

Government Supervision Of The Implementation Of Diversion In The Child Criminal Justice System: Constitutional Law Perspective

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Abstract

The paradigm shift in Indonesia's juvenile criminal justice system from a retributive approach to restorative justice through diversion mechanisms is a constitutional mandate to protect children's fundamental rights. However, in its implementation, diversion is often trapped in administrative formalities and sociological barriers, such as the dominance of compensation agreements that violate the principle of justice for economically disadvantaged groups. This study aims to analyze the regulation of authority and government oversight mechanisms for the implementation of diversion at the investigation, prosecution, and court hearing levels from a Constitutional Law perspective. The research method used is normative juridical with a statutory and conceptual approach. The results show that although Law Number 11 of 2012 (the Juvenile Justice and Juvenile Justice Law) and Government Regulation Number 8 of 2017 have provided a legal basis for hierarchical supervision by direct superiors and functional supervision by the Community Guidance (PK) of Bapas, their effectiveness remains fragmented. This study concludes that strengthening the oversight mechanism should not stop at administrative reporting, but must also address aspects of institutional accountability through synchronization of cross-sectoral regulations and optimization of digital systems such as SPPT-TI. Revitalization of the role of external supervisory institutions is needed to ensure that the discretionary authority of officers remains within the corridor of the best interests of children and the principles of the rule of law that guarantee restorative justice evenly and sustainably.

Keywords: *Diversion, Government Oversight, Constitutional Law*

INTRODUCTION

The discourse on child protection in the Indonesian national legal system is a manifestation of the constitutional mandate that places children as legal subjects with fundamental rights that cannot be negotiated. This philosophical foundation is firmly rooted in Article 28B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which explicitly guarantees the right of every child to survival, growth, and development, as well as protection from violence and discrimination. In the context of constitutional law, this guarantee is not merely a static norm, but rather an active obligation of the state as an organization of power to create a justice system that not only pursues legal certainty, but also justice that humanizes children. The paradigm shift from a retributive approach that emphasizes revenge to a restorative approach that prioritizes recovery became an important turning point in the history of criminal law in Indonesia through the birth of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA).

Children are legal subjects who have a special status and receive greater protection in the national legal system. This is based on Article 28B paragraph (2) of the Constitution of the Republic of Indonesia which states that every child has the right to survival. Protection of children in conflict with the law is not only the responsibility of law enforcement officers, but also an obligation of the state as stated in the 1945 Constitution of the Republic of Indonesia. The state is obliged to guarantee the fulfillment of children's rights, including the right to receive fair, humane treatment, and oriented towards the best interests of the child. In this case, juvenile crime is a legal phenomenon that has its own differences in its handling. This is because legal handling of children cannot be equated with adults. As a form of this protection, Indonesia regulates a diversion mechanism in Law Number 11 of 2012 concerning the Juvenile Criminal

Justice System (SPPA). One solution to protect children in conflict with the law (ABH) is by implementing diversion.

Diversion is the transfer of child case resolution from the criminal justice process to a process outside the criminal justice system that prioritizes restorative justice. This means that not all cases involving children in conflict with the law must be resolved through formal justice channels, and provides an alternative solution with a justice approach in the best interests of the child and by considering fairness (Rodliyah, 2019). As an institution or agency that handles children in conflict with the law, starting from the child's contact with the justice system, determining whether the child will be released or processed in juvenile court until the stage when the child will be placed in choices, from being released to being placed in a punishment institution within the corridor of restorative justice (Komari, 2015).

Restorative justice directs the resolution of criminal cases by involving the perpetrator, victim, the perpetrator's or victim's family, and other relevant parties in jointly seeking a just resolution, emphasizing restoration to the original state, rather than retaliation (Ferdy A & Herwin S, 2024). However, in practice, diversion implementation often faces various problems. One of the main weaknesses lies in its reliance on the consent of the victim and/or their family. If the victim refuses, the diversion process cannot proceed, and the child must still undergo the formal justice process. The most fundamental weakness in the current diversion mechanism is its absolute reliance on the consent of the parties, especially the victim and their family. Without the victim's consent, the diversion process is automatically declared a failure, and the case must proceed to the formal criminal justice system. In several regions, including Cirebon, cases have been found in which victims exploit mediation to demand unreasonable or exorbitant amounts of compensation for commercial gain. If the perpetrator's family comes from a low-income background, they will be unable to meet these demands, resulting in the failure of diversion. This situation violates the principle of justice, which states that children from wealthy families have a greater chance of receiving diversion than children from poor families.

