

The Implementation of Diversion for Children in Conflict with the Law in Narcotics Abuse Offenses at the Pohuwato Resort Police

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ABSTRACT

Narcotics abuse involving children presents complex legal issues because children occupy a dual position as perpetrators of criminal offenses and as persons requiring protection and recovery. This study aims to analyze the legal status of children in narcotics abuse cases and the implementation of diversion at the investigation stage at the Pohuwato Resort Police under Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA). The study employed an empirical legal research method using a juridical-sociological and qualitative approach. Primary data were obtained through institutional interviews with investigators from Satresnarkoba and Unit PPA in April 2026, while secondary data encompassed legislation, literature, and summaries of child cases from 2020–2024. Validation was conducted by comparing interview accounts, case-data summaries, and legal materials. Of 27 child cases from 2020–2024, 16 diversions were successful and 11 were unsuccessful. Qualitatively, successful diversion was associated with fulfillment of the requirements under Article 7 of the UU SPPA, family support, recommendations from Bapas, and the availability of recovery options, whereas unsuccessful diversion was associated with statutory provisions prescribing severe penalties, limited rehabilitation, and weak community support. This study confirms that investigators serve as gatekeepers, but legal classification must be based on facts and evidence rather than solely on creating an opportunity for diversion. Strengthening the documentation of the reasons for diversion outcomes and child rehabilitation networks is necessary to make recovery more measurable.

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1. Introduction

Narcotics abuse is a form of crime with extensive social, health, and security consequences. Narcotics not only cause physical and psychological harm to users but also affect family resilience and the quality of younger generations. In the Indonesian context, narcotics-related problems are no longer confined to urban areas but have extended to rural and border regions. This situation becomes increasingly serious when children and adolescents become involved as users, couriers, or persons exploited by illicit narcotics-trafficking networks. Therefore, the handling of children in narcotics cases cannot be equated entirely with the treatment of adult offenders, as children remain in the process of growth and development and are entitled to special protection.

Normatively, Law No. 35 of 2009 on Narcotics (UU Narkotika) stipulates that a narcotics abuser is a person who uses narcotics without authorization or unlawfully [1]. This provision provides a basis for criminal law enforcement against narcotics abuse. However, where children are involved in narcotics cases, the legal approach cannot rest solely on the logic of punishment. Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) recognizes a child in conflict with the law as a subject who must receive special treatment through restorative justice and diversion [2]. Diversion is intended to redirect the resolution of child cases from the criminal justice process to a process outside the criminal justice system, provided that the prescribed legal requirements are satisfied.

Legal issues arise because narcotics offenses entail relatively severe sentencing structures. In practice, children who are in fact narcotics abusers or victims of narcotics abuse may be charged under provisions concerning control, possession, or distribution that carry severe criminal penalties. This situation may foreclose the possibility of diversion because Article 7 of the UU SPPA requires diversion only for criminal offenses punishable by imprisonment of less than seven years and that do not constitute recidivism [2]. Accordingly, tension exists between the spirit of child protection embodied in the UU SPPA and the punitive character of the UU Narkotika. This tension places investigators in a position highly determinative of the direction of the case from the initial examination stage.

Pohuwato Regency is an important site for study because it is geographically located in the border area between Gorontalo Province and Central Sulawesi Province. This location may make Pohuwato a transit area for narcotics trafficking. Data from Satresnarkoba of the Pohuwato Resort Police show that 100 narcotics cases were handled from 2020 to 2024, comprising 19 cases in 2020, 15 cases in 2021, 21 cases in 2022, 20 cases in 2023, and 25 cases in 2024 [3]. In addition, there were 12 cases of narcotics abuse in 2023–2024 [3]. These data indicate that narcotics-related problems in Pohuwato are empirically relevant

and require a law enforcement approach that is not only repressive but also rehabilitative.

