



LICS 2026

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

Reconstruction of Legal Protection for Victims of Cyber Grooming and Sexual Exploitation in the Indonesian Legal System

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Abstract. *The rapid development of digital technology has given rise to various forms of cybercrime, including cyber grooming and technology-facilitated sexual exploitation, which predominantly target children and other vulnerable groups. This phenomenon poses significant challenges to the Indonesian legal system in providing effective legal protection for victims. This study aims to analyze the effectiveness of Indonesia's positive law in protecting victims of cyber grooming and digital sexual exploitation and to formulate a more comprehensive legal reconstruction framework. The research employs a normative legal method using statutory and conceptual approaches. The findings indicate that the regulations contained in the Law on Electronic Information and Transactions and the Law on Sexual Violence Crimes have not yet provided optimal protection for victims. Several regulatory weaknesses remain, particularly regarding the legal definition of cyber grooming, the use and admissibility of electronic evidence, and victim recovery mechanisms through restitution and rehabilitation. Therefore, legal reconstruction is required through the harmonization of relevant legislation, the strengthening of law enforcement capacity, the optimization of digital evidence systems, and the development of victim-oriented protection mechanisms. These measures are expected to establish a more effective legal protection framework for victims of technology-facilitated sexual crimes in Indonesia.*

Keywords: *Digital Sexual Exploitation; Legal Protection; Legal Reconstruction.*

LICS 2026

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

1. Introduction

The rapid development of information and communication technology has transformed various aspects of modern life. Digitalization has enabled individuals to interact across geographical and temporal boundaries through social media platforms, instant messaging applications, and other internet-based services. Despite its numerous benefits, technological advancement has also facilitated the emergence of new forms of cybercrime that exploit digital platforms for criminal purposes. Among these crimes, cyber grooming has become a growing concern due to its increasing prevalence and its close association with the sexual exploitation of children and other vulnerable groups.¹

*Cyber grooming is a process whereby offenders establish emotional and psychological connections with victims through digital communication platforms with the intention of gaining their trust and facilitating subsequent sexual exploitation. This modus operandi has become increasingly prevalent alongside the growing use of the internet and social media among children and adolescents. International studies indicate that cyber grooming is often carried out systematically through sophisticated forms of psychological manipulation, deception, and trust-building strategies. As these interactions typically occur within private digital environments, they are frequently difficult for parents, educators, and law enforcement authorities to detect and prevent at an early stage.*²

Cyber grooming has emerged as a significant concern worldwide due to its profound physical, psychological, and social impacts on victims. Individuals subjected to cyber grooming frequently suffer from long-term trauma, loss of personal security, depression, anxiety disorders, and difficulties in developing and maintaining healthy interpersonal relationships. From the perspective of contemporary victimology, the consequences of technology-facilitated sexual exploitation may be more severe and complex than those associated with conventional sexual offenses. This is largely because exploitative content can be stored, reproduced, and disseminated indefinitely through digital platforms, resulting in continuous victimization and prolonged psychological harm.³

¹ Julia A. Kloess, Anthony R. Beech, and Leigh Harkins, "Online Child Sexual Exploitation: Prevalence, Process and Offender Characteristics", *Trauma, Violence & Abuse*, Vol. 15, No. 2 (2014), p. 127.

² Helen Whittle, Catherine Hamilton-Giachritsis, and Anthony Beech, "Victims' Voices: The Impact of Online Grooming and Sexual Abuse", *Psychology, Crime & Law*, Vol. 20, No. 7 (2014), p. 734.

³ Michael C. Seto, "Internet Sex Offenders", *American Psychological Association Journal*, Vol. 45, No. 2 (2013), p. 148.

LICS 2026

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

As one of the countries with the largest internet user populations in Southeast Asia, Indonesia faces increasingly complex challenges in combating technology-facilitated sexual crimes. Reports issued by child protection institutions and relevant authorities have indicated a rising No. of online sexual exploitation cases involving children as victims. This trend highlights a significant gap between rapid technological development and the capacity of existing legal and social protection systems to effectively prevent, detect, and respond to digital forms of sexual exploitation. Consequently, the growing prevalence of cyber grooming and related offenses raises important concerns regarding the adequacy of Indonesia's legal framework in ensuring effective protection and recovery for victims.⁴

From a normative perspective, Indonesia has established several legal instruments that may be applied to address cyber grooming and technology-facilitated sexual exploitation. These include Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions and its implementing regulations on electronic system governance for child protection, Law No. 17 of 2016 concerning Child Protection, and Law No. 12 of 2022 concerning Sexual Violence Crimes. However, these legal provisions remain fragmented and largely indirect in addressing cyber grooming. None of the existing statutes explicitly criminalize cyber grooming as a standalone offense, creating legal uncertainty and practical challenges in law enforcement. Consequently, the absence of a specific legal framework often hinders efforts to detect, investigate, prosecute, and prevent cyber grooming and related forms of digital sexual exploitation effectively.⁵