Furthermore, the application of diversion is limited to certain crimes, namely those punishable by imprisonment of less than seven years and not a repeat offense. Consequently, not all children in conflict with the law have an equal opportunity to receive restorative resolution. Not all cases of children who qualify for diversion are optimally pursued by law enforcement officials. Furthermore, there are differences in the understanding and application of diversion at the investigation, prosecution, and court hearing levels. This situation raises questions about the effectiveness of diversion implementation and the extent to which the state fulfills its responsibility to guarantee the protection of children's rights. Because children are vulnerable to violations of their interests and are individuals who are not yet able to protect themselves and fight for their rights, the law must strictly regulate the protection of children (Juvenile Criminal Justice, 2012).

Constitutional law is a branch of law that specifically examines legal issues in the context of the state (Jimly A, 2006). especially those related to the structure and organization of the state, the relationship between state institutions, and the division and implementation of state power authority. According to Christian van Vollenhoven in Jimly Asshiddiqie's book, constitutional law regulates all superior and subordinate legal communities according to their levels, each of which determines the territory or environment of its own people, and determines the bodies within the legal community concerned along with their respective functions and also determines the structure and authority of the bodies in question (Jimly A, 2017). Thus, it can be interpreted that constitutional law regulates the structure of state power in stages, by determining the territory, institutions, functions, and authority of each legal community, both at the central and regional levels, so that the implementation of state power runs orderly and there is no abuse of authority.

From a constitutional law perspective, the implementation of diversion cannot be separated from the concept of the government's authority and responsibility as the administrator of government. The investigative authority held by the police is the initial process in a juvenile court process. In carrying out their duties, the police are given discretionary authority, namely the legal authority that allows the police to proceed or not proceed with a case (Rika Saraswati, 2015). Police investigators not only act as law enforcement officers, but also as parties who have the responsibility to ensure the fulfillment of children's rights during the legal process. As stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) Article 1 Number 7, namely the transfer of the settlement of juvenile cases from the criminal justice system to procedures outside the criminal justice system (Dwi DS, 2022).

The application of restorative justice in the juvenile criminal justice system is a crucial approach to preventing children from experiencing the negative impacts of criminalization. This approach emphasizes efforts to restore the original state for the child, the victim, and the community, through dialogue and deliberation mechanisms involving all relevant parties. Thus, the resolution of juvenile cases is not solely oriented toward punishment, but rather toward restoring social relationships and reintegrating the child into society. Furthermore, constitutional law ensures that each branch of government can monitor each other. For example, the legislature can oversee executive actions through mechanisms such as questioning, debate, and confidence elections. Likewise, the judiciary can test the validity of executive policies through legal proceedings (Deus MIIA, et al., 2024). The existence of a mutually supportive oversight mechanism between state institutions is a crucial tool to prevent arbitrary actions, ensuring that the government remains within its legal authority and considers the interests of the wider community.

Government oversight of the implementation of diversion is crucial to ensure that law enforcement policies and practices align with the objectives of the law and constitutional values. According to Sondang P. Siagin, oversight is the process of observing all organizational activities to further ensure that the work being carried out is in accordance with predetermined plans (Asran, 2010). One of the most important elements of a state based on the rule of law, according to Sri Soemantri, is oversight by judicial bodies. To reduce the occurrence of arbitrary actions by the government against the rights of its citizens, there must be active oversight from citizens (Sri SM, 1992). Law, as a source of legality created by humans, has shortcomings and can even lead to arbitrary actions by the government against its citizens. Because this source of legality then becomes the basis for the government in carrying out its actions, and to reduce the occurrence of arbitrary actions by the government against the rights of its citizens, there must be active oversight from citizens (Cholidin N, 2017).

