

Children before the Law, Communities Behind Them: Diversion Practices in Juvenile Cases at the Police Level in Sleman Regency

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Abstract

The juvenile justice system places diversion and restorative justice at the center of efforts to prevent the harmful consequences of formal criminal proceedings for children. However, successful diversion depends not only on legal rules and law-enforcement officials but also on families, victims, communities, and the child's social environment. This study aims to examine diversion practices at the police level in Sleman Regency by positioning the community as an important actor in restorative justice processes. The study adopts a socio-legal approach through interviews with investigators, parents, community counselors, victims, and other participants in diversion processes. The analysis focuses on the negotiation of interests, victim restoration, child accountability, and social acceptance following diversion agreements. The study argues that diversion should not be treated merely as a procedural mechanism for terminating criminal proceedings but as a restorative process involving the community in a meaningful manner. Key challenges include unequal bargaining positions, limited community understanding, and weak post-diversion monitoring mechanisms. Strengthening diversion therefore requires a child-centered approach that simultaneously protects the best interests of the child, addresses victims' needs, and supports social reintegration. Such an approach can improve the legitimacy and effectiveness of juvenile justice at the local level.

[Sistem peradilan anak menempatkan pengalihan dan keadilan restoratif sebagai pusat upaya untuk mencegah konsekuensi buruk dari proses pidana formal bagi anak-anak. Namun, keberhasilan pengalihan tidak hanya bergantung pada aturan hukum dan petugas penegak hukum, tetapi juga pada keluarga, korban, masyarakat, dan lingkungan sosial anak. Studi ini bertujuan untuk meneliti praktik pengalihan di tingkat kepolisian di Kabupaten Sleman dengan menempatkan masyarakat sebagai aktor penting dalam proses keadilan restoratif. Studi ini mengadopsi pendekatan sosio-hukum melalui wawancara dengan penyidik, orang tua, konselor masyarakat, korban, dan peserta lain dalam proses pengalihan. Analisis berfokus pada negosiasi kepentingan, pemulihan korban, akuntabilitas anak, dan penerimaan sosial

setelah kesepakatan pengalihan. Studi ini berpendapat bahwa pengalihan tidak boleh diperlakukan hanya sebagai mekanisme prosedural untuk mengakhiri proses pidana, tetapi sebagai proses restoratif yang melibatkan masyarakat secara bermakna. Tantangan utama meliputi posisi tawar yang tidak setara, pemahaman masyarakat yang terbatas, dan mekanisme pemantauan pasca-pengalihan yang lemah. Oleh karena itu, penguatan pengalihan kasus memerlukan pendekatan yang berpusat pada anak yang secara bersamaan melindungi kepentingan terbaik anak, memenuhi kebutuhan korban, dan mendukung reintegrasi sosial. Pendekatan seperti itu dapat meningkatkan legitimasi dan efektivitas peradilan anak di tingkat lokal.]

Keywords: children in conflict with the law, diversion, restorative justice, police, Sleman Regency

Introduction

Children who come into conflict with the law occupy a distinctive position within criminal justice systems because their age, developmental condition, and social environment require a response different from that applied to adults. International juvenile justice standards emphasize that children should be treated in ways that respect their dignity, developmental needs, and potential for rehabilitation. Article 40 of the Convention on the Rights of the Child requires states to recognize the right of children accused of criminal offences to treatment consistent with their dignity and worth while promoting reintegration and constructive participation in society (United Nations 1989). The Beijing Rules similarly encourage states to develop mechanisms for dealing with children without resorting to formal judicial proceedings whenever appropriate (United Nations 1985). These principles establish that juvenile justice should not simply reproduce adult criminal justice in a smaller institutional form. Instead, it should seek responses that protect children while maintaining accountability and public safety.

The concern with formal juvenile justice derives partly from the potential harms associated with criminal processing. Contact with police, prosecutors, courts, and correctional institutions may expose children to stigmatization, social labeling, educational disruption, and negative peer influences. The labeling perspective developed by Becker (1963) and later applied to juvenile delinquency by scholars such as Lemert (1972) suggests that formal social reactions can contribute to the consolidation of deviant identities. Braithwaite's theory of reintegrative shaming further distinguishes between stigmatizing reactions that exclude individuals and reintegrative responses that condemn wrongful conduct while maintaining social bonds (1989). These theoretical insights are particularly relevant to children because developmental trajectories remain open and responsive to family, school, and community influences. Diversion can therefore function as a mechanism for reducing unnecessary formalization while maintaining structured accountability.

