



## Forensic Social Work Practices: The Process Diversion of Children Facing the Law in Yogyakarta

Idan Ramdani<sup>1\*</sup>,

<sup>1</sup> UIN Sunan Kalijaga Yogyakarta

\* Corresponding Author. E-mail: [idan.ramdani@uin-suka.ac.id](mailto:idan.ramdani@uin-suka.ac.id)

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**Abstract:** This study describes the handling of cases of children in conflict with the law by considering the fulfillment of children's rights and the achievement of Restorative Justice. One of the implementations of restorative justice is through the diversion process. Diversion is the transfer of the settlement of children's cases from the criminal justice process to a process outside the criminal justice system. The involvement of the social worker profession in the diversion process is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Social workers who deal with legal issues are called forensic social workers. Forensic social workers have a very important role in the diversion process of Children in Conflict with the Law. The method used in this research is a descriptive method with a qualitative approach, with 7 informants consisting of 5 child protection social workers and 2 community advisors. Data collection techniques are in-depth interviews, observation and documentation studies. Data analysis techniques used are qualitative data analysis techniques through data reduction, data presentation and conclusion drawing. The results of this study indicate that the roles performed by social workers in the process of diversion of children in conflict with the law are the roles of planner, mediator, motivator, educator and broker. These roles have been carried out quite well, but there are roles that are less than optimally implemented, namely the role of an educator and a role as a broker.

**Keywords:** ; Forensic Social Work, Diversion, Children Facing the Law

**Abstrak:** Penelitian ini mendeskripsikan penanganan kasus anak yang berkonflik dengan hukum dengan mempertimbangkan pemenuhan hak anak dan pencapaian *Restorative Justice*. Salah satu implementasi *restorative justice* adalah melalui proses diversifikasi. Diversifikasi adalah pemindahan penyelesaian perkara anak dari proses peradilan pidana ke proses di luar sistem peradilan pidana. Keterlibatan profesi pekerja sosial dalam proses diversifikasi diatur dalam Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Pekerja sosial yang menangani masalah hukum disebut pekerja sosial forensik. Pekerja sosial forensik memiliki peran yang sangat penting dalam proses diversifikasi Anak Berkonflik dengan Hukum. Metode yang digunakan dalam penelitian ini adalah metode deskriptif dengan pendekatan kualitatif, dengan jumlah informan 7 orang yang terdiri dari 5 pekerja sosial perlindungan anak dan 2 orang pendamping masyarakat. Teknik pengumpulan data adalah wawancara mendalam, observasi dan studi dokumentasi. Teknik analisis data yang digunakan adalah teknik



analisis data kualitatif melalui reduksi data, penyajian data dan penarikan kesimpulan. Hasil penelitian ini menunjukkan bahwa peran yang dilakukan oleh pekerja sosial dalam proses diversifikasi terhadap anak yang berkonflik dengan hukum adalah peran perencana, mediator, motivator, pendidik dan perantara. Peran-peran tersebut telah dilaksanakan dengan cukup baik, namun ada peran yang kurang maksimal dilaksanakan yaitu peran sebagai pendidik dan peran sebagai perantara.

**Kata Kunci:** Pekerjaan Sosial Forensik, Diversifikasi, Anak Berhadapan Hukum,

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## INTRODUCTION

Children are the future of a nation that deserves humane treatment. The education of children as the next generation will determine the quality of our future as a human being and a nation (Ramdani, 2020). As mentioned in 1945 Constitution Article 28 B subsection (2) that "Every child has the right to survival, growth, and development and is entitled to protection from violence, discrimination. Children's problems are one of the main problems that need to be solved and addressed in order to foster the younger generation, especially children who experience legal conflicts. Guidance to increase awareness of legal order, one of the efforts is to provide treatment and protection with a special process in tackling children facing the law (*Article 1 number 3 of The Law of the Republic of Indonesia No. 11 of 2012 concerning the System The Juvenile Criminal Court states that "Children who are in conflict with the law hereinafter referred to as Children are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing criminal acts"*) from the level of investigation, prosecution and justice as stipulated in the laws and regulations (Yul Ernis, 2016).

Indonesia has ratified the Convention on the Rights of the Child and its protocols, through *Presidential Decree No. 36 of 1990* and *Law No. 5 of 1998* as ratification of the Convention against Torture and other cruel inhumane Treatment or Punishment that degrades human dignity. Therefore, it is legally bound to carry out the convention and make it part of the applicable laws and regulations (Noorani, 2018).

