

# The Role of The PPA Satreskrim Unit in Implementing The Principles of Diversion For Children with The Law

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**Abstract.** Efforts to protect children must be initiated independently so that later they can optimally participate in the development of the nation and state. Concerning cases of handling children in conflict with the law (ABH), the Police made regulations through the Regulation of the Head of the Criminal Investigation Agency No. 1 of 2012 concerning Standard Operating Procedures for Handling Children in Conflict with the Law within the Indonesian National Police's Criminal Investigation Agency. The regulation describes the handling of ABH cases through formal channels and alternative routes, one of which is a diversion. The conclusion of the research conducted is the efforts of the Semarang Polrestabes police in handling cases of criminal acts committed by children are by the laws and regulations regarding juvenile justice, namely diversion. The PPA Unit is driven by two internal factors, the integrity and capability of the PPA Unit, and external factors, the PPA Unit's cooperation with relevant agencies to facilitate the application of Restorative Justice principles in case settlement. Because the concept of Restorative Justice places a greater emphasis on resolving conflicts in an amicable manner, the perspective of Islamic law on the subject of restorative justice is consistent with Islamic teachings.

**Keywords:** Diversion, Children, Crime

## 1. Background

Since kids are the up and coming age of a country and the replacement of improvement, to be specific the age that is ready as the subject of executing manageable turn of events and controlling the fate of a nation, including Indonesia in general, toward a fair society and prosperous profound material in view of Pancasila and the 1945 Constitution, conversation about youngsters and their security won't ever stop over the course of life.

In order for children to best participate in the future development of the nation and state, efforts to protect them must be initiated independently.[1] Since kids are the up and coming age of a country and the replacement of improvement, to be specific the age that is ready as the subject of executing manageable turn of events and controlling the fate of a nation, including Indonesia in general, toward a fair society and prosperous profound material in view of Pancasila and the 1945 Constitution, conversation about youngsters and their security won't ever stop over the course of life. These two paragraphs explain why child protection aims to achieve child welfare by promoting just and equitable treatment.

According to Law No. 1, the State Police of the Republic of Indonesia is primarily responsible for law enforcement-related tasks and duties. Article 13 of Law No. 2 of 2002 pertaining to the Indonesian National Police states that the Indonesian National Police's primary responsibilities are as follows: a) Keeping up with security and public request; b) Maintain the law and; c) Give insurance, sanctuary, and administration to the local area.[2]

Through the Regulation of the Head of the Criminal Investigation Agency Number, the Police established regulations regarding cases of handling children in conflict with the law (ABH). 1 of 2012 pertaining to the Criminal Investigation Agency of the Indonesian National Police's Standard Operating Procedures for Handling Children in Violation of the Law. The regulation describes the handling of ABH cases through formal channels and alternative routes, one of which is a diversion.

As per Article 1 of Regulation No. 11 of 2012 Concerning the Adolescent Law enforcement Framework (SPPA), Helpful Equity is the interaction by which criminal cases including culprits, casualties, their families, and other related parties are settled genially. by putting an accentuation on reestablishing the first state instead of reprisal. As per Regulation No. 11 of 2012, Redirection is one way the Helpful Equity approach is tried.[4] Redirection is the trading of settlement of youth cases from the policing to processes outside the policing, focuses (Article 6 of the SPPA Guideline): a) To reestablish agreement between the youngster and the person in question; b) Tackle kid cases beyond the court framework; c) Prevent kids from losing their freedom; d) Empowering people group association and e) Give a sense of responsibility in kids.

Article 8 of the SPPA Regulation makes sense of in more insight about Redirection, that the Redirection cycle is helped out through considerations including kids and their folks or gatekeepers, Local area Consultants, and Expert Social Laborers in view of a Supportive Equity approach. The Redirection interaction should focus on:[3] a) The victim's interests; b) Youngster government assistance and obligation; c) Avoiding stigmatization; d) Preventing retaliation; e) Peace in the community and; f) Public order, decency, and decency.

The Semarang City Police (Polrestabes) is the executor of the duties and powers of the Indonesian National Police based in Central Java Province, Semarang Regency. The unit that handles criminal policing, the goal of cases including kids in struggle with the law (ABH), is the Criminal Examination Unit at the Semarang Police Division level. The Ladies and Kids Administration Unit (PPA) will focus on ABH cases. All criminal cases including ladies and kids — as culprits, casualties, or witnesses — are dealt with by the Ladies and Youngsters Administration Unit.