Indonesia adopted a significant legislative shift through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The statute establishes restorative justice as an important principle and introduces diversion as a mechanism for transferring the settlement of children's cases from formal criminal proceedings to processes outside the criminal justice system. Diversion has several objectives, including achieving peace between the victim and child, resolving cases outside formal proceedings, avoiding deprivation of liberty, encouraging community participation, and developing the child's sense of responsibility. The legal framework therefore moves beyond a purely punitive understanding of juvenile offending. Research examining Indonesian implementation has confirmed that Law Number 11 of 2012 represents an important paradigm shift toward restorative justice, although significant implementation problems remain (Aji 2019; Listyarini 2017).

At the police level, diversion has particular importance because police investigators are frequently the first formal justice actors to encounter children in conflict with the law. Early institutional decisions can determine whether a child is immediately absorbed into formal criminal proceedings or receives an opportunity for a restorative response. Police discretion is therefore highly consequential. A restorative approach requires investigators to consider not only the alleged offence but also the child's age, family environment, educational circumstances, victim's interests, and prospects for reintegration. The investigation stage can become a gateway to restorative justice or, alternatively, the first step toward formalization. Research on Indonesian juvenile cases demonstrates that diversion practices at early stages require meaningful involvement from victims, parents, social workers, and community members rather than simply administrative approval of an agreement (Haris and Santi 2024).

The role of the community is particularly important because children do not exist independently from social relationships. Families, schools, neighbors, religious organizations, youth groups, village institutions, and local leaders can influence both the causes of offending and the possibilities of reintegration. Restorative justice theory conceptualizes crime as harm involving victims, offenders, and communities rather than merely as a violation against the state (Zehr 2002; Braithwaite 2002). From this perspective, repairing harm requires participation by those affected by the offence. A child who completes a diversion agreement but returns to the same environment without guidance may remain vulnerable to repeating harmful behavior. Community involvement should therefore extend beyond attendance at a diversion meeting toward continuing support and social reintegration.

Sleman Regency provides a significant setting for examining these questions because it forms part of the broader Yogyakarta social environment while containing diverse urban, peri-urban, and rural communities. The variation in community structures creates different possibilities for police-community cooperation. Previous research specifically concerning diversion in Sleman has

identified difficulties in achieving successful diversion and has pointed to factors involving parents, victims, and justice-sector actors (Abimanyu 2019). However, examining diversion exclusively from the perspective of judicial outcomes may obscure what happens during the earlier police process. The present study therefore focuses on police-level diversion and asks how restorative objectives are negotiated before cases reach prosecution or court.

This study addresses three research questions. First, how is diversion implemented by police investigators in juvenile cases in Sleman Regency? Second, how do children, victims, families, community actors, and justice institutions negotiate interests during the diversion process? Third, what factors strengthen or weaken the sustainability of diversion agreements after formal proceedings have been avoided? The study argues that diversion should be understood as a socially embedded restorative process, rather than merely a procedural mechanism. Its legitimacy depends on the ability of police investigators and other actors to protect the child's best interests while ensuring that victims receive recognition, explanation, repair, and meaningful participation. This approach places communities not behind the justice system as passive observers but around the child as part of the social infrastructure required for successful reintegration.

Theoretical Framework

1. Juvenile Justice and the Best Interests of the Child

The best-interests principle is central to contemporary juvenile justice. Article 3 of the Convention on the Rights of the Child establishes that the best interests of the child must be a primary consideration in actions concerning children (United Nations 1989). This principle does not mean that children should be exempt from accountability. Rather, accountability must be structured in a way that recognizes developmental characteristics, protects dignity, and promotes reintegration. General Comment No. 24 of the Committee on the Rights of the Child emphasizes that child justice systems should prioritize diversion and alternatives to judicial proceedings where appropriate and should be oriented toward rehabilitation and reintegration rather than retribution (Committee on the Rights of the Child 2019). The principle therefore requires justice institutions to examine the consequences of their decisions for the child's development and future participation in society.

The best-interests principle also requires individualized assessment. Two children who commit similar offences may have substantially different social circumstances. One may come from a supportive family and stable school environment, while another may experience neglect, poverty, family conflict, substance exposure, or peer pressure. A purely offence-centered model treats these circumstances as secondary. A child-centered model regards them as relevant to determining appropriate intervention. The Indonesian juvenile justice framework recognizes this broader approach by requiring specialized treatment of children and by involving correctional counselors and professional social workers in the justice process. Research on diversion in Indonesia has similarly emphasized that

effective diversion depends upon assessment of the child's circumstances rather than simply determining whether formal legal requirements are satisfied (Rena Yulia et al. 2024).

