

Legal and Law Enforcement Responses on Sexual Exploitation of Children Online in Indonesia

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Abstract- The information technology advancement has brought tremendous changes to the emergence of new criminal offenses. Technology has been misused to commit crimes and prompted various complicated legal issues. One of the crimes extensively utilizing information technology is Sexual Exploitation of Children Online (SECO). The particular crimes have also been transformed into various kinds, from grooming, sexting, sextortion to live streaming. This crime also goes beyond the territorial boundaries of a nation state discouraging the attempt measure the perpetrators' criminal liability attribution. In Indonesian context, the national criminal law is still unable to properly respond to it. Although in practice the law enforcement may deploys the Electronic Transaction Information Law, this law cannot completely deal with this crime. In fact, other criminal law issues emerge in responding to SECO that require new formulas, including new doctrines, to enable the existing criminal law overcoming them effectively. This study recommends that a more specific formulation of criminal law be developed to declare SECO as a criminal offense. Law enforcement agents should have the technical capacity to uncover the crime evidences, therefore the perpetrators can be sued for their crimes.

Keywords— *SECO, child sexual exploitation, responsibility, crimes*

I. INTRODUCTION

The information technology advancement triggers a number of unexpected and unintended consequences, including sexual exploitation of children online. Worldwide, the rapidly expanding internet space makes children are more vulnerable to sexual exploitation and abuse. Child sexual abuse and exploitation online is one the most dangerous modern cybercrime today. Technology has been deployed by criminals and/or criminal groups in accessing and even increasing their capacity, even their confidence, in committing such violence and exploitation on a larger scale [1].

This article discusses various issues of online child sexual exploitation from the perspective of criminal law and criminology. The main issue is the capacity of the of the criminal law to criminalize this act. In addition, this article also raises issues related to the capability of law enforcement agents to tackle this crime. From criminological perspectives, the main problem is related to the government efforts and obstacles in overcoming this problem.

For the past three years, the number of child sex offenders have substantially increased due to the facilitation of their activities by "technology". In fact, these criminals have generated a trend of new crime: they can freely share and discuss each other various aspects about this crime. The platforms they use in committing this online sexual crime are social networks websites, files/photo sharing, gaming devices and mobile apps. Data from the US National Center for Missing and Exploited Children (NCMEC) released in 2018 stated there were 18.4 million reports, most of which related to child sexual exploitation cases originating from electronic service providers [2]. In addition, NCMEC processed 150 million images of child victims. NCMEC also stated that "darknet" and other encrypted software techniques allow users to anonymously access and disseminate child sexual exploitation online. In the UK, about 100,000 people engage with online sexual crime materials. Yet due to its hidden nature, it is not possible to accurately measure the level of illegal activity.

In general, *Sexual Exploitation of Children Online* (SECO) cases are very concerning not only in Indonesia but also in many other countries. The most common SECO's crime found in Indonesia is online child prostitution and online child pornography. The use of children for sexual purposes online through internet has been identified by law enforcement agents. Some cases were successfully brought to court but most of them have failed in punishing the perpetrators because of the difficulty of identifying the victims of criminal cases. Online sexual crime to children are expected to increase along with the growing number of internet users in Indonesia. According to the Ministry of Information and Communication, internet users in Indonesia in 2015 were 93.4 million and in 2016 it was estimated to increase to 102.8 and in 2017 it was estimated to surge to 112.6 million. i.e. the world's 5th largest internet users after China, United States, India and Brazil [3].

There are no official statistics showing the spread of sexual exploitation of children online. The Indonesian Child Protection Commission (KPAI) noted in 2015, there were 1,366 cases of pornography and cyber-crime in children [4]. Unfortunately, this report did not show the validity of accurate data, because it was only based on media findings, and which was based on the cases reported to the commission. However, at least, there have been statistics on cases that have

been collected to encourage other institutions to carry out validity check or even data collection.

