

Implementation of Diversion for Children in Conflict with the Law for the Crime of Theft at the Sleman Police

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ABSTRACT

This study examines the implementation of diversion for children in conflict with the law involved in theft cases at the Sleman Resort Police. Diversion, as regulated under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, aims to resolve juvenile criminal cases outside the formal criminal justice process by prioritizing restorative justice and the best interests of the child. This research employed a normative juridical approach with a descriptive research design. Primary data were collected through interviews with investigators at the Sleman Resort Police, while secondary data were obtained from legislation, legal literature, and other relevant documents. The collected data were analyzed qualitatively using descriptive analysis. The findings indicate that the implementation of diversion in theft cases involving children at the Sleman Resort Police has generally been carried out in accordance with the procedures specified in the Juvenile Criminal Justice System Act. The diversion process involves victims, offenders, parents, community counselors, and other relevant stakeholders to achieve a mutually agreed settlement. However, several obstacles remain, particularly the limited public understanding of the concept and objectives of diversion, as well as the perception that diversion is merely an attempt to avoid criminal sanctions. Despite these challenges, investigators have been able to facilitate diversion effectively, resulting in agreements that protect children's rights while ensuring accountability and restoring social harmony.

Keywords: Children in Conflict with the Law; Diversion; Restorative Justice; Sleman Resort Police; Theft

INTRODUCTION

Children are a national trust and asset, entitled to protection, education, and the opportunity to develop optimally. From a legal perspective, children are legal subjects who receive special protection due to their physical and psychological development. Therefore, when children commit crimes, the resolution approach cannot be equated with that of adults. The juvenile criminal justice system in Indonesia prioritizes the best interests of the child as the primary principle in every law enforcement process. (Balla, 2022).

Theft is a crime that frequently involves children. Various factors, such as family circumstances, social environment, economic pressure, and lack of parental supervision, contribute to children's involvement in illegal acts. The involvement of children in the criminal justice process has the potential to cause negative impacts in the form of social stigma, psychological disorders, and stunted development in children. Therefore, the resolution of juvenile cases should not only focus on punishment (retributive justice) but also on rehabilitation, guidance, and social reintegration. (Analiyansyah & Rahmatillah, 2015).

As a form of protection for children in conflict with the law, the government enacted Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), which introduced a diversion mechanism for juvenile offenders. Diversion is the transfer of juvenile cases from the criminal justice process to an out-of-

court settlement through a restorative-justice approach. The implementation of diversion aims to achieve reconciliation between the perpetrator and victim, prevent children from being deprived of their liberty, foster a sense of responsibility, and restore social relationships without neglecting victims' interests. Thus, diversion is an important instrument for realizing legal protection oriented toward the best interests of children.(Fitriani, 2016; Hidayani, 2016).

Despite a strong legal basis, the implementation of diversion in practice still faces various obstacles. Not all juvenile cases can be resolved through diversion, and its implementation is often influenced by the level of public understanding, the attitudes of the victim and the victim's family, and the ability of law enforcement officials to facilitate the deliberation process. At the police level, as the gateway to the criminal justice system, the success of diversion is largely determined by the professionalism of investigators in applying statutory provisions and building agreements between parties. This indicates that the effectiveness of diversion implementation remains an important issue for study.(Hiriyanti, 2021; Iswari, 2020).

Many studies on diversion have been conducted, but most have focused on normative studies of diversion regulations or their implementation. This study differs in that it specifically examines the implementation of diversion for juveniles who committed theft during the investigation stage at the Sleman Police Department, while also identifying the obstacles investigators face in implementing diversions. Therefore, this study is expected to provide an empirical overview of the application of the provisions of the Juvenile Criminal Justice System Law to law enforcement practices.(Society, 2015).

Based on the above description, this study aims to analyze the implementation of diversion for children in conflict with the law for theft crimes at the Sleman Police Resort and to identify the obstacles faced by investigators during the diversion process. To achieve this goal, this study uses a normative juridical approach supported by data from interviews with Sleman Police Resort investigators and literature studies. The results of this study are expected to provide input for law enforcement officials to optimize the implementation of diversion so that legal protection for children can be implemented more effectively in accordance with the principles of restorative justice.

