

## The Legal Challenges of Internet Addiction among Children in Malaysia and Indonesia

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### ABSTRACT

*As one of the most extraordinary means of communication tools, the internet has become one of the fastest growing technology that nearly everyone in the world uses. By the year 2025, there will be 4.41 billion monthly active social media users worldwide. Needless to say, internet has also become one of the biggest threats to the world community, in particular to children users. The presentation of internet addiction which every year increases becomes one of the problems that threatens to not only affecting children's mentality, internet addiction but also, attracting children to cybercrimes such as cyber bullying, online sexual exploitation, pornography, exposure to porn and more. The main issue of this article is whether internet addiction among children poses any legal challenges in curbing this problem. The objective of this article is divided into three parts, namely, to determine the definition of Internet addiction, to understand the legal ramification of internet addiction among children and to analyse the existing laws in Japan, South Korea and China on protecting children against internet addiction and suggestion on improvement that could be made in Malaysia's and Indonesia's legal system. The methodology used is doctrinal legal research by referring to books, journals and related articles to obtain data and reading materials in making this article. Based on the research done, in order to adopt and further improve our legislation on internet addiction among children and protecting the children's welfare, the Malaysian government could take a closer look at the Japan, South Korea and China's legislation on curbing internet addiction among children.*

*Keywords: Cybercrimes, Indonesia, Internet addiction, Legal challenges, Malaysia.*

### INTRODUCTION

The Internet is a remarkable tool for communicating with people around the globe. One of the more startling social media statistics is that, there will be 4.41 billion monthly active social media users worldwide by 2025.<sup>1</sup> However, the virtual world becomes addictive when it begins to rival the real world. Internet users tend to tune into the internet as means to escape their current reality. Although the Internet has become one of the most important innovation ever made by humans, but it also has the potential to be the most destructive to a person's physical and mental health, especially when it is overused.<sup>2</sup> The same standards that apply to drug and alcohol addiction may also apply to Internet addiction. Users of the Internet are overly reliant on this medium, which makes it

difficult for them to live or survive without it. The syndrome of internet addiction was first recognised in 1996; since then, the problem has risen significantly due to technological advancements (research found over 600 instances of long-term internet users who had developed addiction, which were measured at the time using a clinical technique).<sup>3</sup> Officials in Malaysia are quite concerned about the problem because internet addiction has an impact on a user's mentality and mental health. Internet addiction has been the focus of in-depth global research since the 1990s.<sup>4</sup> Aside from that, the benefits and drawbacks of the internet have been highly debated; its young penetration rate is particularly alarming. The meaning of child by referring to the Convention on the Rights of the Child (also known as 'CRC') is "for the purposes of the present Convention, a child means every

*human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier”<sup>5</sup> while by referring to Section 2 of Child Act 2001<sup>6</sup>, a child is:*

- a) a person under the age of eighteen years; and*
- b) in relation to criminal proceedings, means a person who has attained the age of criminal responsibility as prescribed in section 82 of the Penal Code<sup>7,8</sup>*

Over a 4-year period, internet usage in Malaysia increased noticeably from 76.9 to 88.7%, with persons 44 and under making up 85.9% of those users.<sup>9</sup> Although everyone in Malaysia has access to the internet and there is good nationwide internet connectivity, Malaysian teenagers' excessive reliance on the internet is a serious concern that could have a number of unforeseen repercussions. According to a survey, at least 30 million Indonesian youths routinely access the internet. Nearly half of Indonesia's estimated 75 million online users are still in their teenage years.<sup>10</sup> Regional studies on internet addiction are widely available. These included reports of a few studies on internet overuse that targeted primary and high school students as well as college and university students.<sup>11</sup> The factors that were related to internet dependency were frequently the focus of these studies, but the ramifications and implications of this dependence have received less attention. Since they choose to engage in social networking and leisurely online activities, internet users in Malaysia and Indonesia have reportedly behaved in a socially motivated way. Notably, concern over the public health issue of excessive internet use is growing.

The presentation of internet addiction which every year increases becomes one of

the problems that threatens to not only affecting children's mentality, internet addiction but also, attracting children to cybercrimes such as cyber bullying, online sexual exploitation, pornography, exposure to porn and more. Thus, the main issue of this article is whether internet addiction among children poses any legal challenges in curbing this problem. The objective of this article is divided into three parts, namely, to determine the definition of internet addiction, to understand the legal ramification of internet addiction among children and to analyse the existing laws in Japan, South Korea and China on protecting children against internet addiction and suggestion on improvement that could be made in Malaysia's and Indonesia's legal system.

