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Diversion Toward Juvenile Crime In South Sulawesi

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Abstract

Juvenile offenders do not all end in diversion. According to Article 7 of the Juvenile Criminal Justice System Law, there are two categories that cannot get diversion, namely children who commit repeat crimes or are recidivist, and children who commit criminal acts and are threatened with coaching 7 years and over. Diversion is given when it has obtained approval from various parties, and a diversion agreement is reached by the victims and their families, the perpetrators and their families. Diversion deliberation does not always end well; if no agreement is reached, then the diversion is considered a failure or unsuccessful. Besides that, diversion can also fail if the perpetrators reject it. This research is a legal research. using a case approach, a conceptual approach and a statutory approach. The focus of the research is the target to be observed or measured, namely the provision of diversion for juvenile offenders, as well as obstacles in efforts to provide diversion to juvenile offenders. Giving diversion to children in an effort to foster a sense of responsibility shows good results, seeing the enthusiasm of children who show remorse for their actions so that there is good faith to listen and learn to be better people in the future. The obstacles faced in efforts to provide diversion to children who are in conflict with the law are that the proposed diversion consultations are not all agreed upon by the conflicting parties because of the siri' culture among Bugis-Makassar and the community's paradigm of retaliation, which is still entrenched.

Keywords: Diversion; Juvenile Crime; Juvenile Delinquency.

Introduction

Recently, the public has often been disturbed by the emergence of various deviant behaviors committed by some children, which when measured in terms of the quality of their actions can no longer be classified as delinquency, but have led to quite serious behavior, namely crime. In fact, not a few cases committed by children can be categorized as serious crimes such as robbery, serious assault

and murder.¹

This phenomenon continues to grow even though various efforts and approaches have been made, both in the form of a penal and non-penal approach. This is supported by data released by the daily Fajar that, from January to February 2017, there were at least 110 cases involving underage children (14/3/2017). Law No. 11 of 2012 concerns the Juvenile Justice System, which in essence emphasizes the need for diversion with a restorative justice approach to juvenile offenders as regulated in Article 5 of this law, and reaffirmed in Article 7 which states that at the level of investigation, prosecution and examination of children, district courts must seek diversion. One of the considerations is that children need to be protected from the negative impacts of rapid development, globalization in the field of communication and information, advances in science and technology, as well as changes in the style and way of life of some parents which have brought about fundamental social changes in the lives of people who are very influential on the values and behavior of children. That is, the child must be given the best. In addition, children who lack or receive love, care, guidance and coaching in the development of attitudes, behavior, self-adjustment and supervision from their parents or guardians will be easily dragged into unhealthy community associations, which, in turn, harm them.

Although diversion has become a mandate of Law No. 11 of 2012, in reality not all juvenile offenders end up being given diversion. In addition to the existence of exceptions to diversion based on the law, the implementation of diversion at each level is constrained because the concept is new in Indonesia and at each level there is no provision as to what action is appropriate in implementing the diversion effort against children as perpetrators of crimes.²

In addition, a fundamental question is related to the effectiveness of diversion both in terms of providing a sense of security to the community (social defense) and

¹ Ernis Yul, 'Diversi Dan Keadilan Restoratif Dalam Penyelesaian Perkara Tindak Pidana Anak Di Indonesia (Diversion And Restorative Justice In Case Settlement Of Juvenile Justice System In Indonesia)' (2016) 10 Jurnal Ilmiah Kebijakan Hukum.[5].

² Aznul Hidayah Wahab, 'Penerapan Diversi Dalam Sistem Peradilan Pidana Anak' (2019) 5 Justifi Fakultas Hukum Univ Muhammadiyah Sorong.[16].

efforts to improve the perpetrators (criminal individualization). Moreover, there is an impression that diversion seems to give children immunity rights. Based on this background, the question is whether all juvenile offenders end up being given diversion. As well as what obstacles are faced in the effort to provide diversion to juvenile offenders.

