

## PRINCIPLES OF BEST INTERESTS FOR CHILDREN IN THE BROADCASTING INDUSTRY

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### ABSTRACT

The regulation about child protection in the broadcasting services providers sometimes conflicts with the freedom of speech principles. Limiting children's exposure to harmful content that may affect their future is also part of the public interest principles in the communication policy. Indonesia regulates child protection in broadcasting through National Regulation (Undang-Undang) No 32 the year 2002 and there is also guidance about broadcasting behavior and broadcasting program quality. However, the regulation has several limitations, as there are several programs such as infotainment, drama, and others that do not specifically regulate children's protection. Compared to the comprehensive regulation in the United Kingdom, and specified regulation for children's classification programs In Australia, there was huge homework that Indonesia needs to catch up, on to ensure child protection is being mainstream in the broadcasting industry; especially television.



### Introduction

The commitment of television as a broadcasting industry to protecting children's rights is not reflected in the various broadcast programs aired (Hikmat, 2020). From soap operas involving players who are still children (15 years old) with inappropriate scenes and considered to promote child marriage, then the glorification of infotainment when Saipul Jamil is convicted of sexual violence on children who have served his sentence, and the emergence of censorship policies in cartoon series aimed at children (Friskanov, 2016). These phenomena are a question of their own, To what extent does the broadcasting industry, especially television broadcasting, carry out child protection policies?

Children as future generations, are a group that must be given empowerment programs, but also need to be given protection. Broadcasting as an institution that has a role in mass communication, plays an important role in ensuring safe growth and development for children. In Law 32/2002 on Broadcasting, children consisting of children and adolescents under the age of 18, are placed as special audiences. This specificity underlies the content of compound broadcasts with the protection, empowerment, and fulfillment of children's rights (Montefusco et al., 2021).

The quality of television programs that meet children's rights is a challenge in Indonesia (Kaligis, Sofiyani, & Clara, 2021). In the KPI Broadcast Program Quality Index conducted every year, there are program categories that still do not meet the achievement of the KPI index standards, namely the Variety Show (2.81), Infotainment (2.67), and

Sinetron (Telenovela) (2.56) program categories. All three have the lowest scores in the protection of the psychological development of children and adolescents (Arliman, 2019).

In the Broadcasting Law, Article 36 paragraph 3 states that broadcast content must provide protection and empowerment to special audiences, namely children and adolescents, by broadcasting programs at the right time, and broadcasters must include and/or mention audience classifications by broadcast content (Arliman, 2017). The Broadcasting Law is explained in several sections through the broadcasting code of conduct and broadcast program standards (P3SPS). In Chapter X Protection to Children, Article 14 point 1 states that broadcasters must provide protection and empowerment to children by broadcasting broadcast programs at the right time by the classification of broadcast programs. Furthermore, in point 2 it is stated that wajib broadcasters pay attention to the interests of children in every aspect of broadcast production.

Other things that are regulated are not to use of child and/or adolescent models on programs related to sexuality, cigarettes, and drugs. As well as classifying broadcast programs according to age groups and broadcast time. Furthermore, it is also related to the involvement of child resource persons which is regulated quite specifically, where broadcasters broadcast programs involving children and/or adolescents as resource persons.

In some points, P3SPS explained the protection and empowerment of children on television quite comprehensively. Unfortunately, some broadcast program contents are not explained, such as soap opera programs that are not specifically regulated related to child protection (Khairani, Panji, & Burhanudin, 2018). Even though Article 36 paragraph 3 specifically states that regarding the content of the broadcast. This policy vacuum raises several problems regarding child protection in some television programs. This needs to be a careful concern because the protection of children should not only be in the content of programs related to sexuality, cigarettes, and drugs but all television broadcast programs (Intani, 2018).

In this study, researchers will try to understand how the broadcasting industry applies the principle of public interest, especially related to the principle of best interest for children in Indonesia. Researchers will try to compare with similar regulations in countries that already follow the principle of best interests for children, namely the UK and Australia.

