



CRIMINAL LAW REFORM ON THE PROTECTION OF CHILDREN'S PERSONAL DATA IN THE MODERN DIGITAL ERA

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Abstract

This study analyzes the direction of criminal law reform in Indonesia to protect children's personal data in the modern digital era. The increased use of social media and digital applications by adolescents has created new vulnerabilities to violations of children's privacy rights, impacting their safety and their moral development. Using normative juridical methods through legislative, conceptual, and case approaches, this study examines Law Number 27 of 2022 concerning Personal Data Protection, Law Number 35 of 2014 concerning Child Protection, and the 2023 Criminal Code in Indonesia. Qualitative analysis employing deductive reasoning was used to assess the relevance of criminal law principles to the value of family and customary law. The results show that although Indonesia's criminal law reform has strengthened child protection, a gap remains in specific norms related to the violation of children's personal data in the digital space. Family law values that emphasize parental responsibility and customary law values that uphold honor and decency can provide a significant moral and social foundation for strengthening the effectiveness of criminal law policies. This research contributes to the development of criminal and family law by offering an integrative model of child protection based on customary law values in the digital era. It proposes the establishment of a digital criminal law system grounded in family and customary principles as the basis for child protection in Indonesia.

Keywords: *Criminal Law Reform, Children's Personal Data, Family Law, Customary Law, Digital Era*

1. Introduction

The development of information technology has brought about fundamental changes in the social behavior of communities, including among children and adolescents. Digital transformation presents numerous opportunities for adolescents to express themselves, interact with others, and access information through social media and various other digital platforms. However, these advances have also given rise to new legal challenges, especially those related to the misuse of personal data, exploitation of children in cyberspace, and violations of their privacy rights (Noval, 2021). The increasing use of dating apps and social media among teenagers often occurs without parental control and guidance, increasing the risk of children becoming victims of digital crimes.

Sociologically, children and adolescents are in the stage of emotional and cognitive development that is not yet stable. They often cannot understand the implications of sharing their personal data in digital public spaces. In this context, the dissemination of photos, locations, or personal information through social media can open up opportunities for cybercrimes such as *grooming*, online sexual exploitation, and Internet-based child trafficking. This situation demands the presence of a law that not only protects children after a violation occurs but also functions preventively by instilling digital legal and ethical awareness from an early age.

This shows that national criminal law still faces gaps in responding to rapid technological developments. Although Indonesia has passed Law Number 27 of 2022 concerning Personal Data Protection and established the Criminal Code of 2023, existing regulations have not provided comprehensive protection for children's personal data as vulnerable legal subjects (Rohmansyah, Saputra, & Sholih, 2023). Criminal regulations in the field of personal data protection are still general



and have not adequately addressed the specific protection needs of children in the digital world, who exhibit different psychological and behavioral characteristics from adults (Sofian et al., 2021).

From a policy perspective, the establishment of the Personal Data Protection Law (PDP Law) is a strategic step in adapting the Indonesian legal system to global trends, such as *the General Data Protection Regulation* (GDPR) in the European Union. However, the PDP Law still contains fundamental weaknesses because it has not separated the protection of the personal data of adults and children. In fact, in many countries, child protection in the digital space is treated specially, with the principle of high prudence (*the best interests of the child*). The absence of this differentiating norm may cause criminal law to potentially lose its social protection function, as children have a legal position that should be more protected than that of other subjects.

In addition, the approach of law enforcement in Indonesia to personal data breaches tends to be repressive and administrative rather than emphasizing educational and preventive functions. In fact, in the context of children, the effectiveness of legal protection is highly determined by family and community awareness. The family's role as the smallest social unit is vital because parents have a moral and legal obligation to protect their children, including their digital activities. The principle of *parental responsibility* in family law emphasizes that the responsibility for child protection extends beyond meeting physical needs and includes supervising children's online behavior (UNICEF, 2020).

Family law, in this case, serves not only as a private rule governing the internal relationships of the family but also has a public dimension that can contribute to the formation of humanistic criminal law. Values such as parental affection, supervision, and social responsibility can be internalized into criminal policies that are more oriented towards prevention and legal education. Criminal law reform that ignores the role of the family risks giving rise to a rigid legal system that focuses solely on sanctions rather than fostering legal awareness.