In principle, diversion or restorative justice will be used by the police to resolve cases involving children in trouble with the law. Utilizing intervention or consultation to accomplish equity that is normal by the gatherings engaged with the criminal regulation, to be specific the culprits of criminal demonstrations (their families) and casualties of criminal demonstrations (his family), redirection or Helpful equity is a way of thinking (essential rule) during the time spent harmony beyond the legal executive. Since it is the groundwork of the harmony cycle for the culprits of wrongdoings (their families) and casualties (their families) because of the development of casualties/misfortunes from these crook acts, helpful equity is alluded to as a way of thinking (essential rule) in accomplishing equity did by parties beyond the legal executive. Therefore, restorative justice adheres to fundamental principles such as:

1. Making progress toward harmony outside the court by the culprits of criminal demonstrations (their families) against the survivors of criminal demonstrations (their families)

2. Give the criminals' families the chance to be held accountable for making up for their mistakes by compensating for losses caused by the crimes they committed.
3. if an agreement is reached between the parties, resolving criminal law issues that arise between those who commit crimes and those who are the victims of those crimes.

The appropriate laws are used in the investigation of cases involving unruly children. Indonesian police officers (police investigators) and certain civil servant officials with special authority granted by law (PNS investigators) are the two types of investigators recognized by the Criminal Code. In most criminal cases involving children, the provisions that have been broken are the criminal regulations in the Criminal Code. Because of this, general investigators, in this case the National Police, lead the examination. by police criminal investigators. Coming up next is expressed in section (1) of Article 41 of the significant regulation as the lawful premise: Examiners who are picked in light of a choice letter from the Top of the Police of the Republic of Indonesia or different authorities named by the Top of the Police of the Republic of Indonesia direct shrewd kid examinations. Even though the investigators are the National Police. However, not all police investigators can conduct investigations into cases of naughty children. The Juvenile Court Act recognizes the existence of child investigators.

One of the special protections for children as perpetrators of criminal acts is by forming a women and children service unit (PPA), which was formed based on the Chief of Police Regulation No. 10 of 2007 concerning organization and structure.

## **2. Research Method**

The study aims to further analyze the phenomenon of criminal cases involving minors [4] with the role of the Criminal Investigation Unit PPA Unit and how the process of handling cases in the process of handling criminal cases involving children who conflict with the law in the jurisdiction of the Semarang Polrestabes.

The study uses qualitative research methods to examine in more depth the phenomenon of this interesting case with the author positioning himself as neutral as possible objectively without any bias from the perpetrators or the Criminal Investigation Unit of the Semarang Police.[5] Data collection includes primary and secondary data which was carried out during observations and interviews as well as documentation in knowing the situation of the social reality phenomenon of juvenile delinquency in cases of Criminal Children in Conflict with the Law in the Legal Area of the Semarang Polrestabes.

Sources of information to obtain primary and secondary data in research by:

1. Primary Data  
Primary data in this study were obtained from in-depth interviews with parties related to diversion settlement.[6]
2. Secondary Data  
Optional information in research is as record or document studies connecting with the job of the PPA Unit during the time spent taking care of criminal arguments against youngsters in struggle with the law including references to diaries, guidelines, and other writing studies.

### 3. Result and Discussion

#### 3.1 Categories of Children dealing with Law and the Concept of Diversion

Article 1 Passage 2 (two) of Regulation Number 11 of 2012 Concerning the Adolescent Law enforcement Framework characterizes "children who conflict with the law" as "children who oppose the law," "children who are victims of criminal acts," and "children who are witnesses of criminal acts." According to this article, children who break the law fall into three categories, namely:

- a. Children in conflict with the law are children as perpetrators of crimes.
- b. A child who is a victim of a crime is a child who suffers a loss in a crime, which can be in the form of physical, mental, and/or economic loss.
- c. A child who is a witness to a crime is a child who can provide information because he heard, saw, and/or experienced a crime himself for investigation, prosecution, and trial court examination.

The classification of youngsters as culprits of criminal demonstrations are those matured 12 (twelve) years and up to 18 (eighteen) years. Meanwhile, children who are under 12 (twelve) years old and are against the law cannot be categorized as Children in Conflict with the Law (ABH). And for the age of 18 (eighteen) years and over are already categorized as adults.

