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# Juridical Analysis Of Cyber Crime Against Children

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**Abstract**

*Technology is a double-edged sword for society, because apart from contributing to increasing welfare, progress and human civilization, it is also an effective means of committing crime. The aim of this research is to determine the development of crimes involving children in cyberspace (cyber crime) and to determine efforts handling children involved in crimes in the virtual world (Cyber Crime). This research method is normative-empirical research, a library study located in online libraries and physical libraries and direct research in several schools in Makassar City. This research uses a qualitative descriptive model/method. The data collection techniques used are interview techniques and literature study. Meanwhile, the data analysis technique used is qualitative descriptive analysis. The results of the research show that handling of children involved in cybercrime needs to be carried out carefully with an approach that focuses on rehabilitation, education and recovery rather than punishment. The approach intended for handling children involved in cybercrime cases is a Restorative Approach, Psychological Counseling and Therapy, Digital Literacy Education, Rehabilitation Programs and Special Development, diverting children's interests to productive activities. Collaboration with Parents and Schools and finally a Legal Approach that is Compliant with Child Protection. In conclusion, an approach that prioritizes education, rehabilitation and involvement of related parties can help children get out of a negative environment and improve behavior.*

**Keywords: children, cyber crime, juridical análisis**



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## INTRODUCTION

Allah SWT created humans in the best condition of being. Humans have instincts, feelings and reason that must be used as best as possible. Humans are social creatures who cannot live individually, it is human nature to always live in groups. To be a good human being and be well accepted by society, a person must also have good characteristics and personality, because a good human being should be someone who can be of positive use to other humans. Humans appear in society as good people not just like that. There are positive values instilled by his parents and environment since he was a child, even when he was still in the womb. A person's personality always gets guidance from parents, how he behaves, how he speaks, and other positive values. Personality and character education is possible from an early age. Many experts discuss the Golden Age period or the golden age of children, namely in the first thousand days of a child's life. Instilling positive values in children in the first three years of life will be very meaningful in their lives. Then the second three year period (3 to 6 years) and continues to the third stage the following year, namely at the age of 6-9 years, a period when children interact more often with their surrounding environment, both the environment around where they live and their educational environment.

Sufficient attention and affection will greatly influence a child's development. Children are a gift entrusted by Allah SWT for us to look after and educate as best as possible. Children are like white paper on which we will inscribe colors, patterns and tastes, whether the results are beautiful or not, whether they are pleasant or not, it depends on the parents and the environment in the process of forming the child's character.

The technological progress that has been achieved by human civilization today is a long process that has been carried out from time to time as a form of human existence in managing the available natural potential and the potential possessed by humanity itself. Progress is an inevitability that cannot be rejected as an expression of every human being's self-development. Therefore, from an early age, humans have continuously carried out various experiments and looked for the newest and best to give to others and continue to develop and study the shortcomings of the results that have been found to become new, bigger and more powerful discoveries.

Nowadays, Indonesia has merged with the development of globalization. The rapid development and progress of information technology has caused changes in human life activities in various fields which have directly influenced the birth of new forms of legal acts.



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Society never stops changing. Society is always changing and always developing in line with the changes and developments of the times, now society has developed especially in the fields of science and technology which on the one hand can provide benefits to human life, but on the other hand this progress has a negative impact on human life.

Along with the development of world society's needs, information technology plays an important role, both now and in the future. Information technology is believed to bring great benefits and interests to countries in the world. Information technology has succeeded in triggering changes in the order of people's living needs in the social and economic fields, which in fact carry out activities and socialize electronically which are considered more effective and efficient.

As a result of such developments, information technology has gradually changed the behavior of society and human civilization globally. It can be said that currently technology is a double-edged sword for society, because apart from contributing to increasing human welfare, progress and civilization, it is also an effective means of committing crime.

Crime as a result of the development of technological flows in the world through globalization is also growing rapidly, such as the rapid development of technology itself, including crimes of data manipulation, espionage, sabotage, provocation, money laundering, hacking, software theft, online fraud and various kinds. In fact, the government does not yet have sufficient capacity to compensate for crime via the internet, so it is difficult to control it. With the emergence of several cases of cybercrime in Indonesia, it has become a threat to the stability of national security and order with quite high escalation. The government and its apparatus have not been able to keep up with the techniques of crimes committed using computer technology, especially on the internet and internet networks. Cyber unlawful acts are not easily overcome by relying on conventional positive law, because talking about crime cannot be separated from 5 (five) interrelated factors, namely the perpetrator of the crime, the victim of the crime, the social reaction to the crime and the law. Law is indeed an important instrument in preventing and controlling crime.

