

LEGAL ASPECTS OF AGE FILTERS TO ACCESS TO A PLAY AS RELATED TO USER AGE LIMITS AND ONLINE PLATFORM RESPONSIBILITIES FOR NEGATIVE CONTENT UNDER THE LAW IN INDONESIA

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Abstract :-

Along with the rapid development of technology and communication, online games are one of many problems faced today. The existence of contents that are prohibited in Indonesia is a problem for minors to play various online games. Countries make policies regarding platforms that violate negative content to protect their citizens. One of the most general regulations are the role of parents in educating their children in social media, and the government in tackling the rise of online gaming platforms that exist in Indonesia that have online gaming platforms. This raises new questions about the responsibilities of online gaming platforms. Therefore, further research is needed to discuss these legal issues. This paper was conducted by the authors using the normative juridical method, this research is focused on examining the application of the rules or norms in positive law, especially in this study the rules to be studied are regulations in Indonesia related to Online Gaming.

Keywords:- Negative Content, Online Games, Regulations.

I. INTRODUCTION

Online Game is a type of computer game that utilizes computer networks. The networks that are usually used are internet networks and the like and always use existing technology, such as modems and cable connections. Oftentimes online games are providing additional services from online service providers, or can be accessed directly through a system provided by the company that provides the game. An online game can be played simultaneously by using a computer connected to a certain network. Online games come in many varieties, from simple text-based games to games that use complex graphics and form virtual worlds that are occupied by many players at once. In online games, there are two main elements, namely the server and the client. The server administers the game and connects the client, while the client is a game user who uses server capabilities. Online games can be called part of social activities because players can interact with each other virtually and often create virtual communities. Online games do make children addicted. Apart from the danger of eye damage from constantly staring at the gadget screen, there are other dangers that parents need to be aware of.

The writer takes one example of online games that are currently being discussed, especially in Indonesia, named PUBG Mobile, one of the most popular game in the world. The game played by millions of gamers has become a debate because it causes health problems among children and adolescents. PUBG Mobile can be played for free on Android and iOS smartphones. In addition, it is easy for children to access smart phones, the number of PUBG Mobile gamers among teenagers are also still increasing. Unlike in Indonesia, it seems in China, PUBG is having parental control features, and developers seem to be increasingly serious about addressing criticism about the bad effects of playing these online games for children. Tencent is also continuously work on how to restrict young players or teenagers from accessing some of its games in China and has come up with a digital lock system that will ban all players under the age of 13. This digital lock system will require the guardian of the children to unlock the game.

With the emergence of various cases of violence committed by minors as a result of online games, online or online games that contain fighting and war violence, such as Player Unknown's Battle Grounds or PUBG. This condition raises concerns because seeing the case in New Zealand, the terrorist, Brenton Tarrant, who carried out an indiscriminate shooting at a mosque congregation in New Zealand, was seen similarly in the online game scene, PUBG. The Indonesian Ministry of Communication and Information will not act arbitrarily to block the game in question. So far, there is a legal umbrella that regulates online game questions which contain the classification of online game users. This rule is Ministerial Regulation number 11 of 2016 concerning Age Classification for Playing Games. Therefore, it can be said that in the near future or for sure, it will not immediately block the online game in question. So far, the Ministry of Communication and Information of the Republic of Indonesia has not banned the circulation of online games such as PUBG in cyberspace.

Specifically, the Ministerial Regulation number 11 of 2016 regarding Age Classification for Playing Games describes the categories, namely starting from the age group of three years, seven years, thirteen years, eighteen, years or more and all adult ages. Regarding the prohibition of the contents of online games that are prohibited by the Law on Electronic Information and Transactions, they are games with pornography and gambling odors, if an online game of this kind is found, it will automatically be blocked. It needs the role of parents in supervising their children in using online games. Don't get the child mistaken for playing games that don't match their age classification.

II. THEORETICAL REVIEW

Introduction", Researchers are interested in raising this problem because when talking about problems contained in online games that contain various kinds of which contain elements of pornography and violence that affect children's psychology, especially children under 18 years of age, then there must be regulations that regulate this. regarding online platforms for negative content. This is because, in fact, many online game users under the age of 18 can access online games for 18 years and over. In Indonesia, as a country that adheres to a civil law legal system to prevent and overcome all problems faced by children, there are already legal regulations and legislation has been passed - Law no. 35 of 2014 concerning child protection, in which child protection aims to ensure the fulfillment of children's rights so that they can live, grow and develop. And participate optimally according to human dignity, and get protection from violence and discrimination, for the sake of the realization of Indonesian children with quality, noble character and prosperity. Based on Article 8 of the Ministry of Communication and Information Regulation Number 11 of 2016, PUBG is a game that contains elements of violence and can only be played by gamers over the age of 18. In Indonesia, as a country that adheres to a civil law legal system to prevent and overcome all problems faced by children, there are already legal regulations and legislation has been passed - Law no. 35 of 2014 concerning child protection, in which child protection aims to ensure the fulfillment of children's rights so that they can live, grow and develop. And participate optimally according to human dignity, and get protection from violence and discrimination, for the sake of the realization of Indonesian children with quality, noble character and prosperity.

