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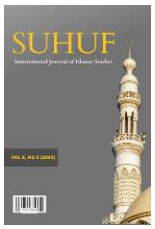

State Authority and Public Interest: Reinterpreting Age Restriction Policy through the Doctrine of *Tassaruf al-imam bi al-Maslahah*

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ABSTRACT

Background: This study examines the facultative age restriction model for digital platform users under Government Regulation Number 17 of 2025 (PP Tunas) within Indonesia's socio-digital context. The regulation adopts a parental consent–based framework inspired by the GDPR, positioning parents as primary decision-makers in children's digital access. **Objective:** This research aims to evaluate the effectiveness of this model and its compatibility with Indonesia's socio-digital conditions through the Islamic legal principle of *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah*. **Method:** This study employs a normative legal method using statutory, conceptual, comparative, and case approaches to assess the delegation of child protection responsibilities to parents. **Result:** The findings indicate that low parental digital literacy, unequal access to digital infrastructure, and socio economic disparities significantly weaken the implementation of the model, undermining effective child protection and rendering it socially ineffective despite its formal validity. **Conclusion:** The parental consent–based model is inadequate to ensure optimal child protection in Indonesia's current context. This study proposes a reconstruction toward a more restrictive, state-imposed age regulatory model grounded in *maqasid al-shari'ah*, particularly the protection of lineage *hifz al-nasl* and intellect *hifz al-'aql*, to better align legal norms with socio-economic realities.

1. Introduction

Technological development in the era of digital transformation constitutes a double-edged sword, generating both benefits and risks, including for children. The increasing involvement of children as

users of digital platforms exposes them to digital crimes, positioning them as potential victims and, in certain circumstances, as perpetrators, particularly due to the prevalence of inappropriate content. These risks are further exacerbated by the emerging use of artificial intelligence to produce child sexual abuse material. The Internet Watch Foundation reported more than 3,500 AI-generated contents detected on the dark web in July 2024, with the number having already exceeded 20,000 contents by October 2023 [1]. Moreover, according to UNICEF's report *"Generative AI: Risks and Opportunities for Children"*, the sustained use of AI in education, training, and entertainment may result in cognitive stagnation, dependency, and impediments to the development of reasoning abilities and social behaviour. These developments indicate that the digital space has become a high-risk space for the protection and holistic development of children [2].

A 2020 report by the Digital Quotient Institute indicates that approximately 60% of children worldwide have access to the digital space, accompanied by various risks, including cyberbullying (45%), reputational harm (39%), exposure to sexual or violent content (29%), cyber threats (28%), unsafe online interactions (17%), gaming-related disorders (13%), and social media-related disorders (7%). Indonesia represents one of the countries facing high levels of digital risk affecting children. In 2024, the National Center for Missing & Exploited Children (NCMEC) ranked Indonesia as the third-highest country in reported cases of online child sexual exploitation through the CyberTipline, with a total of 1,450,403 cases originating from digital platforms and public complaints [3].

The high incidence of digital crimes involving children correlates with the extensive access of Indonesian children to digital space. Data from Statistics Indonesia (BPS) in 2024 show that 39.71% of young children use mobile phones and 35.57% have accessed the internet. More alarmingly, 5.88% of children under one year of age have been recorded as using digital devices, with 4.33% accessing the internet. This proportion increases significantly among children aged 1-4 years, with 37.02% using mobile phones and 33.80% already online, and among those aged 5-6 years, where 58.25% use mobile devices and 51.19% actively access the internet [4]. From a legal perspective, children's vulnerability to digital crimes is closely linked to their status as legal subjects who lack full legal capacity, rendering them more prone to impulsive decision-making. In response, various states and international organisations, including the UNHCR through its Digital Human Rights Initiative, have urged the adoption of national policies aimed at safeguarding children in the digital space based on the best interests of the child principle. One such policy measure is the implementation of minimum age restrictions on children's access to digital platforms, as adopted by countries such as the United States, the United Kingdom, France, Italy, Belgium, Australia, and Indonesia.

The models of minimum age restriction adopted by various countries differ considerably. Broadly, two principal models can be identified, namely the facultative restriction model, adopted by the United States, the United Kingdom, France, Italy, Belgium, and Indonesia, and the strict (restrictive) restriction model, which is currently implemented exclusively by Australia. The fundamental distinction between these models lies in the degree of state intervention in regulating children's access to digital platforms. Under the facultative model, the state delegates decision-making authority to parents as guardians, allowing them to determine whether their children may access to digital platforms, with the legal framework generally providing only recommended age thresholds. In contrast, the strict model involves comprehensive and mandatory state regulation of age limits, content categories, and platform accessibility, without exceptions based on parental consent, thereby positioning parents primarily as policy supporters rather than principal decision-makers. The adoption of these models is closely linked to the socio-economic conditions of each country, particularly the level of parental digital literacy [5]. Countries implementing the facultative model typically exhibit high digital literacy index scores, low poverty rates, equitable internet access, and a substantial proportion of digital-based occupations [6]. By comparison, Indonesia's socio-economic realities are still characterised by relatively low levels of digital literacy, especially among parents. In this context, the adoption of the facultative model through Government Regulation No. 17 of 2025 on the Governance of Electronic System Providers in Child Protection (PP Tunas), which draws upon European Union standards and the United Kingdom's Age Appropriate Design Code, reflects a misalignment between policy design and empirical social conditions. This disparity becomes even

more apparent when Indonesia is compared with European Union countries and Australia in terms of digital literacy, poverty levels, internet access distribution, and the development of digital occupations. These conditions indicate that Indonesian parents are not yet appropriately positioned to be granted extensive authority as the primary implementers of the minimum age restriction policy. In other words, parents as natural guardians lack sufficient competence to effectively perform child protection functions within the digital space.

From the perspective of critical legal studies and state authority, excessive discretion granted to parents as the primary executors of policy risks undermining the best interests of the child. Where natural guardians lack adequate capacity, the state is legitimately justified in assuming or reinforcing protective functions to ensure effective child protection. This approach accords with the principle of *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah*, which requires that all exercises of authority be directed toward the promotion of public welfare. Guardianship should not be understood merely as a biological or juridical relationship, but as a legal function requiring factual competence, including knowledge, skills, and legal awareness. The exercise of guardianship authority without sufficient competence therefore carries the risk of causing harm to the child. Accordingly, the state, as the holder of *wilayah ʿammah*, possesses legitimate authority to implement stricter and more interventionist minimum age restriction policies in order to safeguard the welfare and best interests of children in the digital space [7].

Against this backdrop, it is crucial to critically examine whether the minimum age restriction policy under PP Tunas is normatively appropriate and empirically compatible with Indonesia's socio-digital conditions, particularly in relation to the state's obligation to protect children as a vulnerable group in the digital space. The literature review reveals the absence of studies that comprehensively assess the coherence between minimum age restriction policy models for digital platform users, both normatively and empirically, by linking them to the Islamic legal principle of *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah*. Moreover, legal research specifically analysing the minimum age restriction model adopted under Government Regulation No. 17 of 2025 remains limited. Most existing studies have focused on the urgency of establishing minimum age regulations for children's access to digital platforms [8], [9], [10], [11]. These studies were appropriate in their time, as they were conducted prior to the enactment of PP Tunas.

The limitations of these studies indicate a research gap in integrating policy design, empirical social conditions, and Islamic legal perspectives simultaneously. Accordingly, this study demonstrates strong novelty by not only continuing but also advancing previous research through the integration of three principal elements: the protection of children in the digital space, an analysis of empirical conditions affecting policy implementation, and an Islamic legal perspective on guardianship competence to ensure the best interests of the child.

2. Method

This research is a normative legal study employing statutory, conceptual, comparative, and case approaches. The statutory approach is used to analyze Government Regulation No. 17 of 2025 in relation to constitutional norms on child protection and state responsibility. The conceptual approach examines the Islamic legal maxim *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah* and the concept of legal capacity of guardians *ahliyyah al-ada'* as the basis for legitimizing state intervention. The comparative approach situates Indonesia's facultative restriction model, which refers to the General Data Protection Regulation of the European Union, in comparison with the strict restriction model applied in Australia. The case approach is employed to examine relevant cases concerning child protection in the digital space that illustrate the limited effectiveness of parental consent mechanisms.The legal materials collected consist of two types, namely primary legal materials comprising statutes and international legal instruments, and secondary legal materials in the form of books and journal articles. All legal materials are analyzed qualitatively with emphasis on the coherence of legal arguments and the interpretation of applicable norms, including international legal instruments.

3. Results and Discussion

3.1 The Regulatory Construction of Minimum Age Limits for Digital Users under PP No 17/2025

Indonesia's efforts to protect children in the digital space are manifested in the adoption of minimum age limits for digital platform users under Government Regulation No. 17 of 2025 on the Governance of Electronic System Operation for Child Protection (PP TUNAS). As stated in the considerans, PP TUNAS was enacted to implement Article 16A(5) and Article 16B(3) of Law No. 1 of 2014, which mandate that the governance of electronic systems for child protection be regulated by a government regulation. The general elucidation further indicates that PP TUNAS adopts standards and good practices from the General Data Protection Regulation (GDPR) and the United Kingdom's Age Appropriate Design Code, reflecting the adoption of a facultative restriction model. Conceptually, minimum age regulation for digital platform users may be classified into two principal models, namely the strict restriction model and the facultative restriction model, reflecting differing degrees of regulatory rigidity. The strict restriction model establishes detailed and mandatory rules concerning which platforms and content categories may or may not be accessed by children, without allowing any exceptions. By contrast, the facultative restriction model permits conditional deferral of age limits, primarily through the provision of parental consent, whereby parental consent operates as the determining factor for suspending age-based access limitations. In practice, most countries, including Indonesia and the United Kingdom, adopt the facultative model, while Australia remains the only country currently implementing a strict restriction model [12].

