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THE PHENOMENON OF CYBER CRIMES WHICH IMPACT CHILDREN AS VICTIMS IN INDONESIA

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Abstract
The development of internet nowadays does not only give a positive impact but also gives a negative impact in the form of crime that targets everyone, including children. Cyber crime which impact children as a victim should be handled seriously, this considering the fact that children need to get optimal protection to ensure their growth as the hope of nation. This study aims to determine and analyze the impact on cyber crime that impact children as its victim. This research uses juridical-sociological research method which is analyzed descriptively. The results show that the development of cyber crime that afflicts children as victims every year increases with various forms of development and crime mode. However, the legal protection aimed to reduce such crime is still very weak due to weak legislation, law enforcement performance and cyber security in Indonesia. The research is intended to provide recommendation for the government, law enforcers and the public, so that cyber crime that impact children as victims could be reduced and ensure protection for children.
Keywords: Child; Crime; Cybercrime.

Abstrak
Perkembangan Siber tidak hanya memberi dampak positif tetapi juga memberi dampak negatif yakni sebagai sarana kejahatan yang menimbulkan korban kepada siapapun termasuk anak. kejahatan siber yang mengakibatkan anak sebagai korban perlu penanganan serius, hal ini karena anak dalam usia pertumbuhannya perlu mendapat perlindungan yang optimal, agar tumbuh dan berkembang menjadi generasi harapan penerus bangsa. Penelitian ini bertujuan untuk mengetahui dan menganalisi dampak terhadap kejahatan siber yang menimpa anak sebagai korban. Penelitian ini menggunakan metode penelitian yuridis-sosiologis yang dianlisi secara deskriprif. Hasil penelitian menunjukkan bahwa perkembangan kejahatan siber yang menimpa anak sebagai korban setiap tahun meningkat dengan berbagai perkembangan bentuk dan modus kejahatan. Namun dalam hal penanganan masih sangat lemah yang disebabkan oleh peraturan perundang-undangan yang masih sangat lemah, kinerja penegak hukum dan faktor keamanan siber di Indonesia. Rekomendasi penelitian ini ditujukan kepada pemerintah, penegak hukum dan masyarakat, agar kejahatan siber yang menimpa anak sebagai korban harus dipandang sebagai kejahatan serius sehingga kedepan diperlukan penanganan yang serius, sehingga anak dapat terbebas dari kejahatan siber.
Kata Kunci: *Anak; Korban; Kejahatan Siber.*

Introduction

Following the rise of internet, different countries have adopted different measure in maintaining the social order in the cyberspace; some are soft, medium

and strong.[1] Cyberspace has become a new frontier for the state to show its power.[2] Cyberspace then is considered as a new reality in human life which in everyday language is known as internet.[3]

The rapid development and use of information technology today brings significant impact to all levels of society.[4] However, it is inevitable that its development also followed with the raising number of crime related to cyber world. Crime in cyberspace or cybercrimes today should have the attention of all parties, this is due to the fact that this crime also categorized as a crime that is extraordinary and seriously affected the society and always threaten the lives of citizens, nations and sovereign states. This crime is the worst side in the modern life of the information society due to the rapid advancement of technology with the increasing incidents of computer crime, pornography, digital terrorism, "war" of hoax, information bias, hackers, crackers and so on.[5]

The development of cyber crime is often discussed in various international forums. United Nations (hereinafter, "UN") congress on "*The Prevention of Crime and The Treathment of Offenders*" which after the congress of XI/2005 renewed as "*Congres On Crime Prevention and Criminal Justice*", has been discussing this matter three times, at Congress VIII/1990 in Havana, X/2000 Congress in Vienna, and lastly at the XI/2005 Congress in Bangkok (18-25 April). In addition there has also been the *Convention of Europe Cybercrime Convention* signed in Budapest on 23 November 2001 by various countries including Canada, Japan, America and South Africa.[6]

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[1] Xingan Li, 'Regulation of Siber Space: Analysis of Chinese Law on Siber Crime' (2015) 2 International Journal of Siber Criminology.[185].