The method in this study uses legal research, which is a process to find legal rules, legal principles, and doctrines to answer legal problems faced by the community. Legal research is conducted to produce new arguments, theories and concepts as a legal point of view in problem solving. The approach in this research uses a case approach, a conceptual approach and a statutory approach. Data collection techniques used are observation, interviews, data collection, case analysis, and library collection. The conceptual approach departs from the thoughts and views, doctrines that develop in the science of law related to the problem of children who commit crimes. Sources are obtained from law books, opinions of law enforcement officers, etc. Legislative approach is adopted by reviewing Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and regulations related to the implementation of diversion for children.

Diversion and Restorative Justice

In *The Sage Dictionary of Criminology* the definition of diversion and restorative justice is stated as follows:

“The process of keeping offenders and other problem population away from the institutional arrangements of criminal justice welfare,³ restorative justice is process whereby parties with a stake in a specific offense collectively resolve how to deal with the aftermath of the offense and its implication for the future”.

So it appears that diversion is intended so that perpetrators (children) are avoided from the criminal justice process. This is in line with the definition of diversion contained in Article 1 point 7 of Law Number 11 of 2012 which states:

³ Eugene McLaughlin, *The Sage Dictionary of Criminology* (Sage Publication LTD 2009). [141].

‘Diversion is the transfer of settlement of children’s cases from the criminal justice process to a process outside of criminal justice’. Meanwhile, restorative justice emphasizes the need for direct involvement of the parties to solve their own problems by placing responsibilities and obligations in the future. This is in line with the contents of Article 1 point 6 of Law Number 11 of 2012 which confirms that restorative justice is the settlement of criminal cases by involving the perpetrators, victims, families of perpetrators/victims, and other related parties to jointly seek a fair solution. by emphasizing restoration to its original state, and not retaliation.

So, if you listen to the two explanations above, it appears that diversion and restorative justice are two things that cannot be separated, like two sides of a coin. Diversion is seen as the goal, while restorative justice is the mechanism. The purpose of diversion is contained in Article 6 of Law Number 11 of 2012 as follows:

1. achieve peace between victims and children;
2. resolve child cases outside the judicial process;
3. prevent children from deprivation of liberty;
4. encourage the community to participate; and
5. instill a sense of responsibility in children.

The regulation on diversion in the juvenile justice system law is actually in line with the thinking of the abolitionists, especially as initiated by Hulsman. The abolitionism movement was academically recognized in 1983 in Vienna, Austria, at the ninth World of Criminology. It can also be stated here that in May in Toronto, Canada, the first International Conference On Prison Abolition was held. This was followed by the 1985 ICOPA in Amsterdam.⁴ A well-known figure in this movement was Louk Hulsman from the Netherlands.

Hulsman is Professor of Criminal Law at the Nederlandse Economische Hogeschool in Rotterdam. In his interview, Hans Smits concluded that Hulsman prefers to influence behavior and resolve conflicts without having to include criminal law. Furthermore, he asserts that there is no unifying idea neither in theory nor in practice of criminal law. The judge at one time imposed a sentence of liberty.

⁴ Muladi, *Kapita Selektta Sistem Peradilan Pidana* (Badan Penerbit Universitas Dionegoro 1995).[125].

He didn't know what would happen to the criminal. Ironically again, continued Hulsman, the prison institution also did not know why the judge handed down the decision. Furthermore, Hulsman is of the view that the most appropriate alternative punishment is to provide direct compensation to the victim.⁵

Hulsman's thoughts above are in line with the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, where restorative justice is an alternative in criminal justice. In restorative justice, problem solving is very dependent on the agreement of the conflicting parties (perpetrators and victims) by approaching reconciliation and negotiation. The perpetrators or their families usually have informal relations with the victims or their families to find the most appropriate solution between them. This means that the civil law approach is seen as the most appropriate means to resolve any conflict.

