

Overcoming Violence and Sexual Exploitation of Children Within the Framework of Pancasila Values: Geneology, Conception and Implementation

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Keywords:

Child protection,
Restorative justice,
Pancasila,
Sexual violence,
Social justice.

Abstract. This article presents a conceptual study that explores the intersection of Pancasila, child protection, and the mitigation of sexual violence and exploitation. Specifically, it addresses three key dimensions: (1) the conceptualization of justice within the framework of Pancasila; and (2) the application of Pancasila-based justice in overcoming violence and sexual exploitation of children. Using a qualitative and normative approach, supported by conceptual and historical analysis, the article critically examines how the philosophical foundations of Pancasila inform both legal ideals and practical mechanisms for child protection in Indonesia. The findings of this study are grounded in two major contributions. First, it elaborates the philosophical and juridical underpinnings of justice in Pancasila. Second, it proposes a genealogy, conceptual framework, and practical implementation strategy for addressing sexual violence and exploitation against children through a justice system rooted in Pancasila values. Together, these serve as an analytical lens for evaluating child protection efforts in Indonesia within a broader theoretical and ideological context.

1. INTRODUCTION

Sexual violence against children in Indonesia has shown an alarming upward trend in recent years. According to the Indonesian Child Protection Commission (KPAI), from 2016 to 2022, a total of 24,974 cases related to Special Child Protection (Perlindungan Khusus Anak/PKA) were reported (Adhira & Triasari, 2024). In 2021 alone, cases of sexual violence were significantly higher than those involving children entangled in health and drug-related issues (2,820 cases), pornography and cybercrime (3,323 cases), or trafficking and exploitation (2,156 cases) (Rahadian & Oghenemaro, 2023).

Alarmingly, the number of children in conflict with the law (Anak yang Berhadapan dengan Hukum/ABH) acting as perpetrators of sexual violence has surged. In 2011, KPAI recorded 123 such cases, which escalated to 561 cases in 2014. Although there was a decline to 157 cases in 2016, the first half of 2019 alone saw 102 new cases. Between 2016 and 2020, sexual violence emerged as the most frequently committed crime by child perpetrators, totaling 713 cases surpassing other offenses such as physical violence (506 cases), drug-related crimes (339 cases), theft (252 cases), and even murder (11 cases), with an overall total of 5,953 cases. Of these, 522 cases were reported through media channels, while 5,451 were submitted directly to KPAI (Aldyan et al., 2024).

Further, KPAI data from 2021 reported 858 cases of children who were victims of sexual crimes, 147 cases involving victims of economic and/or sexual exploitation, and 345 cases linked to pornography and cybercrime (Mahendra et al., 2024). From 2016 to 2023, KPAI recorded 2,094 cases of child sexual violence and 920 cases of sexual exploitation. In 2022 alone, PKA-related cases reached 1,064, as documented in the public database (kai.go.id).

Table 1: Case Data Protection Violence Child Sexuality at KPAI from 2016-2023.

Data Case Violence Sexual Child		Amount Case
No.	Year	
1.	2016	192
2.	2017	188
3.	2018	182
4.	2019	190
5.	2020	169
6.	2021	859
7.	2022	247
8.	2023	314
Amount		2341

Table 2: Case Data Protection Exploitation Children at KPAI from 2016-2023.

Data Case Exploitation Sexual Child		Amount Case
No.	Year	
1.	2016	181
2.	2017	193
3.	2018	173
4.	2019	135
5.	2020	52
6.	2021	147
7.	2022	127
8.	2023	39
Amount		1.047

In 2022, data from the Indonesian Child Protection Commission (KPAI) showed that there were 1,064 reported cases under the Special Child Protection (PKA) category. Of these, 868 were sourced from media reports, while 2,296 came from direct public complaints. Although this marked a decline from the 2021 figures, cases involving child sexual violence and sexual exploitation remained the most prevalent compared to those involving adults or cases where children were perpetrators. Disturbingly, perpetrators often included individuals closest to the victim, such as biological or stepfathers, close family members, or friends.

