

Restorative Diversion of Children in Conflict with the Law in Yogyakarta: An Analysis of Democracy, Trust, Citizenship

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Abstrak

Indonesia telah menerbitkan diversifikasi sebagai opsi hukum restoratif bagi anak yang berhadapan dengan hukum. Sayangnya dalam praktiknya masih menemui tantangan dalam legitimasi dari masyarakat serta operasionalitas. Pada Mei 2023, Balai Perlindungan Rehabilitasi Sosial (BPRSR) Dinas Sosial D.I. Yogyakarta melakukan rehabilitasi sosial pada 83 anak yang berhadapan dengan hukum. Isu ini penting untuk diteliti utamanya dengan disandingkan dengan kajian demokrasi, kepercayaan, dan kewarganegaraan, karena diversifikasi praktiknya mensyaratkan adanya partisipasi. Penelitian ini berjenis kualitatif dengan *key informan interview* pada institusi Kementerian Sosial RI, Kementerian Hukum dan HAM RI, Dinas Sosial D.I. Yogyakarta, Dinas Pemberdayaan Perempuan Perlindungan Anak dan Pengendalian Penduduk DI Yogyakarta, BPRSR Dinas Sosial DI Yogyakarta, dan anak yang berhadapan dengan hukum. Hasil diperoleh bahwa selama tahun 2022 di DI Yogyakarta, 47 anak mendapatkan diversifikasi, 4 gagal, 256 tidak memenuhi kriteria, dan 99 anak mendapatkan putusan pidana. Optimalisasi perlu dilakukan melalui peningkatan kapasitas serta kepercayaan dari masyarakat.

Kata kunci: Anak Yang Berhadapan Dengan Hukum, Diversifikasi Restoratif, Demokrasi, Kepercayaan, Kewarganegaraan

Abstract

Indonesia has established restorative justice through a diversion policy scheme for child importance, but has yet to be fully implemented due to a lack of legitimacy from the community and a lack of operational resources. In May 2023, there were just 83 children in conflict with the law in Yogyakarta who received social rehabilitation at Youth Social Protection and Rehabilitation Center (BPRSR) Provincial Social DI Yogyakarta. Therefore, researchers feel that research on this issue is essential because of its significant impact. This research used the perspective of democracy, trust, and citizenship to accommodate participatory values and obligations in restorative practices. Qualitative methods using critical informant interview data were used in this research. There are informant institution such as: Ministry of Social Affairs of the Republic of Indonesia; Ministry of Law and Human Rights of the Republic of Indonesia; Provincial Social Service D.I. Yogyakarta; Women's Empowerment Service, Child Protection and Population Control, Province, D.I. Yogyakarta; Provincial Youth Social Protection and Rehabilitation Center D.I. Yogyakarta; and Children in Conflict with the Law. The results are the are 47 success, 4 failed, 256 non eligible, and 99 come to penal justice. The number of penal justice (juvenile justice) cases is higher than the success of diversion that has been attempted. Besides restorative justice and restorative policies can accommodate democratic practices. However, for their implementation to be more optimal, there needs to be an increase in trust and civic awareness.

Keyword: *Children in Conflict with the Law; Restorative Diversion; Democracy; Trust; Citizenshi*



INTRODUCTION

Children in conflict with the law are people aged 12-18 years and are undergoing legal proceedings due to the crimes they have committed. Their crimes were a form of error in assisting their growth and development. The natural condition of children still requires active support from older people, especially family. They are not yet able to identify their rights and needs and need modeling from other people. As a result, children who conflict with the law cannot fully understand the legal process they are undergoing. Hence, they are unable to protect themselves from violations of their rights. Therefore, support is needed through legal assistance and other assistance related to increasing access to justice and being child-friendly (A'Court & Arthur, 2020).

Prison, as a decision generally applied to those who commit crimes, has a series of challenges if children are educated there. Many legal and prison systems still need to meet their goal of being child-friendly. Implementing the right to education, personal development, and medical care is challenging due to limited institutional structures, human resources, and funding capacity (UNICEF, 2006). Therefore, internationally, fostering through juvenile detention is placed as the final option for judicial decisions.

