

Criminal Liability for Journalists for Reporting the Identity of Children Facing the Law

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ABSTRACT

The shift from print, television, and radio to online media has made it simpler to obtain a variety of current news sources. Regretfully, despite the ease of access, not all news meets journalistic ethics and legal requirements, including those regarding minors in legal trouble (ABH). This article finds that there are still media offices that do not meet the standards of press regulation, which is governed by Press Council Regulation Number 1/Regulation-DP/II/2019, concerning the Guidelines for Child-Friendly News (PPRA) and Article 5 in the journalistic code of ethics, namely by producing news that is not child-friendly. This research uses 2 (two) theories, namely: Social Responsibility Press Theory and the theory of the relationship between criminal liability and criminal acts, with the research method used being normative juridical with a type of prescriptive research that is a literature study. The type of data used is secondary data. By analyzing the news of several online media that are still disclosing photos or publishing on ABH's identity, ABH's identity should be kept secret, aiming for ABH to be accepted in the community, if ABH's identity is revealed, it is feared that in continuing his life the child will be difficult to accept in society, especially if he is labeled as a "child of a criminal offender".

INTRODUCTION

Children are a gift from God Almighty and the country's future generation, which needs to be cared for and safeguarded. Parents, families, and the society must all take responsibility for protecting and upholding children's human rights; the government cannot act as an accomplice of the state in this regard (Pramukti & Primaharsya, 2018, p. 5). Children's rights are human rights that the state, local governments, families, communities, and parents must all uphold, defend, and fulfill. A child is any individual who is not yet eighteen (18) years old, including unborn children. Any human being under the age of eighteen (18) and single is considered a child, even unborn children if it serves their interests.

Children who are suspected of committing crimes and who are 12 (twelve) years old but not yet 18 (eighteen) are referred to as Children in Conflict with the Law. (2) Children who are victims of criminal acts are referred to as Victims in the Juvenile Criminal Justice System. Children are those who suffer physically, psychologically, and/or financially as a result of criminal activity who are not yet eighteen (18) years old (Iskandar et al., 2022, p. 59); (3) When a child witnesses a criminal offense, they are referred to as witnesses. A kid is an individual under the age of eighteen (18) who is able to submit information regarding a criminal case that they have heard about, saw, or experienced at a court hearing for the purposes of investigation, prosecution, and examination.

Article 64 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2022 concerning Child Protection (PA Law) stipulates that children who are subject to the law as mentioned in Article 59 paragraph (2) letter b are given special protection by avoiding having their identities (listed in letter i) published. According to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2022 concerning Child Protection (PA Law), Article 64, children who are facing legal issues as specified in Article 59 paragraph (2) letter b are given special protection by avoiding having their identities published (listed in letter i).

Additionally, according to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), children have the right to special protection, particularly legal protection in the justice system, in order to preserve their dignity (Mulyadi, 2014, p. 255). The requirement that their identity be kept private is one of the legal safeguards provided to minors who are in legal trouble.

The following are found in the SPPA Law's Article 19 Paragraphs (1) and (2): The identity of the child, victim's child, and witness's child must not be revealed in print or electronic news reports. 2. Identity as defined in paragraph (1) includes the child's name, the victim's child's name, the witness's child's name, the witness's child's name, the parents' names, addresses, and faces, as well as any other information that may indicate the identity of the child, the victim's child, or the witness's child.

Online news outlets and journalists have undoubtedly breached Article 5 of the Journalistic Code of Ethics and Press Council Regulation Number

1/Regulation-DP/II/2019 on February 9, 2019 concerning Guidelines for Child-Friendly News by disclosing the identities of children who are in legal trouble.

There has been a noticeable rise in the number of minors facing the law (ABH) every year. Up to 3,964 ABH were reported in 2017, according to data from the Indonesian National Police (Polri) that was published in Kompas.id news on Tuesday, August 29, 2023. This number, 9,387 ABH, increased nearly thrice in 2018. According to data on Complaints on Cases of Fulfillment of Children's Rights and Special Protection at the ABH Protection Commission in 2019, it then fell to 6,963 before increasing once again to 8,914 ABH. In the meantime, Anak Indonesia (KPAI) reported 1,800 occurrences between January and September of 2023. The number of cases reported to the Special Child Protection Cluster (PKA) was 563. Of the 563 cases, 33 involve perpetrators who are Children Facing the Law (ABH). This category has the most cases, ranking fourth. The same is true from 2020 to 2022. In the meantime, 2,302 examples of minors acting as perpetrators were recapitulated by the Ministry of Law and Human Rights' National Legal Development Agency (BPHN). With 838 incidents reported, stealing was the most frequent type of case. Subsequently, there were 491 incidents of other legal infractions, 232 cases of persecution, and 341 cases involving narcotics. Forty-eight juveniles were even listed as murderers. There are 199 incidences of rape and other crimes like molestation and harassment.

