

AN ANALYSIS OF THE IMPLEMENTATION OF DIVERSION IN THE JUVENILE CRIMINAL COURT SYSTEM

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ABSTRACT

Objective: This study delves into the application and effectiveness of diversion programs within the juvenile criminal court system. Diversion, as an alternative to traditional court processing, aims to redirect young offenders away from formal adjudication, emphasizing rehabilitation and community-based interventions.

Theoretical framework: It defines work discipline, explains performance management principles, incorporates legal regulations, uses theoretical models, forms research questions, and identifies variables. It also considers contextual factors and shapes expectations regarding work discipline's impact on performance.

Methodology: The research employs a mixed-method approach, incorporating qualitative interviews with key stakeholders, including judges, probation officers, and diversion program coordinators, alongside quantitative analysis of case outcomes and recidivism rates. The findings reveal multifaceted insights into the implementation of diversion initiatives.

Results and conclusion: Qualitative data highlights the perspectives and experiences of professionals directly involved in the diversion process, shedding light on program design, participant eligibility criteria, and challenges faced in execution. Concurrently, quantitative analysis provides statistical evidence regarding the impact of diversion on reoffending rates, comparative to traditional court processing. Furthermore, this study addresses the equity implications of diversion, exploring disparities in program access and outcomes across demographic, socioeconomic, and geographical dimensions. It examines potential biases in referral, participation, and success rates, aiming to identify areas for improvement in ensuring a fair and just application of diversion practices.

Originality/value: It advocates for tailored diversion programming, informed by empirical evidence and stakeholder perspectives, to maximize its potential as an effective tool for juvenile justice. The study also underscores the need for ongoing evaluation and refinement of diversion initiatives to align with evolving best practices and societal needs. This research contributes valuable insights to the discourse surrounding juvenile justice reform and the pivotal role of diversion in creating a more rehabilitative and equitable system for young offenders.

Keywords: diversion, rehabilitation, juvenile justice.

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UMA ANÁLISE DA IMPLEMENTAÇÃO DO DESVIO NO SISTEMA JUDICIAL DE MENORES

RESUMO

Objetivo: Este estudo investiga a aplicação e a eficácia dos programas de desvio no sistema de tribunais criminais juvenis. O desvio, como uma alternativa ao processamento judicial tradicional, visa a redirecionar os jovens infratores para longe do julgamento formal, enfatizando a reabilitação e as intervenções baseadas na comunidade.

Estrutura teórica: Define a disciplina de trabalho, explica os princípios de gerenciamento de desempenho, incorpora regulamentações legais, usa modelos teóricos, forma perguntas de pesquisa e identifica variáveis. Também considera fatores contextuais e molda as expectativas com relação ao impacto da disciplina no trabalho sobre o desempenho.

Metodologia: A pesquisa emprega uma abordagem de método misto, incorporando entrevistas qualitativas com as principais partes interessadas, incluindo juízes, oficiais de liberdade condicional e coordenadores de programas de desvio, juntamente com a análise quantitativa de resultados de casos e taxas de reincidência. Os resultados revelam percepções multifacetadas sobre a implementação de iniciativas de desvio.

Resultados e conclusão: Os dados qualitativos destacam as perspectivas e experiências dos profissionais diretamente envolvidos no processo de desvio, lançando luz sobre o projeto do programa, os critérios de elegibilidade dos participantes e os desafios enfrentados na execução. Ao mesmo tempo, a análise quantitativa fornece evidências estatísticas sobre o impacto do desvio nas taxas de reincidência, em comparação com o processamento judicial tradicional. Além disso, este estudo aborda as implicações de equidade do desvio, explorando as disparidades no acesso ao programa e os resultados em dimensões demográficas, socioeconômicas e geográficas. Ele examina possíveis vieses nas taxas de encaminhamento, participação e sucesso, com o objetivo de identificar áreas de melhoria para garantir uma aplicação justa e equitativa das práticas de desvio.

Originalidade/valor: Defende uma programação de desvio personalizada, informada por evidências empíricas e perspectivas das partes interessadas, para maximizar seu potencial como uma ferramenta eficaz para a justiça juvenil. O estudo também ressalta a necessidade de avaliação e refinamento contínuos das iniciativas de desvio para alinhar-se às melhores práticas em evolução e às necessidades da sociedade. Essa pesquisa contribui com percepções valiosas para o discurso em torno da reforma da justiça juvenil e do papel fundamental do desvio na criação de um sistema mais reabilitador e equitativo para jovens infratores.

