

Implementation of Diversion for Children Facing the Law at the Palembang Class I Correctional Center

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| Keywords: | ABSTRACT |
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| diversification; litmas; community supervisors; the juvenile criminal justice system; restorative justice | This study examines the application of diversion in the juvenile criminal justice system with a focus on the role of community research (litmas) and the recommendations of Community Supervisors (PK) in Bapas Class I Palembang. This study highlights the practice of diversion in handling children's cases, the position of litmas and PK recommendations in decision-making, as well as institutional barriers that affect its effectiveness. The research uses a socio-legal qualitative approach with a case study design, through interviews with PK, law enforcement officials, and related stakeholders, as well as a review of litmas documents, diversion agreements, case decisions, and regulations. The analysis was carried out thematically by triangulating sources. The results of the study show that the success of diversion is highly dependent on the quality of social assessment in litmas, the ability to facilitate deliberation, and the sustainability of post-agreement supervision. Litmas acts as a tool for mapping children's needs and risks, the basis for guidance recommendations, and a means of accountability. The main obstacles include weak coordination across institutions, differences in interpretation of procedures, limited resources, and non-optimal monitoring mechanisms. This study recommends strengthening the standardization of litmas, increasing the capacity of diversion facilitators, integrating support services, and developing a measurable monitoring system so that diversion is truly oriented towards the recovery of children and victims. |

INTRODUCTION

The juvenile criminal justice system in Indonesia underwent a very important paradigm shift: from a retributive (retaliative) approach to one that places children as subjects that must be restored through restorative justice and diversion. This shift stems from the realization that formal justice processes have the potential to have long-term impacts on children, especially stigma, trauma, and barriers to social reintegration. In this context, diversion is understood as the transfer of the settlement of children's cases from the criminal justice process to the process outside the criminal court, by emphasizing recovery, victim-perpetrator-family involvement, and social responsibility rather than retribution as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). The idea also affirms that

diversion is not just a "peaceful path," but a policy mechanism to prevent children from falling deeper into the formal penal system and to ensure that the best interests of children are truly the main orientation. The children's criminal law literature places the purpose of diversion as an ethical mandate as well as a legal mandate, namely resolving children's cases outside the judicial process, avoiding deprivation of independence, encouraging community participation, and instilling responsibility in children (Djamil, 2013, p. 6).

However, the need for diversion is not born from a vacuum. It was formed by the empirical fact that the case of children facing the law (ABH) is still a big issue in the regions, including in the city of Palembang. Data from the Palembang Branch of KPAI shows the receipt of 1,885 complaints of child protection cases, and about 75% of them are child problems facing the law. This figure is important not only as a statistic, but as an indication that Palembang is facing a real social-legal burden related to ABH, so the effectiveness of the diversion mechanism is very decisive. Furthermore, the same document confirms a problematic phenomenon at the earliest stage: children are interrogated by police officers without the assistance of a legal representative, while the situation of the police office is considered unfriendly to the psychological condition of the child and there is even no assistance from the school (Santoso & Darwis, 2017). If this phenomenon occurs repeatedly, then from the beginning of the process, children's rights and the principles of child-friendly justice have been threatened, and the chances of diversion to be effective are getting smaller because the initial "harsh" process tends to produce defensive attitudes, fear, and rejection from children and families.

Institutional data also shows that the handling of children in the penitentiary regime is still a reality. The planning document of the Ministry in charge of corrections records the number of Correctional Students (Andikpas) spread across the Special Children's Development Institution (LPKA) in dozens of work units in Indonesia, with a composition that is very dominated by boys (Kementerian Imigrasi dan Pemasarakatan, 2025). Meanwhile, data-based publications from the Directorate General of Corrections also show that the number of child inmates is still in the range of thousands by 2025. These figures, although they do not directly represent all ABH, emphasize the urgency of strengthening non-custodial mechanisms through quality diversion so that children do not enter the prison trajectory (Ridwan, 2025).

At the regional level, similar phenomena seem more concrete. In the context of Palembang and South Sumatra, the issue of Children Facing the Law (ABH) emerged as one of the clusters that often became the concern of child protection institutions. KPAI once highlighted the high number of complaints related to ABH at the moment of National Children's Day, as well as encouraging local governments to strengthen monitoring and procedural protection (KPAI, 2019). Although the data is a complaint (not an incident number), it signals the problem of access to children's justice and the need to strengthen more restorative resolution mechanisms.

The Palembang Class I Correctional Center (BAPAS) as a Correctional Unit in the South Sumatra region has a wide scope of work area, covering 2 cities and 4 districts, namely; (1) Palembang, (2) Prabumulih, (3) Ogan Komering Ilir, (4) Ogan Ilir, (5) Banyuasin, and (6) Musi Banyuasin. This area reflects socio-cultural diversity and complex legal dynamics, thus demanding optimal performance from Community Advisors. The breadth of this work area certainly adds to the complexity of handling diversion cases by Community Supervisors.

Table 1. Data on the Number of Community Supervisors of Bapas Class I Palembang

| No. | Position Level | Quantity |
|--------------|------------------------------------|-----------|
| 1 | Intermediate Community Supervisor | 9 |
| 2 | Young Community Counsellor | 23 |
| 3 | First Community Counselor | 39 |
| 4 | Assistant Supervisor of Population | 2 |
| Total | | 73 |

Source: Bapask Class I Palembang

Based on the table above, the Community Supervisors (PK) at Bapas Class I Palembang amounted to 73 PKs consisting of 9 Intermediate PKs, 23 Young PKs, 39 First PKs, and 2 PK Assistants, their existence was very strategic, but they also faced high work pressure in reaching all diversion requests in the jurisdiction.

