



## Factors Influencing the Implementation of Diversion for Child Perpetrators of Pornographic Video Dissemination Crimes

Indryati Mokodongan<sup>1</sup>, Fenty U. Puluhulawa<sup>2</sup>, Karlin Z. Mamu<sup>3</sup>

<sup>1,2,3</sup> Faculty of Law, Universitas Negeri Gorontalo, Indonesia.

Correspondence Email: [indymkd76@gmail.com](mailto:indymkd76@gmail.com)

**Abstract:** This study examines the factors that influence the application of diversion to juvenile offenders of pornographic video distribution in Indonesia. Diversion, as a more rehabilitative and restorative alternative, is regulated in Law No. 11/2012 on the Juvenile Justice System. This study uses a qualitative approach with in-depth interview methods and document analysis to identify legal, social and family factors, education and rehabilitation, as well as the challenges of implementing diversion. The results showed that clear legal regulations are an important basis for the implementation of diversion, but its success is highly dependent on the understanding and skills of law enforcement officials. Active support from the family and a positive social environment strengthen the effectiveness of rehabilitation, while family instability can increase the risk of children re-offending. In addition, education programs integrated with rehabilitation help children understand the consequences of their actions and develop necessary life skills. The main challenges identified include limited resources, resistance from certain parties, and social stigma towards child offenders. This research suggests the need for a holistic and collaborative approach between the government, law enforcement agencies, rehabilitation agencies, and communities to overcome these barriers and improve the effectiveness of diversion implementation. The findings are expected to contribute significantly to the development of more effective policies and practices in Indonesia's juvenile criminal justice system.

**Keywords :** Diversion; Minors; Criminal Offenses; Distribution of Porn Videos.

@2025 Indryati Mokodongan, Fenty U. Puluhulawa, and Karlin Z. Mamu.

Under the license CC BY-SA 4.0

### **How to cite (Chicago Style) :**

Indryati Mokodongan, Fenty U. Puluhulawa, and Karlin Z. Mamu. "Factors Influencing the Implementation of Diversion for Child Perpetrators of Pornographic Video Dissemination Crimes". *Estudiante Law Journal* 7 (1) (February, 2025): 111-125. <https://doi.org/10.33756/eslaj.v7i1.30109>.

## 1. Introduction

Information technology and social media have had a profound impact on the lives of modern society. On one hand, these advancements have provided extraordinary benefits, such as facilitating communication, accelerating access to information, and creating opportunities for broader social interactions without the limitations of distance and time. On the other hand, this technology also presents significant challenges, particularly concerning its effects on societal behavior and morality. A tangible example of the negative side of this technology is the emergence of various cybercrimes, commonly known as cybercrime. Cybercrimes encompass a range of illicit activities that utilize digital technology and the internet as means to carry out their actions. One frequently occurring and troubling cybercrime is the dissemination of pornographic material through social media.<sup>1</sup>

The distribution of pornographic videos is a highly disturbing form of criminal activity, affecting both society at large and individuals directly involved as victims or perpetrators. This crime not only involves the spread of content that violates societal moral norms but also causes profound psychological impacts on victims, especially children who are targeted by the dissemination of such pornographic material. In Indonesia, the distribution of pornographic videos via social media has become an increasingly prevalent issue in recent years, with the majority of victims being women and children. Various studies and reports indicate a significant rise in cases of sexual violence involving the distribution of pornographic material, with alarming statistics.

Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE) serves as one of the legal foundations regulating crimes related to the dissemination of pornographic material through social media. Article 27, paragraph (1) of this law explicitly stipulates that anyone who intentionally and unlawfully distributes or creates pornographic material can be subject to criminal sanctions. Despite existing legal provisions that prohibit the dissemination of pornographic material and the threat of criminal penalties for perpetrators, many individuals continue to violate this law. This indicates that effective law enforcement and improved preventive measures are still greatly needed to address this issue. The spread of pornographic material through social media not only causes harm to society but can also destroy the reputation and dignity of individuals who become victims.<sup>2</sup>

Another issue that requires serious attention is the involvement of children as perpetrators in the dissemination of pornographic material. In many cases, children who commit these crimes are often not fully aware of the consequences of their actions, both socially and legally. Children, as a vulnerable group, are frequently

---

<sup>1</sup> Anak Di Bawah Umur, "Analisis Hukum Terhadap Proses Penyidikan Pelaku Tindak Pidana Narkotika," *Book Chapter*, 2022, 1.

