

Law Enforcement Against the Crime of Sexual Exploitation of Children in the Legal Systems of Indonesia and Malaysia

Witasya Aurelia Sulaeman^{1*}, Beniharmoni Harefa², Handar Subhandi Bakhtiar³

¹ Master of Law, National Development, Universitas Veteran Jakarta, Indonesia
e-mail : witasvaa@gmail.com

² Master of Law, National Development, Universitas Veteran Jakarta, Indonesia
e-mail : beniharmoni@upnvj.ac.id

³ Master of Law, National Development, Universitas Veteran Jakarta, Indonesia
e-mail : handarsubandi@upnvj.ac.id

*Corresponding Author : Witasya Aurelia Sulaeman

Abstract: Child sexual exploitation is a severe violation of human rights that demands a firm and multidimensional legal response. This study aims to identify the underlying causes of child sexual exploitation and to analyze and compare law enforcement practices against such crimes within the legal systems of Indonesia and Malaysia. The research employs a normative juridical method with a comparative law approach. The findings reveal that the contributing factors in both countries include weak legal enforcement, socio-economic vulnerability, misuse of digital technology, and prevailing cultural norms. In terms of punishment, Indonesia has introduced chemical castration as an additional sanction under Government Regulation No. 70 of 2020, while Malaysia imposes imprisonment and caning based on the Penal Code and the Child Act 2001. Despite having comprehensive legal frameworks, Indonesia continues to face challenges in implementation, such as inadequate law enforcement sensitivity and insufficient psychosocial support for victims. The comparative analysis indicates that legal effectiveness relies not only on statutory provisions but also on institutional commitment to uphold justice and child protection.

Keywords: Child Sexual Exploitation; Comparative Law; Law Enforcement

1. Introduction

Child sexual exploitation is a fundamental violation of children's human rights. According to End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes International (ECPAT), sexual exploitation is sexual violence by adults and the giving of compensation in the form of money or other forms of economic value, where children are used as sexual objects and commercial objects (ECPAT International, 2016)

The elements included in the crime of child sexual exploitation vary from buying, offering, obtaining, producing, transferring, providing, and others. Forms of child sexual exploitation include various types of crimes, including child prostitution, including prostitution carried out online, child pornography, child trafficking intended for sexual purposes, and child marriage driven by sexual or economic motives. In addition, with the development of technology, forms of sexual exploitation can also occur through online platforms, such as in the case of live streaming, online grooming, and sextortion.

The involvement of minors in the commercial sex industry is one of the worst forms of labour discussed in the International Labor Organization (ILO) Convention Number 182 of 1999 concerning the prohibition and immediate action for the elimination of the worst forms of child labour is stated to be prohibited and must be eliminated. According to the International Labor Organization (ILO), Convention Number 182 of 1999 concerning the prohibition and immediate action for the elimination of the worst forms of child labour, commercial sexual exploitation of children, including child prostitution and child pornography, is categorized as one of the worst forms of labour.

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This is explicitly regulated in Article 3 letter (b), which states: "The use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances." This provision confirms that all forms of exploitation of children for commercial sexual purposes constitute a serious violation of children's rights and must be eliminated through legal steps and national policies by each state party (Saroinsong, 2008). Children are often exploited for sexual purposes, including prostitution, pornography, and sex tourism.

In fact, the United Nations Security Council Counter-Terrorism Committee Executive Directorate (CTED) once released a report exploring the relationship between human trafficking (including children) and terrorism (Ardin & Harefa, 2021). According to Article 2 of the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (OPSC), which was ratified through Presidential Decree of the Republic of Indonesia Number 77 of 2011, it is explained that the sale of children means any action or transaction is where a person or group of people transfers a child to another person in exchange for money or other forms of compensation. Whereas child prostitution means the use of children in sexual activities for money or other forms of compensation, regardless of the child's consent (UN. General Assembly, 2002).

So far in Indonesia, studies on prostituted children have usually been at the general mapping stage or carried out in the context and relation to cases of women and child trafficking. Various studies on sexual exploitation that have existed to date generally examine this problem more from the perspective of gender, economy, politics, health, human rights, law and crime, while studies that try to understand the problematic situation faced by girls in the commercial sex industry interdisciplinary from a critical theory perspective that combines economic, political, legal, psychological, cultural approaches, and at the same time the perspective of children's rights are still relatively rare (Suyanto, 2002).

Child sexual exploitation is a serious violation of human rights. Bambang Waluyo emphasised the importance of comprehensive legal protection for victims, as well as strict enforcement of the law against perpetrators. He also highlighted that the impact of sexual exploitation is not only physical but also psychological and social, so a victimology approach is needed to understand and handle this case holistically (Waluyo, 2011:45). Children need to receive serious attention, especially in the current era, because their position in the social environment is often weak, both physically and mentally; many parties take advantage of this condition to make them victims. If parents are indifferent to their children and provide inadequate education, then the child's character may become deviant (Iqbal, 2011).

Indonesia has Law Number 35 of 2014 concerning Child Protection. A form serious attention from the government in protecting children's rights because the government and other state institutions such as the National Human Rights Commission (Komnas HAM), the National Commission on Violence against Women, the Indonesian Child Protection Commission (KPAI), the Human Rights Court, the Legal Aid Institute, the Truth and Reconciliation Commission are obliged and responsible for providing special protection to children (Harefa & Ariyanti, 2017).

The number of victims of child sexual exploitation continues to increase. Data on child exploitation in Indonesia from January to April 2021, from 35 cases monitored by KPAI, 83% were prostitution cases, 11% were economic exploitation, and 6% were child trafficking. Of these cases, the number of victims reached 234 children. In 2022, KPAI recorded 2,335 reports of child violence cases, with 487 of them related to child sexual exploitation. In 2023, data from Simfoni PPA recorded 12,391 cases of sexual violence, with 351 cases of exploitation and 401 cases of child trafficking. In 2024, KPAI received 2,057 complaints, with 265 cases related to child sexual exploitation (KPAI, 2024).

