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The Problem of Social Media Platform Responsibility Regarding Children's Rights in the Digital Space from A Human Rights Perspective

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Abstract: The swift growth of social media poses significant obstacles to safeguarding children's rights online. Numerous infractions, including sexual exploitation, cyberbullying, misuse of personal information, and exposure to hazardous content, show how frequently children's rights are disregarded on digital platforms. Through a review of the 1945 Constitution (Articles 28B and 31), the Child Protection Law (Articles 5, 7, and 15), the Electronic Information and Transactions (ITE) Law, the Personal Data Protection Law, and the 1989 Convention on the Rights of the Child (Articles 17 and 19), this study uses a normative approach to analyze the legal obligations of social media platforms to protect children's rights from a human rights perspective. The analysis reveals regulatory gaps: the absence of a clear mechanism for binding digital platforms to effectively protect children, difficulties in cross-jurisdictional law enforcement, and platform algorithms that often amplify exposure to harmful content for commercial gain. From a human rights perspective, this leads to violations of children's rights to adequate protection, education, and information. This study recommends reforming national laws, including strengthening digital platform obligations through the principle of Corporate Responsibility to Human Rights, As supplementary measures to guarantee the protection of children's rights in the digital sphere, cross-border rules should be harmonized and parents' and kids' digital literacy should be improved.

Keyword: Human Rights, Children's Rights, Social Media, Digital Space, Platform Responsibility.

INTRODUCTION

The rapid development of social media has transformed patterns of human interaction globally, including how children communicate, learn, and express themselves in digital spaces (Pebriani & Darmiyanti, 2024). Children are now not only passive users but also active content creators and participants in online communities (Simangunsong et al., 2025). This situation presents significant opportunities for the growth of creativity and digital

literacy but also presents threats to fundamental children's rights. Exposure to inappropriate content, the potential for online sexual exploitation, and the risk of misuse of personal data indicate that the digital world is not yet a safe space for children (Savitri & Fatihah, 2025). Child protection on social media must be understood as an integral part of fulfilling human rights guaranteed by national and international law (Said, Ilham, & Nugroho, 2025).

The phenomenon of child rights violations in cyberspace is increasingly complex with increasing technological penetration and weak digital oversight (Anjani, 2024). Many cases of cyberbullying, online harassment, and the unauthorized dissemination of children's personal data for commercial purposes are reported (Septiani, et al., 2025). This fact illustrates how the 1945 Constitution and the 1989 Convention on the Rights of the Child, which protect children against exploitation, abuse, and cruel treatment, are often neglected (Erdianti, 2020). Social media platforms, as providers of online interaction spaces, lack effective mechanisms to guarantee the safety and well-being of children as users (Setiawan & Fatmawati, 2024). The absence of regulations that clearly establish legal obligations for platforms also weakens the child protection system in the digital space.

Human rights are fundamental rights inherent in every individual from birth and cannot be revoked by anyone. Every citizen has the right to recognition, protection, assurances, and equitable legal certainty, according to the 1945 Constitution (Murthada & Sulubara, 2022). As part of the national legal system, rights like the right to life, the right to security, the right to communication, and the right to self-defense are recognized under Articles 28A to 28I (Sudiarta, 2024). This regulation demonstrates the state's obligation to respect, protect, and fulfill the rights of citizens, including children as a vulnerable group (Hutagalung, 2023). Fulfilling children's rights is not merely a moral obligation but also a legal responsibility inherent in the state and all social actors involved in the digital space (Afandy & Desiandri, 2023).

Children's rights in Indonesia have a strong legal basis derived from national regulations and international instruments (Nugraha, 2023). According to Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection, children have the right to be shielded from all types of abuse, exploitation, and violence. Presidential Decree No. 36 of 1990, which ratified the 1989 Convention on the Rights of the Child, reinforced the state's duty to ensure that children's rights to sufficient knowledge and protection from harmful content are upheld (Suryani & Nirwani, 2025). Articles 17 and 19 of the convention emphasize the important role of the media in providing information that is beneficial to children's development and protecting them from exposure to harmful material. These regulations demonstrate that child protection in the digital space is an integral part of the implementation of human rights principles.