In 2024, Bapas Class I Palembang received 140 requests for diversion assistance spread across the work area of Bapas Class I Palembang. The data on the Palembang Class I Father's Diversion Request can be seen in the following table:

Table 2. Data on Diversion Request for Class I Papas Palembang

| No. | Position Level | Police | Prosecutor's Office | Courts | Total |
|--------------|---------------------|-----------|---------------------|-----------|------------|
| 1 | Palembang | 38 | 9 | 34 | 81 |
| 2 | São Paulo São Paulo | 15 | 0 | 1 | 16 |
| 3 | Ogan Komering Ulu | 17 | 2 | 2 | 21 |
| 4 | Ogan Ilir | 4 | 1 | 0 | 5 |
| 5 | São Paulo | 2 | 0 | 0 | 2 |
| 6 | Musi Banyuasin | 10 | 1 | 4 | 15 |
| Total | | 86 | 13 | 41 | 140 |

Source: Bapask Class I Palembang

Based on the table above, Diversion Requests at Class I Palembang Bapas will reach 140 Requests in 2024. However, not all of the diversion requests reached an agreement or the diversion was successful. The following is the Data on the Results of the Class I Palembang Class I Diploma in 2024.

Table 3. Results of the Class I Palembang Class I Diploma

| No. | Institutions | Number of Requests | Successful Diversion | Different Gagals |
|--------------|---------------------|--------------------|----------------------|------------------|
| 1 | Police | 86 | 58 | 28 |
| 2 | Prosecutor's Office | 13 | 7 | 6 |
| 3 | Courts | 41 | 25 | 18 |
| Total | | 140 | 88 | 52 |

Source: Bapask Class I Palembang

In Bapas Class I Palembang in 2024, there were 140 diversion requests, but only 88 cases (62.9%) were successful, while 52 cases (37.1%) failed. This data shows that while there are quite a few Diversion requests, not all of them end up with a successful Diversion deal. Failure

in the implementation of Diversion can be caused by various factors, including the quality of mediation, the victim's unwillingness to reconcile, or weak coordination between institutions.

The main problem that often erodes the effectiveness of diversion actually occurs in the earliest stages: the interaction of children with law enforcement officials, family, and the social environment. When the initial examination is child-friendly (e.g. without adequate assistance or takes place with a frightening approach), the initial "harsh" process tends to result in defensiveness, fear, and rejection from both the child and the family. As a result, the space for restorative dialogue has shrunk because the relationship between the parties is already tense, the victim is reluctant to reconcile, and the child perpetrator finds it difficult to admit mistakes constructively. This phenomenon has been identified as a threat to the principles *of child-friendly justice* and the chances of successful diversion (see the beginning of the background).

Within the framework of the Child Criminal Justice System, the success of diversion is not only determined by the willingness of the victims to reconcile, but also by the quality of the work of the institutions tasked with supporting the process. At this point, the Correctional Center (Bapas) and the Community Advisor (PK) become key actors. Bapas as an institution that carries out the function of guiding clients, and operationally PK runs four main domains: community research (litmas), mentoring, guidance, and supervision, both inside and outside the judicial process to support social reintegration (Asmawati, 2022a).

In the context of ABH, litmas is not just "administrative"; it is a professional product that captures the child's background, family environment, social conditions, risks, and relevant treatment recommendations. At the trial stage, PK supervision includes ensuring that the requirements of children's justice are met, such as a single judge, litmas are used as a consideration for the verdict, and the child is accompanied by a legal advisor. Thus, the implementation of diversion in Bapas does not only talk about "whether diversion is carried out", but also "how good is the quality of litmas and PK assistance", "how strong is the synergy between institutions", and "whether the practice in the field is consistent with the principles and standards of SPPA". The problem is that various references show that there are structural and operational obstacles that have the potential to reduce the work of Bapas/PK in ensuring that diversification runs effectively. One of the documents describes the obstacles that are quite typical for Bapas Class I Palembang, including the gap in educational/skill background between PK and the client, a very large work area that increases the workload, and the dual role of PK between guidance and supervision that makes it difficult to determine work priorities.

The ABH phenomenon is also closely related to the issue of bullying, brawls, and violence in the school environment which in many cases leads to criminal proceedings. KPAI places the issue of fulfillment of education and protection in education units as one of the significant complaint clusters, including cases of bullying that are not always recorded in police reports (KPAI, 2025). This situation shows two things: first, the channels for reporting and handling child cases are often fragmented; second, when cases finally enter the criminal route, the needs for victim recovery and child rehabilitation must be designed from the outset so as not to end up in long-term stigmatization.

On the other hand, the number of children who are still serving sentences or coaching in institutions shows that child imprisonment is not completely the last resort. The ministry's planning document notes the number of Correctional Students spread across LPKA in various

provinces and is very dominated by boys. At the policy level, this reality reminds us that diversion is not just a procedure, but a systemic strategy to suppress the flow of children into institutions, while ensuring that community interventions (counseling, education, family guidance) are available as credible alternatives.