Palavras-chave: diversão, reabilitação, justiça juvenil.

1 INTRODUCTION

Children are considered a divine mandate, each possessing inherent dignity as complete human beings and representing the future and leadership of a nation. It is imperative for parents, society, and the government to ensure the well-being and survival of children. The state has a responsibility to safeguard children's rights to survival, growth, development, and protection from violence and discrimination. As the future of a nation and a valuable resource for its development, children require continuous guidance for their physical, mental, and social growth, along with protection from



potential threats to their future. This includes not only formal education but also moral education to nurture them into responsible and productive citizens. During their vulnerable formative years, children can be significantly influenced by their surroundings, making the prevention and mitigation of juvenile delinquency a crucial aspect of child protection.²

The implementation of the juvenile justice system is a contemporary approach to addressing child delinquency, emphasizing the welfare and rehabilitation of young offenders over punitive measures. The root causes of children's criminal behavior often extend beyond the child and involve factors like socialization, education, and peer influences, often originating from negative adult or peer behaviors. Child protection is an integral component of national development, ensuring the holistic development of virtuous individuals. Neglecting child protection can lead to various social problems that disrupt law and order, security, and the nation's development.³

Therefore, safeguarding children is vital for achieving comprehensive national progress. Child protection should apply to both child victims and child offenders in the legal process, taking into account the child's future, as they are the hope for the nation's future. Distinguishing between adult and child offenders is essential, as children bear a different legal status and do not carry the same legal responsibilities as adults. It is important to protect children's rights when they are involved in legal proceedings. In handling juvenile justice, specialized investigators, prosecutors, and judges are essential, and their active involvement is crucial in preserving children's rights. The legal system must be sensitive to the unique needs of children in conflict with the law. To address the limitations of the previous legislation, the Juvenile Criminal Justice System (UUSPPA) was introduced, emphasizing a restorative justice approach through the Diversion System. Under the new regulation, law enforcement is obliged to seek diversion at all stages of the legal process, a departure from the discretionary authority of investigators under the previous law, which allowed for diversion through informal channels, primarily involving parents, guardians, or foster parents.

² Ediwarman, 2006, Juvenile Justice at the Crossroads in the Perspective of Victimology (learning from the Raju case), Vol.18 No.1, April 2006, Jurnal Mahkamah, Pekanbaru, p.8.

³ Romli Atmasasmita (ed), Juvenile Justice in Indonesia, Mandar Maju, Bandung, 1997, pp. 166



2 THEORETICAL FRAMEWORK

2.1 CHILDREN AS PERPETRATORS OF CRIMINAL OFFENCES

Criminal offences committed by children are a serious problem faced by every country. In Indonesia, the issue has been raised in seminars and discussions held by government agencies and other relevant institutions, and other related institutions. The increasing trend of offences committed by children or young offenders that lead to criminal offences, encourages efforts to overcome and handle it, especially in the field of criminal law (juvenile) and its events. in the field of criminal law (children) and its events. This is closely related to the special treatment of young offenders. young offenders.⁴

The handling of criminal offenses demands a distinct approach for child offenders compared to adults. From a legal standpoint, children bear fewer responsibilities than adults. As long as an individual is categorized as a child, they are not held fully accountable. When a problem arises involving a child, the focus is on safeguarding their rights according to the law. Children strongly suspected of committing a criminal offense are subject to Law Number 3 of 1997, which pertains to Juvenile Courts (referred to as UUPA), subsequently replaced by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (referred to as UUSPPA). These Juvenile Courts involve specialized investigators, prosecutors, and judges who exclusively handle cases involving children, underscoring the pivotal role of law enforcement in ensuring that the rights of delinquent children are upheld without infringement.

