



## Community Participation in Community Diversion Program

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### Abstract

Community Members had been participated in CDP as participant of family group discussion, guidance, supervision and empowerment of offender family. This research had purposes to know how important Community Members (Community Leaders, Religious Leaders, and Teacher) had been participated in Community Diversion Program (CDP) as effective solution to solve Juvenile Delinquency and how its community participation model on running CDP. The method used in this research is qualitative method and socio legal approach. In this research can be concluded that Community Members had important roles in CDP as partner of Parole Officer and other Law Enforcement Apparatus to held Community Based Corrections (CBC), is all about activities which referred to therapy program, supports, and supervision for offender. Partnership Model is community participation model which took high level of community participation in development program, such as CDP. So Community Diversion Program could be alternative solution to increase effectiveness of law enforcement in Juvenile Justice System in Indonesia, those effectiveness are decreasing number of recidivism and law enforcement resulted justice, utility and certainty

**Keyword:** Child Crime, Diversion, Community Diversion Program

## INTRODUCTION

Coaching inside the prison is one of the most popular forms of criminal sanction in Indonesian society. Through the imprisonment, criminals are expected to be aware of the consequences of their actions and not to repeat the action. People have a perception that imprisoning criminals is the best solution in solving criminal cases. Such public perceptions apply to all members of the community who commit crimes without questioning the age, adult and child issues when committing a criminal offense must be processed in formal law and most end up in jail.

Data from the Directorate General of Corrections of the Ministry of Justice and Human Rights of the Republic of Indonesia in September 2017 indicate that the

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condition of concern, as many as 27 Regional Offices of the Ministry of Justice and Human Rights from the total of 32 Regional Offices is a province with prison conditions/ prison over capacity. Another surprising data is the high occupancy of children in prisons / detention scattered throughout the country. The number of boy prisoners are 2,463, girl prisoners are 56, male prisoners 965 and 22 female prisoners. So as many as 3,506 children live in prisons / detention, while the number of Special Penitentiary Children (LPKA) only 33 Units and it has just been inaugurated around April 2017 (Ditjenpas, 2017). This data show that many children are jailed in one same institution with adults, meaning that there are still many Indonesian children who suffered the negative impact of imprisonment.

According to M. Nasir Djamil (2015), some bad effects of imprisonment for children include stigmatization/labeling of perpetrators of crime/prisoners and imprisonment of children with adults, placing children in situations prone to being victims of violence. In addition to other adverse effects is to give the kid a chance to learn the criminals of adult inmates, who can inspire them to commit other criminal acts.

The wrong perception of the society about the imprisonment because the public has not fully understood the importance of Child protection as an asset of human resources of the Indonesian nation that will inherit civilization. Legal protection for children is guaranteed in the constitution, namely Article 28 paragraph (2) that "*Every child has the right to survival, growth and development, and protection from violence and discrimination.*" This legal protection includes protection to children committing criminal acts.

Such an understanding of society because the Indonesian people's paradigm about child criminal justice is being transformed from a retributive paradigm to a restorative paradigm. This paradigm shift due to changes in the law governing the community, the settlement of children's cases in Indonesia was originally resolved through Act No. 3 Year 1997 on the juvenile justice into Act No. 11 Year 2012 on the Criminal Justice System of Children. The law as a written rule can affect the behavior of the people it governs because the nature of the law is binding and has sanctions.

Paradigm model of settlement of cases in Children Act No. 3 of 1997 on Juvenile Court is the same as settlement of adult cases, with retributive justice model, namely punishment as the primary choice or retaliation for criminal acts that have been done. This model is not in accordance with the principle of child protection as established by the Constitution as explained by Djamil (2015), namely:

1. Characteristics of children in Law Number 23 Year 2002 mentions "..... to grow and develop optimally, both physical, mental and social, and morals
2. ....", so children are individuals who still have to grow and develop in all aspects so that the child has not been able to determine the deed correctly.
3. The future of the child, as previously mentioned the adverse effects of imprisonment, namely the emergence of stigmatization / labeling after punishment, making it difficult for the child's psychic and social development in the future.
4. Recovering the relationship between children facing the law, victims and society.