It is proven that the current number of internet users in the world has reached quite a large number, reaching 3.8 billion people. That number represents 51 percent of the world's total population. Meanwhile in Indonesia internet users have reached 175.5 million users, this figure has increased by 17 percent from 2019. This is supported by national digital penetration and coverage which has covered almost 64 percent of all Indonesian territory.



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With the increasing number of world and national internet users, it turns out that this is directly proportional to the number of crimes in cyberspace, especially for children and teenagers. We know the term cyber crime as Cyber Crime. In the midst of the current Covid-19 pandemic conditions, students from kindergarten (TK) to high school (SMA) are required to carry out distance learning activities, namely by using gadgets and laptops. This of course causes internet use by teenagers and children to increase and is increasingly worrying for parents.

The rules in law number 11 of 2008 concerning electronic information and transactions as amended by law number 19 of 2016 concerning amendments to law number 11 of 2008 concerning electronic information and transactions (Law No. 19 of 2016) Just like the Convention on Cybercrimes, the UU IT also does not provide a definition of cybercrimes. Cyber crime is a crime that occurs due to the use of internet technology.

One type of cyber crime case in children and teenagers is teenagers watching pornographic videos under article 282 of the Criminal Code, where internet access is very easy and cheap, especially when teenagers are given the facility to change gadgets by their parents, which often causes teenagers to be easily exposed to pornographic videos. Moreover, access to this content seems so easy for anyone to do and there is no firm role for the state to block sites that contain negative content. This has had a very damaging impact on generations of teenagers and children.

This is proven by the results of a survey by the National Commission for Child Protection in December 2020 which stated that 93.8 percent of 4,799 female junior high school students. They admit that they are no longer virgins and admit that they have watched pornographic content. Apart from pornography, children can also be involved as perpetrators or victims in cases of cyberbullying, defamation or slander. Based on this, it is very interesting to study children in cyber crime cases, both as perpetrators and victims

## RESEARCH METHODS

### Research Location

This research is normative-empirical in nature, is a library study located in online libraries and physical libraries and direct research in several schools in Makassar City.



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**Research Focus / Observed/measured variables**

The focus of the research is the target that will be observed or measured, namely the development of crime involving children in the virtual world (Cyber Crime) and efforts to handle children involved in crime in the virtual world (Cyber Crime).

**Research Model/Method**

This research uses a qualitative descriptive model/method, namely describing and describing the data obtained in the form of percentages. The data collection techniques used were interview techniques and literature study. Meanwhile, the data analysis technique used is qualitative descriptive analysis, namely analyzing and interpreting factual data regarding children in cyber crime.

**RESULT AND DISCUSSION**

**Development of crimes involving children in cyberspace (Cyber Crime)**

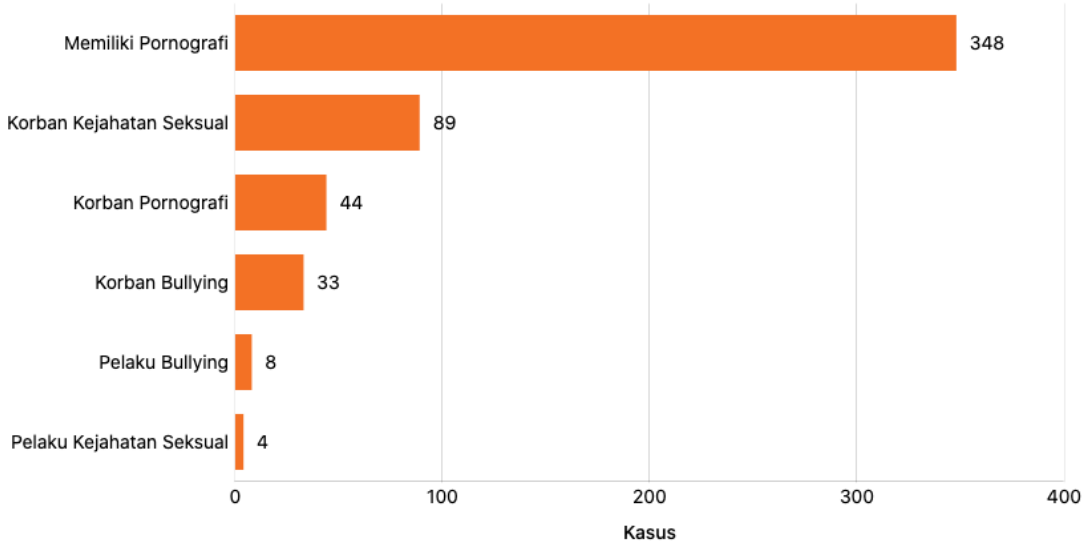
According to data from the Indonesian Child Protection Commission (KPAI), during 2011-2019, 3,922 cases of cyber crime involving children were recorded. The dominant cases are possession of pornographic content and cyber bullying. Complaints of cyber bullying, for example, have increased sharply, especially among children and teenagers who actively use social media. This is also supported by data from the Indonesian Internet Service Providers Association (APJII), which shows that teenagers aged 15-19 years are a vulnerable group to cyberbullying.

