



Implementation of Community Guidance in Handling Children n Conflict with The Law at Class I Correctional Institution Cirebon

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Abstract

Children in conflict with the law (CICL) are a vulnerable group requiring special protection and assistance at every stage of the criminal justice process. This study aims to analyze the implementation of the role of Community Counselors (*Pembimbing Kemasyarakatan/PK*) in handling CICL at the Class I Correctional Center in Cirebon. This research employs a descriptive qualitative method with a case study approach. The findings reveal that the execution of PK's roles in the pre-adjudication, adjudication, and post-adjudication phases has not been fully optimized. Several obstacles were identified, including delayed involvement of PKs from the beginning of the legal process, an imbalance between the number of PKs and clients, and insufficiently comprehensive social approaches. Nonetheless, in the post-adjudication phase, a more adaptive approach was observed in response to the needs of the children. Therefore, institutional strengthening and capacity development of PKs are necessary to ensure that the assistance provided is carried out effectively and aligns with the principles of restorative justice.

Keywords: child protection, children in conflict with the law, community counselor, correctional center, restorative justice

INTRODUCTION

According to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, what is meant by a child is an individual who is not yet 18 years old, including children who are still in the womb. (Undang-undang (UU), 2002) Children in conflict with the law (ABH) are included in the group of children who are vulnerable to human rights violations. Therefore, there is a need for special protection for ABH, including by maintaining the confidentiality of children's identities to prevent negative labeling and stigma, and providing other special treatment that is in accordance with the best needs and interests of children. (Ful-toni et al., 2012)

Based on the Constitutional Court Decision Number 1/PUU-VIII/2010, ABH is an individual who is at least 12 years old but has not reached the age of 18 years and is not married, who is suspected, accused, or admitted to having committed criminal acts, such as theft, persecution, narcotics abuse, rape, or other criminal acts. (Putusan Mahkamah Konstitusi, 2010) However, they are more appropriately positioned as victims of injustice in a social system that is not fully able to fulfill and protect their rights comprehensively. (Sembiring et al., 2015) In general, children do not have enough capacity to protect themselves from various forms of threats, both

mental, physical, and social in their lives. When they have to undergo a complicated and not fully understood criminal justice process, this further worsens the conditions they face.

The principle of protection for children must be aligned with the provisions of the Convention on the Rights of the Child, which has been ratified by the Government of the Republic of Indonesia through Presidential Decree No. 36 of 1990.(Keppres, 1990) The purpose of this convention is to provide protection and assistance to ABH so that they have the opportunity to rebuild their future. Coaching is carried out with the aim of helping children realize their potential, so that children can grow up to be independent, responsible, and able to make positive contributions to themselves, their families, society, and the country.

The handling of criminal cases involving ABH is carried out in particular, because it has been regulated in a number of regulations that expressly emphasize the importance of protecting children's rights. The main legal basis in the juvenile criminal justice system in Indonesia includes Law Number 11 of 2012 concerning the Juvenile Criminal Justice System,(Undang-undang (UU), 2012) Law No. 3 of 1997 concerning Juvenile Court,(Undang-undang (UU), 1997) and Law Number 35 of 2014 as an amendment to Law Number 23 of 2002 concerning Child Protection.(Undang-undang (UU), 2014) In addition, there is also Government Regulation Number 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years of Age.(Peraturan Pemerintah (PP), 2015) All of these regulations reflect the state's commitment to provide fair and humane treatment to children, guided by the principle of the best interests of children at every stage of the legal process.

The implementation of the fulfillment of children's rights in every stage of the criminal justice process requires the active involvement of various authorized institutions, including the Correctional Center. Based on Article 1 number 24 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, as a technical implementation unit of the Correctional Center has the responsibility to provide community guidance and assistance for children undergoing legal proceedings outside the correctional institution.(Undang-undang (UU), 2012) The existence of the Correctional Center is regulated and recognized juridically through the provisions of Law Number 3 of 1997 concerning Juvenile Justice.(Undang-undang (UU), 1997) Thus, the role of the Correctional Center is crucial in ensuring the protection of children's rights in the criminal justice system.