## METHODOLOGY

This article uses the doctrinal legal research approach by highlighting the literature from international and state level journals, books and related articles as well as primary and secondary sources that discuss the issues of internet addiction, children, legal ramification on internet addiction and the solutions to this problem. The primary sources included the main topic's laws and regulations. The primary method of gathering data is through library research in books, papers, and other sources that are relevant to the subject matter of this article.

## DEFINITION OF INTERNET ADDICTION

Internet addiction is defined by excessive or uncontrollably impulsive preoccupations, desires, or actions related to computer use or online access that impair functioning or cause suffering.<sup>12</sup> The internet offers a new social environment for social contact, driven by its triple 'a' engines of anonymity,

accessibility, and affordability.<sup>13</sup> Maladaptive internet usage habits have received a lot of research interest under the “addiction” heading.<sup>14</sup> Some academics favour the terms “internet addiction”, “problematic internet use”,<sup>15</sup> and “online dependent”<sup>16</sup> to describe such maladaptive patterns. Although they have different names, they are theoretically the same and are frequently used interchangeably. Researchers have compared internet addiction to other addictive disorders, such as alcohol and drug use disorders. Others have made the connection between internet addiction and obsessive-compulsive disorder (OCD) or impulse control issues (ICDs). Compulsive computer use, pathological internet use, problematic internet use, online reliance, internet addiction, and even internet mania are just a few of the many titles given to this phenomenon that reflect the varied perspectives it has been viewed in. The names imply a disagreement between some who see the condition as involving any inappropriate or pathological computer use and those who concentrate just on internet usage.<sup>17</sup> The American Centre for Online Addiction claims that there are, in fact, five distinct categories of internet addictions which are:<sup>18</sup>

- (1) Addiction to online sex. Addicts who are fascinated with cyber-sex and cyber pornographic materials download, utilise, and trade these files. They are also frequently seen in adult chat rooms.<sup>19</sup>
- (2) Compulsive use of online dating. Addicts end up being overly invested in online connections and may even engage in online adultery.
- (3) Compulsive use of social media. Any online environment where users can set up public or semi-public accounts. The most well-known

social network is Facebook, which has 60 million users and is constantly expanding.

- (4) Compulsive online gaming. It covers a broad range of actions like betting, playing video games, shopping, and compulsive online trading.
- (5) Overload with information which is also referred to as information addiction. A new compulsive behaviour associated with online browsing or database searching is brought on by the internet's wealth of information. Addicts spend an increasing amount of time searching and organising information. This kind of addiction is associated with an obsessive-compulsive tendency and decreased efficiency at work.
- (6) Computer Dependence. Researchers discovered that excessive computer game playing became troublesome in organisational settings in the 1980s, when computer games like Solitaire and Minesweeper were programmed into computers.<sup>20</sup>

People become addicted to the internet for a variety of reasons. It is possible that psychodynamic theories, personality theories, socio-political causes, and biological causes are the root causes of addiction as a behavioural issue. In order to determine the dependence caused by the internet, it was suggested to conduct a search inside the confines of a psychological model, adding the parameter of the web's own addictive character.<sup>21</sup> Internet addiction is frequently associated with a number of other diseases, such as social phobia and substance addiction. One of the main psychological factors causing internet addiction is the ability of the internet to reduce bad feelings and decompress a person from the demanding outside world.<sup>22</sup> For the average user, the internet can be highly tempting due

to its distinctive features, such as communication and contact as well as the potential to eliminate any distance. The main factors influencing participation on various websites are by far social media and networking. More reasons why people utilise the internet include the search for friendship, dating, and relationship maintenance.<sup>23</sup> Many people who interact with virtual environments believe their experiences to be genuine, which causes their sense of self to be completely consumed by this virtual environment. They frequently get so much joy from their online activities that they are unable to engage in any actual activities.<sup>24</sup> Over the years of research, some patterns and personality traits have been associated with internet addiction. The introverted person who struggles to make friends in real life can frequently find a way to experience love, hate, and other emotions in the virtual world without really meeting other people. They also gain from the privilege of online anonymity and all the benefits of online socialising. Psychodynamic and personality theories suggest that internet addiction is related to individual characteristics and experiences.<sup>25</sup> Depending on a person's upbringing and other factors in their life, they may be predisposed to developing an addicted behaviour. Sociocultural approaches, on the other hand, connect addiction to elements including race, sex, age, economic status, religion, and country.<sup>26</sup> However, there aren't enough different Internet users in existence today to verify the veracity of this assertion. Boys, families with dysfunction, children with depression, and children who have hyperactivity brought on by distractions are more likely to encounter the phenomenon, according to data from the Adolescent Health Unit (AHU).<sup>27</sup> Internet addiction has also been connected to contextual problems like poor communication and a lack of parental boundaries.

