

Implementation of Diversion in Methamphetamine-Type Drug Crimes by Children

Ayu Lailatul Hajar¹, Galih Puji Mulyono², and Teguh Suratman³ Andri Sutrisno⁴.

^{1,2,3}, Faculty of Law, University of Merdeka Malang, Indonesia.

⁴, IBLAM School of Law, Indonesia.

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Corresponding Author:

Galih Puji Mulyono.

E-mail: galihpujimumulyono@unmer.ac.id

Abstract: This study examines various prevention efforts and efforts to overcome narcotics type metamfetamine in children by implementing diversion. The problems studied are related to the realm of the police in providing diversion to children who commit the crime. What challenges are faced by the police in providing diversion as an effort to overcome narcotics among children. This study uses an empirical research type with a juridical-sociological approach to see the role of the police in providing diversion to children who commit narcotics crimes. The types of data used are primary data and secondary data. Data collection techniques use interviews and document studies with selected quality data that is relevant to the problems raised. Data analysis used qualitative descriptive analysis. Based on the results of the analysis, the police's considerations in providing diversion to children because they see external and internal factors from the child. The role of the police is very important to help handle children in conflict with the law, the police in carrying out their duties are partly successful and partly not in resolving the problem of narcotics crimes in children by implementing the principle of diversion.

1. Introduction

Law enforcers are responsible for protecting children in conflict with the law (ABH), whether children are perpetrators, victims, or just witnesses. Law enforcement is universal; every country experiences it and, in its own way, tries to realize its achievements in society.¹ Conceptually, the core and meaning of law enforcement lies in the submission of the relationship of values outlined in solid rules to create, maintain, and defend peace in everyday life.

The implementation of this juvenile criminal justice system aims to realize justice that guarantees the protection of the best interests of children in conflict with the law as the nation's successors. This goal is realized through strict restorative justice and diversion regulations, intended to avoid and distance children from the judicial process so they are protected from negative stigma and can naturally return to their social environment.

¹ Tuti Aryani et al., "Efektivitas Upaya Diversi Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum," *Jurnal Pro Justitia* 5, no. 2 (2024): 1-10, <https://doi.org/10.57084/jpj.v5i2.1614>.

Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System requires every law enforcement officer, be it the police, prosecutors, and judges, to divert criminal cases committed by children. This is emphasized in Article 7, paragraph 1 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The statement of this article shows that, as much as possible, criminal acts committed by children should not continue to the level of examination in court to criminalization but should be restored to their original condition because it is related to the child's mental condition and development, which is still unstable. Efforts to prevent and overcome children in conflict with the law must be carried out carefully by all parties. One of the efforts to prevent and overcome children in conflict with the law is implemented by implementing the juvenile criminal justice system.² Law Number 11 of 2012 concerning the Juvenile Criminal Justice System provides new roles and obligations to the police in addition to the authority to conduct investigations and inquiries into criminal acts committed by children. This authority includes the authority to carry out diversion in criminal acts committed by children and to ensure that cases do not continue to the level of prosecution and examination in court.

Another empirical study, namely research, shows that three critical phenomena must be observed in implementing protection for children in conflict with the law³: First, there is weak protection for children in conflict with the law. Second, there needs to be more facilities and infrastructure in the ongoing process of children in conflict with the law. These three phenomena indicate that legal enforcement and protection, especially protection for children, is still feeble and needs improvement in this sector. On the other hand, when interacting, children can also carry out harmful activities, even committing unlawful acts. This is evident from data collected by the Indonesian Child Protection Commission (now referred to as KPAI) during the 2016-2020 period; there were 655 children in conflict with the law.⁴ Ironically, the reality that occurs in today's society is that there are quite a few children who have bad morals by committing unlawful acts due to factors from within themselves and from outside; they adopt behavior that can cause various health risks, including drug abuse, especially children committing criminal acts of drug abuse, which is still a phenomenon that is difficult to avoid in the social order of society.⁵

