



## THE ROLE OF CORRECTIONAL CENTERS (BALAI PEMASYARAKATAN) IN DETERMINING THE DIVERSION PROGRAM MODEL AS AN EFFORT TO PREVENT CHILD RECIDIVIS

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**Abstract.** The Correctional Center in compiling recommendations for the diversion program needs to consider the purpose of preventing the repetition of juvenile crime. The purpose of this study is to find out of the role of the Correctional Center in determining diversion recommendations that function to prevent child recidivism. This study uses a sociological juridical approach method with analytical descriptive research specifications. The location is at the Purwokerto Correctional Center. The data sources used are primary and secondary data. The results of the study found that the diversion program in the form of peace by providing compensation and return to parents/guardians, lacks the function of instilling children's responsibilities and children are prone to repeat criminal acts. With the diversion program of providing compensation and return of children to parents/guardians, the Correctional Center is not obliged to provide guidance, guidance and supervision of the child. The Purwokerto Correctional Center experienced substantial, structural and cultural obstacles in the preparation of diversion recommendations. It is necessary to reconstruct the diversion program, namely with the obligation of the Correctional Center to supervise children in the diversion program in the form of peace by providing compensation and a return program to their parent/guardians

**Keywords:** diversion, correctional center, child recidivist, role

### A. Introduction

In the implementation of the juvenile criminal justice system, both the formal and infomal (diversion) judicial processes involve the role of the Correctional Center (Correctional Center). The involvement of the Correctional Center, in this case the Community Supervisor in the completion of diversion, is to participate in diversion deliberations and submit recommendations for diversion agreements. The recommendation of the diversion agreement was determined based on the results of the session of the Correctional Observer Team of the Correctional Center in the process of preparing community research on the case.

The form of the diversion agreement recommendation that is submitted, of course, is in accordance with the interests and objectives of diversion for Child Clients, families, victims and community attitudes. The recommendation of diversion agreement from the Correctional Center is the basis for consideration by Investigators, Public Prosecutors, and Judges in determining the outcome of the Diversion agreement.

The diversion program aims to prevent children from being sanctioned for deprivation of independence, but more importantly, to instill a sense of responsibility in children and so that children do not repeat criminal acts. Therefore, the Correctional Center in submitting recommendations for diversion programs should be directed to support children so that they do



not repeat criminal acts. Correctional institutions need to choose a form of diversion agreement that can prevent the repetition of criminal acts (recidivist) by the child concerned.

The occurrence of non-criminal repetition is caused by failure in efforts to prevent the occurrence of criminal acts. Efforts to prevent the occurrence of criminal acts are in the form of preemptive efforts, preventive efforts, repressive efforts[1], and curative efforts [2]. With these preventive efforts, if there is a repetition of criminal acts, it means that there is a failure in the implementation of preemptive efforts, preventive efforts, repressive efforts and curative efforts.

Factors for the repetition of child crimes (child recidivists), due to the failure of children's social reintegration. The process of children's social reintegration involves 4 (four) mutually supportive components, namely: Child Self; Family; Community; and Correctional Supervisors. [3]. Therefore, the failure of children's social reintegration occurs, because there are factors inherent in: Children; Family, Community and Factors of Child Correctional Supervisors.

This research is important to carry out, because it provides information about the repetition of child crimes, and provides information to correctional centers about efforts to prevent the recurrence of child crimes (child recidivism) for children who are subject to the diversion program.

The purpose of this study is to find a form of diversion program recommendation that can function to support efforts to prevent the repetition of child crimes. The next goal is to find the role of the Purwokerto Correctional Center, in pursuing a diversion program to support efforts to prevent the repetition of child crimes.

Furthermore, to propose efforts to optimize the role of the Correctional Center in the preparation of diversion recommendations that can function and support efforts to prevent the recurrence of juvenile crimes. Studies on the optimization of correctional centers related to the determination of diversion program recommendations to prevent child recidivism do not exist.

## **B. Methods**

This research is a qualitative research with an empirical juridical approach. The empirical juridical approach intended in this study is a study of how legal provisions are implemented in their implementation. Problem analysis and problem answers are carried out by combining legal materials, both primary, secondary and tertiary (which are secondary data) with primary data obtained in the field. [4] The data collection method in this study, for primary data uses interviews and observations, while secondary data uses library studies and document studies. The data obtained which is the result of the research will be analyzed with a qualitative research approach.