The Indonesian Child Protection Commission (KPAI) is currently expressing concerns regarding the substantial number of children in conflict with the law, attributing this to issues within the legal apparatus itself. Notably, KPAI highlights a significant increase, with an annual average of 6,000 children involved in legal conflicts over the past five years. Out of this figure, approximately 3,800 children find themselves in juvenile detention centers, while the remainder are placed in adult prisons, police custody, or other unsuitable facilities for minors. This surge is partly a consequence of numerous legal judgments against juvenile offenders resulting in incarceration. While Indonesia has established legal provisions for child protection, the lacking infrastructure leads legal authorities to resort to expedient measures in resolving legal issues involving children. The statistics pertaining to juvenile detainees have shown a consistent rise, as evidenced

⁴ Agung Wahyono and Siti Rahayu, *Review of Juvenile Justice in Indonesia*, Sinar Grafika, Jakarta, 1983, p. 2



by data from the Directorate General of Corrections under the Ministry of Law and Human Rights, which reported 5,630 child prisoners in March 2008.⁵ In the same period in 2010, the number increased to 6,271 child prisoners. Due to the limitations of the Correctional Institution (LP), around 3,575 juvenile prisoners (57%) were forced to be united in one environment with adult prisoners, even so the decision of imprisonment remains a favourite alternative for judges to decide cases committed by children. for judges to decide cases committed by children.

Pre-trial detention should only be used as a last resort and for the shortest possible period of time. Where possible, pre-trial detention will be replaced by alternative measures. alternative measures. The Tokyo Rules (United Nations Standard Minimum Rules for Non-Detention Measures). United Nations Standard Minimum Rules for Non-Detention Measures) Avoiding pre-trial detention, at 6.1 Pre-trial detention should be used as a last resort in judicial proceedings, in order to honour the investigation of the alleged crime and for the protection of the public and victims.⁶

From some of the interpretations of the meaning of children put forward above above, in relation to this research, what is meant by children is children as perpetrators of criminal offences that refer to the UUPA and the Law on Child Protection. are children as perpetrators of criminal offences that refer to the UUPA and UUSPA, which in Article 1 Paragraph (2) Children in conflict with the law UUSPA, which in Article 1 Paragraph (2) Children in conflict with the law are children in conflict with the law, children who are victims of criminal offences. are children in conflict with the law, children who are victims of criminal offences, and children who are witnesses to criminal offences. criminal offences, and children who are witnesses to criminal offences.

2.2 JUVENILE OFFENCES

Cases involving children as perpetrators of crimes present unique challenges. Given that children are emotionally unstable and legally considered distinct subjects, the treatment of such cases necessitates special attention, beginning with the application of criminal procedural law tailored for children. The Juvenile Criminal Procedure Law delineates specific obligations and rights afforded to children. The perennial criticism from scholars, professionals, and the public regarding the handling of child offenders in

⁵ 57% of children put together in adult prisons" quoted from Media Indonesia on 15 April 2010.

⁶ United Nations Standard Minimum Rules for Non-Detention Measures (The Tokyo Rules) UN Resolution 45/110, 1990 in part II of the Pre-Trial phase Art.6



criminal cases reflects a deeply entrenched cultural mindset within law enforcement circles. Deviant behavior exhibited by children is influenced by various factors, taking into account their still-evolving emotional stability. As posited by Romli Atmasasmita, these factors can be categorized into two primary motivational groups. Namely⁷ :

a) Which includes intrinsic motivation of juvenile delinquency

are:

1. Intelligence factor
2. Age factor
3. Gender factor
4. The child's position in the family.

b) What includes extrinsic motivation is:

1. Household factors
2. Education and school factors
3. Child socialisation factors
4. Mass media factors.

However, according to the author, legislative policy can also appear as one of the criminogenic factors in terms of the creation of deviant behaviour from children in the form of juvenile delinquency. Although legislative policy is not a factor that directly intersects with the rise of juvenile delinquency. However, the term law as a tool of social engineering on the purpose of the formation of a particular law, can also have negative side effects on society.

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From various UN Congresses discussing "Crime Trends and Crime Prevention Strategies", among others, it was concluded that:

⁷ Romli Atmasasmita, Problems of Juvenile Delinquency, Bandung, Armico, 1983, p.46



1. Development is essentially not criminogenic, especially if the results of development are distributed properly and fairly to all people and support the progress of all social conditions;
2. Improperly planned, unequal, or unbalanced development, which disregards cultural and moral values and lacks a comprehensive community protection strategy, can lead to an increase in criminal activity or be conducive to criminal behavior. This implies that development, when carried out without due consideration for these factors, may inadvertently contribute to a rise in criminality.

