

Prevention Efforts Implementation of Diversion in Handling the Crime of Motorcycle Theft by Children at the Sorong Police

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ABSTRACT

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Theft offenses are frequently committed by juveniles, who are legally classified as children under Indonesian law. The involvement of children in theft is often associated with psychological immaturity and emotional instability, making them more susceptible to influence, persuasion, or coercion by adults to engage in criminal acts. This study aims to examine and analyze the implementation of diversion in the settlement of cases involving motorcycle theft committed by children. It adopts a juridical approach with a descriptive research design. The study employs both secondary data, collected through a literature review, and primary data, obtained through field research, particularly interviews conducted with investigators at the Sorong District Police. The findings reveal that the implementation of diversion in cases of motorcycle theft committed by children has been carried out in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The law requires investigators to initiate diversion during the investigation stage by involving all relevant parties, including the child offender, the victim, their respective parents or guardians, professional social workers, and the Correctional Center (Balai Masyarakat/Bapas), in a deliberative process aimed at reaching a Diversion Agreement. Several factors affect the effectiveness of diversion, including the limited number of law enforcement officers who have received specialized training on the Juvenile Criminal Justice System, victims' demands for excessive compensation motivated by financial gain, and the public's limited understanding of the objectives and procedures of diversion.

1. INTRODUCTION

The nation's future generation plays a vital role in the sustainability of national development. Therefore, the state is obligated to provide protection, guidance, and fulfillment of children's rights so they can grow and develop optimally. However, in today's social development, many children are involved in illegal acts, including motorcycle theft. The phenomenon of children's involvement in crime demonstrates the influence of various factors, including family factors, social environment, education, and economic conditions, which encourage children to engage in unlawful acts. Motorcycle theft is a form of property crime that frequently occurs in various regions in Indonesia, including within the jurisdiction of the Sorong Police Department. The high mobility of people who use motorcycles as their primary means of transportation makes motorized vehicles vulnerable to theft. This crime is not only committed by adults, but also

involves children as perpetrators. This situation raises concerns because children who should be receiving guidance are instead facing criminal legal proceedings.

In the conventional criminal justice system, criminals are generally prosecuted through a punishment-oriented judicial mechanism. However, the application of this system to children is considered inappropriate because it can negatively impact their physical, mental, and social development. Judicial processes that result in conviction often create social stigma that can impact a child's future and hinder their rehabilitation and social reintegration into society.

As a form of protection for children in conflict with the law, the government enacted Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). One of the important reforms in this law is the implementation of diversion, namely the transfer of the resolution of children's cases from the criminal justice process to a process outside the criminal justice system by prioritizing a restorative justice approach. Diversion aims to achieve peace between victims and children, resolve children's cases outside the judicial process, prevent children from being deprived of liberty, encourage community participation, and instill a sense of responsibility in children for their actions.

The implementation of diversion in motorcycle theft cases committed by children is important to study because not all cases can be resolved through this mechanism. In practice, the success of diversion is influenced by various factors, such as the victim's willingness to reconcile, family support, the role of law enforcement officers, and the social conditions of the child perpetrator. On the other hand, various obstacles are still found in the implementation of diversion, both originating from legal aspects and social aspects of society that tend to require punishment for perpetrators of criminal acts. In the jurisdiction of the Sorong Police, the handling of motorcycle theft cases involving children provides an illustration of the implementation of diversion as regulated in Law Number 11 of 2012. The Sorong Police, as a law enforcement institution, has a strategic role in seeking to resolve cases involving children through diversion to realize legal protection and the best interests of children. Therefore, research is needed to determine how efforts to overcome motorcycle theft crimes committed by children through diversion, as well as the factors that support and hinder its implementation.

Based on the description, this research is important to conduct an in-depth study on efforts to overcome the crime of motorcycle theft by children through diversion from the perspective of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (Study at the Sorong Police). The results of this research are expected to contribute to the development of criminal law science, especially in the field of juvenile justice, as well as become evaluation material for law enforcement officers in optimizing the application of diversion for children in conflict with the law. Research on the application of diversion for children in conflict with the law has been conducted by many previous researchers. However, research that specifically examines efforts to overcome the crime of motorcycle theft committed by children through diversion at the police level, especially at the Sorong Police, is still relatively limited.