As stated by KPAI (Irmayani, 2018) related to a number of community complaints related to children in 2016 the Indonesian Child Protection Commission received 3,581 cases of community *complaints* related to violations of children's rights. The highest cases of children facing the law reached 1,002 cases, followed by cases related to family and alternative care 702 cases, cyber-based child crimes (cyber crime)

414 cases, then cases of child violations in education 328 cases. The above data is known that the highest cases are cases of children facing the law is 1,002 cases. The findings focus more on the number of child-related cases facing the law. Nurwijayanti's findings in Yogyakarta show the type of criminal acts committed by street children. The criminal acts found include evasion, extortion and threats to the victim (Nurwijayanti, 2012). With the number and type of child crimes committed, they are faced with the law. This indicates that there is an increasing need for protection, coaching and capacity building for children when they are not at home or precisely when dealing with the law (Sahroji.A, 2017).

Basically every child who enters the Criminal Justice System as a perpetrator, must meet the principles of non-discrimination, which is best in the interests of the child, the survival and development of the child and respect for the opinion of the child. Although the *mentioned* regulatory tools have determined the protection of children's rights, in reality they still have not received very beneficial treatment for the best interests of the child (Hidaya, 2019). With the existence of the Juvenile Criminal Justice System Law, there is a fundamental change, namely the use of the *Restorative Justice* approach through the diversion system, according to Pasal 1 number 7 of the Juvenile Criminal Justice System Law, what is meant by diversion is "the transfer of the settlement of children's cases from the criminal justice process to the criminal justice process". In this regulation, it is regulated regarding the obligation of law enforcement in pursuing the version (transfer of the settlement of cases child from judicial proceedings outside the criminal justice) at all stages of the legal process (Susantyo, Setiawan, Irmayani, & Sabarisman, 2016).

Article 1 number (6) of the Juvenile Criminal Justice System Law states that restorative justice is the settlement of criminal cases involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing recovery back to the original situation, and not retaliation.(Susantyo et al., 2016). In order to commit the crime of the child, it is appropriate that they are protected their rights as well as to ensure the survival of future generations, in addition to that of course it is also necessary to be prepared for all law enforcement officials, understanding of the community and facilities and infrastructure are supporting

factors that cannot be ruled out in streamlining the enactment of the Law (Wicaksono & ., 2015).

Forensic social worker is a social worker's specialty within the legal system, In particular, his activities include "providing expert testimony in the courts of law, investigating cases of possible criminal acts, examining a legal system in issues such as childcare disputes, divorce, not providing sa ntunan, delinquency, mistreatment of spouses or *children*, commitments of psychiatric hospitals, and tanggung responsibility of relatives"(Martinaki, Papaioannou, & Asimopoulos, 2018) Social workers have a diverse scope and intersect with various other professions. However, to maintain this professionalism is regulated in the NASW code of ethics (Bonecutter, 2019)

Previous research conducted by Rosemary Sheehan, explaining the role of social workers in the forensic realm and their handlers in Australia (Sheehan, 2016). The scope of the forensic social worker's realm is in litigation assistance. Assistance of witnesses, victims and perpetrators. The practice of social work in this context is also present for psychosocial *assessments* with adolescent offenders, to get better treatment for them, and for advocacy for vulnerable women to secure the same. Forensicsocial work has been heavily centered on mental health and correction systems, although it can be understood as the application of social work in non-voluntary systems, including child protection services. Of course, contemporary social work practices in mental health and child protection are as intensive as the practice of criminal law and the correctional system, given the various laws governing professional intervention with clients and their families.

The next study conducted by Diane Young of the University of Washington at Tacoma was titled Social Workers' Perspectives on Effective Practice in Criminal Justice Settings. Describes the exploration of the realm of social work practice within the area of criminal justice litigation. The finding is that the context of mentoring that social workers do to clients is very diverse, covering many aspects. It can be concluded that social workers provide assistance in the realm of litigation and seek the rights of clients as advocates (Young, 2014).

Based on the above background, the topic of this study explains the Practice of Forensic Social Workers in the process of assisting children facing the law in

Yogyakarta. In the mentoring process, social workers have many roles for clients, namely as educators, motivators and brokers.

## METHOD

This research uses a descriptive method with a qualitative approach. Qualitative methods are methods that focus on in-depth observation. Therefore, the use of qualitative methods in research can produce a more comprehensive study of a phenomenon. (Sugiyono, 2013) The use of this descriptive method aims to get an idea of the role of social workers in the process of transferring children facing the law in the Yogyakarta Penitentiary. In this study, researchers used the following data sources: (1) Primary data sources Primary data sources are informants who can provide explanations about research problems. This data is obtained directly from research sources in the field. The main data sources in the study were two Community Advisors and five Social Workers.

The determination of data sources in this study is determined through purposive techniques, namely researchers choose informants according to certain criteria that have been set. (Tanzeh, 2011) The information and data obtained can be used as facts, it is necessary to check the validity of the data to ensure the validity and credibility of the data obtained. The data validity test in this study includes credibility (internal validity), transferability (external validity), dependability (reliability) and conformity (objectivity) tests.

