



Model for Combating Child Criminal Offenses Thru the Development of a Legal Culture Based on Pancasila

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Abstract. *The increasing number of children facing the law in Indonesia indicates that the repressive legal approach has not been fully effective in addressing juvenile crime. Children, as subjects of law, have social and psychological characteristics that differ from adults, so law enforcement against them must consider humanitarian and educational aspects. This research aims to analyze the factors causing children to commit criminal acts and formulate a model for addressing them based on developing a legal culture rooted in Pancasila values. This research employs a normative juridical method with conceptual and legislative approaches, and analyzes data qualitatively thru literature review and positive legal norms. The research findings indicate that the causes of children committing criminal acts are multidimensional, encompassing family factors, social environment, education, economics, and psychological factors. Therefore, mitigation efforts cannot be done partially, but must be thru a preventive, educational, and restorative approach. This research offers a model for overcoming challenges thru the development of a legal culture based on five main pillars: family, education, society, the state, and the legal system. This model emphasizes the importance of synergy between law enforcement and moral development in accordance with the values of Divinity, Humanity, Unity, Deliberation, and Social Justice. Thus, the development of Pancasila legal culture is expected to realize a child criminal justice system that is humanistic, substantively just, and oriented toward social rehabilitation in accordance with the legal ideals of a Pancasila state of law.*

Keywords: *Child Criminal Law, Child Criminal Offenses, Legal Culture, Pancasila, Restorative Justice, Social Justice.*

1. INTRODUCTION

The development of modern society brings with it the logical consequence of changes in social, economic, and cultural structures, which in turn influence the legal behavior of society. Globalization, advancements in information technology, and the flow of cultural liberalization have created a complex and dynamic social reality. In such conditions, children, as part of the nation's future generation, become the group most vulnerable to the negative influences of social change. The phenomenon of rising crime committed by children is a serious issue that is not only legal but also social and moral in dimension.

Children, as subjects of law, hold a unique position. They are not just individuals who are developing biologically and psychologically, but also social beings who are forming their moral and social identities. Therefore, every form of law enforcement against children must consider the principle of protection and the best interests of the child. The law should not treat children solely as perpetrators of crimes, but also as victims of social conditions that are not conducive to their moral and legal development.

In the context of national law, the existence of children in conflict with the law is specifically regulated in Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA). This law is a form of the state's commitment to implementing the principles of child protection as mandated in the Convention on the Rights of the Child, which has been ratified thru Presidential Decree Number 36 of 1990. Normatively, the SPPA emphasizes a restorative justice approach and diversion as the primary steps in handling child offenders.

However, in practice, the implementation of the juvenile justice system still faces various structural and cultural obstacles. Many law enforcement officers still prioritize a repressive approach, treating children like adult criminals. Lengthy and child-unfriendly legal processes often lead to psychological trauma, social stigma, and hinder children's social reintegration into society. Thus, a new paradigm is needed in child law enforcement that is more oriented toward justice, humanity, and social rehabilitation.

One of the biggest challenges in Indonesia's child legal system is the weak legal culture among the public and law enforcement officials. Legal culture not only encompasses an understanding of legal norms, but also legal awareness and behavior that reflect moral values, justice, and humanity. In this context, law cannot be separated from the fundamental values of the Indonesian nation, namely Pancasila. Pancasila is not merely the foundation of the state, but also the source of values and morals that must permeate every legal policy, including law enforcement against children.

Pancasila legal culture emphasizes the balance between legal certainty, justice, and benefit. The value of Divinity demands the enforcement of laws based on spiritual morality; the value of Humanity requires laws to respect human dignity; the value of Unity promotes social harmony; the value of Deliberation guaranties procedural justice; and the value of Social Justice affirms the distribution of justice for all citizens without discrimination. In the context of child law, these values must be realized thru a humanistic, educational, and restorative legal approach.