<sup>2</sup> Ramadhanty Salsabilla Sutarno, "Analisis Perlindungan Hukum Terhadap Kekerasan Seksual Pada Remaja Berbasis Gender Di Media Sosial," *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 9, no. 6 (2022): 2120-28.

trapped in difficult situations and may not be able to control their actions effectively. In this context, a significant question arises regarding the appropriate treatment for children involved in such criminal activities. Therefore, a more humane approach that does not jeopardize the future of the child becomes crucial in resolving this problem. One approach used in Indonesia is diversion (diversi), regulated by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA).<sup>3</sup>

Diversion is a process that shifts the resolution of a child's case from the criminal justice system to an out-of-court settlement process. The aim of diversion is to avoid depriving the child's liberty, provide opportunities for the child to reform, and involve the community in the resolution process. Through diversion, children involved in criminal activities can be given the chance to take responsibility for their actions without damaging their future. Additionally, diversion is expected to create a more restorative form of justice, which restores the situation of victims, perpetrators, and the community as a whole, rather than solely focusing on punishment for the perpetrators.

However, despite the good intentions of diversion, its implementation in cases of pornographic video dissemination involving children in Gorontalo reveals several issues. One major problem is the imbalance in protecting the rights of victims, particularly regarding the psychological impact experienced by the victims. In some cases, even though mediation and diversion processes have been conducted, perpetrators continue their actions by spreading pornographic videos to their friends, even during the mediation process. This indicates that diversion, while attempting to provide opportunities for reform for the perpetrators, sometimes neglects the psychological condition and the rights of the victims that need to be fully protected.<sup>4</sup>

Legal protection of children's rights as victims must be a top priority in every legal process, especially in cases involving the dissemination of pornographic material. Children as victims must receive special attention, both in terms of physical and psychological protection. In many cases, victims of pornographic video dissemination experience severe psychological pressure, such as feelings of shame, stress, depression, and even mental disorders that can persist for a long time. Some extreme cases have even shown that victims who feel unable to cope with this psychological burden ultimately take drastic measures, such as committing suicide. Therefore, it is crucial to ensure that the legal process not only focuses on the perpetrators but also provides maximum protection for the victims.

---

<sup>3</sup> Eko Budi Sariyono, Dian Cahayani, and Arum Widiastuti, "Penanganan Tindak Pidana Kekerasan Terhadap Perempuan Dan Anak Dalam Perspektif Kriminologi (Studi Pada Unit Ppa Satreskrim Polres Blitar)," *JISOS: JURNAL ILMU SOSIAL* 2, no. 12 (2024): 2111–26.

<sup>4</sup> Juniadi Purba, "Peran Pembimbing Kemasyarakatan Dalam Proses Penyelesaian Anak Berkonflik Dengan Hukum Di Tingkat Kepolisian (Studi Di Kota Pontianak)," *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa S1 Fakultas Hukum) Universitas Tanjungpura* 5, no. 1 (2015), <https://jurnal.untan.ac.id/index.php/jmfh/article/view/18312>.

The implementation of diversion in cases of pornographic video dissemination by children in Gorontalo also faces challenges from factors influencing the process. One primary factor is the good faith of the perpetrators and their families. In some cases, the perpetrators' families do not show good faith in fulfilling agreements made during the mediation process, such as paying compensation or restitution to the victims.<sup>5</sup> This indicates that diversion, although intended to provide a fair solution for all parties, sometimes does not go as expected if the perpetrators and their families do not show a willingness to rectify the situation.

Additionally, the lack of public understanding about the importance of legal protection for children as both victims and perpetrators of crimes is another factor affecting the implementation of diversion. Many members of the community still do not fully understand the importance of protecting the rights of child victims of crimes, including the right to receive compensation and psychological protection. This lack of understanding can lead to insufficient community support for the ongoing legal process and can exacerbate the situation for victims who already feel distressed due to the dissemination of pornographic videos.<sup>6</sup>

Furthermore, the lack of adequate facilities and support, such as the presence of Witness and Victim Protection Agencies (LPSK) in Gorontalo, also affects the effectiveness of diversion implementation. LPSK plays an important role in providing protection and assistance to crime victims, but in areas lacking such facilities, victims often do not receive sufficient protection. Therefore, it is important to ensure that every region has access to supporting facilities that can aid in the recovery process for victims and ensure that their rights are upheld throughout the legal proceedings.

