

The Urgency of Legal Protection

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THE URGENCY OF LEGAL PROTECTION TO THE WOMAN AND CHILDREN EXPLOITATION IN THE NEW BROADCAST AND SOCIAL MEDIA

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Abstract

*Women and Children are being vulnerable groups with the discrimination and exploitation. The Development of technology and social media have an impact on the women and children matters in a public sphere. This is due to the increasing cases of women and children's exploitation and discrimination such as sexual harassment through social media as well as women and children's exploitation in a broadcast platform. Verbal violence against women and children being a crucial matters in a social media and broadcast platform, therefore legal protection is needed for woman and children against those actions. This research consist of two points there are the urgency of legal protection for woman and children in exploitation and discrimination in the broadcast and social media in Indonesia, this research also discuss related to the implementation of legal protection to the woman and children in exploitation and discrimination through broadcast and social media platform in Indonesia. This research using normative legal methods with analytical descriptive based on library research. The result of this research shows that the urgency of legal protection needed on woman and children exploitation and discrimination in broadcast and social media platform due to Indonesia has ratified *The Convention on The Elimination of All Forms of Discrimination Against Woman (CEDAW)* through Law Number 7 of 1984 concerning on the ratification of the Convention on The Elimination of All Forms of Discrimination Against Woman. This regulation continued by Law Number 35 of 2014 on child protection, as well as Law Number 32 of 2002 concerning on broadcasting and Law Number 19 of 2016 in connection with Law Number 11 of 2008 on the information and electronic transaction. The implementation of legal protection on the woman and children's exploitation and discrimination in Indonesia's social media and broadcast platform has not been optimal. Those happens due to the several factors such as the failure of the legal content's implementation by the stakeholders. This problem due to the gap between enforcement officers, and society's role with the prevention and handling children and women's exploitation and discrimination cases in social media and broadcast platform. Therefore, those factors lead several cases such as sexual harassment through verbal violence and bullying to the woman and children. Moreover, strengthening the legal protection, legal enforcement and also the implementation are needed related to the broadcast and social media platform.*

Keywords: : *Legal Protection of Woman and Children, Broadcast, Social Media*



Abstrak

Perempuan dan Anak merupakan kelompok yang rentan dengan diskriminasi dan eksploitasi. Perkembangan teknologi dan media sosial berdampak pada persoalan perempuan dan anak di ruang publik. Hal ini disebabkan meningkatnya kasus eksploitasi dan diskriminasi perempuan dan anak seperti pelecehan seksual melalui media sosial serta eksploitasi perempuan dan anak dalam platform siaran. Kekerasan verbal terhadap perempuan dan anak menjadi hal yang krusial dalam sebuah media sosial dan platform penyiaran, oleh karena itu diperlukan perlindungan hukum bagi perempuan dan anak terhadap tindakan tersebut. Penelitian ini terdiri dari dua poin yaitu urgensi perlindungan hukum bagi perempuan dan anak dalam eksploitasi dan diskriminasi dalam penyiaran dan media sosial di Indonesia, penelitian ini juga membahas terkait dengan pelaksanaan perlindungan hukum terhadap perempuan dan anak dalam eksploitasi dan diskriminasi, melalui siaran dan platform media sosial di Indonesia. Penelitian ini menggunakan metode hukum normatif dengan deskriptif analitis berdasarkan studi pustaka. Hasil penelitian menunjukkan bahwa urgensi perlindungan hukum yang diperlukan terhadap eksploitasi dan diskriminasi perempuan dan anak di platform penyiaran dan media sosial karena Indonesia telah meratifikasi Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan (CEDAW) melalui Undang-Undang Nomor 7 Tahun 1984 tentang Pengesahan Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan. Peraturan ini dilanjutkan dengan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak, serta Undang-Undang Nomor 32 Tahun 2002 tentang Penyiaran dan Undang-Undang Nomor 19 Tahun 2016 juncto Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik. Pelaksanaan perlindungan hukum terhadap eksploitasi dan diskriminasi perempuan dan anak di media sosial dan platform penyiaran. Indonesia belum optimal. Hal itu terjadi karena beberapa faktor seperti kegagalan implementasi konten hukum oleh para pemangku kepentingan. Masalah ini disebabkan oleh kesenjangan antara aparat penegak hukum, dan peran masyarakat dalam pencegahan dan penanganan kasus eksploitasi dan diskriminasi anak dan perempuan di media sosial dan platform penyiaran. Oleh karena itu, faktor-faktor tersebut menyebabkan beberapa kasus seperti pelecehan seksual melalui kekerasan verbal dan bullying kepada perempuan dan anak-anak. Selain itu, diperlukan penguatan perlindungan hukum, penegakan hukum dan juga implementasi terkait platform penyiaran dan media sosial.

