

LEGAL REVIEW OF PERSONAL DATA PROTECTION FOR CHILDREN IN THE DIGITAL SPACE AND THE RESPONSIBILITY OF SOCIAL MEDIA PLATFORMS

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Abstract

The proliferation of social media and digital platforms has increased the risk of misuse of children's personal data in the digital space, making children vulnerable to cybercrimes such as cyberbullying and identity theft due to a lack of understanding of privacy. This legal review analyzes the international (UDHR Article 12 and CRC 1989) and national (1945 Constitution, Child Protection Law, ITE Law, and 2022 PDP Law) legal frameworks for protecting children's specific personal data. The study shows that although the PDP Law classifies children's data as specific and requires parental consent, its implementation is still hampered by a lack of derivative regulations and low digital literacy. Social media platforms, as PSEs, have preventive and curative responsibilities, reinforced by the 2025 TUNAS Government Regulation, which mandates content filtering and rapid reporting. This study recommends the issuance of derivative regulations, digital education, and multistakeholder collaboration to create a child-safe digital ecosystem.

Keywords: *children's personal data protection, digital space, social media platforms*

INTRODUCTION

The development of information technology and the internet has transformed the way people communicate. One example is the development of social media. Social media has become a part of everyday life for obtaining, sharing, and disseminating information. This development has brought about social change in society. (Sulistyowati, 2014) Advances in information technology, both globally and locally, have brought the Indonesian nation to an inflection point. (Yuswohady, 2006) Social media is currently a very popular medium due to its ease and speed, allowing individuals to create and distribute information. (Mesra Betty Yel, 2022) The use of digital platforms, whether in the form of social media, e-commerce, or online learning services, also creates various challenges that potentially threaten children's privacy rights. Children are considered to lack the skills to understand the essence of privacy, with low awareness and lack of knowledge regarding privacy rights and personal data protection in the digital realm. Children tend to leave digital footprints and personal data everywhere without realizing it. If children's data is published and falls into the wrong hands, children are a highly vulnerable group to become victims of cybercrimes such as identity theft, extortion, kidnapping, cyberbullying, and child self-manipulation in society. (Lazuardiansyah & Indriati, 2023)

The right to privacy relates to safeguarding the private sphere surrounding the individual, encompassing all things that are part of an individual's property, such as their body, home, thoughts, feelings, secrets, and identity. The right to privacy provides individuals with the ability or authority to choose what personal information is accessible to others and to control the extent, manner, and timing of the use of personal information that each individual chooses to disclose. (Niffari, 2020) Recognition of the right to privacy and personal data protection has been widely regulated in several international legal instruments. Regulation of the right to privacy over children's personal data on an international scale can be found in Article 12 of the Universal Declaration of Human Rights (UDHR), which explains that no one shall be subjected to arbitrary interference with his or her personal, household, family, or correspondence; nor shall he or she be permitted to commit any form of violation of his or her honor and reputation. Every individual has the right to receive legal protection against interference or violation of his or her personal affairs. Article 12 of the UDHR does not explicitly state the protection of children's personal data, but this article serves as a legal umbrella because it is related to other articles.

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The definition of personal data is described in Article 1 number 1 of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) any data about a person whether identified and/or identifiable individually or combined with other information either directly or indirectly through electronic and/or non-electronic systems. Personal data in the PDP Law is classified into two, namely general and specific personal data. Article 3 paragraph (2) of the PDP Law classifies that what is included in general personal data is full name, gender, nationality, religion, and/or personal data combined to identify a person. It is further explained in Article 3 paragraph (3) of the PDP Law that what is included in specific personal data is Health Data and information, Biometric data, Genetic data, Sexual life/orientation, Political views, Criminal records, Children's data, Personal financial data, and/or other data in accordance with the provisions of laws and regulations. (Undang-Undang Nomor 27 Tahun 2022 tentang Perlindungan Data Pribadi)

One specific type of personal data that is vulnerable to misuse due to the data subject's legal incompetence is children's personal data. According to Law Number 35 of 2014 concerning Child Protection, a child is defined as a person under 18 years of age, including unborn children. Children are individuals in the developmental and growth stages, so they do not yet have the physical and mental capabilities to safeguard and protect themselves from various forms of threats or risks that could endanger their well-being, both in their social environment and in the digital context. (Andiani & Wiraguna, 2025) Therefore, children are included in the group that requires special attention and protection from adults and the state, so that their rights can be guaranteed and their growth and development can take place optimally in a safe and supportive environment. (Tarigan, Soekorini, & Taufik, 2016) Disclosure of children's personal data has the potential to trigger various forms of crime such as child trafficking, bullying, child identity theft, and other negative impacts of such disclosure on the child's psyche and future. (Permanasari & Sirait, 2019)

