



## TABLE OF CONTENTS

<b>APPROVAL PAGE .....</b>	<b>ii</b>
<b>STATEMENT OF AUTHENTICITY .....</b>	<b>iii</b>
<b>PREFACE .....</b>	<b>iv</b>
<b>LISTS OF ABBREVIATIONS.....</b>	<b>x</b>
<b>ABSTRACT .....</b>	<b>xi</b>
<b>INTISARI .....</b>	<b>xii</b>
<b>CHAPTER I.....</b>	<b>1</b>
<b>INTRODUCTION .....</b>	<b>1</b>
A. Background .....	1
B. Research Questions .....	11
C. Purpose of Research .....	11
D. Outcome of Research.....	12
E. Originality of Research.....	13
<b>CHAPTER II .....</b>	<b>17</b>
<b>CONCEPTUAL FRAMEWORK &amp; THEORETICAL REVIEW .....</b>	<b>17</b>
A. The Concept of Diversion.....	17
B. The Concept of Investigation Stage .....	19
1. National Police Investigators .....	21
2. Authority of Discretion for National Police Investigators.....	23
C. The Concept of Children in Conflict with the Law .....	24
D. Restorative Justice Theory.....	28
1. Restorative Justice Theory for Juvenile .....	32
2. Restorative Justice for Juvenile according to International Framework.....	34
3. Restorative Justice for Juvenile according to Indonesian Legislation.....	38
E. Best Interest of the Child Principle .....	39
1. The Concept of BICP.....	41
2. BICP in Law on Child Criminal Justice System.....	43
<b>CHAPTER III.....</b>	<b>44</b>



<b>RESEARCH METHODOLOGY .....</b>	<b>44</b>
A. Research Types .....	44
B. Research Materials .....	46
C. Research Plan .....	49
D. Data Analysis .....	50
E. Research Obstacles .....	51
<b>CHAPTER IV .....</b>	<b>52</b>
<b>ANALYSIS .....</b>	<b>52</b>
A. Implementation of Diversion cases at Investigation stage in relation to Article 7 of SPPA Law towards Children.....	52
1. Procedure of Diversion at Investigation Stage in relation to SPPA Law .....	52
2. Diversion cases at Investigation Stage in relation to Article 7 on Law on Child Criminal Justice in Batam .....	58
3. Conflicting Interpretation of Article 7 of the SPPA Law .....	77
B. The Improvement in the Protection of the Best Interest of Children in Batam in relation to Diversion at the Investigation stage.....	81
1. Obstacles in the Implementation of Diversion at the Investigative Level according to Stakeholders .....	81
2. Juvenile Justice Reforms (Diversion): The Philippines and Georgia.....	88
3. BICP as a foundation to implement Diversion towards Children.....	97
4. BICP towards Children in relation to Diversion under Investigative Stage according to Stakeholders .....	101
<b>CHAPTER V .....</b>	<b>107</b>
<b>CLOSURE.....</b>	<b>107</b>
A. Conclusions .....	107
B. Recommendations .....	108
<b>BIBLIOGRAPHY .....</b>	<b>111</b>
A. Books.....	111
B. Journals/Articles/Thesis/Dissertation .....	114
C. Laws/Conventions .....	119
D. Web Page .....	120



<b>APPENDICES.....</b>	<b>123</b>
1. Surat Pemberian Izin Penelitian di Kepolisian Daerah Kepulauan Riau Resor Barelang .....	123
2. Surat Pemberian Izin Penelitian di Balai Pemasyarakatan Batam .....	123
3. Surat Pemberian Izin Penelitian di UPTD P2MKS Nilamsuri .....	123

### LIST OF FIGURES

Figure 1. Table of Primary Legal Materials used by the Author.....	48
Figure 1. Data on Stages and Number of Diversion in Batam from the period 2021-March 2024 taken from Batam's Corrections Bureau (Balai Pemasyarakatan Batam).....	105
Figure 2. Data on Juvenile Cases towards Children Facing with the Law in Satreskrim Polresta Barelang from the Period of May 2022-2024, Satreskrim Polresta Barelang.....	112
Figure 3. Data on Arrestment Diverted by Satreskrim Polresta Barelang, Satreskrim Polresta Barelang.....	113
Figure 4. The Comparison of Diversion in Indonesia v. the Philippines...	139