In cases involving children, the implementation of diversion constitutes an important instrument for preventing children from being stigmatized as offenders. The juvenile criminal law literature emphasizes that formal judicial proceedings may result in negative labeling and increase the risk of recidivism because children come into contact with a harsh penal system [4]. The concept of diversion is also closely associated with the best interests of the child principle, under which every action taken by law enforcement officials must be directed toward protecting the child's future, recovery, and social reintegration [5]. Accordingly, the handling of child narcotics abusers should ideally be directed toward health recovery, family guidance, and social supervision rather than merely punishment.

Previous research reveals several strands of scholarship that have not yet been fully integrated. Marlina [6] and Wahyudi [7] established the conceptual foundations of diversion and restorative justice in the juvenile criminal justice system, but their discussions did not specifically assess variations in diversion outcomes in narcotics cases at the investigation stage. Irawan, Hadiyanto, and Ciptono [8] examined juvenile criminal policy in narcotics cases from a restorative justice perspective, whereas Gula et al. [17] and Erlianti et al. [18] provided local context regarding narcotics prevention and abuse in Pohuwato Regency. These studies have not comprehensively linked three aspects: the investigator's initial classification of the child's role, the formal requirements for diversion under Article 7 of the UU SPPA, and local recovery capacity as a factor affecting diversion outcomes. Thus, the research gap is empirical because no specific examination of diversion outcomes for children at the Pohuwato Resort Police is available; methodological because previous studies have been predominantly normative or general in nature; and conceptual because the relationship between the investigator's gatekeeping function and the success of diversion has not been operationally mapped.

The novelty of this article lies not merely in its focus on the Pohuwato Resort Police but also in its analytical framework, which positions the investigator as a gatekeeper in a chain of decision-making. This chain encompasses the assessment of the child's role and the statutory provision supported by the facts, the examination of eligibility for diversion under Article 7 of the UU SPPA, and the assessment of the feasibility of recovery measures based on support from Bapas, the family, and rehabilitation facilities. The Pohuwato context has distinctive characteristics, including its location in a border region and limited child rehabilitation facilities. Through this framework, the article explains that the success of diversion cannot be understood solely as a consequence of investigator discretion but rather as the

outcome of an interaction between initial legal classification and local institutional capacity for recovery.

Based on this background, the research questions are as follows:

1. What is the legal analysis of children in conflict with the law in cases involving narcotics abuse offenses at the Pohuwato Resort Police?
2. How is diversion implemented for children who commit narcotics abuse offenses at the investigation stage under Law No. 11 of 2012 on the Juvenile Criminal Justice System at the Pohuwato Resort Police?

In line with these research questions, this study aims to analyze the legal status of children in narcotics abuse cases and the implementation of diversion at the investigation stage. The findings are expected to make theoretical contributions to juvenile criminal law and practical contributions to law enforcement officials, local governments, and families in strengthening child protection.

2. Research Methods

This study employed an empirical legal research method, namely a juridical-sociological approach. The empirical legal research method was used because the study focused not only on written norms concerning diversion and narcotics offenses but also on their implementation in investigative practice at the Pohuwato Resort Police. Through empirical research, law was understood as a norm operating within social reality, particularly in the relationships among investigators, children in conflict with the law, families, Bapas, social workers, and the community. This approach was relevant because the implementation of diversion in juvenile narcotics cases was strongly influenced by social conditions, local facilities, family support, and investigator discretion.

This study employed statutory, conceptual, and juridical-sociological approaches. The statutory approach was used to examine Law No. 35 of 2009 on Narcotics, Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), and regulations related to the implementation of diversion. The conceptual approach was used to explain the concepts of children in conflict with the law, restorative justice, diversion, rehabilitation, and the best interests of the child. Meanwhile, the juridical-sociological approach was used to analyze how these norms were implemented in investigative practice at the Pohuwato Resort Police.