In Indonesia, based on BNN records for 2017, the number of drug abusers in the 10-59 year range was recorded at 3,376,115 people. Among students in 2018 from 13 provincial capitals in Indonesia, the number of drug abusers was 2.29 million people. The vulnerable group for drug abuse is between the ages of 15-35 years. In 2019, the number of teenagers who came into contact with drugs increased. In its development in 2021, the Indonesian Child Protection Commission (KPAI) revealed that the Special Child Development Institution was inhabited by children involved in drug use or crimes as many as 17.8%. According to Jasa Putra, Commissioner of the KPAI Monitor-

² Nazif Firdaus et al., "Penerapan Peraturan Mahkamah Agung Nomor 4 Tahun 2014 Tentang Pedoman Pelaksanaan Diversi Dalam Tindak Pidana Narkotika," *Jurnal Wawasan Yuridika* 3, no. 2 (2019): 155, <https://doi.org/10.25072/jwy.v3i2.290>.

³ Fahmi Noor Adly, "Diversi Sebagai Bentuk Penyelesaian Perkara Pidana Anak Di Tingkat Penyidikan Dalam Kasus Kejahatan Kesusilaan Di Wilayah Hukum Polda Jatim," *Jurnal Sosiologi Dialektika* 15, no. 1 (2020): 26, <https://doi.org/10.20473/jsd.v15i1.2020.26-32>.

⁴ Ni Putu Ari Setyaningsih and Ni Made Anggia Pramesthi Fajar, "Berkonflik Dengan Hukum Dalam Ruang Digital," *Yustitia* 17, no. 1 (2023): 23-30, <https://doi.org/10.62279/yustitia.v17i01.1045>.

⁵ Muhamad Romdoni, "Konsekuensi Legal Kegagalan Upaya Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Dalam Tindak Pidana Narkotika," *Al-Jinayah: Jurnal Hukum Pidana Islam* 8, no. 2 (2022): 192-213, <https://doi.org/10.15642/aj.2022.8.2.192-213>.

ing and Evaluation Division, 82.4% of children are users. Meanwhile, those who act as dealers and couriers are 47.1% and 31.4% respectively.⁶

If we look at narcotics cases committed by children shown in the data report on children in conflict with the law sourced from the Women and Children Protection Unit (from now on referred to as UPPA) of the Malang City Police:

Table 1. Report of Data on Children in Conflict with the Law⁷

NO	Types of Narcotics	2021	2022	2023
1	Heroin	1	1	1
2	Marijuana	0	1	2
3	Ecstasy	0	1	1
4	<i>Methamphetamine</i>	2	3	5
	Amount	3	6	9

Primary Data: processed in 2024.

Based on table 1, it is explained drug abuse by children under 18 years of age. There were 2 cases of narcotics crimes in 2021 with the type of narcotics class one, namely heroin with a total of 1 person and methamphetamine with two people. In 2022 there were 5 cases of narcotics class one crime, namely heroin, with a total of 1 person and methamphetamine, three people; class two, namely marijuana, with a total of 1 person; and ecstasy, one person continued in 2023, there was an increase in cases totaling eight criminal cases, namely in narcotics class one there was heroin with a total of 1 case, ecstasy one person, methamphetamine five people, and in narcotics class 2 with the type of marijuana there were two criminal cases. The problem of drug trafficking is currently very worrying because it does not only occur in big cities but also spreads to remote areas of Indonesia. Currently, the drug mafia has a new mode of distributing illegal drugs. The dealers are starting to frequently use students and underage children as couriers or drug dealers; this is one of the reasons they don't become suspicious.⁸ Children's requests to become couriers are requested by their seniors, friends, or even parents to become couriers or dealers.

One solution that can be taken in handling cases of children who commit crimes is the Restorative justice approach, namely the process of resolving cases outside the criminal justice system by involving victims, perpetrators, families of victims and perpetrators, the community, and parties interested in a crime that occurs to reach a mutual agreement and resolution.⁹ Diversion is considered a breakthrough in viewing a criminal case or crime committed by a child. In this case, law enforcement officers do not only view children as people who abuse narcotics but they must also be seen as victims who need priority to eradicate their dependence on narcotics.