The Guidelines for Child-Friendly News in Journalistic Practice (PPRA) must, of course, be able to serve as a guide for journalists in journalistic practice given the increase in instances involving children in legal proceedings. This is done to reduce violations and keep an eye out for any exploitative news about an event that the public should be aware of.

The 12 points of the PPRA are as follows: (1) journalists do not reveal the identity of children when they disclose information about them, particularly when they are suspected of breaking the law, charged with a crime, or found guilty; (2) journalists present facts in a factual manner using sentences, narratives, images, and audio that have positive undertones and empathy, and do not recount or recreate sexual or sadistic events; (3) journalists don't look for or look up material about topics that kids can't understand, such death, divorce, parental infidelity, violence or crime, and trauma-related conflicts and disasters; (4) journalists refrain from broadcasting visual and aural identities or associations of children's identities, however they may use images to support information regarding children's events pertaining to legal matters; (5) journalists avoid identifying sexual offenders who are connected to blood or family relationships between child victims and perpetrators; (6) journalists do not seek information or reveal the whereabouts of children protected by the Witness and Victim Protection Agency (LPSK); (7) journalists do not interview child witnesses in cases where they have not been arrested or detained; (8) journalists avoid identifying sexual offenders who are linked to psychological impacts, accomplishments, or cooperation while taking into account excessively negative effects. If one already exists, the journalist is aware of the child's identify right away. News that has been published and mentions the child's

identify, particularly in cyber media, but has been re-edited to keep the identity hidden; (9) if there is information regarding a missing or hostage child, it is permitted to publish the child's identity; however, if the child's location is later discovered, the first report must be removed and the child's identity must never be revealed; (10) according to Press Council Regulation Number 01/PeraturanDP/II/2019 about Guidelines for Child-Friendly News, n.d. SARA, journalists are not allowed to reveal the identities of children who are included in political activities by adults; (11) reporters do not use content (audio, video, photos, or status updates) from social media to discuss minors; (12) journalists adhere to the Juvenile Criminal Justice System Law's (SPPA Law) provisions when covering juvenile justice.

To avoid adverse impacts on legal principles and the importance of safeguarding children's rights, PPRA is the main concept in reporting on children. In running a media institution that protects children, the mass media has responsibilities, one of which is to inform child-friendly news. The best rights and interests of children must be considered in children's news coverage to avoid negative labeling against them in the future.

The policy tools of various government institutions and the media should be a fundamental principle of how we can all work to protect children and offer child-friendly news and media. Cases of child violence are one thing that needs to be protected in an effort to protect children's rights, but the increasing access to digital information makes violations in the form of victims' identities uncontrollable so that the fastest action does not mean ignoring the regulations and principles applied by a media in every news process, but it needs confirmation, accuracy, and verification.

The three fundamental processes mentioned above include the evaluation of whether an incident warrants reporting or not, as well as the effect that results from publication in order to create sensation. Regarding this study, the author aims to understand the media's roles and duties in news production. The author uses the theory of press social responsibility to show how important it is for communication and media journalists to follow the policy on child safety and protection in their work practices. This policy is outlined in Press Council Number 1/Regulation-DP/II/2019, which covers the Guidelines for Child-Friendly News (PPRA) and article 5 of the journalistic code of ethics, which forbids Indonesian journalists from mentioning and broadcasting the identities of victims of immoral crimes or the identity of the child involved in the legal case (the criminal).

However, child-friendly news must receive special attention, because persecution committed to children in the news can be said to be a crime. This is because children still have a future and each of us has a responsibility for the future of these children. In any position a child in the event to be reported must be protected.

THEORETICAL REVIEW

Criminal liability refers to the legal responsibility an individual bears when their actions violate a criminal law. It generally requires two components: *actus reus* (the wrongful act) and *mens rea* (the intent or mental state). Journalists, like all other citizens, are subject to these principles under the jurisdiction of the laws governing their profession and conduct.

In cases involving children facing the law, specific legal frameworks are often in place to safeguard the rights and welfare of minors. Reporting that reveals the identity of children involved in legal proceedings can lead to significant harm, including stigmatization and psychological distress, thus triggering criminal liability.

Legal Protections for Children in Conflict with the Law

Children who are involved in legal proceedings, either as perpetrators, victims, or witnesses, are considered vulnerable individuals under international and national laws. Key legal frameworks include:

- a) United Nations Convention on the Rights of the Child (UNCRC): Emphasizes the protection of children's rights, particularly their privacy (Article 16) and best interests (Article 3).
- b) Beijing Rules (UN Standard Minimum Rules for the Administration of Juvenile Justice): Recommend protecting the privacy of juvenile offenders to prevent harm to their future prospects.
- c) Domestic Laws: Many countries have enacted laws to ensure children's privacy, often including penalties for media violations. For example:
- d) Indonesia: Law No. 11 of 2012 on the Juvenile Justice System prohibits the dissemination of any information revealing the identity of children in conflict with the law.
- e) The Philippines: Republic Act No. 9344 (Juvenile Justice and Welfare Act) outlines similar protections.