The data sources in this study consisted of primary and secondary data. Primary data were obtained through institutional interviews conducted in April 2026 with informants from two work units directly involved in child and narcotics cases, namely Satresnarkoba and the Unit PPA of the Pohuwato Resort Police [11]. Informants were purposively selected based on their case-

handling functions and involvement in the diversion process. The research documents underlying this article recorded the informants' positions as head of unit/investigator at Satresnarkoba and investigator at the Unit PPA but did not separately specify the number of individual informants. Accordingly, the interview accounts were treated as institutional information and were not used to generalize investigation practices. Secondary data included Law No. 35 of 2009 on Narcotics (UU Narkotika), the UU SPPA, Supreme Court Regulation (PERMA) No. 4 of 2014, literature on juvenile criminal law, and case-data summaries from Satresnarkoba and the Unit PPA for 2020–2024 [3], [10].

Data were collected through semi-structured interviews, document review, and literature review. The interview questions addressed the legal classification of the child's role, the requirements for diversion, the stages of deliberation, coordination with Bapas, the forms of agreement, factors contributing to success or failure, and limitations in rehabilitation. The data were analyzed descriptively and qualitatively through thematic grouping into the following categories: the child's legal classification, eligibility for diversion, the implementation process, family and Bapas support, recovery facilities, and diversion outcomes. The validity of the findings was maintained through source triangulation by comparing interview accounts [11], case summaries of child cases for 2020–2024 from the Unit PPA and Satresnarkoba [10], general data on narcotics cases [3], and the provisions of the UU Narkotika, UU SPPA, and PERMA No. 4 of 2014. This study was limited by the fact that the available summary data were aggregated and did not include the relevant articles, evidence, role identities, or reasons for diversion outcomes in each individual case. Therefore, the analysis of the determinants of successful and unsuccessful diversion is presented as a qualitative pattern derived from interviews and aggregated documents rather than as a causal relationship in each case.

3. Results and Discussion

The discussion in this section addresses two principal research questions. First, this article analyzes the legal position of children in conflict with the law in narcotics abuse cases, particularly where a child stands at the intersection of being a perpetrator of a criminal offense and a victim of narcotics abuse. Second, the article examines the implementation of diversion at the investigation stage at the Pohuwato Resort Police as an instrument of restorative justice. The analysis connects the norms of the UU Narkotika and UU SPPA with empirical facts in the form of case data for 2020–2024, investigator interview findings, and obstacles arising in practice. In this way, the discussion not only describes diversion procedures but also examines whether their implementation accords with child-protection principles

and the best interests of the child principle.

3.1. Legal Analysis of Children in Conflict with the Law in Narcotics Abuse Cases

A legal analysis of children in conflict with the law in narcotics abuse cases must begin with the understanding that children have legal characteristics distinct from those of adults. A child suspected of committing a criminal offense may still be held accountable in accordance with the age limits established by the UU SPPA, but the handling process must take protection, guidance, and recovery into account. The UU SPPA defines a child in conflict with the law as a child who has reached the age of twelve but is not yet eighteen years old and is suspected of committing a criminal offense [2]. This definition confirms that the juvenile criminal justice system is not intended merely to punish but rather to place the child within a child-friendly legal mechanism.

In narcotics cases, the child's position is more complex because Law No. 35 of 2009 on Narcotics (UU Narkotika) regulates narcotics abuse as a criminal offense while also recognizing the obligation to provide rehabilitation for addicts and victims of narcotics abuse [1]. Article 127 of the UU Narkotika may be used to classify a child as a narcotics abuser for personal use, whereas Article 54 emphasizes the importance of medical and social rehabilitation. Therefore, a child who is a narcotics abuser should not be positioned solely as the perpetrator of a criminal offense but also as a subject requiring recovery. This perspective is consistent with the view that narcotics abuse is closely related to dependency, environmental pressure, and weak social control [9].

Data from the Pohuwato Resort Police indicate that narcotics cases in the area were fairly significant. During 2020–2024, Satresnarkoba of the Pohuwato Resort Police handled 100 narcotics cases, while 12 narcotics abuse cases were recorded in 2023–2024 [3]. Specifically, for cases involving children, the summaries of the Unit PPA and Satresnarkoba recorded 27 cases during 2020–2024, with 16 successful diversions and 11 unsuccessful diversions [10]. In aggregate, the proportion of successful diversions was approximately 59%, while unsuccessful diversions accounted for approximately 41%. Table 1 shows that diversion outcomes were not uniform across periods: in 2020, the numbers of successful and unsuccessful cases were equal, whereas in 2021–2024, successful diversions outnumbered unsuccessful ones. These data demonstrate that the diversion mechanism was genuinely used, but the annual summaries cannot yet explain the characteristics of each case. Therefore, the table should be read together with the interview findings to identify patterns of factors associated with diversion outcomes.