Children's signs of recognition might be quite challenging to comprehend. Some of the symptoms described below are frequently displayed by an individual or child who is addicted to the Internet.<sup>28</sup> When discussing internet addiction, it is often implied that the addict's daily life revolves on his computer or internet use. Addicts produce more dopamine, a brain chemical associated with pleasure, which affects how they feel.

#### LEGAL RAMIFICATION AND CASES OF INTERNET ADDICTION AMONG CHILDREN IN MALAYSIA & INDONESIA

The excessive use of either the Internet or computers qualifies as an addiction. In fact, it is listed as a disorder that requires more investigation and study in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-V).<sup>29</sup> It revealed that Internet addiction was seen to be quite common and popular among young people, especially those who were only children. In actuality, one in four kids is addicted to the internet. The following are the legal ramifications of internet addiction among children including with the respective case studies and legislation.

#### CYBER CRIMES

Cybercrime is a rapidly increasing area of crime. With the limitless access to internet, there are bound to have plenty of cybercrimes happening among the internet users, including children. Cybercrimes such as cyberporn, hacking, cyber stalk, cyber bully and more are some of the many disadvantages caused by internet addiction. Cybercriminals target individuals, corporations, and governments using cutting-edge technology. Although most cybercrimes targets and revolves on

adult users of the internet, children may also, unknowingly, be dragged into the cybercrime world.<sup>30</sup> Cybercrimes among children may happen in two ways, namely, cybercrimes against children and cybercrimes by children. Cybercrimes against children varies from online child sexual exploitation to child pornography, which is infamously known. However, in cases where it concerns cybercrimes by children, it is a sensitive territory due to the fact of their tender age and not well-known in comparison to cybercrimes against children. In Malaysia, the minimum age of criminal responsibility of children is 10 years for both males and females. The minimum age of criminal responsibility is determined in Sections 82 and 83 of the Malaysia Penal Code.<sup>31</sup> Section 82 provides that: "Nothing is an offence which is done by a child under ten years of age." It is based on the irrefutable presumption that the child of 10 years is incapable of committing a crime. According to Section 83, "nothing is an offence which is done by a child above 10 years of age and under 12, who has not attained sufficient maturity of understanding to judge of the nature and consequence of his conduct on that occasion". Section 83 of the Penal Code provides conditional protection for a child between 10 and 12 years old unlike Section 82 that gives full protection for a child below 10 who commits an offence. According to the aforementioned clauses, anyone under the age of 18 shall be regarded differently from an adult, especially in terms of procedure and penalty. In terms of civil culpability, people under the age of 18 are typically not held accountable. In summary, children below the age of 10 are fully protected from criminally liable whereas children between the ages of 10 to 12 are given conditional protection.

In Indonesia, the age of criminal responsibility is 8 years old.<sup>32</sup> However, according to Article 45 of Indonesia Penal

Code, in a criminal prosecution of a minor by reason of an act committed before he has reached the age of sixteen years, the judge may either give the order that the person found guilty be returned to his parents, his guardian or his fosterer without applying a punishment, or, sentenced to a punishment. Unlike Malaysia, the age of criminal responsibility in Indonesia is slightly lower and there was discussion for the age to be raised to 12 years old, however the bill was never passed despite being discussed in the courts.<sup>33</sup>

Examples of cybercrimes committed by children include sending or publishing offensive content, posting images of people without their permission, especially women and children, sending repeated messages to people, acting as proxy stalkers, assisting main stalkers (who may also be adults), and coming up with plans for violent crimes like kidnapping, sextortion, hacking, and threats to leak personal information. When found guilty for these offences, children may be arrested and sentenced to a minimum of two to three years in prison. When inflicting heavy punishment on offenders between the ages of 16 and 17, the law might not take their level of maturity or gender into account, particularly if they were involved in horrific crimes. In such situations, the penalty might be harsher, and they might be regarded as adult offenders.<sup>34</sup> Cybercrimes may be committed against children such as online sexual exploitation or child pornography, or cybercrimes may be committed by children such as cyberbully or cyberstalking. Without proper adult supervision and proper education on the usage of internet, children will be unconsciously forced to face all of these ramifications.