Previous research by Whittle, Hamilton-Giachritsis, and Beech highlights that the effectiveness of legal protection for victims of cyber grooming is significantly influenced by the clarity of regulatory frameworks, the capacity to collect and evaluate digital evidence, and the availability of comprehensive victim recovery mechanisms. Similarly, Livingstone and Smith emphasize that legal responses focusing exclusively on the punishment of offenders are insufficient to guarantee meaningful and long-term protection for victims. These findings suggest that an effective legal framework must go beyond criminal sanctions by incorporating preventive measures, victim-centered protection mechanisms, restitution, rehabilitation, and long-term recovery strategies. Therefore, a more progressive

⁴ Sonia Livingstone and Peter K. Smith, "Annual Research Review: Harms Experienced by Child Users of Online and Mobile Technologies", *Journal of Child Psychology and Psychiatry*, Vol. 55, No. 6 (2014), p. 640.

⁵ Eddy O.S. Hiariej, "Perkembangan Kejahatan Siber dan Tantangan Hukum Pidana Indonesia", *Jurnal Hukum Ius Quia Iustum*, Vol. 29, No. 3 (2022), p. 427.

LICS 2026

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

and victim-oriented legal approach is necessary to address the evolving challenges of cyber grooming and technology-facilitated sexual exploitation in the digital era.⁶

Based on the foregoing discussion, a significant gap exists between the ideal objective of providing comprehensive legal protection for victims of cyber grooming and the current reality of the Indonesian legal system, which continues to face various normative, institutional, and practical challenges. Despite the existence of several relevant legal instruments, the current regulatory framework has not yet provided a comprehensive and effective mechanism for preventing cyber grooming, protecting victims, and ensuring their recovery. Consequently, further legal development is required to address the evolving nature of technology-facilitated sexual crimes and the growing vulnerabilities of children and other at-risk groups in digital environments.

This study aims to analyze the effectiveness of Indonesia's existing legal framework in protecting victims of cyber grooming and digital sexual exploitation and to formulate a comprehensive legal reconstruction model that is capable of strengthening victim protection within the Indonesian legal system.

2. Research Methods

This study employs a normative legal research approach. The research is descriptive-analytical in nature, aiming to describe and analyze the legal norms governing cyber grooming and digital sexual exploitation.

The study utilizes both a statutory approach and a conceptual approach. The statutory approach is applied to examine relevant legal regulations, including the Indonesian Criminal Code (KUHP), the Law on Electronic Information and Transactions (ITE Law), the Child Protection Law, and the Law on Sexual Violence Crimes (TPKS Law). Meanwhile, the conceptual approach is used to explore and analyze theories of legal protection, victimology, cybercrime, and restorative justice.

Data were collected through library research by examining primary, secondary, and tertiary legal materials. Primary legal materials consist of statutory regulations, while secondary legal materials include books, scholarly journal articles, and research reports related to cybercrime and victim protection. Tertiary

⁶ Helen Whittle, Catherine Hamilton-Giachritsis, and Anthony Beech, "Victims' Voices: The Impact of Online Grooming and Sexual Abuse", *Psychology, Crime & Law*, Vol. 20, No. 7 (2014), p. 739.

LICS 2026

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

legal materials comprise legal dictionaries, encyclopedias, and other supporting references relevant to the study.

The data were analyzed qualitatively using legal interpretation and systematic analysis methods to identify weaknesses within the current regulatory framework and to formulate recommendations for legal reconstruction aimed at strengthening legal protection for victims of cyber grooming and digital sexual exploitation.

3. Results and Discussion

3.1. Legal Regulation of Cyber Grooming and Digital Sexual Exploitation in the Indonesian Legal System

The advancement of information technology has significantly transformed the nature of sexual offending, shifting it from conventional forms of abuse to technology-facilitated sexual crimes. One of the most rapidly growing manifestations of this phenomenon is cyber grooming, which involves an offender deliberately establishing emotional trust and psychological connections with a victim through digital communication channels for the purpose of facilitating sexual exploitation. This modus operandi is commonly conducted through social media platforms, instant messaging applications, online gaming environments, and various digital forums that are frequently accessed by children and adolescents. The accessibility, anonymity, and borderless nature of these platforms have created new opportunities for offenders to target vulnerable individuals while reducing the likelihood of early detection.⁷

