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The Effectiveness of Law Enforcement on Child Protection for Cybercrime Victims in Indonesia

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Abstract. This study aims to examine the effectiveness of law enforcement on the protection of children victims of cybercrime in Indonesia. The method used is empirical legal research, which examines the law on social phenomena. The collecting data were from primary and secondary data. The primary data was based on the related institutions in handling child victims of cybercrime, and secondary data were collected through questionnaires administered to 4 (Four) selected Provinces samples. The results showed that the form of cybercrime experienced by the child as a victim dramatically increases every year and still seems to be weak in law enforcement. Public response to law enforcement from the aspects of law Substance, law enforcement, infrastructure facilities, inter-agency coordination is ineffective, and public responses to the handling of victims of cybercrime must be quickly addressed. This is a form of state responsibility for the protection of children victims of cybercrime. Thus, children can live and grow up to avoid the crimes that occur through the cyber development.

Keywords: law enforcement, child protection, cyber

1. Introduction

Cyber as a part of technological development has made communication between human beings faster, cheaper and has become an indispensable common phenomenon in society [1]. The cyber community is free information throughout the world [2]. In the cyber era, different countries have different attitudes in maintaining order in cyberspace; some are weak, moderate and strong [3] and that is called cyberspace. Cyberspace has its regulatory and enforcement challenges and is still very difficult to overcome; this is because of its unique global nature, the problems in the cyberspace include outside the jurisdiction of state sovereignty [4]. The emergence of the Internet and dominance in almost all aspects of national and global affairs that have created new environmental threats in the international region [5]. According to criminology studies on computer and cybercrime also increased rapidly [6].

About the urgency of cyber development, this study examines the problem of cybercrime that befell the child as a victim, which has been much done by previous researchers. Research in Korea reveals that low self-control is an essential factor in determining the causes of



adolescent sexual abuse in the cyber world [7]. A survey of 6,299 adolescents (50.9% male), aged from 10 to 18 ($M = 13.0$, $SD = 1.87$) showed that cyberbullying behavior is not only firmly welded with traditional intimidation behavior but also influenced by the unique characteristics of the online environment [1]. Sexual Abuse of Children in 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 against children by 2015 based on the Report of the Terrorist Threat Action Organized Internet (IOCTA) Europol [8].

The Survey of Indonesian Internet Service Users Association (APJII) revealed that children as internet users with age classification of 10-24 years as much as 18.4% or as much as 24.4 million. Against children, internet users survey showed 76.4% unsafe internet for children. It thus illustrates that the involvement of children using the internet in Indonesia is significant and unsafe [9]. The phenomena of cybercrime against children as victims, Indonesia as a law country embraces the principles of legal protection, the protection of human rights for its citizens, and the principles of democracy, including the protection of children. Indeed, the state and the government should provide protection law and human rights to children. The son as the grace of Almighty God is an infinite gift of value compared to other gifts until it should be grateful, guarded, educated, nurtured, nurtured and protected. Each child attached to the dignity, dignity, and rights as human beings who deserve to be respected and upheld and exercised.

The importance of legal protection for children against victims of crime is not only a national issue but also an international issue as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse Power by the United Nations. The declaration was the result of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which took place in Milan, Italy, September 1985 [10]. Specifically in Indonesia the legal protection of children, paying attention by passing Law Number 35 the Year 2014 which is a Change of Law Number 23 the Year 2002 regarding Child Protection. Furthermore, the issue of protection for crime victims has been regulated in Law Number 31 the Year 2014 Amendment to Law Number 13 the Year 2006 regarding Protection of Witness and Victim. In the aspect of globalization development through cyber media has also been regulated in Law Number 11 the Year 2008 About Information and Electronic Transactions in its development amended by Law Number 19 the Year 2016 About Amendment of Law Number 11 the Year 2008.

Cyber harvesting by children has brought about fundamental social change in people's lives that is very influential on the value and behavior of children. [11]. Theoretically, the protection of a victim of a crime can be given in various ways depending on the harm suffered by the victim [12]. The child as a victim is nothing but to keep the child as the future asset of the nation and the next generation of the nation is ideal. 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 [13].

This study examines explicitly more deeply about law enforcement against cybercrime perpetrators targeting children as victims. Aspects reviewed (1) availability of law, (2) law enforcement performance (3) Availability of facilities and infrastructure (4) Inter-institutional cooperation and (5) support from the community.

