Beyond Child Protection: Reconstructing Criminal Law Protection Against Child Sexual Exploitation Under Indonesia's New Penal Code

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Abstract. Child sexual exploitation has become one of the most serious violations of children's rights, evolving beyond conventional forms into technology-facilitated crimes involving online grooming, coercion, trafficking, and commercial sexual exploitation. Although Indonesia has strengthened its legal framework through Law Number 1 of 2023 concerning the Indonesian Penal Code, Law Number 12 of 2022 on the Crime of Sexual Violence, and the Child Protection Law, the existing criminal law system remains fragmented and has not yet established an integrated framework capable of providing comprehensive protection for child victims. This study aims to reconstruct criminal law protection against child sexual exploitation under Indonesia's New Penal Code by addressing normative inconsistencies, strengthening victim-oriented justice, and harmonizing relevant legal instruments. The research addresses the following question: How should Indonesia's criminal law protection against child sexual exploitation be reconstructed to ensure legal certainty, effective victim protection, and child-centered justice under the New Penal Code? This study employs a normative juridical (doctrinal) research method using statutory, conceptual, comparative, and case approaches. The analysis is based on the theories of legal certainty, legal protection, human rights, and criminal policy. The findings demonstrate that the current regulatory framework suffers from overlapping legal provisions, inconsistent criminalization, fragmented victim protection mechanisms, and limited coordination between punitive sanctions and victim recovery. These deficiencies weaken legal certainty, reduce the effectiveness of criminal law enforcement, and fail to adequately respond to emerging forms of sexual exploitation in the digital era. This study proposes a reconstructed criminal law framework that integrates substantive criminal law reform, victim-centered justice, restorative recovery mechanisms, inter-agency coordination, and harmonization with international child protection standards. The proposed framework contributes a progressive model of criminal law protection that prioritizes the best interests of the child

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while balancing legal certainty, justice, and effective criminal policy in Indonesia.

Keywords: Child Sexual Exploitation, Victim-Centered Justice, Criminal Law Reform.

1 Introduction

The protection of children from sexual exploitation has become one of the most pressing human rights issues in the twenty-first century. The rapid expansion of digital technologies, social media platforms, encrypted communication services, and transnational criminal networks has fundamentally transformed the nature of child sexual exploitation from conventional physical abuse into increasingly sophisticated forms of online exploitation. Children are no longer exposed solely to direct physical violence but also to online grooming, livestreamed sexual abuse, child sexual abuse material (CSAM), sextortion, commercial sexual exploitation, and technology-facilitated trafficking [1], [2]. These evolving patterns demonstrate that child sexual exploitation is no longer merely a domestic criminal issue but a complex transnational crime requiring comprehensive legal responses that integrate criminal law, human rights protection, child welfare, and international cooperation. International organizations have consistently identified online child sexual exploitation as one of the fastest-growing forms of organized crime, posing significant challenges to law enforcement agencies due to its cross-border nature, digital anonymity, and rapid technological evolution [3].

The urgency of strengthening legal protection for child victims has also been reinforced through various international legal instruments. The United Nations Convention on the Rights of the Child (CRC) establishes that every child possesses the inherent right to protection from all forms of sexual exploitation and sexual abuse, requiring States Parties to adopt effective legislative, administrative, social, and educational measures [4]. This obligation is further elaborated in the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which requires States to criminalize all forms of child sexual exploitation while ensuring comprehensive victim protection and international cooperation [5]. More recently, global legal discourse has shifted from merely criminalizing offenders toward developing child-centered justice systems that prioritize victim recovery, trauma-informed procedures, rehabilitation, digital safety, and restorative mechanisms alongside effective criminal prosecution. Consequently, the effectiveness of criminal law is no longer assessed solely by the severity of punishment but also by its capacity to guarantee the best interests of the child, provide meaningful access to justice, and prevent revictimization.

This paradigm shift has become increasingly relevant as digital technologies continue to reshape patterns of sexual violence against children worldwide. The growing accessibility of internet services has significantly increased children's exposure to online risks, including cyber grooming, image-based sexual abuse, online coercion, and commercial sexual exploitation. Empirical evidence demonstrates that

these crimes frequently occur across multiple jurisdictions, making traditional territorial criminal law approaches increasingly inadequate [1], [6]. International legal scholars therefore argue that child sexual exploitation should be addressed through integrated criminal law policies that combine substantive criminal law, procedural safeguards, technological regulation, victim protection, and cross-border cooperation rather than relying exclusively on punitive sanctions [7].

