

Evaluating Diversion Policy as *Ultimum Remedium* for Juvenile Justice in Buton

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Abstract

This study is motivated by the limited evaluation of diversion policies as a manifestation of the ultimum remedium principle in handling children in conflict with the law at the regional level. It aims to: (1) assess the implementation of diversion policies in Buton Regency; and (2) formulate policy recommendations for law enforcement agencies, local governments, and relevant stakeholders to optimize diversion practices from legal, institutional, and social perspectives. This research employs a socio-legal approach, examining law as both law in books and law in action, with a focus on the practical implementation of diversion by investigators at the Women and Children Protection Unit (PPA Unit) of the Buton Resort Police. The findings indicate that the application of the ultimum remedium principle has aligned with restorative justice principles as stipulated in Law Number 11 of 2012 on the Juvenile Criminal Justice System and reinforced by Law Number 1 of 2023 on the Criminal Code. Diversion has become the primary mechanism for resolving juvenile cases, involving the UPTD PPA of Buton Regency. However, its effectiveness remains limited, as evidenced by 2024 data showing that only 4 out of 28 cases were successfully resolved through diversion. This study contributes by offering a local-level evaluation model of diversion policy based on the ultimum remedium principle and proposing strategic recommendations to enhance inter-agency coordination in child protection. The findings are expected to serve as both academic and practical references for improving juvenile justice policy in Indonesia.

Keywords: *Buton; Children in Conflict with the Law; Ultimum Remedium*

1. INTRODUCTION

Children, as the nation's next generation, have the right to grow and develop in a supportive environment, including when they conflict with the law (CICL).¹ In the juvenile criminal justice system, the principle of ultimum remedium (the last resort) must be the primary foundation, prioritizing a restorative justice approach over punishment.²³ In Indonesia, the diversion policy (diverting from the formal judicial process) was introduced through Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA). This policy aims to avoid stigmatization and the negative impacts of imprisonment on child development.⁴ However, its implementation at the regional level, such as in Buton Regency, Southeast Sulawesi, still faces various challenges.⁵

¹ Herman Balla, "Diversi: Anak Yang Berhadapan Dengan Hukum," *Jurnal Litigasi Amsir* 9, no. 3 (May 2022): 3, <https://journalstih.amsir.ac.id/index.php/julia/article/view/88>.

² Atik Rahmawati and Wahyuni Mayangsari, "Peran Pekerja Sosial Koreksional Dalam Rehabilitasi Dan Reintegrasi Sosial Anak Berhadapan Dengan Hukum Di Lksa Bengkel Jiwa Kabupaten Jember," *Jurnal Ilmiah Rehabilitasi Sosial (Rehsos)* 4, no. 1 (July 2022): 1, <https://doi.org/10.31595/rehsos.v4i1.548>.

³ Laras Astuti, "Perlindungan Hukum Terhadap Anak yang Berhadapan Dengan Hukum Dalam Kecelakaan Lalu Lintas," *Justitia Jurnal Hukum* 1, no. 1 (July 2017): 1, <https://doi.org/10.30651/justitia.v1i1.623>.

⁴ Dony Pribadi, "Perlindungan terhadap Anak Berhadapan dengan Hukum," *Jurnal Hukum Volkgeist* 3, no. 1 (December 2018): 15–28, <https://www.neliti.com/publications/276851/>.

⁵ Mahendra Ridwanul Ghoni and Pujiyono Pujiyono, "Perlindungan Hukum Terhadap Anak yang Berhadapan dengan Hukum Melalui Implementasi Diversi di Indonesia," *Jurnal Pembangunan Hukum Indonesia* 2, no. 3 (August 2020): 331–42, <https://doi.org/10.14710/jphi.v2i3.331-342>.

Buton Regency is one of the areas with CICL cases that require serious attention. Based on data from the Buton Resort Police (Polres Buton), from 2021 to 2023, 47 cases involving CICL were recorded, with the dominant types of crimes being theft (35%), minor assault (25%), narcotics abuse (20%), and other violence cases (20%). Although the UU SPPA mandates the application of diversion for cases with a criminal threat of under 7 years, in practice, many CICL in Buton are still processed formally. This indicates that the *ultimum remedium* principle has not been fully implemented optimally.

Diversion offers a solution through mediation involving the victim, the perpetrator, families, and related parties to reach a reparative agreement.⁶ This approach not only restores social relationships but also prevents children from entering the cycle of crime. However, the evaluation of the effectiveness of diversion in Buton is still minimal. Diversion should not be merely an administrative procedure but must reflect the values of child protection and restorative justice. If implemented well, this policy can reduce the recidivism rate (repetition of criminal acts) and aid the social reintegration of CICL.

Therefore, a comprehensive evaluation of the implementation of diversion in Buton Regency is an urgency to ensure that children in conflict with the law receive rights protection in accordance with constitutional mandates and international conventions on the rights of the child. The problem formulations in this research are: 1) How is the implementation and evaluation of the diversion policy in resolving cases of children in conflict with the law in Buton Regency based on the *ultimum remedium* principle? 2) What are the inhibiting and supporting factors in the implementation of diversion in Buton Regency? 3) How can policies and regulations at the regional level be strengthened to support the effectiveness of diversion as a form of *ultimum remedium*? The research results are expected to provide concrete recommendations for improving a more just and restorative juvenile justice system.

To demonstrate the novelty of this research, several previous studies can be identified. One study conducted by Indira (2023),⁷ analyzed the legal framework and implementation of diversion for children in conflict with the law in order to protect children's rights and promote restorative justice. The findings indicate that diversion is an important mechanism within the juvenile criminal justice system because it allows cases to be resolved outside formal court proceedings, provided that the criminal sanction is under seven years and the offense is not a repeat crime. The study emphasizes that diversion functions as a non-penal alternative that prioritizes the best interests of the child.

⁶ Ismi Rahmawati Thamrin, Yuliatin, and M.Handika, "Strategi Sentra Paramita Mataram Dalam Pemenuhan Hak Pendidikan Anak Berhadapan Dengan Hukum (ABH)," *Pendas : Jurnal Ilmiah Pendidikan Dasar* 9, no. 2 (June 2024): 2, <https://doi.org/10.23969/jp.v9i2.14611>.

⁷ Safira Prima Indira and Syofiaty Lubis, "Application of Diversion to Children in Conflict with the Law as an Effort to Protect Children's Rights in Realizing Restorative Justice," *Legal Brief* 13, no. 3 (2024), <https://doi.org/10.35335/legal.v13i3.1040>.