Cases of children involved in cyber crime in Indonesia show an alarming trend. One form of cyber crime that often involves children is the case of "sexting" and "grooming," where the perpetrator approaches children via social media and manipulates them to obtain personal content, which can then lead to blackmail or "sextortion". A case like this occurred in Surabaya in 2019, when a prisoner used a fake identity to collect photos of victims via WhatsApp and carry out blackmail.

Based on KPAI data, 526 children were involved in cyber crime and pornography cases in 2020. This data can be seen via



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Source, Child Protection Commission in Katadata, 2021

Based on the table above, children are not only involved as perpetrators of cyber crime, but also as victims of sexual crimes and social media-based bullying. In 2023, cybercrime cases involving children in Indonesia will show an alarming trend, especially in the form of cyberbullying and privacy violations. According to reports, children under 15 years old are often the perpetrators and victims of cyberbullying, such as intimidation, social exclusion and online harassment. Driving factors include less strict parental supervision and low digital literacy among families. Prevention efforts through digital education and monitoring of social media platforms are needed to protect children in digital spaces. Throughout 2024, cases of children in Indonesia being involved in or becoming victims of cyber crime will increase. Forms of cyber crime involving children include cyberbullying, access to pornographic content, and involvement in online gambling. Data from the Indonesian Child Protection Commission (KPAI) shows a significant increase in complaints regarding children who are victims of cyber crime. In the first quarter of 2024, students and students dominate cases of digital attacks, especially in the form of hacking, with incidents often targeting their personal accounts or devices.

Children's involvement in cybercrime is often related to the use of technology and unsupervised access to social media. Several forms of cybercrime involving children as perpetrators and victims include:


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1. Cyberbullying: Children often become victims and perpetrators of bullying on social media. A survey conducted by Polling Indonesia and the Association of Indonesian Internet Service Providers (APJII) noted that almost half of young internet users have experienced or been involved in cyberbullying. This can have a negative impact on the child's psychological condition, triggering depression and reducing motivation to learn. Cases of cyberbullying against children in Indonesia have become a serious concern in recent years along with the increasing use of the internet and social media among children and teenagers. Cyberbullying, or cyberbullying, usually involves spreading abusive comments, insults, threats and even slander on online platforms. Here are some related data and facts:
   a. Prevalence of Cyberbullying in Indonesia. According to a survey from UNICEF in 2019 involving 5,000 respondents from various countries, including Indonesia, around 41% of children and teenagers in Indonesia have experienced online bullying. Data from the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) in 2020 shows that online bullying increased sharply during the COVID-19 pandemic, with increased internet usage time and dependence on online learning
   b. Types of Cyberbullying Experienced by Children in Indonesia:
      1) Verbal bullying: Involves online verbal abuse, name-calling, or insults.
      2) Spreading rumors or slander: Spreading false information that damages the victim's reputation.
      3) Exclusion: Not involving or excluding someone from an online group.
      4) Impersonation: The perpetrator pretends to be a victim to spread harmful content.
   c. The Impact of Cyberbullying on Children:
      1) Cyberbullying has a serious impact on a child's mental health, including depression, anxiety, sleep disorders, decreased academic performance, and even in some extreme cases, can lead to suicidal thoughts or attempts.
      2) According to the Indonesian Child Protection Commission (KPAI), children who are victims of cyberbullying are often reluctant to report it because they are afraid or feel embarrassed, which in the end makes the impact even worse.
   d. Mitigation efforts by the Government and Organizations include the Ministry of PPPA collaborating with social media platforms to moderate content and block accounts involved in cyberbullying. The Ministry of Communication and Information (Kominfo) launched various digital literacy programs for children and parents, aimed at increasing


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awareness of the risks of cyberbullying and how to report dangerous content. UNICEF and other non-profit organizations are also involved in education and campaigns against online bullying, targeting schools and communities.

e. Platforms that are often used in cyberbullying cases are social media such as Instagram, Facebook, WhatsApp, TikTok and YouTube, which are the platforms most often used in cases of cyberbullying against children. The Witness and Victim Protection Agency (LPSK) stated that most of the victims of cyberbullying were children and teenagers who connected on the platform.