A study conducted by Abdul Hakim (2016) entitled "Legal Analysis of the Application of Diversion to Children Perpetrators of Motorcycle Theft Crimes (Determination Study No. 03/Pid.Sus-Anak/2015/PN.RAP)" shows that the application of diversion is a form of legal protection for children in conflict with the law. The results of the study explain that diversion is

able to prevent children from formal judicial processes that have the potential to have a negative impact on children's psychological development. However, its implementation still faces various obstacles, both in terms of the understanding of law enforcement officers and the lack of support from related parties in the case resolution process.

Furthermore, a study conducted by Elvi Wahyuliana Siregar (2016) entitled "Implementation of Diversion for Children in Motorcycle Theft Cases in the Sleman Regency Jurisdiction" found that diversion is an effective alternative case resolution in realizing the best interests of children. The study emphasized that the success of diversion is greatly influenced by an agreement between the perpetrator, victim, family, and law enforcement officials. However, this study focused more on the implementation of diversion within a specific jurisdiction and did not examine in-depth efforts to combat crime through diversion. Based on the background of the problem above, the problem formulation in this research, the author hopes to get an answer to related efforts to overcome motorcycle crimes against children through diversion from the perspective of Law No. 11 of 2012 concerning juvenile justice and factors that influence efforts to overcome motorcycle crimes against children through diversion from the perspective of Law No. 11 of 2012 concerning juvenile justice.

2. IMPLEMENTATION METHOD

This research uses empirical legal research methods with the approach empirical juridical. This approach is used to examine the implementation of provisions Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, specifically regarding the implementation of diversion in handling motorcycle theft crimes committed by juveniles at the Sorong Police. This research not only examines the applicable legal provisions (law on the books) but also examines their application in practice (law in action).

The research was conducted in Sorong Police Station considering that the institution has the authority to handle juvenile criminal cases, including the implementation of diversion. The data used consists of primary data and **secondary data**. Primary data was obtained through direct interviews with informants selected using purposive sampling technique, namely based on their involvement and knowledge regarding the implementation of diversion. The number of research informants 12 people, consisting of 1 Head of the PPA Unit, 2 PPA Unit investigators, 2 Community Counselors (Bapas), 3 children who have undergone diversion, 2 parents or guardians of children, and 2 victims or victims' families. The number of informants can be increased if the data obtained has not reached saturation (data saturation). Secondary data was obtained through a literature study that included laws and regulations, books, scientific journals, previous research results, and documents related to the juvenile criminal justice system.

Data collection techniques are carried out through semi-structured interviews, documentation studies, and literature studies. Interviews were conducted in person, lasting approximately 30–60 minutes, using interview guidelines developed in accordance with the research problem formulation. Documentation was conducted by collecting child case data, diversion reports, investigation reports, and other supporting documents.

The data obtained is then processed through stages editing, namely checking the completeness of the data; transcription, namely converting the interview results into written form; namely

providing codes based on informants and research themes; and classification, namely grouping data according to the focus of the research. Next, the data was analyzed descriptively qualitatively using the analysis model of Miles, Huberman, and Saldaña, which includes data condensation, data presentation, and drawing conclusions. To ensure the validity of the data, source triangulation and technical triangulation were used, namely by comparing the results of interviews, documentation, and literature studies to obtain valid and accountable research results.

3. RESULTS AND DISCUSSION

1. Efforts to Combat the Crime of Motorcycle Theft Against Children Through Diversion in the Perspective of Law No. 11 of 2012 Concerning Juvenile Justice

Diversion is an important instrument in the Juvenile Criminal Justice System which aims to divert the resolution of children's cases from the formal criminal justice process to out-of-court settlement by prioritizing a restorative justice approach. The legal basis for implementing diversion is regulated in Article 7 paragraph (1) of Law Number 11 of 2012 which states that at the level of investigation, prosecution, and examination of children's cases in court, diversion must be attempted.