The mapping carried out by a national NGO, ECPAT Indonesia (*Ending Sexual Exploitation of Children*), on this crime shows there are a number of SECO cases in several regions of Indonesia. This mapping was carried out in three cities, Jakarta, Surabaya, Bandung [5]. This study found that children who were victims of SECO were predominantly those who used social media in their daily lives. In fact, social media is a tool to expose children to consumers. A number of online forums were established to exploit children, exchange pictures and videos carried out by peer groups. Some anonymous networks involved in sex exploitation were also identified, yet still it was difficult to access and find the victims. Therefore, there were very few SECO cases brought to the law enforcement. The online child sex offenders did not make any physical contact with the children, they exploited the children's pictures and videos by producing, watching, and distributing, even multiplying them. Various channels were used to exploit children's images and videos, such as the web, social media, networks groups. The perpetrators did not come from only one country but also from multiple nations. The crime scenes were borderless. The three cities where the mapping conducted, SECO cases with different characteristics were found. A local NGO in Surabaya in 2013 found six SECO cases, who were mostly exploited through social media. Five SECO victims in Bandung were successfully interviewed. Some of them were "sold" by pimps through a special website. This web promoted a number of young girls to customers. Children were also "marketed" through a number of social media accounts and short messages. Ironically, some children voluntarily distributed the pornographic images to child sex buyers and their peers. One child, for instance, shared a disturbing confession where the child had sexual intercourse through video streaming to a child sex offender from another country. Meanwhile, a number of anonymous network groups have sprung up in Jakarta, where these groups distributed children's pornographic images and videos. The members of these network spread throughout Indonesia.

II. DISCUSSION

A. Concept of Online Sexual Exploitation Crime

The definition of child sexual exploitation is based on an international consensus formulated in the Stockholm (1996) declaration as follows:

"Sexual exploitation of children is a fundamental violation of children's rights consisting of sexual violence by adults and giving rewards of money or goods to children, or third person, or other people. The child is treated as a sexual object and as a commercial object. Commercial sexual exploitation of children is a form of coercion and violence against children and leads to forms of forced labor and modern slavery."[6]

The definition above clearly shows that child sexual exploitation is not only an object of sex but also as a commodity. It is this element of 'profit' in the children exploitation that distinguishes between child sexual exploitation and sexual violence, because in sexual violence there is no element of profit even though both refer to child sexual acts.

In relation to sexual violence against children, the definition of this action is the relationship or interaction between a child and someone older or mature such as a stranger, sibling or parent, where the child is treated as a satisfying object for the sexual needs of the offender. This action is usually followed by other actions like coercion, threat, bribery, deception or pressure. It should be noted that sexual violence does not require body contact between the offender and the child, for instance exhibitionism or voyeurism (adults watching or recording a child being naked or telling or forcing children to engage in sexual activities with others) [7]. Unfortunately, this action is usually carried out by an actor who is known or trusted by the child (victim).

In Indonesian legal literature, the child sexual exploitation criminal act is a concept that has not been widely discussed, especially within the scope of criminal law. The Child Protection Law (Indonesian Law 23/2002 revised through Indonesian Law 35/2014) only mentions two articles about prohibiting sexual and economic exploitation of children, i.e. article 76 letter I and article 88 with the threat of maximum prison sentences 10 years and a fine of at most Rp 200 million. Unfortunately, this law does not provide a detailed explanation of the acts of sexual exploitation concept.

Unlike the case of trafficking, this terminology has been better known in the Criminal Code and beyond. Article 297 of the Criminal Code states: *"Trafficking of women and immature boys is threatened with a maximum imprisonment of six years"*. Law No. 21/2007 concerning Eradication of Trafficking Criminal Acts (TPPO Law) has defined this type of crime. Yet, experts have agreed that the TPPO Law should also specifically define the child trafficking crime, because the conceptions between the two are different, especially related to the elements of the offense.