Another study conducted by Machmud (2023),⁸ examined the mechanism for implementing diversion for children in conflict with the law, particularly in narcotics cases. This research used a normative legal method to analyze the application of diversion within the framework of juvenile criminal law development. The results show that diversion represents a non-penal policy aimed at shifting the resolution of juvenile cases from the formal criminal justice process toward a more restorative and educational approach for the child.

Furthermore, a study by Tarantung (2023),⁹ examined the implementation of diversion at the investigation stage in resolving juvenile criminal cases within the Central Java Regional Police. This research employed a socio-legal approach by examining the practical application of diversion by investigators. The findings reveal that diversion is implemented by transferring the settlement of cases from the criminal justice process to a deliberative process involving the offender, the victim, their families, and the community in order to achieve the restoration of social relationships and restorative justice.

Existing scholarship on diversion within the juvenile criminal justice system has predominantly concentrated on the normative framework of restorative justice and the formal legal mechanisms governing children in conflict with the law (CICL). Nevertheless, limited studies have critically evaluated how diversion operates as an implementation of the *ultimum remedium* principle at the local institutional level, particularly within peripheral jurisdictions such as Buton Regency. Previous research generally emphasizes doctrinal and procedural dimensions of diversion while overlooking empirical issues relating to institutional effectiveness, inter-agency coordination, socio-cultural influences, and the substantive realization of justice for both child offenders and victims. Accordingly, this study fills an important research gap by examining diversion not merely as a procedural obligation mandated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, but as a restorative and child-oriented legal mechanism aimed at preventing excessive criminalization of children.

The novelty of this research lies in the development of a localized socio-legal evaluation model that integrates the *ultimum remedium* principle, restorative justice theory, and local institutional practices in assessing the effectiveness of diversion policy in Buton Regency. Furthermore, this research contributes theoretically to the development of juvenile justice and restorative justice scholarship by providing a contextual framework for evaluating diversion effectiveness at the regional level, while practically offering policy recommendations to strengthen institutional coordination, mediation capacity, and child protection mechanisms within the juvenile justice system. Therefore, this study aims to: (1) analyze the application of the *ultimum remedium* principle in handling cases of children in

⁸ Amir Machmud and Agus, "Penerapan Diversi Anak Yang Berhadapan Dengan Hukum Dalam Mewujudkan Keadilan Restoratif," *Jurnal Justice Aswaja* 2, no. 1 (June 2023): 49–59, <https://doi.org/10.52188/jja.v2i1.853>.

⁹ Yosep Tarantung et al., "Diversi Penyidik Dalam Penyelesaian Perkara Pidana Anak Melalui Restorative Justice," *Journal Juridisch* 1, no. 3 (December 2023): 205–15, <https://doi.org/10.26623/jj.v1i3.7947>.

conflict with the law in Buton Regency; and (2) examine whether the implementation of diversion has reflected substantive justice for both child offenders and victims within the juvenile criminal justice process.

2. METHOD

This study employs a socio-legal research approach, integrating normative legal analysis with empirical inquiry to examine the implementation of diversion within the juvenile criminal justice system in Buton Regency. The research focuses on institutions and law enforcement officials responsible for handling juvenile cases. The study uses primary and secondary data. Primary data were collected through in-depth interviews using a structured interview protocol with key informants, including police investigators, officials from the Women's Empowerment and Child Protection Office, and police officers handling juvenile cases. Secondary data were obtained through document analysis of relevant legal materials, such as the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2012 on the Juvenile Criminal Justice System, Indonesian National Police Regulation No. 8 of 2021, as well as academic journals, books, and official reports. Data collection techniques include interview protocols and systematic document analysis. The data were analyzed using thematic qualitative analysis, involving coding, categorization, and identification of key themes related to diversion and restorative justice practices. To ensure validity, the study applies data and source triangulation by cross-checking interview and document findings. Reliability is maintained through consistent use of interview protocols, detailed documentation, and an audit trail to ensure transparency and replicability. The study aims to provide a comprehensive understanding of the effectiveness of diversion in protecting children's rights.

3. RESULTS AND DISCUSSION

3.1 The Application of the *Ultimum Remedium* Principle in Handling Children's Cases

The application of the *ultimum remedium* principle in handling children's cases at the Women and Children Protection Unit (Satuan Perlindungan Perempuan dan Anak - PPA) of the Buton Resort Police (Polres Buton) is a concrete form of implementing the restorative justice principle as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This principle affirms that the criminal legal process against children should be a last resort after various non-penal efforts have been undertaken, such as guidance outside the formal judicial process, counseling, and diversion efforts.¹⁰ In this context, Article 7 paragraph (1) of the Law mandates that investigators must attempt diversion for children who commit criminal offenses with a penalty threat of under seven years and which do not constitute a repetition of a criminal act.¹¹ The application of this provision forms the

¹⁰ Andri Winjaya Laksana, "Keadilan Restoratif Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Anak," *Jurnal Pembaharuan Hukum* 4, no. 1 (April 2017): 57, <https://doi.org/10.26532/jph.v4i1.1644>.

¹¹ Imam Subaweh Arifin and Umi Rozah, "Konsep Doli In Capax Terhadap Anak Yang Berhadapan Dengan Hukum Di Masa Depan," *Jurnal Pembangunan Hukum Indonesia* 3, no. 1 (January 2021): 1-17, <https://doi.org/10.14710/jphi.v3i1.1-15>.

basis of work for the PPA Unit of Polres Buton in handling children in conflict with the law, while still placing the protection of children's rights as the top priority.¹²

The PPA Unit has a strategic role as the frontline in facilitating the diversion process, which is carried out through a participatory, deliberative, and mediation approach. This process involves the perpetrator, victim, their respective families, social workers, and community guidance officers (*pembimbing kemasyarakatan*) in an effort to reach a just and balanced peace agreement. Besides fulfilling the legal interests and sense of justice for the victim, this step is also intended to avoid subjecting the child to a lengthy criminal justice process that could potentially damage their psychological and social development. With this approach, the PPA Unit not only carries out investigative duties but also acts as a facilitator for restoring social relations between the child perpetrator and the victim, to achieve the goal of more humane sentencing that is oriented towards the child's future.

