

POLICE STRATEGIES FOR JUVENILE DIVERSION FROM THE PERSPECTIVE OF FIQH SIYASAH

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Abstract

Juvenile diversion has become an essential component of Indonesia's juvenile criminal justice system because it prioritizes restorative justice while protecting the best interests of children in conflict with the law. Police institutions play a strategic role as the first law enforcement authority responsible for facilitating diversion through mediation, dialogue, and consensus among the child, victim, families, and other relevant stakeholders. This study analyzes police strategies in resolving juvenile criminal cases through diversion and examines their implementation from the perspective of *Fiqh Siyasah*. This research employed an empirical juridical approach using qualitative methods. Primary data were collected through interviews, observations, and documentation at the North Bengkulu Regional Police, while secondary data were obtained from statutory regulations, institutional documents, and relevant academic literature. Data were analyzed using a descriptive qualitative approach. Research findings demonstrate that police strategies emphasize restorative justice through persuasive communication, mediation, community participation, and inter-institutional collaboration to achieve fair and sustainable dispute resolution while avoiding the negative consequences of formal criminal proceedings for children. Practical implementation nevertheless encounters challenges related to public legal awareness, limited institutional capacity, victims' willingness to participate, and differences in investigators' understanding of diversion procedures. Analysis from the perspective of *Fiqh Siyasah* confirms that juvenile diversion reflects the principles of *amānah*, *al-'adl*, *shūrā*, *iṣlāḥ*, and *maṣlaḥah*, thereby strengthening child protection through a humanistic and justice-oriented model of law enforcement.

Keywords: *Police Strategy, Juvenile Diversion, Restorative Justice, Child Protection, Fiqh Siyasah*

INTRODUCTION

Children represent an important component of national development because they are entitled to protection, education, and opportunities to achieve their full potential within society. Juvenile involvement in criminal offenses presents a complex legal and social challenge requiring responses that extend beyond conventional criminal punishment. Formal criminal proceedings frequently expose children to stigmatization, psychological pressure, and social exclusion, thereby increasing the risk of repeated offending and disrupting their future development. Contemporary juvenile justice systems therefore emphasize restorative approaches that prioritize rehabilitation, accountability, reconciliation, and the best interests of the child rather than retributive punishment. Indonesia has adopted this paradigm through legislation governing the Juvenile Criminal Justice System, which places diversion at the center of case resolution involving children in conflict with the law. Diversion seeks to resolve criminal cases outside formal judicial proceedings by encouraging dialogue, mediation, and consensus among the child, the victim, their families, and other relevant stakeholders. Effective implementation of diversion consequently requires institutional

commitment, professional competence, and collaborative participation capable of balancing legal certainty with child protection (Listyarini, 2017).

The Indonesian National Police occupy a strategic position within the juvenile criminal justice system because police investigators constitute the first law enforcement authority responsible for determining whether criminal cases involving children may proceed through diversion. Responsibilities performed during the investigation stage significantly influence the direction of case resolution because successful diversion prevents children from entering prolonged criminal proceedings while encouraging restorative settlement through community participation (Pangaribuan, 2019). Research findings indicate that investigators at the North Bengkulu Regional Police have implemented diversion by facilitating mediation, promoting communication between the parties, coordinating with correctional advisors and social workers, and encouraging consensus-based dispute resolution. These responsibilities demonstrate that policing within juvenile justice extends beyond criminal law enforcement because investigators are simultaneously required to protect children's rights, maintain legal certainty, and safeguard public interests. Successful implementation of diversion therefore depends upon investigative professionalism, institutional coordination, and the ability of police officers to create an atmosphere that supports peaceful conflict resolution while respecting statutory requirements governing juvenile justice (Green et al., 2020).