RESEARCH METHODS

This study uses a normative juridical approach, supported by empirical data from interviews. The normative juridical approach is used to examine the legal provisions governing the implementation of diversion for children in conflict with the law, particularly for theft. The empirical approach is used to obtain an overview of the implementation of diversion in practice at the Sleman Police. This study is descriptive in nature and systematically describes the implementation of diversion and the obstacles encountered in its implementation.(Rosyid, 2019).

This research focuses on the implementation of diversion for children in conflict with the law in theft cases during the investigation stage at the Sleman Police Resort (Polres), Yogyakarta Special Region. The research object includes the implementation of diversion based on the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, along with the factors that influence its successful implementation.

The research materials consist of primary legal materials, namely Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), and other laws and regulations related to child protection. Secondary legal materials include books, scientific journals, previous research results, and other documents relevant to diversion and restorative justice. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources as supporting materials.

The research was conducted at the Sleman Police, Special Region of Yogyakarta, considering that the institution has implemented a diversion mechanism in handling juvenile criminal cases in accordance with the provisions of laws and regulations.

Data collection techniques were conducted through a literature review and interviews. A literature review was conducted to obtain secondary data from laws and regulations, literature, scientific journals, and relevant documents. Interviews were conducted directly with investigators from the Women and Children Protection Unit (PPA) of the Sleman Police as the primary informants to obtain information on the implementation of diversion and obstacles encountered in practice.

The operational definition of the research includes two main focuses, namely the implementation of diversion and children in conflict with the law. Diversion implementation is defined as the process of

transferring the settlement of children's criminal cases from the criminal justice process to a settlement outside the court through a restorative justice approach, in accordance with the provisions of Law Number 11 of 2012. Children in conflict with the law are children who are 12 (twelve) years old but not yet 18 (eighteen) years old who are suspected of committing a crime, as regulated in laws and regulations.

The data obtained were analyzed qualitatively using a descriptive approach. The analysis was conducted through data reduction, data presentation, and conclusion drawing. The results were then compared with applicable legal provisions and theories regarding the juvenile criminal justice system and restorative justice to draw conclusions regarding the implementation of diversion for juveniles who commit theft at the Sleman Police Department.

RESULTS AND DISCUSSION

Implementation of Diversion for Children in Conflict with the Law for Theft Crimes at the Sleman Police Station

Diversion is a mechanism for resolving juvenile criminal cases outside the judicial process, aimed at realizing restorative justice and protecting children’s best interests. Based on research at the Sleman Police, the implementation of diversion for juveniles who commit theft complies with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (CJJS). Diversion is implemented from the investigation stage, involving investigators, the juvenile perpetrator, parents or guardians, the victim, community counselors from the Correctional Center (Bapas), and other parties deemed necessary based on the characteristics of the case.(Sentanu, 2018; Suyanto, 2022).

Interviews with investigators from the Women and Children Protection Unit (PPA) at the Sleman Police Department revealed that before conducting the diversion process, investigators first assessed whether the requirements stipulated in the Juvenile Criminal Justice System Law were met, namely, a sentence of less than seven years and a non-recurrence of the crime. Once these requirements were met, the investigators facilitated a diversion discussion with the goal of reaching an agreement acceptable to all parties.

Table 1. Stages of Diversion Implementation at Sleman Police

Stages	Implementation
Receipt of report	Investigators received reports of criminal acts involving children.
Initial examination	Investigators identify the child's age and type of crime and assess the suitability of diversion.
Coordination	Investigators coordinate with the Correctional Center (Bapas), parents, and victims.
Diversion deliberation	Implemented with a restorative justice approach to reach a mutual agreement.
Diversion agreement	The agreement is stated in a report and submitted to the court to obtain a decision.

Source: Research results (2026).