## **C. Results And Discussion**

### **1. Purpose of the Juvenile Criminal Justice System**

Sudarto said that in juvenile justice there are activities to examine and decide cases related to the interests of children, namely all activities carried out by the police, prosecutors, judges and other officials, must be based on a principle, namely for the welfare of children and the interests of children. [5] Moving away from the limitations of the judicial system, what is meant by the juvenile criminal justice system is the juvenile criminal justice law enforcement system consisting of a child investigation subsystem; child prosecution subsystem; the examination subsystem of juvenile judges; and the subsystem of the implementation of child criminal law sanctions, which is based on the material criminal law of children, formal criminal law of children, and the law on the implementation of criminal law sanctions of children, where the purpose of the juvenile criminal justice enforcement system emphasizes the purpose of the interests of child protection and welfare.



The objectives of the criminal justice system, of course, more or less apply to the purpose of implementing the juvenile criminal justice system, namely the short-term goal of the juvenile criminal justice system is resocialization or coaching to prepare back to the community for child offenders. The medium-term goal of the juvenile criminal justice system is to prevent the child offender from committing further crimes, and the long-term goal for the welfare of the child offender and the welfare of society in general.

In other words, the duties and authority of the juvenile court to "resolve children's cases" means that the decision can be beneficial to the child and to the community, for example: beneficial for the development of children; beneficial for child protection; beneficial for the child's future, and there are no further conflicts. The purpose of the juvenile criminal justice system, which is carried out by adjudicating children by juvenile justice bodies, does not prioritize the crime alone, but the protection of the future of children is the goal that the juvenile criminal justice aims to achieve. [6]

## 2. Diversion Programs

Diversion for child offenders is to provide a better alternative to the official procedure of proceedings in court. Children of criminal offenders will be involved in targeted and interactive activities in groups that are intended to improve their understanding and change their perspective on the existing positive law enforcement system and enforcement, increase their self-confidence, teach them ways to communicate / interact with the social environment better and improve their decision-making skills. The purpose of diversion is to prevent the child from the official procedure of court proceedings and reduce the possibility of recidivism in the future.

The diversion program provides benefits to the community in early and rapid handling of deviant behavior. This initial handling also saves costs which are a burden incurred by the local police. Children who commit these crimes will be instructed by the police, juvenile parole coaches, justice department officers, and schools to contact the police. The benefits of implementing the diversion program for child offenders can be stated as follows:

- a. help children learn from their mistakes through intervention as soon as possible
- b. repair injuries due to the incident, to the family, victims and the community
- c. cooperation with parents, caregivers and given advice on daily life; equip and arouse children to make decisions to be responsible; attempting to raise funds for restitution to the victims; provide responsibility for the child's actions, and provide lessons about opportunities to observe the consequences and effects of the case
- d. provide options for perpetrators to have the opportunity to keep them clean of crime defects; reducing the burden on the judiciary and prison institutions.
- e. control of child/adolescent crime. [7]

## 3. Child Resividism

Recidivism or recidivism is defined as a person who repeats a criminal act, while recidivism is interpreted as the tendency of individuals or groups to repeat reprehensible acts even though the perpetrator has been convicted of committing the act. However, in the concept of criminal law, a person can be called committing an act of recidivism if the person repeats the criminal act with certain conditions which can then have implications for the imposition of committing the act. However, in the concept of criminal law, a person can be called committing an act of recidivism if the person repeats the criminal act with certain conditions which can then have implications for the imposition of punishment for him.

The success of the children's social reintegration process involves 4 (four) mutually supportive components, namely: Children's Self; Family; Community; and Correctional



Supervisors. [9] Therefore, the failure of children's social reintegration can be caused by factors inherent in children, families, communities and factors that coach child corrections.

- a. Factors in the child. Coaching fails because of children who do not want to change themselves in a more positive direction. Coaching for children should form: willpower, confidence, dare to make decisions, dare to take risks, and be motivated to change themselves.
- b. Family factors. The family is the primary environment for children, so the family has an important role in the process of self-change for children. Child development fails, it can be because there is no harmonious relationship between the child and his family. Community factors. The purpose of coaching is so that children can be accepted back into community life. However, children will face the possibility of less success in re-entering social life due to low accessibility in the fields of education, training, and moral support, as well as a lack of social support from society for their existence.
- c. Coaching Factors. Officers of juvenile correctional institutions have an important role in efforts to foster correctional institution students in accordance with the goals of each stage of coaching. Failure of coaching from coaching factors such as lack of coaching capacity, lack of coaching personnel, lack of coaching facilities and infrastructure.

