The Effectiveness of Diversion Implementation in the Juvenile Criminal Justice System to Realize Restorative Justice in Indonesia

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Abstract

The juvenile criminal justice system in Indonesia has undergone a paradigm shift from a punishment-oriented approach toward an approach that places child protection and recovery as its primary objectives. One of these reforms is reflected in the implementation of diversion under Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System. Diversion is a mechanism for resolving juvenile cases by transferring case resolution from the formal criminal justice system to a deliberative settlement involving the child, victim, family, correctional counselor, and other relevant parties. The problem examined in this research concerns the effectiveness of diversion in realizing restorative justice, considering that various obstacles remain in practice and prevent its objectives from being fully achieved. This study aims to analyze the legal regulation of diversion in the Juvenile Criminal Justice System, analyze the factors affecting its effectiveness, and formulate a model for strengthening diversion to realize restorative justice in Indonesia. The research method employed is normative legal research using a statutory approach, conceptual approach, and case approach. The analysis applies Soerjono Soekanto's legal effectiveness theory, Lawrence M. Friedman's legal system theory, and Tony Marshall's concept of restorative justice. The results show that, normatively, diversion has a strong legal basis, but its effectiveness is still influenced by legal substance, legal structure, supporting facilities, the legal culture of law enforcement officials, and community acceptance. Optimizing diversion requires stronger regulations, improved law enforcement capacity, strengthened roles for correctional counselors, and a paradigm shift in society from a retributive approach toward a restorative approach.

Keywords: Diversion; Juvenile Criminal Justice System; Restorative Justice; Legal Effectiveness; Child Protection.

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I. INTRODUCTION

1.1 Background

Children are an important part of a nation's future, and therefore the state has an obligation to protect their rights and interests. Child protection concerns not only the fulfillment of basic rights in education, health, and social welfare, but also protection when children come into conflict with the law. From the perspective of modern criminal law, children who commit criminal offenses should not be viewed merely as offenders who must be held accountable for their actions, but also as individuals who are still undergoing developmental processes and therefore require a special approach different from that applied to adult offenders.

This paradigm shift in handling juvenile cases became the basis for the enactment of Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System. The law introduced fundamental changes to Indonesia's juvenile criminal justice system by placing child protection, the best interests of the child, and a restorative justice approach as the principal principles in resolving juvenile cases.

One of the most important legal reforms in the Juvenile Criminal Justice System Law is the regulation of diversion. Diversion is a mechanism for transferring the resolution of juvenile cases from formal criminal proceedings to an out-of-court settlement through deliberation involving the child, victim, families, correctional counselors, professional social workers, and other relevant parties. Philosophically, diversion constitutes an application of the restorative justice concept, which views a criminal offense not merely as a violation against the state, but also as a conflict that causes harm to victims and society. Therefore, criminal cases should not be resolved solely by imposing punishment on offenders, but should also seek to restore the losses caused and repair social relationships disrupted by the offense.

According to Tony Marshall, restorative justice is a process of resolving criminal cases that involves all parties with an interest in an offense to jointly address its consequences and determine the best steps to remedy the situation.[1] This concept is highly relevant to children because the primary objective of the juvenile criminal justice system is not merely to impose punishment, but to provide children with an opportunity to improve themselves and be accepted again within society.

The implementation of diversion in the Juvenile Criminal Justice System has a strong legal basis through Article 7 of Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, which requires every law enforcement official to seek diversion at the investigation, prosecution, and trial stages of juvenile cases. This obligation demonstrates that diversion is not merely a policy option for law enforcement officials, but part of their legal obligation to protect children in conflict with the law.

The regulation of diversion also reflects a change in the paradigm of juvenile punishment in Indonesia. Whereas previously the resolution of juvenile cases placed greater emphasis on sanctions as a form of criminal accountability, the diversion concept directs case resolution toward guidance, education, recovery, and prevention so that children do not reoffend. Thus, the success of diversion is determined not only by whether an agreement is reached between the parties, but also by the extent to which the process can achieve child protection and social recovery objectives.