The role of the PPA Unit is vital to help handle children in conflict with the law, and in carrying out its duties, it can be seen that the PPA Unit is partly successful and partly unsuccessful in

⁶ Romdoni.

⁷ Setiawan, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota" (2024).

⁸ Putri Sari Nilam Cayo, "Penerapan Sanksi Hukum Terhadap Anak Sebagai Kurir Narkoba Berdasarkan Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak," *Jurnal Hukum Tri Pantang* 5, no. 2 (2019): 35-44, <https://doi.org/10.51517/jhnp.v5i2.209>.

⁹ Ixzan Nurcahyanto, "Tinjauan Yuridis Penerapan Diversi Terhadap Tindak Pidana Narkotika Yang Dilakukan Oleh Anak (Studi Kasus Di Kepolisian Resor Karanganyar)," *Indonesian Journal of Law and Shariah* 1, no. 1 (2024): 162-69, <https://doi.org/10.54622/ijsl.v1i1.260>.

resolving criminal cases by applying the principle of diversion. The task of the PPA Unit is to provide services in the form of protection for women and children who are victims and law enforcement against the perpetrators, including providing services to children as perpetrators of crimes because they require special handling. In contrast, investigations of children are carried out in a particular service room mainly called RPK, which is formed based on the Regulation of the Chief of Police Number 3 of 2008 concerning the Establishment of Special Service Rooms and Procedures for Examination and based on what is included in the Regulation of the Chief of Police Number 10 of 2007 concerning the Organization and Work Structure of the Women and Children Service Unit within the Police.

The PPA Unit has a tough challenge; based on the results of interviews with members of the PPA Unit at the Malang Police, not all cases can undergo the diversion process; from the number of cases over the past three years totaling 15 people, only 12 people were able to undergo the diversion process, while three other cases could not get the diversion process because two people were threatened with more than seven years in prison for being drug dealers and one other person was a repeat offender.¹⁰ Based on this, it means that the implementation of diversion for children who commit narcotics crimes has problems in practice because there are still exceptions to children who are entitled to diversion. The PPA Unit, in enforcing the law against children, must know and understand the crimes committed in using narcotics due to encouragement or influencing factors.¹¹ Therefore, special attention is needed among law enforcers who have the authority, especially law enforcement officers and the community, so that they can work hard with all their abilities to overcome juvenile delinquency using narcotics. Society or national interests, considering that it will only cause other forms of crime or other victims. Obstruction of the provision of child welfare with the perspective of child welfare interests with the perspective of national interests, a just and prosperous society, spiritually and materially, is a deviation that contains factors that cause crime and cause victims. One of the main obstacles to implementing diversion is that the PPA Unit prioritizes the criminal justice system, which is considered more in line with resolving child cases. Therefore, this study will look more deeply at the role of the PPA Unit in implementing diversion for children who commit narcotics crimes of the methamphetamine type so that it can be used as study material for efforts to prevent and overcome crimes against children.

2. Method

This study uses an empirical research type with a juridical-sociological approach to see the role of the police in providing diversion to children who commit narcotics crimes. Empirical research needs to emphasize the importance of being close to the people and research situations so that researchers can gain a clear understanding of real-life realities and conditions.¹² The types of data used are primary data and secondary data. Primary Data is data obtained directly from the results of interviews in the field. This type of data is obtained from data sources which are research respondents, namely Investigators at the Malang City Police, especially those assigned to the PPA

¹⁰ Setiawan, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

¹¹ Sapta Sapta, Marsanuddin Marsanuddin, and Idham Idham, "Analisis Kriminologis Terhadap Tindak Pidana Narkotika Yang Dilakukan Oleh Anak," *Viva Themis: Jurnal Ilmu Hukum* 3, no. 2 (2020): 108-17, <https://doi.org/10.24967/vt.v3i2.788>.

¹² Adly, "Diversi Sebagai Bentuk Penyelesaian Perkara Pidana Anak Di Tingkat Penyidikan Dalam Kasus Kejahatan Kesusilaan Di Wilayah Hukum Polda Jatim."