[2] Abdullah. A.N, 'A Framework for Effectiveness of Siber Security Defenses, a Case of the United Arab Emirates (UAE)' (2015) 4 International Journal of Siber-Security and Digital Forensics (IJCSDF).[290].

[3] Maskun, *Kejahatan Siber Siber Srime: Suatu Pengantar* (Kencana).[46].

[4] Hardianto Djanggih dan Nasrun Hipan, 'Pertimbangan Hakim Dalam Perkara Pencemaran Nama Baik Melalui Media Sosial (Kajian Putusan Nomor: 324/Pid./2014/Pn.Sgm)' (2018) 18 Jurnal Penelitian Hukum De Jure.[94].

[5] Bambang Hartono, 'Hacker Dalam Perpektif Hukum Indonesia' (2014) 43 Jurnal Masalah-Masalah Hukum.[24].

[6] Bunadi Hidayat, 'Keabsahan Alat Bukti Elektronik Dalam Undang-Undang Nomor 11 Tahun 2008' (2011) 40 Jurnal Masalah-Masalah Hukum.[102]. lihat juga Sina Dewi, *Siber Law Perlindungan Privasi Atas Informasi Pribadi Dalam E-Commerce Menurur Hukum Internasional* (Wisya Pasjajaran 2009). [10].

Cyber crime is an activity that has a global dimension combined with advancement in information technology. By virtue of this fact, it is difficult for legal practitioners to give a very firm definition of this crime. Until now there is no definition that can be accepted by all parties it is because there is no agreement on the scope of crimes committed in cyber space.[7]

In America, the US approach to cyber-world security is implicitly dependent on effect-based logic. That is, it assumes that the key question that determines how Americans and others will respond to attacks is the effect they have.[8] In China, as in several other countries in the same group, to control the Internet, China has implemented laws and regulations on the administration of revolving activity criminalizing, content filtering and user monitoring so as to maintain security and stability both at community and state level.[9] In Nigeria, the National Siber Security Policy and Strategy is largely a requirement in terms of content, but fails to deal with that particular elements of cyber security concern in the Nigerian environment.[10]

The development of today, the Internet has evolved into the so-called "Web 2.0". However, the widespread use of Internet services offered has provided individual users a potential target for cyber criminals. One of the target of cyber crime is child.[11] Mohamed Chawki asserts that the impact of the use of cyber also impact children in the form of online child sexual abuse as an increasingly visible problem in today's society. This is due to an increase in illegal activity.[12]

Indonesian Child Protection Commission (KPAI) since 2011 the number of children victims of pornography and online crime is increasing, until 2014 there are 1022 cases. Children who became victims of pornography offline, the

[7] Sinta Dewi, 'Cybercrime Dalam Abad 21: Suatu Perspektif Menurut Hukum Internasional' (2011) 40 Jurnal Masalah-Masalah Hukum. [525].

[8] Henry Farrell and Charles L. Glasser, 'The Role of Effect, Saliencies and Norms Is US Siberwar Doctrin' (2017) 3 Journal of Sibersecurity.[7].

[9] Xingan Li.*Op.Cit.*

[10] Oluwafemi Osho Dan Agada D. Onoja, 'National Siber Security Policy and Strategy of Nigeria: A Qualitative Analysis' (2015) 19 International Journal of Siber Criminology.[120].

[11] Alexandros P, 'A Survey of Siber Crime in Greece' (2014) 6 Telfor Journal.[86].

[12] Mohamed Chawki, 'Online Child Sexual Abuse: The French Response' (2009) 4 Journal of Digital Forensics, Security and Law.[7].

number 28%, 15% porn spectacle object, and child victims of sexual violence online, as much as 11%. Meanwhile, 24% of children allegedly have pornographic material.[13] This proves that the security of surfing in the cyber world for children is still questionable. Because the Internet should be the world's window for them, something related to science, even upside down, the internet presence even plunged the child. The concrete form of cyber crime against children is the proliferation of child prostitution cases sold to child sex consumers. Criminal Investigation Police managed to dismantle one syndicate of this crime. Children who are "trafficked" are not only off-line but also online.

