

Legal Protection for Children in Cases of Online Sexual Abuse: A Comparative Study

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Abstract

The advancement of technology has provided numerous benefits to society. However, they also proved to yield negative consequences, such as the increase in criminal activities, including online sexual offenses against children which adversely impact children around the world. Legal regulations in Indonesia are still not optimal and require improvements in order to provide better protection for children in Indonesia. In response to the high level of violence against children in Indonesia, President Joko Widodo issued the Presidential Regulation regarding the national strategy for the elimination of violence against children on July 15, 2022, which includes the provision of the policy, regulatory implementation, and law enforcement. To support the elimination of sexual violence against minors, this study seeks to provide ideas and concepts for improving Indonesia's criminal law. Employing a descriptive research design and a comparative legal research method, with the assistance of literature studies, the researchers drew comparisons of legal regulations and policies addressed to eradicate online sexual offenses against children between Indonesia, the United King-

dom, the Philippines, and Ghana. Based on the findings, this study formulates seven ways to improve legal protection for children against online sexual offenses in Indonesia through repressive and preventive means.

Keywords: Legal protection improvement, online sexual crimes against children, comparative law, legal policies

A. Introduction

The rapid development of the digital era has led to a surge in criminal offenses, particularly online child sexual exploitation and sexual abuse. This study aimed to do two things: (1) build a comparative discussion on criminal law protection against online sexual offenses in four countries: Indonesia, the United Kingdom, the Philippines, and Ghana, and (2) discuss ideas that can improve criminal law protection in Indonesia, particularly in terms of online sexual crimes against children.

This study is crucial for the betterment of legal protection for children against sexual offenses around the world, especially in developing countries, which are vulnerable to this type of crime. An international threat to every nation, this crime should be tackled with a foolproof set of laws. In “Prevention, disruption, and deterrence of online child sexual exploitation and abuse.” Ethel Quayle (2020) claimed that online child sexual exploitation and sexual abuse (OCSEA) has increased dramatically over the years. Two of the most frequent practices of this crime are live-streaming videos of sexual abuse and the production and distribution of sexual photos of children.¹

In their 2021 research, Juliane A. Kloess and Madeleine van der Bruggen revealed data from the National Crime Agency that in the UK there were approximately 181,000 members of criminal organizations on dark web sites who committed online sexual crimes against children. They also found that around 2.9 million accounts were reg-

1 Ethel Quayle, “Prevention, disruption and deterrence of online child sexual exploitation and abuse”, ERA Forum, University of Edinburgh, 2020, p. 429-447.

istered on these sites, and 5% of them were located in the UK.²

A 2019 study by Ramiro et al. revealed that online child sexual exploitation and abuse (OCSEA) includes virtual or online text-based conversations that contain sexual solicitation and images or videos, online prostitution, sending or sharing sexually explicit photos and videos without consent, as well as producing, accessing, and distributing child sexual content online or offline, online grooming, threatening and blackmailing children, engaging in sexual chat, and live-streaming sexual acts involving children. Most of the victims are under the age of 18, and in some cases, parents are involved for economic gain.

Further research conducted in 2022 by Catharina Drejer³ revealed that online sexual crimes against children in the Philippines have increased during the COVID-19 pandemic, particularly in the form of live-streamed sexual exploitation and abuse of minors. The study examined the use of technology in facilitating these crimes and suggested that the pandemic has made it easier for perpetrators to exploit children online due to increased screen time and a lack of supervision. The study calls for urgent action from governments and organizations to address this issue and protect vulnerable children.

The KPAI's (Indonesia's National Commission for Child Protection) data on the number of reported cases of children who were victims of online sexual crimes revealed that there were 112 cases in 2016, 126 cases in 2017, 116 cases in 2018, 87 cases in 2019, and 103 cases in 2020. This shows a total of 544 cases of online sexual crimes against children between the years 2016 and 2020.⁴ These statistics are concerning, as they indicate a persistent and growing problem of online sexual exploitation and abuse of children in Indonesia.

2 Juliane A. Kloess and Madeleine van der Bruggen, "Trust and Relationship Development Among Users in Dark Web Child Sexual Exploitation and Abuse Networks: A Literature Review from a Psychological and Criminological Perspective", SAGE Journal Publishing, University of Birmingham, 2021, P. 1-18.

3 Catharina Drejer, "Livestreaming Technology and Online Child Sexual Exploitation and Abuse: A Scoping Review", SAGE Journal, 2023, P. 1 – 15.

4 <https://Bankdata.Kpai.Go.Id/Tabulasi-Data/Data-Kasus-Pengaduan-Anak-2016-2020> Accessed on 11 June 2020 at 22:33 P.M.

In terms of reported cases of child victims of social media pornography, there were 188 cases reported in 2016, 142 cases in 2017, 134 cases in 2018, 148 cases in 2019, and 91 cases in 2020. In total, there were 703 cases of child victims of pornography from social media reported over the years.⁵ These numbers are alarming, and they highlight the importance of addressing this issue and protecting vulnerable children from the harmful effects of online exploitation.

Although it may appear to be a new *modus operandi* for criminal activities, technology-based sexual violence is actually an evolution of the crime *modus operandi* involving sexual exploitation and violence, indecent acts, or pornography, which has progressed as a result of the acceleration of technological advancements. This type of crime usually begins with virtual communication, leading to online sexual exploitation. Perpetrators of this crime often commit sexual violence through verbal or coercive means, which then escalates to other forms of sexual coercion.⁶

Indonesia is one of the countries with the largest population of internet users in the world. As of March 2021, there were 212.35 million internet users across various age groups and needs in Indonesia. According to a report by We Are Social, there were 204.7 million internet users in the country as of January 2022, representing a 1.03% increase compared to the previous year. In January 2021, the number of internet users in Indonesia was recorded at 202.6 million. The child population in Indonesia aged 5-12 years old accounts for 13.9%, while those aged 13-17 account for 8.2% of the total population in Indonesia. There are approximately 191.4 million social media users in Indonesia across various social media platforms.⁷

National Coordinator of ECPAT Indonesia, Ahmad Sofian stated that the internet is still being used as a tool for sexual predators,

5 Ibid.

6 Devi Tama Hardiyanti, Beniharmoni Harefa, “*Perlindungan Terhadap Korban Grooming Yang Dilakukan Oleh Narapidana Pencabulan Anak*” (Protection Towards Grooming Victims Done By Sexual Offenders towards Children), Semarang, Indonesia: Jurnal Humani (Hukum Dan Masyarakat Madani), Vol. 11 No. 2, November 2021, Universitas Semarang, P. 333.

7 Hootsuite (We Are Social): Indonesian Digital Report 2022.

especially to seek and exploit children for commercial sex. Sofian also explained that there are four forms or stages of crimes that threaten children on the internet,⁸ namely online grooming, which is when someone persuades children, usually through social media accounts, sexting, which is the process of a child sending explicit sexual messages or images that show their sexuality as a result of persuasion or demand by the perpetrator, and sextortion, which is when the perpetrator forces and pressures the child to produce sexual material or money. Fourth, live broadcasts of sexual violence against children. The perpetrator's approach to the child usually takes a long time and begins with intense communication.

As of now, there are no detailed legal regulations in Indonesia regarding online sexual violence against children. This is supported by the fact that on July 15th, 2022, the President of Indonesia, Joko Widodo, issued Presidential Regulation (Perpres) No. 101 of 2022 on the National Strategy for the Elimination of Violence against Children. In its considerations, it is mentioned that the number of cases of violence against children in Indonesia is still high, thus requiring optimization of the government's role. Regulations related to the elimination of violence against children are considered not optimal in providing prevention and handling. Therefore, a national strategy is needed.⁹

Violence refers to any actions against children that result in physical, psychological, sexual, and/or neglect suffering. This includes threats of action, coercion, or illegal deprivation of freedom. Article 5 of Presidential Regulation No. 101 of 2022 mentions that the policy direction and strategy for the elimination of violence against children consist of:

8 Kemenpppa, Press Release No: B-183/Set/Rokum/Mp 01/09/2019, "*Kemen PPPA Lakukan Literasi Digital Demi Cegah Anak Jadi Korban Predator Seks*" [Ministry of Female Empowerment and Child Protection Held Digital Literation to Prevent Children from Becoming Sexual Predator Victim], 6 September 2019.

9 <https://www.medcom.id/nasional/politik/ObzmYvYN-presiden-jokowi-teken-aturan-penghapusan-kekerasan-terhadap-anak> accessed on 30 July 2022 at 5 P.M. Western Indonesian Time.