In the socio-cultural context of Indonesia, customary law holds an important position as *a living law* that continues to evolve and develop within the community. Customary law encompasses moral values such as honor, *modesty*, and *communal responsibility*, which are highly relevant as a basis for the development of digital criminal law (Christinawati, 2024). In various customary systems throughout the archipelago, violations of family dignity or disgrace are considered serious offences, as they disrupt the social balance and honor of the community. This principle aligns with the spirit of protecting children's personal data, which primarily aims to maintain their dignity and family honor.

The integration of customary law values in criminal law reform is not a form of romanticization of tradition but a strategy to strengthen the moral dimension of national law. In the context of the 2023 Criminal Code reform, the recognition of customary law (living law) represents an important step, indicating a new orientation of the Indonesian legal system towards a more pluralistic and contextual paradigm. Therefore, the protection of children's personal data should not only be regulated through a legal-formal approach but also by adopting the ethical values that are part of Indigenous peoples' cultures, such as shame, collective responsibility, and respect for children as integral to family honor.

Therefore, criminal law reform in Indonesia must be directed not only at renewing the legal substance to adapt to technological developments but also at integrating family law and customary law values as a moral and social basis in the national legal system. This integration will enhance the dimension of substantive justice, expand the scope of criminal law protection, and affirm the character of Indonesian law, which is rooted in culture and human values (Putri 2024). Thus, the issue of protecting children's personal data in the modern digital era cannot be viewed solely from the perspective of cyber law but must also be approached from the perspectives of family and customary law.



Through this integrative approach, Indonesia's criminal law reform is expected to present a legal system that is not only repressive of violations but also preventive, educational, and socially just. The protection of children's personal data is not only the responsibility of the state but also the result of a synergy between criminal law, family values, and local wisdom. Criminal law reform grounded in the nation's human and cultural values will give rise to a legal system that is more responsive to digital challenges while strengthening Indonesia's national legal identity amidst the tide of global legal developments.

Based on this background, this study formulates two main points.

1. What is the direction and effectiveness of criminal law reform in Indonesia in protecting children's personal data in the modern digital age?
2. How can the values of family and customary law be integrated into criminal law policies to strengthen child protection in the digital space?

This study aims to analyze the direction and substance of criminal law reform in Indonesia in the context of protecting children's personal data in the digital era, as well as to formulate a legal policy model that integrates the values of family law and customary law as a moral foundation in the modern criminal law system. The analysis was carried out by assessing the suitability between the national legal framework and the socio-cultural principles that exist in Indonesian society, as well as reviewing the relevance of applicable regulations to the needs of child protection in the digital world.

2. Literature Review and Development of Conceptual Frameworks

2.1 Criminal Law Reform in Indonesia

Criminal law reform is part of the broader reform of the national legal system, which aims to adapt legal norms to social, technological, and human development. According to Sudarto (1983), criminal law reform must strike a balance between legal certainty, justice, and utility, and be grounded in the nation's worldview. This is reflected in the ratification of the 2023 Criminal Code, which is a significant milestone in national criminal law reform. The new Criminal Code adopts a more humanist paradigm, emphasizing the protection of human dignity and opening up space for the recognition of the value of customary law as *a living law* (Christinawati, 2024).

Criminal law reform does not only mean updating the substance of the law, but also a paradigm shift in how we look at crime and victim protection issues. In the context of the digital era, forms of cybercrime such as personal data theft, the dissemination of inappropriate content, and child exploitation pose new challenges that have not been fully addressed by the classical criminal law apparatus (Wahanisa, Suryani, & Hakim, 2021). Therefore, criminal law reform must be directed at a system that is responsive to information technology developments, while still paying attention to the rights of individuals, including children as vulnerable groups (Aritonang, Zyetwill, & Handayani, 2025).

2.2 Protection of Children's Personal Data in the Digital Era

Personal data is part of the right to privacy guaranteed by the Constitution and various international human rights instruments, including the UNCRC (1989). In the context of children, the right to privacy holds a more fundamental meaning, as it relates to the protection of their identity, integrity and security in cyberspace. According to Law Number 27 of 2022 concerning Personal Data Protection, every individual has the right to protect their personal data, including sensitive data such as identity, medical history, or personal activities. However, the PDP Law has not specifically regulated the mechanism for protecting children's personal data separately from that of adults (Herdianingtiyas, 2024), resulting in a legal vacuum regarding the supervision and responsibility of third parties, such as digital platforms and parents (Putri, Hartini, & Fadhillah, 2025). Children are vulnerable to the misuse of personal data in the digital era (Rohmansyah et al., 2023; Sofian et al., 2021).

