Optimizing the Role of Community Advisors in Assisting Juvenile Clients with Diversion at the Mandau Sector Police

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Abstract

This study discusses the role of community advisors in the implementation of diversion for juvenile clients at the Mandau Sector Police. The research focuses on the implementation of guidance in accordance with Law No. 11 of 2012, which emphasizes the active role of community officers in the diversion process. The research methodology used is a normative empirical approach, combining normative legal studies with empirical data from the field. The findings indicate that the guidance provided by community advisors at the Mandau Sector Police complies with the provisions of Law No. 11 of 2012. Community officers play an active role in guiding, supervising, and overseeing the juveniles throughout the diversion process and in implementing the agreements reached. Additionally, community advisors are responsible for reporting to the court if the diversion agreement is not executed. However, the study also identifies several challenges in the guidance provided by community advisors, including a lack of consensus or agreement between the parties, a shortage of human resources or social workers, and the absence of community figures in the diversion process due to time constraints and the remote location of homes. Therefore, efforts are needed to improve the quality of human resources, involve community figures, and provide adequate facilities to support more effective diversion implementation.

1. Introduction

Indonesia is a nation governed by the rule of law. The constitution of Indonesia explicitly addresses legal regulations concerning children within its legislation. Children hold a strategic role, as the state guarantees every child's right to survival, growth, and development, as well as protection from violence and discrimination. The future generation of the nation depends on children, and each child is an asset to Indonesia. Without children, there would be no future. The quality of a nation's future is significantly determined by the treatment and protection afforded to its children.[1]

Children cannot be treated as miniature adults; therefore, due to their unique and distinctive characteristics, they require different treatment in accordance with applicable laws and regulations. Legal principles governing children must align with relevant regulations. Moreover, this legal framework aims to prevent negative stigma or harmful labeling that may arise when children commit criminal acts or come into contact with the law, and to facilitate their rehabilitation and reintegration into society.[2]

The formation of a child's behavior and personality is a result of a combination of education and their environment.[3] Childhood is also a vulnerable period because children's psychological conditions are still weak, unstable, and easily influenced by their environment and circumstances.[4] Therefore, resolving issues involving children must prioritize the best interests of the child.

Considering criminal actions committed by children as crimes is too extreme, as fundamentally children have unstable psychological conditions.[5] The process of their mental and psychological development results in critical attitudes, aggression, and behaviors that tend to disrupt public order. This cannot yet be categorized as a crime, but rather as reactions stemming from imbalanced psychological conditions and perpetrators who are not yet fully aware or

[1] Gultom, Maidin. (2010). *Perlindungan Hukum terhadap Anak dalam Sistem. Peradilan Pidana Anak di Indonesia.* Bandung: Refika Aditama

[2] Rinaldi, K., Amriani, N., Putri, N., Jumiyadon, P., Akmal, R., & Rahmadita, S. (2023). Rehabilitasi Sosial di Balai Anak Sentra Abiseka Pekanbaru. *COMSEP: Jurnal Pengabdian Kepada Masyarakat*, *4*(2), 153-159. DOI: https://doi.org/10.54951/comsep.v4i2.476

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[4] Soetjiningsih, C. H. (2018). *Seri psikologi perkembangan: perkembangan anak sejak pembuahan sampai dengan kanak-kanak akhir*. Kencana.

[5] Mianita, H., & Rinaldi, K. (2021, July). Barunding As a Local Wisdom in Resolving Child Cases During Covid-10 Pandemic (Case Study on Juvenile Delinquency Cases in Tembilahan, Riau, Indonesia). In *ICHELSS: International Conference on Humanities, Education, Law, and Social Sciences* (Vol. 1, No. 1, pp. 149-154).

understanding of their actions.[6]

From the perspective of the Law on Juvenile Justice System (hereafter referred to as Law No. 11 Year 2012, replacing Law No. 3 Year 1997 on Juvenile Justice), the use of restorative justice concepts, including the adoption of diversion efforts as outlined in The Beijing Rules, requires law enforcement to strive for resolutions of juvenile criminal cases outside of the courtroom. One of the solutions in this regard is emphasizing a restorative justice approach.