1. Provision of policies, regulatory implementation, and law enforcement
2. Strengthening anti-violence norms and values
3. Creating a safe environment free from violence
4. Improving the quality of parenting and availability of support for parents/caregivers
5. Empowering vulnerable family economies
6. Availability and access to integrated services
7. Life skills education for children's resilience.

Researchers in this study have formulated a concept to answer and provide support for the direction of policies and strategies for the eradication of violence against children, specifically addressing the issue of online sexual crimes against children. After a thorough examination, this study found that compared to the laws of other countries, there are still relatively few criminal offenses related to sexual crimes against children stipulated in the Child Protection Law in Indonesia. Furthermore, it does not even mention sexual crimes committed online.

Table 1. Criminal offenses related to sexual violence against children as stipulated in the Law No. 35 of 2014 on the Amendment of Law No. 23 of 2002 on Child Protection in Indonesia

Article	Offense	Sanctions	Article
76C	Placing, allowing, performing, instructing, or participating in any act of violence against a child	The maximum penalty for imprisonment is three years and six months and/or a maximum fine of IDR 72,000,000.00. If the victim suffers serious injuries, the maximum penalty is five years and/or a maximum fine of IDR 100,000,000.00. In the event of the victim's death, the maximum penalty is 15 years and/or a maximum fine of IDR 3,000,000,000.00 (three billion Indonesian Rupiah).	80 par (1), (2), and (3).

76D	Committing violence or threatening to commit violence to force a child to engage in sexual intercourse with them or with another person	The minimum penalty for imprisonment is five years, with a maximum penalty of 15 years and a maximum fine of Rp 5,000,000,000.00 (five billion Indonesian Rupiah).	81 par (1)
76E	Committing violence or threatening to commit violence, using coercion, deception, a series of lies, or persuasion to induce a child to engage in sexual misconduct or to allow such conduct to be carried out to him/ her	The minimum penalty for imprisonment is five years, with a maximum penalty of 15 years and a maximum fine of IDR 5,000,000,000.00 (five billion Indonesian Rupiah).	82 par (1)
76I	Placing, allowing, performing, instructing, or participating in the economic and/or sexual exploitation of a child.	The maximum penalty is 10 years of imprisonment and/ or a maximum fine of IDR 200,000,000 (two hundred million Indonesian Rupiah).	88

The Electronic Information and Transactions (ITE) Law also fails to meet expectations for regulating the crime of online sexual offenses against children.

Table 2. Sexual Offenses Against Children under Law No. 19 of 2016 on Amendments to Law No. 11 of 2008 on Electronic Information and Transactions

Article	Offense	Sanctions	Article
27 par (1)	Intentionally and without authorization distributing and/or transmitting and/ or making accessible Electronic Information and/ or Electronic Documents that contain contents that violate decency is prohibited.	The maximum penalty for imprisonment is six years and/ or a maximum fine of IDR 1,000,000,000.00 (one billion Indonesian Rupiah).	45

52 par (1)	In the case of a criminal offense as referred to in Article 27 paragraph (1) concerning decency or sexual exploitation against children, an aggravating circumstance of one-third of the main penalty is imposed.	a one-third increase in the main penalty	52
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A new hope for the enforcement of online sexual crimes against children has arisen following the enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes. The law came into effect on May 9, 2022, but is still awaiting the establishment of Government Regulations and Presidential Regulations. To date, the development of the Regional Technical Implementation Unit for Women and Children Protection (UPTD PPA) is still ongoing in areas of Indonesia that do not yet have it. Currently, there are 33 provinces and 213 districts/cities that have formed UPTD PPA and must adjust to the new governance.¹⁰ There are currently a total of 38 provinces, 415 districts, and 93 cities in Indonesia.

Article 90 of Law Number 12 of 2022 concerning Sexual Violence Crimes stipulates a 3-year period for the Provincial and District/City Governments to establish UPTD PPA for those who have not yet done so. In Article 91, the Provincial and District/City Governments are given a maximum of 2 years to establish implementing regulations for this law. As a newly legal product, Law Number 12 of 2022 concerning Sexual Violence Crimes must be implemented gradually and cannot be directly enforced in Indonesia's law enforcement system while waiting for important matters to be completed and prepared by the relevant local government, such as the completeness of personnel, service systems, facilities, and infrastructure in each area.

10 <https://www.kemenpppa.go.id/index.php/page/read/29/4102/kemenpppa-apresiasi-dikeluarkannya-surat-edaran-menteri-dalam-negeri-tentang-pembentukan-uptd-ppa>

Table 3. Sexual Crime Offenses Against Children in Law no. 12 of 2022 on Sexual Violence Criminal Act

Article	Offense	Sanction	Article
4 par (2)	Sexual intercourse with a child, sexual abuse of a child, and/or sexual exploitation of a child:	Any person who abuses their position, authority, trust, or prestige obtained from deception or the circumstances, or any person who exploits the vulnerability, inequality, or dependence of another person, and forces or deceives them to engage in or allow sexual intercourse or sexual abuse with themselves or with others, shall be punished with imprisonment for a maximum of 12 (twelve) years and/or a fine of up to IDR 300,000,000.00 (three hundred million Indonesian Rupiah).	6c
4 par (2)	Pornography involving a child or pornography explicitly containing violence and sexual exploitation	Any person who unlawfully places someone under their power or that of another and renders them helpless with the intention of sexually exploiting them, shall be punished for sexual slavery, with imprisonment for a maximum of 15 (fifteen) years and/or a fine of up to IDR 1,000,000,000.00 (one billion Indonesian Rupiah)	12
7 par (1) and (2)	Physical and non-physical sexual harassment	Any person who engages in non-physical sexual acts targeting a person's body, sexual desires, and/or reproductive organs with the intention of degrading their dignity and honor based on their sexuality and/or morality, shall be punished for non-physical sexual harassment, with imprisonment for a maximum of 9 (nine) months and/or a fine of up to IDR 10,000,000.00 (ten million Indonesian Rupiah).	5
10 par (2)	Forced child marriage	Any person who unlawfully forces or places someone under their control or that of another to marry them or someone else; shall be punished for forced marriage, with imprisonment for a maximum of 9 (nine) years and/or a fine of up to IDR 200,000,000.00 (two hundred million Indonesian Rupiah).	10

14 par (3)	Electronic- based sexual violence	Any person who, unlawfully: a. records and/or takes sexually explicit pictures or screenshots against the will or without the consent of the person being recorded or pictured; b. transmits electronic information and/or documents with sexual content without the recipient's consent, for their sexual desires; and/or c. stalks and/or tracks someone who is an object in an information/electronic docu- ment using electronic systems for sexual purposes, shall be punished for committing electronic- based sexual violence, with imprisonment for a maximum of 4 (four) years and/or a fine of up to IDR 200,000,000.00 (two hun- dred million Indonesian Rupiah).	14
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Given the development of social media and technology, and the need to improve legal regulations, legal research is necessary to protect children from online sexual crimes. This research aims to address three issues: 1. What is the policy of legal protection for children who are victims of online sexual crimes in Indonesia? 2. How does the legal protection for children from online sexual crimes in Indonesia compare with that of other countries? 3. How can the legal protection for children who are victims of online sexual crimes in Indonesia be improved?

One of the purposes of criminal law is to provide protection for society and to punish offenders. This ensures the safety of the community, which criminal law must be able to do. Indonesia has criminal legal instruments to protect children regulated in Law No. 35 of 2014 regarding Amendments to Law No. 23 of 2002 on Child Protection. Indonesia also has a juvenile justice system regulated in Law No. 11 of 2012 on the Juvenile Justice System.

Online sexual crimes are related to the Information and Electronic Transactions Law and the Pornography Law. The Indonesian Information and Electronic Transactions Law is regulated in Law No. 19 of 2016 as an amendment to Law No. 11 of 2008 concerning

Information and Electronic Transactions. The Indonesian pornography legal instrument up to now is Law No. 44 of 2008 concerning Pornography.

Criminal legal protection for children in Indonesia guarantees that every child has the right to protection from sexual crimes (Article 15F of Law No. 35 of 2014). Special protection is given to children who are economically and/or sexually exploited, victims of pornography, victims of physical and/or psychological violence, and victims of sexual crimes (Article 59 paragraph (2) of Law No. 35 of 2014).