From the perspective of contemporary criminal law, cyber grooming represents a unique form of criminal conduct because the offending process typically begins long before any physical interaction takes place between the offender and the victim. Perpetrators strategically exploit the anonymity, accessibility, and interactive nature of digital technologies to establish trust and emotional dependency through a gradual process of psychological manipulation. This grooming process often involves deception, emotional conditioning, and the creation of a perceived personal relationship designed to reduce the victim's resistance and increase vulnerability to exploitation. Consequently, victims frequently fail to recognize that they are being targeted for sexual exploitation until significant psychological influence has already been established. These

⁷ Julia A. Kloess, Anthony R. Beech, and Leigh Harkins, "Online Child Sexual Exploitation: Prevalence, Process and Offender Characteristics", *Trauma, Violence & Abuse*, Vol. 15, No. 2 (2014), p. 128.



LICS 2026

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

distinctive characteristics differentiate cyber grooming from conventional sexual offenses and create substantial challenges for criminal law enforcement, evidence collection, victim protection, and legal regulation.⁸

The Indonesian legal system has established several legal instruments that may be utilized to address offenses associated with technology-facilitated sexual exploitation. These include Law No. 1 of 2024 concerning the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions and its implementing regulations on electronic system governance for child protection, Law No. 17 of 2016 concerning Child Protection, Law No. 12 of 2022 concerning Sexual Violence Crimes, and the Indonesian Criminal Code. Collectively, these regulations provide a legal basis for prosecuting various forms of online sexual abuse, exploitation, and violence. Nevertheless, none of these legal instruments explicitly defines or criminalizes cyber grooming as an independent offense. As a result, law enforcement authorities are often required to rely on broader provisions concerning child protection, sexual violence, or electronic misconduct, which may create legal uncertainty and challenges in addressing the unique characteristics of cyber grooming.⁹

The Law on Electronic Information and Transactions establishes a legal framework for addressing various forms of online misconduct, including the dissemination of obscene content, the distribution of electronic information that violates standards of decency, and unlawful access to electronic systems. Nevertheless, these provisions primarily focus on the harmful outcomes of criminal conduct rather than the preparatory and manipulative processes that constitute the core elements of cyber grooming. Consequently, the existing legal framework does not adequately address the gradual psychological manipulation, trust-building strategies, and emotional exploitation employed by offenders during the grooming process. This limitation often creates practical difficulties for law enforcement authorities, as legal intervention typically occurs only after sexual exploitation or other harmful consequences have already taken place.¹⁰

The Child Protection Law, on the other hand, provides legal protection for children against all forms of violence, abuse, and sexual exploitation. The legislation emphasizes the State's responsibility to safeguard children's rights and to protect them from conduct that may adversely affect their physical, psychological, and

⁸ Helen Whittle, Catherine Hamilton-Giachritsis, and Anthony Beech, *op.cit.*, p. 735.

⁹ Eddy O.S. Hiariej, "Perkembangan Kejahatan Siber dan Tantangan Hukum Pidana Indonesia", *Jurnal Hukum Ius Quia Iustum*, Vol. 29, No. 3 (2022), p. 425.

¹⁰ Ahmad Ramli, *Cyber Law dan HAKI dalam Sistem Hukum Indonesia*, Refika Aditama, Bandung, 2018, p. 154.

LICS 2026

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

social development. Nevertheless, the regulatory framework remains largely focused on instances of exploitation that have already materialized. As a result, the law offers limited legal grounds for addressing the grooming process itself, despite the fact that grooming constitutes a critical preparatory stage in many cases of technology-facilitated sexual exploitation. This limitation reduces the capacity of law enforcement authorities to intervene proactively and prevent victimization before the commission of more serious sexual offenses.¹¹

A significant advancement in Indonesia's legal framework occurred with the enactment of Law No. 12 of 2022 concerning Sexual Violence Crimes (TPKS Law). This legislation substantially broadened the scope of victim protection by recognizing various forms of sexual violence, including offenses committed through electronic and digital means. The TPKS Law also adopts a victim-centered approach by guaranteeing victims' rights to assistance, protection, recovery, restitution, compensation, and rehabilitation. These provisions represent an important shift from a purely punitive model toward a more comprehensive framework of victim protection. However, despite these progressive developments, cyber grooming is not explicitly defined or criminalized as a standalone offense within the legislation. As a result, the legal regulation of cyber grooming remains largely implicit, creating the potential for divergent interpretations and inconsistent enforcement practices. This legal ambiguity may ultimately weaken efforts to prevent, investigate, and prosecute cyber grooming before it escalates into more severe forms of sexual exploitation.¹²

