

Impact of Diversion Determination for Children of Narcotics Abuse Reviewed in Sociological Perspective

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Abstract. This study aims to examine the application of the determination of diversion for children who abuse narcotics and the impact of the determination of diversion for children who abuse narcotics in terms of a sociological perspective. The type of this research is Field Research or field research, using a sociolegal approach and qualitative data analysis. The results of this study indicate that for children who abuse narcotics, diversion can be carried out by considering the principle of feasibility based on the considerations of law enforcement on the basis of the laws and regulations that govern it, and involving children, parents, police, public prosecutors/prosecutors, judges, and other parties involved. in Diversion. Diversion can be carried out at 3 (three) levels, namely Investigation, Prosecution, and Trial. In the case stipulated by Letter Number 9/Pen.Div/2020/PNTgl which is the object of this research, Diversion is carried out at the Investigation stage with facilitation provided by the Police by involving elements that must exist in the implementation of Diversion according to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Law no. 35 of 2009 concerning Narcotics.

Keywords: Child Narcotics Abusers, Diversion, Sociological Perspective

1. Introduction

Formal criminal law has triggered alternative efforts to overcome problems related to criminal acts that occurred [1]. The community's response to this phenomenon usually leads to vigilantism and peace efforts. The thought of the development of the theory of punishment is basically based on the community's perspective on crime [2]. Antony Duff and David Carland distinguish between consequentialist and non-consequentialist theories. In consequentialist theory, displacement is a behavioral effect that results in harm. Sanctions are used as a way to prevent future crimes (forward locking). In contrast to the consequentialist theory, in the non-consequentialist theory, the effort to impose sanctions is a response to the perpetrator of a crime (approach response). Seeing the phenomenon that has occurred, many experts believe that improvements in law enforcement are needed to achieve the goals to be achieved [3]. Restorative justice is an alternative to the criminal justice system because it is implemented with an approach that is considered more human and in accordance with legal objectives [4]. The involvement of perpetrators, victims and the community as a unit to find solutions is deemed more appropriate and effective in handling legal cases [5]. Through Restorative Justice, all parties can be involved, consulted, and empowered to achieve justice and benefit in order to improve the situation [6]. One of the efforts to implement Restorative Justice carried out in Indonesia is the establishment of a policy of providing a diversion for children who use narcotics [7]. It can not be separated from the psychological perspective of the child. Children are subjects who do not have the ability to think and act like adults. Special treatment and regulations for

children deserve to be applied so that separated children get appropriate treatment based on the right portion and separate from the law for adults [8]. The establishment of the Diversion policy basically aims to protect children from mishandling because the position of children is very important for human survival [9]. In this case, the State is obliged to provide guarantees for every child so that their rights are fulfilled. Article 28 B Paragraph 2 of the Constitution states that children's rights include 3 (three) things. These three rights relate to survival, growth and development, and protection from violence and discrimination. Physical and psychological development of children is a focus that must be the main consideration in supporting the fulfillment of their rights.

The problem of children involved in narcotics crimes is not only limited to the factors that cause the formation of their character but also relates to their existence after being designated as Child Victims of Narcotics Crime. Prevention or countermeasures of drug abuse are an effort taken in order to enforce both against use. [10] Negative stigma and alienation are the two impacts that are most often shown by society in general. The existence of a Diversion policy as the implementation of Restorative Justice is expected to help children who abuse narcotics crimes to regain the right to live, grow, and develop [11]. The Diversion Policy as the implementation of Restorative Justice is expected to help children who abuse narcotics crimes to regain the right to live, grow, and develop [12]. The fulfillment of the needs of children who have become victims of Narcotics Abuse to live, grow and develop in their environment can be known if it is related to the social facts they receive [13]. Durkheim argues that social facts are at the core of the study of sociology. Social facts are behavioral patterns that characterize social groups in society. Based on these reasons, Diversion as the implementation of Restorative Justice needs to be studied from a Sociological Perspective because basically one of the functions of law is as a means of social control. When children experience alienation/exclusion from the social environment as a result of the stipulation of Diversion against Narcotics Abusing Children, this is certainly contrary to the social rehabilitation function that should be carried out by the community to assist children in obtaining and utilizing their rights [14]. Law in the Sociological Perspective includes several elements, namely Law as: a) A reflection of people's habits; b) Reflection of the morals of society and humanity in general; and c) Reflecting the need for justice and order in social interactions between people in a group [15]. If these elements are connected with Durkheim's opinion on Social Facts in the study of Sociology, the impact of legal policy from a sociological perspective can be interpreted as a reality or pattern of social behavior that appears as a response to the administration of law in a community group [16].