Children under the age of 18 fall into the category of children who have been the victims of criminal activity. As witnesses and victims, unlike children who commit crimes, they are limited to a minimum age of 12 (twelve), so children aged 11 (eleven) 10 (ten), and below can be referred to as witnesses and victims, as well as children in conflict with the law.

Diversion is a new concept in Indonesia, this concept itself is a process of diverting the criminal justice process for children in conflict with the law towards a social service process or it can also be called the achievement of a formal process, namely the judicial process, into an informal process, namely a non-judicial process. "Efforts to divert the (criminal) justice process for children towards non-judicial processes are based on the consideration that the involvement of children in the judicial process has resulted in stigmatization." [7]

The Show on the Freedoms of the Kid ensures the privileges of youngsters who carry out violations. In Indonesia, the Show on the Privileges of the Kid is referenced in Official Announcement Number 36 of 1990 with respect to the Sanction of the Show on the Freedoms of the Kid, which was subsequently expressed in Regulation Number 11 of 2012 in regards to the Adolescent Law enforcement Framework [8]. In the Law of the Adolescent Law enforcement Framework, regulation masters are expected to take the Redirection course first while managing youngsters who overstep the law. Discussions about the concept of diversion within law enforcement agencies are also being carried out to maximize diversion efforts to protect children's rights so that children's growth and development are not disrupted due to reduced physical and mental health due to dealing with the law.

As indicated by High Court Guideline No. 4 of 2014, redirection thoughts are conversations between the gatherings engaged with a case — youngsters and their folks or watchmen, casualties as well as their folks or gatekeepers, delegates, and social instructors — to arrive at a redirection understanding utilizing a helpful equity approach. The Facilitator is an appointed authority named by the top of the Court. [9]

The Diversion process must pay attention to:

- a. The interests of the person in question;
- b. Child Government assistance and obligation;
- c. Avoidance of negative shame;
- d. Avoidance of counter;

- e. Community concordance;
- f. Decency, fairness, and public request.

Aside from infringement, wrongdoings, and violations without casualties in which the misfortune is something like the nearby common the lowest pay permitted by law, redirection arrangements require the assent of the kid casualty as well as the readiness of the kid and family. Law enforcement agencies and community advisors carry out the diversion agreement, and community leaders may be involved.

The consequences of a Redirection understanding can appear as, in addition to other things:

- a. Peace regardless of remuneration;
- b. Handover to guardians/gatekeepers;
- c. Participation in Schooling or preparing at Instructive Foundations or Casualty and Witness Assurance Establishments (LPKS) for 3 (90 days).
- d. Society administration.

The most highly recommended method of deterring children who break the law is restorative justice. This is due to the fact that the concept of restorative justice involves multiple parties to resolve a problem related to a child's crime.[10]

The restorative justice process is carried out by bringing together the parties involved in the case. The perpetrator explained in detail the perpetrator reasons to commit the crime against the victim. In addition to explaining the perpetrator's reasons, the perpetrator must also explain how the perpetrator will be responsible to the victim for actions that have harmed the victim. After the perpetrator finished explaining the reasons for the crime, the victim gave a response.

In addition, there were also community parties representing the interests of the community. The representative of the community provides an overview of the losses caused by a crime that has occurred and hopes that the perpetrator will take an action or action to restore the shock or damage that has occurred due to his actions.[11]

The presence of approvals focused on policing the Law on the Adolescent Law enforcement Framework is a significant thought for policing: A greatest sentence of two years in jail or a fine of Rp 10,000 will be forced on examiners, public examiners, and judges who deliberately neglect to participate in redirection endeavors while dealing with kid cases. 200,000,000.

### **3.2 The Role of the Women and Children Service Unit in the Application of Restorative Justice Principles.**

Based on graphic data as the results of research at the Semarang Polrestabes PPA Unit, it can be stated that crimes against child perpetrators are increasing every year. However, resolving cases through restorative justice is also increasingly being chosen as a settlement effort so that it experiences significant progress and development, especially for the implementation of child protection as perpetrators of criminal acts.

