

## Legal Protection for Minors as Victims of Online Prostitution from the Perspective of Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection

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### ABSTRACT

*Online prostitution of minors is an act that aims to obtain and can also be offered a child's sexual services by someone or to another person and is accompanied by a payment in the form of money. Online prostitution is an exchange of sexual relations with a reward that is usually in the form of money as a trade or prostitution transaction carried out through the internet or cyberspace as a connecting medium. The media used such as, whatsapp, messenger, facebook, line, and so on. The purpose of this study is to explain the legal protection of minors as victims of online prostitution, the form of legal protection for minors as victims of online prostitution, and efforts to prevent and handle online prostitution. To obtain the data needed in this study, normative legal research was conducted. Normative legal research produces primary data, namely legal materials consisting of laws and regulations, such as Law Number 35 of 2014 Amendment to Law Number 23 of 2002 Concerning Child Protection. And produces secondary data, namely studying books, theories and scientific papers. The results of the study indicate that how legal protection for minors as victims of online prostitution and efforts to prevent and handle online prostitution. However, the form of legal protection requires firmness from Law Number 35 of 2014 Amendment to Law Number 23 of 2002 Concerning Child Protection. In providing protection, so that with strict regulations, minors can be protected by law. Efforts to prevent and handle online prostitution can be seen in terms of prevention before it occurs and handling after a crime occurs. It is recommended that law enforcement officers be able to carry out improvements in institutions by always increasing the professionalism and quality of investigators, also strengthening legal regulations or prohibiting online media for any publications that lead to pornography.*

**Keywords:** *Child Protection Law Enforcement, Legal Protection of Minors, Online Prostitution Prevention*

### ABSTRAK

Prostitusi online anak di bawah umur merupakan suatu perbuatan yang bertujuan untuk mendapatkan dan dapat juga ditawarkan jasa seksual anak oleh seseorang atau kepada orang lain dan disertai dengan pembayaran berupa uang. Prostitusi online merupakan pertukaran hubungan seksual dengan imbalan yang biasanya berupa uang sebagai bentuk perdagangan atau transaksi prostitusi yang dilakukan melalui internet atau dunia maya sebagai media penghubungnya. Media yang digunakan seperti, whatsapp, messenger, facebook, line, dan lain sebagainya. Tujuan dari penelitian ini adalah untuk menjelaskan tentang perlindungan hukum terhadap anak di bawah umur sebagai korban prostitusi online, bentuk perlindungan hukum terhadap anak di bawah umur sebagai korban prostitusi online, dan upaya pencegahan serta penanganan prostitusi online. Untuk memperoleh data yang dibutuhkan dalam penelitian ini, maka dilakukan penelitian hukum normatif. Penelitian hukum normatif menghasilkan data primer yaitu bahan hukum yang terdiri dari peraturan perundang-undangan, seperti Undang-Undang Nomor 35 Tahun 2014 Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang

Perlindungan Anak. Serta menghasilkan data sekunder yaitu mempelajari buku-buku, teori dan karya tulis ilmiah. Hasil penelitian menunjukkan bahwa bagaimana perlindungan hukum bagi anak di bawah umur sebagai korban prostitusi online dan upaya pencegahan serta penanganan prostitusi online. Namun bentuk perlindungan hukum tersebut memerlukan ketegasan dari Undang-Undang Nomor 35 Tahun 2014 Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak. Dalam memberikan perlindungan, sehingga dengan pengaturan yang tegas maka anak di bawah umur dapat terlindungi secara hukum. Upaya pencegahan dan penanganan prostitusi online dapat dilihat dari segi pencegahan sebelum terjadi dan penanganan setelah terjadi tindak pidana. Disarankan kepada aparat penegak hukum agar dapat melakukan pembenahan pada kelembagaan dengan selalu meningkatkan profesionalisme dan kualitas penyidik, juga memperkuat peraturan perundang-undangan atau pelarangan pada media online atas segala publikasi yang menjurus pada pornografi.