According to Rahmayanti, legal protection for children in conflict with the law must be placed within a comprehensive framework for protecting children's rights. Children who commit criminal offenses continue to possess rights that must be respected because their psychological and social conditions differ from those of adults. Therefore, the legal system must be able to balance law enforcement interests with the best interests of the child.[2]

In line with this, Ismaidar explains that the effectiveness of a legal rule depends not only on the existence of the governing legal norm, but is also strongly influenced by how the law is implemented by law enforcement officials and accepted by society.[3] In the context of diversion, the existence of the Juvenile Criminal Justice System Law is insufficient to guarantee

restorative justice if law enforcement officials do not share a common understanding of the purpose and philosophy of diversion.

In practice, however, diversion still faces various problems. One of the main issues is the tendency of some law enforcement officials to use a conventional punitive paradigm that emphasizes punishment rather than recovery. In addition, not all victims or victims' families understand that resolving a case through diversion does not eliminate the child's accountability, but instead provides a form of accountability that is more appropriate to the characteristics of children.

Another problem concerns limitations in the resources supporting diversion. Correctional counselors play an important role in providing recommendations through community research reports and assisting the diversion process. However, limitations in the number and capacity of correctional counselors in some regions may affect the quality of diversion implementation. The availability of professional social workers, who have an important function in assisting the recovery of children and victims, also remains relevant.

From the perspective of Lawrence M. Friedman's legal system theory, the successful implementation of law is influenced by three main elements: legal structure, legal substance, and legal culture.[4] In relation to diversion, its effectiveness is therefore determined not only by the provisions of the Juvenile Criminal Justice System Law, but also by the quality of law enforcement officials, supporting institutions, and the legal culture of society in accepting case resolution through a restorative approach.

The practice of diversion shows both successful and unsuccessful outcomes. One example of successful implementation can be found in Case Number 27/Pid.Sus-Anak/2023/PN Plg, in which the diversion process successfully reached an agreement through deliberation involving the child, victim, families, law enforcement officials, and correctional counselor. This success demonstrates that diversion can be an effective instrument when all parties understand the objectives of restorative justice.

On the other hand, there are also juvenile cases in which no diversion agreement is reached, so criminal proceedings continue. This condition demonstrates a gap between the normative objectives of diversion and its implementation in practice. Therefore, it is necessary to examine the factors that make diversion effective or ineffective within the Juvenile Criminal Justice System.

Previous studies have discussed diversion, but most have focused only on legal regulation or obstacles to implementation at particular stages. This research differs because it not only examines normative aspects, but also analyzes diversion effectiveness by applying legal effectiveness theory, legal system theory, and the concept of restorative justice simultaneously.

In addition, this research offers novelty through the formulation of a model for strengthening diversion implementation that integrates legal, institutional, law enforcement, victim, family, and community aspects. The model is expected to serve as a recommendation for improving the quality of diversion implementation so that the objectives of the Juvenile Criminal Justice System can be achieved optimally.

Based on the foregoing, this research is important to analyze the effectiveness of diversion implementation within the Juvenile Criminal Justice System as an effort to realize restorative justice in Indonesia.

1.2 Problem Formulation

Based on the background above, the problems addressed in this research are:

1. How is the legal regulation of diversion implementation within the Juvenile Criminal Justice System in Indonesia?
2. How effective is diversion implementation within the Juvenile Criminal Justice Syst

em in realizing restorative justice in Indonesia?
3. What model can strengthen diversion implementation so that it becomes more effective in realizing restorative justice within Indonesia's Juvenile Criminal Justice System

1.3 Research Objectives

This research aims to:

1. Analyze the legal regulation of diversion implementation within the Juvenile Criminal Justice System in Indonesia.
2. Analyze the effectiveness of diversion implementation in realizing restorative justice.
3. Formulate a model for strengthening diversion implementation within Indonesia's Juvenile Criminal Justice System.

RESEARCH METHOD

This research is normative legal research aimed at analyzing the effectiveness of diversion implementation within the Juvenile Criminal Justice System as an effort to realize restorative justice in Indonesia. Normative legal research is used because this study focuses on examining legal norms, legal principles, legal concepts, and the application of legal provisions governing diversion within the juvenile criminal justice system.

The research uses three approaches: the statutory approach, conceptual approach, and case approach. The statutory approach is used to examine various legal regulations concerning the juvenile criminal justice system, particularly Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, Supreme Court Regulation Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, and other regulations relating to child protection.

