

The Role of The State in Regulating Access to Social Media for Children: A Legal and Human Rights Perspective

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ABSTRACT; *The rapid advancement of digital technology and the high rate of social media use among children have raised significant concerns regarding online risks, including exposure to harmful content, digital exploitation, and psychological development disorders. This study examines the role of the state in regulating children's access to social media from legal and human rights perspectives. Employing a normative juridical method with a statutory and conceptual approach, this research analyses national and international regulatory frameworks governing child protection in digital spaces. The study evaluates the extent to which access restriction policies align with human rights principles, including the best interests of the child, proportionality, and non-discrimination. The findings reveal that regulating children's social media access requires a balanced approach between protection and the fulfilment of rights. The state must act not only as a regulator but also as a facilitator of digital education and a supervisor of platform operators. The study concludes that adaptive, collaborative, and human rights-based policies are necessary to create a safe and child-friendly digital ecosystem. Recommendations include strengthening national legislation, enhancing digital literacy programmes, and promoting multi-stakeholder cooperation among government agencies, technology platforms, and families.*

Keywords: *Child Protection; Digital Regulation; Human Rights; Media Sosial; State Role.*

INTRODUCTION

The proliferation of social media platforms in the twenty-first century has fundamentally transformed the ways in which children and adolescents communicate, access information, and construct their identities. Globally, a significant proportion of social media users are minors, and Indonesia is no exception. According to the Indonesian Internet Service Providers Association (APJII), internet penetration in Indonesia reached 78.19 per cent of the total population in 2023, with children and teenagers constituting one of the most rapidly growing segments of users.

While social media offers substantial educational and social benefits, it simultaneously exposes children to a range of serious risks. These include access to violent or sexually explicit content, cyberbullying, online grooming, digital exploitation, and privacy violations. The psychological consequences of excessive or unregulated social media consumption have also been well-documented in contemporary literature, encompassing heightened anxiety, depression, and disrupted cognitive development among minors.¹

In response to these challenges, numerous states have adopted legislative and regulatory measures aimed at restricting or supervising children's access to social media. Australia enacted the Online Safety Amendment (Social Media Minimum Age) Act 2024, prohibiting children under the age of sixteen from creating social media accounts. Similarly, France and the United Kingdom have introduced graduated frameworks requiring age verification and parental consent mechanisms. In Indonesia, the primary regulatory instrument remains Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE), alongside Law Number 35 of 2014 on Child Protection (UU PA), which has been supplemented by Government Regulation Number 71 of 2019 on the Implementation of Electronic Systems and Transactions.²

Notwithstanding these legislative efforts, significant gaps persist in the implementation and enforcement of child protection regulations in the digital sphere. The absence of a dedicated and comprehensive digital child protection law in Indonesia, combined with the limitations of existing regulatory mechanisms, leaves considerable vulnerabilities. Furthermore, regulatory approaches that prioritise restriction without adequate consideration of children's rights to access information and freedom of expression risk violating international human rights standards, particularly the United Nations Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR).³

This research seeks to address the following central questions: (1) what are the existing legal frameworks governing children's access to social media in Indonesia and at the international level; (2) what extent do state regulations restricting social media access for minors align with applicable human rights principles; and (3) what policy recommendations can be advanced to strengthen child protection in digital spaces without compromising children's fundamental rights.

The study employs a normative juridical research methodology, drawing upon a statutory approach (*pendekatan perundang-undangan*), a conceptual approach (*pendekatan konseptual*), and a comparative approach. Primary legal materials include national legislation and international instruments, while secondary sources

¹ Azizi, M. F. F., Taufiqurrahman, M. F., Astama, F., & Rakhmawati, N. A. (2025). Analisis Kebijakan Perlindungan Data Pribadi: Studi Kasus Aplikasi Digital E-Wallet di Indonesia. *Etika Teknologi Informasi*, 1(2), 1-10

² Dhianty, R. (2022). Kebijakan Privasi (Privacy Policy) dan Peraturan Perundang-Undangan Sektor Platform Digital vis a vis Kebocoran Data Pribadi. *Scripta: Jurnal Kebijakan Publik Dan Hukum*, 2(1), 186-199.