Other documents add technical constraints that seem "trivial" but have a big impact: not all clients have adequate devices, quotas, or signals to report online; there are also clients who are in poor faith and difficult to monitor, as well as the lack of procedural synergy between law enforcement on the revocation/enforcement mechanism when clients violate (Asmawati, 2022b). If these obstacles are left unchecked, then diversion can end up as a formality: an agreement is reached on paper, but recovery does not occur substantially because guidance, supervision, and reintegration plans do not work optimally. Therefore, recent research emphasizes the importance of strengthening the litmas instrument and the quality of PK recommendations so that diversion decisions are not procedurally biased, but based on measurable and consistent social assessments (Salsabella et al., 2025).

In addition to the issue of implementation and institutional capacity, there are legal problems that are more "sharp" and very relevant — research which analyzes the normative tension between the diversion limits in the SPPA Law and the diversion guidelines in PERMA Number 4 of 2014, especially when children's cases are related to high-threat criminal acts (Saputra & Windiyastuti, 2023). On the one hand, there is the view that the PK cannot give a diversion recommendation if the criminal threat is more than 7 years; but on the other hand, PERMA 4/2014 mandates the juvenile judge to continue to seek diversion in the form of subsidiarity/alternative/cumulative/combination charges (Saputra & Windiyastuti, 2023). There is even a phrase that says "mandatory diversion" for cases under 7 years does not automatically mean that cases above 7 years are "prohibited" from diversion, because PERMA provides room for procedural interpretation for judges. This point of conflict is not just a theoretical debate; it has a direct impact on the practices of Bapas and PK: whether the PK should close the door to diversion recommendations on threats of more than 7 years for the sake of certainty of the norms of the law, or whether the PK needs to continue to formulate specific litmas and recommendation schemes to support the PERMA mandate while maintaining the interests of victims and public protection.

From a policy perspective, the above problem shows that the implementation of diversion in regions including Palembang is not sufficiently analyzed as "according to the procedure or not," but must be assessed in three layers: (1) the layer of social phenomena, (2) the institutional layer, and (3) the norm layer. Recent studies have also confirmed that the success of diversion is strongly influenced by the design of coordination between actors and the consistency of rule interpretation in the field; without it, diversion is vulnerable to becoming a "procedural ritual" that does not touch recovery (Saputra, H. D., 2021). In the context of corrections, the 2024–2025 research also highlights the challenges of guidance/supervision that often stem from workloads, resources, and inter-institutional coordination patterns that ultimately affect the effectiveness of reintegration programs, including for child clients (Aziza et al., 2025).

Departing from these conditions, the research entitled "Implementation of Diversion for Children Facing the Law in the Palembang Class I Correctional Center" is relevant and urgent. Academically, this research is important to explain how the design of diversion (as a restorative mandate) is "translated" into real work of PK through litmas, mentoring, and supervision; how

Bapas builds synergy with the police, prosecutor's office, and courts; and how practices in the field respond to conflict of norms related to threatened cases over 7 years old. Practically, this research can be the basis for recommendations for improving SOPs, strengthening litmas, and a more effective coordination model so that diversion really functions as a child protection mechanism and social recovery rather than just an administrative shortcut.

RESEARCH METHODS

This study used empirical legal research (socio-legal) with a qualitative approach and case study design to understand in depth the implementation of diversion for children who are facing the law in the Palembang Class I Correctional Center (Bapas). This approach was chosen because the focus of the research is not only to assess normative provisions, but also to explain how the law works in institutional practice, especially in the process of community research (litmas), recommendations of Community Advisors (PK), mentoring, and guidance and supervision after diversion agreements (Yin, 2018, pp. 15–18; Creswell & Creswell, 2018, pp. 156–160). To maintain the firmness of the legal footing, the research also contains a limited normative study through the study of regulations and doctrines as a comparative standard between "das sollen" and "das sein" (Soekanto, 2010, pp. 42–46; Fajar ND & Achmad, 2009, pp. 34–41).

The source of research data consists of primary data and secondary data. Primary data was obtained through in-depth semi-structured interviews with purposively selected key informants, namely parties directly involved in the diversion process and the function of child correctional services at Bapas Class I Palembang, and if relevant can be extended to cross-institutional partners who interact in the implementation of diversion. Secondary data includes accessible institutional documents, as well as primary legal materials and methodological literature to compile implementation indicators. The data collection technique was carried out through a combination of interviews and document studies, with the possibility of observation limited to the context of the service that did not touch the confidentiality of the client (Creswell & Poth, 2018).

Data analysis was carried out thematically through the stages of coding, category grouping, theme draw, and interpretation of inter-theme relationships to explain implementation patterns, supporting/inhibiting factors, and consequences of diversion practices in Bapas. The validity of the findings is maintained by triangulating sources and methods, as well as checking the consistency between the informant's information and documentary evidence. Because the research intersects with children's issues and sensitive information, ethical aspects are upheld through identity anonymization, data access restrictions, informed consent, and the application of child protection principles in the entire data collection and reporting process (Graham et al., 2013, pp. 11–16).

RESULTS AND DISCUSSION

1. Implementation of Diversion at Palembang Class I Correctional Center

The implementation of diversion at the level of practice in the regions is largely determined by the "quality of the process" from the early stages of handling ABH, as the initial process that is not child-friendly tends to reduce the space for restorative dialogue and lower the trust of the parties involved. The Palembang context used shows the high level of

complaints related to child protection and the dominance of ABH issues, as well as the discovery of examination practices that are not ideal (for example, children are examined without adequate assistance).

