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Child Protection from Online Grooming in Indonesian Criminal Law

Fadli Yasser Arafat Juanda[1], M Zaldy[2]
[1]Fakultas Ilmu social, Politik dan Hukum, Universitas Sulawesi Barat, Majene, Indonesia
[2]Fakultas Hukum Unhas, Universitas Hasanuddin, Makassar, Indonesia

ABSTRACT

Online grooming of children has emerged as one of the most alarming manifestations of digital sexual exploitation, yet Indonesia's criminal law framework has been slow to address it coherently. This study examines whether four major Indonesian criminal law instruments, the Child Protection Act (Law No. 35 of 2014), the Electronic Information and Transactions Act (Law No. 19 of 2016), the Sexual Violence Crimes Act (Law No. 12 of 2022), and the National Penal Code (Law No. 1 of 2023), are adequate to criminalize and prosecute online grooming behavior against children. Employing a normative legal research design with statute and conceptual approaches, this study analyzes primary legal materials and international instruments to identify normative gaps. The findings reveal three critical deficiencies: the absence of a statutory definition of grooming, incomplete coverage of preparatory acts as independent criminal offenses, and inadequate cross-sectoral coordination mechanisms. While the Sexual Violence Crimes Act and the National Penal Code represent meaningful legislative progress, neither fully incorporates online grooming as a distinct, standalone criminal offense. This study recommends targeted legislative amendments and enhanced implementation protocols to align Indonesia's criminal law framework with its obligations under the Convention on the Rights of the Child and international child protection standards.

Keywords: *Online Grooming; Child Protection; Indonesian Criminal Law; Sexual Violence; Digital Exploitation*

Corresponding author
Name: Fadli Yasser Arafat Juanda
Email: fadliyasser@unsulbar.ac.id

INTRODUCTION

Children's encounters with sexual predators are no longer confined to physical spaces. The proliferation of smartphones, social media platforms, and encrypted messaging applications has fundamentally altered the operational landscape of child sexual exploitation, giving rise to a form of pre-abuse manipulation that criminologists and child protection specialists term "online grooming." As Wolak, Finkelhor, Mitchell, and Ybarra (2008) demonstrated in their landmark study published in American Psychologist, grooming in digital environments involves a systematic process by which offenders identify vulnerable children, cultivate trust, isolate them from protective adults, and ultimately coerce or deceive them into situations of sexual abuse or exploitation. What distinguishes online grooming from traditional contact offenses is precisely the subtlety and deliberateness of its preparatory phase: by the time overt abuse materializes, the offender has often dismantled the child's psychological defenses through weeks or months of carefully orchestrated digital interaction.

The criminal law significance of this pattern cannot be overstated, because the harm begins long before any completed offense.

Indonesia presents a particularly acute case study for examining how criminal law responds to this threat. With one of the highest rates of internet penetration in Southeast Asia and a youth population among the most active participants in digital social life in the region, Indonesian children are navigating online environments with minimal legal safeguards tailored to the specific risks they face. The Indonesian Child Protection Commission (Komisi Perlindungan Anak Indonesia, KPAI) has consistently documented rising reported cases of online-facilitated child sexual exploitation in its annual reports, a trend that intensified markedly during and after the COVID-19 pandemic as schooling shifted to digital platforms and children's daily screen engagement expanded dramatically. Despite this documented and accelerating pattern, Indonesian criminal law has yet to develop a coherent, consolidated normative response to online grooming as a distinct category of criminal conduct with its own definitional elements and evidentiary requirements (Gultom, 2014).

The concept of grooming itself is well-theorized in Western criminological literature. O'Connell (2003), in an influential early typology, mapped the grooming process as a sequential progression through five stages: friendship formation, relationship building, exclusivity development, sexual desensitization, and the stage of danger in which the abuser moves toward direct exploitation. While O'Connell's model has since been critiqued and refined, including arguments that the stages are not always linear and that behavioral patterns vary across offender typologies (Lanning, 2010), its core insight remains foundational: grooming is a process, not a moment, and treating only its terminal outcomes as criminal necessarily delays legal intervention until after harm has occurred. This insight has driven reform in numerous jurisdictions. The United Kingdom's Sexual Offences Act 2003, Section 15, created a standalone offense of meeting a child following grooming, criminalizing the preparatory behavioral sequence independently of any completed sexual abuse, and signaling that the preparatory process itself carries sufficient social harm to warrant independent criminalization.