The conceptual approach is used to analyze the concepts of diversion, restorative justice, legal effectiveness, and the legal system as the theoretical foundation of the research. This approach is used to construct legal arguments concerning the factors affecting successful diversion implementation in practice. Meanwhile, the case approach is used to analyze several juvenile cases relating to diversion implementation. The case approach aims to determine the conformity between legal provisions on diversion and their practical application within the juvenile criminal justice system.

The legal materials used in this research consist of primary, secondary, and tertiary legal materials. Primary legal materials include legislation governing the juvenile criminal justice system, child protection, and court decisions relating to diversion implementation. Secondary legal materials consist of legal books, scientific journals, research findings, and academic works concerning juvenile criminal law, restorative justice, and legal effectiveness, including relevant scholarly works by academics of Universitas Pembangunan Panca Budi.

Tertiary legal materials are used as supporting materials, including legal dictionaries, legal encyclopedias, and other sources that explain the legal terms used in this research. Legal materials were collected through library research by inventorying, identifying, and examining various legal materials relevant to the research. The materials were then analyzed qualitatively using legal interpretation and descriptive analysis to reach conclusions regarding the effectiveness of diversion in realizing restorative justice.

RESEARCH RESULTS AND DISCUSSION

3.1 Regulation of Diversion in Indonesia's Juvenile Criminal Justice System

Indonesia's juvenile criminal justice system is fundamentally based on the understanding that children who commit criminal offenses cannot be treated in the same manner as adult offenders. Children are still undergoing physical, mental, and social development; therefore, legal approaches toward children must take protection and guidance into account.

This paradigm shift was realized through the enactment of Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System (*Juvenile Criminal Justice System Law*). The law represents a reform of juvenile criminal law, which

previously emphasized punishment, toward a system that prioritizes the best interests of the child.

One of the principal instruments in the Juvenile Criminal Justice System Law is diversion. Under Article 1 point 7 of the Juvenile Criminal Justice System Law, diversion means transferring the resolution of juvenile cases from criminal justice proceedings to proceedings outside the criminal justice system. This provision demonstrates that the state provides an alternative avenue for resolving juvenile cases so that children do not immediately face formal judicial mechanisms that may negatively affect their development.

Diversion has several objectives as provided in Article 6 of the Juvenile Criminal Justice System Law, namely:

1. To achieve reconciliation between the victim and the child;
2. To resolve juvenile cases outside judicial proceedings;
3. To prevent the child from deprivation of liberty;
4. To encourage community participation; and
5. To instill a sense of responsibility in the child.

These five objectives demonstrate that diversion is not oriented solely toward the interests of the child as the offender, but also takes into account the interests of victims and society. Thus, diversion represents a balance between child protection and law enforcement interests.

According to Tony Marshall, restorative justice views a criminal offense as a conflict that must be resolved by involving all parties with an interest in it. The resolution aims to repair the harm caused by the offense and rebuild damaged social relationships.[5] This concept is consistent with the objectives of diversion under the Juvenile Criminal Justice System Law because diversion is conducted through deliberation involving the child, victim, the families of the child and victim, correctional counselors, professional social workers, and other interested parties.

In the context of juvenile criminal law, Chairunnisa Nasution explains that protection for children in conflict with the law should be viewed as part of criminal policy that aims not only to take enforcement measures, but also to prevent children from experiencing adverse consequences from criminal justice proceedings.[6]

Furthermore, diversion is closely related to the principle that punishment of children must be a last resort (*ultimum remedium*). This principle emphasizes that the use of criminal law against children must be selective and cautious because imprisonment can have negative psychological and social effects on their development.

In addition to the Juvenile Criminal Justice System Law, diversion implementation is strengthened by Supreme Court Regulation of the Republic of Indonesia Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System. The regulation provides guidance on the procedures for conducting diversion deliberations at the court level and explains the role of judges in ensuring that the diversion process complies with restorative justice principles.

Internationally, diversion is also supported by the Convention on the Rights of the Child (CRC), which encourages States Parties to develop mechanisms for resolving juvenile cases without formal judicial proceedings whenever possible. This principle is also affirmed in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (*Beijing Rules*), which encourage the use of alternative mechanisms in resolving juvenile cases.

Based on the foregoing, Indonesia has a sufficiently strong legal framework for regulating diversion. However, the existence of such regulations does not automatically guarantee successful diversion because its effectiveness remains highly dependent on implementation in the field.