The diversion policy is a long-standing policy raised as a judicial option for children who conflict with the law. Diversion is an attempt to resolve child crime cases outside of court. Diversion is said to be able to protect children from legal processes that repress their self-development and avoid stigmatization as a result of being sent to prison. Children

who conflict with the law will be directed to receive rehabilitation, psychosocial guidance, and other social services so that the focus is on building the character of children in conflict with the law to be better, not just as a punishment. Diversion must be conveyed with principles, consensus, and agreement on reintegration efforts to meet the needs of children (Lynch & Liefwaard, 2020).

The diversion system increases the potential for children in conflict with the law so that they do not have a permanent record so that they can participate fully and have ample opportunities to improve themselves in the future. In the diversion system, adhering to the values of restorative justice. Restorative justice is a form of participatory reconciliation between children in conflict with the law, child crime victims in conflict with the law, and law enforcers. This restorative justice is a form of collaboration in efforts to promote children's rights so that a cycle of child crimes does not occur that can repeat itself.

Restorative justice is a process where all parties with an interest in a particular violation come together to resolve collectively how to deal with the consequences of the violation and its implications for the future" (Marshall, 1999).

Through the value of restorative justice, the decision to foster children who conflict with the law in diversion or outside the justice system is not interpreted as injustice for the victim. Furthermore, victims have significant involvement through the deliberation process and bring about good changes for children in conflict with the law. This is one of the primary forms of democracy rooted in freedom. If the child who conflicts with the law is the recipient of



the resolution of the crime case, then the crime victim is the giver of the resolution. Both are free to propose a case resolution system that is as profitable as possible for both parties, but law enforcers will position themselves as intermediary actors.

Even though the diversion justice process has advantages, until now, public legitimacy is still lacking because the community interprets that this system is not fair enough to be implemented. Society believes that every crime must be punished as severely as a deterrent. The community here has a significant role in determining the implementation of this system. As citizens, they want to have the right to feel safe, including security from potential crimes that may occur.

This dilemma makes this issue interesting to study further. The risk of degradation of citizens' trust due to implementing a diversion system is possible if there is no multi-actor agreement in implementing this system. For this reason, this research will further discuss the analysis of democracy, trust, and citizenship in implementing the diversion system in Yogyakarta, Indonesia. The province of DI Yogyakarta was chosen as a research location related to the discourse on child delinquency, which continues to cause concern for residents, migrants, and tourists who come to Yogyakarta. Based on information from the Head of the Youth Social Protection and Rehabilitation Center (BPRSR) of the DI Yogyakarta Social Service, Subakir, in May 2023, there were 83 children in conflict with the law in Yogyakarta who received guidance at BPRSR as a Social Welfare Implementation Institution (LPKS). This number does not include children in

conflict with the law who are fostered at the Special Children's Development Institute (LPKA) Yogyakarta and returned to their families.

The incidence of crime in Indonesia by children in conflict with the law is relatively high when compared to other countries. However, this does not mean that there is no crime in other countries. The criteria for crime or delinquency in Indonesia are pretty complex because of the strong cultural values, customs, and justifications in the private sphere based on the first principle of Pancasila, the one and only God. Therefore, sometimes, what is permissible in other countries may in Indonesia violate the rules. One of them is drinking alcohol and free sex. In its solution, most countries, especially in the West, apply diversion penalties through community service practices. Some were then asked to work in nursing homes, some were asked to clean up the city, and some were asked to work voluntarily to help special government agencies. In these countries, the use of prisons for children is strictly avoided because it is considered not in the interests of children.

In the Philippines, based on the Philippine National Police Manual PNP-NSU-24-1-16 (WCPC), the process for children dealing with the law is almost the same as in Indonesia, namely through the police and efforts are made to obtain restorative justice and diversion. In the United Nations Doc. CRC/C/8/Add.4, paras.1,52,141-161 dated 26 November 1993, provides information that in Japan, children who conflict with the legal age range of less than 14 years will be returned to a reconstructive role in the family and society, while for children Under 20 years of age, the court and punishment



will not only be carried out on the child but also his family will be assessed whether they have neglected their responsibilities and functions in their family community or not. Thus, in other countries, the detention system is avoided and more directed towards universal, integrative rehabilitation.

