

Juridical Analysis of the Criminal Act of Sexual Violence of Children from the Perspective of Criminal Law in Indonesia

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Abstract

This study focuses on analyzing the enforcement of criminal law in cases of sexual intercourse with children in Indonesia, with particular attention to the balance between legal certainty and victim-oriented justice. The research aims to examine the extent to which criminal justice practices have accommodated the interests of child victims, to identify the limitations of a retributive approach, and to propose an alternative conceptual framework based on the theory of Dignified Justice. This research employs a normative legal research method using statutory, conceptual, and theoretical approaches, complemented by secondary empirical analysis of Decision of the Kuningan District Court Number 5/PID.SUS/2024/PN.KNG. Data were collected through a literature review of primary, secondary, and tertiary legal materials, including legislation, court decisions, reputable international journals, and relevant academic literature. Data validity was ensured through source triangulation and theoretical triangulation to maintain consistency, reliability, and analytical accuracy. The findings indicate that sentencing in this case reflects normative firmness and proportionality in accordance with positive law. However, the criminal justice process remains dominated by an offender-oriented approach and has not explicitly incorporated victim recovery mechanisms, such as restitution and psychological rehabilitation. As a result, the justice delivered tends to be merely symbolic from the victim's perspective. This study also identifies that sexual crimes against children are influenced by a combination of internal offender-related factors and structural external factors. From the perspective of Dignified Justice, this research emphasizes the urgency of reformulating child criminal law to integrate offender punishment, victim recovery, and structural prevention as unified objectives of criminal justice.

Keywords: *Child Protection, Child Victims of Sexual Violence, Victim Recovery, Dignified Justice, Criminal Justice System*

INTRODUCTION

Sexual violence against children constitutes a structural and complex legal and humanitarian problem with profound multidimensional consequences. Beyond violating the physical integrity of child victims, such crimes inflict long-term psychological trauma, social

exclusion, and the erosion of human dignity. From a human rights perspective, sexual violence against children is classified as a serious violent crime that demands a firm, comprehensive, and sustainable state response, particularly given children's position within unequal power relations and their limited capacity for self-protection (Miller & Manzer, 2021; Tonry, 2022). Indonesian feminist legal scholarship has similarly emphasized that sexual violence against children cannot be separated from structural vulnerabilities and asymmetrical power relations that systematically disadvantage children as rights holders (Sari & Hidayat, 2020).

Normatively, Indonesia has responded to this challenge by strengthening its criminal law framework, particularly through Law Number 17 of 2016 on Child Protection, which enhances criminal sanctions for sexual offenses against children as an affirmation of the principle of the best interests of the child. This legislative development reflects the state's commitment to aligning domestic law with international child protection standards. Nevertheless, normative progress has not consistently been followed by judicial practices that ensure substantive justice and meaningful recovery for child victims.

Indonesia's child protection regime is principally anchored in Law Number 23 of 2002 on Child Protection, as amended by Law Number 35 of 2014 and further reinforced by Law Number 17 of 2016. Article 4 of the Child Protection Law explicitly guarantees every child's right to live, grow, develop, and participate in accordance with human dignity, as well as the right to protection from violence and discrimination. This provision embodies the principle of the best interests of the child as articulated in Article 3(1) of the Convention on the Rights of the Child (CRC), which Indonesia has ratified. Complementing this constitutional and statutory framework, Indonesian legal discourse underscores that child protection norms must be interpreted not merely as punitive mandates but as obligations to restore children's dignity as victims of violence (Rahmawati, 2021).

With specific regard to sexual violence, Articles 76D and 76E of the Child Protection Law categorically prohibit sexual intercourse and indecent acts against children by any means, including violence, threats, deception, or psychological manipulation. These prohibitions are reinforced by Articles 81 and 82, which prescribe severe criminal sanctions. At the same time, the law mandates special protection and recovery measures for child victims, including medical and psychosocial rehabilitation, legal assistance, and restitution, as stipulated in

Articles 59, 59A, and 71D. Normatively, these provisions reflect a dual orientation of Indonesian child criminal law: repression of offenders and restoration of victims.