Buying and selling children through online media is a crime directed against children by utilizing information and technology as a medium to communicate, show, show or distribute child pornography or child sexual activity. Children are subjected to sexual violence and become commercial sex objects. The use of children for online sexual purposes via the internet has been widely found by law enforcement. Several cases have been brought to justice but most cases have failed to punish the perpetrator because of the difficulty of accessing the crime victims. Online sexual crime cases in children in the future are estimated to increase along with the high internet users in Indonesia. By virtue of these facts, of course the protection of children victims of crime siberntara should be a serious concern of the government, with appropriate measures of handling to protect children from cyber crime.

The Development of Cyber Crimes Afflicting Children as Victims

The results of research that the author have done on 3 (Three) Research sites, namely; Directorate of Crime of Siber Polri, Commission for Child Protection (KPAI), and Witness and Victim Protection Institution concludes that there is an increase of number in cybercrime which target children as its victim. This is a very

[13] Viva, 'Media Sosial Jadi Sarang Siber Bullying Pada Anak' (*viva.com*, 2015) <https://www.viva.co.id/kemenpar/read/801887-media-sosial-jadi-sarang-siber-bullying-pada-anak> accessed 24 December 2017.

unusual phenomenon, because if such things are not quickly addressed, it will impact children activities in the cyber world.

Directorate of Cyber Crime of National Police Criminal Investigation Unit

At the location of this research, the Directorate of Cyber Crime of National Police Criminal Investigation Unit is located in Jakarta. This unit is initially called Cybercrime Unit under the Directorate of Economic and Special Crime Police formed in 2002. According to Dias Mertha,[14] this unit in conducting their investigation uses CCISO (*Cyber Crime Investigation Satelite Office*) which is a grant from AFP Australian given to seven Regional Police Jurisdiction in Indonesia, namely: Regional Police of North Sumatra, Regional Police of South Sumatra, Regional Police of Metrojaya, Regional Police of Central Java, Regional Police of East Java, Regional Police of Bali, and Regional Police of West Nusa Southeast. In this unit, the author collects data of cyber crime for five year from 2012 until the year 2016. As for the data with Child Pornography crime in 2012 there is no case, in 2013 there is 1 case and can be resolved , in 2014 there are 8 cases, only 5 cases can be resolved, in 2015 there are 29 cases, only 1 case can be resolved, and in 2016 there are 5 cases and no cases can be resolved. The data of the Directorate of Criminal Crime of the Police Headquarters shows that there is an increase of cyber crime that befell children every year and there is no significant handling each know from the number of cases handled.

Indonesian Child Protection Commission (KPAI)

The Indonesian Child Protection Commission (KPAI) is located in Jakarta. The Commission for the Protection of Indonesian Children (KPAI) was established based on the mandate of Law Number 23 Year 2002 on Child Protection. On October 20, 2002. A year later pursuant to Article 75 of the law, the President issued Presidential Decree No. 77 of 2003 on the Indonesian Child Protection Commission.

[14] Dias Mertha, 'Criminal Investigator of the Indonesian Police Cyber' (Interview Result on May 23, 2017).

The author conducted research related to data on child protection cases handled KPAI from 2011 to 2016. The result of this research shows that there are 188 cases of crime in Pornography and Cyber Crime, in 2012 there are 175 cases, in 2013 there are 247 cases, 2014 there are 322 cases, 2015 there are 463 cases and in 2016 there are 497 cases. The data from KPAI shows that there is an increase of cyber crime that affected children.

Witness and Victim Protection Agency (LPSK)

LPSK handles child as victim of cybercrime in 2006. This is based on the application of two cases, and proactive handling of 1 case. In relation to the discussion in this study, to find the form of cyber crime that affects children as victims in Indonesia, in addition to research conducted at three institutions namely the Directorate of Crime of Siber Police Headquarters, the Commission for Child Protection (KPAI) and the Institute for Protection of Witnesses and Victims (LPSK) as previously described previously, the researcher conducted a study using que iteration method in four provinces in Indonesia, namely DKI Jakarta Province, West Java Province (Bandung) Lampung Province (Bandar Lampung) and South Sulawesi Province (Makassar).

