



# *The Protection of Children: An Examination Via The Pancasila Paradigm*

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**Abstract-** This research argues that Pancasila's integrity values should protect Indonesian youngsters. However, its implementation is not ideal in statehood, the legal system, or the community's social life, especially in child protection, where its practice is increasingly distancing itself from the noble values of this nation, as shown by the imbalance between criminal and victim child rights regulations. Strict legal enforcement affects children and society, leading to apathy about child safety. Law research is normative or doctrinal. Legal library and secondary data sources are used for research. Lawyers then use deduction to study documents. This study found that constitutional affirmation of child protection for everyone is an obligation and granted in the child's best interests since it is vital. However, strict rules make formal and actual execution difficult. Imagine Pancasila is universal. This should be a model for protecting children by aligning the legal system and its derivative policies with Indonesian noble ideals and justice principles.

**Keywords-** Child Protection, Paradigm, and Pancasila

## I. INTRODUCTION

The values that grow, persist, and thrive in the lives of the Indonesian people are the adhesives and bonds of the nation. Those values have become the motivation for achieving the desired goal. Please, Pancasila, combine these principles. Indonesians' ideals evolve, persevere, and thrive, forming the nation's bonds. These values drive goal achievement. Pancasila, combine these ideas. At the opening of Undang-undang Dasar Negara Republik Indonesia 1945 (UUD-NRI 1945), Pancasila was approved as the state's foundation. Pancasila comprises the nation's personality and perspective, which have been precisely and efficiently tested. Thus, no force can stop it from affecting Indonesian life. Pancasila is a nation's fitrah forever. [1]

Since Pancasila is the foundation of all legal sources, it is the ideal legal manual capable of encompassing every facet of the law. Rechtsidee is rhetoric, which is what Pancasila is. Favorable legislation is required to support the Pancasila's principles and permit positive legal testing. The development of Pancasila has been slowed not by its low values but by its inconsistent application. Many internal and external factors significantly influence the implementation and coherence of Pancasila.[2]

Pancasila assumes the role of commander and preeminent source of law within the Indonesian rule of law framework. The rule of law proposed by B. Hestu Cipto Handoyo is founded upon the sovereignty theory, which posits that the law possesses supreme authority. Alternatively, the rule of law ascribes the utmost authority to the law. Legally, the Pancasila came into existence as the foundation of the state and the source of Indonesian law upon its introduction at the UUD-NRI in 1945. Legislation, law enforcement, and initiatives to promote legal awareness are all domains in which Pancasila can serve as a fundamental guide.[3] Pancasila is a legal concept or recognition that Pancasila defines as the formation of the thought that guides the law under the open ideology, state foundation, and national philosophy he desired. The foundation of the state's philosophy is Pancasila, as the material components or their origins can be traced back to the religious and cultural practices of the Indonesian people.[4]

However, the reality is that children's lives in Indonesia are very gloomy, and this silence can be seen in mass media broadcasts, electronic media, and social media. Besides, this bitter reality can be seen directly in everyday life, like children on the street, where they have to work on the streets to make a living and even become the backbone of the family. After Act No. 23 of 2002 on the Protection of Children was enacted, the policies and efforts it followed seemed unsuccessful in protecting children and their rights. Therefore, the attempt to protect the child must return to its original purpose, where the child is the trust of the One God to be kept as high as possible with Pancasila as a measure, and there is no other way to the highest goal in the protection of the child than Pancasila becoming its paradigm.[5] Everyone also understands that Pancasila is a national heritage that needs to be guarded and treated for the country's integrity. Pancasila is not just a slogan that says, "I am Indonesia, I am Pancasila." The