The assertion that Indonesia has adopted a facultative model of restriction policy can be demonstrated not only by examining the orign of its reference jurisdictions, but also by assessing the subtantive provisions embodied in Government Regulation No 17 of 2025 on the Governance of Electronic System for Child Protection (PP Tunas). Several provisions stipulated in these articles include the following:

First, the provision of Article 9 stipulates that:

(1) Electronic System Operators are required to obtain consent from a child's parent or guardian as referred to in Article 7 paragrafh (1) letter a, before the child may access or use any product, service, or feature;
(2) In the event that the Electronic System Operator provides product, services, or features intended for children aged at least 17 years, the Operator may obtain consent directly from the child prior to such use, provided that a notification is sent to the parent or guardian for confirmation;
(3) The Electronic System Operator shall provide a reasonable period for the submission of consent as referred to in paragraph (1) and for the notification as referred to in paragraph (2);
(4) Should the parent or guardian refuse to provide consent as referred to in paragrafh (3), the Electronic System Operator is prohibited from providing the product, service, or feature to the child;
(5) In the event that the parent or guardian refuses to provide consent as referred to in paragrafh (4):
    a. Any consent previously granted by the child shall be null and void by operation of law; and
    b. The Electronic System Operator must delete the child's personal data.

Furthermore, Article 9 is further elucidated in its explanatory section, which reads as follows:

(1) The granting of consent by parents or legal guardians to the Electronic System Provider prior to a child's use of products, services, and features constitutes a form of parental or guardian involvement in ensuring the best interests of the child. The consent referred to in this provision is opt-in in nature, meaning that the Electronic System Provider may grant access to its products, services, and features to the child only after obtaining explicit consent from the parent or legal guardian.
(2) The consent referred to in this provision is opt-out in nature, meaning that in the absence of an explicit refusal from the parent or legal guardian, the child may use or access the products, services, and features provided by the Electronic System Provider.

(3) The term "reasonable period for requesting consent" as referred to in this provision shall include, among others, the following:
   a. In the case of a child under the age of 17 years, the Electronic System Provider shall allow a period of 24 (hours to obtain consent from the parent or legal guardian. Prior to the granting of such consent within the specified timeframe, the Electronic System Provider shall not provide access for the child to use or access any products, services, or features.
   b. In the case of a child aged 17 years, the Electronic System Provider shall provide a period of 6 hours for the parent or legal guardian to express a refusal. Before the expiration of this period, the Electronic System Provider shall likewise restrict the child's access to products, services, and features.

Second, the provision of Article 20 paragraph (2) stipulates that" "the minimum age limit for children as referred to in paragraph (1) is at least three years old, with the following age group classifications:
a. Ages three to five years;
b. Ages six to nine years;
c. Ages ten to twelve years;
d. Ages thirteen to fifteen years; and
e. Ages sixteen years up to but not yet eighteen years

Third, the provision of Article 21 Paragraph (1) stipulates that: "the operation of an Electronic System that requires or conditions registration or the possession of an account to use or access a product, service, or feature must comply with the minimum age limitations for children as provided below:

a. A child under thirteen years of age, as reffered to in Article 20 Paragraph (2) letters a,b, and c, may have an account for products, services, or features specifically designed for children and classified as low-risk, subject to parental consent;
b. A child aged thirteen years up to but not yet sixteen years, as referred to in Article 20 paragraph (2) letter d, may have an account only for products, services, or features classified as low-risk, with parental consent;
c. A child aged sixteen years up to but not yet eighteen years, as referred to in Article 20 paragraph (2) letter e, may have an account for products, services, or features, provided that parental consent is obtained.

Fourth, the provision of Article 48 paragraph (3) stipulates that "The role of parents or legal guardians as referred to in paragraph (2) shall consist of :
a. assisting the child in selecting products, services, and features that are appropriate to the child's age and needs;
b. assessing the suitability of products, services, and features for the child's age before granting consent;
c. monitoring the child's use of products, services, and features; and
d. providing education to the child regarding the benefits and negative impacts of using such products, services, and features.

Based on the provisions of several articles discussed above, the assertion that Indonesia has adopted a facultative restriction model in regulating the minimum age for digital platforms users can be explicitly substantiated. Although PP Tunas clearly delineates age group classifications for children and specifies the types of services accessible to each group, as stipulated in Article 20 paragraph (2) in conjunction with Article 21 paragraph (1) of PP Tunas as an implemented age restriction framework, the restriction policy established therein remains subject to suspension through the application of Article 9 in conjunction with Article 48 paragraph (3) of the same regulation. These provisions essentially confer substantial discretion upon parents to determine whether a child may be granted access to digital platforms through parental consent. As expressly stated in the Explanatory Notes to Article 9 paragraphs (1) and (2) of PP Tunas, parental consent in this context operates on both an opt in basis, whereby children may access digital products, services, and features only after obtaining parental approval, and an opt out basis, whereby children may also access such products,

services, and features in the absence of an explicit refusal by parents. The extensive role afforded to parents is further reaffirmed in Article 48 paragraph (3) letters a and b of PP Tunas, which require parents to assist children in selecting digital products, services, and features that are appropriate to the child's age and needs. Accordingly, Article 9 in conjunction with Article 48 of PP Tunas constitutes the principal normative basis demonstrating that Indonesia adopts a facultative restriction model.

In order to reinforce the assertion that policies regulating the minimum age of digital platform users may be classified into two distinct models, namely strict and facultative restrictions, this section examines regulations adopted by various countries that have implemented such policies, while also strengthening the argument that Indonesia falls within the facultative restriction model. This comparative legal analysis is presented in the following table :

Table 1. Comparative Overview of Facultative and Strict Age Restriction Models and Legal Instruments

FACULTATIVE RESTRICTION MODEL			**STRICT RESTRICTION MODEL**		
No	**Country**	**Legal Instrument**	**No**	**Country**	**Legal Instrument**
1	United Kingdom	In the United Kingdom, the minimum age restriction framework is governed by the Online Safety Act 2023 and the Age Appropriate Design Code. Articles 12(3) and (4), 61(3), and 236(4) of the Online Safety Act 2023 require digital service providers to implement age verification or age estimation measures to prevent children from accessing priority harmful content and to ensure that they only access age-appropriate digital content. A child is defined as a person under the age of eighteen, with the following age classifications: (1) 0-5 years: pre-literate and early literacy ; (2) 6-9 years: core primary school years ; (3) 10-12 years: transition years ; (4) 13-15 years: early teens ; (5) 16-17 years: approaching adulthood. Furthermore, Article 20(5)(c) of the Online Safety Act 2023, read in conjunction with	1	Australia	Pursuant to **Section 4 Part 1–Amendment of the Online Safety Act 2021 as amended by the Online Safety Amendment (Social Media Minimum Age) Act 2024**, platform providers are required to take reasonable steps to prevent children who have not attained the minimum age from holding accounts. Furthermore, **Section 5 Part 1–Amendment in conjunction with Section 63C Part 4A** stipulates that an **age-restricted user** is an Australian child who has not reached the age of **16 years**. This restriction is further reinforced by **Section 63C(1)(a) Part 4A**, which qualifies as an **age-restricted social media platform** any electronic service whose sole or significant purpose is to enable **online social interaction between end-users**, allows end-users to **link to or interact with one another**, and permits end-users to **post material or content**, as well as by **Section 63C(1)(b) in conjunction with Sections**

FACULTATIVE RESTRICTION MODEL			STRICT RESTRICTION MODEL		
No	**Country**	**Legal Instrument**	**No**	**Country**	**Legal Instrument**
		Principle 11 of the Age Appropriate Design Code, recognises parents or other responsible adults as legally authorised actors in reporting and managing harmful content and as consenting parties in configuring children's digital experiences. Although parental consent is not prescribed as an absolute legal prerequisite for children's access to digital platforms, these provisions institutionally embed parental consent as an integral component of the child protection framework, thereby positioning the United Kingdom within the facultative restriction model.			**63C(4)–(5)**, which confer upon the Minister the authority to **designate certain electronic services as age-restricted through legislative rules** where reasonably necessary to minimise harm to children. Accordingly, children under the age of 16 are **prohibited from accessing social media platforms based on public networking and user-generated content**. Conversely, pursuant to **Section 13A(1)(a)–(f) of the Online Safety Act 2021**, children remain **permitted to access relevant electronic services**, including **email services, instant messaging services, SMS services, MMS services, chat services** and pursuant to **Section 14(1) of the Online Safety Act 2021**, children may also **access designated internet services** for the purpose of obtaining material via the internet, insofar as such services **do not constitute social media services and are not relevant electronic services**. With respect to parental involvement, **Section 30(2)(b) in conjunction with Section 32(3)(b), Section 138(3)(r), (s), and (t), and Section 214(1) of the Online Safety Amendment (Social Media Minimum Age) Act 2024** position parents **as supporting parties authorised to supervise and monitor** their children's access to services that are not prohibited, while the **determination as**