It is hoped that this research will provide a new analysis of the diversion system so that it can be a consideration for future researchers, the community, and related stakeholders. This research is vital to carry out considering the need for system improvements and openness to change in juvenile justice in conflict with the law so that it can support the implementation of children's rights through constructive analysis of the implementation of democracy, trust, and citizenship. Different from other research, this research tries to take a 360-degree perspective. In discussing results, democracy, trust, and citizenship are theories that are used as analysis and closely related to the diversion process, which requires community participation and children's best interests. Research with analysis and perspective like this in DI Yogyakarta is rare, so researchers can claim that this research is distinctive in its novelty. Through micro studies on children in conflict with the law in Yogyakarta, it is hoped that they will be able to provide more practical and implementable displays and analysis through existing databases.

METHOD

This research uses a descriptive qualitative method. Through research using this method, description, and exploration of subjects are individuals or groups with specific criteria. Descriptive qualitative research records all the

processes a subject goes through and their perspective on a particular issue (Cresswell, 2013). In this case, the issue is the diversion policy for children who conflict with the law, especially in study locations in D.I. Province. Yogyakarta. Research using qualitative techniques is considered capable of representing research because this research takes an in-depth perspective from the subject actors, facilitators, and stakeholders. Qualitative research also allows information to develop because specific indicators do not limit it.

Data was collected through interviews with key informants consisting of Policy Analysts from the Directorate of Child Social Rehabilitation, Ministry of Social Affairs of the Republic of Indonesia; Corrections Coordinator of the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia; Functional Official for Social Counselor Sub Coordinator of Substance Group for Social Rehabilitation of Persons with Disabilities and Social Rehabilitation for Children Provincial Social Service D.I. Yogyakarta; Head of the Protection and Fulfillment of Children's Rights Section, Women's Empowerment Service, Child Protection and Population Control, Province, D.I. Yogyakarta; Head of the Provincial Youth Social Protection and Rehabilitation Center D.I. Yogyakarta; and Children in Conflict with the Law. This key informant was chosen because he is a stakeholder, facilitator and subject of regulations for the administration of juvenile criminal justice.

The research questions revolve around diversion practices, including successes and obstacles. Another question the researcher then included



was regarding the theme of change management and innovation. These two things are used to see how diversion occurs in the juvenile justice process in DI Yogyakarta.

After the data was collected, the Miles and Huberman (1994) process was used. Conclusions were then drawn to obtain answers to research questions, namely regarding the analysis of democracy, trust, and citizenship in the implementation of restorative justice and diversion policies for children in conflict with the law in D.I. Province. Yogyakarta.

RESULT AND DISCUSSION

Restorative Diversion

The restorative concept relates to three events, namely encounters that are inclusive and concentrate on rights; second, reparative for losses that arise; and third, transformation in forming a healthy relationship. Therefore, restorative justice is pursued by bringing together impacted parties with those who are considered to have encouraged or caused the loss (Shen, 2016). In the restorative process, the fundamental value is desired to achieve equal opportunities for perpetrators and victims. Restorative justice is more suitable for those who have self-transcendence, which focuses on efforts to deal with harm.

As a form of prevention effort, Marshall and Daly's purist model suggests that restorative justice is used to deal with the consequences of violations and their implications in the future. With children, children have different characteristics from adults, so the UNCRC states that children need special care, so they need proper legal

protection. Therefore, internationally, implementing law enforcement that is following children's best interests is also encouraged.

When conditions occur that expose the child to dealing with the law. Children have fundamental rights to do their best to get the opportunity for diversity. Through diversion, children can avoid the stigma of prison and provide opportunities to get total family care. Diversion is transferring the resolution of juvenile criminal cases from the criminal justice process to a process outside criminal justice. Unfortunately, in the implementation of diversion, until now, there is no standard guarantee as to how children who conflict with the law will receive legal sanctions or diversion and restorative decisions. In general, enormous crimes are usually included to obtain legal sanctions, but in practice, there is an inseparable role of power relations behind them (Farouk, 2023).