Today, the punishment system is seriously regulating the protection of criminal law against children who, if the child as a perpetrator of a criminal act, the imposition of a crime against him certainly can not be equated with adults as perpetrators of crime (Sambas, 2010). Efforts to protect the child are seen in the enactment of Law No. 11 of 2012 on the Criminal Justice System of Children enforced starting on July 31, 2014. The Criminal Justice System of Children is the whole process of settlement of cases Children who are faced with the law, from the stage of investigation to the guidance stage after undergoing criminal (Article 1 paragraph 1).

Criminalization is no longer merely based on retaliatory thinking to the

perpetrators of crime or prevention in order to protect the community but has expanded to an integrated criminal system that unites various law enforcement joints in implementing the system in accordance with the aspired. The responsibility of the criminal system must be initiated since the prevention of the commission of the crime, the commission of crime by the perpetrators of crime, and other stages to the reintegration of the perpetrator of the crime as a whole human being in society and the strength of its law enforcement role (Soepono, 2010).

According to R. Wiyono (2016) in the general explanation of Law No. 11 of 2012 stated that the most fundamental substance in UUSPPA is the strict regulation of restorative and diversified justice. This is intended to avoid and keep children away from the formal justice process, as well as the negative effects of imprisonment so as to prevent stigmatization of children facing the law and hopefully the child can return to the social environment fairly. UUSPPA is a positive law that mandates law enforcers to enforce law through new means of restorative justice, or restorative justice in the settlement of cases of children. The Criminal Justice System of the Child shall prioritize the approach of Restorative Justice (UUSPPA Article 5 paragraph 1). Tony F. Marshal defines restorative justice as a process whereby all stakeholders in a particular breach meet together to resolve jointly how to resolve the consequences of the offense for the sake of the future. Restorative justice is the attachment of criminal justice to its social context which emphasizes rather than isolating it in private (Marshal in Marlina, 2010). UUSPPA Article 1, paragraph 6: *Restorative Justice is the settlement of criminal cases involving perpetrators, victims, families of perpetrators/victims, and other concerned parties to jointly seek a fair settlement by emphasizing restoration back to the original state, rather than retaliation.*

The concept of restorative justice is implemented concretely in the settlement of children's cases through the organization of diversion. The United Nations Standard 6 The Rules for the Administration of Juvenile Justice (6/11) contained statements concerning the diversion as a process of delegating children in conflict with the law of the criminal justice system to informal processes such as returning to social institutions of either government or non- governmental organizations. The diversity in UUSPPA is defined in Article 1, paragraph 7. UUSPPA Article 1 paragraph 7 "*Diversity is the transfer of the settlement of a Child case from a criminal justice process to proceedings outside the criminal justice.*"

Although the concept of diversion is quite new in Indonesia, because the concept of new diversion adopted in the positive law of Indonesia through UUSPPA 11 Year 2012. But actually the diversion that is in the deliberation as a way of settling the case of Children, is the culture of the nation. Deliberations have been institutionalized in Indonesian society, this is because the character of Indonesian society is communal (group). Deliberation is used to solve problems together, find the best solution for the common good and produce consensus agreements that must be obeyed by every member of society. If the agreement is violated will result in sanctions in the form of social sanctions or legal sanctions (customary law, religious law, etc.). The form of musyawarah in various regions, among others, in Java, especially Central Java is known as rembug dheso, in Minangkabau known as Kerapatan Nagari, in Bali known as Paras Paros Sarpanaya. Therefore it is not surprising that in the implementation of diversions and the implementation of diversion agreements as contained in the UUSPPA involves many communities. Even in a country like America whose society is famous for the character of an individualist society, they have a community-based diversion concept. Marlina suggests diversion in the United States is also called a neighborhood program. This program is designed to consider children at high risk of being in the criminal justice system. This policy is designed based on the tradition of community service. This

program is aimed at reducing deliberation by providing counseling / mentoring activities, health measures, work opportunities, recreation, and academic and social activities in certain models that are good for the Child (Marlina, 2010).