#### 4. Law Enforcement Effectiveness

Law enforcement is an effort to realize the ideas of justice, legal certainty and social benefits into reality. So law enforcement is essentially the process of realizing ideas. Law enforcement is the process of making efforts to uphold or function legal norms in real terms as a guideline for actors in traffic or legal relationships in the life of society and the state. [10]

Law enforcement is aimed at improving order and legal certainty in society. This is done, among others, by ordering the functions, duties and authorities of the institutions tasked with enforcing the law according to the proportion of their respective scopes, and based on a good cooperation system and supporting the goals to be achieved.

According to Soerjono Soekanto [11], there are several factors that are very decisive in the implementation of law enforcement in society, namely: (1) the legal factor itself, (2) the law enforcement factor, (3) the facility or facility factor, (4) the community factor and (5) the cultural factor. These five factors are closely related to each other, because they are the essence of law enforcement, and are also a benchmark rather than the effectiveness of law enforcement.

#### 5. The Role of the Purwokerto Correctional Center in Determining the Recommendation of the Diversion Agreement Model

- a. Determination of recommendations of the agreement model is versioned by the Correctional Center.

The role of the Correctional Center (Correctional Center), especially the Community Supervisor, is mandated to be present at every stage of the legal process involving children, including in the process of implementing Diversion to submit recommendations in the diversion program. In handling children's cases, the results of community research made by the Community Supervisor one of them resulted in a recommendation that was used as the basis for the consideration of Investigators, Public Prosecutors, and Judges in organizing Diversion.

Currently, the preparation of diversion recommendations, the Correctional Center uses the guidance in the Circular Letter of the Director General of Corrections, Number: PAS6. PK.01.05.02 – 573 of 2014 concerning General Guidelines for the Preparation of Community Research Recommendations.



Based on Circular Letter of the Director General of Corrections, Number: PAS6. PK.01.05.02 – 573 of 2014 concerning General Guidelines for the Preparation of Community Research Recommendations, the conditions or indicators as special conditions for determining the form of recommendations for the diversion agreement model are as follows.

- 1) Return of losses to victims. The ability of the parents of the perpetrator's child is considered to be able to provide compensation, b. The ability of the parents will guide the perpetrator.
- 2) Medical and psychosocial rehabilitation. Ability of competent parties to perform medical and/or psychosocial treatment. The willingness of the child's parents to comply with the conditions of guidance and supervision.
- 3) Return to parent / guardians. The condition of parents/guardians is considered capable of coaching, guiding, and supervising children. There is certainty that the child will live with the parents/guardians.
- 4) Participation in education or training in educational institutions. The conditions of parent / guardians considered incapable of fostering, guiding, and supervising children. The readiness and willingness of educational institutions that are in accordance with the needs of children and are able to change their behavior for the better. Children are considered capable of participating in activities organized by educational institution.
- 5) Community service. In the environment around Children, there are places of activities that are considered to be able to be done by children as a form of community service. The condition of parents/guardians is considered capable of coaching, guiding, and supervising children

b. Forms of diversion recommendations for the Purwokerto Correctional Center

Settlement by diversion in practice at the Purwokerto Class II Correctional Center which covers 4 (four) districts, namely: Banyumas, Purbalingga, Banjarnegara and Kebumen Regencies, from 2020 to June 2024 there are 114 (one hundred and fourteen) child cases processed through the diversion program.

Table 1. The forms of agreement recommendations submitted, approved diversion agreement recommendations, and diversion agreements that are not in accordance with the recommendations.

Form of recommendation	A	B	C	D
Peace with or without indemnity	2	2	17	-
Medical and psychosocial rehabilitation	4	3	1	-
Return to parents/ guardians	58	43	-	4
Participation in education or training in educational institutions	-	18	-	5
Community Service	26	18	-	3
Amount	144 (100%)	84 (72,8%)	18 (12,5%)	12 (14,7%)

Sources: primary data processed.

Notes: A. diversion recommendations submitted; B. Approved diversion recommendations forms; C. Diversion is not accordance with recommendations; D. Diversion failure.

The forms of agreement recommendations submitted, approved diversion agreement recommendations, and diversion agreements that are not in accordance with the recommendations of the Correctional Center, as well as diversions that fail to be implemented are as follows:





Based on the above data conditions, it appears that there are still many recommendations in the form of returning to parents, participation in education or training at educational institutions or LPKS and community services dominate the proposed form of recommendations.