The picture of law enforcement in Indonesia related to Hardianto Djanggih and Kamri Ahmad's research [14] that the process of law enforcement in Indonesia is often not good because it is caused by various mistakes and shortcomings of law enforcers. From the weak aspect of law enforcement, the reason for this research is that by examining deeper to law enforcement process for a child victim of cybercrime in Indonesia.

2. Research Methods

The method used in this study is an empirical law study that examines social phenomena against the validity of the law. Source data through primary data and secondary data. Primary data obtained from Directorate of Criminal Crime of Police of the Republic of Indonesia;

Commission for Child Protection and Witness and Victim Protection Agency. Secondary data obtained from 100 respondents spread in four (4) provinces, namely Jakarta by 25 respondents; West Java by 25 Respondents, Lampung by 25 Respondents and South Sulawesi by 25 Respondents. The 100 respondents consisted of men and women by different ages and levels of education. Secondary data from 100 respondents were calculated using the following formula:

$$P = \frac{Px100}{N} \quad (2.1)$$

3. Result

Underlying the problem of this study, primary and secondary data collection are generated as follows:

3.1. Primary Data

3.1.1. Directorate of Cyber Crime of Police Headquarter

Table 1. Cyber Crime Data Handled by the Directorate of Cybercrime in 2012-2014

No	Criminal	2012			2013			2014		
		Crime Clearance	Crime Clock	%	Crime Clearance	Crime Clock	%	Crime Clearance	Crime Clock	%
1	Communication Fraud	427	15	3.51	540	19	3.52	239	47	19.67
2	Defamation	114	13	11.40	118	13	11.02	278	69	24.82
3	Website Fraud	112	18	16.07	538	28	5.20	545	73	13.39
4	Defaking/Hacking/Ddos	30	5	16.67	34	8	23.53	34	32	94.12
5	Online Pornography	30	15	50	48	16	33.33	57	13	22.81
6	Credit Card Fraud	30	7	23.33	17	12	70.59	9	3	33.33
7	Email Fraud	15	2	13.33	26	6	23.08	111	48	43.24
8	Identity Theft	13	5	38.46	16	5	31.25	24	6	25.00
9	Online Gambling	10	6	60	9	7	77.78	33	11	33.33
10	Child Pornography	0	0	0	1	1	100	8	5	62.50
TOTAL		781	86	11.01	1347	115	8.54	1338	306	22.87

Table 2. Cyber Crime Data Handled by the Directorate of Cybercrime in 2015-2016

NO	Criminal Act.	2015			2016		
		Crime Clearance	Crime Clock	%	Crime Clearance	Crime Clock	%
1	Pornography	140	44	31.43	125	38	30.40
2	Child Pornography	29	1	3.45	5	0	0.00
3	Online Gambling	32	10	31.25	24	20	83.33
4	Insults	485	120	24.74	763	177	23.20
5	Exploitation	38	11	28.95	19	3	15.79
6	Web Fraud	663	164	24.74	682	203	29.77
7	Email Fraud	277	79	28.52	346	120	34.68
8	Phone Fraud	186	26	13.98	314	78	24.84

9	SMS Fraud	180	40	22.22	148	61	41.22
10	Credit Card	43	1	2.33	31	7	22.58
11	Spreading Hostility	55	4	7.27	58	12	20.69
12	Threatening	93	8	8.60	95	21	22.11
13	Illegal Access	101	13	12.87	127	29	22.83
14	Illegal Intercept	38	3	7.89	16	5	31.25
15	Defacing	37	5	13.51	44	10	22.73
16	Ddos/Defacing	57	4	7.02	63	36	57.14
17	Identity Theft	68	15	22.06	20	1	5.00
TOTAL		2522	548	21.73	2880	306	10.63

3.1.2. Child protection commission

Table 3. Data on Child Protection for Cyber Crimes is handled by Commission of Indonesian Child Protection from 2011 to 2016

No	Cluster	Year						Total
		2011	2012	2013	2014	2015	2016	
1	social and child rights in emergency situations	92	79	246	191	174	242	1024
2	family and alternative care	416	633	931	921	822	833	4556
3	Religion and culture	83	204	214	106	180	256	1043
4	civil rights and participation	37	42	79	76	110	119	463
5	health and drugs	221	261	438	360	374	375	2029
6	Education	276	522	371	461	538	427	2595
7	Pornography and cyber crime	188	175	247	322	463	497	1892
8	children are dealing with the law	695	1413	1428	2208	1221	1314	8279
9	Trafficking and exploitation	160	173	184	263	345	340	1465
10	Miscellanies	10	10	173	158	82	79	512
Total		2178	3512	4311	5066	4309	4482	23858

