

Diversion Taken for the Case of Violence Committed by Children

Haris Tofly^{1*}, Nyadina Eka Santi²

^{1,2}Faculty of Law, University of Muhammadiyah Malang, Malang

*Corresponding: haris_fh@umm.ac.id

Abstract

This research seeks to investigate, study, and analyse the diversion taken in the case of violence committed by children in the Sub-Regional Police Department in Malang City. This is socio-empirical research entailing direct observation in the Sub-Regional Police Department in Malang City, aiming to delve into the problems discussed. The research materials consist of primary and secondary data obtained directly and indirectly. The analysis results reveal that the process of diversion in the case of violence committed by children should take into account deliberation involving both victims and perpetrators along with their parents/guardians, social welfare personnel, and the members of the public. Some measures of diversion work as expected when redress could be obtained, while others fail when family members of the victims insist on bringing the case to court. The diversion process should also take into account mentorship for the victims and their rights, where direct protection is provided. A legal advisor or a psychologist can facilitate this mentorship. Diversion is intended to teach children to be responsible for what they have committed to ensure that the objectives of diversion enshrined in the Law concerning the Judicial System of Juvenile Crime are attained.

Keywords: Child; Diversion; Violence.

Abstrak

Penelitian ini bertujuan untuk mengetahui, mengkaji, dan menganalisis diversi yang dilakukan dalam kasus kekerasan yang dilakukan oleh anak di wilayah hukum Polres Kota Malang. Penelitian ini merupakan penelitian sosio-empiris dengan melakukan observasi langsung di Kepolisian Sektor Kota Malang, yang bertujuan untuk mendalami permasalahan yang dibahas. Bahan penelitian terdiri dari data primer dan sekunder yang diperoleh secara langsung dan tidak langsung. Hasil analisis menunjukkan bahwa proses diversi dalam kasus kekerasan yang dilakukan oleh anak harus memperhatikan musyawarah yang melibatkan korban dan pelaku beserta orang tua/wali, tenaga kesejahteraan sosial, dan masyarakat. Beberapa langkah diversi berhasil seperti yang diharapkan ketika ganti rugi dapat diperoleh, sementara yang lain gagal ketika anggota keluarga korban bersikeras untuk membawa kasus tersebut ke pengadilan. Proses diversi juga harus mempertimbangkan pendampingan bagi para korban dan hak-hak mereka, di mana perlindungan langsung diberikan. Seorang penasihat hukum atau psikolog dapat memfasilitasi pendampingan ini. Diversi dimaksudkan untuk mengajarkan anak untuk bertanggung jawab atas apa yang telah mereka lakukan untuk memastikan bahwa tujuan diversi yang tercantum dalam Undang-Undang Sistem Peradilan Pidana Anak tercapai.

Keywords: Anak; Diversi; Kekerasan.



This work is an open access article under the [Creative Commons Attribution-ShareAlike 4.0 Generic License](https://creativecommons.org/licenses/by-sa/4.0/)

A. INTRODUCTION

The existence of children represents the continual survival of human beings, contributing to the nation's existence.^{1,2,3} Children hold a strategic role, implying that the state guarantees the right of every child to life sustainability, growth, development, and protection against violence and discrimination.^{4,5} Children are entitled to protection against negative impacts arising from urgent development, globalisation in communication and information, advancement of sciences and technology, and shifting lifestyle of some parents, all resulting in fundamental social changes that heavily influence children's values and behaviour. Deviated attitudes or offences children commit can be caused by external factors.

Children conflicting with the law represent poor members of society with poor physical, mental, and social conditions, thereby needing special attention in handling such a situation. Appropriately protected children can be a good source of excellent generation the state has always needed.^{6,7} Poor physical, mental, and social maturity will require special attention and legal protection for the children before and after they are born.⁸ Children should be entitled to special protection and access to opportunities guaranteed under the law or other facilities to help them grow and develop physically, mentally, and socially.

Juvenile among children may be uncovered by conducting research that investigates the apparent nature of children who are at the stage of puberty. This stage is marked by a stronger sense of dignity and prestige in children. At this pubertal stage, they will tend to show off amidst the trend where people are flaunting their prosperity, being immature and unstable. This situation may easily lure them to avariciousness. Most children at the stage of facing puberty do not earn money on their own, while their desire to flaunt what they wear, to have fun and merrymaking is strong enough to heighten their dignity. This tendency pushes them to get all

¹ Novita Rindi Pratama, "Diversi Terhadap Anak Pelaku Tindak Pidana Dalam Sistem Peradilan Pidana Anak," *Aktualita (Jurnal Hukum)* 1, no. 1 (June 2018): 242–60, <https://doi.org/10.29313/aktualita.v1i1.3721>.

² Gede Agus Sukawantara, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani, "Anak Sebagai Korban Tindak Pidana Perdagangan Orang Menurut Undang-Undang No. 35 Tahun 2014," *Jurnal Konstruksi Hukum* 1, no. 1 (August 2020): 220–26, <https://doi.org/10.22225/jkh.1.1.2138.220-226>.

³ Amanda Tikha Santriati, "Perlindungan Hak Pendidikan Anak Terlantar Menurut Undang Undang Perlindungan Anak," *El Wahdah* 1, no. 1 (2020): 1–13, <https://doi.org/10.35888/elwahdah.v1i1.4049>.

⁴ Risna Sidabutar and Suhatrizal Suhatrizal, "Perlindungan Hukum Terhadap Anak Yang Melakukan Tindak Pidana Pencabulan Pada Putusan No.2/Pid.Sus/2014PN.Mdn," *Jurnal Ilmiah Penegakan Hukum* 5, no. 1 (January 2019): 22, <https://doi.org/10.31289/jiph.v5i1.1976>.

⁵ Erwin Asmadi, "Perlindungan Hukum Bagi Anak Sebagai Saksi Dalam Pemeriksaan Perkara Pidana," *Iuris Studia: Jurnal Kajian Hukum*, September 2020, <https://doi.org/10.55357/is.v1i2.30>.

⁶ Firman Mansir, "Tantangan Dan Ancaman Anak Indonesia: Potret Pendidikan Nasional Era Digital," *PAUDIA : Jurnal Penelitian Dalam Bidang Pendidikan Anak Usia Dini* 11, no. 1 (June 29, 2022): 387–99, <https://doi.org/10.26877/paudia.v11i1.9990>.

⁷ Mila Rizki Aulia, "Perlindungan Terhadap Anak Dalam Kerangka Hukum Dan Pemenuhan Hak-Hak Dasar," *Transparansi Hukum*, 2022, <https://doi.org/10.30737/transparansi.v0i0.3718>.

⁸ M Bagus Pujianto and Mukayat Al-Amin, "Konsep Pengasuhan Alternatif Perspektif UU Perlindungan Anak Dan Hukum Islam," *Al-Hikmah: Jurnal Studi Agama-Agama* 2, no. 2 (2016), <https://doi.org/10.30651/ah.v2i2.1106>.

fulfilled. Inability to control their desire and poor parental supervision will possibly trigger crimes.⁹

Criminal offences are not only restricted to adults, and the number of cases of juvenile crimes has been on the rise. Juvenile crimes keep increasing every year, and such crimes are increasingly more sophisticated in terms of quality or modus operandi.^{10,11} These crimes have become a concern among parents. Thus, urgent measures for preventing and mitigating juvenile crimes need to occur.

The judicial system of juvenile crimes takes more than sanction imposition on children; it also now considers the wellbeing of the children as criminal offenders. At a national level, the administration of this judicial system prioritises children's wellbeing.

Law Number 3 of 1997 concerning Youth Court specifies the protection of children facing legal issues to ensure that children are given a chance to turn into better, more responsible, and independent individuals who can make contributions to their families, society, and the nation. However, children are often faced with measures that tend to put them as aggrieved parties, particularly for children dealing with legal issues. Furthermore, the law mentioned is no longer relevant to the current legal needs in society in terms of the roles and tasks of the members of the public, the government, and other state institutions that should be accountable for the children concerned.

Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime provides the solution to the social and governmental needs, considering that this law guarantees the protection of children facing legal problems. Article 1 paragraph 1 of this Law asserts that the judicial system of juvenile crime represents the whole entity to resolve the legal issues that children have to deal with. This entity entails investigation processes to counselling after they serve their criminal sentence.

Many amendments have been made to the new law, one of which is the diversion to settle juvenile cases outside courts. Diversion in the national legal instrument was in place after Law Number 11 of 2012 was enacted. Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion and the Handling of the Child Under Twelve Years Old and the Supreme Court Regulation Number 4 of 2014 concerning Implementation of Diversion also regulate diversion-related matters in the judicial system of juvenile crime. Furthermore, the enforcement of restorative justice involving stakeholders and the public in helping restore conditions is also taken into account. The birth of this new law is expected to allow for just legal fundamentals for all, especially for children faced with legal problems at the age where they need affection, attention, and advice from the people around them to shape them into intellectual, independent, noble, and responsible individuals with the capability of contributing to their families, society, and the nation.¹²

⁹ Yeni Yasyah Sinaga Yasyah Sinaga, "Faktor Penyebab Tingginya Kenakalan Dan Kriminalitas Remaja Pada Masyarakat," *Dakwatul Islam* 7, no. 1 (December 2022): 1–20, <https://doi.org/10.46781/dakwatulislam.v7i1.582>.