Even though there are many advantages to implementing diversion policies, to date in Indonesia, there is still a gap between overlapping regulations and a lack of legitimacy and facilitation, which means that the goals of diversion cannot be fully achieved. Therefore, the juvenile criminal option is still a way of resolving juvenile cases. Several problems that need to be corrected in the diversion process are related to monitoring children who receive diversion, institutional readiness, and minimizing conflicts of interest. When this diversion runs optimally, the risk of vulnerability for children in conflict with the law will decrease, increase community participation in human development efforts, and better maintain the fulfillment of children's fundamental



rights following what is mandated by global regulations, namely "creating the best interests of children."

Democracy, Trust, and Citizenship

Democracy is a form of government that respects, organizes, and facilitates the people to be free in making important decisions. Democracy is often identified with the practice of general elections. However, more than that, democracy is a form of inclusiveness in human rights as a form of respect for human dignity. Historically, the first democracy to emerge was direct democracy, which is a simple form of democracy that involves the entire community directly in determining political decisions (Barker, 1906). Another idea about democracy was also formed by Charles Tilly, who divided democracy into procedural, substantive, and process (Tilly, 2007). Procedural democracy occurs when there is an emphasis on the procedures for implementing democracy.

The pattern of democracy determines the success of the implementation of national government. This democratic pattern comes from "value patterns" and "practice patterns." Democracy emerged as an idea regarding popular sovereignty. Representing a democratic political identity brings a more tolerant system in terms of heterogeneous political development (He, 2022).

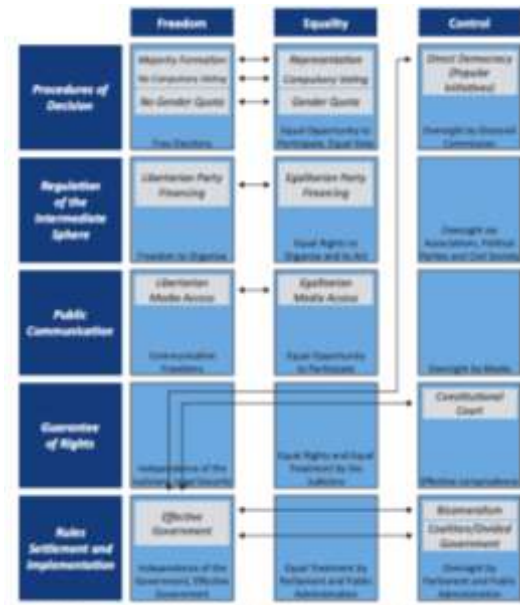


Figure 1. Democracy Matrix

Source: Lauth and Sclenkrich (2018)

Trust exists as a task in the relationship between epistemic authorities. As a form of relational system, trust has a reciprocal relationship related to the results of the behavior that is done. Trust is identified with a field such as social and political.

In a social trust system, this trust depends on humans or a group of humans. Trust guarantees transactions that occur and functions as glue and social cohesion. The sociologist Putnam (2000) describes trust as the moral foundation of ethics, primarily in checks and balances against the government. Meanwhile, Fukuyama (1996) provides the idea that through trust, transaction costs will be cheaper and improve the social economy of society. Trust positively correlates with subjective well-being (Xu et al., 2023).

While social trust is related to ordinary people, political trust is related to public institutions, the government, and the parliament of certain political



parties. Therefore, the existence of political trust identifies a high commitment from the government to implement democracy. Apart from democracy, realizing political trust also requires the fulfillment of political inclusiveness, security, primary education, and legal justice (Monsiváis-Carrillo, 2023). Political trust has two forms: political institutions and actors (Bird et al., 2023).

Citizenship is a form of identity inherent in individuals and groups usually associated biologically or geographically. Citizens here have various obligations that must be fulfilled to be called citizens. These obligations of a citizen are also called civic actions. After carrying out its obligations, the state is obliged to fulfill the rights of its citizens. Primarily, citizens must have their welfare taken care of by the state. The idea of citizenship is about legal status and the process of citizenship itself (Ambrosini & Artero, 2022).

In the concept of the state, citizenship is the highest condition for fulfilling democratic and egalitarian aspirations. Through citizenship, every individual participates in political membership and unimpeded access to the national territory of that citizenship. Legally, citizenship protects more inclusive treatment rights before the law (Tripkovic, 2023).

