



Child Maltreatment Protection : A Comparative Analysis with the United Kingdom and United States in Addressing OCSEA

Satryo Sasono^{1✉}, Fatih Afrisal Bagus Septiono², Delasari Krisda Putri³

Faculty of Law, Universitas Sebelas Maret Surakarta, Indonesia⁽¹⁾

Faculty of Education, Universitas Sebelas Maret Surakarta, Indonesia⁽²⁾

Public International Law, Utrecht University, Netherlands⁽³⁾

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Abstract

The development of digital technology, particularly social media, has had a significant impact on children's lives. The digital world has become a new platform for crime, particularly online sexual exploitation and abuse of children (OCSEA). This study focuses on identifying the role of families and regulations in supporting children's digital world, as well as evaluating regulations as a preventive measure to prevent behavioral deviations and violence. A multidisciplinary approach between psychology and law, using qualitative research methods through legal analysis and literature review. The study findings indicate that active users of digital media among children and adolescents experience psychological changes when spending their daily time online to access information, entertainment, communication, and even pornographic content using Virtual Private Networks (VPNs). Legal violations such as sextortion, cyberbullying, misuse of personal data, grooming, and child trafficking through digital platforms are on the rise, making the protection of children from exploitation in the digital world a critical issue. International regulations include the UNCRC, ICCPR, and Indonesia through Law Number. 35 of 2014 on Child Protection; (2) Law Number. 19 of 2016 on Electronic Information and Transactions are not yet effective enough to address the social phenomena of gender inequality and violence when compared to child protection efforts in countries such as the United States, the European Union, and the United Kingdom, which have more inclusive regulations.

Keywords: *OCSEA, Child Protection, Violence/Exploitation, Digital Literacy.*

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✉ Corresponding author:

Email Address: fatihafrisal@student.uns.ac.id (Semarang, Indonesia)

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Introduction

Zelenials generations As the digital masters of life, technology has fundamentally changed communication patterns and human relationships. Technology and social media have changed how people share information, learn, and engage with each other. On the positive side, technology has made it possible for individuals to strengthen social relationships by providing platforms for interaction, and has made it possible for individuals to connect with social support networks related to life challenges (abuse, bereavement), which were previously not easily accessible (Kara & Min, 2024). On the downside, it is argued that digital technology has created social isolation, causing people to ignore each other's emotional needs and 'trivialise' personal interactions. It has even been suggested that the internet may cause changes in brain structure and function, making people more

efficient in consuming information but 'sacrificing' their ability to reflect more critically (Szymkowiak et al., 2021). When digital technology has increasingly become part of everyday life, it has changed people's norms, attitudes, and behaviours, including adolescents and children.

The data shows that digital technologies are integral to children's lives in Indonesia. To understand this in the context of children's behaviour, it is crucial to examine how digital technologies affect children's developmental experiences, such as learning, identity development, and relationships (Renner et al., 2022). Regarding participatory culture, children are becoming active agents of information, culture, and knowledge, and the internet has provided the means to achieve this. The internet has allowed children to build and interact with online platforms to share ideas with the broader community (Sarikoudi & Apostolidou, 2020). Any information can be obtained from the internet, which has provided access to software to produce videos and music. This gives children fantastic opportunities to explore their interests, learn, and engage with society. Social media has played a dynamic role in shaping popular culture by providing tools for creation and channels for distributing content.

The most representative example is YouTube, which not only serves as a source of entertainment and a way to disseminate content, but also shapes and reflects popular culture. Forming and maintaining relationships with peers is central to children's lives, and they happily adopt social media as a means of social bonding and connection (Bozzola et al., 2022). It is often argued that text messaging and social media have replaced face-to-face interactions, which implies that friendships are becoming increasingly 'shallow'. However, argue that social media has not replaced face-to-face interactions but has strengthened these relationships (O'Keeffe et al., 2011).

Most online interactions between children are with peers they know from school, religious events, clubs, or sports activities. Expanding opportunities for peer engagement and social media can alleviate children's anxiety about social relationships. The COVID-19 pandemic has had an unprecedented impact on children's online activities. School closures, which affected more than 1.5 billion children, forced children into online environments (Mesce et al., 2022). These environments have become central to maintaining learning, support, and play for many children, but at the same time, expose children to risks that most of them are not yet equipped to deal with.

The Disrupting Harm Study (Bergmann et al., 2022) states that internet and digital media use also affect children's online safety and security. Children are at risk of encountering online content that is inappropriate for their age, or being manipulated or groomed for sexual exploitation and abuse, as statistics from the Disrupting Harm Study show. This report highlights several key insights: 1) At least 2% of children between the ages of 12 and 17 who use the internet are victims of online sexual exploitation and abuse that includes blackmailing children to engage in sexual activity, sharing sexual images of them without their permission, or forcing them to engage in sexual activity with the lure of money or gifts. These findings are considered under-reported. 2) Perpetrators of OCSEA (Online Child Sexual Exploitation and Abuse) are often people the child already knows - adult friends, peers, or family members. 3) Children experience OCSEA primarily through mainstream service providers such as WhatsApp, Facebook, and Messenger. 4) Children who are victims of OCSEA-related crimes tend to disclose their stories to people in their interpersonal networks, particularly their friends and siblings. Very few children use formal reporting mechanisms like hotlines, helplines, or the police.