According to Government Regulation Number 65 of 2015, Community Supervisors (PK) are functional officers in the law enforcement system who have the task of carrying out community research, providing guidance, supervising, and accompanying children in every stage of the criminal justice process.(Peraturan Pemerintah (PP), 2015) The role of PK includes three main stages, namely pre-adjudication, adjudication, and post-adjudication. In the first two stages, PK carried out tasks in the form of implementing community research and legal assistance for children. Furthermore, in the post-adjudication stage, PK has the responsibility to guide and supervise children so that they are able to understand the consequences of their actions, take responsibility for their actions, and can return to carrying out their social roles in society.(Awibowo & Wibawa, 2023) This is in line with the provisions of Article 34 paragraph (1) and Article 42 paragraph (2)

of Law Number 3 of 1997, which affirm the role of the PK in supporting the investigation process and providing legal considerations in children's cases.(Undang-undang (UU), 1997)

Seeing the importance of this role, it is necessary to study how the implementation of PK in handling ABH in the Cirebon Class I Correctional Center. This research is important considering that the Correctional Center has a strategic role in ensuring that the rights of ABH are protected during the criminal justice process. In addition, the assistance provided by PK has a direct effect on the process of social reintegration of children and coaching that aims to prevent children from repeating criminal acts. Therefore, based on this background, the author is interested in studying more deeply in a research entitled "The Implementation of Community Guidance in Handling Children in Conflict with the Law in the Class I Cirebon Correctional Center"

The objective of this research is to evaluate the implementation of community guidance by PK officers in handling children in conflict with the law at the Cirebon Class I Correctional Center. The benefits of this research include providing insights into how community guidance can improve the juvenile justice process, strengthen child protection efforts, and support ABH in reintegrating into society without reoffending.

METHOD

This study employs a descriptive qualitative research approach with a case study method to explore the implementation of community guidance (PK) in assisting children in conflict with the law (ABH) at the Class I Cirebon Correctional Center. The descriptive qualitative approach was chosen because it allows for an in-depth exploration of social phenomena and processes within their natural context. Specifically, this research seeks to describe how PK officers provide legal assistance, guidance, and supervision to ABH throughout the juvenile criminal justice process. By focusing on this particular case, the study provides a comprehensive understanding of the operational practices and challenges faced by PK officers in ensuring that ABH's rights are protected and their reintegration into society is facilitated.

The data population for this study consists of community supervisors (PK), juvenile justice officials, and ABH under supervision at the Cirebon Correctional Center. The sample is selected using purposive sampling, as the study focuses on those directly involved in the guidance and rehabilitation of ABH. The sampling criteria include PK officers who have experience working with ABH in the correctional center, as well as juvenile justice officials familiar with the implementation of community guidance in the juvenile justice system. Data is collected through in-depth interviews, participant observations, and document analysis. Interview guides are used to ensure that the interviews are focused on the research questions, while documents related to community guidance and juvenile justice procedures are analyzed to provide additional insights.

Data analysis is carried out using thematic analysis, which involves identifying and analyzing patterns within the qualitative data. The validity of the study is ensured through triangulation, by comparing findings from interviews, observations, and documents to enhance the credibility of the results. Reliability is maintained through consistent application of the interview protocols and analysis methods. The findings from this study are expected to provide valuable

recommendations for improving community guidance practices and child protection measures in the juvenile justice system, particularly in Indonesia.

RESULTS AND DISCUSSION

Implementation of Community Guidance in Handling Children in Conflict with the Law at the Cirebon Class I Correctional Center

The handling of ABH cannot be compared to the treatment of adult clients, because children are in a special justice system and focus more on restorative justice approaches and protection of children's rights.(Marlina, 2009) Waluyadi (2020) states that the resolution of criminal cases involving children should prioritize a restorative justice approach, which is carried out through active involvement between the perpetrator, the victim, the family, and other related parties in order to achieve a just settlement with a focus on restoring the situation as it was.(Waluyadi, 2020) In this system, the Court of Appeals plays a strategic role in ensuring that every stage of the legal process takes place in a fair and educational manner. The presence of PK is expected to function as a form of protection and supervision of children during the process in the criminal justice system.

