



# *Tackling Child Sexual Abuse and Exploitation Through the Enforcement of Justice-Based Laws*

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**Abstract**—From a justice standpoint, the objective of this study is to explain the philosophical justifications utilized by law enforcement to combat child sexual exploitation. This investigation qualifies as normative legal research. The research findings suggest that the practical consideration or rationale behind the implementation of measures to prevent child sexual exploitation and violence is philosophical. This demonstrates how the Indonesian nation's legal ideals, consciousness, and spiritual climate, as exemplified in Pancasila and the Preamble to the 1945 Constitution, were incorporated into the formulation of regulations. The philosophical foundation functions as the fundamental support or basis of an organization firmly rooted in intellectual principles; it comprises a conviction regarding the optimal trajectory of behavior and the ultimate aim of persons. It is incorporated into one's existence as a guiding principle or standard. It is embodied within the conceptual framework of a group or an individual who personifies the fundamental idea of an ideal existence. Integrating the principles delineated in the five precepts of Pancasila is imperative for the administration of criminal law in Indonesia, encompassing national criminal law as well. Regarding equitable law enforcement and Pancasila, the author aligns with Sudjito's claim that the legal state of Indonesia is composed of three elements: state objectives, federal legislation, and Pancasila. Hence, in the domains of philosophical hermeneutics and legal science, the concept of law enforcement grounded in "God Almighty" and "justice" must further reference the tenets enshrined in Pancasila.

**Keywords**—Child Sexual Abuse; Philosophical; Law Enforcement.

## I. INTRODUCTION

Every neonate has inherent human rights that require safeguarding, assurance, and realization by various governmental entities, including parents, families, communities, states, and local governments.[1] This is the situation stated in Article 1, point 12 of Law No. 35 of 2014, which amends Law No. 23 of 2002 concerning child protection. Notwithstanding the all-encompassing character of child protection legislation, a considerable proportion of children continue to endure infringements upon their fundamental rights. A variety of ill-treatment, including inhumane acts, exploitation, violence, and maltreatment, befalls these children. They cannot safeguard themselves or defend themselves adequately against their families, communities, and governments.[2]

Indonesia has implemented legislation and regulations on child protection, as delineated in Law No. 23 of 2002 on Child Protection. This legislation has since been amended twice, with the most recent amendments occurring in 2016 and 2014. As per the provisions delineated in Article 1, paragraph 1 of Child Protection Law Number 23 of 2002, "child" is defined as any person not yet eighteen, including those in gestation.[3] Sexual violence against children is defined in Article 4, paragraph 2, letter C, as sexual intercourse with children, indecent acts committed against children, or sexual exploitation of children. Furthermore, pornography that explicitly depicts sexual violence and exploitation or that involves minors is deemed to violate this legislation (Article 4, paragraph 2, letter e).[4]