At the policy level, the 2024–2025 studies confirm that although SPPAs have adopted diversion and restorative justice as basic principles, their implementation often faces "policy gaps" and cross-institutional operational challenges, especially on procedural consistency, quality of facilitation, and sustainability of follow-up after an agreement (Heliany & Tjandrawinata, 2025). In the workflow, Bapas and Community Counselors (PK) become nodes because they play a role in connecting the needs of child protection with the needs of the justice system through social assessment, mentoring, and guidance/supervision.

The 2025 study on the role of fathers in the implementation of diversion emphasizes the function of assisting child actors and strengthening coordination as the key so that diversion does not stop as a procedure, but really becomes an effective settlement mechanism (Irabiah et al., 2025). Specifically for Palembang, the 2025 study on social reintegration in Bapas Class I Palembang shows that the orientation of correctional services (social reintegration) requires sustainable and measurable PK work, so the implementation of diversion should be read as a series of processes from mentoring and assessment to monitoring results (Lamablawa, 2025).

The social context is an important entrance. The KPAI report shows that child protection issues, including those related to violence and vulnerability in the family and educational environment, are still high and involve the adolescent age group significantly. In the public information document containing the performance of complaints, it is stated that in 2024 there will be 1,604 complaints that will grow to 2,057 cases handled by KPAI, with a proportion of 33% in the special child protection cluster (KPAI, 2025). This kind of data provides context that ABH is not a "separate" issue from the problem of violence, parenting, and the school environment, because many children in conflict with the law have a history of being victims of violence, neglect, or bullying, so the restorative approach must assess the root of the problem, not just the actions.

This subdivision expands the analysis of the implementation of diversion in Bapas Class I Palembang by linking three layers of evidence: (i) social context and child protection data, (ii) normative design of SPPA and diversion guidelines, and (iii) operational dynamics between actors (investigators, prosecutors, judges, PKs, victims, families, and social services). A layered approach is necessary because diversion is not a single event, but a series of decisions at several critical points (decision points) that affect each other. If one point fails (e.g. initial assistance does not exist, or the deliberative forum is not neutral), then the quality of the final result decreases even though administratively recorded "successful diversion".

Based on the results of an interview with the Community Supervisor at the Class I Bapas Palembang, the implementation of child diversion by the Community Supervisor (PK) at the City Bapas usually begins from the time the child's case enters the law enforcement stage and the apparatus (generally Investigators) requests the presence of the PK for assistance and the preparation of Community Research (Litmas). Litmas is an important consideration in determining whether diversion is feasible and how it is restored, because the diversion process itself must in principle be pursued in the case of eligible children (threat of imprisonment under 7 years and not repetition of criminal acts) and carried out through deliberations involving

children and parents/guardians, victims and/or parents/guardians, PK, and professional social workers (Pradana, 2025).

In daily practice at Bapas, PK will conduct a quick but in-depth assessment: exploring the child's personal condition, family situation, school/social environment, risk factors and needs, relationship with victims, and realistic recovery opportunities. This data is then formulated into Litmas and recommendations such as whether the safest recovery approach is peace with or without compensation, return to parents with certain conditions of supervision, participation in a developmental/social service program, or other proportionate forms. At this stage, the PK also usually prepares the parties before the diversion deliberation, explaining the purpose of diversion (recovery and responsibility) as well as ensuring that the position of the child is not depressed and the victim is not intimidated, so that the deliberation runs fairly and focuses on solutions (Pradana, 2025).

During the diversion deliberations, PK acts as a professional companion who helps the forum stay orderly, mediates communication, and "translates" recovery needs into actionable agreements. A good agreement is usually made specific: what the child's obligations are (e.g. apology, recovery of damages, counseling, social activities), what is family/school/community support, deadlines, and proof of implementation. After the agreement is reached, the process is documented according to the guidelines and proceeds to the determination/strengthening mechanism according to the procedural provisions of the diversion (Setiawan, 2025).

The most decisive stage is often post-agreement: PK provides guidance and supervision of the implementation of diversion items in the field, including coordination with families, schools, social workers/LPKS, and other parties so that the child truly returns to a healthy path without neglecting the victim's recovery. PK also prepares a report on the implementation of the diversion agreement and submits it according to the provisions, as well as reports if the agreement is not implemented, so that the handling process can be determined for the next steps responsibly (Setiawan, 2025).

In Palembang, the signal of the ABH problem was also read through the complaint records and the attention of child protection institutions. KPAI once published that in a given period they received 1,885 complaints related to children, and underlined ABH as the dominant cluster that needs to be monitored by local governments. Again, the number of complaints is not the number of incidents, but it is relevant as an indicator of access to justice: when people complain, it means that there is a problem that is perceived to be serious and needs intervention. For this study, the indicator corroborates the reason for choosing the Palembang locus: the need to improve the quality of procedural protection and community-based restoration.

In terms of norms, the SPPA Law locks diversion as an obligation in cases with certain conditions, but at the same time opens up a variety of non-custodial action spaces. International standards have even encouraged the expansion of non-detention alternatives and strengthened community-based diversion programs, including forms of victim restitution, mediation, temporary counseling, and family-based supervision (United Nations General Assembly, 1985; Committee on the Rights of the Child, 2019). In this perspective, the measure of diversion success is not just the reach of an agreement, but whether the agreement: (a) protects the rights of the victim, (b) fosters the responsibility of the child perpetrator, (c) prevents re-offending through realistic social support, and (d) does not add new wounds through stigmatizing processes.