Data from the Department of Statistics Malaysia (DOSM) shows an increasing trend in cases of child sexual exploitation in Malaysia. In 2022, there were 1,239 cases of child sexual exploitation reported to the Royal Malaysia Police. This number increased to 1,567 cases in 2023, with a breakdown of 1,389 cases of physical sexual assault, 91 cases of non-physical sexual assault, and 67 cases of child pornography. In 2024, the Royal Malaysia Police conducted "Op Global " which successfully rescued 625 victims of child sexual exploitation managed by GISB Holding s (DOSM, 2024).

These figures show that child sexual exploitation remains a serious issue in both Indonesia and Malaysia, requiring sharper legal attention. Indonesia and Malaysia are still the two countries in Southeast Asia with the highest number of cases of child sexual violence and exploitation. The United Nations Children's Fund (UNICEF) emphasizes that children must receive comprehensive protection from violence, exploitation, and other problems. Child protection is a complex and multifaceted issue that requires interrelated components. These components include social welfare for children and families, integrated social behaviour change components, and the justice system (UNICEF, 2021).

Indonesian laws on child crimes such as sexual violence, exploitation, neglect, and discrimination against children seem to be unsatisfactory. It is difficult to classify crimes against children because of the weak elements in the formulation of the offence. This differs from Malaysian law, which describes the forms of crimes and punishments in detail. The formation of the concept of criminal acts of violence against children, such as physical violence, psychological or physical violence, and sexual violence, is also divided into three aspects, namely, sexual violence in the form of contact, non-contact, and sexual exploitation.

Besides that, Judging from the progressiveness of the law towards addressing children's problems, Malaysia has regulated child protection since 1947, while Indonesia only did so in 1979. However, from the ratification process of the Convention on the Rights of the Child, Indonesia ratified it in 1990, while Malaysia ratified it in 1994. The Child Protection Act 2001 only came into force on 1 August 2002, although it was passed in 2001. Act 611 has repealed three other laws: the Juvenile Court Act 1947, the Child Protection Act 1991, and the Protection of Women and Children Act 1973. It has enacted the Children's Protection, Care, and Rehabilitation Act. Act 611 was amended in 2016 (act A1511) and then became the Child Protection Act 611 (A1511). Before ratifying the Convention on the Rights of the Child, Malaysia had laws for the protection of children (Funggal, 2000).

Criminal provisions exploitation of sexual activity against children, the Indonesian state regulates it in the Children's Law p. 76I of Law Number 35 of 2014 concerning Child Protection and the regulation of Violence Against Children in Malaysia is contained in the 2001 Children's Act, Part V of Children Who Require Care and Protection Chapter 1 section 17 (1) and (2).

Providing legal protection for children from various crimes is an obligation for everyone, as the scope of child protection is so broad. The broad scope of child protection issues is evident from the numerous documents and instruments. International issued by the United Nations United Nations (UN) related to the protection of children, among others (United Nations, 1989):

1. Declaration of the Rights of the Child (1924)
2. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), GA Res. 40/33, 1985
3. Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, GA Res. 41/85, 1986
4. Convention on the Rights of the Child (CRC), GA Res. 44/25, 1989
5. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), GA Res. 45/112, 1990
6. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, GA Res. 45/113, 1990
7. Resolution on the Use of Children in the Illicit Traffic in Narcotic Drugs, GA Res. 43/121, 1988
8. ECOSOC Resolution 1990/33 on the Prevention of Drug Consumption among Young Persons
9. Resolution on the Instrumental Use of Children in Criminal Activities, GA Res. 45/115, 1990
10. Commission on Human Rights Resolution 1993/80 on the Human Rights of Detained Juveniles

Children, as part of the younger generation, are the successors to the nation's ideals and human resources for the future. To realise the quality and morale of Indonesian human resources, continuous guidance and protection are needed for the survival, growth and

development of physical, mental, and social as protection from all possibilities that endanger them or their children in the future (Harefa, 2019).

The state's role in protecting children is vital. Children who will become the next generation of the nation are the capital of future development. Action is carried out through efforts to establish communication to gain the child's trust until then through persuasion to be manipulated, exploited, and sexually abused by the perpetrator, commonly known as a groomer.

Facts found that some perpetrators often engage in child grooming because of a deviant attachment and desire to connect with children, as well as because they are addicted to the content of child pornography and want to have an intimate relationship with the victim (Haryanto & Harefa, 2022). In addition to examining the laws and regulations in force in Indonesia and Malaysia regarding the crime of sexual exploitation of children, this study also examines how each country carries out the implementation of law enforcement. The law enforcement in question is not only viewed from a formal normative perspective but also encompasses forms of additional sanction policies that are specific, repressive, and, in some cases, cause controversy in terms of law, human rights, and the ethics of law enforcement itself (Ajurni & Sari, 2024).

Thus, this study also captures the dynamics of the application of law in practice, including the state's response in providing a deterrent effect on perpetrators of child sexual crimes, as well as how the form of this response is compared between the two national legal systems that are the objects of the study. On the other hand, Malaysia also regulates child sexual exploitation through provisions in the Penal Code with a different approach. Based on the background description above regarding the rampant sexual exploitation of children and the less than optimal enforcement and implementation of law in Indonesia.

This study covers two main things, namely: first, what are the factors causing child sexual exploitation in Indonesia and Malaysia, which include family environment factors, weak economy, influence of social circles, technological developments, and lack of parental supervision and education; second, how is the law enforcement against the crime of child sexual exploitation in the legal systems of Indonesia and Malaysia, where Indonesia applies the Child Protection Act, the Law on the Crime of Human Trafficking, and the Law on the Crime of Sexual Violence with strict sanctions for perpetrators, while Malaysia regulates child protection through the Child Act 2001 and several other regulations that provide criminal threats and heavy fines for perpetrators and emphasize the role of social and judicial institutions in handling cases of child sexual exploitation.

