



Legal protection efforts by the Indonesian child protection commission for victims of child grooming crimes on social media

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Abstract

Every child has the right to obtain protection from all forms of violence, whether physical, mental, neglect, ill-treatment and sexual harassment while in the care of their parents or guardians, or any other party who is responsible for their care. childcare. This is in line with what has been determined in Article 58 Paragraph (1) of Law No. 39 of 1999 concerning Human Rights. But now the emergence of technology in the form of social media has had a negative impact on children's lives. This is marked by the emergence of new cyber/online-based sexual crimes with various modus operandi that continue to target children. One of the new cyber/online-based sexual crimes committed through social media is child grooming. Children are potential victims of child grooming crimes because they tend to be easily manipulated and exploited. Considering that the number of victims continues to increase every year, children as victims of child grooming crimes should receive special protection from the state. This research aims to answer and explain legal issues regarding legal protection by the Indonesian Child Protection Commission for victims of child grooming crimes in social media. The research method used in this research is a normative legal research method (not empirical legal research), namely legal research carried out by researching, studying and examining library materials (Library Research) with the help of primary data or empirical data as data. support that is closely related to this research. Until now there is no provision in the child protection law that specifically and explicitly regulates the crime of child grooming. The child protection law cannot provide legal protection for child victims of child grooming and ensnare the perpetrators of these crimes. The legal protection of the Indonesian Child Protection Commission institution is carried out by increasing the effectiveness of overcoming child grooming crimes through child protection laws, discretionary policies, repressive law enforcement, increasing the effectiveness of protection, handling cases, increasing public awareness, cooperation with the police and other related institutions. Although currently in Indonesia there are no special regulations governing child grooming, Article 76E of Law No. 23 of 2002 concerning Child Protection and Article 27 paragraph (1) of Law No. 19 of 2016 concerning Electronic Information and Transactions can be used as an effort to provide legal protection for child victims of grooming crimes.

Keywords: Legal protection, Indonesian child protection commission, child grooming

Introduction

Today, all aspects of life continue to progress rapidly, both in the fields of science and technology. The birth of technology such as social media has a major influence on life and has made people's behavior patterns continue to shift, both culture, ethics and existing norms. Now, the reality of human life has moved from real activities to the virtual world that can be accessed by all groups including children. In addition to having a positive effect, the emergence of social media also has a negative impact on children's lives. Many children are not fully aware of the benefits and impacts of using social media. The lack of insight and notification to children about the impact of using social media will make them more free to use it as a means of making friends and getting to know new people.

The negative impact of social media on children's lives can be seen with the emergence of new cyber/online-based sexual crimes with various modus operandi. This shows that crime continues to run parallel to the progress and sophistication of technology. Now crime does not only occur within the scope of society, but has penetrated into the realm of technology (social media). One of them is the misuse of social media by irresponsible individuals who continue to involve minors as victims of sexual violence, harassment and exploitation as a result of sexual crimes.

Crime via social media is indeed a crime with a very powerful effect, where the perpetrator does not need to go anywhere (Tanthawi, Dahlan Ali, Suhaimi, 2014) ^[9].

Cyber/online-based sexual crimes continue to emerge and increase. This type of violence has an increasingly complicated pattern of violence because it occurs in the digital (technological) realm. Cyber/online sexual violence is technology-facilitated violence against a person based on sex or gender. This online gender-based violence is not done physically, but in various ways such as verbal violence.

A newly emerging form of sexual crime conducted through social media is known as child grooming or online child grooming. Although there is currently no official definition for child grooming, the National Commission on Violence Against Women (referred to as Komnas Perempuan) describes it as a deceptive approach. Similarly, the National Society for the Prevention of Cruelty to Children (NSPCC), an international organization dedicated to protecting children from harm, defines child grooming as the deliberate establishment of rapport, trust, and emotional connection with a child or young individual for the purpose of manipulation, exploitation, and abuse.

Child grooming is one of the cases that has received a lot of public attention lately, because perpetrators target children through technology (social media). Child grooming crimes

are committed with various types, duration and intensity depending on the characteristics of each perpetrator. Usually the perpetrator does this with the aim of tricking and accelerating the child's maturation process.

The many facts about sexual crimes dominated by children show that children continue to experience unsafe situations in their lives. Among the many sexual crimes experienced by children, child grooming is one that needs to be watched out for. Children have the potential to become victims of child grooming crimes because they tend to be easily manipulated and exploited, which is certainly an easy target for criminals to carry out their actions. Considering that the number of victims continues to increase every year, children as victims of child grooming crimes should receive special protection from the state.