However, the implementation of the *ultimum remedium* principle in the field is not without its challenges,¹³ such as limitations in human resources, with a deep understanding of restorative justice,¹⁴ The application of the *ultimum remedium* principle in handling juvenile cases by the Women and Children Protection Unit (PPA) of Buton Police represents the implementation of restorative justice as regulated under Law No. 11 of 2012 on the Juvenile Criminal Justice System. This principle positions criminal law as a last resort after non-penal measures such as counseling, guidance, and diversion have been optimally pursued.¹⁵ Article 7(1) mandates investigators to attempt diversion for offenses punishable by less than seven years and not involving recidivism, forming the operational basis of the PPA Unit. Theoretically, this approach can be examined through the justice perspective of John Rawls, particularly the principle of fair equality of opportunity and the protection of vulnerable groups. Diversion reflects an effort to achieve justice beyond retribution by recognizing children's moral and social immaturity.¹⁶

However, from a restorative justice perspective, success is not merely the attainment of agreement, but the genuine restoration of social relationships and substantive justice for all parties. Critically, implementation reveals ambiguity: diversion is often treated as a procedural obligation rather than a true last resort. This raises concerns as to whether *ultimum remedium* is applied substantively or merely as an administrative formality.

¹² Elvi Zahara Lubis, "Upaya Perlindungan Hukum Terhadap Anak Korban Kekerasan Seksual," *JUPIIS: Jurnal Pendidikan Ilmu-Ilmu Sosial* 9, no. 2 (December 2017): 2, <https://doi.org/10.24114/jupiiis.v9i2.8242>.

¹³ Edy Nurcahyo, Muh Sutri Mansyah, and Sulayman Sulayman, "Model Integrasi Perlindungan Perempuan Sebagai Saksi Dan Korban Kasus Kekerasan Seksual Yang Berbasis Komunitas," *Jurnal USM Law Review* 8, no. 1 (April 2025): 320–31, <https://doi.org/10.26623/julr.v8i1.11529>.

¹⁴ Ani Triwati and Dobby Kridasaksana, "Pijakan Perlunya Diversi Bagi Anak Dalam Pengurangan Tindak Pidana," *Jurnal USM Law Review* 4, no. 2 (November 2021): 828–43, <https://doi.org/10.26623/julr.v4i2.3787>.

¹⁵ Ade Irawan, Alwan Hadiyanto, and Ciptono Ciptono, "Kebijakan Kriminal Anak Dalam Kasus Narkotika: Perspektif Restorative Justice," *Jurnal USM Law Review* 8, no. 2 (August 2025): 923–37, <https://doi.org/10.26623/julr.v8i2.11961>.

¹⁶ Wahab Aznul Hidayat et al., "Realizing Restitution Justice for Child Victims of Sexual Assault," *Jurnal USM Law Review* 7, no. 3 (December 2024): 1484–97, <https://doi.org/10.26623/julr.v7i3.9697>.

Moreover, potential institutional bias exists, as law enforcement may retain procedural control, limiting the meaningful participation of victims and communities. Power imbalances between actors can further influence outcomes, meaning agreements may not fully reflect equitable justice. Therefore, effectiveness depends on institutional integrity, quality of mediation, and strengthened capacity in restorative justice values.

The minimal active role of the community in the mediation process, and the low legal awareness of the child's family.¹⁷ Nevertheless, the PPA Unit of Polres Buton continues to strive to optimize this approach by building synergy among institutions, such as the Correctional Center (Balai Pemasyarakatan/Bapas), the Social Service, and Child Protection Institutions, as a form of commitment to guaranteeing the protection of children's rights and preventing recidivism. Thus, the application of the *ultimum remedium* principle is not only a legal obligation but also a reflection of a more humane and just law enforcement approach for children in conflict with the law.

Furthermore, the principle of *ultimum remedium* is not only affirmed in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System but is also further strengthened in the national legal framework through the enactment of the new Criminal Code (Kitab Undang-Undang Hukum Pidana/KUHP), namely Law Number 1 of 2023. Article 54, paragraph (1) of the Criminal Code stipulates that sentencing must be positioned as a last resort (*ultimum remedium*) and applied selectively. This indicates that modern criminal law is no longer oriented towards retribution (retributive justice) but rather towards prevention and rehabilitation, especially for child offenders who are still in the stage of physical and mental development.

This approach aligns with the thinking of criminal law expert Sudarto, who stated that criminal law should be used subsidiarily, meaning only when other legal norms are no longer able to resolve social problems.¹⁸ In Sudarto's view, the excessive use of criminal law can actually wound the sense of justice and violate the principles of humanity. A similar view was expressed by Muladi, who emphasized that in the context of juvenile justice, sentencing should be avoided as far as possible because it can have long-term psychological impacts and hinder the child's growth and development process.¹⁹

More specifically, Article 55, paragraph (1) of the Criminal Code regulates that judges are obliged to consider the application of restorative justice before imposing a sentence. This is a normative form that reflects the shift in the philosophy of Indonesian criminal law from a repressive approach to a more restorative, educative, and rehabilitative approach. This is also relevant to the principle in Article 64 of Law Number 11 of 2012, which states that if a

¹⁷ Yuarini Wahyu Pertiwi and Ika Dewi Sartika Saimima, "Peranan Kontrol Sosial Dan Optimalisasi Kebijakan Keadilan Restoratif Pada Anak Pelaku Tindak Pidana," *Jurnal Hukum Dan Peradilan* 11, no. 1 (March 2022): 109, <https://doi.org/10.25216/jhp.11.1.2022.109-133>.

¹⁸ Dody Tri Purnawinata, "Aspek Hukum Pidana dalam Perjudian Secara Online," *Solusi* 19, no. 2 (May 2021): 252–71, <https://doi.org/10.36546/solusi.v19i2.356>.

¹⁹ Anang Riyan Ramadianto and Bayu Akbar Wicaksono, "Sinergitas Aparat Penegak Hukum (APH) Dalam Mewujudkan Model Restorative Justice Terhadap Anak Berhadapan Dengan Hukum," *Jurnal Hukum Mimbar Justitia* 8, no. 2 (December 2022): 2, <https://doi.org/10.35194/jhmj.v8i2.2533>.

child must undergo a judicial process, all stages must still prioritize the protection of the child's rights and uphold the principle of the best interests of the child.²⁰

Thus, the alignment between the provisions of Law No. 11 of 2012 and the 2023 Criminal Code affirms that the application of the *ultimum remedium* principle in the juvenile justice system is not only a legal mandate but also a reflection of the development of a contemporary criminal law paradigm that prioritizes humanism, social reintegration, and victim-perpetrator restoration.²¹ This approach is crucial to ensure that children as offenders still have a decent future and are not trapped by the stigma of being criminals.

