

# Diversion Programs for Juvenile Offenders of Philippines and Indonesia: A Comparative Analysis

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**Abstract:** *This study aims to compare and find out the similarities and differences of the Diversion Programs imposed on Juvenile Offenders in Philippines and Indonesia. The researchers utilized the descriptive comparative analysis in conducting this study. This research is conducted using secondary data and using the Republic Act 9344 of the Philippines and the Law No. 11 of 2012 of Indonesia as sources. The researcher has the following criteria in comparing if there are provisions under the Republic Act 9344 of the Philippines and the Law No.11 of 2012 of Indonesia that provides for the (a) Factor in Determining the Diversion Program Imposed on the CICL (b) Classification of Diversion Program Imposed on Juvenile Offender and (c) Ensuring the Confidentiality of the Information Regarding the CICL. The researchers found out six (6) similar provisions and four (4) different provisions that pertains to the Factor in Determining the Diversion Program Imposed on the CICL, four (4) similar provisions and two (2) different provisions that pertains to different Classification of Diversion Program Imposed on Juvenile Offender and one similar provisions that pertains to Ensuring the Confidentiality of the Information Regarding CICL.*

**Keywords:** *Juvenile Delinquency, Diversion Program, Philippines and Indonesia*

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## INTRODUCTION

Delinquency has become a major issue in most countries globally.<sup>1</sup> The constant arising of the rate of juvenile delinquency has become a major social problem globally as well as in the local countries special in Mexico where in the number of juvenile cases relating to drugs increased.<sup>2</sup> The rapid increase in the rate become an issue that needed to be addressed upon in global scale. The prevalence of juvenile delinquency has become an issue on an international scale and puts great pressure upon the judicial system. Based upon the aforementioned sources, juvenile delinquency has become a major issue to the global extent. In order to address this issue, countries develop their juvenile justice system and provides various methods in the imposition of diversion programs the juvenile offenders.

The rate of the arising delinquency has been experienced by the Philippines and aims to control it through diversion programs. Philippines' diversion programs is mainly anchored on the restorative approach which aims to rehabilitate the juvenile offenders. In addition to that, diversion programs imposed upon juvenile offenders in the Philippines mainly focuses on the restoration of juvenile offenders in order for their reintegration back to the society. Moreover, diversion programs in the Phillipines aims to correct and rehabilitate the juvenile offenders. Based upon the facts mentioned, Philippines experienced a problem with juvenile delinquency. In order to address this issue, the Philippines legislated the Republic Act 9344 or the Comprehensive Juvenile Justice Welfare and System Act. This regulation has become the primary regulation in handling juvenile delinquency related cases and it provides for the various methods in the imposition of diversion programs for juvenile offenders.<sup>3</sup>

The country of Indonesia had experienced the issue of the arising juvenile delinquency and aims to control it through diversion programs. Diversion programs imposed upon the juvenile offenders of Indonesia mainly focuses on restorative approach. In addition to that, Indonesia's diversion programs aims to provide justice towards offenders as well as do not give brutal punishments to the juvenile offenders. Moreover, restorative approach is the main approach of Indonesia in giving diviersion programs upon the juvenile offenders. Based upon the aforementioned facts Indonesia experienced a major issue regarding juvenile delinquency. In order to solve this issue, the Indonesian government legislated the Law No. 11 of 2012 in which became the major

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<sup>1</sup> Juvenile Delinquency Criminogenic Factor, Indah Rufiatun, (2021).

<sup>2</sup> Juvenile Delinquency in Manila, Philippines, Alcantara, J. (2019)

<sup>3</sup> Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective, Susan Young, Ben Greer, and Richard Church, (2019)

regulation in dealing juvenile delinquency related cases as well as provides formulation of diversion programs for juvenile offenders.<sup>4</sup>

There are numerous studies about the analysis of imposition diversion programs for juvenile offenders in Indonesia and Philippines. However, a gap still exist for the comparative analysis of the imposition diversion programs for juvenile offenders between Philippines and Indonesia. We, the researchers, wanted to develop new knowledge about the existing gap and develop a study about the comparative analysis of the imposition diversion programs between Philippines and Indonesia.