Unit; the author conducted interviews with the Kanit (Head of Unit) because based on data from the PPA Unit Investigator, the Malang City Police have handled cases concerning children where the child has become a perpetrator of a crime and UPPS Staff. Data collection techniques use interviews and document studies with selected quality data relevant to the problems raised. Data analysis used qualitative descriptive analysis.

3. Implementation of Diversion for Narcotics Crimes of Methamphetamine Type by Children Investigation Process at PPA Malang

The approach to resolving criminal acts committed by children at the Malang City Police is resolved through an approach that aims for the legal settlement process by bringing the victim and perpetrator (suspect) together to sit in one meeting to talk together. The justice model process is where the role of the police is as a mediator, facilitator, or supervisor. Investigators from the Malang City Police have investigated cases where the perpetrators are minors, per Law Number 11 of 2012, concerning the juvenile criminal justice system, by making efforts through diversion for children involved in criminal cases.

Based on the results of the Interview¹³, The settlement carried out at the Malang City Police is a mediation process by the habit of deliberation in the implementation of the juvenile criminal justice system at the Malang City Police carried out by the police, namely through activities such as Mediation of victims with perpetrators/violators, family group deliberations, which are vital for both victims and perpetrators where involvement in the settlement process is the victim and perpetrator and the third party, namely the police who act as mediators and facilitators to bridge both parties to reach an agreement and the goal to be achieved through the deliberation process is to restore all losses and injuries that the child's delinquency incident has caused. The police, in implementing diversion, prioritize the principle of deliberation; the police parties involved in this process are the police and children (perpetrators). The types of crimes that can be resolved through this mechanism are generally crimes in the form of violations and minor crimes.¹⁴ The police can immediately give sanctions if the child has admitted his actions. Actions that can be given by the police to children who commit crimes are informal warnings. Informal warnings are in the form of verbal warnings and written warnings.¹⁵ Verbal warnings advise children not to commit crimes again and to avoid harmful actions. Furthermore, community counselors are allowed to provide considerations that are different from the community research results.

The position of community counselors here is more like an expert who can provide recommendations on what sanctions are suitable for children. So, the task of community counselors is not formal. The sanction that can be given through family deliberation is a formal warning (formal caution).¹⁶ Child cases at the Malang City Police often end with a formal warning, which needs to

¹³ Bambang Heryanta, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota" (2024).

¹⁴ Adly, "Diversi Sebagai Bentuk Penyelesaian Perkara Pidana Anak Di Tingkat Penyidikan Dalam Kasus Kejahatan Kesusilaan Di Wilayah Hukum Polda Jatim."

¹⁵ Sugi Purwanti, "Penerapan Diversi Dalam Tingkat Pengadilan Terhadap Anak Pelaku Tindak Pidana Pencabulan," *HERMENEUTIKA: Jurnal Ilmu Hukum* 3, no. 1 (2019): 307-37, <https://doi.org/10.33603/hermeneutika.v3i1.2007>.

¹⁶ Fitrianti Fitriati and Mohamat Gunawan, "EFEKTIVITAS PENYELESAIAN PENYALAHGUNAAN NARKOTIKA YANG DILAKUKAN ANAK SECARA DIVERSI TERHADAP PENGULANGAN TINDAK PIDANA (Studi Pada Tahap Penyidikan Oleh Satresnarkoba Polresta Padang)," *UNES Journal of Suara Justisia* 7, no. 1 (2023): 52-65, <https://doi.org/10.31933/ujsj.v7i1>.

be recorded in the police notebook and does not need to be submitted to the head of the district court to obtain a decision.

Community deliberation The parties involved in this process are the police, perpetrators and their parents/guardians, victims and their parents/guardians, and community and community counselors (community leaders or from the school). Crimes with a criminal penalty of less than 7 (seven) years that are not a repetition of the crime can be resolved through community deliberation.

