



MISUSE OF DIGITAL EVIDENCE IN CHILD SEXUAL CASES: A NORMATIVE LEGAL ANALYSIS

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Abstract: *The rapid advancement of digital technology has enabled members of the public to document and disseminate incidents occurring in public spaces, often with the intention of supporting law enforcement. However, this practice has generated serious legal challenges when digital recordings involving child sexual misconduct are publicly distributed under the pretext of social punishment or informal law enforcement. This study aims to examine the legal qualification and criminal liability of third parties who record and disseminate sexually explicit content involving children in Indonesia. The findings demonstrate that the public dissemination of such recordings constitutes a misuse of digital evidence and cannot be justified as lawful public participation in crime reporting. Normatively, these acts fulfill the elements of unlawful distribution of indecent electronic content and qualify as electronic-based sexual violence, even when the underlying conduct occurs in public spaces. Furthermore, the analysis reveals that such dissemination undermines procedural legality, compromises the integrity of digital evidence, and results in severe and lasting digital victimization of child victims. This study emphasizes the necessity of clearly distinguishing between the legitimate right to report criminal acts to authorized authorities and the prohibited act of exposing illegal content in the public digital domain, while underscoring the importance of child-centered legal protection and procedural safeguards to prevent digital vigilantism and ensure that the pursuit of justice does not inflict further harm on children.*

Keywords: *Child Sexual Misconduct; Child Privacy Protection; Criminal Liability; Digital Evidence; Digital Vigilantism*

I. INTRODUCTION

The rapid advancement of digital technology has transformed ordinary individuals into active public informants through the widespread use of smartphones. This phenomenon has given rise to what is commonly referred to as citizen evidence, where members of the public document and record events occurring in public spaces that are perceived as violations of social norms or criminal law. While this development has the potential to support law enforcement, it is frequently accompanied by a lack of adequate legal and ethical awareness, particularly in cases