Research Objectives. This study aims to determine the differences and similarities of imposition of diversion programs in Philippines and Indonesia in terms of;

1. Factors In Determining the Diversion Program for the Child in Conflict with the Law
2. Classifications of Diversion Programs for Child in Conflict with the Law
3. Ensuring the Confidentiality of the Information about the Child in Conflict with the Law

## RESEARCH METHODS

Research Design. This study will be utilizing the Descriptive Comparative Analysis. According to Miri, Seyed Mojtaba & Dehdashti Shahrokh, Zohreh(2019), is research method that analyzes a phenomena and pointing out the weaknesses and differences of phenomena being studied. Descriptive Comparative Analysis is an advantageous for accurately comparing and contrasting the chosen papers, themes, articles, laws and etc as well as accurately determines their strengths and weaknesses. This study aims to compare and contrast the imposition of diversion programs for juvenile offenders of the Philippines and Indonesia and by utilizing the Descriptive Comparative Analysis, the researcher will be able to provide accurate results.

Data Collection. This study will be utilizing secondary data. Secondary data refers to any dataset collected by any person rather than the one utilizing it. Utilizing secondary data is favorable to the researcher because it saves time in gathering data and allows more time for analyzing and interpreting the secondary data. The Republic Act 9344 and the Law. No. 11 of 2012 will be utilized as the sources of data for this study. Republic Act 9344 or Juvenile Justice and Welfare System took effect on 2006 and become the primary regulation in handling with juvenile related cases and provides for the imposition of

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<sup>4</sup> Juvenile Delinquency Criminogenic Factor, Indah Rufiatun, (2021).

diversion programs for the juvenile offenders. On the other hand, The Law No. 11 of 2012 about the Juvenile Criminal Justice System took effect on 2012 and became the primary regulation in handling juvenile related cases and provides for the imposition diversion programs for juvenile offenders. This study will be utilizing these two regulations as sources of data in comparing the imposition of diversion programs for juvenile offenders in Philippines and Indonesia.<sup>5</sup>

Data Analysis. The data gathered from the Republic Act 9344 and Law No. 11 of 2012 will be analyzed within the following categories.<sup>6</sup> (a) if there are provisions, chapters, sections, and paragraphs in the Republic Act 9344 and Law No. 11 of 2012 that pertains to the Factors in Determining the Diversion Program for Juvenile Offender. (b) if there are provisions, chapters, sections, and paragraphs in the Republic Act 9344 and Law No. 11 of 2012 that pertains to the Classifications of Diversion Programs Imposed on Child in Conflict with the Law. (c) if there are provisions, chapters, sections, and paragraphs in the Republic Act 9344 and Law No. 11 of 2012 that pertains to Ensuring the Information Regarding the Child in Conflict with the Law.

## DISCUSSION

### **Factors Determining the Imposition of Diversion Programs for the Child in Conflict with the Law**

Upon thorough analysis, the researchers found that the following are the provisions of Republic Act 9344 that pertains to the Factors in Determining the Imposition of Diversion Programs for the Child in Conflict with the Law;

1. Under Title 5, Section 29, Chapter 2, Paragraph (a), the nature and circumstances of the offense charged is a factor in determining the diversion programs imposed for the Child in Conflict with the Law.
2. Under Title 5, Section 29, Chapter 2, Paragraph (b), the frequency and severity of the of the act committed by the Child in Conflict with the Law is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.
3. Under Title 5, Section 29, Chapter 2, Paragraph (c), the circumstances of child such as level of maturity, intelligence, age etc. is a factor in determining the diversion programs imposed for the Child in Conflict with the Law.

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<sup>5</sup> Aggarwal, Rakesh & Ranganathan, Priya. Study designs: Part 2 – Descriptive studies. Perspectives in Clinical Research. 10. 34. 10.4103/picr.PICR\_154\_18. (2019).