Based on the data that the author found in the Research on children in conflict with the law, data on cases of children as perpetrators who entered the PPA Unit from 2021-2023, which were resolved with the Principles of Juvenile Criminal Justice in Malang City are as follows:

Table 2. Data on Handling of Cases of Children in Conflict with the Law in Narcotics Crimes of the Methamphetamine Type by Children at the Malang City Police¹⁷

NO.	Police Report Number	Criminal act	Perpetrator
1.	LP/281/VII/2021/SU/RES Malang, Date 24 June 2021	Use of Methamphetamine narcotics on Friday, June 14, 2021, at around 19.00 WIB in Blimbing District, Malang City	KA, 16 Years Old, Student, Blimbing District, Malang City
2.	LP/432/XI/2021/SU/RES Malang, September 17, 2021	Use of Methamphetamine narcotics, on Thursday, September 12, 2021, at 19.00 WIB, in Klojen District, Malang City	DS, 17 Years Old, Student, Klojen District, Malang City
3.	LP/337/XII/2022/SU/RES Malang, February 26, 2022	Use of Methamphetamine narcotics, On Tuesday, February 15, 2022, at 14.30 WIB, Sukun District, Malang City	DK, 16 years old, Student, Sukun District, Malang City
4.	LP/337/XII/2022/SU/RES Malang, August 13, 2022	Use of Methamphetamine narcotics, On Tuesday, August 9, 2022, at 17.00 WIB, Sukun District, Malang City	GH, 16 years old, Student Polehan District, Malang City
5.	LP/268/XII/2022/SU/RES Malang, September 10, 2022	Use of Methamphetamine narcotics, On Monday, September 5, 2022, at 11.30 WIB, Polehan District, Malang City	AR, 16 years old, Student, Polehan Subdistrict, Malang City
6.	LP/421/X/2023/SU/RES Malang, January 1, 2023	Use of narcotics of the type Methamphetamine, On Thursday, December 29	RU, 15 years old, Student

Primary data processed in 2024.

Based on Table 2. in 2021, 2 cases of drug abuse by underage perpetrators have been resolved with the principle of protecting minors, namely the case of drug abuse of the Methamphetamine type committed by children under age, from the results of interviews and data searches conducted by the author with the Head of the PPA Unit, namely Aiptu Bambang Heryanta, S.H.¹⁸, The perpetrator, KA (16), committed narcotics abuse of the Methamphetamine type on Friday, June 14, 2021, at around 19.00 WIB.

Based on the data above, it can be seen that the PPA Unit has carried out the process of handling children in conflict with the law. The efforts made by the Malang City Police and the implementation procedures have been by applicable laws. However, in its implementation, there are

¹⁷ Setiawan, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

¹⁸ Heryanta, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

still several obstacles faced by the Police as an investigation team in handling cases of criminal acts against minors, namely communication with victims, problems with everyday language used by suspects, victims, and witnesses, the problem of experts/psychiatrists not yet available for victims of criminal cases against minors.

The phenomenon of criminal acts by children as perpetrators is one of the social problems that is very disturbing to the community in Malang City. Therefore, this problem needs serious attention from all groups, especially the PPA and law enforcement. In cases of criminal acts committed by children, several have succeeded in getting an agreement through the principle of child protection under the age of the Malang City Police and have not been continued to the prosecution level. However, most of them are only minor crimes. This also shows that crimes committed by children can be resolved through the principle of protecting minors, and the cases can be resolved quickly.¹⁹

Regarding the process of handling children in conflict with the law, based on an interview with the Head of the PPA Unit at the Malang City Police, Aiptu Bambang Heryanta, S.H said:²⁰, When a child-related crime occurs, the PPA Unit handles it directly. The PPA Unit handles the implementation of the Protection of Minors concept at the Malang City Police.

The reporter comes to the Malang City Police to report a crime; where before making a police report, the victim/reporter first conducts counseling with the assistant investigator, namely the PPA Unit, to determine whether the report being reported is a crime. If the reported report is a crime, the reporter/victim can make a Police Report at the SPK (Police Service Center). When making a police report at the SPK, the victim/reporter informs the police who the witnesses are who know about the incident.