3.2 Effectiveness of Diversion Implementation in the Juvenile Criminal Justice System to Realize Restorative Justice in Indonesia

According to Soerjono Soekanto, the effectiveness of law is influenced by five main factors: the law itself, law enforcement officials, supporting facilities or infrastructure, society,

and culture.[7] These five factors can be used as indicators for analyzing diversion implementation within the Juvenile Criminal Justice System.

1. Legal Factors in Diversion Implementation

From the perspective of legal substance, Indonesia has a sufficiently strong legal basis for diversion. Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System expressly provides that diversion must be attempted at every stage of juvenile case examination, including investigation, prosecution, and court proceedings. This provision demonstrates the legislature's intention to shift the approach to resolving juvenile cases from a repressive system toward one that prioritizes guidance and recovery.

Nevertheless, the existence of these legal rules still presents several implementation problems. One issue is the differing understanding among law enforcement officials regarding the philosophy of diversion. Some officials still view diversion merely as an administrative procedure that must be completed before a case proceeds to the next stage, rather than as a primary mechanism for resolving juvenile cases. In fact, diversion is a legal instrument with broader objectives, namely preventing children from the negative effects of criminal proceedings, giving children an opportunity to take responsibility for their actions, and restoring the relationship between the child and the victim.

According to Syahranuddin, the development of modern criminal law must balance the state's interest in enforcing the law with the interest in protecting individuals who come into conflict with the law.[8] In the context of children, this balance means that the state continues to impose legal accountability while adopting an approach that takes the child's developmental condition into account.

Thus, from the perspective of legal substance, diversion regulations have essentially met the need for child protection. The main problem lies not in the absence of rules, but in how those norms are understood and applied consistently by all parties involved.

2. Law Enforcement Factors in Diversion Implementation

Law enforcement is one of the factors that most strongly determines the success of diversion. Law enforcement officials involved in the juvenile criminal justice system have a strategic role because they determine whether a juvenile case will be directed toward a restorative settlement or continue through the formal criminal justice approach. Investigators, prosecutors, judges, correctional counselors, and professional social workers are required not only to understand the legal rules governing diversion, but also to understand the philosophy of restorative justice.

In practice, the success of diversion depends greatly on the ability of officials to establish communication and create a conducive deliberative atmosphere. Diversion cannot operate solely through a formal legal approach; it requires mediation, negotiation, and conflict-resolution skills. If law enforcement officials continue to use a conventional punitive paradigm emphasizing punishment, diversion may become merely a legal formality. Conversely, when officials understand diversion as a recovery mechanism, the likelihood of reaching a diversion agreement increases.

According to Ismaidar, successful law enforcement is strongly influenced by the quality of the officials implementing the law. Good laws will not produce optimal results if they are not supported by law enforcement officials with integrity, understanding, and awareness of the legal objectives to be achieved.[9] In implementing diversion, law enforcement officials must be able to view children not only as offenders, but also as individuals who require guidance and protection.

3. Supporting Facilities and Infrastructure

Diversion implementation is also strongly influenced by the availability of supporting facilities and infrastructure. In the juvenile criminal justice system, the presence of correctional counselors from the Correctional Center (*Bapas*) is particularly important. Correctional counselors are responsible for conducting community research on children, providing recommendations for case resolution, and assisting the diversion process. The results of

community research constitute important material for law enforcement officials in determining the most appropriate form of resolution for the child.

In practice, there are still obstacles caused by the limited number of correctional counselors compared with the number of juvenile cases that must be handled. This condition can affect the quality of assistance and recommendations provided. In addition, not all regions have adequate supporting facilities for conducting diversion. The availability of deliberation rooms, professional personnel, and support from social institutions remains a challenge in implementing diversion in several regions.

According to Muhammad Arif Sahlevi, the success of a criminal law policy is determined not only by the norms regulating it, but also requires institutional support and facilities that enable the law to be implemented effectively.[10] Therefore, improving diversion effectiveness must be accompanied by strengthening supporting institutions, particularly by increasing the quality and quantity of correctional counselors and professional social workers.