¹⁰ Deny Albar, "Tinjauan Yuridis Penegakan Hukum Terhadap Peredaran Narkotika Di Kalangan Remaja Menurut Undang Undang Narkotika (Studi Kasus Di Polres Aceh Timur).," *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 22, no. 1 (2022): 107–36, <https://doi.org/10.30743/jhk.v22i1.6038>.

¹¹ Mohammad Mashulin Amjad, "Tinjauan Yuridis Sanksi Rehabilitasi Terhadap Pengguna Narkotika," *Jurnal JURISTIC* 1, no. 02 (August 2020): 206, <https://doi.org/10.35973/jrs.v1i02.1652>.

¹² Angger Sigit Pramukti, "Sistem Peradilan Pidana Anak," 2015.

Diversion is intended to guarantee the legal protection of children facing legal processes in Indonesia's judicial system of juvenile crime.^{13,14,15} By applying diversion in investigations, both diversion and restorative justice approaches aim to divert the case settlement from the court, prevent them from stigma, and normally reintegrate them into society.¹⁶ Restorative justice is a process requiring the participation of all parties involved in particular criminal offences with the hope of settling the dispute for the better for the victims, young offenders, and the members of the public and to provide solutions without any retaliation.^{17,18,19}

Diversion allows law enforcers to settle disputes among children without the court's intervention, thereby allowing for the reintegration of the children into society or other social services.²⁰ The process of implementing diversion should be given at all stages of enquiries to avert court processes.

Data on mass media report that some diversion practices have failed, as what happened in the Sub-Regional Police Department in Malang City. From 2019 to 2022, there had been increases in the cases of violence committed by children in the city.²¹ Diversion failed in the case faced by a teenage girl in Malang. Another failure is related to bullying against a year-two secondary school student in Malang City.

A juvenile crime may involve a child as an offender or a victim, and often the offender is punished with imprisonment. However, Law Number 11 governs diversion to settle cases involving young offenders, diverting them from punitive measures and court intervention to settlement outside courts. Article 8 (1) of Law Number 11 particularly mandates diversion, which states explicitly that diversion takes deliberation that entails the participation of the offender and his/her parents/guardians, the victim and his/her parents/guardians, social advisors, and professional social workers with restorative justice serving as the basis for the settlement.

¹³ Candra Hayatul Iman, "Kebijakan Hukum Pidana Perlindungan Anak Dalam Pembaruan Sistem Peradilan Pidana Anak Di Indonesia," *Jurnal Hukum Dan Peradilan* 2, no. 3 (April 23, 2018): 358, <https://doi.org/10.25216/jhp.2.3.2013.358-378>.

¹⁴ Fiska Ananda, "Penerapan Diversi Sebagai Upaya Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana," *Jurnal Daulat Hukum* 1, no. 1 (March 2018), <https://doi.org/10.30659/jdh.v1i1.2566>.

¹⁵ Azwad Rachmat Hambali, "Penerapan Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana," *Jurnal Ilmiah Kebijakan Hukum* 13, no. 1 (March 2019): 15, <https://doi.org/10.30641/kebijakan.2019.V13.15-30>.

¹⁶ Rise Karmilia and Dani Kurniawansyah, "Kebijakan Sistem Pemidanaan Dalam Upaya Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana," *Journal Of Juridische Analyse* 1, no. 01 (January 2022): 1–13, <https://doi.org/10.30606/joja.v1i01.1156>.

¹⁷ Aryani Witasari and Muhammad Sholikul Arif, "Implementasi Diversi Guna Mewujudkan Restorative Justice Dalam Sistem Peradilan Pidana Anak.," *Jurnal Hukum* 35, no. 2 (December 2019): 165, <https://doi.org/10.26532/jh.v35i2.11052>.

¹⁸ Henny Saida Flora, "Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia," *University Of Bengkulu Law Journal* 3, no. 2 (October 25, 2018): 142–58, <https://doi.org/10.33369/ubelaj.3.2.142-158>.

¹⁹ Hanafi Arief and Ningrum Ambarsari, "Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia," *Al-Adl: Jurnal Hukum* 10, no. 2 (August 13, 2018): 173, <https://doi.org/10.31602/al-adl.v10i2.1362>.

²⁰ Trisno Raharjo and Laras Astuti, "Konsep Diversi Terhadap Anak Penyandang Disabilitas Sebagai Pelaku Tindak Pidana Dalam Sistem Peradilan Pidana Anak," *Jurnal Media Hukum* 24, no. 2 (2017), <https://doi.org/10.18196/jmh.2017.0094.181-192>.

²¹ Natasya Aurora Ramadhani, "Penerapan Diversi Di Tingkat Penyidikan Pada Tindak Pidana Kekerasan Antar Anak Di Malang Raya," *Brawijaya Law Student Journal*, 2023.

Punitive measures will undoubtedly have other impacts on children, leaving them exposed to evil influences when serving as inmates in correctional facilities. Such possible threats render diversion necessary to settle the disputes mentioned above. Departing from this research background, therefore, this research seeks to investigate how the deliberation should be administered in the process of diversion in violence committed by children in the Sub-Regional Police Department of Malang City; whether this deliberation involves social welfare staff and/or the members of the public; and whether the deliberation about the process of diversion at an enquiry stage considers the interest of the victim, the wellbeing/responsibility of children, stigma prevention, and retaliation prevention.

B. METHOD

This research employed an empirical method, supported by a sociological approach. This approach sees law as a social phenomenon and reality and how it is mutually connected to the systems outside the law.²² Such a phenomenon may be represented by the behaviour of an individual, a group, or an institution, and public attitudes.²³ Sociologically, this research studies the implementation of diversion in the Sub-Regional Police Department in Malang City regarding offences committed by children. This approach required researchers to get directly involved to garner data from the intended objects.

C. RESULTS AND DISCUSSIONS

1. Deliberation as part of the Process of Diversion in the Case of Violence Committed by Children in Sub-Regional Police Department of Malang City

The incidence of juvenile crimes rises every year, triggering authorities to take measures to prevent or mitigate these cases. To avert any negative impacts arising from legal processes involving youth court or stigma following the process, diversion must be considered to protect children. Diversion requires the participation of law enforcers, including police, prosecutors, and general court personnel or wardens in charge of correctional facilities. Diversion is expected to curtail negative impacts on children when the case involves proceedings.^{24,25}

Diversion, as known, is the authority given to law enforcers to resolve criminal disputes by ceasing or continuing the case to the court with particular measures involved according to pertinent regulatory provisions. When the case has to be brought further to the court, criminal sanctions are imposed. Still, when the case ceases at an enquiry stage, there is a chance to restore the relationship between the offender and the victim for the interest of both parties. Such

²² Kornelius Benuf and Muhammad Azhar, "Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer," *Gema Keadilan* 7, no. 1 (2020): 20–33, <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

²³ Irwansyah, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*, ed. Ahsan Yunus (Yogyakarta: Mirra Buana Media, 2020).

²⁴ Amelia Haryanti, "Konsep Diversi Sebagai Bentuk Kebijakan Sanksi Cyber Crime Terhadap Anak Di Bawah Umur," *Jurnal Pendidikan Kewarganegaraan* 6, no. 2 (September 2019): 105, <https://doi.org/10.32493/jpkn.v6i2.y2019.p105-122>.

²⁵ Nyadina Eka Santi, "Pengaturan Diversi Terhadap Anak Yang Melakukan Tindak Pidana Berdasarkan Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Pidana Peradilan Anak," *Transparansi Hukum* 6, no. 2 (2023): 112–37, <https://doi.org/10.30737/transparansi.v6i2.4879>.

diversion is taken as the principle of the state for the wellbeing of the children involved and to clean the name of the children concerned, while preventing them from repeating offences.

As specified in Article 1 point 7 of Law Number 11 of 2012, diversion is designed to divert a criminal case with a child as an offender from any intervention of the court, congruous with the statement outlined in Article 1 (6) of Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion and the Handling of the Child Under Twelve Years Old.

In other words, diversion is also defined as granting authority to law enforcers to demonstrate the policy of settling the criminal dispute without any court intervention and to continue the settlement outside the court or make the children engage in community services while reintegrating them into society.

Criminal offences committed by children in Malang City are no longer novel. Violence is no longer restricted to adults; children are involved in such a crime. Unlike adults, children still need more attention and affection and need support with which they grow.²⁶ They are more likely to commit immoral conduct due to limited knowledge about life reality. This condition also makes them more prone to negative influences from their surroundings. It is, however, common for children to have no clear ideas about the right and wrong.

The following Table 1 shows the record of criminal violence among children in the Sub-Regional Police Department of Malang City.

Table 1. Violence Committed by Children in Malang City

2020						
No.	Year	Number of Offenders	Offender	Violated Article	Diversion succeeded	Diversion failed
1.	2020	7	Child	Article 80 paragraph (2) of Law Number 35 of 2014 concerning Child Protection	Succeeded	-
2.	2020	1	Child	Article 170 paragraphs (1) and (2) of the Penal Code	Succeeded	-
3.	2020	1	Child	Article 170 paragraphs (1) and (2) of the Penal Code	-	Failed
Total					2	1

Source: Sub-Regional Police Department of Malang City

The Table 1 shows that in 2020, three cases of violence were committed by children in Malang City, with two instances successfully diverted and one case failed.