Indonesia reflects many of these global challenges. As one of the largest digital economies in Southeast Asia, Indonesia has experienced a dramatic increase in internet accessibility among children and adolescents. Recent national studies indicate that nearly all Indonesian children actively use the internet, exposing them to unprecedented opportunities as well as significant risks of online sexual exploitation. According to UNICEF Indonesia, approximately 99.4 percent of Indonesian children access the internet, spending an average of 5.4 hours online each day [8]. The same report estimates that approximately two percent of internet-using children experienced online child sexual exploitation or abuse during the previous twelve months, representing more than half a million child victims annually [8]. Equally concerning, many incidents remain undisclosed or unreported due to fear, stigma, limited awareness, and inadequate victim support systems.

Recognizing these challenges, Indonesia has undertaken substantial legal reforms over the past decade to strengthen criminal law protection against sexual violence and child exploitation. The enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence (Sexual Violence Crime Act) [9] represents a significant milestone by recognizing various forms of sexual violence, including technology-facilitated sexual violence, while expanding victims' procedural rights, restitution mechanisms, psychological recovery, and institutional responsibilities. Furthermore, Law Number 1 of 2023 concerning the Indonesian Penal Code (New Penal Code) [10] introduces a comprehensive reform of Indonesia's criminal law system by modernizing criminal liability, incorporating contemporary criminal policy principles, and redefining several offences related to sexual crimes. These reforms complement the existing Child Protection Law [11], which establishes the State's constitutional obligation to protect children from violence, exploitation, neglect, discrimination, and other violations of children's rights.

Normatively (das sollen), these legislative developments indicate Indonesia's strong commitment to fulfilling both constitutional mandates and international human rights obligations concerning child protection. The legal framework aspires to establish comprehensive criminal law protection through criminalization, law enforcement, victim assistance, restitution, rehabilitation, and institutional coordination. Collectively, these statutes embody the constitutional principles enshrined in the Constitution of the Republic of Indonesia [12], the Convention on the Rights of the Child [4], and broader international human rights standards emphasizing the best interests of the child, equality before the law, legal certainty, and access to justice. However, the empirical reality (das sein) demonstrates that the existence of multiple legal instruments has not necessarily translated into effective protection for child victims. The increasing prevalence of online child sexual exploitation, digital grooming, commercial sexual exploitation, child sexual abuse material, and

technology-facilitated trafficking illustrates that criminal law enforcement continues to face substantial structural and normative challenges. Victims frequently experience delayed reporting, inadequate digital forensic investigations, fragmented institutional responses, inconsistent legal interpretations, and limited access to integrated recovery services. Meanwhile, rapid technological developments continue to outpace legal adaptation, enabling offenders to exploit jurisdictional limitations, encrypted digital platforms, anonymous communication technologies, and transnational criminal networks. Consequently, child victims often remain inadequately protected despite the apparent comprehensiveness of Indonesia's legal framework.

The discrepancy between normative expectations and practical implementation illustrates that the challenge confronting Indonesia is no longer confined to the enactment of criminal legislation. Rather, it concerns the capacity of the existing criminal law system to respond effectively to increasingly complex forms of child sexual exploitation while simultaneously safeguarding children's rights through a coherent, integrated, and victim-oriented legal framework. This tension between legal ideals and empirical realities provides the essential foundation for a critical re-examination of Indonesia's criminal law protection against child sexual exploitation under the New Penal Code.

Despite these legislative reforms, the adequacy of Indonesia's criminal law framework in protecting child victims of sexual exploitation remains open to critical examination. The coexistence of the Child Protection Law, Law Number 12 of 2022 concerning the Crime of Sexual Violence (Sexual Violence Crime Act), and Law Number 1 of 2023 concerning the Indonesian Penal Code demonstrates a significant normative development. Nevertheless, these statutes have not yet produced a fully integrated criminal law architecture capable of responding comprehensively to the increasingly complex characteristics of child sexual exploitation, particularly in digital environments. Rather than functioning as a coherent legal system, the existing framework continues to operate through fragmented sectoral regulations that often create overlapping provisions, inconsistent legal interpretations, and uncertainty regarding the scope of criminal liability, victim protection, and institutional responsibilities. Recent legal scholarship likewise notes persistent gaps in Indonesia's legal framework for online child sexual exploitation and the need for more coherent regulatory integration [13].

