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Diversion in the Juvenile Justice System at Kupang Class 1A District Court, Indonesia

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Original Article

Abstract

This study aims to analyze the implementation of diversion in the juvenile justice system at Kupang Class 1A District Court. Diversion, as an effort to shift criminal proceedings towards a restorative justice approach, is intended to protect children in conflict with the law (ABH). This research employs an empirical juridical method, examining the legal foundations of diversion based on Law No. 11 of 2012 and Perma No. 4 of 2014, while also analyzing diversion practices through interviews with judges, prosecutors, defense attorneys, and social workers. The findings indicate that the implementation of diversion at Kupang Class 1A District Court still faces several obstacles, including limited human resources, resistance from victims, and inadequate supporting facilities. This study recommends enhancing mediator capacity, expanding public awareness of diversion, and improving infrastructure to support a more effective and equitable diversion process.

Keywords: *Diversion, Juvenile Justice System, Juvenile Offenders, Restorative Justice*

Abstrak

Penelitian ini bertujuan untuk menganalisis implementasi diversifikasi dalam sistem peradilan anak di Pengadilan Negeri Kelas 1A Kupang. Diversifikasi sebagai upaya mengalihkan proses peradilan pidana menjadi pendekatan restoratif, bertujuan melindungi anak yang berhadapan dengan hukum (ABH). Penelitian ini menggunakan metode yuridis empiris dengan mengkaji landasan hukum diversifikasi berdasarkan Undang-Undang Nomor 11 Tahun 2012 dan Perma No. 4 Tahun 2014, serta menganalisis praktik diversifikasi melalui wawancara dengan hakim, jaksa, advokat, dan pekerja sosial. Hasil penelitian menunjukkan bahwa pelaksanaan diversifikasi di Pengadilan Negeri Kelas 1A Kupang masih menghadapi berbagai hambatan, seperti keterbatasan sumber daya manusia, resistensi dari pihak korban, serta kurangnya fasilitas pendukung. Penelitian ini merekomendasikan perlunya peningkatan kapasitas mediator, sosialisasi diversifikasi, dan penyediaan fasilitas yang memadai untuk mendukung implementasi diversifikasi yang lebih efektif dan berkeadilan.

Kata kunci: *Diversi, Sistem Peradilan Anak, Pidana Anak, Keadilan Restoratif*

1. INTRODUCTION

Research on legal issues in Indonesia and worldwide encompasses various critical aspects that contribute to the development of a fair and just legal system. Law, as one of the fundamental pillars of society, plays a crucial role in regulating diverse aspects of life, ranging from interpersonal relationships and interactions between individuals and the state to international relations. The legal issues examined in this study span multiple fields, including civil law, criminal law, civil procedural law, criminal procedural law, commercial law, constitutional law, administrative law, customary law, Islamic law, agrarian law, environmental law, and international law.

One of the most pertinent and compelling legal issues for examination is the implementation of diversion in the juvenile justice system, particularly within the jurisdiction of the Class 1A Kupang District Court. Diversion refers to the process of shifting from the conventional criminal justice system to a restorative justice approach, which aims to protect children in conflict with the law (*Anak Berhadapan dengan Hukum*, ABH) and prevent the imposition of criminal sanctions that may negatively impact their development. The juvenile justice system, in this regard, is designed to safeguard children's rights and provide them with opportunities for positive development while minimizing social stigma and discrimination.

Despite the legal framework governing diversion, including Law Number 11 of 2012 on the Juvenile Criminal Justice System, challenges persist in its implementation, particularly at the district court level. The Class 1A Kupang District Court, as a judicial institution responsible for handling juvenile cases, requires further scrutiny concerning the execution of diversion and its alignment with the principles of justice for children.

The primary objective of this study is to examine the implementation of diversion at the Class 1A Kupang District Court, identify the challenges faced by judicial institutions in enforcing diversion, and assess its impact on case resolution for children in conflict with the law. This study aims to evaluate the effectiveness of the diversion system in protecting children and determine the extent to which its implementation aligns with the core objectives of the juvenile justice system—namely, restorative and rehabilitative justice for minors.

This research will analyze various aspects related to the diversion process, including its preparation, mechanisms, and potential obstacles encountered in practice at the Class 1A Kupang District Court. The findings of this study are expected to contribute positively to the development of the juvenile justice system in Indonesia and provide recommendations for enhancing its efficiency and fairness for children in conflict with the law.