Restorative justice involves the implementation of diversion processes, where all parties involved in a specific criminal act work together to address the issues and create an obligation to make things better, involving the victim, the child, and the community in seeking solutions for repair, reconciliation, and non-retribution-based peace of mind.[7]

The government plays a crucial role in implementing policies to protect Children in Conflict with the Law (CCL). Law No. 35 of 2014, which amends Law No. 23 of 2002 concerning Child Protection, stipulates that every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination. Therefore, the government mandates Correctional Facilities (Balai Pemasyarakatan - BAPAS) to provide protection to children, especially those in conflict with the law.[8] Correctional Facilities are institutions tasked with rehabilitating inmates, both adults and juvenile offenders. The general public is more familiar with Prisons (Lembaga Pemasyarakatan - LP) or Detention Centers (Rumah Tahanan - RUTAN) compared to Correctional Facilities (Balai Pemasyarakatan - BAPAS) in terms of inmate rehabilitation. One of the activities within the criminal justice system carried out by Correctional Facilities is part of the subsystem for inmate rehabilitation or the criminal justice subsystem. However, the existence and role of Correctional Facilities are often overlooked or even unknown by other subsystems within the criminal justice system. This neglect or lack of awareness can significantly impact the success of inmate rehabilitation efforts.

In Correctional Facilities, there are community officers. Community

[6] Kennedy, T. D., Detullio, D., & Millen, D. H. (2020). *Juvenile Delinquency* (p. 47). Florida: Springer.

[7] Nurjannah, N., Rinaldi, K., & Susanti, H. (2023). *Pelaksanaan Diversi dalam Penyelesaian Tindak Pidana Pencurian Oleh Anak di Kepolisian Sektor Benai Kuantan Singingi* (Doctoral dissertation, Universitas Islam Riau).

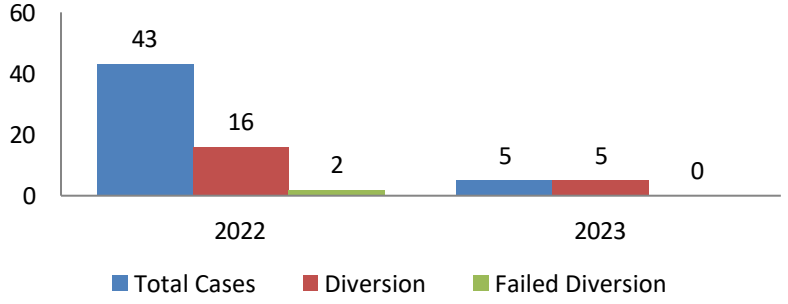
[8] Sartika, D., Fatahllah, F., & Ibrahim, L. A. (2021). Peran Bapas Dalam Penyelenggaraan Sistem Peradilan Pidana Anak Yang Berbasis Restorative Justice. *Jurnal Kompilasi Hukum*, *6*(1). DOI: https://doi.org/10.29303/jkh.v6i1.85

advisors have the task of providing assistance to Children in Conflict with the Law (CCL) starting from the pre-adjudication stage (investigation stage), adjudication stage (trial and prosecution stage), to post-adjudication stage (sentencing stage).[9]

Community advisors from Correctional Facilities (BAPAS) play a crucial role in the implementation of diversion. As stipulated in Article 65 letters (a) and (b) of Law No. 11 Year 2012 concerning the Juvenile Justice System, community advisors are tasked with preparing social research reports for diversion purposes, providing assistance, guidance, and supervision to children during the diversion process and the implementation of agreements, and reporting to the court if diversion is not executed. Additionally, they are responsible for preparing social research reports for investigation, prosecution, and trial purposes in cases involving children, both within and outside court sessions, including in Juvenile Correctional Institutions and Special Juvenile Rehabilitation Centers (LPKA).

Regulations governing the guidelines for implementing the diversion process, procedures, and coordination of diversion implementation are stipulated in Government Regulation No. 65 of 2015 concerning Guidelines for Implementing Diversion and Handling Children under 12 (Twelve) Years Old. As mentioned in Article 5 paragraph (1), the diversion process involves a consultation that includes the child and their parent/guardian, the victim or child victim and/or their parent/guardian, community advisors, and professional social workers based on a restorative justice approach. In recent years, the Mandau Sector Police has recorded the number of children in conflict with the law and children undergoing the diversion process. The following are the number of cases in 2022 – 2023:

Table 1. Data of Clients Engaging in Diversion



Source: *Mandau Sector Police, 2024*

Based on the data above, it can be seen that in 2022, there were a total of 43

[9] Wahyuningsih, R., Rahman, S., & Badaru, B. (2024). Optimalisasi Pelaksanaan Perlindungan Hak Bagi Anak Yang Berhadapan Dengan Hukum Pada Balai Pemasyarakatan. *Journal of Lex Theory (JLT), 5*(1), 288-305. Retrieved from https://www.pasca-umi.ac.id/index.php/jlt/article/view/1680

cases involving children. Of these, 16 cases were successfully diverted to resolve their legal issues in an alternative way. Only 2 cases were not successfully diverted, possibly for reasons such as disagreement or inability of the parties involved. Meanwhile, in 2023, the number of juvenile cases recorded dropped dramatically to only 5 cases. All of these cases were successfully routed to diversion with none failing. This indicates success in utilizing alternative legal solutions for problems involving children in that year.

The number of cases of children in conflict with the law and those successfully handled through diversion is increasing, but there are various obstacles in the application of diversion that are not in accordance with what is regulated in the Law. The role of Community Counselors in law enforcement institutions is associated with their position in the criminal justice system which is terminologically divided into 3 stages, namely pre-adjudication, adjudication, and post-adjudication stages. In the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, it is clearly emphasized on the duties and roles of Community Counselors with children in conflict with the law. The role of Community Counselors is very strategic, where they are obliged to make diversion efforts at every level of examination, both at the investigation, prosecution, and examination at trial and oversee the judge's decision related to diversion and the judge's decision.[10]

Based on the matters described above, the author is interested in examining the role of Community Supervisors in assisting the diversion of juvenile clients at the police level at Mandalu Police Station since the presence of Government Regulation No. 65 of 2015 concerning Guidelines for Implementing Diversion. The author hopes to solve a problem that arises by using good research methods. Therefore, the essence of writing this research is "Optimizing the Role of Community Advisors in Assisting Juvenile Clients with Diversion at Manday Sector Police".

2. Research Method

This research uses a normative empirical approach method. Empirical normative research is a research method that combines normative and empirical approaches.[11] In this research, the normative empirical approach may include analysis of legal norms related to diversion of juvenile clients,

[10] Kementerian Hukum dan Hak Asasi Manusia, (2012). Modul Pembimbing Kemasyarakatan, Direktorat Jenderal Pemasyarakatan, Jakarta. Hal. 3.

[11] Hehanussa, D. J., Sopacua, M. G., Surya, A., Titahelu, J. A. S., Monteiro, J. M., Siregar, R. A., ... & Irwanto, I. (2023). *Metode Penelitian Hukum*. Bandung : CV Widina Media Utama

principles of community guidance, and theories related to the formation and rehabilitation of children involved in the criminal justice system. Then, empirical data will be collected through interviews, observations, or other data collection methods to test how these norms, principles, and theories are applied in the real practice of community guidance in the field. Thus, this research will integrate normative analysis with empirical data to provide a more comprehensive understanding of the implementation of juvenile client diversion.

The data collection techniques used include observation, interviews, and documentation. In this study, researchers conducted interviews with the Kanit or Head of the Child and Women Protection Unit, Perpetrators/Clients, and Community Supervisors (PK) so that it was possible to get a more complete and in-depth perspective. In addition, the use of documentation, such as official records and reports, will assist in verifying information obtained from observations and interviews, as well as providing additional context necessary for data analysis.

The data analysis techniques to be used include data organization to group information by theme, data filtering to identify relevant information, and data interpretation to identify emerging patterns and trends and their implications for the implementation of juvenile client diversion at Mandau Sector Police. With this approach, the research will generate a comprehensive understanding of the dynamics and challenges in the practice of juvenile diversion, assisting in identifying areas that require improvement or further development.

After all the data, both primary and secondary, have been obtained and collected, the data is then categorized. Data obtained from interviews are presented in the form of interview transcripts. This data is then processed and presented by comparing field data with expert opinions or with legislation that serves as the legal basis for the research. Additionally, news articles from online media about the role of community mentors in the diversion of juvenile clients, sourced from various news portals, are captured using the Google Chrome browser.

