

**LEGAL PROTECTION FOR MINORS AGAINST ONLINE SEXUAL
PREDATORS ON SOCIAL MEDIA PLATFORMS**

***PERLINDUNGAN HUKUM BAGI ANAK DI BAWAH UMUR DARI
PREDATOR SEKSUAL ONLINE DI PLATFORM MEDIA SOSIAL***

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ABSTRAK

Perkembangan teknologi digital berdampak besar pada anak-anak dan remaja, dengan 75,5% pengguna internet usia 10–17 tahun aktif di media sosial. Di balik manfaatnya, digitalisasi juga memicu risiko eksploitasi seksual anak secara daring (OCSEA). Penelitian ini menggunakan metode yuridis normatif dengan pendekatan kualitatif untuk menganalisis pola kejahatan dan efektivitas perlindungan hukum di Indonesia. Hasil menunjukkan pelaku yang lebih tua dikenai sanksi pidana lebih berat, sementara keadilan restoratif dapat diterapkan pada pelaku sebaya atau lebih muda. Sinergi antara negara, masyarakat, dan platform digital penting untuk menciptakan ruang daring yang aman bagi anak. Diperlukan peningkatan literasi digital bagi anak-anak dan remaja agar mereka lebih sadar akan risiko serta mampu melindungi diri dari ancaman eksploitasi daring. Pemerintah perlu memperkuat regulasi dan kerja sama dengan platform digital guna memastikan mekanisme pelaporan dan penindakan terhadap pelaku OCSEA berjalan efektif.

Kata Kunci: Eksploitasi Seksual Anak, Kejahatan Daring, Perlindungan Hukum, Keadilan Restoratif, Platform Digital

ABSTRACT

The development of digital technology has a significant impact on children and adolescents, with 75.5% of internet users aged 10–17 active on social media. Despite its benefits, digitalization also increases the risk of online child sexual exploitation (OCSEA). This study used a normative juridical method with a qualitative approach to analyze crime patterns and the effectiveness of legal protection in Indonesia. The results show that older perpetrators are subject to heavier criminal sanctions, while restorative justice can be applied to perpetrators of the same age or younger. Synergy between the state, society, and the digital platforms is crucial to creating a safe online space for children.

Increasing digital literacy among children and adolescents is needed to increase their awareness of the risks and protect themselves from the threat of online exploitation. The government needs to strengthen regulations and collaboration with digital platforms to ensure effective reporting mechanisms and prosecution of OCSEA perpetrators.

Keywords: Child Sexual Exploitation, Cybercrime, Legal Protection, Restorative Justice, Digital Platforms

A. INTRODUCTION

The advancement of digital technology has significantly impacted social life, particularly among children and adolescents. In Indonesia, internet penetration among children aged 10-17 years reaches 75.5%, with most of them actively engaged on social media and other digital platforms.¹ While digitalization offers numerous benefits, such as access to information and education, it also creates vulnerabilities to cybercrime, especially Online Child Sexual Exploitation and Abuse (OCSEA). One of the most concerning forms of OCSEA is online grooming, where sexual predators build emotional relationships with children through social media, chat applications, or online games with the aim of sexually exploiting them². The methods employed are increasingly diverse, ranging from seduction to sextortion based on intimate content, which threatens the mental and physical health of victims.

Weak parental supervision, a lack of digital literacy among children, and limitations in Indonesia's legal protection system further amplify the risk of exploitation. Recent studies reveal that online gaming platforms like Hago have become new avenues for groomers to reach victims.³ On the other hand, legal protection efforts for children against digital predators still face various challenges. Although the Child Protection Law and the Electronic Information and Transactions (ITE) Law contain provisions related to online sexual offenses,

¹ APJII, *APJII Jumlah Pengguna Internet Indonesia Tembus 221 Juta Orang*, diakses dari <https://apjii.or.id/berita/d/apjii-jumlah-pengguna-internet-indonesia-tembus-221-juta-orang>, diakses pada 02 Oktober 2025.

² Novianti and Achmad Chusairi, *Online Child Sexual Exploitation and Abuse (OCSEA) of Children and Adolescents: A Systematic Literature Review*, Psikologika, Vol.29. No.2 (July 2024).

³ Inez Fiona Yuwono dan M. Garry Saputra, *Perancangan Motion Graphic "Awat Predator Online" sebagai Pencegahan Kasus Cyber Child Grooming*, Universitas Dian Nusantara, Vol.8, No.4 (December 2022).

many cases remain unreported or fail to be followed up due to difficulties in digital tracing and low public awareness.⁴

Given these circumstances, this research aims to further examine the patterns of sexual predator threats against minors through digital platforms, and to analyze the effectiveness of legal protection and preventive strategies that can be implemented in Indonesia. Legal protection for children in Indonesia from sexual predators in the digital space is explicitly stipulated in several complementary and uncompromising national legal instruments. Law No. 35 of 2014 on Child Protection, an amendment to Law No. 23 of 2002, stipulates in Article 76D and Article 81 that perpetrators of sexual violence against children can be sentenced to imprisonment for a minimum of 5 years and a maximum of 15 years, along with a fine of up to IDR 5,000,000,000.