After completing the police report, the SPK officer takes the reporter/victim to the PPA Unit for examination. During the investigation, the examination process must be separated from adults and examined in a particular room. There is a particular room for handling children, namely the RPK (Special Service Room), by the Regulation of the Chief of the Republic of Indonesia National Police Number 3 of 2008 concerning establishing Special Service Rooms and Procedures for Examination of Witnesses and Victims of Criminal Acts.²¹

Aiptu Bambang Heryanta, S.H as Head of the PPA Unit of the Malang City Police said²², In examining the reporter/victim, the assistant investigator presents a social worker accompanied by parents to assist in the examination process. The presence of a social worker is expected to be able to counsel the victim/reporter to provide motivation and offer the implementation of Diversion to the victim/reporter. After the examination of the reporter and victim.

Statement from Aiptu Bambang Heryanta, S.H.²³, In carrying out coercive measures in the form of arrests, the police must consider carefully to avoid trauma in children. Based on Article 18 Paragraph (1) of the Criminal Code, to arrest a child, the child investigator must pay attention to the assignment letter and arrest warrant for the child being arrested. The arrest warrant contains the suspect's identity, states the reasons for the arrest, and briefly describes the alleged crime and where the

¹⁹ Mohamat Gunawan, Philips A. Kana, and Fitriati, "Efektivitas Penyelesaian Secara Diversi Pada Tahap Penyidikan Perkara Penyalahgunaan Narkotika Oleh Anak Terhadap Pengulangan Tindak Pidana," *Ekasakti Legal Science Journal* 1, no. 1 (2024): 11-21, <https://doi.org/10.60034/qz31q574>.

²⁰ Heryanta, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

²¹ Novi Eko Baskoro, "Konsep Diversi Penanganan Anak Penyalahgunaan Narkotika Dalam Sistem Peradilan Pidana Anak Indonesia untuk Masa Yang Akan Datang," *Hukum Pidana Dan Pembangunan Hukum* 2, no. 1 (2019): 61-67, <https://doi.org/10.25105/hpph.v2i1.8529>.

²² Heryanta, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

²³ Heryanta.

suspect is being questioned. A copy of the arrest warrant must be given to the family. However, if an arrest is not necessary for minor crimes, the police will summon the child; if an arrest must be made, the police will do so according to applicable procedures.²⁴ During the examination of the child/perpetrator, the police must first contact the parents of the child perpetrator to accompany them in the investigation process. Aiptu Bambang Heryanta, S.H, the Head of the PPA Unit, said that if a child's crime occurs, the police will cooperate with the accompanying NGO, so if a child commits a crime, the police will immediately contact the child's accompanying NGO during the examination until it is finished. The next step is for the investigator/assistant investigator to hold a case conference to determine the next steps. Suppose the investigation process against the child/perpetrator is complete. In that case, if it is felt that the elements violated by the child have been fulfilled, and the evidence is sufficient, there are witnesses, then the child will become a suspect.²⁵ If the perpetrator is a child who is still under 18 years old, then he cannot be called a "Suspect" but is called a child.

Based on Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, handling child cases must prioritize a restorative justice approach. Restorative Justice is a principle that underlies the Diversion process.²⁶, where all parties involved in a crime work together to solve the problem, creating an obligation to make things better by involving victims, children, and the community in finding solutions to improve how well and not based on retaliation.

Next, the facilitator provides a summary of the reporter's charges. The mediator allows the perpetrator to convey matters relating to his confession, apology, regret and hopes. The mediator also allows the victim to express his desire for forgiveness and hope. The mediator invites the parties to propose and deliberate for the child's best interests. This is where the role of Bapas, Peksos, and the police is to explain the purpose of Diversion with an approach that indeed prioritizes the interests of the child, who, of course, still has a bright future and provides advice on resolving the conflict.