One of the police tasked in the Investigation Unit of Women and Children Services (PPA) explained how a violence case took place, involving a child as an offender. The case happened in 2020 when MS (13) was waiting for *ashar* prayer time in a small mosque in SMP Negeri 16 Malang (a secondary school). While waiting in the queue, one of his friends came towards MS and deliberately stepped over one of his hands. MS shouted while his friend came to his other friends to ask them to join in bullying MS. Soon they approached MS for more bullying by

²⁶ Novrianza Novrianza and Iman Santoso, "Dampak Dari Pelecehan Seksual Terhadap Anak Di Bawah Umur," *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 1 (2022): 53–64, <https://doi.org/10.23887/jpku.v10i1.42692>.

carrying him to the school garden and swung MS before they released him onto the pavement. They picked MS, repeated the action, and threw MS onto flower pots. This act injured one of the victim's fingers on his right hand and, as a consequence, traumatised, he had to have it amputated.

Not until did the PPA convince the family by explaining that the bullies were underage and needed guidance, the family agreed to take diversion. Following this agreement, the families of the bullies agreed to pay Rp. 13,000,000 as redress accumulated from seven families to replace medical expenses, with the hope that it deterred the bullies.

In another similar case involving an underage offender and a victim, diversion was successfully taken with the agreement of both parties. As above, redress was also paid to compensate for the medical expenses. In this case, the offender violated Article 80 paragraph (2) of Law Number 35 of 2014 concerning Child Protection. Since it reached diversion, the case was discontinued without further prosecution.

A case of violence involving NB (15) against TD (13) as a victim is an example showing an unsuccessful diversion in 2020. The parents/guardians of the victim refused to have diversion, considering that their child was beaten, and it caused a traumatic condition which made him hesitate to come back to school. Following this issue, the parents insisted on bringing this case further to the court. This refusal, therefore, caused the diversion to fail, and this violence also violated Article 170 paragraph 91) and (2) of the Penal Code.

Table 2. The Incidence of Violence as a Crime Committed by Children in Malang City

2021						
No.	Year	The Number of Offenders	Offender	Violated Article	Diversion succeeded	Diversion failed
1.	2021	7	Child	Article 80 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection and/or Article 170 paragraph 2 of the Penal Code and/or Article 33 paragraph 2 of the Penal Code. Article 81 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection	-	Failed
2.	2021	1	Child	Article 80 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection	-	Failed
3.	2021	1	Child	Article 80 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection	-	Failed

4.	2021	5	Child	Article 170 paragraphs (1) and (2) of the Penal Code	Succeeded	-
Total					1	3

Source: Sub-Regional Police Department of Malang City

Another case of violence happening in 2021 involved a thirteen-year-old victim living in one of the orphan houses in Malang City. It began with the victim visiting Y, an offender, who walked the victim around the house until Y attempted to rape the victim while threatening her with a knife. The victim was bound and gagged. Amidst Y’s attempt, Y’s wife found him with another girl in the house. S, Y’s wife, collected her friends and banged the door while swearing and cursing her husband. The victim was taken to a quiet housing area and she was confronted and abused; the victim was beaten, kicked, mocked, and her hair was pulled by S’s friends, and this scene once went viral on social media.

Of the seven bullies involved, six were arrested and detained in the Sub-Regional Police of Malang City because the other one was still under 14. Three of them came as witnesses earlier and were sent back to their parents because they did not play any role in this case. Six children in the case were punished under Article 80 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection and Article 170 paragraph 2 of the Penal Code and/or Article 33 paragraph 2 of the Penal Code which threatens defendants with seven years imprisonment. Y, suspected as a rapist against a child, was punished under Article 81 of Law Number 35 of 2014 concerning Amendment to Law Number 23 of 2002 concerning Child Protection with five to fifteen years of imprisonment.

The victim was prone to traumatic conditions. In the diversion process, the mother of the victim refused to reconcile with the offender and insisted on not forgiving what the bully had committed to her girl. The mother expressed her emotional feelings over what happened to her girl and was concerned about the trauma her girl is experiencing for life. The diversion took place in the Police Department of Malang, but it did not reach an agreement since the mother refused to have the diversion. As a consequence, the case was transferred to the general prosecutors.

Another case involved HE (14) and a victim, SB (12). The scene began with a joke that went too far at school. HE’s joke offended SB and he retaliated the insult. HE took offence and he approached SB and hit him in the face, leaving a bruise on his face. SB refused to come to school in the following days since he was afraid it would happen again. HE violated Article 80 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection and a diversion was requested. However, the parents of the victim refused diversion, and this case was brought further to the court.

In another case, KZ (15) injured AY (14), causing prolonged trauma for the victim. This condition made the aggrieved parties reluctant to take a diversion. That is, the diversion was rejected, and KZ was charged and punished under Article 80 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection.

The Police Department of the city also recorded successful diversion in 2021 following cases involving underage children in a brawl, starting with an insult in a martial arts school in Malang. This case was settled with diversion where redress was provided for the victim

suffering from the bruise on his face. This conduct violated Article 170 of the Penal Code, and the diversion was taken to get the case settled.

Table 3. Incidence of Violence Involving Children in Malang City

2022						
No.	Year	The Number of Offenders	Offender	Violated Article	Diversion succeeded	Diversion failed
1.	2022	4	Child	Article 80 paragraphs (1) and (2) of Law Number 35 of 2014 concerning Child Protection	-	Failed
2.	2022	7	Child	Article 80 paragraph (1) and (2) of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection and/or Article 170 paragraph 2 concerning Penal Code	-	Failed
3.	2022	1	Child	Article 80 paragraphs(1) and (2) in conjunction with Article 76C of Law Number 23 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection	-	Failed
4.	2022	1	Child	Article 80 paragraph (1) Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection	Succeeded	-
5.	2022	1	Child	Article 80 paragraph (1) of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection	Succeeded	-
Total					2	3

Source: Sub-Regional Police Department of Malang

A victim called ABS was bullied by four of his friends. The scene started with one of them borrowing the victim's smartphone to access a porn video. When the victim took the phone back, his friends bullied the victim, twelve years old, with pillows and they poured some powder on his head before he was finally stripped naked. The footage shows the victim as bewildered and crying. It was also found that he was tortured with a lit cigarette. All the bullies were threatened with a maximum of three years and six months of imprisonment under Article 80 paragraph 1 of Law Number 35 of 2014 concerning Child Protection. Following the bullying, the victim suffered from headaches and was hospitalised. He was also found developing anxiety which held him back from being outside the house due to trauma. The victim chose to play

games at home instead of going to school. The diversion of this case failed, and the case was transferred to the court.

Some children in year six of elementary school bullied their year-two junior of the same school called MWF. This bullying began with the victim often giving impolite remarks to his seniors. This insult sparked retaliation from the seven seniors, and his head and chest were injured. The victim was severely distressed after bullying. The bullies were punished under Article 80 of Law Number 35 of 2014 concerning the Amendment to Article 170 paragraph 2 of the Penal Code. Diversion was requested but refused by the parents of the victim.

Another violence took place in an Islamic Boarding School An-Nur 2 Bululawang, the Regency of Malang, where DFA (12) as the victim was accused of reporting KR (14) for skipping school and smoking at school to the school principal. However, it turned out that it was not DFA who reported his friend. Following the information given by KR's two friends, he approached DFA after school hours and repeatedly beat the victim. KR hopped onto the desk and kicked the DFA, while the victim, urinating in his pants, begged KR to stop the torture but it was ignored. He broke his nasal bones, and this torture caused bruises in some parts of the victim's body and traumatised the victim. In such a distressing condition, the victim needs counselling with a psychologist to help him recover. This conduct was punishable under Article 80 paragraphs (1) and (2) in conjunction with Article 76C of Law Number 23 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection. The offender was threatened with three years and six months of imprisonment and a Rp. 72,000,000 fine. Diversion was requested but refused, and the case continued with a prosecution.

In 2022, GH (15) bullied DA (13) in a classroom, leaving some bruises on the face of the victim. However, both parties and their parents/guardians arranged a meeting and the diversion was requested and agreed upon by both parties and their parents/guardians. Following this bullying, a redress was provided to cover medical expenses for the victim. This conduct violated Article 80 paragraph (1) of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection. Another case of violence also began with a fight between two children following insults. This fight injured one of them as the victim, and his parents reported this case to the local police. Considering that the children are underage, diversion was requested. Following this diversion request, a redress was provided for the victim. This violence violated Article 80 paragraph (1) of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child Protection.