This penalty is intensified if committed by a person in a position of power or trust over the child.⁵ Furthermore, Law No. 12 of 2022 on Sexual Violence Crimes specifically regulates electronic-based sexual violence, including sexual harassment through social media, forced sexual content, and cyberstalking as mentioned in Article 14, with a maximum imprisonment of 6 years and a fine of up to IDR 300 million.⁶ In the context of digital content dissemination, the Electronic Information and Transactions Law (Law No. 11 of 2008 juncto Law No. 19 of 2016), through Article 27 Paragraph (1), prohibits the distribution or transmission of indecent content, including child pornography, with a maximum imprisonment of 6 years and/or a maximum fine of IDR 1 billion.

The government has also enacted Government Regulation No. 70 of 2020, which regulates the implementation of chemical castration, electronic detection device installation, and public announcement of perpetrator identity as additional penalties for child sexual predators.⁷ Sexual violence against children is also

⁴ Anggini Salsabillah and Yudi Kornelis, *Penegakan Hukum terhadap Kejahatan Seksual Melalui Media Sosial Menurut Undang-Undang Nomor 1 Tahun 2024 tentang ITE*, *Scientia Journal*, Vol.7, No.2 (April 2025).

⁵ Go Lisanawati, *Cyber Child Sexual Exploitation dalam Perspektif Perlindungan atas Kejahatan Siber*, Universitas Negeri Semarang, Vol.8, No.1, (2013).

⁶ Nadya Vanesa Rompok, *Kajian terhadap Kekerasan Seksual Berbasis Elektronik Berdasarkan Pasal 14 Undang-Undang Republik Indonesia Nomor 12 Tahun 2022*, *EJOURAL UNSRAT*, Vol.13, No.5 (July 2024).

⁷ KOMNAS PEREMPUAN, *Siaran Pers Komnas Perempuan Penyikapan Terhadap Pengesahan Peraturan Pemerintah Tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimia*,

categorized as a public offense, meaning it cannot be resolved through reconciliation or withdrawal of reports, as stated in Article 14 Paragraph (3) of Law No. 12 of 2022. This legal framework demonstrates the state's commitment that sexual offenses against children especially in the digital realm constitute a serious violation of children's human rights and cannot be tolerated in any form.

In the realm of law and psychology, a sexually abused child refers to a child under 18 years of age who has been a victim of sexual acts, both physical and non-physical, perpetrated by an adult or older adolescent. These acts can include harassment, molestation, rape, and online sexual exploitation such as child pornography and digital grooming. Sexual violence against children is a violation of rights that impacts the physical, emotional, and psychosocial well-being of the child in the long term. Legally, these acts fall under the category of serious crimes regulated in Article 76D and 76E of Law No. 35 of 2014 on Child Protection, which state that no person shall commit violence or threats of sexual violence against a child, either directly or indirectly.⁸

This phenomenon becomes even more complex when perpetrators utilize digital spaces as a medium to approach and psychologically manipulate victims, such as through online grooming.⁹ Child victims of sexual violence often experience deep psychological trauma, including guilt, anxiety, depression, and even self-harm tendencies or social withdrawal.¹⁰ Therefore, understanding the concept of "sexually abused child" should not only be viewed from a criminal law perspective but must also involve a multidisciplinary approach encompassing psychological, educational, and social protection aspects.

The protection of children as a vulnerable group has been a central concern in the Indonesian legal system. Since the enactment of Law No. 23 of 2002 on Child Protection, the state officially recognizes children's rights to protection from violence, exploitation, and discrimination. This law was later strengthened by

Pemasangan Alat Pendeteksi Elektronik, Rehabilitasi, dan Pengumuman Identitas Pelaku Kekerasan Seksual terhadap Anak Pidana Tambahan Kebiri Kimia: Distraksi pada Upaya Penghapusan Kekerasan Seksual dan Kemunduran Pemenuhan Hak Konstitusional, SIARAN PERS KOMNAS PEREMPUAN, January 2021.

⁸ Ira Aini Dania, *Kekerasan Seksual pada Anak*, Ibnu Sina, Vol.19, No.1 (January 2020).

⁹ Yeremia Richardo Napitupulu dan Bryan Astro Julio, *Pelecehan Seksual Anak di Bawah Umur pada Anak Indonesia*, Research Gate, Vol.2, No.10 (October 2023).