Media Ethics and Responsibilities

Journalists have an ethical duty to report accurately and responsibly, balancing the public's right to know with the protection of individuals' rights. Codes of conduct from media organizations, such as the Press Council's Ethical Guidelines, include provisions for safeguarding the identity of minors involved in legal issues. Violations of these codes can result in sanctions and loss of professional credibility, in addition to legal consequences.

METHODOLOGY

The constructivism paradigm is used in this study – this paradigm views social reality as a product of creation, not natural reality. The constructivist paradigm thus depends on the reality or event that is created. Not everyone conveys a message by leaning on the reality of society to carry out a search in the form of attention, but from both sides, namely communicators and communicators, they have a form and then exchange meaning. so much so that it takes the form of a message that ultimately has cultural meaning. That's how

the message is actively understood by the recipient and shaped by the communicator.

The study's findings are descriptive in that they give a general picture of how journalists publish news about children who are interacting with the law and how the PPRA is implemented in journalistic practice. It is believed that the social responsibility press theory can explain how the mass media fulfills its job as the media outlet in charge of reporting. Furthermore, the notion of the relationship between criminal culpability and the legal concept of *nullum delictum nulla poena sine pravia lege* – also known as the principle of legality – must be applied.

Using the analysis of child-friendly news guidelines developed by the Press by Council Number 1/Regulation-DP/II/2019, concerning Child-Friendly Reporting Guidelines (PPRA), the research findings intersect with the approach of reporting on children as both victims and perpetrators involved in legal cases, as well as how the mass media frames news that is not in line with the rules and principles of PPRA. The aforementioned PPRA study seeks to encourage the media to cover stories with compassion, positivity, and a dedication to protecting children's rights, dignity, and values – whether or not they are directly involved in court cases as witnesses, victims, or offenders.

The data collection techniques used are interviews and document studies. This interview has the purpose of recording opinions, emotions, feelings and other things related to individuals in an organization (Sutopo, 2006: 72). This study interviewed 3 (three) sources from the press, namely: Royce Wijaya Setya Putra (<https://www.rri.co.id/semarang> Reporter), Henry Pelupessy (Chairman of the Central Java Province Prosecutor's Journalist Forum (Forwaka), and Subekan (Lingkar Newspaper Reporter).

RESULTS AND DISCUSSION

Social Responsibility Theory

The press's duty to serve the public interest is outlined in the press of social responsibility theory, which aims to illustrate the responsibilities of the media. This theory emerged in response to the realization that the mass media had a new societal responsibility in the 20th century as a result of the growth of diverse forms of mass media, particularly electronic mass media. Certain press outlets apply this principle in this manner. The fundamental premise of the social responsibility theory is that press freedom is unrestricted, which promotes a great deal of moral decay. Thus, this theory considers the necessity of a journalistic system and a press that is based on moral and ethical principles. The libertarian system will be able to meet the requirements of the community as long as the press understands its role and bases it on its operational policy.

There must be another organization in society that performs the role of mass communication if the press refuses to take on its responsibilities. The 1949 report "Commission on the Freedom of the Press" by Robert Hutchins, which put forth five criteria for a press to be accountable to the public, was a clear example of the social responsibility press theory, which aims to address the gap between mass media freedom and social responsibility. The following are the five prerequisites: 1. News about everyday events must be presented by the media in

a way that gives meaning and that is intellectual, thorough, and believable. 2. The media must serve as a platform for criticism and remark sharing. 3. The representation of society's constituent groups in the media must be accurate. 4. The objectives and values of society must be presented and explained by the media. 5. Information that is concealed at any moment must be fully accessible through the media.

Criminal Liability Theory

The principles of criminal law must be followed in order to hold someone accountable for criminal activities committed against them. The *nullum delictum nulla poena sine pravia lege* principle, sometimes known as the principle of legality, is one of the fundamentals of criminal law. This concept serves as the primary unwritten foundation for sentencing; if the principle is not guilty, the criminal who committed the crime is not penalized. This foundation concerns a person's responsibility for his deeds. This implies that someone can only be held responsible if they make a mistake or do anything that is against the law.

In general, it is known that there are 2 schools of madhhab that discuss the theory of the relationship between criminal liability and the crime itself, namely: (1) monistic school and (2) dualistic school. The monistic school views delik as a unanimous unity where *strafbaarfeit* is an act that is unlawful and threatened with criminal sanctions, and correlates or has a direct relationship with the fault of the perpetrator for which the person is able to be criminally responsible. If studied theoretically, this school of monism is closely related to the teaching of the finale *handlungslehre* popularized by Hans Welzel in 1931.