The implementation of the above diversion program is known as the Community Diversity Program (Community Development Program, 2017). The community can participate in assisting Children who are in conflict with the law to settle their cases, so that they are accepted as members of the community. Based on the above description it is important for the authors to examine "Roles of Communities in the Diversion Community Program". The problems in this research are why is the Community Diversity Program (CDP) / community-based diversion program important as a way of solving child criminal cases against the law? And what is the model of community participation in the Community Diversion Program (CDP) so that the settlement of child crime cases can be effective?

## RESEARCH METHOD

The author performs the type of qualitative research using the method of socio-legal approach. The socio-legal approach is an interdisciplinary approach aimed at combining all aspects of the disciplinary, social and legal science perspective, into a single approach (Banakar & Travers, 2005). Because of such an approach, the socio-legal objective is to fully combine the knowledge, skills, and forms of research experience of two (or several) disciplines in an attempt to overcome some theoretical and methodological limitations of the discipline concerned and create the foundation for developing a new form of analysis.

This research uses primary data and secondary data. This primary data was obtained from field research, communicating directly with informants residing in the study site (Amirudin & Asikin, 2004). The informant of this research is Class B First Class Social Supervisor, religious leaders, community leaders and client families. Primary data were obtained by interviewing informants using Snowball sampling technique. Secondary data is data obtained by library research to obtain theoretical basis in the form of opinions, writings of experts or other parties authorized and also to obtain information both in the form of formal provisions and data through official manuscripts that exist. The data that have been obtained are analyzed qualitatively, from the results of this qualitative analysis will be able to know the perception of the informants to the instruments in each variable. Miles and Huberman (1984), argued that activities in the analysis of qualitative data conducted interactively and lasted continuously until thoroughly, so that the data is saturated. Data saturation sizes are indicated by no new data or information being retrieved. Activities in the analysis include data reduction, data presentation and Conclusion drawing / verification (Idrus, 2009).

## FINDING AND DISCUSSION

### Community Based Diversity

The main determinant in juvenile delinquency is criminal law, in this connection the limitation of Anglo Saxon jurists, as explained by Simanjuntak (1984) that:

1. Juvenile Delinquency means deeds and behaviors that constitute the act of rape against criminal law norms and violations against decency committed by adolescent children.
2. Juvenile Delinquency is offenders consisting of "children" (aged under 21 years = puberty, which includes juvenile court jurisdiction).

In international law, a child in conflict with the law is a person under the age of 18 who is faced with a criminal justice system because the person is suspected or accused of a crime (UNICEF, 2006). Formally juridical juvenile delinquency in Indonesia has obtained the standard guidelines regulated in Law No. 11 Year 2012 on the Criminal Justice System of Children (UUSPPA). Under UUSPPA Article 1, paragraph 2, a child who is dealing with the law is a child in conflict with the law, a child who is a victim of a criminal offense, and a child who witnesses a criminal offense.

1. Children who are in conflict with the law hereinafter called Children are Children who are 12 (twelve) years old, but not yet 18 (eighteen) years of age alleged to have committed a crime (UUSPPA Article 1, paragraph 3).
2. Children who become victims of crime hereinafter called Child Victims are Children who are not yet 18 (eighteen) years old who suffer physical, mental and or economic loss caused by crime (UUSPPA Article 1, paragraph 4).
3. A child witnessing a criminal offense hereinafter called Witness is a child who is not yet 18 (eighteen) years old who may provide information for the purpose of investigation, prosecution and examination in a court hearing of a criminal case heard, viewed and / or dialaminya itself (UUSPPA Article 1 paragraph 5).

The child's transcendence with the criminal justice system becomes the starting point of the child against the law. The term criminal justice system describes a legal process applied to a person committing a crime or violating the suitability of a criminal law. Thus the term of the criminal justice system is used to describe the criminal justice system constructed in children (Inter-Parliamentary Union & UNICEF, 2006). The Child Criminal Justice System in Indonesia is obliged to solve the case of children with restorative justice approach.

The concept of restorative justice is the process of settlement of legal violations that occurred carried out by bringing the victim and the perpetrator of the law (suspect) together sitting in a meeting to talk together. In the meeting the mediator gives a clear picture of the actions he has done (Marlina, 2012). The concept of restorative justice is implemented concretely in the settlement of children's cases through the organization of diversion.

