

CHAPTER I

INTRODUCTION

A. BACKGROUND

The COVID-19 pandemic has accelerated the process of digitization across various sectors. Digitalization, particularly in information, communication, and media, has played a significant role in meeting societal needs. The convenience and benefits offered by digital platforms have significantly increased people's reliance on social media. Consequently, advancements in technology have profoundly influenced society's dependence on digital technology.

Simultaneously, social media has become one of the most influential and widely used digital media platforms today. As an integral part of digital media development, it has been adopted by nearly all internet users. This widespread usage is facilitated by the internet's role as a global interconnected network and the ubiquity of smartphones across all age groups. Smartphones, in turn, provide access to a myriad of applications, including various social media platforms.

While the advent of social media initially brought numerous positive benefits to human life, it has also been exploited by some individuals for criminal activities and economic gain. This is particularly alarming when these crimes target children.

Moreover, crimes against children constitute a grave violation of human rights. Human rights are fundamental and inalienable rights possessed by every individual. Every sovereign state has a duty to respect and uphold these rights without discrimination.¹ Forsythe contends that human rights law is revolutionary, as it challenges the traditional notion of absolute national sovereignty. While states historically exercised authority within their territorial boundaries, contemporary understanding recognizes the significance of human rights, good governance, human dignity, and non-territorial centers of power and control.²

Women and children, due to their inherent vulnerability, warrant special protection. International conventions have been established to address their unique needs. However, while gender equality has empowered women, it has also led to an increase in juvenile crime rates. Children, on the other hand, remain a marginalized group, often overlooked and unheard. Their vulnerability stems from their inability to choose their social and physical environments. Consequently, in today's world, children's rights must be recognized as integral to human rights.³

The Universal Declaration of Human Rights, the 1959 UN Declaration on the Rights of the Child, and the 1924 Declaration of the Rights of the Child all recognize children's rights as an integral part of human rights. These declarations aim to protect and promote children's rights holistically, emphasizing their freedom, dignity, and physical, mental, moral, and social development. They also prioritize the best and the principle of non-discrimination. Equality serves as the



ter
ieving Human Rights (1st ed.). Taylor and Francis. Retrieved from
ook/1609655/achieving-human-rights-pdf (Original work published 2008). p.15.
mportant for you to explore the health and well-being of children?". 21 March
<https://wzb.eu/en/article/children-are-very->
0of%20all%2C%20their%20voices,were%20born%20and%20grow%20up.
024].

bedrock of the non-discrimination principles.⁴ According to the International Covenant on Civil and Political Rights, discrimination is defined as:

*“any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or other status and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.”*⁵

Secondly, the principle of the child's best interest. Article 3(1) of the CRC mandates that the best interests of the child shall be a primary consideration in all actions concerning¹ the child. This principle encompasses:

- a. Separation from parents
- b. Parental responsibilities
- c. Deprivation of family environment
- d. Adoption
- e. Restriction of liberty
- f. Court hearing of penal matters involving a juvenile.

After Following its adoption in 1989, the Convention on the Rights of the Child (CRC) was established to safeguard the rights of children and impose obligations on state parties. The CRC also aims to enhance the living conditions of children worldwide, particularly in developing countries.

Article 1 of the CRC defines a child as any human being below the age of eighteen, unless national laws specify an earlier age of majority. Children, as minors, should not be treated as objects or property. In parental custody disputes, they should receive legal protection.⁶ Furthermore, the CRC mandates that both the state and parents are responsible for the child's well-being. While parents are primarily responsible for raising their children, the government has a duty to ensure that children are adequately cared for, especially when parents are unable to fulfill their obligations.⁷ Therefore, protecting children's rights requires a collaborative effort between the government, parents, and the broader community.⁸

The CRC acknowledges the special rights of parents, and the state has an obligation to respect these rights and their corresponding responsibilities.⁹ However, poverty and inequality among children pose significant challenges in many

⁴ Samantha Besson. The Principle of Non-Discrimination in the Convention on the Rights of the Child. The International Journal of Children's Rights, 13. 2005. p.434.