2. Literature Review

1. **Victimization:** Victimization is the process by which an individual becomes the victim of a crime or violence. In the context of sexual crimes against children, victimization can include psychological and physical impacts that are prolonged for the victim. Proper handling of victimization is critical in the legal and rehabilitation system to restore the victim's condition (Ramadani & Priyana, 2024).
2. **Stigma:** Social stigma is a negative perception given to victims of crime, often causing them to feel ashamed or afraid to report the crime that occurred. This stigma can hinder the victim's recovery process and worsen the psychological effects of sexual violence (Batian & Hartanto, 2024).
3. **Legal Intervention:** Legal intervention refers to the steps taken by law enforcement to address criminal acts and protect victims. In the context of child sexual exploitation, legal intervention involves investigation, prosecution, and punishment, as well as rehabilitation efforts for victims (Ramadani & Priyana, 2024).
4. **Modus Operandi:** Modus operandi refers to the method or pattern used by the perpetrator in committing the crime. In cases of child sexual exploitation, the modus operandi often involves manipulation or coercion of the child, including the use of threats or deception to exploit them (Leclerc et al., 2009).
5. **Regulation:** Regulation is a set of legal regulations governing the protection of children from sexual violence, including the Child Protection Act and related government regulations. This regulation serves as the legal foundation for law enforcement and child protection policies (Loemnanu & Shantika Devi, 2025).

6. Rehabilitation System: A rehabilitation system is a series of structured and coordinated services to help victims of child sexual violence recover physically, psychologically, and socially. This system typically involves an integrated service centre that offers psychological support, legal assistance, and social reintegration services. The government, NGOs, and child protection agencies work together so that victims can return to living a safe and dignified life without prolonged trauma (Iqbal, 2011).

3. Research Methods

This approach applies legal norms and focuses on jurisprudence and written law products. This method is categorised as a cattery in law, specifically deep doctrinal Anglowhich literature, which is known as doctrinal legal research. Academic term This is sourced from a draft normative legal underdog in Dutch tradition and normative legal research in English literature (Soemitro, 1999:15).

The normative legal approach is used to examine the legal rules governing the protection of children from sexual exploitation, both in the Indonesian and Malaysian legal systems. The research approach used in this study is the Comparative Approach. This approach is carried out by comparing the legal systems in force in Indonesia and Malaysia regarding the protection of children from sexual exploitation (Soekanto, 1989).

The type of research used in this study is library research, which involves reviewing and analysing various written sources relevant to the topic being studied. Library research aims to gain a deep understanding of legal concepts, laws and regulations, and legal doctrines related to the protection of children from sexual exploitation. Research data are divided into two types: primary data and secondary data (Soekanto & Mahmudji, 2003).

In this study, the analysis of legal materials was conducted using qualitative analysis methods, specifically by examining, interpreting, and connecting various legal materials to obtain systematic and in-depth conclusions. The results of this analysis will be used to identify factors that cause the occurrence of the crime of sexual exploitation of children and the effectiveness of law enforcement in cases of child sexual exploitation, which will later become the basis for providing policy recommendations for improving regulations in Indonesia.

4. Results and Discussion

Factors Causing Child Sexual Exploitation in Indonesia and Malaysia

Child sexual exploitation is a serious crime and is prohibited by law in all countries. Child sexual exploitation refers to the use of children to exploit them sexually. Child sexual exploitation is a serious crime that involves various forms of abuse, coercion, and trafficking of children for sexual purposes. According to the United Nations Office on Drugs and Crime (UNODC), child sexual exploitation can occur in various forms, including child prostitution, child pornography, trafficking of children for sexual purposes, and sexual slavery. This crime has a broad impact on victims, both physically, psychologically, and socially (UNODC, 2022:45).

The United Nations Office on Drugs and Crime (UNODC) also highlights that child sexual exploitation is often related to child trafficking, which involves the recruitment, transfer, harbouring, and receipt of victims using coercion, fraud, threats, abduction, abuse of power, or payment to a party controlling the child. The primary purpose is sexual exploitation, slavery, and forced labour.

Article 28B, paragraph 2 of the Constitution of the Republic of Indonesia explicitly regulates the rights of every child to continue living, growing, and developing and has the right to protection from all forms of violence and discrimination. This provision is followed up in Law No. 35 of 2014 concerning child protection, article 23 paragraph (1), which states: "The state and government guarantee the protection, care and welfare of children by paying attention to the rights and obligations of parents, guardians or other people who are legally responsible for the child."

Based on the 1989 United Nations Convention on the Rights of the Child, children's rights have also been clearly outlined, namely the right to play, the right to protection, the right to identity, the right to national status, the right to food, the right to access health, the right to recreation, the right to equality, and the right to play a role in development" (Iqbal, 2011) .

In Indonesia and Malaysia, child sexual exploitation remains a complex challenge. Although both countries have regulations governing child protection, various factors still contribute to the persistence of this crime. These factors include legal, socio-economic, technological, and cultural practices that still allow exploitation to occur. Exploitation can be defined as the form of utilising or using something or someone to gain personal gain. This action includes abuse of authority, extortion of labour, and various forms of improper use.

Child sexual exploitation in the Indonesian context refers to the act of trading, exploiting, or taking advantage of a child's sexual activity, as regulated in Article 76I in conjunction with Article 88 of Law No. 35 of 2014 concerning Child Protection. This exploitation is also defined in the TPPO Law and the TPKS Law as part of a systematic sexual crime that contains elements of power, economic inequality, and the powerlessness of the victim.

Comparison with Malaysia shows that the country has not adopted similar additional penalties, showing differences in the approach of legal schools and child protection systems across countries. Meanwhile, Indonesia's legal response to child sexual exploitation is getting stronger but not yet entirely consistent and comprehensive. Harmonisation between norms and institutions, as well as the active involvement of the community and professionals in the field of children, is still needed. In the social and legal context, exploitation is often associated with immoral actions and contrary to the principles of justice. Terminologically, the term "exploitation" originates from the German word "ausbeuten", meaning the unfair use of something for personal gain (Suyanto, 2012:162).