Given the rapidly evolving internet world and the increasing participation of children, it is necessary to guarantee the protection of children's privacy rights in a concrete regulation. (Verma, 2020) The existing Child Protection Law should be the main bulwark in protecting children's rights in the digital world. However, the implementation of this law faces many obstacles, especially related to regulations that do not fully regulate the protection of personal data in cyberspace and how social media platforms are responsible for protecting children's personal data. One aspect of major concern is that children's personal data, such as names, addresses, dates of birth, and other sensitive information, can be used for harmful purposes. (Gordianus Pradino Faloygama, 2025)

RESEARCH METHODS

The research method used in this study is a normative juridical method with a statute approach and a conceptual approach. According to Peter Mahmud Marzuki, the normative juridical method is a process for discovering legal rules, legal principles, and legal doctrines to answer the legal problems faced. (Atikah, 2022) The legal sources of this study are primary legal sources, namely the main legal materials that include statutory regulations, and secondary legal sources, namely legal materials that support the primary legal materials, such as books, journals, news, research results, and so on.

A. Implementation of the Personal Data Protection Act for Children in Using Digital Technology on Social Media Platforms

The right to privacy is a fundamental component of human rights, inherent in the nature of every human being, and must be respected, maintained, and protected by every individual, state, law, and government. Human rights recognize the inherent worth of every human being, regardless of their background, where they live, what they look like, what they think, or what they believe. Human rights are based on the principles of equality, dignity, and mutual respect, shared across cultures, religions, and philosophies. These rights are about being treated fairly and having the ability to make honest and sincere decisions in everyday life. Respect for human rights is the foundation of a strong community, where everyone feels involved and can contribute. (Commission, 2010)

The right to privacy has been expressly recognized and included in the Indonesian constitution through the 1945 Constitution since its amendment in 2000, by adding ten articles to the human rights chapter. (Widyaningsih & Suryaningsi, 2022) Some key articles that explicitly recognize this right include: first, Article 28G paragraph (1): "Everyone has the right to protection of themselves, their families, their honor, their dignity, and their property under their control, and has the right to a sense of security and protection from the threat of fear to do or not do something that is a human right." Second, Article 28H paragraph (4): "Everyone has the right to own private property and such property may not be taken over arbitrarily by anyone." (Undang-Undang Dasar, 1945) The implementation of Law Number 27 of 2022 concerning Personal Data Protection (PDP Law) for children in the use of digital technology on social media platforms is in principle based on the recognition that Children are personal data subjects who require special protection. The PDP Law emphasizes that the processing of children's personal data must be carried out with

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the consent of parents or guardians as a form of legal protection. In the context of social media, this is realized through provisions regarding user age limits, age verification mechanisms, and privacy policies that specifically regulate children's data. Social media platforms are required to ensure that the collection, storage, and use of children's data are conducted legally, limitedly, and securely, and are not used for commercial purposes that are detrimental to children. Talking about children's privacy cannot be separated from the misuse of children's personal data by third parties, which is a legal issue. Legally, so that children's lives run well and properly, the Republic of Indonesia has provided legal protection in respecting and protecting children's rights. This can be seen from several regulations, including Article 4 of Law Number 23 of 2002 concerning Child Protection, which states, "Every child has the right to live, grow, develop, and participate fairly in accordance with human dignity and dignity, and to receive protection from violence and discrimination." Then, it is also stated in Article 6 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which states, "Every child has the right to worship according to his/her religion, to think and express himself according to his/her level of intelligence and age under the guidance of parents or guardians." In the same regulation, Article 10 states, "Every child has the right to express and have their opinion heard, receive, seek, and provide information according to their level of intelligence and age for their own development in accordance with moral and decency values." The state also explicitly provides a guarantee of legal protection from the threat of digital world crime, namely with Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE Law) and Law Number 27 of 2022 concerning Personal Data Protection. (Rohmansyah, Saputra, & Sholih, Urgensi Pelindungan Hak Asasi Anak ata Data Pribadi di Era Digitalisasi Berdasarkan Prinsip Negara Hukum, 2023)