In practice, justice for child victims in Indonesia still lacks full legal protection and fails to ensure a genuine sense of justice (Alfiani & Anggraini, 2023). At the investigation stage, children are often examined without adequate regard for their human rights, and during court proceedings, victims are frequently re-traumatized by verdicts that impose disproportionately lenient sentences on perpetrators. A judge's decision must consider not only legal truth but also philosophical truth—that is, justice.

Legal enforcement in Indonesia is often influenced by external and internal factors. As noted by Bernard L. Tanya and Theodorus Y. Parera, the substance of the law serves as the foundation for enforcement, guiding law enforcement officers in carrying out their duties. Therefore, the quality of legal norms significantly determines the effectiveness and fairness of law enforcement (Kurniawan et al., 2025).

The Convention on the Rights of the Child (CRC) was adopted by the United Nations General Assembly on November 20, 1989, and entered into force on September 2, 1990. This convention serves as a global instrument to protect children's rights and uphold their dignity and welfare (Basuki et al., 2023). It sets forth universal principles and legal standards encompassing civil, political, economic, and cultural rights for children worldwide (Fathoni & Fernandez, 2023). While nearly every country has ratified the CRC, exceptions include Somalia and the United States. Indonesia formally ratified the convention through Presidential Decree No. 36 of 1990, thereby affirming its commitment to the international protection of children's rights (Zaid, Ricky & Sedera, 2025).

The ratification of the Convention on the Rights of the Child (CRC) has significantly shaped Indonesia's national policies and legal framework concerning child protection (Firmanayudu & Abdalrhman, 2025). One of the major constitutional reforms was the inclusion of Article 28B, paragraph (2) in the 1945 Constitution of the Republic of Indonesia, which affirms the state's responsibility to ensure every child's right to survival, growth, protection, and participation. Following this, the Indonesian government enacted Law Number 23 of 2002 on Child Protection, a comprehensive legal instrument that guarantees, respects, and protects children's rights across various domains.

To institutionalize child protection mechanisms, the government established the Ministry of Women's Empowerment and Child Protection, which functions as the central body for coordination, policy development, and advocacy in child-related affairs. This ministry also oversees the preparation and implementation of the National Action Plan for Child Development. Furthermore, the establishment of the Indonesian Child Protection Commission (Komisi Perlindungan Anak Indonesia/KPAI) provided an independent authority tasked with ensuring the realization of children's rights as stipulated in the CRC.

While the enactment of the Child Protection Law marked a significant milestone in the legislative landscape, in practice, the realization of children's rights remains limited. Numerous children continue to experience rights violations, becoming victims of violence, exploitation, neglect, discrimination, and other inhumane treatment. Many of these children lack the capacity to protect themselves and receive insufficient support or protection from families, communities, and state institutions (Wicaksono & Triasari, 2024).

In A study so needs to be done review to A That research For Then to confirm distinctive in further study deep and emphasizes the novelty within An article that is being compiled, in this paper William shows several research that is indeed very relevant close with existing studies.

In conducting this study, it is essential to first review previous research to highlight the distinctiveness and novelty of the present work. This paper builds on several prior studies that are closely aligned with the issues addressed. One such relevant study was conducted by Rizki Ayu, titled *Legal Protection for Children in Efforts to Prevent Crimes of Sexual Violence against Children*. The study highlights how children are frequently victims of sexual crimes, emphasizing the growing number of such cases over time (Hanum & Zaman, 2024). The persistent increase suggests that perpetrators often act without fear of significant legal consequences.

Despite the existence of legal frameworks, the provision of protection and legal assistance for child victims of sexual violence continues to face considerable challenges. These obstacles arise from both internal institutional shortcomings and external

systemic barriers. In practice, the implementation of child protection laws in cases of sexual violence has yet to achieve its intended effectiveness. Enforcement often falls short of delivering justice to victims, their families, and society at large (Hartanto et al., 2024). For legal protection to be meaningful, sanctions imposed on perpetrators must be strict and commensurate with the gravity of the crime.