Children, as legal subjects, hold a unique position because they do not yet have full decision-making capacity, particularly regarding the use of technology (Emaliawati & Dasuki, 2024). This situation demands an active role from the state, society, and the private sector in ensuring that every child is protected from the negative impacts of information technology (Pakina & Solekhan, 2024). Children's right to access positive information must be balanced with the responsibility of platform providers to prevent violations of children's privacy and safety (Arnetta et al., 2023). This responsibility is not only moral but also has a legal dimension rooted in the obligation to respect human rights. Child protection in the digital world requires recognizing that technology is not simply a communication tool but also a social space that demands strong regulations and ethical protection.

Social media platforms hold a strategic position as providers of virtual public spaces that facilitate cross-border interaction. Technology companies are no longer simply economic entities but also social actors with a direct impact on the lives of millions of children. Their responsibilities to users, particularly children, relate to privacy policies, content distribution

algorithms, and the control of potentially harmful material (Sari & Pratama, 2024). When platforms fail to control the spread of harmful content, this can result in violations of children's rights to protection and a sense of security. Awareness of the social position of digital platforms demands the affirmation of legal responsibilities that are not only voluntary but also measurable and legally accountable.

Technology businesses have a normative foundation to uphold human rights thanks to the UN Guiding Principles on Business and Human Rights (UNGPs) idea of Corporate Responsibility to Respect Human Rights. This principal highlights that it is the duty of all corporations to refrain from causing or aiding violations of human rights, including those pertaining to minors. Businesses must perform human rights due diligence, which is the process of evaluating risks, avoiding, and lessening the effect of their operations on human rights (Luthfan & Hastarini, 2022). In the context of social media, this means companies are required to assess the potential negative impacts of their algorithms, content recommendation systems, and moderation policies. This responsibility is proactive and ongoing, ensuring that digital products and services do not harm children's interests.

The legal protection hypothesis put forward by Satjipto Rahardjo, emphasizes that the law must protect humans, not simply enforce regulations. Legal protection, in this case, encompasses both preventive and repressive measures to ensure the safety and dignity of individuals, including children (Sinaulan, 2018). In the digital space, legal protection means ensuring that all technological activities are within limits that do not threaten human rights. This concept positions the state and legal institutions as guardians of human values amidst rapid technological developments. The law must not lag behind the social changes brought about by advances in digitalization.

The theory of corporate social responsibility broadens the understanding that companies have obligations not only to shareholders but also to the wider community. This social responsibility encompasses compliance with the law, business ethics, and respect for human rights (Sembiring, 2020). In the context of social media, this responsibility includes providing a safe, fair, and discrimination-free digital environment for all users, including children. The implementation of social responsibility should not stop at symbolic campaigns but must be realized through concrete policies such as child data protection mechanisms, age verification systems, and controls on the dissemination of harmful content.

The principle of the best interests of the child is a moral and legal foundation that affirms that every decision related to children must be oriented toward their best interests. This principle requires that all policies, both from the state and the private sector, consider their impact on children's welfare (Riza & Sibarani, 2021). In the digital realm, this principle is closely related to the obligation to ensure access to safe and educational technology. Furthermore, the concept of due diligence in human rights emphasizes the importance of anticipatory measures by every actor that could potentially impact children's rights. The implementation of these two principles creates an ethical and legal foundation for child protection in the increasingly complex digital space.

Affirming human rights and children's rights in the digital space requires an understanding that technology is not a neutral entity, but rather a social system that reflects values and interests. When technology is managed without ethical considerations for human rights, the risk of child abuse becomes inevitable. Effective protection can only be achieved through a combination of legal regulations, corporate responsibility, and a strong social awareness. A human rights perspective positions children not merely as objects of protection, but as subjects with the right to grow, learn, and participate safely in the digital space. This collective awareness forms the foundation for creating more humane and equitable technology governance.