Each community group has different characteristics. This opens the possibility of differences in social responses even though the stimulants that affect them are the same or almost the same. The researcher gives area and object boundaries in this study in order to obtain systematic factual data according to the objectives to be achieved. The limitation is based on the Letter of Determination Number 9/Pen.Div/2020/PNTgl. The two Decision Letters related to Diversion were issued by the District Court of Tegal City in the period 2020 and 2021. The problem that will be discussed in this study is how to apply the Diversion Determination for children who abuse narcotics? And how is the impact of diversion for children who abuse narcotics in terms of a sociological perspective?

2. Method

Types of Research This research is included in the type of research field research [17]. In Field Research, the researcher conducts research in order to reveal the meaning given by society to the behavior and reality around it [18]. Field Research is usually concerned with case studies of certain events. **Research Approach** This research uses socio-legal research or a sociolegal

approach. Legal research with a sociolegal approach is a form of research related to social phenomena [19]. The function of this research is to analyze the law in terms of behavior and interaction systems that occur in society . The purpose of the analysis is so that the phenomena that occur can be described clearly and in accordance with the existing reality, as well as collect data from the actual situation.

3. Discussion

3.1. Determination of Diversion for Children Abusing Narcotics

Law is an institution or institution that cannot be separated from ideology. A legal system must reflect a sense of justice for all parties involved, be made according to procedures, understandable and understandable by the parties it regulates [20]. Law has several important aspects related to its meaning. The law must have validity which will be closely related to the substance of its existence [21]. The substance is then wrapped in a rule that is general, universal, as well as formal to keep away from discrimination and arbitrary actions [22]. The normative nature of law requires the achievement of order and certainty even though the concepts, doctrines and parts of procedural law and legal materials in practice have diversity. This diversity will later be arranged logically, rationally, and systematically so that every problem can be solved based on the law [23]. The meaning of law is also closely related to morality because basically morality is the essence of law, so morality must be placed higher than law.

Kant distinguishes morality into 2 (two) views, namely heteronomous morality and autonomous morality. Heteronomous morality is an attitude of obedience that is carried out not because of demands for obligations that come from within the individual, but outside his will. In contrast to heteronomous morality, autonomous morality is described as an individual's awareness to obey obligations that are believed to be good and right based on the values that have been owned. This gives rise to ethical and juridical obligations. Ethical obligations stem from the values that grow in individuals, while juridical obligations originate from parties who have authority. Ethical Obligations and Juridical Obligations will be followed by Ethical Attitudes and Juridical Attitudes. This pair of attitudes becomes the legal basis in a more general context. Ethical and juridical attitudes make individuals not put forward the ego but also realize the importance of the position of others in the social environment that must be managed in order to obtain order [24].

Various views on ethics and law ultimately lead to 3 (three) legal principles as expressed by Gustav Radbruch, namely *Rechtmatigheid* or certainty, *Gerechtigheit* or justice, and *Zweck Matigheid* or expediency. To obtain certainty, justice, and benefits as stated by Gustav Radbruch, various approaches are taken in law enforcement. This is inseparable from the fact that the existence of the law does not only function to provide sanctions for perpetrators of criminal acts, but also to overcome crimes so that they do not happen again. In the perspective of criminal law, there are three approaches to crime prevention, namely [25]:

- a. Penal Approach, namely Criminal Law Application or the application of criminal law that focuses on repressive policies.
- b. Non-Penal Approach, is an effort to overcome criminal acts through preventive development. Preventive action serves to prevent, ward off, and control before a crime occurs. The target of the Non-Penal Approach is to deal with the factors that cause criminal acts.
- c. Integrated Approach, is a combination of Penal Approach and Non Penal Approach. The Integrated Approach is considered a more rational approach than the other two approaches because it respects the principles of certainty and proportional benefit.