In the United States, sexual exploitation crimes have been adopted as a specific criminal act concept regulated in The Protect Act 2003 [8]. Interestingly, the child protection law geographically has a wide range of child protection at home and abroad. The forms of sexual exploitation intended in The Protect Act 2003 include: child prostitution, child pornography and child sex tourism. In addition to the US, some Asian countries already have better stipulated laws on child sexual protection than Indonesia, for instance the Philippines who since 1991 have had a child sexual exploitation law.

The child sexual exploitation law, however, is still limited to child prostitution (see: Republic of the Philippines, Congress of Philippines, Metro Manila, Republic Act 7610, 21 July 1991). The same case with another country in Southeast Asia with child sexual protection law, Thailand, which since 1996 had the Prevention and Suppression for Prostitution Act 1996 (Act 1996). The child protection law in Thailand provides criminal sanctions (confinement and fines) to anyone taking advantage of child prostitution or buying sex from children under 18 years old.

Based on the protection of child exploitation laws in several countries as described above, the criminal act classified as child sexual exploitation is a special criminal offense, not a general criminal. Therefore, the formulation of the arrangement becomes. At present, in Indonesia there is no *lex specialis* in child sexual exploitation, as the child

protection is integrated into the child protection law. However, the child protection law does not place the child sexual exploitation crime under a special chapter. In fact, the problem of child prostitution is not clearly defined, therefore it is difficult to bring the perpetrators of this crime into justice. Another problem is even though there have been efforts to unify child sexual exploitation into a child protection law, there are several other laws regulating this issue, for instance the Indonesian Law 44/2008 on Pornography which also regulates the child sexual exploitation criminal acts in the context of child pornography as stipulated in Article 4 to 12.

The online sexual crimes on children in global terminology are known as SECO (*Sexual Exploitation of Children Online*) which can be interpreted as a crime targeting children by utilizing information and technology as a medium to communicate, demonstrate, display, or distribute material on child pornography or child sexual activity. Children are the object of sexual violence and become objects of commercial sex [9]. SECO is not limited to the distribution or display of children as sex objects and commercial objects, but also including having pornographic images, recorded children's voices that contain erotic content, and everything that contains child sexual content stored on the computer because it has the potential to be disseminated.

Globally speaking, there are 5 types of online child sexual crimes, i.e. child sexual abuse/exploitation material, online grooming for sexual purposes, sexting, sexual extortion, and live online child sexual abuse. These forms of online sexual crime are very common all over the world, therefore there is a tremendous concern to immediately address this problem, and one of the most effective ways is to develop legal instruments and carry out law enforcement measures at the global level.

B. Global Regulations

In general, there are 4 (four) legal sources at the global/regional level that can be adopted in responding to these crimes: (1) The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), 2000; (2) The Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, 2007; (3) ILO Convention, 182: Convergence and Immediate Action for the Elimination of Forms of Child Labor; (4) African Union (AU) Convention on Cyber Security and Personal Data Protection, 2014.

However, in practice, these four legal sources are not easily implemented in the context of the national laws of each country. Some challenges that have been identified when the provisions of the global law will be integrated in national law are: (1) the diverse legal systems in each country, (2) legal content and substance have not been able to accept these forms of crime, (3) the general nature of formal law or procedural law and (4) law enforcement. Related to the legal system, there are at least 6 different legal systems in Asian countries, i.e. civil law, common law, socialist law, communist law, Islamic law, and hybrid legal system. This shows diversity in many ways, from the legal substance, legal sources and procedural law, therefore it is not easy to include new crime in these legal systems, including child sexual crimes in the online domain.

Table 1
Diversity of Legal Systems in Various Countries

Indonesia.	Legal System	Some Examples
1.	Civil Law	Indonesia, Thailand (common law), South Korea
2.	Common Law	Philippine, Singapore
3.	Socialist Law	Azerbaijan, China (China legal tradition)
4.	Communist	Vietnam
5.	Islamic Law	Afghanistan, Bahrain, Brunei, Iran, Jordan
6.	Hybrid Legal System	(civil and common), Malaysia

Source: Compiled from different sources in 2019.