According to the theory of legal effectiveness put forward by Soerjono Soekanto, the effectiveness of the law is determined by the extent to which the law can be applied in real terms in society. A rule of law is said to be effective if the norms contained in it are obeyed, fulfilled, and implemented by all interested parties.(Soekanto, 2004) Thus, the implementation of the role of PK is not only administrative, but also involves real efforts in making the implementation of the law effective in the field of child protection. Without optimal PK involvement, the law will lose its functional power in ensuring justice and protection for ABH. Based on data obtained from the Cirebon Class I Correctional Center, the number of active correctional clients was recorded at 1,441 people, while the available PK personnel only amounted to 37 people.Komala Putra Wijaya, "Wawancara dengan Pak Komala Putra Wijaya (Kasi Bimbingan Klien Anak) di Balai Pemasyarakatan Kelas I Cirebon pada Tanggal 25 April 2025," 2025. According to the recapitulation of the need for functional positions at the Cirebon Class I Correctional Center, ideally 68 PKs are needed to handle the number of clients optimally.Ade Ruchyat, "Wawancara dengan Pak Ade Ruchyat (Kasubsi Registrasi Bimbingan Klien) di Balai Pemasyarakatan Kelas I Cirebon pada Tanggal 15 mei 2025," 2025. This inequality indicates a significant shortage in the number of PK personnel available, which ultimately affects the effectiveness of the implementation of guidance tasks. Based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2017 concerning Guidelines for Calculating the Needs of PK Functional Positions, it is stated that each PK worker should ideally handle a maximum of 12 clients in one month.(Permenkumham, 2017) Based on the comparison between the number of clients and PK personnel at the Cirebon Class I Correctional Center, the workload of each PK far exceeds the standards that have been set. This situation not only reflects an imbalance in the labor ratio, but also risks lowering the quality of the implementation of social assessments and mentoring, especially for child clients who require a special and sustainable approach in the process of social reintegration.Ari Susanto, "Wawancara dengan Ari Susanto

(Pembimbing Kemasyarakatan) di Balai Pemasyarakatan Kelas I Cirebon pada Tanggal 17 April 2025,” 2025.

The Directorate General of Corrections stated that one of the roles of PK in the juvenile criminal justice process is ABH assistance covering three stages, namely pre-trial (pre-adjudication), during trial (adjudication), and post-trial (post-adjudication). Direktorat Jenderal Pemasyarakatan, “Peran PK dalam Sistem Pemasyarakatan, Pemidanaan, dan Restorative Justice di Indonesia,” 2022, <https://www.ditjenpas.go.id/peran-pk-dalam-sistem-pemasyarakatan-pemidanaan-dan-restorative-justice-di-indonesia>. These three stages require active and continuous involvement of PK. Although this role has been carried out at the Cirebon Class I Correctional Center, its implementation has not reached the optimal level. There are still obstacles in the implementation of assistance that have an impact on the quality of legal protection for children.

1. Pre-trial stage (pre-adjudication).

At the pre-adjudication stage, the PK should have accompanied the child from the beginning of the investigation process by the police. This assistance aims to conduct social assessments and ensure the fulfillment of children's rights during the initial legal process. However, in cases A and B studied, the PK only began to be involved after the child was detained for a few days, not from the beginning of the arrest. This condition is not in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which stipulates that assistance must be provided from the beginning of the legal process. (Undang-Undang (UU), 2012)

However, PK still carries out its duties such as conducting interviews with children and families and compiling Community Research (Litmas) reports. However, the approach is still limited because it only involves parents, without touching other social environments that also affect children's behavior. Sharma (2001) states that a good approach in handling children must involve all aspects of their social environment. (Sharma, 2001) Therefore, an assessment that is not thorough can affect the recommendations that the PK gives to law enforcers.

2. Stage of Trial (Adjudication).

At the trial stage, the PK is obliged to be present and present the results of the Litmas to the panel of judges. Litmas aims to present a comprehensive picture of the child's social conditions as a consideration in decision-making by judges. (Nashriana, 2012) However, based on findings in the field, the presence of PK in the children's trial has not been consistent. In cases A and B, the PK was not present in the entire trial series due to distance, logistics, and high workload constraints.

