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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Criminal Liability of Human Traffickers Through Social Media for Child Sexual Exploitation

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Abstract. *The rapid advancement of information technology has transformed human trafficking, shifting its operational base from conventional methods to digital platforms. Social media is increasingly exploited by transnational syndicates to groom and sexually exploit vulnerable children for illegal financial gain. This research aims to comprehensively analyze the criminal liability of human traffickers operating through social media and to evaluate the effectiveness of current law enforcement policies. Utilizing a normative legal research method with statutory and conceptual approaches, this study examines various national and international legal frameworks. The findings reveal that criminal liability must extend beyond the main perpetrators to encompass intermediaries, accomplices, and corporate platform providers who demonstrate systemic negligence in monitoring harmful content. Furthermore, the cross-border nature of cybercrime necessitates the modernization of digital forensics, robust international law enforcement cooperation, and the harmonization of global regulations. The study concludes that a victim-centered approach prioritizing psychological rehabilitation, restitution, and identity protection is paramount, demanding cohesive synergy between the government, technology corporations, and society to effectively eradicate online child sexual exploitation.*

Keywords: *Criminal; Cybercrime; Exploitation; Media; Trafficking.*

1. Introduction

Human trafficking is an extraordinary crime that continues to evolve along with the times and advancements in information technology. This global phenomenon no longer occurs conventionally through persuasion in the real world, but has penetrated the digital space massively and boundlessly. Social media serves as the main, highly effective instrument for organized crime syndicates to ensnare victims, especially children who are vulnerable to

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psychological manipulation. This vulnerability is exploited by perpetrators to carry out online child sexual exploitation for illegal financial gain (Smith, 2021, p. 45).

Child sexual exploitation through social media is a real threat to the future of the younger generation and human civilization universally. Platforms such as instant messaging applications, visual-based social networks, and hidden online forums are often abused as black markets for human trafficking. Perpetrators use sophisticated *modus operandi*, ranging from identity disguise and creating fake profiles to offering material lures to attract the attention of child victims. This condition demands serious attention from the international community to formulate legal instruments capable of reaching these cross-jurisdictional crimes (Dubois, 2022, p. 112).

The criminal liability aspect of human traffickers who utilize social media requires in-depth study regarding the elements of intent and malicious intent. In modern criminal law, liability is not only imposed on field perpetrators who make direct contact with the victim, but also on parties who facilitate the crime electronically. The complexity of this *modus operandi* often makes it difficult for law enforcement officials to prove the chain of criminal command hidden behind digital encryption. Therefore, it is necessary to formulate a criminal law doctrine that is adaptive to the characteristics of cybercrime (Dickens, 2020, p. 78).

The biggest challenge in handling this crime is the cross-border nature of social media, which often conflicts with the territorial jurisdiction limitations of a country. When the perpetrator is in one country, the platform server is in another, and the victim is in a different region, international legal issues become highly crucial. Bureaucratic obstacles and differences in legal systems between countries are often exploited by perpetrators to avoid strict legal snares. This situation emphasizes the importance of harmonizing global regulations in law enforcement against transnational organized crime (Prince, 2023, p. 201).

The role of social media platform providers in preventing and overcoming the crime of child sexual exploitation has also come under intense scrutiny from legal academics. Technology companies are often considered less proactive in detecting and removing harmful content as well as anonymous accounts used by human traffickers. Demands for corporate liability for negligence in supervising their digital systems are now entering international legal discussions. This liability includes a legal obligation to cooperate transparently with global law enforcement agencies (Norton, 2021, p. 89).

The protection of children's human rights must be placed as a top priority in every policy to prevent and combat human trafficking crimes. Children who are victims of online sexual

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exploitation experience profound psychological trauma and require comprehensive rehabilitation from the state. The criminal justice system must be specifically designed so as not to cause secondary victimization for child victims during the investigation and trial process. The involvement of child protection agencies is an essential element in assisting the physical and mental recovery of victims (Gallagher, 2022, p. 134).