Related to the substance of the law, the provisions for online child sexual abuse/exploitation are various, even often left unregulated, or when it is regulated in the national law, they are using different terminology and elements. Meanwhile, the formal law has several aspects that need to be clarified: the investigative mechanism requires special methods, but the procedural law has not provided clear guidance on this matter. Another aspect is the law of evidence: the crime of online child sexual abuse/exploitation requires a burden of proof that is not easy, therefore many cases fail to be brought to court because of the lack of evidence.

Different justice systems include the perspective of judges in judging or punishing these perpetrators. Not to mention the fact that not all law enforcement agencies, especially the police, have had cyber units. Some countries already have it, but they have not focused on online child sexual abuse/exploitation crime but for certain crimes only (terrorism, people smuggling/trafficking in persons). Another aspect is uneven expertise between law enforcement agents and high turnover, which causes law enforcement agents not focusing on dealing with this specific issue.

C. National Regulation

Before discussing the national legislation governing SECO, it is necessary to know about national legislation on child protection. According to the authors' account there are at least 22 laws providing protection for children from the practice of violence, exploitation, neglect and mistreatment. The 22 laws are as follows:

Table 2
National Laws on the Protection of Children in Indonesia

Indonesia.	Law	Concerning
1.	Law No. 3/1997	Juvenile Justice
2.	Law No. 20/1999	Ratification of KILO 183
3.	Law No. 39/2009	Human Rights
4.	Law No. 1/2000	Ratification of KILO 182
5.	Law No. 23/2002	Child Protection
6.	Law No. 13/2003	Employment
7.	Law No. 20/2003	National Education System
8.	Law No. 23/2004	Domestic Violence

9.	Law No. 12/2005	Ratification of the Indonesia Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights)
10.	Law No. 31/2006	Witnesses and Victims Protection Agency (LPSK)
11.	Law No. 23/2006	Educational Administration
12.	Law No. 21/2007	Law on Elimination of Human Trafficking Crimes (TPPO)
13.	Law No. 11/2008	Information and Electronic Transaction (ITE)
14.	Law No. 44/2008	Pornography
15.	Law No. 11/2009	Social Welfare
16.	Law No. 14/2009	Ratification of <i>Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime</i>
17.	Law No. 9/2012	Ratification of the CRC Optional Protocol on Children with Weapons
18.	Law No. 10/2012	Ratification of the CRC Optional Protocol on Child Sales, Child Prostitution and Child Pornography
19.	Law No. 11/2012	Child Criminal Justice System (SPPA)
20.	Law No. 31/2014	REVISED Indonesian Law.13 / 2006 (LPSK)
21.	Law No. 35/2014	REVISED Indonesian Law.23 / 2002 (Child Protection)
22.	Law No. 17/2016	Determination of Government Regulation Substituting Law No. 1/2016 concerning Second Amendment to Law No. 23/2002 concerning Protection of Children into Law

Source: <http://jdih.bphn.go.id>, represented by the authors

No all the laws mentioned above regulate the protection of children directly, but there are also those that regulate child protection issues indirectly, in fact some of them are the ratification of the international convention (Optional Protocol). Yet, all of them have relations or links to child protection in Indonesia. The Child Protection Law is a special note, because this law has been revised twice. The revisions, however, are not based on the spirit to harmonize with the ratified international standards, but rather based on responses to emerging child issues in the community. In other words, the revisions are still partial and casuistic. Therefore, the revisions made do not answer the overall alleviation of child issues.