**Kata Kunci: Penegakan Hukum Perlindungan Anak, Perlindungan Hukum Anak di Bawah Umur, Pencegahan Prostitusi Online**

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## 1. INTRODUCTION

The phenomenon of online prostitution involving minors is increasingly alarming in Indonesia. The rapid development of information technology has facilitated the exploitation of children through a vast and hard-to-detect network (Brandsås & Vaktel, 2022; Levy & Robinson, 2022). Children, who should be protected, instead become objects of sexual exploitation through various social media platforms and online applications. According to data released by the Indonesian Child Protection Commission (KPAI), cases of child exploitation in online prostitution continue to rise yearly, with increasingly diverse and complex modes of operation (Rahayu et al., 2022; Nasution et al., 2023). Several factors contribute to this phenomenon, including poverty, lack of parental supervision, and the misuse of technology by irresponsible individuals. Therefore, the state has a responsibility to ensure that every child receives the highest level of legal protection from the threats of sexual exploitation in the digital space.

Legal protection for children as victims of online prostitution has been regulated in various laws in Indonesia. Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection stipulates that every child has the right to protection from economic and sexual exploitation (Article 59). Additionally, Law Number 19 of 2016 on Electronic Information and Transactions (ITE Law) provides legal provisions for perpetrators who use information technology for sexual exploitation of children (Article 27, Paragraph 1). Furthermore, international law, such as the Convention on the Rights of the Child (CRC), ratified by Indonesia through Presidential Decree Number 36 of 1990, mandates that states must protect children from all forms of sexual exploitation and human trafficking (Bah, 2022; Ikhsan, 2022). Although legal frameworks are in place, implementation challenges remain significant, particularly in law enforcement and victim protection.

This paper aims to analyze the effectiveness of Law Number 35 of 2014 in providing legal protection for children who become victims of online prostitution. Furthermore, this study seeks to identify various challenges in law enforcement and explore concrete measures that can be taken by the government and relevant institutions to combat the issue of child sexual exploitation in the digital sphere. Using a normative and empirical legal approach, this research is expected to provide insights into the extent to which existing legal instruments offer real protection for children against online prostitution threats, as well as how law enforcement agencies and social institutions have implemented policies to address these cases effectively.

Based on the above discussion, it can be assumed that while Law Number 35 of 2014 provides a legal foundation for protecting children from online prostitution, its implementation still faces many challenges, especially in terms of law enforcement and victim recovery. One of the main obstacles is the weak coordination among related institutions and the lack of preventive efforts to counter the growing practice of online prostitution. Therefore, a more comprehensive approach is needed, encompassing legal, social, and technological aspects, to ensure that every child receives optimal protection from digital-based sexual

exploitation. This study will provide an in-depth analysis of legal strategies that can be applied to strengthen the child protection system against online prostitution threats.

## 2. RESEARCH METHOD

This research is a normative juridical or doctrinal legal study aimed at analyzing the implementation of legal protection for minors as victims of online prostitution based on Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection. The research method employed in this study is library research, using a normative juridical approach that relies on secondary data, which consists of primary legal materials, such as laws and regulations related to child protection; secondary legal materials, including literature, scientific journals, and academic studies on the digital exploitation of children; and tertiary legal materials, such as legal dictionaries and encyclopedias that enrich the conceptual analysis of this study. By adopting this approach, this research aims to provide a comprehensive understanding of the effectiveness of existing regulations and the challenges in implementing legal protection for children who are victims of online prostitution, while maintaining its academic integrity as a scholarly work that is scientifically accountable (Marzuki, 2021).

## 3. RESULT AND DISCUSSION

### A. Forms of Legal Protection for Minors as Victims of Online Prostitution

In Law Number 35 of 2014, a child is defined as a person who is under 18 years of age, including a child who is still in the womb (Bukido & Wantu, 2020; Rachmanto, 2021). This law emphasizes that children have the right to receive legal protection that guarantees their optimal growth and development and is free from violence and discrimination (Law No. 35 of 2014). One form of special protection provided by the government is protection for children who are exploited economically and/or sexually, which includes monitoring, reporting, imposing sanctions, and involving various parties, such as companies, labor unions, non-governmental organizations, and the community in eliminating child exploitation (Article 59, Law No. 35 of 2014).