Therefore, the pre-adjudication phase (since the investigation) is a determinant. In many practices, children enter the process "with labels" and negative emotional experiences from the beginning, so that by the time the diversion deliberation takes place, the child and the family are already in survival mode. The text of this article underlines the phenomenon of child examination without adequate assistance in the early stages. If this condition occurs, it is not just a violation of procedure; it changes the psychology of the process: the child feels unsafe, the family feels attacked, the victim or the victim's family feels the process is unfair, and the facilitator (including PK) has difficulty building trust. In the context of child-friendly justice, trust and a sense of security are prerequisites for recognition and restoration.

At this point, the role of Bapas/PK is two-layered. First, as a provider of social assessment through litmas that provides information about children's backgrounds, family relationships, schools, environment, and risks. Second, as a companion actor and facilitator who helps organize the deliberative forum so that it is not uneven. Empirical studies on diversion in Indonesia show that success is often influenced by the quality of facilitation, inter-agency coordination, and the availability of concrete follow-up programs, rather than the generosity of the parties. Research in the *Sriwijaya Law Review*, for example, underlines that the implementation of diversion is often ineffective because coordination, capacity, and procedural consistency between institutions are inadequate, so restorative justice risks becoming jargon (Nashriana et al., 2023).

In general, implementation at Bapas Class I Palembang faces typical challenges: large work areas that increase the burden of visits and supervision, diversity of educational backgrounds/client abilities, and technological constraints on the mandatory online reporting mechanism. From a *case management* perspective, this challenge means that PKs must prioritize risk: cases with high risk of recurrence, low family support, or limited access to services need greater intensity of counseling. However, this intensity is difficult to meet when the PK-client ratio is unbalanced or operational support is minimal. As a result, the diversion process has the potential to turn into "once deliberate, finished", without sufficient follow-up to ensure behavior change and restoration of social relations.

Strengthening the implementation of diversion therefore requires cross-system work. On the side of the police and the prosecutor's office, compliance with the procedures for assistance and notification of children's rights from the beginning must be ensured. On the court side, judges need to ensure that the diversion process meets the principles of prudence and meaningful participation, especially for victims. On the Bapas' side, the quality of litmas and post-diversion guidance plans must be the focus. On the local government and social services side, the availability of programs (counseling, education, skills training, mental health services, and family support) must be real so that diversion agreements do not stop on paper.

This is where expert interviews become an important source of data for reading the "logic behind the procedure": how authorities assess the feasibility of diversion, how they interpret the limits of criminal threats, and what factors make deliberation deadlocked. The methodological literature confirms that expert interviews help to acquire contextual and institutional knowledge that is often not written into the document, but instead determines practice (Bogner et al., 2009). In empirical legal research, expert interviews also help map the power relations and negotiation dynamics between actors that are often sensitive, so an elite

interview strategy is needed that emphasizes preparation, access, and building trust (Harvey, 2011; Gupta & Harvey, 2022).

If the above framework is applied to the Palembang locus, then the indicators of "diversion implementation" should be assessed through: (1) procedural compliance (mentoring, notification of rights, separation from adult prisoners), (2) quality of diversion forums (balance of victim and perpetrator participation, non-dominative facilitation), (3) quality of litmas and follow-up plans (specific, measurable, realistic), and (4) post-agreement sustainability (monitoring, access to services, and prevention of recurrence). This evaluation framework helps shift the focus from the formality of results to the quality of the process and the impact of recovery which is the spirit of diversion.

To assess whether the implementation of diversion is "successful," the measurement must go beyond administrative outputs towards outcomes that are relevant to the child and the victim. The international literature shows that restorative programs in juvenile justice correlate with decreased recidivism and increased victim satisfaction, although the magnitude of the effects varies depending on the quality of design and facilitation (Kimbrell et al., 2022). This means that Palembang needs to have minimum indicators: the level of agreement completion, the child's compliance with the follow-up plan, the child's connection to school or training, and the quality of victim recovery. This indicator also helps the father avoid "pseudo-diversion" that is completed on paper but fails on the field.

If the outcome indicator is placed as a reference, then the implementation of diversion in Bapas Class I Palembang can be directed to a more structured case management model: initial assessment (litmas), intervention planning (guidance plan), implementation (assistance and service referral), and periodic evaluation. This model is in line with international principles that emphasize that diversion must be accompanied by appropriate community programs and proportionate temporary supervision (Committee on the Rights of the Child, 2019). In other words, "child-friendly" measures not only keep children out of prison, but ensure that children return to a healthy developmental trajectory.

2. The Basis of Decisions and the Impact of the Quality of Litmas and PK Recommendations in the Palembang Class I Correctional Center

The decisive point that often "distinguishes" substantive diversion from administrative diversion is the quality of the litmas and the strength of PK recommendations as the basis for child handling decisions. The latest literature for 2025 emphasizes that litmas is not just a complementary document, but a guideline that helps judges assess the child's condition more fully so that decisions in children's cases prioritize educational guidance over punitive actions (Salsabella et al., 2025). In line with that, the 2025 juridical study on the use of litmas in PN decisions shows that litmas is positioned as an instrument for child protection and is a relevant consideration in making decisions against children (Ilmannavia & Mahardhika, 2024).