Constitution enshrines in article 28 B, paragraph (2) of the 1945 UUD-NRI that "every child has the right to survival, growth, and development and to protection from violence and discrimination" and that "everyone shall give the best to the child" under the provisions of the 1959 Declaration of the Rights of the Child. As an individual who is physically and mentally immature, a child needs special protection and care, including legal protection before and after birth. The fact that Indonesia has a history of national life that has yet to produce harmony among its citizens makes it necessary for the people of Indonesia to reconsider the best way to conduct national and state life in the Pancasila corridor. This will give us an understanding that better measures and approaches are needed to protect children so that the next generation can be the focus of the progress of the country and nation in the future, especially in the era of digitalization that can have a significant impact on children's behavior and society. In this article, the author will strike at the bottom of the discussion with the formula for the problem of how to protect children in the Pancasila paradigm.[6]

## II. LITERATURE REVIEW

### A. Protection of Children

The protection of children is regulated by Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection (Law No. 35/2014) in conjunction with Law No. 1 of 2023 on the Criminal Code (KUHP). A child is someone who is not yet 18 years old, including children still in the womb. In its definition, child protection is all activities that guarantee and protect children and their rights. In addition, there is also special protection for children in emergency situations, in conflict with the law, children from minority and isolated groups, economically or sexually exploited, trafficked children, children who are victims of drug abuse, children who are victims of kidnapping, sale, trafficking, physical violence, mental violence, persons with disabilities, and victims of mistreatment and neglect.

The purpose of child protection is to enable children to live, grow, develop, and participate optimally in accordance with human dignity, and to obtain protection from violence and discrimination. Child protection requires the role of the community, government, both individually and in groups. The role of the community can be in the form of child protection institutions, social welfare institutions, community organisations, educational institutions, the media, and the business world. This can take many forms, such as educating and providing information on children's rights, providing input and formulating policies for child protection, reporting to the authorities if there are violations of children's rights, actively participating in the rehabilitation process, providing facilities and infrastructure to create a conducive atmosphere for children, providing space to participate and express opinions for children.

### B. Pancasila Paradigm

Pancasila is generally known as the foundation of the state and the source of all sources of law. Pancasila consists of Belief in One God, Fair and Civilised Humanity, Indonesian Unity, Democracy Led by Wisdom in Representative Consultation, and Social Justice for All Indonesian People. Partial understanding of Pancasila needs to be elaborated comprehensively so that it can be part of the development of the legal system. In general, there are 5 positions of Pancasila from various aspects of the life of society, nation and state. First, Pancasila as a way of life, behavioural guidelines. Second, in the aspect of the life of the nation and state, Pancasila becomes the state ideology, ideals, the main idea of realising state goals. Third, in the aspect of state life, Pancasila as the basis of the state in the Preamble of the 1945 Constitution of the Republic of Indonesia. Fourth, the position of Pancasila in the hierarchy of laws and regulations, namely as the source of all sources of law or the legal ideals of Pancasila. Fifth, Pancasila as a margin of appreciation which shows that in associating with other nations in the world, Pancasila is positioned as the nation's morals that are maintained in the relationship. So, Pancasila maintains its value while taking new values of other countries that are relevant to current conditions. [7]

When viewed from the nation's legal philosophy—Pancasila as a guideline as well as a guide in making laws and fostering laws that are relevant and consistent with Pancasila—, the law does not stand on its own textually, but also contextually in cases identified by the judiciary. Wisdom in the rule of law reflects morality in decisions that are down to earth and beneficial for people who want substantial justice. Moreover, the community as a party has the right to evaluate legal instruments, weighing everything that is part of the relevant legal instruments is appropriate or not, according to John Rawls' opinion. Therefore, the perspective of legal philosophy based on Pancasila sees that issues of integrity and morality must be a consistent element in legal instruments presented by judicial institutions and other institutions. This strengthens the ethical and religious aspects so that it can be a pattern

of consideration in making right decisions. Although truth is subjective, all elements of law enforcement must take part in respecting aspects of morality to produce wise and authoritative laws.[7]

### III. METHOD

As a subset of library research, this law research is doctrinal law research, a type of normative legal research. The statutory approach and conceptual approach are the two methodologies that can be identified. (analytical methodology. [8] Secondary data is utilized in this composition and is obtained from library resources. It consists of secondary legal materials such as scientific research findings and books and primary legal materials encompassing all laws, theories, and associated legal foundations. [9]