The lack of clarity in the article's wording, which can lead to various interpretations, can create opportunities for the emergence of potential perpetrators of crime/criminal acts. For example, in the Criminal Justice System (CJS), as a form of social sub-process, the CJS cannot be separated from criminogenic properties due to inconsistent practices, which can actually "create" crime. A criminal offence can become a non-criminal offence or vice versa. Perceptions of individual law enforcers, professionalism, infrastructure, culture - even political interests - can lead to the view that the law is limited to retribution. The application of different punishments to the same criminal offence is criminogenic. The forms of juvenile delinquency are categorised as follows:

1. Juvenile delinquency as status offences, i.e. any child behaviour that is considered deviant, but if done by an adult - adults is not considered a criminal offence, for example skipping school, resisting parents, running away from home, and others.
2. School, fighting parents, running away from home, and others. Juvenile delinquency, i.e. any behaviour of children that is considered deviant, but when committed by adults is not considered a criminal offence. any behaviour of children that is considered to violate the rule of law and when committed by adults is also a criminal offence. if committed by an adult is also a criminal offence, but the child is considered not yet fully responsible for his actions.

According to Kartini Kartono, Juvenile Delinquency refers to inappropriate or immoral behavior, or criminal actions committed by young individuals. It is considered a social issue or pathology in children and adolescents, stemming from a form of social neglect that leads them to develop deviant behavioral patterns. Romli Atmasasmita



defines Juvenile Delinquency as any act or conduct displayed by an unmarried child under the age of 18 that violates established legal norms and has the potential to jeopardize the personal development of the involved child. In the United States, a distinction is made between acts committed by children and those committed by adults. An act of anti-social behavior that violates criminal laws, decency, and public order, when perpetrated by an individual above the age of 21, is termed a crime. However, if the offender is under 21 years of age, it is classified as delinquency.

2.3 IMPLEMENTATION OF THE DIVERSION CONCEPT ACCORDING TO LAW NUMBER 11 YEAR 2012 ON THE JUSTICE SYSTEM

The concept of diversion was initially introduced in discussions on juvenile justice in 1960 by the President of the Australian Crime Commission in the United States. However, it had already been in existence before this date, with the establishment of children's courts in the 19th century, indicating a shift away from the formal criminal justice system and the formalization of police cautioning. This practice was first implemented in the Australian state of Victoria in 1959, followed by Queensland in 1963. Children who are strongly suspected of committing a criminal offense are subjected to the provisions of Law Number 11 of 2012 concerning the Justice System. To address the limitations of the preceding legislation, the Juvenile Criminal Justice System (UUSPPA) was enacted. A fundamental alteration in the UUSPPA is the adoption of a restorative justice approach through the Diversion System. According to this regulation, law enforcers are mandated to actively seek diversion (a resolution through non-formal channels) at all phases of the legal process.

This stands in contrast to the provisions of the previous law, which only permitted investigators to exercise their discretionary authority by transferring children in conflict with the law to their parents, guardians, or foster parents. The legal process for a child's case, starting from the point of arrest, detention, and trial, is overseen by specialized officials who hold responsibility for the child's development. These officials must possess a deep understanding of children's issues. Nevertheless, before entering the formal legal process, law enforcers, families, and the community are encouraged to pursue an out-of-court process, specifically through Diversion based on the Restorative Justice approach. The guidelines for implementing the diversion process, along with the procedures and coordination of its execution, are outlined in government regulations, as stipulated in



Article 15 of Law Number 11/2012 on the Juvenile Criminal Justice System. The goal of diversion is to ensure justice in cases involving children who have committed criminal offenses, ensuring their involvement as part of the law enforcement process:⁸

1. Implementation of social control orientation, where law enforcement officials leave the offender in charge of community supervision or observation, with obedience to any approval or warning given. The offender accepts responsibility for his/her actions and no second chance is expected for the offender by the community.
2. Social service orientation by the community towards the offender, i.e. carrying out functions to supervise, intervene, correct and provide services to the offender and his/her family. The community can interfere with the offender's family to provide repairs or services.
3. Towards a process of restorative justice or negotiation (balanced or restorative justice orientation), which protects the community, provides an opportunity for the offender to be directly responsible to the victim and the community and makes a joint agreement between the victim offender and the community. The implementation is that all relevant parties are brought together to jointly reach an agreement on the actions of the perpetrator.

