mitigating them.

A potential drawback of diversion is that juveniles might be redirected for treatment before receiving a formal adjudication as delinquent. Actual diversion indicates that diverted juveniles have the autonomy to decide on their participation in treatment. When circumstances deviate from genuine diversion, the minimal due process safeguards granted to juveniles in the Gault case are at risk, as they might undergo treatment without judicial proceedings.

Diversion programs shift focus away from thoroughly examining the underlying causes of delinquent behavior. Diversion units function to prevent or diminish secondary deviance, such as recidivism. However, they do not effectively tackle the underlying causes of primary deviance that lead juveniles to engage with these units. The absence of sufficient descriptive data regarding the daily lives of delinquents leads to a lack of applicable theories concerning the causes of delinquency. Consequently, emphasizing secondary deviance presents an additional limitation of diversion strategies.

The primary observation is that, in addition to failing to lower recidivism rates, diversion units could intensify pre-existing issues. Diversion proponents should start weighing diversion’s economic and humanitarian advantages against these and other potential drawbacks. This should be completed prior to the widespread implementation of diversion programs. This task requires prompt consideration.

The Indonesian Penal Code identifies two categories of recidivism: general recidivism, which overlooks the specifics of the repeated offense. Any subsequent offense, regardless of its nature compared to the prior crime, is categorized as recidivism. General recidivism is governed by Articles 486 to 488 of the Criminal Code. The conditions for recidivism include: a court must have adjudicated the initial crime; the sentence must have reached a final and binding decision; the sentence must have been fully or partially served, or it must have been annulled; the interval between the commission of the crime and the sentencing for the first crime must not exceed five years; and the nature of the sentence must involve imprisonment as outlined in Articles 486 and 487 (Kaplele et al., 2024).

The criteria for diversion in recidivism instances may be modified per the criteria established for diversion during the initial offense. According to Indonesia’s Law No. 11 of 2012 regarding the Juvenile Justice System, diversion is applicable for offenses with prison sentences of under seven years. In instances of recidivism, diversion may be utilized again for offenses that carry a punishment of less than seven years in prison, taking into account the assessments provided by social supervisors. Restricting the application of diversion to a single instance in recidivism cases offers a conclusive opportunity for the child to evade additional offenses. The provision of diversion in instances of recidivism is intended to enhance the child's understanding of their behavior, serve as a deterrent, and function as a preventive strategy, as further offenses would lead to engagement with the criminal justice system. The necessity for diversion in recidivism cases benefits the child, who is entitled to life, development, and a future, as stipulated by constitutional guarantees.

Indonesia’s Law No. 11 of 2012 on the Juvenile Justice System stipulates that recidivism is not subject to diversion, and any subsequent offense will be processed through the juvenile criminal justice system. The interpretation of Article 7 of Law No. 11 of 2012 indicates that “a prison sentence of less than seven years pertains to criminal law, while recidivism pertains to offenses committed by a minor, regardless of similarity, including those addressed through diversion.” The Criminal Code specifically governs recidivism for particular categories of offenses, encompassing both felonies (Book II) and misdemeanors (Book III). The Criminal Code establishes defined time frames for recidivism, conforming to a structured approach to specific recidivism.

Many factors impact a child’s criminal behavior, necessitating a more compassionate strategy to prevent recidivism. Recidivism may arise from various influences, including necessity, directives, or social pressures. Consequently, the management of these cases should be customized according to the findings of social supervision reports, taking into account the seriousness of the offense and the repercussions of the child’s criminal behavior.

A United Nations fact sheet on juvenile justice indicates that social factors, including poverty, unemployment, inequality, neglect, and insufficient parental or guardian supervision, play a significant role in elevating the risk of criminal behavior among children. A significant proportion, ranging from two-thirds to three-quarters, of offenses perpetrated by youth can be associated with criminal organizations or local gangs. When a child engages in criminal behavior on their own, there is frequently a link to gang affiliation. Juvenile recidivism can be analyzed through two primary categories: social factors and mental health issues.

Social factors encompass the impact of parenting, education, and peer pressure. The absence of adequate parental supervision is frequently linked to the occurrence of juvenile delinquency. Active parental involvement in children’s lives is associated with a reduction in the likelihood of engaging in criminal behavior. The absence of supervision increases the risk of children encountering drugs, weapons, and various criminal activities. Furthermore, insufficient educational systems and the influence of peer pressure significantly contribute to the development of criminal behavior through their impact on academic performance. Research indicates a significant correlation between school suspensions or expulsions and subsequent criminal behavior among juvenile offenders, with peer influence identified as a critical factor contributing to recidivism. Children experiencing abuse or mental instability frequently engage with both the child welfare and juvenile justice systems, referred to as “cross-over children,” and exhibit a heightened susceptibility to reoffending (Herz et al., 2010).