National legislation on child protection regulates a number of criminal acts targeting children including: violence, neglect, exploitation, mistreatment and discrimination against children. The criminal offense is clearly prohibited and threatened with crime. The regulation on such criminal acts is contained in several articles in the Indonesian Law No. 23/2002, Indonesian Law No. 35/2014 and specifically for sexual offenses on children are regulated in the Indonesian Law No. 17/2016. However, this law does not provide a satisfactory definition of criminal acts of violence, exploitation, neglect, discrimination and mistreatment of children. The national laws tend to threaten

punishments for anyone who commits the crime with a very wide-ranging threat of punishment and tends to use a retributive approach. Even though in some articles the threat of punishment is in the form of fines, compensation and rehabilitative measures, the retributive approach is more prominent in the national law.

In general, the national laws do not provide satisfactory definitions of acts of violence, exploitation, neglect, discrimination and mistreatment of children. In fact, this type of crime is not defined therefore it is difficult to measure the criminal acts aimed at children because of the weakness of the elements in the formulation of the offense. The importance of including the elements of criminal offenses against children is for the sake of proof in court. In the context of criminal law, an element of criminal act (*bestandelen delict*) is very crucial to ensure that criminal offenders have been proven legally and convincingly guilty of committing criminal acts on children. The following table shows some definitions of the crime in the context of national law, namely from the perspective of the Indonesian Law No. 23/2002 in conjunction with the Indonesian Law No. 35/2014, Indonesian Law No. 23/2004, and Indonesian Law No. 44/2008.

The formulation of offenses in the Child Protection Law adopts the double track model, where the prohibited actions and criminal threats are formulated separately. Such formulation models are at times prevent the law enforcements agents to determine the prohibited actions and penalties. This formulation is different from the offense formulation model in the Criminal Code because it uses single track one, where the prohibited actions and criminal threats are formulated in the same article.

Table 3
Mapping of Laws related to Violence Against Children

Definition	Regulations	Remark
Violence Against Children	Explanation of Law, Article 13, Law No. 23/2002 on Child Protection as amended by Law No. 35/2014 on Amendment to Law No. 23/2002 on Child Protection	Cruel treatment, for example actions that are wrong, cruel, violent, or without mercy against children. Violent and abusive treatment, for example the act of injuring a child, and not merely physically, but also mentally and socially.
	Article 1 of Indonesian Law No. 23/2004 concerning the Elimination of Violence in the Household Domestic	Domestic violence is any act against someone, especially women, which results in physical, sexual, psychological misery or suffering, and/or neglect of the household including threats to commit acts, coercion, or deprivation of liberty against the law in the household sphere.
	EXPLANATION OF ARTICLES ON LAW OF THE REPUBLIC OF INDONESIA NO. 44/2008 CONCERNING PORNOGRAPHY	"Sexual violence" includes intercourse that is preceded by acts of violence (persecution) or molestation by force or rape

Source: <http://jdih.bphn.go.id>, represented by the authors

The prohibition on violence against children is reinforced by article 76 letter C which reads:

"Every person is prohibited from placing, letting, doing, ordering or participating in violence against children"

This article has warned against anyone who commits violence against children with criminal threats. Yet when referring to the explanation of this article, there are no elements of the article in question concerning criminal acts of violence against children. In addition, the Child Protection Law also includes an article on child sexual violence which is regulated in article 76 letters D and E, as follows:

Article 76D

"Every person is prohibited from committing violence or threats of violence forcing the child to have intercourse with him/her or with others "

Article 76E

"Every person is prohibited from committing violence or threats of violence, forcing, deception, conducting a series of lies, or persuading the child to commit or allow lewd acts to be carried out."

The above articles show there is no specific formulation on the types of acts of violence against children and sexual violence against children. The elements of offenses in the physical violence, sexual violence, and mental violence are not elaborated in details. Therefore, the behaviors of violence on children that occurs in the community are still difficult to prove or even raises doubts for law enforcement to use these articles. There are several measures that can be used to define and describe the elements of child abuse. One of them is the following formula:

"Child abuse includes physical and non-physical violence, infanticide, neglect and sexual violence. Non-physical violence, which includes emotional violence, can take many forms including insults, ignoring, isolation, rejection, threats, emotional indifference and belittlement. It is more prevalent than other forms of violence. Neglect involves the failure to provide adequate food, clothing, medicines or health care, or failure to properly supervise children from harm."[10]

Compared with the formulations presented in the Child Protection Law (UUPA), there are still discrepancies between the elements in that law and the definition above. Thus, the elements of violence against children should include more concrete and detailed forms, not only covering physical, mental and social violence, which raises doubts on law enforcement agents and the difficulty of proving them in a formal juridical manner, and ultimately harms the children.