As the reason the researchers conducted in four Provinces, that the four Provinces represented a very significant number of cyber crimes affecting children as victims of 2011-2016 as data obtained by researchers through the Indonesian Child Protection Commission (KPAI). DKI Jakarta Province has 609 cases of cyber crime, West Java Province there are 108 cases of cyber crime. Lampung Province has 89 cases of cyber crime and South Sulawesi Province there are 41 cases of cyber crime. Adhering to the cybercrime data in the four provinces is the reason for researchers to do more to know the cause of cyber crime in children. The first step is the researcher looking for public response in four about the development of cyber media. Here the responses of respondents presented in the table below:

Table 1. Cyber Media Development in Indonesia

	Job Efficiency	Communication	Instructional Media	Means of Crime
DKI Jakarta	20	24	16	40
Jabar	16	32	12	40
Sulsel	12	28	16	44
Lampung	20	32	28	20
Percentage	18%	29%	18%	35%

Source: Primary Data is processed from questionnaire Year 2017

The utilization of cyber media from four categories of choice that we presented to the respondents, namely Simplify the work, Unlimited Communication Channels, Media Learning and Crime Facility, it appears that the choice of respondents choose the use of 35% cyber media as a means kejahatanyang is the highest percentage of choice -Another choice.

The high percentage of cyber-media usage is an urgency when it is associated with the age of the child in the utilization of cyber media. This can be observed in the results of the survey of the Indonesian Internet Service User Association (APJII), with the results of the 2016 Survey, with the theme of Survey Penetration and User Behavior Indonesia Internet Year 2016, by surveying 132.7 million Internet users publish the results of the survey in November 2016. One of the survey results released the composition of Internet Users in Indonesia. The result of the survey, that the children as Internet users with age classification of 10-24 years as much as 18.4% or as much as 24.4 million. Describes that the involvement of children using the internet in Indonesia is significant. Against this is a phenomenon that should be a serious concern that children also need internet presence in its developmental age. In relation to the use of the Internet for children the author distributed questionnaires to determine the level of child safety in the utilization of cyber media. The following is presented in the table below:

Table 2. Child Security in the Use of Cyber Media

	Save	Less Safe	Not Safe
DKI Jakarta	12	40	48
Jabar	8	36	56
Sulsel	8	44	48
Lampung	16	36	48
Percentage	11%	39%	50%

Source: Primary Data is processed from questionnaire Year 2017

From the survey results, describe the level of internet security for children in Indonesia is very unsafe, with the release of survey results showed 50% unsafe, 39% less secure, and 11% safe. From these data, it is found that the high number is not safe for children in the utilization of siber media, it is possible to know what factors are causing so that the child is not safe in the utilization of cyber media. The following are presented in the table below:

Table 3. Reason why cyber media is not safe for children

	Low Security System	Parents Supervision	Child Understanding
DKI Jakarta	36	32	32
Jabar	48	24	28
Sulsel	40	28	32
Lampung	40	36	24
Percentage	44%	30%	26%

Source: Primary Data is processed from questionnaire Year 2017

Observing the questionnaire results, Freedom of the children in accessing the internet and the absence of family supervision and lack of understanding of the threats that can be obtained from cyber space make children vulnerable as a victims of crime through the internet media. Thus, parents should be the absolute party to provide protection for children, especially in this case for the threat and potential threat of cyber crime in the form of Child Online sexual exploitation.

This increasingly opens opportunities for cyber crime attacks more easily. The organized production and distribution of pornographic materials carried out by pythophilia networks involving children as victims appears to have long been the case. Increasingly widespread child crimes are no longer limited by distance, accidents of child sexuality are increasingly easy to fortify with good and close supervision and security by parents to the protection of the state. Thus, children need an active role for parents, families, and society in general. It is given that the mental state of a child who is immature, and not yet have the correct level of knowledge, but always stimulated with a great sense of curiosity. This situation can

place the child as a potential victim of the development of the technology itself.[15]

Furthermore, against the factors that make the threat to the child the use of siber media, it is also important to know the forms of cyber crime that occurs in children so as to cause children as victims. The following are presented in the table below.