## EXPOSURE TO CYBER PORN

Internet addiction now specifically includes being exposed to cyberporn or developing an addiction to online sex. The term “cybersex addiction” has been used as a concept for analysis and evaluation of the problem of excessive use of technology since the early 1980s.<sup>35</sup> According to the author, cybersex is also referred to as cybering, internet sex, sex networking, computer sex, and small sex. However, the phrase is most commonly used to describe when two or more individuals engage in sexual interaction over computer network. According to estimates, 1 in 5 Internet addicts partake in some sort of online sex, primarily through viewing cyberporn and/or having cybersex. Up to 90% of young people between the ages of 12 and 18 are thought to have access to the Internet. There has been worry that the greater accessibility may increase children and teenage pornography seeking, which could have detrimental effects on their sexual development. Under-14-year-olds who have knowingly viewed pornography are more likely to report conventional exposures, including magazines or movies. 80% of Malaysian children between the ages of 10 and 17 have knowingly viewed pornographic content online.<sup>36</sup> Cybersexual addictions are more likely to develop in those with low self-esteem, significantly distorted body image, untreated sexual dysfunction, or a history of sexual addiction.<sup>37</sup> Particularly, sex addicts frequently use the Internet as a new and secure sexual outlet to satisfy their compulsive needs without having to pay for expensive 900-lines, worry about being seen in an adult bookstore, or worry about contracting a disease from prostitutes. In addition to being exposed to inappropriate material, children run the

risk of getting sucked into the production and consumption of offensive material like pornography or developing an addiction to violent material, sharing of images and private information. If the child is dependent on posting images online, he or she may unintentionally violate someone’s privacy by gaining access to inappropriate personal images via the mobile phones. In some cases, there are ‘agents’ who would upload “voyeuristic” images of women and children, among other immoral behaviours. Children who inadvertently “provide” these images run the risk of being addicted to the Internet in order to track where their images have been posted and how large their “fan bases” are.<sup>38</sup> Not only would the children be exposed to such heinous acts, but the actions itself is in violation of Section 292 of Malaysia’s Penal Code as well as the Indonesia Criminal Code.

In a recent case in the United Kingdom, a 13-year-old boy was caught exposing himself to an older woman after trying to copy an act he had seen on an online pornography.<sup>39</sup> In this case, the boy had been an avid sports fan, but when the school was under lockdown, he spent more time online and watched porn. He made sexually provocative remarks to his victim when he exposed himself, and was later detained, found guilty of a sexual offence, and expelled from school. According to a representative, “... after he was recommended for counselling, he admitted that he had been viewing content that explicitly showed guys exposing themselves in public to women who appreciated it and subsequently participated with the men sexually.” Additionally, this happened after another incident in which a 10-year-old girl who frequently made extremely sexualized statements in class coupled with groans

and moans revealed to her teachers that her favourite thing was “prawn,” which is another word for “porn.” The youngster has received support in treatment to comprehend and modify their behaviour. These two cases raises lots of concerns when it comes to children’s interaction with the internet. Many minors can access pornography with just a click, and sites that contain such content are not currently required by law to confirm the age of their users. Children who have been exposed to cyber porn may be caught in red-handed situations that is inappropriate or even develop cyber sexual addictions which would then lead to many more problematic behaviours.

#### ONLINE CHILD SEXUAL ABUSE/EXPLOITATION

There are various source of legislation that defines child sexual abuse or exploitation. The use of information and communication technology to sexually abuse and/or exploit children is known as online child sexual abuse and online child sexual exploitation.<sup>40</sup> Child sexual abuse is defined by the United Nations Economic and Social Commission for Asia and the Pacific (also known as ‘UNESCAP’)<sup>41</sup> as:

*... encounters or interactions where a young child is being used as a sexual object by an older or more experienced child or adult (a stranger, a sibling, or a person in a position of authority like a parent or caretaker). These exchanges or encounters are conducted against the child utilising coercion, fraud, threats, bribery, or pressure.*