Despite this comprehensive normative framework, implementation within the criminal justice system reveals a persistent gap between law in the books and law in action. Empirical studies demonstrate that court decisions frequently emphasize imprisonment and fines while neglecting to order restitution and rehabilitation for child victims, resulting in incomplete recovery and prolonged suffering. Indonesian gender and child protection scholarship has identified similar patterns, noting that judicial practices often prioritize formal legality over substantive victim recovery, thereby reducing victim protection to a symbolic level (Sari & Hidayat, 2020; Rahmawati, 2021). Comparable trends are also observed internationally, where the best interests of the child are formally acknowledged but remain weakly operationalized within retributive criminal justice systems.

Accordingly, the central problem addressed in this study is not the absence of legal norms, but the lack of synchronization between the normative objectives of child protection law and criminal justice practices that remain predominantly offender-oriented. Judicial success is frequently measured by the severity of punishment imposed, as illustrated in the Decision of the Kuningan District Court Number 5/PID.SUS/2024/PN.KNG. From the standpoint of classical sentencing theory, such an approach satisfies principles of legal certainty and proportionality (Ashworth & Horder, 2022). However, excessive reliance on retribution becomes fundamentally problematic when punishment is not accompanied by binding and enforceable mechanisms for victim recovery.

Contemporary victimology emphasizes that modern criminal justice systems should be evaluated not solely on punitive severity, but on their capacity to restore victims as integral subjects of justice (Daly, 2021; McGlynn & Westmarland, 2022). When judicial decisions fail to explicitly mandate restitution, psychological rehabilitation, and social reintegration, justice risks degenerating into pseudo-victim-centered justice—symbolic acknowledgment without tangible improvement in victims' well-being (Doak, 2020). From a human rights perspective, criminal justice processes that prioritize punishment without recovery mechanisms also risk producing secondary victimization through rigid, lengthy, and psychologically insensitive procedures, contrary to the state's constitutional obligation to protect children's dignity (Friedman & Zeligman, 2024).

Criminological research over the past five years further confirms that sexual violence against children arises from complex interactions between internal offender-related factors—such as cognitive distortions and weak self-control—and external structural factors, including economic pressure, permissive social environments, digital exposure, and weak preventive systems (Alkan & Tekmanlı, 2021; *Annual Review of Criminology*, 2023). These findings reinforce the conclusion that a purely punitive response is insufficient for sustainable prevention and meaningful child protection.

Against this background, this study aims to critically analyze the enforcement of criminal law in cases of sexual violence against children by assessing the relationship between legal certainty and substantive justice for victims, examining the limitations of retributive approaches, and identifying internal and external contributing factors. The Theory of Dignified Justice is employed as a normative and critical analytical framework to integrate offender punishment, victim recovery, and the protection of human dignity as unified objectives of criminal justice.

Methodologically, this study adopts a normative–qualitative legal research approach enriched by secondary empirical analysis. The normative approach examines statutory regulations—particularly the Child Protection Law and the Indonesian Criminal Code—and analyzes judicial reasoning in the Decision of the Kuningan District Court Number 5/PID.SUS/2024/PN.KNG. Conceptual and theoretical approaches are used to connect the findings with theories of punishment, victimology, human rights, and Dignified Justice as developed in contemporary legal and criminological scholarship (Daly, 2021; Ashworth & Horder, 2022). Data were collected through an extensive literature review of primary, secondary, and tertiary legal materials, including reputable international journals and national journals such as *MUWAZAH* published within the last five years. Data validation was conducted through source and theoretical triangulation, while analysis employed descriptive–analytical qualitative techniques using inductive and deductive reasoning. Through this methodology, the study seeks to contribute both theoretically—by strengthening a child dignity–based criminal justice paradigm—and practically, by informing reforms toward a criminal justice system that is not only normatively firm but also just, humane, and genuinely oriented toward the best interests of the child.