In the legal context, Article 1 Paragraph (7) of Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking defines exploitation as an act with or without the consent of the victim which includes but is not limited to, the practice of prostitution, forced labour or service, acts or practices similar to slavery, oppression, extortion, and physical, sexual, and reproductive organ exploitation. In addition, exploitation can also be an act that is against the law, such as the illegal removal or transplantation of organs and/or body tissue or the exploitation of a person's energy or ability by another party to obtain benefits, either in material or immaterial form.

In this context, children are considered a strategic resource for economic growth in a free market system. This is due to several factors, including low wages that must be paid to them, the ease of controlling child labour, and weak organisations that defend their interests (Myers, 2001). This condition makes the exploitation of children increasingly difficult to oppose because the possibility of resistance or rebellion from groups of child workers is relatively small. The crime of sexual exploitation of children causes various severe negative impacts that are difficult to recover from. The impacts experienced by each victim can vary but generally have long-term consequences that affect their lives. These impacts encompass physical, emotional, and social aspects (Mahler, 1997):

1. **Physical Impact:** Victims of sexual exploitation can experience physical injury, even at risk of death. In addition, they are also vulnerable to unwanted pregnancies, unsafe abortions, and increased maternal and child mortality rates. The risk of contracting sexually transmitted diseases (STDs and STIs), including HIV/AIDS infection, is also very high due to this exploitation.
2. **Emotional Impact:** Psychologically, victims often experience depression, shame, and fear due to the events that befell them. Post-traumatic stress disorder (PTSD) can also develop, followed by loss of self-confidence and self-esteem. Some victims even exhibit self-harming behaviour to the point of suicidal thoughts or attempts as a result of the trauma they experience.
3. **Social Impact:** In social life, victims of sexual exploitation often experience exclusion and rejection from society due to the stigma attached to them. Long-term impacts include the loss of educational opportunities, limited access to skills training and employment, and reduced opportunities for social acceptance, including marriage and integration.

Sexual exploitation of children is a serious violation of human rights, especially the right of children to grow and develop safely. This phenomenon does not only occur due to the perpetrator's evil intentions but is also influenced by various structural and systemic factors that allow this practice to continue. In this context, three theoretical approaches —

comparative legal theory, legal certainty, and legal justice — can be employed to analyse and critique the legal reality in Indonesia comprehensively (Eviningrum et al., 2019).

First, based on comparative legal theory, the Indonesian legal system in dealing with child sexual exploitation still shows significant weaknesses compared to other countries. Some of the factors causing child sexual exploitation that appear in this context include:

1. The Gap between regulations and their implementation: where even though Indonesia has its regulations about punishment addition for perpetrators of exploitation of sexual children, its implementation is Still hampered by various obstacles in the field.
2. Weak coordination between law enforcement agencies, such as police, prosecutors, and courts, has led to indecisiveness in applying sanctions as mandated by law.
3. Lack of standard, clear, and consistent evidence results in several cases of sexual exploitation of sexual children failing to be processed or punished with the sanctions that should be applied.

In comparison, Malaysia, via the Penal Code, has regulated and enforced sanctions clearly, such as punishment whip, which is applied in a way absolute to perpetrators' exploitation of sexual children. Second, the theory of legal certainty highlights how the indecisiveness and inconsistency of law enforcement are the main factors causing the rampant sexual exploitation of children in Indonesia. Some concrete factors that are relevant, namely (Chinkin, 1994) :

1. The slow and complicated legal process means that perpetrators are not immediately punished, and victims do not immediately receive protection.
2. Informal case resolution through family channels or mediation harms children as victims.
3. A lack of understanding of law enforcement regarding child protection issues means that the investigation and trial processes are often not child-friendly.

This causes the public to lose trust in the legal system, and the perpetrators do not get the deterrent effect that should exist in the criminal justice system. Third, from the perspective of the theory of legal justice, child sexual exploitation is not only a violation of the law but also a structural injustice against vulnerable groups.

The causal factors related to legal justice include (Fitriani, 2013) :

1. Poverty and social inequality force children to fall into the practice of economic sexual exploitation.
2. Lack of access to education and legal information, particularly in remote areas, leads to children and parents not understanding their rights.
3. Stigma and discrimination against victims often make children feel ashamed or afraid to report.

John Rawls stated that true justice must begin with the protection of those who are most vulnerable. In this case, children who are victims of sexual exploitation are the ones who most need state support through fair and impartial legal policies.

The emergence of various factors causing child sexual exploitation in Indonesia and Malaysia often occurs due to economic factors. Exploitation that occurs to children is a discriminatory act that forces a child to do things that should not be done. Exploitation is carried out without considering humanity as a human being. Economic and social problems that make children objects for earning income. Children are forced to work, beg, and become objects of criminals in the community. Children who commit these acts are forced by their parents because they believe that people out there have high compassion for children (Wijaya, 2021).

A low economy leads to increased unemployment as job opportunities are limited. In addition, low education makes it difficult for someone to compete with those who have higher education, which contributes to the poverty factor that occurs. Uneven income also creates a gap in the regional economy. People with limited resources will find it more challenging to achieve a higher economic level.

Then, the exploitation that occurs to children in Indonesia and Malaysia can be caused by the factor of the child's parents who do not have jobs and are unemployed. The unemployment rate is a key indicator in the Indonesian economy. In some cases, high or low unemployment can be observed from the age graph, and the most important factor is the

education level graph. Regulatory factors also influence the unemployment rate in Indonesia (Firdaus, 2018).

Government regulations establish rules regarding the minimum age for starting a job and the maximum age for entering retirement. Competitiveness at the educational level is also very high because one of the factors that employers consider when evaluating prospective employees is their educational background, specifically that new employees must have a minimum education of a bachelor's degree.