Both in the juvenile criminal justice system and the new Criminal Code, there is a normative alignment that makes a humanistic and restorative approach towards children a primary principle. This affirms that the Indonesian legal system increasingly prioritizes the protection of children's rights and is oriented towards social restoration, not merely criminal retribution. However, the law still provides room for criminal proceedings against children, particularly if the child commits a serious crime such as a crime against life or morality, or if the child is a repeat offender (recidivist). In this regard, Article 64 of Law Number 11 of 2012 provides the limitation that the judicial process must still consider the principles of child protection and guarantee the best interests of the child.

As a concrete form of implementing this principle, the PPA Unit of the Buton Resort Police has handled various cases of children in conflict with the law during the period from 2023 to May 2025. The following is the recapitulation data on the number of cases and their resolution status, which reflects the dynamics of applying the *ultimum remedium* principle and the successes or obstacles in the implementation of diversion:

Table 1. Data on Cases of Children in Conflict With the Law Resolved Through Restorative Justice

Year	Number of Child Cases	Cases Completed (Stage 2 / Diversion / RJ / SP3)	Cases Pending (Investigation / Inquiry / Stage 1 / SP2)
2023	12 cases	5 cases	7 cases
2024	27 cases	13 cases	14 cases
2025 (up to May)	24 cases	8 cases	16 cases
Total	63 cases	26 cases	37 cases

Source: Data obtained from internal documents of Unit IV PPA, Satreskrim, Polres Buton

²⁰ Iva Kasuma, Ian Aji Hermawan, and Melly Setyawati, "Problematika Pelaksanaan Diversi Bagi Anak Berhadapan Dengan Hukum Di Kota Layak Anak (Studi Pada Aparat Hukum, Pemerintah Kota Dan Masyarakat Di Depok Dan Surakarta)," *Jurnal IUS Kajian Hukum dan Keadilan* 8, no. 2 (August 2020): 350–71, <https://doi.org/10.29303/ius.v8i2.787>.

²¹ Khairani Mukdin and Novi Heryanti, "Perspektif Hukum Islam Terhadap Efektifitas Pelaksanaan Restorative Justice Pada Anak Berhadapan Dengan Hukum," *Gender Equality: International Journal of Child and Gender Studies* 6, no. 2 (September 2020): 2, <https://doi.org/10.22373/equality.v6i2.7790>.

Explanation, case completed: Means the case has been finalized and has reached stage 2 (P21), diversion, and a Warrant to Terminate Investigation (SP3/Surat Perintah Penghentian Penyidikan) has been implemented, or it was resolved through restorative justice (RJ), case not completed, still in the investigation stage (lidik/penyelidikan), inquiry stage (sidik/penyidikan), stage 1, or there is insufficient evidence (SP2Lidik/Surat Perintah Penghentian Penyidikan Tahap Penyidikan).

Table 1 illustrates the development of case handling for children by the Women and Children Protection Unit (PPA) of the Buton Resort Police (Polres Buton) over the last three years, focusing on cases involving children as victims, particularly cases of sexual violence, assault, and other criminal acts that explicitly note the involvement of minors. Based on this data, there is a fluctuating trend both in terms of the number of cases and the effectiveness of their resolution by the police.

In 2023, 12 child cases were recorded, with 5 cases (41.6%) successfully resolved and 7 cases (58.4%) remaining unresolved. The low case resolution rate this year was likely caused by structural obstacles such as a lack of evidence, insufficient supporting witnesses, or the absence of the perpetrator during the examination process. This indicates that 2023 was a challenging phase for law enforcement in child protection, especially in the context of initial investigations. Entering 2024, there was a surge in the number of child cases to 27, more than double the previous year. Of these, 13 cases (48.1%) were successfully resolved, while 14 cases (51.9%) are still in the legal process. This increase can be interpreted from two perspectives: first, an increase in public awareness to report crimes against children; second, increased trust in the police institution to handle cases involving children. Nevertheless, a resolution percentage still below 50% shows that the effectiveness of the juvenile criminal justice system still faces significant challenges in the field.

In 2025 up to May, 24 child cases have been recorded, with 8 cases (33.3%) resolved and 16 cases (66.7%) still in the handling process. The case resolution rate, which tends to be lower compared to the previous year, needs special attention. This indicates that the caseload at the beginning of the year is quite high, or that there are technical and coordinative obstacles among law enforcers in handling child cases. Normatively, the handling of child cases in Indonesia is regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This law emphasizes that the legal process for children, both as perpetrators and victims, must prioritize the best interests of the child and consider the principle of *ultimum remedium* (sentencing as a last resort) and restorative justice.

In the context of victims, children have the right to legal protection, justice, and a process that is quick and not protracted.²² Therefore, delays or unclear resolution of cases potentially violate the principle of legal protection for children as intended in Article 64

²² Matthew Darius Sianturi, "Analisis Kelemahan Regulasi pada Hak Restitusi dalam Undang-Undang Perlindungan Anak terhadap Anak Korban Tindak Pidana Kekerasan Seksual," *Media Akademik* 3, no. 6 (2025), <https://doi.org/10.62281/v3i6.2005>.

paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and the principle of child protection in Law Number 35 of 2014 concerning Child Protection.

The application of the *ultimum remedium* principle in handling children in conflict with the law at the Women and Children Service Unit (PPA) of Polres Buton is a concrete form of implementing the restorative justice principle that places sentencing as a last resort. This approach aligns with the normative mandate in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which explicitly prioritizes the protection of children's rights and the resolution of child cases through non-punitive mechanisms like diversion.^{23,24} This application is further strengthened by regulations in the new Criminal Code (KUHP), namely Law Number 1 of 2023, specifically Article 54 paragraph (1), which affirms that sentencing is the last path in criminal law enforcement, and Article 55 paragraph (1), which explicitly obligates judges to consider a restorative justice approach before imposing a sentence. Thus, the PPA Unit of Polres Buton is not only carrying out its legal mandate formally but also reflecting a new paradigm of law enforcement that is more humanistic and oriented towards restoration. This also demonstrates the police's response to the demands of a modern, just justice system, particularly in the context of protecting children as a vulnerable group within the criminal legal system.²⁵

According to an interview on June 13, 2025, with BRIPKA Dedi Yanto Zainudin, S.H., as the Head of the PPA Unit (Kanit PPA) of Polres Buton, this approach is implemented through diversion stages beginning with mediation between the victim and the perpetrator. Resolution is done participatively by involving the parents of each party, the Technical Implementation Unit for Women and Children's Protection (UPTD PPA), and the police apparatus. If a peace agreement is reached, the case is not proceeded to the formal criminal process.