The following are several instances of juvenile sexual exploitation and abuse that occurred in 2016, *first*, the preliminary judgment of castration was handed down in Indonesia against Muh Aris, age 20, a resident of Mengelo Hamlet, Sooko Village, Mojokerto Regency. The welder was found guilty in the Mojokerto district of raping nine females who were all below the age of 18. The Mojokerto District Court issued the ruling on May 2, 2019. A 12-year prison sentence and a Rp 100 million fine were imposed on Aris instead of the 6-year prison term that had been served. The judge subsequently administered an additional chemical castration to Aris. Aris also filed an appeal. However, on July 18, 2019, the Surabaya High Court (PT) affirmed the Mojokerto District Court's decision. Despite this, Aris received an additional sentence of chemical castration. Since 2015, Aris has been involved in a series of attacks wherein he strategically locates a female target to assault upon his return from work. The incident transpired in a serene setting. One of the movements that occurred on Thursday, October 25, 2018, was captured by CCTV. On October 26, 2018, Aris committed his last act in the Prajurit Kulon neighborhood of Mojokerto City. The police then caught Aris. *Second*, Rahmat Santoso Slamet raped 15 (fifteen) schoolgirls. Scoutmaster Rahmat Santoso Slamet, age 30, was found guilty in Surabaya of chemical castration in connection with the rape of fifteen of his students. On Monday, November 18, 2019, the Surabaya District Court read the verdict aloud. In July of 2019, East Java Police apprehended Rahmat Santoso. In Surabaya, he presided over the Scouts. Male students were subjected to assault at his residence while participating in Scout training. To construct an elite Scout team, the assailant enticed the victims to assist in the reinforcement of Scout materials at his location. According to police reports, fifteen juveniles have been alleged to be the victims as of this moment. Youth in the neighborhood are frequently the objective of Slamet and Scouts. Sinceregeny has served as a Boy Scout coach for the previous four years. One public and private elementary school and five junior high schools in Surabaya are under his Scout leadership. *Third*, Dian Ansori rapes rape victim. Dian Ansori, a former employee of the Integrated Service Centre for the Empowerment of Women and Children (P2TP2A) in East Lampung, was subjected to chemical castration. He subjected a 13-year-old girl who had been raped and was a resident of the institution he supervised to additional forms of abuse, not limited to rape. Moreover, numerous male mashers were purchased from him. In April–June 2020, the victim enrolled in a mentoring program administered by the UPT, which marked the initiation of the case. The victim was initially committed to P2TP2A to aid in their mental and psychological recovery. A Child Protection Officer who molests a rape victim has also received a castration sentence. As advised by Dian Ansori, the victim has been safeguarded in a safe home since the end of 2019. Nevertheless, instead of being adequately protected, the victim was assaulted by Dian Ansori. Dian's chemical castration sentence was read aloud on Tuesday, February 9, 2021, during a hearing. In conjunction with the chemical castration penalty, Dian was further sentenced to twenty years in a correctional facility and mandated to restitution of the victim's Rp 7.7 million.

The issue of juvenile sexual exploitation and maltreatment is a pressing concern in the present day. At present, while legislation and regulations have been established to oversee different forms of sexual violence, their effectiveness in comprehensively confronting the pervasive occurrences and consequences of child sexual violence and exploitation in society has been constrained.[5] The aspects of investigation, prosecution, and court proceedings are considered to have violated the rights of the victims in cases involving sexual violence. In addition, it remains necessary to implement prevention initiatives and foster community engagement to create an environment free from sexual violence. To establish legal certainty and meet the legal obligations of the community, the government implemented Law No. 12 of 2022 concerning the offense of sexual violence. This legislation functions as a formal and substantive legal framework.

As an illustration, Satjipto Rahardjo contends that law enforcement functions as a normative construct, wherein individuals are solely obligated to execute the provisions delineated in the relevant legislation and regulations.[6] The viewpoint of Bernard L. Tanya and Theodorus holds that "the substance of the law is the starting point of the law enforcement process (guidance for law enforcement officials in carrying out the task of applying the law), so the quality of the rule of law to a certain degree will determine the enforcement process in law enforcement." [7] Furthermore, it is contended that this could occur due to a deficient legislative process or the formulation of laws and regulations; moreover, it is stated that an immediate emotional response often overshadows the broader relevance and significance of establishing the rule of law.

Legislation comprising the rules of law governing the prevention of child sexual exploitation and violence does not present problems such as ambiguity, multiple interpretations, or a lack of community justice, according to the perspectives above. A series of protocols within law enforcement, encompassing criminal law enforcement, are designed to convert abstract legal values, ideas, and concepts into tangible legal goals. The purpose of the law embodies its moral dimension by encompassing legal ideals such as truth and legal justice.

## II. LITERATURE REVIEW

The Indonesian Child Protection Commission (KPAI) has furnished data indicating that the total number of occurrences of violence against children in Indonesia accumulated between 2016 and 2022. The KPAI documented 522 cases, of which 5450 were complaints. Complaints constituted the remaining 5451. In 2021, the organization recorded 858 child victims of sexual crimes, 147 child victims of economic and sexual exploitation, and 345 child victims of pornography and cybercrime.[8]

Regarding violence and sexual exploitation involving children, the principal responsibility of the government is to enact comprehensive legislation that safeguards and implements the rights of child victims. The legislation about the Child Criminal Justice System incorporates a community-centric framework for law enforcement. This strategy entails community involvement in resolving cases involving juveniles who contravenes the law. More specifically, it implements an alternative judicial system-based diversionary procedure. This procedure involves discussions among the communities, offenders, victims, families of all parties involved, and other pertinent stakeholders. The overarching objective of this methodology is to attain restorative justice.