⁵ Human Rights Committee's General Comment 18 on Non-Discrimination, 10/11/1989, HRI/GEN/II/Rev. 5. reproduced in Compilation of General Comments and General Recommendations adopted by Human



Doc. HRI/GEN/1 (1992).

⁶ DORIS JONAS FREED. “A Bill of Rights for Children.” *Family Law Quarterly* .jstor.org/stable/25739035. p. 375.

⁷ J. J. Trymowicz, Children's rights in International Law. http://www.ijl.org/publication/304348149_the_children_rights_in_international_law

⁸ J. A. Lembrechts, Gamze Erdem Turkeli. Legal Commentary on the COntention d and its Protocols. 2019. London: Edward Elgar Publishing Limited. DOI

developing countries, including Indonesia.¹⁰ These factors contribute to an increase in unfulfilled children's rights and even child abuse.

A recent case in June 2024 exemplifies this challenge. Indonesians were horrified by the actions of a mother who abused her biological child and shared the video on social media platforms (X). The video went viral, rapidly spreading across various platforms. According to Kompas.com, the perpetrator was motivated by economic hardship and promised a sum of money for sending the video to an unknown third party.

This incident highlights the issue of intrafamilial sexual abuse, a form of sexual violence occurring within the family environment. Victims are typically children under the age of 18. In the United States, studies indicate that a concerning percentage, approximately 63% of women, have experienced sexual abuse by a family member.¹¹

In 2022, a concerning case of child sexual abuse linked to social media emerged when a 33-year-old man pleaded guilty in a U.S. district court to charges of receiving and possessing child pornography, including images of infants and toddlers.¹² This incident highlights a growing global concern, as evidenced by the International Criminal Police Organization (INTERPOL)'s database on international child sexual exploitation.¹³ INTERPOL, an intergovernmental organization, facilitates international police cooperation to create a safer world.

Sexual harassment and sexual abuse, while often conflated, are distinct concepts. Sexual harassment is a subset of sexual abuse, encompassing unwanted sexual behavior that can have profound psychological and physical consequences for the victim. Examples of sexual violence include rape, molestation, coercion into sexual acts, and exploitation or coercion to engage in pornography.¹⁴

Similarities between sexual harassment and sexual abuse emerge only when both are defined as fundamental human rights violations.¹⁵ While technology-facilitated sexual harassment is specifically defined as gender-based harassment enabled by communication technologies, including the non-consensual distribution of sexualized images or videos, this definition becomes more complex when children are involved.¹⁶ In such cases, parental consent may be considered, but the inherent vulnerability of children raises ethical concerns.

¹⁰ <https://www.kompas.id/baca/metro/2024/06/07/fenomena-memilukan-di-balik-video-asusila-ibu-dan-anak-kandung>

¹¹ Singapore Prison Service, Understanding Intrafamilial Sexual and Physical Violence and How Social Systems can Support Persons Causing Harm (PCH) and Victims in the Community. National Family Violence Networking System Conference. 2022.

¹² US Attorney's Office, Laredo receives max for possessing pornographic images of children, including his own minor relative. August 30, 2024. <https://www.justice.gov/usao-sdtx/pr/laredoan-receives-max-images-children-including-his-own-minor>



Global Alliance against Child Sexual Abuse, https://home-int/download/26dbb04c-26e5-4e2f-9257-e=ga_commitment_-_united_states_en.pdf

Sexual Harassment, <https://www.un.org/womenwatch/osagi/pdf/whatish.pdf>
The Sexual and Reproductive Rights of Women and Girls with Disabilities. In Population and Development Beyond 2014.

Administrators. Technology-facilitated Sexual Abuse. October 19, 2022. <https://www.un.org/womenwatch/osagi/pdf/whatish.pdf>
default/files/documents/87972Technology-facilitated%20Sexual%20Abuse%20-%202022.pdf

The prevalence of child sexual abuse on social media aligns with a UNICEF Indonesia report. This report, funded by the Global Partnership to End Violence Against Children, found that between 17 and 56 percent of Indonesian children who had experienced various forms of online sexual exploitation, abuse, or unwanted online experiences did not disclose these incidents to anyone. This collaboration between UNICEF, Interpol, and ECPAT underscores the gravity of the issue.