From a substantive criminal law perspective, several regulatory inconsistencies remain unresolved. The Child Protection Law primarily emphasizes the protection of children's rights and criminal sanctions against offenders, while the Sexual Violence Crime Act introduces a broader victim-centered approach emphasizing restitution, rehabilitation, procedural safeguards, and recovery. Meanwhile, the New Penal Code modernizes Indonesia's criminal law system but has not comprehensively synchronized all criminal provisions concerning child sexual exploitation with the broader framework established by sectoral legislation. Consequently, law enforcement authorities may encounter overlapping legal provisions, inconsistent qualification of offences, and varying interpretations regarding the relationship between general criminal law and special criminal statutes. Such inconsistencies potentially undermine the principles of

legal certainty (rechtszekerheid) [14], [15], equality before the law, and effective criminal justice administration.

These legal inconsistencies become increasingly problematic when addressing technology-facilitated child sexual exploitation. Contemporary offences—including online grooming, child sexual abuse material (CSAM), live-streamed sexual abuse, sexual extortion, and digitally mediated commercial exploitation—are characterized by anonymity, transnational operations, encrypted communications, and rapidly evolving technological platforms. Traditional criminal law provisions developed primarily for conventional offences frequently prove inadequate when confronting crimes that transcend territorial jurisdiction and involve complex digital evidence. Consequently, the challenge is no longer limited to determining criminal liability but extends to ensuring effective victim identification, digital evidence preservation, cross-border cooperation, financial investigations, psychological recovery, and long-term protection for child victims [16].

Existing academic literature has significantly contributed to understanding child sexual exploitation from various legal perspectives. Previous studies have examined the legal protection of child victims under the Child Protection Law, analyzed victim rights within the Sexual Violence Crime Act, explored commercial sexual exploitation through social media, and identified regulatory deficiencies in addressing online child sexual exploitation [17], [18]. Other scholars have highlighted weaknesses in victim assistance mechanisms, evidentiary procedures, and access to justice, while emphasizing the importance of victim-centered approaches in Indonesia's criminal justice system [19].

Although these studies provide valuable insights, most remain limited to evaluating individual statutes, analyzing specific offences, or examining particular victim protection mechanisms. They generally assess legal effectiveness within existing regulatory frameworks without critically reconstructing the overall architecture of Indonesia's criminal law following the enactment of the New Penal Code. Moreover, relatively few studies investigate how the New Penal Code should be harmonized with the Sexual Violence Crime Act, the Child Protection Law, and Indonesia's international human rights obligations to establish a coherent and integrated criminal law system. As a result, the scholarly discussion remains fragmented and has not yet generated a comprehensive theoretical model capable of integrating criminalization, victim protection, procedural justice, institutional coordination, and long-term child recovery within a unified legal framework.

This limitation reveals an important knowledge gap in contemporary Indonesian criminal law scholarship. Current research predominantly focuses on doctrinal interpretation, law enforcement effectiveness, or victim protection under individual legal instruments. Insufficient attention has been devoted to reconstructing Indonesia's criminal law policy from an integrated perspective that simultaneously incorporates legal certainty, child-centered justice, victim-oriented criminal policy, and international human rights standards following the implementation of the New Penal Code. Consequently, there remains no comprehensive model explaining how multiple legal instruments should interact systematically to respond to increasingly sophisticated forms of child sexual exploitation in the digital era.

The present study seeks to address this knowledge gap by advancing a broader conceptual framework entitled "Beyond Child Protection." Unlike conventional approaches that primarily emphasize children's rights protection after victimization occurs, this study argues that criminal law protection should be reconstructed as an integrated legal system encompassing substantive criminal law reform, procedural justice, victim recovery, institutional coordination, technological adaptation, and preventive criminal policy. Accordingly, child protection should no longer be understood solely as an obligation to punish offenders but as a comprehensive legal architecture capable of preventing exploitation, protecting victims throughout criminal proceedings, facilitating rehabilitation, and reducing the risk of revictimization. This perspective reflects the contemporary evolution of victim-centered justice and child-centered justice while strengthening Indonesia's compliance with the Convention on the Rights of the Child and related international standards.