Diversi is the transfer of the settlement of a Child case from a criminal justice process to a process outside of criminal justice. Diversies are conducted on the grounds of giving an opportunity for lawbreakers to be good people back through non-formal channels involving community resources (Marlina, 2010). The Diversity process is conducted through deliberations involving the child and parents / survivors, victims and / or their parents / parents, social counselors and professional social workers based on the approach of restorative justice. According to Peter there are three types of programming diversion as explained by Kratcoski (2004), namely:

1. Implementation of social control orientation, ie law enforcement officers submit the perpetrators in the responsibility of supervision or observation of the community, with the adherence to the approval or warning given. The perpetrator accepts responsibility for his or her actions and is not expected to have a second chance for the perpetrator by the community.
2. Social services by the public against the perpetrator (social service orientation), which performs the functions to supervise, interfere, improve and provide services to the perpetrator and his family. Communities can interfere with the perpetrator's family to provide repair or service.
3. Towards a balanced or restorative justice process, which protects the community, allows the perpetrators to be directly responsible to the victims and the community and make a collective agreement between the victim and the community.

Implementation of all parties involved are brought together to reach agreement of action on the perpetrator.

Although the implementation of diversion is one of the state's protective measures, not all cases of Child crime can be settled through a diversion. There is a special requirement that a child case can be resolved through a diversion process under article 3 of UUSPPA.

Article 3 UUSPPA

1. Every Investigator, Public Prosecutor, and Judge in Checking Children must strive for Diversity.
2. Diversion as referred to in paragraph (1) shall be implemented in the case of criminal acts committed:
  - threatened with imprisonment under 7 (seven) years; and
  - is not a repeat of a crime.

Law enforcement officers shall endeavor to settle Child crime through diversion at each stage of the criminal justice system at the level of investigation, prosecution and examination in a district court, in accordance with UUSPPA Article 7 paragraph 1. Diversity is transformed into a social institution used to find the best solution for all parties, both for the conflict and for the community. Diversity becomes the spirit of restoration justice in the Criminal Justice System of Children, whereas colloquy becomes the driving force of Diversi implementation. In the process of diversion there is an interaction between the conflicting party, the social counselor, the social worker, and the community. They deliberated formulate an agreement called the Diversi Agreement, set by the local district court to have legal certainty as well as binding on all parties involved.

UUSPPA Article 8

1. Diversion is organized through consultation with the involvement of the Child and its parents/guardian, victim and/or parent/guardian, Social Guidance, Professional Social Worker based on restorative approach.
2. If necessary, the deliberations referred to in paragraph (1) may involve Social Welfare Workers, and / or the community.

There are two types of settlement model according to UUSPPA whose implementation is regulated in Government Regulation Number 65 Year 2015 namely:

*a. Diversi without the consent of the victim*

Government Regulation Number 65 Year 2015 Article 7 paragraph (1), that Diversion agreements may be made without the consent of the victim and / or the victim's family, if:

- a criminal offense in the form of an offense;
- minor crimes;
- a criminal offense without a victim; or
- the value of the victim's loss is not more than the minimum wage of the province.

Diversion Agreement to settle the crime without the consent of the victim and /or the victim's family as referred to in Government Regulation Number 65 Year 2015 Article 7 Paragraph (1) may be conducted by the Investigator with the Child and/or his/her family, and the Community Guidance. In this diversion model the people involved in the preparation of the diversion agreement are community leaders from the child's home environment.

*b. Diversion with the consent of the victim*

The deliberations of this model diversity involve Investigators, Children and/or parents/survivors, victims or child victims and/or parents/survivors, social counselors, and professional social workers. If desired the diversion process can involve a community of religious leaders, teachers, community leaders, counselors or



lawyers/advocates, and members of non-governmental organization.