The correctional center in determining this recommendation is based on the results of community research and is associated with the guidelines for the preparation of diversion recommendations in the Circular Letter of the Director General of Corrections, Number: PAS6.PK.01.05.02 – 573 of 2014 concerning General Guidelines for the Preparation of Community Research Recommendation.

c. Obstacles to the preparation of diversion recommendations

The obstacles to the preparation of diversion recommendations are known based on the results of interviews with the Purwokerto Class II Correctional Center, Central Java, especially the Community Advisor. The interview was conducted with Fariyani, A.Md.IP., S.H., Idang Heru Sukoco, A.Ks., M.H., Yeri Adi Sulistiawan, S.H., M.H., and Dian Puspitasari, S.H. as Community Advisor. The results of the interview about the obstacles to the preparation of diversion recommendations are as follows:

- 1) The condition of community supervisors at the research location currently has 42 community supervisors, who have participated in training and certified only 9 (nine) community supervisors.
- 2) Requirements to become a Community Advisor with a minimum education of D-3 or Diploma 3 from the field of social sciences, or high school/vocational school who have experience in the field of social sciences or equivalent, physically and spiritually healthy, rank/lowest room group of Junior Supervisor Level I/II/b, have interest, attention, and dedication in the field of community service and guidance, and have participated in technical training for Community Supervisors and have a certificate.
- 3) The preparation of Community Research for the handling of Children in conflict with the law is determined for a maximum period of 3x24 hours from the time the application is received. This period of time is very difficult to implement because the data mining process is not easy and the preparation of reports and there is a verification / evaluation process at the Correctional Observer Team Session.
- 4) The limit of the Diversion requirement is determined only for child crimes with criminal threats under 7 (seven) years, making the Community Supervisor not allowed to recommend Diversion processing even though the victim and the perpetrator have a peace agreement.
- 5) The condition of the family is unable to provide guidance and sometimes the child's environment does not support the return of the child to the parents.
- 6) Victims who do not want to forgive because they do not understand the purpose of diversion, namely the restoration of the situation as before. Therefore, the victim has not been able to accept the diversion process and wants to continue to be processed by the court hearing. In addition, the victim still considers that diversion does not think about the victim.
- 7) Budget limitations that have not been used up for one year, usually for official travel budgets and supporting infrastructure facilities such as motorcycles and laptops or computers still do not get everything, so that many correctional center officers use laptops and privately owned vehicles.

6. Diversion Recommendation Model Supports Prevention of Child Recidivism

Diversion is a form of punishment that has an educational aspect for children. The implementation of diversion is motivated by the desire to avoid negative impacts on the psyche



and children's growth and development through participation in the criminal justice system. [12]

Correctional centers in compiling recommendations for diversion agreements are based on the results of community research. The recommendation of the diversion agreement to be submitted by the Correctional Center is in accordance with the forms of diversion agreement specified in the law on the juvenile criminal justice system.

The diversion agreements to be selected or determined, and the conditions that are taken into consideration, are as follows:

- a. Peace with or without compensation. With this agreement, the parties forgive each other and the victim is given compensation by the perpetrator's family if they are able to provide compensation. The parents of the perpetrator's child have the ability to guide the perpetrator.
- b. Medical and psychosocial rehabilitation. With this agreement, the child undergoes medical and/or psychosocial treatment by a competent party to carry out medical and/or psychosocial treatment. The child's parents are willing and willing to comply with the conditions of guidance and supervision.
- c. Return to parents/guardians. With this agreement, it means that parents carry out coaching, guidance, and supervision of children. The child will live with the parent/guardian.
- d. Participation in education or training at educational institutions. In the event that children participate in activities at educational institutions that are in accordance with the needs of children and are able to change their behavior for the better.
- e. Community service. In this case, the child is told to do community service. The condition of parents/guardians is considered capable of coaching, guiding, and supervising children.

Efforts to prevent the commission of criminal acts consist of pre-emptive efforts, preventive efforts and repressive efforts. These efforts also apply to prevent criminal acts committed by children (child recidivism). The explanation of these efforts is as follows:

- a. Pre-emptive efforts. In this case, it is an effort to instill values (personality, faith, education) that are useful for fostering a sense of responsibility to children, so that they are fully aware of not committing criminal acts.
- b. Preventive efforts. In this case, it is in the form of preventive measures taken to prevent the occurrence of child crimes.
- c. Repressive efforts. In this case, it is an effort to provide punishment so that the perpetrators feel deterred and do not repeat their actions.