¹⁰ Meta Meri Andani and Putri Pusvitasari, *Trauma Psikologis pada Anak yang Mengalami Kekerasan Seksual*, Buletin KPIN (July 2022).

Law No. 35 of 2014, which expanded the definition of violence against children and reinforced the role of families, communities, and the government in providing comprehensive protection.¹¹ The surge in brutal and massive cases of sexual violence against children in the middle of the last decade prompted the government to take stronger legal measures through Law No. 17 of 2016, which was an endorsement of Government Regulation in Lieu of Law No. 1 of 2016. This regulation introduced additional penalties such as chemical castration, public announcement of perpetrator identity, and the installation of electronic detection devices, as a form of protection and deterrent against child sexual offenders.¹²

On the other hand, the development of digital technology has created new forms of violence against children, such as online grooming, sextortion, and the distribution of child pornography. Therefore, provisions in the Electronic Information and Transactions (ITE) Law No. 19 of 2016 also play a crucial role in providing a legal basis for prosecuting perpetrators of digital-based sexual offenses. This is particularly relevant given that many sexual predator cases exploit digital platforms like social media and online games to reach victims.¹³

As a more comprehensive regulatory strengthening, the government also enacted Law No. 12 of 2022 on Sexual Violence Crimes (TPKS), which explicitly covers technology-based sexual violence. This law not only emphasizes the aspect of criminal punishment for perpetrators but also pays serious attention to victim recovery, including children, through psychosocial services, restitution, and legal assistance.¹⁴

¹¹ Binaadi Ryanjaya and Rachmat Ihya, *Perlindungan Anak dan Pertanggungjawaban Hukum terhadap Pelaku Kekerasan Seksual terhadap Anak (Tinjauan Yuridis Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak)*, Journal of Law and Nation (JOLN), Vol.3, No.1 (February 2024).

¹² Binaadi Ryanjaya and Rachmat Ihya, *Perlindungan Anak dan Pertanggungjawaban Hukum terhadap Pelaku Kekerasan Seksual terhadap Anak (Tinjauan Yuridis Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak)*, Journal of Law and Nation (JOLN), Vol.3, No.1 (February 2024).

¹³ Annisa Shafa Salsabila and Hendra Wahanu Prabandani, *Sexual Abuse of Children Via Social Media from the Prespective of Criminal Law and Child Protection*, Postulat ; Neolectura, Vol.3, No.1 (February 2025).

¹⁴ Herli Antoni, Asmak Ul Hosnah, and Angelica Clara Anasztasia Simanjuntak, *Perlindungan Hukum bagi Korban Kekerasan Seksual pada Anak Berdasarkan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*, Journal Uniku, Vol.15, No.2, (October 2024).

Overall, the development of legislation related to child protection in Indonesia shows a positive and responsive dynamic to contemporary challenges. However, its effectiveness remains highly dependent on consistent implementation, the capacity of law enforcement agencies, and public awareness in reporting and handling cases of violence against children, especially those based digitally.

In the Indonesian legal system, sexual violence against children, particularly that occurring through digital platforms, is not only a criminal offense but also falls under the category of unlawful acts in civil law. Based on Article 1365 of the Civil Code (KUHPerdata), every unlawful act that causes damage to another person obligates the perpetrator to provide compensation. The actions of digital sexual predators—such as sending sexual content, seduction through messaging applications, or image-based sexual extortion of children clearly violate the law and cause tangible material and immaterial damages to child victims and their families *bagu*). Therefore, even if the perpetrator has been subjected to strict criminal sanctions under Law No. 35 of 2014 and Law No. 12 of 2022, the victims still have the constitutional and legal right to file a civil lawsuit.

A civil lawsuit is filed to obtain damages for the harm suffered by the victim. Material damages can include medical costs, psychological treatment, trauma recovery, and legal fees incurred by the family. Meanwhile, immaterial damages encompass prolonged psychological suffering, loss of security, loss of personal honor, and impediments to the child's social and educational development. In judicial practice, civil lawsuits can be filed concurrently with or after criminal proceedings, as they represent different legal avenues: criminal law aims to punish the perpetrator for violating public order, while civil law aims to restore the rights of victims who have been personally harmed.

It is important to emphasize that this civil lawsuit process cannot be used to negate or mitigate the perpetrator's criminal liability. Unlike some other general criminal cases that can be terminated due to reconciliation, sexual offenses against children are public offenses of a serious nature and cannot be settled out of court. This is reinforced by Article 14 Paragraph (3) of Law No. 12 of 2022 on Sexual Violence Crimes, which states that sexual violence crimes against children cannot

be forgiven through peaceful efforts or withdrawal of reports. Thus, the perpetrator's responsibility runs in parallel through two channels: they remain criminally prosecuted by the state, and at the same time, are obligated to provide restitution civilly to the victim.