According to the United Nation Office on Drugs and Crime (also known as ‘UNDOC’), child sexual exploitation refers to the use of minors for sexual acts that entail

the exchange of something of value (such as affection, food, drugs, or shelter).<sup>42 43</sup> In the perspective of financial or other benefits such as sexual fulfilment, perpetrators of this offence abuse or attempt to abuse “*a position of vulnerability, differential power, or trust for sexual objectives.*”<sup>44</sup> Self-generated images of child sex abuse are frequently made with webcams or smartphones and then posted online on an expanding range of sites. Children are allegedly groomed, tricked, or coerced into creating an image or video of themselves, according to the Internet Watch Foundation (also known as “IWF”). An example of international organisations that helps to combat cybercrimes as this is the ECPAT.<sup>45</sup> ECPAT focuses on stopping child sexual exploitation in travel and tourism, child trafficking for sexual exploitation, and child sexual exploitation online. Through their human rights reports, this organisation keeps tabs on the nations that have adopted the requirements laid out by conventions like the Convention on Cybercrime and the Council of Europe’s Convention on the Protection of Children Against Sexual Exploitation and Abuse of 2007 (also known as the ‘Lanzarote Convention’). International organisations, law enforcement, academics, and child protection experts have all rejected the term “child pornography” because it downplays the serious form of child abuse it represents, putting the blame on the child rather than the offender, and runs the risk of suggesting that what is happening is consensual.<sup>46</sup> In spite of this rejection, the phrase “child pornography” is frequently used in older legal documents from the past ten years, such as the Convention on the Rights of the Child of 1989 (also known as ‘CRC’), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography of 2000, the Council of

Europe's Convention on Cybercrime of 2001, and the Lanzarote Convention.

The obligations of states to protect children from sexual exploitation and abuse are spelled out in international conventions like the 1989 CRC under the provision of Article 19 and the 2000 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. Regional treaties also aim to prevent child sexual exploitation and abuse, protect victims, prosecute offenders, and advance national and international cooperation in the identification, investigation, prosecution, and prevention of these crimes. One such treaty is the Lanzarote Convention, which came into effect on July 1, 2010.<sup>47</sup> IWF observed nearly 20,000 reports of user-generated child sexual abuse content in the first half of this year as opposed to just under 12,000 during the same period last year. Since the initial coronavirus lockdown, the unsettling global trend has accelerated, with instances involving that age range increasing 360% since the first half of 2020. Susie Hargreaves, the chief executive of the IWF, stated that self-generated abuse should be "completely prevented," and that this should include educating parents, carers, and kids about using technology and experiencing sexual abuse at home.<sup>48</sup> According to a UNICEF survey, at least 4% of Malaysian children between the ages of 12 and 17 who use the Internet are victims of online sexual exploitation and abuse.<sup>49</sup>

Online sexual abuse and exploitation usually involves being forced into sexual activity through threats of money or presents, having their sexual photographs shared without their consent, or being blackmailed into it. Email, text messages, instant messaging, chat rooms, peer-to-peer file sharing networks like eDonkey, BitTorrent, and Gigatribe, social media platforms, and unencrypted and encrypted

communication apps like Skype, Telegram, and WhatsApp are all used to distribute child sexual exploitation and abuse material.<sup>50</sup> Password-protected websites, message boards, and forums are also used to trade materials involving child sexual exploitation and abuse. "Dreamboard" is a prime example. Dreamboard required applicants to submit an image of child sexual abuse material showing a juvenile under the age of twelve along with their application.<sup>51</sup> Provided the image was verified as legitimate, the user was given restricted access to the website's content, and membership could only be kept if the user kept uploading images of child sexual assault to the website. The user would need to create child sex abuse material and post it to the website, submit child sex abuse material "that had never been seen before," and/or upload a lot of child sex abuse material if they desired more access to the information. Members were urged to employ encryption in order to restrict access to content and avoid being discovered by law authorities. While there is child sexual abuse content on the visible web, Europol reports that more extreme versions of this content are increasingly being distributed via the Darknet; a section of the Deep Web known for its illegal activities.<sup>52</sup>