Social reality shows that many children commit criminal acts not due to criminal intent, but rather because of environmental influences, family disharmony, poverty, and weak moral education. Children are often victims of a social system that neglects their well being and character development. Therefore, a legal approach that emphasizes punishment (punitive approach) is not relevant in resolving this issue. Conversely, an approach based on restorative justice and legal culture development becomes very important for building a more humanistic legal awareness.

In law enforcement practice, building a Pancasila-based legal culture requires synergy between various elements of society: family, school, community, and the state. The family plays a fundamental role in instilling moral values and legal discipline in children from an early age. Schools become places for internalizing Pancasila values thru character education. Society plays a role in creating a social environment conducive to the growth of children's legal awareness, while the state functions as a facilitator, providing legal instruments and public policies that favor child protection.

Furthermore, it must be recognized that the development of a culture of law for children cannot be separated from a just national legal system. Law enforcement must consider the principle of restorative justice, which is resolving cases by bringing together the perpetrator, victim, and community to achieve healing, not revenge. This principle aligns with the values of humanity and deliberation contained in the second and fourth principles of Pancasila. Therefore, the juvenile justice system must be designed to correct behavior and reintegrate children into society, not destroy their future.

Failure to build a legal culture based on Pancasila values will result in a rigid, elitist legal system that is far from a sense of social justice. Law enforcement that is solely oriented toward legal certainty will disregard the human dimension and substantive justice. In the context of child law, this can have a detrimental impact on a child's psychological and moral development, potentially even leading to a new cycle of crime. Therefore, the law should be a means of nurturing and learning for children, not an instrument of oppression.

Building a Pancasila legal culture means restoring the function of law as a means of social engineering. Thru the internalization of Pancasila values, law can shape civilized and just social behavior. This approach assumes that combating child crime is not only the responsibility of law enforcement agencies, but also of all elements of the nation. By building a legal culture rooted in Pancasila, society can actively participate in preventing child crime thru moral education, social control, and social solidarity.

Based on this background, this research aims to analyze the legal and sociological factors causing children to commit crimes and to formulate a model for addressing this issue that is oriented toward developing a Pancasila legal culture. Thru this approach, it is hoped that a legal system can be realized that not only upholds the rules but also nurtures human beings in their entirety achieving social justice for all Indonesian people, as envisioned in the noble ideals of the 1945 Constitution's Preamble.

2. METHODOLOGY RESEARCH

This research uses a normative legal approach supported by conceptual and legislative approaches. The normative legal approach is used to examine positive legal norms that regulate the juvenile criminal justice system, specifically the provisions in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), as well as other regulations relevant to child protection and the development of a legal culture in Indonesia. A conceptual approach is used to examine the concept of legal culture according to Lawrence M. Friedman's theory and the values of Pancasila law as the philosophical basis of the national legal system. Meanwhile, a legislative approach is used to identify the compatibility between existing legal norms and the principles of social justice and humanity that serve as the basis for the rehabilitation of child offenders.

The research data for this study are sourced from primary, secondary, and tertiary legal materials. Primary legal materials include national legislation and international conventions ratified by Indonesia, such as the Convention on the Rights of the Child (CRC). Secondary legal materials consist of scientific literature, legal journals, previous research findings, and the opinions of legal experts relevant to the topic of child protection and Pancasila legal culture. Tertiary legal materials include legal dictionaries, encyclopedias, and other supporting sources. Data analysis was conducted qualitatively normatively, by describing, interpreting, and connecting various existing legal norms and legal theories. The analysis results were then synthesized to produce a model for combating child criminal acts based on the values of Pancasila, social justice, and humanity.

3. RESULT AND DISCUSSION

Factors Causing Children to Commit Crimes

The phenomenon of children committing crimes is a reflection of the complexity of social issues that cannot be explained by a single cause. In the legal context, children cannot be viewed solely as perpetrators of crimes, but also as victims of social, economic, and cultural systems that have not fully prioritized the best interests of the child. Therefore, the analysis of the causal factors of child crime must be conducted multidimensionally, considering the interconnectedness between social structure, education, economy, and morality that exists in society.