## **Research Methods**

The methodology of this research is qualitative research by using a literature review, the researcher reviews the regulation of communication in Indonesia, the United Kingdom, and Australia. The topic reviewed by the researcher was the issue of child protection in the broadcasting service providers which sometimes conflicts with the freedom of speech. By understanding the regulations in the United Kingdom and Australia, the researcher analyzes how Indonesia can achieve similar regulations to support the best interest of the child in the broadcasting industry.

## Results and Discussion

### 1. Principles of Communication Regulation

The development of the internet and the influence of globalization cause there to be many ways to carry out communication activities. Communication activities are no longer limited to traditional media; such as television, radio, and newspapers (Aprianto, 2021). Communication activities are growing in various mediums and this provides benefits for various groups. In regulating the development of communication, measuring tools or basic values are needed that ensure that communication activities do not put the community in a dangerous situation, but instead provide added value to the community (Pickard, Zeng, Caruso, & Núñez, 2017). This is necessary because of the values that are fought for such as accountability, equality, freedom, inclusiveness, openness, security, persistence, respect, and responsibility. These basic values explain how individuals, organizations, and companies have the main values, to collaborate in carrying out communication activities that are mainly in favor of the general public. In short, there are 7 (seven) principles of communication regulation identified by Naples (2003), namely freedom of speech, public interest, local context, source of ideas, universality, diversity, and competition.

In the broadcasting industry, these seven principles need to be the main requirements, to ensure that media broadcast content provides broadcast quality broadcast programs that are by standards. Specifically, in the discussion for this scientific article, the principle of public interest will be the main point of view. The concept of public interest represents the standard for how media owners make decisions that are expected by the public, that is, they do not represent certain interests but reflect the best interests of the whole society.

The terminology regarding public interest is very broad, and biased, and can be constructed according to the perception of those who use the terminology (Iosifidis & Hamelink, 2011). The concept of the public interest is evolving continuously, this is because the concept of society and the media is also changing. This concept change occurred due to political, economic, and technological developments.

There are at least 3 (three) definitions that explain the meaning of public interest. First, the public interest is defined as what the public wants. Naples defines it as the conceptuality of the majority, where the public interest is the unity of individual desires. This then puts decision makers (regulators) need to interpret the activities desired by the public. So that you can make the right policy. This first concept, however, has been criticized for providing parallels between the public interest and the popular interest. In media and communication situations, this majority approach can explain how broadcast content is created, and developed based on market needs.

The second concept was described by Downs, he said that public interests are decided based on certain value standards, not necessarily considering what is needed by society. McQuail (1992) specifically emphasized that public broadcasting services need to provide added value to society, by bringing values; universality, and partiality towards

minority groups, safeguarding national culture and identity, as well as education and information services (Iosifidis, 2011). The criticism of this theory is that insensitive to the prevailing popular desire, the idealist concept that promotes certain values can also be disputed by various parties, thus making this theory problematic.

The third concept is a realistic/pragmatic concept, which sees that the public interest is how political institutions understand the agreed and generally accepted desire of society to make decisions. Naples (2001) calls this concept a procedural conceptualization. Public interest is defined as a process and outcome, where there is a joint decision as a result of the democratic process carried out by the community. In the media and communication dimension, this approach can be seen from how inclusive access to information is a form of conceptualization of technological developments.

Naples (2001), also said that the main thing in the concept of public interest is how the political and cultural dimensions affect the media, beyond the revenue, profit, and efficiency of the media. McQuail also mentions the public interest as an informational, cultural, and social benefit to the general public beyond the temporary interests of a particular individual. This results from a democratic process of social and cultural public participation as well as common welfare. In the development of television, public interest means being owned by the entire general public. The broadcasting industry in conducting its broadcasts, gains the trust of the public and needs to serve the public interest.

The rights of the child as written in the Convention on the Rights of the Child are agreements of countries to protect the rights of children. As a form of agreement between countries, children's rights are a concept of public interest approved by society or included in the concept of public interest pragmatically. Specifically in article 17, it is written that mass media need to ensure that children have access to diverse information, including for growth and development both socially, spiritually, and morally as well as in mental and physical health. As a follow-up step, the international group tried to explore more about child protection in the mass media. One of them is MAGIC (Media Activities and Good Ideas), which states that there are 5 (five) things how the media can protect and fulfill children's rights, namely:

1. Children's right to access media
2. Children's right to education and media literacy
3. The right of children to participate through the media
4. The right of children to be protected from violence that appears in the media
5. The role of the media in protecting and promoting Children's Rights.