2. Diversion as a Restorative Process

Diversion is often described as the transfer of a case away from formal criminal proceedings. Such a definition is legally accurate but conceptually incomplete. Diversion becomes restorative when the process addresses the harm caused by the offence, provides opportunities for the victim to participate, requires meaningful accountability from the child, and facilitates reintegration. Zehr (2002) conceptualizes restorative justice around the needs of victims, offenders, and communities rather than around punishment alone. Braithwaite (2002) similarly argues that restorative justice emphasizes restoration and reintegration while retaining accountability. Diversion should therefore not be reduced to obtaining an agreement that allows police or prosecutors to close a case.

The distinction is important because a diversion agreement can become merely transactional. If the primary objective is obtaining compensation or an apology without understanding the circumstances of the offence, the process may reproduce conventional bargaining rather than restorative justice. Aji (2019) identified concerns within Indonesian diversion practices where agreements could become overly focused on material compensation and insufficiently connected to rehabilitation and restoration. Restorative diversion should instead address multiple dimensions of harm, including material loss, emotional injury, damaged relationships, fear, and disruption of community trust. Accountability may include apology, restitution, counseling, educational obligations, community service, or other measures proportionate to the child's circumstances.

3. The Community in Restorative Justice

The community has a distinctive role in restorative justice because crime affects social relationships as well as individuals. Bazemore (1999) argues that restorative approaches to juvenile justice can strengthen community involvement and move beyond the limitations of conventional court-centered models. Community participation can provide resources that police and courts cannot provide, particularly in relation to supervision, mentoring, education, and reintegration. The community can also help ensure that a diversion agreement is not simply a private settlement between the victim and the child's family. It can become a social process through which the child acknowledges wrongdoing and develops a pathway toward constructive participation.

However, community participation should not be romanticized. Communities may contain unequal power relations and may themselves reproduce punitive attitudes. A victim's family may demand severe punishment because they perceive diversion as insufficiently serious. Conversely, a child's family may have greater economic or social influence and may pressure a victim into accepting an

agreement. Restorative processes therefore require skilled facilitation and procedural safeguards. The community should contribute to restoration without becoming an informal source of coercion. This distinction is crucial in Sleman because community participation can strengthen legitimacy only when participation is voluntary, balanced, informed, and consistent with children's rights and victims' interests.

4. Indonesian Legal Framework

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System represents the principal legal foundation for diversion in Indonesia. The law defines diversion as the transfer of settlement of a child's case from the criminal justice process to a process outside the criminal justice system. Its stated objectives include achieving peace between the victim and child, resolving cases outside formal proceedings, avoiding deprivation of liberty, encouraging community participation, and developing responsibility in the child. These objectives demonstrate that diversion has both procedural and substantive dimensions. It is procedural because it changes the route through which a case is handled, but it is substantive because it seeks restoration, accountability, and social reintegration.

The legislation also establishes eligibility requirements and procedures for diversion. Article 7 generally requires diversion to be attempted where the offence carries a criminal penalty of less than seven years and is not a repeat offence. Academic debate has questioned whether the statutory limitation fully corresponds with restorative justice and the best-interests principle (Dewantary 2016; Nurain 2021). The issue is important because the seriousness of an offence does not automatically determine whether restorative principles have value. Nevertheless, investigators must operate within the positive-law framework. The challenge is therefore to maximize child protection and restorative practice within the existing legal requirements while recognizing the need for future policy development.

Government Regulation Number 65 of 2015 provides further guidance concerning diversion and the handling of children below the minimum age of criminal responsibility. The regulatory framework is complemented at the judicial level by Supreme Court Regulation Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System. The Supreme Court confirms that PERMA No. 4/2014 was designed to provide practical guidance for diversion and to strengthen restorative justice in juvenile cases. Although PERMA primarily governs judicial implementation, its principles are relevant to understanding the broader architecture of diversion because it emphasizes dialogue, participation, responsibility, and restoration.

At the police level, diversion is also connected with the broader development of restorative justice within Indonesian law enforcement. Police institutions have increasingly developed internal mechanisms for restorative approaches, although juvenile diversion remains specifically governed by the Juvenile Criminal Justice System framework. The existence of multiple regulatory instruments can create

opportunities for restorative implementation but may also produce institutional fragmentation if investigators are uncertain about which procedures take priority. Recent scholarship has identified uneven institutional capacity, limited specialized training, and coordination problems as recurring barriers to effective diversion (Walim et al. 2024; Zulfikar 2025).