The demonstration of capturing an individual who is associated with carrying out a wrongdoing starts off the crook case process. Article 16 of the Criminal Methodology Code expresses that the capture was made "for the motivations behind examination." In light of Regulation No. 11 of 2012 Article 30 concerning the Adolescent Law enforcement Framework that a capture is made for an examination inside a time of something like 24 hours, and there should be an exceptional help space for youngsters. Investigators prioritize arrests that are based on humanity and consider whether or not a child should be arrested at a certain age. The issue of arresting a child is when and when it is possible to arrest a child according to the law. In this

case, there are two things, namely: (a) In the case of being caught red-handed, (b) In the case of not being caught red-handed.

When a crime is committed by a minor, in the case of being caught in the act of committing a crime, the police are not obligated to arrest a child who is not wearing a police uniform. On the other hand, if a crime is committed by a minor, if he is not caught red-handed but with a report and it is known that he is a child, the police are obliged to arrest him without wearing official clothes.

As stated by the Head of Sublit Investigation Unit of the PPA Polrestabes Semarang, emphasized that when it comes to arrests, if the perpetrators are not known whether they are children or adults, then the police are not obliged to arrest them without wearing official uniforms. When an investigation has been carried out and it is known that he is a child, the examination process must be separated from adults and must be examined in a special room called the RPK (special service room) which is in the PPA Unit and the police are required not to wear uniforms during the inspection. But when a crime is committed by a child based on a report, then before examining the perpetrator, the police first examine the victim-witness. If the victim and witnesses are children, they must also be accompanied by a parent or guardian.

Before the investigative examination, the police officer must contact the parents of the perpetrator of the child crime, to assist in the investigation process. The Head of the Investigation Sub-Division Unit for the PPA Polrestabes Semarang also said that when a child crime occurred, the Police also worked with an NGO companion, so if a crime was committed by a child, the Police immediately contacted a child assistance NGO during the investigation until it was finished. If it is felt that it is not enough, the Police usually summon what the child needs, for example, if the child is a student and needs consideration from the National Education Office, the Police will also summon the National Education Office to assist. The head of the sub-investigation unit of the PPA Polrestabes Semarang said that the parties brought in by the police could be different, all that remains is what the child needs after the investigation process is complete if it is felt that the elements that the child violated have been met, namely sufficient evidence, there are witnesses, the child will be upgraded to become a suspect. However, there are other provisions for establishing a child as a suspect, namely if the child is under 12 years of age, the child will be returned to the parents. If the child is 12 years old and under 18 years old.

If the Police have named a suspect, the Police will contact the BAPAS (Correctional Center) to request LITMAS (Community Research) for the suspected child and the maximum time for this research is 3 days. When the results of the Litmas come out, BAPAS will make recommendations related to the actions committed by the child, only then will the Police, namely the Semarang PPA Unit, carry out the recommendations from BAPAS. Recommendations from BAPAS, for example, sitting together to perform diversion, involves the parents of the suspect and the suspect, the victim and the parents if the victim is also a child, from the Bapas itself, accompanying NGOs, then from the suspect's environment are also involved. The aims and objectives of the environment and the agency are involved in this process because the people in this child's environment are also responsible for supervising the suspected child so that in the future the child will be better than before.

Based on information from the Head of the Investigation Unit of the PPA Unit of the Semarang Police, it can be concluded that the handling of child cases from arrest to investigation and LITMAS from BAPAS before the implementation of Diversion based on the principle of restorative justice is by the SPPA Law. From the explanation above it can also be concluded that when perpetrators of child crimes must be handled specifically by child investigators, namely the Women and Children Service Unit at the Police, especially at the Bonwoso Police,

then the process of handling cases in criminal acts is arrest and investigation, in handling cases Police children are required not to wear uniforms. Supportive equity is the settlement of criminal cases by including the culprit, casualty, group of the culprit/casualty, and other related gatherings to mutually look for a fair arrangement that underscores rebuilding to its unique state as opposed to reprisal. The PPA Unit is expected to execute helpful equity. It is alluded to as supportive equity in criminal regulation, and redirection itself is an endeavor to carry out helpful equity.

Thus, it can be further explained that the role of the PPA Semarang Unit in applying the principles of Restorative Justice, is only as a facilitator or mediator and only facilitates the Diversion process based on restorative justice. So if the Diversion process based on restorative justice fails, the file will be completed and forwarded to the judicial process. After the diversion process which is based on restorative justice is mutually agreed upon, then the Police, namely the PPA Unit, will make the minutes of the diversion agreement. 2012 concerning the Juvenile Criminal Justice System.