FACULTATIVE RESTRICTION MODEL			STRICT RESTRICTION MODEL		
No	**Country**	**Legal Instrument**	**No**	**Country**	**Legal Instrument**
					to whether a service may or may not be accessed by a child is prescribed directly by the State through normative prohibitions, rather than by parental discretion.
2	France	According to the provisions of Articles 6–7.1 of *Loi n° 2023-566 du 7 juillet 2023 relative à la majorité numérique*, it is stipulated that online social networking service providers operating in France are required to refuse the registration of children under the age of fifteen, unless such registration is authorized by one of the holders of parental authority over the child. They are also required, under the same conditions and as soon as possible, to obtain explicit consent from one of the holders of parental authority for accounts that have been created and are held by children under the age of fifteen. Following registration, these companies are obliged to provide information to users under the age of fifteen and to their parents or legal guardians regarding the risks associated with digital use and the means of preventing such risks			
3	Italy	According to Article 2(d), paragraph (1) of the Italian Personal Data Protection Code, which adapts national legislation to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection			

FACULTATIVE RESTRICTION MODEL			STRICT RESTRICTION MODEL		
No	**Country**	**Legal Instrument**	**No**	**Country**	**Legal Instrument**
		Regulation – GDPR), it is stipulated that a child who has reached the age of fourteen may independently provide consent to the processing of his or her personal data, whereas in the case of a child under the age of fourteen, such consent must be provided by the parent or legal guardian. Although this provision does not explicitly establish a statutory minimum age requirement for access to digital platforms, it operates as a functional age-based restriction, insofar as the processing of personal data constitutes a fundamental prerequisite for the creation, access, and continued use of digital accounts.			
4	Belgium	According to Article 7 of the Act on the Protection of Natural Persons with Regard to the Processing of Personal Data, the processing of children's personal data in the context of access to digital services is lawful upon the consent of a child aged 13 years or above; for children under that age, lawful processing requires the consent of the child's legal representative.			
5	United States	According to Article 1302 paragraphs (1) and (9) in conjunction with Article 1303 of the Children's Online Privacy Protection Act of 1998, a child is defined as an individual under the age of thirteen. Accordingly, digital platforms directed at children, or platforms that have actual knowledge that their users are children, are required to obtain verifiable parental consent			

FACULTATIVE RESTRICTION MODEL			STRICT RESTRICTION MODEL		
No	**Country**	**Legal Instrument**	**No**	**Country**	**Legal Instrument**
		prior to the collection, use, or disclosure of such children's personal data.			

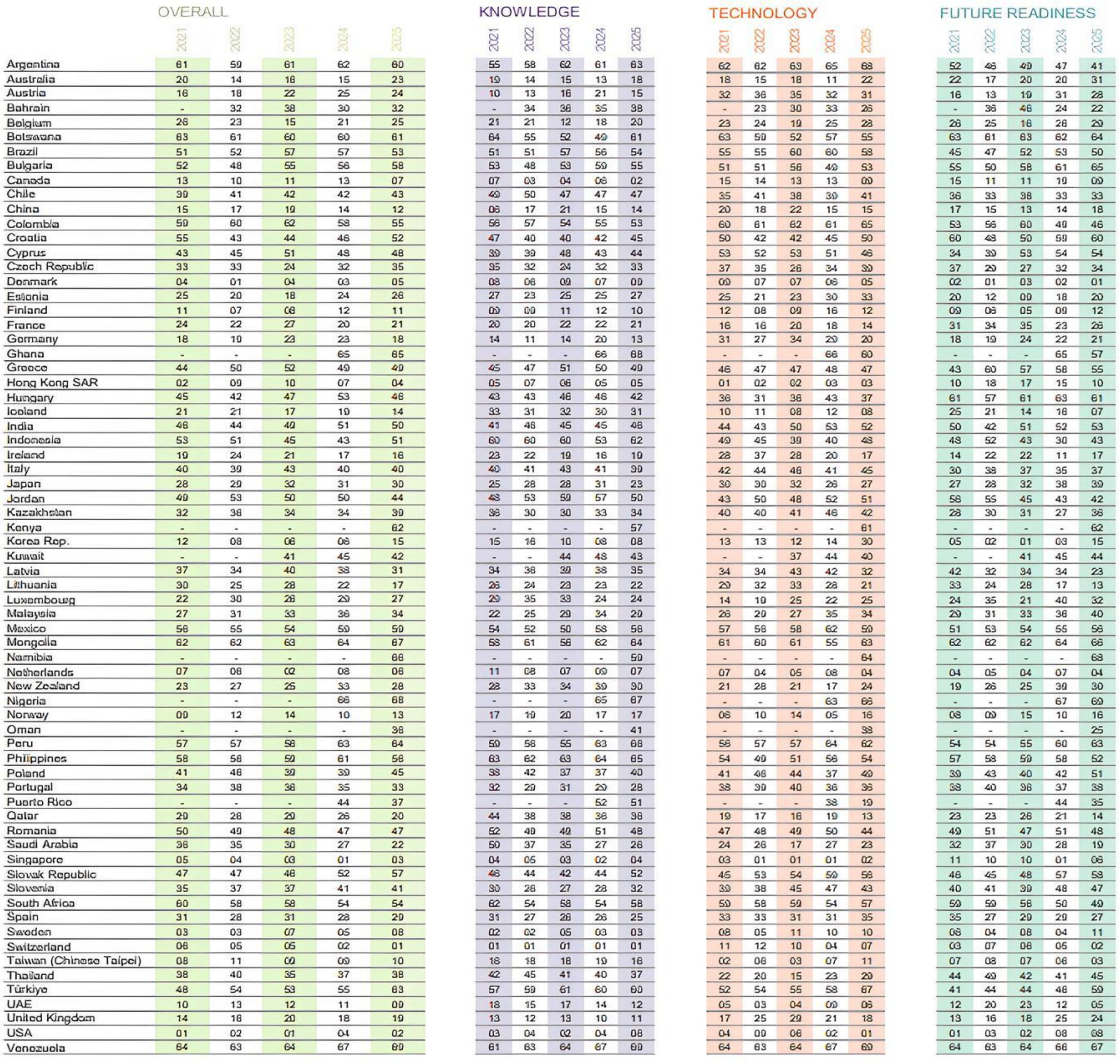
Source: Compiled by the Author based on minimum age regulations for digital platform users in each comparator country (2025).

Referring to the provisions set out in Table 1, there are two main points that give rise to the formation of two theories related to the model of minimum age restriction policies for digital platform users. The first point concerns the detailed regulation of age ranges, the types of platforms that may and may not be accessed, and the role of parents. The second point relates to the legal sources underlying the formation of legal instruments governing minimum age restriction policies for digital platform users in a given country. With regard to the first point, the regulation of age ranges, platform types, and the role of parents serves as the distinguishing criterion between the facultative restriction model and the strict restriction model. Under the facultative restriction model, the concept of restriction is primarily centred on parental consent. This means that the state provides flexibility to parents to determine the applicable age range and the types of digital products or services that may be accessed by a child. Consequently, significant variations can be observed among national regulations, whereby some countries regulate age limits explicitly, while others do so implicitly. By contrast, under the strict restriction model, the legal instrument explicitly and comprehensively regulates the specific age ranges subject to restriction, as well as clearly determines which platforms may and may not be accessed by children without any exceptions, including exceptions based on parental consent. In this model, the role of parents is limited to that of policy supporters rather than functioning as the primary gatekeepers in the implementation of the policy. Furthermore, with respect to the second point, it can be observed that countries adopting the facultative restriction model are generally those that have adopted the General Data Protection Regulation (GDPR) or the Children's Online Privacy Protection Act (COPPA). The minimum age restriction policies for digital platform users in the United Kingdom, France, Italy, and Belgium are derived from the provisions of the GDPR, particularly Article 8(1), which stipulates that where point (a) of Article 6(1) applies, in relation to the offer of information society services directly to a child, the processing of a child's personal data shall be lawful where the child is at least 16 years old, and where the child is below the age of 16 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child. Member States may, by law, provide for a lower age for those purposes, provided that such lower age is not below 13 years. These provisions constitute some of the pioneering legal frameworks addressing the issue of child protection in the digital environment. This assertion is reinforced by historical developments, whereby COPPA, enacted in 1998, represented an early response by the United States to the exploitation of children's data in the early stages of the internet. Subsequently, in 2016, the GDPR emerged as the legal foundation for child protection in the digital environment within the European Union. In contrast, when compared with Australia's Online Safety Amendment (Social Media Minimum Age) Act 2024, it is evident that the OSA 2024 constitutes an amendment to the Online Safety Act 2021. Accordingly, the strict restriction model may be regarded as an evolution of the facultative restriction model previously embodied in COPPA and the GDPR.

3.2 The Problematics of a Facultative Model Restriction Based on Parental Consent in PP No 17/2025

The facultative restriction model adopted by Indonesia under Government Regulation No. 17 of 2025 (PP Tunas) has the potential to give rise to new legal problems. This assertion is not without basis, considering that the restriction concept embodied in PP Tunas requires parents to possess an adequate level of digital literacy, given that the role of parents within this restriction policy is highly crucial. However, when examined in light of empirical conditions, the level of digital literacy among parents in Indonesia remains relatively low. This situation is influenced by several factors, including

high poverty rates, unequal distribution of internet access, as well as the nature of employment undertaken by a significant portion of the Indonesian population, which remains largely traditional in character or does not require the use of technology and digital skills. When compared with conditions in other countries, including those adopting other forms of the facultative restriction model as outlined in Table 1, as well as Australia, which currently represents the only country in the world to adopt a strict restriction model with respect to minimum age policies for digital platform users, the level of digital literacy within Indonesian society remains significantly lagging. The same applies to poverty rates, the unequal distribution of internet access, and the limited prevalence of digital-oriented professions that require workers to access and utilise digital services. The *IMD World Digital Competitiveness Ranking* (WDCR) 2025 ranks countries worldwide over the period 2021–2025 based on digital knowledge, technological sophistication, future readiness, and an overall composite index integrating these dimensions. The results are presented in Figure 1 [13].