Methods

This research employs a socio-legal approach that combines normative legal analysis with qualitative empirical research. The normative component examines Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Government Regulation Number 65 of 2015, Supreme Court Regulation Number 4 of 2014, relevant child-protection legislation, the Convention on the Rights of the Child, the Beijing Rules, and other regulatory materials concerning diversion and restorative justice. The empirical component examines how these normative principles are interpreted and implemented during police-level diversion in Sleman Regency. Primary empirical information is obtained through semi-structured interviews with police investigators handling juvenile cases, children or their parents, victims or victims' representatives, correctional counselors, professional social workers, community representatives, and other actors who participate in or support diversion processes. The research focuses on the interaction between legal rules and social practices, particularly how participants understand responsibility, restoration, victim participation, child protection, and community involvement.

Participant selection uses purposive sampling because the study requires individuals with direct knowledge of juvenile diversion processes. Interviews are organized around five analytical themes: procedural implementation, negotiation among participants, victim restoration, child accountability, and post-diversion reintegration. Documentary materials such as diversion agreements, institutional guidelines, anonymized case records, and relevant reports are used to complement interview information where legally and ethically permissible. The empirical data are analyzed thematically through identification of recurring patterns, comparison of institutional and community perspectives, and interpretation against the normative framework. Triangulation is conducted by comparing accounts from police officers, families, victims, correctional counselors, and community participants. Because juvenile cases involve sensitive information, the research requires strict confidentiality, informed consent, anonymization of participants, and avoidance of unnecessary disclosure of case details. Children are not treated merely as sources of information but as rights-bearing participants whose dignity and welfare must remain central to the research process.

Results and Discussion

1. Police as the First Gateway to Restorative Justice

The police occupy a decisive position in juvenile diversion because investigation is often the first point at which the state formally responds to alleged

wrongdoing by a child. The manner in which investigators receive the child, communicate with parents, assess the circumstances of the offence, and contact the victim can influence the entire trajectory of the case. A punitive initial response may create fear and defensiveness, while a child-sensitive response can establish the conditions for dialogue. Diversion therefore begins before the formal diversion meeting itself. It begins with the institutional culture of the police officer who first encounters the child.

This finding is consistent with the broader literature emphasizing that restorative justice requires a shift in professional orientation. Rahman argues that Indonesian juvenile justice represents a movement away from a retributive paradigm toward restorative justice, but warns that diversion can become merely symbolic if institutional practices do not reflect restorative principles (Rahman 2020). Police investigators should therefore not perceive diversion as a method for reducing administrative workload. Its legitimacy depends on whether the process actually addresses the needs of children, victims, families, and communities.

The police role also involves an important screening function. Investigators must identify whether a case satisfies the legal requirements for diversion and whether a restorative process can be safely undertaken. This requires attention to the child's age, offence, prior history, family environment, victim's position, and risk of retaliation or renewed harm. Screening should not become an excuse for excluding children from restorative possibilities, but neither should diversion be pursued mechanically where victims are exposed to coercion or serious safety concerns. Professional judgment is therefore essential.

2. Families as Both Protective and Complicating Actors

Families play a central role in juvenile diversion because parents or guardians have legal and social responsibilities toward children. A supportive family can help a child understand the consequences of wrongdoing, comply with an agreement, return to school, attend counseling, and avoid harmful peer environments. However, family involvement can also complicate diversion when parents prioritize protecting the child from consequences rather than encouraging genuine accountability. In some circumstances, parents may attempt to negotiate compensation primarily to make the case disappear without requiring the child to understand the harm caused.

This tension demonstrates why restorative justice should distinguish between representation and accountability. Parents may represent a child's interests, but they should not speak entirely on the child's behalf. Children should be given age-appropriate opportunities to explain what happened, acknowledge responsibility where appropriate, and participate in determining how harm can be repaired. The Beijing Rules and the Convention on the Rights of the Child support procedures that respect children's participation and dignity (United Nations 1985, 1989). The child should therefore remain a participant rather than an object of negotiation between adults.

Family support becomes especially important after an agreement has been reached. A diversion agreement may require counseling, school attendance, apology, restitution, community service, or behavioral commitments. Without family supervision, these commitments may be difficult for a child to complete. The sustainability of diversion therefore depends partly upon the family's capacity to provide consistent support. This is why post-diversion monitoring should not be understood solely as surveillance. Its objective should be to identify difficulties early and provide assistance that enables the child to fulfill the agreement.

3. Victims and the Problem of Unequal Bargaining Power

Victim participation is a defining element of restorative justice, but participation does not automatically mean equality. Victims may be emotionally affected by the offence and may experience pressure from families, community members, or authorities. Children accused of offences may also have unequal social resources compared with victims. Conversely, in some cases the child's family may possess greater economic or social power than the victim's family. A diversion process that assumes equal bargaining capacity can therefore reproduce inequality under the appearance of consensus.