### IV. RESULT AND DISCUSSION

Protection, as defined by Kbbi.Web.Id is a sanctuary; processes, methods, and acts protect; and things (acts and the like) provide protection. However, as defined by Black's Law Dictionary, protection is the act of safeguarding. Per the CST, the office's legal protection encompasses a range of legal initiatives undertaken by law enforcement agencies to instill confidence in the office against diverse threats from any source. [10] Fitzgerald referenced Salmond's theory of the protection of the law, which posits that the purpose of the law is to unite diverse societal interests; particular interests can safeguard themselves through the restriction of others. Ensuring the protection of human rights and interests is in the highest interest of the law, which grants it preeminent authority over matters of conduct and protection. Rathardjo Satjipto, Safeguarding the public so that they may enjoy the rights bestowed by the law and preventing the infringement of human rights by others constitutes protection of the law. Social justice also requires law enforcement for those who are economically, socially, and politically powerless. Adaptable and customizable protections may also be implemented to prevent and predict. Therefore, legal protection represents the government's endeavor to govern and safeguard human rights in a proactive, adaptable fashion in adherence to the legislation of the highest authority.[11]

An equal entitlement to the protection of the state is held for every individual. Baby protection has been a subject of concern for numerous centuries. Nonetheless, until the nineteenth century did the persecution of minors become a significant public concern in the Western world. Suspicion measures were subsequently instituted in order to protect the children. Some historians argue that the awareness surrounding the importance of child protection may have been heightened due to the child mortality rates that occurred in Britain during the 17th century when 50–70 percent of children died before reaching the age of five. In every nation, children are protected by the social and legal systems.

This can be seen in the United States, where a child protection system was established in 1875. Throughout three distinct periods—from 1875 to 1962 and beyond—the nation faced significant obstacles to child protection. Christian principles that establish the fundamental values of human dignity and equality are heavily emphasized in sure explanations concerning the origins of child protection. Fathers exercised their social authority in the patriarchal social structure of ancient Rome, as mandated by the principle of potestas patria, to ascertain the eligibility of each infant child for adoption into the family. As a result, a considerable number of children were forcibly relocated and forced to endure either slavery or execution.[12]

Since child protection is the basis of a nation's civilization and must be carried out in the interests of the nation and the state, it must be done legally, and there must be legal guarantees to ensure that child protection will be provided in a sustainable and unimpeded manner. According to Maidin Gultom, child protection is any effort to ensure that every child has an opportunity to fulfill his or her right and duty to develop properly physically, mentally, and socially. Protecting children is carried out in various aspects of national and social life because it is proof of justice in society. Everything done to protect a child has legal consequences, whether in written or unwritten law, and the law exists as a guarantee for the protection of the child. As in Indonesia, child protection laws integrally and comprehensively position children by protecting children and their rights, such as the right to live, grow, develop, and participate optimally under their dignity as human beings, as well as being protected from violence and discrimination. So that this can answer the common question: Why should children get legal protection? Yes, because first, the child is the successor generation and the nation's future; second, the son is a group of radically weak societies; and third, the state has the authority to protect and protect every citizen without exception. [13]

The child protection regulations in Indonesia are ratified international conventions, including the Convention on the Elimination of All Forms of Discrimination against Women, ILO Convention No. 138 on the Minimum Age for Working Persons, and International Labour Organization Convention No. 182 on the Prohibition and Immediate Action to Eliminate the Worst Form of Child Labor, in addition to being highly constitutional. Indonesia ratified the Convention on the Rights of the Child (CRC) on January 26, 1990, under Presidential Decree No. 36 of 1990 of the Republic of Indonesia. As a result, Indonesia is obligated to adhere to all provisions of the CRC that pertain to safeguarding children. Moreover, numerous provisions have been amended, such as clauses 28D para. (1) and 28B para. (2), which are integral to the existence of Law No. 4 of 1979 on the Welfare of the Child and ensure that "everyone has the right to recognition, guarantee, protection, fair legal certainty, and equal treatment before the law" and "survival, growth, and development, as well as protection from violence and discrimination," respectively. Protecting children aims to safeguard children's rights to an optimal existence, growth, development, and participation under their inherent dignity and worth as human beings. Additionally, it seeks to protect children from all forms of violence and discrimination in order to ensure the production of children who are of high quality, dignity, and peace. [14]