According to Aristotle, the laws that ought to be followed in the quest for justice fall into two discrete categories: positive Law and natural Law. Natural Law is widely acknowledged as a permanent and universally applicable legal framework by its intrinsic connection to the fundamental principles that regulate the natural world. The Law demonstrates a steadfast and perpetual quality, persisting in force indefinitely, and functions independently. Positive Law denotes a classification of legal standards consisting primarily of state statutes sanctioned by an authoritative body before implementation. Furthermore, apart from its more comprehensive definition as a virtue encompassing compliance with natural and positive laws, justice can also be regarded as an independent moral virtue regulating amicable interpersonal connections among people. This specific conception of justice asserts that it is situated halfway between two extremes, emphasizing the necessity for equilibrium. Equilibrium evaluation necessitates the application of the concept of equality, which can be quantified using geometric or arithmetic methods.[9]

Aristotle's conception of justice diverged from political philosophy during the turbulent political upheavals that characterized ancient Greece. Aristotle classifies justice into numerous categories according to various facets of human existence. To begin with, justice is concerned with forming amicable connections among individuals. It entails achieving a harmonious equilibrium between individual interests and regard for the welfare of others, as opposed to placing one's interests above all else. Furthermore, justice can be categorized into two overarching classifications. The relationship between society and its members is governed by distributive justice, which requires the government to grant individuals their rightful entitlements. Conversely, commutative justice governs social interactions by mandating that everyone conforms to natural laws and agreements. Private property and the associated personal interests are the subject matter. Regarding public order, justice comprises two primary components. To begin with, legal justice entails a twofold duty: it mandates that citizens adhere to the regulations set forth by the state and requires the government to implement legislation that advances the welfare of the populace. Furthermore, social justice ensures fairness and equity in the interactions between employers and employees.[10]

### III. METHOD

A research methodology referred to as juridically normative research is utilized by the author. The scholarly field of normative juridical research is dedicated to the scrutiny of legal materials via the methodologies of reading, researching, and analyzing. The information obtained via the literature review methodology is obtained through a qualitative examination of legal documents. Using descriptive analytics, the author then analyzes data according to systematic principles in order to provide an overview of the issues addressed in this work.

### IV. RESULT AND DISCUSSION

All individuals have the entitlement to safeguards against discriminatory treatment, regardless of the basis, as stated in the principle referenced in (2). As modern society and civilization develop, traditional communities' rights and cultural identity are concurrently acknowledged and safeguarded. The responsibility for the protection, promotion, execution, and attainment of human rights lies with the state, with an emphasis on the role of the government. As an expression of the ideals of a democratic state ruled by the rule of law, the performance of human rights is governed, established, and ensured through legal mechanisms.

By the constitutional provisions, it is incumbent upon the state to establish a robust framework that guarantees the honorable fulfillment of children's rights. The completion of the fundamental rights to life, development, and protection against prejudice and violence in all their forms, actions, and behaviors about juvenile sexual exploitation and abuse. The endeavors of law enforcement to combat child sexual exploitation and violence may be perceived as a mechanism for preserving the constitutional rights and human rights of children within the confines of the law. It is imperative that the thorough execution of regulations about children's legislation, specifically those that aim to afford legal safeguards for children who have been subjected to child sexual abuse and exploitation, be pursued concurrently with the realization of children's rights as victims of criminal offenses.

The stance adopted by law enforcement agencies in dealing with matters about child sexual exploitation and violence has not consistently been consistent with the foundational tenets of justice. The juvenile criminal justice system must adopt a holistic perspective beyond the ordinary adjudication of criminal offenses. The underlying factors that contribute to minors becoming victims of crime must be thoroughly examined. Concerning violence and sexual exploitation, in addition to promoting justice, prevention, law enforcement,

victim rights, and recovery, the community's involvement is crucial. Additionally, community participation is essential for fostering an environment conducive to dignified justice after a criminal offense.[11]