1. Identification of Problems,

What are the regulations in Indonesia in regulating online gaming platforms, in order to prevent children's involvement in accessing negative content?

What are the sanctions that can be imposed on platform managers who do not filter the age of users who can register as permanent users on the platform?

III. LEGAL REVIEW REGARDING THE RESPONSIBILITIES OF ONLINE GAMING PLATFORMS IN INDONESIA FOR NEGATIVE CONTENT

The regulations regarding online games are regulated in the Minister of Communication and Information Technology Regulation number 11 of 2016 which is hereinafter abbreviated as Permenkominfo 11/2016 concerning interactive classification of games which have the purpose of classifying Electronic Interactive Games which helps:

Operators in marketing Electronic Interactive Games products in accordance with the noble values of the Indonesian nation and

The user community, including parents, in choosing Electronic Interactive Games according to the user's age.

The existence of a regulation of the minister of communication and information technology of the Republic of Indonesia Number 11 of 2016 concerning the classification of electronic interaction games which aims to facilitate the use of information technology and protect the public interest from misuse of electronic information that disrupts public order in accordance with the provisions of laws and regulations, and the government needs to protect the public in the use of information technology products in the form of electronic interactive games in accordance with cultural characters and norms in Indonesia. These Electronic Interactive Games are classified based on content category and user age group. The content categories referred to consist of:

1. Cigarettes, liquor and narcotics, psychotropic substances and other addictive substances.
2. Violence
3. Blood, mutilation, and cannibalism
4. Use of language
5. Character appearance
6. Sexual
7. Sexual deviations
8. Simulated gambling
9. Horror, and
10. Online interactions

Lately, there have been many games with negative content, such as pornography, hate speech, and racism. Regulations regarding games are regulated in the Regulation of the Minister of Communication and Information Technology of the Republic of Indonesia Number 11 of 2016 concerning Classification of Electronic Interactive Games. Games in Permenkominfo Number 11 of 2016 are known as Electronic Interactive Games. Electronic Interactive Games are activities that allow feedback and have characteristics at least in the form of objectives and rules based on electronics in the form of software applications.

Internet Filter is an internet filter that is used to filter out a site that is considered dangerous and less important to users of online games so that only appropriate access will be accepted by online game users. There are many ways to filter online games, from using software, changing DNS, using proxies to blocking ISP internet providers.

Internet filters are generally widely used in offices or schools to limit or protect networks. Security reasons, prevention of entry of dangerous or pornographic content, and employee productivity can be the cause of blocking access using this internet filter.

Based on RI Law number 11 of 2008 concerning ITE, negative content is formulated universally covering all attack activities and cyber crimes, as follows:

- a. Pornography (pornography)
- b. SARA
- c. Slander or hate speech (hate speech)
- d. Gambling (Gambling)
- e. Fraud Action
- f. Disputing Society (Disputing Society)
- g. Terrorism / Radicalism (terrorism / Radicalism)
- h. Trade Products With Special Rules
- i. Intellectual Property Rights Infringement (Fraud Trade Products)
- j. Violence / violence against children (Children Violence) Information Security Threat; and

k. Attack activities or other cyber crimes

The Ministry of Communication and Informatics (Kemenkominfo) is the ministry responsible to the President. Based on Presidential Regulation Number 54 of 2015 Article 2, it is stated that this ministry has the task of carrying out government affairs in the field of communication and information technology to assist the President in administering the State. The functions of the Ministry of Communication and Information Technology are:

1. Formulation and stipulation of policies in the field of management of postal and information technology resources and instruments, post and information technology administration, management of informatics applications, management of information and public communication.
2. Implementing policies in the field of management of postal and information technology resources and instruments, post and information technology administration, information technology application management, information management and public communication.
3. Implementation of technical guidance and supervision on the management of postal and information technology resources and instruments, post and information technology administration, information technology application management, information management and public communication.
4. To carry out research and development of human resources in the field of communication and information technology.
5. Implementation of substantive support to all organizational elements within the Ministry of Communication and Information Technology
6. Coaching and providing administrative support within the Ministry of Communication and Information Technology.
7. Management of State property / assets which is the responsibility of the Ministry of Communication and Information Technology.
8. Supervision of the implementation of tasks within the Ministry of Communication and Information Technology. Supervision of the implementation of tasks within the Ministry of Communication and Information Technology.