In America, conflict resolution has also developed by holding face-to-face meetings. In fact, the American Advocates Association pays attention to non-judicial conflict resolution by forming working groups. There are several reasons used. First, criminal cases that are considered not too serious are carried out by conducting confrontations arranged by the police. Before the case is brought to court, the victim is invited to meet the perpetrator and asked if he wants the case to be processed legally. Second, through a mediator who has been educated for it. Third, from community boards that involve most of the intermediaries and representatives of each disputing party.⁶

The abolitionists consider that criminal justice only enforces its decisions on the basis of the interpretation of norms and values resulting from consensus, which is considered the most correct (consensus model). They rejected the consensus model and proposed an assensus model. According to the assensus model, the discovery of truth in this way must be rejected because the truth is formulated by those who

⁵ LHC Hulsman, *Afscheid Van Het Strafrecht Een Pledoi Voor Zelfregulering (Selamat Tinggal Hukum Pidana, Menuju Swa Regulasi)* (terjemahan Wonosusanto ed, Sebelas Maret University Press 1995).[132-133].

⁶ *ibid.*[122-123].

have power. In the assensus model, communication will be better and smoother. In a discussion that is not influenced by power, with a mediator who is open to criticism, conflicts will be easily resolved. If a settlement cannot be reached, then another possibility in the form of a sanctuary is offered as a dispute resolution system. An example is the victim offender reconciliation project (V.O.R.P) in Canada, which focuses on the forgiveness of victims against criminals. Some regions in Africa still do not apply diversion evenly due to considerations whether this diversion will have a good impact or not. 'The delays in the enactment of the proposed new legislation, although unwelcome, may provide an opportunity for child justice reformers to reconsider whether a system that is so strongly based on diversion will meet the needs of all child offenders'.⁷

Criminal law which has a repressive character cannot be completely subject to the abolitionists. However, if you look at Article 71 of the Draft Criminal Code, it appears that there is harmony with the ideas of the abolitionist movement which stipulates that, while taking into account Article 54 and Article 55, imprisonment is not imposed as far as possible if circumstances are found where the defendant is under 18 years or over 70 years; the defendant has committed a crime for the first time; the loss and suffering of the victim is not too large; the defendant has paid compensation to the victim; the crime occurred because of very strong incitement from other people (in the opinion of the author this is not appropriate to be sentenced because of an *overmacht*); the victim of a crime encourages the occurrence of the crime; the crime is the result of a situation that cannot be repeated again; the personality and behavior of the defendant ensures that he will not commit another crime; or imprisonment will cause great suffering. It is estimated that non-institutional guidance for the defendant or his family will be quite successful for the defendant if the imposition of a lighter sentence will not reduce the severity of the crime committed by the defendant, the crime occurs in the family, and occurs due to negligence. It can even be said that, with the inclusion of the purpose of sentencing as conflict resolution and efforts to restore

⁷ Brian Stout, 'Is Diversion the Appropriate Emphasis for South African Child Justice?' (2006) 6 Sage Publication.[142].

balance in society, as well as making social work crimes as an alternative crime, the ideas of abolitionism have colored the Draft Criminal Code.

In fact, not only in Indonesia, it seems that in some other countries, for example, in Poland, not all perpetrators of criminal acts are brought to court for trial. So a case can be dismissed if the level of social danger from the act is not great, the offender has never been convicted and the character attitude of the personal circumstances and also the life history of the offender can be estimated so that even though the prosecution is postponed, he will still respect the rule of law and in particular will not commit another offence. Likewise in Japan, a case may not be prosecuted if it relates to a minor crime against property, and the suspect has shown genuine remorse and has compensated the victim.

On that basis, there is an opinion that the peaceful settlement of criminal acts can be justified with reasons.

1. Reconciliation to settle a criminal case, as long as the case has not been brought before the court, is a regular thing; therefore, this can be referred to as regularity;
2. This regularity is a reflection of the legal culture that exists in society;
3. Peace here can be interpreted as a harmonious relationship between those concerned, which is oriented toward justice and truth.⁸

Recently, the criminal justice system in several countries has officially accepted several opinions regarding criminal justice which are not the sole solution to solve the problem of criminal acts. Even a diversion⁹ by the police and public prosecutors against a crime is often considered better. Diversion is not concerned with issuing court decisions (criminals). Diversion does not mean preventing the accused from being sentenced to criminal deprivation of liberty by seeking alternative sentences. But, furthermore, diversion prevents the defendant from the criminal justice process. In theory, diversion carried out by the police is called a police caution.

⁸ Firdaus Kamal, *Seraut Wajah Hukum* (Alumni 1980).[34].