By constitutional mandates, it is the state's responsibility to ensure that children, whether the perpetrators or victims of criminal acts are protected so that they can fully exercise their rights and retain their inherent human dignity. To cultivate a climate of reciprocal regard and preserve the dignity of every citizen, the government must institute a comprehensive structure for social existence.[12] The form should foster an environment that places a high value on justice when it comes to dealing with cases involving minors who have participated in illegal activities. The matter regarding children engaged in criminal behavior transcends individual and familial concerns. It represents a multifaceted dilemma profoundly rooted in economic, social, cultural, and political values. Therefore, prioritizing efforts to improve the community to establish a just system that respects human dignity is essential.[13]

In the discourse surrounding Plato's viewpoint on justice, it is postulated that an awareness of justice within a given society can be obtained by examining the human spirit and studying virtuous laws. The human soul is composed of three discrete elements: the intellect, which pertains to cognitive processes (logon); the emotions and desires, which incorporate both physical and psychological aspects (epithumetikon); and the moral discernment, which is concerned with discerning good from evil (Thucydides).[14] The soul demonstrates an optimal configuration and structure determined by the harmonious integration of its three fundamental constituents. This phenomenon arises when individuals exercise emotional and passionate control, placing reason above passion and adhering to a moral compass that differentiates between good and evil. It is possible to comprehend justice, or didanosine, as existing within the symbiotic equilibrium of the three constituents of the soul, each by its inherent characteristics.[15]

As per Aristotle, this concept functions as the preliminary underpinning for establishing justice, stimulating the subsequent development of the notion of justice.[16] Although Plato is acknowledged for originating the concept of justice, Aristotle provides a more concise and all-encompassing analysis. The Western world continues to employ Aristotle's idea because of its enduring significance as a fundamental framework governing the existence and governance of nations and states in Western culture. As a result, concepts regarding the real nature of justice have evolved throughout history, starting from the Greek Era and continuing through the Postmodern Era.[17]

From a hermeneutic standpoint, historical and cultural influences on comprehending justice are significant. The perception of fairness is influenced not only by the subjective viewpoint of the individual conceiving it but also by the problem at hand, linguistics, and the approaches utilized to understand it. This facilitates the development of deeper understandings by incorporating dialectics and conjecture, which expand meaning beyond the initial concept's limitations imposed by particular words. The procedure above is dependent on the contextual elements of space and time.[18]

A concept compatible with both viewpoints provides an exact definition of justice that applies to law enforcement in Indonesia. The philosophical inquiry into justice by Indonesian law is conducted via the lens of hermeneutic philosophy. [19] The present discourse concerns a contemporary philosophical framework known as hermeneutic philosophy, rooted in the art of interpretation. The philosophical approach in question possesses considerable importance when scrutinizing the notion of justice as a resolution within the framework of law enforcement in Indonesia. Hermeneutics is, therefore, intrinsically linked to two fields of study: the identification of instructions embedded within symbolic forms and the determination of the meaning and content of words, sentences, texts, and similar entities. [20]

A unity of reference points, occasionally called "spirit," bestows significance on entities, according to the circular foundation of hermeneutics. Within the framework of legal justice, hermeneutics plays a significant role, as delineated by Ast, encompassing three modes of comprehension: analyzing the subject matter, evaluating the language utilized within legal justice, and interpreting the fundamental principles and values that govern legal justice. The latter necessitates comprehension of the dominant societal attitudes and the combined viewpoint of policymakers and enforcers as they influence and illuminate each other.[21] Hermeneutic philosophy is an approach to philosophy that investigates the nature of meaning by employing interpretive techniques on texts or words to reveal latent strata of significance. Examining the notion of justice in the Indonesian context through the lens of hermeneutic philosophy will unquestionably reveal linguistic and contextual insights.[22]

In law enforcement, the philosophical notion put forth by Francis Lieber is often referenced in the hermeneutics domain. Lieber elucidates hermeneutics as an academic discipline that encompasses the scrutiny of norms and principles that regulate the process of comprehension and construction across numerous academic fields. [23] As per the individual's perspective, an etymological differentiation exists between hermeneutics, which refers to the act of performing, and exegesis, which concerns the preface to explanation. A parallel between hermeneutics and exposition and the distinction between theory and practice can be drawn. This analogy is derived from the fact that interpretation, a multifaceted field of study, encompasses a range of

domains where individuals conscientiously contemplate the meaning of words and ensure that their conduct corresponds with their authentic essence and substance. [24]