Social contract theory provides a term for active citizenship. Active citizenship requires the ability to participate in and improve the community. This improvement is carried out through community activities and other obligations apart from paying taxes, participating in disaster management, participating in decision-making activities such as general

elections, and maintaining order and security in the surrounding area (The Nordic Africa Institute, 2020).

D. I. Yogyakarta Diversion Data

Implementation of diversion in the Province of D.I. Yogyakarta refers to the Juvenile Criminal Justice System Law, which was later adopted in several derivative regulations. Before the law was formed, the first reference in implementing diversion was made through a regulatory framework in the form of a Joint Decree (SKB) concerning the Handling of Children in Conflict with the Law. This decision was agreed upon by the Supreme Court, Attorney General, National Police, Minister of Law and Human Rights, Minister of Social Affairs, and Minister of Women's Empowerment and Child Protection. The SKB emphasizes the importance of a restorative approach in an integrated justice system for children in conflict with the law. To implement this, the SKB requires establishing standard operational procedures and guidelines. This effort was carried out as a first step in gaining legitimacy from the community because, in this court, the community has a significant role in regulating the course of restoration and diversion.

Another regulation that then regulates the implementation of juvenile diversion is Supreme Court Regulation Number 4 of 2014 concerning Guidelines for Implementing Diversion in the Juvenile Criminal Justice System. This regulation regulates how the judicial authority must strive for diversion because diversion can provide various freedoms and children's human rights so that children can grow optimally. The



essence of this diversion is to provide healing, moral learning, community participation and attention, dialogue, a sense of responsibility, and forgiveness.

Even though these existing regulations come from the center, in practice, this handling is decentralized to the authority of the technical implementation units (UPT) in provincial and city districts. Therefore, diversion requires collaboration between stakeholders to create integrated justice handling of children who conflict with the law. In Yogyakarta, following directions from the center, institutional coordination between the police, prosecutors, correctional centers, social welfare organizing institutions (LPKS), and temporary child care institutions (LPAS) is carried out. However, in practice, several institutions still need to be integrated due to bureaucratic requirements, such as LPAS, which LPKS currently covers because it is feared that it will be inefficient in financing and use.

The implementation of diversion in Yogyakarta has been carried out since 2014. Previously, when there was a crime case, the perpetrator's child only had the option of being reconciled without any particular registration or entering a special children's development institution (LPKA). Now, they can be returned to their family or receive social rehabilitation.

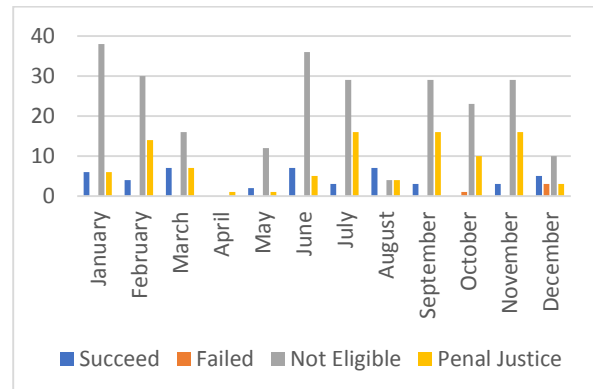


Figure 2. Data of Diversion Assistance for D. I. Yogyakarta Province in 2022

Source: Ministry of Law and Human Rights (2023)

Through this diagram, it can be seen that in 2022, the diversion efforts carried out will not be practical. There are 47 success, 4 failed, 256 non eligible, and 99 come to penal justice. The number of penal justice (juvenile justice) cases is higher than the success of diversion that has been attempted. This can happen because many children do not meet the requirements for diversion. The conditions for diversion include a sentence of less than seven years, not committing the same crime, and an agreement between the victim and the perpetrator.

Diversion in Indonesia is a form of innovation itself. Changes to the existing rules come from evaluating the implementation of child development in the past. The government has formed regulations and related working groups to maximize this practice. Diversion efforts before entering into a judicial decision are an obligation (Coordinator of Corrections, Directorate General of Corrections, Ministry of Law and Human Rights, 2023).