Diversion recommendations submitted or proposed by the Correctional Center will be a diversion agreement. Therefore, in determining the diversion recommendation, the function of preventing the repetition of criminal acts by the child concerned should be considered.

Below is a description of the forms of diversion agreements and the extent to which diversion agreements have the potential to support the prevention of repetition of criminal acts. In this case, it is seen from the aspects of the pre-emptive function, preventive function and repressive function in each diversion agreement. The explanation of the table is as follows:

- a. Peace Agreement with or without loss.

This agreement contains a pre-emptive function, because there is good intentions for the perpetrator to be willing to admit mistakes and apologize. However, if the condition of the perpetrator and his family is from a family that can afford it, then giving compensation is not



burdensome. Thus, the aspect of preventive efforts in the future may not work. Similarly, the repressive (punitive) aspect can not have a deterrent effect on the perpetrator and his family who can afford it. This means that compensation is not a burden for children and their parents, so compensation does not function as a burden.

b. Medical and psychosocial rehabilitation agreements.

This agreement can fulfill the pre-emptive, preventive and repressive functions, because there are rehabilitation activities for the child concerned. If the implementation of medical and psychosocial rehabilitation is effective, it will be able to prevent children from committing criminal acts in the future.

c. Agreement of handover back to parents/guardians.

This agreement can fulfill the function of preemptive efforts, but the aspect of preventive efforts and the aspect of repressive efforts need to be questioned. There are many cases of delinquent children, where the person is no longer able to educate and foster. Because to recommend a return agreement to the parents, the Correctional Center must research the condition of the parents intensely. Deciding to recommend an agreement back to parents requires the ability of parents and the ability of the child's parents, to be able and able to nurture and educate children. If parents do not have the knowledge to prevent their children from committing criminal acts, or parents do not have the ability to prevent their children from committing criminal acts, then the child is not optimally developed. Child offenders become recidivists because they lack guidance related to what behaviors should not be done, so that if they get certain urges to commit criminal acts, they will immediately do it. Therefore, diversion agreements in the form of returns to parents, can function preventively and may not function preventively. This depends on the condition of the parent's ability to provide coaching, guidance and supervision. Diversion agreements back to parents tend not to function repressively, because these agreements cannot trap children.

d. Participation agreement in education and training.

This agreement can fulfill the function of pre-emptive, preventive, and repressive efforts in overcoming criminal acts. The implementation of participation agreements in education and training requires conditions that are carried out in adequate places of education and training, and children actively participate in the education and training.

e. Agreement to provide services to the community.

This agreement can meet the aspects of preemptive, preventive and repressive efforts to counter criminal acts. The agreement to carry out community services will be effective, if the place where the community service is actively involved in fostering and guiding children properly, and there is supervision of the implementation of these community services.

Efforts to prevent the repetition of criminal acts, by increasing the involvement of various parties in the perpetrator's environment, and the perpetrator is busy or plays an active role in various activities, so the perpetrator does not have time to think about committing deviant behavior. The logic of this understanding is that if people are active in all activities, then people will spend their time and energy in those activities.

Thus, children do not have time to think about things that are contrary to the law. Any activity that can be beneficial, will prevent a person from committing acts that are contrary to the law. [13]

There is a repetition of child crimes (child recidivism), due to the failure of children's social reintegration. The success of the children's social reintegration process involves 4 (four) mutually supportive components, namely: Children's Self; Family; Community; and Correctional Supervisors. [14] Proceeding from this thinking, it can be assumed that the





activities in the diversion agreement involve many activities: children; family; community; and correctional coaches, will be more supportive to prevent the repetition of criminal acts.

