

## The Effectiveness of Diversion in Handling Juvenile Criminal Offenses Based on Law No. 11 of 2012 on the Juvenile Criminal Justice System and Its Implementing Regulation (Supreme Court Regulation No. 4 of 2014)

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**Abstract:** This study aims to analyze the effectiveness of diversion implementation in handling juvenile criminal acts based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Supreme Court Regulation (PERMA) Number 4 of 2014. Diversion, which is a form of case resolution outside the court, is expected to provide legal protection to children by prioritizing a more humanistic restorative approach. This study uses an empirical legal approach with interview and documentation methods to explore primary and secondary data, focusing on selected jurisdictions within Jakarta, Bekasi, and Depok. These areas were chosen due to their varied case-loads and differing levels of diversion infrastructure. The results of the study indicate that the implementation of diversion in several regions has been running well, particularly in urban centers like South Jakarta, where coordination among institutions is more structured. However, in other areas such as Bekasi, structural and cultural challenges still hinder its effectiveness. Therefore, it is necessary to increase the capacity of law enforcement officers, as well as more intensive socialization to the community and related parties so that diversion can be implemented optimally. The new aspect of this research is the analysis of diversion practices, including those conducted at the court level. This study contributes to the development of a fairer juvenile criminal justice system that focuses on the recovery of children in conflict with the law.

**Keywords:** diversion; juvenile criminal justice system; restorative

### 1. Introduction

Children are the future generation of the nation and have the right to grow and develop optimally, both physically, mentally, and socially. In a legal context, children also have the right to special protection, especially when dealing with the law. The involvement of children in criminal acts is a particular concern within the criminal justice system, as retributive legal processes can negatively impact the child's future (Setiawan, 2018). There is growing evidence that children who go through the diversion process tend to have a better legal and social future compared to those who undergo formal judicial proceedings. Diversion, as part of a restorative justice approach, focuses on rehabilitation rather than punishment. This method helps prevent children from being stigmatized by a criminal record and allows them to stay within their family and community environments, which are crucial for their psychological and social development. Several studies, both in Indonesia and internationally, show that diversion can reduce recidivism rates among juvenile offenders, especially when supported by proper implementation, counseling, and community involvement. In the Indonesian context, although the implementation of diversion varies across regions, areas with stronger inter-agency coordination and trained personnel—such as in urban centers—have shown more successful outcomes. Thus, while more long-term research and monitoring are still needed, available data supports the idea that diversion can significantly improve the prospects of children in conflict with the law by emphasizing recovery, responsibility, and reintegration. Therefore, the State intervenes through legal instruments designed to protect children

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from conventional judicial processes that tend to be punitive, by prioritizing a restorative justice approach. One form of implementing restorative justice within the juvenile criminal justice system in Indonesia is through the diversion mechanism.

Diversion refers to the redirection of juvenile case settlement from the criminal justice process to alternative processes outside the court system, aiming to achieve a fair resolution between the victim and the offender without imposing imprisonment (Ariani, 2014). The main legal basis for the implementation of diversion in Indonesia is Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which is further elaborated technically through Supreme Court Regulation Number 4 of 2014. This regulation outlines the procedures for implementing diversion at various stages, from the police level, prosecution, to the court.

Although normatively diversion has been comprehensively regulated, its effectiveness in practice remains in question. Several cases have highlighted obstacles in the implementation of diversion, such as the lack of understanding among law enforcement officers, resistance from victims or their families, and limited supporting facilities. These challenges underscore the need for an in-depth study on how effective diversion is in achieving the primary goal of the juvenile justice system, namely to protect the best interests of the child and to prevent the negative stigma that may result from judicial proceedings (Sugama Y.; Az M. R.; Ridwan M. A.; Rozi F.; Azis A.; Jum'ah J. A., 2024).

