

INTERNATIONAL LEGAL PROTECTION OF CHILDREN AGAINST ONLINE SEXUAL EXPLOITATION IN THE DIGITAL ERA AND ENFORCEMENT IMPLICATIONS

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Abstract

The rapid expansion of digital technologies has significantly transformed the ways in which children interact, learn, and communicate. At the same time, digital environments have increasingly facilitated various forms of online child sexual exploitation, creating serious legal and human rights concerns at the international level. Online child sexual exploitation presents unique challenges due to its transnational nature, the anonymity of perpetrators, and the rapid dissemination of harmful digital content, including simulated or fictional material involving children. This article examines international legal protection for children against online sexual exploitation in the digital era, with particular attention to the implications for legal enforcement. Employing a normative legal research method, the study analyzes key international legal instruments, particularly the Convention on the Rights of the Child (CRC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). The analysis focuses on how these instruments establish state obligations to prevent, prohibit, and respond to online sexual exploitation involving children, including content disseminated through digital platforms. The study finds that while the CRC and OPSC provide a comprehensive normative foundation for child protection, effective enforcement in digital spaces requires adaptive legal responses that address technological developments, cross-border jurisdictional issues, and platform-based dissemination of exploitative content. The article argues that strengthening international cooperation, enhancing state responsibility, and integrating preventive and enforcement-oriented measures are essential to ensuring meaningful protection of children from online sexual exploitation in the digital era.

Keywords: Child Protection, Online Child Sexual Exploitation, International Law, Children's Rights, Legal Enforcement

1. INTRODUCTION

The development of information technology and digital media has had a significant impact on social life, including on child protection. On the one hand, the digital world offers extraordinary opportunities for children's education, creativity, and communication. However, on the other hand, the digital space also opens up space for harmful practices such as online child sexual exploitation and abuse, known as Online Child Sexual Exploitation and Abuse (OCSEA). The OCSEA phenomenon has become a complex global problem, particularly because it occurs beyond national jurisdictions and utilizes digital technology to disseminate material harmful to children worldwide (UNICEF, 2022).

The disseminated digital content takes the form of narratives, illustrations, or even manipulative digital images depicting sexual incestuous relationships with

children as the primary object (John.M, 2024). This makes the digital world not only a medium for communication but also a medium for the dissemination of fictionalized sexual violence, which still has real social and psychological impacts. Content disseminated in the digital world has impacted the global landscape, both positively by facilitating access to information and, of course, negatively. The impact of this developing technology on society is pornography. It's no surprise that the internet is always associated with pornography.

Technology has transformed people's lifestyles, eliminating the limitations of space and time as major obstacles. The growing presence of the internet further supports the cultural mainstream of information and communication technology (Ashidique, 2005). According to Marshall McLuhan, the radical shift in human values resulting from the information revolution is more destructive than a war with modern firearms.

Previous research has extensively discussed the phenomenon of online child sexual exploitation from various perspectives. One study highlighted the dynamics of OCSEA terminology and the nature of OCSEA during the pandemic, which impacted the difficulties of law enforcement in the digital space (Arifin, 2021). Research at the ERA Forum (2020) emphasized the importance of international collaboration in prevention and response strategies to OCSEA, but this study did not fully examine the international legal basis and implications of law enforcement based on international legal instruments. Furthermore, Lisanawati's (2024) study examined legal protection against child sexual exploitation in the digital space in a national context, without delving into the international instruments binding on States Parties.

The United Nations Convention on the Rights of the Child (CRC) and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC) explicitly state that any form of sexual exploitation of children, whether direct or indirect, constitutes a violation of children's rights. Legal protection for children against sexual exploitation in the digital realm needs to be enforced. Acts of sexual exploitation based on audacity perpetrated by close relatives, as in the case above, are a serious concern because those closest to the children's lives use them as objects of sexual fantasies, an act that should not be done.

This phenomenon demonstrates the importance of child protection in the digital context, which relies not only on legal responses after the crime occurs but also on a preventative and responsive legal framework. The global nature of the digital space also poses challenges across borders and the responsibility of digital platforms, such as social media, which often serve as a means of disseminating problematic content. Based on this situation, this study examines the importance of conducting a normative legal review of international legal responses, particularly through the CRC and OPSC, in addressing the phenomenon of daring groups like "Incest Fantasy," which exposes sexual content to children.

