

Protecting Children from Digital Sextortion: Integrating Indonesian Law and Maqasid al-Shariah

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Abstract

The increasing use of digital platforms has exposed children to new forms of technology-facilitated sexual violence, including sextortion. Although Indonesian law provides several legal instruments for addressing electronic sexual violence, the regulation and protection of child victims remain fragmented, while the potential contribution of Islamic legal principles to a preventive and victim-centered framework has received limited attention. This study examines the legal protection of children from digital sextortion and develops an integrative framework based on Indonesian law and maqasid al-shariah. It employs normative juridical research using statutory and conceptual approaches. The legal materials include the Criminal Code, legislation on electronic information and transactions, child protection, pornography, and sexual violence, complemented by Islamic legal sources and relevant scholarly literature. The materials were analyzed through legal interpretation, comparative analysis, and maqasid-based normative assessment. The findings demonstrate that Indonesian law provides an increasingly specific basis for prosecuting electronic sexual violence, particularly through the TPKS Law, but important challenges remain concerning regulatory fragmentation, digital evidence, victim protection, and enforcement capacity. From the perspective of maqasid al-shariah, child sextortion simultaneously threatens the protection of life, dignity and lineage,

intellect, and property. The study argues that integrating positive law with maqasid-based protection produces a more comprehensive model combining prosecution, victim recovery, prevention, digital literacy, and protection of children's dignity. This integrative framework contributes to developing a child-centered response to emerging forms of digital sexual violence.

Keywords: Child Protection, Digital Sextortion, Maqasid al-Shariah, Sexual Violence, Indonesian Law.

Introduction

Violence against children in Indonesia has increasingly extended into digital environments, where communication technologies facilitate new forms of sexual coercion, exploitation, and image-based abuse.¹ Administrative reports issued by Indonesian child-protection institutions consistently indicate that sexual violence constitutes a substantial proportion of reported violence against children. Nevertheless, available statistics frequently employ different units of measurement, including the number of reports, incidents, victims, and service recipients. These categories should not be treated as interchangeable. What the available evidence demonstrates most clearly is that the expansion of children's digital participation has not been accompanied by an equally effective system of prevention, reporting, content removal, victim recovery, and legal enforcement. This institutional imbalance makes technology-facilitated sexual violence against children an urgent legal and child-protection problem.

Digital technology has transformed the conditions under which sexual violence against children may be initiated, maintained, and reproduced.² Perpetrators can exploit anonymity, false identities, private messaging services, image-storage systems, and the rapid circulation of content to approach children and exercise coercive control over them. Unlike an isolated physical incident, digital sexual victimization can continue after the initial interaction because images may be copied, redistributed, or used repeatedly to threaten the victim.³ Children face particular vulnerability because their emotional development, dependence on adults, limited legal knowledge, and fear of parental or social

¹Detikcom, "Minister of Women's Empowerment and Child Protection: 12,000 Children Were Victims of Violence Between January and June 2025." *Detikcom*, 2025, <https://news.detik.com/berita/d-7968417/menteri-pppa-12-ribu-anak-jadi-korban-kekerasan-selama-januari-juni-2025>.

²David Finkelhor, Heather Turner, and Deirdre Colburn, "Prevalence of Online Sexual Offenses Against Children in the US", *JAMA Network*, 5.10 (2022) <<https://doi.org/https://doi.org/10.1001/jamanetworkopen.2022.34471>>.

³Nicola Henry and Anastasia Powell, "Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research", *Trauma, Violence, & Abuse*, 19.2 (2018), 195–208 <<https://doi.org/https://doi.org/10.1177/1524838016650189>>.

punishment may prevent them from disclosing abuse.⁴ Consequently, child protection in digital environments cannot be limited to restricting children's internet access. It must encompass digital literacy, platform accountability, confidential reporting, rapid content removal, psychosocial recovery, and effective legal enforcement.⁵