The novelty of this study lies in three principal contributions. First, it develops an integrated reconstruction of criminal law protection by harmonizing the Indonesian Penal Code, the Sexual Violence Crime Act, and the Child Protection Law within a single normative framework. Second, it shifts the analytical focus from a predominantly offender-oriented criminal justice model toward a child-centered and victim-oriented justice paradigm that balances punishment, protection, recovery, and the best interests of the child. Third, it proposes a progressive model of criminal law reform that aligns Indonesia's domestic legislation with contemporary developments in international child protection and technology-facilitated sexual exploitation, thereby providing a more adaptive legal response to emerging forms of child victimization.

Based on these considerations, this research addresses the following principal question: How should criminal law protection against child sexual exploitation be reconstructed under Indonesia's New Penal Code to establish an integrated, victim-centered, and child-centered criminal justice framework consistent with international human rights standards? To answer this question, the study aims to analyze the normative weaknesses within Indonesia's existing legal framework, identify the legal and conceptual gaps affecting effective child protection, and formulate a reconstructed model of criminal law protection capable of harmonizing substantive criminal law, victim rights, criminal policy, and international legal principles. Ultimately, this study is expected to contribute not only to the development of Indonesian criminal law doctrine but also to broader international discourse concerning the modernization of criminal law protection for child victims of sexual exploitation in an increasingly digital and transnational legal environment.

2 Research Methods

This study employs a normative juridical (doctrinal) research method [20], as the primary objective is to examine, interpret, and reconstruct the legal framework governing criminal law protection against child sexual exploitation under Indonesia's New Penal Code. Rather than relying on empirical data, this research focuses on legal norms, statutory provisions, legal doctrines, judicial principles, and international legal

standards to evaluate the adequacy of Indonesia's criminal law system in responding to increasingly complex forms of child sexual exploitation. The research adopts several complementary legal approaches. The statutory approach is used to analyze the consistency and interaction between Law Number 1 of 2023 concerning the Indonesian Penal Code, Law Number 12 of 2022 concerning the Crime of Sexual Violence, and the Child Protection Law, together with other relevant Indonesian legislation governing children's rights and criminal justice [16], [21]. The conceptual approach examines fundamental legal concepts, including criminal law protection, child-centered justice, victim-centered justice, legal certainty, legal protection, and criminal policy [22], [23], [24], [25], [26] as theoretical foundations for reconstructing Indonesia's legal framework. In addition, a comparative approach is employed to evaluate Indonesia's regulatory framework against international legal instruments and contemporary global developments, particularly the United Nations Convention on the Rights of the Child (CRC), the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC), and other internationally recognized child protection principles. A case approach is also incorporated to examine selected judicial decisions and legal cases illustrating the practical challenges of criminal law enforcement in addressing child sexual exploitation, especially technology-facilitated offences. The legal materials used in this research consist of primary, secondary, and tertiary legal sources. Primary legal materials include the Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Indonesian Penal Code, Law Number 12 of 2022 concerning the Crime of Sexual Violence, the Child Protection Law, relevant implementing regulations, international conventions, and selected judicial decisions. Secondary legal materials comprise scholarly books, peer-reviewed journal articles, conference proceedings, official reports published by international organizations such as UNICEF, UNODC, and ECPAT International [27], [28], [29], as well as recent studies discussing child sexual exploitation, criminal law reform, victim protection, and child-centered justice. Tertiary legal materials include legal dictionaries, encyclopedias, official legal databases, and other authoritative references that support legal interpretation. Legal materials were collected through library-based legal research using systematic document analysis. The selection of academic literature prioritizes recent publications (2020-2026), particularly articles indexed in internationally recognized databases to ensure the relevance and contemporary nature of the legal analysis. Statutory provisions and international legal instruments were examined through textual interpretation, while judicial decisions and institutional reports were analyzed to identify practical legal issues and normative inconsistencies affecting criminal law protection for child victims.

