



JLPH: Journal of Law, Politic and Humanities

E-ISSN: 2962-2816
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ dinasti.info@gmail.com ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph.v5i3>
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Criminal Liability for Indonesians Who Use Digital Wallets to Commit Child Sexual Exploitation

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Abstract: The ease of access to digital financial services, such as digital wallets, has strengthened the effectiveness of cyber influence techniques as a tool for criminals. Digital wallets offer convenience in financial transactions without requiring physical presence or strict identification, increasing the risk of misuse. In the context of child sexual exploitation, social engineering techniques leveraging digital wallets can have devastating impacts. Perpetrators may deceive child victims, their families, or financial service providers to gain financial resources for committing crimes. This research addresses two key questions: how perpetrators use influence techniques and digital wallets to commit child sexual exploitation, and how Indonesian law addresses their criminal liability. The study employs prescriptive legal research to analyze coherence between legal norms and behavior, utilizing a conceptual and statutory approach to identify the legal basis for criminal liability. Perpetrators often manipulate victims gradually, employing persuasion, pretexting, phishing, or threats. The accessibility of digital wallets enables these actions, facilitating payments while evading stricter identification processes. Although perpetrators are held liable under laws such as the Child Protection Law, the Pornography Law, and the Criminal Code, enforcement challenges persist. Strengthening legal frameworks, enhancing law enforcement, and raising public awareness are essential measures to safeguard children from such crimes.

Keyword: Digital Wallet, Child Sexual Exploitation, Criminal Liability.

INTRODUCTION

Times have changed, ushering in an era of technology that can be accessed by anyone, anywhere, and anytime. The information technology provides a very significant convenience for the world in dealing, communicating and trading. Financial transactions have evolved dramatically with the times. A decade ago, transferring money could only be done at a bank or ATM. Today, thanks to technological advancement, these transactions can be completed with just a phone, putting the world at our fingertips

This convenience, however, comes with potential risks of abuse and criminal activity. These threats can be both human-based, such as manipulation, hypnosis, and fraud through

social engineering, as well as technical in nature, including phishing, hacking, and data theft - all of which can target anyone (Iskandar et al., 2022). Digital wallets, which can be accessed by anyone regardless of age, have become potential targets for criminal activity. As long as the user has a smartphone, the user only needs to download and create an account on the digital wallet application and store funds in it, then they can make online payment transactions with a telephone number as the main requirement (Sinombur, 2024).

The ease obtained from the impact of globalization is a boomerang when used by immoral and unethical syndicates, for example in the days before globalization we knew prostitution was only an available place such as rooms, hotels, minibars and so on that had a real place (Utari et al., 2024). After the age of globalization, there is even the term Online Prostitution, which means that these criminals sell themselves through applications and can be hired just by tapping a finger on a smartphone. In 2021, authorities discovered cases of internet prostitution in two hotels in West Jakarta involving 75 individuals, including 18 teenage girls, using the MiChat app (CNN Indonesia, 2021). These teenage girls were tricked and promised money by two pimps who intended to sell them to depraved men for personal gain. Head of Public Relations of Metro Jaya Police, Kombes Yusri Yunus, explained that the two pimps used MiChat application accounts to offer the victims to clients for fees ranging from 300 thousand to 500 thousand Rupiah (DW, 2021). From each transaction, the pimp gets a profit of up to 10%, or about 50,000 to 100,000 Rupiah, while the rest is then given to the victim as compensation for prostitution.

This case illustrates that the online prostitution of these 18 teenage girls is just the tip of the iceberg phenomenon, indicating a much deeper and wider problem than what is visible on the surface (Cindy, 2021). This kind of problem has also turned into a mode of crime that preys on children who are easily exploited. For example, the same article above uses a global term called Online Sexual Exploitation of Children (OSEC), which is defined as a crime where the perpetrator uses the internet, information and communication technology to enable the sexual abuse or exploitation of children. These articles further explain that child sexual exploitation involves trafficking, meaning that a position of vulnerability, power imbalance, or trust is abused or attempted to be abused for sexual purposes, often for money or other gain.