As many as 95% of children aged 12-17 years in Indonesia, do activities online at least twice a day. This situation creates an irony: technology, which should provide "limitless opportunities" to access information, culture, communication, and entertainment that can spark creativity and broaden children's horizons, also carries "serious risks."⁶ The widespread participation of Indonesian children in online activities has created both developmental opportunities and new forms of vulnerability. Digital platforms provide access to education, communication, culture, and entertainment, but they also expose children to grooming, sexual solicitation, non-consensual image distribution, and sexual extortion. International research shows that online child sexual exploitation comprises overlapping forms of coercion rather than a single homogeneous offense. Among these forms, digital sextortion is particularly harmful because perpetrators weaponize intimate material or the threat of disclosure to obtain money, additional images, sexual acts, or other forms of compliance. Accordingly, digital sextortion must be understood not merely as misuse of electronic information, but as a continuing pattern of coercive control that may endanger a child's dignity, psychological integrity, safety, and property. These findings reinforce the need to situate sextortion within the broader ecology of online child sexual exploitation and abuse.⁷

Digital sextortion refers to the use of intimate or sexually explicit material, or the threat of producing or disseminating such material, to compel a person to satisfy the perpetrator's demands.⁸ These demands may involve money, additional sexual images, sexual activity, continued communication, or other benefits. Perpetrators may obtain the material through grooming, deception,

⁴ Manuel Gámez-Guadix, Miguel A. Sorrel, and Jone Martínez-Bacaicoa, "Technology-Facilitated Sexual Violence Perpetration and Victimization Among Adolescents: A Network Analysis", *Sexuality Research and Social Policy*, 20 (2023), 1000–1012 <<https://doi.org/https://doi.org/10.1007/s13178-022-00775-y>>.

⁵ Ivo Noviana, "Sexual Abuse: Impact and Handling", *Sosio Informa*, 01.1 (2015), 1–16.

⁶ Nadira Tatyana, "The Vulnerability of Indonesian Children to Online Sexual Violence in the Covid-19 Era: A Legal Perspective", *Journal of Women and Family*, 2.2 (2021), 103–16 <<https://doi.org/https://doi.org/10.22146/jwk.3619>>.

⁷ Hanqing Zhu et Al, "Prevalence Estimates and Nature of Online Child Sexual Exploitation and Abuse: A Systematic Review and Meta-Analysis", *The Lancet Child & Adolescent Health*, 9.3 (2025), 184–193 <[https://doi.org/https://doi.org/10.1016/S2352-4642\(24\)00329-8](https://doi.org/https://doi.org/10.1016/S2352-4642(24)00329-8)>.

⁸ Matthew Edwards and Nick M. Hollely, "Online Sextortion: Characteristics of Offences from a Decade of Community Reporting", *Journal of Economic Criminology*, 2 (2023), 100038 <<https://doi.org/https://doi.org/10.1016/j.jeconc.2023.100038>>.

hacking, impersonation, consensual exchanges that are subsequently abused, or recordings made without the victim's consent. In cases involving children, apparent consent to an initial interaction cannot automatically eliminate exploitation because age, emotional maturity, deception, power imbalance, and coercion affect the validity of the child's decision. The defining feature of sextortion is therefore not simply the existence of sexual material, but the perpetrator's use of actual or threatened disclosure as an instrument of domination and coercion.⁹

In the development of legal regulations in Indonesia, sextortion is not explicitly regulated, so law enforcement must rely on broader and less specific laws such as the Criminal Code (KUHP), the Electronic Information and Transactions Law (UU ITE), and the Pornography Law. This fragmented approach often proves inadequate for addressing crimes in the digital space. The enactment of Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) is a crucial step towards providing a more comprehensive and specific legal framework. The responsiveness of Indonesia's legal framework to the ever-evolving dynamics of cybercrime is a crucial issue.. Cybercrime is evolving rapidly, and Indonesian law is often slow to address it. An example is sextortion, where perpetrators are skilled at using false identities and exerting psychological pressure to blackmail victims. Regulations on sextortion in the Criminal Code (KUHP), Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE), and the Pornography Law still show several weaknesses, which have implications for ineffective countermeasures against this crime. Therefore, an in-depth review of these regulations is necessary, including Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) as a more specific legal instrument, to ensure justice and legal certainty in the future.