Kata Kunci: *Perlindungan hukum perempuan dan anak, Penyiaran, Sosial Media*

A. Pendahuluan

Women and children are a group that is vulnerable to discrimination and exploitation. The development of technology and social media has an impact on the problems of women and children in the public sphere. Whereas women and children have guaranteed the right to legal

protection and recognition of human rights as citizens. As explained in the 1945 Constitution article 28B paragraph 2 that "Every child has the right to live, grow and develop and has the right to protection from violence and discrimination. In addition, Article 28D paragraph (1) also explains that "Everyone has the right to recognition, guarantee, protection, and



certainty before a fair law and equal treatment before the law."

The juridical basis regarding the protection of women from exploitation and discrimination has been regulated through the ratification of the CEDAW (*Convention on Elimination of All Forms of Discrimination Against Woman*), which was ratified through Law Number 7 of 1984 concerning the *Convention on the Elimination of All Forms of Discrimination against Women*). This has consequences for the State of Indonesia to regulate all regulations and policies that can provide protection for women. Meanwhile, regarding the protection of children, Indonesia has also ratified the Convention on the Rights of the Child (*Convention on the Right of the Child*) which was ratified by the *General Assembly of the United Nations (UN)* on November 20, 1989, and began to have coercive power on September 2, 1990. ,

CEDAW and CRC as international law contains the regulations related to the agreement, the general principles in human

rights¹. This convention has been ratified by several countries including Indonesia through Presidential Decree Number 36/1996 on the Convention on the Rights of the Child.

Children are weak individuals and are able to defend their rights so that in this case the state needs to provide guarantees for the protection of the fulfillment of children's rights through various actions, both preventive and repressive measures. To guarantee this, Indonesia already has Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection ². Protection of women and children within the household in Indonesia has also been regulated through Law Number 23 of 2004 concerning the Elimination of Domestic Violence. These laws and regulations

¹ Maria del Carmen Herrera, Antonio Herrera, & Fransisca Expósito. *To confront versus not to confront: Women's perception of sexual harassment*, The European Journal of Psychology Applied to Legal Context, 10, 1-7
<https://doi.org/10.1016/j.ejpal.2017.04.002>.

²Raissa Lestari. Implementation of Convention on The Rights of The Child in Indonesia (Case Study : Violations of Childer's Rights in Province of Riau Islands Period 2010-2015), JOM FISIP Vol. 4 Number 2 – October 2017 p, 2. Available from : <https://jom.unri.ac.id/index.php/JOMFSIP/article/view/15177>.



regulate efforts to protect and handle acts of domestic violence that occur to female and child victims within the scope of the household.

Based on data from Komnas Perempuan's Annual Records in 2021, there are still many cases of violence against women in 3 (three) years from 2018-2020 there are increases and decreases. Data in 2018 showed that there were 406,178 cases of violence against women, then in 2019 there was an increase in cases to 431,471 cases of violence against women, and in 2020 there was a decrease so that cases of violence against women consisted of 299,911 cases. The data shows that cases of violence against women that occur still reach a high enough Number and have not been resolved in Indonesia³. Cases of violence against women that exist consist of violence in the public sphere and violence in the domestic

sphere, including violence in the realm of social media or online platforms.

Meanwhile, based on data from the Indonesian Child Protection Commission (KPAI) in 2021 there are several types of complaints regarding child protection including the data consisting of the last 3 (three) years of child protection complaints cases, namely in 2018 there were a total of 4,885 cases of complaints regarding child protection. , then in 2019 there was a decrease in complaint cases to 4,369 cases of child protection complaints, and in 2020 there was an increase in child protection complaints cases to 6,519 cases. This shows that there are still fluctuations in cases of unresolved child protection complaints⁴. Types of complaints also consist of complaints regarding the protection of child victims of crime in the field of cybercrime.