The Disrupting Harm Study provides a foundation for researching children's online behaviors, activities, and experiences. It offers a framework for more intensive research focusing on why children behave in specific ways and how they feel about their experiences. A greater focus is on children's perspectives in the Our Lives Online Study (Thompson et al., 2021), which aims to produce a 'snapshot' of social media use among 11-18 year olds in East Asia, and the risks of online child sexual exploitation and abuse. The study included children from low-income families, marginalized children, children with disabilities, street children, and refugee children (Wen & Li, 2022). The shortcomings of this study relate to the small sample size - seventy-seven children in Indonesia took part in the survey - so it does not present statistically significant data.

Writing Method

This research uses a multidisciplinary approach, namely psychology and law, with a qualitative research design. The methods used are normative (through law review) and literature study, where researchers conduct a systematic review to identify and evaluate laws related to child protection, information and electronic transactions, trafficking in persons, and the role of social media in the psychological support of children and adolescents. The outcome of a finding regarding the psychological state of children and adolescents and the status quo of legal norms was elaborated with comparisons in other countries. The analysis was conducted using deductive reasoning by elaborating on primary legal sources, namely the UNCRC (United Nations Convention on the Rights of the Child) and Law Number. 35 of 2014 concerning Child Protection, comparing legal facts in the United States and the United Kingdom based on textual or interpretative analysis of legislation documents.

Result and Discussion

Key Findings on Children and Teenagers' Digital Life Fun

Key findings from UNICEF's work with children show that most children (99.4%) use the internet for an average of 5.4 hours daily. The majority of these children access the internet at home. As digital natives (someone born and raised in the era of digital technology), the internet has become Indonesian children's playground and growth space.

Indonesian children love being online, with 85.4% feeling 'very' happy. The top three reasons they enjoy being online are entertainment and games, access to information, and communicating with friends. Children perceive the internet as interesting, exciting, and fun. The adjectives 'happy' and 'fun' were repeatedly used to describe their feelings. The internet was seen as an integral part of children's lives. Children saw the internet as an entertaining space to play and interact with friends.

Family rules about children's online activities primarily focus on how much time children spend online. Almost 70% of the children in this study had regulations imposed by their parents about online activities. The primary focus of these rules was on time limits, with 86.7% of the children having rules regarding the length or duration of time they were allowed to be online (Wahyuningrum et al., 2020). Only 8.2% of the children mentioned that they were not allowed to view harmful or violent content, pornographic sites, or adult sites. Almost a quarter of the children in this study (21.2%) did not comply with these rules (Deepthi Kumari & Jayathilaka, 2022).

In most cases, children share their online activities mainly with their friends. However, this study found that children who had a good relationship with their parents also shared their activities with their parents. Children choose to talk to their families because they feel more comfortable, have good relationships with family members, are at home with them, and receive/get advice from them. Many children mentioned having a close relationship with one of their parents, usually their mother (Lee & Jeon, 2021). They described their parents as good listeners, open to talking about the internet, and fun to talk to. The main activity that children engage in online is talking to their friends and family.

Eighty-six percent (86%) of the children spoke to their friends online. Children's second most common online activity was accessing entertainment content, such as online movies and videos. Children also use the internet to do schoolwork and play online games (Aufizzahra As Syafiyah & Primanita, 2024). Although the number of children using Virtual Private Networks (VPNs) is small, those who use them mostly do so to play games. Some children revealed that they use VPNs to access pornographic content (D'Alberton & Scardovi, 2021). The use of VPNs makes children's online presence very vulnerable, and this is a discussion that is often overlooked in educational programs on online safety for children. Of all the apps available online, WhatsApp is the most popular among children, with 94% of them using it and 83% saying they use it most often.

Family Access and Cybeseurity

Most children allowed their families to 'friend' their accounts because they enjoyed communicating with them; they were close to them, had nothing to hide, felt safe, and did not keep

secrets from their families (Rodríguez & Zenteno, 2022). Children who did not allow their families to 'friend' their accounts stated that they did not want their families to see their online activities because they would get scolded. Thirteen percent (13.4%) of the children had accounts kept secret from their parents because they did not want their parents to see their online activities. The children also used the secret accounts as fake profiles to stalk others, so they could post whatever they liked. Children who have a good relationship with their parents and family are happy to allow their parents and family to access their accounts and are less likely to have secret accounts (Moser et al., 2017).