Year	Police Report Filed	Diversion Successful	Diversion Failed	Transferred to the Public Prosecutor	Diversion Success Percentage
2023	18	12	3	3	80.0%
2024	22	15	3	4	83.3%
2025	20	14	3	3	82.4%
Amount	60	41	9	10	82.0%

The table above shows the progress of motorcycle theft cases committed by children in the Sorong Police jurisdiction during the 2023–2025 period. Based on this data, 60 police reports were recorded relating to motorcycle thefts involving children. All of these reports were followed up to the investigation stage because they met the elements of a crime as stipulated in the Criminal Code (KUHP).

In 2023, Sorong Police investigators handled 18 cases. Of these, 15 met the requirements for diversion as stipulated in Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Twelve cases were successfully resolved through diversion, while three failed due to a failure to reach an agreement between the perpetrator and victim. Cases that failed to be diverted then proceeded to the prosecution stage.

In 2024, the number of cases increased to 22, representing an increase of approximately 22.2% compared to the previous year. Of these, 18 cases met the requirements for diversion, with 15 cases successfully resolved through diversion deliberations, while three cases failed to reach an agreement and proceeded to the criminal justice system. The success rate for diversion this year reached 83.3%, a significant increase compared to the previous year.

Meanwhile, in 2025, the number of cases decreased slightly to 20. Of these, 17 cases met the requirements for diversion, with 14 cases successfully resolved through diversion, while the other 3 cases failed to reach an agreement. The success rate of diversion in 2025 was recorded at

82.4%, indicating that the diversion mechanism remains the primary option in resolving juvenile criminal cases. Overall, during the three-year period, 50 cases met the requirements for diversion, and 41 cases were successfully resolved through the diversion mechanism, resulting in a diversion success rate of approximately 82%. This indicates that investigators from the Women and Children Protection Unit (PPA) of the Sorong Police have endeavored to implement diversion in accordance with the provisions of Article 7 of Law Number 11 of 2012, which requires that every juvenile case with a criminal penalty of under seven years and not a repeat offense be resolved first through diversion.

However, nine cases failed to be resolved through diversion. Interviews with investigators from the Women and Children Protection Unit (PPA) revealed that these failures were generally due to several factors, including the victim or the victim's family's refusal to reconcile, the magnitude of the losses incurred, the lack of agreement on compensation, and the lack of support from the perpetrator's family during the deliberation process. Furthermore, several cases did not meet the requirements for diversion because the child had previously committed a crime or the penalty imposed exceeded the provisions permitted for diversion.

The data in this table shows that diversion has become a primary tool in resolving juvenile criminal cases at the Sorong Police Department. However, its effectiveness is still influenced by collaboration between investigators, Community Guidance Officers (Bapas), victims, perpetrators, families, and the community. Therefore, improving inter-agency coordination, strengthening the role of families, and optimizing restorative justice approaches are crucial factors in enhancing the success of diversion implementation in the future.

Based on the research results, investigators from the Women and Children Protection Unit (PPA) of the Sorong Police Department first identified cases that met the requirements for diversion. These requirements include a crime punishable by imprisonment of less than seven years and not a repeat offense. In motorcycle theft cases that meet these criteria, investigators initiate the diversion process by bringing together the child perpetrator, the victim, the perpetrator's parents or guardians, the victim's parents or guardians, a community counselor from the Correctional Center (Bapas), and other parties deemed necessary. In the diversion process, investigators act as facilitators who lead deliberations to reach an agreement between the parties. Investigators provide an explanation of the purpose of diversion, the rights of children in conflict with the law, and the benefits of resolving cases through a restorative approach. Through these deliberations, victims are given the opportunity to convey the losses they have experienced, while the child perpetrators are given the opportunity to admit mistakes, apologize, and demonstrate a willingness to take responsibility for their actions.