To realize justice as well as human rights through law enforcement is not an easy matter. One of the things that criminal law experts often reveal is the lack of attention to the rights of victims of crime. Law enforcement is more focused on the interests and human rights of criminals. To bridge the fulfillment of the rights of victims of crime, law enforcement is applied with a Restorative Justice approach. Restorative Justice provides opportunities for problems to be resolved by litigation parties, law enforcement, and also elements of society in order to create justice that can be accepted by all parties. The implementation of Restorative Justice is always emphasized on repairing or providing compensation for the impacts caused by criminal acts [26]. This makes the application of Restorative Justice carried out cooperatively and always tries to involve all parties. As an alternative to resolving cases, the Restorative Justice mechanism is no longer focused on punishment. Dialogue and mediation are strategies used to resolve cases by involving related parties.

One form of Restorative Justice in handling narcotics crime cases is implemented in the form of Diversion for Narcotics abusers. Protection of children is the main consideration in this policy. In Diversion, children are seen as parties whose knowledge and understanding are not yet mature enough to affect the decision-making process that will be carried out. The implementation of Diversion in the context of realizing Restorative Justice in narcotics crime cases involving children is strongly influenced by the existing legal structure. This is inseparable from the implementation of Diversion which requires cooperation between parties. Law enforcers, children, parents, and elements of society who are trying to achieve the goals of Diversion must be able to work together and understand each other according to their respective roles.

Lawrence believes that the effectiveness of the legal system must be supported by three components, namely the legal structure (structure of law), legal substance (substance of the law) and legal culture (legal culture). Law is not only seen as a series of rules that give orders or commands (imperative) and obligations that are *das sollen*, but also must be seen as a subsystem which in reality is also determined by many factors. In this case, political policy is very influential as a legal subsystem because it is directly related to the formulation of regulatory material as well as the implementation and enforcement of the law. The legal structure consists of elements of the number and size of courts, jurisdiction, and appeal procedures from each level of court. The legal structure also implies the way in which the legislative body is organized, the policies that are allowed and not allowed by the authorities, and standard operating procedures for the police. Broadly speaking, the structure (legal structure) consists of legal institutions that are intended to carry out legal instruments.

Legal institutions involved in the implementation of Diversion for Children Abusing Narcotics consist of the Police, the Prosecutor's Office, BAPAS, BNN, and the Judiciary. The legal institutions involved then collaborate with children who are perpetrators of narcotics crimes, their parents or guardians, social institutions, and community leaders who are involved in the Diversion process as well as other parties who are stated to be needed to be involved to maximize the achievement of the goals of Diversion [27]. Each party carries out a different role according to its duties and functions in the Diversion implementing regulations. The Restorative Justice approach is explicitly stated in Article 5 of the Juvenile Criminal Justice System Law which states that in the implementation of the Juvenile Criminal Justice System, it is obligatory to prioritize the Restorative Justice approach [28]. The implementation of the Restorative Justice approach is not only carried out at the stage of investigation, prosecution, trial, but also carried out in the process of coaching, mentoring, supervising, assisting during the action process and after it, and must ratify the implementation of Diversion [29].

According to the Head of the Tegal District Court who is also a judge, Toetik Ernawati, SH., MH stated that diversion can only be applied if it fulfills the elements of Article 127 of Law no. 35 of 2009 concerning Narcotics which carries a penalty of less than 7 (seven) years in prison and only applies to children. In addition to Article 127 of Law no. 35 of 2009 concerning Narcotics and if the perpetrator is not a child, then Diversion cannot be applied. In some cases there is an impression that investigators tend to force the use of Article 127 of Law no. 35 of 2009 concerning Narcotics as an article on threats to children who are perpetrators of narcotics crimes. Toetik asserted that if in the process it turns out that the fact that children who abuse narcotics are not only abusing but also circulated, automatically the use of article 127 of Law no. 35 of 2009 concerning Narcotics as a threatening article used to make demands will be invalid and Diversion cannot be applied.