Although diversion is normatively regulated in Law No. 11 of 2012 and Supreme Court Regulation No. 4 of 2014, in practice, a gap still exists between theory and implementation. Previous studies have mostly focused on the application of diversion at the police or prosecution levels, but few have examined the overall effectiveness of diversion from upstream to downstream, including at the judicial level (Ananda, 2018). The implementation of diversion in court and other levels has differences in case resolution methods. The implementation of diversion in Indonesia shows notable differences between urban and rural areas, primarily due to disparities in resources, infrastructure, and institutional capacity. In urban areas, law enforcement officers and judicial institutions are generally more familiar with the procedures outlined in the Juvenile Criminal Justice System Law (Law No. 11 of 2012), and they often have better access to trained professionals, rehabilitation programs, and support services. Conversely, in rural areas, the application of diversion is frequently hindered by a lack of trained personnel, limited facilities, and weak coordination between relevant institutions. In many rural communities, traditional or customary mechanisms such as village deliberations play a larger role in resolving juvenile cases, which may align with restorative justice principles but often lack formal safeguards for children's rights. Additionally, rural areas tend to have weaker monitoring and evaluation systems, making it difficult to track outcomes and ensure accountability. These disparities highlight the need for strengthened support and capacity-building in rural regions to ensure that diversion is implemented consistently and fairly across the country.

Moreover, there is a lack of research that specifically evaluates the factors that support or hinder the success of diversion, such as the role of law enforcement, the readiness of legal infrastructure, and the active participation of victims and the community. This gap highlights the importance of conducting more comprehensive research that not only assesses the existence of regulations but also evaluates their effectiveness in real-world contexts.

To examine this issue, the research uses the restorative justice theory, which places the restoration of relationships between offenders, victims, and the community as the main goal of case resolution. This theory emphasizes dialogue, reparations for harm, and the avoidance of retributive punishment, especially for children in conflict with the law. Restorative justice forms the conceptual foundation of diversion, making it highly relevant for analyzing the effectiveness of diversion policies in Indonesia's juvenile criminal justice system (Juwita Agustin Br Tobing, 2024). In addition, Lawrence M. Friedman's legal system theory, which views the success of a legal system as being determined by its

legal substance, legal structure, and legal culture, is also used to understand the dynamics of diversion implementation more comprehensively (Walim et al., 2024).

Based on the above, the objective of this research is to analyze the effectiveness of diversion implementation within Indonesia's juvenile criminal justice system based on Law No. 11 of 2012 and Supreme Court Regulation No. 4 of 2014, and to identify the supporting and inhibiting factors of its success. This research also aims to provide practical recommendations for policymakers and law enforcement officials to optimize the implementation of diversion as a form of legal protection for children in conflict with the law. It is hoped that the findings of this study will contribute to the development of a more humane, just, and child-focused justice system.

## 2. Materials and Methods

This research employs an empirical juridical approach, which examines law not only as written norms but also as actual behavior within society. This approach was chosen because the researcher aims to assess the effectiveness of diversion implementation in practice, rather than merely reviewing existing legal regulations. This method allows for the study of the interaction between normative law and social reality, including the responses of law enforcement officers, offenders, victims, and the community toward the implementation of diversion.

The data sources used in this study consist of primary and secondary data. Primary data were obtained through interviews with law enforcement officials directly involved in the diversion process, such as police investigators, prosecutors, and judges, as well as other relevant parties such as officers from the Correctional Center and child counselors, while maintaining children's rights in conducting research. In total, the study involved 10 key informants, selected using purposive sampling based on specific criteria: they must have direct experience in handling juvenile cases involving diversion and hold a formal role in the juvenile justice system. This selection aimed to ensure that the data collected reflected informed perspectives from practitioners actively engaged in implementing diversion policies. Secondary data were gathered through literature studies, including laws and regulations, books, journals, previous research findings, and other supporting documents.

The geographical scope of this research focuses on Jakarta and its surrounding areas, where juvenile cases are handled with varying levels of diversion application. This region was chosen due to its relatively high case volume and availability of structured diversion programs, allowing for a meaningful analysis of both best practices and existing challenges.

Based on the above, the objective of this research is to analyze the effectiveness of diversion implementation within Indonesia's juvenile criminal justice system, with a focus on Law No. 11 of 2012 and Supreme Court Regulation No. 4 of 2014, which form the foundation for the analysis.