The phenomenon of teenagers using social media and online applications reveals a lack of awareness of digital law and ethics. Many children unknowingly share their personal data with the public or irresponsible parties (Noval, 2021). This condition necessitates a criminal law approach that is not



solely repressive but also serves as an educational and preventive measure against child sexual abuse. Therefore, the formation of digital criminal law must consider differences in children's capacity to understand risks and strengthen the role of families and communities in the supervisory function (UNICEF, 2022).

2.3 Principles of Family Law and Child Protection

Family law regulates the legal relationships between family members, including parental responsibility for children. In the context of child protection, family law emphasizes the principle of *parental responsibility*, which is the legal and moral obligation of parents to protect, educate, and supervise children to prevent actions that harm them in the real world and digital space. This principle is in line with Law Number 35 of 2014 concerning Child Protection, which emphasizes that parents, families, and the community have a responsibility to protect children from all forms of violence, exploitation, and discrimination.

In the digital ecosystem, parental supervision is crucial because children often struggle to comprehend the legal implications of online activities (Aisyah & Sumali, 2024). The integration of family law values into criminal law policy will strengthen the law's preventive function and foster social awareness that child protection is not only the business of law enforcement officials but a shared responsibility between the state, family, and society (UNICEF, 2020).

2.4 The Value of Customary Law and Living Law in Child Protection

Customary law, as a *living law*, embodies the moral and social values integral to Indonesian society. In the national legal system, customary law is recognized as one of the primary sources of law and plays a crucial role in the formation of positive law. According to Soepomo (1986), customary law reflects the spirit of the Indonesian nation, emphasizing the balance between individuals and society and upholding family honor and social decency. In the context of child protection in the digital era, customary law values such as manners, shame, and family honor can be used as the basis for legal ethics to regulate digital behavior (Mulyadi, 2013). The 2023 Criminal Code explicitly recognizes the existence of customary law in several provisions, indicating the direction of criminal law reform towards the recognition of legal plurality in Indonesia (Og 2024). In this framework, customary law can serve as a source of inspiration for developing a child protection system that is more humane, fair, and culturally relevant.

2.5 Conceptual Framework of Research

This study is based on the idea that protecting children's personal data in the digital era requires value-based reform of criminal law. The reform includes three main dimensions.

1. Updating criminal norms that are adaptive to the development of information technology.
2. The integration of family law principles as a moral foundation in supervision and responsibility for children; and
3. Strengthening the value of customary law as the basis of social ethics in the digital behavior of Indonesians.

This conceptual framework outlines an integrative model that combines criminal, family, and customary laws to form a comprehensive child protection system in the digital space. This approach expands the function of criminal law not only as a tool for sanction enforcement but also as a social instrument that strengthens the identity of national law, which is rooted in local and humanitarian values.

3. Methodology

3.1. Types and Approaches to Research

This study employs a *normative juridical method*, a form of legal research that aims to examine the positive legal norms, principles, and doctrines that develop within a national legal system. This Approach is used because the focus of the research lies in analyzing the substance of the law that



regulates the protection of children's personal data in the digital era, as well as its relevance to the values of family law and customary law within the framework of criminal law reform.

In this context, normative juridical research examines the text of laws and regulations and evaluates the moral and social values underlying their formation. As explained by Soerjono Soekanto, the normative approach includes research on legal principles, legal systematics, legal comparison, and legal history. Therefore, this study combined several approaches.

- 1 Legislative Approach: This approach was used to review relevant laws and regulations, such as Law Number 27 of 2022 concerning Personal Data Protection, Law Number 35 of 2014 concerning Child Protection, and the Criminal Code of 2023.
- 2 Conceptual Approach: This approach was used to understand modern criminal law concepts, child protection, family responsibilities, and customary law values in a digital context.
- 3 Case Approach: Actual cases related to the violation of children's personal data in the digital space were analyzed as an empirical illustration of the effectiveness of applicable legal norms.

This Approach allows for a comprehensive legal analysis, both from normative and contextual aspects, while still placing family and customary law values as an integral part of criminal law reform.