The problem is particularly significant when diversion agreements involve financial restitution. Research on Indonesian juvenile diversion has identified restitution as one possible component of restorative settlement, but has also noted that economic differences between families may make monetary compensation problematic (Aryana 2021). If the child's family cannot pay, the agreement may fail even where other restorative measures are available. Conversely, excessive financial demands may transform diversion into an economic negotiation rather than a process of accountability.

Professional facilitation is therefore necessary to balance interests. Victims should receive clear information about their rights and the meaning of diversion. They should be able to express the consequences they experienced and propose forms of restoration. At the same time, they should not be pressured to accept an agreement simply because authorities prefer case closure. Restorative justice requires voluntary participation, meaningful dialogue, and proportional outcomes. Latimer, Dowden, and Muise's meta-analysis indicates that restorative programs can produce high levels of victim and offender satisfaction, but also cautions that program outcomes depend on how restorative processes are designed and implemented (2005).

4. Community Participation and Local Legitimacy

Community participation provides diversion with a social dimension that formal criminal proceedings often lack. Community representatives may contribute information about the child, family, school, neighborhood, or social circumstances that cannot be fully captured in police records. They may also help identify realistic reintegration strategies. Research on restorative diversion in Yogyakarta has

demonstrated that community legitimacy, trust, and civic awareness influence the effectiveness of restorative policies (Arintyas, Ikhwan, and Darwin 2023). This finding is particularly relevant to Sleman because community participation can strengthen acceptance of diversion outcomes.

However, community participation must be carefully structured. Community members should not be permitted to expose the child to public humiliation or stigmatization. The objective is reintegration, not informal punishment. A child who is publicly labeled as a criminal may face exclusion from school, peer groups, or neighborhood activities, thereby undermining the very objective that diversion seeks to achieve. Braithwaite's concept of reintegrative shaming is useful here because it distinguishes condemnation of wrongdoing from condemnation of the person (1989). The community should communicate that the conduct was unacceptable while simultaneously communicating that the child remains a valued member capable of change. Community participation can also strengthen post-diversion monitoring. Local actors may notice whether a child returns to school, complies with counseling, reconnects with family, or becomes involved in risky peer activities. Such monitoring should be supportive rather than punitive. Community members can act as mentors, facilitators, or referral points when difficulties emerge. This model transforms diversion from a one-time meeting into a continuing reintegration process.

5. The Meaning of Accountability

One of the most important conceptual challenges in diversion is defining accountability. Critics sometimes assume that diversion means that children escape punishment. This perception can generate resistance from victims and communities. Restorative justice, however, does not reject accountability. It redefines accountability by asking offenders to understand the consequences of their actions, acknowledge responsibility, repair harm, and change behavior (Zehr 2002; Braithwaite 2002).

For children, accountability should be developmentally appropriate. An agreement requiring a child to apologize, repair property, attend counseling, return to school, or participate in community activities may be more constructive than imprisonment. The appropriate measure depends upon the circumstances of the offence and the child's needs. The objective is not to minimize wrongdoing but to create meaningful consequences that contribute to learning and reintegration.

The distinction between punishment and accountability also affects community perceptions. If communities understand diversion as "letting children go," they may reject it. If diversion is explained as a structured process requiring responsibility, restoration, and supervision, its legitimacy may increase. Police investigators therefore have an important communication role. They must explain to victims and community participants why juvenile justice is different from adult justice and why avoiding unnecessary formal prosecution can protect both the child and society.

6. Diversion as a Negotiation of Interests

Diversion involves multiple interests that may conflict. The child seeks protection from formal criminal proceedings and the opportunity to continue education and social life. The victim seeks recognition, safety, explanation, compensation, or emotional closure. Parents seek protection of the child while also avoiding social stigma. Police seek a legally valid resolution. Communities seek restoration of social order. Correctional counselors and social workers seek outcomes that support rehabilitation. Restorative diversion must therefore create a process in which these interests can be negotiated without allowing one participant to dominate.

This is where procedural fairness becomes important. Tyler's work on procedural justice demonstrates that perceptions of fairness influence people's acceptance of legal decisions and institutional legitimacy (1990). A participant may accept an outcome that does not fully satisfy his or her preferred result if the process was perceived as respectful, neutral, and participatory. Police and facilitators should therefore explain the process, give participants opportunities to speak, demonstrate impartiality, and provide reasons for decisions.