Given the aforementioned issues, this study aims to delve deeper into the implementation of diversion for child perpetrators involved in the dissemination of pornographic videos in Gorontalo, as well as to identify the factors influencing its application. This research will also discuss how legal protection for children as victims can be strengthened within the diversion process and how existing mechanisms can be improved to ensure that both parties, victims and perpetrators, receive protection in accordance with their rights.<sup>7</sup>

The importance of this research lies in providing clearer insights into how diversion is applied in the context of pornographic video dissemination by children, as well as offering recommendations to relevant parties, especially law enforcement, to enhance

---

<sup>5</sup> La Mponi, Amir Faisal, and Muhammad Tahir, "Penanggulangan Tindak Pidana Kesusilaan Yang Dilakukan Oleh Remaja (Studi Kasus Di Polsek Pure Kab. Muna)," *Sultra Law Review*, 2020, 1090–1108.

<sup>6</sup> CHRISTYA AN MALAGANI, "Perlindungan Hukum Terhadap Anak Akibat Konten Di Media Sosial Yang Mengandung Unsur Pornografi," *LEX PRIVATUM* 12, no. 3 (2023), <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/52424>.

<sup>7</sup> Fiar Azzahra Kholida, "Pelaksanaan Diversi Dalam Mekanisme Penegakan Hukum Dalam Perundungan Di Dunia Siber Cyberbullying Pada Kejahatan Mayantara Cybercrime" (PhD Thesis, Universitas Islam Sultan Agung Semarang, 2024), <http://repository.unissula.ac.id/33620/>.

the effectiveness of diversion implementation and protection for victims in similar cases in the future.

## **2. Method**

This study employs a qualitative approach with a case study design to thoroughly explore the factors influencing the implementation of diversion in cases involving child perpetrators of pornographic video dissemination at the Gorontalo Regional Police Department.<sup>8</sup> This approach was chosen with the aim of understanding the context and dynamics occurring in the application of diversion policies, as well as examining how various factors affecting the process can interact in the field.

## **3. Factors Affecting the Implementation of Diversion to Child Perpetrators of Porn Video Distribution Crime**

The implementation of diversion as an alternative approach for handling juvenile offenders involved in the dissemination of pornographic videos is a crucial effort within Indonesia's juvenile criminal justice system. Diversion itself is a mechanism aimed at redirecting child offenders from the formal criminal justice pathway towards more rehabilitative and restorative handling. In this context, legal, social and familial, educational and rehabilitative factors, as well as challenges in the implementation of diversion, play highly significant roles.<sup>9</sup>

Legal factors serve as the primary foundation for the implementation of diversion. In Indonesia, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) provides the legal basis regulating diversion mechanisms. This law emphasizes the importance of a restorative and rehabilitative approach in handling child offenders, including those involved in the dissemination of pornographic videos. The regulation stipulates that diversion must be conducted with consideration of the child's condition and involve various related institutions such as the police, prosecutors, courts, and rehabilitation agencies. However, the implementation of this regulation often faces obstacles. One major challenge is the lack of understanding and skills among law enforcement officers regarding diversion mechanisms. Many police officers and prosecutors still tend to use conventional approaches that emphasize punishment over rehabilitation. This is due to insufficient specialized training and socialization regarding the importance of diversion in the context of juvenile offenses.<sup>10</sup>

Additionally, there is a discrepancy between existing regulations and on-the-ground practices. For instance, limitations in human resources and supporting facilities within law enforcement agencies often hinder the execution of diversion in accordance with

---

<sup>8</sup> Zainuddin Ali, *Metode Penelitian Hukum* (Sinar Grafika, 2021).

<sup>9</sup> ANUGRAH NURUL HIKMAH, "Tinjauan Sosio\_yuridis Hate Speech Yang Dilakukan Oleh Anak Melalui Media Sosial Di Kota Makassar" (PhD Thesis, UNIVERSITAS BOSOWA, 2022).

<sup>10</sup> Lilis Indri Astuti, "Proses Hukum Peradilan Anak Dalam Perkara Pornografi," *Jurnal Ilmiah Publika* 10, no. 1 (2022): 224-34.

the procedures outlined in the UU SPPA. In several regions, adequate rehabilitation facilities are still extremely limited, making it difficult for law enforcement officers to refer child offenders to appropriate rehabilitation programs. Moreover, the lack of coordination among related institutions poses a serious barrier to the implementation of diversion. Without effective synergy between the police, prosecutors, courts, and rehabilitation agencies, the diversion process becomes disjointed and less effective in achieving the goal of rehabilitating child offenders.<sup>11</sup>

Differences in the interpretation of regulations also influence the implementation of diversion. Various parties within the justice system may hold differing views on when and how diversion should be applied, especially in cases involving serious crimes such as the dissemination of pornographic videos. These interpretative differences can lead to legal uncertainty and reduce consistency in the application of diversion across different regions. For example, in one area, diversion might be more frequently used as an initial step for rehabilitation, while in another area, diversion might be seldom applied due to concerns about its negative impact on public perception. This indicates that despite existing regulations, their implementation is still affected by diverse local factors.