Mental health issues significantly contribute to juvenile recidivism. A significant number of juvenile offenders exhibit mental health issues prior to engaging in criminal activities, including anxiety disorders, depression, and behavioral disorders. Evidence shows that approximately 70% of juveniles in rehabilitation centers experience mental health issues, with around 65% of male offenders and 75% of female offenders diagnosed with mental disorders beyond behavioral disorders. Mental health issues frequently contribute to criminal behavior and elevate the likelihood of suicide among juvenile offenders. Despite ongoing efforts to tackle mental health issues, numerous challenges persist, particularly regarding gender bias in the reporting of mental health disorders. Global statistics indicate that more than 1 million minors are incarcerated due to their criminal actions, with certain countries, including those that are developed, having imposed death sentences on juvenile offenders. The elevated levels of juvenile recidivism, evidenced by statistics indicating 76% within three years and 84% within five years, demonstrate a significant likelihood of reoffending among young offenders (Russell, 2017; Yohros, 2023).

**TOWARDS AN IDEAL JUVENILE JUSTICE SYSTEM: INSIGHTS FROM NEW ZEALAND AND INDONESIA ON DIVERSION POLICIES**

The oversight of crime victims in criminal proceedings is a significant issue, especially when the victims are children, highlighting a troubling gap in the justice system. The shortcomings of criminal justice systems in addressing the rights and needs of child victims are significant and warrant critical examination. Actions taken by law enforcement and the justice system, even when intended to safeguard children from violent crime, frequently overlook what genuinely benefits the child, unintentionally worsening their victimization. An approach that prioritizes the child's right to protection while also taking into account their individual needs and perspectives should be fundamental to legal reforms and law enforcement practices. This necessitates modifications in legislation as well as transformations in perspectives and comprehensive strategies for engaging with children. Thorough legal reforms are crucial for guaranteeing the complete protection of child victims and witnesses of crime (Le & Dandurand, 2024).

The evolution of diversion in New Zealand commenced with the implementation of family group conferencing (FGC), which involves gathering the victim and offender to address criminal offenses within the community context. The juvenile justice system underwent a reform in 1989 due to this development. Establishing a specialized juvenile justice system created significant opportunities for the extensive use of diversion strategies. The process for addressing children in conflict with the law in New Zealand consists of several distinct stages: The police possess various options to tackle offenses committed by minors, including issuing informal warnings, making arrests or detaining them, or directing them to police youth aid, a specialized unit focused on juvenile matters. This unit presents a range of decision-making options, including formal police warnings, police diversion, or referral to a FGC. Should the matter remain unresolved at the FGC level, the police can escalate the case to Youth Court. The determination is contingent upon the frequency of the child’s offenses and the nature of the crimes in question (Morris & Maxwell, 2001).

The subsequent phase involves the FGC, which is crucial in addressing cases, especially for first-time offenders, before their court appearance. This functions as a system to offer suggestions to the judge prior to the issuance of a verdict. Law enforcement is not permitted to directly refer a child to court without first engaging in the FGC process, particularly for first-time offenders. Judges can only render a decision if the case has undergone FGC, and most FGC agreements lead to the conclusion of not bringing the child to court. The Youth Court operates within the framework of the District Court, focusing specifically on cases involving juvenile offenders. In Youth Court, judges engage the offender's parents and the victims in the decision-making process, which distinctly differentiates their role from that of judges in general courts.

Diversion and restorative justice are crucial in safeguarding children who conflict with the law. The fundamental objectives of diversion and restorative justice focus on preventing juvenile offenders from engaging with the formal criminal justice system while providing them with the chance to undergo alternative sanctions instead of incarceration. Challenges in implementing diversion and restorative justice encompass several critical factors: the tendency for individuals who have participated in restorative justice to re-offend; the process’s effectiveness being closely tied to the familial environment of the child post-intervention; the complexities involved in steering clear of retributive justice in cases of serious offenses; the level of public comprehension and confidence in the restorative justice framework; and the significant impact of the mediator's expertise on the process’s outcomes, alongside the potential for excessive authority intervention in decision-making.