Existing scholarship on sextortion and image-based sexual abuse has predominantly examined prevalence, offender strategies, technological mechanisms, psychological consequences, and patterns of victimization. Legal studies have separately discussed electronic sexual violence under criminal law, child-protection legislation, and regulations governing electronic information. Meanwhile, Islamic legal scholarship has generally classified technology-facilitated sexual violence as prohibited conduct punishable through ta'zir or has associated it with the protection of dignity and lineage. These bodies of scholarship provide important foundations, but they largely remain separated. Limited attention has been given to how Indonesian criminal law and maqasid al-shariah can be combined within an operational framework that simultaneously

⁹ Roberta Liggett O'Malley and Karen M. Holt, "Cyber Sextortion: An Exploratory Analysis of Different Perpetrators Engaging in a Similar Crime", *Journal of Interpersonal Violence*, 37.1–2 (2022), 258–283 <<https://doi.org/https://doi.org/10.1177/0886260520909186>>.

addresses criminal accountability, prevention, content removal, confidentiality, restitution, and the long-term recovery of child victims.

This study addresses that gap by treating digital sextortion as a multidimensional violation rather than solely as an electronic offense or an act contrary to sexual morality.¹⁰ Its novelty lies in constructing a child-centered framework that uses *maqasid al-shariah* as evaluative criteria for assessing the adequacy of Indonesian law.¹¹ Under this framework, *hifz al-nafs* evaluates protection from physical and psychological harm, *hifz al-aql* concerns mental integrity and recovery, *hifz al-'ird* and *hifz al-nasl* concern dignity and protection from sexual exploitation, and *hifz al-mal* concerns financial extortion and restitution. This approach moves beyond placing national law and Islamic law side by side; it examines whether existing legal mechanisms effectively prevent harm, hold perpetrators accountable, restore victims, and prevent revictimization.¹²

Accordingly, this study examines three interrelated questions. First, how is digital sextortion against children constructed and regulated under contemporary Indonesian criminal, electronic-information, sexual-violence, pornography, and child-protection laws? Second, to what extent do these legal instruments provide coherent mechanisms for prosecution, confidentiality, content removal, restitution, and victim recovery? Third, how can *maqasid al-shariah* be operationalized to construct a more preventive, restorative, and child-centered model of legal protection? By answering these questions, the study seeks to identify both the normative capacity and the remaining limitations of Indonesia's legal framework and to formulate an integrative model for responding to child sextortion.

This study employs normative legal research using statutory, conceptual, and comparative approaches. The primary legal materials comprise the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2023 concerning the Criminal Code, Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, Law Number 35 of 2014 concerning Child Protection, Law Number 44 of 2008 concerning Pornography, and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Islamic legal materials include relevant Qur'anic principles, Prophetic traditions, legal maxims concerning the prevention of harm, classical discussions of *ta'zir*,

¹⁰ O'Malley and Holt.

¹¹ Maria Noemi Paradiso, Luca Rollè, and Tommaso Trombetta, "Image-Based Sexual Abuse Associated Factors: A Systematic Review", *Journal of Family Violence*, 39 (2024), 931–954 <<https://doi.org/https://doi.org/10.1007/s10896-023-00557-z>>.

¹² Kimberly J. Mitchell et Al, "Identifying Subtypes of Image-Based Sexual Abuse and Their Distinct Incident Characteristics, Victimization Histories, and Personal Correlates", *Journal of Youth and Adolescence*, 55 (2026), 465–481 <<https://doi.org/https://doi.org/10.1007/s10964-026-02316-x>>.

and contemporary scholarship on maqasid al-shariah. Secondary materials were selected from peer-reviewed studies addressing sextortion, image-based sexual abuse, electronic sexual violence, child protection, and victim recovery.