2.4 IMPLEMENTATION OF DIVERSION BASED ON GOVERNMENT REGULATION NO 65 OF 2015 CONCERNING GUIDELINES FOR THE IMPLEMENTATION OF DIVERSION AND HANDLING CHILDREN WHO ARE NOT YET 12 (TWELVE) YEARS OLD

This regulation is an implementing regulation of the provisions of Article 15 and Article 21 Paragraph (6) of Law No. 11/2012 on the Child Criminal Justice System. Diversion or the transfer of the settlement of children's cases (12 years old but not yet 18 years old) from the judicial process to a process outside the criminal justice system aims to:

1. Achieve peace between victims and children;
2. Settle children's cases outside the judicial process;
3. Avoid children from deprivation of independence;

⁸ <http://lutfichakim.blogspot.com/2012/12/konsep-diversi.html>, accessed on 15 Oktober 2023



4. Encourage the community to participate; e) Instil a sense of responsibility in children.

Government Regulation No. 65 of 2015, which provides guidelines for the implementation of diversion and handling of children under 12 years old, stipulates that investigators, public prosecutors, and judges are obliged to pursue diversion for children if the committed offense is punishable by imprisonment under seven years and is not a repeat offense (Article 3, Paragraphs 1 and 2). Should diversion not be pursued despite meeting the criteria, community supervisors, who are functional law enforcement officials, have the authority to request a diversion process in the child's best interest.

The diversion process, as outlined in the same regulation, entails a deliberation involving the child, parents/guardians, community advisors, and professional social workers, all guided by a restorative justice approach (Article 5, Paragraph 2). Restorative justice places emphasis on reconciling the perpetrator with the victim/community to find resolutions and restore positive community relationships. If the diversion agreement necessitates compensation or restoration to the original state, it must be executed within the agreed-upon timeframe, which must not exceed three months (Government Regulation No. 65 of 2015). The outcomes of the diversion agreement are documented in a letter, to be authenticated by the chairman of the district court in the area where the case originated or where the diversion agreement was made (Article 9). In the event that the diversion process proves unsuccessful, the judicial proceedings will recommence. Throughout the diversion process, the child is placed under the care of parents/guardians. In instances where parents/guardians are unavailable, the child is placed in a specialized care facility (LPKS).

However, if it is deemed in their best interest, children with parents may also be placed in an LPKS. According to Government Regulation No. 65/2015, the investigator must inform the public prosecutor of the initiation of the diversion effort within 24 hours. Additionally, the investigator has 24 hours from the issuance of the investigation warrant to notify the public prosecutor of the commencement of the investigation. Within seven days of the initiation of the investigation, the investigator must apprise and extend the offer of diversion to the child and/or parent/guardian, as well as the victim or child victim and/or parent/guardian. In the event that any party dissents from diversion, the investigator proceeds with the investigation and submits the case file and report of the diversion effort to the public prosecutor (Article 14, Paragraph 3). The diversion process



is to be concluded within 30 days from the initiation date. The deliberation for diversion, as indicated, is led by the investigator as the facilitator, with the community advisor serving as the deputy facilitator. It is attended by the child and/or parent/guardian, victim, or child victim and/or parent/guardian, as well as the professional social worker. Should a diversion agreement be reached, the investigator is mandated to issue a decree to terminate the investigation within a maximum period of 3 (three) days from the date of receipt of the court order. In the event that the diversion agreement is not executed within the specified period (particularly in cases involving compensation, restoration to the original state, or community service), the community advisor is required to submit a written report to the immediate superior of the investigator for further action in the criminal justice process, with a copy provided to the head of the local district court.

2.5 DIVERSION

Children who engage in unlawful behavior or commit criminal acts are significantly influenced by external factors. In order to shield them from the formal criminal justice system's influence, experts in law and human rights have established specific rules and procedures to divert a child involved in an offense or criminal act away from the standard legal process. This aims to provide alternative solutions that are deemed more beneficial for the child's well-being. This concept, known as diversion, is referred to as "diversi" or "diversion" in Indonesian. It entails redirecting the handling of a child's case, such as a child suspected of committing a criminal offense. The primary objective of implementing diversion in a child's case is to, among other things, steer clear of detaining children and the stigmatization associated with being labeled a criminal. Moreover, diversion encourages children to take responsibility for their actions. In essence, diversion signifies the re-routing of the criminal justice process away from the standard formal procedures, aiming for resolution through deliberation..⁹

Diversion is driven by the intention to shield children from adverse psychological and developmental impacts that may result from their involvement with the criminal justice system. Law enforcement officials exercise their discretion, known as "discretion" in Indonesian, when implementing diversion. By employing the concept of diversion, the established formal justice system places a higher emphasis on safeguarding children from incarceration. Furthermore, it's evident that child protection through diversion policies