Table 4. Forms of Deviation Experienced by Children in Cyber Space

	Pornography	Cyberbullying	Fraud	Others
DKI Jakarta	48	28	16	8
Jabar	44	36	8	12
Sulsel	44	36	12	8
Lampung	40	36	8	16
Percentage	44%	34%	11%	11%

Source: Primary Data is processed from questionnaire Year 2017

It is illustrated that crimes related to cyberspace that affected children are 44% pornographic, cyberbullying 34%, 11% fraud and other crimes 11%.

The Impact of Cybercrimes Afflicting Children as Victims

One of the problems of cyber crime is cyber pornography (especially child pornography) and cyber sex. Neill Barrett asserts that cyber pornography is one of the crimes that occurred in cyberspace, which is the activity of loading, accessing or disseminating pornography content in the internet media.[16] This problem is also received serious attention from the international world, that is with the presence of *The first World Congress Against Commercial Sexual Exploitation of Children, Stockholm,* 27 – 31 August 1996 and *International Conference on "Combatting Child Pornography on the Internet"*, Vienna, Hofburg, on 29 September-1 October 2016. On http://www.computeruser.com, Cyberporn defined as "*pornographic material available online*".

Internet as a non-censorship medium online 24 hours with pornographic content, will adversely affect the behavior of children and adolescents who consume

[15] Gio Lisanati, 'Siber Child Sexual Explotation Dalam Perspektif Perlindungan Atas Kejahatan Siber' (2013) 8 Pandecta Research Law Journal.[6].

[16] Agus Raharjo, 'Kajian Yuridis Terhadap Siberporn Dan Upaya Pencegahan Serta Penanggulangan Penyebarannya Di Internet' (2007) 7 Jurnal Hukum Respublica. [35].

them. Based on imitation theory, the media can make the audience do imitation as presented, then children or adolescents who have not been able to analyze what is good and bad through his mind, will tend to imitate and try what he just saw. As a result sexual irregularities occur, such as masturbation because there is no place of distribution or even can occur before marriage and pregnancy outside of marriage. In addition to causing sexual deviance, cyberporn can also interfere with personal development, such as fantasizing or fantasizing, lazy to work, and to the point of losing future orientation.

Suroso in his thesis found that one form of crime pornography is Softcore pornography content that is pornographic activity outside hardcore pornography;[17] such as exotic dancing or erotic swing, kissing lips, certain sensual body parts of adults. Softcore pornography includes all matters relating to violation of decency.[18] Internet site in question is an online comic as: ecchi,[19] harem,[20] hentai,[21] and adult.[22] The four online comics are the terms used by the comic makers who on average are Japanese comics by having different types of sexual content characters. The levels of pornography on the type of sexual content characters vary.

On Cyber bullying, according to dr. Catharine Mayung Sambo, Sp.A from the Indonesian Pediatric Association, that cyber bullying is not physical violence but appears in the form of mockery and non-punting. It can also be a direct attack

[17] Suroso, 'Kebijakan Kriminal Siber Crime Terhadap Anak (Tinjauan Dalam Prespektif Hukum Dan Pendidikan Moral)' (Universitas Diponegoro 2007). [150].

[18] *ibid*

[19] The definition of echhi content is anything, including online sites and games, of erotic nature such as a scene where the character is undressing, upskirt, and even nude, yet it does neither go as far as sexual intercourse nor sexual abuse scene. However, in this case, ecchi aims at making the audience aroused to have sexual intercours,Wikipedia, 'Pengertian Konten Echi' (Wikipedia) <https://en.wikipedia.org/wiki/Ecchi> accessed 24 December 2017.

[20] It means an anime/manga/game genre where a male character is surrounded by many female characters, Wikipedia, 'Definition of Anime Genre, Wikipedia, 'Pengertian Genre Anime' (Wikipedia) <https://en.wikipedia.org/wiki/Harem> accessed 24 December 2017.

[21] The type of hentai content is any video game, anime, or manga which shows sexual intercourse or pornography. Hentai is a Japanese slang used to mock someone with weird and naughty behavior with a tendency to sexual perversion, Wikipedia, 'Pengertian Hentai' (Wikipedia) <https://en.wikipedia.org/wiki/Hentai> accessed 24 December 2017.