In protecting children as victims of commercial sexual exploitation through social media, there are several laws and regulations specifically regarding this

³Women's Commission of Indonesia. Annual Record of Women's Commission of Indonesia 2021 (cited 2021 September 17). Available from : <https://komnaspereempuan.go.id/catatan-tahunan-detail/perempan-dalam-himpitan-pandemi-lonjakan-kekerasan-seksual-kekerasan-siber-perkawinan-anak-dan-keterbatasan-penanganan-di-tengah-covid-19-catahu-2021-catatan-tahunan-kekerasan-terhadap-perempuan-tahun-2020>.

⁴Indonesia Child Protection Commission. Complaint Case of Child Protection 2021 (Cited 2021 September 17). Available from : <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>.



matter. The law relating to cases of commercial sexual exploitation through social media is Law Number 11 of 2008 concerning Information and Electronic Transactions which was later updated through Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (here in after referred to as UU ITE), Law Number 21 of 2007 concerning Trafficking in Persons (here in after the TIP Law), Law Number 44 of 2008 (hereinafter referred to as the Pornography Law) and the Child Protection Law. The three laws are special laws that regulate separate criminal acts outside the provisions in the Criminal Code. Based on the description above, it can be seen that not only one law can be applied in cases of commercial sexual exploitation of children through social media, thus the question arises that the three laws are both special provisions. In this regard, how to apply the principle of systematic *lex specialist*⁵.

⁵Mutiara Nastya Rizky, et al. *Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual Komersial Melalui Media Sosial*, Media Iuris Vol. 2 Number 2 June 2019 p. 199. [10.20473/mi.v2i2.13193](https://doi.org/10.20473/mi.v2i2.13193).

Problems related to the exploitation of women and children are implications of the development of technological sophistication and negative information. Women and children are a vulnerable group in discriminatory actions including exploitation through broadcasting and social media in this era of globalization. The broadcasting world that shows women and children often provides shows that are considered to have exploited women and children excessively. Television industry players and parents often do not realize that they have exploited children. Television industry players and parents can receive sanctions based on Article 88 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection with a maximum imprisonment of 10 (ten) years and or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah)⁶.

Problems related to victims of women and children in cases of exploitation in the

⁶Syarifuddin Hidayat dan Ahmad Mahyani. *Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis*, *Mimbar Keadilan Jurnal Ilmu Hukum*, 2017 August p. 133-134. <https://doi.org/10.30996/mk.v0i0.2189>.



world of broadcasting and social media are problems that are developing in the era of globalization which has resulted in an increasingly borderless world. Exploitation that often occurs in the world of broadcasting and social media is included in the form of cyberbullying. Therefore, this study will discuss the "Urgency of Legal Protection against the Exploitation of Women and Children in the World of Broadcasting and Social Media"

B. Research Question

1. Why legal protection is needed against the exploitation of women and children in the world of broadcasting and social media in Indonesia?
2. How to implement legal protections against the exploitation of women and children in the world of broadcasting and social media in Indonesia?

C. Research Goals

The purpose of this research is to confirm the formulation of the problems to be studied:

1. To understand and analyze the reasons for the need for legal protection for women and children from acts of exploitation on social media and broadcast media.
2. To understand and analyze the implementation of legal protection for women and children from acts of exploitation on social media and broadcast media.

D. Research Method

Taking the context of Indonesia, This research uses normative legal methods with analytical descriptive based on library research.⁷ This research is part of a qualitative research project that examines violence against women and children through broadcast and social media platforms. The case study approach using to explore and broaden sociological understanding of the phenomenon of online violence of women and children in the digital era.

⁷ Suteki dan Galang Taufani. *Metodologi Penelitian Hukum* (Filsafat, Teori dan Praktik). Depok: PT Raja Grafindo Persada; 2018.



This research uses descriptive-analytical research. Analytical descriptive research is a type of descriptive research that seeks to describe and find answers on a fundamental basis regarding cause and effect by analyzing the factors that cause the occurrence or emergence of a particular phenomenon or event. This study uses primary legal sources regarding data on cases of exploitation of women and children in the world of broadcasting and social media in Indonesia and secondary legal sources consisting of primary legal materials (regulations and laws and regulations related to research studies), legal materials secondary (explanation of primary legal materials), and tertiary legal materials sourced from searches from the internet.