The 2020-2021 research, "Disrupting Harm in Indonesia," released ahead of National Children's Day on July 23rd, presents alarming evidence of online child sexual exploitation and abuse. Based on data from a household survey of 995 children and parents, a survey of frontline service providers, and interviews with government officials and service providers, the research reveals that 95% of children aged 12-17 in Indonesia are active internet users, accessing the internet daily.

Approximately 2% of children in Indonesia, or around 500,000 individuals, were victims of online sexual exploitation and abuse in 2021. This figure is likely an underestimation, as many children may be hesitant to disclose such traumatic experiences. Moreover, the report's focus on incidents within the past year suggests that the total number of affected children over their lifetime is significantly higher. Recent data from the We Protect Global Alliance confirms a substantial increase in online child sexual abuse.¹⁷

Several factors contribute to the rise of online child sexual abuse, including domestic violence, family dysfunction, and economic hardship within families.¹⁸

Indonesia has ratified both the Convention on the Rights of the Child (CRC) and its Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. This commitment is formalized in Presidential Decree No. 36 of 1990 and Law No. 10 of 2012, respectively. Additionally, Indonesia has enacted domestic legislation to protect children, specifically Law No. 35/2014, which amended Law No. 23/2002 on Child Protection.

Article 34 of the CRC explicitly addresses the sexual exploitation and abuse of children. Child sexual abuse, particularly in the form of child prostitution, is a significant component of the global sex industry, which encompasses prostitution, pornography (images, magazines, videos), nude dancing, phone sex, sex toys, and human trafficking.¹⁹

States are obligated to prevent the inducement of children into unlawful sexual activities, the exploitation of children in prostitution or other unlawful sexual practices, and the exploitation of children in pornographic performances.²⁰

Furthermore, the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography as part of CRC provides a specific regulation of child sexual abuse through digital platforms, or



nce, "Alarming Escalation in Child Sexual Abuse Online Revealed by Global
3". <https://www.weprotect.org/wp-content/uploads/Global-Threat-Assesment->

Legal Protection of the Children on Violence by the Parents (a Study in Demak)",
in Vol. V(1). p.117.

Aginta Hidayat, & Rendy Pahrun Wadipalapa. (2020). "Sexual Exploitation and
Children." Masyarakat, Kebudayaan dan Politik Vol. 33, Issue 2. p. 122
for Sale: Prostitution, Pornography, and the Sex Industry. New York: Routledge.

under this Protocol is Child Pornography. According to Article 2 of the Protocol, child prostitution and child pornography are defined as:

“Child prostitution means the use of a child in sexual activities for remuneration or any other form of consideration;

Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”

Historically, the Optional Protocol was established in 1999 in response to growing concerns about the proliferation of child pornography on the internet. Its primary objectives are to prevent the creation, dissemination, export, transmission, import, possession, and promotion of child pornography, and to emphasize the importance of increased collaboration and cooperation between governments and the online sector. The rapid growth of online child sexual abuse has prompted countries to adopt a zero-tolerance approach and criminalize both child prostitution and child pornography.

The Optional Protocol distinguishes between child prostitution and child pornography. While child prostitution involves the exploitation of children for monetary or transactional purposes, child pornography focuses on the sexual exploitation of children. Both forms of exploitation often involve the distribution of content through digital media such as social media, the dark web, and other internet platforms. Perpetrators of child exploitation, whether in the form of prostitution or pornography, are typically motivated by financial gain.

Additionally, the trauma inflicted on children as victims of digital media-based sexual violence can significantly impact their social development. The enduring nature of digital footprints, which are often difficult to erase, can have lasting consequences for a child's future. The case that occurred in June was particularly egregious as the perpetrator was the child's biological mother. According to the CRC, parents are considered the child's guardians and can represent their consent.²¹

When parental oversight is absent, the state assumes the responsibility to protect children and prevent child sexual abuse, as outlined in Article 34 of the CRC. However, the report highlights the ineffectiveness of government measures in curbing the rise of child exploitation, including prostitution and pornography. The situation is further exacerbated by the involvement of parents as perpetrators. Therefore, this study proposes to analyze the CRC as a crucial instrument in safeguarding children's rights, particularly in cases of child sexual abuse committed by parents and disseminated through digital platforms.