To enhance the efficacy of overseeing the execution of children's rights, a separate Indonesian Child Protection Commission (KPAI) has been established. The primary objective of KPAI is to supervise, advocate for, and safeguard the rights of children, while also preempting any potential infringements on their rights by the government, individuals, or organizations. KPAI as an independent state institution established to monitor, promote, protect, and prevent various possible violations of children's rights must certainly be able to provide protection for victims of child grooming. Based on the description above, it is necessary to conduct further research on "Legal protection efforts by the Indonesian Child Protection Commission for victims of child grooming crimes on social media".

Research Method

The research conducted in this field falls under the category of normative juridical research, specifically legal research that involves the examination of library materials (Library Research) along with the utilization of primary or empirical data as supporting evidence. The objective of normative juridical research is to analyze the laws and regulations that are applicable and their connection to the implementation of positive law within society. This type of research employs various approaches, including the statute approach, conceptual approach, and comparative approach.

Results and Discussion

Child grooming or cyber child grooming is a new type of crime in Indonesia. Child grooming is categorized as a crime of sexual exploitation of children using social media. This crime is of course prohibited by law because it violates children's rights and can have a negative impact on their development so that their protection must be considered.

In protecting child victims of criminal acts of grooming, the community also has obligations and responsibilities as regulated in Article 25 paragraphs (1) and (2) of Law No. 35 of 2014 in the form of organizing child protection which is then implemented by involving community organizations, academics and child observer. This is because in essence it is in accordance with Article 67A of Law No.35 of 2014 which states that "everyone is obliged to protect children from the influence of pornography and prevent children's access to information that contains pornographic elements." In this case, it appears that everyone is responsible for protecting children so that they are not influenced by pornographic things and everyone must also try to prevent children from accessing information (especially via the internet) that contains pornographic elements.

Some of the efforts made to protect victims of child grooming only take the form of pre-emptive, preventive and repressive protection from the state, state protection agencies and law enforcement officials. The government will also continue to develop strategies and knowledge about child grooming and use appropriate technology to protect children from crimes such as child grooming. Apart from that, parents also have an important role in understanding child grooming and need to create an environment so that children feel comfortable talking about what they are experiencing. Even though there are several challenges in legal protection for child victims of child grooming crimes, it is very important to continue to provide special attention to them.

Until now, in Indonesia there are no lex specialist rules and explicitly regulate the criminal offense of child grooming. In the Indonesian law that regulates child protection, namely Law of the Republic of Indonesia Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law No.1 of 2016 into Law on the Second Amendment to Law No.23 of 2002 concerning Child Protection *jo* Law No.35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, there is also no specific explanation regarding child grooming. The birth of the Child Protection Law should be able to answer various problems of sexual harassment, especially those that make children victims, because children are legal subjects whose existence must be specifically protected. Combating the criminal act of child grooming should use the lex specialist, namely the Child Protection Law because it has specificity compared to other laws, namely:

1. Because this child protection law was created specifically to provide protection to a child who is a victim of a criminal offense.
2. Because other laws only contain criminal provisions against criminals, only discussing crimes without regulating the rights of children if they become victims.

In the Child Protection Law there is one article that regulates sexual crimes, namely, Article 76E which states "Every person is prohibited from committing violence or threats of violence, forcing, deceiving, committing a series of lies, or inducing a child to commit or allow obscene acts to be committed". Article 76E only regulates limited to obscene acts, where obscene according to the legal dictionary is, lewd acts and or intercourse with someone who is considered to damage decency and according to the Criminal Code obscene acts are, all acts that violate decency related to physical. Article 76E only prohibits violence, threat of violence, deceit, lies, or inducement of a child to commit or allow obscene acts to be committed, it does not explicitly describe the process and means used in online child grooming crimes.