Table 4. The Incidence of Violence Committed by Children in Malang City

2023						
No.	Year	The Number of Offenders	Offender	Violated Article	Success	Failure
1.	2023	1	Child	Article 170 paragraphs (1) and (2) concerning Penal Code and Article 262 of Law Number 1 of 2023	-	Failed
2.	2023	1	Child	Article 170 paragraphs (1) and (2) concerning Penal Code	-	Failed
3.	2023	1	Child	Article 80 paragraphs (1) and (2) of Law Number 35 of 2014	-	Failed

concerning the Amendment to Law Number 23 of 2002 concerning Child Protection						
4.	2023	1	Child	Article 80 paragraph (1) of Law Number 35 of 2014 concerning Child Protection	Succeeded	-
Total					1	3

Source: Sub-Regional Police Department of Malang City

In 2023, a violence case involved a secondary school student in Malang City. The violence happened at night, when a victim called HS (14), a student of SMP 12 Malang, was suspected of hitting SK (15) a student of SMP 19. There were fifteen other students only watching the victim being beaten. The victim's head was injured and bleeding since it was hit with a solid object. HS explained this scene began with a problem escalating during a basketball tournament between basketball teams of SMP 12 and SMP 19. One of the supporters of SMP 12's basketball team mocked the supporters of SMP 19. SK thought that it was initiated by HS, contrary to the fact that HS is a taciturn individual. The scene happened at paddy fields, where HS was beaten in the head while he covered it only with his barehanded hands. Amidst this fight, HS kept apologising but it was ignored by SK. HS fell to the ground with his motorbike. He tried to get up and put his motorbike upright but soon SK knocked him out with a solid object right in the head, causing more bleeding. Following this case, diversion was requested but refused by the parents of the victim, letting the case continue to a prosecution.

Another case of bullying happened to R (1) as the victim, a year-four student in a Primary School Madrasah Ibtidaiyah (MI) Roudlotut Tholibin. It left a scar due to a cut on his cheek in the fight with his friend. It happened after school hours. The young offender was found playing with his other friends near a trash bin, and one of his friends, the victim, warned him to be more careful with the dirt from the bin. However, the other friend took offence to this warning and approached the victim and started kicking him. The victim managed to avert it and retaliated by beating his friend. The victim decided to come inside the building but his friend chased after him, and another friend grabbed the victim's hand but he managed to escape as he rebelled. Soon the offender took a small knife and cut the victim's cheek. Due to this incident, the cut had fifteen stitches. H, a year-six student in a primary school, was alleged to have tortured R, his junior. This incident represents a violation of Article 170 paragraphs (1) and (2) of the Penal Code. Diversion was requested but refused by the victim's parents.

Another violence also happened to an Islamic school student in one of the Islamic boarding schools in Malang City, the District of Lawang. On 4 December 2023, in a laundry room of the boarding school, ST (15), the victim, asked the suspect AF (18) for help to wash his clothes. AF took offence and he started bullying the victim with a steam iron and it left blisters on the victim's chest. It was found that the bully frequently hurt the victim verbally and beat him. This incident was requested for diversion, involving the local police and the manager of the boarding school, Babul Khairat. On 21 February 2024, the diversion was refused and the case continued to a prosecution. Following this incident, the offender was punished under Article 80 paragraph 1 of Law Number 35 of 2014 concerning the Amendment to Law Number 23 of 2002 concerning Child

Protection, according to which the offender was imprisoned for three years and six months. Article 80 paragraph 2 of the same law also specifies five-year imprisonment.

In 2023, a victim called NH (14) and an offender DK (15) played along at school, but their time spent together sparked conflict, where the offender bullied the victim, causing bruises near one of the eyes of the victim. The victim also suffered from a headache. This incident represents a violation of Article 80 paragraph (1) of Law Number 35 of 2014 concerning Child Protection. However, the diversion was requested and succeeded. Upon the agreement made by the two parties, a redress was provided to cover medical expenses following the impacts caused. The case ceased following the diversion.

The data of the Sub-Regional Police Department of Malang City from 2020-2023 show that sixteen incidences of violence involved children, with six cases managing to reach diversion, and ten cases failing the diversion. The violence above violates Article 170 paragraphs (1) and (2) of the Penal Code:

- 1) Persons who with united forces openly commit violence against persons or property shall be punished by a maximum imprisonment of five years and six months.
- 2) The offenders shall be punished:
 1. By a maximum imprisonment of seven years, if he intentionally destroys property or if the violence committed by him results in a physical injury;
 2. By a maximum imprisonment of nine years, if said violence results in a serious physical injury;
 3. By a maximum imprisonment of twelve years, if said violence results in death.

The data also indicate that the violence as above violates Article 80 paragraphs (1) and (2) of Law Number 35 of 2014 concerning Child Protection:

Article 80 paragraph (1) of Law Number 35 of 2014 states “every person who violates the provision as referred to in Article 76c, is sentenced with a maximum imprisonment of three years and six months and/or the maximum fine of Rp. 72,000,000”.

Article 80 paragraph (2) of Law Number 35 of 2014 states “If the child as referred to in paragraph (1) suffers from severe injuries, the offender must be punished by the maximum imprisonment of five years and/or a maximum fine of Rp. 100,000,000.

The above case shows that diversion can still be provided, considering that diversion can be requested for the case with imprisonment under seven years.

In the interview, speaker argued that the criminal case involving a child sentenced to under seven years of imprisonment could be requested diversion to minimise the negative effects arising from getting involved in court. This measure is intended to give a chance to be a better individual for the child concerned. The diversion is taken for the case involving children as offenders simply because they, at their age, are not quite knowledgeable about the law (Yana, 2024).

Article 1 paragraph (7) of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime states that diversion is taken to resolve the criminal dispute involving children to avert court intervention. Article 1 (6) of Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion and the Handling of Children under Twelve Years Old implies that diversion is intended to divert the case from prosecution at a criminal court.

According to the United Nations Standard Minimum of Rules for the Administrator of Juveniles Justice (The Beijing Rules), diversion is to authorise law enforcers to take measures of policy to tackle or resolve violations committed by children without involving any formal pathways or by ceasing the case from reaching prosecution at a court or by reintegrating young offenders to their society to serve in community service. The diversion entails investigations to curtail the negative impacts of the involvement of the court in the case that young offenders are dealing with.²⁷

The objectives of the diversion are elaborated further in Article 6 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime:

- a. fostering reconciliation between an offender and a victim;
- b. settling the case outside the court;
- c. protecting the freedom of the children;
- d. encouraging the members of the public to participate; and
- e. instilling a sense of responsibility in children.

Article 2 of Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion and the Handling of Children under Twelve Years Old implicates that diversion is intended to:

- a. foster reconciliation between an offender and a victim;
- b. settle the case outside the court;
- c. protect the freedom of the children;
- d. encourage people to participate;
- e. instil a sense of responsibility in children.

Diversion can also be understood as a way of guaranteeing justice by implementing appropriate law enforcement and minimising court intervention.²⁸ This approach is expected to give a way out to children involved in a criminal offence to ensure that they have the chance to behave better for better individuals in the time to come without involving any formal pathways of criminal dispute resolution. That is, diversion is intended to ensure that children involved in a criminal offence are treated fairly.²⁹

Diversion was to be given to a young offender committing a misdemeanour or sentenced to under-seven-year imprisonment. In other words, diversion is not for serious criminal cases, including, inter alia, murder, rape, and illicit drug distribution, all sentenced to imprisonment of over seven years. She further said that diversion was possibly applied in a crime committed by a repeated offender unless the diversion taken in the first offence had not been officially declared in a written statement (Yana, 2024).

Article 7 of Law Number 11 of 2012 implies that: (1) at the stage of enquiry, prosecution, and investigation in the District Court, an attempt of diversion is highly encouraged; (2) diversion as intended in paragraph (1) is applied for criminal offences: a. sentenced to under-seven-year imprisonment; and b. not as repeated offences.

²⁷ Nikmah Rosidah, "Sistem Peradilan Pidana Anak," *Bandar Lampung: Aura Publishing*, 2019.

²⁸ Mita Dwijayanti, "Penetapan Diversi Terhadap Anak Yang Terlibat Narkotika," *Perspektif Hukum*, 2017, [186–204](https://doi.org/10.30649/ph.v17i2.69), <https://doi.org/10.30649/ph.v17i2.69>.

²⁹ Randy Pradityo, "Restorative Justice Dalam Sistem Peradilan Pidana Anak," *Jurnal Hukum Dan Peradilan* 5, no. 3 (November 30, 2016): 319, <https://doi.org/10.25216/jhp.5.3.2016.319-330>.

Diversion was implemented according to the age of the child since the age factor should determine whether the diversion is applicable. The younger the offender is, the more possible the diversion is applied. When age is the case, the birth certificate of the child concerned can be shown to confirm the age.

As specified in Article 3 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime, the child eligible to receive diversion should be between 12 and 17, and he/she is suspected to have committed criminal conduct.