The implementation of diversion is an integral part of governance in the field of law enforcement and human rights protection. Therefore, constitutional law considers the importance of government oversight mechanisms to ensure that the discretionary authority held by law enforcement officers is not abused and remains oriented towards the best interests of the child. Regulations governing the supervision of child diversion are contained in Government Regulation (PP) Number 8 of 2017 as the main instrument for regulating the coordination, monitoring, evaluation, and reporting of SPPA. Based on this Regulation, it mandates relevant ministries and institutions to conduct continuous supervision of every stage of the juvenile justice process, from investigation to post-verdict guidance. This supervision aims to guarantee public accountability and ensure that children's constitutional rights remain protected amid the legal process. Based on Article 16 of PP 8 of 2017, the government monitors preventive measures, administrative settlement of cases, and the implementation of social rehabilitation. This monitoring includes legal aid cases, mediation quality, facility availability, and cross-sectoral coordination.

Supervision and coordination of the implementation of the SPPA, based on this Government Regulation, falls under the control of the ministry responsible for government affairs in the field of law and human rights (through the Directorate General of Corrections or Bapas). Government regulations establish standards for coordination between law enforcement agencies and related institutions, from the police, prosecutors, courts, correctional institutions, to local governments and child protection agencies. Without effective oversight, diversion implementation has the potential to deviate from the principles of restorative justice and the best interests of the child. Weak oversight can lead to violations of children's rights, legal uncertainty, and policy inconsistencies between law enforcement agencies.

Therefore, a comprehensive study is needed regarding government oversight of the implementation of diversion in the juvenile criminal justice system from a constitutional law perspective. This research was chosen to analyze the constitutional law perspective in order to align central, regional, and inter-institutional oversight, thereby increasing the effectiveness of diversion and constitutional child protection. Due to the lack of specific oversight regulations regarding diversion. Based on the background description regarding government oversight, the author is interested in conducting research which the author then compiled in the form of a proposal with the title "Government Oversight of the Implementation of Diversion in the Juvenile Criminal Justice System: A Constitutional Law Perspective".

RESEARCH METHODS

The type of research used in this study is normative legal research (normative juridical). This research focuses on the study of positive legal norms, legal principles, and constitutional law doctrines related to government oversight of the implementation of diversion in the juvenile criminal justice system. Normative legal research is conducted through a review of relevant literature and laws and regulations as a basis for analyzing the legal issues studied, particularly regarding the role and authority of the state in ensuring the implementation of diversion in accordance with the principles of child protection. Normative legal research focuses on the review of applicable literature and laws and regulations as a basis for analyzing the legal issues to be studied (Ronny HS, 1990).

Statutory Approach, This approach is used to examine various positive legal provisions governing the juvenile criminal justice system and diversion mechanisms, particularly Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the 1945 Constitution of the Republic of Indonesia, and other laws and regulations related to government oversight. Through this approach, the study identifies the legal basis, authority, and responsibility of the government in supervising the implementation of diversion. **Conceptual Approach.**

The conceptual approach is used to examine basic concepts relevant to the research, such as the concepts of government supervision, diversion, child protection, the juvenile criminal justice system, as well as the principles of the rule of law and human rights from the perspective of constitutional law.

The analysis of legal materials in this study was conducted using a qualitative analysis method, an analytical technique aimed at systematically and structuredly describing, classifying, and interpreting legal materials. This method was used to gain a deeper understanding of the legal provisions governing government oversight of the implementation of diversion in the juvenile criminal justice system. This approach enabled researchers to gain a deeper understanding of applicable legal provisions relevant to the research problem (Joenedi E, 2018). Through qualitative analysis, this study examines the extent to which the government's role and oversight in implementing diversion align with the principles of the rule of law, child protection, and human rights. Furthermore, this method is used to identify regulatory weaknesses, unclear

norms, and legal constraints that could potentially lead to ineffective government oversight in implementing diversion.

RESULTS AND DISCUSSION

Regulation of Government Authority in Supervising the Implementation of Diversion in the Juvenile Criminal Justice System based on statutory regulations

The paradigm shift in law enforcement for children in conflict with the law (ABH) in Indonesia reflects a transition from a rigid retributive model to a more humanistic restorative justice model. The enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) is a manifestation of the state's commitment to guaranteeing the best interests of children through a diversion mechanism (Ariyanti P, et.al., 2025). However, the success of diversion depends not only on the text of the law, but also on the effectiveness of government oversight through various levels of law enforcement authorities. This oversight is the front line to ensure that the diversion of cases from formal channels outside the courts does not become a loophole for impunity, but rather a means of just recovery (Iwan R, et.al., 2025). Restorative justice offers significant benefits in the juvenile justice system, challenging the traditional model of punishment that focuses solely on punishment and not rehabilitation. By emphasizing dialogue, accountability, and corrective action, restorative justice addresses the root causes of juvenile delinquency, which are often related to emotional, family, and social factors (Henny SF, et.al., 2025).