[22] It is a content with adult story, Wikipedia, 'Pengertian Adult' (Wikipedia) <https://en.wikipedia.org/wiki/Adult> accessed 24 December 2017.

that is to mock with harsh words and posted public attack such as uploading photos without knowledge to social media with degrading words.[23] Cyber bullying can also be the case of children being exploited by people. For example, he was told to deliver something from point A to point B. Because this child feels he know the perpetrator, he believes the person. In addition, there is also a sexting in which children send messages in the form of seduction. This can be categorized as an insult because they do not know who is messaging with them.[24]

This is different with Mayung, he asserted cyber bullying can provide a variety of psychological effects on children, including depression. In addition, for the case of utilization, children can also be caught criminal cases. Usually parents are not aware that the child is hit by cyber bullying until the child is already at a heavy stage. If a child is depressed, there is a change of behavior, low self-esteem, will not eat, it is the first sign of a child experiencing cyber bullying. Therefore, parents should be able to recognize the signs that occur in children, as well as teachers, is the person who spends the most time with the child Recognize the early signs of depression in children and invite them to talk.[25] By virtue of this theory, if it is examined with studies in other countries, which examines the focus on cyber crime whose target children as a victim of the research finds some research that could be used as a comparison of the level of urgency of the problem of cyber crime against children.

The research conducted by Kyung-Shick Choi, *et, all,* entitled "*Mobile Phone Technology and Online Sexual Harassment among Juveniles in South Korea: Effects of Self-control and Social Learning*". This study reveals that in Korea the use of mobile phones is increasingly evolving into a technology-based device that everyone depends on. Research on online sexual abuse done directly. The study found that both social learning and low self-control components were an important factor in determining the causes of adolescent sexual abuse in cyberspace. From

[23] Viva, 'Media Sosial Jadi Sarang Siber Bullying Pada Anak' (*viva.com*, 2015) <https://www.viva.co.id/kemenpar/read/801887-media-sosial-jadi-sarang-siber-bullying-pada-anak> accessed 24 December 2017.

[24] *ibid.*

[25] *ibid.*

these findings, policies will be introduced to address the main causes of online adolescent sexual harassment using Phone phones.[26]

Research in Turkey conducted by Kemal Veli ACAR, entitled "*Sexual Extortion of Children in Cyberspace*". The study reveals that Child Sexual Abuse at Cyberspace (SECC), which has earned Fame despite the fact that it has just emerged, and is also considered one of the most significant online threats to children by 2015 based on the Internet Organized Crime Action Threat Report IOCTA) Europol.[27] Research in the Netherland conducted by Joyce Kerstens & Sander Veenstra entitled "*Cyber Bullying in the Netherlands: A Criminological Perspective*". This study reveals that the online world creates new possibilities for criminal behavior. The analysis based on a Dutch survey of 6,299 adolescents (50.9% male), aged from 10 to 18 (M = 13.0, SD = 1.87) indicates that cyber bullying behavior is not only strong Built with traditional bullying behaviors, but is also influenced by the typical online environment. These findings support the suggestion that the aetiology scheme Explains cyber bullying should postulate the interaction between individual characteristics, different Features of the online environment and interaction between offline social reality and online.[28]

From the result of these researches, it can be said that the cyber crime against children not only happen in Indonesia, but this also happened in some foreign countries, such as in Korea, Turkey and Netherlands. This situation then shall be taken seriously, because the Children shall be protected against any danger that threatens it for its future better survival.

Crimes that occur as a result of the development of science and technology require special attention, so that people avoid the things that are not desirable.[29]

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[26] Kyung-Shick Choi, 'Mobile Phone Technology and Online Sexual Harassment among Juveniles in South Korea: Effects of Self-Control and Social Learning' (2017) 11 International Journal of Siber Criminology.[110-127].

[27] Kemal Veli ACAR, 'Webcam Child Prostitution: An Exploration of Current and Futuristic Methods of Detection' (2017) 11 International Journal of Siber Criminology.[98-109]

[28] Joyce Kerstens dan Sander Veenstra, 'Siber Bullying in the Netherlands: A Criminological Perspective' (2015) 9 International Journal of Siber Criminology.[144-161].