From a legal protection perspective, the absence of explicit legal provisions addressing cyber grooming illustrates a significant gap between technological advancement and the development of the legal framework. This regulatory deficiency is particularly problematic given the evolving nature of technology-facilitated sexual crimes and the increasing vulnerability of children and other at-risk groups in digital environments. According to Philipus M. Hadjon's theory of legal protection, the law must provide both preventive and repressive forms of protection to ensure the effective safeguarding of individual rights. In the context of cyber grooming, preventive legal protection is especially crucial because victims are frequently subjected to manipulation, deception, and psychological conditioning before any act of sexual exploitation takes place. Consequently, an effective legal framework should not only punish offenders after harm has

¹¹ Sri Endah Wahyuningsih, "Perlindungan Hukum terhadap Anak Korban Eksploitasi Seksual", *Jurnal Daulat Hukum*, Vol. 5, No. 1 (2022), p. 44.

¹² Mujibur Rohman, "Implementasi Undang-Undang Tindak Pidana Kekerasan Seksual dalam Perspektif Perlindungan Korban", *Law Development Journal*, Vol. 5, No. 2 (2023), p. 218.

LICS 2026

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

occurred but also enable early intervention mechanisms capable of preventing victimization at its initial stages.¹³

Beyond issues relating to legal substance, the effectiveness of legal protection for victims is also determined by the functioning of legal structures and legal culture. From the perspective of legal structure, law enforcement agencies continue to encounter significant challenges in investigating technology-facilitated sexual crimes, particularly in identifying offenders operating across jurisdictions, obtaining and authenticating electronic evidence, and tracing digital activities conducted through encrypted communication technologies. These challenges are further compounded by the transnational nature of cybercrime, which often requires international cooperation and advanced digital forensic capabilities.

From the perspective of legal culture, public awareness regarding the risks and characteristics of cyber grooming remains relatively limited. Many parents, educators, and children are still unfamiliar with the methods commonly used by offenders to establish trust and manipulate victims in digital environments. Consequently, the lack of digital literacy and awareness contributes to a higher risk of victimization and reduces the effectiveness of preventive measures. This situation demonstrates that effective protection against cyber grooming requires not only adequate legal regulations but also strong institutional capacity and a supportive legal culture capable of responding to the evolving challenges of the digital era.¹⁴

Based on the foregoing analysis, it can be concluded that Indonesia's existing legal framework has provided a normative foundation for addressing various forms of technology-facilitated sexual exploitation. Nevertheless, the current regulatory regime has not yet ensured effective and comprehensive protection for victims of cyber grooming. The absence of a specific legal definition of cyber grooming, the limitations of existing digital evidence mechanisms, the fragmented nature of relevant regulations, and the lack of an integrated victim protection and recovery system constitute major weaknesses within the current legal framework. These deficiencies demonstrate a significant gap between the evolving nature of digital sexual crimes and the capacity of existing legal institutions to respond effectively. Consequently, legal reconstruction is required to establish a more coherent, victim-oriented, and technology-responsive legal framework capable of

¹³ Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia*, Gadjah Mada University Press, Yogyakarta, 2011, p. 29.

¹⁴ Widayati Widayati, "Penegakan Hukum terhadap Kejahatan Siber di Indonesia", *Jurnal Hukum Unissula*, Vol. 7, No. 2 (2021), p. 117.

LICS 2026

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

preventing cyber grooming, strengthening law enforcement, and ensuring comprehensive protection and recovery for victims in Indonesia.

3.2. Weaknesses of Legal Protection for Victims of Cyber Grooming and Digital Sexual Exploitation

Although Indonesia has established various legal instruments that may be utilized to address technology-facilitated sexual crimes, the effectiveness of legal protection for victims of cyber grooming remains constrained by a No. of significant challenges. These challenges extend beyond deficiencies in legal substance and encompass weaknesses within legal institutions, law enforcement mechanisms, and the broader legal culture of society. Consequently, the limitations of the current protection framework must be examined not only from a normative perspective but also through an analysis of the structural and cultural factors that influence the implementation and effectiveness of legal protection for victims of cyber grooming and digital sexual exploitation.¹⁵

The first major weakness lies in the absence of a specific legal framework that explicitly regulates cyber grooming within the Indonesian legal system. Unlike several jurisdictions that have criminalized grooming as a standalone criminal offense, Indonesian positive law continues to address cyber grooming indirectly through related offenses such as sexual exploitation, child pornography, and technology-facilitated sexual violence. Consequently, the legal treatment of cyber grooming remains fragmented and dependent upon the interpretation of broader criminal provisions, which may reduce legal certainty and hinder effective preventive intervention against potential offenders¹⁶. As a result, law enforcement authorities are frequently compelled to wait until a legally recognizable harm or criminal consequence has materialized before initiating legal proceedings against the offender. This limitation significantly restricts opportunities for early intervention and weakens the preventive function of criminal law in addressing cyber grooming.¹⁷

The absence of a clear normative definition of cyber grooming also contributes to legal uncertainty. In practice, offender conduct involving psychological manipulation, sexually suggestive communication, or attempts to obtain private or intimate images from victims may not be readily classified as criminal behavior

¹⁵ Soerjono Soekanto, *Faktor-Faktor yang Mempengaruhi Penegakan Hukum*, RajaGrafindo Persada, Jakarta, 2014, p. 8.

