

CHAPTER V

CONCLUSION AND SUGGESTION

A. Conclusion

Based on the research findings and discussion, the following conclusions can be drawn:

1. The settlement of juvenile criminal cases through diversion according to applicable law in Indonesia is based on Law Number 11 of 2012 on the Juvenile Criminal Justice System. The District Attorney Office of Tarakan has implemented the diversion-based resolution of juvenile criminal cases in accordance with Law Number 11 of 2012 and the Guideline of the Deputy Attorney General for General Crimes Number 24 dated January 1, 2022.
2. The primary obstacle to resolving juvenile criminal cases through diversion in traffic accident case Number 20/Pid.Sus-Anak/2024/PN Tar lies in the legal culture. These obstacles include the rejection of diversion by the victim's family and the lack of public understanding regarding out-of-court settlement mechanisms intended to minimize trauma for Children in Conflict with the Law (CICL). Additionally, the prevailing law enforcement paradigm tends to favor a retributive approach over a restorative one.

B. Suggestion

To optimize the implementation of diversion in the settlement of juvenile criminal cases, several improvements are recommended:

1. Enhance public awareness and understanding—especially among law enforcement officers—regarding the settlement of criminal cases through diversion, in accordance with the principles of restorative justice.
2. Strengthen inter-agency coordination among key law enforcement bodies, including the Police, the District Attorney's Office, the Courts, and the Correctional Guidance Center (Bapas), to ensure consistency and alignment in implementing diversion procedures.