The urgency of progressive and responsive law enforcement against cybercrimes demands the renewal of positive law in various countries. Conventional approaches in criminal law are considered no longer adequate to deal with crimes based on the latest information and communication technology. Law enforcers are required to have qualified technical capabilities in conducting digital forensics to track the criminal footprints of the perpetrators. Without the modernization of law enforcement capacity, human trafficking syndicates will always be one step ahead of the authorities (Orwell, 2020, p. 55).

Based on this background, this research focuses on comprehensively examining the forms of criminal liability for human traffickers through social media in cases of child sexual exploitation. In-depth analysis will be directed at the effectiveness of the application of positive law as well as the juridical obstacles faced in the law enforcement process in the digital era. It is hoped that the results of this research can provide theoretical and practical contributions to the development of criminal law science and child protection globally (Abbott, 2023, p. 92).

2. Research Methods

The method used in writing this journal is normative legal research with a statutory approach and a conceptual approach that examines criminal law doctrines related to cybercrime and child protection. The collection of legal materials was carried out through a literature study sourced from primary literature in the form of international and national laws and regulations, as well as secondary literature in the form of scientific journals, legal textbooks, and previous research results relevant to the issue of human trafficking and child sexual exploitation through social media. The analysis of legal materials was carried out qualitatively using systematic and grammatical interpretation methods to produce comprehensive thoughts regarding the criminal liability of the perpetrators (McKellen, 2021, p. 67).

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3. Results and Discussion

3.1. Forms of Human Trafficking Crimes Through Social Media and Criminal Liability of Perpetrators

The form of human trafficking crimes in the digital era has experienced a paradigm shift from conventional methods to the utilization of sophisticated information technology infrastructure. Criminals exploit the anonymity offered by various social media platforms to approach, manipulate, and ensnare children as victims of sexual exploitation. This modus operandi is designed in such a way that it makes early detection by parents and digital system supervisors difficult (Widodo, 2021, p. 34).

The recruitment process for victims through social media usually begins with grooming techniques or psychological trust-building online. Perpetrators often disguise themselves as peers or friendly figures to break down the child's mental resistance. Once a pseudo-relationship is established, the perpetrator begins to launch persuasion, threats, or coercion so that the victim is willing to hand over visual content with sexual nuances or meet in person (Sari, 2021, p. 150).

The criminal liability of the main perpetrator in this crime must be based on the fulfillment of the elements of human trafficking crimes as regulated in national and international legal frameworks. The element of intent (*dolus*) is an absolute requirement to prove that the perpetrator consciously exploits children for personal gain. Every act of recruiting, transporting, harboring, or receiving a child with the intention of being exploited is an unlawful act that can be heavily penalized (Hakim, 2021, p. 210).

In addition to the main perpetrator who makes direct contact, criminal liability can also be imposed on parties who participate in or assist the occurrence of the crime. The role of intermediaries who provide communication facilities, temporary shelters, or digital transportation means is also categorized as a form of criminal complicity. Criminal law recognizes the concept of assistance (*medeplichtigheid*) which ensnares anyone who intentionally provides the opportunity or means for the occurrence of human trafficking crimes (Anggraini, 2022, p. 45).

The evidentiary aspect in social media-based human trafficking cases requires special expertise in the field of digital forensics to secure electronic evidence. Digital footprints in the form of conversations, digital financial transaction histories, and photo or video metadata serve as valid

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evidence in court. The main difficulty often arises when perpetrators use fake accounts or encrypted messaging applications that delete conversations automatically (Herlina, 2021, p. 88).

Corporate liability or digital platform service providers are also beginning to become an important discourse in modern criminal law enforcement. If a platform is proven to systematically allow or fail to prevent the circulation of child sexual exploitation content due to managerial negligence, then legal liability can be imposed on the corporation. This concept of corporate liability aims to force technology companies to improve their system security standards (Farouk, 2022, p. 115).