¹⁶ Vivi Ariyanti, "Perlindungan Korban Kejahatan Siber dalam Perspektif Hukum Pidana Indonesia", *Jurnal Media Hukum*, Vol. 28, No. 1 (2021), p. 92.

¹⁷ Helen Whittle, Catherine Hamilton-Giachritsis, and Anthony Beech, *op.cit.*, p. 737.

LICS 2026

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

under existing legal provisions. Consequently, substantial portions of the grooming process may fall outside the immediate reach of criminal law intervention. This situation is particularly problematic because such conduct constitutes a critical stage in the progression toward sexual exploitation and may already inflict significant psychological, emotional, and developmental harm upon victims. Therefore, the lack of a specific legal definition limits the ability of the legal system to recognize, prevent, and respond effectively to cyber grooming at its earliest stages.¹⁸

The second weakness concerns the electronic evidence system. Although the Law on Electronic Information and Transactions formally recognizes electronic evidence as a valid and admissible form of legal proof, its practical implementation continues to encounter significant technical and procedural challenges. Many cyber grooming cases involve the use of anonymous online identities, Virtual Private Networks (VPNs), encrypted communication platforms, and other privacy-enhancing technologies that complicate efforts to identify and locate offenders. These technological features often hinder digital investigations by obscuring user identities, limiting access to relevant data, and increasing the complexity of digital forensic examinations. Consequently, the collection, authentication, and presentation of electronic evidence frequently become major obstacles in the effective prosecution of cyber grooming offenses.¹⁹

Furthermore, the limited capacity of digital forensic institutions across various regions of Indonesia often results in prolonged and inefficient investigative processes. Not all law enforcement personnel possess the technical expertise required to properly collect, preserve, authenticate, and analyze digital evidence in accordance with legal and forensic standards. These deficiencies may compromise the integrity and reliability of electronic evidence, thereby reducing the effectiveness of criminal investigations and prosecutions. Moreover, delays in the investigative process can impede victims' access to justice, prolong psychological distress, and undermine public confidence in the legal system's ability to respond effectively to cyber grooming and technology-facilitated sexual exploitation..²⁰

The third weakness lies in the mechanisms for victim protection and recovery. Normatively, the Law on Sexual Violence Crimes provides victims with the right to obtain restitution, rehabilitation, psychological assistance, and protection

¹⁸ Julia A. Kloess, Anthony R. Beech, and Leigh Harkins, *op.cit.*, p. 130.

¹⁹ Ahmad M. Ramli, *Cyber Law dan HAKI dalam Sistem Hukum Indonesia*, Refika Aditama, Bandung, 2018, p. 177.

²⁰ Widayati Widayati, *op.cit.*, p. 120.

LICS 2026

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

throughout the judicial process²¹. However, in practice, the implementation of these rights continues to face various obstacles, including administrative barriers, budgetary constraints, and insufficient coordination among relevant institutions.²²

Victims of cyber grooming frequently experience prolonged psychological trauma resulting from feelings of shame, fear, and the constant threat of having their private content disseminated online. In many cases, these psychological consequences persist far longer than the legal proceedings and sanctions imposed on offenders. Therefore, a legal protection approach that focuses solely on the punishment of perpetrators is considered insufficient to provide optimal recovery and protection for victims.²³

Legal culture also constitutes a significant obstacle to the effective protection of victims. Limited levels of digital literacy among the public mean that many parents and children remain unaware of the risks associated with cyber grooming. Furthermore, social stigma surrounding sexual violence often discourages victims from reporting their experiences to law enforcement authorities. As a result, many cases remain undisclosed, allowing offenders to continue their activities and potentially victimize other individuals.²⁴

Based on the foregoing discussion, it can be concluded that legal protection for victims of cyber grooming continues to face various weaknesses in terms of legal regulation, evidentiary mechanisms, institutional capacity, and legal culture. These challenges demonstrate the need for a more comprehensive legal reconstruction framework that is oriented toward the effective protection and recovery of victims.