DISCUSSION

Criminal Law Enforcement in Child Sexual Violence Cases: Normative Firmness and Legal Certainty

Criminal law enforcement in cases of sexual violence against children in Indonesia, as reflected in the Decision of the Kuningan District Court Number 5/PID.SUS/2024/PN.KNG, demonstrates that, at the normative level, the criminal justice system has fulfilled the functions of legality and legal certainty through the strict application of positive law. In this case, the defendant, ENRI SUGANDI BIN YAKYA, was proven beyond reasonable doubt to have committed sexual intercourse with a child victim aged 16 years. His confession, made during official examination, was corroborated by medical evidence, witness testimony, and a coherent body of facts established during the trial. The application of Article 81(2) of Law Number 17 of 2016 on Child Protection in conjunction with Article 64(1) of the Indonesian Criminal Code concerning a continuing offense, accompanied by a sentence of nine years' imprisonment and a fine of one billion rupiah, reflects the State's commitment to providing a repressive response to child sexual violence as a serious violation of human dignity and children's rights.

From the perspective of legal certainty and proportionality in sentencing, this decision aligns with Ashworth and Horder's (2022) view that the legitimacy of punishment for serious crimes depends on the proportional relationship between the severity of the sanction, the gravity of the offense, and the vulnerability of the victim. Children, as a particularly vulnerable group characterized by unequal power relations, normatively require stronger criminal protection. In this context, the Kuningan decision satisfies formal legal standards and demonstrates consistency with the internationally recognized principle of the best interests of the child. Furthermore, from the standpoint of deterrence theory, the imposition of severe punishment serves as a mechanism of general deterrence aimed at suppressing similar offenses. Tonry (2022) classifies child sexual violence as a form of serious violent crime that necessitates a firm state response to reinforce social norms and protect the public. Empirical evidence from various jurisdictions indicates that increased criminal sanctions in child protection laws are often positioned as symbolic instruments to reinforce the moral message that the sexual exploitation of children constitutes an absolute and intolerable violation (Miller & Manzer, 2021). However, from the perspective of child protection scholarship, normative firmness and legal certainty as reflected in this decision do not fully

embody substantive justice. Contemporary studies demonstrate that severe punishment alone does not automatically reduce the prevalence of child sexual violence when it is not accompanied by victim recovery mechanisms and structural interventions (Daly, 2021; McGlynn & Westmarland, 2022). In many jurisdictions, including Indonesia, criminal justice practice still tends to measure success primarily by the length of imprisonment imposed, while the long-term impacts on victims—such as psychological trauma, social stigma, and developmental disruption—are not explicitly addressed in judicial decisions. International empirical studies reveal that child victims of sexual violence often continue to suffer long after offenders are sentenced. Bates (2024) and Turner et al. (2023) show that without adequate psychological rehabilitation and social reintegration support, criminal justice systems risk producing what is described as “symbolic justice”—justice that is normatively strong but substantively weak for victims.

This phenomenon is also relevant in Indonesia, where limited recovery services and the absence of restitution orders in court judgments remain structural challenges. From a legal-theoretical perspective, this condition reflects the dominance of an offender-oriented justice paradigm, in which the offender remains the central focus of the criminal process. In contrast, modern victimology and victim-centered justice emphasize that victims must be recognized as rights-bearing subjects rather than merely instruments of proof (Doak, 2020; Daly, 2021). Accordingly, while the Kuningan decision fulfills legal certainty and deterrence objectives, it simultaneously illustrates the limitations of conventional criminal law approaches in achieving holistic child protection. The relevance of Dignified Justice theory thus becomes critical. This theory requires criminal law to function not only as an instrument of punishment but also as a mechanism for victim recovery and the protection of human dignity. In the context of child sexual violence, normative firmness and legal certainty should be regarded as minimum prerequisites rather than ultimate goals. Without integrating offender punishment, victim recovery, and structural prevention, criminal law enforcement risks remaining confined to formal legitimacy and failing to address the multidimensional nature of child sexual violence.

Case Chronology, Motive, and Modus Operandi Chronologically

The child sexual intercourse case examined in the Kuningan District Court Decision originated from the formation of an unequal relationship between the offender and the child

victim, constructed through persuasion, psychological manipulation, and exploitation of the victim's emotional vulnerability as a minor. The offender gradually created a pseudo-affective relationship that fostered emotional dependence and diminished the victim's capacity for resistance. Within this context, acts of sexual intercourse were committed repeatedly over a certain period, which the court correctly classified as a continuing offense, given the unity of intent, recurring conduct, and involvement of the same victim. From criminological and legal psychological perspectives, the offender's motive can be explained through cognitive distortion theory, which describes internal justification mechanisms enabling offenders to neutralize guilt. Studies by Ward and Beech (2020) and Seto (2021) demonstrate that perpetrators of child sexual abuse frequently minimize the psychological harm inflicted on victims, construct narratives suggesting that victims "did not resist," or portray the relationship as emotionally consensual.