The implication for the Palembang Class I Father: the quality of litmas will affect whether the PK recommendations are able to "lock" the framework of restorative justice or become a formality that is easy to ignore. At the deliberation stage, a strong litmas also serves to balance the power relationship between the child and the victim; this is important considering that 2025 research from the perspective of victimology emphasizes that the position and needs of victims in diversion must be tangible so that restorative justice does not shift into mere "peace" that

oppresses one party (Rabbani & Wulandari, 2025). Thus, a good PK recommendation should not only state "feasible/not feasible diversion," but also develop an operational recovery scheme: a reasonable form of compensation/apology, a coaching plan, family support, and observable compliance indicators.

If the previous subsection places diversion as a series of processes, then this subsection highlights one of the nodes that most determines the direction of the decision: the quality of community research (litmas) and the recommendations of the Community Supervisor (PK). Litmas is not a complementary document. In the design of the SPPA, litmas is a social assessment instrument that bridges the need for child protection with the needs of law enforcement: it provides a complete picture of the child's situation, risk and protective factors, and the most proportionate treatment options. Therefore, the quality of litmas will distinguish whether diversion is designed as a realistic recovery strategy or simply as a fragile "path of peace".

Recent research in Indonesia confirms the position of litmas as a guideline for judges in deciding children's cases. A study in 2025 in the *Indonesian Journal of Criminal Law and Criminology* (UMY) emphasizes that litmas is a reference for judges to prioritize educational guidance over punitive actions, as well as a form of special protection for children in conflict with the law. At the practical level, some studies also confirm that ignoring litmas can have implications for procedural flaws and reduce the quality of judges' judgments because decisions are not based on adequate social assessments (Salsabella et al., 2025).

Conceptually, a strong litmas contains at least four components: (1) identification of problems and backgrounds (family, school, community, history of violence/victim), (2) risk and needs assessment that maps relapse opportunities and intervention needs, (3) mapping of available resources and services (counseling, education, training, mental health services, social support), and (4) specific, actionable recommendations (e.g. form of diversion, duration, compliance indicators, monitoring mechanisms, and consequences if failed). Without these four components, PK recommendations tend to be normative (just "feasible/unfeasible") and are less helpful for judges and diversion facilitators in designing measurable recovery programs.

In the context of Bapas Class I Palembang, this manuscript has shown that litmas has a strategic position at several stages: investigation (PK's opinion is requested), trial (litmas is considered), and post-adjudication (guidance/supervision). However, the challenges noted can also reduce the quality of litmas: the load of the large work area reduces the time of field observation and information verification; communication capacity gaps between PK and clients can lead to narrative bias; and the limitations of technology make monitoring difficult. This means that when litmas are compiled in conditions of limitation, the risk of misassessment increases: factors such as violence in the family or bullying at school can go undetected, or on the contrary the risk is considered high due to incomplete data.

The consequences of a less strong litmas are not only on the verdict. It has a direct effect on the design of diversion agreements. A good diversion agreement should contain realistic recovery and prevention activities. If litmas do not map out the available resources, then the deal tends to be generic (e.g. "child promises not to repeat", "parent supervises"), without concrete program support. This makes recovery fragile: the victim does not get restitution or meaningful recovery, while the child offender does not get the support necessary to change.

On the other hand, a good litmas allows conditional recommendations: for example, diversion with counseling prerequisites, compulsory schooling, parental supervision, and PK monitoring, so that the balance of the interests of the victim, the perpetrator, and the public is maintained.

The normative issues raised regarding the tension between the SPPA Law and PERMA 4/2014 also show the importance of litmas as a risk mitigation instrument. PERMA 4/2014 provides room for judges to continue to seek diversion in the construction of certain indictments, including when one of the indictments is threatened for 7 years or more in the form of subsidiarity, alternative, cumulative, or combination. In situations of non-uniform interpretation, litmas can be a "compass" for decision-makers: PK recommendations do not need to impose diversion in cases that are indeed high risk and seriously harm victims, but also do not automatically close the door to diversion without assessment. With a strong litmas, the PK can craft a recommendation scenario: a full diversion option, a conditional diversion option with strict supervision, or a non-diversion option with a recommendation of specific non-detention actions if diversion is not possible.

The victim's dimension must also not be lost. Diversion is often criticized for focusing too much on child offenders, while victims are only a tool for legitimizing peace. Recent literature emphasizes the importance of ensuring victims participate meaningfully and get recovery, not pressure to reconcile (e.g. through restitution, sincere apologies, or the restoration of safe social relationships). In the Indonesian context, this issue is particularly relevant in cases of violence that have power relations (sexual violence, domestic violence, or severe bullying) so that diversion forums risk pressuring victims. Quality litmas need to map the needs of victims and the risk of victimization, so that recommendations not only assess the "feasibility of diversion" from the perpetrator's side, but also ensure the safety and rights of victims.

This is where expert interview contributions come back relevant. Interviews with child criminal law experts can explore professional standards of "good litmas" and also explore judges' assessment practices of litmas. Problem-centered expert interviewing techniques, for example, are recommended to dig into implicit knowledge that is often used in practice but rarely written, starting from concrete cases and moving to rules and considerations (Döringer, 2021). In addition, methodological research on elite interviews emphasizes the need to understand power dynamics and maintain ethics and secrecy, especially when interviewing law enforcement officials (Li, 2022; Niu, 2024).

Ultimately, the impact of litmas and PK recommendations can be formulated in three strategic functions: (1) diagnostic function (capturing the root cause of problems and risks), (2) prescriptive function (offering measurable diversion actions and designs), and (3) accountability function (being the basis for monitoring, evaluation, and decision accountability). If these three functions are carried out, litmas encourage diversion to become an accountable recovery instrument. Otherwise, litmas has the potential to become a weak administrative document, and the diversion decision loses its rational basis.