## **2. Child Protection Regulations on Television (United Kingdom and Australia)**

The United Kingdom regulates communication networks through the Office of Communication (Ofcom). Ofcom was formed under The Communication Act 2003 which clarifies that Ofcom's primary function is, "to fulfill the interests of citizens about matters with communication and advance the interests of consumers in relevant markets by promoting fair competition". Ofcom has a Broadcasting Code which is used to regulate Television and Radio broadcasting. This code was proposed to protect viewers and

listeners from inappropriate content, but also to ensure that the industry has freedom in making broadcast programs (Tingley, Greenhalgh, & Stallard, 2020). In this Broadcasting Code, there is also a special section to discuss child protection from inappropriate content both on television and radio media, including with broadcast hours on television above 21.00.

In part one, the Broadcasting Code discusses Protection for Anyone Under the Age of 18. The principle in part one is that everyone under the age of 18 is protected. There are several regulations discussed in this section, namely; Information about content and showtime settings, Sexual and other violence involving people under the age of 18, Use of drugs, cigarettes, and alcohol that lead to violence, dangerous behavior and violence, use of inappropriate language, material used to show sexuality in adults, protection in films that air at 05.30 to 21.00 in ensuring that the content shown protects children's rights, demonstration of the belief in paranormalcy, as well as the involvement of people under the age of 18 in broadcast programs (The Office of Communication, 2015).

Broadcasters are obliged to ensure that everyone under the age of 18, does not get unnecessary physical and mental stress as a result of their participation, and puts their well-being first. Specifically, rules 1.26 and 1.27 of the Broadcasting Code mention.

Rule 1.26: Due care must be taken over the physical and emotional welfare and the dignity of people under eighteen who take part or are otherwise involved in programs. This is irrespective of any consent given by the participant or by a parent, guardian, or other person over the age of eighteen in loco parentis. Rule 1.27: People under eighteen must not be caused unnecessary distress or anxiety by their involvement in programs or by the broadcast of those programs.

Ofcom makes technical notes in the form of guidelines that can be developed by the broadcasting industry to implement the Broadcasting Code. In creating the guidelines, Ofcom discussed children's participation with broadcast stations, including broadcast program managers and producer alliances for Film and Television, as well as local and national child protection groups/agencies, academics, and practitioners who understand children's rights. The recommendation resulting from the study is how children's involvement in the media, needs to be done safely at every stage of the broadcast, from before, during, and after the broadcast. This is shown in the Guide (The Office of Communication, 2015), which specifically explains the form of children's vision at each stage of broadcasting.

Ofcom continuously monitors and evaluates producers and broadcast programs that have implemented child-friendly programs. One of the good practices implemented is to ensure that children's involvement pervades every stage of production, by ensuring the capacity and age of the child and the proposed broadcast program. In the Ofcom Broadcasting Code, which is supported by each of its guidelines, the stages of child involvement which include child protection are very clear. The Ofcom Broadcasting Code also provides clear definitions of articles that can open up other interpretations. This is because children are not only seen as subjects, but as whole entities that can provide input in impressions that affect children.

In Australia, television standards governing child protection are regulated through the Children's Television Standards 2009 (CTS 2009), and guidelines for implementing these standards have also been developed by The Australian Communication and Media Authority (ACMA) by showing examples and operationalization in implementing CTS 2009. CTS 2009, is a regulation that integrates children's broadcast programs both category C (Children), and category P (Preschool), as well as shows that appear when these programs are being aired. A child is defined as someone who is under the age of 14. The children's broadcast program in question is a program that: (The Australian Communication and Media Authority, 2009).