This research aims to analyze the modus operandi of perpetrators of child sexual exploitation using influence techniques through digital wallets, as well as evaluate the effectiveness of applicable laws in Indonesia in handling this case. Thus, it is hoped that this research can provide recommendations that can strengthen the legal framework and improve the effectiveness of law enforcement in Indonesia in protecting children from sexual exploitation in the digital era.

METHOD

This legal research departs from Peter Marzuki's understanding and definition of legal research: legal research is the process of finding legal rules, principles, and doctrines to answer legal problems. In legal research, the expected answers contain values or rules that are considered correct, appropriate, inappropriate, or wrong, according to their prescriptive character. This research relies on the rules governing the use of influencing techniques in law, how to allow access to digital wallets, and how to cover the problems that may arise. It also includes rules that can hold perpetrators of child sexual exploitation criminally liable, both for the use of influencing techniques and for the damage caused by the criminal offense.

RESULTS AND DISCUSSION

Influencing techniques in child sexual exploitation

In the Influencing Technique, there are several common patterns that are usually carried out by the perpetrators, including:

1. Collecting information: The first stage is to collect data related to the target, such as organizational structure, employee rosters, dates of birth, or other information that can be used to build relationships with targets.
2. Developing a relationship: After obtaining enough information, the perpetrator begins to approach the predetermined target, usually an employee. The information gathered earlier is used to gain the trust of the target.
3. Exploit: After successfully gaining trust, the perpetrator utilizes the information obtained to access the company's system. This stage is when the perpetrator begins to exploit the existing loopholes.
4. Execution: In the last stage, the perpetrator who has entered the system can perform various actions, such as stealing data, changing information, or even damaging the company's system, without being hindered by security mechanisms.

Method of Operation of Child Sexual Exploitation Perpetrators

Modus operandi refers to the operational method used in an action, which can be one or a combination of methods (Sholehuddin, 1997). According to the Big Indonesian Dictionary, this term is also defined as a typical way or technique that is usually used by a criminal in carrying out his actions (Depdikbud, 1995). Modus operandi is a specific way or technique used by criminals in committing their crimes. Based on the official Indonesian dictionary, this term is clearly related to the way crime works. Modus operandi (plural modi operandi) comes from Latin and can be translated as "way of operating". The term describes a person's habits or working methods.

In English Modus Operandi is more often abbreviated as M.O., this expression is commonly used by the police in discussing crimes and the methods used by the perpetrators. The term is also applied in criminal profiling of individuals to describe the way they commit crimes, avoid detection, and/or facilitate escape. Modus operandi involves a series of actions or steps taken by criminals to achieve their goals, such as stealing valuables, robbing stores, or assaulting victims. MOs often include distinctive habits or methods, such as choosing a specific target, determining the right time, using specific weapons or tools, and avoiding detection by police or security guards.

Both children and parents need to know and be aware of the modus operandi of online child sexual exploitation, which can be distinguished as follows:(E4J University Model Series : Cybercrime (UNODC), 2020)

1) Child Grooming (online grooming)

Child Grooming can also be described as the enticement of a child or the solicitation of a child for sexual purposes, it can also be described as an adult befriending a child with the intention of sexually abusing the child. The process of approaching a child with the intention of persuading them to engage in sexual activity is called grooming (Gill & Harrison, 2015). Perpetrators utilize various methods to gain access to and control their victims. This process takes time, direct access, and good interpersonal skills. When child grooming is effective, victims often unknowingly become cooperative with the perpetrator. The success of child grooming relies heavily on the ability of the perpetrator to select and persuade vulnerable victims. These skills include the ability to select a target, recognize and understand the victim's needs, determine the right time to approach, and manipulate and control the victim (Salamor et al., 2020).

