

# The Role of Correctional Social Worker on Implementation Diversion Process for Children Facing Legal Issues

Muhammad Ali Equatora, Eneng Imas Yusmiati,  
Herry Fernandes Butar Butar and Ambo Upe

**Abstract---** *This research explored of correctional social worker role in the implementation of the children in conflict with the law. As we understand the task and function of the Community advisers at the correctional hall (BAPAS) includes being able to develop community research, become a person who assists the client both adults and also children, become a mentor and become a supervising of his clients. In this study, the approach used is a qualitative method, with a descriptive approach where the research results will give an accurate picture of the role of the correctional social worker in the implementation of diversion toward children who faced legal issues the Indonesian correctional hall in the year 2019 has successfully implemented diversion program by performing the motivation Interview approach. The results of the research provided an overview of the role of community advisers, where the method of motivational interview techniques conducted by community advisers has made progress on the success of the child diversion. Providing four principles includes held in curating the attitude of empathy, the development of the disrepair attitudes, developing the approach of the implementation of resistance and the application of self-efficacy support can be a driver in the success of the child diversion.*

**Keywords---** *Correctional, Social Worker, Diversion, Children.*

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## I. INTRODUCTION

The role of the Correctional Social Worker described in Indonesian Acts No. 11 of 2012 about the Children's criminal justice system, explained about the implementation of the criminal justice system, where restorative justice is The right approach, as well as the purpose of the child criminal justice process, is changing the disciplinary paradigm of sanctions for those who focused initially and restoration of the relationship between perpetrators, victims, and communities. This law is basis realization of the relationship client, the victim, and the community, where the violation of the law committed by the son, not only interfere with the relationship child with the victim but also interfere with the relationship family and community.(Equatora et al., 2020)

The implementation of restorative justice taken through the process of diversion, which is the transfer of legal issues concerning children from the criminal justice process to the process outside criminal justice by way of deliberation.(Pope & Jones, 2020) Those processes involving the child, parents/guardians of children, victims, and

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Muhammad Ali Equatora, Community Guidance Department, Polytechnic of Correctional Science, Gandul Street No.4, Depok, East Java, Indonesia. E-mail: bangtora1973@gmail.com

Eneng Imas Yusmiati, Correctional Social Worker, Correctional Hall of Garut., JL. H. Hasan Haur Panggung – Garut, East Java, Indonesia. E-mail: imayusmiati73@yahoo.com

Herry Fernandes Butar Butar, Community Guidance Department, Polytechnic of Correctional Science, Gandul Street No.4, Depok, East Java, Indonesia. E-mail: herryfbutar2@gmail.com

Ambo Upe, Sociology Department, Halu Oleo University, Kendari, Indonesia. E-mail: ambo.upe@uho.ac.id

communities to achieve an agreement in resolving the problem.(Vaughan et al., 2001) In the provisions of the Children's criminal justice system (SPPA), the definition of the "naughty child" is no longer known and change the term into children in conflict with the law.(Setiawan & Sunusi, 2015) Article 1 Number 3 of Acts No. 11 of 2012 on the SPPA explains that the child conflicted with the law in the future referred to as the child is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years of an alleged criminal offense.(Farkas & Tsukayama, 2012)

This research aims to make an idea and to give an overview of how correctional Social Worker implements diversion towards children conflicted with the law. The role of a correctional Social Worker becomes vital in addressing the case of the child conflicted with the law.(Erford, 2015)The role of correctional Social Worker in the implementation of diversions includes as a guide, mentoring, advocate, mediator, and as a counselor.(Dwi et al., 2019)

To strengthen the excavation of the following data is Correctional Research request table from police in the work Scope of Garut' Correctional Hall (BAPAS) on the year 2019 is as follows:

Table 1: Correctional Research Request 2019

NO	MONTHS	NUMBERS OF REQUEST		TOTAL
		MAN	WOMAN	
1.	January	19	1	20
2.	February	19	-	19
3.	March	10	-	10
4.	April	6	-	6
5.	May	5	-	5
6.	June	17	-	17
7.	July	4	-	4
8.	August	14	-	14
9.	September	5	-	5
10.	October	12	-	12
11.	November	9	-	9
12.	December	15	-	15
<b>TOTAL</b>				<b>136</b>

Correctional Hall of Garut, until this day, has successfully carried out the handling of children facing legal issues by implementing the Diversion program with the ruling of Judge in the year 2019, as in the table below.