The analysis was conducted in four stages. First, the study identified the constituent elements of digital sextortion, including the acquisition of intimate material, threatened disclosure, coercive demands, financial or sexual purposes, and the particular vulnerability of child victims. Second, it mapped these elements against the scope of the applicable Indonesian statutes to identify overlap, gaps, and potential conflicts of legal qualification. Third, the identified protection mechanisms were assessed through the maqasid criteria of preserving life, intellect, dignity, lineage, and property. Finally, the results were synthesized into an integrative framework covering prosecution, prevention, confidentiality, content removal, restitution, psychosocial recovery, and prevention of revictimization. Because the study is normative, it evaluates the coherence and protective capacity of legal rules rather than measuring their empirical implementation.

Discussion

Digital Sextortion and Its Impact on Children

Sextortion is a form of technology-facilitated sexual violence in which perpetrators threaten to disclose intimate or sexual material unless victims comply with demands for money, additional images, sexual activity, or other benefits.¹³ International scholarship treats sextortion as part of a broader continuum of image-based sexual abuse rather than simply as unauthorized access to a computer system.¹⁴ This distinction is important because the central harm lies in coercive control, threatened disclosure, and exploitation of sexual material.¹⁵ Research on adolescent technology-facilitated sexual violence similarly places sextortion alongside digital sexual harassment and non-consensual image-based abuse. Recent studies further show that image-based sexual exploitation of children is heterogeneous, involving different patterns of image production, sharing, coercion, offender relationships, and victimization histories.¹⁶

While reports indicate that sextortion victims accessing public services tend to be predominantly female, it is important to note that males and individuals with other gender identities can also be victims.¹⁷ Digital sextortion

¹³ Finkelhor, Turner, and Colburn.

¹⁴ Izza Akbarani, "Corruption Called "Sextortion"," *kompas.id*, 2024.

¹⁵ Gámez-Guadix, Sorrel, and Martínez-Bacaicoa.

¹⁶ Henry and Powell.

¹⁷ Per Moum Hellevik, Linn-Eirin Aronsen Haugen, and Carolina Överlien, "Outcomes of Image-Based Sexual Abuse among Young People: A Systematic Review", *Frontiers in*

can affect children of different genders, although the perpetrators' demands and the consequences experienced by victims may vary. Existing research indicates that financially motivated sextortion frequently targets adolescent boys, whereas girls are often exposed to demands for additional sexual images, sexual interaction, or continued submission within coercive relationships.¹⁸ These patterns should not be treated as fixed gender categories, but they demonstrate the need for gender-sensitive and age-sensitive protection. Regardless of the victim's gender, sextortion may cause panic, shame, anxiety, depression, social withdrawal, disrupted education, self-harm, and suicidal ideation. The severity of these consequences is often intensified by victim-blaming, fear of parental punishment, uncertainty about the circulation of images, and the victim's continuing inability to control the digital material.¹⁹

There are several impacts on victims of sextortion crimes. Research by Walsh and Tener explores the experiences of sextortion victims, who are victims of threats of distributing sexual images or videos to coerce them into providing additional photos, engaging in sexual acts, or fulfilling other demands.²⁰ The study found that the experience of sextortion has four main interrelated dimensions. First, the emotional relationship between the victim and the perpetrator varies widely, ranging from a brief acquaintance to an intimate relationship or close friendship. Second, the nature of the threats received by victims also varies; some are merely threats and never come to fruition, while others are actually carried out. Furthermore, the duration of these threats can be brief, just one instance, or they can continue for years. Third, the social response from the immediate environment, particularly from peers and parents, plays a central role in the narratives shared by the victims. Finally, the long-term impact dimension indicates that for the majority of victims, sextortion is perceived as a significant event that significantly altered their life course. Their findings also underline why legal protection should account for relationship dynamics and social responses rather than treating sextortion solely as an isolated digital transaction. This is reinforced by population-based evidence showing that many

Psychology, 16 (2025), 1599087
 <<https://doi.org/https://doi.org/10.3389/fpsyg.2025.1599087>>.