Almost sixty-one percent (60.6%) of this study's children said they feel safe on the internet. They felt secure because they only keep contact numbers of people they know; they limit the number of stories they post; they use passwords; their parents monitor their accounts; they use the internet sparingly; they don't browse adult sites; they have privacy settings on their phones and play the internet at home (Garon-Bissonnette et al., 2022). Many of these children gave reasons for feeling safe that were very naive and 'too trusting'. They said that they just felt safe; that many people use the internet; they have never had problems on social media; other people use and view the duplicate content so they must be safe; their safety is guaranteed online; they have never experienced anything that made them feel unsafe; they only use it on certain days and they are home alone when using Children naively believe that the main danger online comes from hacking or data breaches and that they will be safe if they have a password on their phone (Gruber et al., 2022). They seem unaware of the dangers lurking on the internet, and many of them say that nothing has happened to them online so far, so they believe they are safe. There is an apparent lack of understanding of what it means to feel secure when using the internet (Abdullayeva & Ojagverdiyeva, 2021).

Types of Online Child Sexual and Exploitation Abuse Sextortion

Perpetrators often threaten to spread private photos or videos of children if they do not comply with their requests (O'Malley et al., 2023). This mode usually occurs after victims are tricked into voluntarily sending pictures or personal information. Online sexual exploitation of children is one of the most alarming forms of digital crime in today's society. It encompasses activities such as the dissemination of child sexual abuse material (CSAM), sextortion, online sexual harassment, and grooming, where perpetrators build a relationship of trust with children to exploit them sexually (Hernandez et al., 2018). The ease of access to the internet and the anonymity offered by digital platforms make it easier for perpetrators to exploit children (Kim, 2023).

In Indonesia, although Article 761 jo. Article 88 of Law Number 35 of 2014 on Child Protection and Law Number 11 of 2008 on ITE already regulate the prohibition of online sexual exploitation of children. However, law enforcement still faces significant challenges in addressing this issue. Many cases are complex to uncover because the perpetrators of these digital crimes use fake identities and utilize online platforms that are difficult for authorities to trace. In addition, the lack of digital literacy among children and parents also makes children more vulnerable to becoming victims. Therefore, concrete steps are needed, such as strengthening regulations, cooperation between the government and digital platform providers, and increasing public awareness of the dangers of online sexual exploitation of children (Murray, 2018).

Child Trafficking Through Digital Platforms

Digital technology is not only used for social interaction but has also been utilized by child trafficking syndicates to find and recruit victims. The modus operandi of child trafficking in the digital world is very diverse, ranging from recruitment through social media, messaging applications, to falsified job advertisements where the perpetrators target children (SAYID MUHAMMAD RIFKI NOVAL et al., 2023). In Indonesia, child trafficking is a serious offense regulated in Law Number 21 of 2007 on the Eradication of the Crime of Trafficking in Persons. However, in the digital context, law enforcement still faces significant challenges. Perpetrators often operate within international networks and use sophisticated technology to conceal their activities.

Personal Data Abuse and Child Safety Risks in a Digital World

Misusing children's data is another threat that is increasingly worrying the public. Children often do not understand the importance of protecting their personal information online, so they share their data without thinking. Irresponsible parties can use this for various purposes, such as identity theft, sexual exploitation, and child trafficking (Moran & Prochaska, 2023). Although Indonesia has Law Number 27 of 2022 on Personal Data Protection, the implementation of child data protection is still very weak. Many digital platforms do not have sufficient security systems to protect children's data, and the lack of digital literacy among the public makes children more vulnerable to becoming victims.

Modus Operandi of Online Crimes against Children

Online crimes against children are often committed with a variety of modes that are increasingly sophisticated and difficult to detect. Some familiar modus operandi used by online criminals against children include: 1) Grooming: The perpetrator builds trust with the child through personalized online communication (Kaylor et al., 2023). Initially, the perpetrator pretends to be a friend or someone who cares about the child, then later slowly leads them into dangerous situations, such as sexual exploitation or human trafficking. 2) Psychological Manipulation: Perpetrators often use psychological manipulation techniques to make children feel guilty, afraid, or dependent on them. This technique is often used in cases of sexual exploitation and child trafficking, where the victim feels trapped in a difficult situation and cannot ask for help (Dewi Anggraeny et al., 2023). 3) Identity Forgery: Perpetrators often use fake identities to pose as peers, celebrities, or authority figures to gain a child's trust and manipulate them (Winters & Jeglic, 2022). 4) Exploitation on the Dark Web: Some digital criminals often use hidden networks such as the dark web to sell or distribute child exploitation content, which makes it more difficult for law enforcement to enforce the law (Febriyana & Gusnita, 2023).

The protection of children from exploitation in the digital world is a crucial issue that is regulated in various laws and regulations in Indonesia, including Article 761 jo. Article 88 of Law Number 35 of 2014 on Child Protection and Law Number 11 of 2008 on Electronic Information and Transactions (ITE). Although regulations have been established, their implementation faces various obstacles, such as a lack of digital literacy, challenges in supervision, and technological limitations in law enforcement.