2. RESEARCH METHODOLOGY

This study employs an empirical legal approach to analyze the implementation of diversion in the juvenile justice system at the Class 1A Kupang District Court. The legal approach is utilized to examine the legal foundation of diversion, as stipulated in Law Number 11 of 2012 on the Juvenile Criminal Justice System and Supreme Court Regulation (Perma) No. 4 of 2014. Additionally, an empirical approach is adopted to assess how diversion is implemented in practice, the challenges encountered, and its impact on the resolution of cases involving children in conflict with the law (Anak Berhadapan dengan Hukum, ABH).

Data collection was conducted through a literature review to gather secondary data, including laws and regulations, books, scholarly journals, and articles relevant to diversion and the juvenile justice system. Furthermore, interviews were carried out with judges, prosecutors, law enforcement officers, defense attorneys, social workers, and other relevant stakeholders at the Class 1A Kupang District Court to obtain primary data on the practical implementation of diversion. The collected data were analyzed qualitatively using an analytical descriptive method. The data were processed and interpreted to identify factors influencing the implementation of diversion, obstacles encountered, and the impact of diversion on children's rights protection and case resolution.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Concept of Diversion in the Juvenile Justice System

Diversion is an alternative method of case resolution that prioritizes mediation or reconciliation for children in conflict with the law (Anak Berhadapan dengan Hukum, ABH). This approach seeks to prevent children from undergoing more severe criminal justice procedures, thereby shielding them from the potential negative consequences of formal legal proceedings.¹ Through diversion, children involved in legal cases can resolve their issues through mechanisms that are more educational and rehabilitative in nature.

The primary objective of diversion is to mitigate the various adverse effects that the criminal justice process may have on children. One of the most concerning consequences is stigmatization, wherein children who undergo legal proceedings may acquire a negative societal label. Furthermore, detention in an environment that is incompatible with a child's developmental needs can hinder their psychological and

¹ Sulis Setyowati, "Problematika Penerapan Diversi Dalam Penyelesaian Perkara Tindak Pidana Anak Dalam Mewujudkan Keadilan Restoratif," *Unes Law Review* 6, no. 4 (2024): 11679–93, <https://doi.org/10.31933/unesrev.v6i4.2126>.

emotional growth.² As a response, diversion serves as a more humane alternative that prioritizes the best interests of the child.

The diversion system in Indonesia is governed by Law Number 11 of 2012 on the Juvenile Criminal Justice System. This legislation provides guidelines for all parties involved in juvenile legal proceedings to prioritize restorative justice. The concept of restorative justice in diversion emphasizes the restoration of relationships among the offender, the victim, and the community, ensuring that case resolution is more equitable and not solely punitive in nature.

In practice, diversion involves multiple stakeholders, including the child's family, the victim, law enforcement officers, and community leaders or institutions specializing in child protection. This process is carried out through deliberation to reach an agreement that benefits all parties, particularly by offering children the opportunity to amend their mistakes without being subjected to harsh criminal penalties. Thus, diversion not only prevents children from facing formal punishment but also encourages them to take responsibility for their actions in a more constructive manner.

By adopting the diversion approach, children in conflict with the law receive treatment that is fairer and aligned with their rights as individuals who are still in the process of development. This system also reflects the state's commitment to protecting children's rights and ensuring that legal proceedings involving them adhere to the principles of protection, education, and rehabilitation. In this regard, diversion represents a tangible effort to establish a justice system that prioritizes the well-being and future of Indonesian children.

3.2. Legal Basis for Diversion in Indonesia

The diversion system in Indonesia is founded on a strong legal framework established through various laws and regulations. This legal foundation ensures that diversion can be effectively implemented in accordance with the principles of child protection.³ Clear and well-defined regulations enable the diversion process to be systematically applied, making it an integral component of a more equitable juvenile justice system for children in conflict with the law (*Anak Berhadapan dengan Hukum, ABH*).

One of the primary legal instruments governing diversion is Law Number 11 of 2012 on the Juvenile Criminal Justice System. This law underscores that diversion is an essential aspect of the juvenile justice process, aimed at providing alternative resolutions to criminal sanctions. This approach is intended to create opportunities for children to take responsibility for their actions without being subjected to the detrimental effects of a formal and punitive criminal justice system.