Referring to the opinion of the Judge of the Tegal City District Court and Law no. 35 of 2009 concerning Narcotics, the effort to implement Diversion can be carried out if it meets 2 (two) elements of consideration, namely the threat of imprisonment for less than 7 (seven) years and is not a repetition of a crime. Another consideration used in the effort to implement Diversion for Children Abusing Narcotics is that the perpetrator only uses Narcotics and does not act as a dealer, and does not cause unrest for the community. To prove the occurrence of narcotics abuse by children who are perpetrators of criminal acts, investigators can perform urine tests, blood tests, hair tests, deoxyribonucleic acid (DNA) tests, and/or other body parts tests, or obtain based on information spoken, sent, received, or stored electronically or by other similar means. If evidence is found at the time of arrest, the Police investigators, BNN, and Civil Servant Investigators have a maximum of 3 (three) times 24 (twenty four) hours from the time of the confiscation to conduct sample testing in the laboratory, and submit information on the confiscation of goods. evidence to the head of the state prosecutor's office.

After the arrest, the investigator determines the article Threats to use. The determination of the article on the threat will affect the consideration of the investigator to determine the status of the child who is the perpetrator of the narcotics crime. If, based on the results of the investigation, it turns out that the Narcotics Abusers not only misused but also circulated, they will be prosecuted based on articles in accordance with the status and evidence found. If it turns out that the criminal act committed is only abusing or using Narcotics without rights and there are no other aggravating elements, then the child who is the perpetrator of the crime will be prosecuted under Article 127 No. 35 of 2009 concerning Narcotics with charges under 7 (seven) years, and Diversion is sought. In the investigation process, if there is evidence with the use of Narcotics under the rules of SEMA No. 4 of 2010, the Investigator can carry out an Integrated Assessment carried out by the Integrated Assessment Team or commonly referred to as TAT. This team consists of the Legal Team and the Medical Team to determine whether the Suspect is eligible for rehabilitation efforts and is not involved in the illicit drug trafficking network.

According to the Tegal City Police Investigator, the implementation of diversion has been regulated in the Juvenile Criminal Justice System Law in articles 7, 27, 28, and 29. Diversion can be carried out at the level of investigation, prosecution and trial.

a. Diversion at the investigation level is carried out through the following steps:

1. Investigators make arrests on children suspected of having committed a narcotic crime. The process of investigating narcotics crimes is carried out based on the applicable SOP, accompanied by a warrant, and reported in the investigation report. The investigation process includes arrest, detention, confiscation, examination of witnesses, examination of experts, examination of suspects, and the results of a thorough investigation by the police.

2. Furthermore, the investigator writes to request written consideration from the Community Counselor or Correctional Center (BAPAS). After conducting the research, the Correctional Center (BAPAS) submits the results of its social research to the investigators.
3. Investigators who have received the results of the BAPAS research will then endeavor to carry out Diversion by taking into account the applicable laws and regulations and the results of the BAPAS research.
4. If the Child Abusing Narcotics agrees to carry out Diversion, the Police, Community Counselors, BAPAS and Professional Social Workers begin the process of deliberation to resolve the case by involving related parties.
5. If the diversion effort is agreed, then the results of the agreement are stated in the form of a Diversion Agreement. The results of the diversion agreement are submitted to the superiors of the officials who are responsible for each level of examination to the District Court.
6. The Court shall then issue a Decision. The period for making the Decision by the Court is no later than 3 (three) days from the receipt of the Diversion Agreement. The determination is then submitted to the Community Advisor, Investigator, Public Prosecutor, and Judge. Furthermore, the Investigator issues an Order for Termination of Investigation (SP3)

In cases related to the Letter of Determination Number 9/Pen.Div/2020/PNTgl and being the object of this research, Diversion is carried out at the investigation level. The diversion process begins with the arrest of the suspect according to the applicable SOP, followed by an examination and case title. After this process, it was also continued with the Implementation of the Integrated Assessment conducted by the Integrated Assessment Team (TAT) formed by BNN. This team consists of a medical team (doctors & psychologists) and a legal team (investigators and prosecutors). The next process is a request for consideration submitted by investigators to the Correctional Center (BAPAS). The Correctional Center (BAPAS) will follow up the application with research and submit the results to investigators.