3.3. Reconstruction of Legal Protection Based on Victim-Oriented Justice

The concept of legal reconstruction essentially refers to efforts aimed at improving the legal system so that it is capable of responding to the evolving needs of society. In the context of cyber grooming, legal reconstruction should be directed toward the development of a protection framework that not only focuses on the

²¹ Mujibur Rohman, Siti Rodhiyah Dwi Istinah, and Widayati, "The Role of Leaders and Community Empowerment in Village Autonomy", *Law Development Journal*, Vol. 3, No. 4 (2021), p. 301.

²² Mujibur Rohman, "Implementasi Undang-Undang Tindak Pidana Kekerasan Seksual dalam Perspektif Perlindungan Korban", *Law Development Journal*, Vol. 5, No. 2 (2023), p. 221.

²³ Michael C. Seto, "Internet Sex Offenders", *American Psychological Association Journal*, Vol. 45, No. 2 (2013), p. 151.

²⁴ Sri Endah Wahyuningsih, "Perlindungan Hukum terhadap Anak Korban Eksploitasi Seksual", *Jurnal Daulat Hukum*, Vol. 5, No. 1 (2022), p. 47.

LICS 2026

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

punishment of offenders but also ensures the comprehensive protection and fulfillment of victims' rights.²⁵

The first step that should be undertaken is the explicit incorporation of a legal definition of cyber grooming into national legislation. A clear legal definition would provide greater legal certainty for law enforcement authorities while simultaneously enabling preventive measures to be implemented before sexual exploitation actually occurs.²⁶

The second step is the harmonization of regulations related to technology-facilitated sexual crimes. At present, provisions concerning victim protection are dispersed across various legal instruments, often resulting in overlapping authorities and inconsistencies in implementation. Therefore, greater synchronization is required among the Law on Electronic Information and Transactions, the Child Protection Law, and the Law on Sexual Violence Crimes.²⁷

The third step is to strengthen the electronic evidence system. The State should enhance the capacity of digital forensic laboratories, expand specialized training programs for law enforcement personnel, and develop standardized operational procedures for the handling of digital evidence. These measures are essential to ensuring the effectiveness of law enforcement processes in addressing technology-facilitated sexual crimes.²⁸

In addition, legal reconstruction should strengthen victim protection mechanisms through a victim-oriented justice approach. This approach places victims at the center of the criminal justice system, ensuring that their needs for psychological, social, and economic recovery receive attention equal to that given to the punishment of offenders.²⁹

From the perspective of progressive law, the law should exist to serve human beings rather than the other way around. Therefore, the protection of victims of cyber grooming should not be limited to the imposition of criminal sanctions on

²⁵ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*, Genta Publishing, Yogyakarta, 2009, p. 67.

²⁶ Julia A. Kloess, Anthony R. Beech, and Leigh Harkins, *op.cit.*, p. 133.

²⁷ Eddy O.S. Hiariej, *op.cit.*, p. 432.

²⁸ Ahmad M. Ramli, *Cyber Law dan HAKI dalam Sistem Hukum Indonesia*, Refika Aditama, Bandung, 2018, p. 182.

²⁹ Muladi, *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*, Refika Aditama, Bandung, 2015, p. 211.

LICS 2026

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

offenders, but must also encompass psychological rehabilitation, legal assistance, restitution, and the social reintegration of victims.³⁰

Therefore, a victim-oriented legal reconstruction will create a protection system that is more responsive to technological developments and more effective in achieving substantive justice for victims of cyber grooming.

3.4. Comparative Study: Legal Regulation of Cyber grooming in the United Kingdom and Australia

Comparative law is one of the methods that can be employed to identify more effective regulatory models for addressing cyber grooming. Two countries that are frequently used as references in the regulation of cyber grooming are the United Kingdom and Australia, as both jurisdictions have enacted specific legal provisions that explicitly criminalize grooming as a criminal offense.³¹

In the United Kingdom, cyber grooming is regulated under the Sexual Offences Act 2003. The legislation criminalizes communication with a child for the purpose of engaging in sexual activity, even where sexual exploitation has not yet occurred. This approach enables law enforcement authorities to intervene at an early stage of the grooming process, thereby minimizing the risk of victimization.³²

Australia also adopts a similar approach through the Criminal Code Act, which regulates the use of telecommunications services for the purpose of preparing or facilitating sexual activities involving children. The legislation grants broad authority to law enforcement agencies to investigate suspicious electronic communications that may indicate grooming or other forms of child sexual exploitation.³³

The success of these two countries demonstrates that criminalizing grooming as a distinct criminal offense can enhance the effectiveness of victim protection. Furthermore, victim protection systems in both jurisdictions are supported by

³⁰ Sri Kusriyah, "Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning", *Jurnal Daulat Hukum*, Vol. 4, No. 2 (2021), p. 110.