Negotiation should also be evidence-based. Community pressure or emotional reactions should not determine outcomes alone. The facilitator should consider the nature of the offence, harm caused, child's developmental circumstances, victim's needs, and feasibility of proposed obligations. A diversion agreement that cannot realistically be fulfilled is unlikely to produce restoration. The agreement should therefore contain specific, proportionate, and monitorable commitments.

7. Institutional Capacity and Professional Competence

The quality of diversion depends heavily upon the competence of the officials who facilitate it. Restorative dialogue requires skills different from conventional investigation. Investigators must be able to communicate with children, manage emotional interactions, identify power imbalances, facilitate negotiation, and understand child development. Indonesian scholarship has repeatedly identified limited training and human-resource capacity as obstacles to effective diversion (Aji 2019; Zulfikar 2025).

Professional competence is particularly important when conflict between victim and child becomes intense. A poorly facilitated meeting may become an adversarial confrontation in which participants repeat accusations without moving toward restoration. Skilled facilitation can transform the discussion by identifying underlying needs and distinguishing between demands and interests. For example, a victim's demand for severe punishment may reflect a deeper need for recognition, safety, or assurance that the child will not repeat the conduct. Identifying these underlying needs can create more constructive options.

Police institutions should therefore develop specialized juvenile-diversion training. Training should include child psychology, trauma-informed communication, restorative justice, mediation, negotiation, victim protection, gender sensitivity, and community engagement. Training should also be continuous because legal rules alone cannot create restorative institutional culture. Institutional performance should be evaluated based on the quality and sustainability of diversion outcomes rather than merely the number of cases formally diverted.

8. The Problem of Post-Diversion Monitoring

One of the most significant weaknesses in diversion is the period after an agreement is reached. A diversion process can be successful formally but unsuccessful substantively if the child does not receive support to fulfill the agreement. Research on Indonesian diversion has identified weak monitoring and follow-up as recurring concerns (Namikotomo 2025). A child may sign an agreement to attend counseling or return to school, but responsibility for monitoring may be unclear. Police may consider the case closed, while families may not possess the capacity to supervise effectively.

Post-diversion monitoring should therefore be institutionalized. A designated institution or team should establish a schedule for checking compliance and providing assistance. Monitoring should involve correctional counselors, social workers, schools, families, and community representatives where appropriate. The objective should not be to search for violations but to identify barriers to compliance. If a child fails to attend counseling because of transportation difficulties, for example, the response should address the transportation problem rather than immediately interpreting non-compliance as defiance.

Monitoring also creates an opportunity to evaluate whether diversion has produced meaningful reintegration. Measures should include school participation, family relationships, victim satisfaction, completion of restorative obligations, behavioral change, and absence of renewed offending. Latimer, Dowden, and Muise (2005) found that restorative programs can generate positive outcomes, including satisfaction and restitution compliance, although methodological limitations require cautious interpretation. Local monitoring can therefore provide valuable evidence about which forms of diversion work in particular communities.

9. Preventing Diversion from Becoming Mere Case Closure

A major risk is that diversion becomes primarily an administrative strategy for terminating cases. Such an approach may produce high diversion numbers without demonstrating meaningful restoration. Aji (2019) and Rahman (2020) both raise concerns about implementation gaps between the normative aspirations of restorative justice and actual practices in Indonesia. The distinction between procedural compliance and substantive restoration is therefore essential. A diversion case should not be considered successful merely because a written agreement has been signed. Success should be evaluated according to whether the

child understands the consequences of the conduct, whether the victim has been heard and appropriately restored, whether the agreement is fulfilled, and whether the child is successfully reintegrated. This requires a shift in institutional indicators. Instead of measuring only the number of cases diverted, agencies should examine completion rates, victim satisfaction, child outcomes, and recurrence of offending.

Such evaluation would also strengthen public legitimacy. Communities may become more supportive of diversion if they can see that the process produces responsible outcomes. Conversely, isolated cases in which children repeatedly offend without adequate intervention can reinforce public perceptions that diversion is ineffective. The answer should not automatically be a return to punitive approaches. Instead, failures should be analyzed to determine whether the problem lies in assessment, family support, community supervision, counseling, or institutional coordination.

10. Toward a Community-Supported Diversion Model in Sleman

The findings demonstrate that police-level diversion in Sleman should be understood as a multi-actor governance process. Although police investigators possess formal authority at the investigation stage, the effectiveness of diversion depends upon actors beyond the police. Parents provide family support, victims provide essential perspectives on harm, correctional counselors provide social assessment, professional social workers provide psychosocial expertise, and communities contribute reintegration resources. This distributed structure is consistent with restorative justice theory, which rejects the assumption that the state alone possesses the knowledge or capacity required to repair harm (Zehr 2002; Braithwaite 2002).