2) Child sexual abuse/Exploitation Material (CSA/EM)

The use of the term Child Sexual Abuse / Exploitation Material is due to resistance by international organizations, law enforcement, academics and professionals in child protection to use the term Child Pornography. This is because when using the term Child Pornography, it seems that there is intent from the child so that it is considered that the child needs to be responsible when in fact the child is a victim of manipulation by child criminals so that the term

child material exploitation is considered more appropriate to use (Huikuri, 2023). CSA or EM can be defined as Any performance or activity that involves a child in an actual sexual act, or that features a child's body parts for sexual purposes, is included in exploitation. Material exploitation of children includes various media such as photographs, visual and audio impressions, and writings, which may be disseminated through magazines, books, pictures, movies, video tapes, cell phones, or computer files. In general, material exploitation of children is divided into two main categories, namely: (Ismail et al., 2021)

- a. Exploration of children's material that is not sexually explicit but contains images of nude and voluptuous children;
- b. Exploration of children's materials that present images of children engaged in sexual activities.

3) Sextortion

Sextortion is a combination of sexual and extortion or can be categorized as a form of extortion that includes threats to harm, humiliate and even harm the victim if the sexual demands of the perpetrator are not met. The perpetrator may also threaten to spread the victim's private sexual content in order to extort money or other demands (Paulina, 2023).

The Role of Digital Wallets in Child Sexual Exploitation Crimes

Digital wallets are considered capable of replacing physical wallets. Digital wallet applications allow transactions using electronic devices such as mobile phones and computers. Usually, digital wallets are used for online shopping, making it easier for users to make payments without the need to carry physical cash or cards (Adliyah et al., 2016). It provides convenience and security in daily transactions, and can store various payment information in one easily accessible place.

Digital wallets offer a number of attractive advantages for users. One of them is the ability to connect directly with bank accounts, making fund transfers, bill payments and balance top-ups faster and more convenient. In addition, digital wallets from banks are usually equipped with financial management features that make it easier for users to manage and monitor finances, such as reviewing transaction history and planning budgets (Suyanto, 2023).

One example of a popular bank digital wallet in Indonesia is GoPay from Bank BCA, which provides various services such as online payments, transfers between GoPay users, credit and data package purchases, bill payments, and investment services. There is also Jenius from BTPN Bank, which offers innovative features such as virtual accounts, transaction grouping, and flexible and customizable financial settings (Suyanto, 2023).

Child abusers can now easily access information about children, exchange data, share content related to child sexual abuse, and even motivate children to engage in crime. This creates a huge potential problem. Children are being exploited on an unprecedented scale. Most of the victims appearing in online sexual abuse material are children and adolescents, including those under the age of 10. According to a survey published by the Canadian Center for Child Protection in 2017, 56% of victims of online sexual exploitation began experiencing abuse at or before the age of 4 (Sofian, 2018).

Digital wallets are a place to make transactions, the absence of strict rules as when someone makes an ATM via the Bank causes the vulnerability of digital wallet abuse by children. For example, a child needs pocket money, he can sell himself by relying on payments via digital wallets that can be paid by the perpetrator voluntarily or if the child does not have the desire but the manipulation method as discussed in this study is an influence technique that can force children to take such actions. So that parents and children also need to understand the good use of digital wallets.

Many examples of cases of payment via digital wallets cause children to commit acts that sell and exploit their bodies, besides that if you want to catch the perpetrator by tracing the digital trail, it tends to be more difficult because all that is needed is the registration of the

telephone number, after the telephone is discarded, there will be no more traces that can be traced for the perpetrator which causes the child to do so.

Criminal Liability of Child Sexual Exploitation Offenders in Indonesia Using Influencing Techniques by Utilizing Digital Wallets

1) Definition and concept of criminal liability

The ECPAT (End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purpose) Indonesia organization revealed that the ease of the financial transaction system in Indonesia is often used by criminals to carry out sexual exploitation of children. Data from 2022 shows that the Financial Transaction Reports and Analysis Center (PPATK) managed to identify a flow of funds of up to Rp 114 billion related to criminal acts of trafficking in persons (TPPO) and child pornography. One mode that is often used is the use of digital wallets or e-wallets as a means of receiving payments from buyers of illegal content.