Research shows that the most common forms of diversion agreements include reconciliation between the perpetrator and victim, the return of property or compensation for losses incurred, the child's obligation to participate in parental guidance and supervision, and a commitment not to repeat the offense. These agreements are then documented in a diversion report and serve as the basis for terminating the legal process in accordance with applicable regulations.

Implementing diversion in motorcycle theft cases committed by children offers various benefits. For the child perpetrator, diversion can avoid formal legal proceedings and imprisonment, which can potentially create negative stigma and disrupt their psychological

development. For the victim, diversion provides an opportunity to recover for the losses suffered without having to go through a lengthy judicial process. For the community, diversion can create more harmonious solutions because it emphasizes social restoration rather than retaliation.

2. Factors Influencing Efforts to Combat Motorcycle Crimes Against Children Through Diversion in the Perspective of Law No. 11 of 2012 Concerning Juvenile Justice

Diversion is essentially used as a process of diverting the settlement of children's cases outside the court, in other words, helping children avoid the judicial process. In general, the actions of children who are in conflict with the law can be said to be juvenile delinquency seen from the age limit given by the Law to Children, namely 12-18 years. Juvenile delinquency can be said to be misbehavior by a child who is generally against the existing positive law such as theft, embezzlement, fraud, and delinquent acts that are not clearly stated in the Criminal Code. The family is the closest environment for raising, maturing and in which children receive their first education. The family is the smallest community group, but it is the strongest environment in raising children, especially for those who have not yet attended school.

Poor supervision and upbringing from the family, especially parents, can lead children to engage in behavior that violates norms and is not uncommon. This includes committing acts as defined by the Criminal Code. Unsupervised actions by parents, which are considered criminal in the eyes of society, can result in the child being tried and sentenced by the judge. Abnormal family circumstances can also trigger children to engage in delinquency.

The quality of protection for children should have a degree or level that is at least the same as protection for adults, because everyone has the same position before the law (equality before the law). The implementation of diversion as a form of resolving juvenile criminal cases through a restorative justice approach is mandated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). Diversion aims to prevent children from the formal criminal justice process, eliminate negative stigma against children, and provide opportunities for children to improve themselves through solutions that prioritize deliberation and restoration of relationships between perpetrators, victims, families, and the community. However, the success of efforts to combat motorcycle theft through diversion is inseparable from various interrelated factors. Based on the results of research at the Sorong Police, these factors can be grouped into supporting factors and inhibiting factors.

2.1 Law Enforcement Factors

Law enforcement is the most crucial factor in the success of diversion. Investigators from the Women and Children Protection Unit (PPA) act as facilitators, bringing together perpetrators, victims, families, Community Guidance Counselors (Bapas), and related parties to reach a settlement agreement. Investigators' professionalism, communication skills, understanding of restorative justice principles, and experience in handling juvenile cases significantly influence the success of diversion.

The results of the study indicate that Sorong Police investigators generally understand the obligation to seek diversion for cases that meet the requirements as stipulated in Article 7 of

Law Number 11 of 2012. However, in practice there are still obstacles in the form of limited numbers of investigators who have special competence in handling child cases, so that the diversion process sometimes takes longer.

2.2 Child Factor as Perpetrator

The success of diversion is also influenced by the child's condition as the perpetrator of the crime. Children who admit their mistakes, show remorse, and have a desire to improve their behavior are more likely to reach a diversion agreement than children who are uncooperative or refuse to admit their actions.

Furthermore, the child's background also influences the success of diversion. Based on interviews, most children who commit motorcycle theft come from families with less than optimal supervision, low economic status, and peer influence. These factors make children susceptible to being influenced to commit crimes. Therefore, the success of diversion depends not only on resolving the case but also on changing the child's behavior through ongoing guidance.

2.3 Factors for Victims and Victims' Families

The victim's willingness to reconcile is a key factor in determining the success of diversion. During the diversion deliberation process, the victim has the right to accept or reject a settlement outside the criminal justice system. If the victim is willing to forgive the perpetrator and accept the agreed-upon settlement, diversion can be implemented.