Below, a description of the forms of diversion agreements and the conditions of involvement of children, families, communities and correctional coaches

- a. "Peace with reparations" agreement. This agreement relatively does not involve children in a busy activity and does not involve the community and correctional coaches to participate in the diversion agreement activities. When a peace agreement with compensation is implemented, the case is stopped and the Correctional Center is no longer obliged to foster, guide or supervise the child. The task of guidance, supervision and coaching from the Correctional Center is completed, when there is an agreement to provide compensation.
- b. "Return to parents/guardians" agreement. This agreement relatively does not involve children in a busy activity and does not involve the community and correctional coaches to participate in the diversion agreement activities. At the time of deliberation and an agreement to return to the parents, the case is stopped and the Correctional Center is no longer obliged to foster, guide or supervise the child. The task of guidance, supervision and coaching from the Correctional Center is completed, if the child is handed back to his parents/guardians.
- c. "Medical and Psychosocial Rehabilitation" Agreement. In this agreement, all are involved in the implementation of medical and psychosocial rehabilitation activities. The children, families, and the community in this case are medical & psychosocial rehabilitation organizers, and community coaches. The correctional center is involved in the task of supervising and guiding the child concerned.
- d. "Attend education or training" Agreement. In this agreement, all parties are involved in organizing education or training. The Correctional Center conducts guidance, coaching and supervision, until the completion of the implementation of these activities.
- e. "Service to the Community Agreement. The implementation of this Agreement is all parties: Children, Family, Community, and Trustees are involved in the implementation of the Service to Community Agreement. Coaches from the Correctional Center carry out coaching, supervision, guidance, so that they can prevent children from committing criminal acts.

The settlement of diversion in the form of a peace agreement with compensation and an agreement for the child to be returned to the parents/guardians is carried out, so there are no supervision activities, guidance from the correctional center. As such, children are not given the opportunity to change their behavior, receive guidance and support, and develop skills that help them become better members of society.

In contrast to diversion agreement programs that follow education and training and community service agreements, children are given the opportunity for guidance, supervision to change their behavior, receive guidance and support, and develop skills that help them become better members of society.

Children who participate in education and training and perform services to the community, then this activity will form: physical readiness; mental readiness and social readiness. [15]

- a. Physical Readiness. Physical readiness can be interpreted as a state of readiness to carry out activities with good physical health, in the sense that the physical condition is healthy and clinically not declared to have a disease or impaired body function. Children who have physical readiness with good physical condition will be one of the factors supporting their success to reintegrate into community life.



- b. **Mental Readiness.** Children's mental readiness will be related to the mental coaching carried out for children. Mental readiness for the child will be related to the child's psychosocial state of his thoughts and feelings in an effort to control his behavior appropriately. Children are expected to be aware of their mistakes and be able to accept and handle frustration reasonably, control their emotions through worship (religion), have a sense of confidence and enthusiasm to return to social life, and be able to handle feelings of guilt and anxiety.
  - c. **Social Readiness.** Social readiness for children can be interpreted as a condition where children are ready to carry out activities again in community life by knowing religious norms, morality, social ethics and meetings with family or relatives, and knowledge of good community life. Social coaching will also be related to the opportunity for children to establish communication relationships with their families through visits or mail media as well as the receipt of training and counseling regarding community guidance.
7. **Obstacles of the Purwokerto Correctional Center in compiling diversion recommendations**

The form of diversion recommendations at the Purwokerto Correctional Center is dominated by recommendations for returning to people, attending education or training at LKPS and service agreements to the community. Peace agreements with or without reparations and medical and psychological rehabilitation are very minimal.

Meanwhile, the peace agreement with or without compensation and medical & psychological rehabilitation can thus be said to support the form of diversion recommendations at the Purwokerto Correctional Center to prevent the repetition of child crimes. Recommendation Return agreement to parents is the most diversion recommendation. This type of return recommendation to parents has advantages and disadvantages. The recommendation of return to parents will be effective if indeed the condition of parents who are still able and able to nurture the child concerned is minimal. The weakness of the agreement on return to parents is that the Correctional Center does not supervise and coach the child concerned. If the child has been accepted by the parents, then the case is officially stopped and the Correctional Center is not obliged to supervise and nurture the child concerned.

The preparation and determination of the form of diversion recommendations that must be met are: general requirements and special requirements. The general condition is that diversion efforts are made against cases of children who are threatened with imprisonment under 7 years and are not a repeat of the crime, and the victim agrees to settle with diversion.

Special conditions, in this case, are that there are indicators as specified in the circular letter of the director general of corrections, the circular letter of the director general of corrections, Number: PAS6. PK.01.05.02 – 573 of 2014 concerning General Guidelines for the Preparation of Community Research Recommendations, as follows:

- a. The recommendation of "peace with compensation", if there are indicators, namely: there are victims who are harmed, the condition of the parents of the perpetrator's child is considered to be able to pay the compensation agreement, and the ability of parents to guide the perpetrator's child.
- b. Recommendations for medical and psychosocial rehabilitation are submitted if there is an ability from a competent party to provide medical and/or psychosocial treatment and there is an ability of the child's parents to be willing to comply with the conditions of guidance and supervision.
- c. Recommendation of return to parents/guardians, if the condition of the parents/guardians is considered capable of coaching, guidance, and supervision of the child, and there is certainty that the child will live with the parents/guardians.