#### CYBER BULLYING & CYBER STALKING

The negative aspect of young people using the internet is that they could bully others online or be bullied themselves. This conduct is also recognised as cyberbullying.<sup>53</sup> Bullying is a sign of disproportionate power or strength when it occurs among children. On a frequent basis, the kids display aggression either consciously or unconsciously. According to Olweus' definition, cyberbullying is typically thought of as bullying that takes

place via electronic media.<sup>54</sup> The conversion of psychological bullying through the use of electronic media involves sending or posting ominous or frightening messages. Sending rude and profane messages using electronic devices like mobile phones, computers and laptops is a deliberate and persistent behaviour. In particular, cyberbullying among kids and teenagers is defined as the deliberate and persistent harm done by one or more peers online while using computers, smartphones, and other technology.<sup>55</sup> Recent years have seen the emergence of new types of cyberbullying behaviours, like cyberstalking and abusive online dating.<sup>56</sup> According to the Oxford Dictionary, stalking is “pursuing covertly.” Cyberstalking is the term for persistently following and harassing someone online. It is a form of harassment that can breach someone’s privacy, making them feel frightened and alone. It may occur online or offline. Offline stalking entails tracking the victim’s whereabouts and following them. Cyberstalking behaviours include spreading abusive internet messages to the public, making up accusations about the victim, acquiring information, sending direct or indirect communications, and seeking to meet the victim.<sup>57</sup>

In Malaysia, during the year 2020 Cybersecurity Malaysia<sup>58</sup> received 596 reports of cyberbullying or harassment compared to 201 reports in 2019. As of July 2021, there has been a total amount of 267 reports made. In Indonesia, a total of 45% of young people at the age of between 14-24 have found themselves as victims of cyberbullying by means of chatting applications (45%), unauthorized spread of personal photos/videos (41%) and other harassment (14%).<sup>59</sup> As of August 2022, Malaysia Cybersecurity Outreach and Capacity Building senior vice-president, Lt Col (R) Mustaffa Ahmad mentioned that he government is drafting laws specifically on cyberbullying to combat the growing

problem whereby future prosecution process of cyberbullying will not be based on other acts such as Section 233 of the Communications and Multimedia Act 1988 (Improper use of network facilities or network service, etc) as it is being practised currently.<sup>60</sup> This comes after Malaysia was ranked 2<sup>nd</sup> among the Asian countries where parents have reported cases of their children being cyberbullied.<sup>61</sup> Although the crime of cyberbullying has not been properly criminalised under Malaysian’s law due to the lack of proper legislation, cyberbullying that includes body shamming can be criminalised. In May 2020, a 20-years-old woman was found dead at her home after hanging herself after being a victim of cyberbullying.<sup>62</sup> This case is one of the many cases of suicide caused by cyberbullying and cyberstalking which leads us to the main issue that children, who are also users of the internet, are exposed to these online hateful crimes.

## CHILD PORNOGRAPHY

One of the more notorious cybercrimes against children is child pornography. Children who are exposed to internet addiction may also be exposed not only to cyberporn but may be dragged into child pornography. Child pornography is defined as “*the representation, by any means, of a child engaged in real or simulated explicit sexual activities or representation of the sexual parts of a child for primarily sexual purposes*”<sup>63</sup> as well as “*the use of a child to create such a representation.*”<sup>64</sup> In this situation, children may be coaxed or persuaded by online predators and paedophiles to share their nudes online in order to gain fame and attention. Unknowingly to the children this pictures or videos are then published across the internet and the children are being exploited online as child pornography. In Malaysia, children

are protected against child pornography under the legislation of Sexual Offences Against Children Act 2017 whereas in Indonesia, children are protected under the anti-pornography laws. Specifically, Sections 4 to 10 of the Act concerns the production, distribution and viewing of child pornography. Section 4 specifies what constitutes child pornography, which broadly refers to any types of visual, aural, or written media. Thus, it would not just comprise sexual images or movies but also audio files and writing materials. Section 4(a) defines child pornography as any representation, whether visual, audio or written or the combination of visual, audio or written, or by any other means:-

- i. of a child engaged in sexually explicit conduct;
- ii. of a person appearing to be a child engaged in sexually explicit conduct;
- iii. of realistic images of a child engaged in sexually explicit conduct; or
- iv. of realistic images of a person appearing to be a child engaged in sexually explicit conduct

This means that not only is it illegal for a child to participate in sexual behaviour, but also for someone to impersonate or play the role of a child. This definition would apply to a 21-year-old who impersonates a youngster and engages in sexual activity. It should be noted that cartoons or illustrations that seem to represent kids engaging in sexual activities realistically would also fall under this criterion. While Section 7 forbids utilising a kid to create child pornography, Section 5 forbids any involvement in the creation of child pornography. Section 8 of the Act provides the following information

on the dissemination and reproduction of child pornography:

*Any person who—*

- (a) exchanges, publishes, sells, lets for hire, distributes, exhibits, advertises, transmits, promotes, imports, exports, conveys, offers or makes available, in any manner, any child pornography;*
- (b) obtains, collects or seeks any child pornography; or*
- (c) participates in or receives profits from any business that he knows or has reason to believe is related to any child pornography, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years and shall also be punished with whipping of not less than three strokes.*

In other words, if you're discovered anywhere in the distribution chain, whether as someone who downloads, shares, or sells, you could be found guilty and sentenced to up to 15 years in prison and at least three canings. The law also applies to those who engage in or profit from activities related to child pornography. Under international law, the International Centre for Missing & Exploited Children (ICMEC) combats child sexual exploitation and child abduction. They have established “model legislation” for child pornography, which outlines its definition as well as suggested penalties and sentences.<sup>65</sup> There are at least two significant international treaties and one “optional protocol” in effect to prevent child pornography. These rules against child pornography are to be passed in accordance with international responsibilities and should be “punishable by adequate penalties that take into consideration their terrible nature.” The first of these agreements relates to the EU Framework Decision that went into effect in 2006, the Council of Europe Convention on the Protection of Children

Against Sexual Exploitation and Sexual Abuse, and the Council of Europe Cybercrime Convention. These mandated that all forms of child pornography be made illegal in signatory or member states.<sup>66</sup> The United Nations also created Article 34 of the CRC. According to this, all signatories must take the necessary steps to stop the exploitation of children in pornographic works and performances. The addition of a voluntary protocol that mandates signatories prohibit the "creating, distributing, disseminating, importing, exporting, offering, selling or holding for the aforesaid objectives" of child pornography was another change.

#### POOR PHYSICAL AND MENTAL WELL-BEING

Under Article 27 of CRC, the child has rights to standard of living adequate for a child's physical, mental, spiritual, moral and social development. This means that a child deserves a proper environment to grow with limited exposures to risks on their mental and physical health. Numerous empirical research have shown that Internet addiction is associated with poor mental health, including higher rates of anxiety, depression, and psychological abuse.<sup>67</sup> <sup>68</sup>Technology's influence on kids and teens can affect their development and social skills, as well as be related to a number of other later factors. According to research, internet addiction is becoming a common problem, especially among younger age groups like teenagers.<sup>69</sup> It has been associated with despair, low self-esteem, and loneliness—symptoms that frequently precede diagnosable mental diseases and exacerbate pre-existing problems. It has been proven that passive usage of social media platforms (including Instagram, Twitter, Snapchat, and Facebook) increases the risk of developing depression. In one article, as young

individuals who use the Internet pathologically are more likely to experience depression in the future, the authors contend that Internet addiction is a predictor of depression.<sup>70</sup> The extent to which Internet addiction may be linked to physical health issues, however, has received less research. Inappropriate internet use is linked to worsening physical health,<sup>71</sup> such as, neck pain, dry eyes, and reduced eyesight.<sup>72</sup> They also found a substantial correlation between increased internet use and physical problems. Internet addiction can result in a number of physical health concerns, including obesity, back discomfort, neck pain, problems with vision or hearing, and a lack of physical activity.<sup>73</sup> Additionally, current research has discovered a bidirectional association between Internet addiction and both depression symptoms and physical health.<sup>74</sup> All of these symptoms of internet addiction among children are important to consider in the light of Article 27 of CRC.

An example of issues of physical and mental health caused by internet addiction can be seen in cases of exposure to cyberporn which leads to cybersex addiction. Cybersex addiction can have negative effects on a person's brains, making it easier for them to believe a false impression of the pleasure of having sex than what is actually experienced in real life. This can also have an impact on their mental health.<sup>75</sup> The authors went on to claim that youngsters who are addicted to cybersex may also develop emotional issues like embarrassment, humbling themselves, losing respect for others, and many more. Porn addiction weakens the body's regulatory processes and impairs memory, but it also damages portions of the human brain's nervous system. For instance, an addiction to pornography can make it difficult for students to recall what they were taught in class and make them lethargic in

their worship because they are preoccupied with viewing pornographic content. On the other side, excessive cybersex addiction has been linked to psychological discomfort (depression, isolation, and anxiety), psychosocial dysfunction, and sleep disorders that may interfere with day-to-day obligations.<sup>76</sup> This is due to the possibility that the light rays coming from the screen could interfere with one's sleep and cause some confusion.<sup>77</sup> For instance, a student's memory may decline as a result of a pornographic addiction. Based on these adverse effects, this study demonstrates that cybersex addiction can have psychological effects on a person to the point of negatively affecting their lives in a variety of ways, including their academic performance.