Research conducted at the North Bengkulu Regional Police demonstrates that implementation of diversion has produced positive outcomes in resolving eligible juvenile criminal cases through restorative mechanisms emphasizing dialogue and mutual agreement. Mediation facilitated by investigators enables victims, children, families, and community representatives to participate actively in determining appropriate solutions capable of restoring social relationships while preventing unnecessary criminalization of children. Research findings nevertheless indicate that implementation continues to encounter practical challenges, including differences in public understanding of diversion, limited awareness regarding restorative justice, reluctance of victims to participate in mediation, and variations in investigators' experience in managing restorative processes. These conditions affect the effectiveness of diversion because successful implementation requires cooperation among multiple institutions and meaningful participation from every party involved. Evaluation of police strategies therefore becomes necessary to identify institutional strengths, operational challenges, and opportunities for improving diversion practices capable of strengthening child protection and promoting more effective juvenile justice administration (Tallon et al., 2016).

Protection of children in conflict with the law may also be examined through the perspective of *Fiqh Siyasah*, which emphasizes that governmental authority must be exercised to uphold justice, preserve human dignity, and realize public welfare. Islamic political jurisprudence regards law enforcement as an *amanah* requiring state institutions to formulate and implement policies that prevent injustice while ensuring the protection of vulnerable members of society. Children occupy a special position within this framework because their physical, psychological, and social development requires legal protection that prioritizes education, rehabilitation, and moral improvement rather than punitive sanctions. Diversion

therefore reflects the ethical objectives of Islamic governance by promoting reconciliation, dialogue, and social harmony while minimizing the harmful consequences of formal criminal proceedings. Principles such as *al-'adl* (justice), *shūrā* (consultation), *iṣlāḥ* (reconciliation), and *maṣlaḥah* (public welfare) collectively encourage dispute resolution through peaceful agreement whenever such resolution remains consistent with legal certainty and the interests of all parties. Evaluation from the perspective of *Fiqh Siyasah* consequently provides a broader understanding of juvenile diversion by integrating statutory obligations with ethical principles that emphasize justice, compassion, responsibility, and the protection of children's rights (Ray & Childs, 2015).

Previous studies concerning juvenile diversion have primarily examined the implementation of restorative justice, legal protection for children, the effectiveness of diversion policies, and the responsibilities of law enforcement agencies within the juvenile criminal justice system. Existing literature has contributed significantly to understanding diversion as an alternative dispute resolution mechanism intended to reduce the negative impact of formal criminal proceedings on children. Limited scholarly attention, however, has been devoted to analyzing the specific strategies adopted by police investigators in facilitating successful diversion at the investigation stage. Empirical studies integrating police operational practices with the analytical framework of *Fiqh Siyasah* also remain relatively limited. Most previous research evaluates diversion from legal or criminological perspectives without comprehensively examining the ethical responsibilities of government institutions in implementing restorative justice through Islamic political jurisprudence. This study addresses that gap by analyzing police strategies employed by the North Bengkulu Regional Police in resolving juvenile criminal cases through diversion while evaluating their implementation based on the principles of *Fiqh Siyasah*. Integration of empirical findings, restorative justice principles, and Islamic governance values provides a more comprehensive understanding of juvenile justice that strengthens both legal protection and public trust in law enforcement institutions (Zainudin & Aloysius, 2025).

This study aims to analyze the strategies implemented by the North Bengkulu Regional Police in resolving juvenile criminal cases through diversion and to evaluate their effectiveness in promoting restorative justice and protecting the best interests of children. Particular attention is directed toward examining institutional efforts to facilitate mediation, strengthen communication among disputing parties, encourage community participation, and achieve consensual dispute resolution outside formal judicial proceedings. The study further evaluates these strategies from the perspective of *Fiqh Siyasah* to determine their consistency with the principles of *amānah*, *al-'adl*, *shūrā*, *iṣlāḥ*, and *maṣlaḥah*. Research findings are expected to contribute theoretically to the development of legal scholarship concerning juvenile justice, restorative policing, and Islamic political jurisprudence while providing practical recommendations for improving diversion practices within Indonesian law enforcement institutions. Strengthening professional competence, institutional collaboration, and restorative approaches is expected to enhance child protection, reinforce public confidence in the juvenile justice system, and support the realization of a more humane, equitable, and sustainable model of criminal law enforcement (Anzward, 2020).