The government is concerned about providing opportunities for



children to receive diversion before they finally enter criminal justice. However, the lack of optimal institutions and law enforcement makes this diversion practice easier. It requires support from various stakeholders and civil society to realize the impact of this diversion so that plans to implement this diversion can run optimally.

To overcome the problems of children in conflict with the law, we need to involve the community. The surrounding environment must be a safe place for children to develop themselves and believe they can improve. The Juvenile Criminal Justice System Law (UU SPPA) must be revised to expand collaboration in child diversion efforts (Policy Analysis of the Directorate of Child Social Rehabilitation, Ministry of Social Affairs, 2023).

Enabling systems in diversion, which often fail to be carried out, requires a comprehensive study from various scientific fields so that the analysis obtained can be presented from various points of view. Therefore, every institution needs to reduce the nature of sectoral ego and realize that implementing diversion is in the common interest. This interest is in minimizing the risk of crime in the future because former children who conflict with the law are already stigmatized and find it challenging to integrate into society.

Diversion allows for expanded success when it comes to social reintegration into society. Society needs to transform into a child-friendly society. It is necessary to form small forums for discussion and for habituation to occur in society to discuss the problems of children in conflict with the law (Head of the Protection and Fulfillment of

Children's Rights Section, Women's Empowerment Service, Child Protection and Population Control, D.I. Yogyakarta Province, 2023).

The Social Rehabilitation Assistance Program was formed as a forum to provide support for children in conflict with the law and other vulnerable groups to be able to continue their lives through providing social rehabilitation assistance, which includes: support for a decent life, social care, skills and entrepreneurship training, community support and families, as well as accessibility support.

There is a link between fulfilling the needs of children in conflict with the law and assisting in meeting their daily needs. They should be able to get the rights to these needs without asking. However, because of their status as children who conflict with the law, many rights are violated or not maintained by the family and society. This is where the government is obliged to fulfill these needs so that in the future, children who conflict with the law are not vulnerable from a legal and socioeconomic perspective (Functional Official for Social Counselor, Sub-Coordinator of the Social Rehabilitation Substance Group for Persons with Disabilities and Social Rehabilitation for Children, D.I. Yogyakarta Provincial Social Service, 2023).

A program design is as complex as that. It requires a practical institutional side so that there is work diversification. So far, in practice, the government is still combining several institutions as an efficiency measure. These institutions have different tasks, principles, and functions, so if they are forced to merge, it will blur the scope of work of the institution itself. In this case, there are



still many LPKS and (LPAS) that have been merged.

LPKS is one of the institutions that organizes social rehabilitation concerning diversion practices, providing facilities for social reintegration. Children who conflict with the law are then trained at the LPKS after receiving the diversion policy so that when they return to society, they can carry out their social functions following their role as children in general. That way, the child's risk of experiencing social friction is negligible and has solid social resilience.

While here, we are more disciplined. In the past, we had difficulty distinguishing between good and evil because, at that time, we were carried away by the environment. Now, we are also more able to speak in public and not have low self-esteem (F Children in Conflict with the Law, 2023).

Therefore, this diversion effort for children in conflict with the law is an excellent effort to reduce social conflict due to the stigmatization of children in conflict with the law. The note is that when the child successfully receives diversion, he is not immediately allowed to return to society but also requires specific provisions. The government must also provide reintegration facilities through data-based policies, institutions, funding, and outreach to the community.

Data Analysis

The implementation of diversion requires help from the community. The community must be educated that the child's best interests are the first thing that must be pursued in the juvenile justice system and that giving children the opportunity to receive diversion will change the child's self-image, thereby

increasing their opportunities to develop. Community involvement is the main thing because the community is the one that helps children resulting from diversion to experience social reintegration.

This condition aims to follow the latest democratic developments, namely the existence of open space in the realm of public affairs. The community equally has the responsibility to change and develop the order of life to improve the social quality of the community itself. The value of democratic diversion can create participation so that the voices of the community will also be accommodated in this diversion process. This is a deliberative practice because it bridges between child perpetrators, victims and the community to determine problems solutions that have the least negative impact for each actor involved (Rafinzar & Khairunnas, 2023).