4. Community Factors in Diversion Implementation

The success of diversion is determined not only by law enforcement officials, but also depends greatly on community acceptance of case resolution through a restorative justice approach. Society is an important part of the juvenile criminal justice system because diversion fundamentally involves victims, victims' families, the child's family, and the social environment as parties with interests in resolving the case.

In practice, one of the main obstacles to diversion is the continuing view that every criminal offense must be resolved through formal judicial proceedings and end with punishment of the offender. This mindset arises because many members of society still understand justice from a retributive perspective, namely that offenders must be punished as a form of accountability for their actions.

However, in juvenile cases, the primary objective of the criminal justice system is not only to impose sanctions, but also to provide children with an opportunity to correct their mistakes, understand the consequences of their actions, and return to society.

According to Rahmayanti, legal protection for children in conflict with the law must be implemented through an approach that maintains a balance between the interests of victims, society, and children as offenders.[11] This approach demonstrates that juvenile case resolution cannot be viewed solely from a punitive perspective, but must also consider guidance and the child's future. Community participation is also important in ensuring the successful social reintegration of children after the diversion process is completed.

Children who have resolved their cases through diversion still need environmental support so that they do not experience negative stigma that could cause them to reoffend. Thus, diversion does not end with an agreement between the child and victim; its success must also be assessed by the community's ability to accept the child again as a member of society.

5. Legal Culture Factors in Diversion Implementation

Legal culture is an important factor determining the effectiveness of legal rules. Lawrence M. Friedman explains that legal culture concerns society's attitudes, values, understanding, and expectations regarding law.[12] A legal rule can operate effectively when there is compatibility between the legal norm and the legal culture of society.

In implementing diversion, legal culture presents a particular challenge because restorative justice is still relatively new compared with the conventional punitive paradigm. Some members of society still believe that resolving cases without criminal punishment constitutes injustice toward victims. Restorative justice, however, has broader objectives: creating a resolution that repairs victims' losses, assigns responsibility to offenders, and maintains social relationships within society.

The legal culture of law enforcement officials also has a major influence on diversion success. When officials understand that juvenile criminal law should be oriented toward protection and guidance, diversion is more likely to achieve its intended objectives. Conversely, when officials' legal culture remains oriented toward resolving cases through punishment,

diversion becomes merely an administrative obligation without substantive change to the juvenile criminal justice system.

Therefore, changing legal culture is one of the keys to improving diversion effectiveness. Such change can be achieved through legal education, training for law enforcement officials, public outreach, and stronger understanding that restorative justice is part of a modern legal system.

6. Analysis of Diversion Implementation Based on Judicial Practice

a. Successful Diversion Implementation

One example of successful diversion can be found in Decision Number 27/Pid.Sus-Anak/2023/PN Plg. In that case, the juvenile case was successfully resolved through diversion involving the child, victim, the parties' families, correctional counselor, and law enforcement officials. The success of diversion in the case demonstrates that the mechanism can operate effectively when all participants share an understanding of restorative justice objectives. Factors supporting successful diversion in the case included: 1) the parties' openness to deliberation; 2) the active role of law enforcement officials as facilitators; 3) assistance from the correctional counselor; 4) the victim's willingness to give the child an opportunity to correct the wrongdoing; and 5) family support during case resolution. This condition demonstrates that diversion is not merely a matter of formal law, but a social process requiring cooperation among all parties.

b. Obstacles to Diversion Implementation

Although diversion is a legal obligation, not all juvenile cases can be successfully resolved through this mechanism. Diversion failures are generally caused by several factors: 1) victims or victims' families are unwilling to accept diversion because they consider the child's offense too serious; 2) limited understanding of restorative justice causes diversion to be viewed as eliminating the child's wrongdoing; 3) coordination between law enforcement officials and supporting institutions such as Bapas and social workers is not yet optimal; and 4) the punitive paradigm remains strong within the criminal justice system. According to Sumarno, criminal law enforcement cannot be separated from the purpose of law itself, namely creating order and justice in society. However, achieving this objective must take into account modern legal thinking, which is not only oriented toward retribution but also toward recovery.[13] Based on this analysis, diversion effectiveness can be understood as the result of interaction among legal rules, law enforcement officials, supporting institutions, victims, families, and society.