3.2. Types and Sources of Legal Materials

The legal materials used in this study consist of the following:

- 1 Primary Legal Material, which is directly binding laws and regulations and forms the basis of primary analysis. Among them:
 - a. The Constitution of the Republic of Indonesia (1945);
 - b. the 2023 Criminal Code;
 - c. Law Number 27 of 2022 on Personal Data Protection;
 - d. Law Number 35 of 2014 on Child Protection;
 - e. Law Number 11 of 2008 concerning Information and Electronic Transactions, as amended by Law Number 19 of 2016.
- 2 Secondary Legal Materials, namely literature, journals, research results, and opinions of legal experts relevant to the topics of personal data protection, family law, customary law, and criminal law reform. This material was used to strengthen theoretical arguments and provide a conceptual foundation for the normative analysis.
- 3 Tertiary Legal Materials, such as legal dictionaries, encyclopedias, and other reference sources, help clarify the meaning of legal terms and the context in which they are used.

3.3. Theoretical Basis

This research is based on the assumption that law is not only a collection of written norms but also reflects the social, moral, and cultural values of society, as outlined in the theory of *living law* (Eugen Ehrlich) and Lawrence Friedman's theory of the legal system. Thus, the legal analysis in this study places positive norms as a living system in the interaction between legal substance, legal structure, and the community's legal culture. No software or statistical tools were used in this study, as the entire analysis was conducted qualitatively, based on regulatory texts and legal literature.

3.4. Collection Techniques and Legal Materials

The technique of collecting legal materials involves conducting *literature studies* by tracing regulatory documents, scientific literature and the results of previous research. Each legal material is classified based on its relevance to three main research frameworks: criminal law, family law, and customary law. The analysis of legal materials is *conducted qualitatively and deductively*, involving the interpretation and description of legal norms based on applicable legal theories and principles, followed by argumentative conclusions. This analysis model enables researchers to evaluate the effectiveness of existing regulations in protecting children's personal data and the integration of family and customary law values into the national criminal justice system. This research also employs systematic *and teleological legal interpretation* methods, namely interpreting laws and regulations not only based on the literal meaning of the article but also by considering the purpose and spirit behind it. This approach is expected to provide a deeper understanding of the direction of Indonesian criminal law reform based on the nation's social and cultural values.

3.5 Scope of Research

This research focuses on the Indonesian national legal system, especially in the context of regulating and implementing the protection of children's personal data in the modern digital era. The scope of this study covers three main aspects.

1. Analysis of criminal law norms that regulate the protection of children's personal data in Law Number 27 of 2022, Law Number 35 of 2014, and the Criminal Code of 2023.
2. The relevance of family law values in building moral and legal responsibility for child protection in the digital space, and
3. Customary law plays a role as a source of social value that contributes to the formation of criminal law based on the nation's culture.

The research conditions are conceptual and normative, not tied to a specific geographical location, but focus on the dynamics of the Indonesian legal system and the evolving practices of child data protection in digital society. Thus, this study situates its scope within the realm of national law and prevailing socio-cultural values in Indonesia.

4. Results and Discussion

4.1. Direction of Criminal Law Reform in the Protection of Children's Personal Data

Criminal law reform in Indonesia is an effort to adapt the legal system to increasingly complex social and technological developments. In the digital context, various new forms of crime have emerged that were previously unknown, such as personal data theft, online sexual exploitation, and identity manipulation. This condition necessitates the state's update of criminal law instruments to provide adequate protection for children, the most vulnerable legal subjects in the cyberspace (Rohmansyah et al., 2023).

The 2023 Criminal Code shows a shift in the national criminal law paradigm towards a more humanist and victim-protection-oriented approach (Pratama et al., 2022; Satriana, 2013). However, although the new Criminal Code recognizes the existence of *living law* or customary law as a source of law, specific regulations regarding crimes targeting children's personal data have not yet been found. Law Number 27 of 2022 concerning Personal Data Protection has also not provided adequate differentiation between the data protection of children and adults (Herdianingtias, 2024; Putri et al., 2025; Sofian et al., 2021).