<sup>6</sup> Advantages of Secondary Research – A Definitive Guide, Jamie Walker, (2021)

4. Under Title 5, Section 29, Chapter 2, Paragraph (d), the influence of the family and environment on the growth of the child is a factor in determining the diversion programs imposed for the Child in Conflict with the Law.
5. Under Title 5, Section 29, Chapter 2, Paragraph (e), the reparation of injury to the victim is a factor in determining the diversion programs imposed for the Child in Conflict with the Law.
6. Under Title 5, Section 29, Chapter 2, Paragraph (f), the weight of the evidence against the child is a factor in determining the diversion programs imposed for the Child in Conflict with the Law.
7. Under Title 5, Section 29, Chapter 2, Paragraph (g), the safety of the community is a factor in determining the diversion program imposed on Child in Conflict with the Law.
8. Under Title 5, Section 29, Chapter 2, Paragraph (h), the best interest of the child is a factor in determining the diversion program imposed on Child in Conflict with the Law.
9. Under Title 5, Section 30, Chapter 2, Paragraph (a), the child's feeling of remorse for offense he/she has committed is a factor for determining the diversion program imposed on the Child in Conflict with the Law.
10. Under the Title 5, Section 30, Chapter 2, Paragraph (b), the parents' or legal guardians' ability to guide and supervise the Child is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.
11. Under the Title 5, Section 30, Chapter 2, Paragraph (c), the victim's view about the propriety of the measures to be imposed is a factor in determining the diversion program imposed on the Child in Conflict with the Law.
12. Under the Title 5, Section 30, Chapter 2, Paragraph (d), the availability of community-based programs for the rehabilitation and reintegration of the child is a factor in determining the diversion program imposed on the Child in Conflict with the Law.

Upon thorough analysis, the researchers found that the following are the provisions of Law No. 11 of 2012 that pertains to the Factors in Determining the Imposition of Diversion Programs for the Child in Conflict with the Law;<sup>7</sup>

1. Under the Article 8, Section 3, Paragraph (a), the interests of the victim are a factor in determining the diversion program imposed on the Child in Conflict with the Law.
2. Under Article 8, Section 3, Paragraph (b), the Children's welfare is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.
3. Under Article 8, Section 3, Paragraph (c), the avoidance of negative stigma is a factor in determining the diversion program imposed on the Child in Conflict with the Law.

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<sup>7</sup> Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak.

4. Under Article 8, Section 3, Paragraph (d), the avoidance of retaliation is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.
5. Under the Article 8, Section 3, Paragraph (e), preserving social harmony is a factor in determining the diversion program imposed on the Child in Conflict with the Law.
6. Under the Article 8, Section 3, Paragraph (f), propriety, decency and public order is a factor in determining the diversion program imposed on the Child in Conflict with the Law.
7. Under Article 9, Section 1, Paragraph (a), the category of the criminal offense committed by the Child in Conflict with the Law is a factor in determining the diversion program imposed on the Child in Conflict with the Law.
8. Under Article 9, Section 1, Paragraph (b), the Child's Age upon the commission of the offense is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.
9. Under the Article 9, Section 1, Paragraph (c), the results of the societal research from the Bapas is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.
10. Under the Article 9, Section 1, Paragraph (d), family and community environmental support is a factor in determining the diversion program imposed on the Child in Conflict with the Law.<sup>8</sup>

Upon thorough analysis, the researcher found out similarities in the Factors in Determining the Diversion Program for Child in Conflict with the Law in the provisions of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia. (1) Both the regulations have regulations that points out that the nature and severity of the offense committed by the Child in Conflict with the Law is a factor in determining the Diversion Program for the Child in Conflict with the Law. Under Title 5, Section 29, Chapter 2, Paragraph (a) of Republic Act 9344 of the Philippines, the nature and circumstances of the offense charged is a factor in determining the diversion programs imposed for the Child in Conflict with the Law and Under Article 9, Section 1, Paragraph (a) of Law No.11 of 2012 of Indonesia, the category of the criminal offense committed by the Child in Conflict with the Law is a factor in determining the diversion program imposed on the Child in Conflict with the Law.(2) Both of the regulations has provisions that pointed out to the influence of family and environment is a factor in determining the diversion program for the Child in Conflict with the Law. Under Title 5, Section 29, Chapter 2, Paragraph (d) of the Republic Act 9344 of the Philippines, provided that the influence of the family and environment on the growth of the child is a factor in

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<sup>8</sup> De Luna, D. P., Valdez, M. L. A., & Diaz, C. C. H. (2020). *Illegal Drug offenses among Children in Batangas, Philippines: A Narrative Introspection*.