The Indonesian Child Protection Commission (KPAI) is an agency tasked with protecting children from online crimes, including child grooming. Child grooming crime is an approach to efforts made by child predators to build trust and emotional bonds with children, so that they can manipulate or exploit and even harass victims. Legal protection by the Indonesian Child Protection Commission (KPAI) for victims of child grooming crimes:

1. Increase the effectiveness of dealing with the crime of child grooming through Law Number 35 of 2014

- concerning Amendments to Law Number 23 of 2002 concerning Child Protection.
2. Take the best possible policy or with discretion in punishing criminals and without ignoring legal protection for children who are victims of grooming crimes.
 3. Carrying out repressive law enforcement, namely in the form of efforts or actions carried out by law enforcers, to maintain material law. How to take action to eradicate it and how to enforce the law. (Tanthawi, Dahlan Ali, Suhaimi, 2014) ^[9]. This action takes the form of imposing or imposing criminal sanctions on perpetrators of sexual violence.
 4. Increase efforts to protect children as effectively as possible by increasing seriousness in protecting children.
 5. Handling child grooming cases by recording the number of cases that occur in Indonesia.
 6. Increase public awareness about child grooming through publications and socialization.
 7. Cooperating with the police and related institutions in the legal protection of victims of child cyber grooming.

The crime of child grooming in Indonesia is still classified as a new criminal offense, so there is no specific regulation governing this matter. However, there are several legal regulations that can be applied to provide legal protection for child victims of grooming crimes, including:

1. Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection in Article 76E which states "Every person is prohibited from committing violence or threat of violence, forcing, deceiving, committing a series of lies, or inducing a child to commit or allow obscene acts to be committed". This article regulates the fulfillment of criminal elements in the criminal act of child grooming. This law highlights the importance of increasing criminal sanctions in child protection.
2. Law No. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Electronic Information and Transactions. Actually, there is no word pornography in the Electronic Information and Transaction Law that is clearly written, but there is a sentence "Content that violates decency". This action has been regulated in Article 27 paragraph (1) of the Electronic Information and Transaction Law, which states "Every person intentionally and without the right to distribute, transmit and/or make accessible Electronic Information and/or Electronic Documents that have content that violates decency". Article 27 paragraph (1) of Law No. 19 of 2016 on the Amendment of Electronic Information and Transactions regulates the criminal offense of disseminating electronic information containing pornography or content that violates decency. Article 45 paragraph (1) also regulates the criminal offense of disseminating electronic information containing threats and/or defamation. Thus, the Law can be used to ensnare grooming perpetrators who carry out actions through electronic media.

While there is currently no specific regulation in Indonesia addressing child grooming, existing regulations can still offer legal safeguards for children who are victims of grooming offenses. It is crucial to address the issue of child sexual abuse on social media, including grooming, by

fostering collaboration among law enforcement, the government, and the community. Perpetrators who exploit children through online platforms (known as child grooming) can be held accountable under the law by applying the criteria for criminal acts as outlined in the existing legal framework. Ultimately, the enforcement of discretionary policies is necessary to penalize offenders and ensure the legal protection of child grooming victims. The policy is in accordance with the consequences of sexual exploitation experienced by children.

According to a report by the International Center for Missing & Exploited Children, Indonesia and South Korea are countries that do not have specific legal regulations regarding child grooming crimes. This shows that efforts are still needed to increase awareness and legal protection for children who are vulnerable to child grooming crimes. The Indonesian constitution protects the human rights (HAM) of everyone, including children as part of human rights. Therefore, the state, enforcement officials and other parties have an obligation to provide legal protection for child victims of child grooming crimes in accordance with the provisions of the constitution and applicable laws and regulations.

Based on the explanation of the case above, it can be seen that the resolution of child grooming cases in South Korea and Indonesia is not much different because both do not have specific regulations so that the resolution of this case cannot run optimally. Criminal impositions by countries that have special regulations regarding child grooming are more effective compared to Indonesia and South Korea which do not yet have special regulations regarding child grooming.

Conclusion

Child grooming in Indonesia is still classified as a new crime, so there are no specific and specific regulations governing this matter. The provisions in the child protection law also cannot provide legal protection for victims and ensnare perpetrators of child grooming, because these regulations do not specifically and explicitly regulate child grooming. The crime of child grooming does not fulfill the elements of Article 76E of the Child Protection Law. This certainly influences the ineffectiveness of the child protection law in tackling the crime of child grooming. The child protection law does not fulfill the principle of legal protection which should be a specialist lexis for clear protection for children who are victims of criminal acts of online sexual harassment (child grooming). Legal protection by the state for children who are victims of child grooming is carried out with pre-emptive, preventive and repressive protection efforts, in addition there is also abstract legal protection and concrete legal protection (Rahmi, *et al*, 2019) ^[7]. The formation of the Indonesian Child Protection Commission (KPAI) is an effort made by the government to protect children. Article 76 E Law no. 23 of 2002 and Article 27 paragraph (1) of the ITE Law can be used as an effort to provide legal protection for child victims of grooming crimes.

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