The main point or essence of the teaching of the finale of *handlungslehre* itself wants to explain that an intention is an inseparable unit of the criminal act committed by the perpetrator. Some criminal experts with a monistic view view that a crime can be said to have been fully fulfilled if it has met the following criteria: A. Threatened with criminal punishment by the law B. Contrary to the law C. Committed by the guilty person D. The person is seen as responsible for his actions. On the other hand, the dualistic school views that an act that is prohibited by law and is threatened with criminal punishment (*actus reus*) must be separated from criminal liability (*mens rea*).

Thus, this school separates the position between criminal act and criminal responsibility. A criminal act (*stoffbare handlung*) has conditions, namely the existence of an act, conformity with the formulation of the Law, and the absence of a justifying reason, while a criminal act maker has conditions, namely the existence of a mistake and the absence of a basis for forgiveness owned by the perpetrator.

In summary, it can be understood that on a practical level, the meaning of this dualistic school is that a person cannot be held accountable (sentenced to a crime) if the person concerned does not commit a criminal act, but even if the person concerned commits a criminal act, it is not always immediately possible for the person who committed the crime to be punished. Some of the criminal experts in Indonesia who adhere to this school are Moelyatno, Roeslan Saleh, and A.Z. Abidin, where they agree that the monistic school that is widely embraced

by criminal law experts in Indonesia actually produces an injustice in the enforcement of criminal law. Not only in Indonesia, discussions related to the position and application of criminal liability which are closely related to the concept of wrongdoing with criminal acts also apply in other countries and are discussed by world-class criminal law academics. Various countries around the world also apply the principle of criminal punishment which is not only based on the act committed and causes harm or suffering (harmful conduct), but also pays attention to the mental element or element of the perpetrator.

This is considering that the principle of 'actus non facit reum nisi mens sit rea' requires every criminal law enforcement to pay attention to two important elements in a delicac, namely criminal acts and criminal liability, and stipulates that in general the principle indicates that criminal responsibility is one of the essential elements in the punishment of criminals. Not surprisingly, many legal practitioners such as lawyers, judges, and even academics in various countries view that the separation between actus reus and mens rea is a fundamental thing, but it is very helpful in conceptualizing and analyzing a criminal liability.

The view that requires that a criminal offender who meets the elements of a crime cannot be immediately punished as long as he does not have a mens rea has a root relationship with the principle of personal autonomy, because the mens rea reflects the choice (criminal act) taken by a person. The basic concept of the principle of personal autonomy is that everyone must be punished and held accountable for the actions he has done and have chosen to do. This concept is taken from the understanding that in general man is able to make choices that are meaningful for him to be made by him based on sufficient capacity and free will. Including the choice to commit, or not commit a criminal act. It is not surprising that in the concept of participation, people who are told to commit a criminal act cannot be punished, but people who participate in committing or are moved to commit a criminal act can still be punished, because of the unity of intention.

Another example that can also illustrate this concept is the case of a cashier who stole his employer's money because the cashier was robbed and held at gunpoint by the robber also cannot be held criminally liable. The cognitive theory views that the application of the principle of personal autonomy in principle depends on the perpetrator's awareness of the choices and consequences that will be produced as consequences of those choices. So it can be outlined, that a criminal law process must be based on the conception that everyone should be responsible only for the actions or behaviors that he chooses or wants.

For this reason, a person can also only be held accountable for something that is within the control of that person. Furthermore, it can be understood that criminal sanctions cannot be imposed on those who are unable to, or even have no control at all over something (the criminal act that occurred). Thus, a law that regulates and imposes a criminal sanction on a person who is impossible to have control over such a thing is an absurd thing and can be expected to be made by an insane regulator, because even the most ruthless dictator has sufficient reason to enact such a law.

It should be mentioned that although the idea of criminal liability is primarily founded on the idea of the maker's fault, there are some situations in

which it is conceivable to break from this and acknowledge the existence of a criminal liability mechanism that does not require the maker's guilt. These concepts include strict liability and vicarious liability. Furthermore, the RKUHP itself states in article 46 of the Criminal Law Bill that a mistake about an occurrence or circumstance that constitutes a component of a criminal act is not a crime. The following is the full wording of the Criminal Law Bill's article 46 provisions: "Setiap Orang yang tidak mengetahui atau sesat mengenai peristiwa atau keadaan yang merupakan unsur Tindak Pidana atau berkeyakinan bahwa perbuatannya tidak merupakan Tindak Pidana tidak dipidana."