The collected legal materials were analyzed qualitatively using prescriptive legal analysis. The analysis combines grammatical, systematic, and teleological interpretation to examine the coherence of statutory provisions and assess their conformity with constitutional principles, international human rights standards, and contemporary criminal law policy. The research further employs a harmonization analysis to identify normative inconsistencies among relevant legal instruments and to formulate an integrated model of criminal law protection. Rather than merely describing existing regulations, this study develops normative legal arguments to

reconstruct Indonesia's criminal law framework by strengthening legal certainty, enhancing victim-centered and child-centered justice, and aligning domestic legislation with evolving international standards for combating child sexual exploitation. Through this methodological framework, the study seeks to produce a comprehensive legal reconstruction that is theoretically grounded, normatively coherent, and practically relevant for strengthening Indonesia's criminal justice system in protecting children from both conventional and technology-facilitated sexual exploitation.

3 Results and Discussion

3.1 The Existing Criminal Law Framework on Child Sexual Exploitation in Indonesia

Child sexual exploitation has evolved into one of the most complex forms of transnational crime, extending beyond conventional sexual offences into technology-facilitated exploitation involving online grooming, child sexual abuse material (CSAM), live-streamed sexual abuse, commercial sexual exploitation, and trafficking networks [2], [3]. This transformation has fundamentally altered the scope of criminal law protection, requiring States not only to criminalize offenders but also to establish an integrated legal framework capable of ensuring prevention, victim protection, prosecution, rehabilitation, and international cooperation. Consequently, the effectiveness of criminal law is no longer measured solely by punitive sanctions but by its ability to provide comprehensive legal protection for child victims throughout the criminal justice process.

Indonesia has undertaken significant legislative reforms to strengthen the protection of children against sexual exploitation. The current legal framework is principally governed by three major statutes, namely Law Number 1 of 2023 concerning the Indonesian Penal Code (New Penal Code), Law Number 12 of 2022 concerning the Crime of Sexual Violence (Sexual Violence Crime Act), and the Child Protection Law. Collectively, these laws demonstrate Indonesia's commitment to fulfilling constitutional obligations under Article 28B paragraph (2) of the 1945 Constitution [12] and international obligations arising from the Convention on the Rights of the Child (CRC) [4]. Nevertheless, while these statutes collectively provide a broad normative basis for combating child sexual exploitation, they have not yet formed a coherent criminal law framework capable of responding comprehensively to contemporary patterns of exploitation.

From the perspective of substantive criminal law, the enactment of Law Number 1 of 2023 concerning the Indonesian Penal Code represents the most comprehensive reform of Indonesia's criminal justice system since independence. The New Penal Code modernizes Indonesia's criminal legislation by incorporating contemporary principles of criminal responsibility, proportional punishment, legal certainty, restorative justice, and human rights protection. Unlike the former colonial-based Criminal Code, the New Penal Code [10] attempts to harmonize criminal law with constitutional values and international legal developments. In relation to sexual offences involving children, the

Code broadens criminal liability and strengthens legal protection by recognizing contemporary forms of sexual crimes while providing a more systematic framework for criminal sanctions.

However, despite these significant reforms, the New Penal Code still predominantly adopts a conventional criminal law approach that focuses on defining criminal offences and determining sanctions against perpetrators. The legislation has not yet comprehensively developed an integrated legal architecture specifically addressing the multidimensional nature of child sexual exploitation, particularly technology-facilitated exploitation. Emerging offences such as online grooming, digital recruitment, sexually exploitative livestreaming, online commercial exploitation, and financial transactions supporting child sexual exploitation frequently extend beyond traditional criminal law concepts, thereby requiring more coordinated regulatory responses involving digital governance, financial supervision, cyber investigation, and international judicial cooperation. Recent legal scholarship similarly concludes that Indonesia's current legal framework remains insufficient to address increasingly sophisticated forms of online child sexual exploitation, particularly where financial systems facilitate exploitation [1], [2].