¹⁸ Unnati Patel and Ronald Roesch, "The Prevalence of Technology-Facilitated Sexual Violence: A Meta-Analysis and Systematic Review", *Trauma, Violence, & Abuse*, 23.2 (2022) <<https://doi.org/https://doi.org/10.1177/1524838020958057>>.

¹⁹ Yungsiana and Prabandari, "Psychological Dynamics of Victims of Sectorization: A Literature Review."

²⁰ Wendy A. Walsh and Dafna Tener, "If You Don't Send Me Five Other Pictures I Am Going to Post the Photo Online": A Qualitative Analysis of Experiences of Survivors of Sextortion', *Journal of Child Sexual Abuse*, 31.4 (2022), 447–65 <<https://doi.org/10.1080/10538712.2022.2067093>>.

online sexual offenses against children involve dating partners, friends, and acquaintances rather than only unknown online predators.²¹

Next, research from Roberta Liggett O'Malley and Katelyn Smith demonstrates the impact of financially motivated sextortion, a form of sexual image abuse in which the perpetrator threatens to publicly release intimate photos or videos of the victim if the victim does not pay a ransom.²² This form of violence differs from other forms of online violence (GBV) because the victims most at risk are adult and adolescent males. In the past five years, cases of financially motivated sextortion have increased globally, yet empirical research on the psychological impact on victims remains limited.²³ Media reports indicate several tragic cases of victims, particularly adolescent males, ending their lives as a result of this coercion. This study aimed to understand the incidence and triggers of suicidal thoughts and intentions in male victims. The study analyzed data from 215 victims and found that suicidal thoughts were common. Furthermore, victims who experienced self-conscious emotions (such as shame, guilt, and humiliation) and were highly sensitive were more likely to have suicidal thoughts. The results also showed that in participants who experienced suicidal thoughts, depressed mood significantly influenced the severity of their suicidal thoughts. At a broader level, international research increasingly links image-based sexual abuse with severe mental-health consequences and self-harm, supporting the need for trauma-informed and recovery-oriented protection mechanisms.²⁴

Indonesian Legal Framework for Protecting Children from Digital Sextortion

Anyone can become a victim, whether male or female, young or old, especially vulnerable groups like children. In this regard, Indonesia, as a nation governed by the rule of law, has an obligation to be present and protect the rights of its citizens, ensuring a sense of security for all levels of society, without exception. This is in accordance with Pancasila, the supreme legal basis, which can also be referred to as *philosophy foundation* (fundamental philosophy) as the

²¹ Wendy A. Walsh and Dafna Tener, “‘If You Don’t Send Me Five Other Pictures I Am Going to Post the Photo Online’: A Qualitative Analysis of Experiences of Survivors of Sextortion”, *Journal of Child Sexual Abuse*, 31.4, 447–465 <<https://doi.org/https://doi.org/10.1080/10538712.2022.2067093>>.

²² Roberta Liggett O'Malley and Katelyn Smith, ‘Suicidal Ideation Among Male Victim-Survivors of Financial Sextortion’, *Victims & Offenders*, 20.7 (2025), 1285–1306 <<https://doi.org/10.1080/15564886.2024.2379818>>.

²³ Roberta Liggett O'Malley, ‘Short-Term and Long-Term Impacts of Financial Sextortion on Victim’s Mental Well-Being’, *Journal of Interpersonal Violence*, 38.13–14 (2023), 8563–92 <<https://doi.org/10.1177/08862605231156416>>.

²⁴ Roberta Liggett O'Malley and Katelyn Smith, “Suicidal Ideation Among Male Victim-Survivors of Financial Sextortion,” *Victims & Offenders*, July 19, 2024, 1–22, <https://doi.org/10.1080/15564886.2024.2379818>.