- d. Recommendation for Participation in education or training at educational institutions, submitted if the condition of parents/guardians is considered incapable of fostering, guiding, and supervising children. The readiness and willingness of educational institutions that are in accordance with the needs of children and are able to change their behavior for the better. In addition, children are considered able to participate in activities organized by educational institutions.
- e. Recommendations for services to the community, if in the environment around the child there is a place for activities that are considered to be able to be done by the child as a form of community service, and the condition of the parents/guardians is considered capable of coaching, guiding, and supervising the child.

The indicators mentioned above are conditions that can determine the forms of diversion recommendations. The determination of the form of diversion recommendations is made based on the correctional center's assessment of the condition of the parties and the condition of the child's parents' ability to foster, guide, and supervise the child. The determination of the form of diversion recommendations must pay attention to and be based on the condition of the indicators that exist or are attached to the perpetrator, the perpetrator's family, the condition of the victim and the conduciveness of the local community.

According to Soerjono Soekanto, [16] There are several factors that are very decisive in law enforcement that are useful for law enforcement issues in society, namely: (1) the legal factor itself, (2) the law enforcement factor, (3) the facility factor, (4) the community factor and (5) the cultural factor. These five factors are closely related to each other, because they are the essence of law enforcement, and are also a benchmark rather than the effectiveness of law enforcement. The description of each factor is as follows:

- a. Obstacles stemming from legal factors

Correctional centers are obliged to conduct Community Research. The preparation stage consists of stages, which start from the stage of receiving the Litmas application, the stage of appointing the Community Supervisor, the preparation stage for the implementation of Litmas, the stage of collecting and processing data and information, the stage of implementing the Correctional Observer Team session, and finally the stage of reporting the results of Community Research (Penelitian kemasyarakatan).

Based on the provisions of Article 28 of the Law on the Juvenile Criminal Justice System, it is determined that the results of Community Research must be submitted by the Correctional Center to the Investigator, within a maximum period of 3 x 24 (three times twenty-four) hours. The time limit by the Juvenile Criminal Justice System Law is often violated by the Community Supervisor of the Purwokerto Correctional Center. This is because the work area of the Purwokerto correctional center is large, making the 3 x 24-hour deadline difficult to obey. The time limitation in the implementation of community research activities makes the results of its preparation incomplete in digging up information for the best interests of children.

As stipulated in the Law on the Juvenile Criminal Justice System, regarding the limitation on the Diversion requirement, namely diversion can be applied if the criminal act committed by the child is threatened with imprisonment under 7 (seven) years. This condition makes it difficult for Community Advisors to recommend Diversi processing that does not meet these requirements, even though the victim and the perpetrator have a peace agreement.

With the limited time for the implementation of Litmas, as a result, the Correctional Center only pursues the fulfillment of the indicators in the guidelines set out in the Circular Letter of the Director General of Corrections, Number: PAS6. PK.01.05.02 – 573 of 2014 concerning General Guidelines for the Preparation of Community Research Recommendation.

- b. Obstacles stemming from law enforcement factors



The requirements to become a Community Advisor are regulated in Article 64 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Minimum education of D-3 or Diploma 3 from the field of social sciences, or high school/vocational school who has experience in the field of social sciences or equivalent, physically and spiritually healthy, lowest rank/class of Junior Organizer Level I/II/b, has interest, attention, and dedication in the field of community service and guidance, and have participated in technical training for Community Advisors and have a certificate. The certificate in question is a certificate obtained from the functional training of Community Supervisors that must be followed and has been declared passed.

The number of Community Supervisors at the Purwokerto Correctional Center is 42 (forty-two), but only 9 (nine) people have participated in certified training. There are still 33 Community Supervisors who have never participated in functional training for community supervisors. The limited number of community counselors who have participated in integrated training in the juvenile criminal justice system is an obstacle in handling children who are in conflict with the law.

a. Obstacles stemming from facilities or facilities

Facilities or facilities are supporting in the implementation of Community Research (Litmas) tasks. Based on the data from the results of the study, the obstacles faced by the Community Supervisor at the Purwokerto Correctional Center related to infrastructure facilities are the uneven facilities of official vehicles and laptops or computers provided. The Community Supervisors who have received motorcycle official vehicles from a total of 42 people are 24 people, while 18 Community Supervisors are still using private vehicles.