This is reinforced by a statement from Suriaty Sairi, SKM, Head of the Technical Implementation Unit for Women and Children's Protection (UPTD PPA) of Buton Regency, who stated that her institution plays an active role in accompanying the legal process for children by facilitating complaints, reports, and accompaniment throughout the entire legal process. Inter-agency coordination runs well thanks to a Memorandum of Understanding (MoU) between the Local Government (Pemda) and Polres Buton, ensuring that UPTD PPA is always involved in handling cases of children and women. Accompaniment data shows a significant increase in child cases handled in the last 5 years:

²³ Muh Sutri Mansyah et al., "The Judge's Paradigm In Deciding Criminal Cases Of Sexual Violence From A Victimological Perspective," *Buana Gender: Jurnal Studi Gender Dan Anak* 9, no. 1 (August 2024): 46–53, <https://doi.org/10.22515/bg.v9i1.8666>.

²⁴ Muh Sutri Mansyah et al., "LPSK Integration At The Investigation Stage In Fulfilling The Rights Of Victims Of Sexual Violence," *Jurnal Hukum Volkgeist* 8, no. 2 (2024): 171–79, <https://doi.org/10.35326/volkgeist.v8i2.5265>.

²⁵ Achmad Murtadho, "Pemenuhan Ganti Kerugian Terhadap Anak Yang Menjadi Korban Tindak Pidana Pencabulan," *Jurnal HAM* 11, no. 3 (December 2020): 445, <https://doi.org/10.30641/ham.2020.11.445-466>.

Table 2. Recap of the Number of Child Cases Assisted by the UPTD PPA of Buton Regency (2020–2024)

Year	Number of Child Cases	Remarks
2020	14 cases	Assisted with the reporting process until completion
2021	3 cases	Significant decrease from the previous year
2022	6 cases	Increased compared to 2021
2023	3 cases	Stable, but still requires attention
2024	28 cases	Significant surge; requires special attention

Source: Interview with Suriaty Sairi, SKM, Head of UPTD PPA Buton Regency, 2025

From Table 2, it can be concluded that there has been a fluctuation in the number of child cases handled by the UPTD PPA of Buton Regency over the last five years. The year 2024 shows a sharp spike of 28 cases, an increase of nearly tenfold compared to 2023.²⁶ This increase can be attributed to two factors: first, increased public awareness in reporting; second, an actual rise in the number of cases occurring. This sharp increase serves as an important indicator of the need to strengthen the child protection system, particularly in terms of the capacity for accompaniment and restorative justice-based case handling.

Based on empirical data obtained by the author from observations and interviews at the PPA Unit of Polres Buton throughout 2024, it was recorded that four cases of children in conflict with the law were successfully resolved through the diversion mechanism, while one other case did not meet the requirements for diversion and was proceeded to the formal judicial stage.²⁷ The rejection of diversion was based on the severity of the criminal act committed and the perpetrator's status as a recidivist, which aligns with the provisions of Article 9 paragraph (2) of Law Number 11 of 2012, which states that diversion cannot be applied to children who commit serious or repeated criminal acts. This fact indicates that the PPA Unit of Polres Buton and the UPTD PPA have carried out their institutional commitment to the restorative justice approach, while still prioritizing non-criminal processes as the main step, as long as the legal and social requirements allow it. However, this data also shows the application of selectivity and proportionality in assessing the feasibility of diversion, indicating a substantive understanding of the limits of legal authority. Therefore, this finding strengthens the argument that the implementation of the *ultimum remedium* principle in the legal jurisdiction of Polres Buton is not merely administrative but also reflects the maturity of the legal perspective of the implementing

²⁶ Florence Mueni Muema, Njoroge ,Margaret, and Stella Kemuma and Nyangwencha, "Screening Children in Conflict with the Law in Kenya for Mental Health Needs Using the Massachusetts Youth Screening Instrument–Version 2," *Journal of Offender Rehabilitation* 63, no. 3 (April 2024): 151–70, <https://doi.org/10.1080/10509674.2024.2320433>.

²⁷ Nur Rochaeti and Nurul Muthia, "Socio-Legal Study of Community Participation in Restorative Justice of Children in Conflict with the Law in Indonesia," *International Journal of Criminology and Sociology* 10 (February 2021): 293–98, <https://doi.org/10.6000/1929-4409.2021.10.35>.

actors at the local level, which is crucial for building a more just, contextual, and civilized juvenile justice system.

Table 3. Forms of Inter-Agency Cooperation and Coordination

Aspect of Cooperation	Description
MoU between the Local Government (Pemda) and Buton Resort Police (Polres Buton)	Serves as the legal basis for the involvement of the Technical Implementation Unit for Women and Children's Protection (UPTD PPA) in every case involving children and women.
Involvement of UPTD PPA	Carried out from the reporting stage, through mediation, to the diversion process and post-diversion follow-up.
Legal accompaniment for children	Includes consultation, advocacy, and monitoring of children's rights.
Coordination with Correctional Center (BAPAS) and Resort Police (Polres)	For further handling if diversion is unsuccessful.

Source: Interviewed with *Suriaty Sairi, SKM*, and *Bripka Dedi Yanto Zainudin, S.H.*, 2025.

Interagency cooperation is a crucial factor in the application of the *ultimum remedium* principle. Through the existence of a Memorandum of Understanding (MoU) between the Local Government (Pemda) and the Buton Resort Police (Polres Buton), cross-sectoral coordination has become more effective, particularly in the diversion process and the protection of children in conflict with the law. The involvement of the Technical Implementation Unit for Women and Children's Protection (UPTD PPA) is not merely administrative but also encompasses psychosocial accompaniment and mediation facilitation. Furthermore, if diversion is unsuccessful, UPTD PPA also coordinates referrals to the Correctional Center (BAPAS) and other institutions to ensure that the criminal process continues to operate under the principle of child protection. This demonstrates that institutional cooperation is the foundation for the success of the restorative justice approach at the regional level.

