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Fulfilment Children's Rights in the Digital Age: Between Protection and Privacy

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ABSTRACT

The rapid development of digital technology has significantly transformed patterns of social interaction, particularly among children, who are increasingly active users of digital platforms such as YouTube, TikTok, and online gaming applications. While these platforms provide opportunities for creativity and educational development, they also expose children to substantial risks concerning privacy rights and personal data protection. This study aims to analyze the legal protection of children's privacy rights in the digital era from the perspectives of human rights and constitutional law. The research employs a normative juridical method using statutory, conceptual, and comparative approaches by examining child data protection practices in several countries. The findings reveal that Indonesia's legal framework, including Child Protection Law of Indonesia and Personal Data Protection Law of Indonesia, has not specifically regulated the protection of children's personal data in a comprehensive manner. In addition, institutional coordination among KPAI, Kominfo, and Kemendikbudristek remains ineffective, resulting in suboptimal supervision of children's digital activities and content exposure. Therefore, the study emphasizes the urgency of establishing implementing regulations specifically oriented toward child data protection, strengthening digital literacy programs, and developing child-friendly algorithmic monitoring systems. The protection of children's rights in the digital environment constitutes not only a legal obligation of the state but also a constitutional and moral commitment to safeguarding human dignity in the technological era.

Keyword: Children's Rights, Digital Era, Data Protection, Human Rights, Privacy.

ABSTRAK

Perkembangan teknologi digital yang pesat telah membawa perubahan signifikan terhadap pola interaksi sosial, khususnya pada anak-anak yang kini semakin aktif menggunakan berbagai platform digital seperti YouTube, TikTok, dan aplikasi permainan daring. Meskipun platform tersebut memberikan peluang bagi pengembangan kreativitas dan pendidikan anak, keberadaannya juga menimbulkan risiko yang besar terhadap hak privasi dan perlindungan data pribadi anak. Penelitian ini bertujuan untuk menganalisis perlindungan hukum terhadap hak privasi anak di era digital ditinjau dari perspektif hak asasi manusia dan hukum konstitusi. Metode penelitian yang digunakan adalah yuridis normatif dengan pendekatan peraturan perundang-undangan, pendekatan konseptual, serta pendekatan perbandingan melalui kajian praktik perlindungan data anak di beberapa negara. Hasil penelitian menunjukkan bahwa kerangka hukum nasional, termasuk Undang-Undang Perlindungan Anak dan Undang-Undang Perlindungan Data Pribadi, belum secara



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komprehensif mengatur perlindungan data pribadi anak secara khusus. Selain itu, koordinasi antar lembaga seperti KPAI, Kominfo, dan Kemendikbudristek masih belum efektif sehingga pengawasan terhadap aktivitas dan paparan konten digital anak belum berjalan optimal. Oleh karena itu, penelitian ini menekankan urgensi pembentukan peraturan pelaksana yang berorientasi pada perlindungan data anak, penguatan literasi digital, serta pengembangan sistem pengawasan algoritmik yang ramah anak. Perlindungan hak anak di ruang digital bukan hanya merupakan kewajiban hukum negara, tetapi juga menjadi komitmen konstitusional dan moral untuk menjamin martabat manusia di era teknologi.

Kata Kunci: Era Digital, Hak Anak, Hak Asasi Manusia, Perlindungan Data, Privasi.

1. Introduction

The development of digital technology in the last decade has brought about major changes in social interaction patterns, including among children. Children are now active users of various digital platforms such as YouTube, TikTok, online games, and online learning platforms, both for entertainment and education. According to a report by UNICEF Indonesia, more than 80% of Indonesian children aged 10–17 are connected to the internet, with an average usage time of four hours per day (UNICEF Indonesia 2022, 15). This shows that the digital world has become an integral part of children's lives in the modern era.

However, the increase in children's participation in the digital space also poses serious challenges to the protection of privacy rights and personal data security. Many cases show the misuse of children's data, both in the form of unauthorized distribution of personal data, exploitation of children's content for commercial purposes, and cyberbullying. The Indonesian Child Protection Commission (KPAI) reported that during 2023 there was a significant increase in reports of child rights violations in cyberspace, particularly related to identity theft and exploitation of digital content (KPAI 2023, 42).