In all spheres—including the economic, social, cultural, religious, educational, and legal—the fundamental concepts serve as the primary point of reference for Indonesia, whose fundamental ideology and concepts differ from those of other nations. Answering whether Pancasila is a matter and whether its fundamental concepts are incorporated into a solid social and political paradigm capable of describing social, national, and political life in general and political life, in particular, constitutes the most fundamental issue in this discourse. Pancasila did not originate in the mind of a philosopher; this fact must not be overlooked. Assembling his experience and comprehension of the unity of Indonesian society—a prerequisite for establishing a state—a nation-developer inductively formulated Pancasila. Primordial *causa*, or the veracity of truth, did not inspire the development of Pancasila. Pancasila, as the Indonesian people have long since recognized, constitutes the foundational standard of the state or the legitimate standard of the nation. By employing the theories of Hans Kelsen and Hans Nawiasky, Pancasila termed for the fundamental norm of the state the state rule, the formal law the formal *gesetz*, and the autonomous regulations and regulations the state rule, the state rule, the formal law, and the autonomous regulations and rules.[15]

On the level of the legal system, Pancasila, being a fundamental norm, would transform it into a legal activity predicated on the norm by becoming a postulate and a fundamental policy of the entire system of norms. It specifies the foundation and guiding principles for developing the legal system as an underlying and foundational postulation. Human activity that ensures the validity and presence of the law in a given society constitutes law enforcement. Developing, executing, implementing, investigating, uncovering, systematically examining, and instructing on the relevant legislation are all components of this endeavor. Pancasila attained supreme legal status in Indonesia in 1945 after integrating its principles into the inauguration of UUD. Subsequently, the law's establishment, implementation, revelation, and pedagogy all revolve around the fundamental tenets of Pancasila, which serve as the framework upon which the law itself is built. [16]

Once considered the unifying force and defining characteristic of the Indonesian nation, the Pancasila crystallizes as its central concept the noble values of social solidarity, family membership, social hospitality, compassion, affection, and patriotism. Public opinion regarding Pancasila may be altered, and a sense of unity may be eroded due to the emergence of new ideologies, such as increasing fundamentalism and globalization. Indonesian society must maintain this paradigm of national existence under these conditions. Reestablishing child protection as a fundamental principle of the Pancasila framework, therefore, requires effort.[17] The idealized notion of Pancasila has been undermined by various factors contributing to societal progress, most notably the adverse consequences of rapid development, contemporary globalization in communication and information, scientific and technological advancements, and alterations in the fashion and lifestyle of most urban societies. These transformations have significantly impacted children's values and conduct, constituting a fundamental social impact. Furthermore, the child's soul generally remains feeble, incapable of differentiating between right and wrong, as well as unlawful and permissible conduct. Laws that exist within societies that are not codified in the laws are disregarded by strictly favorable laws such as KUHP. Consequently, KUHP must be revised sociologically and frequently adhere to the prevalent values of society.[18]

Muzakkir argued in his scholarly progression that legislation that lacks the intention of achieving justice is frequently employed by the ruling class to advance their interests. Hence, the pursuit of optimal child protection, as envisioned by Pancasila, will be fraught with challenges posed not only by the child's surroundings but also by enforcing laws and regulations designed to ensure such protection. In essence, safeguarding children does not

deviate significantly from the legal framework that adheres to the principles enshrined in Pancasila and is motivated by the child's utmost welfare. By incorporating the following fundamental principles into its framework, the Child Protection Act, which originates from the Pancasila, the foundation of all legal systems, can alter our perspective on child protection:

A doctrine, principle, fundamental rule, or law comprises the essential non-discrimination dictionary. A fundamental regulation, a statute, or a doctrine constitutes its unfettered translation. M.P. Luhut. The doctrine or truth that constitutes essential rebellion. The foundation possesses a degree of comprehension, which is the truth determined by thought (Mohammad et al.). A path or a premise is an additional definition; a basis is an evidence substantiating a claim.[19] Regarding the degree of equality without distinction, non-discrimination entails regard for all parties, irrespective of their social standing, affiliation, ideology, religion, race, ethnicity, tribe, color, or other distinguishing characteristic. On the principle of abstaining from discriminatory practices, the International Dictionary of Non-Discrimination represents a non-discriminatory endeavor. Non-discrimination is intricately connected to the principle of equality, which posits that every individual is inherently free and correct to equal treatment. [20] In contrast, individuals in dissimilar circumstances ought to be treated differently. Discriminatory treatment is forbidden to safeguard, honor, and even actualize an individual's rights, as stated in the principle of equality, which is an essential component. Affirmative action is the only form of discriminatory treatment that would be permissible if all individuals were regarded as equal.

Furthermore, the principle of non-discrimination is unequivocally established in Article 2 of the Universal Declaration of Human Rights: "Without exception concerning national origin or nationality, property rights, birth, or other status, all individuals are entitled to the freedoms and rights enumerated in this Declaration." Thus, marginalized groups such as minority groups and others are eliminated. Theoretically, the responsibility to safeguard politically and legally vulnerable minorities, groups, or individuals falls upon the state. Vulnerable groups or individuals are those whose products are rarely subjected to regulation due to national policies or legislation. Furthermore, the affirmative legal policy that safeguards their vulnerabilities must be provided.[21]

Nevertheless, in comparison to other privileged categories of children and accordance with international human rights standards, the child must be provided with numerous safeguards. As a vulnerable individual with expertise in the child's field, safeguarding the child is a collective obligation. Although Article 5, paragraph 3 of Act No. 39/1999 on Human Rights similarly affirms that "everyone belonging to a vulnerable group of society is entitled to treatment and protection under his or her specialty," the term "sensitive groups of society" encompasses older individuals, children, the poor, pregnant women, and individuals with disabilities, as defined in the provision above. As previously stated, every child is inherently susceptible to discrimination, whether in a specific environment, society, or juvenile law enforcement. [22]

Particularly in the realm of education, where children with exceptional abilities are distinguished from those with average abilities, it is not unusual for children to be subjected to discrimination based on their vulnerability as a collective. Alternately, in the context of law enforcement involving minors who conflict with the law. The establishment of law enforcement institutions, the substance of the law (rules and norms of both the living law and the rule of law), and the legal culture comprise Lawrence Meir Friedman's theory of law enforcement. (individual convictions, values, ideas, and aspirations). These three conditions must be met for the law to function satisfactorily within society. [23]

Thus, in order to advance the nation's religious, cultural, and traditional values, the enforcement of the law against minors must adhere to a comprehensive paradigm that is guided by the fundamental tenets and philosophies of Pancasila. Therefore, under the Pancasila paradigm, the tendency to enforce the law to safeguard children must promote justice, equality, and family, irrespective of social standing or distinctions. Since intolerance and nondiscrimination are not ingrained in Indonesian culture, this nation and country continue to be distinguished by their qualities despite being a complex and highly diverse society. Specific perspectives frequently inflict harm upon minority groups and are susceptible to opposition from a discriminatory majority viewpoint and the supposition that discrimination and intolerance are inherent to Eastern cultures; if Indonesia were to maintain its current state, it would imply that Indonesia, being an Eastern nation, embodies such characteristics. Disciplinary attitudes and intolerance, if present, are merely the conduct of an individual and not indicative of Indonesian society's cultural orientation. As indicated previously, actions and treatment directed at children should no longer constitute authentic discrimination that contradicts the principles outlined in Pancasila, particularly solidarity, family, humanity, and justice.