In light of these challenges, it is essential to implement changes in the management of juvenile crimes. This includes reforming the justice system, shifting the perspectives of legal authorities, enhancing facilities, and ensuring that regulations are regularly updated to address contemporary criminal activities effectively. Children need to obtain attention, guidance, and a supportive environment to mitigate the risk of reoffending. Family factors significantly influence a child’s development. Diversion is contingent upon identifying the juvenile as the offender; without such a determination, the application of diversion is not feasible. Police might opt for restorative justice as an alternative to diversion, except in cases that involve sexual offenses. Diversion considers the potential consequences of punishment rather than the nature of the case itself. Should the maximum threat extend beyond seven years, yet the crime remains unrecurring, the diversion will fail due to failing to meet one of the stipulated conditions.

Collaboration among the government, legal experts, and law enforcement is essential for developing alternative policies to address juvenile crimes effectively. An evaluation of the current handling of juvenile offenses is necessary to determine its impact on the child's future and potential for trauma. Enhancing the involvement of family, community, and social supervisors is crucial for delivering targeted support, both physically and mentally, to mitigate the risk of reoffending. Improving the justice system, law enforcement, and legislation is essential for effectively addressing juvenile crime and recidivism. The juvenile justice system plays a vital role within the broader criminal justice framework, particularly in cases that involve children in various capacities, including offenders, victims, or witnesses.

For an effective juvenile justice system, four critical components must function cohesively: the legislation, which should be consistent with other laws and societal norms; the mindset of law enforcement officers, who must demonstrate integrity in their application of the law; sufficient facilities to support law enforcement efforts; and public awareness, as the community's understanding and adherence to legal norms are essential for compliance with the law.

Reforming the mindset of the juvenile justice system is essential. The existing framework frequently categorizes children involved in legal issues as offenders requiring punishment rather than recognizing them as individuals in need of support and direction. The juvenile justice system ought to operate independently from the general justice system; incorporate social, moral, and cultural considerations in its decision-making; enhance the expertise and quality of law enforcement personnel to safeguard children; pursue alternative resolutions, including diversion and restorative justice, instead of punitive measures; emphasize education over retribution in the sentencing of minors; and regard punishment as a last resort (*ultimum remedium*) throughout all phases of the juvenile justice process.

Indonesia’s Law No. 11 of 2012 on the Juvenile Justice System has contributed positively to developing a practical juvenile justice framework, emphasizing children's best interests. Nonetheless, the legislation requires revision, as all laws possess inherent weaknesses and must evolve in response to changing societal challenges. Various stakeholders must work together to assess how effectively this law addresses juvenile crime.

**CONCLUSION**

The diversion of criminal offenses committed by children exemplifies a practical application of prioritizing the child's best interests. This policy seeks to protect children from the negative consequences of the criminal justice system, which can profoundly affect their psychological health and mental growth. Redirecting legal processes toward a more humane and rehabilitation-oriented approach allows children the chance to reform while avoiding the stigma and trauma typically linked to conventional criminal proceedings. In the realm of juvenile justice, the execution of diversion is crucial, especially in tackling recidivism rates among young offenders. Indonesia’s juvenile justice system, as detailed in Law No. 11 of 2012 on the Juvenile Criminal Justice System, aims to implement restorative approaches that prioritize recovery rather than punishment. The implementation of this policy encounters several obstacles, such as the need for effective crime prevention strategies, the enhancement of diversion mechanisms, and the management of the potential for repeat offenses.

A thorough examination of current regulations is essential to address these challenges, emphasizing the need to shift diversion policies from a reactive stance to a preventive approach. Cross-sector collaboration is crucial for developing a comprehensive strategy that includes the government, educational institutions, communities, and social organizations. This approach aims to foster an environment that supports the character development of children. These initiatives are anticipated to improve the execution of diversion strategies and lower the incidence of recidivism. However, research regarding the implementation of diversion in Indonesia continues to encounter various limitations. Much of the existing research emphasizes normative and legal dimensions, often neglecting the psychological, social, and cultural factors that influence children participating in diversion programs. Furthermore, there is insufficient consideration of international practices in diversion that may offer significant insights for enhancing Indonesia's policies.

To advance the effectiveness of diversion policies, it is essential to implement various measures. This includes the revision and reinforcement of pertinent regulations, the enhancement of law enforcement officials’ capacity to utilize restorative approaches, and the active involvement of communities and educational institutions in the diversion process. Creating a comprehensive information system to track children involved in legal issues is essential, as it delivers precise data to facilitate effective intervention. Additionally, examining comparative studies with other nations, including restorative practices in Scandinavia and rehabilitation programs in Southeast Asia, can provide valuable benchmarks for developing more adaptive and inclusive policies in Indonesia. Expanding research to incorporate both quantitative and qualitative methodologies, along with conducting comprehensive field studies, can enhance the effectiveness of diversion policies in aiding children’s recovery and promoting a more humane juvenile justice system.

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