The legal foundation for protecting children from sexual violence is outlined in Law Number 35 of 2014, particularly in Article 64, which elaborates on the rights of children in conflict with the law, as referred to in Article 59(2)(b). These protections include humane treatment that respects the child's needs, separation from adult offenders, effective legal assistance, recreational activities, and freedom from torture or degrading treatment. The law prohibits life imprisonment or the death penalty for children and restricts detention to a last-resort option for the shortest time possible. It further mandates impartial and closed court hearings, the safeguarding of the child's identity, and the provision of advocacy, privacy, accessibility—especially for children with disabilities—education, health services, and other rights as regulated under Indonesian law (Hastowo & Laksito, 2023).

The second relevant study was conducted by Kurniawan et al. (2025), titled *Reformulation of Law on Child Protection Through Restorative Justice for Child Victims of Criminal Offences Based on Values of Pancasila as an Effort for Criminal Law Reform*. This research explores the limitations of conventional justice mechanisms in ensuring effective protection and recovery for child victims of criminal acts. It emphasizes that resolving such cases solely through retributive legal processes often fails to meet the holistic needs of child victims, especially within their community and familial contexts.

The central issue addressed in the study concerns the effectiveness of current child protection policies and the need to reformulate these through a restorative justice approach. This reformulation is envisioned as a way to align criminal law reform efforts with Pancasila values, Indonesia's philosophical foundation. The researchers adopted a qualitative method using an empirical legal approach to analyze how restorative justice can be integrated into existing legal frameworks (Hanum et al., 2024).

Their findings advocate for a revision of the current Child Protection Law by incorporating restorative justice mechanisms, allowing for resolution pathways that prioritize the well-being and reintegration of child victims rather than solely focusing on punitive measures. The study proposes legal provisions that facilitate alternative dispute resolution processes tailored to the unique needs of children, while still ensuring accountability for offenders (Marcellinno & Fathoni, 2023).

The third relevant study was conducted by Umi Mujiarti, titled *Advocacy and Combating Sexual Crimes in the Perspective of Child Protection Law*. This research focuses on identifying appropriate forms of advocacy for child victims of sexual crimes and outlining preventive strategies from a child protection perspective. The study adopts a participant observation method, where the researcher was actively involved in both advocacy and prevention efforts related to sexual violence against children.

Employing a comprehensive empirical legal approach, the study examines both juridical (legal) aspects and real-world empirical facts regarding how sexual crimes against children are addressed. The findings highlight the forms of advocacy and preventative measures applicable under Indonesia's Child Protection Law. These include litigation advocacy, such as legal assistance through judicial processes, and non-litigation advocacy, which involves support and intervention outside formal court proceedings.

In terms of crime prevention, the study identifies four main strategies:

- Preventive measures, which focus on early intervention and education
- Repressive measures, involving strict legal action against offenders
- Persuasive approaches, which aim to influence societal behavior by promoting adherence to social norms and legal values through public education and community engagement (Hastowo & Laksito, 2023)
- Coercive strategies, involving formal sanctions such as sentencing by a judge
- Rehabilitative efforts, emphasizing social rehabilitation for both victims and, in some cases, perpetrators (Kusumastuti & Gibreel, 2023)

These combined efforts demonstrate a multidimensional approach to both protecting child victims and reducing the prevalence of sexual violence through legal, social, and rehabilitative channels.

The fourth relevant study was conducted by Anastasia M. Manurung and colleagues, titled *Implementation of Pancasila as an Effort to Overcome Sexual Harassment Cases in Society*. This article explores a case of workplace sexual harassment that received public attention—reported on the news portal Kompas.com with the headline: *"Rector Allegedly Harasses Employees, Pancasila University Students Put Up Banners 'Strongly Reject Moral Crisis!'"* The study aims to examine three core questions: (1) What are the root causes of sexual harassment? (2) What are its impacts? and (3) How can the values of Pancasila be applied as a strategic foundation for addressing sexual harassment in society?

The authors employed a qualitative descriptive method, rooted in post-positivist philosophy. Data were collected through a synthesis of various sources, including books, journal articles, and prior research. The study concludes that the effective implementation of Pancasila values—such as justice, unity, equality, and humanity—can serve as a normative and ethical framework for societal efforts to combat sexual harassment (Marcellinno & Fathoni, 2023).

