



## Justice for victims: An analysis of child sexual assault through the lens of gustav radbruch's legal values at the Luwuk District Court

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### ABSTRACT

This study conducts an analysis of two judicial decisions pertaining to sexual offenses against minors: Verdict Number 2/Pid.Sus-Anak/2025/PN Luwuk, which involves a juvenile offender, and Verdict Number 37/Pid.Sus/2025/PN Luwuk, which pertains to an adult offender. A normative juridical approach was utilized, informed by Gustav Radbruch's theory of law and Lawrence Friedman's legal system theory. The findings indicate a differentiated legal response contingent upon the status of the offender. In the case of the juvenile, the court rendered a conditional sentence that adopted a rehabilitative strategy, thereby reflecting principles of restorative justice and prioritizing the best interests of the child. In contrast, the adult offender received a prison sentence accompanied by a maximum fine, devoid of leniency, which underscores a stringent protective stance towards the child victim and serves as a deterrent for society. Both rulings exemplify the effective operation of legal frameworks and indicate advancements in Indonesia's legal culture concerning the firm and equitable handling of sexual violence against children. This study emphasizes the necessity of balancing justice, legal certainty, and social utility within the criminal justice system for both juvenile and adult offenders.

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## 1. Introduction

Sexual crimes represent a significant form of violence that continues to pose a serious challenge in Indonesia. This troubling phenomenon not only transgresses moral and social values but also inflicts long-term consequences on victims, particularly children (Manurung et al., 2024). Paradoxically, rather than experiencing a decline, incidents of sexual violence have exhibited a rising trend annually (Budhiartie, 2011).

Data obtained from the Violence Information System of the Ministry of Women's Empowerment and Child Protection (Kemenpppa, 2017) indicates that as of January 1, 2025, there have been a total of 6,662 recorded cases of violence against children in Indonesia. Of these incidents, 5,741 cases involved female victims, while 1,371 cases involved male victims

(Sistem Informasi Online Perlindungan Perempuan dan Anak (SIMFONI-PPA), Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2025). These statistics suggest that girls constitute the most vulnerable demographic to sexual violence, although boys are not exempt from similar threats (Novi Enjelina Putri et al., 2025). Despite the potential for violence to affect individuals regardless of gender, data consistently demonstrate that females are disproportionately represented among victims. This disparity is further substantiated by data concerning incidents of violence in Central Sulawesi during the period from 2016 to 2019.

Based on the data presented, a total of 2,255 cases of violence were recorded, comprising 396 male victims (18%) and 1,859 female victims (82%). The year 2017 marked the highest incidence of cases, with a total of 819, whereas 2019 witnessed the lowest number, with only 300 cases. The percentage of female victims consistently exceeded 75% each year, indicating that women represent the most vulnerable demographic in relation to various forms of violence, including physical, psychological, and sexual (DP3A Sulteng, 2020).

Indonesia adheres to the principle of the rule of law, as delineated in Article 1, Paragraph (3) of the 1945 Constitution, which asserts that "The State of Indonesia is a state based on law." Within this legal framework, the law is designed to regulate societal behavior, uphold justice and order, and prevent various forms of violations, including sexual offenses such as rape (Situmorang, 2021). The law should serve as a protective mechanism for victims and ensure that perpetrators receive appropriate penalties (Lubis et al., 2024). However, in practice, the management of rape cases in Indonesia is beset by numerous challenges, including inadequate law enforcement and insufficient protections for victims (Putri et al., 2023). This situation threatens to undermine public confidence in the legal system and heightens the risk of recidivism, ultimately compromising the sense of security and social justice, particularly for vulnerable populations such as women and children.

The crime of rape is addressed not only within the framework of the Indonesian Penal Code (KUHP) but also through specific legislation, such as Law No. 35 of 2014 on Child Protection and Law No. 23 of 2004 on the Elimination of Domestic Violence. The Child Protection Law delineates the prohibition and criminal penalties for rape in Article 76D in conjunction with Article 81, whereas the Domestic Violence Law categorizes rape as a form of sexual violence (Article 8 letter a), with criminal sanctions specified in Article 46 (Athiyatul Mufidah1 & Zamroni Ishaq, 2024).