Data collection techniques included semi-structured interviews and documentation. The interviews aimed to gather in-depth information on the implementation of diversion and the challenges faced in the field. Meanwhile, documentation was used to complement and verify the interview data, particularly related to quantitative data such as the number of cases successfully diverted.

The collected data were analyzed using a qualitative method, which involves interpreting the meaning of the data, identifying patterns, and drawing conclusions based on the theoretical framework used. The analysis was conducted inductively to understand the effectiveness of diversion policy in an empirical context and to formulate relevant and practical recommendations. The results were analyzed manually by the researchers themselves without the use of specialized software, allowing for a more direct interpretation of interview findings and documentation in relation to the research objectives. Through this method, the study is expected to provide a comprehensive overview of the implementation of diversion in the juvenile criminal justice system, addressing both the normative legal aspects and the social realities surrounding it.

### 3. Results and Discussion

The implementation of diversion in handling juvenile criminal cases in Indonesia is a tangible manifestation of the application of the restorative justice principle, as mandated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (Ariani N. P. R.; Mangku D. G. S., 2019). Diversion is an effort to resolve juvenile cases outside the formal judicial process, with the primary goal of protecting children from the negative effects of the penal system, safeguarding their rights, and restoring relationships between the child offender, the victim, and the community.

According to the provisions of the Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, diversion is mandatory at every level of the juvenile justice process—be it at the police, prosecution, or court level—as long as the child commits an offense punishable by imprisonment of under seven years and it is not a repeat offense. Studies analyzing police discretion in the early stages of juvenile proceedings reveal that officers often choose not to apply diversion when faced with community pressure or ambiguity in procedural guidelines, suggesting the need for institutional safeguards and clearer directives (Fauzi A., 2022). The unique thing about this research is that it discusses diversion at the court level.

The technical implementation of diversion is further elaborated in Supreme Court Regulation Number 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System (Firdaus E.; Sabri F.; Habibi I., 2019). This regulation stipulates that the diversion process must be carried out through a deliberation process involving the child, the parents or guardians, the victim and/or their family, social workers, and other relevant parties, with the assistance of competent law enforcement officials at each stage. The deliberation may result in several forms of agreement, such as apologies, compensation, community service, or guidance within a social institution. The results are documented in an official report and can be ratified by the relevant institution.

In practice, diversion still faces numerous challenges. In some regions, diversion is well-implemented thanks to well-informed officials, institutional synergy, and the willingness of victims to participate in the process. However, in other areas, diversion is less optimal due to lack of understanding by law enforcement, limited support infrastructure such as social workers, and victim resistance. Additionally, uneven socialization and training about the diversion mechanism remain significant obstacles. Nevertheless, the existence of a clear legal framework through the Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Supreme Court Regulation Number 4 of 2014 provides a crucial foundation to encourage a paradigm shift in the handling of juvenile cases—from a punitive approach to a more humane, educational, and restorative model. Studies indicate that although the Supreme Court regulation has provided procedural guidance, certain regions in Indonesia still experience issues with its application due to infrastructural and institutional limitations (Asmara N., 2024).

With enhanced training, stronger inter-institutional coordination, and increased public participation, diversion is expected to be implemented more effectively and fairly for all parties involved (Ningtias S.; Djanggih H., 2020). Law enforcement officers in Indonesia play a crucial yet complex role in the implementation of diversion, and their support or hindrance significantly affects its success. To a considerable extent, many law enforcement officers—particularly those in juvenile units or trained in restorative justice—demonstrate strong support for diversion, especially when they recognize its potential to rehabilitate children and prevent reoffending. These officers actively collaborate with prosecutors, social workers, and child protection agencies to ensure that eligible cases are diverted at early stages of the legal process, as mandated by Law No. 11 of 2012 on the Juvenile Criminal Justice System and Supreme Court Regulation No. 4 of 2014.