This is problematic because children do not have the full ability to understand the risks and consequences of the dissemination of their personal data. In the context of criminal law, the general provisions on personal data violations in the PDP Law remain broad and less specific in regulating violations involving children. Therefore, the direction of criminal law reform should not only emphasize sanctions enforcement but also the formation of new norms that function to protect children through prevention mechanisms, digital education, and strengthening the role of the family. The reform must also focus on the synergy between law enforcement agencies, child protection agencies, and digital platform providers to ensure effective and fair law enforcement. In this context, a multisectoral approach is of paramount importance, where governments, communities, and the private sector have a shared responsibility to create a safe digital space for children. In addition, future regulations should emphasize the principle of *the best interest of the child* in every digital criminal law policy, ensuring that the protection of children is not solely normative but is truly oriented towards their welfare and safety in cyberspace. After discussing the general direction of criminal law reform, this section analyses the national regulations that form the main framework for protecting children's personal data.

4.2. Analysis of National Regulations

Law Number 27 of 2022 concerning Personal Data Protection marks a significant milestone in Indonesia's efforts to adapt to global trends in privacy protection. However, normative analysis shows that this law still has substantial weaknesses, especially in the context of child protection (Herdianingtias, 2024; Putri et al., 2025; Sofian et al., 2021). Article 58 of the PDP Law only mentions the special protection of children's personal data "carried out with the consent of the guardian or parent,"



without explaining in detail the protection mechanism, sanctions, or responsibilities of the digital platform provider (Putri et al., 2025).

In contrast, Law Number 35 of 2014 concerning Child Protection emphasizes that children have the right to protection from all forms of violence and exploitation, including those carried out through digital media. However, in practice, these two laws have not been harmonized systematically, resulting in overlapping implementation. For example, in the case of the dissemination of children's personal data by other users on social media, there is no criminal mechanism that expressly provides sanctions against the perpetrator or assigns legal responsibility to the digital platforms. The urgency of protecting children's human rights over personal data in the digital era, based on the principle of the rule of law, has been emphasized, considering that child-related information, such as names, addresses, photos, and videos, can be easily shared transparently on social media without adequate legal protection (Rohmansyah et al., 2023).

In this case, criminal law reform should focus on establishing *a lex specialis* that comprehensively regulates the protection of children's personal data, including provisions regarding supervision, digital platform obligations, and the role of the family in controlling the use of social media by children. This regulation must be able to reach all aspects of protection, ranging from prevention and law enforcement to the recovery of child victims whose data are misused. In addition, it is important to hold third parties, such as technology companies and electronic system operators, accountable for their negligence in maintaining the security of children's personal data. Thus, criminal law serves not only as a tool for *law enforcement* but also as a means of social *control*, functioning as both a preventive and educational measure. This normative analysis is then extended to the social dimension of the family, which serves as a moral basis for child protection.

4.3. The Dimension of Family Law in the Protection of Children's Personal Data

Family law plays a crucial role in shaping children's character, morals, and social responsibility. From a legal perspective, the family is the first unit responsible for child protection, as affirmed in Law Number 35 of 2014 on Child Protection. Parents have a legal and moral obligation to guide, supervise, and direct their children to use information technology wisely and safely. In this context, the family is understood not only as a biological institution but also as a social system that serves an educational and preventive function in shaping children's behavior in digital spaces.

The principle of *parental responsibility*, which forms the basis of family law, emphasizes that the protection of children cannot be completely handed over to the state but must be carried out synergistically between the family, society, and the government. This responsibility includes supervision, moral education, and psychological protection of children from exposure to content that has the potential to endanger their mental and social development. In the context of digital criminal law, this principle must be articulated in the form of legal policies that provide a participatory space for families in the process of prevention and law enforcement. For example, policies that require digital platforms to provide *parental control* features and the implementation of a national campaign for family oriented digital literacy are the basis for child protection.

Furthermore, the formation of a healthy legal culture must begin in the family. The family is the first place for children to understand the concepts of right and wrong and learn to respect their own and others' privacy rights. The values of honesty, responsibility, and empathy instilled in the family environment directly contribute to developing legal awareness in society. The integration of family law values into criminal law reform will strengthen the function of criminal law not only as a tool for retribution but also as a means of legal education (*penal pedagogy*). Thus, the protection of children's personal data can be realized through a more humane approach based on family moral responsibility and strengthening the nation's social resilience. In addition to the value of family law, the customary law dimension also plays a significant role in shaping digital criminal law ethics, which are rooted in the nation's cultural values and have a personal character.