Based on interview results with the victim's party, namely the victim's grandfather, named La Irati Bin Ama Adili, it was revealed that in the initial stage, when the case was still in the investigation phase, the victim and their family were not yet willing to forgive the perpetrator. This attitude is natural, given that the criminal incident was still fresh in the parties' memories, and emotions were still unstable. However, the situation began to change when the case entered the inquiry stage, where a pre-diversion process was attempted by the juvenile investigator with the involvement of a community guidance officer (BAPAS).

Interestingly, family dynamics became a key factor in easing tensions between the two parties. The perpetrator, through their uncle, took the initiative to approach the victim's

family and conveyed the fact that the victim and the perpetrator were still related; specifically, the victim's grandfather is a close relative of the perpetrator's uncle. This information became a turning point that softened the victim's family's hard stance. This indicates that emotional and cultural approaches as part of local values remain highly relevant in the implementation of diversion in Indonesia, particularly in regions with strong family ties.

During the formal diversion process, the roles of the BAPAS and UPTD officers were crucial in strengthening the mediation process. Both emphasized that continuing the legal process could have a negative impact on the perpetrator's future, as they were still children and needed an opportunity for self-improvement. This explanation provided the victim's family with a broader perspective, showing that diversion does not mean eliminating accountability but rather offers a path to resolve the conflict peacefully while still considering elements of justice.

Finally, the victim's party, represented by their grandfather La Irati Bin Ama Adili, and their biological mother, stated their willingness to forgive the perpetrator on the condition that the perpetrator reimburses the medical expenses amounting to Rp 2,500,000. Based on the provisions of Article 7 paragraph (1) of Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA), diversion can be applied in cases where the criminal act committed by the child carries a prison sentence of less than seven years, is not a repeat offense, and has the victim's consent.²⁸ In this context, the author assesses that the success of diversion is determined not only by juridical-formal aspects but also by a socio-cultural approach that emphasizes harmony, as well as the law enforcement actors' understanding of the best interest of the child principle.²⁹ This aligns with the primary goal of the juvenile criminal justice system: to shield children from the negative impacts of the judicial process and enable more humane social rehabilitation.

The application of the *ultimum remedium* principle in handling child cases at the PPA Unit of Polres Buton can be analyzed through the perspectives of John Rawls' Theory of Justice and Pancasila Justice Theory. According to Rawls, justice must side with the most vulnerable groups through the principles of fairness and the protection of basic rights. In this context, children in conflict with the law are a vulnerable group requiring special treatment. Meanwhile, Pancasila Justice Theory emphasizes the importance of humanity, unity, and deliberation in conflict resolution. The diversion mechanism, conducted through mediation and involving families and social companions, reflects the implementation of Pancasila

²⁸ Abdalfatah Mohammed Asqool, Shahrul Mizan Ismail, and Rohaida Nordin, "The Protection Of Children During Armed Conflicts: Israeli Violations Of International Humanitarian Law In Three Wars In Gaza," *UUM Journal of Legal Studies* 14, no. 2 (July 2023): 2, <https://doi.org/10.32890/uumjls2023.14.2.5>.

²⁹ Moitsadi Zitha and Shandr  Kim Jansen van Rensburg, "'We Learn How to Stay Out of Trouble': Children in Conflict with the Law's Perspectives on Mentorship as a Diversion Programme in Tshwane, South Africa," *International Annals of Criminology*, January 16, 2025, 1–23, <https://doi.org/10.1017/cri.2024.25>.

values that prioritize social justice, relationship restoration, and a familial approach over retribution.³⁰

Furthermore, the implementation of diversion is also in line with Restorative Justice Theory, which focuses on restoring losses and relationships between the perpetrator, victim, and community, rather than solely on punishment. This approach emphasizes dialogue, voluntary accountability, and reconciliation, all of which are reflected in the case handling process by the PPA Unit and UPTD PPA.³¹ The resolution, which considers not only formal legal aspects but also the emotional and social recovery of both victim and perpetrator, shows that the system has endeavored to practice restorative justice, despite still facing limitations in human resources and supporting infrastructure.

From the perspectives of Juvenile Criminal Justice System Theory and Sentencing Theory,³² the application of the *ultimum remedium* principle indicates a paradigm shift in sentencing from a retributive approach to a rehabilitative one. The juvenile justice system demands that every legal process consider the best interests of the child and avoid the negative impacts of the conventional sentencing system.³³ In modern sentencing theory, children in conflict with the law are positioned not only as perpetrators but also as individuals who need guidance and redirection onto a positive social path. Therefore, diversion efforts reflect sentencing that aims to be corrective, educative, and reintegrative.³⁴

Based on the results of this research, the author finds that the application of the *ultimum remedium* principle at the PPA Unit of Polres Buton has been structurally and functionally effective through diversion and mediation mechanisms. The formal cooperation between Polres Buton and UPTD PPA via an MoU serves as a crucial foundation for cross-sectoral involvement. However, the increase in the number of cases in 2024 is an indicator that external challenges, such as rising child-based violence or increased public awareness in reporting, still require serious attention. Therefore, the author recommends enhancing the human resource (HR) capacity of the PPA Unit and UPTD PPA, adding psychologists/counselors, and strengthening an integrated digital reporting system across institutions as applicable solutions. This will ensure the *ultimum remedium* principle is not merely normative but truly becomes a sustainable primary approach at the local level.

³⁰ Nessa Lynch and Ton Liefwaard, "What Is Left in the 'Too Hard Basket'? Developments and Challenges for the Rights of Children in Conflict with the Law," *The International Journal of Children's Rights* 28, no. 1 (March 2020): 89–110, <https://doi.org/10.1163/15718182-02801007>.

³¹ L. Gursi, "Islamic Legal Perspective on Data of Child Victims of Sexual Violence: A Case Study of the Indonesia's Court," *De Jure Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 456–79, <https://doi.org/10.18860/j-fsh.v16i2.28358>.

³² Ariyanti Panu, Roy Marthen Moonti, and Ibrahim Ahmad, "Reformasi Sistem Peradilan Pidana Anak Di Indonesia Antara Diversi, Restoratif, Dan Perlindungan Hak Anak," *Politika Progresif: Jurnal Hukum, Politik Dan Humaniora* 2, no. 2 (June 2025): 276–93, <https://doi.org/10.62383/progres.v2i2.1885>.