Article 3 paragraph 2 of Government Regulation Number 65 of 2015 implies that diversion as referred to in paragraph (1) should be applied under the following conditions:

- a) the offender is sentenced to under-seven-year imprisonment; and
- b) the offence is not a repeated offence

Under seven-year jail sentence is to be understood within the purview of criminal law. Any repeated offence of the same or different wrongdoing has been coped with diversion. Article 7 paragraph 1 states that an investigation constitutes a series of investigation subsystems. However, in an attempt to conduct an enquiry, an investigation is held to discover an incident suspected to carry an indication of a criminal offence. That is, one cannot assure that this case indicates a criminal offence. What is specified in the Article is acceptable, considering that this is mentioned in the diversion stating that attempts of diversion begin with an enquiry that considers the objectives. It can be understood that diversion, in this context, cannot be conducted at an investigation stage because following the investigation, an attempt is taken to uncover an occurrence suspected to carry the indication of a criminal offence but without knowing further who committed the crime.³⁰

This provision indicates that lighter sentencing means a higher probability of diversion. The diversion itself is not designed for serious criminal offences like murder, rape, illicit drug distribution, and terrorism, which are subject to over-seven-year jail sentencing, while younger children involved in crimes mean that the chance to apply diversion is higher.³¹

As explained in the interview, diversion in the Sub-Regional Police of Malang began from correctional facilities and data collection, followed by home visits and an approach to offenders and victims. Visiting other places related to the offence is also considered. This step is then followed by data analysis performed by counsellors in correctional facilities before conclusions are drawn and recommendations are given for further consideration. The analysis results are then presented as a research report which serves as the basis for deciding whether diversion should be taken.

Article 65 of Law Number 11 of 2012 concerning Judicial System of Juvenile Crime, correctional facilities are tasked with:

- a) making research reports related to correctional facilities for the interest of the diversion, conducting counselling, mentoring, and supervision over young offenders during the process of diversion, and setting an agreement and reporting the case to the court when diversion is not taken.
- b) Making research reports related to correctional facilities to provide the information needed in enquiry, prosecution, and proceedings regarding the case faced by young

³⁰ Rosidah, "Sistem Peradilan Pidana Anak."

³¹ Pramukti, "Sistem Peradilan Pidana Anak."

offenders, either in the court, outside the court, or in correctional facilities and juvenile correctional facilities.

Article 28 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime states that the research results on correctional facilities must be submitted to the chief warden of the facilities to an enquirer within 72 hours after the request of the enquirer is accepted.

The diversion in the Sub-Regional Police Department in Malang City is only for youth offenders involved in a crime taking place within Malang City, while criminal offences happening in another area will need to be settled in that area under the supervision of the chief warden. She added that the diversion in this context should be processed within seven days to 30 days (Yana, 2024).

Article 29 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime implicates that:

- 1) Enquirers are compelled to take diversion within seven days after the enquiry starts.
- 2) The diversion process as referred to in paragraph (1) is implemented within thirty days after the diversion starts.
- 3) In successful diversion, the enquirer submits a diversion report along with a diversion agreement to the Chief of the District Court to declare it in a statement.
- 4) In terms of diversion that fails, the enquirer is compelled to proceed with the enquiry and further submit the case to the General Prosecutors by attaching the diversion report and correctional department report.

The following diagram shows the flow of diversion in the Sub-Regional Police Department of Malang City:

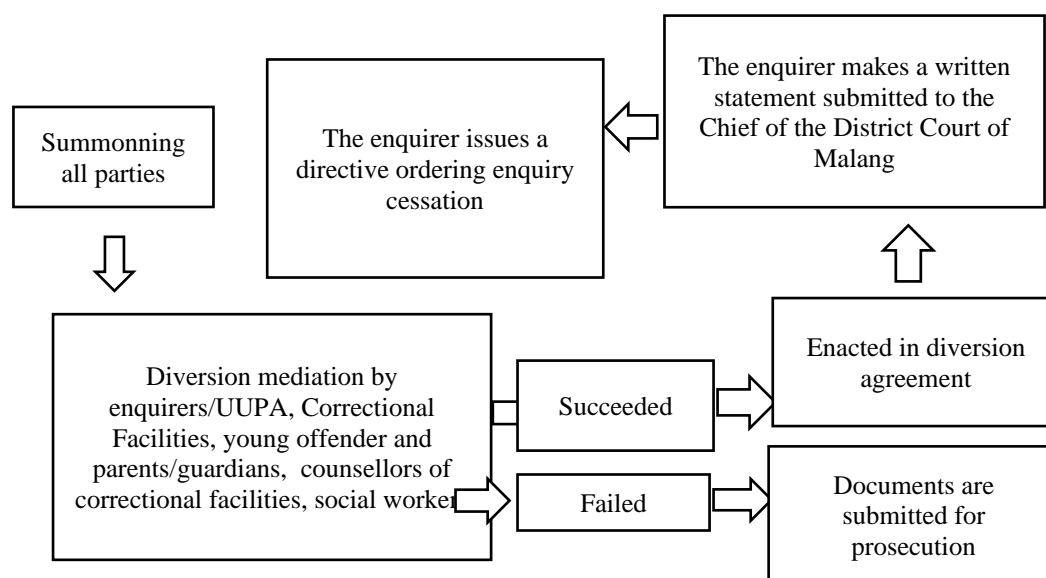


Figure 1 flow of diversion in the Sub-Regional Police Department of Malang City

The diversion process begins with the research of correctional facilities, followed by the meeting of the two parties to attend diversion at the venue as agreed. The PPA often offers the families of both offender and victim to decide the venue for the diversion. However, diversion frequently takes place at the residence of the victim, at school, or in a room made available in

the police office. The diversion process is attended by the offender and/or parents/guardians, the victim and/or parents/guardians, and with the participation of correctional facility counsellors, professional social workers, and a facilitator from the PPA unit of the police department (Yana, 2024).

The involvement of parties other than children in the diversion is also governed in Article 8 paragraph (1) of the Law concerning the Judicial System of Juvenile Crime, implying that diversion involves deliberation attended by the offender and his/her parents and/or guardians, the victim and his/her parents/guardians, and professional social workers according to restorative justice.

Furthermore, speaker explained that diversion takes into account the age of the children concerned, the crime committed, and the research results on correctional facilities. The following are some matters to consider before diversion takes place, as referred to in Article 9 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime:

- a) The category of the criminal offence
- b) The age of the child
- c) The research results on correctional facilities, and
- d) The support from society

Article 6 paragraph (2) of Government Regulation Number 65 of 2015 also outlines the same matters:

- a) The category of criminal offence
- b) The age of the child
- c) The research results on correctional facilities, and
- d) The support from society.

The above matters implicate that diversion necessitates supervision held by the police department by considering the above issues. When they are checked and have met the requirements of the diversion, the diversion can be taken.

As explained in the interview, in some existing cases of criminal offences committed by young offenders in the police department as specified in Article 170 of the Penal Code, diversion can be attained when the victim and his/her parents and/or guardians agree with this solution, but such an agreement is not necessary when existing conditions fail to meet the requirements of diversion for misdemeanour cases, or for cases that do not cause the losses affecting the victim or do cause the losses whose values do not exceed the minimum amount of provincial wages (Yana, 2024).

The speaker further added that the above matter is an alternative to the existing criteria. In other words, when one criterion is met, the agreement to execute diversion is not needed. If the agreement upon diversion has been reached as above, this agreement can be given by the enquirer and the offender or his/her family, the counsellor from the correctional facilities, and some leading figures in society (Yana, 2024).

As specified in Article 9 paragraph (2) of Law Number 11 of 2012, diversion requires an agreement from the victim and/or his/her family, but such an agreement is not necessary when it involves:

- a) Violations;
- b) Misdemeanours;

- c) Offences without victims; or
- d) Offences causing losses whose values are under the minimum amount of provincial wages.

Article 10 paragraph (1) of law Number 11 of 2012 implicates that the agreement of diversion to settle violations as offences, misdemeanours, offences without victims, or offences causing insignificant losses not exceeding the minimum value of provincial wages, as referred to in Article 9 paragraph (2) will need the involvement of an enquirer, the offender and his/her family, counsellor, and leading figures from society.

Article 7 of Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion specifies the following matters:

- (1) Diversion can proceed without any agreement of the victim and/or his/her family if
 - a) The offences are categorised as violations;
 - b) The offences are considered as misdemeanours;
 - c) The offences do not have any victims
 - d) The values of losses caused do not exceed the minimum amount of provincial wages.
- (2) Addressing criminal disputes without the agreement of the victim and/or his/her family as referred to in paragraph (1) can be performed by the enquirer along with the child and/or his family concerned and the counsellor from the correctional facilities.
- (3) The agreement regarding diversion as referred to in paragraph (2) can involve the leading figures from society.

As implied in the interview, a diversion agreement should be obtained in the Sub-Regional Police Department of Malang City. This diversion must involve the agreement of the victim and his/her parents/guardians, based on which redress is provided. This redress may be used to cover the medical expenses due to injuries caused. Psycho-social medical rehabilitation, reintegration of the offender to his/her parents, and his/her participation in the enquiry or community service in an education institution or Social Welfare Centre (LPKS) for at least three months, or community service for three months may also be involved as a result of the diversion (Yana, 2024).

Article 11 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime implies that diversion results discussed between two parties along with other related institutions constitute the following:

- a) Reconciliation with or without redress;
- b) Sending the child back to his/her parents/guardians;
- c) Being enrolled in an education or training in an education institution or LPKS within at least three months; or
- d) Community service

Article 8 paragraph (1) of Government Regulation Number 35 of 2015, in terms of the chance of diversion as referred to in Article 6 paragraph (3) and Article 7 paragraph (4), obliges the party concerned to provide redress or restoration. The diversion is effective within three months as agreed upon.