However, the level of support varies widely across regions and institutions. In some cases, diversion is hindered by officers who lack sufficient understanding of the legal framework, hold punitive attitudes toward juvenile offenders, or are burdened by heavy

caseloads and institutional bureaucracy. In rural or under-resourced areas, the lack of training, limited coordination mechanisms, and absence of rehabilitation facilities can lead officers to treat cases through conventional prosecution, even when diversion is possible. Additionally, reluctance to implement diversion may also stem from fear of being held accountable if the diverted child reoffends.

In conclusion, while there is growing institutional and regulatory support for diversion in Indonesia, the extent to which law enforcement officers facilitate or obstruct its implementation depends largely on their legal awareness, professional training, and access to support systems. Strengthening capacity-building, improving inter-agency coordination, and ensuring accountability are essential to ensure consistent support for diversion across the country.

The legal structure includes institutions and law enforcement officers such as the police, prosecutors, courts, and the Correctional Center, all of whom play key roles in initiating and facilitating the diversion process. In many cases, the success of diversion depends on the initiative and commitment of law enforcement to prioritize restorative approaches rather than pushing cases through formal trials. Empirical research conducted in Semarang indicates that many police officers still lack formal training on how to mediate restorative justice forums, which significantly limits the potential success of diversion efforts (Lestari, 2020). Some recent legal evaluations show that the application of diversion by law enforcement, particularly by the police, tends to be underwhelming due to limited institutional readiness and the persistence of punitive mindsets among officers (Hambali Z., 2023). Without proper coordination among these actors, diversion tends to be hindered or improperly executed.

Legal substance, as found in the Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and PERMA No. 4 of 2014, actually provides a clear and comprehensive framework. However, there are still inconsistencies in the practical application of these regulations, particularly regarding the officials' understanding of the requirements and procedures for diversion. In some areas, law enforcement lacks detailed technical guidelines or SOPs for effective implementation. This highlights the need to strengthen the legal substance through more operational and field-applicable regulations or technical guides. This condition is exacerbated by differing interpretations of diversion among law enforcement institutions, leading to inconsistent implementation despite similar legal mandates (Harve J.; Nugroho Y., 2021; Santoso, 2023). Findings in comparative legal studies highlight that institutional fragmentation between judicial and social service actors reduces the coherence of diversion strategies, especially in under-resourced regions (Santoso, 2023).

Meanwhile, legal culture in society also affects the success of diversion. Legal culture reflects the values, attitudes, and public understanding of the law. Often, communities—especially victims or their families—prefer punitive justice over amicable settlements through diversion. This may stem from limited knowledge of the goals of diversion and a lack of awareness about the benefits of restorative justice. Thus, raising public awareness is a crucial element in supporting effective diversion implementation. Community leaders, NGOs, and the media are also needed to shift public perception towards a more educational and rehabilitative approach. Cultural biases also play a role; families from conservative backgrounds often reject non-punitive solutions, believing incarceration serves as a moral lesson (Syafri, 2021). Community perceptions of juvenile offenders remain shaped by punitive traditions rather than restorative ideals, which makes it difficult to implement diversion meaningfully without broader societal education (Dhanapal A.; Murti D., 2019).

Therefore, the ideal implementation of diversion should not solely rely on regulations but requires strong synergy between legal structure, substance, and culture. Achieving this requires systematic efforts, such as intensive training for law enforcement officers, monitoring of diversion practices in the field, and educational campaigns to promote the importance of legal protection for children in conflict with the law. A re-

gional study found that without structured inter-agency communication and consistent evaluation, diversion remains symbolic rather than functional (Hidayat, 2019).

Several previous studies show that diversion in Indonesia's juvenile justice system holds great potential as a fair and humane alternative for resolving cases, although its implementation still faces various challenges. Research by Ani Purwati (2020) shows that the success rate of diversion in several major cities is relatively high due to support from law enforcement and sufficient understanding of restorative justice principles. However, that study also found a major barrier: resistance from victims or their families, who still believe that juvenile offenders should be punished to create a deterrent effect. Similar findings were reported by Kasuma (2020), who emphasized that public understanding of diversion remains limited, resulting in restorative approaches being poorly accepted. Some legal reviews have observed that despite the formal inclusion of children in diversion procedures, their views are not always fully acknowledged in decision-making processes, undermining the principles of restorative justice (Pratiwi, 2018). Several district-level case reviews revealed that the child's participation is often treated as procedural rather than meaningful, contradicting the restorative goals of juvenile justice reform (Rahmawati, 2022). (Ani Purwati Cpl M. H. CPCLE C. CLA C. CLI C., 2020; Kasuma I. A.; Setyawati M., 2020; Rahmawati, 2022)