These patterns reflect not merely individual deviance but deliberate psychological strategies that allow offenders to perpetuate criminal behavior without significant moral inhibition. The modus operandi clearly illustrates an abuse of power, a defining characteristic of child sexual violence. This power imbalance does not necessarily manifest as physical force but rather as psychological dominance arising from disparities in age, maturity, and social position. Recent international literature emphasizes that child sexual abuse more commonly occurs through grooming processes—gradual manipulation of trust and emotions—rather than overt coercion (Finkelhor et al., 2022; Livingstone & Third, 2023). This finding aligns with empirical evidence across jurisdictions, including Indonesia, where victims often fail to recognize exploitative relationships until the traumatic consequences become apparent. From a criminal law perspective, the chronology and modus operandi strengthen the normative justification for imposing severe sanctions and classifying the offense as continuous, given its systematic nature and exploitation of a child's structural vulnerability. However, understanding offender motives and methods should not be confined to repressive objectives. Preventive justice and victim-centered justice require that insights into grooming patterns and power abuse inform prevention policies and recovery frameworks (Daly, 2021; McGlynn & Westmarland, 2022). From the standpoint of Dignified Justice, the chronology and motive reveal systemic failures in early-stage child protection. When psychological manipulation and power abuse are allowed to develop without preventive intervention, criminal law intervenes only after irreversible harm has occurred. Consequently, although

punitive responses may be normatively justified, the facts of this case underscore the necessity of integrating repressive measures with criminological understanding and child-centered preventive policies to ensure justice that is not merely legal-formal, but substantively dignified.

Retributive Orientation and the Limitations of Victim-Centered Justice Despite

Demonstrating normative firmness and legal certainty through severe punishment, the Kuningan District Court decision substantively reflects the dominance of a retributive approach that is insufficiently balanced by the fulfillment of child victims' rights. The judgment does not explicitly order restitution as provided under Article 71D of the Child Protection Law, nor does it mandate psychological rehabilitation or social reintegration as required by Articles 59 and 59A of the same statute.

This omission indicates that the victim remains positioned primarily as an evidentiary object rather than as a legal subject entitled to comprehensive recovery. Classical punishment theory traditionally emphasizes retribution as a core objective of criminal law, particularly to affirm violated norms. However, in cases of child sexual violence, this approach becomes increasingly problematic when unaccompanied by recovery mechanisms. Contemporary victimology underscores that modern criminal justice must incorporate victim recovery as an integral objective rather than a peripheral concern (Daly, 2021; McGlynn & Westmarland, 2022). Accordingly, justice cannot be measured solely by the length of imprisonment imposed but by the system's capacity to mitigate the victim's trauma. Empirical studies across jurisdictions demonstrate that child victims often endure long-term psychological harm, social disruption, and stigma even after offenders are severely punished. Bates (2024) and Turner et al. (2023) reveal that the absence of structured rehabilitation and social support risks exacerbating victim suffering through secondary victimization. This condition is also evident in Indonesia, where restitution and rehabilitation remain discretionary and insufficiently institutionalized within judicial decisions.

Doak (2020) characterizes this phenomenon as pseudo-victim-centered justice, where symbolic recognition of victim suffering lacks tangible restorative outcomes. While the state rhetorically aligns itself with child protection, judicial practice remains largely offender-oriented, prioritizing formal legitimacy over substantive victim welfare. From a human rights perspective, this omission may constitute a failure of the State's positive obligations to

protect and restore child dignity. Friedman and Zeligman (2024) argue that criminal justice systems that neglect victim recovery perpetuate power imbalances between the state, offender, and victim—an imbalance that is particularly acute in cases involving children. From the standpoint of child protection scholarship, the dominance of retributive justice in this decision highlights structural limitations in Indonesia's criminal justice system. Dignified Justice theory offers a corrective framework by integrating offender accountability, victim recovery, and structural prevention into a unified objective of criminal law. Without such integration, severe punishment risks remaining symbolic and inadequate to address the complex suffering of child victims. Legal certainty and normative firmness must therefore be understood as minimal conditions rather than final ends in achieving truly substantive and dignified justice.