Special protection for children is provided through swift handling, including physical, psychological, and social treatment and/or rehabilitation, and prevention of diseases and other health disorders. Special protection is also provided by providing psychosocial support during treatment until recovery, social assistance for children from low-income families, and providing protection and assistance throughout the legal process. The central government, regional governments, and other state institutions are obliged and responsible for providing special protection for children. One way to provide protection for children is by improving criminal law and legal regulations in Indonesia.

Criminal law in Indonesia has not specifically detailed the regulation of protection against online sexual crimes towards children. Not one article in the Child Protection Law, Pornography Law, or Information and Electronic Transactions Law explicitly states the sanctions for online sexual crimes against children. This can lead to normative vacuum or norm ambiguity if online sexual crimes continue to develop and their actions have legal loopholes.

In its development, online sexual crimes have become prevalent in this technological era. The current criminal law can still provide protection for children, but it is better for Indonesia to anticipate the increasingly developing crimes before it is too late. One way to do this is by renewing and improving criminal law regulations on online sexual crimes against children. This is also to maintain legal certainty and justice so that perpetrators do not escape with the excuse that their actions are not regulated by the law, and to use the principle of

legality as a reason to avoid punishment because their offenses are not detailed within the current criminal law regulations.

According to Paul James Bohannan, the law can be understood as a habitual practice that is formally recognized and followed by members of society, and which is subsequently rediscovered in a more specific and refined manner. Bohannan also highlights that both law and habits are subject to change and development over time. Habits emerge when norms are established within a group, which in turn become the basis for regular actions within social institutions such as family, religion, or politics. Law, then, is seen as a necessary step in the evolution of these habits in order to provide greater clarity and certainty in their application. This is especially important when the customs or norms are becoming weaker and more difficult to enforce, as legal institutions can help to mitigate these challenges by providing clear guidelines and oversight by specialized agents.¹¹

Online sexual crimes against children pose a significant threat to their psychological well-being and can potentially cause long-lasting psychological trauma and harm. End Child Prostitution and Trafficking (ECPAT) Indonesia has conducted a mapping of the vulnerability of children and online sexual exploitation by analyzing an online questionnaire completed by 1,203 respondents aged 6 to 17 years. The study revealed a 67% increase in internet usage among children compared to before the COVID-19 pandemic. Moreover, most of the respondents admitted to spending more than six hours a day using the internet. This indicates that the high level of internet activity among children makes them vulnerable to online sexual exploitation.¹²

UNICEF has emphasized that children who experience sexual violence, including online sexual violence, may not always recognize the act as sexual violence. The impact of online sexual violence on

11 Derita Prapti Rahayu, Faisal, Toni, "Institutions in Legal System as Embodiments of Legal Purposes", *Ulrev Unram Law Review*, Vol. 3 Issue 2, October 2019, Law Faculty of Mataram University, Page 64.

12 Nadira Tatyana, *Jurnal Wanita Dan Keluarga*, Vol. 2(2), December 2021, "Kerentanan Anak Indonesia Terhadap Kekerasan Seksual Online Era Covid-19: Sebuah Perspektif Hukum [Indonesian Children's Vulnerability to Online Sexual Abuse in the Midst of Covid-19], Page. 109.

children depends on several factors, such as the severity and duration of the violence, the child's understanding of sexual violence, and the response of their family, friends, and community.¹³

The physical and psychological impact of online sexual violence on children includes a high tendency to contract HIV due to unsafe sexual activities, alcohol, and drug use, experiencing anxiety disorders, depression, psychological trauma, self-harm behavior, and dropping out of school resulting in receiving low education. Furthermore, children who become victims of online sexual violence are also at risk of experiencing other forms of online sexual violence from adults or in other circumstances.¹⁴

There is a legal idiom in Latin, “ubi societas ibi ius”, which means that where there is a society, there is the law. The law follows the development of time and society. According to Professor Satjipto Rahardjo, society is the primary reference, not the concept, doctrine, or rational system of legal science. In other words, legal science follows society. Therefore, any construction product that is produced is constantly subject to a referendum by society as its user. There is no autonomous and absolute legal scientific validation, but it is always open and tested by society in terms of its usefulness.¹⁵

The development of law never stops, solely based on the reason that society is always moving and changing over time. Therefore, if we believe that concepts, terminology, doctrines, and structures are final and absolute, then the study of law will gradually become irrelevant to society.¹⁶ As we stand in the 21st century, we can see a very different panorama from the world of the 19th century. During these two centuries, the world has undergone intense changes. According to Capra, since the early 20th century, the world has experienced a great crisis that has spread into the intellectual, moral, and spiritual realms. Therefore, everyone needs a new creative adjustment. The

13 Ibid.

14 Ibid.

15 Prof. Dr. Satjipto Rahardjo, S.H., “Ilmu Hukum Di Tengah Arus Perubahan” (Legal Science in the Midst of Changing Times), Surya Pena Gemilang Publishing, Malang, East Java, Second Print, June 2016, Page 10.

16 Ibid, Page 11.

old paradigm cannot be used anymore. Law is not excluded because it is also in the midst of and affected by the turmoil of these changes.¹⁷ In 2022, rapid technological progress requires a law that keeps pace with the times.

From the perspective of progressive law, a strong characteristic of progressive law lies in its nature as a “liberating law” (Rahardjo, 2005). With this liberating nature, the progressive law ideology is highly sensitive to changes and ideas for change; and has a strong desire to make law an institution that is proactive.¹⁸ The idea of progressive law was also developed by the Faculty of Law at Erasmus University Rotterdam in the Netherlands. The core idea is that law should be sensitive to changes (beweging) and thus, the awareness that the position of law should be classified as “law in motion” (recht in beweging)¹⁹ should be emphasized.

B. Comparison of Child Protection Laws Against Online Sexual Crimes Between Indonesia and Other Countries

There are many countries that have begun to commit to addressing the issue of online sexual crimes against children. This indicates the world’s increasing concern for children’s safety. Many programs, systems, conventions, education campaigns, and laws have been created to combat online sexual crimes against children.

1. United Kingdom

In Europe, one of the countries actively combating online sexual crimes against children is the United Kingdom. The UK has formed a global organization known as WeProtect, which has now expanded into the WeProtect Global Alliance, whose member countries come from all continents, including Indonesia.²⁰ In March 2020, the UK, together with Canada, the United States, Australia, and New Zealand,

17 Loc. Cit.

18 Loc. Cit.

19 Op. Cit, Page 12

20 <https://www.weprotect.org/alliance/governments/> accessed on 13 June 2022 at 10:13 P.M.

launched voluntary principles to combat online sexual crimes and exploitation against children.²¹

There are several criminal offenses in the UK related to images or photos of children in a sexual context and online sexual conversations with children. Under UK law (England, Wales, Scotland, and Northern Ireland), there are four offenses related to accessing images or photos of children in a sexual context that can be prosecuted.²²

First, possessing indecent photographs or images of children under 18 years of age in physical or electronic form. Second, distributing indecent photographs or images of children to others, including sharing them through chat rooms, email, phone applications, text messages, flash drives, and file-sharing websites (peer-to-peer).²³

Third, making electronic copies of indecent photography or images of children, including electronic copies of indecent photography or images intended for storage by users on other devices, and automatic copies of indecent photography or images to a device when a photo is clicked, as well as automatic downloads from file-sharing websites. Fourth, personally taking indecent photographs or images of children.²⁴

Regarding sexual communication with children, Section 15a of the Sexual Offenses Act (2003) prohibits adults from conducting communication with children under 16 years of age in a sexual context. An adult person is considered to commit an offense if he or she engages in online sexual communication with a person that has mentioned his or her age is under 16 years old, regardless of whether the adult believes it or not. This offense is sometimes also referred to as “online grooming”.²⁵

Another criminal offense related to sexual crimes against chil-

21 Assets Publishing Service UK Government, “Interim Code of Practice on Online Child Sexual Exploitation And Abuse”, December 2020, page 5.

22 <https://www.stopitnow.org.uk/concerned-about-your-own-thoughts-or-behaviour/concerned-about-use-of-the-internet/get-the-facts/uk-law-in-internet-sexual-offences/> accessed on 19 June 2022 at 11 A.M.