According to the findings of research or theories developed by Professor Barda Nawawi Arief, who has explicitly stated that the problem of error—both error regarding the situation (error facti) and error regarding the law—is one of the reasons for forgiveness so that the perpetrator is not punished unless the error is to blame him—this concept of thinking is a new breakthrough in criminal law that is likely to be applied.

Criminal Liability of Journalists for Reporting the Identity of Children Before the Law

The state protects children's rights and other human rights through the legislation. Children are a gift from God Almighty that has to be safeguarded and nurtured. Article 1 number 1 of Law Number 39 of 1999 concerning Human Rights (UU HAM) states that human rights are a set of rights that are inherent in the nature and existence of human beings as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the state, law, government, and everyone for the honor and protection of human dignity.

In addition to the government acting as an accomplice of the state, parents, families, and the community must also take responsibility for protecting and upholding children's human rights (Pramukti & Primaharsya, 2018, p. 5). Rapid development, globalization in communication and information, scientific and technological advancements, and changes in parental style and lifestyle that have brought about fundamental social changes in people's lives that have had a significant impact on children's values and behaviors all need to be shielded from the negative effects on children. A number of external circumstances may contribute to a child's deviant behavior or actions. Children who are in legal trouble are entitled to their identities, which should not be disclosed. The advancement of technology has made it simple for people to obtain online news about kids who are in legal trouble.

The media, also known as the press, is a mass communication vehicle and social institution that conducts journalistic activities such as finding, acquiring, holding, storing, processing, and disseminating information in various formats, including print, electronic, and other media, as well as in the form of data, graphics, and sound and images. As part of their job, journalists have the freedom to decline to reveal their names or other identities to news organizations that require them to maintain confidentiality. The Right of Answer refers to the ability of an individual or group of individuals to reply to or deny news that could harm their reputation. The right to rectify or notify the media of inaccurate

information about oneself or others is known as the "right to correction." The duty to correct inaccurate information, data, facts, opinions, or photographs that have been reported by the relevant press is known as the correction obligation.

Of course, the press has to follow the relevant rules while reporting news in the mass media. The press is required to maintain the privacy of children who are in legal trouble when reporting on them since it is a legally recognized human right for minors to remain anonymous. Keeping their identity a secret is one of the legal protections granted to children who are in legal trouble. Paragraphs (1) and (2) of Article 19 of the SPPA Law state the following: (1) The identify of the child, victim's child, and/or witness's child must not be revealed in print or digital news reports. (2) The identity as defined in paragraph (1) includes the child's name, the victim's child's name, the witness's child's name, the witness's child's name, the parents' names, addresses, and faces, as well as any other information that may implicate the child, victim's child, or witness's child. Article 64 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2022 concerning Child Protection (PA Law) further states that children who are facing the law, as mentioned in Article 59 paragraph (2) letter b, are given special protection by avoiding having their identities published (listed in letter i) The Press Law served as the foundation for the establishment of the independent Press Council. Every three years, independent members of the Press Council are democratically elected in accordance with Article 15 Paragraph (3). These members include: (a) journalists chosen by journalist organizations; (b) press leaders chosen by the press company organization; and (c) community leaders, communication specialists, and other specialists chosen by journalist organizations and press company organizations. By Presidential Decree, the Press Council's membership is established. The following commissions make up the Press Council Commission during the 2022–2025 period: 1. Press Ethics Complaints and Ethics Enforcement Commission; 2. Law and Legislation Commission; 3. Commission on Education, Training, and Professional Development; and 4. Commission on Inter-Institutional and Foreign Relations; 5. Information and Communication Commission; 6. Research, Data Collection, and Press Ratification Commission; and 7. Organizational Infrastructure and Partnerships Commission.

According to Press Law Article 15 Paragraph 4, the Press Council's duties are as follows: Press freedom should be protected from outside interference; press life should be studied; the Journalistic Code of Ethics should be established and overseen; public complaints about press reporting should be taken into consideration and resolved; press-government communication should be improved; press organizations should be assisted in creating regulations to improve the quality of the journalism profession; and press companies should be registered.

All cases involving illegal acts as defined by laws and regulations will be handled by the police; however, if the act violates the Code of Ethics, the Press Council will be tasked with handling the matter's resolution. Under the Memorandum of Understanding between the Press Council and the Police of the Republic of Indonesia Number: 03/DP/MoU/III/2022; Number: NK/4/III/2022

concerning Coordination in the Protection of Press Freedom and Law Enforcement Related to the Abuse of the Journalist Profession, the Police and the Press Council coordinate in relation to the protection of press freedom in carrying out duties in the field of the press in accordance with the applicable laws and regulations. Identity is all of a person's data and information that makes them easier for others to follow (Pers, 2017, p. 38).