In legal research, the notion of justice is perpetually juxtaposed with the concept of law, which experiences ongoing changes across various historical periods and geographic areas. Scientific investigations such as Rationalism, Empiricism, the Aufklärung period, German Idealism, Positivism, Materialism, Existentialism, and Pragmatism comprise the modern era. "Justice" is an adjective that signifies the absence of bias, equity, and preferential treatment. This is an intrinsic quality of the human condition. A fundamental concept, justice denotes the impartial and fair treatment of all individuals and includes the principles of impartiality and fairness in administering justice.[25]

Examining the historical relationship between justice and law reveals that legal thought that emerged in mainland Europe initially developed into an idealized framework manifested in the form of laws. However, this framework needed to materialize and ultimately remained unattainable. The concept of law is denoted by two names under the duality: *iustitia*, which means "justice," and *ius/Recht*, derived from the Latin verb *regere*, which means "to lead." In this context, the term "law" pertains to fair and impartial regulations that regulate communal existence and are desired by individuals. It incorporates the notions of law, lex, and damp. The regulations that impose obligations are believed to serve as a mechanism to attain these equitable regulations.[26]

As articulated in the Third Precept of Pancasila, the principle of social equity forms the bedrock of justice in Indonesia. The explicit statement of this notion in the Preamble of the Constitution of 1945 further emphasizes its significance. The organization above operates within the governmental structure of the Republic of Indonesia, which derives its authority from the people. Believing in a singular deity and the principles of justice, civilization, unity, and democracy form its foundation. In its deliberations and representations, this organization is governed by the application of wisdom, with the ultimate objective of securing social justice for every citizen of Indonesia. Furthermore, it is claimed that the Indonesian government actively implements a worldwide framework established on self-governance, lasting peace, and social justice.[27]

An additional critical element to contemplate is the existence of a separation of powers, which is expected to grant law enforcement personnel the requisite independence to guarantee the dispensation of justice. The ideal approach to resolving disputes or problems would incorporate philosophical, humanistic, and religious principles. Particularly in its First and Second Precepts, the ideals reflected in Pancasila represent the State of Indonesia. It is the responsibility of law enforcement officials—police officers, prosecutors, and judges—to maintain justice within their respective establishments. These officials must conform to the tenets of Pancasila and seek inspiration from its enshrined ideals.

The author agrees with Sudjito's claim that three fundamental components comprise the Indonesian rule of law: Pancasila, national law, and state objectives. The three components constitute a unified whole. Pancasila functions as the foundational structure upon which federal legislation is built—the process of developing national legislation tasks to achieve the goals established by the state. For federal law to be considered significant, it must enable the Indonesian populace to obtain a prosperous and contented existence by divine satisfaction. It is critical that the concept of law enforcement, founded on the principles of "Justice" and "God Almighty," incorporates the ideals encapsulated in Pancasila within the domains of philosophical hermeneutics and legal science.[28]

## V. CONCLUSION

The logical justification for employing equitable and impartial strategies to address the issues of child sexual exploitation and violence. A philosophical foundation comprises a cause or rationale that showcases the integration of viewpoints regarding existence, awareness, and legal principles; it includes the ethereal ambiance and philosophical underpinnings of the Indonesian nation, which are sourced from Pancasila and the Preamble to the 1945 Constitution. The philosophical foundation serves as the fundamental support upon which an intellectual concept or system is built. It comprises convictions concerning ethical behavior and overarching goals that individuals strive to achieve, serving as a foundational principle or standard within one's perspective. It is the fundamental principle of an idealized life for individuals or groups. It is crucial to integrate the principles of Pancasila into the body of national criminal law in Indonesia. These values must become profoundly embedded in every facet of the legal system, including criminal law, which must be by the tenets delineated in the five precepts of Pancasila. The author agrees with Sudjito's claim that, in the context of equitable law enforcement, the Indonesian legal state comprises three fundamental elements: Pancasila, national law, and state objectives. It is crucial that the concept of law enforcement, which is founded upon the principles of "Justice" and "God Almighty," incorporates the ideals encapsulated in Pancasila within the domains of philosophical hermeneutics and legal science.

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