	OVERALL					KNOWLEDGE					TECHNOLOGY					FUTURE READINESS				
	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025	2021	2022	2023	2024	2025
Argentina	61	59	61	62	60	55	58	62	61	63	62	62	69	65	68	52	46	49	47	41
Australia	20	14	18	15	23	19	14	15	13	18	18	15	18	11	22	22	17	20	20	31
Austria	16	18	22	25	24	10	13	16	21	15	32	36	35	32	31	16	13	19	31	28
Bahrain	-	32	38	30	32	-	34	36	35	38	-	23	30	33	26	-	36	46	24	22
Belgium	26	23	15	21	25	21	21	12	18	20	23	24	19	25	28	26	25	16	26	20
Botswana	63	61	60	60	61	64	55	52	49	61	63	59	52	57	55	63	61	63	62	64
Brazil	51	52	57	57	53	51	51	57	56	54	55	55	60	60	58	45	47	52	53	50
Bulgaria	52	48	55	56	58	53	48	53	59	55	51	51	56	49	53	55	50	58	61	65
Canada	13	10	11	13	07	07	03	04	06	02	15	14	13	13	09	15	11	11	19	09
Chile	39	41	42	42	43	49	50	47	47	47	35	41	38	39	41	38	33	38	33	33
China	15	17	19	14	12	08	17	21	15	14	20	18	22	15	15	17	15	13	14	18
Colombia	59	60	62	58	55	56	57	54	55	53	60	61	62	61	65	53	56	60	49	46
Croatia	55	43	44	46	52	47	40	40	42	45	50	42	42	45	50	60	48	50	59	60
Cyprus	43	45	51	48	48	39	39	48	43	44	53	52	53	51	48	34	39	53	54	54
Czech Republic	33	33	24	32	35	35	32	24	32	33	37	35	26	34	39	37	29	27	32	34
Denmark	04	01	04	03	05	08	06	09	07	09	09	07	07	06	05	02	01	03	02	01
Estonia	25	20	18	24	26	27	23	25	25	27	25	21	23	30	33	20	12	09	18	20
Finland	11	07	08	12	11	09	09	11	12	10	12	08	09	16	12	09	06	05	09	12
France	24	22	27	20	21	20	20	22	22	21	16	16	20	18	14	31	34	35	23	26
Germany	18	10	23	23	18	14	11	14	20	13	31	27	34	29	20	18	19	24	22	21
Ghana	-	-	-	65	65	-	-	-	66	68	-	-	-	66	60	-	-	-	65	57
Greece	44	50	52	49	49	45	47	51	50	49	46	47	47	48	47	43	60	57	58	55
Hong Kong SAR	02	09	10	07	04	05	07	06	05	05	01	02	02	03	03	10	18	17	15	10
Hungary	45	42	47	53	48	43	43	46	48	42	36	31	36	43	37	61	57	61	63	61
Iceland	21	21	17	19	14	33	31	32	30	31	10	11	08	12	08	25	21	14	16	07
India	48	44	49	51	50	41	46	45	45	48	44	43	50	53	52	50	42	51	52	53
Indonesia	53	51	45	43	51	60	60	60	53	62	49	45	39	40	48	48	52	43	30	43
Ireland	19	24	21	17	16	23	22	19	16	19	28	37	28	20	17	14	22	22	11	17
Italy	40	39	43	40	40	40	41	43	41	39	42	44	46	41	45	30	38	37	35	37
Japan	28	29	32	31	30	25	28	28	31	23	30	30	32	26	27	27	28	32	38	39
Jordan	49	53	50	50	44	48	53	59	57	50	43	50	48	52	51	58	55	45	43	42
Kazakhstan	32	36	34	34	39	36	30	30	33	34	40	40	41	46	42	28	30	31	27	36
Kenya	-	-	-	-	62	-	-	-	-	57	-	-	-	-	61	-	-	-	-	62
Korea Rep.	12	08	06	08	15	15	16	10	08	08	13	13	12	14	30	05	02	01	03	15
Kuwait	-	-	41	45	42	-	-	44	48	43	-	-	37	44	40	-	-	41	45	44
Latvia	37	34	40	38	31	34	36	39	38	35	34	34	43	42	32	42	32	34	34	23
Lithuania	30	25	28	22	17	26	24	23	23	22	29	32	33	28	21	33	24	28	17	13
Luxembourg	22	30	28	29	27	29	35	33	24	24	14	19	25	22	25	24	35	21	40	32
Malaysia	27	31	33	36	34	22	25	29	34	29	26	29	27	35	34	29	31	33	36	40
Mexico	56	55	54	59	59	54	52	50	58	58	57	56	58	62	59	51	53	54	55	56
Mongolia	62	62	63	64	67	58	61	56	62	64	61	60	61	55	63	62	62	62	64	66
Namibia	-	-	-	-	66	-	-	-	-	59	-	-	-	-	64	-	-	-	-	68
Netherlands	07	08	02	08	06	11	08	07	09	07	07	04	05	08	04	04	05	04	07	04
New Zealand	23	27	25	33	28	28	33	34	39	30	21	28	21	17	24	19	26	25	39	30
Nigeria	-	-	-	66	68	-	-	-	65	67	-	-	-	63	66	-	-	-	67	60
Norway	09	12	14	10	13	17	19	20	17	17	08	10	14	05	16	08	09	15	10	16
Oman	-	-	-	-	38	-	-	-	-	41	-	-	-	-	38	-	-	-	-	25
Peru	57	57	58	63	64	50	58	55	63	68	58	57	57	64	62	54	54	55	60	63
Philippines	58	58	59	61	56	63	62	63	64	65	54	49	51	56	54	57	58	59	58	52
Poland	41	46	39	39	45	38	42	37	37	40	41	46	44	37	49	39	43	40	42	51
Portugal	34	38	38	35	33	32	29	31	29	28	38	39	40	36	36	38	40	38	37	38
Puerto Rico	-	-	-	44	37	-	-	-	52	51	-	-	-	38	19	-	-	-	44	35
Qatar	29	28	29	26	20	44	38	38	36	38	19	17	16	19	13	23	23	26	21	14
Romania	50	49	48	47	47	52	49	49	51	48	47	48	49	50	44	49	51	47	51	48
Saudi Arabia	36	35	30	27	22	50	37	35	27	26	24	26	17	27	23	32	37	30	28	19
Singapore	05	04	03	01	03	04	05	03	02	04	03	01	01	01	02	11	10	10	01	06
Slovak Republic	47	47	46	52	57	46	44	42	44	52	45	53	54	59	56	46	45	48	57	53
Slovenia	35	37	37	41	41	30	26	27	28	32	39	38	45	47	43	40	41	39	48	47
South Africa	60	58	58	54	54	62	54	58	54	58	50	58	59	54	57	59	59	58	50	49
Spain	31	28	31	28	29	31	27	26	26	25	33	33	31	31	35	35	27	29	29	27
Sweden	03	03	07	05	08	02	02	05	03	03	08	05	11	10	10	08	04	08	04	11
Switzerland	06	05	05	02	01	01	01	01	01	01	11	12	10	04	07	03	07	06	05	02
Taiwan (Chinese Taipei)	08	11	09	09	10	18	18	18	19	16	02	06	03	07	11	07	08	07	06	03
Thailand	38	40	35	37	38	42	45	41	40	37	22	20	15	23	29	44	49	42	41	45
Türkiye	48	54	53	55	63	57	59	61	60	60	52	54	55	58	67	41	44	44	46	59
UAE	10	13	12	11	09	18	15	17	14	12	05	03	04	09	05	12	20	23	12	05
United Kingdom	14	16	20	18	19	13	12	13	10	11	17	25	29	21	18	13	16	18	25	24
USA	01	02	01	04	02	03	04	02	04	08	04	09	06	02	01	01	03	02	08	08
Venezuela	64	63	64	67	69	61	63	64	67	69	64	63	64	67	69	64	63	64	66	67