RESEARCH METHOD

This study employed an empirical juridical research design using a qualitative approach to examine police strategies in resolving juvenile criminal cases through diversion at the North Bengkulu Regional Police. The research integrated statutory, conceptual, and empirical approaches to analyze the relationship between legal provisions governing juvenile justice and the practical implementation of diversion as a restorative justice mechanism. The study was conducted at the North Bengkulu Regional Police because the institution serves as the first law enforcement agency responsible for determining the implementation of diversion during the investigation stage of juvenile criminal cases. Primary data were obtained through in-depth interviews with investigators handling juvenile cases, observations of diversion practices, and documentation related to investigation procedures, diversion agreements, and institutional policies concerning juvenile justice. Secondary data were collected from legislation regulating the Juvenile Criminal Justice System, police regulations, official institutional documents, academic publications, and legal literature concerning restorative justice, juvenile diversion, and *Fiqh Siyasah*. Integration of normative and empirical data enabled a comprehensive assessment of police strategies while identifying institutional practices and operational challenges affecting the implementation of diversion in resolving juvenile criminal cases.

Data were analyzed using an interactive qualitative model consisting of data reduction, data presentation, and conclusion drawing to identify patterns explaining the effectiveness of police strategies in facilitating diversion. Analysis focused on mediation procedures, communication between disputing parties, institutional coordination, restorative justice practices, and factors influencing the successful implementation of diversion at the investigation stage. Empirical findings were subsequently interpreted using the legal framework governing juvenile criminal justice together with the principles of *Fiqh Siyasah*, particularly *amānah*, *al-'adl*, *shurā*, *iṣlāḥ*, and *maṣlahah*, to evaluate whether police strategies fulfilled governmental responsibilities in protecting children's rights while maintaining legal certainty and public welfare. Research credibility was strengthened through source triangulation, methodological triangulation, verification of institutional documents, and comparison between interview findings and official records to ensure the validity, consistency, and reliability of the research findings.

RESULTS AND DISCUSSION

Police Strategies in Implementing Juvenile Diversion

Implementation of juvenile diversion by investigators at the North Bengkulu Regional Police reflects a restorative justice approach that prioritizes the protection of children's rights while ensuring legal certainty for victims and society. Research findings indicate that investigators consider diversion not merely as a procedural obligation mandated by statutory regulations but also as an effective strategy for restoring social relationships disrupted by criminal acts committed by children. Diversion is initiated after investigators determine that a case fulfills the legal requirements established under the Juvenile Criminal Justice System. Investigators

subsequently assess the nature of the offense, examine the child's personal circumstances, evaluate the victim's position, and identify opportunities for resolving the dispute through restorative mechanisms before formal prosecution is pursued. This strategy minimizes the adverse consequences of criminal proceedings while encouraging rehabilitation and accountability through consensual settlement. Research findings further demonstrate that early implementation of diversion reduces psychological pressure on children and creates greater opportunities for social reintegration without compromising the interests of victims or the objectives of criminal justice (Green et al., 2020).

Research findings demonstrate that mediation represents the principal strategy employed by investigators in facilitating diversion. Mediation brings together children, victims, parents or legal guardians, correctional counselors, social workers, and other relevant stakeholders to discuss the criminal incident and formulate mutually acceptable solutions. Investigators perform the role of impartial facilitators responsible for maintaining constructive dialogue throughout the mediation process while ensuring equal participation for every party. Productive communication enables participants to understand the causes of the dispute, acknowledge the consequences of the criminal act, and formulate agreements capable of restoring social harmony. Diversion agreements reached through mediation strengthen accountability because children are encouraged to recognize their mistakes and accept responsibility without experiencing the negative effects of formal criminal proceedings. Restorative mediation therefore functions as an educational process that promotes reconciliation, empathy, and long-term conflict resolution within the community (Sumarjaya & Ardana, 2019).