The Sleman context also demonstrates that restorative justice is not automatically produced by legal reform. Indonesia has developed a substantial normative framework, but implementation depends upon institutional culture and social capacity. Aji's study of Indonesian juvenile justice identified continuing obstacles despite the existence of formal diversion rules (2019). Research concerning Yogyakarta further suggests that trust and civic awareness influence the legitimacy of restorative diversion (Arintyas, Ikhwan, and Darwin 2023). The law therefore provides an institutional opportunity, but communities and justice professionals determine whether that opportunity becomes meaningful.

The role of victims requires particular attention. A child-centered system cannot become a system that ignores victims. Restorative justice seeks balance rather than unilateral preference. Victims should have meaningful opportunities to explain the harm, express their needs, and participate in determining appropriate restoration. At the same time, their participation should not be used to justify disproportionate punishment. This balance distinguishes restorative justice from both conventional retributivism and simplistic settlement. A process that protects the child but ignores the victim is incomplete; a process that satisfies the victim

through excessive punishment may also undermine the developmental objectives of juvenile justice.

The study further demonstrates that community participation should be conceptualized as social infrastructure for reintegration. Communities are not simply additional participants invited to a formal meeting. They can provide long-term support that formal institutions cannot easily provide. Schools can facilitate educational continuity, families can provide supervision, community leaders can reduce stigma, and youth organizations can create positive social activities. This approach is compatible with restorative justice scholarship emphasizing the importance of community-based responses to wrongdoing (Bazemore 1999; Braithwaite 2002).

At the same time, community participation requires safeguards against informal coercion. The community can become a source of stigma, gossip, or social exclusion if confidentiality is not protected. A child may be labeled permanently because of an incident that should have been resolved through reintegration. Therefore, community involvement must be guided by principles of confidentiality, proportionality, dignity, and non-discrimination. The objective is not to expose the child to public punishment but to create conditions under which the child can accept responsibility and return to ordinary social life.

Based on the analysis, this study proposes a Community-Supported Diversion Model consisting of four interconnected stages: assessment, restorative dialogue, structured agreement, and reintegration monitoring. The first stage should involve comprehensive assessment of the child, offence, victim, family, and community environment. The second should involve facilitated dialogue in which participants can explain harm and needs. The third should produce a clear and proportionate agreement specifying responsibilities and support. The fourth should establish a monitoring mechanism that assists the child and evaluates whether restoration has occurred.

The assessment stage should be particularly strengthened. Police investigators should work with correctional counselors and social workers to understand the child's circumstances before determining the appropriate restorative pathway. The assessment should identify educational status, family relationships, peer environment, prior offending, mental and emotional needs, and potential risks. Such information should not be used merely to classify the child as dangerous or safe. Its purpose is to identify what forms of intervention can reduce future harm. This is consistent with the broader rehabilitative logic of juvenile justice.

The restorative dialogue stage should prioritize meaningful participation. The child should be given an opportunity to speak in language appropriate to age and maturity. Victims should be able to describe the consequences of the offence without being pressured into forgiveness. Parents should support rather than dominate the conversation. Community representatives should contribute information and potential reintegration resources. Facilitators should ensure that

the process does not become a confrontation between adults speaking about the child.

The agreement stage should contain realistic obligations. Restitution may be appropriate where material loss exists, but financial compensation should not become the only measure of restoration. Other possibilities include apology, repairing damaged property, counseling, educational commitments, community activities, or structured supervision. Aryana's comparative research suggests that Indonesian restitution rules could benefit from broader forms of restorative obligations, particularly where families cannot provide monetary compensation (2021).

The monitoring stage should establish responsibility among institutions. Police should not be the only actor responsible for follow-up. Correctional counselors, social workers, families, schools, and community organizations can each perform different functions. A monitoring plan should specify who contacts the child, how frequently progress is assessed, what happens if obligations cannot be completed, and how victims can communicate concerns. Such mechanisms would prevent diversion from becoming a case-closing procedure and transform it into a continuing reintegration process.

Policy Recommendations

First, police institutions in Sleman should strengthen specialized training for investigators handling juvenile cases. Training should cover restorative justice theory, child development, communication with children, victim-sensitive procedures, mediation, negotiation, and community facilitation. Investigators should understand that diversion requires more than legal eligibility. It requires a process capable of producing meaningful restoration. Specialized competence would also reduce the risk that diversion is applied inconsistently across cases.

Second, Sleman Regency should establish a stronger inter-institutional diversion network. Police, correctional counselors, social workers, schools, local government, legal-aid organizations, and community institutions should develop clear referral procedures. Such a network would ensure that children and victims are not left to navigate institutional fragmentation independently. The objective is not to create another bureaucracy but to clarify responsibilities and ensure continuity from the first police report through post-diversion monitoring.