According to Supreme Court Regulation No. 14 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, a diversion deliberation is a party that involves the child and his/her parents or guardians, community counselors, professional social workers, representatives and other involved parties to reach a diversion agreement through a restorative justice approach. Then the facilitator is a judge appointed by the chief justice to handle the child's case. If the diversion agreement is not fully implemented by the parties based on reports from the community counselors of the correctional center, the judge will continue the examination of the case in accordance with the Juvenile Criminal Procedure Code. The judge in making a decision is obliged to consider the partial implementation of the diversion agreement. The Supreme Court Regulation also explains that diversion is applied to children who are 12 years old but under 18 years old or who are 12 years old even though they have been married but under 18 years old who are suspected of committing a crime.

The legal construction of the government's authority in supervising diversion. The authority to supervise the implementation of diversion is regulated hierarchically and cross-sectorally in the Indonesian legal system. This authority is not centralized in a single institution, but is spread across the police, prosecutors, courts, and ministries in charge of law and corrections. The philosophical basis for this division of authority is to create a checks and balances mechanism so that children's rights are protected at every stage of the investigation. Constitutional mandate and direct superiors as the main supervisors. Normatively, Article 14 of the SPPA Law emphasizes that supervision of the diversion process and the implementation of the agreement rests with the direct superiors of officials responsible at each level of the investigation. This provision creates a clear chain of bureaucratic accountability. At the investigation level, the Chief of Police or the head of the investigation unit acts as the supervisor; at the prosecution level, the Chief of the District Attorney's Office holds control; and at the trial level, the Chief Justice of the District Court is the highest authority.

The SPPA Law grants the authority and obligation to three main actors at each level of investigation to seek diversion: investigators, public prosecutors, and judges. Article 7 Paragraph (1) explicitly states that diversion must be sought at each level. This obligation is not without

legal consequences. Article 96 of the SPPA Law provides a criminal penalty for deliberately failing to fulfill the obligation to seek diversion.

The implementation of diversion at the district court level is the last bastion for children to receive restorative justice before entering the formal adjudication stage. However, the reality on the ground shows that diversion efforts do not always result in a peace agreement. The failure of diversion is a phenomenon that requires in-depth analysis, because it directly impacts the transfer of cases to formal court hearings, where children must face rigid trial procedures and the potential imposition of criminal sanctions. This analysis becomes particularly relevant when conducting interviews as supporting data for this research from the Cirebon District Court, specifically in cases numbered 5 to 8 in 2025, which recorded failures in the diversion process. The interview results explicitly confirmed that in cases numbered 5 to 8, diversion efforts were carried out in accordance with the procedures stipulated in Article 52 of the Juvenile Justice and Child Protection Law and Supreme Court Regulation Number 4 of 2014. However, direct interaction with the informants revealed that the gap between the victim's expectations and the perpetrator's readiness was a crucial factor in this failure. This data is crucial for inclusion in research papers or legal journals because it provides concrete evidence of the challenges in implementing restorative justice at the formal justice level. This analysis not only presents the facts of failure but also outlines the mechanisms by which cases transition from mediation to court.

Procedurally, the judge at the Cirebon District Court has allocated a maximum of 30 days for deliberation as mandated by Article 52 paragraph (3) of the SPPA Law. However, if within this time period or in the first deliberation session there is already an uncompromising refusal from the victim, then the deliberation is declared unsuccessful early in order to maintain legal certainty. In cases numbered 5 to 8, this failure indicates that the case transfer process has been completed administratively without producing an agreement, so the judge is obliged to make a determination of the trial date to begin the formal examination. This transition is very crucial in the legal journal records because it marks the failure of the mediation function in stemming the rate of cases entering the trial.