Despite the establishment of criminal penalties for perpetrators of sexual violence within Indonesia's legal framework, significant disparities persist between the codified legal norms and the public's perceptions of justice (Mulyawan, n.d.). A notable concern is the identical sentencing range for both sexual harassment and child rape under the Child Protection Law, which stipulates a minimum of five years and a maximum of fifteen years of imprisonment. This uniformity is often criticized as disproportionate, as it does not adequately reflect the varying degrees of violence and psychological trauma experienced by victims (Van Der Merwe, 2004). Such a situation may inadvertently encourage perpetrators to engage in more egregious acts, given that the potential criminal consequences remain unchanged, thereby undermining the intended deterrent effect (Ehrlich, 1972). Conversely, cases involving child offenders are frequently addressed through a restorative justice framework (Prakoso, 2013), as outlined in the Juvenile Criminal Justice System Law (Wahyudhi, 2015), even in circumstances where the perpetrators have exhibited extreme brutality. This presents a complex dilemma between safeguarding the rights of child offenders and ensuring justice for the victims.

Another issue is the lenient sentences frequently imposed on perpetrators of sexual crimes, even in instances that result in severe physical or psychological trauma—or even the death of the victim (Yusyanti, 2020). This phenomenon has generated significant public concern, particularly regarding juvenile offenders who commit egregious acts yet continue to receive preferential treatment within legal proceedings. Consequently, it has instigated discourse on the necessity of re-evaluating the sentencing framework and the application of restorative justice in cases of

sexual violence (Ibipurbo, 2022). One proposal that has emerged is the implementation of supplementary punitive measures, such as chemical castration, as both a deterrent and a means of safeguarding children from the escalating threat of sexual offenses (Sembali & Mohede, 2021). However, the application of chemical castration remains contentious, as some argue it may infringe upon human rights. Therefore, it necessitates meticulous examination to ensure that any adopted policy is consistent with the principles of justice and humanity.

Law enforcement efforts addressing sexual violence against children significantly depend on the three components of the legal system delineated by Lawrence M. Friedman (Friedman, 2009): legal structure, legal substance, and legal culture. The legal structure encompasses law enforcement institutions, including the police, the prosecutor's office, and the judiciary, which are required to function with professionalism, integrity, and independence.

In the context of a rule-of-law state, Indonesia should establish the law as the foundational basis for all aspects of national life, particularly in its efforts to address and prevent sexual crimes. The Indonesian interpretation of the rule of law should extend beyond a mere emphasis on formal legality; it must also ensure substantive justice for all citizens (Muslih, 2017). This perspective aligns with Gustav Radbruch's theory, which posits that law encompasses not only legal certainty (*Rechtssicherheit*) but must also embody the principles of justice (*Gerechtigkeit*) and utility (*Zweckmäßigkeit*) (Radbruch & Gustav, 1975). Within this framework, the adjudication of rape cases should transcend rigid legal procedures to encompass justice for victims and ensure adequate protection. Unfortunately, the realization of these values in Indonesia remains suboptimal (Dewi et al., 2021). Many victims encounter re-victimization during the reporting process, endure prolonged legal proceedings, and often witness perpetrators receiving lenient sentences. This scenario underscores that the ideal principles of the rule of law, as envisioned by Radbruch, have yet to be fully actualized in Indonesia, where the law must not only exist but also be just and beneficial to society, particularly for vulnerable groups such as women and children.

This research conducts a normative-juridical comparative analysis of two judicial decisions involving juvenile and adult perpetrators of sexual offenses in Luwuk, applying Radbruch's and Friedman's legal theories to evaluate the differential sentencing and restorative justice principles in practice. In contrast, other research employs a general normative approach focused on the insufficiency of legal protection for child victims of rape and the inadequacy of punishments, lacking specific case analysis or theoretical depth. This research is particularly significant as it provides an empirical and theoretical examination of how legal certainty, justice, and social utility are balanced in actual court rulings, offering valuable insights into the evolving legal culture and the application of restorative justice within Indonesia's criminal justice system.