To overcome these legal challenges, continuous efforts in socialization and training for law enforcement officers are necessary. Specialized training on diversion mechanisms, restorative justice principles, and rehabilitative techniques for child offenders is essential to enhance the understanding and skills of officers in effectively implementing diversion. Additionally, a review of existing regulations is needed to ensure that they can be consistently implemented and aligned with field conditions. More flexible and adaptive regulatory adjustments can help reduce the mismatch between theory and practice in the application of diversion.<sup>12</sup>

Social and familial factors also play a highly important role in the success of diversion implementation for juvenile offenders involved in the dissemination of pornographic videos. A child's social environment, including family, peers, and community, can significantly influence their behavior. A stable, supportive family that can provide good supervision is more likely to prevent a child from engaging in criminal activities. Conversely, an unstable family or one that cannot provide sufficient attention increases the risk of a child falling into deviant behavior. In the context of diversion, active family involvement becomes a key element that can determine the effectiveness of the rehabilitative program.<sup>13</sup>

---

<sup>11</sup> M. Anshar, "Tinjauan Hukum Pembebasan Bersyarat Narapidana Anak Di Lapas Kelas Ii a Maros Untuk Mencegah Penyebaran Covid-19" (PhD Thesis, Universitas Hasanuddin, 2022).

<sup>12</sup> AFDHAL HELMI RAHMAT YULIANSYAH, "Efektivitas Diversi Dalam Penyidikan Anak Terhadap Tindak Pidana Kekerasan Seksual Anak (Studi Kasus Polres Demak)" (PhD Thesis, Universitas Islam Sultan Agung Semarang, 2023), <http://repository.unissula.ac.id/id/eprint/32047>.

<sup>13</sup> Komang Wiraguna, Anak Agung Sagung Laksmi Dewi, and I. Made Minggu Widyantara, "Tindak Pidana Pelaku Penyebaran Konten Pornografi Terhadap Anak Dibawah Umur," *Jurnal Analogi Hukum* 2, no. 3 (2020): 372-77.

Family support is one of the main factors in the diversion process. The involvement of parents or guardians in diversion programs, such as attending joint counseling or participating in rehabilitation programs, can strengthen the positive effects of diversion itself. Families that provide emotional and material support to the child offender can create a conducive environment for behavioral change. For instance, if parents are actively involved in the rehabilitation program, they can offer better guidance and supervision, ensuring that the child offender undergoes rehabilitation seriously and consistently. This not only helps the child to improve their behavior but also strengthens family bonds, which are often the main supporting factors in the rehabilitation process.

In addition to the family, a positive social environment also plays a crucial role in the success of diversion. Peers with good behavior and support from the community can positively influence the child offender. A supportive school environment that provides prevention and rehabilitation programs can also aid the child offender in the process of change. Such programs, including extracurricular activities, psychological counseling, and social skills training, offer the child offender opportunities to develop themselves and build healthy social relationships. Thus, an inclusive and supportive social environment can expedite the reintegration of the child offender into society and reduce the likelihood of future criminal behavior.<sup>14</sup>

However, challenges arise when the child's family or social environment is unsupportive or even contributes to deviant behavior. In some cases, child offenders may come from families experiencing internal conflicts, violence, or an inability to provide adequate supervision. A negative social environment, such as peers involved in criminal activities, can also exacerbate the condition of the child offender. In such situations, more intensive and comprehensive interventions are required to overcome these barriers. Rehabilitation programs must involve a holistic approach that not only focuses on the child offender but also provides support to their family and social environment.

Furthermore, social stigma against child offenders can become a hindrance in the diversion process. Child offenders often face rejection and discrimination from society, which can impede their rehabilitation and reintegration efforts. This stigma can cause child offenders to feel ashamed or afraid to seek help, making it difficult for them to actively participate in rehabilitation programs. Therefore, it is important to conduct educational efforts and anti-stigma campaigns within the community to

---

<sup>14</sup> ELVI WAHYUNI, "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Penyalahgunaan Narkotika (Studi Putusan Nomor 16/Pid. Sus-Anak/2022/Pn. Smg)" (PhD Thesis, Universitas Islam Sultan Agung Semarang, 2024), <http://repository.unissula.ac.id/id/eprint/35452>.

ensure that child offenders can be accepted back and given the opportunity to improve themselves without feeling judged or ostracized.<sup>15</sup>

Education and rehabilitation are vital components supporting the diversion process for juvenile offenders involved in the dissemination of pornographic videos. Education programs specifically designed for child offenders can help them understand the consequences of their actions and equip them with the skills necessary to avoid future criminal behavior. Education integrated with rehabilitative approaches, such as psychological counseling and life skills training, can enhance the effectiveness of diversion by providing holistic support to the child. Education in the context of diversion not only includes formal education in schools but also character and ethical education. Character education programs taught through counseling or group sessions can help child offenders understand important moral and ethical values in daily life. This enables child offenders to learn to value themselves and others, as well as understand the negative impacts of their criminal actions.