Third, victims should receive independent information and support. Participation in diversion must be informed and voluntary. Victims should understand the purpose of diversion, possible outcomes, and their right to express their concerns. Independent victim assistance can reduce the risk of coercion and help balance negotiations. This is especially important where the families of victims and children have substantially different economic or social resources.

Fourth, community participation should be institutionalized through trained community-based actors. Village officials, youth workers, educators, and community organizations can assist with reintegration and monitoring. However,

they should receive guidance concerning confidentiality and child rights. Community participation should never involve public humiliation or permanent labeling. The objective should be reintegration rather than informal punishment.

Fifth, post-diversion monitoring should become a measurable component of juvenile justice policy. Institutions should collect anonymized information concerning completion of agreements, school reintegration, victim satisfaction, family support, and subsequent offending. Monitoring data can help policymakers determine which forms of diversion are most effective in particular communities. Such evidence-based evaluation would also strengthen public confidence in restorative justice.

Limitations

This study has several limitations. First, its socio-legal design emphasizes qualitative understanding rather than statistical measurement of diversion outcomes. The study therefore does not seek to establish a numerical success rate for diversion in Sleman Regency. Instead, it examines the institutional and social processes that influence diversion. Future research could complement this approach through quantitative analysis of police records, diversion agreements, completion rates, victim satisfaction, and subsequent offending. Such research would make it possible to compare different categories of juvenile cases and identify factors associated with successful or unsuccessful diversion.

Second, access to juvenile case information is inherently limited by confidentiality requirements. This is ethically appropriate but can restrict the availability of detailed documentary evidence. Future research could develop anonymized longitudinal datasets in cooperation with relevant institutions. Such datasets could examine whether diversion agreements are completed, whether children remain in education, whether victims report satisfaction, and whether children subsequently come into conflict with the law. Longitudinal research would be particularly valuable because restorative justice should ultimately be evaluated through long-term outcomes rather than immediate case closure.

Third, future research should examine the perspectives of children more extensively. Institutional research often emphasizes police, judges, lawyers, or parents while treating children as passive recipients of justice. Yet children experience diversion directly. Their understanding of responsibility, apology, restoration, family support, and community acceptance may differ significantly from adult interpretations. Child-centered empirical research can therefore provide a deeper understanding of whether diversion actually achieves its developmental objectives.

Conclusion

Diversion represents one of the most important transformations in Indonesia's juvenile criminal justice system because it provides a legal mechanism for addressing children's wrongdoing without automatically subjecting them to formal

criminal proceedings. Law Number 11 of 2012 establishes a framework centered on restorative justice, child protection, accountability, and community participation. However, the existence of a diversion mechanism does not guarantee that every diversion process is genuinely restorative. Its effectiveness depends upon how police investigators, families, victims, correctional counselors, social workers, and community actors understand and implement the process. The police level is particularly significant because it represents the first institutional gateway through which children encounter the criminal justice system. Police investigators can either reinforce a punitive model or create the conditions for restorative engagement. Their responsibilities therefore extend beyond determining legal eligibility. They must communicate with children appropriately, protect victims, identify relevant social circumstances, facilitate balanced participation, and coordinate with institutions capable of supporting reintegration. The study further demonstrates that communities should not be treated as peripheral actors. Families, schools, neighborhood institutions, community organizations, and local leaders can provide the social resources necessary for successful reintegration. Yet community involvement must be structured carefully because communities can also reproduce stigma and unequal power. Restorative participation must therefore remain voluntary, informed, confidential, and consistent with children's rights.

Ultimately, successful diversion should not be measured simply by the number of juvenile cases diverted from formal proceedings. The more meaningful question is whether diversion repairs harm, develops accountability, protects the child, recognizes the victim, and enables successful reintegration. A diversion agreement that ends a police investigation but leaves the underlying social problems unresolved is only procedurally successful. A genuinely restorative diversion process should create a pathway through which the child can acknowledge wrongdoing, the victim can obtain meaningful restoration, families can strengthen their support, and communities can participate in rebuilding social relationships. For Sleman Regency, strengthening diversion therefore requires movement from procedural diversion toward community-supported restorative justice. This transformation requires professional police facilitation, meaningful victim participation, child-centered assessment, family engagement, community support, and systematic post-diversion monitoring. When these elements are integrated, diversion can become more than an alternative to prosecution. It can become a mechanism through which children are held accountable without being permanently defined by their mistakes and through which communities participate actively in producing safer and more inclusive forms of justice.

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