The researcher described a number of online news reports that clearly still publish the identity of children facing the law, including:

- 1) https://www.bbc.com/indonesia/majalah/2016/05/160503_trensosial_keluarga_yuyun;
- 2) <https://www.jurnalline.com/2016/05/pengusaha-pelaku-pemerkosa-58-anak-gadis-di-kediri-di-hukum-ringan-sejumlah-lsm-ajukan-petisi-ke-jokowi/>;
- 3) <https://radarsolo.jawapos.com/entertainment/845106616/diperiksa-polres-metro-jakarta-selatananak-nikita-mirzani-lolly-bakal-dapat-pondampingan-dari-psikolog>;
- 4) <https://wartakota.tribunnews.com/2024/09/19/lolly-beberkan-soal-testpack-kehamilan-hingga-tudingan-aborsi-bikin-nikita-mirzani-lapor-polisi>;
- 5) <https://www.riauonline.co.id/nasional/read/2023/03/09/agnes-gracia-pacar-mario-dandy-resmi-ditahan-usai-diperiksa-6-jam>;
- 6) <https://suryapagi.com/2023/02/27/selain-ag-ada-perempuan-lain-sebagai-pembisik-mario-dandy/>;
- 7) <https://www.beritasatu.com/jateng/2829740/terungkap-identitas-mayat-wanita-muda-bertato-di-demak-ternyata-tak-pulang-1-setengah-bulan>;
- 8) <https://jateng.inews.id/berita/terungkap-identitas-mayat-bertato-tanpa-busana-ternyata-siswi-smp-asal-semarang>;
- 9) <https://www.poskotasumut.id/2023/04/pelaku-pembunuhan-ibu-dan-anak-di.html>;
- 10) <https://indonesiainside.id/news/nusantara/2024/09/06/penjahat-kelas-kakap-anak-di-bawah-umur-usai-membunuh-pelaku-ikut-tahlil-di-tempat-korban>;
- 11) <https://purwasuka.viva.co.id/ragam/1584-pelaku-pembunuhan-anak-tamara-tyasmara-telah-jalani-tes-poligraf-polisi-belum-ungkap-hasilnya>;
- 12) <https://haijakarta.com/anak-di-bawah-umur-mencuri-uang-kotak-amal-di-kecamatan-cibitung.html>;
- 13) <https://jatim.tribunnews.com/2024/01/30/terkuak-penyebab-meninggalnya-dante-anak-tamara-tyasmara-disebut-mati-syahid-karena-lakukan-hal-ini>;
- 14) <https://www.viva.co.id/trending/1500434-viral-bocah-curipagar-besinetizen-kecil-kecil-sudah-maling>;
- 15) <https://nakita.grid.id/read/021611721/shannon-clifton-kisahnyaviral-pada-2015-diperkosa-ayahnya-4-kali-sehari-selama-8-tahun-hingga-hamil-di-usia-11-tahun?page=all>;

Indeed, in the 15 (fifteen) online news portals described by the researcher, indeed the names of the perpetrators mostly use initials/disguised. However, many of the news reports were also found to include photos, addresses, of children facing the law, there were also names written clearly, even though some of the children played the role of victims, perpetrators, witnesses, which became sad in fact there were still many media that were officially verified by the press council.

Research on news of violence against children has also been carried out by Sri and Rita (2021) which found that there were 14 news reports indicated to have violated the regulations of the Child-Friendly News Guidelines (PPRA) in the production of child-friendly news. Although the results of his research show that not all the news about the identity of the child is invisible, there are still violations, namely mentioning the identity of the victim's parents, namely the victim's father and mentioning the name of the school where the victim is leading the knowledge. In another study, namely Indra Wijaya (2021). From eight samples of news articles published by Serambinews.com that highlight violence against children, it was found that the presentation of the news did not benefit children. Also absentee is a humanist perspective on children as victims. The humanitarian aspect of children's lives should be prioritized in journalists' reporting, especially when it comes to children under the age of 18, such as those in the womb. One of the actions in guaranteeing and upholding children's rights is the protection of children's rights so that they can live, grow, develop, and participate in society as much as possible while receiving protection from violence and prejudice.

The identity of the child who has broken the following rules is obviously revealed when a picture of their face, name, or address is made public:

- 1) The Journalistic Code of Ethics' Article 5 declares that "Indonesian journalists do not mention and broadcast victims of immoral crimes and do not mention the identity of children who are perpetrators of crimes."
- 2) Press Council Regulation Number 1/Regulation-DP/II/2019, issued February 9, 2019, regarding Guidelines for Child-Friendly News, states that reporters should not report on children by relying solely on content (video, photo, status, or audio) from social media, and that reporters should adhere to the Child Criminal Justice System Law in juvenile courts.
- 3) Law Number 40 of 1999 concerning the Press, Article 5, Paragraph 1, states that "The national press is obliged to provide events and opinions while respecting religious norms, people's sense of virtue, and the principle of presumption of innocence.
- 4) Article 18 (2) of the Press Law "Press companies that violate the provisions of Article 5 paragraph (1) and paragraph (2) and Article 13 shall be fined a maximum of Rp5,00,000,000.00 (five hundred million rupiah)."
- 5) In the SPPA Law's Article 19, Paragraphs (1) and (2) (identify that must be kept secret).