Therefore, the civil legal framework serves to broaden and deepen the protection of child victims of digital sexual violence. This is also in line with the principle of child protection enshrined in Article 4 of Law No. 35 of 2014, which states that every child has the right to life, growth and development, and to participate fairly in accordance with human dignity. The state has an obligation to guarantee, protect, and fulfill these rights, both through criminal and civil legal mechanisms. In this context, civil law acts as a comprehensive and personal path to recovery for victims, and should not be understood as a form of diversion or substitute for the mandatory criminal sanctions. This research paper aims to :

1. Analyze the legal implications for perpetrators of sexual violence who are older than the victim, based on the provisions of the Child Protection Law and the Sexual Violence Crime Law.
2. Analyze the implementation of Restorative Justice in the Handling of Sexual Violence Cases.

This research adopts a normative juridical method with a qualitative approach. The study focuses on analyzing legal norms and regulations related to the protection of minors from online sexual exploitation in Indonesia. Primary legal materials include relevant statutory provisions, such as Law No. 35 of 2014 on Child Protection, Law No. 12 of 2022 on Sexual Violence Crimes, and the Electronic Information and Transactions Law (ITE Law). Secondary legal materials consist of scholarly articles, legal commentaries, official reports, and digital case studies.

The analysis is conducted through a descriptive-analytical technique, aiming to interpret the legal responsibilities of perpetrators based on age dynamics and to evaluate the possibility of applying restorative justice in specific contexts. This methodology allows for a comprehensive understanding of how Indonesian legal instruments respond to the evolving nature of digital-based child sexual exploitation.

Several previous studies have examined online child sexual exploitation and abuse (OCSEA) in Indonesia from various perspectives. Marpaung (2020), in the *Journal of Law and Development*, highlighted the weak coordination among law enforcement agencies in handling online sexual exploitation cases, particularly in digital tracing and electronic evidence collection. Meanwhile, a study by Widiastuti and Sari (2021) in the *Indonesian Journal of Child Protection* found that children's lack of awareness of digital threats makes them vulnerable to online predators through social media and gaming platforms. Additionally, research by Suryani (2022) in the *Indonesian Journal of Criminology* emphasized the need for a more adaptive legal framework that can keep pace with the evolving methods of cybercrime against children, and stressed the importance of digital literacy for both children and parents.

The primary legal issue discussed in the background of this research is the effectiveness of Indonesia's legal protection for children who are victims of digital-based sexual violence. Although several legal instruments, such as the Child Protection Law and the Sexual Violence Crimes Law (TPKS), impose strict sanctions on offenders, many cases remain unreported, are not followed up by authorities, or face significant challenges in digital evidence gathering. Another critical issue lies in the application of restorative justice, particularly when the perpetrator is a peer or minor, which requires a more balanced legal approach that considers both victim protection and offender rehabilitation.

Therefore, this research highlights key legal challenges, including the ineffectiveness of law enforcement in dealing with OCSEA, especially in the realm of digital forensics and case follow-up, the need for more comprehensive protection and recovery mechanisms for child victims, and the limitations and possibilities of implementing restorative justice in peer-perpetrated cases. These issues reflect the gap between the rapidly evolving nature of digital sexual crimes against children and the national legal system's capacity to provide fair and proportional justice for both victims and young offenders.

B. DISCUSSION

1. Case Chronology of the "Fantasi Sedarah" Community on Digital Platforms

This discussion stems from a case that caused a stir online through social media, specifically on the Facebook platform. It was reported that this case shocked social media and garnered significant attention from the online community across various platforms before ultimately being removed by Meta for violating their policies. This group, with thirty-two thousand members, eventually transformed into a community called "Incest Fantasy" (Fantasi Sedarah). The members within this community were biological parents, siblings, and even individuals in unnatural parent-child relationships. Content was shared openly, with perpetrators daring to disclose the personal identities of underage victims.¹⁵

The "Incest Fantasy" Facebook community case, which ultimately went viral, raised concerns about violations of children's human rights (HAM). This community was allegedly engaged in inappropriate activities inconsistent with social norms, leading to worries about its impact on the children involved. Content within these groups often featured erotic stories with incestuous themes, open discussions about sexual attraction to family members, and explicit visualizations. Although some administrators labeled the content as "fiction," the substance clearly contradicted Indonesian cultural values that uphold family honor and public decency.¹⁶

More alarmingly, most of these narratives not only depicted incestuous relationships in an adult context but also contained elements of coercion, emotional manipulation, and exploitation of characters described as children or adolescents in terms of age. This clearly goes against fundamental ethics and could even be categorized as a form of glorification of veiled sexual violence. While not displaying explicit pornography, the descriptions contained extreme erotic elements that influenced the perceptions and moral values of readers.