Credibility Test used (1) The expansion of participation is also intended to build the subject's trust in the researcher and also the researcher's own self-confidence. Through the expansion of participation, informants in this study will be more open in conveying information related to the role of social workers in the process of transferring children facing the Law, (2) Expansion of Persistence Observation, namely with increasing persistence, certainty of data and sequences of events can be recorded definitively and systematically. The persistence of this observation is intended to find elements in the situation that are very relevant to the role of social workers in the process of transferring Children Facing the Law handled by Balai Pemasarakatan Yogyakarta. One of the efforts to increase the persistence of observations, researchers followed the process of diversion deliberations at the Yogyakarta City Police, (3) There

are three triangulations, namely source triangulation, engineering triangulation and time triangulation. Triangulation of sources to test the credibility of the data is carried out by checking the data that has been obtained through several sources. This data is obtained from data sources, namely informants consisting of social workers and Community Advisors. Triangulation of techniques to test the credibility of data is carried out by checking the data to the same source with different techniques. The data is obtained from the results of interviews, then checked with observations, and documentation studies to the parties involved. Time triangulation is checking data at different times. The triangulation time of the researcher is carried out in the morning, afternoon, evening and also evening. Researchers conduct interviews and in-depth observations/observations with informants at different times (4) Using Reference Materials. Reference materials include photographs, recordings, drawings, and documents relating to the role of social workers in the process of transferring Children Facing the Law. Transferability is carried out by providing detailed, jeans, sitematic and trustworthy descriptions and writing reports so that readers know clearly about the results of the research. Readers can determine the results of this study can be used for other new research. The reader can understand a clear account of the report on the role of the social worker in the process of transferring the Child Facing the Law. Depenability is carried out by auditing the overall data from the research process. Certainty is carried out by checking data and interpreting research results. In addition, the research seminar will test the results of the research, making this research later will be confirmed.

## RESULTS

Balai Pemasarakatan (Bapas) Yogyakarta is a technical implementation unit of the directorate general of corrections which is under and directly responsible to the regional office of the ministry of law and human rights. Bapas Class I Yogyakarta is an institution to carry out community guidance, one of whose duties is to control Children Facing the Law in and outside the criminal justice process, including assisting the diversion process in collaboration with other professions including social workers. Data from Bapas Class I Yogyakarta from January to October 2019 recorded 84 cases Successfully Facing Children are dealt with through a process of diversion. The

following is data on the diversion handlers of Children Facing the Law until September 2019

Characteristic Informant, an informant is a person who can provide important information about the situation and conditions from the background of the research problem carried out by the investigator. To see the role of social workers in the diversion process handled by the Yogyakarta Correctional Center, researchers selected five informants, namely two community guidance informants from Bapas Class I Yogyakarta and three social workers. The results showed that the role carried out by social workers in the diversion process is the role of social workers as enablers, the role of the driversi social as an intermediary (mediator), the role of social workers as motivators (motivators), the role of social workers as advocates, the role of social workers as educators (educators) and social workers as liaisons (brokers). The role of the social worker that remains to be improved is as an educator (educator), and the role of the social worker who experiences obstacles is the role of the social worker as a liaison (broker)

## DISCUSSION

### **The role of a Social Worker as an Enabler**

The implementation of this role includes identifying the problems, situations, conditions and vulnerabilities of Children Facing the Law, identifying the expectations and desires of Children Facing the Law, and identifying problems, needs and Potentials and Sources. The results of the social worker assessment will be used as the basis for making problem-solving strategies. This is in line with the role of the social worker as an enabler according to Charles Zastrow (2004), that as an enabler the social worker helps individuals or groups to express the needs of their needs, explain and identify problems-masalah to seek strategic agreements problem solving, to choose and implement strategies, and to build their capacity to deal with problems more effectively. Give this the role of the social worker sebagai enabler in the process of diversion Of Children Facing the Law as follows :

As an Enabler the Social Worker identifies to see the situasi and condition of Of Children Facing the Law both physically, psychically and socially and explores the

background of the occurrence of the case according to their respective versions, as the Social Worker says as follows:

"If there is a diversion process, then the social services that have been contacted by the police will immediately assign a social worker to assist the process. Social workers in coordination with the police and community advisers will immediately go to the field to conduct a home visit and conduct an assessment related to the condition of Anak Ber before Hukum , especially children as victims and the background of the case."

Physical condition includes health conditions and the impact of violent acts committed by perpetrators both based on observations from social workers, interview results and examination results from doctors. Psychologically, social workers will see the impact of the incident on the psychological condition of Of Children Facing the Law which will usually affect his behavior. The social worker will look at and identify the social conditions and situations that affect Of Children Facing the Law or the situation and social condition of the victim as a result of the incident. The situation and conditions of the social environment will affect the healing process of the victim's trauma. The situation and social environment may worsen the victim's situation or it can also be a source of healing for the victim. from social workers is used as the basis for the formulation of problem-solving strategies in order to deal with diversion deliberations and post-diversion deliberations after the diversion process is completed.