E. Research Results and Discussion

1. Reasons for the Need for Legal Protection against the Exploitation of Women and Children in the World of Broadcasting and Social Media

The reasons for the need for legal protection against the exploitation of women and children in the world of

broadcasting and social media include the high level of exploitation of women and children in the world of broadcasting and social media as well as women and children as victims of acts of exploitation in the world of broadcasting and social media receive protection from the regulations that regulate this. This can be explained as follows: Still High Cases of Exploitation against Women and Children in the World of Broadcasting and Social Media in Indonesia

Women and children are a group that is vulnerable to acts of exploitation in Indonesia. Based on data from the Indonesian Child Protection Commission (KPAI) it is stated that the trend of cases of violations of children's rights in the era of the COVID-19 pandemic is different from previous years. The COVID-19 pandemic has had an impact on cases experienced by children.

During 2020, KPAI received a total of 6,519 (six thousand five hundred and nineteen) complaints of child abuse cases. The highest cases of child protection were the Family and Alternative Care cluster cases with 1,622 cases, the two Education clusters with



1,567 cases, the three cases in the Children in Conflict with the Law cluster with 1,098 cases, and the four Pornographic and Cybercrime clusters with 651 cases. This is followed by the Trafficking and Exploitation Cluster cases (149), Social Affairs and Children in Emergency Situations (128), Civil Rights and Participation Cluster (84), and Health and Drugs cluster cases (70). Meanwhile, there are 1011 cases of child protection, which means that there is data that cannot be accommodated in clusters and requires updating. This also means the development of cases of child protection in Indonesia⁸.

This data illustrates the high Number of cases of exploitation of children in Indonesia. Exploitation that occurs in children also often occurs in the broadcasting world, such as the exploitation of children under the age of 18 in a private TV station program in Indonesia that was in the spotlight. The case involved a 15-year-old woman who acted as the third wife and the scene was

⁸Indonesian Child Protection Commission (cited 2021 September 20). Available from : <https://bankdata.kpai.go.id/>.

inappropriate for her age at that time. The Indonesian Child Protection Commission (KPAI) had highlighted this until the TV station was asked to replace the role because the Indonesian Child Protection Commission considered that there was potential for acts of sexual and economic exploitation so that this injures children's rights as they should⁹.

As a result of the case, the Indonesian Broadcasting Commission (KPI) requested a thorough evaluation of the Mega Series Suara Hati Istri: "Zahra" which was considered to have content that could potentially violate the Broadcasting Code of Conduct and Broadcast Program Standards (P3 & SPS) KPI 2012. the authority of the Indonesian Broadcasting Commission in protecting children, including women, to prevent the recurrence of cases of exploitation of women and children in the broadcasting world.

The Indonesian Ministry of Women's Empowerment and Child Protection

⁹Kompas.com (cited 2021 September 20). Available from : <https://www.kompas.com/tren/read/2021/06/03/073500365/kontroversi-sinetron-zahra-suara-hati-istri-pemeran-usia-15-tahun-isu?page=all>.



stated that based on data from the Online Information System for the Protection of Women and Children (Symphony PPA) from January to June 2020, there were 50 cases of sexual exploitation of adult women and 60 children victims of trafficking for sexual exploitation. This data is in line with data from the Criminal Investigation Police of the Indonesian National Police, which is that there were 297 cases of trafficking in persons for sexual exploitation that were revealed through the internet. The high Number of cases of trafficking in persons with the aim of sexual exploitation through online media is a warning and a challenge for all parties, especially for the Task Force for the Prevention and Handling of the Crime of Trafficking in Persons¹⁰.

Cases of exploitation of women and children in the world of broadcasting and social media can be categorized into two types, namely economic exploitation and

sexual exploitation. This economic exploitation has the meaning of arbitrary actions against someone, be it a woman or a child, which is carried out by utilizing the time and energy of women and children in the world of broadcasting platforms or social media to obtain material benefits.