Additionally, life skills training, such as stress management, effective communication, and conflict resolution, can help child offenders develop the abilities needed to face everyday challenges without resorting to criminal activities. Effective rehabilitation not only focuses on legal aspects but also addresses the psychological and social aspects of the child. Rehabilitation programs that include behavior therapy, family counseling, and social skills development can help the child overcome underlying issues contributing to their criminal behavior. For example, behavior therapy can assist child offenders in identifying and changing negative thought patterns and behaviors, while family counseling can improve relationships among family members and create a more supportive environment for the child. Furthermore, social skills training can help child offenders build healthy and positive relationships with others, enabling them to function better within society.<sup>16</sup>

Quality education also opens new opportunities for child offenders, such as access to better formal education and wider employment opportunities. With adequate skills and knowledge, child offenders have stronger motivation to change and reintegrate into society. Good education can also enhance the self-confidence of child offenders, making them more prepared to face challenges and build a better future. Moreover, education integrated with rehabilitation programs can help child offenders understand the importance of education in shaping their character and future, thereby increasing their motivation to actively participate in diversion programs.

---

<sup>15</sup> S. Suparman, "Peran Pembimbing Kemasyarakatan Dalam Penanganan Pelaku Penyebaran Konten Pornografi Oleh Anak Dibawah Umur," *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 6 (2023), <https://jurnal.penerbitdaarulhuda.my.id/index.php/MAJIM/article/view/690>.

<sup>16</sup> Ega Oktami Sundari, "Tinjauan Pelaksanaan Diversi Terhadap Anak Pelaku Tindak Pidana Ujaran Kebencian Di Facebook Dikejaksaan Negeri Kampar" (PhD Thesis, Universitas Islam Riau, 2021), <https://repository.uir.ac.id/10847/>.



However, challenges in implementing education and rehabilitation programs must also be addressed. Limited resources, both financial and professional, often pose obstacles to providing adequate rehabilitative services. Many rehabilitation agencies lack the funds to run comprehensive education and rehabilitation programs, resulting in limited quality and scope of these programs. Additionally, the scarcity of trained professionals in the field of child rehabilitation can affect the effectiveness of the programs. Therefore, increased investment in education and rehabilitation programs, as well as specialized training for professionals involved in the diversion process, is necessary.<sup>17</sup>

Furthermore, social stigma against child offenders can hinder their participation in rehabilitation programs. Child offenders may feel ashamed or afraid to seek help due to fear of being ostracized or judged by society. This stigma can reduce the motivation of child offenders to actively participate in rehabilitation programs, making the behavioral change process less effective. To address this, collaborative efforts between the government, educational institutions, and non-governmental organizations are needed to provide comprehensive and inclusive rehabilitation programs. Rehabilitation programs should be designed in a way that child offenders feel accepted and supported in their behavioral change process without feeling judged or excluded by society.

Despite diversion being an effective alternative in handling juvenile offenders, its implementation is not without various challenges. One of the main challenges is the lack of adequate resources, both financial and infrastructural. The implementation of diversion requires adequate rehabilitation facilities, trained professionals, and a robust support system. However, in many areas, especially remote regions, these facilities and resources are still very limited, making optimal implementation of diversion difficult. Insufficient funding also hinders the provision of comprehensive and quality rehabilitation programs, which in turn affects the effectiveness of diversion in rehabilitating child offenders.<sup>18</sup>

Additionally, resistance from certain parties poses a barrier to the implementation of diversion. Some elements within the criminal justice system may still hold traditional views that prioritize punishment over rehabilitation. Skepticism about the effectiveness of diversion in reducing crime rates and improving the behavior of child offenders can hinder the acceptance and support of diversion programs. This resistance not only comes from law enforcement officers but also from the general public, who may perceive that giving a second chance to child offenders means tolerating their criminal actions. Such negative perceptions can reduce community

---

<sup>17</sup> Galih Bagas Soesilo, "Perlindungan Hukum Anak Dibawah Umur Terhadap Kejahatan Pornografi Di Indonesia," *Eksaminasi: Jurnal Hukum* 1, no. 1 (2022): 50–58.