Due to this unemployment factor, many human resources cannot be adequately utilised. The working age limit in Indonesia and Malaysia is 15 years old, or those who are married up to 64 years old. Indonesia and Malaysia, as two related countries, experience complex problems with workers who are still children and require special attention for the threat of survival for underage workers.

Many children whose age is not yet suitable for working have taken on jobs while still in school. There are even children who drop out of education and opt for work instead. Children's Rights and ILO Convention Number 182 of 1999, according to the 1989 UN Convention, which states the Prohibition and Immediate Elimination of the Worst Forms of Child Labor under the age of 18 (Saroinsong, 2008).

In ILO Convention No. 138, children aged 5-11 years are protected, as a warning to countries with inadequate facilities and economies that are unable to meet child labour needs, which must be eliminated. Children are prohibited from engaging in heavy work activities except when they perform light work between the ages of 12 and 14 years. This is because labourers deemed child labourers are not allowed to work until the age of 18 and are not permitted to do dangerous work (Saroinsong, 2008).

A child is forced to commit acts of exploitation due to a lack of economic factors, environmental factors, and social factors that cause someone to commit such acts. A low economy gives rise to these problems. Individuals who commit child exploitation usually work together with the child's parents to take advantage of their child to get money.

Low-educated parents often take shortcuts to employ their children, as it is considered better to work than to continue their education. Because parents' lack of understanding of children's education leads them to instil the principle of working with their children to make ends meet. Exploitation is carried out directly (children are sold or forced), online (via social media applications), or through institutions. Important case studies that can be used as concrete examples include:

Case Study in Indonesia (South Jakarta District Court)

The case of FEA alias Mami Icha in South Jakarta in September 2023 revealed the practice of sexual exploitation of children under the age of execution through social media. FEA, a pimp 24 years old, recruits children from families not capable enough with the lure of big money and interesting jobs, then offer them to the customers with rates up to Rp 8 million per session. In a raid at a hotel in Kemang, police found proof of FEA's involvement in the network that has exploited at least 21 children, some of whom are big-status students (Noviansah, 2023).

The main factors that cause children to be victims are dependence on the economy, lack of supervision and education from parents, as well as abuse of social media by perpetrators to recruit victims. In addition, the social stigma against the victim worsens the situation, making children reluctant to report and challenge them to get protection. FEA not only recruits and manages but also maintains connections with customers, sends messages through instant applications, and manages social media.

Enforcement law is conducted through FEAing, utilising various laws, such as the TPPO Law, the Criminal Code, and the Child Protection Law. EA was sentenced to 15 years imprisonment and a fine of Rp. 500 million, as well as being required to undergo psychological rehabilitation. Case This confirms the importance of parental supervision, children 's digital literacy, enforcement of strict laws, and empowerment of economy families To prevent the recurrence of exploitation of sexual children in Indonesia.

Case Study in Indonesia (Mojokerto District Court)

The first chemical castration execution in Indonesia The first chemical castration punishment in Indonesia took place in 2022 against a convict in a case of sexual violence against children with the initials M, whom the Mojokerto District Court, East Java, sentenced. The decision was based on Law Number 17 of 2016, which amended the Child Protection Law and Government Regulation Number 70 of 2020 concerning the Procedures for the Implementation of Chemical Castration. The convict was given an additional sentence in the form of chemical castration in addition to imprisonment, with the implementation carried out after he had completed his sentence. This marks the first application of the provisions of the castration law, which had never been implemented before despite being regulated by law. The process is carried out by injecting a chemical substance of the type medroxyprogesterone acetate to suppress testosterone levels in the perpetrator's body in order to reduce sexual drive and prevent the possibility of recidivism (Budianto, 2021).

In practice, the implementation of chemical castration executions faces various significant challenges. One of the main obstacles is the rejection from the medical profession, especially the Indonesian Doctors Association (IDI), which states that chemical castration is contrary to the Code of Medical Ethics and the principle of non-maleficence or the prohibition of harming patients. On the other hand, the government emphasizes that the action is of a judicial medical nature and must be carried out by medical personnel appointed by the state. Another obstacle is the less-than-optimal readiness of hospital infrastructure and medical personnel who are willing to carry out the procedure. Debates in the public space have also emerged, especially from academics and human rights activists, who consider chemical castration to be a form of cruel, inhumane, and degrading punishment (CNN Indonesia, 2019).

The precedent of this case shows the gap between regulation and implementation in the field. Legally, the state has a strong legal basis for imposing chemical castration, but practically, its execution is hampered by the rejection of technical implementers. This demonstrates that the implementation of additional criminal policies, such as chemical castration, necessitates not only a clear legal framework but also the full support of all implementing elements, including medical personnel, law enforcement officers, and the community.

A comprehensive evaluation is needed to assess the readiness of the medical system, cross-sector collaborative frameworks, and procedures to ensure that the action does not violate human rights principles. In addition, the implementation of this punishment must be accompanied by psychological rehabilitation for the perpetrators and maximum protection for the victims so that the intended deterrent effect is truly achieved without compromising the values of justice and humanity.

Case Study in Malaysia

In 2023, Malaysia uncovered a significant case involving an organization called Global Ikhwan, which was allegedly involved in a child sexual exploitation network. The case came to light when Malaysian police managed to rescue 402 children who were suspected of being victims of sexual exploitation and abuse in the network. This rescue became the subject of extensive media coverage. It became evidence that Malaysia still faces serious problems related to child exploitation, even though the country has implemented various child protection policies.

Several factors that cause child sexual exploitation in this case are closely related to various theories that have been discussed in the literature related to sexual exploitation. These factors include the inability of children to resist, dependence on the promise of lucrative work, and socio-economic factors that worsen their conditions:

- a. **Economic Dependence:** Children from low-income families are often the primary targets of these exploitation networks. The promise of high-paying jobs is a primary lure that attracts children and their families to join. Without adequate understanding of the risks they face, they are more easily manipulated and trapped in dangerous situations.
- b. **Lack of Social Supervision:** Lack of supervision from families or authorities towards children who are vulnerable to sexual exploitation also contributes to the success of

this network's operations. The factor of ignorance about children's rights, as well as the lack of attention to child protection, makes them easy victims.