determining the diversion programs imposed for the Child in Conflict with the Law and under the Article 9, Section 1, Paragraph (d) of Law No. 11 of 2012 of Indonesia, provided that the family and community environmental support is a factor in determining the diversion program imposed on the Child in Conflict with the Law.<sup>(3)</sup> Both of the regulations has provisions that pointed out that the Under the acknowledged the role of the victim as a factor in determining the diversion programs imposed for the Child in Conflict with the Law. Under Title 5, Section 30, Chapter 2, Paragraph (c) of the Republic Act 9344 of the Philippines, pointed out that the victim's view about the propriety of the measures to be imposed is a factor in determining the diversion program imposed on the Child in Conflict with the Law and under the Article 8, Section 3, Paragraph (a) of Law No.11 of 2012 of Indonesia, provided that the interests of the victim are a factor in determining the diversion program imposed on the Child in Conflict with the Law. (4) Both of the regulations have regulations that pointed out that the protecting the welfare of the society is a factor in determining the diversion program imposed on the Child in Conflict with the Law. Under Title 5, Section 29, Chapter 2, Paragraph (g) of the Republic Act 9344 of the Philippines, the safety of the community is a factor in determining the diversion program imposed on Child in Conflict with the Law and Under the Article 8, Section 3, Paragraph (e) of the Law No.11 of 2012 of Indonesia, preserving social harmony is a factor in determining the diversion program imposed on the Child in Conflict with the Law. (5) Both of the regulations have provisions that pointed out that the best interest and the Child's 6 Conflict with the Law. Under Title 5, Section 29, Chapter 2, Paragraph (h) of the Republic Act 9344 of the Philippines, pointed out that the best interest of the child is a factor in determining the diversion program imposed on Child in Conflict with the Law and under Article 8, Section 3, Paragraph (b) of the Law No. 11 of 2012 of Indonesia, provided that the Children's welfare is a factor in determining the diversion programs imposed on the Child in Conflict with the Law. (6) Both of the regulations have provisions providing that the age of the Child in Conflict with the Law is a factor in determining the diversion program imposed on the Child in Conflict with the Law.<sup>9</sup>

Under Title 5, Section 29, Chapter 2, Paragraph (c) of the Republic Act 9344 of the Philippines, provided that the circumstances of child such as level of maturity,

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<sup>9</sup> The Moderating Effect Of Parenting Styles Towards The Relationship Of Self-Esteem And Friendship Quality On Juvenile Delinquency In Angeles City, N. Rhemrick, Corpuz, Kyla Beatrice, C. Yutuc, Saynoding L. Dimaronsing, Shan Nico, G. Meneses, (2023).

intelligence, age etc. is a factor in determining the diversion programs imposed for the Child in Conflict with the Law and under Article 9, Section 1, Paragraph (b) of the Law No. 11 of 2012 of Indonesia, provided that the Child's Age upon the commission of the offense is a factor in determining the diversion programs imposed on the Child in Conflict with the Law.

Upon thorough analysis, the researcher found out differences in the Factors in Determining the Diversion Program for Child in Conflict with the Law in the provisions of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia. (1) Under Title 5, Section 29, Chapter 2, Paragraph (f) of the Republic Act 9344 of the Philippines, provided that the weight of the evidence against the child is a factor in determining the diversion programs imposed for the Child in Conflict with the Law while there is no specific provision under the Law No. 11 of 2012 of Indonesia that provided for the weigh of the evidence against the Child in Conflict with the Law is a factor in determining the diversion program imposed on the Child in Conflict with the Law. (2) Under Article 8, Section 3, Paragraph (d) of the Law No. 11 of 2012 of Indonesia, provided that the avoidance of retaliation is a factor in determining the diversion programs imposed on the Child in Conflict with the Law while there is no specific provision under the Republic Act 9344 of the Philippines that provided that the avoidance of retaliation is a factor in determining the diversion program imposed on the Child in Conflict with the Law. (3) Under the Article 9, Section 1, Paragraph (c) of the Law No. 11 of 2012 of Indonesia, provided that the results of the societal research from the Bapas is a factor in determining the diversion programs imposed on the Child in Conflict with the Law while there is no specific provisions under the Republic Act 9344 of the Philippines that provides that the result of societal research is a factor in determining the diversion program imposed on the Child in Conflict with the Law. (4) Under Title 5, Section 30, Chapter 2, Paragraph (a) of the Republic Act 9344 of the Philippines, provided that the child's feeling of remorse for offense he/she has committed is a factor for determining the diversion program imposed on the Child in Conflict with the Law while there are no specific provisions under the Law No. 11 of 2012 of Indonesia that provides that the child's feeling of remorse is a factor in determining the diversion program imposed on the Child in Conflict with the Law.<sup>10</sup>

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<sup>10</sup> Miri, Seyed Mojtaba & Dehdashti Shahrokh, Zohreh. (2019). A Short Introduction to Comparative Research.