The state has a constitutional obligation to protect children's rights to privacy and personal security. Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that "every person shall have the right to protection of their personal self, family, honor, dignity, and property under their control." In addition, Law No. 35 of 2014 concerning Child Protection clarifies that children have the right to protection from all forms of abuse and exploitation, including in the digital context (Law No. 35 of 2014).

However, the existing legal framework is not yet fully adaptive to the dynamics of digital technology development. For example, Law No. 27 of 2022 concerning Personal Data Protection does not yet have specific provisions regarding children's personal data, even though children have vulnerabilities that require different protection from adults. According to Rahmawati (2023, 60), data protection policies in Indonesia are still general in nature and have not effectively addressed new risks such as the collection of children's data for algorithmic and commercial purposes by digital platforms.

Therefore, the issue of children's privacy rights in the digital era needs to be studied more deeply in the context of fulfilling the state's constitutional obligations. The protection of children in the digital space is not only a technological issue but also a legal and human rights issue that is closely related to the basic values of the constitution and the principle of protecting human dignity.

2. Research Methods

This research uses a normative juridical approach, which is research that focuses on the study of written legal norms in legislation, court decisions, and legal doctrine. This method places the law as a norm that serves as a reference in analyzing a legal problem (Soekanto and Mamudji 2015, 13). This research was conducted through

a literature study, examining primary legal materials such as the 1945 Constitution, the Child Protection Law, and the Personal Data Protection Law, as well as secondary legal materials such as books and scientific journals. The aim was to examine the protection of children's privacy rights in the digital age based on positive legal provisions and human rights principles (Marzuki 2017, 35).

3. Results and Discussion

3.1 Children's Right to Privacy as Part of Human Rights

The right to privacy is a fundamental and universally recognized human right. In the context of children, this right has a stronger dimension of protection because children are vulnerable legal subjects who are not yet fully capable of protecting their own interests. Internationally, the recognition of children's right to privacy is contained in Article 16 of the Convention on the Rights of the Child (CRC), which states that "no child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence." Thus, States Parties have an obligation to guarantee legal protection of children's privacy in all areas of life, including in the digital space (United Nations 1989, art. 16).

At the national level, children's right to privacy in Indonesia is constitutionally guaranteed through Article 28G paragraph (1) of the 1945 Constitution, which affirms that every person has the right to protection of their personal life, family, honor, dignity, and property under their control. This protection is reinforced in Article 17 of Law No. 35 of 2014 on Child Protection, which affirms the right of children to protection from abuse in all its forms, including in the use of social media and information technology (Law No. 35 of 2014, Article 17).

In practice, violations of children's privacy in the digital space are increasingly diverse. Some of the most common forms of violation include:

- a. Publishing photos or videos of children without permission. Many children's content is disseminated on social media by other parties, even by their own parents, without considering the psychological impact and risks of misuse of children's personal data. This phenomenon is known as "sharenting", which is the habit of parents sharing their children's lives in cyberspace without limits (Rahmawati 2023, 62);
- b. Personal data leaks in educational environments Cases of school data leaks, such as grades, addresses, and children's identities, often occur due to weak cybersecurity systems. This is a violation of the principles of personal data protection as stipulated in Law Number 27 of 2022 concerning Personal Data Protection (Law No. 27 of 2022, Article 4);
- c. Exploitation of children's content for economic gain Much child content is uploaded to digital platforms for financial gain, even though children do not yet understand the legal and social implications of disseminating their personal data. KPAI (2023, 47) emphasizes that the practice of digital exploitation of children is increasing in line with the trend of family-based social media.

Thus, the protection of children's privacy rights is an integral part of fulfilling human rights and the constitutional obligations of the state. The state is required not only to regulate but also to enforce the protection of children's privacy through legal policies that are adaptive to developments in digital technology

3.2 The State's Constitutional Obligation to Protect Digital Children

The state has a constitutional obligation to protect all citizens, including children, from all forms of human rights violations. This is emphasized in Article 28I paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that "the protection, promotion, enforcement, and fulfillment of human rights is the responsibility of the state, especially the government." Thus, protecting

children's privacy rights in the digital space is not merely a moral responsibility, but also a constitutional legal obligation (1945 Constitution, Article 28I paragraph [4]).

