

# Legal Protection of Media Broadcasting for Minors in the Perspective of Law No. 32 of 2002

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**Abstract.** Broadcasting institutions still broadcast content that incites or contains violence. The content of the broadcast was even broadcast when children could still watch it. Shows related to violence can no longer be stopped. People who are hungry for information and entertainment often do not realize that there are dangerous things when watching television. Changes in people's behavior and thought patterns increasingly follow what they see or watch on television. Soap operas that show scenes of violence and mysticism are a spectacle for the public and are even watched by children. Violence in society has become a habit that is considered normal. The Indonesian culture of always being polite in doing everything seems to have faded over time. The methodology used is a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively. Conclusions are carried out using a deductive method, namely completing general to specific matters related to the topic of Legal Protection of Broadcast Media for Minors in the Perspective of Law no. 32 of 2002. This research produces findings that repressive legal protection is the final protection where this effort is to provide sanctions when there is a violation of the content of broadcasts broadcast by broadcasting institutions. Violations committed by broadcasting institutions have administrative sanctions regulated in the Broadcasting Law.

**Keywords:** Legal Protection, Media Broadcasting, Minors.

## 1 Background

Every country has children's rights which are also regulated in laws regarding this matter, including Indonesia. The Indonesian state also has the responsibility to provide guarantees for the protection and welfare of children constitutionally in the 1945 Constitution. Therefore, the issuance and ratification of various legal products have become the basis for policies and regulations in treating children in the country of Indonesia, starting from the form of national law and the form of international law that has been ratified in Indonesia. The development of life in society and advances in technology today have indirectly triggered the development and diversity in criminal behavior in society. Crime itself can happen to anyone, not only adults but also children and if we also pay attention to the information in print media and electronic media, cases of children who are confronted or in conflict with the law continue to increase [1].

The advancement of Data and Correspondence Innovation or ICT and its utilization in different fields of life has changed human progress towards a high level data society. One of the web is an ICT item that makes it extremely simple for everybody, whoever it is, to get and

scatter data rapidly, inexpensively and to arrive at an exceptionally wide region. Utilizing the web has positive effects as well as has adverse consequences. One of the negative impacts of using the internet is the spread of information that leads to pornography. Currently, the problem of pornography is a serious concern for the government which must be addressed. Educating children is the same as caring for a tree trunk, and when the tree is still small it will be much easier to shape the trunk or branches of the tree according to ai with our hopes or according to what we want. Conversely, if the tree has grown large and the trunk and branches are hard, it will be more difficult to shape it according to our expectations. Sometimes, instead of being straight, the trunk of a large tree may break. Children are also the hope of the nation and are used as the next generation, especially the Indonesian nation. Children are the next generation, so the current generation must provide a form of protection to them, namely children, from moral damage which is also caused by the use of dangerous content contained in print and electronic media.[2].

Law of the Republic of Indonesia Number 32 of 2002 concerning Broadcasting (Broadcasting Regulation) makes sense of the meaning of broadcasting in Article 1 passage (2) with the words "Broadcasting is the movement of broadcasting communicates through communicating offices and additionally transmission offices ashore, adrift or in space with utilizing the radio recurrence range by means of air, link, or potentially different media to be gotten all the while by general society and the getting gadget. The definition of broadcasting in the Broadcasting Law does not mention broadcasting via internet networks/infrastructure or over the top, thus broadcasting via social media platforms is still a question of whether it is subject to the Broadcasting Law or other laws. Regarding this matter, RCTI and iNews TV (MNC Group) submitted a material review to the Constitutional Court which essentially requested that the definition of broadcasting as mentioned in Article 1 paragraph (2) of the Broadcasting Law include providers of over-the-top (OTT) audiovisual services), or internet-based digital platforms such as YouTube, Instagram, or Facebook[3]. RCTI and iNews argue that the request for judicial review of the Broadcasting Law for equality and moral responsibility of the nation is motivated by the desire to provide equal treatment and protection for all Indonesian people.