## **2. Method**

This study employs a normative legal research methodology (Soekanto & Mamudji, 2001) by analyzing legislation, legal doctrines, judicial decisions, and conducting interviews with judges (Soemitro, 1983) to scrutinize the application of Gustav Radbruch's legal theory in cases of child rape. Through the utilization of statutory, conceptual, philosophical, and case-based approaches (Soekanto, 2005), it assesses the implementation of restorative justice principles within judicial practice, with a specific focus on the Luwuk District Court. By adopting a descriptive-analytical framework (Gumilang, 2020) and qualitative inductive analysis, the research synthesizes primary and secondary legal materials to evaluate judges' reasoning in balancing legal certainty, justice, and social utility, as articulated by Radbruch and Lawrence M. Friedman. This study ultimately aims to provide a comprehensive understanding of restorative justice within Indonesia's criminal justice system. Furthermore, it incorporates a socio-legal dimension by contextualizing legal interpretations within the social, cultural, and institutional realities of Luwuk, Central Sulawesi. This localized analysis facilitates a nuanced evaluation of how legal culture, institutional practices, and societal values shape judicial discretion in cases involving

both child and adult perpetrators. The selection of secondary legal materials is grounded in criteria of relevance, credibility, and jurisdictional applicability, ensuring that the analysis is firmly rooted in both national law and local judicial practices. By integrating normative theory with empirical insights, this study seeks to bridge the divide between law in theory and law in practice.

### **3. Results And Discussion**

#### **3.1. Gustav Radbruch's Legal Theory**

Gustav Radbruch emphasized that law must uphold three fundamental and interrelated values: justice, legal certainty, and social utility (Radbruch, 1990). These values should not stand alone but be harmonized to ensure law functions ethically, predictably, and beneficially for society (Nurcahyo, 2023). Since communities inherently seek order and security (Rosenberg, 1986), the law must balance moral justice with practical benefits and certainty, thereby fulfilling its essential role in maintaining social cohesion (Radbruch & Gustav, 1975).

However, in practice, these three fundamental values of law frequently conflict with one another. There are instances in which a legal decision intended to uphold justice may inadvertently result in legal uncertainty or neglect the principle of social utility (Sinaga et al., 2025). Conversely, an inflexible pursuit of legal certainty can precipitate injustice or adversely affect specific segments of society. Consequently, it is essential to establish a framework for prioritizing these values to ensure the optimal functioning of the law.

Radbruch provided a resolution to this dilemma by establishing a hierarchy of legal values (Radbruch & Gustav, 1975). He posited that justice must be prioritized, as any law deemed unjust forfeits its legitimacy (Radbruch & Gustav, 1975). Following the principle of justice, the utility of law is accorded secondary importance, indicating that laws should yield positive outcomes and deliver tangible benefits to society as a whole. Legal certainty is assigned third priority, which encompasses clarity, consistency, and order in the application of legal norms. Through this hierarchical framework, the law is anticipated to resolve conflicts among these values in a more judicious and balanced manner (Radbruch & Gustav, 1975).

In this context, justice is conceptualized as the provision of equal and impartial treatment, ensuring that each individual receives their rights in accordance with their legal status, devoid of discrimination and without inflicting harm upon any specific party (Kane, 1996). Conversely, the principle of utility necessitates that the law serves to benefit not just one faction but all segments of society, encompassing both those who perceive themselves as wronged and those who do not (Kane, 1996). It is imperative that the law effectively addresses the practical needs of society and resolves genuine social issues (Leon-Guerrero, 2019). Furthermore, the notion of legal certainty posits that the law must be enforced in accordance with established and predictable norms, consistently implemented by law enforcement officials, and devoid of subjective interpretation or personal biases.

#### **3.2. Legal System Theory**

According to Lawrence M. Friedman, the effectiveness of law enforcement depends on the interaction of three key elements: the legal structure, the legal substance, and the legal culture (Friedman, 2009). The legal structure encompasses institutions such as the Police, Prosecutor's Office, Courts, and Correctional Facilities, whose credibility, independence, and integrity determine (Sari & Hartono, 2021) the success of law enforcement (Manan, 2006). The legal substance refers to laws, judicial decisions, and the "living law" in society, which must be clear, consistent, and adaptable to social changes (Sambas, 2016) to embody substantive justice (Raharjo, 2016). Meanwhile, the legal culture reflects societal values, attitudes, and awareness toward law, serving as the "soul" of the legal system and shaping compliance or resistance to legal norms (Soekanto, 2002). These three components are interdependent; (Arief, 2018) without

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strong cultural support and institutional integrity, even well-formulated laws may fail to achieve justice, certainty, and social utility in practice (Erman Rajagukguk, 2017).