Furthermore, there is a regulation of the Minister of Communication and Information Technology (Permenkominfo) Number 19 of 2014, a regulation that contains procedures for handling internet sites with negative contents. In this regulation, what is meant by blocking is an effort made so that internet sites with negative contents cannot be accessed (Article 1 paragraph (1)). Furthermore, what is meant by normalization is the process of efforts made to remove an internet site from the blocking list (Article 1 paragraph (2)). A rule is made that has a clear purpose. Likewise, the Regulation of the Minister of Communication and Information Technology Number 19 of 2014 concerning the handling of Internet sites with negative contents. These regulations were made with the aim of, including:

1. Providing a basis for the Government and the public to understand internet sites with negative contents and their shared role in handling them
2. Protecting public interests from internet content that has the potential to have a negative and or harmful impact.

If the game contains pornographic content, then the criminal provisions refer to Law Number 44 of 2008 concerning Pornography (Law 44./ 2008) and Law Number 11 of 2008 concerning Information and Electronic Transactions as amended by Law Number 19 of 2016 regarding amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE). If the game is about gambling, the sanctions can refer to the Criminal Code (KUHP) and the ITE Law. However, keep in mind that blocking the site as a form of administrative sanction does not eliminate criminal charges against the game maker with negative content.

Article 27 paragraph 1 of the ITE Law regulates the prohibition of distributing, transmitting, and / or making accessible Electronic Information or Documents that have contents that violate decency. That means games with pornographic elements are prohibited from being made. A person who deliberately and without rights makes a game that has content that violates decency will be punished with imprisonment of up to 6 (six) years and / or a maximum fine of 1 billion rupiah.

For game makers with negative content in the form of pornography, the law can also refer to Law 44/2008. Article 4 paragraph (1) of Law 44/2008 regulates the prohibition of producing, making, reproducing, duplicating, disseminating, broadcasting, importing, exporting, offering, trading, renting, or providing pornography which explicitly contains:

- a. Perverted intercourse
- b. Sexual violence
- c. Masturbate or masturbate
- d. Nudity or an impressive display of nudity
- e. Genitals
- f. Child pornography

FINDINGS

Based on the results of the author's interview with the Ministry of Communication and Information Technology, the author gets an explanation of the actions that are routinely carried out by Communication and Information Technology, which is to socialize with parents who according to the Ministry of Communication and Information itself have a major role in regulating the use of social media for children under age. This socialization is called "Digital Parenting Realm". Digital Parenting has the principle of instilling a wise and ethical attitude in behaving on the internet and still applying rules so that children don't go overboard. The author agrees with this socialization because it is true, the role of parents is very important. Because children can social media and get facilities from their parents too. So it is the obligation of parents to limit facilities related to social media for children who are not old enough. Kominfo has also used a platform called "Parental Control". There are two types of parental control, namely:

With the existence of the interactive electronic game classification, the government has paid attention by creating a rating system called the Indonesia Game Rating System (IGRS). The Ministry of Communication and Information Technology held an initial launch of the IGRS.ID website at the 2016 BEKRAF GAME PRIME event which was held on 29-30 November 2016 in Jakarta. IGRS stands for Indonesia Game Rating System is one of the policies of the Ministry of Communication and Information Technology (Kominfo) as outlined in the Regulation of the Minister of Communication and Information NO. 11 of 2016 concerning the Classification of Electronic Interactive Games, based on game content categories and user age groups.

The basis for IGRS is according to Law NO. 35 of 2014 concerning Child Protection, Law NO. 11 of 2008 concerning Information and Electronic Transactions, and Law NO. 44 of 2008 concerning Pornography, Government Regulation NO. 82 of 2012 concerning the Implementation of Electronic Systems and Transactions, Presidential Regulation NO. 54 of 2015 concerning the Ministry of Communication and Information Technology. Regulation of the Minister of KOMINFO NO.1 of 2016 concerning Organization and Work Procedure of the Ministry of Communication and Information Technology. The purpose of IGRS is to assist organizers in marketing Electronic Interactive Games products in accordance with the noble values of the Indonesian people. Helping the community, including parents, in choosing interactive games that are appropriate for their age group.