- c. Leveraging Technology and Social Media: As technology and social media advance, it is becoming easier for these networks to recruit victims. Digital platforms are becoming an increasingly effective channel for reaching children whom their parents or authorities cannot properly supervise. This also makes it difficult to detect potential online exploitation early
- d. Social and Cultural Stigma: In some communities, children who are victims of sexual exploitation are often viewed as being late or trapped in a bad situation. This stigma can worsen the psychological condition of victims, making it more difficult for them to report and seek protection.

After the rescue operation was completed, the legal process against the main perpetrators in this case was carried out very strictly. Malaysian authorities have filed charges against several individuals involved in the Global Ikhwan network. They were charged with several articles related to human trafficking, child sexual exploitation, and child labour abuse (The Star Online, 2023) :

- a. Malaysian Child Protection Act: The perpetrators were charged under Section 12 of the Child Protection Act 2001, which regulates the exploitation of children for commercial purposes, including prostitution and sexual slavery. This article emphasizes that any individual who is involved in child trafficking or who exploits children for sexual purposes can be punished severely, with prison sentences and massive fines.
- b. Malaysian Trafficking in Persons Act (2007): In addition, the perpetrators were also charged under the Anti-Trafficking in Persons and Anti-Smuggling of Migrants Act 2007, which provides for sanctions against anyone involved in trafficking in persons, including children, for sexual exploitation. In this case, the principal perpetrators are liable to life imprisonment or the death penalty, depending on the level of their involvement in the trafficking and exploitation.

Authorities are also investigating the perpetrators' links to an international syndicate involved in recruiting and transporting victims to Malaysia, involving officials from neighbouring countries such as Indonesia. This legal process is very complex, considering the cross-border network involved in this crime. In January 2024, a Malaysian court handed down heavy sentences to several individuals involved in the Global Ikhwan child sexual exploitation network. The sanctions imposed on the main perpetrators, including F, as the leader of the syndicate, were life imprisonment and a substantial fine. In addition, F was also required to undergo a rehabilitation program to help reduce the potential for similar actions to be repeated in the future. Several other members who were directly involved in recruiting and arranging child sexual exploitation transactions were also sentenced to more than 15 years in prison.

Meanwhile, those who act as site organizers and network leaders are punished more severely, with some being sentenced to death, given the severity of their actions in violating children's rights. In addition, preventive measures are also being taken by the Malaysian government to strengthen child protection regulations, including tightening supervision of social media and digital platforms that are prone to abuse by criminal networks like this. These measures aim to provide more protection to children and prevent similar incidents in the future.

Comparison of Child Sexual Exploitation Cases in Indonesia and Malaysia

Child sexual exploitation is a significant problem that occurs not only in Indonesia but also in Malaysia. Although both countries face similar challenges in dealing with cases of child sexual exploitation, there are differences in the legal approach and how the cases are handled. Although Indonesia has Law Number 35 of 2014 concerning Child Protection, it often faces significant challenges in enforcing the law effectively. Law enforcement in Indonesia is hampered by a lack of resources in some areas and a high level of low legal awareness among the community, which makes it challenging to identify and handle cases of child sexual exploitation. This is further exacerbated by the limited rehabilitation facilities that are accessible to victims, which makes their social reintegration more difficult. The level of

punishment for perpetrators of child sexual exploitation is also a significant difference between the two countries.

In Malaysia, perpetrators of human trafficking and child sexual exploitation can be given harsher sentences, such as life imprisonment or the death penalty, depending on the severity of the crime. In contrast, in Indonesia, although there are harsh penalties for perpetrators of child sexual exploitation, in practice, many perpetrators do not receive appropriate punishment. This is due to several factors, including a weak judicial system and a lack of coordination between law enforcement agencies. In terms of victim protection, Malaysia has more protection mechanisms that victims of child sexual exploitation, such as rehabilitation centres and legal aid, can access. In Indonesia, although several institutions assist victims, the number and capacity of these institutions remain limited. As a result, many victims have difficulty getting the treatment they need, both in the form of physical and psychological rehabilitation (Diplomat Malaysia Untuk Indonesia Hukum Division, 2025) .

From the comparison of the three cases above, it can be concluded that although Indonesia and Malaysia face similar challenges in dealing with child sexual exploitation, there are significant differences in terms of law enforcement, victim protection, and sanctions against perpetrators. Malaysia, with a legal structure that tends to be more assertive and more organised institutions, shows a relatively more effective capacity in handling cases of child sexual exploitation, even though it does not have chemical castration as a punishment. In contrast, Indonesia has had progressive legal instruments such as additional chemical castration as a punishment but still faces implementation obstacles, both in terms of technicalities and ethical resistance.

Therefore, Indonesia needs to strengthen the capacity of law enforcement officers, clarify the mechanism for implementing additional criminal penalties, and expand victims' access to protection, rehabilitation, and social reintegration. These steps are expected to reduce the number of systemic child sexual exploitation in both countries. It should be noted that the legal system in Malaysia is more absolute in sentencing perpetrators of sexual crimes against children, where there is no remission or reduction in sentence for perpetrators who are proven guilty. This reflects a stricter approach to ensuring a deterrent effect and protection for victims. Harmonisation between norms and institutions, as well as the active involvement of the community and professionals in the field of children, is still needed (Malaysian Diplomat for Indonesia Legal Division, 2025) .

Law Enforcement Against Child Sexual Exploitation Crimes in the Indonesian and Malaysian Legal Systems

Law Enforcement System in Indonesia

The legal process against perpetrators of child sexual exploitation begins with an investigation by the police, followed by an investigation stage, prosecution by the prosecutor, and trial in court. In cases of children as victims, law enforcement officers are required to prioritize the principle of child protection, including psychological assistance during the legal process. Law No. 35 of 2014 concerning Child Protection stipulates that child victims have the right to receive rehabilitation, safety guarantees, and protection from negative stigma.