In practice, the role of state institutions and related agencies is important to ensure that this protection is effectively implemented. *First*, the Ministry of Communication and Information Technology (Kominfo) has a strategic role in monitoring digital content and protecting personal data. Through regulations such as Permenkominfo No. 5 of 2020 concerning Private Electronic System Operators, Kominfo has the authority to take action against content that contains violence or child exploitation. In addition, Kominfo also has the authority to reprimand or block digital platforms that fail to protect children's personal data (Kominfo 2022, 14).

Second, the Indonesian Child Protection Commission (KPAI) functions as an independent institution that carries out monitoring and advocacy functions for child rights violations, including in the digital space. KPAI receives many reports related to cyberbullying, the dissemination of children's personal content, and digital exploitation. In its 2023 Annual Report, KPAI noted a 23% increase in cases of child privacy violations compared to the previous year (KPAI 2023, 51).

Third, the Ministry of Education, Culture, Research, and Technology (Kemendikbudristek) plays a role in building digital literacy in the educational environment. Through the Merdeka Belajar Digital program, Kemendikbudristek emphasizes the importance of media ethics and student data protection in digital schools. This effort is a form of early prevention against child privacy violations in the world of education (Kemendikbudristek 2023, 8).

From a regulatory perspective, Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) is a new legal milestone that strengthens the digital child protection framework. However, its implementation still faces challenges, especially in enforcing sanctions against digital platforms and educational institutions that neglect to protect children's data. According to Rahmawati, the enforcement of the PDP Law is still administrative in nature and does not yet touch on the specific protection of children as subjects of personal data (Rahmawati 2023, 64). Therefore, more specific derivative regulations are needed regarding the protection of children's data, including reporting mechanisms and the legal responsibilities of electronic system operators.

Thus, the state has a constitutional and moral responsibility to ensure the protection of children in the digital space through inter-agency coordination, regulatory strengthening, and increased public awareness of the importance of children's privacy.

3.3 Policy Challenges and Weaknesses

Although various regulations have been issued to strengthen the protection of children in the digital world, their implementation still faces a number of structural and cultural challenges. These challenges indicate that the protection of children's privacy rights has not been fully integrated into national policies or the social behavior of the digital community. One of the main challenges is the weak coordination between government agencies that have authority in the field of child protection and personal data. Currently, Kominfo, KPAI, and Kemendikbudristek often work sectorally without a clear coordination mechanism in handling cases of child privacy violations in the digital space. For example, when student data leaks occur on online learning platforms, responsibilities between agencies often overlap, resulting in slow case handling (KPAI 2023, 39). This highlights the need for a cross-sector coordination mechanism through government regulations or a national memorandum of understanding that clarifies the roles and responsibilities of each agency.

In addition, low digital awareness among parents and guardians is a significant cultural factor. Many parents still consider their children's activities in digital media to be normal without understanding

the privacy risks behind them. The phenomenon of sharenting the practice of parents sharing photos or personal information about their children on social media is a common form of privacy violation that often goes unnoticed. According to a 2022 survey by the Ministry of Communication and Information Technology, more than 60% of parents in Indonesia do not understand the legal and security risks of this practice (Kominfo 2022, 23). In fact, in a legal context, any dissemination of children's personal data without permission can be categorized as a violation of privacy rights as guaranteed in Article 17 of Law Number 35 of 2014 concerning Child Protection.

The next challenge is the absence of derivative regulations that specifically regulate the protection of children's personal data. Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) is indeed the main legal basis, but it does not differentiate between the treatment of children's data and adult data. As a result, electronic system operators do not have detailed operational guidelines for the protection of children's data (), such as age limits for users, parental consent, or mechanisms for deleting children's data from digital platforms (Rahmawati 2023, 66). This legal vacuum creates loopholes that can be exploited by commercial parties to target children as a potential market through digital algorithms.

The weakness of the policy is also evident in the lack of an educational approach in the implementation of legal protection. So far, state policies have tended to be repressive, focusing on enforcement without being balanced by legal education and digital literacy programs for children and parents. In fact, as stated by Marzuki, legal protection does not only depend on the text of the law, but also on the legal awareness of the community who are actors in the system (Marzuki 2017, 88). Therefore, digital child protection policies need to be directed not only at the formation of new regulations, but also at transforming digital legal awareness at the family and education levels.