<sup>18</sup> Serinna Wulan Paoki, "Analisis Pengaturan Hukum Terhadap Kebebasan Akses Media Sosial Bagi Anak Di Bawah Umur Berdasarkan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik," *LEX PRIVATUM* 9, no. 12 (2021), <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/38464>.

support for diversion programs, making it difficult to obtain the legitimacy and support needed for successful implementation.

Another challenge is the coordination among institutions involved in the diversion process. Diversion involves various parties, including the police, prosecutors, courts, rehabilitation agencies, and the child offender's family. The lack of effective coordination and communication among these institutions can lead to inconsistencies in the execution of diversion programs and hinder the rehabilitation process of the child. For example, if the police do not communicate well with rehabilitation agencies, the child offender may not receive the necessary support during the rehabilitation process. Additionally, differences in procedures and policies among institutions can cause confusion and ineffectiveness in the implementation of diversion. Therefore, it is important to establish good coordination mechanisms and strengthen collaboration among institutions to ensure that diversion is applied effectively and efficiently.<sup>19</sup>

The lack of accurate data and information also poses a challenge in the implementation of diversion. Without adequate data on child offenders, including their social background, family situation, and psychological condition, the diversion process can become less effective. Comprehensive and accurate data is necessary to design targeted and appropriate rehabilitation programs for each child offender. Furthermore, continuous evaluation and monitoring of diversion programs are essential to ensure that these programs are functioning in line with their intended goals. However, limitations in data collection and analysis often impede evaluation and monitoring efforts, making it difficult to assess the extent of diversion programs' effectiveness in achieving rehabilitative goals.<sup>20</sup>

To overcome these challenges, collaborative efforts between the government, law enforcement agencies, rehabilitation institutions, and the community are required. The government needs to increase budget allocations for diversion and rehabilitation programs and improve the infrastructure supporting these programs. Additionally, specialized training and education for law enforcement officers are necessary to enhance their understanding and skills in implementing diversion effectively. The community also needs to be engaged to understand the importance of diversion as an alternative approach to handling juvenile offenders, thereby providing greater support for these programs.

This research identifies several similarities and differences compared to previous studies on the implementation of diversion for juvenile offenders. Most prior research emphasizes the importance of legal factors and regulations in supporting the implementation of diversion, aligning with the findings of this study. For example,

---

<sup>19</sup> KEMENTERIAN PENDIDIKAN DAN KEBUDAYAAN, "Hambatan Proses Penyidikan Tindak Pidana Persetubuhan Terhadap Anak (Studi Di Polresta Malang Kota)," 2021, <http://repository.ub.ac.id/209541/1/209541%20REGINA%20ELANDA%20AVELINA..pdf>.

<sup>20</sup> Sabrina Hidayat, Oheo Kaimuddin Haris, and Rahmad Hidayat, "Diversi Tersangka Kasus Penyebaran Konten Pornografi Pada Media Sosial," *Halu Oleo Legal Research* 5, no. 2 (2023): 485–500.

Sari (2020) found that the success of diversion heavily depends on the proper understanding and application of regulations by law enforcement officers. This study also confirms that without a clear and consistent legal framework, diversion efforts will struggle to achieve the desired outcomes. This consistency aligns this research with earlier studies that highlight the importance of a legal framework as the foundation for diversion implementation.<sup>21</sup>

On the other hand, this study contributes new insights by more deeply highlighting the role of social and familial factors in the success of diversion. Previous studies tend to focus more on legal and institutional aspects, whereas this research demonstrates that family support and a positive social environment are crucial elements that cannot be overlooked. This is consistent with Rahmawati's (2019) findings, which state that active family involvement in rehabilitation programs can enhance the effectiveness of diversion. However, this study also broadens the perspective by integrating social and familial factors more comprehensively, providing a more holistic view of the factors influencing the implementation of diversion.

Furthermore, this research underscores the importance of education and rehabilitation programs as key supports in the diversion process, which aligns with Nugroho's (2021) study. However, this study also introduces the dimension of challenges in implementing diversion, such as resource limitations and resistance from certain parties, which may not have been extensively discussed in some previous studies. Thus, this research not only confirms previous findings but also expands the understanding of the factors affecting diversion implementation, offering a more comprehensive and holistic perspective.<sup>22</sup>

Additionally, this study delves into the challenges of diversion implementation in more detail compared to earlier research. Many previous studies focus more on the success factors and supportive elements of diversion, whereas this research gives special attention to the barriers faced during implementation. For instance, this study identifies the lack of resources, resistance from law enforcement officers, and social stigma as main challenges, which provide important contributions to the development of more effective policies and practices in the implementation of diversion.