If the diversion is agreed by both parties, the parents/guardians of both parties, the counsellor, social workers, or leading figures from society, the diversion is signed by all parties concerned before it is reported to the chief of every investigating process, including police, prosecutors, and the chief of the court. The statement of the diversion is issued within three days after the diversion is made before it is passed to the counsellor in charge of the correctional facilities and the enquiry within at least three days from the day the diversion is enacted. After the statement is received, the enquirer issues a directive ordering the cessation of enquiry (Yana, 2024).

Article 12 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime specifies the following matters:

- 1) The agreement as referred to in Article 11 is set out in the form of the agreement of diversion
- 2) The agreement of the diversion as referred to in paragraph (1) is passed by the chief to the official in charge of every investigating stage before it is passed to the court within three days since the agreement is made to be further enacted.
- 3) the enactment as referred to in paragraph 2 should be executed not more than three days after the diversion agreement is accepted
- 4) the enactment as referred to in paragraph 3 is further passed to the counsellor in charge of correctional facilities, enquirer, general prosecutors, and judges not more than three days after it is enacted.
- 5) After the enactment is received, as referred to in paragraph (4), the enquirer issues a directive ordering the cessation of enquiry, or the General Prosecutors release a directive ordering the cessation of prosecution.

Article 9 of Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion implies that:

- (1) The agreement is set out in the form of a diversion agreement statement
- (2) The agreement of diversion as referred to in paragraph (1) must be declared by the Chief of the District Court of the area where the crime takes place or where the diversion agreement is made.

As explained in the interview, some measures of diversion that fail in the Sub-Regional Police Department in Malang City are often caused by disagreement from the family/parents of the victims and they have insisted on bringing the cases to courts. The diversion has also failed because of the absence of the victim and his/her parents or guardians and the witnesses during the diversion process. In this case, the aggrieved parties believe that court intervention in settling the disputes will deter offenders (Yana, 2024).

The victims of the violence often suffer from long traumatic conditions. They keep crying and are too frightened to go outside and come back to school. The children, as the victims, tend to withdraw from their friends. Some burst into tears when hearing the names of the offenders. The violence committed by offenders also has physically injured the victims. Some offenders have even left scars on the victims' faces. In some cases, bullying took its toll, where victims were molested and raped and they had to lose their virginity. Following such cruelty, the victims were heavily traumatised. In some other cases, violence also left some wounds on the forehead, neck, and legs. Some victims even have scars caused by lit cigarettes with which they were

tortured, and there was also a mark caused by a kick on the belly of one of the victims. All these unbearable repercussions have made most parents of the victims adamant that they will not take any diversion

The above situations have caused parents to be reluctant to take diversion and this decision can grow stronger with the parents or family of the victims who are adamant that court intervention is the only way of deterring offenders. The role of both the Indonesian National Police and enquirers in exercising diversion should be the initial step to take to ensure that the rights of the victims are guaranteed and that legal protection can be provided to minimise physical, psychological, and social losses that the victims have to bear. This action should be immediately taken to curtail the likelihood of trauma in children to ensure that they can optimally grow. In this context, protection and counselling should also be guaranteed for children under the Law concerning the Judicial System of Juvenile Crime.

Considering that children faced with legal processes are the victims of their surroundings and social networks, they should be given priority that enables them to receive a proper lesson and knowledge that informs that diversion is a measure taken by the government and intended to fix the children's behaviour and prevent offenders from reoffending. That is, diversion in the judicial system of juvenile crime is expected to guarantee justice for children, both the victims and offenders.^{32,33}

A birth certificate is another essential element to be provided as proof that the offender is underage. When this document is absent, the age of the offender can be proven with a school diploma or a birth statement issued by a hospital or a local midwife (Yana, 2024).

In the interview, a family card alone does not suffice as proof since this document may not be as accurate as the birth certificate. Therefore, the Sub-Regional Police Department of Malang City encourages those concerned to immediately process the issuance of birth certificates to allow for diversion (Yana, 2024).

In the process of diversion in the police department, frequently, the families of the victims take advantage of the condition by extorting money as redress with the value exceeding what needs to be covered for medical care. When this is the case, the mediator gives an understanding to the victims and their families by communicating the issue. This approach is intended to encourage the victims and their families to accept and understand the situations and the economic burden that the offenders and their families are facing, considering that this diversion is mainly aimed at addressing the problems by establishing peace that builds on the agreement made by the parties without involving courts (Yana, 2024).

Settling the disputes through diversion in this context can take into account redress provided for the victims as governed in Article 10 paragraph (1) letter a of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime which states that redress is given when a victim is involved in the offence. This implies that the value of redress must be acceptable

³² andri Winjaya Laksana, "Keadilan Restoratif Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Anak," *Jurnal Pembaharuan Hukum* 4, no. 1 (April 15, 2017): 57, <https://doi.org/10.26532/jph.v4i1.1644>.

³³ Teguh Prasetyo, "Penerapan Diversi Terhadap Tindak Pidana Anak Dalam Sistem Peradilan Pidana Anak," *Refleksi Hukum: Jurnal Ilmu Hukum* 9, no. 1 (April 8, 2015): 1, <https://doi.org/10.24246/jrh.2015.v9.i1.p1-14>.

and equal to the loss that the victim has to bear. In other words, it is entirely inappropriate to take advantage of the conditions by charging the offender and his/her family too much.

If the diversion process fails or it does not reach an agreement, the consequence is that the case must proceed to court. Supervision at every investigating stage is the responsibility of law enforcers. The measures taken in the process of diversion must reach an agreement, and the counsellor from the correctional facilities is compelled to facilitate mentoring, counselling, and conduct supervision. If the diversion does not reach any agreement within the time limit as agreed upon, the counsellor must report it to the official in charge, and this report must be responded to within seven days from the day the report is received (Yana, 2024).

Article 13 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime asserts that criminal cases involving children as offenders may proceed to courts if:

- a) The diversion process fails to reach an agreement

It happens when the parties involved are not willing to take a diversion, as intended in Article 11 of 2012. When this is the issue, enquiry, prosecution, and investigation will proceed.

- b) The agreement of diversion is not exercised

It happens when the diversion has been attempted for a case but is not implemented.

Article 14, paragraph (2) of Law Number 11 of 2012 implicates that amidst diversion to the stage where an agreement is reached, the counsellor of correctional facilities is required to facilitate mentoring, counselling, and conduct supervision. If the diversion agreement is not exercised within the time limit, Article 14 paragraph (3) of the Judicial System of Juvenile Crime mandates a further report made to the official in charge, as referred to in paragraph (1). Following this stage, the enquirer, prosecutors, and judges will revoke the directive ordering the cessation of the legal process, and the proceedings as referred to in Article 14 paragraph (3) may proceed, and the parties concerned will have to give follow-up to the report within seven days.

Article 10 of Government Regulation Number 65 of 2015 concerning the Guidelines of Diversion implies that

- (1) The process of diversion fails if
 - a) The diversion does not reach an agreement
 - b) The diversion agreement is not exercised
- (2) If the diversion fails, the case proceeds to proceedings.

The failure to reach diversion may interrupt the agreement, leading to the failure to attain restorative justice.

2. Deliberation to Facilitate Diversion with the Presence of the Representatives of the Social Welfare Centre and/or the Members of the Public

According to the interview, the process of diversion complies with Article 8 of the Law concerning the Judicial System of Juvenile Crime; this process involves an offender and/or his/her parents/guardians, the victim and his/her parents/guardians, the counsellor representing the correctional facilities, social workers, and a mediator to help with the diversion process. The diversion in the Sub-Regional Police Department in Malang City, however, never involves

the members of the public. Still, it usually invites teachers to represent the public to witness the diversion process. Most diversion processes are closed to the public and often take place in a room provided for diversion in the police office or the houses of the victims. Article 8 paragraph (2) asserts that diversion must involve the members of the public to support the diversion process, contrary to the fact that the public has never been involved (Yana, 2024).

Article 8 above implicates that the deliberation, as in paragraph (1), can involve representatives from the social welfare centre and/or the members of the public; Article 5, paragraph (2) of Government Regulation Number 65 of 2015 also implies that the deliberation as referred to in paragraph (1) can involve the representatives of social welfare centre and/or public.

The representatives of social welfare centres are those trained and educated professionally to be tasked with services and assisting with social issues and/or those who work in government or non-government welfare offices. The public may be represented by religious leaders or teachers.

That is, the objectives of the diversion to cease the legal processes of the cases faced by young offenders and the victims should be attained in accordance with the provisions in the law.^{34,35} Diversion is encouraged to create peace between parties instead of taking legal action in courts. This approach is intended to change the conditions, provide restitution, and recover the conditions of the victims and the responsibility of the offenders. When a diversion occurs at school, teachers should be involved in representing the public.

3. Deliberation in the Process of Diversion at an Enquiry Level for the Interest of the Victims, the Welfare/Responsibility of the Child, and to Avert Stigma and Retaliation

The interview implies that diversion in the Sub-Regional Police Department of Malang City is always encouraged for the best interest of the victims. When violence causes injuries, the medical expenses must be covered by redress provided by offenders. When a victim is traumatised, the cost of psychological care should be covered by the offender. It is further said that diversion is intended to maintain the wellbeing of children and teach them responsibility, in which young offenders are expected to be responsible for what they have committed. Diversion can also help them learn a lesson by allowing for informal intervention and recovering the losses affecting the victims, their families, and the public (Yana, 2024).