² Lilik Mulyadi, *Pengadilan Anak Di Indonesia : Teori, Praktik Dan Permasalahannya*, 1st ed. (Bandung: Mandar Maju, 2005).

³ John A. Winterdyk, *Juvenile Justice: International Perspectives, Models and Trends*, 1st ed. (New York: Routledge, 2014), <https://doi.org/10.1201/b17528>.

In addition to this law, Supreme Court Regulation (Perma) No. 4 of 2014 on Guidelines for Implementing Diversion in the Juvenile Criminal Justice System provides technical guidance on the practical application of diversion. This regulation offers direction to law enforcement officials to ensure that diversion is carried out in accordance with the principles of restorative justice. With these guidelines, the implementation of diversion is expected to be more consistent and standardized across Indonesia.

The execution of diversion in the juvenile criminal justice system involves multiple stakeholders, including law enforcement agencies such as the police, prosecutors, judges, and child protection institutions. These entities are responsible for ensuring that the diversion process is conducted fairly and equitably, benefiting all parties involved, particularly the children facing legal proceedings.⁴ Furthermore, the diversion process emphasizes the active participation of victims and the community in reaching a resolution that not only resolves legal conflicts but also restores social harmony.

With a well-defined legal framework and structured mechanisms, diversion represents a progressive step in Indonesia's juvenile justice system. This approach not only safeguards children's rights but also demonstrates the state's commitment to fostering a justice system that prioritizes rehabilitation and human dignity. The effectiveness of diversion ultimately depends on the synergy between existing legal provisions and their consistent implementation by all relevant stakeholders.

3.3. Diversion Implementation Mechanism at the Kupang Class 1A District Court

The implementation of diversion at the Kupang Class 1A District Court follows the procedures outlined in the applicable legal framework. Diversion serves as an alternative approach to resolving cases involving children in conflict with the law (*Anak Berhadapan dengan Hukum, ABH*) through mediation and reconciliation. The primary objective of this mechanism is to prevent children from undergoing the formal criminal justice process, thereby protecting them from potential negative psychological and social consequences.

Generally, the diversion process begins with mediation, which involves various stakeholders, including the child in conflict with the law, their family, the victim, and law enforcement officials. During mediation, all parties seek to reach a fair and mutually beneficial resolution, prioritizing the best interests of the child. If an agreement is successfully reached, the case is settled through diversion without proceeding to trial.

⁴ Betania Fransiska Sitanggang and Irma Cahyaningtyas, "Penanganan Perkara Anak Dalam Perspektif Jaksa Penuntut Umum," *Jurnal Pembangunan Hukum Indonesia* 2, no. 1 (2020): 66–81, <https://doi.org/10.14710/jphi.v2i1.66-81>.

This approach allows children to take responsibility for their actions in a manner that is both educational and rehabilitative.

However, if mediation fails to produce a consensus among the involved parties, the case proceeds to the formal judicial process. Consequently, the effectiveness of diversion largely depends on the openness and willingness of all stakeholders to resolve the matter amicably.⁵ A well-functioning diversion system is expected to ensure that children involved in legal proceedings receive fair treatment that aligns with the principles of restorative justice.⁶

Despite its legal framework, the practical implementation of diversion at the Kupang District Court faces several challenges that hinder its effectiveness. One of the primary obstacles is the lack of adequate facilities to support mediation sessions, such as dedicated meeting spaces or other necessary infrastructure. Additionally, the limited number of trained mediators presents a significant challenge, as successful mediation requires specialized skills in conflict resolution, negotiation, and ensuring fair outcomes.

Beyond logistical and technical challenges, community and victim participation is another critical factor in determining the success of diversion. Not all parties involved are prepared or willing to engage in mediation. Victims or their families may be hesitant to reconcile, particularly if they perceive that justice can only be achieved through formal legal proceedings. This reluctance often results in failed mediation efforts, preventing the successful application of diversion.

Furthermore, differing perspectives on justice create additional complexities in the implementation of diversion. While some parties advocate for a restorative justice approach, which emphasizes reconciliation and rehabilitation, others may prefer punitive measures as a form of justice. To address these challenges, broader public awareness campaigns and persuasive socialization efforts are necessary to educate stakeholders on the benefits of diversion and encourage their active participation in the process.⁷ Through these efforts, the diversion mechanism can become a more effective tool in ensuring that children in conflict with the law receive fair, humane, and rehabilitative treatment within Indonesia's juvenile justice system.