Table 1. Data on Child Narcotics Abuse Cases and Diversion

Outcomes at the Pohuwato Resort Police

Year	Child cases	Successful diversion	Unsuccessful diversion
2020	4	2	2
2021	5	3	2
2022	5	3	2
2023	7	4	3
2024	6	4	2

Source: Data on child narcotics abuse cases and diversion outcomes at the Pohuwato Resort Police, 2020–2024 [10].

Interviews with investigators indicated that, within the context of this study, the children involved were more often understood as users or parties requiring recovery rather than as core participants in distribution networks [11]. Legally, these categories must be carefully distinguished. Narcotics abuse for personal use is governed by Article 127 of Law No. 35 of 2009 on Narcotics, whereas addicts and victims of narcotics abuse are associated with rehabilitation needs pursuant to Article 54 [1]. Possession, control, or distribution, meanwhile, constitutes distinct legal classifications that must be established on the basis of the elements of the relevant article and the facts of the case, rather than solely on the discovery of narcotics on the child. This distinction determines the scope for diversion because Article 7 of the UU SPPA requires that the prescribed penalty be less than seven years and that the offense not constitute recidivism [2]. Accordingly, investigators, as gatekeepers, must conduct an initial legal classification in a proportionate manner based on evidence; a child-protection orientation cannot justify selecting a less severe article where its factual elements are not satisfied.

In this context, investigators serve as gatekeepers in determining whether a child's case will be directed to a restorative pathway or to formal criminal proceedings. This role does not mean that investigators may disregard legal certainty; rather, it requires a proportionate assessment of the child's role, the type of evidence, the child's social circumstances, and recommendations from Bapas (Correctional Center) or social workers. Soerjono Soekanto explained that the effectiveness of law enforcement is influenced not only by legislation but also by law-enforcement personnel, facilities, society, and culture [12]. In child narcotics cases, personnel and facilities are particularly decisive because sound legal norms will not be effective without rehabilitation facilities and institutional coordination.

Conceptually, approaches to children who abuse narcotics must avoid stigmatization. Marlina emphasized that the juvenile criminal justice system must be developed through the concepts of diversion and restorative justice so that children do not become trapped by the adverse effects of the formal justice system [6]. A similar view was advanced by Gultom, who positioned child protection as the primary foundation of every juvenile criminal

justice process [4]. In the context of the Pohuwato Resort Police, this approach is reflected in investigators' efforts to distinguish child users from children involved in distribution networks. This distinction is particularly important because child users require recovery, whereas involvement in dealer networks requires a more stringent legal response.

The relationship between the Narcotics Law and the UU SPPA reveals a normative tension, but it must not be understood as granting investigators unfettered discretion to pursue or preclude diversion. Where the facts and evidence support a classification of narcotics abuse for personal use under Article 127, the prescribed penalty permits consideration of the requirements for diversion, provided that there is no recidivism. Conversely, where the facts satisfy the elements of possession, control, or distribution punishable by seven years or more, the formal requirements for diversion may not be met. At this point, rehabilitation must remain distinct from diversion. Diversion is a mechanism for redirecting the resolution of a child's case, whereas rehabilitation is a form of medical or social recovery that may form part of a diversion agreement or be considered under the narcotics legal regime according to the child's status. This conceptual precision prevents the assumption that rehabilitation is possible only where diversion is successful.

Based on the foregoing, the principal finding of this subsection is that children in conflict with the law in narcotics abuse cases at the Pohuwato Resort Police occupy a dual legal position: as perpetrators of criminal offenses under Law No. 35 of 2009 on Narcotics, while simultaneously as victims of abuse entitled to protection and rehabilitation. This position requires investigators to conduct a careful, progressive, and child-protection-based initial assessment. The novelty of this finding lies in its affirmation that the success of diversion in child narcotics cases is determined not only by the norms of the UU SPPA, but primarily by investigators' initial legal classification of the child's role in the narcotics case.