7. Ideal Model for Strengthening Diversion Implementation in the Juvenile Criminal Justice System

Based on the analysis of the various factors affecting diversion effectiveness, a model for strengthening diversion implementation is required so that restorative justice objectives can be achieved optimally. This strengthening model can be formulated through five main aspects:

a. Strengthening Diversion Regulations

Although the Juvenile Criminal Justice System Law provides a strong legal basis, the technical guidelines for diversion implementation need to be improved so that uniform standards exist for all law enforcement officials.

b. Enhancing Law Enforcement Competence

Law enforcement officials need specialized training in restorative approaches, mediation techniques, child psychology, and child protection.

c. Strengthening the Role of Correctional Counselors

Bapas must be strengthened both in terms of human resources and the quality of assistance because correctional counselors have a strategic position in the success of diversion.

d. Increasing Public Awareness

The public needs to understand that diversion is not a form of legal weakness, but a case-resolution mechanism that is more consistent with the objectives of child protection.

e. Establishing a National Diversion Evaluation System

An evaluation system for diversion cases is needed to determine success rates, obstacles, and effective resolution patterns in different regions. This model demonstrates that diversion effectiveness cannot be achieved solely through a normative approach, but requires a systemic approach combining legal, institutional, social, and cultural aspects.

C. Diversion as an Instrument for Transforming the Juvenile Criminal Justice System from Retributive Justice to Restorative Justice

The paradigm shift in the juvenile criminal justice system is essentially part of the development of modern criminal law, which is no longer solely oriented toward retaliation against offenders (*retributive justice*), but increasingly toward a recovery-based approach (*restorative justice*). Under the retributive approach, a criminal offense is viewed as a violation of state law, so case resolution focuses on punishing the offender. The restorative approach, by contrast, views an offense as a conflict that causes harm to victims, offenders, and society, and therefore directs resolution toward recovery.

In juvenile cases, the retributive approach has limitations because children are individuals still undergoing physical, psychological, and social development. Repressive punishment without considering the child's condition may instead create negative effects on the child's future, such as social stigma, impaired personality development, and the possibility of reoffending. Therefore, the introduction of diversion through Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System represents a transformation of juvenile criminal law in Indonesia. Diversion is an instrument that shifts the orientation of juvenile case resolution from punishment toward guidance and recovery.

According to Howard Zehr, restorative justice focuses primarily on three matters: the harm caused by the offense, the offender's obligation to take responsibility, and the active involvement of all parties in resolving the conflict.[14] This approach differs from the conventional criminal justice system, which focuses more heavily on the relationship between the state and the offender. Thus, diversion is not merely a mechanism for transferring cases away from formal criminal proceedings, but also a change in the way society understands children who commit criminal offenses. Children should not be positioned merely as offenders who must be punished, but as individuals who should be guided to understand their wrongdoing and improve their behavior.

1. Shifting the Orientation of Juvenile Punishment

A juvenile criminal justice system based on restorative justice requires a balance among child protection interests, victims' interests, and community interests. This differs from the traditional punitive approach, which emphasizes retribution. From the perspective of modern criminal law, punishment is no longer intended merely to inflict suffering on offenders, but also serves social functions such as rehabilitation and reintegration. For children in particular, the primary objective of punishment should be to enable them to return to normal social life.

According to Marlina, the implementation of diversion in the juvenile criminal justice system is a concrete manifestation of a change in the punishment paradigm because it places the best interests of the child as the primary consideration in case resolution.[15] This is consistent with the principle in the Convention on the Rights of the Child that every action concerning children must take the best interests of the child into consideration.

Thus, the success of the juvenile criminal justice system cannot be assessed solely by the number of cases ending in punishment, but must be measured by the extent to which the system prevents children from reoffending and helps them to be accepted again by society.

2. Diversion as a Form of Protection for Children in Conflict with the Law

Children in conflict with the law essentially have a dual position: they are parties who must be held accountable for their actions and, at the same time, legal subjects who retain the right to protection. This approach confirms that legal proceedings involving children must not be equated with proceedings involving adults. The state has an obligation to ensure that every

stage of the legal process continues to take the child's psychological and social development into account.