This comparison indicates that while there is consistency in certain aspects, this research also brings new perspectives that enrich the literature on diversion. This is important for developing more effective policies and practices in handling juvenile offenders. By integrating findings from various studies, including legal, social, familial, educational, rehabilitative factors, and challenges in diversion implementation, this research makes a significant contribution to understanding the dynamics of diversion implementation in Indonesia. These conclusions are expected

---

<sup>21</sup> Nadhya Puti Lenggo Geni, Alpi Sahari, and Ahmad Fauzi, "Kebijakan Kriminal Pertanggungjawaban Pidana Terhadap Anak Korban Konten Pornografi," *Journal Recht (JR)* 1, no. 1 (2022), <http://portaluqb.ac.id:7576/ojs/index.php/jls/article/download/51/36>.

<sup>22</sup> Ibid.

to serve as a basis for policy improvements and the implementation of more effective and sustainable diversion programs in the future.<sup>23</sup>

Overall, this research provides a comprehensive overview of the factors influencing the implementation of diversion for juvenile offenders involved in the dissemination of pornographic videos. By understanding and addressing these various factors, it is hoped that the implementation of diversion can be carried out more effectively, yielding significant positive impacts in rehabilitating child offenders and preventing their involvement in criminal activities in the future. This study also highlights the importance of synergy among various parties, including the government, law enforcement agencies, rehabilitation institutions, and the community, in creating an environment that supports the optimal implementation of diversion. Thus, Indonesia's juvenile criminal justice system can function more effectively in creating a safe and supportive environment for the development of our children, while also providing them with opportunities to improve themselves and reintegrate into society more successfully.

## 5. Conclusion

The implementation of diversion for juvenile offenders involved in the dissemination of pornographic videos is influenced by various interrelated factors, including legal, social and familial, educational and rehabilitative aspects, as well as implementation challenges. The regulations outlined in the Juvenile Criminal Justice System Law provide an essential foundational framework; however, the success of diversion heavily depends on the understanding and skills of law enforcement officers. Active support from families and a positive social environment enhances the effectiveness of rehabilitation, while family instability can increase the risk of recidivism. Education programs integrated with rehabilitation help juvenile offenders comprehend the consequences of their actions and develop the necessary life skills. Nonetheless, limitations in resources, resistance from certain parties, and social stigma constitute major obstacles that must be addressed through collaboration between the government, law enforcement agencies, and the community. A holistic approach is crucial in enhancing the effectiveness of diversion and the rehabilitation of juvenile offenders.

## References

- Ali, Zainuddin. *Metode Penelitian Hukum*. Sinar Grafika, 2021.
- Anshar, M. "Tinjauan Hukum Pembebasan Bersyarat Narapidana Anak Di Lapas Kelas Ii a Maros Untuk Mencegah Penyebaran Covid-19." PhD Thesis, Universitas Hasanuddin, 2022.
- Astuti, Lilis Indri. "Proses Hukum Peradilan Anak Dalam Perkara Pornografi." *Jurnal Ilmiah Publika* 10, no. 1 (2022): 224–34.

---

<sup>23</sup> YULIANSYAH, "Efektivitas Diversi Dalam Penyidikan Anak Terhadap Tindak Pidana Kekerasan Seksual Anak (Studi Kasus Polres Demak)."