Bringing together the insights from these four studies, it becomes evident that the thematic intersection of Pancasila, child protection, and the prevention of sexual violence and exploitation has been explored in several forms. However, the present article offers a distinctive and original contribution by framing the issue through a triadic lens of Genealogy, Conception, and Implementation. This analytical structure sets the study apart from existing literature. First, it introduces a new conceptual measurement framework to examine how Pancasila principles relate to child protection and sexual violence mitigation in both theory and practice. Second, it projects these insights forward into the realm of criminal law reform in Indonesia—providing a forward-thinking legal reflection grounded in both philosophical values and legal practicality (Mawardi & Hanum, 2023).

2. RESEARCH METHODS

This study employs a socio-legal research approach, integrating both legal and sociological perspectives. This method is particularly suitable given that the issue under investigation protection of child victims of sexual violence involves an intricate relationship between normative legal frameworks and societal realities. The legal analysis is grounded in established legal theories and relevant statutory provisions, with an emphasis on reconstructing protection mechanisms to uphold values of civilized justice (Mayasari, 2023).

The research adopts a descriptive-analytical design and applies qualitative methods to examine how legal norms interact with conditions in the field. Legal materials are analyzed alongside empirical observations to offer a comprehensive understanding of law enforcement practices in child protection cases. The analysis combines the statute approach which interprets laws and

regulations relevant to the issue with the conceptual approach, which draws on theoretical frameworks and doctrines (Nurcahyo et al., 2024).

This methodology is further supported by the views of Lexy J. Moleong, who defines qualitative research as an effort to understand phenomena experienced by research subjects, such as behaviors, perceptions, motivations, and actions, through holistic description in natural contexts, using a variety of naturalistic methods.

By design, this research remains within the scope of the legal problem and is guided by widely accepted legal concepts. The study seeks not only to describe the relevant data but also to interpret and relate datasets in order to identify patterns, comparisons, or causal relationships, all within a structured legal and sociological context.

3. RESULTS AND DISCUSSION

3.1. Pancasila, Children, And the Mitigation of Sexual Violence and Exploitation: A Historical, Genealogical, And Conceptual Analysis

The principle of *just and civilized humanity* is fundamental to the protection of human rights, embodying the idea of treating individuals with dignity while fully upholding their inherent rights. This principle is closely linked to the concept of *social justice*, which differentiates itself from legal justice by emphasizing fairness in societal interactions and structures (Pati et al., 2024). Within the framework of Pancasila, Indonesia's foundational philosophy, social justice is explicitly enshrined in its fifth principle, while the second principle emphasizes just and civilized humanity. Both principles, as articulated in the Preamble to the 1945 Constitution of the Republic of Indonesia, represent the state's goals in creating justice within communal life. These principles are not merely abstract ideals but reflect deeply rooted values that should be realized in everyday societal relations. They express a holistic view of justice spanning one's relationship with oneself, with others, with the nation, and ultimately with God (Pratiwi et al., 2023).

Pancasila, as the philosophical root of Indonesia's legal ideals, carries the implication that all national and state activities must align with its values. As the nation's worldview, Pancasila guides legal reasoning and practice. The concept of legal ideals (*rechtsidee*) encompasses notions of justice, utility, and legal certainty—rooted in cultural traditions, religious beliefs, and the lived social realities of the Indonesian people. Therefore, the development of legal science and Indonesian law must consistently reflect and uphold these values (Rahadian & Oghenemaro, 2023).

The characteristics of *Pancasila justice* include the humanization of individuals through fair and civilized treatment, consistent with their fundamental human rights. These rights are inherent from birth and must be protected at all costs, as the very purpose of law is to serve society. A cornerstone of these rights is equality before the law, and the broader realization of justice for all Indonesians. As social beings, humans are obligated to respect and uphold one another's dignity. Thus, Pancasila justice serves as both a moral compass and a benchmark for determining the legitimacy of legal norms. It guides the creation of laws and regulations that embody justice rooted in the nation's philosophical identity (Rasdi et al., 2022).

