

Law Enforcement Perspectives on Children in Conflict with the Law Due to Digital Crimes

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Abstract. *The rapid growth of digital technology has increased children's involvement in cyber-related activities, which has consequently raised the number of minors in conflict with the law due to digital crimes. In Indonesia, this phenomenon is intensified by high internet penetration and limited digital literacy among adolescents. This study aims to analyze law enforcement perspectives on children involved in digital crimes within the framework of the juvenile criminal justice system and to identify factors influencing legal responses. This research employs a qualitative approach using a literature study design. Data were collected from academic journals, books, legal regulations, and official institutional reports through systematic searches of Google Scholar, Scopus, and national journal databases. The collected materials were analyzed using content and thematic analysis. The findings indicate that law enforcement perspectives are shaped by legal frameworks, institutional culture, technological complexity, harm severity, and social pressure. Although the Juvenile Criminal Justice System Law emphasizes restorative justice and diversion, its implementation in cybercrime cases remains inconsistent due to the deterrence-oriented provisions of the Electronic Information and Transactions Law. The study concludes that stronger legal harmonization, interdisciplinary training, and public awareness are essential to ensure a more consistent, child-centered justice system in the digital era.*

Keywords: *Crime; Digital; Enforcement; Justice; Law.*

1. INTRODUCTION

The rapid development of information and communication technology has significantly increased internet use among children and adolescents, while simultaneously expanding opportunities for digital crimes involving children as both perpetrators and victims (Livingstone & Smith, 2014; UNICEF, 2017). The transformation of social interaction into digital spaces has shifted patterns of juvenile delinquency from conventional forms to cyber-based offenses such as hacking, online fraud, dissemination of illegal content, and cyberbullying (Hinduja & Patchin, 2019; Wall, 2024). This phenomenon places children in vulnerable positions of coming into conflict with the law due to digital activities whose legal consequences they often do not fully understand (UNODC, 2015).

In Indonesia, the rise in cybercrime cases involving children is closely linked to high internet penetration and relatively low levels of digital literacy among adolescents (APJII, 2013; Kominfo, 2022). Legal frameworks such as the Electronic Information and Transactions Law and the Juvenile Criminal Justice System Law provide normative foundations for addressing children in conflict with the law, including in digital contexts (Republik Indonesia, 2008, 2012). However, the practical implementation of these norms frequently presents challenges for law enforcement officers, particularly in balancing punitive measures with child protection principles (Adi, Sulistyowati, & Dewi, 2025; Arif, 2018; Rizkia et al., 2024).

Children who commit digital crimes possess developmental and psychological characteristics that differ significantly from adults, requiring legal approaches that take into account their emotional and cognitive maturity (Scott & Steinberg, 2008; Steinberg, 2009). Developmental criminology emphasizes that adolescent delinquency is often temporary and strongly influenced by social environments and peer dynamics (Moffitt, 2018; Warr, 2002). Therefore, law enforcement responses to children involved in digital crimes must be analyzed comprehensively within the framework of restorative justice and the protection of children's rights (Zehr, 2015).

Moreover, the complexity of digital evidence and the transnational nature of cybercrime add further burdens to law enforcement agencies when handling cases involving children (Brenner, 2010; Wall, 2024). Police officers, prosecutors, and judges are required not only to understand technical aspects of information technology but also to implement diversion mechanisms and prioritize the best interests of the. This condition highlights the necessity of examining how law enforcement perspectives are shaped in responding to children who come into conflict with the law due to digital crimes (Listyarini, 2017; Putri, 2019; Sinatrio, 2019).

The urgency of this research lies in the increasing exposure of children to digital environments that may lead to serious legal consequences, without a uniform understanding among law enforcement authorities regarding child-centered approaches. A mismatch between the rehabilitative objectives of the juvenile justice system and actual law enforcement practices may result in stigmatization and violations of children's rights (Hirschi & Gottfredson, 1993). Therefore, examining law enforcement perspectives is crucial to ensure the implementation of a fair, proportional, and child-oriented justice system.

Previous studies indicate that law enforcement officials frequently face dilemmas between legal certainty and restorative approaches in juvenile cases (Putri, 2019). Other research suggests that the lack of specialized training in cybercrime and child psychology affects the quality of case handling involving minors (Brenner, 2010). Nevertheless, studies that specifically explore law enforcement perspectives toward children involved in digital crimes remain limited, particularly within the Indonesian context.