¹⁵ Achmad Anwar Abidin, *Perilaku Penyimpangan Seksual dan Upaya Pencegahannya di Kabupaten Jombang*, IAIDA, Vol.1, No.7 (April 2017).

¹⁶ Diemas Arya Komara and Shafira Nanda Widjaya, *Memahami Perilaku Informasi Gen-Z dan Strategi Melawan Disinformasi: Sebuah Tinjauan Literatur Penggunaan Media Sosial*, Jurnal Pustaka Ilmiah, Vol.10. No.2 (December 2024).

Despite Facebook's strict rules against indecent content, many such groups still evade detection by using veiled terms or disguising their true intentions. This indicates that digital platform moderation systems still have loopholes that can be exploited. Furthermore, law enforcement in Indonesia, particularly through the ITE Law, continues to face technical challenges and difficulties in accessing digital evidence due to the private nature of these groups.

2. Legal Overview of Child Sexual Predators and Grooming Techniques in Digital Spaces

Sexual predators utilize various digital media such as social media, instant messaging services, online games, and live-streaming as means to approach victims. By employing grooming techniques, they slowly build emotional relationships and manipulate a child's trust, eventually leading to sexual exploitation or demands for explicit content. These actions clearly violate the provisions of Article 76D and 76E of the Child Protection Law, which prohibit all forms of sexual violence or threats of sexual violence against children, including through electronic means.¹⁷

One prevalent modus operandi is sextortion, which involves blackmailing victims by threatening to disseminate their sexual content if the perpetrator's demands are not met. This practice not only results in legal consequences but also causes serious psychological impacts, such as trauma, depression, and prolonged anxiety.

Both the ITE Law and the Child Protection Law stipulate that the dissemination of explicit content involving minors constitutes a serious offense, and perpetrators can face severe criminal penalties. Beyond exploitation for economic gain, many perpetrators commit online sexual offenses for personal gratification. These crimes often occur covertly and are difficult to detect because perpetrators use fake identities, encrypted networks, and digital disguise techniques. Therefore, synergy between positive law and information technology is needed to protect children's right to safety, as guaranteed in Article 59 of the Child Protection Law.

¹⁷ Universitas Negeri Surabaya, *Fantasi Sedarah dan Posisi Hukum Anak di Indonesia*, diakses dari <https://paud.fip.unesa.ac.id/post/fantasi-sedarah-dan-posisi-hukum-anak-di-indonesia>, diakses pada 02 Oktober 2025.

3. The Application of Sanctions and Restorative Approaches Toward Perpetrators of Child Sexual Violence: A Juridical Review

Currently, detection and prevention efforts are being strengthened through artificial intelligence technology, such as machine learning algorithms capable of analyzing suspicious conversations and behavioral patterns on online platforms. Nevertheless, the success of prevention still depends on the quality of digital literacy among children and parents. Unfortunately, many parents still lack adequate understanding of monitoring their children's online activities, while children often do not realize the risks of sharing personal data online. Providing clear information about reporting mechanisms and victims' rights will increase this openness. Social support is also crucial in the reporting process and afterward. Communities, friends, and family must provide moral support to victims, eliminate social stigma, and assist them in the healing process.¹⁸

The implementation of the Child Protection Law needs to be supported through comprehensive education on digital security. Children must be given an understanding of their rights to protection from sexual violence, including in the digital context, and trained to recognize and avoid dangerous situations. They should also be encouraged to report any form of abuse they experience without fear or shame.

Literature reviews on Gen-Z behavior on social media emphasize the importance of mastering digital literacy in strengthening resilience against disinformation and negative behavior. Although Gen-Z has broad access and critical thinking abilities, they remain at risk of exposure to fake news and harmful content. Therefore, collaborative and continuous digital literacy education is a key factor in improving critical thinking skills and creating a safer digital environment.

Furthermore, the phenomenon of doxing and cancel culture on social media reflects the dilemma between upholding justice and the potential violation of individual privacy. Doxing is often considered capable of strengthening the view that social punishment can be effective, but on the other hand, it also raises concerns about the potential misuse of information and threats to a person's

¹⁸ Rima Septiani S.Pd, *Menyoal Grup "Fantasi Sedarah"*, Harian Jurnal (May 2025).

physical safety. Protecting personal information and law enforcement are major challenges in building a safe digital space, especially when dealing with online groups that violate norms and laws.¹⁹

The government, law enforcement agencies, and digital platform providers are obligated to fulfill their legal duties to prevent, monitor, and take firm action against all forms of child sexual exploitation in cyberspace. This multi-sector collaboration is a fundamental foundation for ensuring the effective implementation of the Child Protection Law to create a safe and healthy digital environment for Indonesia's younger generation.