Meanwhile, sexual exploitation has the meaning of all forms of use of sexual organs or other organs of victims, both women and children. Sexual exploitation is an act of abuse of power that is unequal, or abuse of trust, for the purpose of sexual gratification, or to obtain benefits in the form of money, social, political, and others. The practice of sexual exploitation that is often encountered is using women's poverty so that they enter into prostitution or pornography. Another practice is the act of luring marriage to obtain sexual services from women, then being abandoned. This situation is often referred to as a case of "broken promise". This lure uses a way of thinking in society, which links the position of women with their marital status. Women feel that they have no bargaining power,

¹⁰ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia (cited 2021 September 20). Available from : <https://kemenpppa.go.id/index.php/page/read/29/2812/berantas-perdagangan-orang-dengan-modus-eksploitasi-seksual-di-media-daring-kemen-pppa-kenali-modusnya-dan-pahami-perkembangan-teknologi>



except by following the will of the perpetrator, so that he is married¹¹. This definition of sexual exploitation is obtained from the Academic Paper of the Draft Law on the Elimination of Sexual Violence.

Commercial sexual exploitation, which usually occurs in children and women, is often carried out through social media. Based on the Decree of the President of the Republic of Indonesia Number 87 of 2002 concerning the National Action Plan for the Elimination of Commercial Sexual Exploitation of Children, commercial exploitation of children is a serious crime against humanity that must be eradicated from the roots.

Komnas Perempuan stated that there are several types of sexual violence in the realm of Domestic Violence in Indonesia. In 2020, the highest type of sexual violence was in the realm of Domestic Violence/Private Space. This year, 70 sexual exploitation cases were reported to

the Women's National Commission out of a total of 1,983 cases of sexual violence in the private sphere. This shows that there are still high cases of sexual exploitation, even in the personal sphere, which leads to sexual trafficking in persons.

Based on data collected from Child Protection Cases Based on Child Protection Clusters by the Indonesian Child Protection Commission in 2016-2020, it is stated that there are fluctuations in the Number of cases of children as victims of exploitation by social workers. The following is data regarding child protection cases in 2016-2020 by the Indonesian Child Protection Commission, namely in 2016 (340 cases of trafficking and exploitation of children), 2017 (347 cases of trafficking and exploitation of children), 2018 (329 cases of trafficking and exploitation) in children), 2019 (244 cases of trafficking and exploitation of children), and 2020 (349 cases of trafficking and exploitation of children)¹².

¹¹ Indonesian Child Protection Commission (cited 2021 September 1). Available from : <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>.

¹² Dewan Perwakilan Rakyat Indonesia (cited 2021 September 21). Available from :



Efforts to protect children and women have been carried out by the government, law enforcement officials, relevant stakeholders, and the community by providing complaint services and justice enforcement processes for those who are victims of acts of exploitation and discrimination in the broadcasting world. Indonesia is still an unresolved iceberg so that the presentation of this national seminar is expected to contribute to the government, academics, practitioners in the field of law and society in general in preventing and overcoming the problem of acts of exploitation and discrimination for women and children in Indonesia, especially those who now being developed, namely exploitation in the field of broadcasting.

2. Basic Regulations of the Legal Protection of Women and Children from Exploitation in the World of Broadcasting and Social Media

World now offers various features that can be used by many people, for

<https://www.dpr.go.id/dokakd/dokumen/RJ1-20170307-091105-5895.pdf>.

example, social media and technology that enter Indonesia indiscriminately, so that people are more tempted by what the world is presented will affect how children behave and make people who use other social media will be tempted by what the child is presented on social media. So that requests for sexual exploitation by other elements are presented on social media. So that the demand for sexual exploitation by other elements is increasing and profits will increase. Therefore, irresponsible persons will be more aggressive in looking for children as the next victim¹³.