Thus, the weaknesses of policies on the protection of children's privacy rights in the digital age lie in weak inter-agency coordination, low public digital awareness, and the absence of comprehensive specific regulations on children's personal data. Without improvements in these aspects, it will remain difficult to effectively realize the state's constitutional obligation to protect children in the digital world.

3.4 Recommendations for Strengthening Protection

Given the many challenges in protecting children's privacy in the digital world, strategic, systemic, and sustainable measures are needed. These recommendations focus on four main aspects: the establishment of specific regulations, institutional integration, digital literacy education, and the reform of child-friendly technology-based content monitoring. *First*, the state needs to immediately draft specific regulations (child-specific data protection regulations) that focus on protecting children's personal data. Regulations derived from Law Number 27 of 2022 concerning Personal Data Protection must clearly regulate parental consent, age limits for accessing digital platforms, mechanisms for deleting children's data (right to erasure), and prohibitions on processing children's data for commercial purposes. According to Rahmawati, the legal protection of digital children should stand as a special regime because children have different vulnerabilities compared to adults in understanding the risks of the virtual world (Rahmawati 2023, 67). Thus, this specific regulation will strengthen the position of access penalties as subjects of personal data that must be protected extra.

Second, institutional integration between KPAI, Kominfo, and Kemendikbudristek is needed in a single national mechanism for digital child protection. Currently, coordination between institutions is still partial, without an integrated reporting system. The government can establish a National Digital Child Protection System (SNPAD) that functions to coordinate supervision, reporting, and follow-up on cases of digital violations against children. KPAI can act as the main complaint agency, Kominfo as the technology regulator, and Kemendikbudristek as the education implementer in the

educational environment (KPAI 2023, 52). This cross-sector synergy is necessary so that child protection is not only reactive but also preventive.

Third, digital literacy education for children and parents must be made a national priority. Digital literacy is not only about the ability to use technology, but also about ethical and legal awareness in the media. Programs such as the National Digital Literacy Movement need to be expanded with a special curriculum on children's privacy rights and personal data security. UNICEF emphasizes that empowering families through digital education can reduce the risk of privacy violations by up to 40% in developing countries (UNICEF 2022, 18). Therefore, training and public campaigns must be part of the legal protection strategy for children in the digital age.

Fourth, the country needs to develop a child-friendly algorithmic monitoring system. This algorithmic monitoring allows for the automatic filtering of content that contains violence, exploitation, or violations of children's privacy. Kominfo can collaborate with digital platform providers to integrate machine learning that can detect potential violations early on. Such systems have been implemented in several European countries through AI-driven child protection policies that have proven effective in curbing the spread of harmful content (Setiawan 2024, 22). The implementation of similar policies in Indonesia will strengthen the state's role in creating a safe and humane digital ecosystem for children.

With these four steps the establishment of specific regulations, institutional integration, digital literacy education, and algorithm-based oversight reform the state can strengthen the constitutional and practical protection of children's privacy rights. Digital child protection is not only a legal matter, but also part of ethical human development and digital civilization.

4. Conclusion

Based on the results of the discussion, it can be concluded that children's privacy rights are part of human rights guaranteed by the constitution and various laws and regulations in Indonesia. This right has become increasingly important in the digital age when children are actively using various online platforms. Although there are legal bases such as the 1945 Constitution, the Child Protection Law, and the Personal Data Protection Law, their implementation still faces various obstacles. *First*, existing regulations do not specifically regulate the protection of children's personal data, resulting in legal loopholes in handling digital privacy violations. *Second*, coordination between institutions such as Kominfo, KPAI, and Kemendikbudristek is not yet optimal, resulting in ineffective supervision and law enforcement. *Third*, digital awareness among parents and children is still low, so many violations occur unknowingly, such as the practice of sharing children's photos on social media. Thus, the protection of children's privacy rights in the digital age requires strengthening through more responsive regulations, clear cross-agency coordination, and increased legal awareness and digital literacy among the public. Digital child protection is not only the responsibility of the state, but also part of efforts to create a safe and ethical digital space for the younger generation.

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