### **3.3. Analysis of the Luwuk District Court Verdict Based on the Legal Theories of Gustav Radbruch and Lawrence M. Friedman**

Verdict Number 2/Pid.Sus-Anak/2025/PN Lwk concerns a juvenile criminal case examined at the Luwuk District Court, with the defendant referred to as "the Child," aged 15 years (born 4 April 2010). The Child is accused of committing sexual intercourse with a minor (the victim aged 12 years 8 months, born 12 May 2012), which occurred on 1 January 2025, around 02:30 WITA, at the "Gudang Hitam" near Bunta Port Wharf, Banggai. The Child was detained from 18 June 2025 and underwent different periods of detention under the public prosecutor, judge, and chief judge until 13 July 2025. The Public Prosecutor submitted alternative charges: First: Using violence or threats of violence to force a child to have intercourse (Article 81 paragraph (1) in conjunction with Article 76D of the Child Protection Law). Second: Using trickery, a series of lies, or persuading a child to have intercourse (Article 81 paragraph (2) of the Child Protection Law). The trial revealed that the defendant forced the victim, who resisted, to have sexual intercourse. Strong evidence was provided by the victim's testimony, witness statements, and a medical examination report.

The judge provided a comprehensive analysis of the elements of the pertinent article, applying principles of child protection and interpreting "violence" in an expansive manner to encompass both physical and psychological dimensions (Suprobowati & Subekti, 2022). The judge determined that the victim was unable to provide valid "consent" due to being underage and identified clear evidence of coercion and resistance from the victim (Braithwaite, 2021).

The court also took into account the fact that the defendant was still a minor, lacking both legal and moral maturity, and was subject to environmental influences and inadequate parental supervision (Jessica & Caroline, 2023). Furthermore, the defendant had no prior criminal record, expressed genuine remorse, committed to refraining from future offenses, and exhibited positive personal achievements as well as a supportive relationship with his mother, who is a single parent.

The judge considered the principles of restorative justice and the doctrine of last resort in the sentencing of minors, as stipulated by the Juvenile Justice Law (UU SPPA) and international frameworks such as the Beijing Rules (Wangga et al., 2023) and the Tokyo Rules (RIYADI, 2024). Imprisonment was not viewed as the primary recourse but rather as a measure of last resort when no viable alternatives exist.

The judge's verdict established that the defendant, referred to as the Child, was found guilty of "violence by coercing a child to engage in sexual intercourse" based on the initial alternative charge. Consequently, the court imposed a sentence of 1 year and 6 months of imprisonment at the Juvenile Correctional Institution (LPKA) in Palu, accompanied by a 3-month work training penalty as an alternative to a monetary fine at the Correctional Center (Bapas) in Luwuk. However, the imprisonment will not be enforced unless the Child commits another criminal offense within the subsequent 2 years, rendering it a conditional sentence. Additionally, the Child is subject to specific conditions for a duration of 3 years, which include the obligation to continue educational attendance until graduation from senior high school (SMA), adherence to a curfew prohibiting the Child from leaving the residence between 8:00 PM and 6:00 AM without parental supervision, a prohibition on smoking and alcohol consumption, and a requirement to report monthly to a Probation Officer. The Public Prosecutor is tasked with oversight, while the Probation Officer is responsible for providing guidance and mentorship. The court further decreed that the period of pre-trial detention be deducted from the sentence, and the Child is to be released immediately following the ruling. The Child is also required to pay court fees amounting to Rp2,000, and the evidence, specifically a pair of jeans, is ordered to be destroyed.

The imposition of a conditional sentence exemplifies the application of restorative justice principles while prioritizing the best interests of the child. This approach considers the right to education and the potential for stigmatization. The judge explicitly safeguards the child's future by incorporating educational and preventive conditions aimed at preventing the child from entering detrimental environments, while simultaneously ensuring continued guidance and development. Additionally, significant attention is afforded to the victim, who receives protection and psychological support.

This verdict seeks to establish a balance between punitive measures (accountability), child protection, and opportunities for rehabilitation. The judge merits commendation for meticulously evaluating the social and psychological factors influencing the defendant and for adhering to international standards in juvenile justice. The decision is progressive in its methodology concerning juvenile sentencing, emphasizing education, social reintegration, and the protection of the rights of both parties—the victim and the offender. Although the defendant has been adjudicated guilty, the immediate enforcement of imprisonment is contingent upon the violation of conditions, thereby prioritizing the child's development and future while concurrently upholding justice for the victim (Ariefulloh et al., 2023).