Table 2: Children Diversion Recapitulation Data with Judge Ruling in 2019

No	MONTHS	TOTAL CLIENTS		TOTAL
		MAN	WOMAN	
1.	January	4	-	4
2.	February	11	-	11
3.	March	6	-	6
4.	April	3	1	3
5.	May	1	-	1
6.	June	13	-	13
7.	July	1	-	1
8.	August	8	-	8
9.	September	-	-	-
10.	October	6	-	6
11.	November	4	-	4
12.	December	6	-	6
<b>TOTAL</b>				<b>63</b>

From the table above show, it needs another approach so that the role of correctional Social Worker can be more optimal in the implementation diversion towards children facing legal issues in the future. This research hopes can obtain another approach in Optimizing the role of correctional Social Worker in the implementation of diversion for children in conflict with the law.

## II. RESEARCH METHODS

This research used a qualitative-descriptive method where researchers want to give an overview of the role of Correctional Social Worker.(Padgett, 2017)Qualitative-descriptive research is a study that explains what topic researched to reveal what is perceived by the subject of research, holistically, and descriptively in the form of words and uniquecontext language that utilizes qualitative method.(Equatora & Rahayu, 2019)

Data collection techniques that are used by Researchers are documentation studies, in-depth interviews, and observations.(de Vries, 2020) Data collection is a systematic and standardized procedure in collecting the necessary data for research, both by conducting documentation studies, interviews, and observations.(C. B. Phillips et al., 2014) In collecting data, there will always be a correlation between data collection and documentation studies, interviews, and observations with research questions that need to be solved.(Setiawan & Sunusi, 2015) Problem research issues that have formulated should qualitative-descriptive research because of various sources of research data that can provide answers to existing problems.(Gumilang, 2016)

In this research analysis technique, the data used is the interactive model with the triangulation approach Model.(Dierker et al., 2014) The approach with this model used to examine the validity of data in order to compare data documentation with interviews conducted.(Simpson, 2013)This approach will evaluate the results of the observation, and the results of the interviews conducted researchers by doing things such:

1. Composing various type of questions.
2. Checks on the validity of data.
3. Utilizing methods that can-do data test.(Gatotoh et al., 2011)

## III. RESULTS AND DISCUSSION

### A. Results

The research that been done by the researchers had to collect primary data dan secondary data, which shows in the below table:

#### 1. Client's Confidence

Interview results showed the confidence of children facing legal issues as follows:

Table 3: Clients Confidence

Subject	Client's Confidence
SB	When confirmed as BAPAS client, SB's confidence reached a low level, so the client's feelings became inferior and resulting afraid to meet people and showed a closed attitude.
SB	The client also did not show empathy and feel guilty of criminal conduct that done, so in communicating with the client, the client did not show remorse.
SB	The client always has negative thoughts, skeptical to other persons, and did not care about the environment that the client had live on the beginning of becoming a client.
Correctional Social Worker	Correctional Social Worker on the new accompaniment process felt it was hard to build an honest relationship in order to help the client get the Diversion Program.

From the above table, it can describe that at early moment SB became a BAPAS client, the client showed a closed attitude, did not care about the environment, always had a negative thought about other people, and in the end, the client felt pessimistic about getting out of problems.(Gibson, 2014)

### ***Implementing a Motivational Interview Technique***

#### ***a. Empathy***

In expressing empathy, the client met the correctional social worker for the first time with a sad face, resulting in the correctional social worker to "break the ice" with a warm conversation.(Gibson, 2014) So the correctional social worker built an easy conversation to create a friendly atmosphere; this is the effort to show the client other people have empathy for the client.(Ratliff & Willins, 2018) This effort made to build trust between both of them so the client could talk about the experience and the problems they are currently having to the correctional social worker.(Charles & Wolfer, 2018)

#### ***b. Discrepancy***

Building discrepancy is an effort that the correctional social worker must do in order to help the client in explaining what thoughts and feelings that clients have.(Vervalin et al., 2018) In doing so, the correctional social worker began to create conversations by asking the open question and get more information from the client. For example, the things that clients did before facing legal issues such as daily life or family relation and others.(C. Phillips, 2016)

#### ***c. Resistance***

Receiving resistance from the client is one thing that the correctional social worker will experience; this will help the correctional social worker to teach the client how to receive other's perspectives or feedback that could give motivation to the client and then can become better to change in the future.(Morley, 2016) The correctional social worker will build trust so the client can face legal cases with full responsibility and accept that the history of the client's wrongdoing becomes a learning lesson on a client's life.(Selvarajan et al., 2016)

#### ***d. Self Efficacy***

Self-efficacy is an effort to convince the client to become a better person and support change in the client's control of own emotion.(Ingram, 2013)

### ***2. Motivational Interview Role***

#### ***a. Believe in self-ability***

In the process of motivation interview, the client expected to have a change in attitude by demonstrating the attitude that the client has grown and able to follow the change after taking part in counseling conducted by the correctional social worker.(Lymbery, 2012) The attitude demonstrated by the client was the belief in building up the ability to develop themselves with a visible conception of the way the client thinks and the sincerity of the client in doing something to change the way of the client's life.(Žydyžiūnaitė et al., 2010) This progress means the client had always been skeptical of others and the lack of seriousness in making a change for him to be better.(Abraham, J.M. ; Tucker, 2010)