23 Ibid.

24 Ibid.

25 Ibid.

dren is showing sexual material to children, including adult pornography, images of children in a sexual context, and self-made sexual images (for example, showing genital areas to children via webcam), through electronic devices or the internet applications.²⁶

In addition, the law also considers the act of persuading children to engage in sexual activity, persuading them to show sexual behavior or body parts, or meeting or planning to meet children for sexual purposes as punishable offenses. Nowadays, these offenses are mostly derived from online grooming of children. The perpetrator tries to gain the trust of the victim, and then an agreement to meet can be made.²⁷

Other forms of sexual crimes include voyeurism against children (secretly watching people changing clothes to achieve sexual satisfaction) by direct observation or through other devices, extreme pornography such as storing child pornography and using it to threaten children's lives, including sadistic photos involving the anus, animals, corpses, and others. Sexual chats about children through chat rooms, email, comments, and others. Publication of indecent content about children is also illegal and against the law.²⁸

Indonesia and the UK have the same age limit for children, which is 18 years old. Indonesian and UK laws also do not have clear definitions of online sexual crimes against children, so there are still many different legal interpretations of this matter. The difference is that sexual offenses against children in the UK are already detailed by chapter and article, and there is even an offense related to communicating with children if the purpose of the communication, either in writing or in person, is to sexually exploit or trap the child.

It can be concluded that there are several shortcomings in Indonesian law pertaining to online sexual crimes against children that need to be addressed. Explicitly, the Indonesian Law on Child Protection (UUPA) lacks provisions that explicitly criminalize sexual offenses against children when committed online or indirectly. The

²⁶ Ibid.

²⁷ Ibid.

²⁸ Ibid.

Electronic Information and Transactions Law only prohibits the distribution, transmission, and access of electronic information that violates decency against children, with a 1/3 increase in penalty.

Moreover, the Indonesian Law on Child Protection does not have provisions regarding sexual offenses such as voyeurism, bestiality, necrophilia, and other sexual abnormalities committed against children directly or online, exposing children in Indonesia to a significant threat. In addition, the Indonesian Law on Child Protection also needs to provide provisions for offenses against children with disabilities and mental disorders, whether committed online or directly.

One of the positive aspects of the Indonesian Child Protection Law is the provision of a system that increases penalties by 1/3, and the minimum and maximum limits of imprisonment and fines imposed on sexual offenders against children. On the other hand, the UK's Child Protection Act provides more detailed formulations of criminal offenses and offers protection from various organizations that assist child victims of online sexual crimes.

Table 4. Legal Regulation Similarities Between Indonesia and the United Kingdom

No.	Similarities in Legal Regulation of Online Sexual Crimes Against Children Between Indonesia and the United Kingdom
1	Both have the same age limit for children, which is 18 years old.
2	Both lack clear definitions of online sexual crimes against children, resulting in varying legal interpretations.

Table 5. Legal Regulation Differences Between Indonesia and the United Kingdom

Differences in Legal Regulation of Online Sexual Crimes Against Children Between Indonesia and the United Kingdom			
No.	Category	Indonesia	United Kingdom
1.	Offenses regulated	The Indonesian law includes sexual offenses committed through electronic devices, particularly the distribution and recording of pornographic contents	The UK law includes sexual offense in related to access to indecent photographs or images of children, sexual offense of communicating to children in a sexual context, offense of online grooming, and offense of voyeurism, bestiality, necrophilia, or other sexual disorders against children, whether committed directly or online
2.	Penalty	The Indonesian law uses a legal system allowing increased punishment by one-third of the original punishment.	The UK law uses a combination of provisions to increase punishment
3.	Provisions provided	Indonesian law provides only a few provisions for sexual offenses against children.	The UK law offers more detailed provisions on offenses committed against children

2. Philippines

In Southeast Asia, the Philippines is an active partner of UNICEF and ASEAN in preventing online sexual crimes against minors. The Philippines has developed a comprehensive law to address sexual crimes against minors committed both online and offline.²⁹

The Philippines has met the standards of the Child Pornography Law. The Anti-Child Pornography Act of 2009, which was recently revised to become REPUBLIC ACT NO. 11930, July 30, 2022, includes definitions of grooming, online grooming (luring), further regulations on the prohibition of internet and website use for child

²⁹ UNICEF, “Ending Online Child Sexual Exploitation and Abuse”, December 2021, page 23.

pornography, criminal sanctions for grooming and online grooming offenders, online broadcasting offenders, child pornography syndicates, and others. The Philippines also specifically regulates witness protection in Republic Act No. 6981, "The Witness Protection, Security and Benefit Act," and compensation for child victims of pornography in Section 3(d) of Republic Act No. 7309, "An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes." Indonesia could revise its Child Protection Law or create a Child Pornography Law like the Philippines, or possibly both.

The Philippines has an existing law that specifically addresses child pornography. Republic Act No. 9775, An Act Defining the Crime of Child Pornography, Prescribing Penalties Therefor and For Other Purposes comprehensively outlines various penalties against sexual crimes and child pornography. One of the offenses mentioned in section 4 is grooming, which is defined as:

"Grooming is defined as the deliberate action of preparing a child or someone whom the perpetrator believes to be a child for sexual activities or sexual relationships by means of communication that involves various forms of child pornography, including online attraction or other forms of enticement."

"The punishment for this offense is regulated under the same act, specifically in section 15e, which stipulates a penalty of prison mayor with a maximum period and a fine of not less than 300,000 pesos (equivalent to 82,213,750 Indonesian rupiah) but not exceeding 500,000 pesos (equivalent to 137,022,917 Indonesian rupiah). Prison mayor is a type of punishment under the Philippine Revised Penal Code that carries a sentence of imprisonment ranging from 6 to 12 years."

In comparison to the Philippines, the United Kingdom has more detailed specifications on criminal offenses relating to child pornography. The criminal offenses outlined in the Philippine Child Pornography Law are more general, defining the offenses in one section. For example, the law defines various forms of sexual relations such as genital-genital, oral-genital, anal-genital, oral-anal, same-sex or opposite-sex relationships, masturbation, bestiality, sadistic or masoch-

istic acts, prohibited areas (section 3c), grooming (section 3h), luring (section 3i), pandering (section 3j), and the dissemination of child pornography on the internet (section 4c).

There is a distinction between the Philippine and Indonesian laws. In the Philippines, sexual offenses against children, child pornography, and their relationship with technology (IT) are integrated into a single law named Republic Act No. 9775, whereas in Indonesia, the Child Protection Law is segregated from the Information and Electronic Transactions Law (UU ITE) and the Pornography Law.

Indonesia falls short compared to the Philippines in terms of legal protections for children against sexual crimes. To address this shortcoming, it is necessary to introduce a law that specifically address online sexual offences against children, as well as regulation that protect children, including those with disabilities and mental disorders, from same-sex sexual crimes

Indonesia has a noteworthy advantage since it possesses three essential laws: the Child Protection Law, the Information and Electronic Transactions Law, and the Pornography Law. These laws provide a solid foundation for strengthening the country's criminal law concerning child protection. However, there is a need for revision to ensure more effective legal protection of children from the rising threat of online sexual offenses.

Table 6. Legal Regulation Similarities Between Indonesia and the Philippines

No.	Similarities in Legal Regulation of Online Sexual Crimes Against Children Between Indonesia and the Philippines
1	Both have a background of using multiple legal systems.
2	Both have regulations concerning sexual crimes in the field of information technology and pornography.
3	Both have set the age limit of children at 18 years old

Table 7. Legal Regulation Differences Between Indonesia and the Philippines

Differences in Legal Regulation of Online Sexual Crimes Against Children Between Indonesia and the Philippines			
No.	Category	Indonesia	Filipina
1.	Form of laws	Separate. The Child Protection Law is separate from the ITE Law and the Pornography Law	Comprehensive. The crimes of sexual offenses against children, child pornography, and their relation to information technology (IT) are consolidated in one law, Republic Act No. 9775
2.	Definition of offenses	Sexual offenses are mentioned, but the definition of the offenses is not provided	Definition of sexual offenses is provided
3.	Criminal sanctions	The prison sentence ranges from 5 to 15 years and a fine of approximately IDR 72,000,000 to IDR 5,000,000,000.	The prison sentence ranges from 6 to 12 years and a fine of approximately IDR 82,213,750 to IDR 137,022,917.