The role of derivative regulations in strengthening monitoring authority, supervisory authority is further detailed through Government Regulation (PP) Number 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years of Age. This PP serves as a technical framework for direct superiors to monitor the duration of the diversion process, which is limited to a maximum of 30 days. In addition, this regulation stipulates the obligation of periodic reporting from diversion implementers to superiors, which includes records in the Child Case Register. On the other hand, there is functional supervision coordination carried out by the Correctional Center (Bapas) under the auspices of the Ministry of Law and Human Rights (now the Ministry of Immigration and Corrections). Community Guidance (PK) is given legal authority by Article 1 number 13 of the SPPA Law to supervise children, both inside and outside the judicial process (Dommy AD, 2018). PK Bapas acts as a field supervisor who monitors the child's and family's compliance with the diversion agreement, and is required to report any violations to the formal supervisory officer within a short time (Christian SV, et.al., 2025).

Table 1. Hierarchy of Authority and Legal Basis for Supervision:

| Supervisory agency | Responsible officials | Object of supervision | Main legal basis |
|----------------------------|--------------------------------|--|--|
| Indonesian National Police | Investigator's Direct Superior | Diversion Deliberation Investigation | SPPA Law, PP 65 of 2015, National Police Chief Regulation |

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|--|-------------------------------------|---|--|
| Attorney General's Office of the Republic of Indonesia | Chief Prosecutor | Diversion Deliberation in Prosecution | SPPA Law, Perja No. 006 of 2015 |
| Supreme Court of the Republic of Indonesia | Chief Justice of the District Court | Diversion Deliberation in Trial | SPPA Law, PERMA No. 4 of 2014 |
| Bapas (Ministry of Law and Human Rights) | Community Guidance | Implementation of the Agreement Results | Child Protection Act, Law No. 22 of 2022 |

In the Republic of Indonesia National Police, Law No. 11 of 2012 contains regulations in Article 29 paragraph (1) that the Minutes of Settlement and Diversion Agreement are submitted to the Head of the District Court by the Investigator's direct superior to make a decision." (For the record, the initial obligation of the investigator to attempt diversion itself is regulated in Article 7 paragraph (1), while the implementation procedures are in Articles 26 to 28). Government Regulation (PP) No. 65 of 2015 in Article 22 paragraph (1) letter a and these procedural regulations are emphasized in the Chief of Police Regulation No. 15 of 2013 concerning Procedures for Handling Children in Conflict with the Law Article 33 paragraph (1).

Similar to the police level, the regulations at the prosecution level also divide authority between the Public Prosecutor (as the diversion facilitator) and his administrative leader, namely the Head of the District Attorney's Office (Kajari). Article 42 paragraph (1) requires the public prosecutor to attempt diversion no later than 7 (seven) days after receiving the case file from the investigator. Unlike regulations at the PP or Perkapolri level, the technical instructions in this Perja are not contained in the main articles, but are in the Guidelines Attachment (based on Article 1 Perja 006/2015). Number 6 letter e: The Diversion Agreement is signed by the parties with the knowledge of the facilitator (Public Prosecutor), then the facilitator submits the Diversion Agreement to the Head of the District Attorney's Office. Number 6 letter f: The Head of the District Attorney's Office or the Head of the District Attorney's Branch submits the Diversion Agreement and the Diversion Minutes to the Head of the District Court in the area where the crime occurred, no later than 3 (three) days after reaching the agreement to request a determination. Number 7 letters a & b after the court issues a decision, the Head of the District Attorney's Office is tasked with issuing a Decree on Termination of Prosecution.

At the trial level, the authority to facilitate deliberation rests with the Juvenile Judge, while the highest administrative authority to ratify the results (issuing a Decision) rests with the Chief Justice of the District Court. The regulations for implementing diversion at the court level are centered on Article 52 paragraph (1) and Article 53 paragraphs (1&2). Supreme Court Regulation No. 4 of 2014, Article 25 paragraphs (1&2) and Article 26

In the final stage (post-court ruling), the primary responsibility shifts from law enforcement officers to the Correctional Center (Bapas). Through its functional officials, namely Community Guidance Officers (PK), the state is present to ensure that the results of the diversion agreement are truly implemented by the Children of Law No. 11 of 2012 concerning SPPA are contained in Articles 14 and 13, and Law No. 22 of 2022 concerning Corrections are contained in Article 1 numbers 24 and 25 and Article 61 concerning the guidance function.

This authority structure demonstrates the government's attempt to build an integrated oversight system. However, the distribution of authority across various institutions often creates coordination challenges that can potentially undermine the overall effectiveness of monitoring (Dian R, 2020).

