

ABSTRAK

Putri Apriani Harahap, NIM. 3202111026. “Penerapan Prinsip Diversi Terhadap Pelindungan Hukum Anak Pelaku Tindak Pidana. (Studi Kasus Pengadilan Negeri Medan”. Jurusan Pendidikan Pancasila dan Kewarganegaraan Fakultas Ilmu Sosial Universitas Negeri Medan.

Penelitian ini bertujuan untuk menyelidiki penerapan prinsip diversi dalam kasus anak pelaku tindak pidana di Pengadilan Negeri Medan serta mengidentifikasi berbagai hambatan dan tantangan yang muncul dalam penerapannya. Dengan mengadopsi pendekatan hukum normatif-empiris, penelitian ini menggunakan metode kualitatif dan studi kasus untuk mendalami praktik diversi secara menyeluruh. Temuan dari penelitian ini menunjukkan bahwa prinsip diversi diimplementasikan dengan efektif untuk memberikan perlindungan hukum yang maksimal bagi anak-anak yang terlibat dalam tindak pidana. Pelaksanaan diversi dilakukan mulai dari tahap penyidikan hingga persidangan, dengan fokus pada pengalihan penyelesaian kasus dari proses formal ke pendekatan restoratif yang lebih manusiawi dan berbasis rehabilitasi. Hasil penelitian menunjukkan bahwa: Pertama, penerapan prinsip diversi di Pengadilan Negeri Medan dilaksanakan dengan mengedepankan pendekatan keadilan restoratif, yang bertujuan memberikan perlindungan hukum optimal bagi anak pelaku tindak pidana. Diversi berupaya menghindarkan anak dari proses pidana formal dan potensi dampak negatifnya, seperti stigma sosial dan hukuman penjara. Proses ini fokus pada rehabilitasi dan reintegrasi anak ke masyarakat melalui penyelesaian konflik yang damai antara anak dan korban, sejalan dengan Undang-Undang No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Kedua, mekanisme penerapan diversi melibatkan beberapa lembaga, seperti Balai Pembimbing Kemasyarakatan (Bapas) yang melakukan penilaian sosial, serta Kejaksaan dan Lembaga Bantuan Hukum (LBH) yang berperan dalam mediasi dan pendampingan anak. Keberhasilan penerapan diversi didukung oleh komitmen lembaga-lembaga terkait untuk bekerja sama, yang memfasilitasi proses mediasi serta memberikan bantuan hukum untuk memastikan perlindungan dan hak anak tetap terjaga sepanjang proses hukum.

Kata kunci: Penerapan Prinsip Diversi; Anak Pelaku Tindak Pidana.

ABSTRACT

Putri Apriani Harahap, NIM. 3202111026. "Application of the Diversion Principle to the Legal Protection of Children of Criminal Offenders. (Case Study of the Medan District Court". Department of Pancasila and Citizenship Education, Faculty of Social Sciences, State University of Medan.

This study aims to investigate the application of the principle of diversion in the case of child offenders in the Medan District Court and identify various obstacles and challenges that arise in its application. By adopting a normative-empirical legal approach, this study uses qualitative methods and case studies to explore diversion practices thoroughly. The findings of this study show that the principle of diversion is implemented effectively to provide maximum legal protection for children involved in criminal acts. The implementation of diversion is carried out from the investigation stage to the trial, with a focus on transferring case settlement from a formal process to a more humane and rehabilitation-based restorative approach. The results of the study show that: First, the application of the principle of diversion in the Medan District Court is carried out by prioritizing a restorative justice approach, which aims to provide optimal legal protection for children of criminal offenders. Diversion seeks to prevent children from formal criminal proceedings and their potential negative impacts, such as social stigma and prison sentences. This process focuses on the rehabilitation and reintegration of children into society through the peaceful resolution of conflicts between children and victims, in line with Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. Second, the mechanism for implementing diversion involves several institutions, such as the Community Guidance Center (Bapas) which conducts social assessments, as well as the Prosecutor's Office and Legal Aid Institutions (LBH) which play a role in mediation and assistance for children. The successful implementation of diversion is supported by the commitment of relevant institutions to work together, which facilitates the mediation process and provides legal assistance to ensure that the protection and rights of children are maintained throughout the legal process.

Keywords: Application of the Diversion Principle; Children of criminal offenders.