2. METHODOLOGY

This research is a normative legal study that focuses on the analysis of written legal norms and applicable legal principles. The approaches used consist of a statutory-regulatory approach and a contextual approach. The statutory-regulatory approach is used to examine international legal instruments such as the Convention on the Rights of the Child (CRC) and the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography (OPSC), particularly articles regulating the prohibition of sexual exploitation of children in the digital space. Meanwhile, the contextual approach is used to examine child protection principles, such as the best interest of the child and the state's obligation to create a safe digital space for children. The data for this research were obtained through a literature review by examining primary and secondary legal materials, such as international documents, national laws and regulations, academic journals, and reports from international institutions. The data analysis technique was descriptive-qualitative, namely by outlining the contents of legal norms and child protection concepts relevant to the case of the distribution of sexual content in the group

3. FINDINGS AND DISCUSSION

3.1 Protection of Children from the Spread of Sexual Content in Digital Space in International Law

Technological developments create new challenges for international law in classifying sexual content that is not explicitly real. However, he suggests that the precautionary principle and a child-rights-based approach must continue to be applied to protect children's integrity comprehensively (Lohrasebi et al., 2024). Therefore, the current international legal approach is increasingly inclusive of various forms of digital content, including fictional content.

In the digital context, the distribution of sexual content involving children has evolved in various forms, including through manipulated images, illustrations, or fictional content such as incest fantasies. International law tends to consider the substance of exploitation rather than its form—so even if the content is not based on reality, as long as it depicts children in a sexual context, it can be considered a violation of the child protection principle, which states that fictional or digital images of a sexual nature toward children still create a dangerous environment and can facilitate a cycle of sexual deviation. Child protection in international law is a fundamental principle comprehensively regulated in the 1989 Convention on the Rights of the Child (CRC) and the 2000 Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). Article 34 of the Convention states:

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall, in particular, take all appropriate national, bilateral, and multilateral measures to prevent:

(a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) The exploitative use of children in pornographic performances and materials.

Article 34 of the Convention on the Rights of the Child (CRC) obliges states parties to protect children from all forms of sexual exploitation and abuse. This obligation includes preventing the inducement or coercion of children to engage in unlawful sexual activity, the exploitation of children in prostitution, and the use of children in pornographic performances and materials. This provision is not limited to direct physical acts but also includes visual, narrative, or digital representations that exploit children as sexual objects.

Therefore, states have a responsibility to take appropriate legal, administrative, bilateral, and multilateral measures to prevent all forms of sexual exploitation of children, including those disseminated online in the form of fictional content such as incest fantasies. A progressive interpretation of Article 34 of the CRC emphasizes that child protection must include the digital space, so that this legal instrument remains relevant in the face of the dynamics of modern sexual crimes that do not always involve physical victims but still have psychological and social impacts.

Meanwhile, Article 2 of the Optional Protocol to the Convention on the Rights of the Child (OPSC) obliges states to criminalize the production, distribution, and distribution of children. The Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography prohibits the sale of children, child prostitution, and possession of material depicting the sexual exploitation of children, without requiring the direct physical involvement of the child victim. Article 2, section (c), explains:

"(c) Child pornography means any representation, by any means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes."

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) provides explicit definitions for three main forms of child exploitation: the sale of children, child prostitution, and child pornography. In this context, "child pornography" is broadly defined as any method or medium that depicts children in explicit sexual activity, whether real or simulated, or depicts the sexual parts of children for sexual purposes. This definition allows for interpretation, meaning that fictional or simulated sexual content, such as incest fantasy stories or images depicting children as sexual objects, still falls under the category of child pornography. The emphasis on the term "simulated" indicates that the presence of a real victim is not a prerequisite for categorizing content as a form of child sexual exploitation. Therefore, states parties are obligated to criminalize and prevent all forms of distribution of content that fall within this definition, including fictional content disseminated through digital platforms or online groups, as in the case of "Incest Fantasy."