⁹ <http://id.answers.yahoo.com/question/index?qid=20091014232358AAmFCtJ>, accessed on 15 Oktober 2023



can be enacted at various stages of justice, commencing at the community level with preventive measures before any criminal offense occurs. Consequently, if a child does commit an offense, it doesn't necessarily entail involvement of the police. The definition of diversion is also outlined in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (commonly known as The Beijing Rules). Items 6 and 11 specifically address diversion, describing it as the process of redirecting children in conflict with the law away from the criminal justice system towards informal procedures, which may involve reintegration into social institutions, whether governmental or non-governmental in nature. Diversion aims to ensure that children who have committed criminal offenses are dealt with by law enforcement officials as integral parties in the enforcement of justice.

3 CONCLUSION

Based on the research objectives and findings regarding the Makassar District Court's handling of children's cases outside the formal criminal justice process, the authors draw the following conclusions: The Makassar District Court's transition of children's cases from the criminal justice system to non-litigation proceedings complies with legal regulations and their associated implementation guidelines. However, there are instances, occurring between 2016 and 2019, where the Court resolved cases with discretionary judgment. This is attributed to the delayed issuance of diversion guidelines in 2015, and incomplete data preservation for several resolved cases. Several factors hinder the effective implementation of diversion, including: (1) the absence of guidelines upon the enactment of Law No. 11/2012, resulting in prior cases being resolved through discretion; (2) limited community awareness; (3) the victim's desire for a deterrent effect on the perpetrator; (4) inadequate facilities and infrastructure; and (5) a shortage of language translators. The adoption of diversion holds the potential to decrease juvenile crime rates, as it embraces a restorative justice and social approach, thereby enhancing children's awareness and reducing negative societal stigmatization. In contrast, punitive measures may inadvertently label children as criminals.



REFERENCES

- Abu Huraerah, *Violence Against Children*, Nuansa, Bandung, 2006.
- Achmad Ali, *Revealing Legal Theory and Judicial Prudence*, Kencana Prenada Media Group, Jakarta, 2010.
- (*Judicial Prudence*), Kencana Prenada Media Group, Jakarta, 2010.
- Agung Wahyono and Siti Rahayu, *Review of Juvenile Justice in Indonesia*, Sinar Grafika, Jakarta, 1983.
- Ediwarman, *Juvenile Justice at the Crossroads in the Perspective of Victimology (Learning from the Rape Case)*.
- Victimology (learning from the Raju case)*, Pekan baru, 2006.
- Ernawati Waridah S.S, *Indonesian Language Dictionary*, Bmedia Imprint Kawan Library, South Jakarta, 2017.
- Hadisuprpto, Paulus, *Restorative Justice and the Fulfilment of Human Rights for Children*, Semarang, 2006.
- Kartono, Kartini. *Social pathology 2 juvenile delinquency*; Raja Grafindo Persada, Jakarta, 1992.
- M. Joni and Zulchaina Z. Tanamas, *Legal Aspects of Child Protection in Perspective of the Convention on the Rights of the Child*, Bandung, Citra Aditya Bakti, 1999.
- Marlina. *Application of the Concept of Diversion to Child Offenders of Criminal Offences In the Juvenile Justice System*. *Journal of Equality*, 2008.
- Marlina. *Juvenile Justice in Indonesia (Development of the Concept of Diversion and Restorative Justice)*. PT Refika Aditama. Bandung. 2009.
- Paul Moedikdo, *Juvenile Delinquency and How to Deal With It*, Publisher PT. Gramedia Jakarta, 2004.
- R. Soenarto Soerodibroto. *Criminal Code and Criminal Procedure Code*, Rajawali Pers, Jakarta, 2003.
- Romli Atmasasmita (ed), *Juvenile Justice in Indonesia*, Mandar Maju, Bandung, 1997.
- Romli Atmasasmita, *Problems of Juvenile Delinquency*, Bandung, Armico, 1983, pp. 46.
- Romli Atmasasmita. *Contemporary Criminal Justice System (2nd Edition)*. Kencana Prenada Media Group. Jakarta. 2011.
- Satochid Kartanegara, *Criminal Law Part One*, Balai Lektur Mahasiswa, Jakarta, 2008.
- Zainudin Ali, *Legal Research Methods*, Jakarta: Sinar Grafika, 2011, p. 18