Social workers identify the demands that will be put forward by the victim on the diversion process. The victim is given an idea that he can submit a request for repair, treatment or compensation for damage, loss or accidents that have been caused by the perpetrator's actions. The results of the assessment related to the expectations and desires of Of Children Facing the Law are also the basis for formulating strategies in the process of deliberation of the diversion to be implemented.

Identify Problems and Needs and Available Potentials and Resources. Article II of the SPPA Law states that the results of the divestment agreement can take the form of, among others: a. Peace with or without indemnification; b. Handover back to a parent or guardian; c participation in education or training in educational institutions or LPKS for a maximum of three months; or e. Community service is at most three months. Based on the article above, social workers have an obligation to identify the



problems and needs of the Child Facing the Law as well as the potential and resources available.

Based on the results of the Assessment of Social Workers in collaboration with community supervisors, it is expected to be able to see the specific problems and needs of children facing the law. If the victim is still sick or traumatized, the social worker will identify the various potentials and available sources that the victim can take advantage of. Social workers also identify specific problems and needs for the perpetrator and his family. In the case of perpetrators whose level of delinquency or behavior needs to be changed, social workers also identify various potentials and sources that can be accessed by the perpetrator. This is in accordance with what md suggests, as follows:

"We first look at the condition of the children we accompany, for victims who are still experiencing trauma, what they need is an institution for trauma recovery. As for the perpetrators who still need guidance, especially psychosocial guidance and behavior change, we will see the possibility of whether further services are needed or enough with psychosocial guidance or behavior and personality changes carried out by social workers."

The results of this social worker assessment will be the basis for the preparation of a further service plan for Anak Bbefore Hukum. The plan that has been drawn up by the social worker will be submitted at the diversion process and will be part of the diversion agreement.

### **The Role of Social Workers as Mediators.**

Diversion can be carried out at different levels of legal proceedings for Children Facing the Law. Most of the diversion process occurs at the stage of police investigation, where the police have the authority to decide on the diversion of a child criminal case. If the diversion process is carried out at the level of investigation in the police, the police act as a facilitator. The election will coordinate with Bapas to present community guidance, coordinate with the Social Service to present Social Workers, coordinate with the Children's Law Advocacy Agency, contact the perpetrator and his family, contact the victim and his family, and contact community leaders where the perpetrator lives if they are engaged. As a mediator, social workers mediate or bridge the perpetrator's family and the victim's family so that they are willing to make peace

so that restorative justice is achieved. This is in line with the opinion of Charles Zastrow (2004) about the role of social workers as mediators that social workers should use their unique abilities in conducting various mediations. A mediator must be neutral, impartial to either party, and ensure they understand each other's position. Social workers help explain their respective positions, identify miscommunications related to differences, and help them present cases clearly. Here is the role of social workers in as mediators of the diversion process, Submit the Results of the Assessment on the Conditions and Hopes and Wishes of Of Children Facing the Law as a social report. The social worker after conducting the assessment as a whole in collaboration with the community supervisor, then has the obligation to disclose the results

the assessment is on the diversion process. The results of the assessment include the bio-psycho-social condition of Of Children Facing the Law and the expectations of his wishes. This is very important, so that each party, especially the perpetrator, understands the condition of the victim and his expectations and desires. This right is as stated by Rm as follows:

"Social workers will bring up the condition of the Child Facing the Law both physical, psychological and social conditions. In addition, social workers also expressed the desires and expectations of the Children Facing the Law that they want to obtain through the peace process or diversion. This is so that all parties understand the conditions of the two parties and can assist the diversion process in accordance with their duties and authorities."

Provide the Perpetrator to express his problems, regrets and apologies to the victim the perpetrator is given the first opportunity to raise the issue from his point of view, as well as express his regret for his actions towards the victim. The perpetrator gives an overview of the problem according to his point of view that may not be known by the parties. The perpetrator was also given the opportunity to express his regret and apologise to the victim sincerely so that the peace process could be achieved. This is as Vr suggests as follows;

"The perpetrator was given the opportunity to raise the issue and its condition in front of the parties. Sometimes the perpetrator puts forward a reason or some kind of self-defense of what he did to the victim. Furthermore, the perpetrator as the reported party is given the opportunity to apologize sincerely to the victim."

The attitude and manner of the perpetrator in apologizing to the victim greatly affects the victim's attitude towards the perpetrator. A genuine and sincere apology of the perpetrator will usually stir the victim's heart to forgive or reduce his demands.