While the statutory base for diversion is robust, its implementation is often hindered by resistance from legal practitioners who view restorative procedures as less authoritative than formal prosecution (Nuraini, 2021).

Another study by Widiya (2020) highlights the crucial role of BAPAS (Correctional Centers) as facilitators in the diversion process. However, in practice, BAPAS often face human resource and time constraints, resulting in suboptimal assessment and support for the child. Furthermore, the involvement of victims and the community in diversion forums remains inadequate, even though the success of diversion largely depends on the willingness of all parties to actively participate in the deliberation process. (Widiya S.; Wahyudi S., 2020)

These studies reinforce the argument that diversion implementation cannot solely rely on existing laws and regulations, but requires a supportive legal and social ecosystem.

The implications of these findings suggest that Indonesia's juvenile criminal justice system is still transitioning toward a more restorative approach. Diversion, as one of the primary tools of restorative justice, faces structural, cultural, and resource-related challenges. In actual practice, diversion programs have not always aligned with the restorative justice values they are supposed to uphold, especially when case handling still prioritizes punitive outcomes over relational restoration (Hambali Z., 2023). If these are not addressed, they can hinder the main goal of Law No. 11 of 2012, which is to provide maximum legal protection for children in conflict with the law.

Therefore, there is a need for policies that strengthen the implementation of diversion, including derivative regulations, technical training for law enforcement, and community empowerment to participate in the recovery process.

Interpretation of these various findings indicates that the effectiveness of diversion depends on the synergy among legal system components. In this context, law enforcement plays a strategic role in initiating, facilitating, and directing the diversion process with an approach sensitive to the best interests of the child. At the same time, society must be given a deeper understanding of restorative justice so that out-of-court settlements are not always perceived as impunity.

If all parties share the same understanding and commitment, diversion can become an effective solution for handling juvenile cases fairly and sustainably. The unique contribution of this study lies in its comprehensive analysis of diversion implementation not only at the police or prosecution level, as most prior research has done, but also at the court level. By exploring the legal structure, substance, and culture in multiple regions, this study offers a more holistic understanding of both successes and challenges in the field. This research, therefore, contributes to strengthening the literature and advocacy on

the need for a more restorative, participatory, and child-focused juvenile justice reform in Indonesia.

#### 4. Conclusions

Based on the aforementioned discussion, it can be concluded that the implementation of diversion in handling juvenile criminal cases represents a concrete application of the restorative justice principle, aimed at protecting the rights and future of children. Normatively, the provisions regarding diversion have been comprehensively regulated in Law No. 11 of 2012 and Supreme Court Regulation (PERMA) No. 4 of 2014. However, the effectiveness of its implementation in practice still faces various challenges in terms of legal structure, legal substance, and legal culture. These challenges include a lack of understanding among law enforcement officers, resistance from victims, limited supporting resources such as probation officers, and low public awareness of the restorative justice concept. Previous studies indicate that the success of diversion highly depends on inter-agency synergy and active participation from all parties involved in the resolution process. In this context, capacity building for law enforcement, the development of technical implementation guidelines, and public education are essential steps to enhance the effectiveness of diversion. Thus, diversion should not merely become a formal procedure but must truly function as a fair and restorative solution for children, victims, and the community. Therefore, continuous efforts are needed from the government, law enforcement institutions, and society to establish diversion as a central pillar of a humane, inclusive, and future-oriented juvenile justice system. This study is expected to contribute positively to the reform of the juvenile justice system in Indonesia and to support the transformation toward a system that is more just and humane. Further studies are needed to explore the diversification policy to see whether it requires updated regulations or new policies.

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