After the parties have finished deliberating to produce an agreement called a diversion agreement approved by the District Court. The diversion agreement has a permanent legal force and binds all parties involved in the drafting. Forms of diversified agreements as set forth in Article 10, paragraph 2 and Article 11, among others:

1. a loss of return in the event of a victim;
2. peace with or without compensation;
3. medical and psychosocial rehabilitation;
4. handover back to parent / Guardian;
5. participation in education or training in educational institutions or LPKS
6. community service

The implementation of diversion as the effort to solve the Children's case involving the community is called Community Diversion Program (CDP) / Community-based Diversity. CDP is one form of Community Based Corrections is a general term used refers to non- institutional development programs against violators of law. According to Belinda Rodgers McCarthy and Bernard J McCarthy Community Based Corrections is an activity that refers to various types of therapy programs, support, and supervision for violators of the law (Rivai, 2014).

The discussion of Community Based Corrections (CBC) is always related to the Penitentiary System, because CBC is an activity of the penal system (guidance of convicts / offenders). The development of guidance on prisoners is closely related to the purpose of crime. The guidance of prisoners who are now carried out initially departs from the fact that the purpose of criminal punishment is no longer in line with the development of values and the growing nature of society (Harsono, 1995). The purpose of treatment of prisoners in Indonesia began in 1964 after Sahardjo mentioned in prison conferences, so those with inmates' status were no longer deterred but fostered to be re-popularized (Soedjono, 1976).

Based on the objectives of the Penal System which can be found in Articles 2 and 3 of Act No.12 of 1995 on socialization, the CBC has the same objective with the aim of the penitentiary system in order to establish the violators of the law in order to become a whole person, to realize mistakes, improve themselves and not repeat the crime so that it can be accepted back by the community, can actively play a role in development, and can live fairly as a good and responsible citizen.

Article 2:

The correctional system is organized in order to establish prisoners to be fully human, to realize mistakes, to improve themselves and not to repeat criminal acts so that they can be re-accepted by the community, can actively play a role in development, and can live fairly as a good and responsible citizen.

Article 3:

Penitentiary system serves to prepare prisoners in order to be able to integrate healthy with the community, so that it can play an active role as a member of a free and responsible society.

Community Diversity Program (CDP) / Community-Based Diversity Program provides community space in collaboration with Community Guides and other law enforcement officers to organize Community Based Corrections (CBC), or take the Community's term "socializing" legal violators including Children in conflict with law.

Children are part of the community, they live and actualize daily in society, therefore the community is the "Best Teacher" for Children in conflict with the law. According to Andi a penitentiary, by providing the widest possible space to the community in the development of law offenders is expected that violators of law can internalize the values and norms that apply in the community directly (Rivai, 2014).

According to Russel (1998) the public has a strategic role in the diversion process in Nebraska. The diversion program is provided to children either through formal justice or through the formal justice system. Diversion programs involve parents / guardians, teachers, and law enforcement officers. The diversion program provides an opportunity for the Child to have a good relationship with the family and the environment. Through intensive communication between the child and the people around him, is expected to help children solve legal problems. The diversion program can prevent the occurrence of repetition of crime through the reduction of stigmatization of Children related to the formal justice process, facilitate the process of social reintegration, and the achievement of the criminal justice system (Russell, Wood & Domeier, 1998).

Based on the above description The community has a strategic role in the Diversion Program as a partner of the Community Guidance and other law enforcement agencies to organize Community Based Corrections (CBC), so that the settlement of child criminal cases can run effectively. R.M. Jackson declares, that a criminal is effective if the offender is not convicted again in a certain period. Furthermore, it is affirmed that effectiveness is a measurement of the ratio between the number of violators who are convicted and who are not punished again (Serikat Purta Jaya, 2018). The concept of Community Based Diversity Program is one of the alternatives to improve the effectiveness of counseling Children in conflict with the law so that the number of children who do repetition of crime / recidivist will decrease further.

### **Community Participation Model in Diversity Process**

The community can participate in the settlement of child criminal cases. Community involvement is regulated in UUSPPA and PP No. 65 of 2015. Many experts give understanding to the concept of participation. When viewed from the origin he said, said participation derived from the English word "*participation*" which means taking part, participation (Partan & Al-Barry, 2006). Slamet (1994) explained that participation means the active participation of an individual or group of people from the process of formulating needs, planning, to the implementation stage of the activity either through the mind or directly in physical form. According to Sherry R Arnstein's statement quoted by Sigit, it divides the level of community participation on development programs implemented by the government in 8 levels of community participation based on the powers granted to the community (Wijaksono, 2013). The level of participation from highest to lowest is as follows:

- a. Citizen Control: communities can participate in and control all decision-making processes. At this level the community has the power to organize programs or institutions that are related to its interests. The public has the authority and can negotiate with outside parties who want to make changes. This community-wide effort is directly related to the source of funds to get help without going through a third party.
- b. Delegated Power: at this stage the public is given the authority of the authorities to make decisions on a particular plan. To solve the problem, the government must negotiate with the community not with the pressure from above, it is possible for the community to have a degree of control over the government's



- decision.
- c. Partnership: the community is entitled to negotiate with the decision maker or the government, by mutual agreement of power divided between the public and the government. To that end, an agreement is taken to divide the responsibilities in planning, decision control, policy formulation and problem solving faced.
  - d. Placation: the (government) holder needs to appoint a number of people from the affected sections of society to become members of a public body, where they have particular access to the decision-making process. Although the implementation of community proposals still be considered, because the position is relatively low and the number is less than members of the government is not able to take decisions.
  - e. Consultation: the public is not only informed but also invited to share opinions, although there is no guarantee that the opinions expressed will be considered in decision making. Frequently used methods are surveys of the public's mindset or community meeting and public hearings or public hearings.
  - f. Informing: the holder of power only provides information to the community related to the proposed activities. Society is not empowered to influence results. Information can be in the form of rights, responsibilities and options, but there is no feedback or power to negotiate from the community. Information is provided at the final stages of planning and the community has little opportunity to influence the planned plan.
  - g. Therapy: the power holder gives the reason for the proposal by pretending to involve the community. Although involved in activities, the goal is more to change the mindset of the community than to get input from the community itself.
  - h. Manipulation: is the lowest level of participation, where society is only used by name only. Activities to manipulate information gain public support and promise better circumstances even though nothing will ever happen.

The community has a strategic role in the implementation of the diversion of child crime settlement cases. Diversion implementation is carried out through several stages of deliberative deliberation and implementation of a diversion agreement. At each stage people have different roles.

### a. The Role of Society in Deliberation Diversion

UUSPPA mandates to the public to take an active role in child protection activities. One such role is contained in UUSPPA Article 93 letter d that is, the community can "*participate in the settlement of the Child's case through the Diversion and Restorative Justice approach*". The public shall provide support for the implementation of diversion in settling cases of children in conflict with the law. This is in accordance with Article 8 paragraph (2) and Article 9 paragraph (1) letter (d) UUSPPA.

#### Article 8 paragraph 2

In case of need, the deliberations referred to in paragraph (1) may involve Social Welfare Workers, and / or the community.

Article 9 paragraph 1 letter d Investigators, Public Prosecutors, and Judges in Diversion should consider:

- a. categories of criminal offenses;
- b. age of the Child;
- c. results of community research from Breath;

- d. support the family and community environment.

Participant deliberative deliberations are Children of Perpetrators, Victims, Families of Families, Families of Victims, Community Leaders where Children live, Teachers and Non-Governmental Organizations, law enforcement officers, Social Advisors and Social Workers. At this stage, community members act as deliberative deliberative participants, community leaders such as Village Heads, RT Leaders or RW Leaders as well as Teachers can give their views on Children's behavior in daily life, and can provide information about the environmental conditions surrounding the child's residence. This information is important as a consideration for formulating a diversion deal. Like a child with a broken home background and lacking the attention of a parent or guardian, a diversion agreement can be established. The child is required to stay at a Social Home within a certain time.

Similarly vice versa Children with a complete family background and can support Children to return to the right path then the diversion agreement set Children stay with parents. Furthermore the information is also useful as a material consideration of the Victim to demand material and immaterial compensation to the Child.

In addition to community leaders and teachers, other members of the community are involved in diversionary deliberations, namely Non-Governmental Organizations (NGOs). The institution acts as the supervisor of child criminal law enforcement. They ensure that all components of the legal system both Structure, Substance and Legal Culture can be in synergy so that the effectiveness of law enforcement can be achieved, namely the realization of justice, certainty and expediency.