B. Research Questions

Based on the background described above, the author of this study took the following research questions:

1. How does the Convention on the Rights of the Child regulate sexual abuse against children perpetrated by parents?
2. How does the implementation of preventive and remedy measures of sexual abuse in digital platforms based on Convention on the Rights of the Child?

C. Research Objectives and Benefits

Based on the research questions mentioned above, the author's research objectives are as follows:

1. To find out the Convention on the Rights of the Child's regulation on sexual abuse against children perpetrated by parents.
2. To find out the implementation of preventive and remedy measures of sexual abuse in digital platforms based on Convention on the Rights of the Child.


Aligning with the research objectives, the following theoretical and practical benefits are anticipated:

1. The results of this study should help Hasanuddin University in its efforts to advance international law, particularly regarding paying attention to the child sexual abuse committed by parents and dissemination through social media.
2. It is anticipated that the research's conclusions will advance public knowledge of international human rights law, particularly concerning child sexual abuse committed by parents and dissemination through social media.

D. Research Originality

The author carried out this study to examine child abuse in the digital era based on CRC. Attached as a comparison for the current author is prior research on intrafamilial or sexual child abuse, which was presented with an overview of the comparison based on the author's analysis:

Table 1. 1 Research Originality 1

Author Name	: Veni Nur Setyaningsih
	: State Legal Protection against Child Sexual Abuse after Punishment and a Comparative Approach
	: Skripsi

Year	: 2023
University	: Universitas Islam Indonesia
Description of Previous Research	Research Plan
<p>Issues and Problems:</p> <ol style="list-style-type: none"> 1. How is the state legal treatment of child sexual abuse after sentencing in Indonesia and South Korea? 2. How The state legal protection should perpetrators of child sexual abuse be handled after serving their punishment in Indonesia when referring to South Korea? 	<ol style="list-style-type: none"> 1. How does the Convention on the Rights of the Child regulate sexual abuse against children perpetrated by parents? 2. How does the implementation of preventive and remedy measures of sexual abuse in digital platforms based on Convention on the Rights of the Child?
Research Methods: Normative	Research Methods: Normative
<p>Here the author analyzed the sexual abuse against children by comparing enforcing laws in Indonesia and South Korea. The difference with the present research is, under this thesis, the author did not discuss intrafamilial child sexual abuse.</p>	



Table 1. 2 Research Originality 2

Author Name	: Nadya Tahara Fitri	
Title of the article	: STRATEGI END CHILD PROSTITUTION, CHILD PORNOGRAPHY AND TRAFFICKING OF CHILDREN FOR SEXUAL PURPOSES (ECPAT) DALAM MENANGANI KASUS CHILD SEX TOURISM DI INDONESIA	
Category	: Skripsi	
Year	: 2024	
University	: Universitas Andalas	
Description of Previous Research	Research Plan	
Issues and Problems: What is ECPAT's strategy in dealing with cases of child sex tourism in Indonesia?	<ol style="list-style-type: none"> 1. How does the Convention on the Rights of the Child regulate sexual abuse against children perpetrated by parents? 2. How does the implementation of preventive and remedy measures of sexual abuse in digital platforms based on Convention on the Rights of the Child? 	
Research Methods: Normative	Research Methods: Normative	
The previous research only analyze on ECPAT's role by not emphasizing on child prostitution in digital platforms.		

**Table 1. 3 Research Originality 3**

: Rais Faizal and Sri Wiyanti Eddyono

Title of the article : <i>Kebijakan Penal Tindak Pidana Pornografi Anak melalui Internet</i>	
Category : Dissertation	
Year : 2019	
University : Universitas Gadjah Mada	
Description of Previous Research	Research Plan
<p>Issues and Problems:</p> <ol style="list-style-type: none"> 1. What are the regulation of child pornography crimes via the internet in criminal law in Indonesia? 2. How does the application of criminal law to child pornography crimes in court decisions 	<ol style="list-style-type: none"> 1. How does the Convention on the Rights of the Child regulate sexual abuse against children perpetrated by parents? 2. How does the implementation of preventive and remedy measures of sexual abuse in digital platforms based on Convention on the Rights of the Child?
Research Methods: Normative	Research Methods: Normative
<p>This dissertation tries to analyze the child pornography phenomenon and its law enforcement under criminal law in Indonesia and by reviewing jurisprudence. However, the previous research did not link it to the Convention on the Rights of the Child as the present research try to analyze.</p>	