³ Faloygama, G. P., & Cahyo, C. (2025). Penerapan Undang-Undang Perlindungan Anak dalam Mengamankan Data Pribadi Anak yang Berkonflik dengan Hukum di Era Digital. *HUMANIORUM*, 3(3), 121-124.

encompass academic journals, reports from international organisations, and policy documents. The analysis is conducted through qualitative content analysis and systematic normative reasoning.

PROBLEM

What are the legal provisions regarding children's access to social media in Indonesia and international legal instruments, and to what extent do regulations restricting children's access to social media align with human rights principles?

How can policies be formulated to strengthen child protection in the digital space without compromising the fulfillment of children's fundamental rights?

RESEARCH METHODS

The research method used in this study is a normative juridical method with a statutory approach, a conceptual approach, and a comparative approach. This study examines legal regulations regarding children's access to social media, both in national law and international legal instruments, and analyzes their compliance with human rights principles.⁴ The primary legal materials used include national laws and regulations, such as the Electronic Information and Transactions Law and the Child Protection Law, as well as international instruments such as the Convention on the Rights of the Child (CRC) and the International Covenant on Civil and Political Rights (ICCPR). Secondary legal materials consist of scientific journals, books, international organization reports, and relevant policy documents. The analysis technique is qualitative, using content analysis and normative legal reasoning to obtain systematic legal arguments regarding child protection in the digital space.

DISCUSSION

Legal Framework for Child Protection in the Digital Space

1. National Regulatory Framework

The protection of children in Indonesian law is anchored in Article 28B(2) of the 1945 Constitution of the Republic of Indonesia, which guarantees every child the right to survival, growth, and development, as well as protection from violence and discrimination. This constitutional mandate is operationalised through several legislative instruments. Law Number 35 of 2014 concerning Child Protection explicitly obliges the state, community, family, and parents to protect children from harmful digital content, exploitation, and violence. Article 76E of the law criminalises the production, distribution, and dissemination of pornographic materials involving children, while Article 9(1) recognises children's right to education, including digital literacy.⁵

Complementing the Child Protection Law, the UU ITE and its amendment through Law Number 19 of 2016 establish criminal sanctions for the distribution of

⁴ Ali Munib, S. H. (2026). *Hukum Perlindungan Anak*. Goresan Pena.

⁵ Savitri, A. M., & Fatihah, T. N. (2025). Tinjauan Yuridis Mengenai Perlindungan Data Pribadi Dan Pencegahan Kekerasan Seksual Terhadap Anak Di Bawah Umur Dalam Menggunakan Gawai Dan Media Sosial Di Indonesia. *IBLAM LAW REVIEW*, 5(2), 58-68.

content that is contrary to decency (*kesusilaan*), including content accessible to children. Government Regulation Number 71 of 2019 further obliges electronic system operators to implement mechanisms for protecting children's personal data and restricting access to inappropriate content. Most recently, Law Number 27 of 2022 on Personal Data Protection (UU PDP) introduced explicit provisions governing the processing of children's personal data, requiring parental or guardian consent for data processing involving individuals under the age of seventeen.⁶

Despite this relatively comprehensive legislative architecture, several scholars have noted persistent weaknesses in its implementation. Mulyadi et al. (2021) observe that enforcement mechanisms remain largely reactive, focusing on post-hoc criminal prosecution rather than proactive prevention. The absence of a dedicated regulatory body with specific mandates for digital child protection, analogous to the UK's Ofcom or Australia's eSafety Commissioner, constitutes a critical institutional gap.