³¹ Peter De Cruz, *Comparative Law in a Changing World*, Routledge-Cavendish, London, 2010, p. 45.

³² Sexual Offences Act 2003 (United Kingdom), Section 15, Meeting a Child Following Sexual Grooming.

³³ Criminal Code Act 1995 (Australia), Division 474.

LICS 2026

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

integrated rehabilitation and assistance mechanisms involving law enforcement agencies, social service institutions, and educational organizations.³⁴

Compared to Indonesia, the approaches adopted by the United Kingdom and Australia demonstrate a higher level of preventive protection. Indonesia continues to focus primarily on sexual exploitation as the basis for criminal prosecution, whereas both countries have recognized that the grooming process itself constitutes a serious threat to the rights and safety of children.³⁵

Therefore, the experiences of the United Kingdom and Australia may serve as important references in the process of legal reconstruction in Indonesia, particularly in formulating a legal definition of cyber grooming, strengthening the digital evidence system, and developing more comprehensive victim protection mechanisms.

3.5. The Ideal Model of Legal Protection Reconstruction for Cyber Grooming Victims within the Indonesian Legal System

Based on the analysis of Indonesia's positive legal framework, the weaknesses in victim protection mechanisms, and the comparative study of the legal systems of the United Kingdom and Australia, it can be concluded that the Indonesian legal system still requires comprehensive reform in addressing cyber grooming and digital sexual exploitation. Such reform should not be limited to amendments of legal norms, but must also encompass improvements in institutional capacity, law enforcement mechanisms, and integrated victim protection systems.³⁶

The legal reconstruction proposed in this study is grounded in the theory of legal protection, victimology theory, and progressive legal theory. Legal protection theory positions the State as the party responsible for providing both preventive and repressive protection to its citizens. Meanwhile, victimology theory emphasizes the importance of fulfilling victims' rights as an essential objective of the modern criminal justice system. Progressive legal theory further asserts that the law must be capable of adapting to social and technological developments in order to achieve substantive justice.³⁷

³⁴ Helen Whittle, Catherine Hamilton-Giachritsis, and Anthony Beech, *op.cit.*, p. 741.

³⁵ Julia A. Kloess, Anthony R. Beech, and Leigh Harkins, *op.cit.*, p. 134.

³⁶ Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana*, Citra Aditya Bakti, Bandung, 2018, p. 102.

³⁷ Satjipto Rahardjo, *Hukum Progresif: Sebuah Sintesa Hukum Indonesia*, Genta Publishing, Yogyakarta, 2009, p. 71.

LICS 2026

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

The reconstruction model proposed in this study consists of three principal dimensions, namely the reconstruction of legal substance, legal structure, and legal culture. These three dimensions are derived from Lawrence M. Friedman's legal system theory, which argues that the effectiveness of a legal system is determined by the interaction between legal substance, legal structure, and legal culture within society.³⁸

a. Reconstruction of Legal Substance (Legal Substance)

The reconstruction of legal substance is aimed at establishing legal norms that specifically regulate cybergrooming as a separate crime. Currently, Indonesian positive law does not provide a clear definition of cybergrooming, creating a legal vacuum in the law enforcement process.

Dalam model yang ditawarkan, *cyber grooming* perlu dirumuskan sebagai:

" Any act of using electronic systems, internet networks, social media, communication applications, or other digital means to build relationships, influence, manipulate, persuade, threaten, or gain the trust of children or vulnerable groups with the aim of carrying out sexual exploitation, sexual violence, pornography, or other sexual benefits."

This formulation allows law enforcement officials to take preventive action before sexual exploitation occurs. Thus, the law serves not only to punish the consequences but also to prevent victimization from the very beginning.³⁹

In addition to criminalizing cybergrooming, harmonization is needed between the Electronic Information and Transactions Law, the Child Protection Law, the Sexual Violence Crimes Law, and the Criminal Code. This harmonization is crucial to avoid overlapping norms and to provide legal certainty for law enforcement officials and the public.

b. Reconstruction of the Legal Structure

The second dimension is strengthening the legal structure responsible for enforcing the law against digital technology-based sexual crimes. Cybergrooming crimes have distinct characteristics from conventional crimes because they involve

³⁸ Lawrence M. Friedman, *The Legal System: A Social Science Perspective*, Russell Sage Foundation, New York, 2001, p. 15.

³⁹ Julia A. Kloess, Anthony R. Beech, and Leigh Harkins, *loc.it*.