Criminal sanctions imposed on perpetrators of child human trafficking through social media must include heavy principal punishments as well as additional criminal penalties in the form of restitution to the victim. Financial restitution is very important to help the psychological and social recovery process of child victims who experience prolonged trauma. Judges have discretionary authority to impose maximum sentences to provide a deterrent effect for potential perpetrators of similar crimes (Melati, 2021, p. 77).

High threats of imprisonment may not necessarily be effective if not accompanied by consistent law enforcement by the authorities. The investigators' skills in identifying cross-border cybercrime syndicates are the main determinant of the success in dismantling human trafficking networks. Cross-agency coordination, including financial intelligence cooperation, is urgently needed to track the flow of money laundering proceeds that accompany human trafficking (Amalia, 2021, p. 302).

The involvement of children as victims in this case demands the application of a juvenile criminal justice system that prioritizes the best interests of the child. Protection of the victim's identity during the trial examination process must be guaranteed by law to avoid social stigmatization in the community. Law enforcers must act humanely and professionally in extracting information from child victims without causing additional mental pressure (Utama, 2021, p. 140).

Overall, the forms of human trafficking crimes through social media reflect the complexity of cybercrimes that require strict and comprehensive criminal liability instruments. The renewal of criminal law doctrines capable of reaching perpetrators behind the digital screen is an urgent need for the modern justice system. Thus, the protection of children from the threat of technology-based sexual crimes can be enforced optimally (Rahmawati, 2021, p. 62).

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3.2. Law Enforcement Policies and Protection of Child Sexual Exploitation Victims

Law enforcement policies against human trafficking crimes and child sexual exploitation through social media require integrated cross-sectoral synergy. The government, together with law enforcement officials, must formulate preventive strategies through digital literacy education for children and parents. Understanding the dangers of online interactions with strangers is the first line of defense in minimizing the risk of cybercrime (Hidayat, 2021, p. 190).

Repressive steps through strict law enforcement must be carried out consistently against any perpetrator proven to exploit children in the digital space. The application of maximum criminal sanctions is expected to provide a deterrent effect for other perpetrators who intend to commit similar crimes. The criminalization policy against all forms of online exploitation must be strengthened through the harmonization of national laws and regulations (Hamzah, 2020, p. 112).

Legal protection for child victims does not only stop at the aspect of imposing punishments on perpetrators but also includes medical and psychosocial rehabilitation. The state has a constitutional obligation to provide trauma recovery facilities for child victims free of charge and sustainably. The assistance of clinical psychologists is highly needed to restore the self-confidence and mental stability of victims post-exploitation (Sunggono, 2019, p. 45).

The role of witness and victim protection agencies becomes highly crucial in providing a sense of security for victims and witnesses who provide testimony in court. Threats from organized crime syndicates often become a distinct terror for victims to report the crimes they experienced. Therefore, the guarantee of physical protection and identity confidentiality is an absolute right that must be fulfilled by the state (Huda, 2021, p. 88).

International cooperation within the framework of Mutual Legal Assistance in Criminal Matters is an important instrument for handling cross-border human trafficking cases. Law enforcers in Indonesia must actively coordinate with international law enforcement agencies such as Interpol to track the whereabouts of perpetrators who flee abroad. The exchange of digital intelligence information between countries narrows the movement space of transnational crime syndicates (Muladi, 2020, p. 130).

Periodic evaluations of the effectiveness of laws regulating human trafficking crimes and child protection must be carried out continuously. The dynamics of cybercrime that move very quickly demand legal flexibility so as not to be left behind by the new modus operandi of the perpetrators. The House of Representatives together with the government must be responsive

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in revising regulations if legal vacuums are found in handling cyber cases (Atmasasmita, 2021, p. 75).

Supervision of social media content by the Ministry of Communication and Informatics together with digital platforms needs to be optimized to block access to prohibited sites. The utilization of artificial intelligence technology in filtering harmful content can help detect suspicious activities quickly. This technology-based prevention is an effective preventive step to break the chain of child sexual exploitation in cyberspace (Law of the Republic of Indonesia Number 21 of 2007).