3.2. Implementation of Diversion for Children in Narcotics Cases at the Investigation Stage at the Pohuwato Resort Police

The implementation of diversion for child narcotics abusers at the Pohuwato Resort Police forms part of the application of restorative justice. Diversion under the UU SPPA aims to achieve reconciliation, resolve children's cases outside judicial proceedings, prevent children from being deprived of liberty, encourage community participation, and instill responsibility in children [2]. In narcotics cases, these objectives must be translated into efforts to restore the child's condition through medical rehabilitation, social rehabilitation, family guidance, and community supervision. Therefore, diversion must not be construed merely as the termination of a case, but rather as a mechanism for genuine recovery.

Based on the research findings, the implementation of diversion at the investigation stage at the Pohuwato Resort Police begins with the identification of cases involving children. Investigators examine the child's age, role in the case, the type of criminal offense, the applicable criminal penalty, and whether the conduct constitutes recidivism. If the case meets the requirements for diversion, investigators seek deliberation involving the child, parents or guardians, community counselors, social workers, and other relevant parties [11]. The involvement of these parties is important because diversion cannot be implemented unilaterally by investigators; rather, it must be established through dialogue and mutual agreement.

The next stage is the preparation of a social inquiry report by Bapas. The social inquiry report provides an overview of the child's background, family environment, education, peer relationships, and potential for guidance. In practice, Bapas recommendations constitute an important basis for investigators in determining the most appropriate form of resolution. Investigators then facilitate diversion deliberations through a family-based approach. If an agreement is reached, its outcome is recorded in official minutes and submitted to the court for approval. If the agreement is implemented, the investigation process may be discontinued. Conversely, if diversion fails or the formal requirements are not met, the case proceeds to the prosecution stage.

The forms of diversion agreements implemented at the Pohuwato Resort Police include returning the child to their parents, guidance, family supervision, mandatory reporting, and, under certain circumstances, referrals for medical or social rehabilitation [10], [11]. Of 27 cases involving children during 2020–2024, 16 diversions were successful and 11 were unsuccessful [10]. The summary does not include the reasons for the outcome of each case; therefore, this study does not attribute a single specific cause to individual cases. However, interviews indicate a pattern whereby success is more likely when the case meets the requirements of Article 7 of the UU SPPA, the family is cooperative, the Bapas recommendation supports a restorative resolution, and the form of recovery can be implemented. Conversely, failure or the impossibility of diversion is associated with offenses classified under provisions carrying severe penalties, failure to reach an agreement, inadequate family support, or limited rehabilitation options [11]. This pattern constitutes a qualitative finding and cannot yet be treated as a statistical measure because case-level data were unavailable.

The first obstacle is juridical in nature, namely, the limitations imposed by Article 7 of the UU SPPA. The requirement that the criminal penalty be below seven years makes the scope for diversion highly dependent on an offense classification genuinely supported by the facts. In interviews, investigators

explained that when examination results indicate provisions concerning possession, control, or distribution carrying severe penalties, diversion cannot be imposed merely because the perpetrator is a child [11]. Conversely, if the facts indicate personal use and the elements of Article 127 are satisfied, investigators are required to assess eligibility for diversion under the UU SPPA. This finding indicates that investigators' gatekeeping function lies in accurate evidence-based classification and the child's procedural protection, rather than in manipulating statutory provisions to achieve a particular outcome.

The second obstacle concerns rehabilitation facilities. Interviews indicate that when deliberations lead to rehabilitation, the limited availability of child-specific facilities in Pohuwato Regency makes the implementation of agreements dependent on referrals and coordination with services outside the region or on family supervision [11]. This situation may affect the feasibility of the agreed form of resolution because rehabilitation requires continuity of medical, psychological, and social services. This obstacle demonstrates that the success of diversion is determined not only at the investigation stage but also by the availability of recovery networks capable of following up on the agreement.