Therefore, if a child commits a crime, then he must be specifically treated according to the Child Protection Act, one of which is by using and prioritizing the Restorative justice approach, in this case, the investigation into child crime by the police is the Semarang PPA Unit. But law enforcers often prefer to continue criminal cases with child offenders to the courts, despite the fact that children can suffer from physical and emotional suffering such as fear, anxiety, sleep disturbances, eating disorders, and mental disorders as a result of the judicial process, specifically the involvement of children in the criminal justice system.

#### **4. Closing**

The goal of this study is to find out how the Semarang Police Department's Criminal Investigation Unit handles cases involving crimes committed by children. Through the Regulation of the Head of the Criminal Investigation Agency Number, the Police established regulations regarding cases of handling children in conflict with the law (ABH). 1 of 2012 pertaining to the Criminal Investigation Agency of the Indonesian National Police's Standard Operating Procedures for Handling Children in Violation of the Law. The regulation describes the handling of ABH cases through formal channels and alternative routes, one of which is a diversion.

From the research conducted, it can be concluded that the police seek the settlement of cases utilizing mediation which brings together the perpetrators and victims purposed to obtaining a case settlement without any party feeling aggrieved, and the victim can ask for compensation for his rights. It had previously been taken away by the perpetrators, and in carrying out this mediation, the party from the PPA Unit of Polrestabes Semarang only acted as a mediator and facilitator which later in making decisions was only given between the two parties and without any intervention from the Semarang Polrestabes PPA Unit.

#### **References**

- [1] A. T. Tharp, T. R. Simon, and J. Saul, "Preventing violence against children and youth," *J. Safety Res.*, vol. 43, no. 4, pp. 291–298, 2012, doi:

- 10.1016/j.jsr.2012.08.014.
- [2] M. Baumont, W. Wandasari, N. L. P. M. Agastya, S. Findley, and S. Kusumaningrum, "Understanding childhood adversity in West Sulawesi, Indonesia," *Child Abus. Negl.*, vol. 107, no. October 2019, p. 104533, 2020, doi: 10.1016/j.chiabu.2020.104533.
  - [3] N. Yulianti and Z. Fakrulloh, "Protection against Children who Conflict with the Law Due to the Delinquency Reviewed from the Juvenile Criminal Jurisdiction System," in *ICLSSEE 2021*, 2021, no. 39, doi: 10.4108/eai.6-3-2021.2306384.
  - [4] J. Bensemam and M. Witbrock, "The effects of implementing phenomenology in a deep neural network," *Heliyon*, vol. 7, no. 6, p. e07246, 2021, doi: 10.1016/j.heliyon.2021.e07246.
  - [5] Z. Mohammadi, M. Ahmadvand, M. Sharifzadeh, and I. Shahbazi, "The lived-experience of land-use among Northern Iranian farmers in land risk areas: A phenomenology study," *Land use policy*, vol. 108, no. April, p. 105534, 2021, doi: 10.1016/j.landusepol.2021.105534.
  - [6] C. Meinel and L. Leifer, *Design Thinking Research Looking Further: Design Thinking Beyond Solution-Fixation*. Springer, 2019.
  - [7] P. P. Nambiar, K. V. Jangam, A. Jose, and S. P. Seshadri, "Predictors of behavioral and emotional issues in children involved in custody disputes: A cross sectional study in urban Bengaluru," *Asian J. Psychiatr.*, vol. 67, no. July 2021, p. 102930, 2022, doi: 10.1016/j.ajp.2021.102930.
  - [8] N. dkk Apriandi, "Model Pembinaan Anak Berbasis Pendidikan Layak Anak Dalam Sistem Masyarakat," 2014.
  - [9] F. Santiago, "Aspects of Legal Certainty , Justice and Usability in the Decisions of Judges in Civil Courts," *MIC 2021*, 2022, doi: 10.4108/eai.30-10-2021.2315815.
  - [10] K. Murti and R. Riswadi, "Legal Protection for Children Based on Law Number 17 of 2016," in *ICLSSEE 2021*, 2021, no. 17, pp. 6–11, doi: 10.4108/eai.6-3-2021.2306461.
  - [11] A. T. Jufri, "Terjadinya Pencurian Yang Dilakukan Oleh Anak Di Kota Palopo, Aldaulah," *J. Huk. Tatanegara Fak. Syariah dan Huk.*, 2016.