Meanwhile, in Malaysia, the law enforcement process against child sexual exploitation is regulated by the Sexual Offences Against Children Act 2017 (SOACA 2017). The legal process is similar, starting with a report, followed by an investigation by the Royal Malaysia Police (PDRM), prosecution by the Public Prosecutor, and trial in the Sessions Court. Malaysia also has Child Witness Protection, which allows for the taking of children's statements via video link or in-camera proceedings to protect children from additional trauma. Perpetrators of sexual exploitation are charged with articles such as Article 5 (sexual grooming), Article 6 (sexual assault), and Article 10 (child pornography).

Legal Instruments Used

Indonesian Law

Protection laws for children from exploitation economic and sexual in Indonesia are regulated in a way comprehensively through various regulation legislation, including Law Number 35 of 2014, which prohibits everyone from placing, doing orders, or participating in the exploitation of children, with the threat of criminal imprisonment for a maximum of 10

years and/ or fine maximum Rp200,000,000.00 for offenders. In addition, Law Number 12 of 2022 concerning Action Criminal Violence Sexual confirms that a perpetrator of sexual violence leading to or causing exploitation of children can be convicted in prison for up to 15 years and/ or an acceptable maximum of Rp1,000,000,000.00. Protection is also strengthened by Law Number 21 of 2007 concerning Eradication Action Criminal Human Trafficking, which regulates sanctions firms in the form of criminal prison between 3 and 20 years and a fine up to Rp1,000,000,000.00 for perpetrator recruitment, transportation, or utilization of child For objective exploitation sexual with various modes, including violence and fraud. In addition, sanctions criminal, regulations Government Number 70 of 2020 regulates action addition like castration chemistry, installation tool detector electronics, rehabilitation, and announcements identity perpetrator as effort prevention recidivism and protection society, with supervised implementation tight by team medical and apparatus enforcer law as well as exception for child, perpetrator with disturbance soul, or without tool sex men. Finally, the Criminal Code (KUHP) also regulates criminal prison up to 15 years for perpetrator actions obscene to children under age, with sanctions heavier If done with violence or to a child who is not 15 years old, shows the state's commitment to give protection maximum to child from all form violence and exploitation sexual.

Malaysian Law

The Penal Code of Malaysia (KUHP Malaysia) regulates the exploitation of sexual children through several articles that are spread out, without defining it in a way explicit as term law separately; for example, Articles 372–373 prohibit prostitution children and exploitation sexual by party Third, Article 377E criminalises action obscene to child, while provision complement in the Sexual Offences Against Children Act 2017 (such as grooming, live streaming of violence sexual, and pornography child) expand coverage protection law. In addition, the Child Act 2001 became a framework law that protects children from exploitation, asserts prohibition of exploitation in form whatever (Article 31(1)), forms mechanism protection, as well as underlying intervention social for the victims, even though without definition explicit about sexual exploitation. For perpetrator children, Malaysia's juvenile justice system emphasises rehabilitation and diversion, where the child perpetrator is not directly processed criminal but is directed to school coaching or centre rehabilitation, different from Indonesia, which provides room Discretion through remission special and criminal addition like castration chemistry. Malaysia relies on punishment, prison, and flogging as its primary criminal sanction, with a strict, automatic remission system based on behaviour. This reflects an orientation towards more normative, firm laws that emphasise certainty, adhering to the *lex specialis* principle, which derogates from the *lex generalis*. There is no need for additional instruments, such as castration or chemical methods, for child protection.

Challenges of Implementing Additional Criminal Penalties in Indonesia: A Case Study of Chemical Castration

Although chemical castration has a legitimate legal basis, its implementation in the field still faces various serious obstacles. Some of these inhibiting factors include:

- a. Rejection from Medical Professional Organizations: The Indonesian Doctors Association (IDI) firmly rejects the involvement of its members in the implementation of chemical castration. IDI argues that such actions are contrary to the Indonesian Code of Medical Ethics (KODEKI), particularly the principle of non-maleficence, which is defined as "do no harm to the patient." This principle requires that doctors do not carry out interventions that can harm the patient's health, including chemical castration, which is considered to cause hormonal disorders and other serious side effects.
- b. Lack of SOP and Technical Instructions: Although Government Regulation Number 70 of 2020 has regulated the procedures for implementing chemical castration, including the stages of clinical assessment, conclusions, and implementation, its implementation in the field still encounters obstacles.
- c. Rejection from Human Rights Institutions and Activists: Komnas HAM and Amnesty International Indonesia consider that chemical castration is a form of torture that is

prohibited by various international conventions, such as the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). They emphasized that the state should not use punishment methods that degrade human dignity, even against perpetrators of serious crimes (United Nations, 2009).