In essence, each criminal act must consist of tangible elements (which materialize or the effects can be felt) of the act. In addition, in the formulation of criminal acts, there is also the obligation to report to anyone who witness a crime. The formulation often includes also the obligation to provide assistance to victims or people who are in danger. In the context of the two-parts criminal law mentioned above, those are additional elements in the formulation of offenses. The main element in an offense becomes very important, for example in the case of rape, the main elements are (1) whoever is, (2) forcing a woman (3) with violence or the threat of violence (4) having intercourse (5) imprisonment of maximum 12 years. Another example is theft which has several elements (1) whoever (2) takes other people's goods

(3) without rights (4) with the intention of having it (5) imprisonment for a maximum of 5 years [11,12,13].

In addition, it is also necessary to consider domestic violence experienced by children. The specific definition is important, thus the broad definition of child violence within the household can be more specific. The following formulation can also be considered:

"Domestic violence is one of the most pervasive forms of violence affecting children and includes acts of violence perpetrated by one member of a family or household against another, including children. Domestic violence may include physical violence, verbal and emotional abuse, sexual coercion and rape, and other various controlling behaviours. Children who witness acts of domestic violence are regarded as victims of the violence."

One recommendation to be considered in the future in refining the formulation of child abuse is: the articles on child abuse (physical, sexual and mental) should include all the elements in the formulation of offenses and more operational. Therefore it would be easier to determine whether an act of violence against children can be categorized as an unlawful act.

Table 4
Explanation of Child Exploitation in the National Law

Definition	Regulation	Remark
Exploitation of Children	Explanation of Law, Article 13 of Law No. 23/2002 on Child Protection as amended by Law No. 35/2014 on the Amendment of Law No. 23/2002 Child Protection	Treatment of exploitation, for example actions to manipulate, exploit, or extort children to gain personal, family or group benefits.
	Explanation of the Law No. 35/2014 concerning Amendment to Law No. 23/2002 concerning Child Protection	"Economically exploited" is an act with or without the consent of a victimized child which includes but is not limited to prostitution, forced labor or service, slavery or practices similar to slavery, oppression, extortion, physical, sexual use, reproductive organs, or illegally transferring or transplanting body organs and/or tissues or utilizing the power or ability of a child by other parties to gain material benefits. "Sexually exploited" is any form of utilization of sexual organs or other organs of the child to obtain benefits, including but not limited to all prostitution and sexual abuse activities.

Sumber: <http://jdih.bphn.go.id>, represented by the authors

The definition of the child exploitation crime above is still very abstract too. The question is what distinguishes between the violence against children crime and child exploitation crime. Are there any differences? Article 76 letter I states:

"Anyone is prohibited from placing, letting, doing, ordering or participating in economic exploitation and/or sexual abuse of o child."

The prohibition is still very vague and the elements of prohibited acts are not included. The formulation of

exploitation must be defined concretely, thus when the element is fulfilled, anyone who commits a crime of exploitation can be punished. Exploitation in the context of this article is limited to sexual exploitation and economic exploitation. The elements of sexual and economic exploitation also need to be elaborated; therefore, they have a different meaning from the criminal acts of sexual violence against children.