Comparative legal scholarship on online grooming in Southeast Asian legal systems, and in Indonesian criminal law in particular, remains strikingly underdeveloped. The analytical literature that does exist tends to examine child sexual exploitation through available criminal provisions without interrogating whether those provisions are structurally capable of capturing grooming as a behavioral pattern with its own distinctive elements. This analytical gap has acquired new urgency with the entry into force of two major Indonesian legislative instruments: Law No. 12 of 2022 on Sexual Violence Crimes (Undang-Undang Tindak Pidana Kekerasan Seksual, hereafter UU TPKS) and Law No. 1 of 2023 on the National Penal Code (Kitab Undang-Undang Hukum Pidana, hereafter KUHP). These reforms constitute the most substantial revision of Indonesia's criminal law architecture in decades, creating both an opportunity and an obligation to assess whether the reformed framework is now adequate to address online grooming, or whether it continues to leave children legally unprotected during the very phase of predatory conduct when intervention would be most preventive.

This study addresses that question directly. The central research question is: are Indonesia's current criminal law provisions adequate to criminalize online grooming against children as a distinct form of sexual predation, and if not, what specific reforms are required? The novelty of this analysis lies in its integrative approach, reading Law No. 35/2014, Law No. 19/2016, Law No. 12/2022, and Law No. 1/2023 as an interconnected normative system rather than examining each instrument in isolation, and measuring this system against

international standards including the Convention on the Rights of the Child (United Nations General Assembly, 1989) and the Council of Europe Convention on Cybercrime (2001). This approach reveals systemic architectural problems not previously analyzed in Indonesian legal scholarship: deficiencies not merely in individual provisions but in the structural relationships between instruments, the absence of definitional coherence, and the failure to translate criminological understanding of grooming into actionable legal categories.

METHOD

This study employs normative legal research (penelitian hukum normatif), a methodology suited to examining and evaluating the adequacy of law as a normative system rather than describing its social operation in practice (Marzuki, 2010). Normative legal research treats legal texts as the primary object of analysis, examining their internal coherence, their consistency with higher-order norms, and their adequacy relative to the social problems they are designed to address. This methodology is appropriate for the present study because the central research question is fundamentally normative in character: whether the law, as currently written, is structurally capable of capturing and criminalizing online grooming as a distinct criminal category.

Two analytical approaches are deployed in combination. The statute approach (pendekatan perundang-undangan) examines the relevant legislative instruments in their current form, analyzing operative provisions, available legislative history, and the official explanatory memoranda (penjelasan) accompanying Indonesian legislation. The conceptual approach (pendekatan konseptual) draws on legal doctrine, criminological theory, and comparative legal analysis to construct evaluative criteria against which the Indonesian framework is measured (Hiariej, 2022). The combination of these approaches allows this study to move from descriptive mapping of what the law currently says to prescriptive analysis of what the law should say to fulfill its protective function.

Primary legal materials comprise the following instruments: Law No. 23 of 2002 as amended by Law No. 35 of 2014 on Child Protection; Law No. 11 of 2008 as amended by Law No. 19 of 2016 on Electronic Information and Transactions; Law No. 12 of 2022 on Sexual Violence Crimes; Law No. 1 of 2023 on the National Penal Code; the United Nations Convention on the Rights of the Child (1989); the UN Committee on the Rights of the Child General Comment No. 13 (2011); and the Council of Europe Convention on Cybercrime (2001). Secondary materials include peer-reviewed criminological research on grooming behavior, comparative criminal law scholarship, and technical reports from international child protection organizations.