Figure 1. Factor Rangkings: Five Year Overview

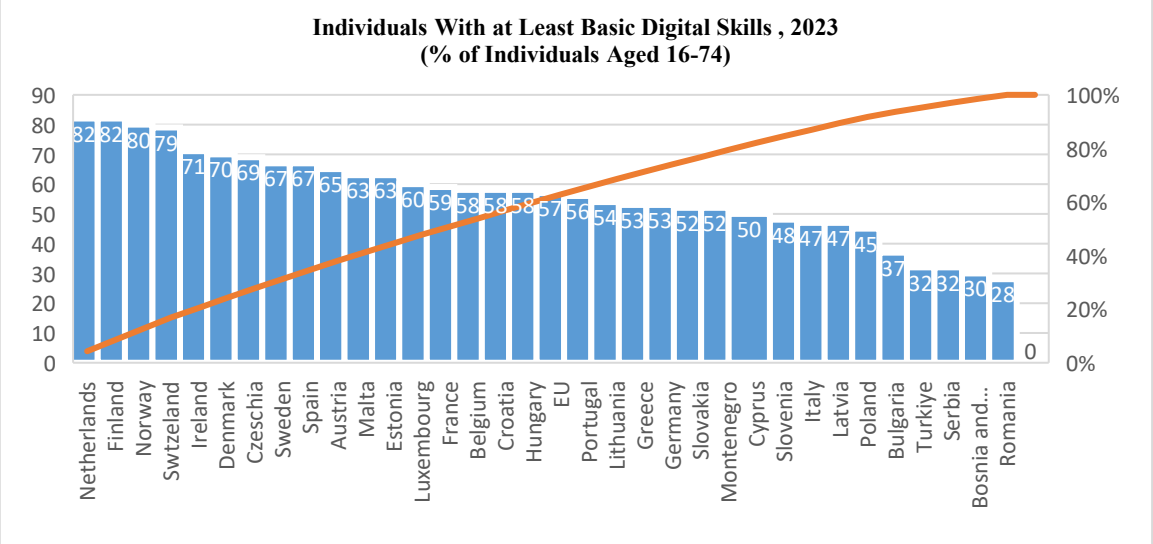
Based on Figure 1, it can be observed that in the overall category, Indonesia's position over the past five years has been ranked 53rd in 2021, 51st in 2022, 45th in 2023, 43rd in 2024, and 51st in 2025. In this category, it is evident that Indonesia's position remains significantly behind countries that have adopted other forms of the facultative restriction model, such as the United Kingdom, France, Belgium, Italy, and the United States, as well as Australia, which has adopted a strict restriction model. In this category, these countries consistently remain within the top 25 rankings globally. A similar pattern can also be observed in other categories, namely knowledge, technology, and future readiness. Over the past five years, Indonesia's position has remained within the range of approximately 30th to 60th place, a condition that further reinforces the argument that Indonesia continues to lag behind the comparator countries, which generally occupy positions within the range of 1st to 35th place. Furthermore, the *International Institute for Management Development World Digital Competitiveness Ranking* (IMD WDCR) 2025 also provides a detailed ranking of countries based on specific components of the three aforementioned categories, namely knowledge, technology, and future readiness, as presented in Figure 2 [13].

	KNOWLEDGE			TECHNOLOGY			FUTURE READINESS			
	Talent	Training & education	Scientific concentration	Regulatory framework	Capital	Technological framework	Adaptive attitudes	Business agility	IT integration	
Argentina	46	66	57	58	68	56	46	26	46	Argentina
Australia	11	30	18	18	37	21	23	53	23	Australia
Austria	21	11	15	30	34	31	35	31	14	Austria
Bahrain	08	61	39	32	26	25	12	21	40	Bahrain
Belgium	23	22	19	22	25	39	37	22	31	Belgium
Botswana	42	58	68	52	42	61	65	45	62	Botswana
Brazil	68	56	29	59	64	53	44	57	45	Brazil
Bulgaria	58	51	54	56	51	50	59	69	60	Bulgaria
Canada	03	01	14	14	02	22	16	12	05	Canada
Chile	40	46	56	45	48	36	25	49	30	Chile
China	28	34	03	23	07	17	22	06	35	China
Colombia	62	41	55	66	50	64	52	34	58	Colombia
Croatia	55	39	45	51	38	51	56	66	56	Croatia
Cyprus	54	42	35	49	54	42	55	62	43	Cyprus
Czech Republic	29	36	28	34	33	41	43	35	24	Czech Republic
Denmark	09	13	13	02	22	04	04	02	04	Denmark
Estonia	30	10	38	29	40	27	14	36	13	Estonia
Finland	14	12	11	03	20	12	21	18	02	Finland
France	27	28	17	08	12	28	38	28	12	France
Germany	32	08	07	17	17	34	28	27	11	Germany
Ghana	52	67	67	50	66	65	61	42	63	Ghana
Greece	47	57	30	48	49	49	45	65	47	Greece
Hong Kong SAR	05	03	16	12	11	01	01	07	29	Hong Kong SAR
Hungary	48	38	36	31	50	32	68	56	37	Hungary
Iceland	22	27	42	19	23	02	02	10	19	Iceland
India	53	55	31	54	18	59	58	48	53	India
Indonesia	50	65	53	53	10	63	48	24	54	Indonesia
Ireland	16	23	21	06	41	13	10	13	28	Ireland
Italy	45	47	23	40	53	46	32	32	42	Italy
Japan	63	14	05	43	29	09	36	60	17	Japan
Jordan	57	48	41	42	31	57	57	15	50	Jordan
Kazakhstan	36	04	61	27	55	52	33	23	48	Kazakhstan
Kenya	44	63	49	44	56	68	63	44	64	Kenya
Korea Rep.	49	07	01	38	27	15	05	14	20	Korea Rep.
Kuwait	20	50	52	46	36	35	47	37	41	Kuwait
Latvia	18	29	60	21	43	30	27	29	18	Latvia
Lithuania	10	19	32	15	35	20	18	09	21	Lithuania
Luxembourg	35	09	24	16	39	26	41	30	25	Luxembourg
Malaysia	31	18	40	41	30	19	50	43	34	Malaysia
Mexico	60	59	47	64	60	55	42	51	61	Mexico
Mongolia	65	49	65	66	63	54	64	68	66	Mongolia
Namibia	43	44	69	61	58	66	66	55	68	Namibia
Netherlands	06	25	12	05	03	06	03	08	09	Netherlands
New Zealand	24	33	33	26	28	24	19	46	32	New Zealand
Nigeria	66	68	58	55	57	69	69	52	67	Nigeria
Norway	17	17	20	09	19	18	17	20	10	Norway
Oman	33	31	62	35	24	45	26	17	39	Oman
Peru	67	53	64	60	65	60	53	61	65	Peru
Philippines	56	62	63	67	46	47	40	50	57	Philippines
Poland	51	40	26	57	52	37	51	64	38	Poland
Portugal	25	37	25	20	45	43	29	59	26	Portugal
Puerto Rico	38	60	50	39	13	11	31	39	36	Puerto Rico
Qatar	15	43	51	24	06	14	24	04	22	Qatar
Romania	41	54	48	33	61	38	39	54	49	Romania
Saudi Arabia	13	24	44	13	16	44	09	25	33	Saudi Arabia
Singapore	04	21	04	01	08	03	11	11	06	Singapore
Slovak Republic	59	45	46	65	62	48	62	63	59	Slovak Republic
Slovenia	39	26	27	47	44	40	54	47	51	Slovenia
South Africa	61	52	59	62	47	58	49	58	44	South Africa
Spain	26	32	22	36	32	33	30	38	16	Spain
Sweden	07	02	08	11	04	16	13	16	03	Sweden
Switzerland	02	05	06	07	15	05	07	03	07	Switzerland
Taiwan (Chinese Taipei)	34	06	10	25	05	08	15	01	08	Taiwan (Chinese Taipei)
Thailand	37	35	43	37	21	23	34	33	55	Thailand
Türkiye	64	64	37	63	67	62	60	67	52	Türkiye
UAE	01	16	34	04	09	10	06	19	01	UAE
United Kingdom	12	20	09	28	14	29	20	41	27	United Kingdom
USA	19	15	02	10	01	07	08	05	15	USA
Venezuela	69	69	68	69	69	67	67	40	69	Venezuela

Figure 2. Sub-Factors Rangking

Based on Figure 2, it can be observed that within the knowledge category there are three constituent elements, namely talent, training and education, and scientific concentration. In the talent element, Indonesia ranks 50th, while the comparator countries remain within the range of 11th to 27th place. Furthermore, in the training and education element, Indonesia ranks 65th, whereas the comparator countries occupy positions ranging from 15th to 30th place. With regard to the scientific concentration element, Indonesia ranks 53rd, while the comparator countries are positioned between 2nd and 19th place. The ranking outcomes across the elements of the knowledge category are consistent with the respective digital literacy index scores of each country as previously discussed [14]. Referring to the 2025 report issued by the Ministry of Communication and Informatics of Indonesia, the national digital literacy index score stands at 44.53. According to the findings of the APJII survey (2025), this score is predominantly contributed by Generation Z, particularly those aged 15–20 years (15.2%), 21–25 years (17%), and 26–30 years (15.3%). In contrast, the contributions from older age groups are considerably lower, namely 30–35 years (13.1%), 36–40 years (11.9%), 41–45 years (9.6%), 46–50 years (7.4%), and those aged over 50 years (10.4%). This condition stands in stark contrast to the situation observed in the comparator countries. In 2023, 56% of individuals aged 16–74 years in the European Union possessed at least basic digital skills, with the average national scores across EU Member States exceeding 50, as presented in figure 3 [15].

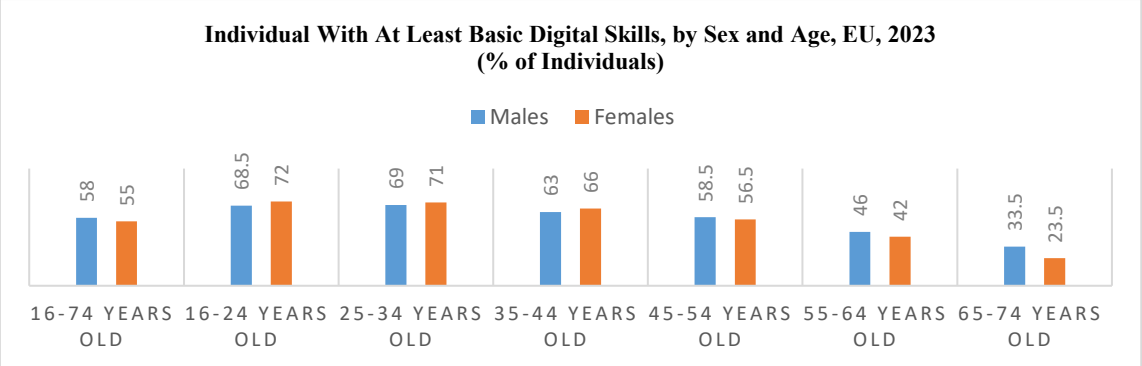
Figure 3. Proportion of Individuals with Basic Digital Skills Across European Countries, 2023



Source: European Comission

Furthermore, the scores may be further broken down by age groups, with the data presented in figure 4 [16].