In the following process, the child/parent admits his mistake, apologizes, and is responsible for his mistake. He does not repeat his mistake, and the child's parents explain their desire to resolve the case peacefully or amicably. Then, the victim/reporter forgives and accepts the perpetrator's request and conveys his wishes, such as compensation for the losses experienced by the victim due to the perpetrator's actions, and so on. Suppose the child's parents can agree until a peace agreement is reached between the two parties witnessed by the relevant parties. If the peace has been reached, it is stated in a letter signed by the relevant parties on a stamp, then the letter is submitted to the assistant investigator. Suppose the victim/reporter does not object to their report being dismissed/not continued to the JPU. In that case, the reporter/victim provides a letter of request to withdraw the complaint and a statement letter to the assistant investigator. If the Diversion process fails, it will be continued to the following judicial process: the prosecutor's office and then to the court.²⁷ If Diversion is based on justice for the Protection of Minors, it is agreed that the PPA Unit will make a Minutes to decide to the District Court.

²⁴ Rida Kherin Oktavianty, "KEBIJAKAN FORMULASI PENGANCAMAN DUA JENIS SANKSI PIDANA TERHADAP ANAK PELAKU PENYALAHGUNAAN NARKOTIKA," *Lex LATA* 4, no. 2 (January 16, 2023): 237-51, <https://doi.org/10.28946/lexl.v4i2.1568>.

²⁵ Daffa Ladro Kusworo and Rini Fathonah, "Analisis Implementasi Diversi Dalam Penyelesaian Perkara Anak Pelaku Tindak Pidana Pencurian (Studi Kasus Pengadilan Negeri Liwa)," *Inovasi Pembangunan/ : Jurnal Kelitbangan* 10, no. 02 (August 3, 2022): 139, <https://doi.org/10.35450/jip.v10i02.297>.

²⁶ Deliani Deliani, "Pertimbangan Hakim Terhadap Penyalahgunaan Narkotika Pada Anak-Anak," *Juripol* 4, no. 2 (2021): 49-55, <https://doi.org/10.33395/juripol.v4i2.11114>.

²⁷ Mohammad Fakhri Abdul Malik and Nandang Sambas, "Analisis Yuridis Kriminologis Tindak Pidana Peredaran Narkotika Yang Dilakukan Oleh Anak Dibawah Umur (Analisis Putusan No 14/Pid.Sus-Anak/2020/PN.Blb)," *Bandung Conference Series: Law Studies* 2, no. 1 (2022): 87-94, <https://doi.org/10.29313/bcls.v2i1.455>.

The cases that can be resolved with the concept of Protection of Minors are as follows: Based on the results of observations made by the author, according to the data obtained by the author, the Malang City Police have not implemented the Principle of Protection of Minors. These cases are not cases of juvenile delinquency that sacrifice the interests of many people and are not traffic violations. Juvenile delinquency does not result in the loss of human life, serious injury, or lifelong disability. Juvenile delinquency is not a severe crime against morality that concerns honor. Based on the results of observations made by the author and the data obtained, the Malang City Police have not implemented the Principle of Protection of Minors against criminal acts committed by children. In applying the Principle of Protection of Minors, most of those who get an agreement are only children who commit minor crimes. For serious crimes committed by children, sometimes some get a diversion agreement. Some do not get a diversion agreement, which means that children involved in severe criminal cases, such as cases of molestation and drug abuse, will continue because there are parties who refuse, so it is said that the Diversion has failed. There will also be children who are imprisoned.

4. Obstacles and Efforts in Implementing Diversion of Drug Crimes of Methamphetamine Type by Children

Based on the results of the author's interview with Aiptu Bambang Heryanta, S.H as the Head of the PPA Unit at the Malang City Police related to the author's title, the following are the obstacles faced by the PPA Unit in implementing the Protection of Minors. Internal Factors Lack of understanding and knowledge of the PPA Unit of the Malang City Police with regulations regarding the procedures for implementing Diversion as a process of implementing the principle of Protection of Minors. The PPA Unit only refers to one law, the SPPA Law, without paying attention to other implementing regulations. Facilities and Amenities.