Ultimately, Pancasila social justice acts as a foundational value system that must be actualized through legal justice. The aspiration to achieve justice leads to the development of the concept of procedural justice, where fairness arises from the correct application of legal principles. This form of justice is symbolized by the classical imagery of the goddess of justice—holding a sword and scales, with a blindfold to represent impartiality and objectivity (Pujiyono et al., 2017).

The characteristics of justice based on Pancasila as Indonesia's national philosophy and foundational ideology are reflected in several core principles. First, Pancasila justice is rooted in belief in the Almighty God, meaning that justice must align with divine principles and that the state acknowledges the legitimacy of religious belief and spiritual conviction for all citizens. Second, Pancasila justice upholds human rights and promotes the dignity of individuals as social beings, ensuring that justice includes the protection and humanization of every individual. Third, it emphasizes unity and cohesion, recognizing that national harmony is essential for establishing a just society. Fourth, Pancasila justice is grounded in democratic principles, supporting the right of every citizen to express opinions and participate in decision-making through deliberation and consensus. Finally, the fifth principle guarantees justice for all, safeguarding the rights of all citizens without discrimination or exclusion (Pujiyono et al., 2020).

In responding to issues such as sexual violence and exploitation of children, a transformative justice approach offers a broader framework for understanding harm, healing, power, and relationships. Sexual violence and exploitation affect more than just the immediate victim and perpetrator; they implicate wider social systems and structures. An effective response to these harms must therefore address the broader context in which such acts occur.

The characteristics of Pancasila justice also align with the imperative to humanize individuals in accordance with their inherent human rights. These rights, recognized from birth, demand protection by law as a fundamental function of the legal system. Equality before the law is central to this vision, and it is paired with a commitment to social justice for all Indonesians. Because humans are inherently social beings, mutual respect is essential to the fabric of justice. Pancasila justice thus serves not only as a set of moral norms but also as a guiding framework for forming laws and regulations that reflect the nation's values and ideals (Pujiyono et al., 2019).

Furthermore, Pancasila social justice acts as a source of legal values that must be translated into practical legal justice. The goal of achieving justice leads to the conceptualization of procedural justice, where fairness arises through the correct and consistent application of legal principles. This concept is symbolized by the classical imagery of the goddess of justice holding a sword and scales and wearing a blindfold representing impartiality, fairness, and the rule of law.

In summary, the principles of Pancasila justice provide a comprehensive vision of justice: one that integrates faith, humanity, unity, democracy, and equality. These principles function as ethical and legal guideposts in constructing a just Indonesian society and legal system (Pujiyono et al., 2017).

3.2. The Second Countermeasure: Violence and Sexual Exploitation of Children in the Context of Pancasila Justice

Social problems arise as unexpected and detrimental conditions within the fabric of communal life. Their presence disrupts the values and norms shared by society and must be addressed through a structured process, beginning with identification, followed by diagnosis and treatment. According to Pati et al. (2021), two principal approaches guide this identification process: the individual approach and the systems approach.

In the individual approach, social problems are viewed as stemming from the behavior of individuals. That is, problematic conduct is attributed to individuals as members of society. Conversely, the systems approach does not isolate behavior at the

individual level but rather views society as a total system, where dysfunction arises not from personal actions alone, but from broader systemic imbalances.

Where there is society, there is civilization and inevitably, conflict. This is because societal interactions, shaped by varying interests, values, and power relations, often lead to friction. Conflict becomes an inherent aspect of social life. From ancient times to the present, law has served as a key instrument in resolving such disputes. The presence of law signifies society's attempt to regulate competing interests and restore balance where injustice or violence such as sexual violence and exploitation of children has occurred.

The conceptual foundation of legal norms can be traced to basic moral principles. Hans Kelsen's legal theory is instructive in this context. He introduced the notion of the "Grundnorm" or basic norm, which underpins the legitimacy of all legal systems. According to Kelsen's Stufenbau theory (the "ladder of norms"), a legal system is hierarchically organized: at the base are regulatory norms, followed by statutory laws, and then the constitution, which itself derives authority from a foundational moral norm the Grundnorm. This theory suggests that at the apex of any legal order lies a moral commitment that gives meaning and legitimacy to subordinate laws.