According to the interview, diversion is also intended to protect children, particularly young offenders, from stigma. When a child is facing a legal case as a young offender, the child's name, for example, should be made anonymous on social media simply because this can ruin the reputation of the young offender, and making the name publicly known on social media may lead to a lawsuit. Furthermore, retaliation by the victim is heavily discouraged, considering that young offenders need to be given a chance to fix their behaviour (Yana, 2024).

³⁴ Komariah Komariah and Tinuk Dwi Cahyani, "Efektifitas Konsep Diversi Dalam Proses Peradilan Anak Pelaku Tindak Pidana Menurut UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak (Dalam Proses Peradilan Anak Pelaku Tindak Pidana Di Kabupaten Malang)," *Legality: Jurnal Ilmiah Hukum* 24, no. 2 (2016): 266–85.

³⁵ Annis Nurwianti, Gunarto Gunarto, and Sri Endah Wahyuningsih, "Implementasi Restoratif/Restorative Justice Dalam Penyelesaian Tindak Pidana Kecelakaan Lalu Lintas Yang Dilakukan Oleh Anak Di Polres Rembang," *Jurnal Hukum Khaira Ummah* 12, no. 4 (2017): 177–88, <https://doi.org/10.30659/jku.v12i4.2289>.

To prevent more incidences of violence among children, the Sub-Regional Police Department of Malang City approach local schools to encourage students to be better individuals and participate in curtailing the incidences of violence, particularly among children to help foster social harmony, propriety, and public order.

Article 8, paragraph 3 of the Law concerning the Judicial System of Juvenile Crime requires diversion to consider:

a) The interest of the victims

The rights of the victims need to be directly and indirectly protected from any deleterious conduct affecting their physical and psychological conditions.

b) Children's wellbeing and responsibility;

To ensure benefits received by young offenders, the diversion should :³⁶

- Help the children learn from mistakes through intermediate intervention.
- Recover losses affecting the families of the victims, the victims, and the public.
- Take into account the participation of parents, guardians, and advice.
- Encourage children to demonstrate decision-making skills and responsibility.
- Teach children responsibility for what they have committed and teach them a lesson that allows them to observe the repercussions arising from the case they have been involved in.
- Control criminal offences among children/teens

c) Averting stigma

Diversion is also aimed to protect children from stigma due to negative influences from their surroundings.

d) Discouraging retaliation;

As specified in Article 2 letter (j) of Law concerning the Judicial System of Juvenile Crime, discouraging retaliation is the principle of preventing children from the desire to retaliate in a court process.

e) Social harmony;

Social harmony is intended to help protect children from negative labelling from society.

f) Moral propriety and public order

- Propriety is the state or quality of conforming to conventionally accepted standards, behaviour, or morals.
- Morality is a rule arising from the conscience of every individual to be sensible to what is right and wrong.
- Public order fosters safety, security, peace, and conditions devoid of chaos and disruption to achieve social wellbeing according to existing laws and norms.

Article 2 of Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime specifies the principles requiring the judicial system of juvenile crime to uphold the following principles:

³⁶ Setya Wahyudi, "Implementasi Ide Diversi Dalam Pembaruan Sistem Peradilan Pidana Anak Di Indonesia," (No Title), 2011.

1) Protection

This protection is for children facing legal issues to ensure that they can behave better in the future. It gives children a chance through counselling and training to help them discover their identity as independent, responsible, and valuable individuals for their families, society, and the nation. The protection is provided directly or indirectly to protect them from deleterious impacts on their physical and psychological conditions.³⁷

2) Justice.

Settling disputes faced by children should guarantee justice for them in a way that court intervention should be avoided for children to ensure that they are not stigmatised and that they can be reintegrated into their society in the best way possible. During the arrest, detention, and adjudication process, officials in charge are compelled to facilitate children with counselling.³⁸

The diversion is intended to divert children from the formal legal process by encouraging redress provided by victims, getting them involved in community service, or putting them under the supervision of their parents. Diversion is not intended to leave the legal system idle, but it is more to teach children to abide by the law by minimising the intervention of a strict legal system. The justice principle is upheld to enforce the law, especially when the diversion principles are in force. Justice upholds honesty and equal treatment of all people. Officials are encouraged not to discriminate against children. Diversion is intended to realise justice and enforce the law appropriately by minimising punitive action.³⁹

3) Non-discrimination

Non-discrimination means treating people equally regardless of their tribes, religions, races, ethnicities, genders, classes, languages, legal standing, birth order in the family, and mental conditions.

4) The best interest of the child

All actions and decision-making processes performed by families and the public, sustainability, and the development of children must be taken as the primary consideration

5) Rewarding Children

Recognition should be given to children for their creativity, intellectuality, reasoning, and contribution to decision-making. This recognition is adjusted to the age of the children.⁴⁰

6) Child Viability and Development

These two elements are fundamental human rights, and children should be protected by the state, the government, the public, families, and parents.

7) Counselling and Training for Children

³⁷ Wahyudi.

³⁸ Wahyudi.

³⁹ Bendry Almy, "Kebijakan Hukum Pidana Penyelesaian Perkara Tindak Pidana Melalui Upaya Diversi Bagi Pelaku Dewasa Dalam Mewujudkan Keadilan Restoratif," *Jurnal Panji Keadilan : Jurnal Ilmiah Nasional Mahasiswa Hukum* 3, no. 2 (December 1, 2020), <https://doi.org/10.36085/jpk.v3i2.1196>.

⁴⁰ Rosidah, "Sistem Peradilan Pidana Anak."

This measure is intended to help improve children's piety to their God, intellectuality, and attitude. Children also need to be facilitated with skill and professional development, while their physical and mental conditions must be supervised in the process in and outside criminal courts.

8) Proportion

All the steps taken must pay attention to the child's needs, age, and conditions. The child facing legal conflict needs assistance and protection to maintain balance. All children must be treated according to their mental and physical conditions, skill, age, and social justice.⁴¹

9) Restricting the freedom of the child as the last resort for punitive action

Children's freedom cannot be restricted unless a condition forces it to happen for dispute settlement.

10) Discouraging retaliation

All parties involved in a criminal offence, including the victim, the child, and the members of the public are encouraged to find solutions to fix issues and promote reconciliation. Avoiding retaliation is the principle of discouraging children from revenge.

As specified in Article 7, paragraph (2) of the Law concerning the Judicial System of Juvenile Crime, diversion is not given to children as repeat offenders. This provision conflicts with what is specified in Article 2 letter c of the Law concerning the Judicial System of Juvenile Crime since it violates human rights in children—the principles of non-discrimination and the best interest of the child. Article 7, paragraph (2) of the above law underscores restriction to the diversion requirements, which can trigger discrimination against children. Therefore, diversion should also consider the psychological conditions of the child as a criminal offender in addition to the types of criminal offence committed. Thus, lawmakers must review the Law concerning the Judicial System of Juvenile Crime, particularly Article 7 paragraph (2), to ensure that the diversion in this Article is pertinent to other related articles or regulatory provisions.

D. CONCLUSION

The diversion processes in violence cases among children in the Sub-Regional Police Department of Malang City show that requirements, processes, agreements, and failures show that the diversion is not in line with the provisions specified in Law Number 11 of 2012 concerning the Judicial System of Juvenile Crime. When the diversion over violence committed by a young offender reaches an agreement, this diversion involves the agreement given by all parties with the provision of redress for the victim. However, some processes of diversion fail simply because they do not involve the members of the public in the diversion. The diversion in the Sub-Regional Police Department of Malang City has involved the victims and/or parents/guardians, offenders and/or parents/guardians, and representatives of the social welfare centre but without the presence of the members of the public to support seamless diversion. The diversion process is more focused on the interests of the victims and their rights, while measures

⁴¹ Rosidah.

to guarantee their protection are also taken. Psychological counselling and legal aid are also provided by the police department. The diversion process aims to shape children into responsible individuals, allowing them to learn from their mistakes and observe the repercussions arising from the cases they have been involved in.