⁹ Tahir Heri, *Proses Hukum Yang Adil Dalam Sistem Peradilan Pidana Indonesia* (Laksbang 2010).[86].

Andrew Sander stressed that the criminal justice system aims to avoid stigma. Sander said an observation in the Cumbria area is possible for the expansion of diversion. The police elected the children who committed the offense to be offered the chance to make repairs to the victim (apologies, compensation). If it is agreed, then the criminal process will not be continued. The weakness of this system is quite dangerous, which can make the police as public prosecutors, judges and at the same time implementing decisions.¹⁰

In relation to the treatment of child offenders, Adi Andoyo Soetjipto introduced two models, namely the 'welfare model' and the 'justice model'. The welfare model focuses on child development efforts, with the welfare of children. This is intended for minor crimes committed by children and for novice perpetrators. While the justice model focuses more on efforts to foster children in prison for those who commit serious crimes and have become recidivist.¹¹

Children who are in Conflict with the Law do not all end in Diversion

The settlement of cases of children committing criminal acts is currently regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System that uses a restorative justice approach. According to Hema Hargovan, restorative justice is an 'approach to justice that aims to involve the child offender, the victim, the families concerned, and community members to collectively identify and address harms, needs and obligations through accepting responsibility, making restitution, taking measures to prevent a recurrence of the incident and promoting reconciliation'.¹²

One of the methods of resolving cases of children based on the Law on the Juvenile Criminal Justice System in Indonesia is diversion. Diversion is an effort made by related parties in an effort to resolve child cases that are carried out outside

¹⁰ *ibid.*

¹¹ Hadely Hasibuan and Adi Andoyo, *Pasti Ada Kolusi Di Mahkamah Agung* (Ligo Pro Adi 1995). [124-125].

¹² Hargovan Hema, 'Child Justice in Practice: The Diversion of Young Offenders' (2013) 44 African Journals Online AJOL.[26].

the court. This effort involves the victim and the victim's family, the perpetrator and the perpetrator's family, investigators, public prosecutors, and judges on the recommendation of the community advisor.

The correctional supervisor, in this case the Makassar Class I Penitentiary, has a very important role in every process, starting from the beginning of detention, mentoring, communication to families and victims, conducting community research, communicating with parties (investigators, prosecutors, judges) regarding the case. involving correctional clients (juvenile offender), to preparing a community research report as a judge's consideration to provide diversion. Community advisors are the 'key' considering their very important role in providing recommendations to investigators, prosecutors (public prosecutors), and judges.

The relevant officials (investigators, public prosecutors, and judges) in carrying out mandatory legal diversion consider the category of criminal acts committed by the child and the causes. Considering the age of the child so that negative stigma does not occur is also very important considering the process that occurs is aimed at providing guidance, not retaliation. taking into account the interests of all parties. In addition, the results of community research carried out by the correctional center, as well as how the family and community support the development of child cases.

This diversion agreement can be in the form of peace between the parties, either without an agreement or with agreements (compensation or other agreements), handing over/returning of the juvenile offender to their families (parents/guardians), involving children in activities, education or training carried out by designated institutions for a predetermined time and does not exceed a maximum of three months or the involvement of children in community service activities.

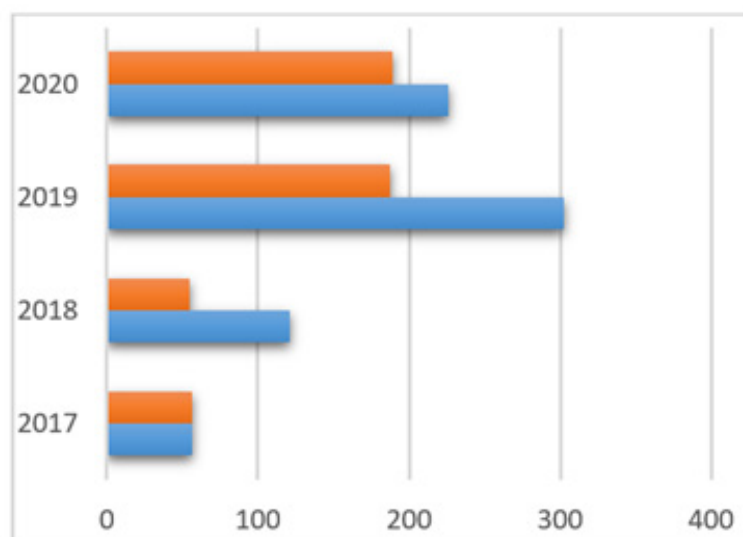
In reality, giving diversion to juvenile offenders is not as smooth and easy as imagined. The offer to carry out the diversion process by the investigator takes at least a few days but does not exceed seven days from the start of the investigation, if the child who is being with and their family agrees to hold a deliberation and is also welcomed with an agreement to conduct deliberations on the part of the victim and his family, then the investigators will determine the date for the commencement