In the Indonesian legal context, this Grundnorm can be seen as synonymous with Pancasila, which functions as the philosophical basis and moral compass of the national legal system. As Nurcahyo et al. (2023) argue, within the Indonesian legal framework, each legal norm derives its validity from a superior norm, ultimately leading back to a foundational moral commitment. Therefore, Pancasila justice, with its focus on humanity, social justice, and human dignity, provides not only a moral foundation but also a legal imperative to combat violence and sexual exploitation of children.

Legal norms that address such issues must reflect this moral imperative meaning that protection of children is not merely a statutory obligation, but a fulfillment of deeper moral values encoded within the national ideology. Addressing child exploitation, therefore, requires not only legal enforcement but also a commitment to restoring human dignity, consistent with the transformative and restorative visions of Pancasila justice.

3.3. Law as an Instrument of Justice and Reformulation of Diversion Based on Pancasila

Law emerges as a natural response to collective social conflicts. As such, it serves as both a solution and a regulator in maintaining order and justice within society. For law to function ideally in resolving conflicts, it must embody an ideal vision though achieving a truly ideal law is admittedly difficult. Nonetheless, positive law, as the embodiment of the state's conception of justice, can act as a mechanism for resolving disputes. For the law to operate effectively, it must be supported by power, but this power must never infringe upon the rights and interests of individuals. In fact, the primary function of law is the protection of human interests.

For the law to truly protect these interests, it must be implemented and enforced consistently. Effective law enforcement requires the presence of three essential elements: legal certainty (*Rechtssicherheit*), utility or benefit (*Zweckmäßigkeit*), and justice (*Gerechtigkeit*). These elements must be considered in every legal process to ensure that the application of law is balanced and fair.

In the Indonesian legal framework, several foundational instruments guide the reformulation of diversion provisions for the future. First, Pancasila from its first to fifth principle forms a unified foundation for national legal values. Second, the 1945 Constitution of the Republic of Indonesia offers strong legal mandates. Article 28B(2) states that "Every child has the right to live, grow, and develop, and has the right to protection from violence and discrimination." Furthermore, Article 28D(1) declares that "Everyone has the right to recognition, guarantees, protection, and fair legal certainty and equal treatment before the law." These constitutional provisions underline the obligation of the state to protect children, both as victims and as those in conflict with the law (Mahendra et al., 2024).

Third, Indonesian civil society values also support the supremacy of law. One of the hallmarks of a civil society is the prioritization of law as the highest authority as defined by the Indonesian dictionary (KBBI), where legal supremacy ensures that justice is upheld without exception. Justice can only be achieved when the law is applied neutrally and universally, ensuring truth and fairness for all parties.

Based on these principles, diversion becomes a crucial legal mechanism offering second chances to children who commit criminal offenses, including acts of sexual violence. Diversion enables resolution through non-penal channels, often involving community-based resources (human resources, or HR), aiming to rehabilitate rather than punish. In line with Pancasila as the philosophical and ideological foundation of the nation, legal protection must balance rights with responsibilities imposed on the public and the government.

The reformulation of diversion proposed in this study focuses on extending the application of diversion to all children involved in conflict with the law, including those accused of sexual violence, provided that such cases meet specific criteria. Article 7(2) of the Juvenile Criminal Justice System Law (SPPA Law) stipulates that "Diversion as referred to in paragraph (1) is carried out in cases of criminal acts punishable by imprisonment of less than seven (7) years, and that are not repeat offenses." The research suggests that a more inclusive and restorative diversion policy may be required in future reforms to ensure better protection and rehabilitation for child offenders.

Based on the above explanation, diversion represents a legal mechanism aimed at providing second chances for children who have committed criminal offenses, particularly through non-penal approaches that involve community resources (human resources/HR). This mechanism aligns with the principle of legal protection in Indonesia, which is grounded in Pancasila as both a national ideology and philosophical foundation. The right to basic human protection is balanced by the responsibilities of the public and government to uphold this right.