Based on the foregoing background, this study aims to analyze law enforcement perspectives on children in conflict with the law due to digital crimes within the framework of the juvenile criminal justice system. This research also seeks to identify factors influencing law enforcement officers' viewpoints in handling cyber-related cases involving children. Furthermore, this study is expected to provide conceptual and practical recommendations to strengthen restorative justice approaches and the protection of children's rights in the context of digital crime.

2. RESEARCH METHODS

This study employs a qualitative approach with a literature study (library research) design. A qualitative approach was selected because the research aims to gain an in-depth understanding of law enforcement perspectives on children in conflict with the law due to digital crimes through interpretative analysis of relevant normative and conceptual sources (Creswell & Poth, 2016; Moleong, 2019). The literature study design enables the researcher to examine, critically evaluate, and synthesize previous studies, legal frameworks, and policy documents related to juvenile justice and digital crime (Snyder, 2019; Zed, 2018). Accordingly, this research does not involve field data collection but instead focuses on systematic and comprehensive analysis of scholarly and legal materials relevant to the research topic. The data used in this study consist of secondary data derived from academic and official sources. These include national and international journal articles discussing cybercrime, juvenile justice systems, and law enforcement perspectives; academic books relevant to the subject matter; statutory regulations such as Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 11 of 2008 concerning Electronic Information and Transactions and its amendments; as well as reports from international and national institutions related to child protection in the digital era (Republic of Indonesia, 2008; Republic of Indonesia, 2012; UNICEF, 2019; UNODC, 2019). Sources were selected purposively based on the credibility of the authors, the reputation of the publishers, relevance to the research problem, and the recency of publication (Ridley, 2012). Data were collected through a systematic literature search using online academic databases such as Google Scholar, Scopus, and accredited national journal portals, as well as through documentation of relevant legislation and official institutional reports. The process involved identification, selection, evaluation, and documentation of literature directly related to the research theme. The collected materials were then organized according to major themes, including the concept of children in conflict with the law, characteristics of digital crime, restorative justice principles, and law enforcement practices. To ensure validity and reliability, source triangulation was conducted by comparing findings and perspectives from different scholarly works and official documents (Booth, James, Clowes, & Sutton, 2021). The data were analyzed using content analysis and thematic analysis. Content analysis was applied to identify key concepts, arguments, and patterns related to law enforcement perspectives on children involved in digital crimes within written sources (Krippendorff, 2018). Subsequently, thematic analysis was used to categorize and interpret the data into relevant conceptual themes, enabling a comprehensive understanding of prevailing perspectives, normative challenges, and policy implications (Braun & Clarke, 2021). The analysis was conducted systematically and interpretatively by integrating theoretical frameworks, legal provisions, and practical considerations in law enforcement, thereby producing a coherent and analytical synthesis aligned with the objectives of the study.

3. RESULTS AND DISCUSSION

3.1. Law Enforcement Perspectives within the Juvenile Criminal Justice Framework

Law enforcement perspectives on children in conflict with the law due to digital crimes must be examined within Indonesia's constitutional and statutory framework. Constitutionally, the protection of children is guaranteed under Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945), which states that

every child has the right to survival, growth, and development, and to protection from violence and discrimination. In addition, Article 28D paragraph (1) guarantees equal protection before the law, while Article 28G paragraph (1) ensures protection of personal security and dignity. These constitutional provisions form the fundamental legal basis for a child-sensitive criminal justice approach.

Operationally, these principles are implemented through Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law), which mandates restorative justice and diversion at every stage of the criminal process (Articles 6 and 7). At the same time, digital crimes are regulated under Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) as amended by Law No. 19 of 2016, which contains punitive provisions for illegal access (Article 30), distribution of immoral content (Article 27(1)), online defamation (Article 27(3)), and spreading false information (Article 28). This dual structure creates a normative intersection between child protection and cybercrime enforcement.

In the UK, members of the hacking group “LulzSec” included at least one minor prosecuted under the Computer Misuse Act 1990. Although the offender’s age was considered in sentencing, prosecution proceeded due to the seriousness of unauthorized access and reputational harm to corporations and public institutions (Yar & Steinmetz, 2023). This case illustrates how perceived harm and national security concerns override purely rehabilitative considerations. Law enforcement justified formal prosecution on deterrence grounds, even within a juvenile framework.