Exploitation of children in online prostitution practices is contrary to human rights (HAM) as regulated in Law Number 39 of 1999 concerning Human Rights. Article 66 of Law No. 39 of 1999 explicitly states that every child has the right to receive protection from sexual exploitation, kidnapping, child trafficking, and various forms of abuse of narcotics, psychotropic drugs, and other addictive substances (Law No. 39 of 1999). In the context of online prostitution, children often become victims due to economic factors, lack of parental supervision, and the rampant human trafficking through digital media. In addition, weak law enforcement often worsens the situation, causing perpetrators of exploitation not to receive strict legal sanctions (Chuang, 2014; Kamalludin, 2024).

Based on the Criminal Code (KUHP), sexual exploitation of children is a crime that has serious legal consequences (Pratama et al., 2024). Article 76I of Law No. 35 of 2014 states that everyone is prohibited from placing, allowing, carrying out, ordering to be carried out, or participating in economic and/or sexual exploitation of children. If they violate this provision, the perpetrator can be punished with a maximum of 10 years in prison and/or a maximum fine of IDR 200 million (Article 88, Law No. 35 of 2014). In addition, Law on Information and Electronic Transactions (ITE) No. 19 of 2016 also stipulates that anyone who distributes, transmits, or makes accessible information containing elements of sexual exploitation of children can be subject to criminal sanctions (Article 27, ITE Law).

The government also has an obligation to prevent child exploitation, as mandated in Article 28H paragraph (3) and Article 34 paragraph (2) of the 1945 Constitution. This is reinforced by the existence of ILO Convention No. 182 of 1999, which requires the state to take concrete steps to eliminate the worst forms of child labor, including prostitution. Unfortunately, the implementation of this regulation in Indonesia still experiences various obstacles, such as lack of coordination between law enforcement agencies, weak supervision of digital platforms used as a means of exploitation, and minimal recovery for victims (Ruellan, 2023).

As a country based on law, Indonesia has a great responsibility to protect children from sexual exploitation, especially in the digital realm. However, there are still various weaknesses in the implementation of legal protection, such as the low effectiveness of raids on child trafficking syndicates, the lack of repressive measures against pimps and users of online prostitution services, and the persistence of stigma against victims

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of exploitation. Online prostitution involving children is also often difficult to uncover due to hidden transactions carried out through instant messaging applications and social media (Sarkar, 2024).

From a law enforcement perspective, the police have an important role in investigating and prosecuting perpetrators of child exploitation in cyberspace. However, limitations in digital forensic technology and minimal coordination between agencies are obstacles to uncovering these cases in their entirety (Malik et al, 2024). Therefore, it is necessary to increase the capacity of law enforcement officers in analyzing digital-based crimes, as well as the active role of the community in reporting cases of child exploitation.

Based on the analysis above, it can be concluded that although Indonesia has a strong legal framework in protecting children from sexual exploitation, its implementation is still not optimal. Online prostitution of children still occurs due to minimal digital supervision, weak coordination of law enforcement, and lack of protection for victims. Therefore, a more comprehensive strategy is needed, including increasing the effectiveness of law enforcement, strengthening the digital supervision system, and increasing public awareness in protecting children from online sexual exploitation.

### **B. Efforts to Prevent Online Prostitution Against Minors**

The government and police have a responsibility to tackle the phenomenon of online prostitution of minors by implementing preventive and repressive strategies. Preventive efforts aim to prevent sexual exploitation of children, while repressive efforts aim to prosecute perpetrators who have been proven to have committed the crime.

#### **a. Preventive Efforts**

Preventive efforts are carried out through socialization, education, and supervision mechanisms. The government has implemented various policies through the immoral unit and the Civil Service Police Unit (Satpol-PP) in the Pekat (Social Disease) operation which aims to reduce the level of online prostitution. The Pekat operation is carried out based on Article 1 paragraph (1), (2), (3), (4), and (5) of the Regulation of the Chief of the Republic of Indonesia National Police Number 9 of 2011 concerning Police Operations Management and Article 1 paragraph (8), (9), and (10) of Government Regulation Number 6 of 2010 concerning the Civil Service Police Unit (Polri, 2011; Government of the Republic of Indonesia, 2010).