Based on the results of the Correctional Center (BAPAS) research, Investigators seek Diversion by holding a Diversion Deliberation to make a mutual agreement and pour the results into a Diversion Agreement [30]. The parties involved in the Diversion deliberations were the litigated parents of the children, the Head of Child Client Guidance Subsidy from the Pekalongan Class II Correctional Center, the Social Advisory Officer from the Pekalongan Class II Penitentiary, the Addiction Counselor for the Rehabilitation Section of the Tegal City National Narcotics Agency, the Social Service Social Service Officer. Brebes Regency, Religious Leaders in Dukuh Tengah Village, Keuntungan District, Brebes Regency, Community Leaders in Dukuh Tengah Village, RT. 003/001 Liability District, Brebes Regency, Head of PPPA DP3KB/ PPT Tiara, Brebes Regency, Head of Section for Protection and Fulfillment of Child Rights of PPPA DP3KB/ PPT Tiara Brebes Regency, Legal Advisor/Legal Counsel for litigants

The Diversion Agreement resulting from the Diversion Deliberation is then submitted to the superior of the official in charge at each level of examination to the District Court, and followed by the issuance of a Decision by the Court. The decision issued by the Court is then submitted to the Community Advisor, Investigator, Public Prosecutor, and Judge. The final stage of efforts to resolve this case is the issuance of an Investigation Termination Order (SP3) by the Investigator in accordance with the mandate of Determination Number 9/Pen.Div/2020/PNTgl issued by the Tegal District Court Class I A.

The contents of the agreement against Child Narcotics Abusers as stated in the Diversion Agreement Letter and become a consideration for the issuance of Determination Number 9/Pen.Div/2020/PNTgl are based on the consideration that :

1. Children of Narcotics Abusers are Narcotics Abusers of Category I for themselves.
2. As referred to in the formulation of Article 127 paragraph (1) letter a of RI Law no. 35 of 2009 concerning Narcotics, the threat of punishment for Narcotics Abusing Children under 7 (seven) years must be sought for Diversion in accordance with the mandate of Law no. 23 of 2002 concerning Child Protection and Law no. 11 of 2012 concerning the Juvenile Criminal Justice System.

After a meeting through Diversion activities at the level of investigation of the Indonesian National Police in the Central Java area at the Tegal City Resort, each party agreed to resolve the case as follows, namely the Submission of Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl to his parents for full guidance and supervision, must undergo outpatient drug rehabilitation at a government agency (namely BNNK Tegal) 1 (one) time a week for 8 (eight) meetings, carry out social rehabilitation in the form of following spiritual guidance (following studies/ recitation) 3 (three) times a week for 2 (two) months and must pray 5 (five) times in congregation at the mosque or prayer room at his residence and become Mu'azin at the dawn prayer for 2 (two) months, obligatory carry out physical activities (morning exercise/jogging for at least 15 minutes) every morning for 2 (two) months and Restrictions on the use of communication tools (mobile phones), except for family interests or in educational/school activities (online)

Based on the Diversion Agreement, the Tegal City District Court then issued Determination Number 9/Pen.Div/2020/PNTgl which contained the Investigator's request, an order to implement the Diversion agreement, and an Order to the Investigator to issue an Investigation Termination Order after the Diversion Agreement was fully implemented.

3.2. The Impact of Determining Diversion for Children Abusing Narcotics

Sociological Perspective The involvement of children in criminal acts that occur raises concerns that there will be community stigmatization of children who are perpetrators of narcotics crimes. Stigma is a negative view of a person's personal nature. Stigma against children who abuse narcotics can lead to discrimination and alienation from society, thus affecting the psychological development, behavior, and social interactions of children. Negative stigma or stereotypes will usually be followed by discrimination or other negative attitudes. The stigma arises because of the distinguishing characteristics such as mental illness, health conditions, or other specific characteristics. Psychological stigma attached to a person tends to be more negative in severity when compared to stigma caused by a person's medical condition. Stigma usually arises as a result of fear and lack of understanding. The amount of information that cannot be justified also often affects the public's perspective, so that when faced with certain cases, they will act according to the information they have. Stigmatization of Child Narcotics Abusers as referred to in Stipulation Number 9/Pen.Div/2020/PNTgl does not occur.