Complementing the New Penal Code, Law Number 12 of 2022 concerning the Crime of Sexual Violence [9] represents a fundamental shift in Indonesia's criminal law policy from an offender-oriented approach toward a victim-centered justice model. Unlike previous criminal legislation, the Sexual Violence Crime Act recognizes that victims require not only criminal prosecution of offenders but also comprehensive protection before, during, and after judicial proceedings. Accordingly, the Act introduces broader legal guarantees, including victims' rights to restitution, medical treatment, psychological rehabilitation, legal assistance, confidentiality, institutional protection, and recovery services.

The significance of the Sexual Violence Crime Act lies in its recognition that criminal justice should prioritize the dignity, autonomy, and recovery of victims rather than merely imposing punishment [24]. This paradigm is particularly important in cases involving child victims because sexual exploitation often results in severe and long-lasting psychological trauma, social exclusion, educational disruption, and economic vulnerability. Consequently, criminal justice mechanisms must operate within a child-centered framework that minimizes secondary victimization while ensuring the best interests of the child throughout legal proceedings.

Nevertheless, the implementation of the Sexual Violence Crime Act reveals several structural limitations when applied to child sexual exploitation. Although the Act provides extensive victim protection mechanisms, it does not fully integrate with substantive criminal provisions contained in the New Penal Code and the Child Protection Law. The coexistence of multiple statutory regimes creates uncertainty regarding legal qualification, prosecutorial strategy, institutional authority, and procedural coordination. In practice, law enforcement officials may apply different legal provisions to similar factual circumstances, resulting in inconsistent legal interpretations and unequal protection for child victims.

The Child Protection Law, as amended by Law Number 35 of 2014 [11], continues to function as Indonesia's principal lex specialis governing children's rights. The

legislation establishes the State's obligation to protect children from violence, neglect, discrimination, trafficking, economic exploitation, and sexual exploitation while imposing criminal sanctions against offenders. The law also adopts the principle of the best interests of the child, reflecting Indonesia's obligations under the Convention on the Rights of the Child [4].

Although the Child Protection Law provides an essential normative foundation, its substantive orientation remains largely protective rather than integrative. The law primarily defines prohibited conduct and corresponding criminal sanctions but provides limited normative guidance concerning the coordination of victim recovery, digital investigation, cross-border cooperation, financial tracing of exploitation networks, and integrated institutional responsibilities. As a result, protection remains fragmented across different legal instruments, reducing the effectiveness of criminal law in addressing increasingly sophisticated forms of child sexual exploitation in the digital era. This fragmentation has likewise been identified in recent scholarship examining Indonesia's child protection framework and the implementation gap between statutory guarantees and practical enforcement [17], [18].

3.2 Reconstructing Criminal Law Protection Against Child Sexual Exploitation: Towards a Victim-Centered and Child-Centered Criminal Justice Framework

The foregoing analysis demonstrates that Indonesia has established an extensive legal framework to combat child sexual exploitation through the New Penal Code, the Sexual Violence Crime Act, and the Child Protection Law. Nevertheless, the coexistence of these legal instruments has not automatically resulted in an integrated criminal justice system capable of responding to increasingly sophisticated forms of child sexual exploitation. The principal challenge therefore lies not in the absence of legislation, but in the absence of a coherent criminal law architecture that harmonizes substantive criminal law, procedural justice, victim protection, institutional coordination, and technological adaptation. Consequently, criminal law protection must be reconstructed beyond a conventional punitive paradigm toward an integrated framework founded upon Victim-Centered Justice, Child-Centered Justice, Criminal Policy, and Human Rights.

The first dimension of this reconstruction is the adoption of Victim-Centered Justice as the normative orientation of criminal law protection. Conventional criminal justice systems primarily view criminal proceedings as a mechanism to establish the guilt of offenders and impose sanctions proportionate to the offence. Although this approach fulfills the retributive function of criminal law [22], [23], it frequently overlooks the multidimensional needs of victims, particularly children who experience sexual exploitation. Child victims commonly suffer long-term psychological trauma, social stigmatization, educational disruption, family disintegration, and economic vulnerability. Accordingly, criminal law should no longer evaluate its effectiveness solely by conviction rates or sentencing severity, but by its capacity to restore victims' dignity, guarantee access to justice, provide comprehensive rehabilitation, ensure meaningful participation in legal proceedings, and prevent secondary victimization.