The criminal law policy in the Philippines towards online sexual crimes against children includes the following:³⁰

1. Responsible for coordinating, monitoring, and overseeing the implementation of the Anti-Child Pornography Act of 2009, the Inter-Agency Council Against Child Pornography has been established in the Philippines. In addition to the development of UNICEF-supported National Response Plan to Address Online Sexual Exploitation and Abuse 20162022-, the council generates a yearly report outlining the actions undertaken to enforce the Anti-Child Pornography Act.
2. National Representatives in the Philippines are required to formulate an action plan based on research. The National Response Plan incorporated three studies that investigated various aspects of violence against children and the children's online experiences, including online child sexual exploitation

³⁰ United Nations Children's Fund (2021) Ending online child sexual exploitation and abuse: Lessons learned and promising practices in low- and middle-income countries, UNICEF, New York.

and abuse. The findings from these studies were implemented and utilized by the Philippine government in the formulation of the National Response Plan aimed at mitigating cases of Online Child Exploitation and Abuse of Children.

3. Legislative reform efforts in the Philippines aimed at combating online child sexual exploitation and abuse involve active engagement with the private sector, particularly the technology industry, as an important stakeholder. This collaboration enables the development of legislation that is effective in addressing the issue, while also fostering increased awareness and creating buy-in of the private sector to intensify efforts in tackling online child sexual exploitation and abuse.
4. The Philippines is one of a few countries that has established specialized units with digital forensic capability to tackle cases of online child sexual exploitation and abuse. In these cases, the dedicated units collaborate closely with foreign law enforcement to analyze intelligence, carry out physical surveillance, and protect minors. To reinforce digital forensic capability, UNICEF has provided assistance in the form of on-the-job training delivered by international experts as well as tools and software for investigating instances of online child abuse and exploitation.
5. The Philippine Internet Center for Computer Crimes Against Children was established in 2019, consisting of a collaborative effort between local law enforcement agencies and foreign counterparts, with the aim of addressing cases of technology-enabled child sexual exploitation and abuse. The center's responsibilities include processing intelligence, conducting physical surveillance, and ensuring the protection of children. Moreover, specialized units have been established within the Philippine National Police, National Bureau of Investigation, and the Department of Justice Office of Cybercrime, which are dedicated to the investigation and prevention of technology-facilitated child sexual exploitation and abuse.
6. The Philippines has taken steps to incorporate training programs for the judiciary and prosecution, with the aim of reinforcing a

child-friendly and victim-centered approach to justice processes. These efforts have also sought to enhance the capacity of judiciary members and prosecutors, with support from UNICEF.

7. The “Intervention Strategies on Rehabilitation and Reintegration of Children Victims of Online Sexual Abuse and Exploitation” study is being conducted by the SaferKidsPH consortium, spearheaded by UNICEF Philippines and in collaboration with the Department of Social Welfare and Development. This study aims to map and document the primary intervention models and treatment methods for child victims of online sexual exploitation and abuse, as well as their families. These include individual and family counseling, the removal of the child or offender/s from the home, and the provision of temporary and permanent child protection solutions.
8. At present, the Philippines offers free access to legal services, which encompasses child-friendly information about children’s rights, the procedure of filing complaints, claims for compensation, and other legal remedies.
9. Bantay Bata 123 is a national emergency hotline service name that provides a hotline and has offices in major cities that allow immediate responses to emergency calls. Bantay Bata 123 is a national emergency hotline service available in numerous major cities. This service enables immediate response to emergency calls. The service offers a range of comprehensive services, including community and family support, alternative care, as well as community and school outreach programs. In its efforts to raise awareness, Bantay Bata 163 employs various media, such as documentary films, social media platforms, and testimonials from children.
10. The Philippines has adopted a curriculum-based approach to increase online safety for children, not solely limited to online child sexual exploitation and abuse, in its educational programs. This includes the development of digital literacy packages and specific training programs for educators in order to achieve effective implementation of these programs. In the Philippines,

the initiative goes beyond the confines of the school setting and involves various stakeholders such as parents, caregivers, and relevant professionals.

11. The Philippines has developed a website called Cybersafe as an integral part of the comprehensive Safe Schools Training Package. This package includes various modules related to child rights and prevention of child sexual abuse, as well as a specific focus on technology-assisted child sexual exploitation and abuse. The lesson plans and teaching materials are customized to suit the grade level or school level. The skill development on how to stay safe is adjusted with the child's general development for each grade. In addition, Cybersafe includes supplementary peer-to-peer activities to disseminate the key messages offered, online resource portals (Cyber Wellness and CyberSafe), and workshops for parents (Cyber Wellness Programme).
12. Training is available for internet café operators in order to build their capacity as well as enhance their awareness of child rights, child abuse, and their role in child protection.

3. Ghana

In Africa, Ghana is one of the countries that has already established a Cybersecurity Law to combat online sexual crimes against children with the support of UNICEF.³¹ In relation to cyber law, Ghana has already enacted the Cybersecurity Act 2020. The protection of children from online sexual crimes is addressed in Section 62 (1) of the Cybersecurity Act 2020, which prohibits any person from taking or requesting permission to take pictures or photographs of a child, producing or obtaining photographs of a child with the intention of publication, publishing, broadcasting, live streaming, or possessing the images or photographs. The penalties for this offense include a fine of not less than 2500 GHS and not more than 5000 GHS, as well as imprisonment for not less than five years and not more than 10 years, or both imprisonment and fine. The term “indecent im-

³¹ Op. Cit, page 25.

age” here includes material images, visual recordings, videos, audio recordings, or texts.

Section 63 prohibits any person from using online computer services, internet services, local bulletin board services, or other devices capable of storing electronic data or disseminating data to lure, solicit, entice, prepare, attempt to lure, groom or persuade a child or any other person believed by that person to be a child, for the purpose of facilitating, encouraging, offering, or requesting illegal sexual behavior with any child or creating visual depictions of such behavior. Individuals found in violation of this law will face imprisonment for a period of no less than 5 years and no more than 15 years.

The owner or operator of online computer services, weblogs, internet services, or internet bulletin board services are prohibited from assisting individuals in committing any of the aforementioned offenses. Those who violate this law will be subject to the same penalty as the perpetrator, which is imprisonment for a minimum of 5 years and a maximum of not more than 15 years.

Regarding the crime of stalking, section 65 stipulates that it is prohibited for any individual to utilize online computer services, internet services, or local or other electronic bulletin board services to compile, send, publish, reproduce, buy, sell, receive, exchange, or disseminate the name, telephone number, email address, residential address, image, physical description, characteristics, or any other identifying information about a child as part of an effort to arrange a meeting with the child for the purpose of engaging in sexual relations, explicit sexual behavior, or unlawful sexual activity. Offenders will face imprisonment for a minimum of 5 years and a maximum of 15 years.

Another form of protection that has been regulated is the prohibition of sexual extortion against children. In section 66, it is stated that a person shall not threaten to distribute, through mail, email, text, or send, by electronic or other means, intimate images of a child engaged in explicit sexual behavior, with the specific intent to (a) harass, threaten, coerce, or intimidate the person, especially with the intention of extorting money or other considerations, or to force the

victim to engage in unwanted sexual activity; or (b) actually extort money or other rewards or force the victim to engage in unwanted sexual activity. Offenders will face criminal sanction, which will result in imprisonment for a period not less than 10 years and not more than 25 years.

Another criminal offense of online sexual crimes prohibited is sharing intimate images without consent and threatening the victim to distribute prohibited intimate images or visual recordings, which carries a criminal penalty of a minimum of 1 year and a maximum of 3 years imprisonment.

One notable distinction between the legal systems of Ghana and Indonesia is that the former grants the authorities the power to block, filter, and take down illegal online content, as well as phone numbers used for malicious purposes that threaten the nation’s cybersecurity. This provides protection for children who are victims of online sexual crimes.

The similarity between Indonesia and Ghana lies in their establishment of minimum and maximum prison sentences (a minimum of 5 years and a maximum of 15 years) for criminal offenses. In Indonesia, this penalty is imposed for offenses that involve violence or the threat of violence to coerce a child into engaging in sexual activity, as well as for acts of coercion, deception, and solicitation of a child to commit or allow acts of indecency.