Figure 4. Individuals with Basic Digital Skills by Age Group and Gender in the European Union, 2023



Source: European Comission

Referring to the data presented in Figure 1 and 2, it can be observed that the digital literacy scores of parents within the age range of 20–54 years remain higher than those of children aged 0–16 years, as reflected in Article 8(1) of the GDPR. Accordingly, the adoption of a facultative restriction model, in which parents function as the primary controllers of the implementation of minimum age restriction policies for digital platform users, constitutes a reasonable policy approach in European Union countries. A similar rationale applies to the United States, which ranked second globally in the overall category in 2025, as shown in Figure 1, with a score of 99.29 [17].

Furthermore, the argument asserting that the facultative restriction model adopted by Indonesia through PP Tunas is flawed can be further reinforced by analysing the elements contained within the technology and future readiness categories, as presented in Figure 2. It can be observed that, within these categories, Indonesia's position remains significantly below that of the comparator countries. Figure 2 indicates that each of the technology and future readiness categories consists of three respective elements, namely regulatory framework, capital, and technological framework, as well as adaptive attitudes, business agility, and IT integration. When simplified, these elements encompass the selection of policy models (representing the regulatory framework element), poverty levels (representing the capital element), the nature of societal occupations (representing the technological framework and business agility elements), and the distribution of internet access (representing the adaptive attitudes and IT integration elements). Based on the findings reported in the *Macro Poverty Outlook* (April 2025 edition), it is stated that 60.3% of Indonesia's population lives below the global poverty line applicable to upper-middle-income countries (approximately USD 6.85 per day), placing Indonesia fourth globally in terms of poverty prevalence, after South Africa, Namibia, and Botswana. By contrast, the comparator countries are classified by the World Bank as high-income economies [18].

Furthermore, in terms of employment structure, the Indonesian population, particularly those aged over 15 years during the period 2011–2024, has been predominantly engaged in traditional forms of employment across the following sectors: Agriculture, Forestry, and Fisheries (28.64%); Wholesale and Retail Trade and Repair of Motor Vehicles and Motorcycles (19.05%); Manufacturing Industry (13.28%); Accommodation and Food Service Activities (7.81%); Construction (6.08%); Education (5.11%); Public Administration, Defence, and Compulsory Social Security (4.51%); Transportation and Storage (4.15%); Public Administration, Defence, and Compulsory Social Security (3.84%); Human Health and Social Work Activities (1.76%); Professional, Scientific, and Technical Activities (1.56%); Mining and Quarrying (1.20%); Financial and Insurance Activities (1.15%); Information and Communication (0.87%); Water Supply, Sewerage, Waste Management, and Remediation Activities (0.40%); Real Estate Activities (0.34%); and Electricity, Gas, Steam, Hot Water Supply, and Air Conditioning (0.25%) [19]. In contrast, when compared with countries in the European Union, the United States, and Australia, data from 2023 indicate that more than 90% of jobs utilise digital technology as a basic skill requirement. This condition is closely linked to the distribution of internet access across national territories [15]. Countries with a high proportion of digital-based occupations tend to exhibit more equitable internet access coverage than countries with a predominance of traditional forms of employment. This is because internet access does not constitute a primary necessity within economies characterised by a large share of traditional occupations. This assertion can be substantiated by comparing the digital society index scores of Indonesian provinces, which represent a context dominated by traditional employment structures, with those of Australia, which represents a country characterised by a predominance of digital-based occupations, as presented in Figures 5 and 6.

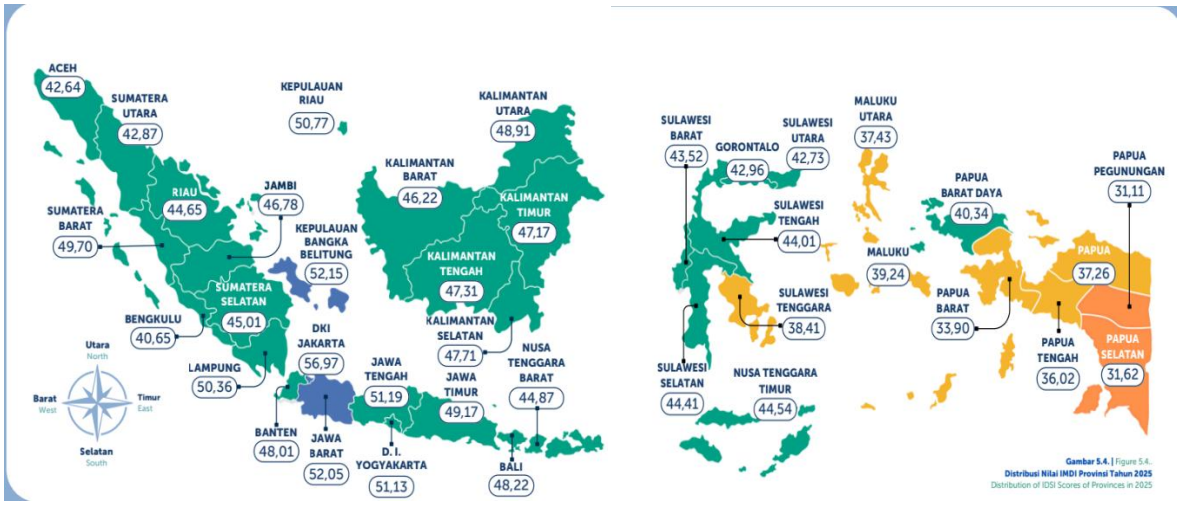


Figure 5. Provincial Distribution of Digital Literacy Index Scores in Indonesia, 2025

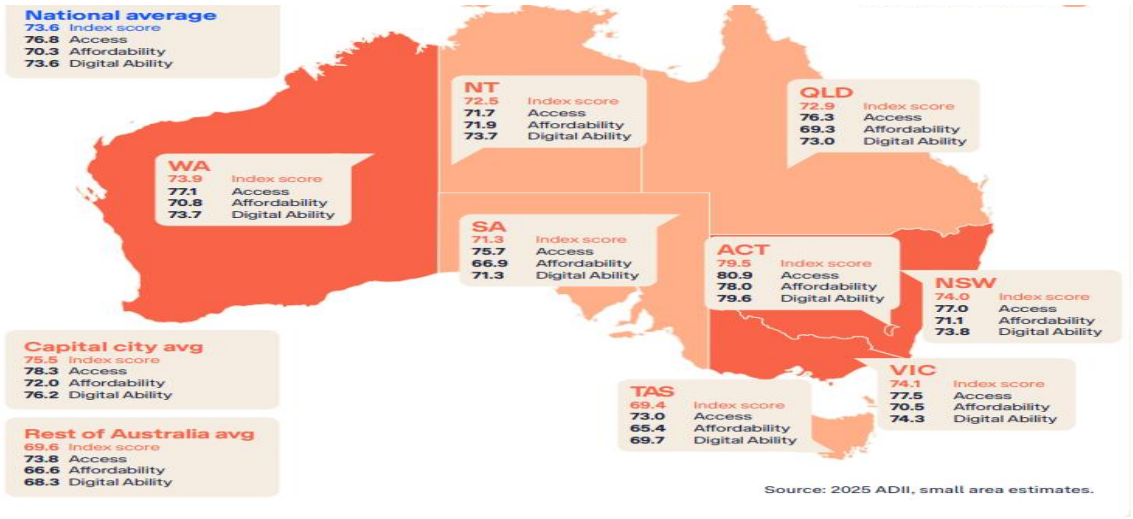


Figure 6. National and Subnational Digital Ability Index Scores in Australia, 2025

Based on the figure 5 and 6, it can be observed that the distribution of internet access in Indonesia remains uneven. Although Australia also exhibits disparities in the distribution of internet access, the level of digital ability among the Australian population remains relatively high, with scores consistently above 60 [14]. Moreover, Australia adopts a strict age-restriction model, enabling potential problems arising from children's use of digital plarforms to be more effectively controlled through state intervention. In contrast, Indonesia faces not only the challenge of unequal internet access but also a relatively low level of digital ability among parents, which remains below the average [20].

This condition causes the minimum age restriction policy for digital platforms users, which adopts a facultative model, to potentially exacerbate and even perpetuate various forms of violence against children in the digital space, whether children act as victims or as perpetrators. To further examine the underlying causes of these problems, this study employs the perspective of Critical Legal Studies (CLS). According to Roberto Mangabeira Unger, CLS views law not as a neutral or autonomous system, but as a social and political construct shaped by power relations and prevailing socio-economic conditions [21]. From this perspective, legal norms cannot be understood solely through their formal validity, but must be critically assessed in relation to the social realities in which they are produced and applied [22].