The reasons for the need for legal protection against the exploitation of women and children in the world of broadcasting and social media in Indonesia include the following regulated constitutional and juridical grounds:

Legal Basis for the Protection of Women and Children from Exploitation in

¹³ Rizdyanti, Putu Cyntia., Dewi, Anak Agung Sagung., dan Widyantar, I Made Minggu. Perlindungan Hukum terhadap Anak sebagai Korban Eksploitasi Seksual Komersial di Media Sosial, Jurnal Konstruksi Hukum Vol. 2, Number 2, 2021 May p. 334.
<https://doi.org/10.22225/jkh.2.2.3232.332-337>.



the World of Broadcasting and Social Media in Indonesia.

a. Article 24B paragraph (2) The 1945 Constitution of the Republic of Indonesia Year 1945 : Every child has the right to survival, growth, and development and the right to protection from violence and discrimination.

b. Article 28D paragraph (1) The 1945 Constitution of the Republic of Indonesia

c. Everyone has the right to recognition, guarantees, protection and fair legal certainty, and equal treatment before the law.

d. Article 2 letter (f) Law Number 7 of 1984 concerning Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women : States Parties condemn discrimination against women in all its forms and agree to implement by all appropriate means and without delay the policy of eliminating discrimination against women, and to this end implement:

e. (f) Take appropriate measures, including legislation, to amend

or abolish laws, discriminatory laws, customs, and practices against women.

f. Decree of the President of the Republic of Indonesia Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child

g. Article 1 Number (8) Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons : Sexual Exploitation is any form of exploitation of the sexual organs or other organs of the victim for profit, including but not limited to all activities of prostitution and fornication.

h. Article 59 paragraphs (1 and 2) Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection : (1) The Government, Regional Government, and other state institutions are obliged and responsible to provide Special Protection to Children. (2) Special Protection for Children as referred to in paragraph (1) is given to: (d) Children who are exploited economically and sexually.

i. Article 48 paragraph (4) letter (e) Law Number 32 of 2002 concerning Broadcasting : Guidelines for



broadcasting behavior for broadcasting are stipulated by KPI.

j. The broadcasting code of conduct determines broadcast content standards that are at least related to: (e) protection of children, youth, and women.

k. Article 40 paragraph (2a) the Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions : Government is obliged to prevent the dissemination and use of Electronic Information and/or Electronic Documents that have prohibited contents by the provisions of laws and regulations.

l. Article 6 Broadcasting Code of Conduct and Broadcast Program Standards for 2012 : Broadcasting institutions are obligated to respect ethnic, religious, racial, and inter-group differences which include cultural diversity, age, gender, and/or socio-economic life.

B. Implementation of Legal Protection against the Exploitation of Women and Children in the World of Broadcasting and Social Media

The implementation of legal protection against the exploitation of women and children in the broadcasting and social media world in Indonesia is still not optimal because it is influenced by several factors including the many cases of sexual and economic exploitation of women and children that have not been completely resolved and regulatory factors that have not provided legal certainty. Optimally in legal protection efforts for women and children as victims of exploitation in the broadcasting and social media fields. This is also motivated by the vulnerable position of acts of discrimination against women and children in social life.

Women and children who are victims of exploitation in the world of broadcasting and social media also have the right to a life that is safe for them from sexual and economic exploitation. However, this problem still lurks women and children who are vulnerable to being victims of sexual and economic exploitation in people's lives. Women as subjects who often get discriminatory treatment including acts of sexual exploitation or economic exploitation are



motivated by several factors that occur in women, namely the existence of forms of gender injustice that have been constructed in people's lives.

The first form of gender inequality is subordination, in which women are placed in subordinate or complementary positions to men as holders of ordinate positions, both in the private and public spheres. Next is marginalization, the process of marginalization is a process of impoverishment of women, occurring from within the household in the form of discrimination against female family members and reinforced by customs and religious interpretations. The third form of gender justice is negative labeling or stereotypes against women, then the fourth form of gender justice is discrimination that often occurs in female subjects and the last is a form of violence against women which further strengthens the existence of gender injustice¹⁴.

The deeply rooted patriarchal culture also demands that women have a double burden in domestic and public affairs.

Especially for women workers because more and more companies employ women by providing results orientation that women are required to be more thorough, careful, and obedient in carrying out their duties as workers¹⁵.

Forms of violence against women that encourage acts of exploitation against women are included in the context of commercial sexual exploitation or economic exploitation in the world of broadcasting and social media in Indonesia. This exploitation also stalks children as subjects who are vulnerable to acts of discrimination. Sexual exploitation of children is the use and involvement of children in adult sexual activities in exchange for cash or the like to children or third parties or children are treated as sexual objects and as commercial objects. Sexual exploitation of children is a fundamental violation, this problem is worrying, so far it has not been resolved.