However, on the other hand, the practice of diversion is still far from how democracy should work in it. Existing diversion still tends to be the primary role of the government, and diversion will expand the scope of crime in the future. People generally think that diversion only sides with the perpetrator, not the victim and the general public who are harmed.

This is where people can lose their trust in the government. The government will be deemed to have failed in carrying out its function to protect citizens. They also think the government just wants to give up on coaching criminals. This distrust that occurs has the potential to create protests among various elements of society.

A wave of demonstrations may occur, primarily if the child's case is



closely related to a child from a particular circle (for example, from the upper economic class and having relations with certain bureaucrats). Society will feel that existing laws will only side with people in that position, even though, in reality, every child has the same right to get the opportunity to obtain a diversion.

A decrease in trust will affect people's loyalty to the government. If this loyalty is recovered, the legitimacy of the policies formulated by the government will be easier to obtain. Social capital formed from the relationship between the government and the state will also decrease because this social capital is formed based on trust. A decrease in the level of social capital also has the potential to reduce the existence of other capital, such as economic, political, cultural, and symbolic capital.

Every child who conflicts with the law is also a citizen, just like society in general, who is also a citizen. Every citizen has inherent rights and obligations, so there needs to be a consensus regarding the relationship with the government. For this reason, the government needs to synchronize regulations, restructure institutions, enforce fair laws, and ensure community participation (Hestiantini & Pribadi, 2020).

Children who conflict with the law have the right not to be limited in their personal development and social functions, while they must become better individuals and obey the rules made by the government. People have the right to have their security and welfare fulfilled by the government, while they must obey government regulations and participate in the

country's development. Therefore, there needs to be awareness from both parties. These namely children are in conflict with the law and society, to know their respective rights and obligations so that they can have an appropriate role in the country's development.

For similar studies in the future, researchers suggest conducting a more complete study regarding existing regulatory and law enforcement gaps. Researchers also see the need for more perspectives to be included, including those from parents of children who conflict with the law, victims, victims' families, and civil society. The analysis can also be sharpened by placing more emphasis on assessing diversion practices.

CONCLUSION

Diversion has excellent value and significantly impacts the country's development. Through diversion, society can participate in applicable legal arrangements. This is why diversion then becomes a democratic practice, namely as an open space. The community controls efforts to improve children who conflict with the law.

However, the practice of diversion has not been understood by society as a form of democracy but rather as a form of irresponsibility to ensure punishment for children who conflict with the law (perpetrators). Therefore, democracy in Indonesia still creates distrust, which, if left unchecked, will reduce people's loyalty to the government. This is where awareness of the role of citizenship must be carried out for children who conflict with the law and society so that both parties know each other about the rights and obligations they need to accept and carry out with social and state functions.



Recommendation

There are recommendation that we can propose to optimized diversion practice:

1. Restructuring and integration of national and regional regulations and law enforcement
2. Activate space for community participation and habituation in the diversion deliberation process
3. Building collaboration with childcare communities to monitor the implementation of diversion jointly

REFERENCES

- A'Court, B., & Arthur, R. (2020). The role of lawyers in supporting young people in the criminal justice system: balancing economic survival and children's rights. *Journal of Social Welfare and Family Law*.
- Ambrosini, M., & Artero, M. (2022). Immigrant Volunteering: A Form of Citizenship from Below. *International Society For Third-Sector Research*, 252-262.
- Barker, E. (1906). *The Political Thought of Plato and Aristotle*. New York: Putnam's Sons.
- Bird, M., Arispe, S., Muñoz, P., & Freier, L. (2023). Trust, social protection, and compliance: Moral hazard in Latin America during the COVID-19 pandemic. *Journal of Economic Behavior and Organization*, 279-295.
- Clarke, N., & Barnett, C. (2022). Beyond compliance: Good citizenship during the COVID-19 pandemic. *Royal Geographical Society*, 395-407.
- Cresswell, J. (2013). *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. London: SAGE Publications.
- Farouk, Y. (2023, Maret 29). Keluarga David Ozora Tolak Diversi, Agnes Gracia Langsung Didakwa Hari Ini. Retrieved from Suara.com: <https://www.suara.com/entertainment/2023/03/29/114123/keluarga-david-ozora-tolak-diversi-agnes-gracia-langsung-didakwa-hari-ini>
- Fukuyama. (1996). *Trust: The creation of social morality and prosperity*. Simon and Schuster.
- Ghasemi, M. (2019). *Paradigms of Postmodern Democracies*. SAGE Open, 1-6.
- He, J. (2022). The Patterns of Democracy in Context of Historical Political Science. *Chinese Political Science Review*, 111-139.
- Hestiantini, A., & Pribadi, U. (2020). Policy Implementation To Fulfill The Rights Of Persons With Disabilities In Social Welfare (Social Security) In Gunungkidul Regency In 2018. *Jurnal Agregasi : Aksi Reformasi Government Dalam Demokrasi*, 8(1). <https://doi.org/10.34010/agregasi.v8i1.2598>
- Lauth, H.-J., & Schlenkrich, O. (2018). Making Trade-Offs Visible: Theoretical and Methodological Considerations about the Relationship between Dimensions and Institutions of Democracy and Empirical Findings. *Politics and Governance*.