The data obtained was subsequently collected using the Ncapture extension. The Ncapture feature was used to facilitate the downloading of articles and their integration into NVivo 12 Plus software. The next stage in this research is data analysis. For a more in-depth analysis, NVivo 12 Plus software was used. Data was obtained from various sources and then

transferred into NVivo software for the coding process. The unit of analysis employed is case classification, which helps the researcher to organize the data more systematically and to identify patterns or themes that emerge from the data[12]. After the interview results are compiled into interview transcripts and news from online media is captured, they will be analyzed using NVivo 12 Plus software. The interview results, which are transcribed, will undergo the coding process. The coding feature is typically used to assign codes or labels to articles containing important words related to the selected theme. The tools used in this research include Crosstab Query, Cluster Analysis, and Clustered Similarity.

3. Results and Discussion

The Implementation of Community Guidance Officer Assistance in the Diversion Process for Juvenile Clients at the Bengkalis Police Department

Correctional Center (BAPAS) is a Technical Implementation Unit (UPT) in the field of Corrections and is under the auspices of the Ministry of Law and Human Rights of the Republic of Indonesia. In more detail, the main function of BAPAS is to provide guidance and conduct research in the field of corrections, as well as carry out other tasks which include[13]:

a. Guidance and Supervision of Correctional Clients who are undergoing Parole (PB), Conditional Leave (CB), Leave to Live Free (CMB), Assimilation, Conditional Punishment, and other guidance;
b. Registration of correctional clients;
c. Correctional coaching and child handling;
d. Correctional Research (Litmas) for the benefit of the Juvenile Court, Parole Proposals, Leave to Live Free Proposals, Family Visiting Leave, Assimilation, and so on;
e. Assistance for children in conflict with the law at every stage of the examination;
f. Involvement in the Correctional Security Team (TPP Team); and
g. Carrying out administration related to correctional centers.

In Bengkalis, the Correctional Center is called Pos BAPAS, which is the center of the Correctional Center (BAPAS) in Pekanbaru. The Bengkalis BAPAS

[12] Abdillah, S., Ghapa, N., & Makhtar, M. (2023). The complexity of notarial law in Indonesia: Application of the concordance principle. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 22(3), 67.

[13] Choirudin, J. S. (2018). Efektivitas Pelaksanaan Bimbingan Terhadap Klien Pembebasan Bersyarat Dalam Mewujudkan Reintegritas Sosial. *Al-Isyraq: Jurnal Bimbingan, Penyuluhan, dan Konseling Islam*, *1*(1), 128-151.

Post is a Technical Implementation Unit (UPT) in the field of corrections and has the main tasks and functions in the field of Correctional Guidance and child handling, namely providing Guidance to Correctional Clients and Accompanying Delinquent Children in the juvenile justice process, starting from the investigation process to the judge's decision. BAPAS Bengkalis is part of the Integrated Criminal Justice System, which in carrying out its main tasks and functions is always in contact with other legal apparatus, such as the Police, Prosecutor's Office, Courts, State Detention Centers, and Correctional Institutions.

The duties and functions of Community Supervisors are in accordance with the procedures and mechanisms set out in the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PK.04.10 of 1998 concerning Duties, Obligations, and Requirements for Community Supervisors. The Directorate of Community Guidance and Child Diversion as a directorate that handles policies in the field of implementation of the duties and functions of correctional centers, is responsible for making policies that can encourage the performance of Correctional Centers that are more measurable and accountable, and in line with the guidance of the duties and functions of Community Supervisors from mentoring, guidance, to supervision. Community guidance is guidance outside the penitentiary. Community guidance is aimed at someone who cannot carry out his social function in society. Community guidance is an effort made towards conditional convicts and students in avoiding the repetition of the behavior of violations of the law committed. These efforts include elements of society to readjust the natural relationship between the criminal and society.

Community mentors play a vital role in the lives of children in juvenile detention centers. They frequently face burdens from past trauma, negative mindsets, and underdeveloped social and emotional skills. Community mentors intervene to address these challenges and prepare them for a better future. According to Law Number 11 of 2012 on Child Transition, Article 65, letter d, states that "community mentors are tasked with providing guidance, counseling, and supervision to children who, based on court decisions, are subjected to criminal sanctions." These court decisions, involving such actions, are subsequently returned to the parents and always supervised at the Special Child Correctional Institutions (LPKS). In addition to Diversion agreements, juvenile offenders are also placed in LPKS based on court rulings, which impose sanctions on children who commit criminal acts.