Based on the research results of the Pekalongan Class II Correctional Center (BAPAS), in the Report on the Results of Community Research for Diversion No. Litmas Register: 07/ I. A/ 2020 found the fact that children who commit crimes experience normal growth and development and do not have special needs. Physically and mentally in good health, although in daily interactions, they tend to be somewhat closed. In addition to the relatively reasonable personal conditions, based on the admission of the Child Abusing Narcotics as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl, the harsh treatment of parents against him is the background for the child to commit deviant acts outside the home [31]. This

psychological condition is almost undetected by parents and other family members because according to their parents the interaction between family members takes place normally as in other families. From an environmental point of view, Child Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl are also not given special attention. Based on the researcher's interview with community leaders who live in the vicinity of their homes, the child is considered to be somewhat introverted and tends to be quiet. Only on certain occasions the child is involved in social activities and relates to the community around the child's domicile [32]. Based on the results of the Sociological and Juridical Analysis of the Class II Penitentiary (BAPAS) of Pekalongan, the deviant behavior of Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl is motivated by a lack of love and supervision from parents so that children's behavior is more influenced by his social environment which is actually relatively limited and tends to be closed. According to Calhoun, J.F (1990) humans and the environment interact continuously and influence each other. There are 4 (four) conditions of environmental influence on human behavior, namely:

1. The environment hinders humans. Humans are not entities that are free from their surroundings and can do anything. In certain circumstances, the environment is able to force humans not to act according to their wishes, but to follow the existing conditions.
2. The environment invites and elicits behavior In certain circumstances the environment is able to stimulate humans to take an action. The urge or motivation does not come from within, but can be caused by external factors such as threats, invitations, or persuasion to do something.
3. The environment forms the self. Actions that are carried out continuously will become behaviors or habits. In this case, environmental support for an action taken by humans and giving him comfort to continue doing the same action can affect the formation of one's character.
4. Environment affects self-image Self-image (personal branding) starts from the way a person appears among the people or the surrounding community. The self-image will be assessed and interpreted through brush symbols and actions as a form of environmental appreciation for the person's personality.

The results of the study show that the development of Narcotics Abusing Children as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl is strongly influenced by their social environment. This is in accordance with Calhoun's opinion who said that the environment can invite and bring about behavior. In this case the environment is not restricted by real conditions that intersect physically, but also social interaction through virtual networks (internet). In the investigation conducted by the Police, it was found that the child who was the perpetrator of the crime obtained Gorilla Tobacco through the Online Shop and used it for himself. From the same investigation, no correlation was found between crimes committed by children in relation to their peers and the social environment around them.

This is the basis for including recommendations in the Diversion Agreement so that children are limited to the use of digital communication tools that are commonly used, namely cellphones (HP). Observing the Recommendation of the Class II Pekalongan Correctional Center (BAPAS) and the Letter of Determination Number 9/Pen.Div/2020/PNTgl, the contents of the Diversion Agreement are in full accordance with the needs of the Child Abusing Narcotics in question. Submission of children to parents to be fully guided and supervised needs to be implemented because based on the recognition so far children feel less cared for and receive affection. The drug rehabilitation process that the child must undergo 1 (one) time a week for 8 (eight) meetings is carried out because the child who is a criminal act has abused Narcotics Category I as stated in the Diversion Report. In other cases, children who commit crimes are

also required to carry out social rehabilitation by following rokhani guidance (study/recitation) because so far children tend to be closed and less involved in social activities.

Likewise, children are required to pray 5 (five) times at the mosque in congregation and become Muezzin for Fajr prayers for 2 (two) months because so far the children have not carried out their obligations regularly and have disciplinary problems. Related to this, children are also required to do sports activities (jogging for a minimum of 15 minutes) every morning because so far, children who are perpetrators of crime are more likely to do activities in the room and involve less physical activity. This can have an impact on the psychological and physical health of children. After the Diversion decision was determined by the Tegal City District Court through the Letter of Determination Number 9/Pen.Div/2020/PNTgl, there was a significant change in the child perpetrators of criminal acts.