Table 8. Similarities in Legal Regulations between Indonesia and Ghana

No.	Similarities in Legal Regulations of Online Sexual Crimes against Children between Indonesia and Ghana
1	Have minimum and maximum limits of imprisonment (minimum 5 years and maximum 15 years)
2	Regulate sexual crimes in the field of Information and Electronic Transactions

Table 9. Differences in Legal Regulation between Indonesia and Ghana

Differences in Legal Regulation of Online Sexual Crimes Against Children between Indonesia and Ghana

No.	Category	Indonesia	Ghana
1.	Offenses	offense of distribution, transmission, making accessible electronic information that violates decency	offense related to indecent photos of children, storing or distributing photos of children for grooming, stalking, sexual extortion

The criminal law policy in Ghana concerning online sexual offenses against minors encompasses the following measures:³²

1. The Ministry of Communications and Digitalisation is responsible for overseeing national cybersecurity issues in Ghana. In order to fulfill this duty, the Ministry engages in cooperation with the National Cyber Security Inter-Ministerial Advisory Council and has established the National Cyber Security Centre to facilitate the coordination of cybersecurity affairs across various governmental departments. In collaboration with UNICEF, a specialized unit focused on protecting children online has been established within the National Cyber Security Centre. The unit is tasked with coordinating and implementing measures to respond to incidents of child sexual exploitation and abuse facilitated by technology. The Child Online Protection Unit collaborates extensively with various governmental bodies such as the Ministry for Gender, Children, and Social Protection, the Ministry of Education, and the Ghana Police Service.
2. The empirical data derived from instances of technology-enabled child sexual exploitation and abuse has been employed to stimulate and/or provide information for the development of related policies. For instance, the Child Online Protection Framework in 2019 and the Cybersecurity Act 2020 were informed by this evidence and were designed to tackle the identified gaps and challenges.

³² Op. Cit.

3. In order to combat online child sexual exploitation and abuse, including grooming, Ghana has formulated comprehensive legislation. The legislation mandates Internet Service Providers (ISPs) to report suspected cases of child abuse materials to a designated agency, whereas other stakeholders are required to report if they identified gaps in the current regulatory framework.
4. In collaboration with UNICEF, the Ghana Police Service has established a digital forensic laboratory to enhance child protection initiatives within the Cybercrime unit of the Criminal Investigations Department, located at the police headquarters. The laboratory and cybercrime unit possess a specialized mandate to investigate cybercriminal activities, including technology-facilitated abuse and exploitation of children. This unit engages in close collaboration with the Domestic Violence and Victim Support Unit of the Ghanaian Police Service to address incidents of technology-enabled abuse against minors and adolescents. A number of professional development programs have been implemented to provide police officers with training in the field of cybercrime, including online child exploitation. The laboratory has established a direct connection with the National Centre for Missing and Exploited Children and the ICSE database, which enables the laboratory to receive valuable referrals.
5. In order to ensure children's protection and family welfare in Ghana, the government introduced a system of case management protocols and inter-sectoral standard operating procedures. This system covers various aspects such as case management of child victims of abuse, neglect, and exploitation. The primary objective of implementing such protocols and procedures is to strengthen the collaboration and referral of child protection-related cases among agencies and service providers.
6. In 2018, the Ministry of Gender, Children and Social Protection formulated the Inter-Sectoral Standard Operating Procedures for Child and Family Welfare, which functions as a reference for providing essential services to children, with the aim of ensuring that concerns related to child sexual exploitation and abuse are

- appropriately addressed or referred to relevant stakeholders.
7. The promotion of online safety has been established through a curriculum-based approach, which also includes but is not limited to online child sexual exploitation and abuse. This approach involves the development of digital literacy packages and targeted training programs designed to equip educators with the necessary expertise to effectively deliver such programs.
 8. In order to promote digital safety and address the issue of child sexual exploitation and abuse, several campaigns have been initiated. These include “Ghanaians Against Child Abuse” and the “Safer Digital Ghana Campaign.”
 9. Media representatives have been included as members of Online Child Protection Committees. Their role is to actively contribute to the development of national communication strategies, which will ensure effective communication and raise the awareness of child sexual exploitation and abuse issues. Several trainings and workshops have also been held such as the Luxembourg Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse.

4. Indonesia

Most of the surveyed countries (20 countries, 69%) possess some form of operational national governance or supervisory committee to handle child sexual exploitation and/or technology-facilitated sexual exploitation. In addition, over half (17 countries, 59%) have national policies or strategies related to technology-facilitated children sexual exploitation and abuse, or have technology-facilitated children sexual exploitation and abuse explicitly integrated into policies on overall child protection or violence against children. In most cases, countries that did not report having national governance or supervisory committees for child sexual exploitation and abuse also appeared to lack national policies or strategies on child sexual exploitation and/or technology-facilitated child sexual exploitation and

abuse.³³

The models adopted for mechanisms of governance over technology-facilitated child sexual exploitation and abuse vary greatly across different countries. Some countries, such as the Dominican Republic and Madagascar, have established bodies specifically dedicated to addressing online child sexual exploitation and abuse, while others have placed structures that focus on ‘child pornography’, including online child sexual exploitation and abuse (such as the Philippines); or bodies that have a specific mandate regarding cyber and online security, including technology-facilitated child sexual exploitation and abuse (for example, Namibia and Ghana). The increase in reports of technology-facilitated exploitation and sexual abuse of children during the COVID-19 pandemic has prompted several countries, including Cambodia, to develop national frameworks and structures in order to tackle the problem of technology-facilitated exploitation and sexual abuse of children.³⁴

In Indonesia, the offenses outlined in Law No. 35 of 2014 on Child Protection include sexual violence against children (Article 76C), violence or the threat of violence that forces a child to engage in sexual intercourse (Article 76D), violence or the threat of violence, coercion, deception, manipulation, or persuasion of a child to engage in or tolerate indecent acts (Article 76E), and the economic or sexual exploitation of children (Article 76I).

Indonesia’s legislation on online sexual exploitation of children comprises only two articles under Law No. 19 of 2016 in conjunction with Law No. 11 of 2008 on Electronic Information and Transactions. Article 27 paragraph (1) criminalizes the distribution, transmission, and provision of access to electronic information that violates morality, while Article 52 paragraph (1) specifically stipulates that the penalty is increased by one-third if the offense under Article 27 paragraph (1) is committed against a child. Moreover, the pornography law in Indonesia has overly broad provisions and lacks specific regulations for cases involving children as its victim. The offenses contained

³³ Ibid.

³⁴ Ibid.

in the Indonesian Pornography Law are still too broad, as there are no specific offenses for sexual crimes against children, and no provision for online sexual crimes against children.

In conclusion, the following is a table comparing the similarities and differences between Indonesia and other countries:

Table 10. Similarities and Differences in General Legal Protection from Sexual Crimes against Children

Similarities	Differences
Indonesia and the United Kingdom are members of WeProtect Global Alliance. Indonesia and the Philippines are active countries in terms of preventing online sexual offenses against children in South East Asia. Indonesia and United Kingdom both have set 18 years old as the age limit for children, Both Indonesia and Ghana have minimum and maximum limits of imprisonment (minimum 5 years and maximum 15 years) Just like other countries, the Indonesian government always pays attention and makes various efforts to prevent sexual crimes against children and to improve criminal law in order to provide protection for children in Indonesia.	Ghana has developed Cybersecurity Law to combat online sexual crimes against children. Sexual offenses included in the United Kingdom law are more specific and detailed compared to other countries. Indonesia provides additional 1/3 from the original sentence for crimes committed against children, while other countries do not. In the Philippines, the offense of sexual crimes against children, child pornography, and its relation to technology (IT) is combined into one law, namely Republic Act No. 9775 while in Indonesia the Child Protection Law is separate from the ITE Law and the Pornography Law. In Indonesian law, there is no statement that sexual crimes against children can be punished if committed online or indirectly, while the United Kingdom, the Philippines and Ghana have regulated this in detail. The United Kingdom, the Philippines and Ghana have regulated sexual crime offenses such as voyeurism, bestiality, necrophilia, or other sexual disorders committed against children directly or online, as well as provided legal protection for children with disabilities and mental disorders.

The most recent criminal law policy in Indonesia to address online sexual crimes against children is available in the Presidential Regulation of the Republic of Indonesia Number 101 of 2022 on the National Strategy for the Elimination of Violence Against Children.

One of the policy directions in the 2020-2024 National Medium-Term Development Plan (RPJMN) document is to improve the quality of life of children, women, and youth through strengthening efforts to prevent and address various forms of violence and exploitation, including child labor and child neglect. Therefore, in order to elaborate on the policy directions outlined in the 2020-2024 RPJMN and address the challenges in reducing violence against children, the policy directions of the National Strategy for the Elimination of Violence Against Children (Stranas PKTA) are comprised of:

1. enhancing children's capacity for independence and resilience;
2. strengthening networking and synergies among ministries, government agencies, regional governments, and communities in order to improve child protection from violence;
3. empowering the economy of families to prevent children abuse; and
4. improving the effectiveness of monitoring and implementation of prevention and handling of violence against children by relevant ministries/agencies, provincial governments, and district/city governments.