of this diversion consultation. Diversion deliberation does not only involve both parties, but also involves investigators as facilitators, community advisors as deputy facilitators, and professional social workers (if any), religious leaders/community leaders (if requested), or lawyers.

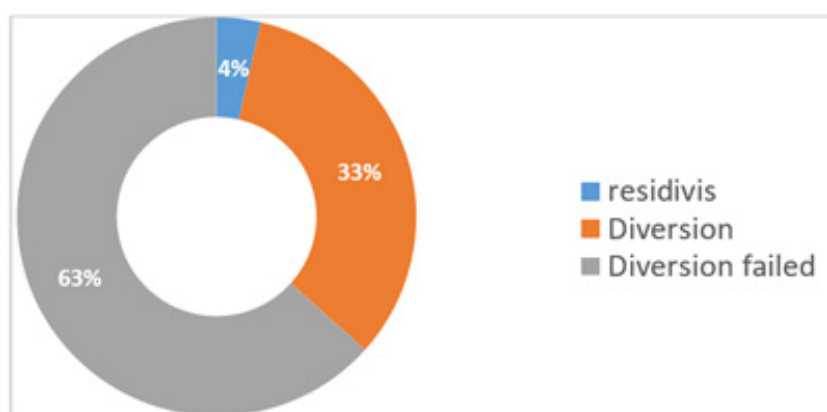
This diversion deliberation does not always result in an agreement, but it is also often deadlocked, which results in the failure of the diversion. A successful diversion deliberation process will result in an agreement and be recorded in the minutes for later processing to be determined. However, if in the deliberation process no compromise or solution is found for the common interest, the investigator will continue the investigation process and submit the case file (efforts to implement diversion) to the prosecutor (public prosecutor).

Diversion is carried out as long as it does not conflict with Article 7 of the Juvenile Justice System Law, which is not a repetition of a crime and the threat of punishment is not above seven years, based on the data on the types of crimes committed by children, namely the crime of theft, which is then followed by the crime of sharp weapons/firearms, and several other crimes that carry a penalty of under seven years. Children who are in conflict with the law tend to commit crimes that are indicated by trial and error, follow-up and are classified as mild. Reflecting on the previous year's research regarding the deviant behavior of minors, children who commit crimes are based on the influence of friends, environment, family and tend to cooperate with other people or in groups. for narcotics crimes, children are positioned as victims, and children both as dealers and users. Children as dealers will be used by people around them, then is considered the possibility of diversion and the coaching period for children, which tends to be very light compared to adults.

Based on the data on the type of crime and the period of coaching given to the child, the chances of the child being diverted are very large. However, the data obtained in the field are not as expected; here is a graph that illustrates the diversion process for several children in the last few years:

Table 1. Number of Diversion Failures from 2017 to August 2020.

Based on the table above, it can be seen that the number of diversion failures is very striking. In 2020, there were 187 children who failed diversion out of a total of 226 children, meaning that the difference between them was only 39 children who carried out diversion. In 2019, the successful diversion was 115 children out of 302 children; there were still those who previously had high hopes for the diversion. In 2018, the implementation of diversion was almost half of the total number of juvenile offenders.