This is known from the results of the researcher's interviews with related parties involved in Diversion :

1. Child Abuse / Child perpetrator of Narcotics crime From the results of the interview, it was known that from the Diversion policy that was applied to him, the Narcotics Abused Child regretted his actions and wanted to be better. The positive impact that is felt can be seen from worship activities which are increasing compared to before and starting to be open to parents. In addition, the care and empathy given by the environment for his existence makes him feel valued and recognized. This prompted him to be kinder to his parents and neighbors. A positive attitude is also shown by the peer environment. Although there are some parties who don't care about their situation when undergoing Diversion, the changes in the attitude of their peers on average feel better, fun, and even support the process being undertaken. To maximize the rehabilitation undertaken, one of the processes carried out is to stay away from the negative environment that can affect it because the child feels that the environment has lied a lot.
2. Parents Interviews with the parents of children who are perpetrators of criminal acts lead to the conclusion that there has been a very significant change in the child. This can be seen from the daily activities that are very different from before, the level of craftsmanship in carrying out prayer services and involvement in social activities, as well as the attitude of children who are much more open than before. Changes in children's attitudes do not happen by themselves, but are greatly assisted by the family environment and other environments where children socialize such as neighbors and peers. The positive response from several parties who know that the child is undergoing Diversion is also very helpful and facilitates the process that the child is undergoing. As long as their child undergoes Diversion, there are obstacles experienced by parents. The obstacle occurred because the cost of the diversion carried out by his son turned out to be borne independently. In the Diversion process, the parents claimed to have borne the cost of approximately Rp. 20,000,000.00 (Twenty Million Rupiah). These costs must be incurred to support every process and activity that must be undertaken during the Diversion.
3. Community Leader
 - a. Head of District, Brebes According to Joko Rahmono as the Head of the RT in the neighborhood where the Children of Narcotics Abusers live in this study, there are several changes that have occurred in their lives. Before the Diversion process is carried out, the child tends to be quiet. It gradually changed as the implementation of the Diversion process was implemented.

Children become more open, sociable, and experience other positive attitude changes. In addition, Joko Rahmono also saw that there were many parties around him who tried to support the change in attitude, even though this support did not appear because they were motivated by knowledge of Diversion information that the child was undergoing. Information regarding the implementation of Diversion tends not to be disseminated to protect the good name of the child. In supporting Diversion, Joko Rahmono also involves religious leaders so that the results are more effective.

b. Religious leaders in RT. 003/001 Keuntungan District, Brebes

Changes in children's attitudes in a positive direction were also conveyed by Religious Leaders who accompanied Narcotics Abusing Children in undergoing Diversion. Besides being directly involved, H. Aminuroachman, LC also involved several other Ustadz to help children. From the results of the guidance and supervision carried out, H. Aminuroachman LC concluded that Ustadz and parties who know the child is undergoing Diversion tend to empathize and want to help without giving negative stigma to the child. This is increasingly seen when children also show changes in attitudes and behavior that tend to be better and more positive.

4. Secretary of PPT Tiara Brebes

Based on the confession of Eni Listiana, S.IP as Secretary of PPT Tiara Brebes, the Diversion activities carried out went smoothly and there were almost no problems. Many changes in children's attitudes during Diversion, especially changes in attitudes towards their environment. Another change that is very visible is if the children are invited to talk, they are more focused and the conversation is well connected (connected). During monitoring, PPT Tiara Brebes also involved a psychologist and his team. This involvement has positive benefits because based on the observations made, the people involved tend to provide maximum support according to their respective abilities and fields. During the Diversion process, problems only occur at the beginning because children tend not to be honest. It didn't last long because after intensive interaction, the children became more open and willing to talk.