- 6) The list of minors whose identities are prohibited from publication is found in Article 64 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (PA Law).

The 1989 ratification of the Convention on the Rights of the Child by the UN Assembly itself confirmed the need to protect children's rights. In order to guarantee that every kid can grow up normally, attend school, be protected, be heard, and get equal treatment, the agreement specifies what the state must do. In order to demonstrate its commitment to safeguarding Indonesian children and promoting the rights of all children, Indonesia signed and started to ratify Presidential Decree No. 36 of 1990.

The Juvenile Criminal Justice System's legal advice on preventing youngsters from becoming victims or offenders (SPPA). Since children, victims, and child witnesses must preserve their identities as perpetrators, victims, and witnesses, their names must be kept private in print and electronic media. In the context of paragraph (1), identity encompasses the kid's name, the victim's child's name, the witness's child's name, the parent's name, the witness's address, the witness's face, and any other detail that can be used to identify the child, the victim's child, or the witness's child. The news reports on the two incidents did not fit the requirements for kid-friendly coverage since they gave the whole location of the incident, even if the victim's and the offender's initials were used to write their names.

There will be irresponsible parties in making material including child exploitation or bullying for both victims and perpetrators of violence due to the lack of press involvement in defending children's rights. By providing information, discussion, and debate on social issues, the press has an obligation as a citizen to the public so that the community can serve the political system. This is what is expected of the press as a social obligation. The obligations in question can be fulfilled by determining high and professional standards. The media, in accepting obligations and implementing them, should be able to regulate themselves within the framework of existing laws and institutions.

According to Smith in Mc Quail, the level of professional development of a nation can be determined by the existence of impartial institutional oversight tools and rules that are applied honestly and fairly, such as journalistic codes of ethics, antitrust laws, advertising contracts, the establishment of press councils, parliamentary reviews, regular reviews by review commissions, and a press subsidy system. In this case, supervision of iNews and Medcom.id media is needed to stop violations that occur in every news article, including child-friendly news. This supervision serves as a filter for the long-term sustainability of the media. Every journalist is obliged to adhere to the Journalistic Code of Ethics (KEJ) in order to maintain public trust and foster integrity both in the media and as a journalistic product.

Understanding the journalistic code of ethics is very important because it serves as a safeguard against potential issues in the future. Every journalist has a responsibility to understand and uphold the standards that govern his or her professional practice. Every journalist must uphold his rights, duties, and responsibilities in accordance with the Journalistic Code of Ethics, in addition to

being responsible to God Almighty, society, state, and state. Isn't the task of journalism to provide information, explain the case of a news, exercise social control and provide a future picture of an event? This child-friendly news has received public attention from various circles.

Journalist RRI Semarang (Online), Royce Wijaya Setya Putra, when interviewed by researchers on September 28, 2024, stated that it is regrettable that journalists or press offices have disseminated and published the identify of Children Facing the Law (ABH). In response to ABH, the regulations explicitly indicate that all parties are not allowed to publicize or distribute their identities. In addition to adhering to the presumption of innocence concept, ABH also has the right to prevent their identities from being published. The identity of the child, child victim, and/or child witness must be kept confidential in print or electronic media, according to Article 19 of Law Number 11 of 2012 governing the Juvenile Criminal Justice System (SPPA Law), he said. The identity in question, according to the article, includes the child's name, the victim's child's name, the witness's child's name, the witness's child's name, the parents' names, addresses, and faces, as well as any other information that may indicate the identity of the child, victim's child, or witness's child. He asserts that the stigmatization and labeling of ABH can jeopardize children's futures, particularly when it comes to failing to fulfill obligations as stated in Article 19, which can result in criminal penalties under Article 97 of the SPPA Law, which carries a maximum prison term of five (five) years and a maximum fine of Rp 500,000,000.00 (five hundred million rupiah).