In order to elaborate on the policy directions, 7 (seven) prevention and handling strategies for violence against children have been established, which consist of:

1. providing necessary policies, implementing regulations, and enforcing the law;
2. strengthening anti-violence norms and values;
3. creating a safe environment from violence;
4. improving the quality of parenting and providing support for parents/caregivers;
5. empowering the economy of vulnerable families;
6. ensuring integrated service access available; and
7. providing life skill learning to increase children's resilience.

The first strategy involves advocating for the establishment of policies and regulations regarding the elimination of Violence Against Children, as well as enhancing the comprehension of relevant stakeholders and law enforcement officials to ensure effective

implementation and enforcement of these regulations.

The second strategy regarding the strengthening of anti-violence norms and values involves all sectors and communities in order to shape anti-violence social norms. The government also mobilizes the community to participate in this strategy through advocacy, dialogue forums, education, socialization, and training to instill anti-violence norms and behavior.

The third strategy of creating a safe environment from violence aims to strengthen the role of the community in preventing and monitoring acts of violence, as well as developing mechanisms that ensure children are safe from the risks of violence.

The fourth strategy encourages efforts to promote non-violent parenting, fosters positive communication and interaction between parents/caregivers and children, and provide parents with the necessary skills to better protect their children.

The fifth strategy drives efforts to better social assistance schemes for vulnerable families to avoid or mitigate incidents of Domestic Violence.

The sixth strategy promotes efforts to provide comprehensive, standardized, and affordable protection services for child victims of violence that are easily accessible to those affected.

The seventh strategy encourages the implementation of life skills education to promote children's independence in protecting themselves and responding to violence. Additionally, this education is expected to increase children's self-confidence in creating a non-violent environment.

The new policy implemented by the Indonesian government is aimed at significantly reducing forms of violence and creating a country that is free from violence against children by the year 2030. This target is in line with the Sustainable Development Goals (SDGs), particularly in reducing forms of violence and death rate; ending cruelty, exploitation, trafficking, and any form of violence and cruelty against children; and promoting a law-based country at both national and international level, as well as ensuring an equal access based on justice for all.

C. Concepts of Legal Protection for Victims of Child Online Sexual Crime

Upon comparing Indonesia with other countries, it is evident that there are several limitations within the current legal framework that can be further improved. One of the limitations is the absence of a statement within the law that indirect sexual crimes against children that are committed online are punishable by law. Additionally, Indonesia has yet to regulate sexual crimes such as voyeurism, bestiality, necrophilia, and other sexual disorders committed against children both directly and online.

The improvement of legal protection in Indonesia for child victims of online sexual crimes can be achieved by applying the following concepts. The first concept is the revision of the Child Protection Law with the aim of adding definitions of online sexual crimes such as grooming, online threats with the purpose of sexually exploiting children, online verbal harassment, sexual extortion by intimidating children, online defamation of child victims of sexual crimes, among others. The revision of this legal regulation should consider long-term possibilities in order for the law to be applicable for years to come and to keep up with the changing times.

In Indonesia, there is currently no specific law regarding Child Pornography. There is a need to introduce provisions on online sexual crimes against children, as well as regulations on same-sex sexual offenses committed against children, children with disabilities, and those with mental disorders.

The second concept is the establishment of a dedicated body/agency to assist criminal cases which involve children as online sexual victims. The establishment of this dedicated body/agency can be achieved either by creating a new institution or by adding a new division to existing child protection agencies or the public prosecution service in Indonesia.

The third concept involves establishing a body with a specific mandate regarding cyber security and online safety, including exploitation and sexual technology-facilitated abuse of children. This

body should be given the authority to remove videos, photos, audio, and all files related to child victims of sexual crimes that have been shared, stored, or misused by online sexual offenders. This enhances legal protection for children who are victims of online sexual crimes.

The fourth concept includes the development of a specialized system that facilitates the reporting of crimes by victims and assists law enforcement in their work. This system can take the form of a website or a downloadable application. The system can incorporate education, reporting hotlines, consultation services, databases, tracking features, and handling by law enforcement officials. This approach also serves to enhance the legal system in Indonesia, thereby contributing to the establishment of a modern system of justice.

The fifth concept involves the formation of national organizations as a platform for aspirations and protection. These organizations act as a community that collaborates with the government and schools to provide socialization to children in Indonesia about the dangers that threaten them in cyberspace. It is hoped that after gaining knowledge about possible sexual crimes in cyberspace, children in Indonesia become more careful and wiser in using social media.

The sixth concept is to make martial arts a mandatory subject from elementary to high school. The curriculum can be regulated by law and schools are given the freedom to choose the type of martial arts. This is the last form of protection for children's safety.

The seventh concept aims to create a program that empowers families economically, especially poor families. The program provides assistance and education that can encourage the economic conditions of poor communities. It is hoped that better economic conditions will help the development of children.

Efforts to revise the laws in Indonesia in relation to protecting children who fall victim to online sexual crimes include proposals to establish a specialized agency to address such cases within a new institution or by adding a new division to existing child protection or prosecution agencies in Indonesia. Another suggestion is to establish a body with a specific mandate on cybersecurity and online security; and to create a family economic empowerment program. These are

Table 11. Concept Draft for Improving Indonesian Criminal Law in an Effort to Protect Children from Online Sexual Crimes

No	Concept Type	Concept	Concept Details	Comparison Country
1	Repressive	Revision of Child Protection Law	1. The concept of revision can be carried out by adding definitions, criminal acts, and criminal sanctions to the chapters and articles of the Child Protection Law. For example: CHAPTER I GENERAL PROVISIONS (1) Sexual crimes against children are any sexual acts committed against children directly or indirectly, whether verbally, in writing, verbally, non-verbally, audio, visual, online, and offline. (2) Sexual crimes against children include sexual harassment, molestation, rape, intercourse with a corpse, same-sex rape, pedophilia, intercourse with a child's corpse, sodomy, peeping at children, showing genitals to children and all types of sexual abnormalities committed against children directly, indirectly, or online. (3) Online sexual crimes against children include subtle coaxing of children to engage in sexual intercourse (grooming), online threats with the intent of sexually exploiting children, online verbal and written harassment, online sexual extortion through the use of intimidation, online defamation of the victim's name in cases of sexual crimes, online masturbation, and forcing children to engage in online sexual broadcasts. The prohibition that details these criminal offenses in the Child Protection Law in Indonesia begins with Article 76A and ends with Article 76J. Additional offenses can be added, as follows: CHAPTER XI PROHIBITIONS Article 76K (1) It is prohibited for any person to commit sexual crimes against children online through computer devices, phones, or other devices that can connect to the internet and social media. (2) It is prohibited for any person to commit sexual crimes against children, including verbal, audio, visual, oral, and written sexual harassment of children through social media, chat applications, games, online applications, online groups, and forums. (3) It is prohibited for any person to commit sexual crimes against children who have	United Kingdom, Philippines, Ghana

disabilities or mental disorders, either directly, indirectly, or online.
The criminal sanctions provided under the Indonesian Child Protection Law should include a minimum and maximum punishment for perpetrators of sexual crimes against children in order to enhance legal certainty and protection for children in Indonesia. For instance:

CHAPTER XII

CRIMINAL SANCTIONS

- (1) Any person who violates the provisions of Article 76A to Article 76K shall be punished with a minimum prison term of 5 (five) years and a maximum prison term of 15 (fifteen) years, and a minimum fine of IDR 50,000,000.00 (fifty million rupiah) and a maximum fine of IDR 200,000,000.00 (two hundred million rupiah).
2. Revision concepts could be achieved by creating new laws such as:
 1. Child Pornography Law
 2. Sexual Crimes against Children Law
 3. Formation of National Child Protection Institutions Law
 4. Cyber Protection and Security Law