However, this freedom is not absolute and can be violated. This occurs when the expression conveyed has the potential to violate the human rights of others, particularly children's rights to protection from sexual exploitation. Therefore, protecting freedom of expression must be prioritized in a democratic, rule-of-law state (Ariestu et al., 2023). In the context of the digital space, the state has an obligation to

ensure that freedom of expression is not used to legitimize the dissemination of content that degrades children. Therefore, a human rights-based approach to child protection requires a balance between respect for freedom of expression and the best interests of children, as stipulated in international legal instruments.

Regulations regarding restrictions on freedom of expression in Indonesia now adhere to the global ICCPR standard, which guarantees the protection of human rights. In practice, the government may only restrict speech if it has a strong legal basis, a legitimate purpose, and the measures remain proportionate. This principle exists to ensure the state does not overstep its bounds or arbitrarily remove the essence of the right to expression itself. Therefore, restrictions should be viewed as a last resort, taken only in urgent situations, including to protect children from the threat of sexual exploitation online (Yuliantini, 2020).

3.2 Legal Qualification of Online Groups Spreading Incest Fantasies as Child Sexual Exploitation

Based on the provisions of the Convention on the Rights of the Child (CRC) and the Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography (OPSC), child sexual exploitation is expressly and comprehensively prohibited under international law. Article 34 of the CRC stipulates that states parties are obliged to protect children from all forms of sexual abuse and exploitation (Kompas, 2025). This obligation includes preventing the inducement or coercion of children to participate in unlawful sexual activities, the involvement of children in prostitution, and the involvement of children in pornographic performances or materials. States are required to take appropriate legal, administrative, social, and international cooperation measures to prevent these forms of exploitation.

Consequently, such content can be classified as a form of child sexual exploitation. This is because the content:

1. Depicts children in a sexual context, even in the form of fiction or fantasy;
2. Has the potential to encourage the later consumption of real exploitative material;
3. Creates an unsafe digital space for children.

In the case of the "Incest Fantasy" group, the perpetrators used narratives and visuals depicting incestuous sexual relationships with children. The content distributed in the group was documented, and the explicit nature and direction of the sexual messages directed at children were sufficient to constitute child sexual exploitation under international law. States and digital platforms have a moral and legal responsibility to remove such content and prevent its further distribution.

The Optional Protocol to the CRC (OPSC) provides expanded obligations for state parties, particularly regarding the criminalization and enforcement of child trafficking, child prostitution, and child pornography. The OPSC explicitly requires states to criminalize any form of production, distribution, or possession of child pornography, including digital and simulated content. This is particularly relevant in the context of the increasing number of cases of child sexual exploitation in the digital space, where such content can trigger significant social impacts. Therefore, states are not only responsible for prosecuting crimes that have already occurred but also for preventing the dissemination of content that reinforces the cycle of sexual deviance.

Referring to the principles and provisions of the Convention on the Rights of the Child (CRC) and the Optional Protocol to the CRC on the Sale of Children, Child

Prostitution, and Child Pornography (OPSC), the dissemination of sexual content aimed at children on online platforms such as the "Incest Fantasy" group should be viewed as a form of child sexual exploitation. Some factual content with sexual content directed at children still poses serious risks and threatens child protection in the digital space. Therefore, states and digital platform providers have a legal and moral responsibility to prevent and remove such content. Active action in monitoring, reporting, and law enforcement are essential steps to guarantee children's rights to live safely and free from sexual exploitation in any form. Thus, online groups like this should not only be considered as fictitious forums, but as a real form of sexual exploitation and need to be dealt with based on international and national legal norms.

4. CONCLUSION

Child protection in the digital realm encompasses not only real exploitation but also the dissemination of fictional sexual content such as incest fantasies. Content depicting children in sexual representations, even if simulated, still qualifies as child pornography under Article 2 of the OPSC and violates the child protection principles set out in the CRC. States have an obligation to criminalize, prevent, and take legal and administrative action against perpetrators and digital platforms involved in the dissemination of such content. Therefore, progressive legal interpretation and harmonization of national regulations with international standards are needed to provide comprehensive protection for children. These efforts must be accompanied by oversight of digital platforms and public education about the dangers of digital-based sexual deviations. Child protection in cyberspace must be prioritized in law and policy, as technology-based sexual crimes increase.

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