Lack of unique rooms for children and limited rooms available. This is not by Article 6 Paragraph (1) of the Regulation of the Chief of the Republic of Indonesia Police No. 3 of 2008 concerning the Establishment of Special Rooms and Procedures for the Examination of Witnesses and Victims of Criminal Acts, which consists of 4 separate rooms, namely:²⁸ Living room, Counseling Room, Control Room, Rest Room. It is related to the criteria of the Special Service Room, so it can complicate the investigation process. In reality, the PPA Unit of the Malang City Police only has 1 (one) room used for all PPA Unit activities. In addition to internal factors contained in the PPA Unit itself, there are also factors outside the PPA Unit that can be an obstacle in implementing the Protection of minors. External Factors: The robust paradigm in society that requires every criminal act that arises must be subject to criminal penalties and the negative response from the community to efforts through peace and family channels carried out by the Police is one of the obstacles to the concept of restorative justice in handling criminal cases.²⁹

Based on the explanation above, the author can conclude that the obstacles faced by diversion facilitators, in this case, investigators at the Malang City Police, in implementing the Protection of Minors as a resolution of cases of children in conflict with the law are the attitudes of the victim's family who assume that the existence of Protection of minors cannot yet represent responsibility

²⁸ Luh Putu Gita Dharmaningtyas, "Perlindungan Hukum Terhadap Anak Korban Penyalahguna Narkotika," *Jatiswara* 34, no. 1 (2020): 51–61, <https://doi.org/10.29303/jatiswara.v34i1.222>.

²⁹ Heryanta, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

for children who commit crimes and children will be free from responsibility for their actions. This obstacle also occurs due to factors from the community who need help understanding the awareness of law enforcement. Based on the results of the author's interview with Mr. Aiptu Bambang Heryanta,³⁰ As the Head of the PPA Unit, which is related to the author's title, I am making the following efforts to overcome the obstacles faced by the PPA Unit in implementing the Protection of Minors.

Internal Factors Improving the quality/capacity of investigators in implementing the protection of minors by holding training programs/functional training so that investigators increasingly understand the Concept of Protection of Minors. They are completing Facilities in the form of a Guest Room, Counseling Room, Control Room, and Room by Article 6 paragraph (1) of the Regulation of the Chief of the Republic of Indonesia Police No. 3 of 2008 Concerning the Establishment of Special Rooms and Procedures for Examination of Witnesses and Victims of Criminal Acts.³¹

They are conducting socialization with the community about restorative justice to create peace through family channels between the perpetrator and the victim. The PPA Unit forms a particular counseling body to resolve the problem of perpetrators who cannot compensate the victim. The PPA Unit approaches the families of criminals so that the families are willing to accept the perpetrators and are willing to make peace.

Efforts to place children in foster homes to be given temporary training that is given a time limit by the PPA Unit. However, in this study, the author tries to provide an idea by providing accountability efforts for children as perpetrators of underage crimes to be held accountable for their actions. These efforts are carried out with deliberation and consensus between the two families; this is attempted so that children know the consequences of their actions are significant. This is also a picture for children not to commit the act again, as in the theory of relative punishment, in addition to the deterrent effect in the form of imprisonment or fines, it is better to have preventive efforts so that the perpetrators do not repeat their actions.

5. Conclusion

Implementation of Diversion for children who commit narcotics crimes by involving three stakeholders, namely victims, perpetrators, and civil society or the community, in determining the resolution of child cases. Through the protection of minors, there is an effort to bring together victims and perpetrators with the aim of seeking recovery for the victim. Obstacles that occur in applying the principle of protection of minors regarding the procedures for implementing Diversion as a process of implementing the principles in the Malang City Police, namely obstacles in internal factors and Lack of procedures for implementing Diversion as a process of implementation. The PPA Unit only refers to one law, namely the SPPA Law, without paying attention to other implementing regulations, Lack of unique rooms for children and limited rooms available, and Criminal Acts; in external factors, the paradigm in society is still robust which requires every criminal act that arises to be subject to criminal penalties.

³⁰ Heryanta, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

³¹ Setiawan, "Hasil Pra Survey Unit Perlindungan Perempuan Dan Anak Kepolisian Resort Malang Kota."

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