3.4. Obstacles in the Implementation of Diversion at the Class 1A Kupang District Court

⁵ Andreas Reynaldi, "Perlindungan Hukum Terhadap Anak Pada Tingkat Penyidikan Di Polres Palu," *Jurnal Ilmu Hukum Aktualita* 1, no. 2 (2024): 39–47, <https://jurnal.fakum.untad.ac.id/index.php/AKT/article/view/1520>.

⁶ Sitti Nurhaliza Musa, Lisnawaty W Badu, and Julisa Aprilia Kaluku, "Anak Sebagai Pelaku Residivis Tindak Pidana Pencurian Dan Perlindungan Hukumnya," *Terang: Jurnal Kajian Ilmu Sosial, Politik Dan Hukum* 1, no. 3 (2024): 15–26, <https://doi.org/10.62383/terang.v1i3.353>.

⁷ Artista Helendian Loemnanu and Ni Nengah Ayudhya Shantika Devi, "Perlindungan Anak Dalam Sistem Peradilan Pidana Anak," *Jurnal Ilmu Hukum, Humaniora Dan Politik* 5, no. 3 (2025): 1760–1769, <https://doi.org/10.38035/jihhp.v5i3.3874>.

The implementation of diversion at the Class 1A Kupang District Court faces several significant challenges, including:

1) Lack of Trained Human Resources

Diversion requires skilled mediators with specialized expertise in conducting mediation, including effective communication skills, a deep understanding of child psychology, and proficiency in applying the principles of restorative justice.⁸ However, not all courts have an adequate number of well-trained mediators. This shortage presents a major challenge, as a lack of expertise can hinder the effectiveness of the mediation process, making it difficult to reach a fair and satisfactory resolution for all parties.

Beyond the limited number of mediators, the quality of mediation personnel is also a crucial factor in the success of diversion. Mediators who lack a thorough understanding of the restorative justice approach or have insufficient experience in handling juvenile cases may struggle to facilitate a fair and effective resolution.⁹ To address this issue, continuous capacity-building efforts through training programs for mediators and law enforcement officers involved in the diversion process are necessary. Enhancing the expertise of these professionals will enable diversion to be conducted more effectively, ensuring that children's rights are protected and that a more just and humane solution is achieved for all parties involved.

2) Resistance from Victims or Their Families

In certain cases, victims or their families may perceive diversion as inadequate in delivering justice. Some believe that children who violate the law should receive appropriate legal punishment rather than having their cases resolved through mediation. This perspective is often driven by emotional factors, particularly when victims have suffered significant physical or psychological harm due to the actions of children in conflict with the law (ABH).

Additionally, the lack of awareness regarding restorative justice principles further reinforces this resistance.¹⁰ Many victims and their families have greater trust in the formal justice system, viewing it as the only legitimate means of achieving justice. To overcome this challenge, a more persuasive approach and

⁸ Bambang Surabangsa and Tajul Arifin, "Peradilan Pidana Anak Di Indonesia Dalam Perspektif Hukum Islam," *Hukum Islam* 22, no. 1 (2022): 53–70, <http://dx.doi.org/10.24014/jhi.v22i1.18402>.

⁹ William R. Wood and Masahiro Suzuki, "Getting to Accountability in Restorative Justice," *Victims & Offenders: An International Journal of Evidence-Based Research, Policy, and Practice* 19, no. 7 (2024): 1400–1423, <https://doi.org/10.1080/15564886.2024.2333304>.

¹⁰ Anik Ifitah, Adwi Mulyana Hadid, and Syahrul Alamsyah, "Restorative Justice Through Strengthening Community Legal Culture in Indonesia: Challenges and Opportunity," *Mulawarman Law Review* 8, no. 1 (2023): 32–44, <https://doi.org/10.30872/mulrev.v8i1.1140>.

broader public awareness campaigns are required to educate stakeholders on the benefits of diversion. Through open dialogue and well-facilitated mediation, victims can come to recognize that diversion not only ensures justice for them but also encourages accountability and rehabilitation for the child offender in a more constructive and meaningful way.