Table 2. Graph of 2016

Especially in 2016 we can see that the magnitude of the diversion failure is still very dominating and conspicuous. This is due to the failure of diversion from the start (failure of the diversion deliberation process). The magnitude of this

diversion failure must be a big question mark for all parties, especially the type of crime committed by juvenile offenders is a type of minor crime that can be categorized as 'juvenile delinquency' and is threatened with a sentence of not more than five years. After the diversion deliberation process failed, the judge gave a coaching punishment which was no more than one year of the coaching process, both in correctional institutions and in social institutions for fostering children who were in conflict with the law, at the Marsudi Putra Toddopuli Social Home in Salodong Makassar.

Based on data from the Makassar Child Special Guidance Institute, diversion has been carried out since 2015 and is running until now, but the number of children likely to receive diversion is not as expected. The high data on children who fail in diversion are divided into two categories, namely failure in the diversion deliberation process or failure in the process of implementing the diversion.

The failure in the diversion deliberation process was because negotiations with both sides of the family were considered a failure and a solution could not be found so that the case was not continued. The failure in this process is usually due to the local Bugis Makassar culture, namely Siri'¹³ Culture. This culture considers it better to lose one's life than to have to bear the shame of having his honor disturbed. This culture views that if corporal punishment cannot be resolved by the authorities, then the aggrieved family will resolve the problem by custom. This Siri' cultural phenomenon is often applied in the form of fights, when someone feels masiri' (humiliated) then the principle is better to die in a fight than to be embarrassed.¹⁴

The concepts of siri' (self-respect/shame) and pacce' (caring) are the concepts of Bugis society values that uphold self-respect and care as a means of unity, solidarity, togetherness, loyalty, humanity, and motivation to keep trying under any

¹³ Budaya Siri' merupakan Nilai yang mengakar di masyarakat Bugis-Makassar yang tersebar diberbagai wilayah. Masyarakat ini sebagian besar berdomisili di wilayah Sulawesi Selatan dan Sulawesi Barat (mengingat Sulawesi Barat merupakan Bagian dari Sulawesi Selatan sebelum tahun 2004). Sehingga budaya dan kebiasaan hampir serupa. Budaya Siri' sering juga di bahasakan sebagai Nilai harga diri atau rasa malu.

¹⁴ Subri, 'Kajian Rekonstruksi Budaya Siri Bugis Ditinjau Dari Perspektif Islam' (2016) 14 Jurnal Studi Pendidikan Al-Islah.[234].

circumstances.¹⁵ Prof. Hamka stated that siri' is called shame and in the development of Indonesians it can also be called self-respect.¹⁶

In addition to the failure of negotiations in the diversion deliberation process, it is also known as Failed Diversion from the Beginning and Unsuccessful Diversion. In addition to regulatory factors, some children who do not receive diversion are also due to coming from weak economic circles and very poor families, so they are unable to meet the administrative costs set by the relevant authorities in the process. This is also a very sad thing considering that actually diversion is the right of every child who is in conflict with the law. So, based on the results of the study, not all children get diversion are due to several things. and the percentage of children who did not receive diversion is much higher than the percentage of children who received a diversion decision.

Obstacles Encountered in Efforts to Provide Diversion to Juvenile Offenders

This study has several limitations in the form of unavailability of data regarding diversion in several research places, namely the Class IIA Maros Penitentiary, and Makassar Police. The data obtained are limited to the number of juvenile offenders. At Polrestabes Makassar, researchers encountered problems with the absence of written data regarding diversion and data confusion (mixing of data) between children and adults. In the field of protection of women and children, the data between children themselves cannot be separated between data on children as perpetrators and data on children as victims. The mixed data on children are also mixed with data on adults (women) who are victims of violence. In the future, it is hoped that children's data can be archived properly so that if there are children who have previously received diversion and then commit crimes, they can be detected quickly and not left to guessing.

¹⁵ S Erman, 'Integrasi Nilai Budaya Etnis Bugis Makassar Dalam Proses Pembelajaran Sebagai Salah Satu Strategi Menghadapi Era Masyarakat Ekonomi Asean (MEA)' (2016) 1 Jurnal Teori dan Praksis Pembelajaran IPS.[67].