Human Rights Perspective and The Risk Of Secondary Victimization

Criminal law enforcement that prioritizes offender punishment without victim recovery carries a significant risk of secondary victimization. Secondary victimization refers to additional suffering experienced by victims as a result of legal processes that are insensitive to their psychological, social, and developmental needs, particularly in cases involving children (Friedman & Zeligman, 2024). In practice, child victims are often required to repeatedly recount traumatic experiences during investigations and trials, confront offenders, and endure proceedings without adequate psychological support, even when offenders ultimately receive severe sentences. This situation normatively contradicts Article 28B(2) of the 1945 Indonesian Constitution, which guarantees every child's right to protection from violence and discrimination.

Constitutionally, this provision obliges the State not only to punish offenders but also to actively safeguard and restore the well-being of child victims. However, empirical evidence indicates that in many finalized child sexual violence cases, judicial decisions frequently end with imprisonment sentences alone, without explicit orders for rehabilitation, restitution, or social reintegration. International scholarship emphasizes that excessively procedural and offender-oriented systems reduce victims to mere evidentiary instruments. Peacock (2022) criticizes modern criminal justice systems that equate success with sentencing severity while neglecting long-term victim outcomes. McGlynn, Westmarland, and Godden (2023) further demonstrate that victims denied structured recovery support experience prolonged trauma,

distrust toward legal institutions, and social marginalization. Within human rights theory, this condition reflects a failure to fulfill the State’s positive obligations to prevent ongoing harm and ensure victim recovery. Human dignity theory positions dignity as a foundational legal value, rendering justice that neglects victim recovery substantively deficient. Critical victimology likewise warns that unresponsive legal systems risk reproducing power imbalances between the State, offenders, and victims (Daly, 2021). From the perspective of child protection law, the risk of secondary victimization cannot be separated from the persistence of offender-oriented paradigms. When punishment is prioritized while victim recovery is treated as ancillary, constitutional and international child protection commitments remain unfulfilled. A human rights–based approach therefore demands a paradigm shift toward criminal justice systems that place victim dignity and recovery at the core of justice, rather than measuring success solely by the severity of punishment imposed on offenders.

Causes of Crime: A Theoretical Analysis

Table. Internal and External Factors Sexual Violence of Children

Factor	Description	Supporting Theory
Internal	Weak self-control, cognitive distortions, low legal literacy	Cognitive Distortion Theory (Ward & Beech, 2020)
Internal	Moral justification of power relations	Moral Neutralization Theory
External	Economic pressure and unemployment	Economic Strain Theory (Alkan & Tekmanlı, 2021)
External	Permissive social environment	Social Disorganization Theory
External	Exposure to digital sexual content	Routine Activity Theory (Finkelhor et al., 2022)
External	Weak preventive protection mechanisms	Structural Prevention Theory

The analysis of internal and external factors underlying child sexual intercourse offences demonstrates that such crimes cannot be narrowly understood as merely individual deviant acts. Rather, they emerge from a complex interaction between the offender’s psychological conditions and the surrounding social structures. From an internal perspective, weak self-control, cognitive distortions, and low levels of legal and moral literacy constitute key determinants. Cognitive Distortion Theory explains that perpetrators of child sexual abuse frequently construct internal narratives to neutralize guilt, such as believing that the victim “did not resist,” was “mentally mature,” or that the relationship was consensual (Ward

& Beech, 2020). Such patterns are repeatedly observed in child sexual abuse cases across jurisdictions, including Indonesia, where offenders often minimize the psychological harm suffered by victims. These distortions are further reinforced by mechanisms of moral neutralization, allowing perpetrators to disregard legal and ethical norms by invoking power relations or emotional closeness as justification (Seto, 2021).

From an external perspective, economic pressure and unemployment also contribute to increased vulnerability to child sexual offences, as explained by Economic Strain Theory. Alkan and Tekmanlı (2021) demonstrate that prolonged economic stress can generate social frustration and relational dysfunction, which in certain contexts increases the risk of domestic and sexual violence against vulnerable groups, including children. Additionally, permissive social environments—characterized by weak social control, normalization of violence, and limited community supervision—significantly increase opportunities for offending, as articulated by Social Disorganization Theory. Cross-national studies indicate that communities with low social cohesion often fail to protect children from sexual exploitation, despite the formal existence of legal norms (Sampson, 2022).