Effective communication constitutes another essential strategy supporting successful implementation of diversion. Investigators prioritize persuasive and child-sensitive communication by considering the psychological condition, emotional maturity, and social background of every child involved in criminal proceedings. Clear explanations regarding diversion procedures, legal consequences, and the rights and responsibilities of every participant encourage active involvement throughout the restorative process. Respectful communication also reduces emotional tension between victims and offenders while creating an atmosphere conducive to peaceful negotiation. Research findings reveal that transparent communication increases public confidence because every decision is reached through mutual understanding rather than institutional pressure. Communication skills possessed by investigators therefore become an important determinant of successful diversion since meaningful dialogue strengthens cooperation among all participants and increases the likelihood of achieving sustainable restorative agreements (Ericson & Eckberg, 2016).

Institutional coordination also contributes significantly to the effectiveness of police strategies in implementing diversion. Research findings indicate that investigators maintain close cooperation with correctional counselors, social workers, prosecutors, educational institutions, community leaders, and families throughout the diversion process. Collaborative involvement enables comprehensive assessment of the child's educational background, family environment, behavioral development, and rehabilitation needs before determining an appropriate settlement. Professional contributions from multiple institutions improve the

quality of diversion because each stakeholder provides recommendations supporting the child's best interests while maintaining legal certainty for victims. Coordinated supervision following implementation of diversion agreements also strengthens compliance with the agreed outcomes and reduces the possibility of repeated criminal behavior. Strong institutional cooperation transforms diversion into a comprehensive child protection mechanism rather than a purely procedural legal settlement (Wilson & Hoge, 2013).

Research findings indicate that police strategies in implementing juvenile diversion have produced positive outcomes in resolving eligible criminal cases involving children. Successful diversion has reduced the number of juvenile cases proceeding to formal court proceedings while providing greater opportunities for rehabilitation, education, and social reintegration. Practical implementation remains influenced by differences in investigators' professional experience, varying levels of public legal awareness, reluctance of certain victims to participate in mediation, and the complexity of criminal cases involving multiple interests. Continuous professional training, institutional evaluation, and strengthened collaboration among law enforcement agencies and social institutions remain necessary to improve consistency in diversion practices. Improvement of restorative policing strategies ultimately contributes to a juvenile justice system that emphasizes child protection, public participation, legal certainty, and sustainable conflict resolution through fair and humane law enforcement (Bolger et al., 2019).

Effectiveness and Challenges of Diversion Implementation

Implementation of diversion at the North Bengkulu Regional Police demonstrates that restorative justice has become an effective mechanism for resolving juvenile criminal cases while safeguarding the best interests of children. Research findings indicate that diversion enables investigators to facilitate dispute resolution through mediation and consensus without exposing children to prolonged criminal proceedings. Resolution achieved through restorative mechanisms contributes to repairing relationships between offenders, victims, and their families while minimizing the social stigma commonly associated with formal criminal sanctions. Restoration of social harmony also provides children with opportunities to continue their education and personal development without unnecessary interruption. Research findings reveal that successful diversion strengthens public confidence in the juvenile justice system because legal protection is balanced with rehabilitation, accountability, and the interests of victims. Positive outcomes achieved through diversion demonstrate that criminal justice involving children can be implemented more effectively when legal procedures are integrated with restorative principles emphasizing reconciliation and community participation (Magidson & Kidd, 2021).

Professional competence of investigators represents one of the principal factors supporting the successful implementation of diversion. Research findings indicate that investigators possessing adequate knowledge of restorative justice and effective communication techniques are more capable of facilitating negotiations between children, victims, and their respective families. Practical experience in handling juvenile cases also improves investigators' ability to manage emotional situations and maintain productive discussions throughout the mediation process. Respectful communication encourages every

participant to express concerns openly while creating opportunities to achieve agreements acceptable to all parties. Research findings further demonstrate that investigators who understand children's psychological characteristics are better able to create a supportive environment that encourages responsibility without generating fear or intimidation. Professional competence therefore becomes an essential element in determining whether diversion can achieve its objective of restoring social relationships and protecting children's rights (Firmansyah & Delmiati, 2023).