## Classification of Diversion Programs Imposed on the Child in Conflict with the Law

Upon thorough analysis, the researchers found that the following are the provisions of Republic Act 9344 that pertains to the Classification of Diversion Programs Imposed on the Child in Conflict with the Law;

1. Under Title 5, Chapter 2, Section 31, Paragraph (a), in this provisions are the diversion programs under the level of Punong Barangay namely (i) Restitution of Property (ii) Reparation of the damage caused (iii) Indemnification for the consequential damages (iv) Written oral apology (v) Care, guidance and supervision orders (vi) Counseling for the child in conflict with the law and the child's family (vii) attendance in trainings, seminars, and lectures regarding anger management skills, problem solving and/or conflict resolution skills, values formation, and other skills which will aid the child in dealing with situations which can lead to repetition of the offense (viii) participation in available community-based programs, including community service and (ix) participation in education, vocation, and life skills programs.
2. Under the Title 5, Chapter 2, Section 31, Paragraph (b), in this provision are the diversion programs under the level of the law enforcement officer and the prosecutor namely (i) Restitution of Property (ii) Reparation of the damage caused (iii) Indemnification for the consequential damages (iv) Written oral apology (v) Care, guidance and supervision orders (vi) Counseling for the child in conflict with the law and the child's family (vii) attendance in trainings, seminars, and lectures regarding anger management skills, problem solving and/or conflict resolution skills, values formation, and other skills which will aid the child in dealing with situations which can lead to repetition of the offense (viii) participation in available community-based programs, including community service and (ix) participation in education, vocation, and life skills programs (x) Confiscation and forfeiture of the proceeds or the instruments of the crime.<sup>11</sup>
3. Under the Title 5, Chapter 2, Section 31, Paragraph (c), are the diversion program under the level of the appropriate court namely (i) Restitution of Property (ii) Reparation of the damage caused (iii) Indemnification for the consequential damages (iv) Written oral apology (v) Care, guidance and supervision orders (vi) Counseling for the child in conflict with the law and the child's family (vii) attendance in trainings, seminars, and lectures regarding anger management skills, problem solving and/or conflict resolution skills, values formation, and other skills which will aid the child in dealing with situations which can lead to repetition of the offense (viii) participation in available community-based programs, including community service and (ix) participation in education, vocation, and life skills programs (x) Confiscation and

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<sup>11</sup> Protecting the Rights of Children in the Indonesian Juvenile Justice System, Julianto Asis and M. Irwan, (2019)

forfeiture of the proceeds or the instruments of the crime (xi) written or oral reprimand or citation (xii) fine (xiii) payment cost of the proceedings and (xiv) institutional care and custody.

Upon thorough analysis, the researchers found that the following are the provisions of Law No. 11 of 2012 that pertains to the Classification of Diversion Programs Imposed on the Child in Conflict with the Law;

1. Under Article 10, Paragraph 1, Sub-paragraph A, provided that refund of losses in the event of casualty is a form of a diversion program imposed on the Child in Conflict with the Law.
2. Under Article 10, Paragraph 1, Sub-paragraph B, provided that medical and psychological rehabilitation is a form of diversion program imposed on the Child in Conflict with the Law.
3. Under Article 10, Paragraph 1, Sub-paragraph C, provided that handling the Child in Conflict with the Law back to the parents is a form of diversion program imposed on the Child in Conflict with the Law.
4. Under Article 10, Paragraph 1, Sub-paragraph D, provided that participation in education or training at an educational institution or LPKS for a maximum of three (3) months is a form of diversion program imposed on the Child in Conflict with the Law.
5. Under the Article 10, Paragraph 1, Sub-paragraph E, provided that community service for a maximum of three (3) months is a form of diversion program imposed on the Child in Conflict with the Law.