- a. Justice, this verdict exemplifies the judicial panel's commitment to upholding the principles of substantive justice, as articulated in Gustav Radbruch's theory (Ariefulloh et al., 2023). The defendant, a 15-year-old offender still undergoing cognitive and emotional development, received a sentence that adequately considers his maturity, psychosocial condition, and potential for rehabilitation. Justice is not solely conceptualized through the lens of punishment but also acknowledges the best interests of the child as an individual capable of transformation and growth. Conversely, the rights of the victim—a 12-year-old girl, who is clearly identified as part of a vulnerable population according to existing data and literature—are also afforded appropriate consideration. The protection of the victim is prioritized, encompassing the provision of psychological support and assurances of safety through recommended family accompaniment. Consequently, the verdict does not overlook the necessity of justice for the victim, which remains a critical aspect in cases of child sexual assault.
- b. Legal Certainty, this verdict aligns with the established legal norms, specifically referencing Article 81, paragraph (1), in conjunction with Article 76D of the Child Protection Law, as well as the stipulations of the juvenile criminal justice system under Law No. 11 of 2012. The judge meticulously assessed the elements of the relevant articles, the legal facts, and the evidence, thereby ensuring that the decision is grounded in clear and predictable legal certainty. The imposition of a conditional sentence, along with specific requirements, further exemplifies the legal order and standards applicable to the juvenile offender. Nonetheless, as elucidated by Radbruch's theory and the accompanying discourse, discrepancies in sentencing frequently arise in practice. In this instance, the judge elected to impose a conditional sentence as a means of reconciling legal certainty with the necessity for rehabilitation and the personal development of the juvenile offender.
- c. Social Utility, this verdict underscores the significance of social utility through a restorative and rehabilitative framework that aligns with the principles of restorative justice and established international standards, such as the Beijing Rules and the Tokyo Rules. The imposed sanctions are not solely punitive but also educational and preventive; for instance, they include requirements for the child to persist in their education, restrictions on nighttime outings without parental supervision, and obligations for regular reporting to a Social Counselor. These measures are designed to mitigate recidivism while fostering the child's positive development. Furthermore, the decision considers the socio-legal and cultural context, acknowledging that factors such as inadequate parental supervision and adverse environmental influences have contributed to the offense. The ruling endeavors to strike a balance between the protection and rehabilitation of the child offender—who remains in a critical developmental phase—and the necessity to deliver justice and

safeguard the rights of the victim and the wider community.d. Legal Structure, Substance, and Culture:

**Legal Structure:** The ruling underscores the integral role of various legal institutions, including the judiciary, the public prosecution service, and social counseling agencies, which operate in accordance with established legal norms. This collaboration is essential for ensuring that the child is supported throughout the legal proceedings, thereby upholding justice for minors in conflict with the law.

**Legal Substance:** The decision is firmly anchored in the Child Protection Law and the juvenile criminal justice framework, illustrating the application of coherent and consistent legal provisions. The implementation of conditional sentencing and the imposition of special requirements are in alignment with the Juvenile Criminal Justice System Law (UU SPPA), effectively adapting legal norms to the specific circumstances of the juvenile offender and the demands of society.

**Legal Culture:** The prioritization of rehabilitation and the safeguarding of the child's rights signifies the evolution of legal culture, particularly concerning restorative justice methodologies. This verdict reflects a concerted effort to rectify deficiencies within the legal culture surrounding the adjudication of sexual offenses against children, especially by mitigating the risk of re-victimization for the child victim while simultaneously providing the offender with opportunities for rehabilitation and reintegration into society.

This ruling is consistent with the principles of Gustav Radbruch's legal theory, which advocates for a balance among justice, legal certainty, and social utility. Nevertheless, practical challenges persist, particularly concerning the effective implementation of these principles and the avoidance of sentencing disparities that may undermine the deterrent effect. Furthermore, the decision underscores the classic dilemma in addressing juvenile offenders who commit serious crimes: how to safeguard the rights and welfare of child offenders without compromising the rights of victims and broader social justice. This issue is particularly salient in the context of increasing sexual violence cases against children, necessitating a legal system that is both responsive and adaptive. Overall, Decision Number 2/Pid.Sus-Anak/2025/PN Luwuk integrates the legal values of Radbruch's theory and Friedman's legal system theory within the framework of juvenile justice in rape cases, emphasizing protection, rehabilitation, and equitable legal certainty, while also optimizing social benefits.