3) Inadequate Facilities and Infrastructure

The mediation process within the diversion framework necessitates a calm and conducive environment to facilitate constructive discussions.¹¹ However, limited space and inadequate infrastructure often hinder the effectiveness of mediation. The absence of designated mediation rooms, proper communication equipment, or comfortable counseling spaces can negatively impact the mediation process, making it difficult to create an atmosphere conducive to agreement and reconciliation.

Moreover, restricted access to appropriate facilities presents another challenge in implementing diversion. In some instances, mediation sessions must be conducted in locations that are less suitable for children in conflict with the law or for victims, thereby reducing the overall effectiveness of the process. To ensure that diversion is implemented optimally and in alignment with restorative justice principles, urgent improvements in facilities and infrastructure are required.

4) Limited Public Awareness and Socialization of Diversion

A major barrier to the effective implementation of diversion is the lack of public understanding regarding its importance as a humane and just approach to resolving juvenile cases.¹² Many people still believe that formal legal proceedings are the only legitimate way to uphold justice, leading to low levels of support for restorative justice through diversion. This misunderstanding often results in resistance from victims and their families, who may reject mediation due to the perception that formal punishment has a greater deterrent effect on offenders.

Furthermore, law enforcement officers themselves often lack sufficient knowledge about the proper implementation of diversion. Ideally, diversion should be considered at the earliest stages of the legal process, such as during the investigation phase. However, if law enforcement personnel lack adequate training and expertise, diversion efforts may be delayed or improperly executed. To address

¹¹ Lourdes Munduate, Francisco J. Medina, and Martin C. Euwema, "Mediation: Understanding a Constructive Conflict Management Tool in the Workplace," *Journal of Work and Organizational Psychology* 38, no. 3 (2022): 165–73, <https://doi.org/10.5093/jwop2022a20>.

¹² Walim Walim et al., "The Regulation of Diversion in Indonesia's Juvenile Criminal Justice System Oriented Toward the Best Interests of the Child and Fairness," *Rechtsnormen Journal of Law* 2, no. 3 (2024): 256–265, <https://doi.org/10.70177/rjl.v2i3.1280>.

this issue, comprehensive training programs and widespread socialization efforts should be introduced to ensure that law enforcement officers can effectively implement diversion in alignment with its intended objectives.

By enhancing education and awareness, all stakeholders—including law enforcement officers, victims, families, and the wider community—can develop a more nuanced understanding of diversion. This will help shift perceptions, ensuring that diversion is recognized not merely as an alternative to formal justice but as a fundamental component of a justice system that prioritizes the best interests of children.

3.5. Impact of Diversion on the Resolution of Juvenile Cases

Diversion has a significant positive impact on the resolution of juvenile cases, both from a rehabilitative and restorative perspective. Several key benefits of diversion include:

1) Reduction of Social Stigma

The mediation process within diversion plays a crucial role in mitigating the social stigma faced by children in conflict with the law (ABH). Without diversion, juveniles who enter the formal criminal justice system are at risk of being permanently labeled as criminals, which can have long-term negative effects on their psychological well-being and future prospects.¹³ By resolving cases through mediation rather than formal court proceedings, children are spared the public scrutiny and psychological distress associated with a criminal trial, allowing them to avoid being socially ostracized.

Beyond protecting children's mental and emotional well-being, the elimination of stigma enables their reintegration into society. Children who successfully complete the diversion process have greater opportunities to continue their education, develop healthy social relationships, and cultivate their potential without being burdened by a criminal record. Therefore, diversion is not only a legal mechanism for case resolution but also a vital social rehabilitation tool, ensuring that children can develop into responsible and productive individuals in the future.

2) Protection of Children's Rights

Diversion safeguards the fundamental rights of children, particularly their right to education, development, and protection from undue harm. By preventing children from undergoing formal criminal prosecution and potential punitive measures,

¹³ Dyah Listyarini, "Juvenile Justice System through Diversion and Restorative Justice Policy," *Diponegoro Law Review* 2, no. 1 (2017): 168–84, <https://doi.org/10.14710/dilrev.2.1.2017.168-184>.

diversion ensures that they retain access to education and a supportive environment that fosters their personal growth.¹⁴ This approach allows children to correct their mistakes without suffering the long-term consequences associated with criminal penalties, such as incarceration or exclusion from educational and social opportunities.