Strengthening litmas can also draw lessons from research developments on risk assessment and needs in community supervision. Although the risk-need-responsiveness (RNR) instrument is widely used in the management of perpetrators, the latest scientific evidence reminds that its application must be careful, transparent, and adapted to the social context so as not to produce bias and unfair decisions (Fazel et al., 2024). In the context of

juvenile justice, the essence is not to "label" at-risk children, but to identify the need for interventions that can reduce the risk of recurrence and strengthen protective factors.

As a quality mechanism, Bapas can apply peer review for certain cases (for example, cases with power relations, vulnerable victims, or high potential criminal threats). Peer review is not intended to replace PK discretion, but ensures that there are minimum standards and reduces quality variation between PKs. Expert interviews can also be positioned as periodic quality audits: for example, asking for input from juvenile judges or academics on the suitability of litmas to the needs of the verdict, as well as testing whether litmas are sufficiently sensitive to victims and child protection perspectives. Here, expert interview techniques that emphasize the navigation of power relations and ethical protocols are important so that the data obtained remains valid and accountable.

3. Obstacles and Strategies for Strengthening Diversion in the Palembang Class I Correctional Center

Obstacles to the implementation of diversion in the field generally arise in three nodes: cross-agency coordination, consistency in the interpretation of norms, and post-agreement monitoring. In terms of coordination, the 2025 research that examines the implementation of diversion/restorative highlights implementation challenges related to the synergy of actors and policy gaps, so that the diversion process is vulnerable to ineffectiveness if communication between officials is not cohesive and follow-up responsibilities are unclear (Heliany & Tjandrawinata, 2025). In terms of norms, the study of the harmonization of diversion rules in 2025 shows the need for alignment so that implementation does not give birth to variations in practices that weaken the social-justice goals for children, including procedural issues and the certainty of mechanisms (Putri & Susilawati, 2025).

Meanwhile, in terms of restorative substance, the 2025 research reaffirms the importance of ensuring that the role of victims is truly present in the design of diversion, because without the acceptance of the victim and the sense of fairness that the victim understands, the agreement can easily fail or turn into a follow-up conflict (Rabbani & Wulandari, 2025). Departing from the latest literature, the most relevant strengthening strategies for the context of Bapas include building a clearer cross-institutional workflow, improving the standardization of litmas, and strengthening post-diversion monitoring mechanisms. This strengthening is in line with the findings of the 2025 research on litmas as a guideline for judges that emphasizes educational orientation, as well as in line with the study of the role of Bapas which emphasizes coordination as the key to the success of diversion (Salsabella et al., 2025).

The analysis of obstacles and strategies to strengthen diversification in Bapas Class I Palembang should be read as a "system" problem, not just a problem of individual PK or one agency. Diversion is a cross-actor policy; Therefore, failures or weaknesses in one node will propagate to other nodes. This paper has grouped obstacles in the areas of cross-institutional coordination, consistency of interpretation of norms, workload and resources, and technical problems (including technology). This subsection expands it by mapping the root causes, impacts on the quality of recovery, and practical strategies that can be operationalized.

First, obstacles to cross-agency coordination. In SPPA practice, coordination concerns: when and how investigators request litmas, how prosecutors assess the feasibility of diversion,

how judges lead deliberations, and how Bapas ensures post-agreement follow-up. Coordination often fails not because there are no rules, but because of different operational objectives: the police pursue the efficiency of investigation and evidence; the prosecutor's office pursues the completeness of the file and the certainty of the claim; the court pursues the certainty of the verdict and the order of the trial; while Bapas pursued recovery and social reintegration. When these goals are not aligned, diversion is easily narrowed down to an "administrative process" to get cases resolved quickly.

Strengthening strategies at the coordination node can take the form of: (a) locally agreed cross-agency SOPs that lock the timeline of litmas requests, minimum information formats, and settlement mechanisms in the event of delays; (b) regular coordination forums based on case review to identify bottlenecks; and (c) a clear social service referral mechanism so that the diversion agreement has a concrete "purpose." Such a strategy is in line with international standard recommendations that emphasize strengthening systems, coordination, and capacity as a prerequisite for diversifying non-custodial actions (Committee on the Rights of the Child, 2019).

Second, obstacles to consistency in the interpretation of norms, especially related to the limit of criminal threats and diversion space according to PERMA 4/2014. The disparity in interpretation creates uncertainty for the PK: recommendations that are accepted in one forum are accepted, in another forum. The strategy that can be carried out is the preparation of operational interpretation guidelines at the regional level through technical discussions with juvenile judges, juvenile prosecutors, PPA investigators, and fathers. The focus is not on changing norms, but on equalizing how to read norms for cases that often give rise to conflicts, such as subsidiarity/alternative/cumulative/combo indictments. On the other hand, Bapas needs to prepare a litmas template that allows conditional recommendations, so that when the diversion space is debated, litmas still provide educational non-detention handling options.

Third, resource and workload barriers. The large work area, the number of clients, and the dual role demands of mentoring-supervision demand systematic load management. The strategy that can be operationalized is the implementation of risk-based supervision: PK maps the child's client based on the level of risk of recurrence and the level of family support, then sets different intensities of guidance. High-risk cases require more frequent visits and coordination; Low-risk cases can use a hybrid model (periodic face-to-face + online). With this approach, resource limitations do not necessarily mean a decrease in quality, as the intensity is adjusted to the needs.