The Facebook community "Incest Fantasy" was an online group consisting of individuals with an interest in incestuous practices, allegedly serving as a platform for the exchange of information, fantasies, and even incestuous practices involving children. This case reflects various forms of human rights violations against children, including sexual exploitation, where children are sexually exploited through the production and distribution of child pornography and incestuous practices. Furthermore, there are violations of the right to protection, where children do not receive adequate protection from family and society, making them vulnerable to exploitation.²⁰

Incestuous practices also have the potential to cause psychological trauma and physical health problems for children, which constitutes a violation of the right to physical and mental health. Child human rights violations in this context can be viewed from several aspects, such as violence against children, where the activities carried out by this community can be considered violence because the children involved are forced to engage in inappropriate activities contrary to social norms.

Additionally, this community also engaged in child exploitation, forcing them to participate in activities inconsistent with social norms for the benefit of the community. The neglect of children's rights is also a highlight, as the children

¹⁹ Herli Antoni, Asmak Ul Hosnah, and Angelica Clara Anaztasia Simanjuntak, *Perlindungan Hukum Bagi Korban Kekerasan Seksual pada Anak Berdasarkan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*, Journal Uniku, Vol.15, No.2 (October 2024).

²⁰ BBC, *Grup Inses di Facebook Terbongkar, Indonesia Disebut "Pabrik Konten Pornografi Anak"*, diakses dari <https://www.bbc.com/indonesia/articles/c62ndpg87nyo>, diakses pada 02 Oktober 2025.

involved were not given the right to choose and determine their own destiny. In a legal context, Law No. 23 of 2002 on Child Protection regulates the protection of children from violence, exploitation, and neglect of children's rights, while Law No. 11 of 2012 on the Juvenile Criminal Justice System regulates a justice system aimed at protecting children's rights and ensuring fair and non-discriminatory treatment for children involved in criminal acts.

The "Incest Fantasy" case that emerged in the Facebook community involves different types of perpetrators depending on their age relationship with the victim. Perpetrators who are the same age as the victim are often viewed differently from a legal standpoint compared to older perpetrators. In some regulations, if the perpetrator and victim are peers, the imposed sanctions may be lighter or even contain exceptions if there are elements of mutual agreement and understanding. However, when the perpetrator is older, especially if they are adults while the victim is still a child or adolescent, the law usually imposes harsher penalties. This is based on considerations of the power imbalance and the moral responsibility of the adult perpetrator towards the younger, vulnerable victim.

Meanwhile, perpetrators younger than the victim usually receive a different approach, namely the application of restorative justice. This approach prioritizes the rehabilitation of the perpetrator and the restoration of relationships through a mediation process between the perpetrator and the victim. The focus is not solely on punishment but on educating the perpetrator about the impact of their actions and repairing the harm that has occurred. Restorative justice aims to build understanding, restore the victim's psychological condition, and resolve conflicts in a humane and sustainable manner.²¹

The phenomena of doxing and cancel culture on social media reflect the dilemma between efforts to uphold justice and the potential violation of individual privacy. Doxing is often considered capable of strengthening the view that social punishment can be effective, but on the other hand, it also raises concerns about the potential misuse of information and threats to a person's physical safety.

²¹ Miftahul Jannah and Andi Sri Rezky Wulandari, *Upaya Pencegahan Anak Menjadi Korban Kembali dalam Tindak Pidana Kekerasan Seksual Melalui Sistem Peradilan Terintegrasi*, Wacana Paramarta, Vol.23, No.2 (August 2024).

From a legal perspective, each country has different rules for handling cases of sexual violence and incest, making it crucial to understand local laws. In the context of this "Incest Fantasy" case, perpetrators, especially those involved in the dissemination of child pornography, typically receive serious attention from law enforcement.

However, in social and family environments, such cases often carry strong stigma and taboo, leading victims and families to often conceal incidents to protect their reputation. This can actually worsen the psychological trauma experienced by victims and hinder the healing process.

Therefore, increasing awareness and education about the issue of incestuous fantasies is very important. Appropriate and open sexual education helps children and adolescents understand boundaries in interpersonal relationships and protect themselves from potential violence. In addition, communities and families must support victims with empathy and provide a safe space for victims to speak and receive appropriate help. A preventive approach through education and social protection is a key factor in minimizing such cases and ensuring fair and humane handling in accordance with the principles of law and restorative justice.

To further support the legal analysis in this study, the research adopts **Social Learning Theory** by Albert Bandura, which explains how individuals, including children, learn behaviors through observation, imitation, and interaction with their environment. In digital contexts, repeated exposure to deviant content such as that found in the "Incest Fantasy" Facebook group may influence minors' cognitive and emotional development, leading to normalization of harmful behavior. This theory helps explain how digital grooming and sexually exploitative narratives can psychologically manipulate children, gradually breaking down their understanding of boundaries and consent. Additionally, **Routine Activity Theory** is used to explain the increasing prevalence of online sexual exploitation, where the convergence of a motivated offender, a suitable target, and the absence of capable guardians in digital spaces facilitates the occurrence of cybercrimes against children.