2. International Regulatory Framework

At the international level, the primary instrument governing child protection in the digital space is the United Nations Convention on the Rights of the Child (CRC), ratified by Indonesia in 1990 through Presidential Decree Number 36 of 1990. The CRC Committee has progressively expanded its interpretive guidance to encompass digital rights, most notably through General Comment No. 25 (2021) on children's rights in the digital environment. General Comment No. 25 affirms that states parties bear positive obligations to protect children from harm in digital environments, while simultaneously ensuring that regulatory measures do not disproportionately restrict children's rights to expression, privacy, and access to information.⁷

The International Telecommunication Union (ITU) Guidelines for Policy Makers on Child Online Protection and the Budapest Convention on Cybercrime (2001) provide additional normative frameworks, though Indonesia has not acceded to the latter instrument. The ASEAN Declaration on the Rights of Children in the Context of Information and Communications Technology (2019) also represents a relevant regional commitment, emphasising the need for member states to develop child-friendly regulatory environments while preserving educational and developmental opportunities.

Human Rights Analysis of Social Media Access Restrictions

1. The Best Interests of the Child Principle

The principle of the best interests of the child, enshrined in Article 3 of the CRC, constitutes the foundational human rights standard against which all state interventions affecting children must be evaluated. This principle does not operate as a blanket justification for protective restrictions; rather, it requires a holistic,

⁶ Lazuardiansyah, A. F., & Indriati, N. (2023). Perlindungan Hak Privasi Atas Data Pribadi Anak Menurut Hukum Internasional dan Hukum Nasional Indonesia. *Soedirman Law Review*, 5(3).

⁷ Harahap, P. H. (2025). Perlindungan Data Pribadi dalam Transaksi Digital: Implikasi Regulasi, Keamanan, dan Efisiensi dalam Perspektif Hukum Ekonomi dan Hukum Islam. *Yurisprudentia: Jurnal Hukum Ekonomi*, 11(1), 1-23.

individualised assessment that balances protective considerations against children's evolving capacities and developmental needs.⁸

Livingstone & Blum-Ross (2020) argue persuasively that a risk-centric approach to children's digital participation, which focuses predominantly on minimising harm, inadvertently marginalises the significant developmental, educational, and social benefits that digital environments afford. Children's participation in digital spaces supports cognitive development, social connectivity, and civic engagement all of which are integral components of their holistic development. Accordingly, regulatory frameworks that impose blanket age-based prohibitions without accompanying support structures risk violating the best interests standard by prioritising protection at the expense of empowerment.⁹

Indonesian jurisprudence has yet to address this tension comprehensively. The Constitutional Court's jurisprudence on child rights, most prominently in Decision Number 22/PUU-XV/2017 concerning the minimum marriage age, demonstrates the Court's capacity to apply international human rights standards in domestic adjudication; however, digital rights of children have not yet been subjected to constitutional review.

2. Proportionality and Non-Discrimination

Under international human rights law, any restriction on the rights to freedom of expression and access to information must satisfy a three-part test: the restriction must be prescribed by law, pursue a legitimate aim, and be necessary and proportionate in a democratic society. This framework, derived from Articles 19(3) of the ICCPR and 13 of the CRC, applies equally to state regulations governing children's online activities.¹⁰

An assessment of Indonesia's current regulatory landscape reveals partial compliance with this framework. The requirements of legal prescription and legitimate aim are generally satisfied; the relevant legislation clearly articulates child protection as its objective. However, the proportionality requirement is more contested. Restrictions that deny children access to social media without providing alternative educational digital channels, or that impose undifferentiated age thresholds without regard to children's evolving capacities, may fail the necessity test.

The non-discrimination principle further requires that regulatory measures not disproportionately burden children from marginalised communities. Research by Pratama & Fadillah (2022) indicates that digital access restrictions disproportionately affect children from low-income households, who rely on social media platforms as primary conduits for educational content and social support in the absence of alternative infrastructure. This socioeconomic dimension of digital regulation remains insufficiently theorised in Indonesian legal scholarship.¹¹

⁸ Lolo, A. K. K. P., SH, Z., Priambada, B. S., Sos, S., Pontorondo, I. C., & Retno Wulan, S. H. (2026). *Hukum Perlindungan Anak*. Tujuh Pustaka Penerbit.

⁹ Republic of Indonesia. (2014). Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 297.