### Similarities

Upon thorough analysis, the researcher found out similarities in the Classification of the Diversion Programs Imposed on the Child in Conflict with the Law in the provisions of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia. (1) Both of the regulations have provisions that provides that restitution is one of the classifications of the diversion programs imposed on the Child in Conflict with the Law.<sup>12</sup> Under Article 10, Paragraph 1, Sub-paragraph A of the Law No. 11 of 2012 of Indonesia, provided that refund of losses in the event of casualty is a form of a diversion program imposed on the Child in Conflict with the Law and Under Title 5, Chapter 2, Section 31, Paragraph (a) Sub-paragraphs i, ii, and iii of the Republic Act 9344 of the Philippines provided that restitution of property, reparation of the damage caused and indemnification of the consequential damages is a classification of diversion program imposed on the Child in Conflict with the Law. (2) Both of the regulations have provisions that points out that

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<sup>12</sup> Mahendra, Sandya & Sukoco, Bambang & Bangsawan, Moh. (2022). FILSAFAT HUKUM PIDANA PADA ANAK DI IRAN DAN INDONESIA. Academic Journal of Islamic Principles and Philosophy. 3. 10.22515/ajipp.v3i1.5056.

community service is a classification of diversion program imposed on the Child in Conflict with the Law.

Under Title 5, Chapter 2, Section 31, Paragraph (a) Sub-paragraph viii of the Republic Act 9344 of the Philippines, participation in available community-based programs, including community service is a classification of diversion program imposed on the Child in Conflict with the Law and Under the Article 10, Paragraph 1, Sub-paragraph E of the Law No.11 of 2012 of Indonesia, provided that community service for a maximum of three (3) months is a form of diversion program imposed on the Child in Conflict with the Law. (3) Both of the regulations have provisions that pointed out that participation in educational and vocational programs is a classification of diversion program imposed on the Child in Conflict with the Law. Under Title 5, Chapter 2, Section 31, Paragraph (a), Sub-paragraph (ix) of the Republic Act 9344 of the Philippines has provisions providing that participation in education, vocation, and life skills programs is a classification of diversion program imposed on the Child in Conflict with the Law and under Article 10, Paragraph 1, Sub-paragraph D of the Law No. 11 of 2012 of Indonesia, provided that participation in education or training at an educational institution or LPKS for a maximum of three (3) months is a form of diversion program imposed on the Child in Conflict with the Law.(4) Both of the regulations have provisions providing that medical and psychological rehabilitation is a classification of diversion programs imposed on the Child in Conflict with the Law. Under Title 5, Chapter 2, Section 31, Paragraph (a), Sub-paragraph (vii) of the Republic Act 9344 of the Philippines, attendance in trainings, seminars, and lectures regarding anger management skills, problem solving and/or conflict resolution skills, values formation, and other skills which will aid the child in dealing with situations which can lead to repetition of the offense and under Article 10, Paragraph 1, Sub-paragraph B, provided that medical and psychological rehabilitation is a form of diversion program imposed on the Child in Conflict with the Law.

### **Differences**

Upon thorough analysis, the researcher found out differences in the Factors in Determining the Diversion Program for Child in Conflict with the Law in the provisions of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia. (1) Under the Title 5, Chapter 2, Section 31, Paragraphs (a), (b), and (c) of the Republic Act 9344 of the Philippines, provided the different levels of the diversion programs from the barangay/town level up to the next level which is the law enforcement/prosecution level and the last level which is the court level. The Law No. 11 of 2012 of Indonesia has no specific provisions that providing for the different levels of the diversion programs. (2) Under the Title 5, Chapter 2, Section 31, Paragraph 1, Sub-paragraph (vi) of the Republic Act 9344 of the Philippines provided that the counseling for the child in conflict with the law and the child's family is a classification of diversion programs imposed on the Child in Conflict with the Law while there are no specific provisions under the Law No. 11 of 2012 of Indonesia that provided that counseling for the child in conflict with the law and the child's family is a classification of diversion programs imposed on the Child in Conflict with the Law.