Within this framework, victim protection should become an inseparable component of criminal liability rather than a complementary social policy. Restitution, psychological recovery, legal assistance, medical treatment, educational continuity, digital privacy, and long-term social reintegration should be regarded as substantive legal rights enforceable throughout the criminal justice process. Such an approach is consistent with the evolution of international criminal justice, which increasingly recognizes that effective victim protection strengthens both public confidence in the justice system and the legitimacy of criminal law itself [19], [30].

The second pillar of reconstruction is the implementation of Child-Centered Justice. Although victim-centered justice applies broadly to victims of crime, child victims require additional legal guarantees because they possess distinct developmental, psychological, and social characteristics. The principle of the best interests of the child, as recognized under the Convention on the Rights of the Child [4] and reflected in Indonesian child protection legislation, requires every legal decision affecting children to prioritize their safety, dignity, development, and future well-being. Consequently, criminal law should be designed not merely to punish offenders but also to minimize procedural harm experienced by child victims.

A child-centered criminal justice framework therefore requires specialized investigative procedures, child-friendly interviewing techniques, trauma-informed evidence collection, confidential proceedings, qualified psychological assistance, and judicial mechanisms that reduce repeated exposure to traumatic experiences [30], [1]. Moreover, the protection of children should extend beyond criminal proceedings to include preventive interventions, early identification of victims, family support, educational recovery, and long-term monitoring. Such an integrated approach recognizes that child sexual exploitation produces consequences extending far beyond the completion of criminal trials.

The third dimension concerns the reconstruction of criminal policy. Modern criminal policy no longer regards criminal punishment as the exclusive instrument for controlling crime [25], [22]. Instead, it emphasizes the integration of penal and non-penal measures to address both the causes and consequences of criminal behaviour. In the context of child sexual exploitation, this requires criminal law reform that simultaneously strengthens criminalization, prevention, institutional cooperation, technological governance, and victim recovery.

Current Indonesian legislation primarily regulates offences through separate statutory instruments. This sectoral approach creates fragmentation in enforcement, institutional responsibilities, and victim services. A reconstructed criminal policy should therefore establish clear harmonization among the New Penal Code, the Sexual Violence Crime Act, and the Child Protection Law. Harmonization should encompass consistent legal definitions, coherent standards of criminal liability, coordinated investigative procedures, unified victim protection mechanisms, and integrated institutional responsibilities involving law enforcement agencies, child protection authorities, cybercrime investigators, social services, educational institutions, and health professionals.

Furthermore, criminal policy must respond to the changing characteristics of child sexual exploitation in the digital environment. Technology-facilitated offences

frequently involve encrypted communications, anonymous digital identities, cross-border financial transactions, online platforms, and organized criminal networks. Consequently, criminal law should explicitly strengthen digital investigation, electronic evidence management, international mutual legal assistance, financial asset tracing, and cooperation with technology companies [2], [16], [21] while maintaining procedural safeguards and human rights protections.

The fourth and most fundamental element of reconstruction is the incorporation of a human rights-based approach. Child sexual exploitation constitutes a serious violation of fundamental human rights, including the rights to dignity, bodily integrity, privacy, security, health, education, and development [4], [31]. Accordingly, criminal law should not merely function as an instrument of punishment but also as a constitutional mechanism for protecting fundamental rights. This perspective requires that every stage of criminal justice—from investigation to sentencing and post-conviction victim recovery—be interpreted consistently with constitutional guarantees and international human rights obligations.

From a human rights perspective, legal certainty cannot be understood solely as predictability in the application of criminal sanctions. Rather, legal certainty also requires clarity regarding victims' rights, institutional responsibilities, procedural guarantees, and effective legal remedies. A criminal justice system that imposes severe punishment but fails to ensure comprehensive protection for child victims cannot be regarded as fully realizing the objectives of legal certainty, justice, and legal utility [14], [15]. Therefore, reconstruction should balance the principles of legality, proportionality, equality before the law, and the best interests of the child within a unified legal framework.