METHOD

This work employs a normative legal research method that takes a conceptual and statutory approach. In order to evaluate how well the national legal system has safeguarded children's rights online and how social media companies' obligations are governed, normative legal research examines relevant positive legal norms. The statutory and legal approach is used to examine relevant provisions, such as Articles 28B, 28F, and 28G of the 1945 Constitution; The foundation for comprehending the legal responsibilities of digital platforms with regard to child protection is Law Number 35 of 2014 concerning Child Protection; Law Number 11 of 2008 concerning Electronic Information and Transactions and its Amendments; and Law Number 27 of 2022 concerning Personal Data Protection. In the meantime, the UN Guiding Principles on Business and Human Rights and the 1989 Convention on the Rights of the Child both use a conceptual approach to analyze theories and concepts pertaining to corporate social responsibility, human rights, and the idea of the child's best interests within the framework of international law. Through a combination of these two approaches, this research not only examines the normative legal aspects of existing regulations but also provides a theoretical understanding of how digital platform responsibilities should be implemented as part of respecting and protecting children's rights in the digital era.

RESULTS AND DISCUSSION

Problems of Social Media Platform Responsibility Towards Children's Rights

The lack of legal accountability placed on social media companies is evidenced by the disparity in national laws pertaining to the defense of children's rights online. The duties of digital corporations with regard to child protection are not specifically regulated by Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2008 with Electronic Information and Transactions and its revisions, or Law Number 27 of 2022 concerning Personal Data Protection. Existing regulations emphasize the responsibilities of individual users and the state, while platform providers lack explicit legal obligations to prevent the dissemination of content harmful to children. This situation creates a legal vacuum that results in weak oversight mechanisms and the absence of binding ethical standards. This ambiguity ultimately hinders child protection efforts, which should be a national priority in the digital era.

The limitations of legal norms are also evident in the absence of administrative or criminal sanctions for social media platforms that fail to protect children. Provisions in the ITE Law and the PDP Law only prohibit the dissemination of negative content and the management of personal data, but do not contain specific provisions regarding platform responsibilities for child protection. Digital companies tend to use freedom of expression and their status as technology service providers to avoid direct legal responsibility. As a result, when children's rights violations occur, such as the distribution of exploitative content or the misuse of personal data, no corporation can be held concretely accountable. This situation demonstrates that Indonesian positive law has not yet addressed the complex and cross-border digital social reality.

Another issue that exacerbates this gap is the reliance on self-regulatory mechanisms by social media companies. Large platforms like Facebook, Instagram, and TikTok have voluntary internal community policies without any state enforcement mechanisms. These policies often align with the principles of children's rights stipulated in national and international law. When violations occur, companies simply moderate content or suspend accounts without any reparative responsibility for child victims. This reliance on self-regulatory mechanisms demonstrates the weak position of the state in regulating global digital power that operates without jurisdictional boundaries.

Law enforcement against digital platforms also faces serious challenges due to the cross-jurisdictional nature of cyberspace. Many social media providers are based overseas, thus not subject to Indonesian national law. Law enforcement officials struggle to investigate, summon, or enforce sanctions against these foreign entities. Coordination efforts between countries often run afoul of differing legal systems and economic interests. It creates a gray area where violations against children can continue to occur without clear legal accountability.

The absence of extraterritorial agreements governing the legal liability of digital platforms exacerbates cross-jurisdictional issues. Indonesia lacks bilateral or multilateral legal instruments that enable effective cooperation in law enforcement against foreign technology companies. Available mutual legal assistance procedures are often slow and ineffective, particularly in handling cases of online child sexual exploitation. As a result, many reports of child rights violations end at the administrative stage without legal follow-up. This situation creates the impression that the digital space is an area of impunity for violations against children.

Ethical and algorithmic issues are also crucial aspects of the accountability problem of social media platforms. Algorithms designed to maximize engagement often amplify exposure to harmful content, including violence and pornography. Automated recommendation systems tend to display extreme content because the algorithms read users' emotional responses as indicators of success. This attention-based business strategy ignores moral values and the precautionary principle of child protection. As a result, children as digital users are vulnerable to being exposed to material that disrupts their psychological and moral development.

Limited content moderation further exacerbates this ethical situation. Platforms often rely on automated artificial intelligence-based systems that are insensitive to local cultural and linguistic contexts. Much harmful content goes unchecked because algorithms are unable to recognize non-explicit forms of exploitation. Furthermore, user reporting efforts are often not acted upon promptly or transparently. The inadequacy of these moderation systems demonstrates that companies are not exercising due care and responsibility as stipulated in international human rights standards.