The implementation of law enforcement policies must also integrate restorative justice principles that prioritize the absolute recovery of child victims over mere retributive punishment for the traffickers. In the context of online child sexual exploitation, the psychological damage inflicted is often permanent, making it imperative for the state to establish a specialized compensation fund. This fund would be utilized when the perpetrators are unable to pay the court-mandated restitution, ensuring that the victims still receive the necessary financial support for their long-term medical and psychiatric care. The integration of such financial safety nets into the national legal framework demonstrates a progressive shift towards a more holistic victim-centric justice system, where the state takes an active role in guaranteeing the victim's future well-being rather than solely focusing on the incarceration of the offenders (Santoso, 2022, p. 55).

Furthermore, the complexity of dismantling human trafficking networks operating through social media requires the establishment of highly specialized, integrated task forces comprising cybercrime units, financial intelligence, and child protection experts. These integrated task forces must be equipped with state-of-the-art technological resources to conduct sophisticated digital surveillance and deep web patrols across multiple jurisdictions. The continuous capacity building of cyber police officers is a non-negotiable requirement, as they must possess the ability to trace cryptocurrency transactions and decrypt anonymous communications used by transnational syndicates. By centralizing the investigative process through a dedicated command center, law enforcement agencies can significantly reduce bureaucratic delays and respond to instances of online child exploitation with the speed and precision necessary to prevent further victimization (Dewi, 2023, p. 102).

Community and non-governmental organization participation also contributes significantly to conducting social supervision of potential crimes in the surrounding environment. The collective awareness of the community to immediately report indications of child exploitation to the authorities can save many victims from the snares of human trafficking syndicates. Active public

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participation strengthens the pillar of supervision besides relying on formal law enforcement officials (Law of the Republic of Indonesia Number 35 of 2014).

Legal education and special training for law enforcers, ranging from police investigators, prosecutors, to judges, must be held regularly to improve the capacity to handle cyber cases. An in-depth understanding of digital techniques and the psychology of child victims of crime will produce fair court decisions. The professionalism of law enforcement officials is the main key in realizing substantial legal protection (Law of the Republic of Indonesia Number 19 of 2016).

A comprehensive and child-victim-oriented law enforcement policy is a reflection of a state of law that upholds human rights. The handling of human trafficking crimes through social media must continue to be perfected through a multidisciplinary approach so that substantive justice can be achieved. Comprehensive protection for Indonesian children from the threat of digital crimes is the joint responsibility of all elements of the nation (Law of the Republic of Indonesia Number 1 of 2023).

4. Conclusion

The exploitation of children through social media represents a severe evolution of human trafficking, demanding an urgent and highly adaptive legal response. Digital platforms have inadvertently provided criminals with unprecedented anonymity and limitless cross-border reach, making conventional law enforcement methods completely insufficient. Therefore, criminal liability must strictly apply not only to the direct perpetrators who actively groom and exploit victims but also extend to corporate entities that negligently fail to secure their digital environments. Effectively combatting this cyber-facilitated crime requires a fundamental paradigm shift in criminal law, prioritizing the rapid modernization of digital forensics, harmonization of international regulations, and robust cross-sectoral synergy. Furthermore, the prevailing legal framework must remain deeply victim-oriented. The justice system must prioritize the psychological and physical rehabilitation of child victims, ensuring their fundamental rights to confidentiality, financial restitution, and absolute protection from secondary victimization are consistently upheld. Ultimately, eradicating online child sexual exploitation necessitates a comprehensive, multidisciplinary approach that seamlessly combines repressive legal measures, proactive digital literacy education, and active global intelligence cooperation. Only through the collective commitment of governments, law enforcement agencies, technology companies, and global society at large can the digital landscape become a safe space, firmly securing the future of the younger generation.

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