## **b. Community Role in Implementation of Diversion Cultivation**

Community members who play a role in Implementation of Diversi Agreement are family, community leaders and school teachers. Community leaders consisting of religious leaders, RT heads, heads of RW or teachers have a role as mentor, mentor, supervisor and family empowerment. Community leaders can be mentors or mentors or teachers when children perform community services in mosques or churches or in community organizations such as Karang Taruna (youth organization), etc. They can create a program of public service activities with a planned and supervise the implementation of these activities. Program activities such as Children are asked to echo the call to prayer before praying in congregation in the mosque where the child resides in a certain period.

Besides as a mentor, companion and supervisors community leaders can also make family empowerment. The Chairman of the RT and the RW Chairman raises their awareness as members of the community to provide input to the family to support the Child during the process of internalizing the living norms in the community so that the child can return to the correct course and be re-admitted as a full member of the community. The way that can be done by community leaders that awaken the family about the main function of the family, as explained by [Khairudin \(2002\)](#) that are:

- 1) Biological Functions

This function is the basis of people's survival.

- 2) Affection Function

In the family there is a social relationship filled with affection and affection. The relationship of affection grows as a result of the love affair becomes the basis of marriage. From this loving affection then came the relationship of brotherhood, friendship, habit, identification, equality of views about values. The basis of love and

affection relations is an important factor for the child's personal development. In a society that is increasingly impersonal, secular and alien, the person desperately needs an affectionary relationship like the one in the family. The atmosphere of affection as found in the family is not found in other social institutions.

3) Socialization function

This socialization function refers to the role of the family in shaping the personality of the child, through the social interaction within the family that the child learns patterns of behavior, attitudes, beliefs, ideals and values in the community in the framework of the development of his personality.

Other members of the community who can participate in the stage of running the diversion agreement are the school / teachers of the Child. The teacher or homeroom has the same role as the community leader in the home where the child lives. Teachers can act as mentors, mentors, supervisors and empower families as long as the Child runs a diversion deal. According to Kenney in Pramukti that schools as educational institutions need to pay attention to the following matters as described by [Pramukti, et.al \(2015\)](#):

- 1) Schools should plan an appropriate school program or meet the needs of all children producing sound development and development of the soul.
- 2) Schools should pay attention to children who show bad signs and then take steps as necessary to prevent and correct them.
- 3) Schools should work with parents and other leaders to help get rid of and avoid any factors around them that cause misbehavior to them.

Based on the above description it appears that the community has an important role in the child criminal justice system that is participating in every stage of the process of diversion. At the community deliberation stage, the community plays the role of deliberative participants, as well as the supervisor of child criminal law enforcement. At the stage of implementation of the community diversion agreement acts as a mentor, mentor, supervisor and empower the family of the Child. Communities participate in the diversion process as a partner of the law enforcement apparatus. At times of diversion, law enforcement officers, counselors of society facilitate, mediate and assist the community to solve the Child's case in its own way. According to Sherry R Arnstein this level of community participation is referred to as Partnership level, ie the community is entitled to negotiate with law enforcement or government officials, by mutual agreement dividing the tasks and responsibilities in planning, decision control, policy formulation and problem solving.

## CONCLUSION

Communities (religious leaders, community leaders, and teachers) have an important role in the Community Diversion Program (CDP) as partners of the Community Counselor and other law enforcement agencies to organize Community Based Corrections (CBC), so that the settlement of child criminal cases can work effectively. R.M. Jackson declares, that a criminal is effective if the offender is not convicted again in a certain period. Furthermore, it is affirmed that effectiveness is a measurement of the ratio between the number of violators who are convicted and who are not punished again. The concept of Community Based Diversity Program is one of the alternatives to improve the effectiveness of counseling children in conflict with the law so that the number of children who do repetition of criminal acts will decrease further.

The community participates in the Diversion Program as participants of the Deliberation, Supervisory, Supervisory and Family Empowerment children. According to

Sherry R Arnstein this model of community participation is referred to as the Partnership model, ie the community is entitled to negotiate with law enforcement or government officials, by mutual agreement dividing the tasks and responsibilities in planning, decision control, policy formulation and problem solving. The partnership model is a type of community participation model in government programs with high levels of participation.

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