Broadcasting is the action of spreading communicates through communicating offices or potentially transmission offices in the air, adrift, or in space utilizing the radio recurrence range by means of air, link, and additionally different media so they can be gotten at the same time and all the while by people in general with broadcast getting gadgets. Broadcast itself as per Article 1 section (1) of the Telecom Regulation is a message or series of messages as sound, images, or sounds and images or the form of graphics, or characters, whether interactive or not, which can be received via broadcast receiving devices. Broadcasts regulated in the Broadcasting Law are broadcasts whose broadcast uses the radio frequency spectrum, which is a limited natural resource and is a national treasure. The use of radio frequency spectrum should be used for the greatest prosperity of the people following the spirit of the ideals of the Proclamation of 17 August 1945.

The development of information and communication technology has had a huge impact on the world of broadcasting, including broadcasting in Indonesia. Broadcasting as a distributor of information and shaper of public opinion, has an increasingly strategic role, especially in developing democracy in Indonesia. Broadcasting has become a means of communication for society, broadcasting institutions, the business world, and government. These developments have caused the existing legal basis for broadcasting regulation to become inadequate [4]. The community's participation in carrying out some of the general government tasks, especially in the field of broadcasting operations, cannot be separated from the general rules of

telecommunications operations that apply universally. As per broadcasting regulation, telecom is the movement of broadcasting communicates through communicating offices and additionally transmission ideas ashore, adrift, or in space utilizing the radio recurrence range by means of air, link, and different media to be gotten all the while and at the same time by general society with gadgets. broadcast gathering.

Since its enactment in 2002, the Broadcasting Law has established a special body in the broadcasting regulatory system in Indonesia, specifically the Indonesian Telecom Commission (KPI). During the New Request time, a Telecom Regulation was likewise settled, in particular Regulation Number 24 of 1997. Be that as it may, broadcasting was constrained by the express, whose direction and control were done by the public authority. It was the vote based process that prompted the alteration of the New Request broadcasting regulation by putting people in general as the primary proprietor and regulator of the telecom space. Because frequency is public property and is limited in nature, its use must be maximized for the public interest. In broadcasting, there are four different but interrelated legal substances. The first is technical issues or technological aspects [5].

Media is a changing and growing industry that creates jobs, goods, and services, and vitalizes other related industries; Media is also a separate industry that has regulations and norms that connect these institutions with society and other social institutions. On the other hand, media institutions are regulated by society. Media is a wellspring of force, a device of control, the board, and development in the public eye that can be utilized as a substitute for different assets. The media is a discussion that undeniably assumes a part in introducing occasions in individuals' lives, both at public and worldwide levels. Media goes about as a vehicle for social turn of events, not just in that frame of mind of the improvement of works of art and images yet additionally in the feeling of the advancement of systems, design, style, life, and standards. Media is the predominant hotspot for people and society to acquire endlessly pictures of social reality; The media presents regulating values and decisions blended in with news and amusement.

Management of broadcast media in Indonesia is regulated in Law Number 32 of 2002 concerning Broadcasting. In this law, it is explained that: "Broadcasting is the action of broadcasting communicates through communicating offices or potentially transmission offices ashore, adrift or in space utilizing the radio recurrence range by means of air, link as well as different media to be gotten all the while. what's more, at the same time by people in general and broadcast getting gadgets." Broadcasting media comprises of radio and TV. Radio telecom is a media for mass listening correspondence, which sends thoughts and data as sound in a general and open way, as ordinary and persistent projects; Meanwhile, television broadcasting is a mass communication medium for hearing and viewing, which transmits ideas and information in the form of sound and images in general, both open and closed, in the form of regular and continuous programs. Broadcast media can take the form of (a) Public Broadcasting Institutions; (b) Private Broadcasting Institutions; (c) Community Broadcasting Institutions; and (d) Subscription Broadcasting Institutions which have different characteristics. Characteristics of these broadcasting institutions [6].

The inclusion of age information according to broadcast content is based on Law Number 32 of 2002 concerning Broadcasting in Article 36 paragraph (3) which emphasizes that broadcast content must provide protection and empowerment to special audiences, namely children and teenagers, by broadcasting programs at certain times. appropriate, and broadcasting institutions are required to include and/or state the audience classification according to the content of the broadcast. Local and national television is not yet aware of the existing regulations. This can be seen and found that there are still broadcasts that do not include age

information according to the content of the broadcast, even though the inclusion of age information or classification of broadcasts according to the content of the broadcast is an important thing that is expected to prevent inappropriate television broadcasts being shown to underage consumers, namely in under 12 years of age who are not yet able to classify shows that are useful for them. Apart from that, the psychological condition of minors is still vulnerable, and is considered immature to differentiate between what is positive and what is negative, so the impact is that children often imitate the actions they have watched.[7].