Conversely, if the victim or their family rejects a settlement because they feel they have suffered significant losses or want the perpetrator to be prosecuted, diversion cannot be implemented. Research has shown that some cases fail to be resolved through diversion because the victim believes the losses they have suffered are not commensurate with the compensation offered by the perpetrator.

2.4 Family Factors of the Perpetrator

Families play a crucial role in supporting successful diversion. Parents or guardians are responsible for accompanying their children during the diversion process and ensuring that they adhere to all agreements made. Family support also serves as a form of guidance to prevent children from repeating their actions. However, research shows that some parents still pay insufficient attention to their children's development, either due to work commitments or a lack of understanding of the importance of child supervision. This situation is one of the reasons why children re-engage with environments that have the potential to encourage criminal activity.

2.5 Community Guidance Factors (Bapas)

Community Counselors play a strategic role in the diversion process by developing Community Research (Litmas) as a basis for investigators' decision-making. Litmas includes information on the child's family situation, social environment, education, personality, and recommendations regarding appropriate forms of guidance. The study results indicate that

coordination between the Sorong Police and the Correctional Center has been effective. However, the limited number of Community Counselors compared to the number of cases to be handled means that the Litmas preparation process sometimes takes a considerable amount of time, which impacts the acceleration of diversion implementation.

2.6 Facilities and Infrastructure Factors

Facilities and infrastructure also influence the effectiveness of diversion implementation. Diversion deliberations require a comfortable, private space that fosters a family atmosphere so all parties can express their opinions openly. Based on research findings, the Sorong Police have provided a dedicated service room for handling juvenile cases. However, supporting facilities, such as a representative mediation room, psychological consultation facilities, and professional child support staff, still need to be improved to ensure optimal diversion implementation.

2.7 Statutory Regulatory Factors

Law Number 11 of 2012 provides a clear legal basis for the implementation of diversion. Article 7 stipulates that diversion must be pursued for crimes punishable by imprisonment of less than seven years and not involving a repeat offense. This provision provides legal certainty for investigators in determining which cases can be resolved through diversion. However, in practice, obstacles remain in the interpretation of several provisions, particularly regarding case classification and the application of diversion requirements in certain cases. Therefore, a common understanding is needed among law enforcement officials to ensure that the implementation of diversion does not result in disparate treatment of children in conflict with the law.

2.8 Factors of Community Legal Culture

Community legal culture also influences the success of diversion. Some people still believe that every criminal should be sentenced to prison as retribution for their actions. This view often leads victims or their families to reject diversion as a solution.

In fact, the philosophy of Law Number 11 of 2012 positions diversion as an effort to restore social relations and ensure the best interests of the child. Therefore, more intensive public outreach regarding the objectives of diversion is needed so that the public understands that resolving the problem through diversion does not eliminate the child's responsibility, but rather prioritizes guidance and recovery.

Based on the analysis of justice theory, victims' desire for economic compensation as a form of compensation is evidence that socioeconomic disparities exist within society. This desire arises from differences in opinion and welfare between the victim and the perpetrator. Furthermore, in the analysis of legal system theory, legal culture is defined as human attitudes toward law and the legal system. This societal attitude encompasses beliefs, values, ideas, and expectations regarding law and the legal system.

4. CONCLUSION

Based on the research results, it can be concluded that efforts to address motorcycle theft committed by children at the Sorong Police have prioritized the implementation of diversion as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Diversion is implemented through a restorative justice approach involving children, victims, families, and related parties to reach a resolution that prioritizes the best interests of the child. However, the implementation of diversion has not always run optimally because there are still obstacles, such as the failure to reach an agreement between the perpetrator and the victim, rejection from the victim, and factors causing children to commit crimes, such as environmental influences, lack of parental supervision, and economic conditions. Therefore, better cooperation is needed between law enforcement officers, families, and the community so that the implementation of diversion can provide legal protection while preventing the recurrence of crimes committed by children.

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