Based on Table 1, it can be seen that the implementation of diversion is carried out in stages, in accordance with the mechanisms stipulated in Law Number 11 of 2012. Investigators not only act as law enforcers but also as facilitators who encourage the achievement of case resolution through deliberation and peace.

The research results show that the implementation of diversion at the Sleman Police Department has benefited both children and the victims. For children, diversion can prevent them from the criminal justice process, which can potentially lead to social stigma and disrupt their psychological development. Meanwhile, for victims, diversion provides a space to reach a faster resolution through a mutually agreed-upon agreement.(Wadjo, Leasa, Latumaerissa, & Saimima, 2020).

These findings align with the concept of restorative justice, which prioritizes restoring relationships between perpetrators, victims, and the community as the primary goal of resolving juvenile criminal cases. Restorative justice focuses not on revenge but on reparation, accountability, and the reestablishment of harmonious social relationships.(Zephyr, Wahyudi, & Sari, 2020).

Obstacles in the Implementation of Diversion

Although the implementation of diversion has been carried out according to regulations, research results show that several obstacles remain in its implementation.

Table 2. Obstacles to Implementing Diversion

Obstacle	Impact
Refusal by the victim or the victim's family	The diversion process could not reach an agreement.
Lack of public understanding regarding diversion	Diversion is considered a form of release of the perpetrator from punishment.
Differences in interests between parties	The deliberations took longer and it was difficult to reach a consensus.
Psychological factors of children	Children are less able to express their opinions during the diversion process.

Source: Research results (2026).

Table 2 reveals that the main obstacle stems from the community's unequal understanding of the purpose of diversion. Some victims still believe that diversion does not provide a sense of justice because the perpetrator is not charged. This situation has led to several diversion processes failing to reach an agreement.

Furthermore, a child's psychological factors influence the effectiveness of diversion. Children facing legal proceedings often experience emotional distress and require support from parents or community counselors to enable them to optimally participate in the deliberation process.(Yusri & D., 2020).

The results of this study indicate that the success of diversion is not solely determined by legal provisions but is also influenced by communication between law enforcement officers and the parties involved. Investigators play a crucial role in providing an understanding of the purpose of diversion as a restorative measure and not as a form of elimination of criminal responsibility.

The findings of this study reinforce the theory of restorative justice, which places dialogue, responsibility, and recovery as key elements in resolving juvenile crime cases. Therefore, diversion serves not only as a case resolution mechanism but also as a means of protecting children's rights while maintaining a balance between the interests of victims, perpetrators, and the community.(Zulkarnain, 2021).

Overall, the research results indicate that the implementation of diversion for children who commit theft at the Sleman Police Station has been carried out in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (JJSS). However, the effectiveness of its implementation still requires improvement by strengthening public understanding of diversion, increasing the capacity of investigators to facilitate deliberations, and optimizing coordination between the police, correctional centers, families, and the community so that the goals of restorative justice can be optimally achieved. (Mertha, 2016; Mubarak, 2020).

CONCLUSION

Based on the research results, it can be concluded that the implementation of diversion for children in conflict with the law in the crime of theft at the Sleman Police has been carried out in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (JJSS). The implementation of diversion is carried out from the investigation stage by involving investigators, child perpetrators, parents or guardians, victims, community counselors, and related parties through a deliberation mechanism oriented towards restorative justice. The implementation of diversion provides benefits in protecting children's rights, preventing children from the negative impacts of the criminal justice process, and encouraging case resolution that prioritizes the restoration of relationships between perpetrators, victims and the community.

However, the implementation of diversion still faces several obstacles, including suboptimal public understanding of the objectives of diversion, resistance from victims or victims' families to resolve cases through deliberation, and psychological factors affecting the smoothness of the diversion process. Therefore, it is necessary to increase socialization regarding the concepts of diversion and restorative justice in the community, strengthen the capacity of investigators in facilitating the deliberation process, and improve coordination between the police, correctional centers, families, and other relevant parties so that the implementation of diversion can run more effectively and be able to realize legal protection that is oriented towards the best interests of children.

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