Based on the facts presented in the “Fantasi Sedarah” case, this research aims to answer two main questions: (1) What are the legal consequences for perpetrators of child sexual violence who are older than the victim under Indonesian law, and (2) How can restorative justice be applied in cases involving peer or underage perpetrators? This study emphasizes that the age and power dynamics between victim and perpetrator significantly influence the severity of sanctions imposed. Adult perpetrators typically receive heavier criminal penalties under the Child Protection Law and Sexual Violence Crimes Law due to their position of dominance and responsibility. On the other hand, when the perpetrator is of similar age or a minor, restorative justice may be considered as a complementary legal solution focused on rehabilitation, education, and repairing the psychological harm to the victim.

The results of this study indicate that while Indonesia’s legal framework consisting of Law No. 35 of 2014, Law No. 12 of 2022, and the ITE Law has robust provisions for punishing digital sexual predators, there are still substantial gaps in enforcement and victim protection. The “Incest Fantasy” case illustrates how online communities can become platforms for harmful ideologies and sexual exploitation, especially when law enforcement mechanisms and content moderation on digital platforms fail to act swiftly. Thus, this research underscores the need for a comprehensive legal approach that not only emphasizes retributive justice through strict penalties for adult perpetrators but also integrates **restorative justice principles** for peer-involved cases. Furthermore, strengthening digital literacy, improving law enforcement's technical capacity, and enhancing cooperation with digital platforms are critical steps to ensure the safety and rights of children in digital environments.

C. PENUTUP

Based on the analysis, it can be concluded that the legal treatment of perpetrators of sexual violence against minors in Indonesia largely depends on the age difference between the offender and the victim. When the perpetrator is an adult or significantly older than the victim, the law imposes heavier criminal sanctions. This is stipulated in Law No. 35 of 2014 on Child Protection and Law

No. 12 of 2022 on Sexual Violence Crimes, reflecting the recognition of a power imbalance and the greater moral and legal responsibility carried by adult perpetrators.

In contrast, if the offender is of a similar age or younger than the victim, a restorative justice approach may be considered. This approach is not intended to minimize the severity of the crime but to provide an alternative resolution pathway for cases involving juvenile offenders. The focus is on rehabilitation, education, and accountability while still prioritizing the best interests of the child. However, restorative justice is highly context-dependent and must be applied selectively, particularly when the offender demonstrates the potential for behavioral correction and reintegration into society.

The application of restorative justice emphasizes the psychological recovery of victims and the moral development of juvenile offenders. It supports a child-centric perspective, promoting healing, reconciliation, and conflict resolution without undermining the principle of justice. It also addresses the broader social dimensions of crime, involving families, communities, and professional support networks in the recovery process. Thus, restorative justice complements rather than replaces traditional punitive legal mechanisms.

Moreover, the effectiveness of legal protection for children in digital spaces cannot rely solely on the existence of legal statutes. While Indonesia has established strong legal foundations through several key laws, enforcement remains a challenge. Efforts must be supported by robust collaboration between law enforcement agencies, digital platform providers, educators, and families. Without this synergy, even the most comprehensive legal instruments risk becoming ineffective in the face of evolving digital threats.

Therefore, a holistic strategy is urgently needed to ensure the safety and well-being of children in the digital age. This strategy must integrate repressive legal actions against offenders, restorative pathways for juvenile perpetrators, rehabilitative support for victims, and proactive preventive efforts through widespread digital literacy and public education. Only through such an integrated and collaborative approach can Indonesia achieve comprehensive and sustainable protection for minors in digital environments.