Obstacles to Implementation

One of the main obstacles to the implementation of protecting children from digital exploitation is the lack of public understanding and awareness of the forms of exploitation that can occur in cyberspace. Many parents and children are unaware of the risks, making them vulnerable to cybercrime. Research by Djanggih (2018) shows that cybercrime that results in children as victims increases yearly, and penal and non-penal approaches are needed to overcome it (Musofiana et al., 2020).

Lack of Digital Literacy

The lack of digital literacy among children and parents exacerbates the risk of exploitation. Many children lack adequate knowledge and skills to take care of themselves online. In addition, parents often do not understand how to assist children in using social media (Lathifah Az Zuharah & Ade Putranto Prasetyo Wijiharto Tunggal, 2022).

Technology Limitations in Law Enforcement

The limited technology owned by law enforcement officers is an obstacle to identifying and prosecuting perpetrators of child exploitation in the digital world (Van Der Hof et al., 2020). The lack of sophisticated tools and systems to track illegal activities and the lack of training for officials in cybercrime make law enforcement less than optimal. It shows that to tackle cybercrime that results

in children as victims, protection needs to be carried out in the form of penal and non-penal policies, including restrictions on internet access to children (Hinojo-Lucena et al., 2020).

Child exploitation in the digital world is a serious issue that requires special attention. Law Number 35 of 2014 on Child Protection, specifically Article 76I, prohibits anyone from economically and/or sexually exploiting children. Violation of this provision is punishable by a maximum imprisonment of 10 years and/or a maximum fine of IDR 200 million according to Article 88. In addition, Law Number 11 of 2008 on Electronic Information and Transactions (ITE) also regulates acts that violate decency and the exploitation of children in the digital world.

Changes in Children's Behavior and Psychology of the Digital World (Fear of Missing Out, Cybersex, and Video Call Sex)

Research shows that social media can significantly impact the psychological health of children and adolescents. On the one hand, social media can provide necessary social support, helping children and adolescents feel more connected and supported by their social networks (Zhu et al., 2023). It can also be a valuable source of information, allowing children to learn about various topics, including mental health, which can help them manage emotions and stress.

In addition, the phenomenon of Fear of Missing Out (FOMO) has also been identified as a significant problem. FOMO can also cause social anxiety and pressure to constantly monitor and participate in online activities, which can disrupt the balance of daily life in children and adolescents, as revealed by Aisafitri and Yusrisah in their research which found that FOMO can change the lifestyle of teenagers in Depok City. Furthermore, social media, often called social media, is a digital platform that facilitates users to interact with each other or share content in the form of writing, photos, videos, and is a digital platform that provides facilities to carry out social activities for each user. Social media is also a means of socializing with each other and is carried out online, allowing humans to interact without being limited by space and time (Nguyen et al., 2022).

Based on the research that has been conducted, the main results indicate that social media plays a significant role in providing psychological support to children and adolescents. However, this is not without social media's positive and negative impacts. Several positive and negative effects of social media have been identified (Ramadhani et al., 2019). The positive impacts of social media are divided into three categories: providing social support, serving as an educational and informational resource, and fostering identity development. Meanwhile, the negative impacts of social media are also divided into three categories: cyberbullying, anxiety and depression, and FOMO (Fear of Missing Out) (Santana-Vega et al., 2019).

The phenomenon of virtual sexual harassment, such as the case, is included in the social problem of cybersex, which can cause a person to become addicted to sexual things. This cybersex addiction can occur because of a compulsive behavior where a person uses technology to do sexual things with other people. Addiction in this case is hazardous, the same as if someone is addicted to dangerous substances such as drugs and so on, this is because it will be difficult to cure and will require a long process for someone to overcome the addiction (D'Lima & Higgins, 2021). Thus, this phenomenon is included in social problems because it is a social disease that exists in society, where overcoming it requires specific treatments (Wang et al., 2024). Not only that, the phenomenon is a social problem because it can occur to anyone who can access the anonymous chat channel, making it worse because the access is too free so that it can attack anyone.

In this case of virtual sexual harassment, it is necessary to re-monitor because some Telegram users, especially anonymous chatbots, still underestimate these incidents. This is because the perpetrators of this sexual harassment can end the chat at any time when they feel satisfied. Likewise, with victims who freely choose to end and continue the conversation according to their wishes. However, they do not think that if their seduction carries them away, they will easily get caught up in conversations that slowly lead to sexual harassment, whether they realize it or not, because the interactions carried out between them are too intimate and intense, which leads to satisfying the desires of the perpetrator (Mansour et al., 2024). What starts with persuasion and with the excuse of just looking for friends to interact over time, leads to requests for sexual offenses such

as VCS (Video Call Sex) and asking to be sent photos of particular body parts. If the victim is already comfortable and complacent with the perpetrator, then, without any consideration, the request will be given without thinking about the risks that will be incurred (Streuli et al., 2013).