#### SOLUTIONS FROM OTHER COUNTRIES' JURISDICTION

There is no denying that the internet has a lot of advantages for children too, for example, as a source of valuable information and knowledge, expand opportunities and empowering them to achieve a better and well-rounded life. However, overusing internet can lead to the legal ramifications of internet addiction which must be curbed in

order to maintain the children's welfare as stipulated under the CRC.<sup>78</sup>

Although it is the duty of the government to draft and protect the rights of children's welfare from internet addiction, the act of shielding our children from diving into the blackhole of internet addiction begins at home. One of the keys to preventing cybercrime cases against children is parental supervision. Parents are expected to be able to monitor their children's online activity, educate them about the benefits and drawbacks of social media, remind them that improper use of social media can result in self-harm and even land them in legal trouble, set limits on their Internet usage, and even encourage their use of social media for good.<sup>79</sup> As previously discussed, Malaysia and Indonesia have yet to have a proper legislation in tackling this matter. Some countries such as South Korea, Japan, China have drafted detailed legislation on internet addiction as well as built rehabilitation clinics to overcome internet addiction among children<sup>80</sup> to which can be exemplified by Malaysia and Indonesia in tackling this issue. The following table are the comparisons of three countries' legislation, South Korea, Japan and China in tackling internet addiction among children.

SOUTH KOREA <sup>81</sup>	JAPAN <sup>82</sup>	CHINA <sup>83</sup>
<p>The Korean government was the first in the world to develop a national policy to address the problem of internet addiction. For this reason, it has received global attention. To solve the problem of internet addiction, Korea has established special laws and systems; The governance system is managed in government offices, and a "master plan" has been developed. In addition to these measures, many areas of counseling and practical medicine have also been established. Examples of Korean efforts to address the problem of internet addiction include the development of an evaluation scale for internet addiction, extensive counseling programs, and a treatment system associated with hospitalization.</p>	<p>Japanese children and adolescents do rehabilitation by means of internet fasting. They will be sent to camps or places that have no internet facilities at all. This rehabilitation is not without reason, children and adolescents who have been engaging with the internet for too long are more likely to experience depression, obesity, circulatory disorders and their growth and development. This decision was made by the Japanese Ministry of Education, they spent funds to help children escape from cyberspace and re-interact in the real world. The government is concerned that children ages 12 to 18 are experiencing internet addiction, limiting their development.</p>	<p>The Chinese government imposed a ban on the use of mobile phones in schools. China's Ministry of Education prohibits elementary and middle school students from carrying mobile phones to prevent internet addiction and online games. The ban on bringing mobile phones to the school grounds aims to help students focus on learning. The Education Ministry said a similar ban had already been imposed by some schools and local education authorities. A student will not be allowed to bring a mobile phone to school without the consent of the parents and written permission of the school. Schools are encouraged to look for other ways to communicate with parents during classroom hours. In addition to banning the use of mobile phones in schools, authorities also plan to regulate the gaming industry, which is often blamed for internet addiction and the problem of decreased vision in children. They also said they were concerned that gaming addiction could be detrimental to mental health.</p>

## CONCLUSION

In conclusion, children who utilize the internet may either commit crimes or become victims of crimes in cyberspace. As was previously mentioned, there is no specific legislation that governs children who commit crimes in cyberspace on the

internet, nor are there any laws that specifically protect children who become victims of this online connection. Malaysia and Indonesia do not have laws that specifically regulate criminal acts committed by children through the internet. It is still generally regulated in Malaysia and Indonesia, but in the law there are no specific

provisions if the perpetrators are children and if the victims are children. Internet addiction in children has a negative impact on the child's community and mental environment in addition to the law dealing with some criminal offences, such as cybercrimes, pornography, bullying, sexual abuse, and pornography.

Since the internet also positively affects children's science and creativity development, creating this particular law is challenging for a variety of reasons. To overcome this challenge, new laws must be based on research in order to protect children's rights to develop their creativity. Thus, in order to adopt and further improve our legislation on internet addiction among children and protecting the children's welfare, the Malaysian government could take a closer look at the Japan, South Korea and China's legislation on curbing internet addiction among children.

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