Through individual and group therapy sessions, community mentors

assist children in processing past traumas such as neglect or abuse.[14] Techniques such as trauma-based cognitive behavioral therapy are utilized to identify and challenge negative thought patterns that contribute to delinquent behavior[15]. Furthermore, community mentors implement programs aimed at teaching crucial social and emotional skills such as communication, conflict resolution, and empathy. [16] that are highly needed to build positive relationships and facilitate successful reintegration into society.

In addition to meeting emotional needs, community mentors also serve as advocates for the educational needs of these children. They collaborate with educators to ensure that the children receive the necessary academic support that may have been overlooked due to their past circumstances.[17] Furthermore, community mentors introduce life skills development programs that encompass aspects such as budget management, time management, and job-seeking skills to prepare for life outside. Importantly, community mentors establish stable and supportive relationships, acting as mentors to boost self-esteem and guide children towards positive choices.[18]

Previous research indicates that these interventions are not only beneficial but also crucial. Studies show that programs involving community mentors can significantly reduce recidivism rates among juvenile offenders.[19] By addressing the underlying issues contributing to delinquent behavior, community mentors play a crucial role in facilitating the healing process, learning, and productive integration into society for these children.

The Community Guidance Officers at the Bengkalis Correctional Facility undertake the task of supervising children placed in the Social Welfare Organizing Institution (LPKS) in accordance with the mandate of Law Number 11 of 2012. The

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[17] Sun, K. (2012). *Correctional counseling: A cognitive growth perspective*. Sudbury, Jones & Bartlett Publishers.

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supervision is conducted to monitor the child's development and determine whether they are ready to be reintegrated into society. Based on evaluations provided by the Social Welfare Organizing Institution to the Community Guidance Officers at the Correctional Facility (BAPAS), the progress of the child becomes evident.

Children placed in the Social Welfare Organizing Institution based on court decisions are under the supervision of the Community Guidance Officers at BAPAS. According to Law Number 11 of 2012 on the Juvenile Criminal Justice System and Government Regulation Number 65 of 2015, supervision is carried out by BAPAS officers, and the Social Welfare Organizing Institution is required to submit monthly reports to the BAPAS officers. Children placed in the LPKS are provided with activities such as education or training tailored to their talents and interests.

The programs offered to children in the Social Welfare Organizing Institution are similar to those provided to children in the Special Child Development Institutions. However, the difference lies in the location and duration of these programs. The author argues that the experiences of the Community Guidance Officers at the Bengkalis Correctional Facility are not coincidental. Weak supervision of children returned to their parents or entrusted to the LPKS is a contributing factor to recidivism among juvenile offenders.

Law Number 11 of 2012 on the Juvenile Criminal Justice System clearly stipulates that one of the tasks of the Community Guidance Officers is supervision. However, to date, there are no regulations that technically outline the procedures for supervising children entrusted to the LPKS or returned to their parents. This lack of regulation presents a challenge for the Community Guidance Officers in executing their duties. Additionally, limited funding and a shortage of human resources (Community Guidance Officers) further impede the supervisory function of the Correctional Facility.

Regarding the role of the Community Guidance Officers at the Bengkalis Correctional Facility Post in performing Assistance, Guidance, and Supervision as part of the restorative justice principles for juvenile offenders, it is evident that the effectiveness is not yet fully optimized, particularly in several aspects:

1. The assistance provided by Community Guidance Officers has not been effective in supporting juvenile offenders during the investigation process at the police level. To achieve restorative justice, it is necessary for Community Guidance Officers to assist juvenile offenders from the outset, so the goals of the restorative justice process through diversion can be more optimally