The low digital literacy of children and parents is an external factor exacerbating the vulnerability to child rights violations in the digital space. Many children do not yet understand the boundaries between privacy and publicity, making it easy for them to share personal information that could be misused. Parents often lack the skills to effectively supervise or provide digital support. This insufficiency of understanding makes children easy targets for exploitation, fraud, and verbal abuse on social media. The public's unpreparedness for technology reveals a significant gap between technological progress and social preparedness.

The digital literacy gap also places an additional burden on the state in carrying out its protection function. Existing digital education programs remain sporadic and not yet integrated into the formal education system. The lack of a systematic digital literacy curriculum for children means that awareness of the risks of social media is developing more slowly than the technology itself. Children often become unwitting victims, while parents and educators lack comprehensive guidelines for providing protection. This situation demands more proactive regulations and public policies to prevent children from becoming passive victims of an increasingly aggressive digital world.

The implications of these problems indicate violations of human rights principles, particularly children's rights to adequate protection, education, and information. Social media platforms that fail to maintain a safe digital space for children are neglecting their moral and social obligations to human dignity. The conflict between freedom of expression and child

protection is often used as an excuse to avoid strict regulation, even though human rights demand a balance between rights and responsibilities. This situation illustrates the need for a legal approach that emphasizes not only digital freedom but also the safety and well-being of children as a vulnerable group.

Analysis of Social Media Platform Responsibilities in Protecting Children's Rights from a Legal and Human Rights Perspective

The Indonesian constitution offers a solid normative foundation for the protection of children and human rights in the digital sphere, as evidenced by the interpretation of its 1945 provisions. Every child has the right to life, growth, and development as well as the right to be shielded from discrimination and violence, according to Article 28B, paragraph (2). Article 28F guarantees the right to obtain and convey information, while Article 28G guarantees the right to a sense of security and protection from threats to personal safety. Article 31 reinforces the state's obligation to ensure education that supports the moral and character development of children in the digital age. These four articles provide the basis for interpreting that the responsibilities of digital platforms cannot be separated from the principle of respecting children's rights as mandated by the Constitution.

Law Number 35 of 2014 concerning Child Protection provides more specific regulations regarding the obligations of the state, society, and corporations in protecting children's rights. Articles 5, 7, and 15 affirm that every child has the right to protection from abuse in any form, including in the digital world. The ITE Law and the PDP Law expand the scope of protection by regulating the distribution of negative content and requiring the secure management of personal data. An analysis of these articles demonstrates that there is room for legal interpretation that could place social media platforms as co-responsible for protecting children's rights. This legal obligation is not only preventive but also corrective to the negative impacts of technology use.

The 1989 Convention on the Rights of the Child provides moral and legal direction that strengthens Indonesia's national legal basis. Article 17 affirms the state's responsibility to ensure the media plays a role in disseminating information beneficial to children's welfare, while Article 19 regulates the state's obligation to protect children from all forms of violence, including those occurring through digital media. These provisions provide an international framework that demands shared responsibility between the state and the private sector, including social media platforms. These principles broaden the meaning of child protection beyond physical boundaries to encompass the digital space. Consistent implementation of these articles will strengthen the legitimacy of national law in holding global technology corporations accountable.

The human rights legal system places a high priority on the state's obligation to safeguard children's rights online. It is the duty of the state to guarantee that all non-state actors, including social media platforms, respect and refrain from violating human rights. These obligations include establishing regulations governing platform obligations, active oversight of their operations, and imposing sanctions for violations. The state also has a responsibility to create a safe, educational, and child-friendly digital environment through inclusive public policies. Fulfilling this role is an indicator of the extent to which the government's commitment to promoting and protecting children's human rights in the digital era can be effectively realized.

Collaboration across governmental agencies like the Indonesian Child Protection Commission (KPAI) and the National Commission on Human Rights (Komnas HAM), and the Ministry of Communication and Informatics is crucial for strengthening oversight and law enforcement. Komnas HAM plays a role in assessing human rights violations by digital entities, while KPAI has a mandate to ensure the best interests of children in public policy

and the media. The Ministry of Communication and Informatics has technical responsibility for regulating digital content and monitoring online activity. Coordination between these institutions still needs to be strengthened to ensure that oversight of social media platforms is not sectoral. Integration of policies and reporting systems across institutions will strengthen accountability mechanisms for child protection in the digital space.