Analysis proceeds through a prescriptive-analytical method. The study first identifies the essential behavioral elements of online grooming as established in criminological literature and in model legislative frameworks, then tests whether Indonesian law, across the four primary instruments, contains provisions capable of capturing those elements. Where gaps or deficiencies are identified, the study formulates reform recommendations grounded in comparative and international materials. The study does not systematically analyze judicial decisions: the nascent state of grooming-related prosecution in Indonesia means available case law is too sparse to support systematic doctrinal analysis of application patterns.

FINDING AND DISCUSSION

Research Result

The current Indonesian legal framework relevant to online grooming consists of four major legislative instruments. Systematic examination of each reveals that none explicitly addresses online grooming as a named, defined, and independently criminalized form of conduct. The analysis proceeds instrument by instrument before presenting a consolidated comparative assessment in Table 1.

Law No. 35 of 2014 (Child Protection Act)

Law No. 35 of 2014, amending the foundational Child Protection Act of 2002, contains what is arguably the closest approximation of an anti-grooming provision in existing Indonesian law. Article 76D prohibits "the use of coercion, deception, a series of lies, or persuasion" against a child for purposes of sexual exploitation or abuse. The phrase "a series of lies" (serangkaian kebohongan) suggests legislative awareness of a deliberate deceptive process extending over time, which overlaps conceptually with the grooming dynamic. However, the provision is limited in two critical respects. First, it does not define the phrase with sufficient specificity to capture the gradual, relational, multi-stage nature of digital grooming as distinct from a one-time deceptive act. Second, and more significantly, it does not explicitly identify online or digital communication as a recognized mode of commission. In Indonesian criminal law, the mode of commission can determine which legal instrument governs the conduct and which sanctions and procedural rules apply. The absence of explicit digital framing leaves the provision's application to online grooming dependent on judicial interpretation that remains inconsistent and difficult to predict in practice.

Law No. 19 of 2016 (Electronic Information and Transactions Act)

Law No. 19 of 2016, amending the Electronic Information and Transactions Act, addresses offenses involving electronic content and information systems but does not create a grooming-specific offense. Its primary child protection provisions concern the distribution of obscene electronic content under Article 27(1), unlawful access to electronic systems, and electronic fraud. The act's fundamental orientation is toward content-based and system-based offenses rather than relational behavioral patterns. Online grooming is distinctive precisely because its early stages involve no overtly sexual or criminal content: initial communications between an offender and a child in the grooming process are often indistinguishable from ordinary social interaction. The ITE Act therefore cannot reach the relational-preparatory conduct that constitutes grooming's operational core, and it provides no basis for criminal law intervention at the stage where protection would be most effective.

Law No. 12 of 2022 (Sexual Violence Crimes Act)

Law No. 12 of 2022 on Sexual Violence Crimes represents the most significant legislative development in Indonesian child protection law in recent decades. The act recognizes nine forms of sexual violence in Article 4(1), including physical and non-physical sexual harassment, forced sterilization, sexual torture, and sexual exploitation. Article 14, which addresses exploitation-based sexual violence, is particularly relevant: it captures conduct involving the abuse of power, trust, or economic relationships for sexual purposes, and it imposes obligations on digital platform operators to prevent facilitation of sexual violence through their systems. However, while the UU TPKS addresses exploitation outcomes comprehensively, it does not define or criminalize grooming as the preparatory

behavioral process that leads to those outcomes. The act creates strong legal protection around the terminus of the grooming sequence without addressing its earlier stages, meaning that criminal law intervention remains conditioned on harm having already materially occurred.

Law No. 1 of 2023 (National Penal Code)

Law No. 1 of 2023 on the National Penal Code introduces a structural innovation directly relevant to this analysis: Article 17 establishes general provisions on preparatory acts (perbuatan persiapan) as independently punishable in relation to specified serious offenses. This represents the first time Indonesian criminal law has created a general framework for preparatory criminal liability, carrying direct conceptual relevance to online grooming because grooming behavior is quintessentially preparatory in character. However, Article 17's operation is conditioned on the existence of a qualifying primary offense. Without a standalone grooming offense in the code or in special legislation, the preparatory act provision has no clear normative anchor for grooming-related conduct. This creates a structural paradox: the KUHP now acknowledges that preparation can be independently criminal as a general proposition, but the specific form of preparation that defines online grooming remains unnamed in the code's substantive offense catalog.