The Personal Data Protection Law is a good first step, and this regulation is considered to provide a legal framework for personal data protection. This is stipulated in Article 4, which distinguishes personal data into two types: specific data and general data. Children's data falls into this specific data category. However, explanations regarding specific protection mechanisms for children's data, including specific handling procedures, remain limited and in-depth due to the lack of explicit regulations. As a result, digital service providers and platforms often lack uniform and clear legal guidelines for managing children's data. Therefore, the government needs to immediately issue derivative regulations to strengthen and optimize this legal protection, in line with Indonesia's principle as a rule-of-law nation. (Rohmansyah, Saputra, & Sholih, 2023) In the legislation, preventive measures to protect children's personal data are regulated in Article 25 paragraphs 1 and 2 of the PDP Law which focuses on the processing of children's data, it is clarified that (1) the processing of children's personal data is carried out specifically. (2) the provisions as referred to in paragraph (1) must be obtained from the child's parents and/or the child's guardian's consent in accordance with the legislation. According to Article 1 of the Convention on the Rights of the Child, a child is an individual under 18 years of age. Children may not fully understand the impact of the consent they provide for data collection. (Arnetta & Fathyasani, 2023)

While the enactment of the Personal Data Protection Law represents a significant step forward in protecting personal data in Indonesia, its implementation still faces significant challenges. Furthermore, other significant challenges arise from social perspectives, particularly the low level of digital literacy in Indonesia, which contributes to a lack of public awareness about the importance of safeguarding personal data. Many people, including children and the elderly, remain unaware of the dangers of sharing personal information online. This is exacerbated by a collective culture that often disregards privacy. Low digital literacy also makes children more susceptible to various forms of cybercrime. The lack of education for parents and children on how to use the internet safely and responsibly is a major barrier to protecting children in today's digital age. In this modern era, we not only play a role as individuals in the real world, but also as active citizens online. Therefore, it is crucial to raise awareness about the importance of maintaining credibility, ethics, and reputation in the digital realm, just as we maintain our good name in real life. (Savitri & Fathihah, 2025) Protecting children in the digital space is not only about monitoring access, but also about creating a safe, educational environment that supports their healthy growth and development.

B. The Role and Responsibility of Platforms towards Children Who Commit Digital Technology Crimes on Social Media Platforms

Child protection in the digital space has become increasingly important with the rapid development of technology and the internet, which provides children with widespread access to the virtual world. Child protection in the digital space is inseparable from international legal instruments. The 1989 Convention on the Rights of the Child (CRC) affirms that every child has the right to protection from all forms of exploitation, including in the digital space. The UN Committee on the Rights of the Child has even issued General Comment No. 5 of 2021 on children's rights in the digital environment, which requires states and businesses to ensure the digital world is safe for children. (United Nations, 2021)

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In the case of a child committing a digital technology crime via a social media platform, legal responsibility is not immediately placed on the child. In full, but must pay attention to the principle of the best interests of the child as regulated in child protection laws and the juvenile criminal justice system. Social media platforms have both preventive and repressive roles and responsibilities. Preventively, platforms are required to provide security systems, content monitoring, reporting mechanisms, and age-restriction features to prevent children from engaging in illegal activities, such as the distribution of illegal content, cyberbullying, or misuse of personal data. This obligation aligns with the Personal Data Protection Law and the precautionary principle in processing children's personal data.

The rise of social media has encouraged parents to share their children's activities, photos, and videos through personal accounts or child-specific accounts. This phenomenon is known as parental sharing or sharenting. While done primarily for documentation or parental pride, this practice raises legal issues related to protecting children's privacy and digital footprints. From a legal perspective, children are legal subjects who have the right to personal data protection, even though they are not yet legally competent. Parents act as guardians who represent the child's legal interests, including providing consent to the processing of the child's personal data. However, this parental authority is not absolute, but must be exercised in the best interests of the child. Uploading children's content on social media is essentially a form of personal data processing, as it contains the child's identity, face, location, and activities. Therefore, parents' actions must comply with legal restrictions to avoid violating the child's privacy rights now or in the future. Legally, parents' uploading of children's content is not necessarily prohibited, as long as it is done reasonably, not excessively, and does not endanger the child's interests. However, such uploading may be legally unjustifiable if:

- a. Revealing sensitive personal data of children;
- b. Potentially poses a risk of exploitation, cyberbullying, or digital crime;
- c. Used for commercial purposes without regard to children's rights;
- d. Causes psychological or social impacts on children in the future.

In this context, digital footprints formed from an early age can be permanently imprinted and potentially detrimental to children as adults. Therefore, excessive sharenting practices can be seen as a form of parental negligence in protecting children's privacy rights. Protecting children's privacy in the digital space requires parents to be wise and responsible. Parents should limit the type of content uploaded, avoid overly personal information, and pay attention to account privacy settings. This precautionary principle aligns with parents' obligation to protect children from data misuse and the negative impacts of digital technology. From a child protection law perspective, parental disregard for protecting a child's privacy can be categorized as a violation of their parenting and child protection obligations. The state has a role to play in providing education, supervision, and regulation to prevent child exploitation through social media, including that perpetrated unknowingly by parents themselves.