In several U.S. states, minors engaged in consensual sexting were charged under child pornography laws because statutes did not distinguish peer-generated images from exploitative production (Temple, Strasburger, Zimmerman, & Madigan, 2019). Law enforcement officers, bound by statutory mandates, initiated formal charges despite the developmental context of adolescent behavior. Scholars argue that such responses contradict adolescent developmental research and undermine rehabilitative objectives. These cases demonstrate how rigid cyber statutes can constrain discretionary child-centered approaches.

In Indonesia, cases involving minors accused under Article 27(3) of the ITE Law (online defamation) or Article 28 (false information causing consumer loss) show varying enforcement approaches. In several reported incidents, when the child was a first-time offender and harm was limited, police applied diversion under the SPPA Law. However, in cases involving organized online fraud (e.g., phishing schemes causing significant financial loss), investigators pursued formal prosecution under Articles 45 and 45A of the ITE Law. This selective approach reflects harm-based enforcement logic and demonstrates how seriousness of impact influences legal interpretation.

1) Normative Tension Between Rehabilitation and Deterrence

Juvenile justice philosophy is grounded in developmental psychology and criminology. Adolescents are less mature in impulse control and risk evaluation due to ongoing neurological development. Scott and Steinberg (2010) argue that reduced culpability in juveniles justifies a system focused on rehabilitation rather than retribution (Steinberg & Scott, 2010). Restorative justice theory further emphasizes repairing harm and reintegration rather than punishment.

However, cybercrime legislation reflects deterrence-oriented logic. Digital crimes often cause financial losses, reputational damage, or public disorder, leading to stronger law enforcement responses (Wall, 2024). Research shows that youth involvement in hacking and online fraud is frequently exploratory and peer-driven rather than motivated by entrenched criminal intent (Holt, Bossler, & Seigfried-Spellar, 2022). Nevertheless, when economic or institutional harm is substantial, law enforcement may interpret such conduct as deliberate and organized, thereby limiting diversion opportunities.

2) Influence of Technological Complexity

Cybercrime investigations require digital forensic analysis, IP tracing, and cross-border evidence requests. The procedural rigor demanded by digital evidence law may shift institutional focus toward compliance and proof of elements rather than psychosocial assessment of the minor. Brenner (2010) notes that cybercrime enforcement structures prioritize technological expertise and inter-agency coordination, which may unintentionally marginalize restorative considerations (Brenner, 2010).

3) Public Pressure and Media Amplification

The viral nature of digital crimes intensifies public reaction. High-profile cyberbullying cases linked to adolescent suicide have led to stronger enforcement demands (Hinduja & Patchin, 2019). Law enforcement officers must therefore balance constitutional child protection mandates with public expectations for accountability, reinforcing the structural tension between restorative and deterrent philosophies.

Law enforcement perspectives are shaped by the interaction of four core dimensions:

- a. Constitutional Mandate – Article 28B(2) UUD 1945 requires child protection.
- b. Juvenile Justice Law (Law No. 11/2012) – Prioritizes diversion and restorative justice.
- c. Cybercrime Law (Law No. 11/2008 & Law No. 19/2016) – Emphasizes deterrence and legal certainty.
- d. Practical Factors – Harm severity, technological complexity, institutional culture, and public pressure.

The degree to which restorative justice is applied in digital cases depends largely on how law enforcement interprets harm, intent, and developmental maturity. Strengthening alignment between constitutional child protection guarantees and cybercrime enforcement requires clearer legislative harmonization and specialized training in both digital forensics and adolescent psychology.

3.2 Factors Influencing Law Enforcement Officers' Viewpoints in Indonesia

Law enforcement perspectives in handling children involved in digital crimes in Indonesia are shaped by constitutional mandates, statutory frameworks, institutional dynamics, and socio-cultural pressures. Constitutionally, Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD 1945) guarantees every child the right to survival, growth, development, and protection from violence and discrimination. In addition, Article 28D paragraph (1) guarantees equal protection before the law. These constitutional provisions form the normative foundation for a child-sensitive criminal justice system. Their operationalization is reflected in Law No. 11 of 2012 on the Juvenile

Criminal Justice System (SPPA Law), which mandates diversion and restorative justice, and Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) as amended by Law No. 19 of 2016, which regulates cyber offenses.