Preventive measures that have been taken by the police and Satpol-PP include:

1. Routine inspections of places prone to prostitution, such as boarding houses, apartments, and lodgings.
2. Legal counseling on the dangers of online prostitution to the community, especially in areas prone to child exploitation.
3. Collaboration with the Social Service to provide education and guidance to the community and children about the dangers of prostitution and the impact of sexually transmitted diseases.
4. Increasing supervision of social media and digital platforms that are often used for online prostitution transactions.

#### **b. Repressive Efforts**

Repressive efforts are carried out as legal action against perpetrators of child exploitation after an online prostitution crime has occurred. Based on Article 1 paragraph (3) of the 1945 Constitution, Indonesia is a country of law that guarantees the protection of human rights, including the right of children to receive protection from all forms of sexual exploitation (1945 Constitution).

Regulations used in prosecuting this crime include:

1. Law of the Republic of Indonesia Number 17 of 2016 concerning Government Regulation in Lieu of Law Number 1 of 2016 which increases sanctions against perpetrators of sexual violence against children.
2. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which provides severe sanctions for perpetrators of sexual exploitation of children.
3. Law Number 39 of 1999 concerning Human Rights, which affirms the rights of children to be protected from all forms of sexual exploitation and abuse (Government of the Republic of Indonesia, 2016; Ministry of Law and Human Rights, 1999).

To increase the deterrent effect, the government also implements a policy of chemical castration and the installation of electronic detection devices for perpetrators of sexual violence against children, as regulated in Government Regulation in Lieu of Law Number 1 of 2016 (Government of the Republic of Indonesia, 2016). Online prostitution of minors is a serious violation of human rights. To overcome this problem, a multidimensional approach is needed that involves social, economic, cultural, and legal aspects. History shows that the practice of prostitution has existed since the Dutch colonial era and has grown with advances in technology that allow transactions to be carried out online (Kartono, 2018).

The main factors that cause children to fall into online prostitution include:

1. Negative environmental and social influences.
2. Economic pressure and poverty.
3. The impact of pornography and digital media exploitation.
4. Consumptive and hedonistic lifestyles.
5. Lack of education and insight into the dangers of prostitution.

Steps to protect children from the dangers of online prostitution include:

1. Providing affection and attention to children to reduce the potential for seeking attention outside the family.
2. Preventing children from exposure to pornographic content through internet and social media supervision.
3. Teaching religious and moral values as a bulwark against negative environmental influences.
4. Instilling a simple lifestyle so that children do not fall into a consumerist lifestyle that leads to sexual exploitation.
5. Increasing access to education and skills to provide children with better life choices.

From the results of this study, it can be concluded that preventive and repressive efforts are very necessary in overcoming online prostitution of minors. Preventive efforts are carried out through education, supervision, and socialization by the police and related agencies. Meanwhile, repressive efforts are carried out by strict law enforcement against perpetrators of child exploitation, in accordance with applicable regulations. Social, cultural, economic, legal, and religious approaches must be implemented comprehensively to ensure that children are protected from sexual exploitation. The active role of parents, government, and society is very necessary to create a safe environment for children. With the right steps, it is hoped that the number of online prostitution of minors can be minimized significantly.

### **C. Eradication of Child Exploitation Perpetrated by Law Enforcement**

Exploitation according to the Big Indonesian Dictionary (KBBI) is the use for personal gain, which is often associated with acts of extortion and exploitation of other individuals. In a legal context, child exploitation has been regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Article 66 juncto Article 59 paragraph (2) letter d states that economic exploitation of children includes various forms of illegal use of child labor, including in prostitution practices (Law Number 35 of 2014).

Sociologically, children who live in poor economic conditions are very vulnerable to exploitation. The inability of families to meet basic needs causes children to be forced to work or even sold into online prostitution networks. A study conducted by UNICEF (2020) shows that minors involved in sexual exploitation often come from families experiencing severe economic pressure (Mayyasya, 2023). On the other hand, technological developments and easy internet access are worsening the phenomenon of online prostitution, where social media becomes a means of transaction for sexual exploitation of children (Permata, 2021).