Institutional collaboration significantly influences the effectiveness of diversion implementation. Research findings demonstrate that cooperation among investigators, correctional counselors, social workers, prosecutors, educational institutions, and families strengthens the restorative process by providing comprehensive support for children throughout case resolution. Participation of correctional counselors contributes valuable information concerning children's social conditions and rehabilitation needs, while family involvement strengthens emotional support during mediation. Educational institutions also play an important role in ensuring that children continue receiving educational guidance after diversion agreements are implemented. Collaboration among multiple institutions enables diversion to function as a comprehensive child protection mechanism rather than merely an alternative legal procedure. Strong institutional coordination consequently improves implementation quality while reducing the possibility of repeated criminal behavior among children (Murdiana, 2017).

Research findings also identify several challenges affecting the implementation of diversion. Public understanding of restorative justice remains uneven because many victims and community members continue to perceive criminal punishment as the only appropriate response to juvenile offending. Limited awareness regarding the objectives of diversion occasionally reduces the willingness of victims to participate in mediation or accept restorative agreements. Differences in investigators' professional experience and communication skills also influence the consistency of diversion practices across individual cases. Complex criminal incidents involving multiple victims or significant material losses frequently require more intensive negotiation before agreements can be achieved. Practical challenges of this nature demonstrate that successful diversion depends not only on statutory provisions but also on public participation, institutional preparedness, and the commitment of every stakeholder involved in the restorative process (Prima, 2024).

Evaluation of the research findings demonstrates that diversion has produced substantial benefits for children, victims, and the juvenile criminal justice system despite the practical challenges encountered during implementation. Successful diversion reduces case accumulation within the formal judicial system while encouraging rehabilitation, accountability, and reconciliation through consensus-based dispute resolution. Continuous improvement of investigators' professional competence, expansion of public legal education, and strengthening of inter-agency collaboration remain essential for improving the quality and consistency of diversion practices. Institutional commitment to restorative justice will enhance legal certainty while ensuring that children receive protection consistent with their developmental needs and the broader objectives of juvenile justice. Sustainable

implementation of diversion ultimately supports a more humane, equitable, and child-centered criminal justice system capable of balancing legal enforcement with social rehabilitation (Pratiwi, 2022).

Juvenile Diversion from the Perspective of *Fiqh Siyasa*

Fiqh Siyasa provides a comprehensive framework for evaluating governmental authority in implementing juvenile diversion because every exercise of state power must be directed toward justice, protection of human dignity, and the realization of public welfare. Law enforcement institutions are entrusted with the responsibility to implement legal policies that not only enforce statutory provisions but also protect vulnerable members of society from unnecessary harm. Research findings demonstrate that diversion implemented by investigators at the North Bengkulu Regional Police reflects this responsibility through restorative mechanisms emphasizing mediation, dialogue, reconciliation, and consensus. Resolution of juvenile criminal cases outside formal judicial proceedings illustrates that governmental authority may be exercised through preventive and rehabilitative measures without diminishing legal certainty. Protection of children's rights within the diversion process therefore represents an important manifestation of ethical governance because the state fulfills its responsibility while preserving opportunities for children's personal development and social reintegration. Evaluation from the perspective of *Fiqh Siyasa* confirms that restorative policing strengthens the legitimacy of law enforcement by balancing legal authority with compassion, responsibility, and public welfare (Ernis, 2016).

The principle of *amanah* constitutes the ethical foundation governing police authority in resolving juvenile criminal cases through diversion. Investigators are entrusted with responsibilities extending beyond criminal law enforcement because they must also ensure that every procedural decision protects children's rights and promotes fair treatment for victims. Research findings indicate that investigators perform this responsibility by facilitating mediation, providing legal explanations, encouraging constructive dialogue, and maintaining impartiality throughout the diversion process. Professional conduct grounded in honesty, accountability, and transparency strengthens public confidence because every participant is provided with equal opportunities to express opinions and participate in reaching consensual agreements. Fulfillment of *amanah* also requires investigators to avoid actions that unnecessarily expose children to the harmful consequences of formal criminal proceedings when restorative settlement remains legally possible. Ethical implementation of police authority therefore reinforces institutional credibility while strengthening public trust in the juvenile criminal justice system (Srijadi, 2023).