LICS 2026

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

information technology, digital evidence, and the potential for cross-jurisdictional involvement.

Therefore, the establishment of a special unit within the police force competent in handling cybergrooming and digital sexual exploitation is necessary. This unit should be supported by digital forensic experts, forensic psychologists, and victim advocates.

Strengthening the capacity of law enforcement officers is also necessary through ongoing education and training on digital investigations, electronic evidence collection, identifying grooming patterns, and approaches oriented toward victim protection.⁴⁰

In addition, coordination between the Indonesian National Police, the Indonesian Attorney General's Office, the Courts, the Ministry of Women's Empowerment and Child Protection, the Indonesian Child Protection Commission, and the Witness and Victim Protection Agency must be strengthened through an integrated handling system based on information technology.

c. Reconstruction of Legal Culture

A society's legal culture has a significant impact on the effectiveness of protecting victims of cybergrooming. Many cases go unreported because victims feel ashamed, afraid, or worried about social stigma. In some cases, parents are not even aware that their children are being targeted by digital grooming.

Therefore, the reconstruction of legal culture must be achieved through increasing the community's digital literacy. Educational programs on digital safety need to be incorporated into the school curriculum as part of character education and child protection.

The government also needs to develop public education programs about the dangers of cybergrooming through mass media, social media, and other digital platforms. These efforts aim to build collective awareness that cybergrooming is a serious threat to the safety of children and vulnerable groups.⁴¹

Furthermore, a legal culture oriented toward victim protection needs to be developed within the criminal justice system. Law enforcement officials must

⁴⁰ Widayati Widayati, *op.cit.*, p. 123.

⁴¹ Sri Endah Wahyuningsih, *op.cit.*, p. 49.



LICS 2026

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

avoid victim blaming and ensure that every victim receives humane, dignified, and discrimination-free treatment.

d. Model *Victim-Oriented Integrated Protection*

As a concrete form of legal reconstruction, this research offers an integrated victim protection model (Victim-Oriented Integrated Protection Model). This model consists of four main pillars:

1. Preventive Protection
 - a. Digital literacy.
 - b. Digital platform monitoring.
 - c. Rapid reporting system.
2. Penal Protection
 - a. Criminalization of cyber grooming.
 - b. Law enforcement based on digital evidence.
 - c. Increased criminal penalties for perpetrators who target children.
3. Recovery Protection
 - a. Psychological rehabilitation.
 - b. Legal assistance.
 - c. Restitution and compensation.
4. Social Reintegration
 - a. Restoring victims social relationships.
 - b. Education and mentoring programs.
 - c. Protection of victims' identities.

LICS 2026

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

This model places the victim at the center of legal protection (victim-centered justice) so that the entire legal process is not only oriented towards punishing the perpetrator, but also towards the victim's complete recovery.⁴²

Accordingly, the reconstruction of legal protection for victims of cyber grooming and digital sexual exploitation should be carried out through the reform of legal substance, the strengthening of legal structure, and the development of a legal culture that supports victim protection. Such an approach is expected to create a legal system that is more responsive to technological developments while simultaneously promoting substantive justice for victims of technology-facilitated sexual crimes.

4. Conclusion

The development of digital technology has given rise to various forms of technology-facilitated sexual crimes, one of which is cyber grooming, which primarily targets children and other vulnerable groups. The findings of this study indicate that Indonesia's positive legal framework has, in principle, provided legal instruments for addressing digital sexual exploitation through the Law on Electronic Information and Transactions, the Child Protection Law, and the Law on Sexual Violence Crimes. Nevertheless, the effectiveness of legal protection for victims remains suboptimal due to the absence of specific regulations recognizing cyber grooming as a distinct criminal offense, limitations in electronic evidence mechanisms, inadequate digital law enforcement capacity, and the insufficient implementation of victim recovery measures. A comparative analysis of the legal systems of the United Kingdom and Australia demonstrates that the criminalization of cyber grooming as a specific offense can significantly enhance preventive victim protection. Therefore, legal reconstruction is required through the harmonization of legislation, the explicit formulation of a legal definition of cyber grooming, the strengthening of digital forensic systems, the enhancement of law enforcement capacity, and the development of a victim-oriented legal protection model. Such reconstruction should encompass the integrated dimensions of legal substance, legal structure, and legal culture in order to establish a legal protection system that is more responsive to technological developments and capable of providing more effective protection, recovery, and justice for victims of cyber grooming and digital sexual exploitation in Indonesia.

⁴² Muladi, *Hak Asasi Manusia: Hakekat, Konsep dan Implikasinya dalam Perspektif Hukum dan Masyarakat*, Refika Aditama, Bandung, 2015, p. 219.



LICS 2026

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