The coverage of the area and the high level of mobility in Litmas data mining will certainly have an impact on the level of operational vehicle maintenance needs. Community Advisors who have not received an official vehicle certainly do not have the right to get maintenance costs as obtained by other Community Advisors who have received official vehicles.

After the data mining is carried out, the Community Supervisor must process it and the facilities needed are laptops or computers. As well as the official vehicles of the Community Supervisor who have not received laptop or computer facilities are as many as 18 people. The uneven support facilities for Litmas tasks are an obstacle for Community Supervisors because with the same tasks, not all of the facilities provided accept.

b. Obstacles stemming from Community Factors

The implementation of Community Research by Community Supervisors at the Purwokerto Correctional Center involves the community regarding the fulfillment of the data needed in the report on the results of community research. Referring to the results of the study, the report on the results of community research that produces recommendations is the processing of data from interviews with the parties, namely children's clients, parents/guardians, victims, the surrounding community, the local government, and other parties as needed.

Regarding the implementation of Diversion, the results of interviews from various parties are then analyzed by the Community Supervisor to determine the right recommendations in the report on the results of community research. Based on primary data, it shows that the Community Supervisor at the Purwokerto Correctional Center will maintain the recommendations submitted in the Community Research for Diversion. Although the status is only a recommendation, the recommendation is the result of data mining from various parties which is then processed until a recommendation emerges that according to the Community Advisor is appropriate and in accordance with the best interests of the child.



Furthermore, regarding the case where the Diversi agreement failed to be reached because the community in this case was the victim who had not been able to accept or forgive the perpetrator. For Diversi cases that fail or do not reach an agreement based on data from the registration section of the Child Client Guidance Sub-Section of the Purwokerto Correctional Center, out of 12 cases that failed Diversion, there are 3 (three) because the victim demands compensation that cannot be fulfilled. While the other 9 (nine) were because the victim did not forgive and wanted to continue the trial process.

c. Obstacles stemming from cultural factors

The last factor that affects law enforcement is the cultural factor. The implementation of Diversion involves various parties, including the community. In the case of failing to reach an agreement, Diversi refers to the results of the research because most people, namely the victim, have not been able to forgive and want to continue the trial process.

The culture of the community that is more familiar with the trial compared to Diversi is an obstacle for the Community Advisor in an effort to restore the situation as it was through the Diversion mechanism as recommended by the Community Research made.

The community or victims who do not want to forgive consider that the existence of Diversi provides relief and benefits for the perpetrators only, even though the intention of Diversi with this restorative justice approach is to reach a mutually beneficial agreement for both parties in the settlement of children's cases.

At the Purwokerto Correctional Center, there are 42 community advisors, who have participated in the Community Supervisor Technical Training and are only certified 9 (nine) community counselors. Here there is a serious shortage of expert Community Advisors.

#### **D. Conclusion**

1. The model of recommendation for diversion agreements from correctional centers that support the prevention of child recidivism are:
  - a. Diversion recommendations that can foster children's readiness for socialreintegration consist of: physical readiness, mental readiness, readiness for the need for socialization for children.
  - b. Diversion recommendations which involve many children, families, communities and correctional coaches in the implementation of diversion agreement.
2. The role of the Correctional Center in the preparation of recommendations for diversion agreements at the research site is still not supportive of the prevention of child recidivism, because most of them are in the form of recitation of diversion agreements in the form of resubmission to parents/guardians. The diversion agreement is in the form of handing over to parents/guardians who are prone to the repetition of child crimes.
3. Factors that hinder the preparation of recommendations for diversion agreements that can support preventing the repetition of criminal acts by children, namely:
  - a. Legal factors, namely the existence of provisions limiting the period of time for making community research, shortcomings in terms of the quantity and quality of community supervisors;
  - b. Factors of limited facilities and infrastructure of correctional centers;
  - c. Legal culture factor, namely the public does not understand the purpose of the diversion program in the juvenile criminal justice system.

#### **E. Acknowledgement**

This work was supported by grants from the BLU Universitas Jenderal Soedirman through the Lembaga Penelitian dan Pengabdian pada Masyarakat Unsoed.





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