3.1.3. Witness and victim protection agencies

Table 4. Case handling at witness and victim protection agencies

Year	Application submitted	Application processed	Proactive action	Meeting decision by witness and victim protection agencies	
				Accepted	rejected
2012	-	-	-	-	-
2013	-	-	-	-	-
2014	-	-	-	-	-
2015	-	-	-	-	-
2016	2	Being analyzed	1	2	1
Total	2		1	2	1

3.2. Secondary data

Table 5. Availability of the law in protecting cybercrime victims

No	Statement	Research Location								Total (%)
		Jakarta		West Java		South Sulawesi		Lampung		
		F	P	F	P	F	P	F	P	
1	Effective	3	12	2	8	2	8	4	16	11
2	Less effective	8	32	11	44	9	36	9	36	34
3	Ineffective	14	56	12	48	14	56	12	48	55
Total		25	100	25	100	50	100	50	100	100

Table 6. Law Enforcement Resources on Child Protection Victims of Cyber Crimes

No	Statement	Research Location								Total (%)
		Jakarta		West Java		South Sulawesi		Lampung		
		F	P	F	P	F	P	F	P	
1	Effective	3	12	2	8	2	8	4	16	10
2	Less effective	8	32	10	40	8	32	9	36	36
3	Ineffective	14	56	13	52	15	60	12	48	54
Total		25	100	25	100	50	100	50	100	100

Table 7. Availability of law enforcement facility and infrastructure for child protection from cybercrime

Cybercrime										
No	Statement	Research location								Total (%)
		Jakarta		West Java		South Sulawesi		Lampung		
		F	P	F	P	F	P	F	P	
1	Effective	3	12	2	8	2	8	4	16	11
2	Less effective	8	32	10	40	8	32	9	36	34
3	ineffective	14	56	13	52	15	60	12	48	54
	Total	25	100	25	100	50	100	50	100	100

Table 8. Interagency Coordination of Child Protection Institution Victims of Cybercrimes

No	Statement	Research Location								Total (%)
		Jakarta		West Java		South Sulawesi		Lampung		
		F	P	F	P	F	P	F	P	
1	Effective	3	12	2	8	1	4	4	16	11
2	Less effective	8	32	10	40	8	32	9	36	35
3	ineffective	14	56	13	52	16	64	12	48	54
Total		25	100	25	100	50	100	50	100	100

Table 9. Community response to cybercrimes that involve children as victims

No	Pernyataan	Research Location								Total (%)
		Jakarta		West Java		South Sulawesi		Lampung		
		F	P	F	P	F	P	F	P	
1	Immediate response	13	52	14	56	14	56	12	48	56%
2	Need Intensive Treatment	9	36	9	36	10	40	9	36	34%
3	Ignore	3	12	2	8	1	4	4	16	10%
Total		25	100	25	100	50	100	50	100	100%

From the results of research by three institutions: (1) Directorate of cybercrime, (2) The Commission on Child Protection, and (3) the Witness and Victim Protection Agency. The researcher points out that Table 1 illustrates the handling done by the Directorate of cybercrime shows that there is a weakness in the action of cybercrime with the target of child victims being shallow from year to year. Table 2 illustrates that every year there is an increase in the number of cases of cyber crimes targeted by children as victims have made it clear that this criminal act is a very urgent matter in Indonesia. Table 3 showed that in case of handling cases of newborn cyber children appeared in 2016 based on the application submitted by two cases and proactive handling consists of one case. Of the three cases in 2016, only two cases decided by witness and victim protection agencies accepted to handle.

The primary data confirms the results of secondary data obtained from the administered questionnaire for four provinces in Indonesia, namely Jakarta, West Java, Lampung, and South Sulawesi. The researchers considered that the four provinces represented a significant number of cybercrimes affecting children as victims of 2011-2016 as data obtained by

researchers through the Indonesian Child Protection Commission. Jakarta has 609 cases of cybercrime, West Java Province there are 108 cases of cybercrime. Lampung Province has 89 cases of cybercrime and South Sulawesi Province there are 41 cases of cybercrime. To know the effectiveness of law enforcement on child protection victims of the following cyber crimes is outlined as the result of the questionnaire as outlined in table 5 on legal substance factors. Table 6 showed the law enforcement resources, Table 7 described the facilities and infrastructure, Table 8 indicated the inter-agency coordination, and Table 9 revealed the community support.