## **2 Methodology**

This kind of exploration is Regulating research. The methodologies utilized are a legal methodology and a calculated methodology. The data source used is secondary data. Data analysis was carried out descriptively qualitatively [8]. Concluding is carried out using a deductive method, namely concluding the general to the specific, especially those related to the research topic Legal Protection of Media Broadcasting for Minors in the Perspective of Law no. 32 of 2002. Subjective information examination is completed in the event that the observational information got is as an assortment of words and not a progression of numbers and can't be sorted out into classes. The information is gathered in interview perceptions, archive examples, and recording tapes. It is generally handled first prior to being utilized in subjective exploration, including the consequences of interview records, information decrease, examination, information translation, and triangulation.[9].

## **3 Results and Discussion**

### **3.1 Implications of Legal Protection of Media Broadcasting for Minors in the Perspective of Law No. 32 of 2002**

If we look at it in general, it can be said that the existence of television can be used and interpreted as a tool to help society, especially children, as a means of receiving the most effective and efficient information. Effective in terms of time, and efficient in terms of costs to obtain this information. This is because by watching television, people will quickly get information, entertainment, and education for free. Many kinds of information can be obtained by watching television and can be easily accessed by the public. The existence of television media can provide insight and knowledge to society, especially to children. This can also be useful for the community in accessing various daily needs so that people do not miss out on information and news. The existence of television can have a positive impact, such as information about the latest news, general knowledge, entertainment, education, and so on. A child needs to know the latest information that is happening both on a national and international scale. This is to increase the child's insight and knowledge so that it can be used to develop knowledge in the future[1].

Article 36 paragraph (3) of the Broadcasting Law states that broadcast content must provide protection and empowerment to children and teenagers. It proves that the Broadcasting Law mandates broadcasting institutions to carry out various studies and

also censor broadcast content that is not suitable for children to watch. However, up to now, the problem of shows that are not suitable for children to watch is still common. Broadcasting institutions still broadcast content that incites or contains violence. The contents of these broadcasts are even broadcast at times when a child can still watch them. Shows related to violence cannot be stopped any longer. People who are hungry for information and entertainment often do not realize that there are hazards when watching television. Changes in people's behavior and thought patterns increasingly follow what they see or watch on television. Soap operas that show scenes of violence and mysticism are a spectacle for the public and are even watched by children. Violence in society has become a habit that is considered normal. The Indonesian culture of always being polite in doing everything seems to have faded over time [2].

There are two regulatory bodies for broadcasting in Indonesia, namely the government and the Indonesian Broadcasting Commission (KPI). Based on the 2004 Constitutional Court decision, it is stated that the Ministry of Communication and Information has the authority to issue regulations/laws regarding broadcasting, apart from content. This decision had a fatal impact, where the government was deemed to have neglected its obligation to organize the life of the broadcasting industry. The main basis for the ideals and objectives of passing the Broadcasting Law is regulations to eliminate monopoly among a group of capital owners in the broadcasting industry. It is feared that this will have an impact on public opinion's control of information that develops in wider society. So the mission of this law is to ensure the creation of diversity and democracy in broadcasting to remote areas. So the frequency owner has the right to manage and control the media.

If you look more closely, Law No. 32 of 2002 concerning Broadcasting has two important spirits, firstly, a broadcasting structure that is free and used solely for services to the public, not the interests of media owners. Second, the spirit of strengthening local entities includes the spirit of regional autonomy by covering a comprehensive network system extending to the outermost areas. Since the law was passed, there have been several main changes to the broadcasting service system, the essence of which is the spirit of realizing and respecting the rights of the entire community. The basic change lies in the spirit of the law in the form of a limited transfer of authority from broadcasting services which is intended as the government's exclusive right to KPI. The agency mentioned aims for a system whose management is in the community interest and is free from intervention from any party. As a matter of experience in the new order which utilized the media only to support the hegemony of the public regime in strategic power, they also took the opportunity to combine several ruling groups and elites.[4].