Designed as a more humane and developmentally appropriate alternative to punitive justice, diversion emphasizes a restorative justice approach centered on rehabilitation and social responsibility. Unlike the traditional criminal justice system, which is primarily punitive, diversion provides constructive guidance for children, helping them to acknowledge their actions, take responsibility, and reintegrate into society without enduring the psychological trauma and lifelong stigma associated with being labeled a criminal.

3) Faster and More Efficient Case Resolution

The diversion process is typically more time-efficient than formal criminal proceedings, which are often lengthy, costly, and resource-intensive. By resolving cases through mediation and agreements between involved parties, children in conflict with the law (ABH) can resume their normal lives more quickly, avoiding the prolonged stress and uncertainty associated with court trials. Furthermore, diversion helps reduce the psychological burden on children, allowing them to focus on rehabilitation and self-improvement rather than enduring an extended legal process.

In addition to benefiting children, diversion alleviates the burden on the judicial system.¹⁵ By expediting the resolution of juvenile cases, courts can redirect resources toward handling more complex and urgent legal matters. This not only enhances the efficiency of the justice system but also ensures that juvenile cases are resolved in a manner consistent with restorative justice principles, rather than unnecessarily prolonging legal proceedings for cases that could be settled through mediation.

While diversion offers numerous advantages, its success depends on effective implementation and the commitment of all stakeholders within the juvenile justice system. The effectiveness of diversion is not solely determined by legal frameworks but

¹⁴ Subarsyah Subarsya, "Fulfilment of Formal Education for Children with Criminal Sentences: Analysis of Law Number 11 of 2012 Concerning the Juvenile Justice System," *Al-Isblah: Jurnal Pendidikan* 13, no. 3 (2021): 1747–55, <https://doi.org/10.35445/alishlah.v13i3.1239>.

¹⁵ Debby Naztty Pratiwi, "Balancing The Interests of Child Offenders and Child Victims through Diversion in Child-on-Child Crime: Evaluation through The International Children's Rights Legal Framework: In The Context of Indonesia Juvenile Justice System" (Leiden University, 2018), <https://www.universiteitleiden.nl/binaries/content/assets/rechtsgeleerdheid/instituut-voor-privaatrecht/jeugdrecht/jr-thesis-pratiwi-july-2018.pdf>.

also by the preparedness and cooperation of law enforcement officials, mediators, families, and the broader community. A comprehensive understanding of diversion and collaborative efforts among all parties involved are essential for ensuring that it serves as a humane, just, and effective solution for children in conflict with the law.

3.6. Recommendations for Enhancing the Implementation of Diversion at Kupang Class 1A District Court

Based on the challenges and obstacles identified in this study, the following recommendations are proposed to improve the implementation of diversion at Kupang Class 1A District Court:

1) Training for Mediators

Kupang Class 1A District Court should prioritize enhancing the capacity and competency of mediators through comprehensive, intensive, and continuous training. Mediators with a strong understanding of mediation techniques and restorative justice principles will be better equipped to facilitate the diversion process effectively. Proper training enables mediators to foster constructive communication between children in conflict with the law (ABH), victims, and other stakeholders, ensuring that mediation outcomes reflect justice and fairness for all parties involved.

Beyond technical skills, ongoing professional development is crucial for mediators to stay updated on legal and policy developments related to diversion.¹⁶ This ensures that each mediation process aligns with current legal standards while addressing the psychological and social dimensions of juvenile cases. A well-trained mediator can transform mediation from a mere procedural formality into a genuinely effective mechanism for resolving children's cases in a fair and humane manner.

2) Expanding Public Awareness and Education

Public awareness regarding the importance and benefits of diversion must be expanded to ensure that law enforcement officers, the community, and all stakeholders in the juvenile justice system have a comprehensive understanding of its objectives and procedures.¹⁷ A significant barrier to effective diversion implementation is the limited awareness of restorative justice principles and misconceptions about diversion as merely a form of leniency for offenders.

¹⁶ Kazi Abdur Rahman, "Mediation and Mediator Skills: A Critical Appraisal," *Bangladesh Research Foundation Journal* 1, no. 1 (2012): 222–32, <https://doi.org/10.2139/ssrn.3231684>.

¹⁷ Listyarini, "Juvenile Justice System through Diversion and Restorative Justice Policy."