Viewed through this framework, the facultative restriction model based on parental consent under Government Regulation No. 17 of 2025 reflects a predominantly positivistic legal orientation. The regulation prioritizes formal legality and procedural compliance, while assuming parents to be uniformly capable legal subjects. Such an assumption disregards empirical disparities in digital literacy, economic capacity, employment structures, and access to digital infrastructure, as previously discussed. Consequently, the regulation separates legal norms from social reality, thereby weakening substantive child protection and shifting core state responsibilities into the private sphere. This structural limitation becomes increasingly evident when confronted with empirical patterns of digital crimes involving children, as presented in the following section. Based on data from the period 2020-2025, Indonesia continues to record cases of digital crimes involving children as either perpetrators or victims, including several large-scale cases. These cases include:

Table 2. Patterns of Digital Crimes Involving Children Based on Selected Cases

No	Case	Patterns of Digital Crime Involving Children
1	Decision of the Tanjung District Court Number 7/Pid.Sus-Anak/2023/PN.Tjg	The operative part of the judgment in the case *a quo* declares that the child (aged 18) was proven guilty of producing and disseminating pornographic content. The court considered that the conduct was motivated by sexual impulses, abuse of digital relationships, the desire to control the victim, and weak parental guidance and supervision. The acts were committed since the age of 17 through the use of digital platforms by obtaining intimate material, which was subsequently used as a means of pressure and threat against the child victim.
2	Decision of the Tanjung District Court Number 4/Pid.Sus-Anak/2024/PN.Tjg	The operative part of the judgment in the case *a quo* declares that the child in conflict with the law (aged 13) was proven to have committed or participated in the dissemination of pornographic content involving more than one child victim. According to the court's findings and case chronology, the child used Instagram for initial contact, WhatsApp for private communication and dissemination through the status feature, and video-editing applications to process and spread the victims' images without consent.
3	Decision of the South Jakarta District Court Number 392/Pid.Sus/2021/PN JKT.SEL	The operative part of the judgment in the case *a quo* declares that the defendant, Wawan Gunawan, was proven guilty of distributing and/or transmitting and making accessible Electronic Information and/or Electronic Documents containing indecent material for the purpose of exploiting a child victim. According to the case chronology, the defendant used social media and instant messaging applications to build relationships, gain the victim's trust, collect personal content, and carry out harassment, sexual exploitation, and threats of dissemination (sextortion) in stages.
4	Decision of the Larantuka District Court Number 27/Pid.Sus/2021/PN Lrt.	The operative part of the judgment in the case *a quo* declares that the defendant was proven guilty of intentionally and unlawfully making accessible Electronic Documents containing indecent material. According to the case chronology, the defendant used social media and instant messaging applications to abuse personal relationships, capture screenshots, and **coerce** the child victim to display indecent content via video calls that were recorded without consent as a means of pressure and control.

No	Case	Patterns of Digital Crime Involving Children
5	The Case of a Mother's Murder by Her Own Child in Medan-December 2025.	In December 2025 in Medan, a 12-year-old child (AI) was suspected of killing her mother (42) at their residence using a sharp weapon, as revealed by police investigation. Investigators identified complex motives, including obsession with violent content from the online game *Murder Mystery* and the anime series *Detective Conan*, negative emotions following the deletion of the game by the victim, and prior exposure to domestic violence that reinforced the perpetrator's intent.

Source: Indonesian Supreme Court Decisions Directory

Based on the provisions of Table 2, it can be concluded that patterns of digital crimes involving children originate from children's impulsive nature as a vulnerable group, as well as the weak parental control in the digital environment.

3.3. Reconstructing a Parental Consent Based Facultative Restriction Model Toward State-Imposed Restrictive Regulation under the Principle *Tassaruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah*

The urgency to reconstruct the facultative model of restriction based on parental consent into a state-imposed restrictive model under Government Regulation No. 17 of 2025 on the Governance of Electronic System Administration for Child Protection may be examined through the perspective of Islamic law, grounded in the principle of *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah*. As elaborated in Chapters I and II, the implementation of the facultative model in policies on minimum age restrictions for digital platform users requires parental competence as the decisive factor in determining whether a child may access digital products, features, and services. This obligation cannot be disregarded, as entrusting the core responsibility of policy implementation to parents who lack adequate competence and digital literacy inevitably gives rise to various forms of harm. Accordingly, in formulating public policy, the government must orient its regulatory choices toward the realization of public welfare, including in determining the appropriate model of age-based restrictions on digital platform usage. In Islamic legal doctrine, تَصَرُّفُ الْاِمَامِ عَلَى الرَّاعِيَّةِ مَنُوْطٌ بِاَ لْمَصْلَحَة constitutes a foundational principle guiding state authorities in policymaking, which signifies that the actions and policies of a ruler toward the people are contingent upon the pursuit of public interest. This principle affirms that in drafting, enacting, and promulgating legislation, the primary obligation of the state is to prioritize the attainment of public benefit and the prevention of harm [23].

This principle is a principle articulated by Imam al-Shafiʿi:

مَنْزِلَةُ الْاِمَامِ مِنَ الرَّعِيَةِ مَنْزِلَةُ الْوَلِي مِنَ الْيَتِيْمِ,

Which means: "The position of a leader over his people is like the position of a guardian over an orphan." The opinion of Imam al-Shafiʿi that forms the basis of this principle is derived from Saʿid ibn Mansur, who transmitted the athar of ʿUmar ibn al-Khattab, which states:

اِنِّي اَنْزَلْتُ نَفْسِي مِنْ مَالِ اللهِ بِمَنْزِلَةِ وَالِي الْيَتِيْمِ,اِنْ احْتَجْتُ اَخَذْتُ مِنْهُ,فَاِذَا اَيْسَرْتُ رَدَدْتُهُ,فَاِنْ اسْتَغْنَيْتُ اسْتَعْفَفْتُ,

Which means: "Indeed, I place my self with respect to the wealth of Allah in the same position as a guardian with respect to an orphan. I take from it when I am in need, I return it when I have surplus, and I refrain from it when I do not need it." This principle is also related to QS. Al-Anʿam verse 152, although it does not directly explain this principle, wherein the verse explains the prohibition of using or managing the property of an orphan for anything that may cause harm to the orphan or for any

matter in which there is no benefit for the orphan, even if it does not cause harm, until the orphan under one's authority reaches adulthood, except when the orphan's property is managed for something good and beneficial for the orphan. The verse states:

وَلَا تَقْرَبُوْا مَالَ الْيَتِيْمِ اِلَّا بِالَّتِيْ هِيَ اَحْسَنُ حَتّٰى يَبْلُغَ اَشُدَّهٗۚ وَاَوْفُوا الْكَيْلَ وَالْمِيْزَانَ بِالْقِسْطِۚ لَا نُكَلِّفُ نَفْسًا اِلَّا وُسْعَهَاۚ وَاِذَا قُلْتُمْ فَاعْدِلُوْا وَلَوْ كَانَ ذَا قُرْبٰىۚ وَبِعَهْدِ اللّٰهِ اَوْفُوْاۗ ذٰلِكُمْ وَصّٰىكُمْ بِهٖ لَعَلَّكُمْ تَذَكَّرُوْنَۙ

Which means: "And do not approach the property of the orphan except in the best manner until he reaches maturity. And give full measure and weight in justice. We do not burden any soul except according to its capacity. And when you speak, be just, even if it concerns a close relative, and fulfill the covenant of Allah. That is what He commands you so that you may remember." It is also explained in QS. An-Nisa' verse 58:

اِنَّ اللّٰهَ يَأْمُرُكُمْ اَنْ تُؤَدُّوا الْاَمٰنٰتِ اِلٰٓى اَهْلِهَاۙ وَاِذَا حَكَمْتُمْ بَيْنَ النَّاسِ اَنْ تَحْكُمُوْا بِالْعَدْلِۗ اِنَّ اللّٰهَ نِعِمَّا يَعِظُكُمْ بِهٖۗ اِنَّ اللّٰهَ كَانَ سَمِيْعًاۢ بَصِيْرًا

Which means: "Indeed, Allah commands you to deliver trusts to those entitled to them, and when you judge between people, to judge with justice." As for the hadith that forms the basis of this principle:

مَا مِنْ عَبْدٍ يَسْتَرْعِيْهِ اللهُ رَعِيَّةً يَمُوْتُ يَوْمَ يَمُوْتُ وَهُوَ غَاشٌّ لِرَعِيَّتِهِ اِلَّا حَرَّمَ اللهُ عَلَيْهِ الْجَنَّةَ

Which means: "There is no servant whom Allah entrusts with leadership over people, who then dies while deceiving those under his authority, except that Allah forbids Paradise for him." As explained above, this principle is a fiqh principle that has a horizontal aspect, because in its implementation it requires a relationship between a leader and the community or the people he leads.

In essence, the application of the principle *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah* is intended to realize the objectives of *Maqasid al-Shari'ah*, namely the protection of religion, life, intellect, lineage, and property. This doctrine affirms that all legal determinations must be grounded in public welfare and the prevention of harm. In line with this view, Al-Khawarizmi defines maslahah as the preservation of Maqasid al-Shari'ah by avoiding mafsadah (harm or corruption) to human beings. When applied to policies on the minimum age of digital platform users, this principle requires state authorities to ensure the protection of lineage *nasl* [23].

In this context, a more detailed explanation is required to identify which elements of public welfare *maslahah* are concretely threatened when the state fails to intervene through a stricter regulatory model in governing age-based restrictions within the digital space. As demonstrated in Chapter II, particularly in Table 2 concerning patterns of digital crimes involving children based on selected cases, the risks faced by children in the digital environment are not incidental but structural and repetitive in nature. These risks include practices such as online grooming, online sexual exploitation, exposure to pornographic content, psychological violence, and digital addiction. Such empirical conditions indicate that weak regulatory control over children's access to digital platforms generates tangible harm *mafsadah* that cannot be adequately mitigated through parental discretion alone.