4.4. The Value of Customary Law as an Ethical Foundation in Digital Criminal Law Reform

Indonesian customary law encompasses noble values such as politeness, honor, and collective responsibility, which remain relevant in shaping digital ethics. In various customary law systems in the archipelago, violations of family honor or disgrace are considered acts that degrade social dignity and injure the balance of the community. This value aligns with the principle of personal data protection, which aims to maintain the dignity, honor and privacy of individuals. In the modern context, the concept of "sense of shame" that exists among Indigenous peoples can be understood as a social mechanism to regulate individual behavior, thereby preventing violations of norms, including in digital spaces.

Thus, customary law can serve as a moral basis for the formation of digital criminal law. The principles of "shame" and "family honour" that live in indigenous peoples, contextualized to the digital age, can be an ethical instrument to limit online behaviors that have the potential to harm children, such as the dissemination of personal photos, hate speech, or the exploitation of children's identities on social media. The recognition of *living law* in the 2023 Criminal Code provides normative legitimacy for the integration of customary law values into the national legal system. This recognition is not merely symbolic but reflects the spirit of Indonesian legal pluralism, which recognizes the existence of social norms as a source of criminal law.

The implementation of customary law values to protect children's personal data can be carried out through two approaches. First, customary values should be used as inspiration for the formation of digital laws and regulations, for example, by adopting the principles of honor and decency in determining the limits of appropriate and inappropriate digital behavior. Second, the legal culture of the community should be strengthened through digital ethics education based on local values, where customary norms serve as moral references for the use of technology.

In addition, the revitalization of customary values in digital criminal law serves as a form of *cultural resilience* in response to globalization, which tends to be oriented towards individualism. Indonesian custom, which emphasizes the balance between individuals and communities, can counterbalance the dominance of the Western legal paradigm, which emphasizes individual rights. Thus, Indonesia's criminal law reform not only adjusts to the globalization of law but also affirms the national legal identity rooted in local wisdom and strengthens the moral legitimacy of the Pancasila legal state in the modern digital era.

4.5. Integrative Model of Criminal Law Reform Based on Family and Customary Values

The integrative model of digital criminal law reform, oriented towards child protection, is not only a normative framework but also a new paradigm for understanding the relationship between law, technology, and the social values of Indonesian society. This approach rejects the positivistic view that sees criminal law only as a repressive means of punishing criminals. Instead, it places the law as a tool of social engineering, capable of shaping the behavior of an ethical, civilized digital society. By incorporating family and customary law values, the criminal law system is expected to fulfil the functions of supervision, guidance, and protection of children as legal subjects with special vulnerabilities in cyberspace.

In the normative dimension, the establishment of special regulations is an important prerequisite for closing the legal vacuum related to the protection of children's personal data. Regulations should impose restrictions on the use, storage, and distribution of children's personal data by third parties, including digital platform providers, educational institutions, and parents. The regulated criminal provisions should not only focus on sanctions against violations but also include supervision mechanisms and preventive obligations. For example, the application of the principles of *accountability* and *privacy by design* in children's digital systems ensures that every online activity of children receives legal protection in accordance with the principle of *the best interest of the child*. In this context, derivative regulations from the Personal Data Protection Law need to emphasize the state's responsibility to



establish independent supervisory institutions that ensure business actors' compliance with child protection standards in the digital world.

Meanwhile, the sociocultural dimension emphasizes the importance of the role of the family and Indigenous peoples as social entities that shape the character and morality of the younger generation. Families must be positioned at the forefront of shaping digital ethics through inclusive legal and technological literacy education. In contrast, customary law values, such as *shame*, *collective responsibility*, and *family honor*, can be utilized as normative instruments to enhance the social oversight of children's digital behavior. By reviving the principle of "adat berandi syarak, syarak berandi kitabullah," Indonesia's digital criminal law not only enforces written rules but also instills moral values that form the foundation of social order. This principle is also a form of implementation of *the living* recognized by the 2023 CrCode, emphasizing that customary law is not merely an inheritance but a living and relevant moral source in the modern era.

The **institutional dimension** highlights the importance of synergy among state institutions, civil society, and the educational sector in establishing humanist, digital, and criminal law governance. Law enforcement agencies must be equipped with technical capabilities and ethical understanding in handling cases of child personal data breaches. Legal education and training for officers emphasize a *restorative justice approach*, where the best interests of children are placed above the interests of punishment. In addition, educational institutions and community organizations need to be involved in building public awareness through national campaigns on digital literacy and the protection of children's privacy. This multi-sector collaboration is important so that digital criminal law is not only present as a normative tool but also becomes a real and sustainable protection ecosystem.