***b. Optimist***

The client's attitude following the motivational interview process demonstrated a positive direction that began to grow on the client's self-esteem. (Snow & Warbet, 2010) The client began to demonstrate an optimistic attitude in daily life, and every problem faced with a positive and optimistic view so the client can handle the problem. (Ruch, 2012)

***c. Objective***

After following the motivational interview process, the client showed the objective attitude of each problem faced; this change happened because the client can already judge the good and the bad of change that been experiencing. (Konopik & Cheung, 2013) The significant change that the client now capable of stating what the wrong client ready to accept the consequences for the mistakes. (Otaka, 2017)

***d. Responsibility***

Responsibility is an attitude that should for what it has done, and it is demonstrated by the client after took part the motivational interview process where the client's attitude changes and responsible on the actions that been committed to the victim and regraded that he wanted to clear the problem with victim and victim's families immediately. (Graham & Shier, 2014)

***e. Rational and Realistic***

The client's stance was beginning to be rational and realistic, where the client had been able to accept the consequences for sanctions that will be received if the diversion process fails. (Roberts et al., 2014) The client's way of thinking was even better because the client can see a rational thing if the diversion process fails, and the victim cannot forgive the client. (Joseph & Murphy, 2014)

***B. Discussion***

***1. Client Self Confidence***

The client's confidence at the beginning of the mentoring process conducted by correctional social worker experienced obstacles because the client had a poor mental condition, so it took efforts to work on the trust of the client. (Wilkins et al., 2017) The client, the understanding that the attendance of the correctional social worker was to accompany the client in facing legal problems, and expect the diversion process can solve client cases. (Sapezinskiene et al., 2003)

***2. Implementation of Motivational Interview Technique***

The process of the motivation interview technique are:

1. Build a Relation
2. In the process of motivational interview techniques, the correctional social worker expresses this sense of empathy, such as giving warmth, sincerity, positive assumptions, reflective listening, accepting ambivalent feelings, the passion of feelings, and directing a more realistic point of view to the client.
3. Identification and Problem Assessment

4. Facilitating Counselling
5. Evaluation(Sciences et al., 2016)

### 3. *Role of Motivational Interview*

In overcoming the sense of low confidence, it needs a central role in motivational interview techniques so that it could encourage clients to be sincere and to end up encourage themselves to make the change. (Caras & Sandu, 2014) As experienced by the client after the counseling process with motivational interview approaches, the client showed self-confidence, felt confident in its establishment, look at things objectively, responsible for what rationale, and realistic over what the client received. (Ma, 2011)

Table 4: Role of Motivational Interview

Client	Before	After
SB	<ol style="list-style-type: none"> <li>a. Low Confidence</li> <li>b. Inferior</li> <li>c. Afraid meeting with other persons</li> <li>d. Irresponsible feeling</li> <li>e. Pessimistic over things</li> </ol>	<ol style="list-style-type: none"> <li>a. High Self-confidence</li> <li>b. Optimist view</li> <li>c. Responsible Feeling</li> </ol>

From the table above, it can be seen that motivational interviews create changes to clients to become better people and help the client to overcome problems.

## IV. CONCLUSION

Based on the explanation above, researchers had been collecting many things that are crucial in the role of Community Guide in implementing diversion process for children conflicted with the law as follows:

1. Motivational Interview Approach could increase the client's trust.
2. Motivational Interview Technique developed by Correctional Social Worker for the client on the implementation of the diversion process is empathy, discrepancy, resistance, and self-efficacy.
3. The role of motivational interview by correctional Social Worker is to develop some traits inside the client, such as self ability, optimistic view, objectively, responsible person, rational and realistic.

## ACKNOWLEDGMENTS

On this occasion, like to thank Mr. Aman Riyadi, for his encouragement, he finally decided to move permanently and serve to become a lecturer at the Polytechnic of Correctional Science. Prof. Adi Fahrudin, Ph.D., one of the first professors, challenged to be dangerous in the world of social work education, to start writing various dimensions of social work practice. Furthermore, he gave new confidence in the ability as a researcher and the confidence to plan a course and find the way. So on this occasion want to thank Prof. Adi Fahrudin, Ph.D., teacher, for helping on various occasions so that this article can be sent to a reputable journal and hopes that this article can be published. Thank traveling to the valley and spending time with colleagues. Must admit Herry, Robbi, Vita, who acted in many roles as long as the article I wrote to the end was finished and could be to the journal. In the end, want to thank wife and children and colleagues in the correctional polytechnic for contributing moral support. Feel this is

all thanks to God because it allows share with others with this article that made, and hopefully, this will encourage to love profession more until the end of life.

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