### **3.2 The Urgency of Legal Review of Media Broadcasting Activities in the Perspective of Law No. 32 of 2002**

There are still many broadcasting institutions that commit various violations and also do not care about all forms of warnings from the KPI, making existing laws and regulations ineffective or not implemented. Freedom to access shows or shows that are not suitable for a child can be destructive to the child's demeanor. Negative behavior can be carried out by a child towards peers, younger friends, and even parents. Currently, non-educative shows are often broadcast by private broadcasters which show scenes of violence, sexual abuse, murder, robbery, etc. These shows can influence the behavior of a small child who often watches these shows. Negative behavior broadcast on certain

programs will be considered normal for a child. So the child will follow this negative behavior. This of course will be dangerous for other people and also children who watch these things [1].

Children as one of the subjects who watch television broadcasts will of course follow the thought patterns or behavior of people who act out certain scenes or roles. Children tend to imitate what they watch on television. The behavior, way of speaking, language, and thought patterns of someone who plays a role on television will be followed by children who watch. For example, the role of the antagonist in a soap opera, this role can be imitated by a child who watches the program. There are still many television programs in Indonesia that 6 KPI, 28 June 20013, Need to create an Alternative Rating Agency, (online, <https://www.kpi.go.id/index.php/>. Accessed on January 1, 2016). broadcast programs that are not educational for children. 7 There are still many cartoon programs that show violence or fighting. Even today the advertisements produced are designed to attract children by showing very imaginative things. These advertisements depict imaginations that are too exaggerated so that they do not correspond to reality. Television broadcasts have poisoned children's brains with various kinds of shows that are not appropriate for them to watch.8 Children are not yet able to differentiate between what is good and what is bad and what is appropriate and inappropriate. They just know that television is good, they feel happy and entertained and are curious to continue following the next program. Television media has a very strong imitation power for children's growth and development. This negative impact is a concern for parents to limit television viewing time, supervise and select shows that are appropriate for their children to watch[7].

Article 1 section (1) of the Dad Regulation contains the arrangement that a youngster is somebody who isn't yet 18 years of age, including kids who are still in the belly. The meaning of youngster is additionally controlled by the 1989 Show on the Privileges of the Kid which was sanctioned by Official Pronouncement Number 39 of 1990. Article 1 concerning Kid Government assistance contains the arrangement that, a youngster is each individual under 18 years old except if the law pertinent to youngsters is indicated. that adulthood is reached before. Aside from characterizing kids, the Dad Regulation additionally characterizes youngster insurance as movements of every kind to ensure and safeguard kids and their privileges so they live, develop, create, and take an interest ideally with human poise, as well as get security from savagery and separation. In this case, the public must have adequate access to be able to be involved, utilize, obtain protection, and benefit from broadcasting activities. The law provides rights, obligations, and responsibilities as well as community participation to develop broadcasting, such as developing individuals and their social environment, searching, obtaining, owning and storing, processing and conveying information in broadcasting institutions as well as developing literacy and/or monitoring activities to supervise and protect the public from broadcast content that is detrimental to society [2].

In addition to the development of communication and information technology, it has had implications for the world of broadcasting, including broadcasting in Indonesia, making broadcasting apart from being a means of communication for society, the business world, and government, broadcasting has also become a business institution that also plays a role in national economic activities. Therefore, it is necessary to protect the world of

broadcasting in legislative regulations against criminal acts related to broadcasting. Efforts to control and overcome criminal acts in the broadcasting sector are to determine an act as a criminal act (criminalization). The criminalization of broadcasting in Indonesia only began in 1997, namely with the publication of Law Number 24 of 1997 concerning Broadcasting.[10]. This law regulates all aspects related to broadcasting, including regulations regarding the ownership of broadcasting institutions. Based on the provisions of Law Number 24 of 1997, domestic broadcasting institutions must be oriented towards Indonesia's national interests, so the capital for establishing private broadcasting institutions must be national capital so that they are not influenced by other interests from outside (foreign parties). Regulation Number 24 of 1997 concerning Broadcasting was consequently supplanted by Regulation Number 32 of 2002 concerning Broadcasting. Each type of broadcasting institution has regulated procedures for its implementation by the Government.