Although the number of transactions detected is quite large, it is suspected that there are still many similar cases that have not been revealed. This is because the financial sector in Indonesia has not paid special attention to child sexual exploitation as part of the handling of crimes related to Money Laundering (TPPU). The lack of prioritization of this issue opens a gap for perpetrators to continue to operate without being thoroughly detected. The ECPAT (End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purpose) Indonesia organization revealed that the ease of the financial transaction system in Indonesia is often used by criminals to carry out sexual exploitation of children. Data from 2022 shows that the Financial Transaction Reports and Analysis Center (PPATK) managed to identify a flow of funds of up to Rp 114 billion related to criminal acts of trafficking in persons (TPPO) and child pornography. One mode that is often used is the use of digital wallets or e-wallets as a means of receiving payments from buyers of illegal content.

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Technological advancements in the digital age have brought many benefits to society, but have also created new openings for cybercrime, including child sexual exploitation. Influencing techniques, which psychologically manipulate victims to reveal sensitive information or perform certain actions, are increasingly being used by criminals. One platform that is often utilized in these crimes is digital wallets. Digital wallets, which were originally designed to simplify financial transactions, have become a tool utilized by perpetrators to conduct illegal transactions and disguise financial traces. For example, one can easily register a digital wallet and easily cash it out without having to use a bank account and just a phone number. This makes it easy for children to meet anyone who is willing to pay them and conduct digital transactions as desired by the perpetrators of sexual exploitation crimes.

In Indonesia, this phenomenon is increasingly worrying along with the increasing use of the internet and digital wallets. Children are vulnerable targets due to their lack of understanding about cybersecurity and how to protect themselves from online crime. Criminals use influencing techniques to manipulate children into sending explicit images or videos, which are then used for blackmail or sold on the black market.

Criminal liability for perpetrators of child sexual exploitation through digital wallets in Indonesia is a crucial issue to address. Indonesian law has regulated various aspects of cybercrime through the Electronic Information and Transaction Law and the Child Protection Law. However, there are still many challenges in law enforcement, especially in terms of limited regulations and the complexity of the technology used by perpetrators.

Criminal responsibility is a condition that leads to the punishment of a person if the person has committed a crime and has fulfilled its elements (Sianturi, 2018). According to Chairul Huda, the person who is held accountable is the criminal offense he committed because the criminal responsibility carried out by the perpetrator of the criminal offense is related to the rejection of the community for the actions he committed. Society in this case is interpreted through the state (Santoso, 2021). Therefore, as stated by Roeslan Saleh, criminal responsibility is to impose a reproach on the perpetrator for his actions that violate the prohibition or cause prohibited conditions as regulated by the Law. Criminal Liability generally targets the subject who committed the act, Didik Endro mentioned that there are 2 subjects that can be held criminally liable, namely Natural Man (Naturlijkperson) and Corporation (Rechts person (Purwoleksono, 2014).

Moeljatno himself argues that it is impossible to hold a person criminally responsible if the person does not commit a criminal act. However, even though he has committed a criminal act, he cannot always be punished (Moeljatno, 2008). If it is further examined and related to the current case, the perpetrator who uses children when they have reached the age of majority, it is necessary to be held criminally responsible as defined by the experts above.

The Rule of Law in Indonesia regarding perpetrators of child sexual exploitation in Indonesia using the method of Influencing Techniques with Digital Wallets

Various legal rules can be used to solve legal problems even though they still have concrete problems from a non-legal perspective and still leave holes that need to be closed together. The following rules of law can be used as legal rules related to this problem:

1) Law No. 21/2007 on the Eradication of Trafficking in Persons (TPPO Law)

Exploitation according to Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons Article 1 paragraph (7) is an act with or without the consent of the victim which includes not limited to prostitution, forced labor or service, slavery or practices similar to slavery, oppression, extortion, unlawful use of physical, sexual, reproductive organs, or transplantation of organs and / or body tissues or utilizing a person's energy or ability by other parties to obtain both material and immaterial benefits (Ariyadi, 2018).