The filtered content categories in online games have been described in chapter three on IGRS. The IGRS includes: Cigarettes, alcohol, narcotics, and psychotropic substances, violence / blood, mutilation and cannibalism, language influence, character appearance, sexuality, sexual deviations, social deviations, gambling simulations, horror, and online interactions, in accordance with the Regulation of the Minister of Communication and Informatics of the Republic of Indonesia NO.11 of 2016 concerning the Classification of Electronic Interactive Games. IGRS also classifies ages into IGRS 3+, IGRS 7+, IGRS 13+, IGRS 18+, IGRS SU (all age groups starting at 7 years of age). IGRS explains about the role of the community in IGRS, the community or users can get complaints about mismatches of classification results both online / online and offline / offline.

As explained in the second chapter, a complete explanation of the platform. In chapter four, the author will explain an outline of the platform. The platform is a work plan or program that will later become the basis for the running of a system. The point is a platform is a combination of software and hardware to run a program, for example design, the language used for programming, the operating system, and the user interface associated with the running of a program. In short, the platform is a place or container used to run software. China closed the video poker game Texas Hold'Em, Texas Hold'Em game is one of the popular poker games, where many players use mind games, and predict the behavior of opponents in order to earn betting money. The reason is, they are more associated with gambling which is illegal in mainland China. However, what about the PUBG online games that have their nuances changed because there are nuances of blood and warfare styles that deviate greatly from basic socialist values. by means of China making alternative games that can be concluded as a substitute for PUBG, but with censorship and content adapted to the demands of the Chinese government. In the game for peace, players act as Chinese warriors with patriotism in them. There was no more blood effect, and the characters who died were now not turned into corpses. Those who were shot and lost would kneel and give loot while waving, saying goodbye, before disappearing from the map. China also makes digital keys that have a function where parents play a role in accessing the internet that is used by their children, by using passwords that only parents know to download games. With the enactment of the online game duration set on the Chinese platform, the author is in line with this method to reduce children's addiction to playing online games. And China issued regulations regarding limits on the spending on games children can do through their accounts. Users aged eight to 16 can spend up to 200 yuan or around Rp. 400,000.00- per month, while those aged 16 to 18 years, can spend up to 400 yuan or around Rp. 800,000.00- via their game account. They have also begun requiring users to prove their

age using documents issued by the State. This rule applies to all online gaming platforms operating in China and will directly encourage companies to comply.

Based on the comparisons according to the author between platforms in Indonesia and in China, it can be seen that the regulations on the responsibility of the Indonesian Platform have not been fully enforced in making decisions on these online gaming platforms regarding blocking or warning against platforms that still allow children under the age of 18 who remain. can log in or have an account for access to the game which should be categorized for ages 18 years and over. Thus the authors provide examples that arise in society due to the lack of government responsibility in following up on platforms that still violate regulations based on Regulation of the Minister of Communication and Information Technology Number 11 of 2016 concerning Electronic Interactive Games. Here are the effects:

1. In the city of Semarang, as many as three children under 18 years of age undergoing therapy at the Mental Hospital, because of their addiction to playing games. Children don't want to go to school, all they want is to play games.

2. The next case is in East Java. A 16 year old student killed his own teacher because he was inspired by the game or the mobile game PlayerUnknown's Battlegrounds (PUBG), this student stabbed to death a female teacher while taking private lessons. To the police, this student admitted to imitating the characters in the PUBG game. From the above case, the writer concludes that legal protection for children can be interpreted as an effort to protect the law against various freedoms and human rights of children (Fundamental rights and freedoms of children) as well as various interests related to children's welfare. Based on Law No. 23 of 2003 concerning Child Protection. The author quotes that "Every child has the right to be able to live, grow, develop and participate fairly in accordance with human dignity and dignity, and to receive protection from violence and discrimination". If it is related to the cases that occur, the authors argue that children under the age of 18 will not be psychologically ready to accept input in the form of imitations of violent scenes that are shown. Because, children will experience traumatic experiences that are difficult to eliminate in children. Which continues on other problems, both physical, psychological, and social.