Social media is the largest space where virtual sexual harassment occurs, reaching 42%, followed by chat applications, which reach 33%. This figure shows that there are still many instances of sexual harassment that occur virtually, 21% of which occur in the form of showing genitals to their victims through photos or videos. Moreover, as much as 20% of harassment is in the form of sexy comments or sentences that lead to matters of sexuality. The victims of this virtual sexual harassment are primarily women, 83.55%, while men are only 14.75%. The difference between the two is very significant, as women are primarily victims of virtual sexual harassment.

Although the differences that occur are very substantial, in reality, both have the potential to become victims and suspects of sexual harassment. This can happen because of the interactions carried out on social media, where those who initially only want to find entertainment by making friends are trapped in sexual harassment that ends in violence, even though the violence that occurs is classified as non-physical violence. The high rate of sexual harassment is due to the increasing number of anonymous accounts (Briere et al., 2024).

This is undoubtedly an opportunity for the perpetrator to be able to commit acts of harassment against anyone freely. In their anonymity, the perpetrators can carry out various forms of harassment; some even managed to drag the victim to a worse place. This virtual sexual harassment is present because social media facilitates people to commit an act of harassment freely. Even the perpetrators can freely make other people the object of their sexual fantasies.

One of the social media platforms that facilitates its users to keep their identity secret freely is Telegram. Telegram itself is one of the social media sites that has many fans. Globally, telegram enthusiasts reached 700 million people in 2022. This figure has increased from the previous year, 2021, where the increase reached 40%. This application is also one of the sites where sexual harassment cases often occur. This is due to the high number of female users, which can be seen based on data taken from We Are Social, which is 42.3%, coupled with women who easily seduce without first investigating the background and intentions of their interlocutors through communication.

It is not uncommon for women to interact more openly with anyone on social media without thinking about the impact that will occur. Because of this, women will easily be trapped in an act of harassment on social media (Ståhl & Denhag, 2021). The possibility of violence or sexual harassment on Telegram social media is strengthened by the existence of content or a channel called Anonymous Chat. The channel is a conversation that can be carried out by disguising their identity without having to make friends, where all movements have been regulated by a bot, which is an AI system (Ma et al., 2022).

Anonymous chat is a bot created to facilitate long-distance communication, which teenagers or students widely use. Also, someone who activates this anonymous chatbot can connect with anyone, anytime, and anywhere. All activities carried out in the bot have no specific violations (Rahmatika, 2021). Because this will then cause this anonymous chat user to experience violence or sexual harassment, it is not uncommon for them to boldly send indecent sounds, photos, and even videos by showing genitals or sensual sounds (Ndari et al., 2021).

Dialectics of Law: Law and the Digital World of Children

Everyone can be considered a child if they are under 18 years of age, as stated in Article 1 point (1) of Law Number 35 of 2014 concerning Amendment to Law Number 23 of 2003 concerning Child Protection, which states that: "a child is any person who is not yet 18 (eighteen) years old, including children who are still in the womb". The same is also found in Article 1 of the United Nations Conventions on the Rights of the Child - UNCRC, which states, "A child is any person under 18 years of age unless otherwise provided by the laws of a country". Privacy rights protection is also implicitly included in Article 17 of the Universal Declaration of Human Rights (UDHR), which emphasizes that everyone has the right to keep information about themselves private and not to

disclose it. In addition, it is also noted that no one can arbitrarily take away or deprive anyone of their privacy rights. Thus, an individual's right to privacy can be revoked with legal certainty. This declaration does not explicitly define privacy rights related to personal data. However, more specific provisions regarding personal data can be found in the covenant (Suryaningsi, 2016).

Several articles in the Universal Declaration of Human Rights served as the basis for the establishment of more specific guarantees for the protection of privacy rights, which later became known as the International Covenant on Civil and Political Rights (ICCPR), which was adopted on December 16, 1966, through Resolution 2200A and officially entered into force on March 23, 1976, guaranteeing more specific protection of privacy rights. This is explicitly stated in Article 17 of the ICCPR regarding the guarantee of protection of privacy rights, including: Article 17, paragraph (1) of the ICCPR states that: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation."; Article 17, paragraph (2) of the ICCPR states that: "Everyone has the right to the protection of the law against such interference or attacks." As explained above, as a constitutional state, Indonesia is responsible for implementing these international regulations within a positive legal framework that can positively impact and contribute to the welfare of every citizen (Widyaningsih & Suryaningsi, 2022). This is also in line with the laws of a country that are formulated to promote the welfare of its people. Fundamental rights such as the right to freedom of expression, the right to freedom of opinion, the right to information, including the right to privacy and personal data, which are increasingly complex to protect, are universally enshrined in an international legal instrument, namely the Universal Declaration of Human Rights (UDHR), which has provided a legal framework for every UN member state to fulfill its responsibilities and obligations in respecting and protecting the privacy rights of its citizens.

