

## ABSTRAK

Diversi merupakan upaya hukum dalam menyelesaikan perkara anak di luar pengadilan. Adanya syarat ancaman pidana di bawah 7 (tujuh) tahun yang perkara anak yang dapat dilakukan diversi, di wilayah hukum Kota Cirebon upaya diversi yang berhasil disepakati dan telah ditandatangani oleh korban dan pelaku harus dibatalkan dan pelaku diproses di Pengadilan Negeri Cirebon. Rumusan Masalah: (1) Bagaimanakah fleksibilitas pelaksanaan diversi dalam perkara ABH di wilayah hukum eks kresiden Cirebon; (2) Masalah-masalah yang ada dan terjadi dalam melaksanakan diversi perkara ABH di wilayah hukum eks kresiden Cirebon. (3) Bagaimanakah solusi diversi dalam perkara ABH di masa yang akan datang ?

Tujuan penelitian: (1) Mangkaji dan menganalisis fleksibilitas pelaksanaan diversi dalam perkara ABH di wilayah hukum eks kresiden Cirebon. (2) Mangkaji dan menganalisis masalah-masalah yang ada dan terjadi dalam melaksanakan diversi perkara ABH di wilayah hukum eks kresiden Cirebon. (3) Mangkaji dan menganalisis solusi diversi dalam perkara ABH di masa yang akan datang.

Penelitian ini merupakan penelitian kualitatif, dengan pendekatan yuridis sosiologis, yang bersifat deskriptif analisis, dengan menggunakan data primer dan data sekunder.

Kesimpulan: (1) Fleksibilitas pelaksanaan diversi baru bersifat tahapan, yang dapat dilakukan pada tahap penyidikan di Penyidik Anak, atau pada tahapan Penuntutan di Jaksa Anak, maupun pemeriksaan oleh Hakim Anak. (2) Masalah-masalah yang ada dan terjadi dalam melaksanakan diversi perkara ABH di wilayah hukum eks kresiden Cirebon, terkendala pembatasan minimal ancaman pidana yang boleh melakukan diversi, sekalipun pihak korban dan pelaku (ABH) telah menyepati diversi, ternyata jika ancaman pidananya lebih dari 7 (tujuh) tahun maka diversi yang sudah dibuat Berita Acaranya pun dapat dibatalkan dan diproses ke pengadilan untuk diadili. (3) Solusi diversi dalam perkara ABH di masa yang akan datang seharusnya dalam RUU KUHP yang kembali sedang diproses di Dewan Perwakilan Rakyat RI, diversi dalam perkara anak tidak dibatasi oleh ancaman pidana, karena diversi baru upaya untuk berdamai antara pelaku dan korban yang dalam pelaksanaannya belum tentu terjadi kesepakatan. Saran: (1) Perlu meningkatkan kualitas sumber daya penegak hukum anak, serta fasilitas yang dibutuhkan. (2) Segera dibentuk Pos Bapas diseluruh Kabupaten di Wilayah hukum eks Keresidenan Cirebon. (3) Diversi seharusnya dibebaskan dari syarat ancaman pidana dibawah 7 (tujuh) tahun.

**Kata kunci : Fleksibilitas, Diversi, Perkara, Anak.**

## **ABSTRACT**

*Diversion is a legal effort in resolving cases of children outside the court. There is a requirement of a criminal threat under 7 (seven) years in which a child case can be carried out diversified, in the jurisdiction of Cirebon, the diversion attempt that was agreed upon and signed by the victim and the perpetrator must be canceled and the perpetrator processed at the Cirebon District Court. Problem Formulation: (1) How is the flexibility of implementing diversion in ABH cases in the jurisdiction of the former Cirebon president; (2) Problems that exist and occur in carrying out the ABH case diversion in the jurisdiction of the former Cirebon president. (3) How will the diversion solution in the ABH case in the future be?*

*Research objectives: (1) Mangkaji and analyze the flexibility of the implementation of diversion in ABH cases in the jurisdiction of the ex-Cirebon president. (2) Mangkaji and analyze the problems that exist and occur in carrying out the diversion of the ABHi case in the area of the former Cirebon presidential jurisdiction. (3) Assessing and analyzing diversion solutions in future ABH cases.*

*This research is a qualitative research, with a sociological juridical approach, which is descriptive in nature, using primary and secondary data.*

*Conclusions: (1) The flexibility of implementing the new diversion is in stages, which can be carried out at the investigation stage in the Child Investigator, or at the Prosecution in the Child Prosecutor's stage, as well as an examination by the Child Judge. (2) The problems that exist and occur in carrying out the diversion of ABH cases in the jurisdiction of the ex-Cirebon president, are constrained by the minimum limitation of criminal threats that may be diversified, even though the victim and perpetrator (ABH) have agreed to the diversion, it turns out if the criminal threat is more than 7 (seven) years, the diversion that has been made by the News Event can also be canceled and processed in court for trial. (3) The solution to the diversion in the ABH case in the future should be in the Criminal Code Bill that is being re-processed in the People's Representative Council of the Republic of Indonesia, the diversion in the case of children is not limited by criminal threats, because the new diversion is an attempt to make peace between the perpetrators and victims in their implementation. an agreement might not occur. Suggestions: (1) Need to improve the quality of child law enforcement resources, as well as the required facilities. (2) Immediately established Bapas Post in all Regencies in the former Residency Territory of Cirebon. (3) Diversion should be exempt from the terms of criminal threats for under 7 (seven) years.*

**Keywords : Flexibility, Diversity, Case, Children.**