1) Legal and Regulatory Framework

The interaction between the SPPA Law and the ITE Law significantly shapes law enforcement viewpoints. The SPPA Law requires diversion for crimes punishable by imprisonment under seven years and emphasizes restorative justice (Putri, 2019). However, several provisions in the ITE Law—such as Article 27(3) on online defamation and Article 28 on spreading false information—carry penalties exceeding this threshold. This creates normative tension: when the statutory penalty exceeds seven years, diversion becomes legally limited.

For example, in several reported Indonesian cases involving minors accused of online defamation under Article 27(3) ITE Law, law enforcement initially pursued formal investigation before considering diversion mechanisms under the SPPA Law. Scholars argue that this dual legal structure influences officers' discretion and may create inconsistent application of restorative justice (Anwar, Prihatmini, Azizah, & Suarda, 2024; Fikri, Siregar, & Rafianti, 2022). The stricter the cyber provision applied, the narrower the space for diversion.

2) Institutional Culture and Professional Training

Institutional culture within Indonesian law enforcement agencies strongly influences decision-making. Research shows that successful implementation of diversion depends not only on statutory mandate but also on officers' understanding of restorative justice principles. When institutional orientation emphasizes child protection and mediation, officers are more inclined to pursue non-custodial measures.

However, cybercrime units are often trained with a focus on digital forensics, cyber security, and procedural compliance. This technical orientation may unintentionally reduce focus on psychosocial assessment of minors. Studies on cybercrime enforcement in Indonesia note that limited interdisciplinary training—particularly in child psychology—can result in rigid interpretation of digital offenses (Martono, Akbar, & Rahmatiar, 2025). Thus, professional specialization shapes how officers perceive culpability.

3) Understanding of Child Development

Knowledge of adolescent development plays a decisive role in interpreting criminal intent. Developmental criminology indicates that juvenile offending is often situational and influenced by peer dynamics (Steinberg & Scott, 2010). Indonesian legal scholarship emphasizes that the SPPA Law was enacted to reflect these developmental realities.

For instance, cases of minors involved in online marketplace fraud (e.g., fake online shop scams) have shown that some children engaged in such acts under peer encouragement or economic pressure rather than organized criminal networks. In such cases, investigators who recognized developmental immaturity were more likely to support diversion and supervision measures rather than detention. Conversely, when digital skills were interpreted as evidence of deliberate planning, stricter legal responses were applied.

4) Nature and Severity of the Digital Offense

The seriousness of harm significantly affects enforcement orientation. Research on cybercrime regulation indicates that offenses causing financial loss or public unrest are more likely to trigger formal prosecution.

A notable Indonesian example involves cases of minors participating in coordinated phishing schemes targeting online banking users. When financial losses were substantial and victims were numerous, police pursued prosecution under Articles 30 and 46 of the ITE Law. In contrast, in cases of impulsive social media insults among students, diversion through mediation was frequently applied. This demonstrates what criminological literature calls harm-based enforcement logic—greater measurable harm reduces tolerance for restorative measures.

5) Public and Media Pressure

Digital crimes often gain rapid media exposure in Indonesia. Viral cases involving online bullying or hate speech frequently generate strong public reactions. In several incidents where minors posted inflammatory or defamatory content on social media, police action was influenced by public demand for accountability.

Scholarly analysis indicates that media amplification can shape law enforcement discretion, particularly in cyber cases involving sensitive issues such as religion or ethnicity. While constitutional protections under Article 28B(2) require child protection, officers must also respond to societal expectations, creating a balancing dilemma.

6) Technological Complexity and Evidence Challenges

Cybercrime investigations require digital evidence preservation, forensic extraction, and coordination with internet service providers. Such technical complexity influences perception of seriousness. Brenner (2010) notes that digital investigations emphasize evidentiary integrity and cross-jurisdictional cooperation. In Indonesia, cybercrime units must comply with procedural requirements under the Criminal Procedure Code (KUHP) and the ITE Law, reinforcing formalistic approaches.

When cases involve sophisticated hacking techniques or encrypted communications, officers may interpret the conduct as highly intentional, reducing the likelihood of diversion. Conversely, simple misuse of social media without technical manipulation may be more readily resolved through restorative channels.