E. Theoretical Basis



Child: Children's Agency

The Child theory fundamentally acknowledges that children are individuals, not simply smaller versions of adults, possessing unique vulnerabilities.²² This perspective highlights the necessity for

specialized protection and care due to children's developmental immaturity. Their dependence on others for survival, growth, and well-being renders them particularly susceptible to exploitation, abuse, and neglect.²³ Therefore, the theory underscores the importance of robust legal frameworks and social structures that safeguard children's rights and foster their comprehensive development.²⁴

A core tenet of this theory is the recognition of children's agency. While acknowledging their vulnerabilities, it also emphasizes their role as active participants in their lives. Allison James argue that this theory promotes children's right to express their views, participate in decisions that affect them, and have their opinions duly considered.²⁵ This participatory approach shifts from a purely protective model to an empowering framework that values children's evolving capabilities and autonomy. By recognizing them as rights-holders, the theory encourages their active involvement in shaping their lives and communities.

The United Nations Convention on the Rights of the Child (UNCRC), adopted in 1989, represents the most comprehensive articulation of this theory. It codifies a broad spectrum of civil, political, economic, social, and cultural rights, including the right to life, survival, and development, protection from abuse and exploitation, education, and health. The UNCRC stresses the interconnectedness and indivisibility of these rights, recognizing that children's well-being relies on their full realization. Furthermore, the Convention prioritizes the best interests of the child in all actions concerning them, whether undertaken by public or private social welfare institutions, courts, administrative bodies, or legislative assemblies.²⁶

1.5.2 Children Vulnerability Theory

Children's vulnerability theory highlights their distinct societal position, marked by dependence, developmental immaturity, and limited agency. This theory asserts that children are inherently more susceptible to harm and exploitation than adults due to their physical, cognitive, and emotional development.²⁷ This susceptibility is not solely biological but also shaped by social, cultural, and economic influences.

²³ Stern, R. (2006). *The child's right to participation – reality or rhetoric?* [Thesis]. Uppsala University. [smash/get/diva2:168647/FULLTEXT01.pdf](https://www.uu.se/smash/get/diva2:168647/FULLTEXT01.pdf)



children, Y. B. O., & Families. (2015). *Transforming the workforce for children*. International Academies Press eBooks. <https://doi.org/10.17226/19401>

UNES FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF THE CHILDREN
 EUROPEAN COMMISSION FOR THE PROMOTION AND PROTECTION OF THE RIGHTS OF THE CHILD
[europa.eu/sites/default/files/10_hr_guidelines_protection_en.pdf](https://www.coe.int/t/e/human_rights/10_hr_guidelines_protection_en.pdf)

Adolescent Capacity to Consent to Participate in Research: A review and analysis
 of human rights, ethics, and Developmental science. *Laws*, 12(1), 2. <https://doi.org/10.3390/laws12010002>

Children's reliance on caregivers for survival, combined with their evolving understanding of the world, renders them particularly vulnerable to manipulation, abuse, and neglect. This dependence generates a power imbalance, often preventing children from protecting themselves or effectively advocating for their needs.

Asmussen explain that the vulnerability occurs due to several factors.²⁸ He explained that children's immediate environments, such as family and community, significantly impact their well-being. Factors like poverty, social inequality, and limited access to essential services amplify their vulnerability. For example, children in impoverished communities are more likely to face exploitation, such as child labor or trafficking, driven by their families' economic desperation.