Government Oversight Mechanism in the Implementation of Diversion at the Investigation, Prosecution, and Examination Levels in Court

The implementation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) marked a fundamental shift in Indonesian criminal law discourse, from a punitive-retributive approach to a restorative justice paradigm. Central to this transformation is diversion, a mechanism that normatively requires the transfer of juvenile cases from the formal judicial process to non-judicial channels at every level of examination (Evariawati S, et.al., 2019). However, this legal obligation will not have effective binding power without a rigid and multi-layered oversight mechanism. Government oversight of the implementation of diversion at the investigation, prosecution, and court examination levels is not merely an additional administrative function, but an instrument to ensure that children's rights are not negotiable by rigid law enforcement interests.

Oversight in the Indonesian legal system has traditionally relied on hierarchical internal mechanisms. Based on Article 14 paragraph (1) of the Juvenile Justice and Child Protection Law, oversight of the diversion process and the implementation of agreements rests with the immediate superior of the responsible official at each level of investigation. This legal construction places oversight responsibility as an integral part of managerial duties within the police, prosecutors, and courts. At the investigation stage, juvenile investigators play the role of gatekeeper in the diversion process. Article 29 paragraph (1) of the Juvenile Justice and Child Protection Law provides a very clear mandate that investigators must begin diversion efforts within a maximum of seven days after the investigation begins (Sinaga, et.al., 2019). This strict time limit constitutes a form of procedural oversight that is automatically inherent. The investigator's immediate superior, such as the Head of the Criminal Investigation Unit (Kasat Reskrim) or the Police Chief, bears the burden of responsibility for monitoring compliance with these deadlines.

Failure to initiate the diversion process within the seven-day window indicates procedural malpractice that should be detected by the National Police's internal oversight units, such as the Inspectorate of General Supervision (Itwasum) and the Division of Professional and Security Affairs (Propam). Itwasum is tasked with conducting performance audits to assess the effectiveness of juvenile case handling, while Propam focuses on disciplinary and ethical aspects if deliberate elements of diversion obligations are found (Aji M, 2026). However, in sociological reality, internal oversight often becomes bogged down in administrative formalities, such as whether files are complete, rather than assessing the quality of the diversion efforts themselves. This is exacerbated by the fact that the National Police Commission (Kopolnas)'s effectiveness as an external oversight is still limited to providing advice to the President without binding enforcement powers. Therefore, the primary oversight burden remains with the internal police, who often have conflicts of interest in pursuing case clearance rates. When cases move to the prosecution stage, the Juvenile Prosecutor's Office takes on the role of diversion facilitator. Government oversight within the Prosecutor's Office is carried out through a strict, tiered reporting mechanism. Under the Attorney General's Regulation, each stage of the diversion process must be recorded in the Child Case Register and reported periodically to the leadership. This oversight aims to ensure that prosecutors are not merely acting as a mouthpiece for failed diversion cases at the investigative level, but are genuinely making independent efforts to reconcile the parties.

The oversight structure within the Prosecutor's Office involves the Chief Prosecutor (Kajari) monitoring the progress of diversion deliberations for a maximum of 30 days. If an agreement is reached, the Kajari is required to submit it to the Chief Justice of the District Court within three days for a decision. Here, the oversight mechanism functions as a "check and recheck" system to ensure that the Prosecutor acts as an impartial mediator. However, sociological barriers exist, with Prosecutors often reluctant to pursue diversion if the charges are cumulative or involve articles with a sentence exceeding seven years, even if the child is

philosophically deserving of diversion. The weakness of the Prosecutorial Commission, which is passive and only acts based on public reports, further reduces the pressure on Prosecutors to prioritize diversion.

The pinnacle of government oversight mechanisms lies at the district court hearing level. Juvenile judges are obligated to pursue diversion within seven days of the decision by the Chief Justice of the District Court. Here, the Chief Justice's role is crucial as an administrative supervisor, monitoring whether the judge examining the case is truly carrying out the mandate of the Juvenile Justice and Child Protection Law. The Chief Justice's determination of the diversion agreement constitutes a form of legal oversight that legitimizes the case transfer process. However, data shows a tendency for judges to still impose prison sentences despite diversion efforts. This demonstrates that internal oversight in the courts is often unable to intervene in the independence of judges, even when recommendations from the Community Research (Litmas) from the Child Protection Agency (Bapas) suggest non-imprisonment measures. The transparency of this process is now being facilitated by the Information Technology-Based Integrated Criminal Case Handling System (SPPT-TI), which allows digital case status tracking, thereby preventing case resolutions that deviate from the principles of restorative justice.