E. REFERENCE

- Albar, Deny. “Tinjauan Yuridis Penegakan Hukum Terhadap Peredaran Narkotika Di Kalangan Remaja Menurut Undang Undang Narkotika (Studi Kasus Di Polres Aceh Timur)”.” *Jurnal Hukum Kaidah: Media Komunikasi Dan Informasi Hukum Dan Masyarakat* 22, no. 1 (2022): 107–36. <https://doi.org/10.30743/jhk.v22i1.6038>.
- Almy, Bendry. “Kebijakan Hukum Pidana Penyelesaian Perkara Tindak Pidana Melalui Upaya Diversi Bagi Pelaku Dewasa Dalam Mewujudkan Keadilan Restoratif.” *Jurnal Panji Keadilan: Jurnal Ilmiah Nasional Mahasiswa Hukum* 3, no. 2 (December 2020). <https://doi.org/10.36085/jpk.v3i2.1196>.
- Amjad, Mohammad Mashulin. “Tinjauan Yuridis Sanksi Rehabilitasi Terhadap Pengguna Narkotika.” *Jurnal JURISTIC* 1, no. 02 (August 2020): 206. <https://doi.org/10.35973/jrs.v1i02.1652>.
- Ananda, Fiska. “Penerapan Diversi Sebagai Upaya Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana.” *Jurnal Daulat Hukum* 1, no. 1 (March 2018). <https://doi.org/10.30659/jdh.v1i1.2566>.
- Arief, Hanafi, and Ningrum Ambarsari. “Penerapan Prinsip Restorative Justice Dalam Sistem Peradilan Pidana Di Indonesia.” *Al-Adl: Jurnal Hukum* 10, no. 2 (August 2018): 173. <https://doi.org/10.31602/al-adl.v10i2.1362>.
- Aulia, Mila Rizki. “Perlindungan Terhadap Anak Dalam Kerangka Hukum Dan Pemenuhan Hak-Hak Dasar.” *Transparansi Hukum*, 2022. <https://doi.org/10.30737/transparansi.v0i0.3718>.
- Benuf, Kornelius, and Muhammad Azhar. “Metodologi Penelitian Hukum Sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer.” *Gema Keadilan* 7, no. 1 (2020): 20–33. <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.
- Dwijayanti, Mita. “Penetapan Diversi Terhadap Anak Yang Terlibat Narkotika.” *Perspektif Hukum*, 2017, 186–204. <https://doi.org/10.30649/ph.v17i2.69>.
- Erwin Asmadi. “Perlindungan Hukum Bagi Anak Sebagai Saksi Dalam Pemeriksaan Perkara Pidana.” *Iuris Studia: Jurnal Kajian Hukum*, September 2020. <https://doi.org/10.55357/is.v1i2.30>.
- Flora, Henny Saida. “Keadilan Restoratif Sebagai Alternatif Dalam Penyelesaian Tindak Pidana Dan Pengaruhnya Dalam Sistem Peradilan Pidana Di Indonesia.” *University Of Bengkulu Law Journal* 3, no. 2 (October 2018): 142–58. <https://doi.org/10.33369/ubelaj.3.2.142-158>.
- Hambali, Azwad Rachmat. “Penerapan Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana.” *Jurnal Ilmiah Kebijakan Hukum* 13, no. 1 (March 2019): 15. <https://doi.org/10.30641/kebijakan.2019.V13.15-30>.
- Haryanti, Amelia. “Konsep Diversi Sebagai Bentuk Kebijakan Sanksi Cyber Crime Terhadap Anak Di Bawah Umur.” *Jurnal Pendidikan Kewarganegaraan* 6, no. 2 (September 2019):

105. <https://doi.org/10.32493/jpkn.v6i2.y2019.p105-122>.
- Iman, Candra Hayatul. "Kebijakan Hukum Pidana Perlindungan Anak Dalam Pembaruan Sistem Peradilan Pidana Anak Di Indonesia." *Jurnal Hukum Dan Peradilan* 2, no. 3 (April 2018): 358. <https://doi.org/10.25216/jhp.2.3.2013.358-378>.
- Irwansyah. *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Edited by Ahsan Yunus. Yogyakarta: Mirra Buana Media, 2020.
- Komariah, Komariah, and Tinuk Dwi Cahyani. "Efektifitas Konsep Diversi Dalam Proses Peradilan Anak Pelaku Tindak Pidana Menurut UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak (Dalam Proses Peradilan Anak Pelaku Tindak Pidana Di Kabupaten Malang)." *Legality: Jurnal Ilmiah Hukum* 24, no. 2 (2016): 266–85.
- Laksana, Andri Winjaya. "Keadilan Restoratif Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Anak." *Jurnal Pembaharuan Hukum* 4, no. 1 (April 2017): 57. <https://doi.org/10.26532/jph.v4i1.1644>.
- Mansir, Firman. "Tantangan Dan Ancaman Anak Indonesia: Potret Pendidikan Nasional Era Digital." *PAUDIA : Jurnal Penelitian Dalam Bidang Pendidikan Anak Usia Dini* 11, no. 1 (June 2022): 387–99. <https://doi.org/10.26877/paudia.v11i1.9990>.
- Novrianza, Novrianza, and Iman Santoso. "Dampak Dari Pelecehan Seksual Terhadap Anak Di Bawah Umur." *Jurnal Pendidikan Kewarganegaraan Undiksha* 10, no. 1 (2022): 53–64. <https://doi.org/10.23887/jpku.v10i1.42692>.
- Nurwianti, Annis, Gunarto Gunarto, and Sri Endah Wahyuningsih. "Implementasi Restoratif/Restorative Justice Dalam Penyelesaian Tindak Pidana Kecelakaan Lalu Lintas Yang Dilakukan Oleh Anak Di Polres Rembang." *Jurnal Hukum Khaira Ummah* 12, no. 4 (2017): 177–88. <https://doi.org/10.30659/jku.v12i4.2289>.
- Pradityo, Randy. "Restorative Justice Dalam Sistem Peradilan Pidana Anak." *Jurnal Hukum Dan Peradilan* 5, no. 3 (November 2016): 319. <https://doi.org/10.25216/jhp.5.3.2016.319-330>.
- Pramukti, Angger Sigit. "Sistem Peradilan Pidana Anak," 2015.
- Prasetyo, Teguh. "Penerapan Diversi Terhadap Tindak Pidana Anak Dalam Sistem Peradilan Pidana Anak." *Refleksi Hukum: Jurnal Ilmu Hukum* 9, no. 1 (April 2015): 1. <https://doi.org/10.24246/jrh.2015.v9.i1.p1-14>.
- Pratama, Novita Rindi. "Diversi Terhadap Anak Pelaku Tindak Pidana Dalam Sistem Peradilan Pidana Anak." *Aktualita (Jurnal Hukum)* 1, no. 1 (June 2018): 242–60. <https://doi.org/10.29313/aktualita.v1i1.3721>.
- Pujianto, M Bagus, and Mukayat Al-Amin. "Konsep Pengasuhan Alternatif Perspektif UU Perlindungan Anak Dan Hukum Islam." *Al-Hikmah: Jurnal Studi Agama-Agama* 2, no. 2 (2016). <https://doi.org/10.30651/ah.v2i2.1106>.
- Raharjo, Trisno, and Laras Astuti. "Konsep Diversi Terhadap Anak Penyandang Disabilitas Sebagai Pelaku Tindak Pidana Dalam Sistem Peradilan Pidana Anak." *Jurnal Media Hukum* 24, no. 2 (2017). <https://doi.org/10.18196/jmh.2017.0094.181-192>.
- Ramadhani, Natasya Aurora. "Penerapan Diversi Di Tingkat Penyidikan Pada Tindak Pidana Kekerasan Antar Anak Di Malang Raya." *Brawijaya Law Student Journal*, 2023.
- Rise Karmilia, and Dani Kurniawansyah. "Kebijakan Sistem Pemidanaan Dalam Upaya Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana." *Journal Of*

- Juridische Analyse* 1, no. 01 (January 2022): 1–13.
<https://doi.org/10.30606/joja.v1i01.1156>.
- Rosidah, Nikmah. “Sistem Peradilan Pidana Anak.” *Bandar Lampung: Aura Publishing*, 2019.
- Santi, Nyadina Eka. “Pengaturan Diversi Terhadap Anak Yang Melakukan Tindak Pidana Berdasarkan Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Pidana Peradilan Anak.” *Transparansi Hukum* 6, no. 2 (2023): 112–37.
<https://doi.org/10.30737/transparansi.v6i2.4879>.
- Santriati, Amanda Tikha. “Perlindungan Hak Pendidikan Anak Terlantar Menurut Undang Undang Perlindungan Anak.” *El Wahdah* 1, no. 1 (2020): 1–13.
<https://doi.org/10.35888/elwahdah.v1i1.4049>.
- Sidabutar, Risna, and Suhatrizaral Suhatrizaral. “Perlindungan Hukum Terhadap Anak Yang Melakukan Tindak Pidana Pencabulan Pada Putusan No.2/Pid.Sus/2014PN.Mdn.” *Jurnal Ilmiah Penegakan Hukum* 5, no. 1 (January 2019): 22.
<https://doi.org/10.31289/jiph.v5i1.1976>.
- Sukawantara, Gede Agus, Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani. “Anak Sebagai Korban Tindak Pidana Perdagangan Orang Menurut Undang-Undang No. 35 Tahun 2014.” *Jurnal Konstruksi Hukum* 1, no. 1 (August 2020): 220–26.
<https://doi.org/10.22225/jkh.1.1.2138.220-226>.
- Wahyudi, Setya. “Implementasi Ide Diversi Dalam Pembaruan Sistem Peradilan Pidana Anak Di Indonesia.” (*No Title*), 2011.
- Witasari, Aryani, and Muhammad Sholikul Arif. “Implementasi Diversi Guna Mewujudkan Restorative Justice Dalam Sistem Peradilan Pidana Anak.” *Jurnal Hukum* 35, no. 2 (December 2019): 165. <https://doi.org/10.26532/jh.v35i2.11052>.
- Yasyah Sinaga, Yeni Yasyah Sinaga. “Faktor Penyebab Tingginya Kenakalan Dan Kriminalitas Remaja Pada Masyarakat.” *Dakwatul Islam* 7, no. 1 (December 2022): 1–20.
<https://doi.org/10.46781/dakwatulislam.v7i1.582>.