Meanwhile, sexual exploitation, as explained in Law No. 21 of 2007 Article 1 paragraph (8), includes any form of utilization of the sexual organs or other organs of the victim for profit. This includes but is not limited to prostitution activities and acts of sexual abuse. Sexual exploitation can also be defined as acts of prostitution and prostitution, which is the practice of temporary sexual relations with various people for monetary rewards. According to Purnomo and Siregar, prostitution is an incident in which a woman gives her body to many men in exchange for payment to be fucked and satisfy the sexual desires of the payer, carried out outside of marriage (Suyanto, 2013).

Based on the TPPO Law, the following provisions related to the crime of trafficking in persons are outlined in Article 2 paragraph (1) and paragraph (2):

a) Article 2 paragraph (1)

Any person who commits acts such as recruiting, transporting, accommodating, sending, transferring, or receiving a person by using threats, violence, abduction, harboring, falsification, deception, abuse of power or vulnerable position, debt bondage, or providing payments or benefits, despite the consent of the person who controls the person, with the aim of exploiting the person in the territory of the Republic of Indonesia, will be subject to a minimum imprisonment of 3 years and a maximum of 15 years as well as a minimum fine of Rp. 120,000,000 and a maximum of Rp. 600,000,000.

b) Article 2 paragraph (2)

If the act described in paragraph (1) results in a person being exploited, the perpetrator shall be punished with the same penalties as mentioned in paragraph (1). Therefore, based on the TPPO Law, it can be concluded that if someone intentionally commits a criminal act of

sexual exploitation of a child, the perpetrator will be subject to sanctions in accordance with applicable legal provisions, which are regulated in the Child Protection Law and the Law on the Eradication of Trafficking in Persons.

2) Law No. 35 Year 2014 Jo. Law No. 23 of 2002 on Child Protection

If based on existing laws and regulations, to fulfill the rights of children and provide protection from all types of disturbances and other wrongful treatment or actions, it has been regulated in the Law of the Republic of Indonesia Number 35 of 2014, Article 15 which stipulates that children have the right to obtain protection from (Sirait, 2021):

- b. abuse in political activities;
- c. involvement in armed disputes;
- d. involvement in social unrest
- e. involvement in events that contain elements of violence;
- f. involvement in war
- g. sexual crimes;

In the Child Protection Law, there are only two articles that specifically discuss the prohibition of sexual and economic exploitation of children, namely Article 76 I and Article 88. Article 76 I states that every person is prohibited from placing, allowing, committing, ordering to commit, or participating in the economic and/or sexual exploitation of children. This means that all forms of actions that utilize children for economic or sexual gain, either directly or indirectly, are prohibited.

Article 88 adds that any person who violates the provisions in Article 76 I will be punished with a maximum imprisonment of 10 years and/or a maximum fine of IDR 200,000,000. In other words, if someone intentionally commits acts that fall under the prohibitions in Article 76 I, such as economically or sexually exploiting a child, they will be subject to severe penalties. For example, if a person forces a child to work in hazardous conditions or utilizes a child for prostitution, that person would be in violation of Article 76 I.

If found guilty, they can be punished according to Article 88, which is imprisonment of up to 10 years and/or a fine of up to IDR 200,000,000. This law provides strict protection of children from all forms of exploitation by setting clear prohibitions and sanctions, aiming to safeguard children's rights and ensure that they do not become victims of exploitation that can ruin a child's future.

3) Law No. 11 of 2008 concerning Electronic Transaction Information jis, Law No. 19 of 2016 jis, Law No. 1 (2024)

The protection of children who are victims of commercial sexual exploitation through social media is regulated in several relevant laws and regulations. One regulation that is often applied is Law No. 11/2008 on Electronic Information and Transactions (hereinafter abbreviated as ITE Law). However, this kind of case does not only refer to one law, as there are several other regulations that also have specific provisions related to sexual exploitation of children in the realm of social media.

This situation creates a dilemma in law enforcement, especially regarding which law is the most appropriate to be used as the main basis in handling such cases. The three relevant laws are specialized in nature, making it important to determine the most effective legal framework that fits the characteristics of each case at hand.