Unlike when the perpetrator is not really sorry and only half-hearted, usually the victim is reluctant to forgive and make peace. Giving the Victim Problems, his desires and Hopes and his feelings in the Process of Diversion,

The victim is given the opportunity to express the condition of the problem from his perspective as a victim, his situation and condition as well as his hopes and demands to the perpetrator if peace is to be realized. The hope of this process is that all parties, especially the perpetrator, can feel what the victim feels so that they are more empathetic to the victim and deepen the perpetrator's sense of remorse for his actions towards the victim. The victim is given the opportunity to respond to the perpetrator's apology for his actions, and has the right to forgive or not forgive the perpetrator's actions against him. The victim is also entitled to submit a request for rectification, treatment or compensation for damage, loss or accident that has been caused by the perpetrator's actions against the victim so that a peace process can be achieved, as stated by Aw as follows:

"In the diversion process, the victim will be given the opportunity to respond to the perpetrator's apology and disclose his condition in front of the parties. The victim can express his annoyance, his unek-unek and his hopes from the ongoing diversion process. The victim also has the right to apply for compensation or compensation to the perpetrator for the incident that happened to him".

The psychological condition of the victim, which is not mature and still emotional, often makes the expression less clear and can cause misperceptions on the part of the perpetrator. Social workers will usually repeat the victim's vague statement so that it can be more understood and conveyed its intentions by the parties, especially the perpetrator. Provide the Perpetrator with the Opportunity to Express Ability or Inability to Demand or Request the Victim.

The perpetrator also expresses approval or objection to the victim's demands against the perpetrator. The objection can be either the value of the claim or the grace period for payment of the claim. Sometimes in the condition of the victim who is still very hurt by the actions of the perpetrator against him gives high demands, while the perpetrator finds it difficult to fulfill them. This is as per Vr's statement.

"Sometimes karen feel hurt, file claims and compensation at a value that is felt too high by the perpetrator, then the perpetrator has the right to declare his

inability, of course, on reasonable grounds and understandable to the victim. But if the perpetrator immediately agrees then the diversion process will be faster".

The perpetrator will usually be more careful in expressing his inability or disapproval of the victim's demands, given his position as a reported and threatened to proceed to the judicial process if the diversion is unsuccessful. The social worker's role is to explain and recall the Position of the Perpetrator and its consequences if this process fails.

Social workers will try to repeat the message from both parties so that it is conveyed properly and understood by each party without any misunderstandings. Social workers see an opportunity if the victim can reduce his demands either in terms of the number, type or time of submission of demands related to the condition and ability of the perpetrator. In situations where the perpetrator is less cooperative towards the victim's demands, the social worker will remind each party's position, especially the perpetrator. The perpetrator is in a reported situation and his bargaining position is different from that of the victim. The social worker reminded again that each party has the right not to agree on the peace and proceed to the next legal process. Social workers also reminded that the grace period for submitting demands should not be too long, which is a maximum of 30 days after the diversion process. Before all agreements in the diversion process are implemented, the Bapas through the community supervisor will carry out supervisory duties on the child during the diversion process and the implementation of the diversion agreement, including reporting it to the court if the diversion agreement is violated or not implemented.

The Role of Social Workers as Motivators.

The position of the child facing the law is a position that is very unpleasant and even shocking for both the perpetrator and the victim. Facing diversion deliberations is not an easy thing for Ason Bbefore Hukum. There is a sense of anger, anger, and fear, in undergoing the process of diversion. These concerns are very reasonable, because all parties will meet and various possibilities may occur. The social workers in this case gave encouragement and psychological linking to Of Children Facing the Law and assured them that they would be able to go through the process of diversion. The Department of Social Affairs (2007) stated that the role of social workers as motivators

is to provide stimulation and encouragement to beneficiaries to be positive, so that it can develop its potential. The following is the role of social workers as motivators in the process of diversion. (1) Provide Psychological Reinforcement to Face Diversion Deliberations. Diversion decisions often make the parties feel anxious both on the part of the perpetrator and the victim. The diversion deliberation will bring together the parties, especially the perpetrator and the victim. Social workers provide reinforcement and appease both sides in the face of diversion deliberations. Social workers gave the understanding that the deliberation of diversion is a mandate of the Law, especially the Nonor Law 11 of 2012 concerning the Juvenile Criminal Justice System, and is carried out in the best interest of the child. This is in line with what DD stated as follows:

"Usually in the face of diversion deliberations both sides both victims want topun the perpetrator feels anxious and worried because after all the position of facing the law is a frightening and worrying position. As social workers we seek to provide reinforcement that they can definitely get through, and also provide assurance that social workers will help and accompany them throughout the diversion process."

The social worker gives the Child An overview of the possibilities that will occur if the diversion deliberations are successful and if the diversion deliberations fail. This is to provide more psychological reinforcement to children facing the law in the face of the diversion process. (2) Motivate the Perpetrator to Regret His Actions and Apologize To The Victim. Usually when a case has just happened, the victim still feels hurt and reluctant to reconcile.