Verdict Number 37/Pid.Sus/2025/PN Luwuk also concerns a case of child sexual abuse, different from Verdict Number 2/Pid.Sus-Anak/2025/PN Luwuk in that the perpetrator is fully legally accountable. The defendant is 40 years old and is charged with committing acts of sexual molestation against a minor (the victim is 14 years old). The acts occurred twice in October 2024 at the Teacher's Housing Complex, Banggai Regency, by means of hugging and inappropriate touching without the victim's consent, accompanied by the offering of money to ensure the victim's silence. The victim and witnesses gave detailed statements about the defendant's actions, which occurred at night while the victim was asleep and afraid. Medical evidence revealed abrasions and old tears caused by blunt force trauma on the victim's genital area, corroborating the testimony of sexual violence. The defendant admitted to some actions but denied penile penetration into the vagina, only admitting to finger penetration. The defendant gave the victim IDR 50,000 (Indonesian Rupiah) to influence her not to tell anyone. The victim suffered trauma, dropped out of school, and is receiving support from family and the community.

The judge determined that the elements of the crime were satisfied under Article 82, paragraph (1), in conjunction with Article 76E of the Child Protection Law, which stipulates that the defendant engaged in acts of violence or threats thereof, deception, or coercion in the commission of molestation against a child. The defendant's status as a legal subject and the factual basis for the charges of molestation were substantiated through testimonial and medical evidence. No justificatory or exculpatory grounds were identified to absolve the defendant of

criminal responsibility. The detention was deemed lawful, and the period of detention was subtracted from the imposed sentence. The defendant was convicted as charged and sentenced to six years and six months of imprisonment, along with a fine of IDR 50 million, with a subsidiary imprisonment of six months in the event of non-payment.

This ruling underscore the court's serious commitment to child protection in cases of indecent acts, as demonstrated by the imposition of a substantial sentence on the adult perpetrator. The considerable duration of imprisonment and the financial penalty reflect a stringent legal stance aimed at deterring sexual offenses against children. The rigorous application of child protection laws, coupled with reliance on the victim's testimony as the foundation for the verdict, exemplifies the enforcement of substantive justice. Despite the defendant's expression of remorse, no significant reduction of the sentence was granted, indicating that offenses against children are addressed with firmness, without compromising the rights of victims to protection. This punitive approach is consistent with Gustav Radbruch's legal theory, which emphasizes the necessity of balancing justice, legal certainty, and social utility. The punishment must be equitable to the victim (justice), clearly and consistently anchored in law (legal certainty), and serve a deterrent purpose for society (utility).

In contrast to the ruling in Case Number 2/Pid.Sus-Anak, which involved a child offender, the present decision adopts a more stringent approach due to the adult status of the perpetrator and the severity of the offense committed against a child. Whereas the juvenile justice system permits conditional sentencing predicated on a rehabilitative framework, adult offenders face the imposition of full prison sentences, which serves as a measure of maximum protection for child victims and reinforces the principle of firm law enforcement. Both judgments exemplify the tenets of a rule-of-law state that harmonizes justice, protection, and legal certainty, contextualized by the defendant's status (child versus adult).

Moreover, this ruling underscore the engagement of various professional legal entities – from investigators to judicial authorities – that operate effectively to uphold child protection statutes. The management of this case addresses the obstacles inherent in a legal culture that has historically undermined the capacity of child victims to report offenses and seek justice, thereby signaling progress within Indonesia's legal framework concerning the protection of children who have been victims of sexual violence.

#### **4. Conclusion**

The court's ruling against an adult perpetrator in a child sexual abuse case exemplifies a robust judicial commitment to the protection of children, as evidenced by the imposition of a severe sentence that embodies substantive justice. The lack of sentence mitigation, despite the defendant's expressions of remorse, highlights the unwavering stance taken against crimes perpetrated against children, thereby prioritizing the rights of the victim. This approach is consistent with Gustav Radbruch's legal philosophy, which advocates for a balance among justice, legal certainty, and social utility. A comparative analysis of judicial verdicts indicates that the status of the offender significantly impacts judicial outcomes; juveniles frequently receive rehabilitative sentences, whereas adults are subjected to more severe penalties, thereby reinforcing child protection. This trend illustrates a progressive evolution in Indonesia's legal culture, signifying an increased engagement with legal principles and a movement towards overcoming cultural obstacles to justice. Further research is essential to deepen the understanding of judicial consistency and regional disparities, as well as to inform policy reforms that integrate legal theory with socio-legal practice, ultimately strengthening victim protection and ensuring equitable sentencing.

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