Several cases of cyberbullying against children in Indonesia have gone viral on social media, such as cases of teenagers being insulted or bullied online because of their appearance, lifestyle or personal opinions. Some of these cases even result in deep trauma for the victims. Cyberbullying in Indonesia is still a big challenge, especially for children and teenagers. Increasing digital literacy, active reporting, and the active role of parents and educators are very important to reduce the number of cyberbullying and protect children from its bad impacts.

2. Sextortion and Grooming: Children are also vulnerable to cases of online sexual exploitation, such as "sextortion," namely blackmail with the threat of distributing private content that contains sexually explicit content. The grooming mode is carried out by building a relationship of trust before exploiting the child sexually or emotionally. For example, a case in Surabaya in 2019 where a perpetrator managed to obtain a photo of the victim for blackmail. Cases of sextortion (sexual blackmail) and grooming of children in Indonesia show an alarming increase. Sextortion often occurs online, where children are threatened into sharing their sexual images or videos. According to ECPAT Indonesia, in 2023, cases of electronic-based sexual violence including sextortion, grooming and other online sexual exploitation will occupy a large share of the statistics on sexual crimes against children. This high figure is triggered by children's lack of understanding about online safety and weak parental supervision. A UNICEF survey revealed that 56% of children who are victims of online sexual violence do not report these incidents, mainly due to shame and lack of knowledge about services they can contact for help. . Indonesia is ranked first in sextortion cases in Asia, with the 2020 Global Corruption Barometer survey reporting a sextortion rate of 18%. This phenomenon shows that sextortion in Indonesia involves various groups, including children who are vulnerable to exploitation on social media such as WhatsApp and Facebook. In addition, the ECPAT Indonesia report shows


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that many perpetrators utilize financial technology applications for sexual crime transactions, showing the importance of strict regulation of this sector. In response to this situation, the government and organizations such as KPAI and ECPAT have worked together to improve digital education, strengthen regulations, and provide support for victims. This effort includes socializing child protection on the internet as well as psychological and legal assistance to victims.

3. Exposure to Pornography: According to data from the Ministry of Women's Empowerment and Child Protection (PPPA), Indonesian children are exposed to pornographic content online. Between 2011 and 2019, there were thousands of cases of complaints regarding children's access to inappropriate content on the internet. To overcome this, the government has issued policies and programs, including establishing child pornography-free villages and providing SAPA 129 complaint services. Cases of child pornography exposure in Indonesia are very worrying and have increased significantly. Indonesia is even the country with the fourth highest number of child pornography cases in the world and second in ASEAN, according to data from the National Center for Missing and Exploited Children (NCMEC).Based on reports from the Ministry of Communication and Information until 2023, around 1.9 million child pornographic content has been deleted, with the potential for there to be much other content that has not been reported because this phenomenon is often considered an "iceberg". From the results of research by Eryanti Novita, factors causing the habit of watching pornography include: (a) Peers, ranking 75th with a percentage of 3.42%. (b) Technological sophistication, ranking 134 with a percentage of 6%. (c) Self, ranking 136 with a percentage of 6.21%. (d) Interest in watching pornographic films, ranking 194th with a percentage of 8.86%. (e) inadequate facilities and infrastructure to develop youth talent, ranking 218 with a percentage of 9.96%. (f) Environmental influence, ranking 229 with a percentage of 10.4%. (g) underutilized free time, ranking 265 at 12.1%. (8) Sexual needs, ranking 296th with a percentage of 13.5%. (h) There is a partner's request. (10) Family, with a ranking of 339 or a percentage of 15.4%.

**Efforts to handle children involved in crimes in the virtual world (Cyber Crime)**

Cybercrime cases involving children in Indonesia have shown a significant increase in recent years. Based on data from the Indonesian National Police (Polri), in 2022, there will be around 8,831 cybercrime cases involving 8,372 reported people. This case includes the


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exploitation of children in cyberspace, especially through vulnerable social media platforms such as WhatsApp and Facebook, where children often become victims of exploitation or blackmail. However, reporting rates remain low, as children often feel they do not know where to report, feel embarrassed, or worry about negative consequences for themselves or their families. Handling children involved in cybercrime requires a different approach compared to adults. This is because children are still in the developmental stage and have their own vulnerabilities, both psychologically and socially.