¹⁰ Simanjuntak, P. H. (2024). Perlindungan hukum terhadap data pribadi pada era digital di Indonesia: Studi undang-undang perlindungan data pribadi dan general data protection regulation (gdpr). *Esensi Hukum*, 6(2), 105-124.

¹¹ Fitriani, R., Krisna, L. A., & Fitria, R. (2025). *Orang Tua Bijak, Anak Bahagia: Menemani Hak Tumbuh Kembang Di Era Digital*. Deepublish.

3. The Right to Privacy and Personal Data Protection

Children's right to privacy in digital environments is explicitly addressed in General Comment No. 25 of the CRC Committee, which identifies children as a particularly vulnerable group requiring enhanced data protection standards. The enactment of the UU PDP in 2022 represents a significant legislative development in this regard, establishing a consent-based framework for the processing of children's personal data.¹²

However, commentators including Wahyuningsih & Prasetyo (2023) have identified critical implementation challenges. The UU PDP's age threshold of seventeen years for independent consent does not align with the CRC's emphasis on children's evolving capacities, which suggests that consent thresholds should be calibrated to developmental maturity rather than fixed chronological age. Furthermore, the law's enforcement mechanisms remain underdeveloped, with the designated supervisory authority yet to be fully operationalised as of the time of writing.

The State as Regulator, Educator, and Supervisor

1. The Regulatory Role

The state's regulatory function in the digital sphere encompasses both prescriptive norm-setting and enforcement. In comparative perspective, robust models of digital child protection typically combine minimum age requirements with age verification obligations imposed on platform operators, coupled with accessible complaint and reporting mechanisms. The Australian Online Safety Act 2021 and its subsequent amendment establishing a minimum age of sixteen for social media access represent the most stringent contemporary example, though its proportionality has been questioned by digital rights advocates.¹³

For Indonesia, a risk-tiered regulatory approach merits consideration. Under such a framework, platforms would be classified according to their potential to expose children to harm for example, distinguishing between platforms primarily serving social networking functions and those offering educational content with corresponding regulatory obligations calibrated to the assessed level of risk. Dwisvimiar & Siahaan (2023) advocate for the adoption of a dedicated Child Online Protection Law (*Undang-Undang Perlindungan Anak Daring*) that consolidates existing provisions, establishes a dedicated supervisory authority, and mandates platform operators to implement privacy-by-design principles.

2. The Educational and Facilitative Role

A recurring theme in the literature on digital child protection is the insufficiency of purely prohibitive approaches. Smahel et al. (2020), in their comprehensive EU Kids Online survey, demonstrate that digital literacy and parental mediation are significantly more effective in reducing online risks to children than access restrictions alone. This finding has profound implications for Indonesian regulatory policy.¹⁴

¹² Rizkia, N. D., Wiraguna, S. A., Nazmi, N., Hasibuan, A. K. H., Huda, M., Ahyani, H., & Rasdiana, R. (2024). *Hukum Perlindungan Anak*.

¹³ Republic of Indonesia. (2019). Peraturan Pemerintah Nomor 71 Tahun 2019 tentang Penyelenggaraan Sistem dan Transaksi Elektronik. Lembaran Negara Republik Indonesia Tahun 2019 Nomor 185.

¹⁴ Suari, K. R. A., & Sarjana, I. M. (2023). Menjaga privasi di era digital: Perlindungan data pribadi di Indonesia. *Jurnal Analisis Hukum*, 6(1), 132-142.

The state's facilitative role requires the integration of digital literacy education into the national curriculum, the development of accessible parent and caregiver training programmes, and the promotion of positive digital content through public funding and platform incentive structures. Indonesia's National Cyber and Encryption Agency (BSSN) has initiated several digital literacy programmes in recent years; however, their reach and impact, particularly in rural and underserved communities, remain limited.