[29] C. Djisman Samosir, *Penologi Dan Pemasyarakatan* (Nuansa Aulia 2016).[239].

Recent technological advances have led to many advances in all fields, including in contact with others. Cyber world activity is one of them. The activity of the cyber world is very broad and covers many things and in various fields. Through electronic media, society enters the cyber world that is abstract, universal, out of the state, place and time.[30]

The author then analyses this phenomenon with criminology theorem. The criminology theory used is Social Control Theory. The Social Control theory considers that the motivation to commit a crime is part of the natural human condition. The theory of social control focuses on the techniques and strategies that govern human behavior and leads to adjustment or adherence to the rules of society.[31] Social control theory refers to any perspectives that deal with the control of human behavior. The emergence of social control theory is caused by three different developments in criminology, ie:

1. Reaction to labeling and conflict orientation and back to criminal behavior research;
2. The emergence of studies on criminal justice as a new science has brought changes to criminology to become more pragmatic and system-oriented; and
3. Social control theory has been associated with a new research technique especially for the behavior of children or adolescents, namely self report survey.[32]

The starting point of social control theory is the answer to the question why not all people commit a crime. The answer is the emergence of deviation behavior (deliquency) when the bonds of life are weak or cracked.[33]

Such a theory of social control if associated with the object of this study is an important part to be studied by using social control theory. This is by departing from the increasingly diverse society and advancing the level of civilization to

[30] Efa Laela Fakhriah, *Bukti Elektronik Dalam Sistem Pembuktian Perdata* (Refika Aditama 2017).[3].

[31] Tolib Effendi, *Dasar-Dasar Kriminologi, Ilmu Tentang Sebab-Sebab Kejahatan* (Setara Press 2017).[133].

[32] Romli Atmasasmita, *Teori Dan Kapita Selekta Kriminologi* (Refika Aditama 2005).[41].

[33] J.E Sahetapy, *Teori Kriminologi Suatu Pengantar* (Citra Aditya Bhakti 1992).[20].

make the relationship between one man and another manuisa in society becomes farther away. At the beginning of the millennium, communication media play an important role in disseminating information quickly, but whether the information is properly disseminated, not necessarily. The existence of smartphones with a variety of supporting applications increasingly distanced humans from its properties as social beings. Rapid development in the utilization of the Internet not only bring a positive impact for its users, but also a negative impact if the users are not careful in using this technology. Like the rise of porn sites that can damage the generation of the next generation of the nation.[34]

According to the criminology perspective, children or youth should be introduced to positive rituals. The mutual influence between individuals and the environment creates an interest in adolescents and children toward new events. In order to motivate curiosity they can finally be reached from their reach.[35] Against children's behavior in relation to social control theory, Albert J. Reiss[36] develops on the theory of individual control, the individual's ability to refrain from fulfilling needs in ways contrary to community norms and rules. This would result in deliberation due to the lack of internalization of norms and rules governing behavior to conform to social system norms containing legal punishment, the collapse of established social control, and/or the absence of engineering or the existence of social conflicts and techniques for organize the behavior of a group or social institution in which the person is a member.[37] The approach conducted by Reiss strongly influenced by the tradition of social disorganization, but has an emphasis as it exists in social control.

So that is not also spared to children who are currently dependent to cyber media and are very vulnerable to the problems caused, so that children become victims resulting from the behavior of adults who take advantage of "innocence" of

[34] Lailatul Mustaqimah, 'Penerapan Asas Nasionalitas Pasif Terhadap Tindak Pidana Teknologi Informasi' (2016) 1 Jurnal Badamai Law Journal.[1].

[35] Prima Angkupi, 'Cultural Approaches In Crberporn Crime Prevention' (2017) 2 Jurnal Dinamika Hukum.[227].

[36] Reiiss. A. J, 'Deliquency as the Failure of Personal and Social Controls' (1994) 9 American Sociological Review.[196].

[37] *ibid.*

children who receive the delivery of information obtained from pengfataan media cyber. Various forms of crime generated by the use of cyber media with the target children become victims, such as cyberporn, cyberbully and others.