Table 1. Comparative Analysis of Indonesian Legal Provisions on Online Grooming

Legal Instrument	Relevant Provision	Grooming Coverage	Key Limitation
Law No. 35/2014 (Child Protection Act)	Art. 76D, 76E	Partial (persuasion/deception framing)	No digital mode specified; no grooming-specific definition
Law No. 19/2016 (ITE Act)	Art. 27(1)	Indirect (content-based only)	Does not cover relational-preparatory conduct
Law No. 12/2022 (UU TPKS)	Art. 5, 6, 14	Partial (exploitation outcomes only)	No definition or criminalization of grooming as a process
Law No. 1/2023 (National Penal Code)	Art. 17, Ch. XVI	Limited (preparatory liability framework)	No standalone grooming offense to anchor preparatory liability

Source: Author's analysis of primary legal materials.

Discussion

Normative Gap 1: Absence of a Statutory Definition of Online Grooming

The most fundamental deficiency in Indonesia's criminal law framework is the absence of a statutory definition of online grooming. In criminal law, the principle of lex certa, which requires that prohibited conduct be described with sufficient precision to enable both compliance and enforcement (Hiariej, 2022), is not merely a formal requirement but a functional precondition for effective prosecution. Without a definition, law enforcement agencies lack a shared conceptual framework for identifying grooming behavior; prosecutors lack a charging template that captures the full behavioral sequence; and courts have no legislative guidance on which elements must be proven beyond reasonable doubt. As Wolak and colleagues (2008) demonstrated, grooming involves sustained relational manipulation

over time, not a discrete criminal act. Treating it through outcome-based provisions means that criminal liability attaches only after abuse has occurred, defeating the preventive logic that a grooming-specific offense is designed to serve. The UK Sexual Offences Act 2003 demonstrates that legislatures can define grooming with operational precision: prior communications on at least two occasions combined with sexual intent and an arrangement to meet constitute the actus reus, a formulation both definitionally clear and behaviorally grounded in how grooming actually operates.

Normative Gap 2: Incomplete Criminalization of Preparatory Acts

The structural gap in preparatory criminal liability is the second major deficiency. The National Penal Code's general preparatory act provision in Article 17 represents a genuine advance in Indonesian criminal law architecture, but its utility for grooming prosecution depends on resolving a logically prior question: preparatory to what named offense? Article 17 makes preparatory conduct punishable only when connected to a qualifying serious crime with its own definitional elements. Without online grooming being identified as an independent serious offense, Article 17 cannot be operationalized for grooming-related conduct. The Budapest Convention on Cybercrime encourages state parties to criminalize computer-facilitated child sexual exploitation comprehensively and in terms that reach preparatory conduct (Council of Europe, 2001). ECPAT International has similarly urged jurisdictions across Asia to move beyond content-regulation frameworks and address the relational dynamics of online exploitation through dedicated legislative instruments, reflecting an international consensus that content-based and outcome-based offenses alone are insufficient to protect children from predatory digital behavior (ECPAT International, 2018). Indonesia's formal accession to the Budapest Convention, which has not yet occurred, would create additional normative pressure and institutional support for precisely this kind of targeted legislative reform.

Normative Gap 3: Coordination Fragmentation

The third deficiency is what this study terms coordination fragmentation. Even where relevant provisions exist across the four instruments analyzed, their dispersion across separate legislative regimes with different enforcement agencies, procedural rules, and applicable sanctions creates operational problems that compound the underlying normative gaps. An investigating officer encountering a suspected online grooming case must simultaneously navigate Article 76D of the Child Protection Act, the ITE Act's electronic content provisions, the UU TPKS's exploitation framework, and potentially the KUHP's preparatory act doctrine, each carrying distinct evidentiary requirements and procedural pathways. This fragmentation increases the risk of prosecutorial gaps and produces inconsistent jurisprudence as individual trial courts construct their own doctrinal frameworks without legislative guidance. The Convention on the Rights of the Child's General Comment No. 13, issued by the Committee on the Rights of the Child (2011), explicitly requires states to establish comprehensive, coordinated child protection systems addressing all forms of violence and exploitation, including those mediated through digital technologies. Indonesia's ratification of the CRC creates a treaty obligation that the current fragmented framework fails to fulfill in a coherent and systematic manner.