As previously stated, children are a susceptible demographic that potential individuals may choose to exploit. In order to ensure that any action or treatment provided to the child is under the child's requirements, it is possible to define the child's best interests as granting all requests and dictatencies based on necessity. In all actions on children, whether undertaken by public or private social welfare institutions, tribunals, government authorities, or legislative bodies, the child's best interests shall predominate, as stated in Article 3 of the Convention on the Rights of the Child. Moreover, regarding the interpretation of "the best interests of the child," as defined in Article 2 of Act No. 11 of 2012 on the Child Criminal Justice System, it is imperative that all decision-making processes consistently prioritize the child's survival and development.

In the case of children facing the law, for their survival, growth, and development not to be interrupted, special protection is required for children in conflict with the law. With the adoption based on the child's best interests, the penalty is the *ultimum remedium*, so that before a child is asked for responsibility for his actions, there is an effort leading to protection so that whatever action is taken does not give a negative stigma to the child. However, everything is not oriented towards responsibility or merely retribution but recovery. Criminal law serves to protect the interests of the law against acts of rape. Criminal sanctions contain painful suffering; therefore, criminal law must be handled carefully. Criminal law is the ultimate remedy, not the primary remedy (*premium remedium*). [24]

When constructing the Indonesian legal system, restorative justice emerges as a particularly pertinent concept to integrate. This agreement resembles the implementation of criminal mediation, which has been observed in diverse real-world contexts. Criminal mediation finds its philosophical foundation in Pancasila, the fundamental philosophy of the state. This is apparent from the humanistic nature of criminal mediation itself. If a person's rights are violated during criminal mediation, the offender and the victim may be able to settle by mutual agreement. This notion employs the restorative justice method to resolve disputes outside of the judicial system. Diverse perspectives have shifted from criminal mediation to restorative justice. When considering the dignity of Pancasila, it is more probable that the custody of a child would reflect the child's best interests, be it through restorative justice or the resolution of their affairs under the law, or any interference such as the provision of Article 1, paragraph 6 "the resolution of a criminal case involving the perpetrator, the victim, the family of the offender or victim, and other related parties to jointly seek a just settlement." Restorative justice embodies the dignity-based values that precede humanity, family, and substantive considerations. [23]

Based on the provided explanation, it is evident that when a child possesses a treatment specialty, significant caution should be exercised when performing acts of treatment on the child. All of these initiatives are grounded in the Pancasila principles of fundamental justice, which aim to prevent the emergence of negative stigmas against children, particularly those involved in criminal activities, so as not to taint what remains for future generations and to ensure that under Article 28 B paragraph (2) UUD-NRI 1945, "each child is entitled to protection from violence and discrimination and to survival, growth, and development."

Human rights include the right to life, the most fundamental right of all individuals. The greatest gift from the Creator to each individual is this privilege. "Everyone has the right to life, freedom, and security as an individual," according to Article 3 of the Universal Declaration of Human Rights. Nevertheless, in this regard, infants are not an exception. Article 25 states, "Each person is entitled to a standard of living adequate to all needs of health and well-being of himself and his family, including other rights for the purpose of guaranteeing his survival." The Convention on the Rights of the Child, specifically Article 6, paragraph 1, mandates that "every state must acknowledge the child's inherent right to life" and "the duty to guarantee the child's optimal survival and development." The assertion that "everyone has the right to life, to maintain life, and to improve the standard of life" (Article 9, para. 1) is further reinforced by Act No. 39 of 1999. Paragraph (1) of Article 9 provides an explication indicating that the right to life is intrinsic, extending to both the unborn and the deceased. Pregnant and postnatally, children who are immature and mature for physical and mental reasons require special protection and care, including legal protection. [20]

Children have a fundamental right to life, survival, and development, which necessitates special care and assistance without regard to social standing. The execution of human rights, under this viewpoint, must adhere to the principles delineated in the philosophical tenets of Pancasila. As per the perspective of the Indonesian people, as reflected in the Pancasila, the exercise of human rights does not merely entail voluntary compliance; rather, it necessitates adherence to its tenets. The right to life, survival, and development, as perceived by Pancasila, is not absolute but relatively constrained by societal norms, religious values, and the rights of others. Consequently, the realization of this right is contingent upon the establishment and maintenance of those values. [22]