The legal substance factor in Table 5 illustrates that the respondents' response to the existence of the ITE Law for Child Protection against Cybercrime, 55% stated that the ITE Law is ineffective, 34% said less effective, and 11% stated effective. Thus, the presence of the ITE Act is felt not yet able to reach for the crime generated through cyber media that threaten the lives of children. Underlying the weakness of the legal substance factor to the protection of child victims of cybercrime, the weaknesses of the legislation are caused by the absence of implementing regulations that are urgently needed to apply the laws and the lack of clarity in the meaning of the words in legislation leads to confusion in its interpretation and application. Law enforcement resource factors in Table 6. that law enforcement resources to deal with cybercrime against children as victims are ineffective with a percentage of 54%. Thus, law enforcers should be able to understand the evil that develops and can work professionally. So, it might impact the success of law enforcement against cybercrime that befell the child as a victim.

The factor of facilities and infrastructure in Table 7 showed that the facilities and infrastructure provided by the law enforcement have not been able to deal with the issue of child protection from cybercrime. The main factors whose role is very prominent in the law enforcement process are the law enforcer. Thus, it is vitally important to provide a solution to the unavailability of facilities and infrastructure. The researchers argue that law enforcement resources are a very powerful central point in law enforcement since law enforcers profoundly influence the workings of law in society in carrying out their obligations to apply the law in society correctly. To optimize the role of law enforcement officers in enforcing cybercrime against children as victims of the quality and quality of their personality.

The inter-institutional coordination factor, as shown in Table 8 shows that in its performance against cybercrime against children as an ineffective victim, it can be seen from the figure of 54% that the community declared ineffective. Underpinning the results of the questionnaire, describing law enforcement against cybercrime perpetrators who impact on the child as a victim does not work correctly. The reason is that law enforcement agencies do not support each other and work together as a form of structural synchronization. According to Muladi that the meaning of cooperation in law enforcement is synchronization or alignment and harmony.

Factors of community support as in Table 9 that showed responses of 56% respondents stated that cybercrime issues affecting children as victims should be addressed quickly. Underlying the results of the questionnaire against the public response to cybercrime that affects the child as a victim. Every society must have the competence to the legal problems with some indicators. Firstly, not knowing or not aware, if their rights are violated or disrupted. Secondly, not aware of any legal measures to protect their interests. Thirdly, powerless to exploit legal efforts due to financial, psychological, social or political factors. Fourthly, not has the experience of being a member of an organization that fights for its interests. Fifthly, has less good experiences in the process of interaction with various elements of the formal.

Thus, cybercrime should be viewed as a remarkable crime in light of its cross-border nature and the difficulty of detecting this crime including finding the real culprit. The development of crime mode that develops along with the development of information technology/internet should not be viewed as a small problem. The state must be able to identify and track existing and possible modes. So the child in the utilization of cyber media can be protected from various forms of crime. Soerjono Soekanto said that more concrete explanations take place in the form of legal sanctions, which may contain instructions,

prohibitions or permissibility. In specific acts, the rule of law then becomes a guide or a benchmark for the behavior or attitude of the actions deemed appropriate or appropriate. The behavior or attitude of the act aims to create, require and maintain peace.

4. Conclusion

Law enforcement of child protection as a victim of cybercrime is ineffective. This is because issues concerning the prevention and eradication of cybercrime must be a priority of government and law enforcement, as well as all levels of society. The child in his immature position and not yet have the maturity of the soul, the mind, and the understanding must always be a priority for the realization of his protection, in the best interest of the child. The rise of cybercrime requires energy and synergy regarding legislation, and the goodwill of law enforcers and all levels of society, including the most important, are parents and families. The legislation that Indonesia already possesses must be operationalized ingeniously and efficiently, even though many have difficulties because its spreads in various laws are not well integrated yet. It still requires more interpretation to be applied efficiently. Law enforcement, a legal substance, facilities and infrastructure, inter-agency coordination, and community support factors showed less efficiency. Therefore, it needs future revamping, so law enforcement of the perpetrator's cybercrime which resulted in his victim's child might be overcome.

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