³³ Muh Sutri Mansyah and La Ode Bunga Ali, "Integrasi Lembaga Perlindungan Saksi Dan Korban (LPSK), Pada Tahap Penyidikan Dalam Memenuhi Hak Korban Tindak Pidana Kekerasan Seksual," *Hunila: Jurnal Ilmu Hukum dan Integrasi Peradilan* 2, no. 2 (2024): 169–76, <https://doi.org/10.53491/hunila.v2i2.972>.

³⁴ Mansyah and Ali.

3.2 The Application of the *Ultimum Remedium* Principle Through the Diversion Process Has Reflected a Sense of Justice for the Parties, Particularly for the Victim and the Perpetrator

In the modern criminal law system, especially concerning children in conflict with the law, the *ultimum remedium* principle means that the criminal process must be used as a last resort and only employed when non-penal resolution efforts are no longer feasible. This principle forms the basis for the restorative justice approach, which emphasizes the restoration of social relationships between the perpetrator, the victim, and the community, rather than mere punishment.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System is the primary regulation that explicitly governs the Diversion mechanism, which is the process of resolving child cases outside the criminal justice system. Based on Article 7 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, if a child commits a criminal offense punishable by imprisonment of less than 7 years and it is not a repeat offense, diversion must be carried out. Furthermore, Article 8, paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System emphasizes that the diversion process must involve all parties, including the perpetrator, the victim, families, and other facilitators. This reflects the principles of participation and deliberation, which are essential foundations for achieving restorative justice. It is known that within three years:

Table 4. Data on the Application of Diversion by Unit IV PPA of the Criminal Investigation Unit (Satreskrim), Buton Resort Police

Year	Number of Child Cases	Cases Resolved via Diversion/RJ/SP3
2023	12 cases	2 cases (16.6%)
2024	27 cases	4 cases (14.8%)
2025 (up to May)	24 cases	2 cases (8.3%)

Source: Data obtained from the internal documents of Unit IV PPA, Criminal Investigation Unit (Satreskrim), Buton Resort Police

This number indicates that the application of diversion or restorative justice-based resolution is still very limited, at only about 8 out of 63 child cases (approximately 14%). This means that, although the *ultimum remedium* principle has become a normative foundation, in practice it has not yet been optimized by law enforcement officers in the field, including the PPA Unit of the Buton Resort Police.

From the perspective of participation, the low diversion rate indicates limited use of deliberative and mediation forums. This means that only a small number of cases genuinely involve victims, families, and communities in the decision-making process, which is inconsistent with the principles of inclusive justice emphasized by John Rawls. In terms of victim restoration, only 4 out of 27 cases were resolved through diversion, thereby restricting opportunities for relational repair, compensation, and the fulfillment of victims' sense of

justice. As a result, the justice achieved tends to be procedural rather than substantive. Regarding offender reintegration, the low diversion rate implies that more children are processed through the formal justice system, increasing the risk of stigmatization and hindering their social recovery. From a comparative perspective, practices across various jurisdictions demonstrate that when diversion is treated as a primary (default) mechanism, restorative justice outcomes significantly improve.

The diversion process implemented by the PPA Unit of Polres Buton, with active support from the UPTD PPA of Buton Regency, shows a serious effort to realize balanced and inclusive restorative justice for all involved parties. Based on the author's interview on June 13, 2025, with Suriaty Sairi, SKM, as an officer of UPTD PPA, it was revealed that in every diversion mediation forum, the child perpetrator, the victim, and the families of both parties are given the broadest opportunity to express their aspirations, objections, and hopes directly. This forum is not only a means of legal resolution but also a platform for dialogue that values the equal participation of all parties.³⁵ This approach is substantially in line with the principles of restorative justice as affirmed in Article 6 of Law Number 11 of 2012, which prioritizes the best interests of the child and resolution through deliberation for consensus. Thus, the implementation of diversion at Polres Buton is not merely ceremonial or procedural but is genuinely directed towards fulfilling the values of humanity,³⁶ child protection, and the restoration of social relations between the perpetrator and the victim. This finding indicates that the diversion process at the local level has evolved into a legal practice that is not only responsive to national regulations but also contextual to local culture and the psychosocial needs of children as both perpetrators and victims.

Diversion is a mechanism for resolving juvenile cases that prioritizes the protection and best interests of the child within the criminal justice system. This approach is grounded in the mandate of the 1945 Constitution of the Republic of Indonesia and further regulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System. Through diversion, the settlement of child-related cases is directed away from punitive measures and toward restorative solutions. Its main objectives are to achieve reconciliation between the victim and the offender, resolve cases outside formal court proceedings, prevent the deprivation of a child's liberty, encourage community participation in resolving legal conflicts, and foster a sense of social and moral responsibility in the child so that they can reintegrate positively into society.

Post-diversion, the UPTD PPA of Buton Regency continues its active role through evaluation and further accompaniment for the children and families involved in the legal process, as part of long-term efforts to prevent the recurrence of criminal acts and support the child's social recovery. However, based on field findings, the author notes that the

³⁵ Muh Sutri Mansyah et al., "Data Protection for Sexual Violence Victims in the Court Case Tracking Information System: English," *Jurisprudencie: Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 11, no. 1 (June 2024): 47–57, <https://doi.org/10.24252/jurisprudencie.v1i1.46451>.

³⁶ Muh Sutri Mansyah et al., "Ensuring Justice: An In-Depth Analysis of Witness Protection in Divorce Cases within the Religious Court in Indonesia," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 8, no. 2 (2023): 119–32.

limitation of professional personnel such as psychologists, counselors, and social workers remains a structural constraint that needs to be promptly addressed for the effectiveness of post-diversion accompaniment. Nevertheless, both BRIPKA Dedi Yanto Zainudin, S.H., as the investigator of the PPA Unit of Polres Buton, and Suriaty Sairi, SKM from UPTD PPA, affirm that the diversion mechanism applied so far has been able to provide a resolution that is just, humane, and in the best interests of the child, as mandated by the Child Protection Principles outlined in the Convention on the Rights of the Child and adopted in various national regulations.