Currently, social workers motivate the perpetrator not to despair and give an idea to the perpetrator what if he were in the victim's position so that the perpetrator regrets his actions and is willing to apologize to the victim and his family with humility at the diversion deliberations. In some cases, sometimes the perpetrator feels that his actions towards the victim are right and are reluctant to apologize to the victim. Social workers in such cases give the perpetrator an idea of his position as a reported person and his risks going forward if the diversion deliberations are unsuccessful or do not reach an agreement. Furthermore, the social worker also gave an idea that if the diversion deliberations failed, it would proceed to the judicial process.

In cases like this, the social worker uses skills and art as a social worker so that over time the perpetrator can understand the situation and conditions he is facing, until he is finally willing to apologize sincerely to the victim. This is as stated by AW as follows:

"Social Workers and civic advisers have a lot of restraint and patience because sometimes in some cases we face perpetrators who do not know themselves and are self-righteous for their actions. We must be good at giving explanations and encouragement so that they are aware of their divinity and are willing to apologize to the victim with full awareness".

The Social Worker also provides motivation so that the perpetrator is willing to provide compensation to the victim and come out according to the mistakes he made and the losses suffered by the victims. In a situation where the koeban feels very heavy with the compensation demands filed by the victim and his family, the social worker tries to help them make a laugh so that an agreement is reached in the form of compensation and the amount that can satisfy both parties. In terms of bargaining, sometimes the parties are so difficult to disclose what each party is trying to do that requires the help of social workers to express their wishes and their hearts. The culmination of the role of the social worker as a motivator is to invite the perpetrator to take wisdom from his behavior so that it becomes a learning and deterrent effect, so that the perpetrator will no longer dare to make the same mistakes or other obstacles that violate the law.

(3) Motivate Victims to Forgive Perpetrators and Make Peace Efforts in the Best Interests of All Parties. Usually when the incident has not happened for a long time, the victim often still feels hurt and hurt for the behavior or actions of the perpetrator so that it is difficult to forgive and make peace. This is as stated oeh Rm as follows:

"Often the victim still feels hurt and has not been able to forgive the perpetrator, especially since the incident has not happened. The social worker must be able to provide an overview of what risks are if the victim continues his or her demands against the perpetrator both in terms of psychological and material aspects, even though in the end the decision remains in the hands of the victim."

The social worker in this case gave various considerations to the victims of their families, which reduced the victim's right to proceed with the case if peace was not achieved. The consideration in question is, if the diversion is not berhasil or there is no

peace, then the process to be passed will be longer and heavier both physically, psychically and materially. In addition, the Victim and his family are given the opportunity to submit a request for repair, treatment or compensation for damage, loss or accident that has been caused by the perpetrator's actions. Like the perpetrator, the victim also in certain situations, especially in facing the diversion process, sometimes has difficulty expressing his desires and heart. In such a situation, the social worker gives directions or encourages the victim to be able to disclose the form of compensation or compensation and address it to the perpetrator and his family.

#### The Role of Social Worker as an Advocate

Social workers in carrying out the role of defenders in coordination with community advisers seek to fight for the rights of Of Children Facing the Law to obtain the services needed after the diversion process. This advocacy for children's rights is conveyed in diversion deliberations in the form of social reports. Furthermore, social workers will advocate for the social service institutions needed in accordance with the diversion decision. This is in line with the opinion of Charles Zastrow (2004) the role as a defender is an active and direct role in which social workers make defenses against clients or against community groups. This is done when clients or community groups need help and existing institutions / institutions do not show interest or even negative and hostile struggles in providing services, then the role of a defender is necessary. The social worker as a defender conducts data collection, to be able to argue to defend the truth at the needs and requests of clients, and to challenge the policies of institutions that do not provide services. The following is the role of the social worker as an advocate: (1) Conveying the rights and needs of Of Children Facing the Law in the Diversion Deliberation Process. Social workers in coordination with community advisers provide social reports at the time of diversion deliberations. The social report includes the results of an assessment related to the needs of Of Children Facing the Law for follow-up services post-diversion. Service needs can be in the form of needs for access to education, access to health, access to employment, access to social services for trauma recovery, as well as services for coaching for perpetrators. Social workers convey the rights and needs of Of Children Facing the Law accompanied by data

processed at the time of assessment related to problems, potentials and available sources. This is in accordance with what AW expressed as berikut:

"The social worker in coordination with the community adviser provided a social report on the matters and needs of Of Children Facing the Law for advanced social services. If the social report provided is accompanied by good reason and the results of a complete assessment will usually be approved by all parties and determined in the course of diversion."