5. Police Investigator

There are 2 (two) police investigators involved in the Diversion process of Child Narcotics Abusers as referred to in the Letter of Determination Number 9/Pen.Div/2020/PNTgl, namely Fendi Arizal as Investigator and Aan Ristianti, SH, M.Si as Child Investigator. From the results of both interviews, a relatively similar conclusion was obtained that stigmatization of children did not occur. This happens because the child's identity is kept secret and does not involve many people to protect the child's psychological condition. The involvement of other parties is always carried out in a directed, measurable, and adjusted manner with the objectives of the implementation of Diversion.

6. BNN Counselor

According to Riza Fauzal, SKM as the BNN Counselor, apart from looking at the legal side, the BNN Counselor also looks at the medical and social side to determine whether a client deserves to be rehabilitated or not. From the interviews conducted, Reza is actually worried that the existing legal regulations will be misused and searched for loopholes by traffickers and narcotics traffickers by using children in their modus operandi. In general, Riza is of the opinion that

Diversion has a positive effect on children who are criminals and the community or social environment around them provides good support. In this case, the counselor helps children in building trust, educating about the dangers of narcotics, MI (Motivational Interviewing), CBT (Cognitive Behavioral Therapy), relapse prevention, and evaluation of rehabilitation. During outpatient treatment, children who commit crimes always come on time and show good faith to change. This makes the environment support directly or indirectly. Other positive changes were also shown by an increase in body weight, a neater and more well-groomed appearance, and an increase in school grades compared to before.

Based on the research findings through interviews and collecting supporting data, it can be concluded that the impact of the determination of Diversion for Child Narcotics Abusers is reviewed from a Sociological Perspective as follows:

1. There is an improvement in social interaction between Narcotics abusers and the environment and vice versa during the implementation and after the implementation of Diversion;
2. Diversion does not cause community stigmatization of children who use Narcotics who undergo Diversion, but instead creates positive empathy and support;
3. Changes in attitudes and behavior of children who abuse narcotics are key factors that affect social responses to themselves when undergoing diversion;
4. The burden of costs that must be borne by parents in the Diversion process becomes an obstacle during the implementation of Diversion for the families of Children of Narcotics Abusers.

4. Conclusion

1. Diversion for Children who abuse Narcotics can be carried out by considering the principle of feasibility based on the considerations of law enforcement on the basis of the laws and regulations governing it, and involving Children, Parents, Police, Public Prosecutors/Prosecutors, Judges, and other parties involved in Diversion. Diversion can be carried out at 3 (three) levels, namely Investigation, Prosecution, and Trial. In cases decided by Letter Number 9/Pen.Div/2020/PNTgl, Diversion is carried out at the Investigation stage. This means that Diversion is carried out with facilitation provided by the Police by involving elements that must exist in the implementation of Diversion in accordance with Law no. 11 of 2012 concerning the Juvenile Criminal Justice System and Law no. 35 of 2009 concerning Narcotics. Diversion at the investigation stage through the stage of making a police report, submission of considerations from the Correctional Center as the basis for the Police to seek to carry out Diversion efforts and carry out Diversion Deliberations. From the results of the Diversion deliberations, a Diversion Agreement will be made which will be submitted to the local District Court for its determination. Based on the stipulation letter from the District Court, it will be followed up in the next process as stated in the Diversion Agreement.
2. The sociological impact of the implementation of Diversion tends to be positive. In terms of Narcotics Abusing Children, children feel that their rights are being fulfilled and the people around them support the process of resolving cases and the recovery they are undergoing through the Diversion policy. Children who use narcotics do not experience negative stigmatization, but instead get empathy which has a positive effect on their recovery efforts. This happens because it is caused by 2 (two) main factors, namely changes in attitudes and behavior of Narcotics Abusing Children during

Diversion, as well as a positive social environment so that they provide good and supportive responses or feedback to changes in children's behavior. Sociological constraints that occur are only experienced by parents of Narcotics Abusing Children related to the costs that must be incurred to support the implementation of programs and activities related to Diversion. If so far one of the goals of Diversion is to reduce the cost of punishment which is repressive and less effective in reducing the number of abuse and illicit trafficking of Narcotics and turning it into a preventive cost, the cost of Diversion should not be borne by the public but allocated in state expenditure.

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