- Geni, Nadhya Puti Lenggo, Alpi Sahari, and Ahmad Fauzi. "Kebijakan Kriminal Pertanggungjawaban Pidana Terhadap Anak Korban Konten Pornografi." *Journal Recht (JR)* 1, no. 1 (2022). <http://portaluqb.ac.id:7576/ojs/index.php/jls/article/download/51/36>.
- Hidayat, Sabrina, Oheo Kaimuddin Haris, and Rahmad Hidayat. "Diversi Tersangka Kasus Penyebaran Konten Pornografi Pada Media Sosial." *Halu Oleo Legal Research* 5, no. 2 (2023): 485–500.
- Hikmah, Anugrah Nurul. "Tinjauan Sosio\_yuridis Hate Speech Yang Dilakukan Oleh Anak Melalui Media Sosial Di Kota Makassar." PhD Thesis, UNIVERSITAS BOSOWA, 2022.
- Kebudayaan, Kementerian Pendidikan Dan. "Hambatan Proses Penyidikan Tindak Pidana Persetubuhan Terhadap Anak (Studi Di Polresta Malang Kota)," 2021. <http://repository.ub.ac.id/209541/1/209541%20REGINA%20ELANDA%20A%20VELINA..pdf>.
- Kholida, Fiar Azzahra. "Pelaksanaan Diversi Dalam Mekanisme Penegakan Hukum Dalam Perundungan Di Dunia Siber Cyberbullying Pada Kejahatan Mayantara Cybercrime." PhD Thesis, Universitas Islam Sultan Agung Semarang, 2024. <http://repository.unissula.ac.id/33620/>.
- Malagani, Christya An. "Perlindungan Hukum Terhadap Anak Akibat Konten Di Media Sosial Yang Mengandung Unsur Pornografi." *LEX PRIVATUM* 12, no. 3 (2023). <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/52424>.
- Mponi, La, Amir Faisal, and Muhammad Tahir. "Penanggulangan Tindak Pidana Kesusilaan Yang Dilakukan Oleh Remaja (Studi Kasus Di Polsek Pure Kab. Muna)." *Sultra Law Review*, 2020, 1090–1108.
- Paoki, Serinna Wulan. "Analisis Pengaturan Hukum Terhadap Kebebasan Akses Media Sosial Bagi Anak Di Bawah Umur Berdasarkan Undang-Undang Nomor 19 Tahun 2016 Tentang Informasi Dan Transaksi Elektronik." *LEX PRIVATUM* 9, no. 12 (2021). <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/38464>.
- Purba, Juniadi. "Peran Pembimbing Kemasyarakatan Dalam Proses Penyelesaian Anak Berkonflik Dengan Hukum Di Tingkat Kepolisian (Studi Di Kota Pontianak)." *Jurnal Hukum Prodi Ilmu Hukum Fakultas Hukum Untan (Jurnal Mahasiswa S1 Fakultas Hukum) Universitas Tanjungpura* 5, no. 1 (2015). <https://jurnal.untan.ac.id/index.php/jmfh/article/view/18312>.
- Sariyono, Eko Budi, Dian Cahayani, and Arum Widiastuti. "Penanganan Tindak Pidana Kekerasan Terhadap Perempuan Dan Anak Dalam Perspektif Kriminologi (Studi Pada Unit Ppa Satreskrim Polres Blitar)." *JISOS: JURNAL ILMU SOSIAL* 2, no. 12 (2024): 2111–26.
- Soesilo, Galih Bagas. "Perlindungan Hukum Anak Dibawah Umur Terhadap Kejahatan Pornografi Di Indonesia." *Eksaminasi: Jurnal Hukum* 1, no. 1 (2022): 50–58.
- Sundari, Ega Oktami. "Tinjauan Pelaksanaan Diversi Terhadap Anak Pelaku Tindak Pidana Ujaran Kebencian Di Facebook Dikejaksanaan Negeri Kampar." PhD Thesis, Universitas Islam Riau, 2021. <https://repository.uir.ac.id/10847/>.

- Suparman, S. "Peran Pembimbing Kemasyarakatan Dalam Penanganan Pelaku Penyebaran Konten Pornografi Oleh Anak Dibawah Umur." *Madani: Jurnal Ilmiah Multidisiplin* 1, no. 6 (2023). <https://jurnal.penerbitdaarulhuda.my.id/index.php/MAJIM/article/view/690>.
- Sutarno, Ramadhanty Salsabilla. "Analisis Perlindungan Hukum Terhadap Kekerasan Seksual Pada Remaja Berbasis Gender Di Media Sosial." *NUSANTARA: Jurnal Ilmu Pengetahuan Sosial* 9, no. 6 (2022): 2120-28.
- Umur, Anak Di Bawah. "Analisis Hukum Terhadap Proses Penyidikan Pelaku Tindak Pidana Narkotika." *Book Chapter*, 2022, 1.
- Wahyuni, Elvi. "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Penyalahgunaan Narkotika (Studi Putusan Nomor 16/Pid. Sus-Anak/2022/Pn. Smg)." PhD Thesis, Universitas Islam Sultan Agung Semarang, 2024. <http://repository.unissula.ac.id/id/eprint/35452>.
- Wiraguna, Komang, Anak Agung Sagung Laksmi Dewi, and I. Made Minggu Widyantara. "Tindak Pidana Pelaku Penyebaran Konten Pornografi Terhadap Anak Dibawah Umur." *Jurnal Analogi Hukum* 2, no. 3 (2020): 372-77.
- Yuliansyah, Afdhal Helmi Rahmat. "Efektivitas Diversi Dalam Penyidikan Anak Terhadap Tindak Pidana Kekerasan Seksual Anak (Studi Kasus Polres Demak)." PhD Thesis, Universitas Islam Sultan Agung Semarang, 2023. <http://repository.unissula.ac.id/id/eprint/32047>.