The social reports from social workers and community advisers will serve as the basis for diversion decision-making for the best of care for the child. In the case of Of Children Facing the Law referred to Lembaga Child Welfare Services, Social workers advocated for institutions/institutions both government-owned and private to provide access to services needed by child the presence of law. Some institutions have collaborated with social services, but their existence is inadequate. Further services for Of Children Facing the Law can be in the form of access to education services, health, work skills, as well as access to service institutions for trauma recovery or social guidance. If the institution in question refuses or is difficult to access because of bureaucracy or the policy of the institution that does not favor Children Facing the Law, then social workers seek to defend their rights until they get the services they need. In accordance with Dd's statement as follows"

"In addition to institutions for psychosocial recovery, sometimes Of Children Facing the Law also needs access to education, health, and even job training. Social workers advocate to schools, education agencies, hospitals, social services, and labor agencies according to the needs of Anak Bbefore Hukum. Sometimes the bureaucracy and rules of the institution are not on the side of the child, we have to fight to influence the policy to be in favor of the interests of the child."

The role of social workers as advocates as described above is very important and requires the support and cooperation of various parties so that children's rights can be fulfilled and they can function socially reasonably according to their age and be accepted in society

#### The Role of Social Workers as an Educators

Social workers as educators provide information they do not know, also teach them various skills including teaching the perpetrator and his family to behave better



and teaching them to apologize kindly to the victim and his family. Victims are also taught to more assertively convey their hopes and desires as well as behavior change and strengthen the families of Children Facing the Law for the restoration of their social functioning. In sync with

Charles Zastwov (2004) The role of an educator includes informing clients and teaching them adaptive skills. To be an effective educator, social workers must have adequate knowledge. Social workers must have good communication skills so that the message conveyed is easy to understand. Examples include teaching parenting skills, teaching emotional control, and teaching individuals with a bad temper. The following is an explanation of the role of social workers as educators in the process of diversion of Children Facing the Law, (1) Socializing the Juvenile Criminal Justice System Based on Law No.11 of 2012. Socializing the Juvenile Criminal Justice System to the perpetrators, that the diversion decided by the police in the investigation process or the follow-up process, is the mandate of Law No. 11 of 2012 for the best care for children. Social workers at the outset of mentoring Children Facing the Law should illustrate that diversion efforts are essential for the child's future in relation to poor punishment both psychologically and socially. Imprisonment or punishment is the last resort that will be pursued if the diversion is taken if peace efforts are not achieved. This is in accordance with what AW expresses as follows:

" one of the main roles of social workers in mediation efforts is to socialize the Juvenile Criminal Justice System based on Law No. 11 of 2012. The social worker in this case explained that diversion efforts are a statutory mandate that must be implemented, considering that children can still change and have a bright future in the future. Imprisonment is an attempt the last one that is taken if the diversion fails and there are still other attempts to be coached or returned to his family".

Social workers also reminded the perpetrator that the diversion process only applies once, or in other words does not apply to repeated criminal acts. If the diversion fails, it will continue in the juvenile criminal justice process in the next team. The investigator in this case, the police, will remind that if the diversion fails and the legal process continues, the criminal record of the perpetrator will not be deleted for good. This is obviously very detrimental and affects the future of the child. (2) Helping the Perpetrator and His Family Learn how to Apologize Well to the Victim and His Family.

In the implementation of the diversion, the perpetrator is given the first opportunity to raise the problem from his point of view, and express his regret for his actions towards the victim. In some cases, sometimes the perpetrator is reluctant to apologize because he feels that his actions towards the victim are not his fault. The social worker will remind the perpetrator of his position as the reported person and the various consequences that will be accepted if the diversion deliberations are unsuccessful. Workers slowly make the victim aware that his actions were wrong and teach the victim to behave better and be willing to apologize to the victim sincerely and sincerely. In certain cases where the perpetrator lacks adequate family education, they find it difficult to express remorse and apologies to the victim, as stated by AW as follows:

As mom saw earlier, it was clear she was wrong to apologize while pouting like she didn't feel guilty. That's why we as social workers must learn how to be kind and apologize properly and from the heart. Just now it didn't seem to be from the heart apologizing".

Social workers teach Children Facing the Law to behave well at diversion deliberations. This is done before the divestment deliberations begin as well as when the diversion deliberations are taking place. The role of the social worker as an educator is critical to the success of the diversion process. (3) Help victims learn to convey their wishes and hopes. Social workers teach victims how to convey their hopes and desires in diversion deliberations. Victims who still feel angry and upset about the perpetrator's actions are often difficult to forgive the perpetrator. Social workers provide an overview of the possibilities that will occur if the diversion process is successful or unsuccessful, including the risks. Victims also sometimes have difficulty in expressing their wishes and hopes in front of a crowd. Victims and families with limited education are usually difficult to say good words that are understandable to all parties. Social workers teach victims and their families to speak in front of crowds with kind and polite speech and not get carried away with emotions. As Vr suggests.