achieved

2. The implementation of diversion by Community Guidance Officers has not been effective, as indicated by the handling of 23 cases of juvenile offenders in 2022-2023, with only 16 cases successfully diverted, while 2 diversion cases failed. The difficulties in carrying out diversion are related to the roles of community institutions, victims, victims' families, and clients' parents, who have limited understanding of the concept of restorative justice, making their involvement in the diversion process quite challenging.
3. The mediation process, as part of restorative justice efforts, has also not been effectively implemented by Community Guidance Officers. This process is crucial to finding alternatives for resolving legal issues and reconciling victims and offenders to restore the original state of affairs. The limited time available to Community Guidance Officers and their skills in conducting mediation to find win-win solutions are obstacles in the mediation process.
4. Post-execution assistance has not been effectively carried out by Community Guidance Officers, resulting in delays in guidance following court decisions, which hinders the social reintegration guidance program. This issue is influenced by poor communication between the Prosecutor's Office and the Correctional Facility, as well as the lack of resources available to Community Guidance Officers to manage the entire guidance process from investigation to execution.
5. Guidance for children placed in the Social Welfare Organizing Institution (LPKS) or returned to their parents has not been very effective. This ineffectiveness is due to poor communication between the Social Welfare Organizing Institution and the Correctional Facility, as well as between parents and the Correctional Facility, and the absence of clear regulations regarding the technical implementation of guidance for children judged with criminal offenses. Without proper guidance, children placed in the LPKS or returned to their parents are at risk of reoffending. This situation is also influenced by the lack of clear regulations and policies regarding the guidance provided by Community Guidance Officers from the Correctional Facility.
6. Supervision of children placed in the Social Welfare Organizing Institution or returned to their parents has also not been effectively implemented. The programs provided by the Social Welfare Organizing Institution should be overseen by Community Guidance Officers (PK) to ensure they are running well, providing a clear picture of the child's condition for their reintegration into society. Ineffective supervision can prevent the successful reintegration of

the child into society and hinder the continuation of restorative justice efforts by the Head of the Bengkalis Correctional Facility Post.

Barriers to the Mentoring of Community Guidance Officers in the Implementation of Diversion for Juvenile Clients at Bengkalis Police Department

The correctional system aims to facilitate the rehabilitation and reintegration of inmates into society in a fair and appropriate manner. This involves a criminal justice process that supports individuals involved with the law through all stages, from police investigation to execution, with the ultimate goal of minimizing its impact on the well-being of those involved in the legal process.[20] Community Guidance Officers play a crucial role in assisting individuals in conflict with the law, in accordance with the objectives set out in the Criminal Justice System Act. The success of the Community Guidance Officers' duties depends on the support and cooperation of various stakeholders, including families and the community, to achieve the goals of the criminal justice system. In the context of the Bengkalis Correctional Facility, the success of the Community Guidance Officers' duties is highly dependent on supportive factors and efforts to minimize obstacles that may arise in the execution of their duties at the institution.

Community Guidance Officers (PK) have observed that many individuals who receive decisions for reintegration into society tend to reoffend or commit other violations. This may be due to the fact that individuals involved in legal issues often come from backgrounds of low economic conditions, lack of access to education, and inadequate support. The lack of guidance from their surrounding environment, busyness, and the instability of life pressures can also make individuals vulnerable to negative behaviors that can lead to reoffending.

The process of mentoring, coaching, and supervision conducted by Community Guidance Officers at the Bengkalis Correctional Facility for individuals involved in legal conflicts is a form of social control. This is consistent with the findings of the author's research, which states:

> "...*"The mentoring, coaching, and supervision aim to prevent individuals from committing social violations and to help them behave in accordance with the social values and norms of the community. The supervision conducted by Community Guidance Officers over social groups and individuals who mentor those involved in conflicts or legal issues is also a form of social control*

[20] Ghozali, M., & Rinaldi, K. (2023). Antisipasi Lembaga Pemasyarakatan Sebagai Tempat Pembelajaran Kejahatan (Studi Pada Lapas Kelas IIA Pekanbaru). *SEIKAT: Jurnal Ilmu Sosial, Politik dan Hukum*, *2*(1), 21-28.

implemented by the Community Guidance Officers to ensure effective functioning."

In conducting social research, Community Guidance Officers at the Bengkalis Correctional Facility face challenges in implementing community guidance mentoring, namely the lack of common ground or mutual understanding between the parties involved. The main obstacles include a shortage of human resources and social workers, as well as a lack of community leaders in the implementation of diversion, both in terms of the available time and the suitable locations outside of the home.

4. Conclusion

The mentoring by Community Guidance Officers in the implementation of diversion for clients at the Bengkalis Police Department has referred to Law Number 11 of 2012, which mandates activities such as escorting, guiding, and assisting during the diversion process and the implementation of agreements, including reporting to the court if the diversion is not carried out. However, in the implementation of diversion for clients at the Bengkalis Police Department, several obstacles are faced by Community Guidance Officers (PK). A lack of mutual understanding between the parties involved is one of the main issues. Additionally, there is a shortage of human resources and social workers (Peksos), as well as insufficient participation of community leaders in the diversion process, particularly regarding the available time and suitable locations.

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