Limitations of the Study

This study carries limitations that should be acknowledged. As a normative legal analysis, it does not examine how investigating officers, prosecutors, or courts have actually applied the relevant provisions in practice. Available Indonesian case law on grooming-related prosecutions is too sparse and insufficiently documented in publicly accessible databases to support complementary doctrinal analysis of judicial application patterns. A socio-legal or empirical follow-up study examining prosecutorial charging decisions, police investigation protocols, and the lived experience of child victims reporting grooming through digital platforms would substantially complement the normative analysis presented here. Additionally, the criminological literature on online grooming drawn upon in this study is predominantly produced in North American and European research contexts. The behavioral dynamics of online grooming in Indonesian socio-cultural environments may exhibit distinctive features that primary empirical research should investigate before any specific legislative reform model is adopted.

Implications for Legal Reform

The three normative gaps identified converge to produce a legal environment in which online grooming is simultaneously a recognizable social harm and an inadequately criminalized legal category. The reform recommendations arising from this analysis are concrete and targeted. First, the legislature should enact a statutory definition of online grooming, ideally within a dedicated provision of the Child Protection Act or the UU TPKS, that captures the behavioral process of trust-building and sexual manipulation through digital communication. The definition should be technologically neutral, referring to electronic communications platforms rather than specific applications, to ensure continued applicability as digital environments evolve. Second, the KUHP's preparatory act provision in Article 17 should be linked to online grooming through an enabling regulation or targeted amendment that identifies grooming as a qualifying primary offense for preparatory liability purposes. Third, inter-agency prosecution protocols should be developed that unify the application of the scattered relevant provisions under a single investigative and charging framework, with designated coordination roles for the National Police Cyber Crime Unit (Bareskrim Siber), the KPAI, and the Ministry of Women's Empowerment and Child Protection. These three reforms, taken together, would substantially close the normative gap between Indonesia's stated commitment to child protection and the practical reality of its criminal law.

CONCLUSION

This study examined whether Indonesia's current criminal law provisions are adequate to criminalize and prosecute online grooming against children as a distinct form of sexual predation. The systematic analysis of four major legislative instruments, the Child Protection Act, the ITE Act, the UU TPKS, and the National Penal Code, produces a clear answer: they are not. While each instrument contains provisions that touch aspects of child sexual exploitation in digital environments, none defines or criminalizes grooming as the behavioral process it is. Indonesia's criminal law addresses the outcomes of grooming, exploitation, harassment, and content-based offenses, with genuine seriousness. But it has not yet developed the conceptual architecture needed to address the process by which those outcomes are produced.

Online grooming is most dangerous during its preparatory phase, when the offender has not yet committed any act that existing law clearly and unambiguously prohibits, while

the child is being systematically isolated and manipulated into vulnerability. It is at this stage, before overt exploitation begins, that criminal law intervention would be most protective and most preventive. The normative gaps identified in this study are not technical deficiencies at the margins of otherwise adequate legislation; they are structural absences at precisely the point where the law's protective function is most urgently needed.

The entry into force of the UU TPKS and the National Penal Code has created a genuine legislative foundation on which further reform can build. The instruments needed for a coherent grooming-specific framework are present in Indonesian law in embryonic form; what is missing is the explicit normative architecture that connects and completes them. The three reform recommendations advanced in this study, a statutory definition of grooming, anchored preparatory liability, and unified coordination protocols, are achievable and targeted adjustments that would substantially fulfill Indonesia's obligations under the Convention on the Rights of the Child while equipping law enforcement and prosecutors with the conceptual tools they currently lack to protect children navigating digital environments that the law does not yet adequately govern.

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