Article 28H paragraph (4) of the 1945 Constitution explicitly states the right to privacy in Indonesia. Therefore, it can be understood that the right to privacy in Indonesia is one of the fundamental rights of every individual and is protected, but can still be limited in its fulfillment (Derogable Rights). As a constitutional state, Indonesia has the authority to protect the right to privacy, which is part of the human rights of every citizen. This is stipulated in Article 4 of Law Number. 39 of 1999 on Human Rights, which states: "That the Indonesian nation, as a member of the United Nations, bears a moral and legal responsibility to uphold and implement the Universal Declaration of Human Rights established by the United Nations, as well as various other international instruments regarding human rights that the Republic of Indonesia has accepted." Therefore, the state, as the center of government, bears full responsibility for protecting, respecting, maintaining, and fulfilling the rights of every citizen under its jurisdiction.

Third parties' misuse of children's data is a legal issue. In 2019, a Google subsidiary, YouTube, experienced this case. The company collected data on viewers under 13 for personalized advertising. This data misuse was deemed to have violated the Children's Online Privacy Protection Act (COPPA). The U.S. regulator concluded that Google failed to protect children from harmful content and collected their data through YouTube.

Crimes against children's digital personal data are closely linked to their age and habits, as they are now accustomed to using technological media, such as mobile phones connected to the Internet (Anggreni et al., 2023). Privacy and personal data are two inseparable concepts; personal data is integral to privacy. When discussing personal data, it is always intertwined with privacy (Milkaite et al., 2021).

Then, in protecting and respecting children's rights, the Republic of Indonesia has provided legal protection so that a child's life can run well and adequately. This is stated in Article 4 of Law Number 23 of 2002 on Child Protection, which states that: "Every child has the right to live, grow, develop, and participate appropriately according to their human dignity, and to receive protection from violence and discrimination." (Law Number 23 of 2002 on Child Protection, 2015). Article 6 of Law Number 35 of 2014 amending Law Number 23 of 2002 on Child Protection states that: "Every child also has the right to practice their religion, think, and express themselves according to their level of intelligence and age, under the guidance of a parent or guardian." (Law Number 35 of 2014

on Amendment to Law Number 23 of 2002 on Child Protection, 2014). Article 10 of Law Number 23 of 2002 on Child Protection states that: "Every child has the right to express and be heard in their opinions, to receive, seek, and provide information in accordance with their level of intelligence and age for their personal development in line with moral values and propriety." (Law Number 23 of 2002 on Child Protection, 2015). The Indonesian government has also enacted Law Number 19 of 2016, amending Law Number 11 of 2008 on Information and Electronic Transactions, to provide legal protection against all forms of crime in the digital world.

The right to privacy has been explicitly incorporated into the Indonesian constitution (Law of 1945) since the amendment in 2000, adding ten articles to the chapter on human rights. The following are the articles that have recognized the right to privacy as an inherent freedom of every individual to be free from interference, including: first, article 28G paragraph (1): "Everyone has the right to personal, family, honor, dignity, and property protection under their control, as well as the right to feel secure and protected from threats or fears of taking or not taking actions that are human rights". Second, article 28H paragraph (4): "Everyone has the right to have personal property, and no one shall arbitrarily take such property". The formulation of these articles has a protective meaning similar to the wording of Article 12 of the UDHR, which was subsequently adopted in Article 17 of the ICCPR, clearly guaranteeing the right to privacy. In the Constitutional Court Decision Number 50/Law-VI regarding the Testing of the Law on Electronic Transaction Information, the Court provided a translation of Article 12 of the UDHR and Article 17 of the ICCPR, including: first, Article 12 of the Universal Declaration of Human Rights (UDHR).

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks".

Article 17 International Covenant on Civil and Political Rights (ICCPR): (1) "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation", (2) "Everyone has the right to the protection of the law against such interference or attacks".

The term privacy cannot be easily conceptualized; this concept is closely related to freedom of thought or conscience, the right to be alone, control over one's body, and the right to safeguard one's reputation. Each entity and community offers diverse perspectives on this concept. Several sources conceptualize privacy as a condition or state free from attention, surveillance, interference, or unreasonable decisions by others (the public) (Ravetillat Ballesté & Basoalto Riveros, 2021). According to the KKBI, the right to privacy is defined as personal freedom and discretion. It can be concluded that the right to privacy is the personal freedom not to disclose or publish all aspects of oneself, such as the body, home, property, thoughts, feelings, secrets, and identity, from unreasonable publicity.