¹⁶ Abdul Kadir and Aziz Thaba, 'Rekonstruksi Nilai Budaya Siri' Masyarakat Makassar Melalui Tokoh Zainuddin Dalam Novel Tenggelamnya Kapal Van Der Wijck Karya Hamka Suatu Tinjauan Sosiologi Sastra' (2019) 2 Jurnal Ilmu Bahasa dan Pendidikan IDIOMATIK.[5].

The diversion process, resolving child cases outside the court, has actually been carried out by the investigators for some time. Considering that, in criminal law, there is what is known as a complaint offense whereby investigators are used to resolving cases before they arrive at the court. Sentencing is the last resort when there is no other way (as long as it doesn't violate the law's orders); this principle has become the initial capital for the child investigator. So when it comes to diversion rules, investigators are no longer awkward to be facilitators for the litigants. However some additional procedures that also involve many parties are another consideration for negotiating in accordance with what has been regulated by law.

The police have several obstacles in handling cases of juvenile offenders, one of which is the limited space, and the unavailability of special detention rooms for children, or child-friendly detention rooms. Even so, the diversion process has been very much born in the investigation stage; many have succeeded but not a few have failed. The community paradigm in child criminal cases involving children as perpetrators always positions children who are perpetrators of crimes as objects that must be repaid for their actions, not fostered and repaired. So that many diversion processes fail because retaliation is the main thing. The peaceful process of diversion is considered to be able to hurt the honor and dignity of the victim. In addition to the customs and habits of the community, diversion can also fail if we look at the background of the occurrence of the crime. Many children are involved in the trafficking of narcotics and illegal drugs because of this diversion. Children are used because the community knows that children involved in criminal acts can be subject to diversion, even though diversion is not obtained by the child, the punishment given also tends to be lighter. Data on the success and failure of the diversion at Polrestabas were only obtained through an interview process (oral) with related parties. There are no written data at all; this can be input for related parties so that in the future they can improve and perfect their administrative system.

Juvenile offenders cannot be decided immediately to get diversion, there are certain conditions and processes that must be met. The process involves several parties, namely investigators as facilitators, community advisors as representatives, public

prosecutors and judges. From the results of interviews with several children who failed at the diversion stage, data were obtained that there were several stages that required money and the child did not undertake this, so the diversion was considered a failure.

Drawing conclusions from the results of the study, the obstacles preventing diversion from being applied are:

1. The diversion process does not get approval from the child;
2. The diversion process cannot be approved by the family of a child who is in conflict with the law with the status of the perpetrator/reported. In this case, the family is hands off and no longer wants to be responsible for the child;
3. The diversion deliberation process did not get approval from the victim and family;
4. The diversion process does not result in an agreement;
5. The diversion agreement cannot be implemented or reneged on the agreement;
6. There is a request from the apparatus that cannot be fulfilled by the family;
7. The process that involves many parties and takes a lot of time makes the victim's family and the perpetrator's family unable to follow all procedures;
8. Recidivists;
9. Punishment demands above seven years.

Conclusion

Juvenile offenders do not all end in diversion. According to Article 7 of the Juvenile Criminal Justice System Law, there are two categories that cannot get diversion, namely children who commit repeat crimes or are recidivist, and children who commit criminal acts and are threatened with coaching for seven years and over. In addition to the two categories above, diversion is also carried out if approval has been obtained from various parties, a diversion agreement is reached by the victim and his family, the perpetrator and the family. Diversion deliberation does not always end well; if no agreement is reached, then the diversion is considered a failure or unsuccessful. Besides that, diversion can also fail if the perpetrators reject it.

The obstacles faced in efforts to provide diversion to children who are in conflict with the law are the diversion consultations proposed by the investigators as facilitators and the correctional center as representatives. Not all of them are approved by the warring parties because of the siri' culture among Bugis Makassar and the paradigm of society about retaliation that is still entrenched.

Giving diversion to children in an effort to foster a sense of responsibility shows good results, seeing the enthusiasm of children to change themselves for the better and the desire to change the way of life and relationships that cause them to become 'patients'. Guilt toward the family and the environment also shows a sense of remorse for his actions so that there is good faith to listen and learn to be a better person in the future.

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