Based on these considerations, this study proposes a conceptual model entitled the Integrated Child-Centered Criminal Law Protection Model as its principal scholarly contribution. The model consists of five mutually reinforcing components. First, normative harmonization, achieved through systematic integration of the New Penal Code, the Sexual Violence Crime Act, and the Child Protection Law to eliminate overlapping provisions and inconsistent legal interpretation. Second, victim-centered criminal justice, ensuring enforceable rights to restitution, rehabilitation, legal assistance, confidentiality, and long-term recovery. Third, child-centered procedural safeguards, incorporating trauma-informed investigation, child-sensitive adjudication, and specialized institutional mechanisms. Fourth, technology-responsive criminal policy, strengthening legal responses to online grooming, child sexual abuse material, digital trafficking, financial exploitation, and other technology-facilitated forms of abuse through enhanced cyber-investigation and international cooperation. Fifth, human rights-based governance, ensuring that criminal law reform consistently reflects constitutional values, international child protection standards, and the principle of the best interests of the child.

This conceptual reconstruction distinguishes the present study from previous scholarship. Existing studies predominantly examine individual statutory provisions or evaluate the implementation of particular legal instruments. By contrast, this research advances an integrated doctrinal framework that reconnects fragmented legislation into a coherent criminal law system capable of responding to both conventional and

technology-facilitated child sexual exploitation. Accordingly, the contribution of this study extends beyond statutory interpretation by offering a normative blueprint for future criminal law reform in Indonesia. Such a framework strengthens legal certainty, improves institutional coherence, enhances victim protection, and aligns Indonesia's criminal justice system with the evolving standards of international human rights law and contemporary criminal policy.

4 Conclusions and Suggestions

This study concludes that Indonesia has established a substantial legal framework for protecting children against sexual exploitation through Law Number 1 of 2023 concerning the Indonesian Penal Code, Law Number 12 of 2022 concerning the Crime of Sexual Violence, and the Child Protection Law. Nevertheless, these legal instruments have not yet formed a fully integrated criminal law system capable of responding effectively to the increasingly complex and technology-facilitated nature of child sexual exploitation. The coexistence of multiple statutes has generated normative fragmentation, overlapping legal provisions, inconsistent interpretation, and institutional coordination challenges, thereby reducing legal certainty and limiting the effectiveness of victim protection.

The findings further demonstrate that the existing criminal law framework remains predominantly offender-oriented, while the multidimensional needs of child victims—including rehabilitation, restitution, psychosocial recovery, procedural protection, and long-term reintegration—have not been comprehensively integrated into the criminal justice system. Consequently, criminal law protection should no longer be understood merely as the criminalization and punishment of offenders but as an integrated legal mechanism that simultaneously guarantees prevention, prosecution, victim recovery, and the protection of children's fundamental rights.

This study proposes an Integrated Child-Centered Criminal Law Protection Model as its principal scholarly contribution. The model reconstructs Indonesia's criminal law framework by harmonizing the New Penal Code, the Sexual Violence Crime Act, and the Child Protection Law within a unified legal architecture founded on four normative pillars: Victim-Centered Justice, Child-Centered Justice, Criminal Policy, and Human Rights. Through this reconstruction, criminal law protection is transformed from a fragmented punitive system into a comprehensive framework that strengthens legal certainty, institutional coherence, effective victim protection, and compliance with international child protection standards.

From a legislative perspective, the Government and the House of Representatives should undertake systematic harmonization of the New Penal Code, the Sexual Violence Crime Act, and the Child Protection Law to eliminate overlapping provisions, clarify institutional responsibilities, and establish consistent legal standards for addressing child sexual exploitation, particularly in technology-facilitated offences. From an institutional perspective, law enforcement agencies, prosecutors, judges, child protection institutions, and social service providers should strengthen interdisciplinary coordination by implementing child-centered procedures, trauma-informed

investigations, integrated victim recovery mechanisms, and specialized training on digital child sexual exploitation. From a policy perspective, Indonesia should further develop a technology-responsive criminal policy that enhances cyber-investigation capacity, digital evidence management, cross-border cooperation, financial asset tracing, and collaboration with digital platform providers while ensuring respect for constitutional guarantees and international human rights obligations. Finally, future research should extend beyond normative legal analysis by incorporating empirical and comparative approaches to evaluate the practical implementation of the proposed reconstruction model, measure its effectiveness within the criminal justice system, and compare Indonesia's legal framework with international best practices in combating child sexual exploitation.

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