In Indonesia, law enforcement perspectives toward children involved in digital crimes are shaped by:

- a. Constitutional Guarantees (UUD 1945, Article 28B(2)) – Mandating child protection.
- b. SPPA Law (Law No. 11/2012) – Emphasizing diversion and restorative justice.
- c. ITE Law (Law No. 11/2008; Law No. 19/2016) – Emphasizing deterrence and digital regulation.
- d. Institutional Orientation and Training – Influencing discretionary decisions.
- e. Severity of Harm and Public Reaction – Affecting prosecutorial stance.

f. Technological Complexity – Reinforcing procedural formalism.

The interplay of these elements explains why application of restorative justice in digital cases involving minors varies across cases. Strengthening alignment requires harmonizing cybercrime penalties with juvenile justice thresholds and enhancing interdisciplinary training in child development and cyber forensics.

3.3 Discussion

This study shows that law enforcement perspectives on children involved in digital crimes are influenced by the interaction between legal regulations, institutional practices, technological complexity, and social pressure. Although the Juvenile Criminal Justice System Law emphasizes restorative justice and diversion, its application in cybercrime cases remains inconsistent due to the deterrence-oriented nature of the Electronic Information and Transactions Law.

One major finding is the normative tension between rehabilitation and punishment. In minor cases such as impulsive online conflicts or cyberbullying, law enforcement officers tend to apply mediation and diversion. However, in cases involving financial loss, organized fraud, or hacking, formal prosecution is prioritized. This indicates that the severity of harm strongly affects officers' discretion, leading to selective implementation of restorative justice.

Technological complexity also shapes enforcement approaches. Digital investigations require forensic expertise and strict procedural compliance, which often shifts attention away from psychosocial assessment of minors. When children demonstrate advanced technical skills, their actions are more likely to be interpreted as intentional, reducing opportunities for diversion.

Institutional culture and training further influence decision-making. Limited interdisciplinary training in child psychology and restorative practices encourages rigid legal interpretation, especially within cybercrime units. In addition, public and media pressure in viral digital cases often pushes law enforcement toward more punitive responses, even when child protection principles apply.

The findings also indicate that officers' understanding of adolescent development affects legal responses. Those who recognize juvenile behavior as experimental and peer-influenced are more likely to support rehabilitation, while others emphasize deterrence.

Overall, this study demonstrates that law enforcement perspectives are shaped by legal frameworks, institutional orientation, technological demands, harm severity, and social expectations. These factors explain the inconsistent application of restorative justice in digital crime cases involving minors. Therefore, stronger legal harmonization, improved interdisciplinary training, and greater public awareness are needed to ensure a more consistent, child-centered justice system in the digital era.

4. CONCLUSION

This study concludes that law enforcement perspectives on children involved in digital crimes in Indonesia are influenced by the interaction between constitutional mandates, statutory regulations, institutional orientation, technological demands, and societal expectations. The coexistence of the Juvenile Criminal Justice System Law and the Electronic Information and Transactions Law creates normative tension between

rehabilitative and deterrent approaches. As a result, restorative justice and diversion are applied selectively, particularly depending on the severity of harm and public pressure. While the legal framework provides strong protection for children's rights, its practical implementation remains inconsistent. Therefore, the effectiveness of child-centered justice in digital cases depends not only on legal norms but also on institutional capacity and professional discretion. From a practical perspective, law enforcement agencies should strengthen interdisciplinary training that integrates digital forensics, child psychology, and restorative justice principles. Institutional policies need to emphasize child protection and rehabilitation alongside legal certainty. Clear operational guidelines should be developed to assist officers in applying diversion mechanisms in digital crime cases. In addition, policymakers should harmonize cybercrime regulations with juvenile justice provisions to reduce legal uncertainty. Public education programs on digital ethics and children's rights are also necessary to minimize social pressure that encourages punitive responses. Future research is recommended to employ empirical and field-based methods, such as interviews and case studies, to examine actual practices in handling juvenile digital crime cases. Longitudinal studies may be conducted to assess the long-term impact of restorative justice on child rehabilitation. Further research should also explore regional variations in law enforcement practices and the role of community-based interventions. In addition, studies focusing on ethical issues, cybersecurity risks, and children's perceptions of the justice process will contribute to the development of more comprehensive and responsible juvenile justice policies in the digital era.

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