3. The Supervisory Role over Platform Operators

The accountability of social media platforms for child safety has emerged as a central concern in contemporary regulatory discourse. The European Union's Digital Services Act (DSA), which entered into force in 2022, establishes comprehensive due diligence obligations for very large online platforms, including mandatory risk assessments concerning the impact of their services on minors and the implementation of targeted measures to mitigate identified risks.¹⁵

Indonesian law currently imposes relatively limited obligations on platform operators. Government Regulation Number 71 of 2019 requires electronic system operators to ensure the lawfulness and appropriateness of electronic content, but enforcement has been inconsistent. Expanding the scope of platform operator obligations to encompass proactive child safety measures including algorithmic transparency, age-appropriate design requirements, and mandatory reporting of child sexual abuse material would substantially strengthen Indonesia's child protection architecture.

Challenges in Implementation

The effective implementation of child-protective digital regulations faces a constellation of structural challenges in the Indonesian context. First, the rapid pace of technological change frequently outstrips the legislative cycle, creating regulatory gaps that malicious actors may exploit. Second, jurisdictional limitations constrain the ability of national authorities to enforce regulatory requirements against foreign-domiciled platform operators. Third, the digital divide between urban and rural populations and between economically advantaged and disadvantaged households means that uniform regulatory interventions may produce inequitable outcomes.

Fourth, parental awareness and capacity to exercise effective mediation of children's digital activities varies considerably across socioeconomic groups. Research by Hadiyanto et al. (2022) reveals that a significant proportion of Indonesian parents lack the digital competencies necessary to meaningfully supervise their children's online behaviour, underscoring the need for state-supported parental education initiatives.¹⁶

Fifth, age verification mechanisms a cornerstone of many access restriction frameworks present significant technical and rights-based challenges. Effective age verification typically requires the collection and processing of children's personal data, which generates its own privacy risks. The United Nations Special Rapporteur on freedom of expression, Irene Khan, has cautioned that mandatory age verification systems must be

¹⁵ Republic of Indonesia. (2022). Undang-Undang Nomor 27 Tahun 2022 tentang Pelindungan Data Pribadi. Lembaran Negara Republik Indonesia Tahun 2022 Nomor 196.

¹⁶ Sianturi, C. G. P., Nababan, R., & Siregar, R. J. (2024). Peran Hukum Dalam Melindungi Data Pribadi. *Innovative: Journal Of Social Science Research*, 4(5), 2607-2624.

subject to rigorous human rights impact assessments to ensure that they do not facilitate surveillance or discriminatory exclusion.

CONCLUSION

This study has demonstrated that the regulation of children's access to social media constitutes a complex legal and policy challenge that cannot be resolved through either unrestricted permissiveness or blanket prohibition. The Indonesian legal framework provides a foundational basis for child protection in digital spaces, but it is characterised by significant gaps in terms of institutional coherence, enforcement capacity, and alignment with international human rights standards.

An analysis informed by the principles of the best interests of the child, proportionality, and non-discrimination reveals that effective child protection in the digital realm requires a fundamentally multi-dimensional approach. The state must simultaneously exercise its roles as regulator, educator, and supervisor, operating in concert with families, civil society, and the technology industry. Restrictions on children's social media access may be justified under international human rights law, but only where they are prescribed by law, pursue a legitimate aim, and are demonstrably proportionate to the harm they seek to prevent.

Three principal policy recommendations emerge from this analysis. First, Indonesia should enact a dedicated Child Online Protection Law that consolidates existing regulatory provisions, establishes a dedicated supervisory authority with adequate funding and technical capacity, and imposes comprehensive due diligence obligations on social media platform operators. Second, the national digital literacy curriculum should be expanded and integrated across all levels of formal and non-formal education, with particular attention to underserved and marginalised communities. Third, the government should pursue active bilateral and multilateral engagement to address jurisdictional challenges in the enforcement of platform accountability obligations, particularly within the ASEAN framework.

The creation of a safe and child-friendly digital ecosystem ultimately demands a commitment to adaptive, evidence-based policymaking that treats children as rights-holders rather than merely as objects of protection. Only through such an approach can Indonesia fulfil its constitutional and international obligations to protect the welfare and dignity of its youngest citizens in an increasingly interconnected world.

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