In providing protection to children as victims of commercial sexual exploitation through social media, there are several laws that specifically regulate this matter. One of the laws relating to cases of commercial sexual exploitation through social media is Law No. 11/2008 on Electronic Information and Transactions (hereinafter abbreviated as ITE Law), based on the description above, it can be seen that not only one law can be applied in cases of commercial sexual exploitation of children through social media. Thus, the question arises as to which law is used as the basis for law enforcement considering that the three laws are equally specific.

Law No. 11/2008 on Electronic Information and Transactions (ITE Law) provides a legal basis in handling cases involving information technology and electronic transactions, including commercial sexual exploitation through social media. In the context of child protection, the ITE Law has several relevant articles. Article 27 Paragraph 1 prohibits any person from intentionally and without rights distributing, transmitting, or making accessible electronic information that has content that violates decency. In the case of commercial sexual exploitation of children, the dissemination of child pornography through social media falls into this category. Article 28 Paragraph 1 prohibits the dissemination of electronic information containing false and misleading news that results in consumer harm.

Although it does not directly mention sexual exploitation, the dissemination of false or misleading information that leads to child exploitation can be charged under this article. Article 29 prohibits any person from intentionally and unlawfully transmitting electronic information or electronic documents containing threats of violence or intimidation directed at a private individual.

Threats via social media relating to child exploitation may be subject to this article. Article 45 Paragraphs 1 and 2 stipulate criminal sanctions for those who violate Article 27 Paragraph 1 and Article 28 Paragraph 1, namely imprisonment and/or fines. These penalties provide a deterrent effect for perpetrators of child sexual exploitation through social media.

In dealing with cases of commercial sexual exploitation of children through social media, the ITE Law can be applied to ensnare perpetrators who distribute or transmit child pornographic content, threaten, or mislead information relating to child exploitation. For example, if someone uses social media to spread images or videos of child exploitation, they can be subject to Article 27 Paragraph 1 and charged with the sanctions stipulated in Article 45 Paragraph 1. The ITE Law also authorizes law enforcement officials to investigate, prosecute, and prosecute violations that occur in cyberspace. This includes tracking and arresting perpetrators who use social media platforms for child sexual exploitation.

Law No. 11/2008 on Electronic Information and Transactions (ITE Law) plays an important role in handling cases of commercial sexual exploitation of children through social media. With its existing provisions, the ITE Law provides a legal basis to ensnare perpetrators who use information technology to exploit children, protect victims, and provide a deterrent effect through strict criminal sanctions. In cases of child sexual exploitation, the ITE Law can be applied synergistically with other laws such as the Anti-Trafficking Law and the Child Protection Law to provide more comprehensive protection for children.

CONCLUSION

This research found that digital wallet influencing is a common method used by perpetrators of child sexual exploitation in Indonesia. This technique allows perpetrators to manipulate victims, either directly or indirectly, through persuasion or threats, utilizing the ease of access and lack of strict regulations on digital wallets. Criminal liability against perpetrators must be enforced with a strong legal basis, including the Child Protection Law, the Pornography Law, and the Criminal Code (KUHP).

The principle of *lex sistematica specialis* or systematic specificity, which is a development of the principle of *lex specialis derogat legi generali*, emphasizes the importance of applying special rules that are more appropriate to specific conditions, such as child sexual exploitation. This points to the need for more stringent and specific regulations to address crimes using digital technology, which are often not adequately covered by the general law.

To conclude, we suggest strengthening regulations and law enforcement: Legislation related to child protection and digital technology needs to be updated and tightened, taking into account technological developments and increasingly complex crime methods. The implementation of the principle of *lex sistematica specialis* is very important to provide more specific and effective legal protection. The Role of Digital Wallet and Platform Owners: Digital

wallet service providers and related platforms should be more careful in the user registration process. They need to implement stricter identity verification procedures to reduce the risk of abuse. This includes verifying user identities in greater depth and adding layers of security such as two-factor authentication. Public Education: It is important to raise public awareness about the risks associated with using digital wallets, especially in the context of social engineering. Education on how to protect themselves and their children from online manipulation should be part of an ongoing public campaign.

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