### **Confidentiality of the Information About the Child in Conflict with the Law**

Under the Republic Act 9344, the following are the provision/s that pertains to Ensuring the Confidentiality of the Information about the Child in Conflict with the Law.<sup>13</sup>

1. Under Title V Chapter 5 Section 43 Paragraph 1, all the records and proceedings involving Children In Conflict with the Law from initial contact (apprehension) until the final disposition of the case shall be considered privileged and confidential.
2. Under Title V Chapter 5 Section 43 Paragraph 2, the competent authorities have the duty to undertake all measures in order to protect the confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving Child in Conflict with the Law and adopting a system coding to conceal material information which will lead the child's identity.

Under Law No. 11 of 2012, the following are the provision/s that pertains to Ensuring the Confidentiality of the Information about the Child in Conflict with the Law. Under Article 19 Paragraph 1, the identities of the Child in Conflict with the Law, Child Victims, and Child witnesses must be kept confidential in reports in print or in electronic media.

### **Similarities**

Upon thorough analysis, the researcher found out similar provisions that provides for Ensuring the Confidentiality of the Information Regarding the Child in Conflict with the Law of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia. Both of the regulations has provisions that provides for Ensuring the Confidentiality of the Information Regarding the Child in Conflict with the Law.

Under Title V Chapter 5 Section 43 Paragraph 1 of the Republic Act 9344 of the Philippines, provided that all the records and proceedings involving Children In Conflict with the Law from initial contact (apprehension) until the final disposition of the case shall be considered privileged and confidential .In addition to that, Under Title V Chapter 5 Section 43 Paragraph 2 of the Republic Act 9344 of the Philippines, the competent authorities have the duty to undertake all measures in order to protect the confidentiality

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<sup>13</sup> Republic Act 9344 of 2006 "The Juvenile Justice and Welfare Act

of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving Child in Conflict with the Law and adopting a system coding to conceal material information which will lead the child's identity and Under Article 19 Paragraph 1, the identities of the Child in Conflict with the Law, Child Victims, and Child witnesses must be kept confidential in reports in print or in electronic media.

### **Differences**

Upon thorough analysis, the researchers found out that there is no significant difference in the provisions of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia in regards to Ensuring the Confidentiality of the Information Regarding the Child in Conflict with the Law.

### **CONCLUSIONS**

Philippines and Indonesia as of today continues to combat the major issue regarding juvenile delinquency. The two countries created a strong strategy in combatting the issue by legislating the regulations, the Republic Act 9344 for the Philippines and the Law No.11 of 2012 for Indonesia. The researchers found out the following (A) there are six (6) similar provisions under the Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia regarding the Factors in determining the Diversion Program imposed on Juvenile Offenders (B) there are four (4) different provisions under the Republic Act 9344 of the Philippines and Law No. 11 of Indonesia that pertains to the Factors in Determining the Diversion Programs Imposed on Juvenile Offenders (C) there are four (4) similar provisions under the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia that provides similar classification of Diversion Programs Imposed on Juvenile Offenders (D) there are two (2) provisions under the Republic Act 9344 of the Philippines and Law No.11 of Indonesia that points out to different classification of diversion program imposed on the juvenile offender (E) that the Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia has the same provisions that pertains to Ensuring the Confidentiality of the Information Regarding the Child in Conflict with the Law .

The results of these study are significant in pointing out the weakness and strengths of the diversion programs imposed on Child in Conflict with the Law in Philippines and Indonesia thus enabling them to further enhance and strengthen their regulations in handling juvenile-related cases.

## RECOMMENDATIONS

The researchers recommends that the Indonesian government should adapt the provisions under the Republic Act 9344 of the Philippines that pertains to various diversion programs imposed upon the different level of the judicial proceedings such as the diversion program at the law enforcement level, the diversion program under the prosecution level and the diversion program under the court level. The researcher would like to recommend to the Philippine government that they should provide a provision that specifies the length of the community service and the educational, vocational training of the Child in Conflict with the Law as a form of diversion program just as the same as the Law No. 11 of 2012 that clearly specifies the length of the community service and educational and vocational training that the Child in Conflict with the Law shall undergo as a form of Diversion Program. The researchers recommends to the future researchers who are willing to conduct the same study as we, the researchers have conducted, to utilize other regulations of Philippines and Indonesia that relates to Juvenile Offenders other than the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia.

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### **Legislation**

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