- Lynch, N., & Liefwaard, T. (2020). What is Left in the “Too Hard Basket”? Developments and Challenges for the Rights of Children in Conflict with the Law. *International Journal of Children's Rights*, 89-110.
- Mainwaring, C., Bardi, A., & Meek, R. (2019). A glimpse into the role of personal values within the restorative justice process: a qualitative study with restorative justice facilitators. *Contemporary Justice Review*, 60-85.
- Marshall, T. (1999). *Restorative Justice: An Overview*. London: Crown.
- Monsiváis-Carrillo, A. (2023). Happy Winners, Sore Partisans? Political Trust, Partisanship, and the Populist Assault on Electoral Integrity in Mexico. *Journal of Politics in Latin America*, 72-95.
- Putnam, R. (2000). *Bowling alone: The collapse and revival of American community*. Simon & Schuster.
- Rafinzar, R., & Khairunnas, K. (2023). Deliberative Planning On Village Policy Making In Pulau Rimau District. *Jurnal Agregasi : Aksi Reformasi Government Dalam Demokrasi*, 11(1), 34 - 68. <https://doi.org/10.34010/agregasi.v11i1.6790>
- Sartika, D. D., & Supraja, M. (2019). Learning About Crime (A Study on Children in Conflict with the Law at LPKA of Palembang, South Sumatera, Indonesia). *International Journal of Engineering and Advanced Technology (IJEAT)*, 306-313.
- Schlenkrich, O. (2019). Identifying Profiles of Democracies: A Cluster Analysis Based on the Democracy Matrix Dataset from 1900 to 2017. *Politics and Governance*, 315-330.
- Shen, Y. (2016). Development of Restorative Justice in China: Theory and Practice. *International Journal for Crime, Justice, and Social Democracy*, 76-86.
- Sinatrio, W. (2019). The Implementation of Diversion and Restorative Justice in the Juvenile Criminal Justice System in Indonesia . *JILS (Journal of Indonesian Legal Studies)*, 73-88.
- Sulistyo, E., Pujiyono, & Nur Rochaeti. (2021). Restorative Justice as a Resolution for the Crime of Rape with Child Perpetrators. *International Journal of Criminology and Sociology*, 595-602.
- The Nordic Africa Institute. (2020, December). The Politics of Citizenship. Retrieved from DIVA Portal: <https://nai.diva-portal.org/smash/get/diva2:1508597/FULLTEXT01.pdf>
- Tilly, C. (2007). *Democracy*. New York: Cambridge University Press.
- Tripkovic, M. (2023). Renouncing criminal citizens: Patterns of denationalization and citizenship theory. *Punishment & Society*, 363-385.
- UNICEF. (2006). *Children in Conflict with the Law*. New York: The Child Protection Section Programme Division The United Nations Children's Fund (UNICEF).
- Wamsler, S. (2023). Dimensions of social trust and national identity:



Addressing a multifaceted relationship. Nations and Nationalism, 598-617.

Xu, H., Zhang, C., & Huang, Y. (2023). Social trust, social capital, and subjective well-being of rural residents: micro-empirical evidence based on the Chinese General Social Survey (CGSS). *Humanities and Social Sciences Communications*.

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