Fourth, technological obstacles and compliance are mandatory to report online. This script shows that not all clients have devices, quotas, or signals. A realistic strategy is not to impose digitalization, but to implement a multi-channel scheme: mandatory online reporting for those who can afford it, and face-to-face/telephone schemes for those who can't. Local governments can be involved to support internet access at service points (e.g. service corners in villages) or facilitate CSR cooperation for simple devices. This step is important because post-diversion monitoring is a key element of recurrence prevention; When monitoring fails, diversion loses substance.

Fifth, obstacles to restorative substance: the position of the victim, the inequality of power relations, and the risk of revitalization. Diversion is often considered a quick fix, but in certain cases (especially those involving serious violence or power relations) diversion forums

can be a pressure space for victims. The strategy is to implement victim screening and risk assessment before deliberation, ensure that victims are accompanied, and use trained facilitators so that the process does not force the victim. In addition, the agreement needs to contain elements of victim recovery in a real way, not just an apology. The literature on child justice emphasizes the importance of respecting the victim's perspective and ensuring safety and meaningful participation, so that restorative justice does not turn into "unequal negotiations".

In the context of empirical research, strengthening strategies can also be directed through the use of expert interviews as a policy evaluation mechanism. The elite interview toolkit in the legal field emphasizes the importance of establishing access, understanding the institution's protocols, and maintaining ethics/confidentiality as informants are often in sensitive positions (Gupta & Harvey, 2022). In addition, recent studies on power dynamics in elite interviews remind researchers to prepare strategies to deal with defensive responses or "formal answers" that often arise from the apparatus, for example with concrete case-based probing techniques (Niu, 2024).

If these strategies are formulated as a strengthening agenda in Palembang, then policy priorities can be compiled in three packages. The first package is a procedural package (cross-agency SOPs, litmas timeline, diversion forum standards). The second package is a quality package (litmas standardization, restorative deliberation facilitation training, and victim empowerment). The third package is the sustainability package (risk-based supervision, multi-channel mandatory reporting, and social service integration). These three packages are interrelated: without procedures, quality is difficult to maintain; without quality, the procedural becomes ritual; Without sustainability, success is only administrative. In conclusion, the obstacles to the implementation of diversion in Bapas Class I Palembang are not an excuse to weaken diversion, but rather an argument to strengthen it systemically. Quality diversion requires institutions that are able to manage cases, assess risks, safeguard victims' rights, and ensure follow-up. When these prerequisites are met, diversion can serve as an effective instrument of child protection and social recovery, while reducing the system's dependence on child incarceration.

In addition to micro-strategies at the case level, strengthening diversion also requires meso-macro strategies: data strengthening, monitoring, and policy accountability. KPAI itself emphasizes the importance of integrating supervision and complaint data so that child protection is more effective and user-friendly (Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2024). At the Palembang level, Bapas can initiate a simple but consistent recording system: the type of case, the point of success/failure of the diversion, the reason for failure, the services accessed, and the follow-up compliance.

Finally, strengthening strategies should safeguard the ethics and principles of child protection: confidentiality, informed consent, and the safety of child victims in the restorative process. This is where victim-sensitive facilitation training, as well as the use of elite/expert interview guides in the legal field, help researchers and practitioners read power dynamics and avoid questions that are oppressive or cornering (Gupta & Harvey, 2022). With a strong ethical framework, diversion can be a safe recovery space, not a negotiation space that endangers victims or stigmatizes children.

CONCLUSION

The implementation of diversion for Children Facing the Law (ABH) in Bapas Class I Palembang is highly determined by the quality of the process from the initial stage of handling. When the initial stages are child-friendly (e.g., inadequate mentoring), the space for restorative dialogue shrinks, the level of trust of the parties drops, and diversion risks turning into a formalistic procedure. In this framework, Bapas and Community Counselors (PK) act as "nodes" that connect the needs of child protection with the needs of the justice system through social assessment, mentoring, guidance, and supervision so that diversion should be understood as a series of processes from assessment to monitoring results, not just deliberative meetings and administrative agreements. Second, the quality of litmas and PK recommendations are the main differentiating factors between substantive diversion and administrative diversion. A robust litmas allows PKs to develop realistic recommendation scenarios (full diversion, conditional diversion with strict supervision, or non-diversion options with specific non-detention measures), while ensuring the victim dimension is present through meaningful participation and prevention of revitalization. In this study, the impact of litmas is formulated into three strategic functions: diagnostic (mapping the root of the problem/risk), prescriptive (designing measurable diversion actions and designs), and accountability (the basis of monitoring–evaluation and accountability of decisions). Third, the main obstacles to the implementation of diversion in Bapas Class I Palembang are grouped into three nodes: coordination across institutions, consistency of interpretation of norms, and post-agreement monitoring. Therefore, the most relevant direction of strengthening is to build a clear cross-agency workflow (e.g. *case conferences* on children's cases), improve the standardization of litmas (risk-need indicators and measurable follow-up plans), and strengthen post-diversion monitoring mechanisms (compliance indicators, evaluation schedules, and family–school–community reintegration support). This strengthening framework is also aligned with the research design that places institutional practices (litmas, PK recommendations, mentoring, guidance/supervision) as the main focus through qualitative socio-legal approaches and in-depth interviews with key actors.

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