The most dominant first factor is family. The family is the first social environment that shapes a child's personality and character. In the theory of legal socialization, the family serves as the primary agent of legal culture, where children learn moral values, discipline, and

the law. However, when family functions weaken due to divorce, internal conflict, or domestic violence, children lose the moral control and supervision that should shape their legal awareness. Dysfunctional family conditions often drive children to seek refuge outside the home, which can then lead them to engage in deviant behavior.

In many cases, the weakness of the parental figure is a key factor. Parents who neglect their children's emotional and moral needs create a value vacuum that is then filled by negative external influences. Authoritarian or overly permissive parenting styles leave children without clear guidelines for distinguishing between right and wrong behavior. In fact, according to the second principle of Pancasila Just and Civilized Humanity, the family should be the first place to instill a sense of empathy, responsibility, and social morality that shapes children's legal awareness.

The second factor that also has a significant influence is the social environment. Children who grow up in an environment that is permissive toward violence, moral deviance, or criminal behavior tend to internalize those negative values. Albert Bandura's social learning theory explains that deviant behavior is often formed thru the process of imitation of the surrounding environment. In this context, the weak social control of society over children's behavior is one of the main causes of juvenile crime. A society that loses its social concern and spirit of mutual cooperation as mandated by the third principle of Pancasila Indonesian Unity will fail to be a moral filter for the younger generation.

In addition to the physical social environment, the influence of mass media and digital media also has a significant impact. The digital era has opened up unlimited access to information, including content containing violence, pornography, and hedonistic lifestyles. Children who have not yet developed moral maturity are easily influenced by such content. When the education system and family fail to provide digital literacy and moral control, the media becomes a "new educator" with the potential to instill values that contradict the culture of Pancasila law.

The third factor is education. Schools function not only as institutions for transferring knowledge, but also as places for character development and the formation of moral values. Unfortunately, the education system in Indonesia is still too focused on academic achievement, while aspects of legal and moral character development are often neglected. A curriculum that insufficiently emphasizes Pancasila values and legal awareness results in children lacking a deep understanding of social responsibility and the legal consequences of their actions. However, Pancasila-based character education can serve as a moral bulwark, preventing children from engaging in criminal behavior.

Schools also often fail to detect deviant behavior early on. The lack of counselors and guidance teachers leads to children's behavioral problems not being properly addressed. In the theory of restorative school culture, schools should be environments that support reconciliation and behavioral improvement for children, not simply administer sanctions. When schools function solely as academic institutions without moral and social touch, children with behavioral problems tend to seek validation outside the formal educational environment, including thru negative peer groups.

The fourth important factor is the economy. Structural poverty and social inequality are the root causes of many child crimes, especially those related to theft, robbery, or economic exploitation. Children from poor families are often forced to work at a young age or engage in illegal activities to help meet their family's needs. In the context of social law, this represents a failure of the state to fulfill the mandate of Article 34 paragraph (1) of the 1945 Constitution, which requires the state to care for the poor and orphaned. Thus, child crime cannot be separated from the state's social responsibility to create economic well-being and justice.

Additionally, economic factors also influence children's access to education and moral development. Children from low income families tend to face limitations in accessing quality education, which ultimately weakens their legal awareness. From a social justice perspective, economic inequality creates legal cultural inequality, where poor communities are more vulnerable to legal violations due to limited access to legal education and information.

The fifth factor, which is no less important, is the psychological and personality development of the child. Adolescence is a transitional period characterized by the search for self identity, the desire for recognition, and emotional drives that are not yet stable. Children's inability to control their emotions and distinguish right from wrong often leads them to impulsive actions that result in legal violations. Especially if children do not receive adequate moral guidance from their parents or schools. In this context, an overly harsh legal approach can actually worsen a child's psychological condition and hinder their social rehabilitation process.