Furthermore, the absence of robust protective structures, like effective child protection services and supportive community networks, exposes children to abuse and neglect. The theory also stresses the importance of understanding the psychological consequences of vulnerability, as children who experience trauma or abuse may suffer long-term emotional and developmental harm.²⁹

Importantly, this theory acknowledges that children's vulnerability is not uniform and varies based on individual and contextual factors. Age, gender, disability, and cultural background all influence a child's susceptibility to harm. For instance, children with disabilities may face increased vulnerability due to their reliance on caregivers and potential social isolation. Similarly, children from marginalized communities may experience discrimination and exclusion, further exacerbating their vulnerability.³⁰ Consequently, children's vulnerability theory advocates for a comprehensive and context-sensitive approach to child protection, recognizing the diverse needs and experiences of children. It emphasizes the importance of fostering supportive and protective environments that empower children, promote their well-being, and respect their rights. By understanding and addressing the multifaceted factors contributing to children's vulnerability, societies can strive to ensure that all children have the opportunity to flourish and reach their full potential.

1.5.3 Complexity Theory

Children's complexity theory, a framework derived from complexity science, views child development and well-being as outcomes of constantly



al Health Promotion and Youth Violence Prevention. (2012). *Childhood trauma effect on healthy development*.
s/default/files/u1/pdf/se14Childhood%20Trauma%20%26%20Its%20Effect%20pment.pdf

& Ahmad, M. (2024). The Influence of Children's Discrimination Experiences on ated Health: Results from the National Health Interview Survey. *Children*, 11(7), D/children11070830

interacting, dynamic systems, rather than simple cause-and-effect relationships.³¹ It acknowledges that children are embedded in multiple, interconnected environments like family, school, community, and society, that mutually influence each other. This theory highlights children as active participants in their own development, shaping and being shaped by these systems.³² Even minor alterations within one system can trigger widespread changes, posing challenges for prediction and intervention, but also suggesting that targeted actions can create significant positive shifts.

Central to this theory is the concept of emergence, where complex patterns and behaviors arise from the interactions of various elements within a system, not from a single, predetermined cause.³³ In child development, this means that outcomes are a result of continuous interplay between numerous factors, not just genetics or environment. It recognizes the inherent unpredictability of development, as small initial differences can lead to vastly different results. The theory also stresses the importance of understanding feedback loops and non-linear relationships, where positive loops amplify changes and negative loops maintain stability.

Implementing complexity theory in child well-being practices necessitates a move towards systemic approaches, rather than isolated interventions. The focus shifts to enhancing the resilience and adaptability of the entire system, promoting positive interactions, supportive relationships, and learning opportunities. Interventions are characterized by flexibility, responsiveness, and a focus on building system capacity. This perspective acknowledges that development is a continuous, adaptive process, requiring interventions that can respond to dynamic changes. It also underscores the ethical need to consider the broader, potentially unintended effects of actions within these interconnected systems.

1.5.4 Children's Systems Theory

Children's systems theory, most notably articulated by Urie Bronfenbrenner, provides a comprehensive framework for understanding the multifaceted influences on a child's development.³⁴ Rather than viewing children as isolated individuals, this theory posits that they are embedded within a series of nested, interconnected systems, each contributing to and being shaped by the others. This ecological perspective moves beyond simple cause-and-effect models, emphasizing the dynamic and reciprocal



08). Complexity Theory: Developing new understandings of child protection in
ntial child care [Journal-article]. *The British Journal of Social Work*, 38–38(7).
v/bcm052. p. 1336.

, P.(2007). Applying complexity theory to risk in child protection practice.
i.org/10.1177/0907568207072535. P.144

ies complexity theory offer anything to the understanding of children in need?
ices, 4(2). <https://doi.org/10.1108/17466660200900010>. p. 36.

C. (2001). *Family Systems Theory*.
/CFS410U/FamilySystemsTheory.pdf

interactions between children and their environments. The theory underscores that children are not passive recipients of external influences but active participants who co-construct their developmental trajectories.³⁵

At the core of this framework are five distinct systems, which are the microsystem, mesosystem, exosystem, macrosystem, and chronosystem.³⁶ The microsystem represents the child's immediate environment, encompassing family, school, and peer groups, where direct interactions occur. The mesosystem explores the connections between these microsystems, such as the interplay between a child's home and school life. The exosystem comprises settings that the child may not directly experience but that nonetheless exert influence, like parents' workplaces or community policies. The macrosystem encompasses the broader cultural values, beliefs, and laws that shape the child's environment. Finally, the chronosystem introduces the dimension of time, acknowledging the impact of life transitions and socio-historical events on the other systems.³⁷

The implications of children's systems theory are significant for both research and practice. It promotes a holistic approach to understanding child development, recognizing the importance of considering multiple interacting factors. This perspective necessitates contextual sensitivity, acknowledging that children's experiences are deeply rooted in their unique environments. Moreover, the theory informs the development of intervention strategies that target multiple levels of influence, rather than focusing solely on the individual child. By recognizing the interconnectedness and dynamic nature of these systems, practitioners and researchers can gain a more nuanced understanding of children's development and create more effective support systems.