The researcher proposes a reformulation of the diversion provision, especially concerning children involved in crimes of sexual violence, so they may still be considered for diversion efforts. Currently, Article 7, Paragraph (2) of the Juvenile Criminal Justice System Law (SPPA Law) stipulates: "Diversion as referred to in paragraph (1) is implemented in criminal cases punishable by less than seven (7) years of imprisonment, and which are not repeat offenses." To reflect non-discriminatory legal principles, this provision could be reformulated to read: "Diversion as referred to in paragraph (1) can be implemented in all criminal acts without exception." This amendment would allow all children, regardless of the severity of the offense, to be eligible for diversion provided that restorative solutions can be reached.

If a diversion agreement cannot be achieved or implemented, the formal juvenile justice process will proceed as outlined in Chapter 13 of the SPPA Law, which states: "The juvenile criminal justice process shall proceed if the diversion process fails to reach an agreement or if the agreement is not implemented." All children in conflict with the law must receive equal treatment in

both access to diversion and its implementation.

The link between criminal law policy and the reformulation of diversion regulations lies in the desire to prevent children from undergoing formal judicial processes, thus avoiding social stigma and negative labeling often associated with incarceration. However, if diversion efforts fail, the child must undergo the formal criminal process starting from police investigation, followed by prosecution, trial, and finally the execution of judgment. Nonetheless, the provision of legal protection to both child victims and perpetrators must include restitution for victims and rehabilitation for both parties, as clearly stated in Article 3(c) of the SPPA Law: "to uphold the law and rehabilitate the perpetrator."

In the researcher's fieldwork, several cases of sexual violence and exploitation involving minors were identified where individuals were legally labeled as perpetrators, yet were initially victims based on the case chronology. One such case involved "open BO" arrangements facilitated through digital platforms, where the child misrepresented their age as being legally mature. When this case was reported and processed by law enforcement, the alleged perpetrator was still charged under child protection laws (Sasono et al., 2023).

The researcher argues that such outcomes fail to reflect the principles of Pancasila justice, particularly when a victim is later criminalized. In such cases, justice would be better served through a restorative justice approach. This approach aims to restore social harmony by involving all parties victims, perpetrators, families, and the community in seeking a balanced, non-punitive resolution (Saputra et al., 2024). Unlike traditional justice systems that focus on retribution, restorative justice emphasizes accountability, healing, and reconciliation. The framework treats crime not merely as a violation of state laws but as a disruption of interpersonal and community relationships. Therefore, justice is achieved not through punishment alone, but through repairing harm and rebuilding trust among affected parties.

4. CONCLUSION

As for the conclusion in the article, This is the First Pancasila as a source of law that applies in Indonesia and makes Pancasila a source law positive Which There is in Indonesia and Pancasila are used as guidelines for making legal regulations in Indonesia, the juvenile criminal justice system is currently still believed to be a system that is capable of resolving every juvenile criminal case based on applicable law. Implementation enforcement of the law To optimize the prevention and handling of cases of sexual violence and sexual exploitation child. Arrangement diversion Which fair Pancasila in Each implementation is adjusted to the values contained in Pancasila so that Pancasila Justice can be achieved. According to researchers, the implementation of Pancasila justice diversion can solve the problem of Child Criminal Cases in Indonesia, especially in cases of Sexual Violence. Secondly, with the implementation of this diversion, it is hoped that the best interests of the child can be met the child perpetrator can be responsible for what he did and the child victim Also can get treatment Which appropriate in the process of recovery after being a victim of sexual violence, as well as avoiding feelings of revenge between second split the parties to the case. The Fifth Principle provides direction for the growth of awareness of each individual as a social being who upholds justice together with others as fellow citizens. Public. The Relation with reformulation arrangement diversion is also contained in the points of the first principle, namely developing noble deeds, which reflect the attitude and atmosphere of family and cooperation; developing a fair attitude towards others; respecting the rights of others; maintaining a balance between rights and obligations; And give help to a person other so that can stand alone. Reformulation about diversion Which researcher wants all children who come into conflict with the law with types of sexual violence crimes can be resolved through diversion legal efforts. Article 7 paragraph (2) of the SPPA Law states that "Diversion, as referred to in paragraph (1), is implemented in cases where the crime committed: is threatened with imprisonment of less than 7 (seven) years, and is not a repetition of the crime".

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