Indonesia has a number of laws that protect children from online sexual crimes, i.e. Indonesian Law No. 23/2002 on Child Protection Law (in conjunction with Indonesian Law. 35/2014), Information and Electronic Transaction Law No. 11/2008 and Pornography Law No. 44/2008. These three laws substantially provide a limited portion in protecting children from online sexual crimes. They have not been able to accommodate SECO comprehensively and is still partial as they do not define online child sexual crimes. The Child Protection Law, for example, only regulates criminal sanctions against perpetrators of child sexual violence which includes sexual intercourse and sexual abuse.

There are no specific rules regarding online child sex crimes in this law. The Law No. 11/2008 does not mention the SECO issue as part of the criminal act of child sexual exploitation but instead categorizes it as part of a criminal act of decency. Meanwhile, the Law No. 44/2008 on Pornography has regulated all matters related to pornography crimes in general but the drafters of the law do not specifically regulate criminal acts of child pornography including the definition and elements of this crime. It can be said that SECO's regulation in Indonesian law is still not in line with the international standards, especially as stipulated in the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. The Indonesian government has ratified this optional protocol through the Indonesian Law No. 11/2012.

However, the law does not provide a satisfactory definition of criminal acts of violence, exploitation, neglect, discrimination and mistreatment of children. The national laws tend to threaten punishments for anyone who commits the crime with various threat of punishments and tends to use a retributive approach. Although in some articles the threat of punishment is in the form of fines, compensation and rehabilitation, but the retributive approach is more prominent in the national laws.

In general, the national laws do not provide a satisfactory definition of SECO. In fact, the type of criminal offense is not defined therefore it is difficult to measure the criminal acts aimed at children, because of the weakness of the offense elements formulation. The importance of including the child criminal offenses elements is for the sake of proof in the court. In the context of criminal law, an element of criminal act (*bestandelen delick*) is very crucial to ensure that criminal offenders have been proven legally and convincingly guilty of committing criminal acts against children.

As mentioned above, there is no single article in the Indonesian national laws that regulates online sexual exploitation crimes. Thus, it can be said there is a legal vacuum about this issue. However, several articles in a

number of laws have referred this problem in the regulation. Online child sexual exploitation crime is a concept that has not been widely discussed in the Indonesian criminal law. The Child Protection Law No 23/2002 only has one article, i.e. article 88, concerning the prohibition of sexual and economic exploitation of children with a maximum sentence of 10 years and a maximum fine of 100 million. However, unfortunately this law does not provide a detailed explanation of the intended sexual exploitation.

D. Law Enforcement

To reduce the occurrence of online child sexual exploitation, the law enforcement is the best key. Indonesia has made two revisions to the Law No. 23/2002 on Child Protection, namely revision through Law No. 35/2014 and revisions through Law No. 16/2017. This shows the willingness of legislators to eliminate this problem is already quite high. However, this situation was not followed by the ability of the law enforcement officials to be reliable in anticipating and overcoming this problem.

In comparison, the United States, France and Australia are considered the three best countries in providing protection for children from sexual violence committed by the from child sex offenders, both in the offline and online domains [14]. These three countries have a reliable database of child sex offenders who have been convicted. The database is used by law enforcement agents to detect these former convicts wherever they go, including when traveling to third world countries. The local authorities will provide information to the destination authorities, that the former convicted child sex offender will enter a country, and the country is expected to refuse the person to enter. If only the Indonesian police had a database of child sex offenders who had been convicted, the steps to save children from the practice of violence and sexual exploitation would be more effective.

In addition to the database issue, another weakness is the low commitment and skills of the law enforcement. The skills in investigating of child sexual crimes must be possessed, even specialization in the investigation of child sex crimes must be required from the police officers, including the provision of certification. Thus, the investigators have reliable and specific abilities. To date, the investigators have often been assigned in various units, so they have a lot of knowledge, but not specific and profound.

Another issue is related to the incentive. This is an important matter, because the cost of investigating the child sexual crimes especially those carried out by tourists requires a special budget. They will do a lot of investigation and safeguarding tourist destinations from child sex offenders. They don't just sit and wait for reports in the office but need to put their ears wide and look for information as accurately as possible from various informants in tourist destinations. Therefore, investigators who choose this field must be given special incentives, so they can focus on saving the country's tourist destinations from child sex offenders.