The absence of PK causes the child to feel less supported during the legal process. The child admitted that he was confused and did not understand the stages of the trial that was being undertaken. In fact, according to DuBois and Miley (2010), professional companions are obliged to provide clear and easy-to-understand explanations to children about the legal process being faced. (DuBois & Miley, 2010) This is important to create a sense of security in children, reduce pressure, and allow children to undergo legal proceedings more calmly.

3. Post-Adjudication Stage.

In the post-adjudication stage, PK plays a role in guiding and supervising children through coaching programs outside the institution. Child A underwent a three-month Conditional Leave (CB) period, followed group guidance, and routinely reported to the Correctional Center. Meanwhile, child B is undergoing a period of Parole (PB), but at first he feels that he is not suitable for the assigned PK. Child B then applied for a change of supervisor and showed a positive change in behavior after getting a new companion.

The post-trial guidance program is carried out through group activities and individual guidance, which includes sewing skills training and religious learning. However, child B feels less comfortable in group sessions and prefers personal guidance. Raharjo (2015) emphasized that individual approaches tend to be more effective in building emotional closeness between children and supervisors.(Raharjo, 2013) This statement is in line with the opinion of Sambas (2013) who states that the success of the guidance process is highly dependent on the child's level of comfort and trust in his or her supervisor.(Sambas, 2013)

As a concrete picture, the following is a summary of the handling carried out by the PK on both cases:

Table 1. case summary

| Handling carried out by the Correctional Center | Case A (Age 16) (At the time of the incident 15 years old) | Case B (Age 15) |
|--|---|--|
| Before the Trial (Pre-adjudication) | <ul style="list-style-type: none"> • Detained for 6 days, natural and anxious during the interview. • Accompanied by parents. • PK motivated him from compiling a report (litmas) to the police. • Coordination with the police. | <ul style="list-style-type: none"> • B detained for 2 days, did not experience violence • Accompanied by my father. • PK gave religious advice, and compiled a report (litmas) to the police. |
| At the Trial (Adjudication)) | <ul style="list-style-type: none"> • Participated in 3 trials (2 attended by PK). • Not accompanied by a lawyer. • During the trial process, A experienced confusion because he did not get an explanation or direction from the PK regarding the stages and mechanisms that he would face in court. • The sanction recommendation was rejected, sentenced to 9 months. | <ul style="list-style-type: none"> • participated in 7 sessions (some without PK). • accompanied by a lawyer. • B underwent 7 trials, but the presence of PK was inconsistent in each session. This condition causes a feeling of not getting adequate attention and assistance, both for B and his family. • The recommendation of probation was rejected, sentenced to 2 years and 2 months (reduced to 1 year). |
| After Trial (Post-adjudication) | <ul style="list-style-type: none"> • A served 3 months in prison, then 6 months were given conditional leave (CB) under the supervision of the Correctional Center. • Follow the guidance and direct it to a social institution to continue school. | <ul style="list-style-type: none"> • Getting parole, living with grandmother because of pressure from around. • Asking for a change of PK (male to female). • Getting regular guidance in Qur'an reading training and sewing skills. |

Source: An Interview with Mr. Stuart Sugeng Setiadi Yusuf, "Wawancara dengan Sugeng Setiadi Yusuf (PK Madya) di Balai Pemasyarakatan Kelas I Cirebon pada Tanggal 17 April 2025," 2025.

The table illustrates that the implementation of the role of the PK still faces obstacles, especially in the early stages and trials. However, in the post-adjudication stage, it begins to show a more adaptive approach to the needs of children.

Obstacles Faced by Community Counselors in Handling Children in Conflict with the Law at the Cirebon Class I Correctional Center

In carrying out their roles, PK often faces various obstacles that affect the quality of assistance to children. These obstacles include time constraints, lack of human resources, and delays in the involvement of PK since the beginning of the legal process. These obstacles not only hinder the smooth implementation of duties, but also have the potential to reduce the effectiveness of legal protection for ABH. Research at the Cirebon Class I Correctional Center shows that these obstacles are real in the case of child A and child B.

The first obstacle found was the delay in PK's involvement which did not start from the investigation stage. Children A and B only received assistance after several days of detention by the police. This condition shows a violation of the child's right to receive assistance from the beginning of the legal process, as expressly regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The delay in providing assistance has the potential to cause violations of children's rights and negatively impact the quality of the Litmas produced.