Moving forward, the UPTD PPA encourages that the resolution of cases of Children in Conflict with the Law (CICL) should always prioritize mediation, negotiation, and diversion as the primary steps, considering that children are legal subjects with future potential and are part of the nation's next generation. This approach not only reflects the *ultimum remedium* philosophy but also emphasizes that the juvenile criminal justice system must be rehabilitative, not retributive. Therefore, cross-sectoral support is needed to strengthen institutional capacity, human resources, and inter-agency synergy so that diversion practices can run more optimally and sustainably. The following is a table of the results of diversion implementation by UPTD PPA in 2024:

Table 5. Results of Diversion Implementation by UPTD PPA in 2024

Category	Number of Cases	Description
Cases successfully resolved through diversion	4 cases	Diversion succeeded through mediation involving all relevant parties.
Diversion cases rejected	1 case	Diversion failed due to a serious crime or the child being a recidivist.
Total child cases	28 cases	Not all cases could be attempted for diversion; selection was based on legal provisions.

Source: Internal data from UPTD PPA of Buton Regency, interview results from 2025.

Table 5: The effectiveness of the implementation of diversion as a manifestation of the application of the *ultimum remedium* principle. Out of a total of 28 cases in 2024, only 5 cases were processed using a diversion approach, of which 4 were successful, and 1 failed because it did not meet the criteria (e.g., being classified as a serious crime or the perpetrator being a recidivist). This number is relatively small compared to the total number of cases, indicating that not all child cases have been diverted from the criminal path to the restorative path. However, the success of diversion in some cases demonstrates the commitment of the PPA Unit of Polres Buton and UPTD PPA in implementing this principle in accordance with the mandate of Law No. 11 of 2012.

This deserves attention because the low rate of diversion can indicate two things: first, non-compliance with the *ultimum remedium* principle; and second, perhaps not all officers

understand or can carry out the diversion process according to existing guidelines. From the victim's perspective, the minimal resolution through deliberation also potentially hinders psychological recovery and more humane justice, especially if the victim is still a minor. Conversely, from the perspective of the perpetrators, who are also children, the dominance of a repressive approach could overlook the principle of *the best interest of the child*, which has been adopted through Article 64 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and is in line with the Convention on the Rights of the Child, ratified by Indonesia through Presidential Decree No. 36 of 1990.

From the author's perspective, restorative justice and the *ultimum remedium* principle represent a modern form of criminal law approach that is responsive to social and humanitarian values. Experts, such as Muladi and Barda Nawawi Arief, emphasize the importance of the decriminalization of child offenders in certain contexts to prevent social labeling and the long-term effects of sentencing. In this context, the diversion mechanism is not just an alternative resolution, but a normative necessity to create substantial justice, not just procedural justice. If its implementation is low, it can be said that a sense of justice has not been fully realized, both for victims who hope for a quick resolution and recovery, and for perpetrators who need corrective, not repressive, treatment. Therefore, future efforts should focus on enhanced training for law enforcement officers to implement diversion, active involvement of supporting institutions such as BAPAS and social workers, and strengthening public socialization about the importance of deliberation-based resolution.

The application of the *ultimum remedium* principle through the diversion process at Polres Buton, facilitated by the UPTD PPA of Buton Regency, reflects efforts to realize substantive justice for perpetrators and victims. Diversion not only functions as a peaceful resolution mechanism but also serves as a form of protection for children from the negative impacts of the formal justice system. This aligns with John Rawls' Theory of Justice, which emphasizes that justice must provide the greatest benefit to the most vulnerable groups. Children as criminal offenders are a vulnerable group who morally and socially deserve fair treatment through a more humane and participatory approach.

The implementation of diversion at Polres Buton also illustrates the application of values within Pancasila Justice Theory and Restorative Justice Theory. The deliberation process involving the perpetrator, victim, families, and social companions reflects the spirit of familyhood and social justice in Pancasila, particularly the second and fifth principles. From a restorative justice perspective, diversion emphasizes the restoration of social relationships and conflict resolution through open communication, not merely punishment. This process gives space for the victim to express their pain and for the perpetrator to take emotional and social responsibility, thereby building a shared awareness of the importance of recovery and reconciliation.

However, the effectiveness of diversion in the field still faces challenges, such as a limited number of professional mediators, a lack of child psychologists, and suboptimal post-diversion programs. These constraints become obstacles to the ideal application of the

Juvenile Criminal Justice System Theory, which demands a comprehensive protection and rehabilitation approach for children. In the context of Sentencing Theory, diversion is an alternative form of sentencing oriented towards guidance and social reintegration, not retribution. Therefore, institutional strengthening, improved human resource capacity, and sustainable post-diversion accompaniment need attention so that a sense of justice can be truly felt by all parties equally and sustainably.

Research findings indicate that the implementation of diversion at Polres Buton, facilitated by UPTD PPA, has reflected the values of inclusive restorative justice by providing equal participatory space for victims and perpetrators and their families. However, the effectiveness of diversion is still limited to minor cases and is highly dependent on the willingness of the parties to reconcile. The scarcity of professionals such as psychologists or neutral facilitators is one of the factors hindering the overall success of diversion. Therefore, the author suggests that in the future, a cross-professional diversion team should be formed, consisting of investigators, social workers, child psychologists, and community figures as independent mediators. This will strengthen the legitimacy of the diversion process and guarantee the fulfillment of the right to justice, not only for child perpetrators but also for victims, in support of a juvenile justice system more oriented towards recovery rather than retribution.

4. CONCLUSION

This study concludes that the implementation of diversion as a manifestation of the *ultimum remedium* principle within the juvenile criminal justice system in Buton Regency has substantively reflected the values of restorative justice and child protection as mandated by Law Number 11 of 2012 and reinforced by Law Number 1 of 2023. The diversion mechanism has functioned as a non-penal approach aimed at preventing excessive criminalization of children through participatory mediation involving victims, offenders, families, investigators, and child protection institutions. Nevertheless, the empirical findings reveal that the effectiveness of diversion remains limited, as only a small proportion of juvenile cases were successfully resolved through restorative mechanisms, indicating structural challenges relating to institutional coordination, limited professional human resources, weak post-diversion monitoring, and the absence of integrated psychosocial support systems. The novelty of this research lies in the development of a localized socio-legal evaluation model that integrates the *ultimum remedium* principle, restorative justice theory, and regional institutional practices in assessing diversion effectiveness at the local level. Furthermore, this study contributes theoretically to the development of juvenile justice and restorative justice scholarship by providing a contextual framework for evaluating diversion implementation in peripheral jurisdictions, while practically offering policy recommendations concerning institutional strengthening, cross-sectoral coordination, mediation capacity enhancement, and sustainable child rehabilitation mechanisms to support a more humane, participatory, and child-oriented juvenile justice system in Indonesia. The authors would like to thank the Directorate of Research, Technology, and Community

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