A child's psychological condition is also greatly influenced by childhood trauma, such as domestic violence, neglect, or abuse. Children with a history of trauma tend to mimic violent patterns as a form of self expression. Therefore, in every legal process involving children, psychological aspects must be the primary consideration. The restorative justice approach, which emphasizes healing and reconciliation, is becoming more relevant compared to the repressive approach that only has a deterrent effect.

From all these factors, it can be concluded that the causes of children committing crimes are systemic and interconnected. Weak family function, a permissive social environment, character-neglecting education, economic inequality, and children's psychological conditions form a vicious cycle that shapes deviant behavior. Therefore, combating child crime cannot be done partially or repressively, but must be thru an integrative approach that includes social, moral, economic, and legal dimensions. Developing a legal culture based on Pancasila values is a fundamental strategy for building a just, humane, and socially equitable legal awareness for children as the nation's future generation.

Model for Combating Child Criminality thru the Development of a Pancasila-Based Legal Culture

Combating child crime cannot be solved solely thru a repressive positive legal approach. An approach that emphasizes punishment often has detrimental psychological effects on children and hinders their social reintegration process. Therefore, a preventive and humanistic model of intervention is needed, one that is oriented toward nurturing and restoring children's moral values. This research proposes a model for combating child crime based on the development of Pancasila legal culture, which views law as a means of social and moral education, not merely an instrument for enforcing sanctions.

Pancasila legal culture is a value system that permeates all aspects of national and state life. Pancasila contains the principle of balance between legal certainty, justice, and benefit, and views humans as moral beings with the potential to change and improve themselves. In the context of child criminal offenses, Pancasila guides the enforcement of law to be carried out with a spirit of humanity, unity, and social justice. Therefore, every policy to address child criminal offenses must reflect these values in legal practice and public policy.

This model of prevention is built upon five main pillars: family, education, community, state, and the legal system. These five pillars have a functional connection that forms a complete and integrated legal cultural system. The basic principle is that the successful prevention of child crime is not only the responsibility of legal institutions, but also of all social elements that shape a child's character and legal awareness. With the synergy of these five pillars, it is hoped that a preventive, participatory, and sustainable legal culture can be realized.

The first pillar is family. The family is the primary legal culture where children first learn moral values, laws, and responsibility. Parents play a strategic role in instilling the values of Divinity and Humanity, which are the foundation of moral legal behavior. Moral education and character development of children within the family align with the first and second principles of Pancasila. In this context, the state needs to develop Pancasila based parenting

education programs to increase awareness of family law and their ability to educate children to have high social discipline and legal awareness.

The failure of families to fulfill their educational and moral functions often serves as an entry point for children's deviant behavior. Therefore, the legal awareness family development program (KADARKUM) must be expanded by integrating Pancasila values as a guide for family life. This approach is important so that the family functions not only as a biological institution, but also as a moral fortress that strengthens children's social resilience against negative environmental influences. Thus, the family is not merely a social safety net, but also a key player in the development of a culture of law.

The second pillar is education. Schools play a central role in shaping children's legal awareness thru formal and informal learning processes. Education is not only a means of transferring knowledge, but also a vehicle for internalizing moral values, responsibility, and legal discipline. Therefore, the education curriculum must emphasize the teaching of Pancasila values and legal awareness as an integral part of character formation. A character-based legal education model can make schools a social laboratory for shaping young generations with legal personalities in accordance with the ideals of Pancasila social justice.

In addition, the application of restorative justice principles in educational settings also needs to be developed. Schools should avoid punitive disciplinary approaches and replace them with mechanisms for social restoration. For example, thru a discussion forum between teachers, students, and parents when a violation occurs, which aims to build students' responsibility and moral awareness. This concept aligns with the fourth principle of Pancasila People's Sovereignty Guided by Wisdom in Deliberation/Representation which emphasizes resolving problems thru dialog and wisdom, not solely thru punishment.