Speaking and expressing opinions is the right of every person to communicate, inform, and express things according to their will and views. The explanation of Article 2 of Act 23 of 2002 on the protection of children

affirms that what is meant by the basis of respect for the opinion of the child is respect for children's rights to participate and express their opinions in decision-making, especially if it concerns matters that affect their lives.[25] If compared to the liberal society of freedom of opinion and respect for children, then this depends on the assessment of the benefits felt. I have stayed true to individualism and rights in the liberal tradition I referenced. As an alternative, it assumes that expression matters since it profoundly impacts our attitudes, beliefs, and behavior. Since free speech can sometimes thwart significant interests, a good theory should acknowledge that the repercussions of communication are not always positive. According to Etzioni's communitarian viewpoint, we should legitimately be concerned about the likelihood that speech might harm children. This does not mean that liberalism is antagonistic. When weighing the advantages and disadvantages of children's freedom of expression, a liberal theory of expression offers a rich typology of the variety of children's interests that deserve to be taken into account. In addition to reminding us of the significance of honoring children's developing moral personalities, liberal philosophy can help us determine the proper parameters of various child-adult separation tactics. [22]

The need for freedom of expression is universal, except for infants. It is akin to the soul's indispensability in human existence and should be ingrained in every individual, albeit later under their nature. Fundamental tenets of mental health stipulate that all individuals should be at liberty to communicate their emotions and engage in activities that, in turn, inspire them. Preserving a child's mental development does not require or infringe upon reasonable boundaries of freedom. Training children to express emotions adequately is all that educators, nurses, and parents require. The principles of democracy, as Masyukuri Abdillah outlines, are pluralism, freedom, and equality. Freedom of expression and the need to be respected are intrinsic to democracy. The term "freedom" originates terminologically from the noun "free," which denotes a condition of autonomy or liberty. In contrast, a judgment, assumption, or thought precedes a thought. (peristiwa seperti orangya). [23]

Each individual has the right to freely and responsibly communicate his or her thoughts through various means, including but not limited to oral and written communication, under the applicable laws and regulations. Since birth, every individual has possessed the universally recognized and essential right to freedom of opinion. Because it refers to the fourth principle of Pancasila, which mandates a decision and is safeguarded by the constitution, the freedom to express one's views and receive recognition from others is a constitutionally protected right under the Pancasila framework. Article 28E, Paragraph 3 of the 1945 UUD-NRI statutorily guarantees the freedom of opinion, stipulating that "all individuals are entitled to the liberty to congregate, petition, and articulate their viewpoints." Fundamentally, the state will permit the expression of freedom of opinion in any form, even if it is rendered unjustly disobedient in one respect, so long as it maintains the virtuous principles of Pancasila's Divinity, safeguards the tranquility of others' beliefs, pursues justice and social cohesion, and contributes to the happiness of society. When confronted with the law, the child's freedom of opinion is vital. When articulating the viewpoint expressed by the victim during testimonies in the trial, a child's opinion regarding the victim of a crime is assessed. The determination of guilt and potential criminal punishment is contingent upon the burden of proof, which is one of the trial's phases.[26]

## V. CONCLUSION

From the above research, protecting children is a fundamental matter. Children, as a generation and the most essential part of the life journey of a society, should already receive maximum protection. Maximum protection is not just based on whether it is internationally called the Convention on the Rights of the Child or other forms of agreements in the form of very rigid laws that have limitations in following the development and social changes of societies. Protecting children with the best legal paradigm is clearly needed so that children can get their rights. Pancasila as a paradigm will likely be pursued because Pancasila is a crystallization of the noble values of this very compact Indonesian society. Making Pancasila a paradigm of child protection will position the child as an individual, a member of society, and an ideal citizen. A great hope explains the logic when the child is given excellent and maximum protection.

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