#### **4 Conclusion**

1. Article 36 paragraph (3) of the Broadcasting Law states that broadcast content must provide protection and empowerment to children and teenagers. This proves that the Broadcasting Law mandates broadcasting institutions to carry out various studies and also censor broadcast content that is not suitable for children to watch.
2. Broadcasting operations in several countries in the world are regulated by the laws and regulations in force in that country. Indonesia regulates broadcasting in Law Number 32 of 2002 concerning Broadcasting (Broadcasting Law).
3. Educating children is the same as caring for a tree trunk, and when the tree is still small it will be much easier to shape the trunk or branches of the tree according to our hopes or according to what we want. Conversely, if the tree has grown large and the trunk and branches are hard, it will be more difficult to shape it according to expectations.

#### **5 Suggestion**

1. It is hoped that television can be used as a learning medium or educational medium for viewers because, through television media, viewers will experience a learning process.
2. It is hoped that as a form of mass media, television should have the function of educating as well as entertaining. Apart from that, television nowadays has forgotten and even ignored its function of preserving social values and norms.
3. It is hoped that the media will act as a vehicle for cultural development, not only in the sense of developing art forms and symbols but also in terms of developing procedures, fashion, style, life, and norms.

## References

- [1] Susanti, "Strategi Pencegahan Perilaku Negatif pada Anak-Anak sebagai Akibat Tayangan Televisi dan Model Tayangan Edukatif untuk Anak-Anak," *Semin. Nasional, Implementasi Sist. Manaj. Kualitas ISO 9001-2008 dab IWA 1 dalam Upaya Meningkatkan. Kualitas Dosen dan Mhs. Fak. Ekon. UPN*, vol. 03, pp. 12–31, 2009.
- [2] Sudrajat, "Perlindungan Hukum Terhadap Anak Sebagai Hak Asasi Manusia Dalam Perspektif Sistem Hukum Keluarga Di Indonesia," *Kanun J. Ilmu Huk.*, vol. 03, pp. 19–27, 2011.
- [3] Kridasaksana, "Tujuan Negara Dalam Mengatur Frekuensi Radio Komunitas Ditinjau Dari Undang-Undang Nomor 32 Tahun 2002 Tentang Penyiaran (Studi Kasus Di Wilayah Semarang)," *J. Din. Sos. Budaya*, vol. 09, pp. 242–257, 2017.
- [4] Stirman, "Kajian Hukum Terhadap Pelaksanaan Siaran Televisi Menurut Undang-undang No. 32 Tahun 2002 Tentang Penyiaran," *Lex Priv.*, vol. 13, pp. 111–120, 2016.
- [5] Bahreisy, "Pertanggungjawaban Pidana Bagi Pelaku Penggunaan Frekuensi Radio Tanpa Izin Berdasarkan Undang-undang Tentang Telekomunikasi (Criminal of Perpetrators of Use of Illegal Radio Frequencies Under the Act of Telecommunication).," *J. Penelit. Huk. Jure*, vol. 17, pp. 265–287, 2017.
- [6] Fitriyani, "Analisis Pemanfaatan Berbagai Media Sosial Sebagai Sarana Penyebaran Informasi bagi Masyarakat," *J. Paradig.*, vol. 03, p. 117–132, 2017.
- [7] dan M. B. S. Angkasa, Saryono Hanadi, "Model Peradilan Restoratif Dalam Sistem Peradilan Anak," *J. Din. Huk.*, vol. 9, pp. 21–32, 2009.
- [8] L. J. Moleong, *Metodologi Penelitian Kualitatif*, 7th ed. Bandung: PT. Remaja Rosdakarya, 2004.
- [9] Amirudin, *Pengantar Metode Penelitian Hukum*, 1st ed. Jakarta: PT Rajawali Press, 2010.
- [10] Heryanto, "Ekonomi Politik Media Penyiaran: Rivalitas Idealisme Nilai Islami Dan Mekanisme Pasar," *Commun. J. Ilmu Komun.*, vol. 03, pp. 56–73, 2017.