¹⁴ Sulistyowati Irianto, et al. Perempuan dan Anak dalam Hukum dan Persidangan. Jakarta : Yayasan Pustaka Obor Indonesia; 2020 p. 91.

¹⁵ Lalu Husni & Ani Suryani. Legal Protection For Woman Domestic Workers Based on the International Convention. *Journal of Legal, Ethical and Regulatory Issues*, Vol. 21, Issue 2, p.1.



Based on data from the Online Information System for the Protection of Women and Children for the 2019-2021 period, it is stated that in 2021 there will be 53 cases of child sexual exploitation. Forms of sexual exploitation of children are child pornography, child prostitution, child marriage for sexual purposes (sexual exploitation of children in the marriage mode), trafficking of children for sexual purposes, exploitation of children in the tourism and travel sector, and exploitation of children online¹⁶.

Several forms of exploitation of children in the online realm, such as child pornography in the form of material that describes acts of violence and focuses on the child's genitals, Grooming Online, Sexting in the form of producing sensual content of children by himself, Sextortion in the form of sexual extortion as a result of online grooming and sexting, live streaming Sexual intercourse is an online activity that involves children in sexual activity that is broadcast live using

camera video technology such as live streaming, video calls, online meeting applications and so on.

Regulatory enforcement factors regarding legal protection against acts of exploitation of women and children can be constructed in the legal system theory by Lawrence M. Friedman. Friedman states that the legal system consists of 3 (three) sub-systems, namely the legal structure related to legal institutions in carrying out existing legal instruments, the second legal substance relating to the rules, norms, and real human behavior patterns that are in the system, and the third is legal culture related to public legal awareness¹⁷. These three subsystems form a legal system in law enforcement, in this case, it can be related to the enforcement of cases of exploitation of women and children in the world of broadcasting and social media.

Based on the data presented in the section above and the basic regulations listed in the first problem formulation, it can be seen that the implementation of

¹⁶ Pusat Penyuluhan Sosial (cited 2021 September 22). Available from : <https://puspensos.kemensos.go.id/eksploitasi-seksual-anak-eksa-melalui-media-online>.

¹⁷ Suteki dan Galang Taufani. Metodologi Penelitian Hukum (Filsafat, Teori dan Praktik). Depok : PT Raja Grafindo Persada; 2018 p. 103-104.



legal protection against the exploitation of women and children in Indonesia is still not optimal. This is due to regulations that have not been able to accommodate material content related to acts of sexual and economic exploitation in cyberspace, this point is related to the legal substance factor that has not been realized properly. The next factor regarding the public's willingness to act of exploitation is still not optimal, this can be related to the sub-system of legal culture that has not been implemented properly. This can be proven by the high Number of cases of exploitation of women and children in the world of broadcasting and social media, both sexually and commercially.

Efforts to realize a good legal system related to legal protection for women and children in the field of broadcasting and social media, it is necessary to reconstruct existing regulations such as affirmation of rules regarding the exploitation of women and children in several regulations including laws and regulations regarding criminal acts of trafficking in persons, information and electronic transactions, pornography,

broadcasting in Indonesia, and the imposition of strict sanctions for perpetrators of exploitation of women and children in the field of broadcasting and social media.

F. Conclusion

Based on the study in writing this scientific article, it can be concluded as follows:

1. The reason for the need for legal protection for women and children in the world of broadcasting and social media is, among others, influenced by the large Number of victims of women and children from acts of economic and sexual exploitation. in Indonesia in the cluster of trafficking and exploitation of children as many as 149 then as many as 70 cases of sexual exploitation of women in the personal sphere that occurred in 2020 which were compiled by the National Commission on Women. The second reason regarding the basis of legal arrangements, some of which regulate the protection of women and children from acts of exploitation in the world of



broadcasting and social media, among others, the Ratification of the CEDAW Convention through Law Number 7 of 1984, Law Number 35 of 2014 concerning Child Protection, Law Number 21 of 2007 concerning the Crime of Trafficking in Persons, Law Number 32 of 2002 concerning Broadcasting, Law Number 44 of 2008 concerning Pornography, and Law Number 19 of 2016 concerning Information and Electronic Transactions.