Henry Pelupessy, who is the General Chairman of the Central Java Provincial Prosecutor's Journalists Forum (Forwaka), in an interview with researchers on September 29, 2024, stated that Children Facing the Law (ABH) is expressly governed by Law (UU) Number 11 of 2012 about the Juvenile Criminal Justice System. ABH is classified as a child who is in legal trouble, a kid who has been the victim of a crime, or a child who has witnessed a crime. ABH's identity shall be kept confidential in print and electronic media reports, according to Article 19. Guidelines for child-friendly news are also governed by Press Council Regulation Number 1/Regulation-DP/II/2019. According to the guideline, reporters are required to protect the identity of youngsters in the news, particularly those who are implicated in legal infractions or have been found guilty of crimes. Names, images, family member names, addresses, and anything else that could be used to describe the child are all included in the identification in question. Therefore, the media shouldn't "sell" ABH's identity just because it makes headlines. It is feared that it will negatively affect the child's social life and psychological state.

Subekan, who is a reporter for the Lingkar Newspaper, when interviewed by researchers on September 30, 2024, said that when covering children as offenders, victims, or witnesses in criminal cases, journalists should always consult and abide by Press Law No. 40/199, the Journalistic Code of Ethics (KEJ), and the Child-Friendly News Guidelines (PPRA). In the Press Law's explication of Article 7 Paragraph 2, it is made explicit that "Wartawan memiliki dan menaati Kode Etik Jurnalistik." In the meantime, the press's duty to safeguard

children's identity is outlined in Article 5 of the Journalistic Code of Ethics. There are provisions in the article, "Wartawan Indonesia tidak menyebutkan dan menyiarkan identitas korban kejahatan susila dan tidak menyebutkan identitas anak yang menjadi pelaku kejahatan." It is also crucial for journalists to follow Press Council Regulation No.1/Regulation-DP-II/2019 about Guidelines for Child-Friendly News, which includes reporting on anyone under the age of eighteen, whether they are married or not. Law No.11/2012 concerning the Juvenile Criminal Justice System (UU SPPA) is cited as the child's age restriction. Therefore, any facts and information pertaining to the child that facilitates others' awareness of the child constitute the identity of the child that needs to be safeguarded. Names, fathers, siblings, grandparents, uncles, aunts, and supporting details such home and village addresses, schools, associations or clubs the child is a part of, and unique items that define the child are a few examples.

Children as victims of unsupportive situations or environments. There is also what we call an unequal power relationship between adults and children. So, these children are very vulnerable to being treated arbitrarily by adults. Especially when he is wrong, this needs to be protected as one of the articles in the Juvenile Criminal Justice System reads, which discusses power relations, adults must feel stronger than physical, while children are smaller than physical and psychologically more vulnerable, more easily affected and unstable. So it is easy to become an exploitation and even a target for adults in anger and emotions. That is why children need to be protected, including when they are perpetrators. Journalists are also expected to side with children in this perspective, not only as child victims as perpetrators also need to protect their identities.

The need for verification is carried out by editors and editors to the maximum, so that if there is data that is incomplete and only one point of view, interviews must be conducted with other parties. Empathy should be the basic attitude of a journalist when he or she is covering events. Without that sense, the breath of the content of his work will not touch much on the problem of the vulnerable group (children). The news frame will be the basis for how journalists care. This is the essence of journalism for the public. Journalism that sides with the weak

CONCLUSIONS AND RECOMMENDATIONS

The issue is that some internet media continue to violate the rules governing child-friendly news; other types of infractions explicitly identify children as victims. It goes without saying that this is against the criteria outlined in the Press Council's 2019 guidelines for kid-friendly news. Subsequent investigation, which involved interviewing three sources, revealed that evaluating the news and its effects on victims required considering events from the public's point of view, leading to a discrepancy in meaning between readers and media professionals. The published news must therefore adhere to the rules of the child-friendly news guidelines.

Journalists or the press may reveal a child's identity by revealing names, photos, pictures, and the names of siblings, parents, uncles, aunts, and grandparents. They may omit supporting details like home and village addresses, schools, clubs or associations the child belongs to, and unique items that define the child.

The Press Council Regulation Number 1/Regulation-DP/II/2019, Article 5 of the Journalistic Code of Ethics, Article 19 Paragraphs (1) and (2) of the SPPA Law, and Article 64 of the Child Protection Law were all broken in this instance. However, it turns out that despite being specifically regulated in the relevant laws and regulations and mentioned in article 5 of the journalistic code of ethics, the right to identification that must be kept hidden for ABH is still a deviation.

The press should be more cautious and thorough when reporting on ABH, and they should obviously be aware of the relevant provisions, especially since the journalistic code of ethics makes these provisions very clear. They should also avoid being careless because ABH's human rights have been violated by the disclosure of ABH's identity, let alone the publication of ABH's photo. Additionally, the Press Council ought to enforce stringent oversight and impose severe penalties on journalists who transgress the code of ethics.

FURTHER STUDY

Evaluate the role of journalist training programs in promoting compliance with child-friendly reporting standards.

Study the availability, content, and impact of existing training programs, and identify gaps in journalist education.

Propose a structured and standardized training curriculum focusing on child protection, ethical reporting, and human rights..

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