In the national legal system, the state has a responsibility to provide protection for children who are victims of sexual exploitation. Law Number 35 of 2014 emphasizes that the state, local governments, and communities have an obligation to provide special protection for children who are victims of sexual

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exploitation. In addition, Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking also provides a legal basis for law enforcement against sexual exploitation based on human trafficking (National Commission for Child Protection, 2021).

In order to enforce the law, the police apply two main methods, namely preventive and repressive efforts. Preventive efforts are carried out by increasing socialization and education regarding the dangers of online prostitution, both to children, parents, and the wider community. One concrete step is the operation against social diseases (Pekat) carried out by the Civil Service Police Unit (Satpol PP) based on the Regulation of the Chief of the Republic of Indonesia National Police Number 9 of 2011 concerning Police Operations Management and Government Regulation Number 6 of 2010 concerning the Civil Service Police Unit (Indonesian National Police, 2022).

Meanwhile, repressive efforts are carried out through an investigation mechanism against perpetrators of child sexual exploitation, including pimps, customers, and parties facilitating online prostitution transactions. Based on Article 12 of Law Number 21 of 2007, any individual involved in child sexual exploitation can be subject to severe criminal sanctions, including imprisonment of up to 15 years and a fine of up to IDR 5 billion (Ministry of Women's Empowerment and Child Protection, 2021).

Despite strict regulations, law enforcement against cases of child exploitation in online prostitution still faces various challenges. Some of the main obstacles include:

- 1) Economic factors: Many families are forced to exploit their children due to poor economic conditions (ILO, 2020).
- 2) Lack of supervision of digital media use: Children increasingly find it easier to access adult content and are exposed to online prostitution networks through social media (ECPAT, 2021).
- 3) Lack of coordination between related institutions: Central and regional governments, police, and social institutions often have difficulty coordinating the handling of cases of online child prostitution (Komnas HAM, 2021).
- 4) Lack of rehabilitation for victims: Child victims of sexual exploitation often do not receive adequate rehabilitation, making them vulnerable to prolonged trauma and returning to an environment of exploitation (UNICEF, 2022).

To address the problem of online child prostitution, a holistic approach is needed that includes legal, social, and economic aspects. Some strategies that can be implemented are:

- 1) Increasing awareness of parents and children through education about the dangers of sexual exploitation and how to avoid it (KPAI, 2021).
- 2) Strengthening regulations and legal implementation by ensuring that related laws are properly enforced by law enforcement officers (Ministry of Law and Human Rights, 2021).
- 3) Increasing community participation in reporting cases of child exploitation, as well as strengthening the social protection system for vulnerable families (LPAI, 2022).
- 4) Provision of adequate rehabilitation facilities for child victims of sexual exploitation to ensure their physical and mental recovery before returning to society (UNICEF, 2023).

Child exploitation in online prostitution is a serious violation of human rights that requires immediate action by all parties. Although related regulations have been implemented, challenges in law enforcement as well as social and economic factors are still major obstacles in eradicating this phenomenon. Therefore, a more comprehensive strategy is needed, starting from increasing public awareness, stricter law enforcement, to ongoing rehabilitation for child victims of exploitation. The government and law enforcement officers must work together to create a safe environment for children from the threat of technology-based sexual exploitation.

#### **4. CONSLUSION**

Regulations on the protection of children as victims of online prostitution, including in Law Number 35 of 2014 concerning Child Protection, as well as various other laws and regulations, are normatively sufficient, but the main problem lies in the effectiveness of law enforcement which is still weak, so that improvements in the

quality of law enforcement officers are needed so that cases of child exploitation can be processed more optimally, accompanied by increased socialization to the community regarding potential perpetrators of crimes that need to be watched out for, as well as providing special protection for child victims, including psychological recovery through temporary return to family, meanwhile, the government together with the community need to apply a social, cultural, economic, political, moral, and religious approach in finding solutions to prevent and overcome prostitution through the implementation of more consistent and comprehensive laws and regulations, with the main step in the form of strict law enforcement against perpetrators of exploitation of minors, which includes the investigation process, summoning suspects, detention based on the investigator's considerations, searches to find additional evidence which is then confiscated by the police, as well as in-depth examination of all related parties to ensure that the legal process is effective and provides a deterrent effect for the perpetrators.

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