Another increasingly significant external factor is exposure to digital sexual content. Within the framework of Routine Activity Theory, Finkelhor et al. (2022) emphasize that easy access to digital pornography and social media has transformed patterns of child sexual abuse, enabling offenders to establish manipulative relationships without effective parental or state supervision. Empirical evidence shows that many child sexual offences begin through undetected online communication, thereby expanding the scope of victimization. This situation is exacerbated by weak structural preventive measures, including limited digital surveillance systems, inadequate child-protection-based sexual education, and poor inter-sectoral coordination. Structural Prevention Theory highlights that the failure of the state to establish comprehensive prevention systems indirectly creates a criminogenic environment in which offences are likely to recur.

From a legal-theoretical perspective, these findings reinforce criticism of criminal justice paradigms that are overly offender-oriented and reactive. Integrative criminal justice theory and the concept of Dignified Justice (Keadilan Bermartabat) require criminal law not only to punish offenders after crimes occur, but also to actively intervene in the structural factors that generate crime. Consequently, criminal law enforcement in cases of child sexual intercourse must be understood as part of a holistic child protection policy integrating

punishment, victim recovery, and structural prevention. Without such an integrative approach, criminal law risks functioning merely as a symbolic mechanism and failing to disrupt the persistent cycle of sexual violence against children.

Integrating Dignified Justice as A Solutive Framework

The integration of Dignified Justice as a solutive framework affirms that criminal law cannot be reduced solely to an instrument of punishment but must function as a mechanism for the comprehensive protection and restoration of human dignity, particularly for children as the most vulnerable group. Within the theory of Dignified Justice, the ultimate purpose of law is not mere retribution, but the achievement of balance between offender accountability, victim recovery, and structural crime prevention. Punishment that is not accompanied by victim restoration and social intervention risks producing a form of justice that is formalistic and stripped of its humanitarian dimension. Findings from the child sexual offence case adjudicated in Kuningan Regency demonstrate that Indonesia's criminal justice system has been relatively effective in fulfilling its repressive function through firm and proportionate sentencing. However, trial records reveal the absence of concrete judicial orders concerning restitution, psychological rehabilitation, and social reintegration of the victim, which should constitute integral components of judicial decisions. This condition reflects a systemic failure to internalize recovery and prevention dimensions as envisioned by modern justice approaches.

Similar patterns are observed in international studies showing that jurisdictions with strong punitive orientations but weak victim-recovery mechanisms tend to experience recidivism and recurring cycles of victimization (McGlynn & Westmarland, 2022; Daly, 2021). Empirical evidence further demonstrates that punishment-focused approaches alone are ineffective in sustainably reducing child sexual violence. Comparative reports from several countries indicate that significant reductions in child sexual offences occur when criminal sanctions are combined with social policies, family education, community monitoring, and risk-based offender rehabilitation (Bates, 2024; Annual Review of Criminology, 2023). These findings reinforce the argument that child sexual abuse constitutes a structural crime, rooted not only in individual deviance but also in the state's failure to construct a protective social environment. From a legal theory perspective, Dignified Justice intersects strongly with integrative justice theory and human rights-based criminal justice,

which position victims as legal subjects and as key indicators of justice system performance. Peacock (2022) warns that justice systems measuring success solely by sentence length risk neglecting the substantive goals of law—namely, the restoration of human dignity and the prevention of future harm. In the Indonesian context, without cross-sectoral policy integration encompassing education, economic empowerment, mental health services, and social protection, criminal law enforcement will remain reactive and symbolic. Accordingly, legal responses oriented solely toward punishing offenders are insufficient to address the complexity of child sexual violence.

A Dignified Justice approach requires the reformulation of criminal policy to explicitly link punishment with mandatory victim recovery and structural prevention. Without such measures, criminal law risks losing its moral legitimacy and failing to fulfill its constitutional and international human rights mandate to protect the dignity of children.