Privacy is a non-absolute right, whereby an individual has the right to protect their personal information from unauthorized public access (Bernike* & Andersen, 2023). According to a Harvard Law School review, privacy is a normative concept underpinning legal, philosophical, sociological, economic, and political traditions. Privacy is defined as "the right to protect and prevent certain issues or matters from being seen by others (the public)" (Iskül & Joamets, 2021). Therefore, "privacy is an essential part of individual autonomy." Most of what can define us as humans stems from our relationships with other individuals within a private space that we believe no one else can see (Sofian et al., 2021).

Helmy Prasetyo Yuwinanto describes that privacy is one of the personal rights of every individual, not to be disturbed, and to decide whether someone wants to open themselves up to the public. In a more general explanation, the Child Protection Law states that children, whether in mental, physical, or social aspects, are considered to lack independent capacity. Thus, it should be a duty for previous generations to guarantee, nurture, and protect the interests and rights of children. These obligations should be carried out by the parties responsible for their care, under the control

and guidance of the relevant State. When the Personal Data Protection Law was submitted to the House of Representatives for discussion, the seriousness of the government in formulating the Personal Data Protection Law became increasingly recognized.

Given the number of information leaks happening today, there is no doubt about the urgency of implementing legal regulations that provide guarantees for protecting personal information. Protection of personal data is explained in various sources as another form of protection of personal data or privacy. In summary, the difference in privacy lies in its format, which is in real space (Macenaite & Kosta, 2017). In contrast, personal data is processed in an electronic format, in the digital world, or using computing devices and media.

Building on the explanation above, if we delve deeper, several countries have guaranteed protection for children's data, including the United States, the European Union, and the United Kingdom. These three countries can be referred to as leading nations in regulating personal data protection, including that of children. Referring to the General Data Protection Regulation (GDPR) in Europe, Article 6 of the GDPR pertains to processing children's data, which must be based on the legitimate interests of the data subject or the information owner. Meanwhile, Article 8 of the GDPR states that processing a child's data is lawful when the child is at least 16 years old. If the child is under 16 years old, such processing is lawful only if the guardian has granted or authorized consent. In comparison, the regulations in the U.S. under the Children's Online Privacy Protection Rule (COPPA) of 2013, with its latest revision in 2019, include several revised statements, such as the definition of parental consent, requirements, and liability limitations under the safe harbor doctrine (if the operator has actual knowledge).

The COPPA revisions, which the U.S. Federal Trade Commission enforced, were also marked by a fine of \$170 million imposed on Google and YouTube for violating and misusing children's privacy data. COPPA classifies an individual as a child if they are under the age of 13, which aligns with the protection of children's data in the United Kingdom.

The detailed regulatory framework is a unique aspect of personal data protection in the United States. This can be seen in regulations that guarantee protecting children's personal information, such as email addresses, usernames, locations, message details, home addresses, hobbies, phone numbers, audio, video, and photos. Meanwhile, according to the Information Commissioner's Office (ICO) in the United Kingdom, there are several factors to consider when protecting children's personal information, including the child's needs, transparency of data usage, minimum data usage, data exchange, location, parental control, behavioral engineering technology (nudge technology) that helps children behave appropriately, and media or games for children that are connected online via an internet connection.

Protecting children's data in these three countries fundamentally regulates the complete protection of children's personal data and information, as seen from all interpretations of the articles that govern the rights of personal data subjects in the child category. The provisions within the GDPR allow all children to have equal rights to personal data protection, just like adults. Additionally, to ensure transparent information regarding data processing for children, it must be written in clear and easily understandable language (Haque et al., 2021).

According to Article 8 of the GDPR, every online service provider must obtain consent from children beforehand to process their data. In contrast, the validity of processing personal data for children under 16 requires consent from the child's parent or guardian. The article states that the processing of children's data by any online service provider directed "directly to the child" without permission and consent from the parent or guardian will not be authorized, unless the child is over 16 years old. Processing such data is only lawful if there is consent from the responsible party, namely the child's parent or guardian. Online data providers must make reasonable efforts to ensure that the child's responsible party has given consent, considering the impacts of technology use on children's intellectual and social development. Article 38 of the GDPR outlines that if a child does not understand the risks and consequences of online services, special care must be taken when using a child's personal information for marketing or other purposes (Haque et al., 2021).

A similar issue is also outlined in the COPPA regulations in the U.S. and the data protection laws in the UK. This means similar rules apply when comparing standards for protecting children's data online or digitally in the European Union, the United States, and the United Kingdom. For instance, online service operators must notify and obtain verifiable parental consent before collecting, using, or disclosing a child's data, and establish specific responsibilities. However, there are still fundamental differences in how these laws are enforced between GDPR, UK privacy laws, and COPPA (Nafi'ah & Hasna, 2020). COPPA is solely aimed at providing direct online services to children. On the other hand, GDPR and UK privacy laws stipulate that the use of children's data should not be directed at children directly, but must go through intermediaries, such as schools. Therefore, in the case of COPPA, a child's consent to use personal data is deemed sufficient, but in the case of GDPR and the data protection laws in the UK, permission from both the school and childcare providers is necessary (Macenaite, 2017).