The following are handling steps that can be taken:

1. Restorative Approach.
    a. This approach focuses on restoring the child's condition and involving the child to take responsibility for his actions without giving destructive punishment.
    b. In this approach, children can be given the opportunity to correct mistakes and understand the negative impact of their actions on others.
    c. The mediation and counseling process can be carried out between children, victims and families to foster empathy and responsibility
2. Supervision and guidance by parents and family.
    a. Families play an important role in helping children understand the consequences of their actions online.
    b. Parents should increase supervision of their children's activities on the internet and provide education about healthy and responsible internet use.
3. Psychological Guidance and Counseling
    a. Psychological assistance is very important to help children understand the reasons why they are involved in cybercrime, whether due to pressure from the environment, ignorance, or bad influences from outside.
    b. With the help of psychologists, children can better understand the boundaries in cyberspace and the consequences of unlawful actions.
4. Education and Awareness about Cybersecurity.
    a. Providing a good understanding of ethics in cyberspace and the basics of cyber security to children is very important.
    b. Children need to know the basic rules about what they can and cannot do online and the risks of their actions.
5. Legal Approach that Protects Children's Rights.


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When the law must be implemented, law enforcement needs to consider the rights of children as perpetrators and victims.

The Juvenile Criminal Justice System Law in Indonesia regulates that children are not processed excessively, but rather through a diversion approach or transfer outside the justice process.

**The use of educational or social sanctions, such as rehabilitation or training, may be an option.**

Protection of children involved in cybercrime cases is an important topic in law, especially in the digital era where more and more children and teenagers are involved in online activities. This approach to protecting children as cyber perpetrators includes several aspects, namely legal, psychological and social.

Handling children involved in cybercrime needs to be done carefully with an approach that focuses on rehabilitation, education and recovery rather than punishment. Approach to handling children involved in cybercrime cases:

1. Restorative Approach. This approach aims to repair damaged relationships between children, victims and society. Children are involved in the process to understand the impact of their actions and are encouraged to take responsibility. Restorative justice has been implemented in various countries for children in conflict with the law.
2. Psychological Counseling and Therapy, Children involved in cybercrime may have psychological problems or social pressure. Psychological counseling and therapy can help them overcome underlying problems, increase empathy, and provide emotional support. Psychologists play a big role in providing evaluations and assisting children so they can return to a positive path.
3. Digital Literacy Education, Digital literacy education can help children understand the risks, responsibilities and ethics of using the internet. This approach can also prevent other children from getting involved in cybercrime activities in the future. Educational programs can be provided in schools, communities, or in the form of special training.
4. Special Rehabilitation and Development Program, a special rehabilitation program for children who have been involved in digital crimes focuses on providing new, useful skills. This could include courses in safe computer skills, coding, or digital etiquette to divert children's interests toward productive activities.


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5. Collaboration with Parents and Schools: Parents and schools play an important role in handling children involved in cybercrime. Their involvement in the recovery program is very helpful because they are the closest part of the child's life. This involvement can take the form of guidance, supervision and support in online activities.
6. Appropriate Legal Approach to Child Protection. Some countries have special laws that regulate children involved in crime. In cases of cybercrime, the law often seeks to avoid imprisoning children and prefers educational or rehabilitation approaches in accordance with the Convention on the Rights of the Child. (Riyadh Guidelines, SPPA Law, and Research and Reports from UNICEF on Cybercrime and Children)

An approach that prioritizes education, rehabilitation and involvement of related parties can help children get out of negative environments and improve behavior.

**CONCLUSION**

Children are not only involved as perpetrators of cyber crime, but also as victims of sexual crimes and social media-based bullying. Cases of cyber crime involving children in Indonesia show an alarming trend. Children are victims of cyberbullying, such as intimidation, social exclusion and online harassment. Cases of children in Indonesia who are involved in or become victims of cyber crime are increasing. Forms of cyber crime involving children include cyberbullying, access to pornographic content, and involvement in online gambling. Data from the Indonesian Child Protection Commission (KPAI) shows a significant increase in complaints regarding children who are perpetrators or victims of cyber crime.

Handling children involved in cybercrime needs to be done carefully with an approach that focuses on rehabilitation, education and recovery rather than punishment. The approach intended for handling children involved in cybercrime cases is a Restorative Approach, Psychological Counseling and Therapy, Digital Literacy Education, Rehabilitation Programs and Special Development, diverting children's interests to productive activities. Collaboration with Parents and Schools and finally a Legal Approach that is Compliant with Child Protection.An approach that prioritizes education, rehabilitation and involvement of related parties can help children get out of negative environments and improve behavior.

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