Ultimately, this integrative model emphasizes that digital criminal law reform in Indonesia cannot be separated from the nation's identity. Modernization must remain grounded in human values, justice and national culture. By combining modern legal rationality and local wisdom, Indonesia can develop a criminal law system that responds to the challenges of technological globalization and protects the younger generation from the threat of digital exploitation without compromising its moral and social identity. This model not only provides a new direction for criminal law policy but also offers a vision of a future of national law that is adaptive, inclusive, and Indonesian.

5. Conclusion

5.1. Conclusion

The development of digital technology has created new challenges in the Indonesian legal system, especially regarding the protection of children's personal data. The criminal law reform contained in the 2023 Criminal Code and the ratification of the 2022 Personal Data Protection Law are important steps towards an adaptive legal system. However, both still leave a void in specific norms regarding child protection in the digital space (Herdianingtias, 2024; Putri et al., 2025; Sofian et al., 2021). Children, as vulnerable legal subjects, have not been fully protected by a comprehensive criminal law mechanism that is sensitive to their psychological and social needs.

The results of the analysis indicate that Indonesia's criminal law reform should focus not only on renewing the positive legal substance but also on reconstructing the fundamental values of law itself. Family law values, such as *parental responsibility*, and customary law values, including honor, decency, and collective responsibility, are highly relevant for integration into digital criminal law policies. Such integration not only enriches the substance of the law but also provides a moral and social foundation that strengthens the legitimacy of criminal law in the face of rapid social change. Thus, criminal law reform must prioritize child protection, not just as an object of normative regulation but as a legal subject with a constitutional right to be protected from all forms of digital exploitation.



Furthermore, the results of this study confirm that the effectiveness of criminal law in protecting children's personal data cannot be measured only by how harshly sanctions are imposed but by the extent to which the legal system can prevent violations from an early age through legal education, strengthening family digital literacy, and building a legal culture that respects children's privacy. Family law values emphasize the role of parents and moral responsibility towards children, which must be combined with customary law principles that uphold social honor and decency. The synergy between the two will give rise to a criminal law system that embodies substantive justice and a national character. Thus, the protection of children's personal data in the digital era cannot be solved through a repressive penal approach but requires a comprehensive, integrative, and human-value-oriented criminal law paradigm. Indonesia's criminal law reform must be directed towards a system that is humanistic, educational, and participatory — one that not only punishes perpetrators but also fosters digital ethical awareness in society. In this context, criminal law functions not only as a tool of state power but also as a means of shaping public morals that are just, cultured, and in favor of *the best interests of the child*.

5.2. Limitations

This study has several limitations. First, the normative nature of research causes the analysis to focus more on legal frameworks and normative values, thereby not revealing the empirical dimension of the implementation of children's personal data protection in the field. Second, this study did not compare laws with other countries that already have special regulations regarding child data. Therefore, further research is recommended to employ empirical and comparative approaches to evaluate the effectiveness of digital criminal law implementation in the context of child protection.

5.3. Suggestions

1. Establishment of Special Regulations. The government needs to draft special regulations that explicitly regulate the protection of children's personal data, including regulations regarding consent to data use, parental responsibilities, and the obligation of digital platform providers to maintain the security of children's information.
2. Integration of Family and Customary Law Values into Criminal Law Policy. Lawmakers should use the value of family and customary law as a source of inspiration in formulating digital criminal law policies, ensuring that the law remains rooted in the nation's social morality.
3. Strengthening Digital Literacy and Ethics in Families. A national policy emphasizes the need for family digital literacy so that parents can protect their children from the threat of personal data misuse. Educational socialization programs based on local cultural values need to be developed in the school environment and the community.
4. Interinstitutional Synergy and Humanist Law Enforcement. State institutions, law enforcement officials, and child protection agencies must collaborate to develop a fair and humane technology-based child protection system. The *restorative justice approach* should be implemented in the best interests of children.
5. Strengthening the Preventive Function of Criminal Law. Future criminal law reform must prioritize the preventive function of law through early supervision and prevention of cybercrimes against children.

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