GDPR has set a standard for protecting personal data across all age groups, indicating that GDPR does not differentiate between children and adults. In contrast, COPPA focuses solely on children's data. It is more proactive than merely prohibiting exploitative practices related to the use, collection, and disclosure of children's personal information, which can incur heavy penalties or criminal sanctions (Sihabudin, 2023). The most significant difference between COPPA and GDPR is the age limit for children who can provide consent. GDPR uses an age range of 13 to 16 years, whereas COPPA defines a more specific age of 13. COPPA also has stricter rules for obtaining parental permission compared to GDPR. What is clear, however, is that both GDPR and COPPA, along with the UK's data protection laws, fundamentally provide a clear line of protection for children's data and sanctions for violations.

In Indonesia, the protection of information related to the personal data of minors is not a new matter. As stated in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that: "Everyone has the right to personal, family, honor, dignity, and property protection under their authority, as well as the right to security and protection from threats of fear of acting or not acting in a manner that is a human right". The intent and explanation of the term "everyone" in this article encompass every individual living in Indonesia as a whole, thus children are also included in the category of "everyone."

In order to ensure the protection of children's rights while using internet services, a national regulation has been established in Indonesia and enacted as Law Number 19 of 2016 concerning Electronic Information and Transactions, as well as Regulation of the Ministry of Communication and Informatics Number 20 of 2016 concerning Personal Data Protection. The guarantee of personal data protection in general in Indonesia is provided and regulated in Article 2 paragraph (2) of the Regulation of the Ministry of Communication and Informatics Number 20 of 2016 concerning Personal Data Protection in Electronic Systems, which states that: "In implementing the provisions as referred to in paragraph (1), it must be based on the principles of proper Personal Data protection, which include: (a) respect for Personal Data as privacy; (b) Personal Data being confidential according to Consent and/or based on the provisions of laws and regulations; (c) based on Consent; (d) relevance to the objectives of obtaining, collecting, processing, analyzing, storing, presenting, announcing, delivering, and disseminating; (e) suitability of the Electronic System used; (f) good faith to promptly notify in writing the Data Owner of any failure to protect Personal Data; (g) availability of internal rules for managing Personal Data protection; (h) accountability for Personal Data held by the User; (i) ease of access and correction of Personal Data by the Data Owner; and (j) integrity, accuracy, validity, and up-to-date nature of Personal Data." Since the Minister of Communication and Information issued this regulation, it is not binding and cannot result in criminal sanctions. When compared to the protection of children's data under the legislation regarding the Children's Online Privacy Protection Act (COPPA) and the General Data Protection Regulation (GDPR) in the UK, this appears to be a significant gap, as Indonesia needs to enhance the promotion of children's personal data protection. As a rule, protecting children's data is a form of legal protection for children, as children are inherently unable to protect themselves like adults can. Therefore, national attention to the assurance of child protection becomes very important.

Based on the above information, we can see that protecting children's data has become a significant concern in developed countries, where its protection is closely related to general personal data protection. Given the government's debate over personal data protection laws, it seems that protecting children's data has become very important as part of personal data protection. Although individual data protection involves many issues that need to be regulated, it should be noted that the protection of children's data must also be taken into account and controlled as much as possible.

Conclusion

Technological developments, especially the internet, have become an important part of the daily lives of children of the Z generation. The internet does open up opportunities to explore interests and expand social interactions, but it also carries serious risks such as addiction, FOMO, depression, pornography addiction, and legal violations in the form of online sexual exploitation (OCSEA) and child trafficking. According to a UNICEF study, approximately 2% of children aged 12-17 have been victims of online sexual exploitation through methods such as sextortion and grooming, often carried out by people the children already know, using popular platforms like WhatsApp and Facebook. Low digital literacy among children and parents exacerbates vulnerability to these digital risks. Regulations and laws governing child protection and the ITE Law protecting personal data, such as (1) Article 12 of the UDHR; (2) Article 17(1), (2) of the ICCPR and its implementation in Indonesia through (1) Articles 4, 6, and 10 of Law Number. 35 of 2014 amending Law Number. 23 of 2002 on Child Protection; (2) Law Number. 19 of 2016 amending Law Number. 11 of 2008 on Information and Electronic Transactions; (3) Article 28G(1) and Article 28H(4) of the 1945 Constitution. However, when compared to countries such as the United States, the European Union, and the United Kingdom, Indonesia does not yet have specific regulations governing the protection of children's data, including criminal penalties, fines, or compensation for the misuse of children's personal data. Therefore, there is a need for legal provisions addressing child protection, including how personal data, the social and educational environment, parental oversight of children's digital activities, and digital literacy are managed, so that the legal structure, legal substance, and legal culture are balanced and create an inclusive environment for children's growth and development. This will foster a safe and inclusive digital environment for children.

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