Factors Influencing the Occurrence of Sexual Violence Against Children

Sexual violence against children is a complex crime that cannot be understood reductively as mere individual deviance, but rather as the product of interacting internal and external factors. Modern criminology and child protection legal theory emphasize that failure to recognize this complexity leads to fragmented and unsustainable criminal justice responses. Internal factors relate to the psychological and moral conditions of offenders, including weak self-control, erosion of ethical values, and cognitive distortions in perceiving power relations between adults and children. Recent criminological literature shows that offenders frequently develop cognitive distortions that justify their conduct by minimizing psychological harm or portraying victims as non-resistant (Ward & Beech, 2020; Seto, 2021).

This pattern is evident in Indonesian cases, including the Kuningan District Court case, where the offender deliberately exploited the victim's emotional vulnerability through persuasion and manipulation. Low educational attainment and limited legal literacy further exacerbate these internal factors. Education plays a crucial role in internalizing legal norms and moral values; individuals with lower education levels face higher risks of engaging in sexual crimes due to limited awareness of legal consequences and long-term victim impacts (Alkan & Tekmanlı, 2021). From the perspective of Dignified Justice, this reflects a failure to internalize human dignity values, reducing children to objects rather than rights-bearing legal subjects. Criminal law that focuses solely on punishment without offender rehabilitation

thus risks failing to prevent future crimes. External factors encompass structural and social conditions that facilitate sexual violence against children. Economic pressure, unemployment, and social inequality significantly contribute to sexual offending, as explained by Economic Strain Theory (Alkan & Tekmanlı, 2021).

In Indonesia, reports frequently indicate that offenders originate from environments marked by high economic stress and weak social support. Permissive social norms, weak community supervision, and exposure to pornography—particularly through digital media—further increase risks. Recent studies demonstrate that unrestricted access to sexual content reduces moral sensitivity and normalizes the objectification of children (Finkelhor et al., 2022; Livingstone & Third, 2023), consistent with Routine Activity Theory. Another critical external factor is the weakness of preventive protection systems and institutional support. Despite Indonesia's relatively progressive child protection framework, implementation remains dominated by post-offence repression. International literature confirms that systems focusing excessively on punishment without structural prevention strategies fail to sustainably reduce child sexual violence (Daly, 2021; Peacock, 2022).

Countries that succeed in reducing such crimes integrate criminal law with social policy, family education, and community empowerment. From the Dignified Justice perspective, these external factors underscore the state's failure to fulfill its constitutional duty to create a social environment that protects children's dignity. Criminal law should function not only as a punitive instrument, but also as a means of victim recovery and crime prevention through integrated structural policies. The Kuningan case demonstrates that while punishment has been achieved, victim recovery and prevention have not been fully internalized. Thus, normative enforcement success does not equate to substantive justice. Future child criminal law reform must move beyond retributive paradigms toward integrative approaches that unify offender accountability, victim recovery, and the holistic protection of human dignity.

CONCLUSION

This study concludes that criminal law enforcement in cases of child sexual violence, as reflected in District Court Decision No. 5/PID.SUS/2024/PN.KNG, has normatively fulfilled the principles of legal certainty, enforcement firmness, and sentencing proportionality through the application of Law No. 17 of 2016 on Child Protection in

conjunction with the Indonesian Criminal Code. This reflects the repressive and preventive functions of criminal law in addressing sexual violence as a serious crime. However, the dominance of a retributive, offender-oriented approach has not been balanced by comprehensive fulfillment of victims' rights, particularly regarding restitution, psychological rehabilitation, and social reintegration. As a result, the justice produced tends to be legal-formal and risks becoming pseudo-victim-centered justice.

The findings reveal a gap between the normative objectives of child protection and criminal justice practice, as well as the risk of secondary victimization arising from legal processes insufficiently sensitive to victims' needs. Moreover, child sexual violence is influenced by a combination of internal and structural external factors, rendering punishment-focused responses inadequate for long-term prevention. Therefore, from the perspective of Dignified Justice, this study recommends a paradigm shift toward an integrative child criminal justice approach that unifies offender punishment, victim recovery, and structural prevention as inseparable objectives of criminal law. Such reform is essential to ensure sustainable substantive justice and the effective protection of children's dignity in accordance with constitutional mandates and international human rights standards.

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