

RINGKASAN

Perkembangan sistem peradilan pidana anak menempatkan perlindungan anak sebagai prinsip utama dalam penyelesaian perkara pidana yang melibatkan anak. Pidanaan formal sering dipandang tidak selalu mampu menjawab kebutuhan perlindungan serta pembinaan anak yang berhadapan dengan hukum. Diversi hadir sebagai mekanisme pengalihan penyelesaian perkara anak dari proses peradilan pidana menuju penyelesaian di luar peradilan dengan pendekatan keadilan restoratif. Ketentuan Pasal 9 Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak membuka kemungkinan pelaksanaan diversi tanpa persetujuan korban dalam perkara tindak pidana ringan, sehingga menimbulkan persoalan mengenai keseimbangan antara perlindungan anak dan pemenuhan rasa keadilan korban. Fenomena penerapan diversi dalam beberapa perkara anak di wilayah Kepolisian Resor Cilacap menunjukkan praktik penyelesaian perkara melalui pendekatan restoratif, namun dinamika pelaksanaannya menimbulkan pertanyaan mengenai efektivitas penerapan mekanisme tersebut. Penelitian ini bertujuan menganalisis efektivitas pelaksanaan diversi pada tindak pidana ringan di Kepolisian Resor Cilacap serta mengidentifikasi faktor penghambat dan faktor pendukung dalam pelaksanaannya.

Penelitian menggunakan pendekatan yuridis sosiologis dengan metode penelitian kualitatif. Pendekatan tersebut memadukan analisis terhadap ketentuan hukum yang mengatur diversi dalam sistem peradilan pidana anak dengan kondisi empiris pelaksanaannya dalam praktik. Pengumpulan data dilakukan melalui data primer yang diperoleh dari wawancara dengan aparat Unit Perlindungan Perempuan dan Anak Kepolisian Resor Cilacap serta data sekunder yang diperoleh melalui studi kepustakaan terhadap peraturan perundang-undangan, literatur hukum, dan dokumen terkait. Analisis data dilakukan secara deskriptif kualitatif untuk menggambarkan praktik pelaksanaan diversi serta menilai efektivitasnya menggunakan kerangka teori efektivitas hukum, teori sistem hukum, teori keadilan, dan teori perlindungan anak.

Hasil penelitian menunjukkan bahwa pelaksanaan diversi pada tindak pidana ringan di Kepolisian Resor Cilacap telah dilaksanakan sebagai bagian dari penerapan prinsip keadilan restoratif dalam sistem peradilan pidana anak. Praktik penyelesaian perkara melalui diversi menunjukkan upaya aparat penegak hukum menghindarkan anak dari proses peradilan formal serta menitikberatkan pemulihan hubungan antara pelaku, korban, dan masyarakat. Pelaksanaan diversi tidak selalu berjalan tanpa hambatan. Faktor penghambat muncul dari keberatan korban, kekhawatiran masyarakat terhadap efek jera bagi pelaku, serta pengulangan perbuatan oleh anak pelaku tindak pidana. Faktor pendukung antara lain pemahaman aparat penegak hukum terhadap prinsip perlindungan anak, dukungan keluarga, serta penggunaan pendekatan musyawarah dalam proses diversi. Penelitian menyimpulkan bahwa pelaksanaan diversi pada tindak pidana ringan di Kepolisian Resor Cilacap telah berjalan namun efektivitasnya dipengaruhi oleh faktor struktural, substansi hukum, serta penerimaan masyarakat terhadap mekanisme penyelesaian perkara melalui pendekatan restoratif.

SUMMARY

The development of the juvenile criminal justice system places child protection as a central principle in handling criminal cases involving children. Formal punishment is often considered unable to fully address the need for protection and rehabilitation of children in conflict with the law. Diversion serves as a mechanism to redirect the settlement of juvenile cases from formal criminal proceedings to resolution outside the court through a restorative justice approach. Article 9 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System allows the implementation of diversion without the consent of the victim in cases involving minor offenses, which raises issues concerning the balance between child protection and the fulfillment of the victim's sense of justice. The implementation of diversion in several juvenile cases within the jurisdiction of the Cilacap Resort Police indicates the use of restorative approaches in resolving such cases. The dynamics of its implementation raise questions regarding the effectiveness of this mechanism. This research aims to analyze the effectiveness of diversion in minor criminal offenses at the Cilacap Resort Police and to identify the supporting and inhibiting factors influencing its implementation.

This research employs a socio-legal approach using a qualitative research method. The approach combines an analysis of legal provisions regulating diversion in the juvenile criminal justice system with the empirical conditions of its implementation in practice. Data collection involves primary data obtained through interviews with officers of the Women and Children Protection Unit of the Cilacap Resort Police and secondary data derived from literature studies, including statutory regulations, legal literature, and relevant documents. Data analysis is conducted using a descriptive qualitative method to describe the practice of diversion and to assess its effectiveness through the framework of the theory of legal effectiveness, the theory of legal systems, the theory of justice, and the theory of child protection.

The results indicate that diversion in minor criminal offenses at the Cilacap Resort Police has been implemented as part of the application of restorative justice principles in the juvenile criminal justice system. The practice of resolving cases through diversion demonstrates efforts by law enforcement officers to prevent children from undergoing formal judicial processes while emphasizing the restoration of relationships among the offender, the victim, and the community. The implementation of diversion does not always proceed without obstacles. Inhibiting factors include objections from victims, community concerns regarding the deterrent effect on offenders, and the repetition of offenses committed by child offenders. Supporting factors include the understanding of child protection principles by law enforcement officers, family support, and the use of deliberative approaches during the diversion process. The research concludes that the implementation of diversion in minor criminal offenses at the Cilacap Resort Police has been carried out, although its effectiveness is influenced by structural factors, legal substance, and community acceptance of restorative justice mechanisms in resolving juvenile criminal cases.