2	Repressive	Establishment of a dedicated body/division to assist and handle online sexual crimes against children	A special body/division to address online sexual violence against children can be integrated into the existing special criminal division within the police force or public prosecution service. To assist in monitoring cases, reporting, data collection and psychological support for children, a special body/division to address online sexual violence against children can also be established within the Indonesian Child Protection Commission (KPAI), the Ministry of Women Empowerment and Child Protection (KPPPA), and the Integrated Service Center for the Empowerment of Women and Children (P2TP2A).	United Kingdom
3	Repressive	Cyber security	Cybersecurity can be used to track online sexual offenders, erase digital traces of victims, restore accounts and stolen personal data of victims, and recover deleted data and evidence. Cybersecurity can be developed through the police, public prosecution service, and other child protection agencies.	Ghana
4	Preventive	Development of reporting system or application	The reporting system can be a user-friendly official website. The reporting application can be available as pre-installed applications on mobile phones or downloaded on mobile devices or other devices through the application marketplace such as Android Play Store or iOS App Store.	Ghana

			The content of the integrated reporting system should be directly connected to the police, public prosecution service, and child protection institutions. The reporting application can include forms consisting victim's data, incident chronology, perpetrator data, counseling services, psychological support, and an option that allows uploading of evidence such as photos, chat or video evidence.	
5	Preventive	Establishment of national and international organization or institution	The child protection organization or institution referred to herein means an official organization or institution that can represent the Republic of Indonesia on the international stage, such as the "We Protect" initiative created by the United Kingdom. Indonesia can become a pioneer in child protection organizations in Southeast Asia if it is successfully implemented. The government can create the organization or institution directly or delegate it to the Indonesian Child Protection Commission (KPAI). The purpose of this organization or institution is to protect children from sexual crimes. In addition, it can also provide socialization, education, knowledge, and self-protection materials for children.	United Kingdom
6	Preventive	Martial arts education from early age	By adding martial arts as a mandatory subject or extracurricular activity, or by combining it with physical education as a mandatory lesson until the objective of the lesson is achieved, which is for children to be able to protect themselves when attacked and escape from dangerous situations.	-
7	Repressive	Economic empowerment for families	Assistance can be provided in the form of skills training to develop micro, small, and medium enterprises (MSMEs) for families with low economic status. Social assistance can be given to children in families to ensure they can continue their education.	-

examples of repressive protection measures.

The effort to create a special system to help victims report and assist law enforcement in their work, as well as the idea of forming national organizations to prevent online sexual crimes against children and the effort to make martial arts a mandatory subject are preventive protection measures. The Table 11 summarizes these efforts.

D. Conclusion

From the results of this research, it is found that the improvement of

legal protection for children in Indonesia can be achieved by adding the criminal offenses of online sexual crimes against children into the types of offenses regulated in the existing law. Other ways to improve legal protection include enhancing cyber security systems, creating an integrated reporting service, providing socialization and training to children about online sexual crimes, and teaching martial arts to children.

Online sexual crimes against children have negative impacts and consequences for children. The Republic of Indonesia must be able to protect children through proper law enforcement. The idea and concept of improving criminal law in order to anticipate online sexual crimes against children, if realized, will provide progress in Indonesian criminal law, particularly in terms of legal protection and legal certainty.

Legal studies must be able to pursue and keep up with the times in order to always provide justice and legal certainty. The relevant law is good and useful law because it can always be relied upon by society and can always protect society effectively.

References

Books and Journal Articles

- Anita Asnawi, "Kesiapan Indonesia Membangun Ekonomi Digital Di Era Revolusi Industri 4.0", *Syntax Literate: Jurnal Ilmiah Indonesia* Vol. 7, Special Issue No. 1, January 2022. DOI: <http://dx.doi.org/10.36418/syntax-literate.v7i1.5739>
- Assets Publishing Service UK Government, "Interim Code of Practice on Online Child Sexual Exploitation and Abuse", December, 2020. <https://www.gov.uk/government/publications/online-harms-interim-codes-of-practice>
- Derita Prapti Rahayu, Faisal, Toni, "Institutions in Legal System As Embodiments Of Legal Purposes", *Ulrev Unram Law Review*, Vol. 3 Issue 2, October 2019, Law Faculty of Mataram University. DOI: <https://doi.org/10.29303/ulrev.v3i2.83>
- Devi Tama Hardiyanti, Beniharmoni Harefa, "Perlindungan Terha-

- dap Korban Grooming Yang Dilakukan Oleh Narapidana Pencabulan Anak”, *Jurnal Humani (Hukum Dan Masyarakat Madani)*, Vol. 11 No. 2 Nov 2021, Universitas Semarang. DOI: <http://dx.doi.org/10.26623/humani.v11i2.3024>
- Hootsuite (We Are Social): Indonesian Digital Report 2022. <https://andi.link/hootsuite-we-are-social-indonesian-digital-report-2022/>
- Kemenpppa, Press Release, No: B-183/Set/Rokum/Mp 01/09/2019, “Kemen Pppa Lakukan Literasi Digital Demi Cegah Anak Jadi Korban Predator Seks”, 6 September 2019. <https://kemenpppa.go.id/index.php/page/read/29/2304/kemen-pppa-lakukan-literasi-digital-demi-cegah-anak-jadi-korban-predator-seks>
- Melyana Sugiharto, “Analisis Pengaruh Kepemilikan Manajerial, Komite Audit, Komisaris Independen dan Leverage Terhadap Nilai Perusahaan Pada Perusahaan Manufaktur Yang Terdaftar di Bei Pada Tahun 2017-2019”, Undergraduate Thesis, Universitas Tarumanegara, Jakarta, 2021.
- Monalisa, “Pengaturan Sanksi Pidana Tindak Pidana Narkotika (Perbandingan Hukum Pidana Indonesia dan Hukum Pidana Singapura”, Undergraduate Thesis, Faculty of Law, Universitas Jambi, 2019.
- Monalisa, Sri Rahayu, & Dheny Wahyudhi, “A Comparative Study on Criminal Sanction Against Drugs Offenders, *Jambe Law Journal*, 2(2), 2020. DOI: <https://doi.org/10.22437/jlj.2.2.181-206>
- Nadira Tatyana, “Kerentanan Anak Indonesia Terhadap Kekerasan Seksual Online Era Covid-19: Sebuah Perspektif Hukum, *Jurnal Wanita Dan Keluarga*, Vol. 2 (2), December 2021. DOI: <https://doi.org/10.22146/jwk.3619>
- Satjipto Rahardjo, *Ilmu Hukum Di Tengah Arus Perubahan*, Surya Pena Gemilang Publishing, Malang, Jawa Timur, Second Imprint, June, 2016.
- UNICEF, “Ending Online Child Sexual Exploitation and Abuse”, December 2021. <https://www.unicef.org/documents/ending-online-child-sexual-exploitation-and-abuse>

Legal Documents

Anti-Child Pornography Act of 2009 (Philippines)

Cybersecurity Act 2020 (Ghana)

Peraturan Presiden Republik Indonesia No. 101 Tahun 2022 Tentang Strategi Nasional Penghapusan Kekerasan Terhadap Anak (Indonesia's President Regulation Number 101 of 2022 concerning the National Strategy for Elimination of Violation against Children)

Republic Act No. 9775 An Act Defining the Crime Of Child Pornography, Prescribing Penalties Therefor And For Other Purposes (Philippines)

Sexual Offences Act 2003 (UK)

Undang-Undang No. 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak (The Law of the Republic of Indonesia Number 35 of 2014 concerning the Revision of the Law Number 23 of 2002 concerning Child Protection)

Undang-Undang No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak (The Law of the Republic of Indonesian Number 11 of 2012 concerning the System of Juvenile Justice)

Undang-Undang No. 19 Tahun 2016 sebagai perubahan dari UU No. 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik (The Law of the Republic of Indonesia Number 19 of 2016 as a Revision of the Law Number 11 of 2008 concerning Electronic Information and Transactions)

UU No. 44 Tahun 2008 Tentang Pornografi. (The Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography)

Website

<https://www.weprotect.org/alliance/governments/> accessed on 13 June 2022 at 10:13 P.M.

<https://www.stopitnow.org.uk/concerned-about-your-own-thoughts-or-behaviour/concerned-about-use-of-the-internet/get-the-facts/uk-law-internet-sexual-offences/> accessed on 19 June 2022 at 11 A.M.

[Https://Bankdata.Kpai.Go.Id/Tabulasi-Data/Data-Kasus-Pengaduan-Anak-2016-2020](https://Bankdata.Kpai.Go.Id/Tabulasi-Data/Data-Kasus-Pengaduan-Anak-2016-2020) accessed on 11 June 2020 at 10:33 P.M.

<https://www.medcom.id/nasional/politik/ObzmYvYN-presiden-jokowi-teken-aturan-penghapusan-kekerasan-terhadap-anak> accessed on 30 July 2022 at 5 P.M.