The author argues with the existence of this cyber crime, it is appropriate to use the theory of social control to prevent child crime as a form of child protection for the future. The large number of incidents of cybercrime affecting children in the viewpoint of social control theory sees the public as the primary filter, or the primary cause of crime has failed to perform its function (external influence). On this issue F, Ivan Nye said that the general behavior that is seen as delinkuen or criminal need not be explained in a positive sense, because the behavior usually results in achieving goals faster and easier than normative behavior.[38] So according to Nye there is no need to look for "positive" factors of biological, psychological, or sociological traits that cause crime and delicacy. The problem is how to find social control factors that inhibit nonconformity, which implies that when these factors are less effective for various reasons, crime and delinquency become opportunities available to individuals.[39]

Underpinning from two different social control methods is considered to operate independently, with the mode more important in certain situations than in other contexts, indicating that these modes of social control are mutually reinforcing. Feelings of togetherness and affection to parents, borrowing Reis's terms, facilitating acceptance and adherence to their direct control. The same integration into the family unit will result in deeper internalization of parental and regulatory expectations through the inner awareness that governs the behavior of the individual. The fact that families prepare individuals to pursue alternative goals through a variety of ways, and the fact that society makes it possible, is a major force that integrates individuals into the social fabric. Thus, integration and regulation combine to strengthen one another and reduce the possibility of deviant behavior such as crime and delinquency.

[38] Nye. F. I, *Family Relationships and Delincuency Bahavior* (John Wiley 1995).
[39] *ibid.*

The study of social control theory of child protection is a part of Human Rights. Child rights are part of human rights contained in the 1945 Constitution and the United Nations Convention on the Rights of the Child. In terms of national and state life, the child is the future of the nation and the next generation of the nation's ideals, so that every child has the right to survive, grow and develop, participate and be entitled to protection from acts of violence and discrimination as well as civil rights and freedoms.

Although Law No. 39/1999 on Human Rights has included the rights of children, the implementation of the obligations and responsibilities of parents, families, communities, governments and countries to provide protection to children still require a law on child protection as the basis juridical for the performance of such obligations and responsibilities. Thus, the formation of this law is based on the consideration that child protection in all its aspects is part of national development activities, particularly in promoting the life of the nation and the state. More details on the protection of children's rights has been contained in Law No. 35 of 2014 On the amendment of Law Number 23 Year 2002 on Child Protection which more clearly states that the child is a person who is not yet 18 years of age, including children who are still in the womb.

The rights of the child constitute the certainty of the fulfillment of the protection of human rights which, in the conception of a legal state according to F. J Stahl, is an element of the rule of law. When it is associated with the right of the child it is clear that the obligation of the state is one of them to protect the rights of children who are included in the scope of Human Rights in which Indonesia as a legal state based on the principle of legality has ensured in Law Number 35 Year 2014 on the changes of Law Number 23 Year 2002 regarding Child Protection.

The basis of this argument is that the rights of the child will be free from the threat of criminal acts of the cyber, also part of the responsibility of the state, in order to be seriously concerned that the danger of cyber crime which causes the child to be victimized in Indonesia there is a significant increase every year. So it should be a common issue, that the problem becomes a common problem of the

nation that should be a priority in the aspect of national development. So at the end of this description, the author argues about the existence of cyber crime against the victim then the child is the next generation of nation that needs special legal protection different from adults, due to physical and mental reasons of immature and mature children.

Conclusion

The cyber crime targetting children keeps on developing in terms of its forms and modes. The issue of preventing and eliminating cyber crime should be a priority for both the government and the law enforcer, as well as all parts of the society. Children who are still immature both physically and mentally as well as lack experience and understanding should be prioritized for the protection for their own best interests. The growing number of cyber crime incidents require the energy and synergy from the regulatory perspective as well as willingness from the law enforcers and all parts of society, including particularly parents and family. The set of laws which Indonesia has possessed should be intelligently and effectively operationalized, despite the many obstacles in its way due to its poorly integrated distributions in many laws. Therefore, it is expected that in the future, the cyber crime which targets children should be viewed as a serious crime, hence a serious treatment is needed to deal with it.

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