"The way of speaking in front of people alone is sometimes difficult, especially to express their wishes or demands on the perpetrator, otherwise we teach it to be wrong and even quarrel. It does take extra patience to teach them, but that's the art of being a social worker".

The role of social workers as educators starts from the initial assessment process to the time of the implementation of diversion deliberations even to post-diversion. (4) Petrifying Children Facing the Law and outwardly making changes in behavior. Children Facing the Law, both perpetrators and victims, often experience behavioral problems that cause them to enter into situations that are facing the law. The results of the assessment of social workers in collaboration with community supervisors will be reported in the form of social reports at the time of the diversion deliberations. If the diversion is successful, then the diversion decision may be that the Child Facing the Law returns to his family and social environment or is referred to the Institution of Social welfare services needed by the Child Facing the Law . In the case of a Child Facing the Law who is returned to his family, it is possible that the Child Facing the Law , especially the perpetrator, is given a task that must be done for a certain time under the assistance of a social worker and under the supervision of the Bapas through community guidance. The task given is aimed at changing the behavior of Children Facing the Law for the better and being able to function socially as it should be. The task given can be in the form of the obligation to follow prayers in the mosque within the specified period of time, study, or clean the place of worship etc. Social Workers accompany children facing the law in changing behavior by cooperating with religious leaders and local community leaders. The role of social workers in mentoring and behavior change and strengthening families after diversion also experienced obstacles related to accommodation. The barriers of social workers in performing the role of educators will be used as recommendations by researchers.

#### The Role of Social Workers as Liaisons (Brokers).

The role of the social worker as a broker in the process of diversion of Children Facing the Law is to connect The Child Facing the Law with the services needed and to strive for convenience for the Child Facing the Law in obtaining services. This is in accordance with what Charles Zastrow (2004) suggests that a broker connects individuals and groups who need help (and do not know the available sources), with community service services. (1) Connecting Children Facing the Law with the necessary services. Based on the results of the assessment of the problems, needs, potentials and sources carried out by social workers, a follow-up plan will be prepared

for children facing the law after the diversion process. The plan that has been prepared by the social worker will be submitted at the time of the diversion deliberations in the form of a social report from the social worker. The plan for advanced services for Children Facing the Law will be set forth in the diversion agreement. If the Child Facing the Law requires continuation and has been mutually agreed upon, then the social worker will connect the Child Facing the Law with the services needed. This is in accordance with the AW's statement as follows:

"We are trying to provide institutions for Children Facing the Law , both victims and perpetrators, that are in accordance with their needs. Usually, these institutions are used to cooperating with the Social Service to deal with Children Facing the Law . In addition to connecting Children Facing the Law, we also carry out assistance and monitoring during the rehabilitation process."

There are several service institutions available for Children Facing the Law , both victims and perpetrators. There are these institutions that have collaborated with both the Social Service and the Police. These lembaga institutions include the Marsudi Putra Social Rehabilitation Center (BRSMP) Handayani Bambu Apus, the Cileungsi Social Rehabilitation Center, the Ark Foundation, the Nurul Huda Islamic Boarding School, PKBI, LK3 etc. Social workers in making referrals to children's social service institutions sometimes experience obstacles. In some cases, the limitations of service institutions make Children Facing the Law forced to enter certain service institutions even though they are full. This is as stated by DD as follows:

"Sometimes we have difficulty in referring Children facing the Law to certain service institutions due to the limited capacity of those institutions. As social workers, we are good at convincing ourselves to accept children in the service institutions".

The limitations of service institutions for Children Facing the Law will be used as a reference by poeneliti in this study.

(1) Ease of Service.

will make it easier for Children Facing the Law to be able to access service institutions both formal and informal. These efforts include explaining to the service institutions that will be accessed the special needs of the Child Facing the Law so that the institution gets a comprehensive understanding of the

Child Facing the Law . Social workers also ensure that Children Facing the Law can access the needed services. This is in line with what is stated by md. as follows;

### CONCLUSION

The approach to dealing with the law has shifted by considering the fulfillment of children's rights and the achievement of Restorative Justice. One of the implementations of restorative justice is pursued through a process of diversion. Diversion is the transfer of the settlement of a child's case from a criminal justice process to a process outside of criminal justice. The involvement of the social worker profession in the diversion process is regulated in Law number 11 of 2012 concerning the Juvenile Criminal Justice System. Social workers have a very important role in the process of diversion of Children Facing the Law.

The formulation of this research problem is to find out how the role of social workers in the process of diversification of Children Facing the Law is handled by the Yogyakarta Correctional Center. The informants in this study were three social workers and two community advisers. The results showed that the role carried out by social workers in the diversion process is the role of social workers as enablers, the role of social workers as intermediaries (mediators), the role of social workers as motivators ,the role of social workers as defenders (advocators), the role of social workers as educators (educators) and the role of social workers as liaisons (brokers).

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