From the perspective of *Maqasid al-Shariʿah*, these conditions directly threaten the objective of protecting intellect *hifz al-ʿaql*. Within Islamic legal doctrine, intellect is regarded as the foundation of moral and legal responsibility *taklif*, thereby requiring legal authority to prevent any factor that may impair rational judgment, cognitive development, or psychological stability [24]. Continuous exposure of children to harmful digital content, including algorithm-driven addictive mechanisms and sexually explicit material, risks undermining children's learning capacity and mental health [25]. When the protection of children's intellect is delegated entirely to parents who demonstrably lack

adequate digital literacy, such protection becomes normatively acknowledged but substantively unrealized in practice [26].

In addition to threatening the protection of intellect *hifz al-ʿaql*, the absence of strict state regulation also endangers the objective of protecting lineage *hifz al-nasl*. In Islamic legal thought, the protection of lineage is not limited to biological continuity but also encompasses safeguarding children from sexual exploitation, moral degradation, and violations of human dignity [27]. The emergence of digital crimes such as grooming, sextortion, and the circulation of child sexual abuse material illustrates that unrestricted access to digital platforms may facilitate structural harm to children's bodily integrity and psychological well-being [25]. Such harms not only affect individual victims but also undermine the safety and quality of future generations, thereby contradicting the fundamental objectives pursued by *Maqasid al-Shariʿah*.

Accordingly, the empirical findings concerning patterns of digital crimes involving children may be understood as manifestations of *mafsadah* within the framework of Islamic law. Conceptually, *mafsadah* refers to any form of harm or corruption that must be prevented because it contradicts the fundamental objectives of the Shariʿah in protecting essential human interests. Therefore, when empirical conditions demonstrate concrete threats to the protection of children's intellect and lineage, such conditions normatively necessitate legal intervention in order to prevent broader harm [28].

Within this framework, delegating the responsibility for child protection entirely to parents through a parental-consent-based facultative model risks transforming child protection into a merely formal legal obligation without effective safeguards. In Islamic law, the concept of guardianship *wilayah* is not understood as an absolute right derived solely from biological relations, but rather as a functional responsibility contingent upon the competence and capability of the guardian in protecting the interests of those under his or her care [29]. Where such competence is lacking, Islamic jurisprudence recognizes the legitimacy of public authority to intervene through the doctrine of *wilayah ʿammah* in order to prevent greater harm [30].

The reconstruction of the restriction model from a facultative approach based on parental consent into a state-imposed restrictive model under Government Regulation No. 17 of 2025 on the Governance of Electronic System Administration for Child Protection may therefore be understood as a concrete measure to safeguard these interests. This approach is consistent with the fiqh principle *dar' al-mafasid muqaddam ʿala jalb al-masalih*, which prioritizes the prevention of harm over the attainment of benefit. This principle becomes particularly relevant in the context of policies concerning minimum age restrictions for digital platform users, considering that the level of digital literacy among many parents in Indonesia remains limited, thereby raising questions regarding their capacity to perform the protective functions required in the digital environment [31].

This reasoning is also consistent with the principle reflected in QS. An-Nisa' verse 5:

وَلَا تُؤْتُوا ٱلسُّفَهَآءَ أَمْوَٰلَكُمُ ٱلَّتِى جَعَلَ ٱللَّهُ لَكُمْ قِيَٰمًا وَٱرْزُقُوهُمْ فِيهَا وَٱكْسُوهُمْ وَقُولُوا لَهُمْ قَوْلًا مَّعْرُوفًا

This verse prohibits entrusting the management of property to individuals who lack sound judgment or competence. By analogy, this principle indicates that responsibilities involving protected interests should not be entrusted to individuals who lack the necessary capacity. In the context of child protection within the digital environment, empirical conditions indicate that many parents possess low levels of digital literacy, limited awareness of digital risks, and inadequate capacity to effectively supervise their children's online activities [32].

From the perspective of Islamic law, guardianship is therefore not merely grounded in biological or kinship ties, but is primarily determined by the rational capacity, competence, and ability of the guardian to protect the interests of those under his or her care. Ibn Himmam in *Fath al-Qadir* explains that guardianship may arise from four causes, namely *al-qarabah* (kinship), *al-milk* (ownership), *al-*

wala' (emancipation), and *al-imamah* (authority). Within the framework of *al-imamah*, Islamic law confers legitimacy upon the state to act as guardian where the original guardian is absent, does not meet the required qualifications, or is incapable of properly performing the guardianship function. In Indonesian legal practice, this principle is reflected in the institution of the *wali hakim*, whereby guardianship authority may be transferred to the state under certain circumstances, including situations of *wali ʿaḍal*, where a guardian refuses or is unable to perform his role and thereby risks causing harm. This principle demonstrates that guardianship in Islamic law is not an absolute right attached to parents but rather a functional right contingent upon capacity and competence. In the context of policies on minimum age restrictions for digital platform users, empirical conditions in Indonesia indicate that many parents possess limited digital literacy, low awareness of digital risks, and inadequate capacity to effectively supervise their children's online activities. In such circumstances, entrusting child protection entirely to parents through parental consent mechanisms may generate *mafsadah*, as guardians in fact lack the competence required to discharge their protective role [13]. By analogy with the doctrine of guardianship in Islamic law, parents who lack adequate digital competence may therefore be normatively positioned as guardians who do not meet the necessary qualifications. Consequently, the state possesses normative legitimacy to assume the protective role in order to prevent greater harm. Within the framework of the principle *tasarruf al-imam ʿala al-raʿiyyah manutun bi al-maslahah*, state intervention through restrictive regulatory measures should not be viewed as an infringement of parental rights, but rather as the fulfillment of the state's obligation to realize public welfare. Accordingly, the reconstruction of the minimum age restriction model from a facultative parental-consent-based approach to a state-imposed restrictive model is not only sociologically justified based on empirical findings concerning digital risks faced by children, but is also normatively grounded within the doctrinal framework of Islamic law.

4. Conclusion

This study concludes that the facultative restriction model adopted under Government Regulation No. 17 of 2025 contains structural weaknesses that undermine effective child protection in the digital space. These weaknesses primarily arise from the dominant reliance on parental consent as the central mechanism for determining children's access to digital platforms, despite Indonesia's socio-economic conditions that are characterized by unequal digital literacy, limited access to digital infrastructure, and significant disparities in parental capacity. Accordingly, the reconstruction of Government Regulation No. 17 of 2025 must be directed at provisions that institutionalize parental consent as a mechanism capable of suspending age-based restrictions. One of the provisions requiring fundamental revision is Article 9 along with its elucidation. The current formulation adopts both opt-in and opt-out consent models, positioning parental approval as the primary legal basis for granting children access to digital products, services, and features. Such a construction reduces child protection to a procedural formality and weakens the binding nature of minimum age policies established by the state. Therefore, parental consent should no longer function as a determinant that allows access to digital platforms where age restrictions have been set. A similar problem is reflected in Article 21 paragraph (1), particularly through the repeated use of the phrase "parental consent" across all age categories. Under the existing framework, children below the age of thirteen, those aged thirteen to under sixteen, and those aged sixteen to under eighteen may all access digital platforms provided that parental consent is obtained. This arrangement effectively renders the classification of platform risk levels non-binding and diminishes the authority of the state in enforcing minimum age thresholds. As such, the reconstruction of this provision must remove parental consent as a legal basis capable of overriding age-based restrictions determined through public policy. Furthermore, Article 48 paragraph (3) letter b also requires revision, as it assigns parents the responsibility to assess the suitability of digital products, services, and features prior to granting consent. This provision presumes a level of technical competence that does not reflect Indonesia's empirical conditions and, in practice, transfers substantive regulatory obligations from the state to private individuals. Consequently, such evaluative authority should no longer be placed upon parents, but should instead form part of the state's regulatory responsibility. The reconstruction of these provisions necessitates corresponding adjustments to Article 20. In particular, Article 20 should explicitly stipulate that policies on minimum

age limits and platform risk classifications established by the government are mandatory in nature and may not be postponed, waived, or overridden through parental consent. Within this framework, parental involvement is repositioned as a complementary function focused on supervision and guidance, rather than as a legal mechanism determining access.In addition, Article 20 paragraph (5) should be expanded to mandate that the implementing Ministerial Regulation regulate in detail the categories of digital platforms that may and may not be accessed by children. Such regulation must clearly identify platforms classified as low-, medium-, and high-risk, accompanied by explicit age ranges for each category. This approach is essential to ensure legal certainty, prevent discretionary interpretation by private actors, and provide a uniform standard applicable to all digital platform providers.Through these reconstructions, the minimum age restriction policy is transformed from a facultative parental consent based model into a state-imposed restrictive model. This model preserves the role of parents in providing guidance and supervision, while reaffirming the state's primary responsibility in safeguarding children in the digital space. Normatively, this approach is consistent with the principle of *Tasarruf al-Imam ʿala al-Raʿiyyah Manutun bi al-Maslahah* and the objectives of *Maqasid al-Shari'ah*, particularly the protection of intellect *hifz al-ʿaql* and lineage *hifz al-nasl*. Accordingly, the proposed reconstruction offers a coherent, realistic, and substantively protective framework for child protection within Indonesia's digital space.

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