Rahmayanti explains that legal protection for children must be provided through a system capable of guaranteeing children's rights, including the right to guidance, assistance, and special treatment when they come into conflict with the law.[16] In diversion implementation, this protection is realized through the involvement of various parties, including: 1) investigators as the parties who first seek diversion; 2) prosecutors as the parties conducting prosecution; 3) judges as the parties facilitating diversion in court; 4) correctional counselors who provide recommendations through community research; and 5) families and communities as supporters of the recovery process. The involvement of these parties demonstrates that diversion is a collective mechanism, not merely the responsibility of law enforcement officials.

3. Indicators of Diversion Success from a Restorative Justice Perspective

Based on the analysis in this research, diversion effectiveness should not be measured solely by whether a diversion agreement is reached. The measure of success should be broader and take recovery into account. This research proposes indicators of diversion effectiveness through several aspects:

a. Victim Recovery. Diversion must provide victims with an opportunity to express the harm they have suffered and their recovery needs arising from the offense.
b. Child Responsibility. Diversion success should be assessed by the extent to which the child understands the wrongdoing and is willing to take responsibility for its consequences.
c. Restoration of Social Relationships. Diversion must be capable of repairing relationships among the child, victim, family, and community so that social conflicts arising from the offense can be resolved.
d. Prevention of Reoffending
e. The ultimate objective of diversion is to prevent children from reoffending through continuous guidance and supervision. With these indicators, diversion success is no longer merely administrative, but has substantive measures based on the achievement of restorative justice objectives.

4. Restorative Justice-Based Diversion Strengthening Model

Based on the preceding analysis, this research formulates a diversion strengthening model consisting of three main components:

a. Strengthening Legal Substance. Regulations and technical guidelines need to be improved so that diversion implementation has clear standards at every stage of case examination.
b. Strengthening Legal Structure. Improving the quality of law enforcement officials, strengthening the role of correctional counselors, and improving inter-agency coordination are important factors in diversion success.
c. Strengthening Legal Culture. Changing the community paradigm from punishment-oriented thinking toward recovery must become an important part of diversion implementation. This model demonstrates that diversion effectiveness is not determined solely by the existence of legal rules, but is the result of interaction among legal norms, implementing institutions, and society.

CONCLUSION

Based on the research findings and discussion concerning the effectiveness of diversion implementation within the Juvenile Criminal Justice System in realizing restorative justice in Indonesia, the following conclusions can be drawn:

1. The legal regulation of diversion within Indonesia's Juvenile Criminal Justice System has a strong legal basis through Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System. Diversion represents a reform of the juvenile criminal justice system that shifts case-resolution paradigms from punishment (retributive justice) toward recovery (*restorative justice*). Through diversion, juvenile cases

are directed toward reconciliation between the child and victim, avoidance of formal judicial proceedings, and an opportunity for the child to take responsibility for the offense.
2. The effectiveness of diversion in realizing restorative justice is not yet fully optimal, although clear normative regulations exist. Based on analysis using Soerjono Soekanto's legal effectiveness theory, diversion success is influenced by five main factors: legal factors, law enforcement officials, supporting facilities and infrastructure, society, and legal culture. The factors that most strongly affect diversion effectiveness are law enforcement officials' understanding and commitment to restorative justice, active involvement of correctional counselors, and acceptance by victims and society of deliberative case resolution.
3. The ideal model for strengthening diversion within the Juvenile Criminal Justice System must adopt a systemic approach encompassing stronger regulations, enhanced law enforcement competence, optimization of the role of Correctional Centers, increased victim and community participation, and development of a legal culture that supports restorative justice. Diversion must not be understood merely as an administrative procedure, but should be positioned as a primary mechanism for resolving juvenile cases with the objectives of protection, guidance, and recovery.

Recommendations

1. The government should evaluate and strengthen diversion regulations so that more uniform implementation standards exist throughout Indonesia. This is necessary to prevent differences in understanding and practice among law enforcement officials when implementing diversion.
2. Law enforcement officials handling juvenile cases need to improve their understanding of restorative justice principles through continuing education and training. The approach to children in conflict with the law should be directed toward guidance and recovery, rather than merely punishment.
3. Supporting institutions, particularly Correctional Centers and professional child-assistance personnel, should be strengthened so that they can optimally perform assistance, community research, and diversion facilitation functions.
4. The public should be given an understanding that diversion is not a form of disregard for justice, but a case-resolution mechanism more appropriate to children's characteristics and child-protection principles. Greater public understanding will make diversion easier to accept and implement.

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