The third obstacle is sociological in nature and primarily relates to variations in family support and community stigma. According to interviews, some families are cooperative and willing to provide supervision, making agreements easier to implement; however, there are also situations in which families have limited supervisory capacity [11]. These findings are not generalized to all cases because individual-level data were unavailable. Conceptually, stigma remains relevant because negative labeling may hinder the child's social reintegration; therefore, recovery must be directed toward accountability without exclusion, in line with the concept of reintegrative shaming [13].

A comparison of theory and practice indicates that the implementation of diversion at the Pohuwato Resort Police is consistent with the general direction of the UU SPPA and restorative justice theory, as investigators seek to prevent children from entering formal criminal proceedings. This is consistent with the concept developed in studies on diversion, according to which the resolution of cases involving children should prioritize recovery, responsibility, and social reintegration [7]. However, this practice has not been optimal because it is not yet supported by adequate regional policies and facilities. In other words, police officers have sought to implement diversion norms, but their effectiveness remains dependent on social and institutional structures outside the police force.

The practical implications of this study should be directed toward measurable actions. Satresnarkoba and Unit PPA should use an

initial screening form that records the child's age, role, the statutory provision applicable to the facts, recidivism status, and eligibility for diversion. Bapas should be involved from the outset so that Litmas is available within the time limit for the diversion process. The police, together with Bapas and local government, should establish records of diversion outcomes that include the reasons for success or failure without disclosing the child's identity. Local government and BNN should develop clear referral pathways for child rehabilitation, including destination facilities and funding mechanisms. Families and schools should be involved in post-diversion supervision plans. These measures ensure that diversion does not end with the termination of criminal proceedings but includes follow-up recovery that can be evaluated.

Accordingly, the implementation of diversion for children in narcotics cases at the investigation stage at the Pohuwato Resort Police has a normative basis and has been implemented in practice, although its outcomes are contextual. Aggregate data show that 16 of 27 cases concluded with successful diversion, whereas 11 were unsuccessful [10]. Interview patterns indicate that these outcomes are associated with the formal eligibility requirements under Article 7 of the UU SPPA, the legal classification based on the facts, support from families and Bapas, and the availability of recovery mechanisms [11]. This article contributes by demonstrating that investigators function as gatekeepers at the initial stage, while the ultimate success of diversion remains dependent on a recovery ecosystem beyond the police.

4. Conclusion

The legal analysis of children in conflict with the law in narcotics abuse cases at the Pohuwato Resort Police indicates that the initial classification must precisely distinguish abuse for personal use, addiction or victimization resulting from narcotics abuse, and possession, control, or distribution. Children remain subject to criminal liability, but Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) requires special protection and an assessment of diversion where the requirements of Article 7 are met. Therefore, the investigator's role as gatekeeper is not to select a statutory provision in order to enable diversion, but to ensure that the provision applied genuinely corresponds to the facts and evidence. Rehabilitation must also be conceptually distinguished from diversion: rehabilitation is a form of recovery that may constitute part of a diversion agreement or be pursued under the narcotics regime, whereas diversion is a mechanism for redirecting the resolution of children's cases.

The implementation of diversion for children in conflict with the law in narcotics abuse cases at the investigation stage at the Pohuwato Resort Police has involved case identification, coordination with Bapas, deliberation, the drafting of agreements,

and applications for judicial determinations. The 2020–2024 recapitulation shows 16 successful diversions among 27 children's cases, while 11 were unsuccessful [10]. Based on interview patterns, success was associated with the fulfillment of formal requirements, support from families and Bapas, and the availability of implementable forms of recovery; failure was associated with provisions carrying severe penalties, failure to reach an agreement, or limited recovery support [11]. These findings cannot be generalized to every case because the available data are aggregate in nature. The most urgent improvements are the standardization of initial screening, anonymous recording of the reasons for diversion outcomes, early involvement of Bapas, and the establishment of child rehabilitation referral pathways among the police, Bapas, BNN, local government, families, and schools.

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