- a. Made specifically for a child or group of children
- b. Entertaining
- c. Well produced, with good standards and quality related to scripts/screenplays, casting, direction, editing, and various other production elements
- d. Strengthen children's experience and understanding
- e. True to Australian culture (understandable to Australian children)

Children's Broadcast Programs in Australia are linked to the history of The Children's Television Standards (CTS), since 1979 to ensure proportional representation in the television acata. The aim is to ensure that the context of the child audience in Australia can see their cultural and social context, with the Australian context in terms of location, sound, and story. (Potter, 2017). Australia can ensure sustainable production and consider content in the best interests of the child, simply because there are subsidies and quota rules. The industry does this, to meet the requirements as regulated by ACMA (Dr. Patricia Edgar AM, 2017). A well-constructed children's broadcast program needs to involve children at every stage, and how child audiences can benefit as a learning process for children. Children's participation in the media is a tool for children to be able to voice, learn, and as a representation of cultural identity (Finn et al., 2017).

It is also seen in the object of regulation Broadcasting Services (Australian Content and Children's Television) Standards 2020 which specifically mentions (a) promote the role of commercial television broadcasting services in developing and reflecting a sense of Australian identity, character, and cultural diversity by supporting the community's continued access to television programs produced under Australian creative control; and (b) provide children with certain protections from the possible harmful effects of television.

In the C and D program Classification Guide, that no theme is considered taboo, but proper explanation is needed for sensitive topics. Producers of children's programs need to understand the emotional, intellectual, social, and other characteristics that can answer the specific needs of the child audience.

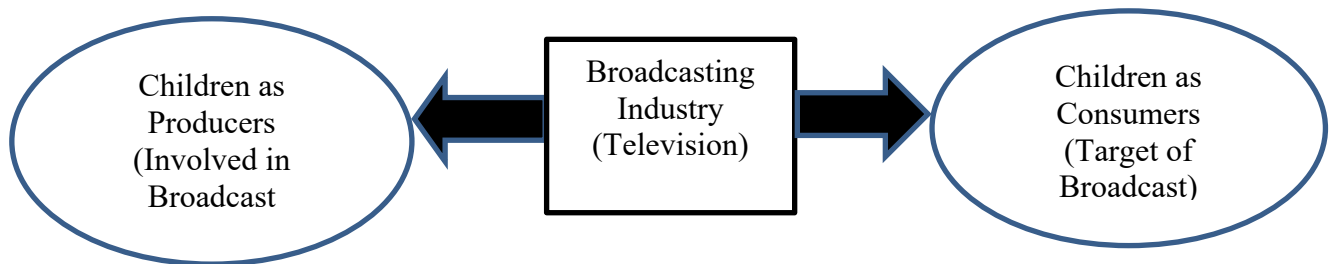
### **3. Comparison of the best interests of children in Indonesia, Australia, and the UK**

During the COVID-19 Pandemic, children are advised to do activities at home, this is reflected in the drastic increase in children's audience to 15.8 percent from the previous average rating of 12% (Jiang et al., 2020). So the obligation to protect children in the broadcasting industry is not only a matter of ethics and moral responsibility or fulfilling

the principles of public interest, but also an economic issue that from the television side can be related to television ratings.

The importance of child protection and development in media broadcasts has been a concern of the Indonesian government because it is specifically written in the Broadcasting Law. However, in its implementation, many things are not regulated, especially in the involvement of children in the process of making or developing broadcast programs.

Meanwhile, the UK considers the ethical situation, responsibility, and economic issues well because it regularly conducts research on consumer behavior, including children, in consuming television media broadcasts. By knowing consumer behavior, including child consumers, it can be a reference for media entities to develop child-friendly broadcasts. Not only that, the child protection policy in the UK also explains the involvement of children in making the broadcast program, from the pre-production stage, production to production. The United Kingdom places children in the television broadcasting industry as follows:



**Figure 1: The Position of Children in the Broadcasting Industry**

A comprehensive understanding of child protection developed in UK regulations and guidelines has not been reflected in Indonesia. In Indonesia, child protection regulations in television media are carried out partially, Indonesia specifically regulates certain content (news broadcast programs with child sources), causing regulatory gaps, especially for broadcast programs such as soap operas and infotainment.

Child protection policies developed in the broadcasting industry need to pay attention to two things, namely Children get the opportunity to be involved in television programs by paying attention to the benefits of every child and television viewer including child-age viewers. In addition, it is important to ensure that in broadcast programs, children involved in broadcast programs, are protected from all dangers that threaten them and also protect all children who watch or have links with the program. This is also an implementation of article 17, the convention on the rights of the child, wherein having access to information, the interests of child growth and development also need to be considered.