To address this issue, targeted and continuous educational initiatives should be conducted through seminars, workshops, and public campaigns involving legal professionals, educators, community leaders, and other relevant stakeholders. These initiatives should emphasize that diversion aims to protect children's rights, reduce the negative impacts of formal legal proceedings, and promote social reintegration. A well-informed public is more likely to support and engage in diversion efforts, thereby enhancing the overall effectiveness of its implementation.

3) Development of Mediation Infrastructure

The Kupang Class 1A District Court must upgrade its mediation facilities and infrastructure to create an environment that is conducive to effective diversion processes. The availability of private, secure, and child-friendly mediation rooms is essential to fostering a safe and comfortable atmosphere for children in conflict with the law (ABH), victims, and other involved parties.

Additionally, adequate technological and administrative support, such as communication tools, documentation systems, and mediation equipment, is necessary to ensure that the diversion process is conducted professionally and in accordance with established legal and ethical standards.¹⁸ The design of mediation spaces should also consider psychological and emotional well-being, incorporating calming colors and supportive facilities, such as counseling services, to promote an open and cooperative environment. Enhancing mediation infrastructure will increase the efficiency and effectiveness of diversion, ensuring that juvenile case resolution is both restorative and rehabilitative.

4) Promoting a More Restorative Approach to Case Resolution

Kupang Class 1A District Court should further encourage restorative justice practices by actively involving families and victims in the diversion process. This approach ensures that case resolution goes beyond legal adjudication to focus on rebuilding relationships between children in conflict with the law (ABH) and victims. Inclusive mediation fosters agreements that not only provide fair outcomes for victims but also allow children to take responsibility for their actions while avoiding the harmful consequences of formal judicial proceedings.

Furthermore, family participation in diversion is crucial for ensuring that children receive consistent moral support and guidance following case

¹⁸ Noam Ebner and Elayne E. Greenberg, "Strengthening Online Dispute Resolution Justice," *Washington University Journal of Law and Policy* 63 (2020): 65–118, https://openscholarship.wustl.edu/law_journal_law_policy/vol63/iss1/9/.

resolution.¹⁹ When families, victims, and law enforcement officers collaborate effectively, diversion becomes a more meaningful and impactful solution that fulfills the core objectives of restorative justice—namely, the rehabilitation, reintegration, and destigmatization of children in conflict with the law.

The successful implementation of diversion at Kupang Class 1A District Court requires a multi-faceted approach that includes enhancing mediator capacity, expanding public awareness, improving mediation infrastructure, and fostering a stronger commitment to restorative justice principles. By addressing these key areas, the court can ensure that diversion functions as an effective, humane, and just mechanism for resolving juvenile cases, ultimately supporting the long-term rehabilitation and reintegration of children into society.

CONCLUSION

Diversion in the juvenile justice system at Kupang Class 1A District Court has demonstrated significant potential as an alternative case resolution mechanism that prioritizes the best interests of children. Implemented in accordance with Law No. 11 of 2012 and Perma No. 4 of 2014, diversion aims to shield children from the adverse effects of the formal justice system, reduce social stigma, and promote restorative justice solutions. However, several challenges continue to hinder the effectiveness of this program, including a shortage of trained professionals, resistance from victims, inadequate infrastructure, and limited public awareness. These obstacles negatively impact the success rate of diversion and undermine its primary objective of safeguarding children's rights.

To enhance the effectiveness of diversion at Kupang Class 1A District Court, ongoing professional training for mediators is essential to strengthen their mediation skills and deepen their understanding of restorative justice principles. Additionally, comprehensive public awareness campaigns should be expanded to educate law enforcement officers and the community, fostering a shift from traditional punitive approaches to a more restorative framework. Furthermore, the development of child-friendly and well-equipped mediation facilities is crucial to creating a supportive and conducive environment for the diversion process. Courts should also actively encourage the participation of families and communities in seeking restorative solutions that emphasize reconciliation and rehabilitation. By addressing these barriers, diversion can serve as a more effective instrument in realizing restorative justice for children in conflict with the law, ensuring the protection of their rights, facilitating their

¹⁹ Kgashane Johannes Malesa and Magala Erick Mashamba, "Parents' Experiences of Participating in Diversion Programmes for Children in Conflict with The Law," *Social Work/Maatskaplike Werk* 60, no. 1 (2024): 171–193, <https://doi.org/10.15270/60-1-1257>.

rehabilitation, and mitigating the long-term negative stigma associated with formal judicial proceedings.

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