Collaboration across governmental agencies like the Indonesian Child Protection Commission (KPAI) and the National Commission on Human Rights (Komnas HAM), provides an international basis for the responsibilities of digital platforms. According to this idea, businesses must uphold human rights, refrain from participating in abuses, and address any harm they may have caused. Regarding social media, this means companies must actively identify risks to children, implement clear protection policies, and provide effective complaint mechanisms. This responsibility is not voluntary but is part of the moral and legal obligations within the global digital ecosystem. Implementing this principle will strengthen the legal standing of child users as subjects entitled to comprehensive protection.

The concept of Human Rights Due Diligence expands corporate responsibility into an ongoing process encompassing risk assessment, prevention, and remediation. Social media platforms should implement internal evaluation mechanisms for the potential impact of their policies and algorithms on children's rights. This process requires transparency in data collection, content recommendation systems, and child-friendly privacy policies. Consistent implementation of due diligence can minimize the risk of human rights violations while increasing public trust in digital platforms. This responsibility aligns with the principle of non-derogable rights, which means rights that cannot be derogated under any circumstances, including children's right to protection.

Internal policies of social media platforms need to be geared toward ensuring the safety and well-being of children as part of their corporate social responsibility strategy. Implementing age verification systems, content filters, and adaptive privacy settings are important steps to protect young users. Platforms should also involve civil society organizations and human rights organizations in designing policies to be more responsive to child protection needs. This multi-stakeholder engagement will create digital governance that balances business interests and moral obligations to child users. Companies that neglect this aspect risk facing public and legal pressure for negligence in their social responsibilities.

Policy recommendations that should be prioritized include updating national regulations to align with international standards for child protection in the digital world. Laws governing Information and Communication (ITE), personal data, and child protection need to be strengthened with articles that emphasize the responsibilities of technology corporations. Harmonization of cross-sector regulations and cooperation between countries are also key to addressing cross-jurisdictional challenges. Regulatory updates must ensure that every platform operating in Indonesia is subject to the same legal obligations regarding child protection. Strengthening these regulations will narrow the gray area that digital companies have exploited to avoid responsibility.

Addressing these issues also requires a social approach through improving digital literacy for children, parents, and educators. Systematic literacy programs will raise awareness of digital risks and how to protect oneself from potential violations. Establishing child-friendly online reporting and protection mechanisms can provide a safe space for victims to seek help without stigma. States and companies need to collaborate to build a reporting system that is fast, transparent, and based on victim recovery. A complementary approach between law, education, and technology is a strategic step to ensure the sustainable protection of children's rights in the digital space.

CONCLUSION

Social media companies' troublesome duty to uphold children's rights is a reflection of the disconnect between the readiness of the national legal system and technological improvements. Inadequate regulations in the Child Protection Law, the Electronic Information and Transactions (ITE) Law, and the Personal Data Protection Law (PDP) have not fully positioned digital platforms as legal subjects with a direct obligation to protect children. This situation is exacerbated by obstacles to cross-jurisdictional law enforcement and algorithms that actually amplify exposure to harmful content for commercial gain. Low digital literacy among children and parents also increases the risk of child rights violations in cyberspace. From a human rights perspective, social media platforms have a moral and legal responsibility to respect, protect, and restore children's rights violated by their digital activities. Protecting children in the digital space is not only an obligation of the state but also a social responsibility of digital corporations to respect human dignity.

Reformulating national law to specifically govern social media companies' duties and responsibilities for safeguarding children's rights is necessary in order to address this. The government must improve coordination amongst agencies like the Indonesian Child Protection Commission (KPAI) and the National Commission on Human Rights (Komnas HAM), and the Ministry of Communication and Information Technology (Kominfo) to develop an effective digital law monitoring system and enforcement mechanism. Human rights principles, such as corporate responsibility to respect human rights and the best interests of the child, must serve as the foundation for developing information technology policies. Collaboration between governments, digital companies, communities, and human rights organizations is necessary to create a safe, ethical, and child-friendly digital ecosystem. Strengthening digital literacy for children and parents is a preventative strategy inseparable from law enforcement efforts, ensuring that children's rights in the digital space are protected sustainably and equitably.

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