In the process of developing a comprehensive policy, the Office of Communication in the UK involves a wide range of stakeholders, including children themselves. The Office of Communication even conducts periodic evaluations together with children on

programs applied on television. The understanding of child participation in the UK has been comprehensive and integrated into the policy and implementation of the policy.

Meanwhile, child protection policies in the broadcasting industry in Australia are implemented by The Australian Communication and Media Authority (ACMA). ACMA focuses on developing children's programs by providing subsidies and asking the broadcasting industry to meet the quota. Australian policy governs broadcast classifications for groups of P (Preschool) and C (Children) children who are restricted to 14 years of age. No information explains the age classification of adolescents between 14-17 years, as applied in Indonesia.

However, despite only regulating two groups of program classifications, Australia has specific indicators in classifying programs for P and C, such as how a broadcast program can be said to be made for children. There are several indicators used for assessment such as:

- a. The child becomes the focus of the program, not just the property or additional actors of the adult
- b. The child's character performs the role according to his age, rather than as a child with a character who has young people
- c. When programs do not involve children, it is important to look at issues and themes involving children's interests and convey children's views.
- d. The theme applied is "child-centered"

The other four criteria also have certain indicators that are published transparently to provide room for the broadcasting industry in Australia to improve quality as expected. Meanwhile, in P3SPS for rules in Indonesia, it is not stated transparently and in detail how the assessment is carried out to provide age classification classification. Therefore, although regulations in Australia only regulate the classification of broadcast programs, they are comprehensive enough to ensure that the programs aired meet the best interests of children. What remains unfulfilled in Australia is how to regulate content that is not specifically targeted at children but can still protect children who watch the broadcast. Especially if you see children as consumers, as the UK does.

Indonesia specifically and in considerable detail specifically regulates children's sources in media coverage, especially in issues that are beyond the child's capacity to answer, such as death, divorce, parental and family infidelity, as well as violence, conflict, and disasters that cause traumatic impacts. Specifically, news programs also need to ensure the safety and future of children and/or adolescents who are sources, and it is important to disguise the identity of children and/or adolescents in events and/or law enforcement. The good practices applied in this newscast program can be adapted for other broadcast programs, especially for programs that are assessed by the KPI broadcast program quality index. Currently, the Government of Indonesia is revising the P3SPS which is expected to be completed in 2022. So it is important to extend the good practices that have been done in news programs to other programs. KPI needs to see that television media is a space for both child protection and empowerment.



"On the one hand, don't let the child imitate the negative things from television broadcasts. That's our shared commitment. But on the other hand, do not let the child become sterile, do not know information about the dynamics that occur around him," Central KPI Commissioner, Hardly Stefano, 2021. The media can play its role in protecting and promoting children's rights so that the best interests of children can be fulfilled from access to information in the media, media literacy, children's participation in the media, and protection of children from violence.

### **Conclusion**

Regulations on the importance of child protection in television media are applied differently by both Indonesia, the United Kingdom, and Australia. The Office of Communication as a regulatory body in the United Kingdom has the most comprehensive regulations and places children as subjects in broadcasting. Specific involvement of children is regulated in each stage of production, by ensuring that the show will not hurt children or interfere with their growth and development both as performers/performers of the broadcast program and viewers. In Indonesia, children are already considered subjects, but only for child interview programs. This provides a gap in the rules for other television broadcast programs such as soap operas and infotainment.

Meanwhile, when compared to regulations in Australia, which focus on the classification of children's programs. Australia does not specifically regulate children's programs for how they can protect children. However, Australia has specific policies regarding quotas that the broadcasting industry must meet to ensure quality children's programming. This can indirectly affect the broadcasting ecosystem, and ensure appropriate shows for children. Indonesia has a program classification, but there is no explanation of each indicator how role is categorized.

Both the United Kingdom and Australia have clear directions for putting child protection policies in their respective countries. The United Kingdom seeks to ensure participation in every stage of production, while Australia seeks to control the classification of children's programs produced. If Indonesia wants to be more committed to realizing child-friendly television, it needs to clearly define its policy direction, because what is happening now is a gap in rules for some things that are not regulated in P3SPS.

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