The Correctional Center (Bapas), through its Community Guidance Officer (PK), is a pillar of supervision that bridges the three levels of justice. The Bapas PK is not only a child advocate but also a technical supervisor who ensures that children's rights are protected from the arrest stage until the implementation of the diversion agreement (Clara A & Putri, 2022). The Bapas' primary oversight instrument is the Community Research (Litmas) report. Litmas provides objective data on the child's social, psychological, and economic background, which serves as the basis for investigators, prosecutors, and judges in making decisions about diversion. The absence of Litmas or the disregard of Bapas PK recommendations is an indication of the failure of the government's oversight mechanism in the SPPA system. Normatively, Bapas must submit Litmas within 3x24 hours of receiving the request. However, in practice, delays of up to seven days are common due to the vast scope of Bapas PK's work and limited operational budget (Driandhola & Dommy A, 2018).

Once a diversion agreement is established, the supervisory role of the Child Protection Agency (Bapas) continues to the stage of implementing agreed promises, such as compensation or participation in job training at the Social Welfare Institution (LPKS). The Child Protection Agency (PK) is required to conduct regular monitoring and report the child's progress to the relevant authorities. Failure to supervise at this stage often leads to reoffending (recidivism), which, according to 2023 data, remains at a relatively high rate in Indonesia compared to countries with mature diversion systems such as the Netherlands or Canada (Marlina, 2012). Beyond the bureaucratic structure of law enforcement, the government has established external oversight mechanisms through institutions such as the Indonesian Child Protection Commission (KPAI). The KPAI carries out its mandate to improve the effectiveness of child protection oversight through monitoring, evaluation, and reporting directly to the President.

The Information Technology-Based Integrated Criminal Case Handling System (SPPT-TI) was introduced as an innovation to increase inter-institutional synergy and transparency in the legal process. In the context of diversion supervision, SPPT-TI allows each agency to monitor data flow in real time, from the issuance of the SPDP to the final verdict.

This digitalization serves as a passive yet effective oversight mechanism because it leaves a digital footprint that is difficult to manipulate. The SPPT-TI is expected to curb the practice of "under-the-table transactions" and ensure that every child's case qualifying for diversion is truly diverted. However, the system's effectiveness remains hampered by technical issues such as uneven internet infrastructure and bureaucratic resistance to the paradigm shift from manual to digital systems.

Government oversight of the implementation of diversion at the investigation, prosecution, and court hearing levels is currently sporadic and fragmented. Stronger synchronization is needed through the ratification of the 2023-2027 Roadmap for Strengthening Child Protection and Child Protection (SPPA) as the basis for national policy. Oversight should not stop at the signing of the agreement but should include long-term monitoring of children's social reintegration.

Strengthening external oversight institutions such as the Indonesian Child Protection Commission (KPAI), the National Police Commission (Kopolnas), and the Prosecutorial Commission (Komisi Kejaksaan) by granting them broader investigative powers is urgent. Furthermore, increasing the budget for child protection at the regional level and meeting the need for judicial review (PK Bapas) personnel are absolute prerequisites for these oversight mechanisms to function effectively. Only with the integration of disciplined internal oversight, critical external oversight, and adequate infrastructure support can Indonesia's juvenile criminal justice system truly realize substantial restorative justice for the future of the younger generation.

CONCLUSION

The government's authority to oversee the implementation of diversion in Indonesia has a comprehensive legal basis through the Child Protection Act and its derivative regulations, which establish a tiered monitoring system from direct superiors to functional supervision by the Child Protection Court (Bapas) to ensure child protection at every stage of the trial. However, the implementation of oversight mechanisms at the investigation, prosecution, and court hearing levels is currently dominated by an administrative approach and hampered by limited human resources at the Bapas office, minimal regional rehabilitation infrastructure, and cultural resistance from the community that still prioritizes punishment. Therefore, the government's oversight mechanism must immediately shift toward substantive oversight oriented toward long-term recovery for children, which can be realized through concrete steps such as specialization of officers, synchronization of regulations between the government and the Supreme Court, and the provision of equitable supporting facilities.

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