The principle of *al-'adl* requires every child in conflict with the law to receive fair legal treatment without discrimination while ensuring that victims' rights remain protected throughout the diversion process. Research findings demonstrate that investigators seek to maintain procedural fairness by providing balanced opportunities for both parties to communicate their interests and expectations during mediation. Equal treatment strengthens the legitimacy of diversion because agreements are formulated through voluntary participation rather than institutional coercion. Fairness within juvenile justice extends beyond equal application of statutory regulations because children require legal protection

appropriate to their age, psychological development, and social circumstances. Research findings further indicate that proportional decision-making encourages victims to participate more actively in restorative processes while reducing the possibility of future conflict between the parties. Consistent implementation of *al-'adl* therefore contributes to the realization of a juvenile justice system that simultaneously protects children's rights, respects victims' interests, and maintains public confidence in law enforcement institutions (Hairudin, 2025).

The principle of *shūrā* reflects the importance of consultation and collective deliberation in resolving disputes involving children. Research findings indicate that diversion provides opportunities for children, victims, families, correctional counselors, social workers, and investigators to participate actively in determining appropriate solutions through open communication and mutual agreement. Inclusive participation strengthens restorative justice because every stakeholder contributes perspectives necessary for achieving balanced and sustainable resolutions. Deliberative decision-making also encourages participants to understand the broader consequences of criminal behavior while promoting empathy and social responsibility. Research findings reveal that agreements achieved through consultation generate stronger commitment from all parties because outcomes are based upon shared understanding rather than unilateral decisions. Application of *shūrā* within juvenile diversion therefore demonstrates that peaceful dispute resolution remains compatible with both statutory law and the ethical principles of Islamic political jurisprudence (Mahendra, 2022).

The realization of *iṣlāḥ* and *maṣlaḥah* represents the ultimate objective of implementing diversion within the juvenile criminal justice system. Restorative settlement seeks to repair relationships damaged by criminal conduct while creating conditions that support children's rehabilitation, educational continuity, and healthy social development. Research findings demonstrate that successful diversion reduces social stigma, strengthens family relationships, and encourages children to accept responsibility without experiencing unnecessary criminalization. Practical challenges involving public legal awareness, institutional capacity, and victim participation nevertheless indicate that continuous improvement remains necessary to maximize the effectiveness of diversion. Strengthening investigators' professional competence, expanding restorative justice education, improving inter-agency coordination, and increasing community participation will reinforce implementation of diversion consistent with both statutory obligations and the principles of *Fiqh Siyasah*. Integration of restorative justice with the values of *amānah*, *al-'adl*, *shūrā*, *iṣlāḥ*, and *maṣlaḥah* ultimately establishes a humane, ethical, and sustainable model of juvenile criminal justice capable of protecting children while preserving justice and public welfare (Syifa et al., 2026).

CONCLUSION

Police strategies in implementing juvenile diversion at the North Bengkulu Regional Police have strengthened the application of restorative justice by emphasizing mediation, persuasive communication, institutional collaboration, and the protection of children's rights throughout the criminal justice process. Research findings indicate that diversion has contributed positively to resolving juvenile criminal cases through consensual agreements

that promote rehabilitation, accountability, and social reintegration while reducing children's exposure to formal criminal proceedings. Practical implementation remains influenced by differences in investigators' professional competence, varying levels of public legal awareness, institutional coordination, and victims' willingness to participate in restorative processes. Analysis from the perspective of *Fiqh Siyasah* confirms that police strategies in implementing diversion reflect the principles of *amanah*, *al-'adl*, *shūrā*, *iṣlah*, and *maṣlahah*, demonstrating that child protection, justice, and public welfare constitute fundamental responsibilities of governmental authority. Strengthening professional capacity, expanding restorative justice education, and improving inter-agency collaboration remain essential for developing a more effective, equitable, and sustainable juvenile criminal justice system.

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