F. Framework of Thought

A comprehensive framework for examining child sexual abuse on digital platforms, grounded in the Convention on the Rights of the Child (CRC), necessitates a multi-dimensional approach that addresses both the unique challenges of the digital landscape and the fundamental principles enshrined in the CRC. At the core of this framework lies the "best interests of the child" principle (Article 3), serving as the paramount consideration in all actions related to children, particularly within the digital sphere.



J., & Education Development Trust. (2018). *The systems approach to child*

[service.gov.uk/media/5c6edc11e5274a0ec72b4881/399_The_Systems_Approach.pdf](https://www.service.gov.uk/media/5c6edc11e5274a0ec72b4881/399_The_Systems_Approach.pdf)

Grisham-Brown, Goldfield, Sotuku, Christensen, Mlalazi, Clamptett, Shumba, Crivello, Martin, Chinhara, Sotuku, Okeke, Mathwasa, & Berk. (n.d.). *al System Theory*. https://www.nda.org.za/assets/resources/CF824421-4FA0-4A/Nutrition_and_Health_in_ECD-Desktop_and_Literature_review_report.pdf

This principle mandates a rigorous evaluation of how digital platforms impact children's safety and holistic development. Complementing this is the state's obligation to protect children from all forms of violence, abuse, and exploitation, as outlined in Articles 19 and 34, which are directly applicable to the online environment. Moreover, the digital realm introduces complex considerations regarding children's right to privacy (Article 16), requiring a delicate balance between safeguarding their personal information and ensuring their protection from online predators. Simultaneously, the framework must acknowledge children's right to access information (Article 17), promoting digital literacy and safe online engagement while equipping them with the knowledge to navigate the digital world responsibly.

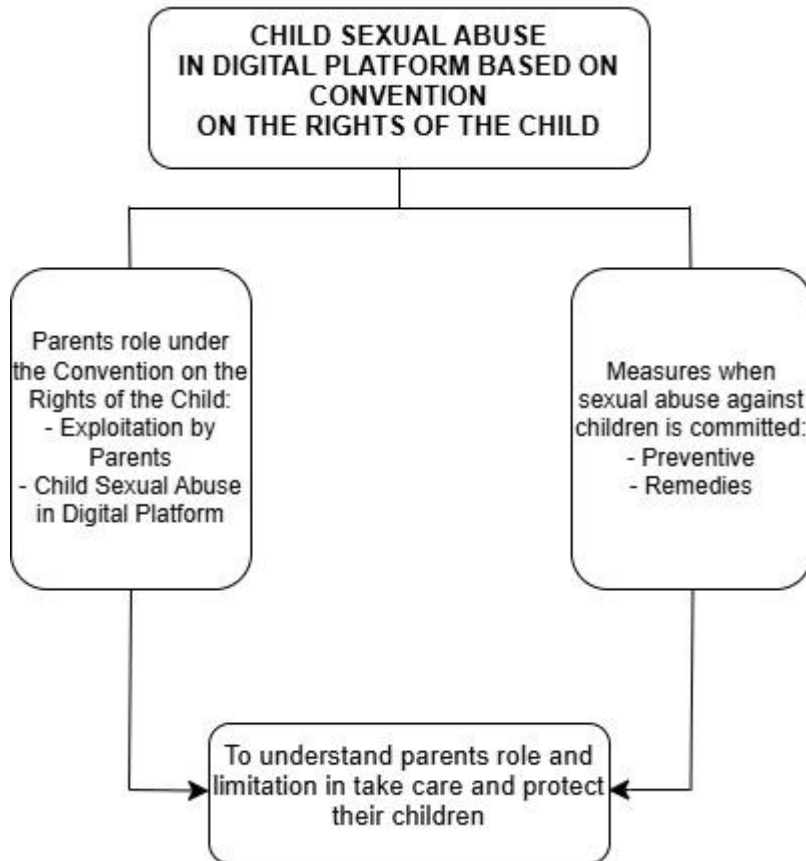
Addressing the specific challenges posed by digital platforms demands careful consideration of jurisdictional complexities, given the transnational nature of online activity. Features like anonymity and encryption, while offering certain benefits, can also facilitate child sexual abuse, necessitating a nuanced approach to their regulation. The rapid dissemination and permanence of digital content exacerbate the harm caused by online abuse, requiring strategies to mitigate these effects.