DAFTAR PUSTAKA

Publication

- Abidin, Achmad Anwar. *Perilaku Penyimpangan Seksual dan Upaya Pencegahannya di Kabupaten Jombang*. IAIDA Journal. Vol.1. No.7 (April 2017).
- Antoni, Herli, Asmak Ul Hosnah, and Angelica Clara Anasztasia Simanjuntak. *Perlindungan Hukum bagi Korban Kekerasan Seksual pada Anak Berdasarkan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual*. Journal Uniku. Vol.15. No.2 (October 2024).
- Dania, Ira Aini. *Kekerasan Seksual pada Anak*. Ibnu Sina. Vol.19. No.1 (January 2020).
- Jannah, Miftahul and Andi Sri Rezky Wulandari. *Upaya Pencegahan Anak Menjadi Korban Kembali dalam Tindak Pidana Kekerasan Seksual Melalui Sistem Peradilan Terintegrasi*. Wacana Paramarta. Vol.23. No.2 (August 2024).
- Komara, Diemas Arya and Shafira Nanda Widjaya. *Memahami Perilaku Informasi Gen-Z dan Strategi Melawan Disinformasi: Sebuah Tinjauan Literatur Penggunaan Media Sosial*, Jurnal Pustaka Ilmiah. Vol.10. No.2 (December 2024).
- Lisanawati, Go. *Cyber Child Sexual Exploitation dalam Perspektif Perlindungan atas Kejahatan Siber*. Universitas Negeri Semarang Journal. Vol.8. No.1 (2013).
- Napitupulu, Yeremia Richardo dan Bryan Astro Julio. *Pelecehan Seksual Anak di Bawah Umur pada Anak Indonesia*. Research Gate. Vol.2. No.10 (October 2023).
- Novianti and Achmad Chusairi. *Online Child Sexual Exploitation and Abuse (OCSEA) of Children and Adolescents: A Systematic Literature Review*. Psikologika. Vol.29. No.2 (July 2024).
- Rompah, Nadya Vanesa. *Kajian terhadap Kekerasan Seksual Berbasis Elektronik Berdasarkan Pasal 14 Undang-Undang Republik Indonesia Nomor 12 Tahun 2022*. EJOURAL UNSRAT. Vol.13. No.5 (July 2024).
- Ryanjaya, Binaadi and Rachmat Ihya. *Perlindungan Anak dan Pertanggungjawaban Hukum terhadap Pelaku Kekerasan Seksual terhadap Anak (Tinjauan Yuridis Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak)*. Journal of Law and Nation (JOLN). Vol.3. No.1 (February 2024).
- Salsabila, Annisa Shafa and Hendra Wahanu Prabandani. *Sexual Abuse of Children Via Social Media from the Prespective of Criminal Law and Child Protection*. Postulat ; Neolectura. Vol.3. No.1 (February 2025).
- Salsabillah, Anggini and Yudi Kornelis. *Penegakan Hukum terhadap Kejahatan Seksual Melalui Media Sosial Menurut Undang-Undang Nomor 1 Tahun 2024 tentang ITE*. Sciemia Journal. Vol.7. No.2 (April 2025).
- Yuwono, Inez Fiona and M. Garry Saputra. *Perancangan Motion Graphic "Awes Predator Online" sebagai Pencegahan Kasus Cyber Child Grooming*. Universitas Dian Nusantara. Vol.8. No.4 (December 2022).

Website

APJII. *APJII Jumlah Pengguna Internet Indonesia Tembus 221 Juta Orang*. diakses dari <https://apjii.or.id/berita/d/apjii-jumlah-pengguna-internet-indonesia-tembus-221-juta-orang>. diakses pada 02 Oktober 2025.

BBC. *Grup Inses di Facebook Terbongkar, Indonesia Disebut “Pabrik Konten Pornografi Anak”*. diakses dari <https://www.bbc.com/indonesia/articles/c62ndpg87nyo>. diakses pada 02 Oktober 2025.

Universitas Negeri Surabaya. *Fantasi Sedarah dan Posisi Hukum Anak di Indonesia*. diakses dari <https://paud.fip.unesa.ac.id/post/fantasi-sedarah-dan-posisi-hukum-anak-di-indonesia>. diakses pada 02 Oktober 2025.

Legal Resources

Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

Undang-Undang Nomor 19 Tahun 2016 tentang Perubahan atas Undang-Undang Nomor 11 Tahun 2008.

Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008.

Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.

Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 Tahun 2002.

Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual.

Peraturan Pemerintah Nomor 70 Tahun 2020 adalah Peraturan Pemerintah tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimia, Pemasangan Alat Pendeteksi Elektronik, Rehabilitasi, dan Pengumuman Identitas Pelaku Kekerasan Seksual terhadap Anak.

Other Source

Andani, Meta Meri and Putri Pusvitasari. *Trauma Psikologis pada Anak yang Mengalami Kekerasan Seksual*. Buletin KPIN (July 2022).

KOMNAS PEREMPUAN. *Siaran Pers Komnas Perempuan Penyikapan Terhadap Pengesahan Peraturan Pemerintah Tentang Tata Cara Pelaksanaan Tindakan Kebiri Kimia, Pemasangan Alat Pendeteksi Elektronik, Rehabilitasi, dan Pengumuman Identitas Pelaku Kekerasan Seksual terhadap Anak Pidana Tambahan Kebiri Kimia: Distraksi pada Upaya Penghapusan Kekerasan Seksual dan Kemunduran Pemenuhan Hak Konstitusional*. SIARAN PERS KOMNAS PEREMPUAN, January 2021.

Septiani, Rima. *Menyoal Grup “Fantasi Sedarah”*. Harian Jurnal (May 2025).