The next obstacle is related to the implementation of correctional services and coaching at the Cirebon Class I Correctional Center which has a very wide coverage of the work area, covering four districts, namely Cirebon, Majalengka, Indramayu, and Kuningan. The size of the area affects the effectiveness in the implementation of supervision, mentoring, and coaching for clients, especially ABH. This can be seen in the case of child A who was involved in the crime of theft, where the PK could only attend two out of three trials due to time and distance limitations. The absence of PK in the entire series of trials has the potential to reduce the child's sense of security and understanding of the legal process that is being undertaken.

The limitation of human resources at the Cirebon Class I Correctional Center is a significant obstacle in the implementation of guidance for ABH. Of the ideal needs of 68 PKs, only 37 people are available, this condition results in an imbalance with the number of correctional clients, especially child clients who need assistance. This condition has an impact on the quality of Litmas which is prepared in a limited manner, both in terms of time and facilities, thereby reducing the quality of social recommendations for law enforcement and risking ignoring the principle of protecting children's rights in the juvenile criminal justice system. Surakhmad (1998) emphasized that the social assessment process requires sufficient time and an in-depth approach so that the results are valid and able to reflect the actual conditions. (Surakhmad, 1990)

The mentoring approach that focuses too much on parents is also a problem. In both cases, PK does not involve other parties such as teachers, neighbors, or close friends of the child. In fact, according to Sharma (2001), an effective approach to children must involve various social factors

that affect children's lives.(Sharma, 2001) This limitation of perspective risks producing Litmas that are less representative and do not fully reflect the child's social conditions as a whole. As a result, social recommendations submitted to law enforcement officials are less targeted and not optimal in supporting the principles of children's justice and the protection of their rights.

The lack of a thorough understanding of the legal process causes children to experience confusion and fear because they do not know the stages that will be faced during the trial. Hardy (1997) emphasized that providing legal education to children is an essential element in the mentoring process, in order to help children understand their legal position and mentally prepare themselves to undergo the judicial process.(Hardy & Hannibal, 1997) In the case of child A, he admitted that he felt very confused when facing the trial because there was no direction or explanation from the PK regarding the stages that had to be undertaken. The lack of legal education from the PK shows that the role of education is not optimal, which has an impact on children's loss of understanding of the judicial process and the risk of making wrong decisions due to limited information.

Another obstacle found is related to the aspect of interpersonal relationships. In the case of child B, discomfort with the initial supervisor prompted the child to ask for a change of supervisor. After the changeover, the child shows a more open attitude and increased participation in the guidance process. Supeno (2010) emphasized that the level of trust between the child and the supervisor is a key factor that determines the success of the guidance process.(Supeno, 2010) Therefore, sensitivity in PK assignments must be a serious concern so that the guidance process runs optimally.

CONCLUSION

The implementation of PK in handling ABH at the Cirebon Class I Correctional Center involves three main stages: pre-adjudication, adjudication, and post-adjudication, but it has not been fully optimized. At the pre-adjudication stage, PK involvement is often delayed, which hinders the protection of children's rights from the start of the legal process. Additionally, the social approach is limited to the nuclear family, without exploring the broader social environment, making the preparation of the Litmas less comprehensive. During the adjudication stage, the consistent absence of PK in the trial process, as seen in cases A and B, leads to a lack of emotional support and sufficient information for children about the legal process, increasing their psychological burden. In the post-adjudication stage, mentoring begins to show more adaptive and individualized approaches, such as religious coaching, skills training, and social activities, but the effectiveness is still heavily influenced by the quality of interpersonal relationships between PK and the children. These challenges, such as delayed PK involvement, limited human resources, and an inadequate approach to mentoring, indicate serious issues in the optimal implementation of PK's role. These obstacles impact the fulfillment of children's rights and highlight shortcomings in the overall execution of the juvenile criminal justice system, necessitating a deeper understanding of these challenges to assess how effectively PK's role is being implemented in the field.

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HERMENEUTIKA : Jurnal Ilmu Hukum, 4(1), 57–72.
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First publication right:

Journal Transnational Universal Studies (JTUS)

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