Technology companies bear a significant responsibility in preventing and addressing child sexual abuse on their platforms, and mechanisms for holding them accountable must be established. Furthermore, prevention and education are paramount, emphasizing online safety education for children, parents, and educators, and the development of technology that can proactively prevent the spread of child sexual abuse material.

Effective implementation and enforcement of this framework require robust national legislation and policies that align with the CRC and address the unique challenges of online child sexual abuse. International cooperation is crucial, fostering collaboration among states, technology companies, and civil society organizations. Regular monitoring and evaluation of policies and programs are essential to ensure their efficacy. Critically, the framework must incorporate the voices and perspectives of children in the development of policies that affect their safety online, recognizing their agency and lived experiences. By integrating these interconnected elements, a robust and responsive framework can be established to safeguard children from sexual abuse on digital platforms, in full accordance with the principles of the CRC.



Figure 1. 1 FRAMEWORK CHART



CHAPTER II

RESEARCH METHOD

A. Research Type and Approaches

This research is using normative juridical methods, where the main purposes are concerning law as norms, rules, legal principles, legal doctrines, legal theories, and other literature to answer the legal problems studied based on primary and secondary legal materials.

This research was conducted through determining several approaches, including:

- a. A statutory approach, involves determining all laws and regulations, international conventions, statutes, etc. that regulate child sexual abuse, especially on digital platforms.
- b. Case approach, which is an approach taken by looking at cases that have occurred, relating to sexual abuse of children on digital platforms.

B. Types and Sources

In essence, in legal research there is only a normative method whose sources come from literature. In this case, source materials are divided into three, which are:

a. Primary legal materials

Primary legal materials are legal materials that derived from the authoritative or the government. In this research, the author using laws and regulations, conventions as the basic materials in conducting research. The primary legal materials that used are:

- i. The 1945 Constitution of Republic of Indonesia
- ii. Laws Number 35 of 2014 concerning Child Protection
- iii. Laws Number 10 of 2012 concerning Ratification of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- iv. International Covenant on Civil and Political Rights
- v. Convention on the Rights of the Child and its Optional Protocols

b. Secondary legal materials



Secondary legal materials derive from legal scholars or experts by referring to journals, books, legal cases, jurisprudence, and legal

materials

Tertiary legal materials are complementary materials that will guide developing the arguments or provide additional guidance to primary and secondary legal materials.

C. 2.3 Research Location and Time

This research is conducted in the Faculty of Law, Universitas Hasanuddin Library, and Hasanuddin University Central Library to answer and explain the problems of this research.

D. 2.4 Technique of Collecting Legal Materials

The technique of collecting legal materials in this study was carried out through a literature study by utilizing primary, secondary, and tertiary legal materials that have been collected and analyzed to obtain explanations and solutions to the case under study. The data collection method is applied to obtain scientific information related to the discussion of theories and concepts relevant to this research.

In addition, the author studies and quotes legal materials, such as laws and regulations and literature related to this research. Legal materials will be obtained from the author's collection, the Hasanuddin University Central Library collection, and the Hasanuddin University Faculty of Law library collection.

The collection of legal materials is conducted by accessing websites and journals accessed through internet media that have relevance to legal issues in this study. The legal materials were then analyzed and formulated systematically in accordance with the formulation of the problems raised in this study.

A literature study and internet access were conducted to gather relevant information, as well as to assist the author in interpreting the regulations on the current phenomenon, which is child sexual abuse in digital platforms.