2. The implementation of legal protection against the exploitation of women and children in the broadcasting and social media world in Indonesia is still not optimal because it is influenced by several factors including the many cases of sexual and economic exploitation of women and children that have not been completely resolved and regulatory factors that have not provided legal certainty. optimally in legal protection efforts for women and children as victims of exploitation in the broadcasting and social media fields.

References

1. Books

- Sulistyowati Irianto, et al. *Perempuan dan Anak dalam Hukum dan Persidangan*. Jakarta: Yayasan Pustaka Obor Indonesia; 2020
- Suteki dan Galang Taufani. *Metodologi Penelitian Hukum* (Filsafat, Teori dan Praktik). Depok: PT Raja Grafindo Persada; 2018.

2. Articles of Journal

- Harjono, "Lembaga Negara dalam UUD 1945" dalam *Jurnal Konstitusi*, Vol. 4 No. 2, Juni, 2007.
- Kutty, Faisal, "The Sharia Factor in International Commercial Arbitration," *The Loyola of Los Angeles and Comparative Law*, Vol. 28, 2006.
- Lalu Husni & Ani Suryani. "Legal Protection For Woman Domestic Workers Based on the International Convention" *Journal of Legal, Ethical and Regulatory Issues*, Vol. 21, Issue 2
- Maria del Carmen Herrera, Antonio Herrera, & Fransisca Expósito. To confront versus not to confront: Women's perception of sexual harassment, *The European Journal of Psychology Applied to Legal Context*
- Mutiara Nastya Rizky, et al. "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual Komersial Melalui Media Sosial," *Media Iuris* Vol. 2 Number 2 June 2019



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Vol 7 No 2
2022

Raissa Lestari. Implementation of Convention on The Rights of The Child in Indonesia (Case Study : Violations of Childer's Rights in Province of Riau Islands Period 2010-2015), *JOM FISIP* Vol. 4 Number 2 – October 2017

Rizdyanti, Putu Cyntia., Dewi, Anak Agung Sagung., dan Widyantar, I Made Minggu. "Perlindungan Hukum terhadap Anak sebagai Korban Eksploitasi Seksual Komersial di Media Sosial," *Jurnal Konstruksi Hukum* Vol. 2, Number 2, Mei, 2021

Syarifuddin Hidayat dan Ahmad Mahyani. "Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis", *Mimbar Keadilan Jurnal Ilmu Hukum*, Agustus, 2017

3. Internet

Women's Commission of Indonesia. Annual Record of Women's Commission of Indonesia 2021 (cited 2021 September 17). Available from : <https://komnasperempuan.go.id/cata-an-tahunan-detail/perempan-dalam-himpitan-pandemi-lonjakan-kekerasan-seksual-kekerasan-siber-perkawinan-anak-dan-keterbatasan-penanganan-di-tengah-covid-19-catahu-2021-catatan-tahunan-kekerasan-terhadap-perempuan-tahun-2020>

Indonesia Child Protection Commission. Complaint Case of Child Protection

2021 (Cited 2021 September 17). Available from : <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>

Indonesian Child Protection Commission (cited 2021 September 20). Available from : <https://bankdata.kpai.go.id/>.

Kompas.com (cited 2021 September 20). Available from : <https://www.kompas.com/tren/read/2021/06/03/073500365/kontroversi-sinetron-zahra-suara-hati-istri-pemeran-usia-15-tahunisu?page=all>.

Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia (cited 2021 September 20). Available from : <https://kemenpppa.go.id/index.php/page/read/29/2812/berantas-perdagangan-orang-dengan-modus-eksploitasi-seksual-di-media-daring-kemen-pppa-kenali-modusnya-dan-pahami-perkembangan-teknologi>.

Indonesian Child Protection Commission (cited 2021 September 1). Available from : <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-pengaduan-anak-2016-2020>.

Dewan Perwakilan Rakyat Indonesia (cited 2021 September 21). Available from : <https://www.dpr.go.id/dokakd/dokumen/RJ1-20170307-091105-5895.pdf>.

4. Regulations



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Indonesia Year 1945

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Law Number 21 of 2007 concerning the
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in Persons

Law Number 35 of 2014 concerning
Amendments to Law Number 23 of 2002
concerning Child Protection

Law Number 19 of 2016 concerning
Amendments to Law Number 11 of 2008
concerning Information and Electronic
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