The third pillar is society. Society serves as a space for the actualization of legal and moral values. A law-abiding social environment will strengthen children's moral development. Therefore, strengthening public legal awareness is key to preventing child criminal offenses. Programs like Kampung Sadar Hukum (Legal Awareness Village), Forum Remaja Pancasila (Pancasila Youth Forum), or Gerakan Masyarakat Peduli Anak (Community Movement for Child Welfare) can be effective means of building community participation in maintaining a conducive social environment. The culture of mutual cooperation and social solidarity as mandated by the third principle of Pancasila needs to be revived as a social bulwark in shaping children's behavior.

A well functioning society will act as a moral guardian and social mediator in conflicts involving children. This community based approach is important because it can reduce the potential for child crime thru gentle social control and family based values. In Friedman's legal culture theory, the success of law does not only depend on written regulations, but also on society's social awareness in enforcing legal norms. Thus, society must be an active part of the legal system, not merely an object of law enforcement.

The fourth pillar is the state and public policy. The state has a constitutional obligation to protect children as stipulated in Article 28B paragraph (2) and Article 34 paragraph (1) of the 1945 Constitution. Public policy in the legal and social fields must prioritize the protection and development of children. The government needs to strengthen the legal system by expanding the implementation of diversion, building child rehabilitation institutions, and ensuring the effective implementation of restorative justice in every region. Additionally, the state must ensure that all law enforcement agencies have a deep understanding of the principles of Pancasila justice so that the law does not become an instrument of punishment, but rather a means of human development.

Public policy based on the values of Pancasila must also encourage integration between legal institutions, social institutions, and educational institutions in addressing child crime. The government can formulate a national action plan on child legal education, which incorporates the values of Divinity, Humanity, and Social Justice into every development program. Thus, the state functions as a moral protector and social facilitator for the younger generation so that they grow into just, civilized, and law-abiding citizens.

The fifth pillar is the legal system. The juvenile criminal justice system must place the principles of restorative justice and the best interests of the child as the basis for its enforcement. Legal processes against children should prioritize rehabilitation and social reintegration, not retribution. Law enforcement officers need to be given training and education that emphasizes the values of social justice, humanity, and empathy toward children's psychological conditions. By applying these principles, the legal system not only upholds formal justice but also substantive justice that aligns with the humanistic values of Pancasila.

Thus, the model for combating child crime thru the development of Pancasila legal culture is an integral approach that combines legal, social, and moral aspects. Pancasila serves as the philosophical foundation that ensures law functions as a means of human development, not merely as a tool for enforcing sanctions. Synergy between the family, education, community, state, and legal system will give rise to a child justice system that is humanistic, just, and recovery-oriented. In this framework, law is not only an instrument of certainty but

also a vehicle for social education to shape a generation of the nation that is ethical, moral, and adheres to the values of social justice, as envisioned by the noble ideals of the Indonesian nation.

4. CONCLUSION

Combating child crime in Indonesia must be placed within the framework of developing a legal culture rooted in Pancasila values. The phenomenon of children facing the law cannot be resolved solely thru a repressive approach, as the root of the problem is multidimensional, encompassing family factors, social environment, education, economics, and psychology. Therefore, an effective model of intervention is one that is preventive, educational, and restorative, using the law as a means of moral and social development. Pancasila provides a philosophical foundation for the just and humane enforcement of child law, ensuring that the law not only upholds rules but also educates and restores the human dignity of children as the nation's future generation.

The development of a Pancasila based legal culture must be carried out thru the synergy of five main pillars: family, education, society, the state, and the legal system. The family serves as the first moral fortress in shaping a child's character; education plays a role in instilling legal awareness; society creates a social environment that supports law abiding behavior; the state functions as a facilitator of policies that prioritize child protection; and the legal system acts as a protector of social justice, upholding the principles of restorative justice. By building a legal culture based on the values of Divinity, Humanity, Unity, Deliberation, and Social Justice, Indonesia can realize a child legal system that is humanistic and substantively just, in line with the ideals of a Pancasila state of law as stated in the Preamble of the 1945 Constitution.

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