E. Government Response

In Indonesia, there is no focal point that specifically handles SECO matters. A task force for the prevention and handling of pornography has been established as a consequence of the issue of Law No. 44/2008. Yet the head of the task group is the Ministry of Religion, thus the pornography crime (as part of SECO) is considered a moral crime not as a crime that uses information technology devices. This task force is not able to handle the problem of child pornography crime, because the conceptualization of pornography crimes is defined too broadly causing over-criminalization [15].

At present, there are initiatives from the government in developing a road map of child protection on the internet. The preparation of this map is intended to protect children from cybercrime, both those carried out by the government and other stakeholders. The road map of child protection on the internet is expected to further synergize existing programs so they can be implemented simultaneously and accommodate all targets. This roadmap will be a reference in developing policies and regulations of child protection on the internet. Unfortunately, this program has not succeeded in revealing and mapping the modus operandi of this crime. In addition, the program has also not been able to carry out law enforcement measures for perpetrators and access to protection for victims.

The Ministry of Information and Communication actively limits internet content containing pornographic elements with filtering, so children are not exposed to pornographic content and children are not targeted by pornography. This program has not specifically targeted SECO, and still limited to internet content containing pornography, both adult and child pornography. Of course, this program is not fully capable of overcoming SECO because SECO is not only limited to child pornography. Therefore, the strategic steps and capacity building of this ministry are needed in tackling SECO.

The National Police Headquarters has established a sub-directorate for combating cybercrime and one of the main concerns of this unit is online sexual crime. However, due to limited human and financial resources, SECO cases they have managed are still few. This unit only exists at the Indonesian Police Headquarters and is supplemented by three Regional Police in Indonesia. Therefore, SECO cases entering the court were also very minimal. Consequently, not many cases are processed by Indonesian law enforcement. The main difficulty is the wide scope of SECO that requires special expertise from the law enforcement.

III. CONCLUSIONS

The points mentioned above shows that cases of online sexual crimes on children will still prevalent, as the prevention program is still very limited. Incorrect understanding of SECO and its forms seems to simplify the trend of this crime. The law enforcement agents still have not been able to stop online child sexual crimes. The weak legal instruments, limited law enforcement expertise, and the difficulty of accessing victims of this crime as it is in the online sphere. Indonesian national law still requires an

official report to examine the victims of this crime, and the victims must be present in court both physically and virtually. In addition, there is still a false perception in law enforcement circles, that when the victim agrees to be the object of commercial sex, the investigation should be stopped. The capacity building of the cybercrime police unit should be implemented, in fact if possible, this unit should not be established in a few provinces only, but expanded its working areas throughout the country to protect the victims.

This article has provided a brief account of the challenges in overcoming SECO issue, from legal and legislative perspectives. The solutions offered to deal with these challenges include: first, harmonizing national laws in the respective countries, including the use of terminology. The terminology of the five forms of online child sexual crime described above must be integrated into the national laws. In many countries, the terminology often used in the context of criminal law is child pornography, although not all forms of crime fulfill the elements of child pornography, so there needs to be a reformulation of the form of crime in the national criminal law. Second, preparing an investigation guide that can be implemented by law enforcement including guidance in obtaining strong evidence. Law enforcement skills should be improved and ensure that the institutional structure of the law enforcement is capable of responding to online child sexual abuse/exploitation.

The national legislation in child protection, especially in relation to criminal acts of violence, sexual exploitation, mistreatment and neglect of children needs to be amended. The improvement of this law must be done by completing the elements of the offense so this crime becomes clear and easily enforced by the law enforcement agents, and even easily understood by the general public. There is an impression that the language of the law can only be understood by those with proper legal education. In fact, a good law must be easily understood by the people who use the law.

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