Although there are no regulations explicitly prohibiting parents from uploading children's content on social media, the practice still has legal implications. If the uploaded content is proven to be detrimental to children or violates personal data protection provisions, parents can be held civilly or administratively liable. This confirms that parents' freedom of expression on social media is limited by the right to privacy and the best interests of the child. There are 37.02 percent of children aged 1-4 years and 58.25 percent of children aged 5-6 years who use mobile phones, while 33.80 percent of children aged 1-4 years and 51.19 percent of those aged 5-6 years are recorded as having accessed the internet. In fact, in underdeveloped areas, children aged 13-14 years are already addicted to accessing social media. Although parents can give consent to the child's data, such consent must be in the child's best interests, not the parents' social or economic interests. (Komdigi, 2025)

From a legal perspective, technology companies have a dual responsibility for protecting children in the digital realm, divided into preventive and curative responsibilities. On the preventive side, companies are required to provide parental control features that enable parents to effectively monitor children's activities, develop sophisticated algorithms to prevent the spread of child exploitation content, and implement strict age verification to prevent children from accessing services or materials that are not age-appropriate. Meanwhile, curative responsibilities include providing a fast and easily accessible reporting mechanism to handle cases of exploitation or harmful content, proactively coordinating with law enforcement officials in the process of investigating online crimes, and providing fair compensation or redress if the company's negligence is proven to cause harm to children. This approach not only strengthens company accountability but also contributes to a safer digital ecosystem for the younger generation. (Alchemist, 2025) Based on the 2025 report of the Ministry of Communication and Digital (Komdigi), the latest data reveals that 48 percent of internet users in Indonesia are children under the age of 18, making it increasingly urgent to implement child protection regulations in the digital space immediately, as emphasized by Minister Komdigi Meutya Hafid that Government Regulation Number 17 of 2025 concerning Governance of Electronic System Implementation in Child Protection (PP TUNAS) which was ratified by President Prabowo Subianto on March 28, 2025, not only

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focuses on protecting children from online threats such as harmful content, exploitation, or digital bullying, but also forms a safe, healthy, and inclusive digital ecosystem for all users in society. Specifically, PP TUNAS requires every Electronic System Provider (PSE) such as social media platforms or digital applications to filter content that has the potential to harm children, provide a fast and transparent reporting mechanism, verify the age of users correctly, and implement effective technical safeguards to mitigate the risk of exposure to negative content, while for violators, this regulation stipulates tiered administrative sanctions up to termination of access to non-compliant platforms, in order to uphold the state's commitment to protecting the younger generation as a top priority in the digital era. (Komdigi, 2025)

In this context, the role and responsibility of social media platforms as ESPs towards children who commit digital technology crimes, such as cyberbullying, spreading hoaxes, or exploiting illegal content in Indonesia are strictly regulated to balance law enforcement with the protection of children's rights, as mandated by Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), where ESPs are required to detect early through AI algorithms, report cases to Komdigi and the National Police within 24 hours, and facilitate rehabilitation through restorative through collaboration with the Indonesian Child Protection Commission (KPAI) to avoid stigmatization, so that platforms not only act as enforcers but also partners in creating a restorative and comprehensive digital space.

CONCLUSION

Protecting children's personal data in the digital space is crucial amid the rapid growth of social media, where children are vulnerable to cybercrimes such as cyberbullying and identity theft due to a lack of privacy awareness. By law, parents are permitted to upload children's content on social media, but with strict limits. Parents are obliged to maintain privacy, prevent exploitation, and consider the long-term impact on children's digital footprints. Protecting children's rights must be a top priority over parents' personal or social interests in the digital space. International legal frameworks such as Article 12 of the UDHR, the 1989 CRC, and national legal frameworks such as the 1945 Constitution, the Child Protection Law, the ITE Law, and the 2022 PDP Law provide a strong foundation, although implementation is hampered by a lack of implementing regulations and low digital literacy. Social media platforms, as ESOs, are responsible for both preventative measures, including parental control and age verification, and curative measures, including rapid reporting and rehabilitation. This is reinforced by the 2025 National Regulation on Social Security (PP TUNAS), which imposes strict sanctions on social media platforms. Creating a safe and inclusive digital ecosystem requires collaboration between the government, parents, and platforms through regulations derived from the PDP Law, digital education, and strengthened accountability.

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