Criminal Sanctions for Child Sexual Exploitation in Indonesia and Malaysia

- a. Indonesia: Indonesian law provides for severe criminal penalties for sexual exploitation and violence against children. Based on Law Number 35 of 2014 concerning Child Protection Article 88, any violation of provisions related to children is subject to a maximum prison sentence of 10 years and/or a fine of up to IDR 200,000,000.00. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) Article 12 specifically threatens perpetrators of sexual exploitation of children with a maximum prison sentence of 15 years and/or a fine of up to IDR 1,000,000,000.00. Furthermore, Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking (UU TPPO) also regulates similar matters, where Article 2 paragraph (1) threatens recruiters or hosts of victims of exploitation, including sexual exploitation, with a prison sentence of 3 to 15 years and a fine of IDR 120,000,000.00 to IDR 600,000,000.00, and Article 12 targets explicitly users of victims of human trafficking with a prison sentence of 5 to 20 years and a fine of IDR 200,000,000.00 to IDR 1,000,000,000.00. Finally, the Criminal Code (KUHP) Law Number 1 of 2023 also covers the crime of indecent acts against children, with Article 408 threatening imprisonment of up to 9 years for indecent acts against unmarried minors, Article 409 with a threat of up to 12 years if accompanied by violence or threats of violence, and Article 410 with a threat of up to 15 years for children under 15 years of age or who are unmarried.
- b. Malaysia: Malaysia has a framework of a very comprehensive law To protect children from sexual crime, especially set up through the Sexual Offences Against Children Act 2017 (Act 792), with articles specific like Article 11 regarding sexual communication with child (punishment) prison up to 3 years, Article 12 regarding grooming children (up to 5 years prison and flogging), as well as Article 13 for meeting after grooming (up to 10 years) prison and flogging. This also regulates more crimes seriously, like attack sexual, physical and non-physical (Articles 14 and 15), as well as criminalizes sexual abuse by children (Article 15A), sextortion (Article 15B), possession of material abused sexual children (Article 16), and actions cause child see or hear material exploitation sexual (Article 17). Apart from Deed 792, the Malaysian Tort Code also contains important provisions such as Article 372 concerning exploitation for prostitution, Article 377E concerning encouraging indecent actions, and Sections 377CA and 377C, which relate to sexual connections contrary to nature, equipped with heavy criminal threats, and Article 354 concerning attacks on courtesy. Protection is provided by the Child Act 2001, in particular Article 31, which threatens abuse or neglect child with heavy punishment. The Malaysian Government is actively responding to the challenges and consequences of new technologies, including the use of AI and cryptocurrency, as well as cybercrime targeting children. This includes conducting studies and revisions to expand protection, handling cross-border online exploitation, and identifying perpetrators of online exploitation against Malaysian citizens abroad. Overall, the framework law confirms Malaysia's commitment to give protection for children from various forms of sexual exploitation, both conventional and digital.

Table 1. Comparison Child Protection Law Enforcement: Malaysia and Indonesia

Law Enforcement Aspects	Malaysia	Indonesia	Weaknesses in Indonesia
Special law enforcement training	Integrated into national training, special child & gender protection module	There is training from LPSK, National Commission on Violence Against Women, IOM, UNICEF	Training is uneven, not yet a national mandatory curriculum
Special child protection unit	There is Division D11 (a specialist child sexual crimes unit), a MDC-AC sub-unit for online crimes.	There is a PPA Unit in the Police	Not all regions have an active PPA Unit, many cases are handled by general investigators
Protection of victim identity	Classed examination, victim's identity closely guarded (Child Act 2001)	Regulated by the Child Protection Act & the Witness and Victim Protection Act	Weak oversight, frequent leaks to the media, victims' identities not always protected
Integrated service center	There is Love Line 19999, shelter, national integrated online reporting system	There are PTP2A, Safe House, SIMPON PPA, SAPA 129, death education	Not all areas have active PTP2A/shelters, coordination between agencies is not smooth, services are limited
Professional child investigator	All investigators are specially trained, psychological & trauma approach	Several PPA Unit investigators have been trained	Many general investigators have not been specially trained, the risk of re-victimization is high
Child friendly court	Child-friendly courtrooms are available, child witnesses can be seen via video link, there is a rehabilitation center	Already available in several district courts, children's courtrooms, video conferencing	Not yet comprehensive, children still often meet the perpetrators in court, depending on regional instances
Psychological support for victims	Integrated psychological & social services, 19 child-friendly spaces, registered counsellors	There are LPSK, PTP2A, NGOs such as the <i>Duak</i> Foundation	Limited access, small number of forensic psychologists, coordination between agencies is not optimal
Legal evaluation & supervision	National, routine & organized data-based reporting & monitoring system	LPSK & National Commission for Child Protection monitoring	Weakness in national data collection, minimal periodic evaluation
Consistency in the implementation of punishment	Consistent & absolute, physical punishment (caning) is carried out without controversy, free coordination (D11 & MCMC)	Additional penalties (e.g. chemical castration) have been regulated, but have not yet been implemented	Inconsistent enforcement, slow bureaucracy, inefficient inter-agency coordination
National supporting institutions	National Council for Children's Well-being, Women's Aid Organization, coordination & monitorize of structured policies	Ministry of PPPA, LPSK, National Commission for Child Protection	Coordination & sustainability of implementation is weak, monitoring is not yet integrated, case response is slow, regional institutions are passive

5. Conclusions

Based on analysis law, factors reason sexual exploitation of children in Indonesia and Malaysia are affected by a combination of internal and external factors. Internal factors include weak parental supervision and low sexual education, while factoring external cover poverty, access to digital pornography, as well as weak system protection for children. In Indonesia, the weakness of deterrence and supervision laws exacerbates the situation, while in Malaysia, the primary obstacles are education and underreporting due to social stigma. Progress technology is expanding the mode of sexual crime to children in both countries, especially online, so that children are more prone to become victims. The law in Indonesia regulates the prohibition of exploitation of sexual children through Law No. 35 of 2014 and Law No. 17 of 2016, including sanctions, criminal imprisonment, fines, and castration chemistry, but its implementation Still constrained aspects of ethics and coordination between institutions. Malaysia enforces laws based on the Sexual Offences Against Children Act 2017 with heavy punishment like prison lifelong life and strokes, and a system better handling of victims friendly children consistently, even though challenging reporting and education Still become obstacles.

Overcoming acts of criminal exploitation of sexual children effectively requires strengthening the system of law and protecting children with an approach. First, the government must increase access to education and welfare social use, reduce the vulnerable children to exploitation, as well as strengthen sexual education based on age at school and family. Second, strengthening enforcement law requires a training apparatus for enforcers to be more sensitive to issues of child protection and the formation of a mechanism that works across integrated sectors to increase coordination between institutions, as has been implemented in several developed countries. In addition, the development system to prevent and report violence based on technology, such as integrated online reporting and digital education, needs to be optimized to reach the public more widely and increase awareness as well as respond to the sexual exploitation of children. The government must also ensure the fulfilment of victims' rights, including rehabilitation and restitution, in every court decision and strengthen collaboration with society and private sector stakeholders to create a safe and friendly environment for children.

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