Based on the Regulation of the Minister of Communication and Information Technology (Perkominfo) Number 19 Tanun 2014, the author cites regulations on the procedures for handling negatively charged internet sites. In this regulation, what the author means in the sanctions obtained for platforms that do not filter age is by blocking internet sites with negative contents. Blocking is meant by making efforts to make internet sites with negative contents inaccessible to users under the age of 18. Furthermore, the authors found that there was normalization after blocking, that is, the process of efforts made to remove an internet site from the block list, if the platform has complied with the regulations for age filtering. A regulation is made that has clear objectives, as well as Regulation of the Minister of Communication and Information Technology Number 19 of 2014 concerning Handling Internet Sites with Negative Charges. These regulations were made with the aim of, including:

a) Providing a basis for the Government and the public to understand internet sites with negative contents and their collective role in handling them.

b) Protecting public interests from internet content that has the potential to have a negative and or detrimental impact (Article 2)

The internet sites with negative contents in question include sites that have pornographic nuances and sites that spread other illegal activities based on regulated laws and regulations. What is meant by other illegal activities above are illegal activities whose platforms receive reports directly from the authorized Ministries or Government Agencies in accordance with the provisions of laws and regulations.

Regarding internet sites with negative contents, in order to narrow the space for movement, the author argues that there are two elements that may propose to block internet sites with negative contents. The two elements are society and government. First, the role of the community in the Ministry of Communication and Information covers two things, namely that it is closely related to the community who can submit reports to request blocking of negative contents. The public can report internet sites with negative contents as intended to the relevant ministries or government agencies. Second, the role of government. In this regulation, what is meant by the government is Ministries or Government agencies and Law Enforcement Agencies and / or judicial institutions. That the Ministries or Government Agencies may request blocking internet sites with negative contents in accordance with their Authorities. Meanwhile, law enforcement agencies and / or judicial institutions can request blocking of sites with negative contents according to their authority to the Director General.

IV. CONCLUSION

The internet sites with negative contents in question include sites that have pornographic nuances and sites that spread other illegal activities based on regulated laws and regulations. What is meant by other illegal activities above are illegal activities whose platforms receive reports directly from the authorized Ministries or Government Agencies in accordance with the provisions of laws and regulations.

Based on the author's explanation, it can be concluded that the regulation of online gaming platforms in Indonesia cannot yet be enforced by the regulations in force in Indonesia. However, Kominfo has made strict rules in platform regulations by conducting the socialization of "Digital Parenting Domain" which has the principle of instilling a wise and ethical attitude in behaving on the internet and continuing to apply rules so that children do not go overboard.

Then, seeing the many negative impacts, in online games that have a bad impact on children under the age of 18, there are regulations that have been regulated in Ministerial Regulation number 11 of 2016 concerning Game Age Classification, which explains the classification of groups in online games from age. 3 years, 7 years, 13 years, 17 years, up to 18 years and over. Therefore, over the top service is made. This service is a service that is devoted to the utilization of telecommunication services through internet protocol-based telecommunication networks which enables communication services in the form of short messages, voice calls, video calls, and online conversations (chatting). So this service has specific rules for each online game maker platform. Furthermore, there is a Regulation of the Minister of Communication and Information Technology (Permenkominfo) Number 19 of 2014, namely a regulation that contains procedures for handling internet sites with negative contents. In this regulation, every platform that is negatively charged must be blocked so that it cannot be accessed by anyone.

The internet sites with negative contents in question include sites that have pornographic nuances and sites that spread other illegal activities based on regulated laws and regulations. What is meant by other illegal activities above are illegal activities whose platforms receive reports directly from the authorized Ministries or Government Agencies in accordance with the provisions of laws and regulations.

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The presence of video games with various themes has long been suspected of having a negative impact on the personalities of children under 18 years of age. Many people report that those who enjoy playing online games turn into children who behave aggressively and ignore their surroundings. Based on Presidential Regulation Number 54 of 2015 Article 2, it is stated that this ministry has the task of carrying out government affairs in the field of communication and information technology to assist the President in administering the State. Thus, Kominfo has also created a platform called "Parental Control" which has two types, namely:

Norton Family Online:

- 1) an application that has several very useful features for monitoring children's internet activities, by blocking access to websites with URLs containing pornography, gambling, shopping and much more.
- 2) Allows parents to set internet usage time for children
- 3) Provide reports on what websites have been visited and searches conducted by children.
- 4) There are regulations regarding programs for children of different ages.

a. Windows Live Family Safety

Parental Control from Microsoft is part of free software protection against viruses and windows live essential. What windows live family safety can do is:

- 1) Can track each child's internet user on multiple computers, and this feature is not found in other paid parental control programs.
- 2) Track online conversations and control who the child can chat with online
- 3) Limit the games that can be played by children by ensuring that the games played are appropriate for their age.
- 4) Offers remote management with detailed reports and email notifications for violations

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