fundamental principle of state (*state fundamental norm*) in its second formulation which upholds human dignity with civilized justice.²⁵ This is also stated in Article 28G paragraph 1 of the 1945 Constitution of the Republic of Indonesia which states that "everyone has the right to protection of themselves, their families, their honor, their dignity, and their property under their control and has the right to a sense of security and protection from the threat of fear to do or not do something that is a human right." And in paragraph 2 which states that "Everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country." The various fundamental legal bases above demonstrate that KBGO, in the case of sextortion, is an act that violates applicable legal norms because it constitutes a threatening act that robs a sense of security and degrades human dignity. Other legal system to threaten the publication of a child's intimate images in order to obtain money, property, or another unlawful benefit. Article 29 may also apply when electronic information containing threats of violence or intimidating content is sent directly to the victim. Nevertheless, the Electronic Information and Transactions Law principally addresses the medium, transmission, and coercive communication used by the perpetrator. It does not, by itself, adequately address the particular sexual nature of the material, the special vulnerability of children, or the victim's rights to recovery, confidentiality, restitution, and protection from repeated circulation of the content.²⁶

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence provides the most specific statutory basis for addressing the sexual dimension of digital sextortion. Article 14 paragraph (1) criminalizes several forms of electronic-based sexual violence, including recording or capturing sexually explicit material without the will or consent of the person concerned, transmitting sexual content against the recipient's will, and electronically stalking or tracking a person for sexual purposes. Article 14 paragraph (2) provides an aggravated formulation when these acts are accompanied by extortion, threats, coercion, deception, or manipulation intended to cause a person to perform, permit, or refrain from an act. This formulation closely corresponds to digital sextortion because it recognizes that sexual material may be used as an instrument of coercion rather than merely as prohibited electronic content.²⁷

²⁵ Bambang Daru Nugroho and Tarsisius Murwadi, 'Performance Guarantee: Banking Business Reengineering to Face Industrial Era 4.0 Based on Indonesian Traditional Wisdom', *Journal of Legal, Ethical and Regulatory Issues*, 24 (2021) <<https://access.heinonline.com/HOL/Page?handle=hein.journals/jnlollet24&id=3374&div=&collection=>> [accessed 5 September 2026].

²⁶ Undang-undang Nomor 19 Tahun 2016 tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik, 'Uu Iti 1/24', *Journal of Physics A: Mathematical and Theoretical*, 44.8 (2011), 287.

²⁷ Alana Ray and Nicola Henry, 'Sextortion: A Scoping Review', 2025 <<https://doi.org/10.1177/15248380241277271>>.

The child status of the victim produces an additional legal consequence.²⁸ Under Article 14 paragraph (3), electronic-based sexual violence is generally complaint-based, but this limitation does not apply when the victim is a child or a person with a disability. The state may therefore intervene without placing the entire burden of initiating proceedings upon the child victim. This exception reflects the recognition that children may be unable or unwilling to report because of fear, shame, dependence on adults, threats from perpetrators, or concern about the further dissemination of intimate material. The relevance of the TPKS Law consequently extends beyond criminalization: its broader architecture recognizes victims' rights to handling, protection, and recovery, including confidentiality, assistance, restitution, and measures intended to prevent repeated victimization.²⁹

The Child Protection Law supplies the protective status that is not fully provided by offense-based criminal provisions. Law Number 35 of 2014 requires the state, regional governments, families, and communities to provide special protection for children who are sexually exploited or victimized through pornography and other forms of abuse. In the context of sextortion, this obligation requires more than prosecuting the perpetrator. It encompasses the protection of the child's identity, access to medical and psychological assistance, legal support, social rehabilitation, safe family reintegration, and protection from stigma and retaliation. The Child Protection Law should therefore operate together with the TPKS Law: the latter identifies electronic sexual violence and its procedural consequences, while the former reinforces the child's entitlement to special and continuing protection.

These statutes do not necessarily compete with one another because each regulates a different dimension of the same conduct. The Criminal Code addresses the coercive acquisition of property or benefits; the Electronic Information and Transactions Law addresses electronic transmission, threats, and unlawful coercion; the TPKS Law addresses the sexual nature of the conduct and establishes victim-centered rights; the Child Protection Law establishes special safeguards arising from the victim's age; and the Pornography Law may become relevant to the production or distribution of pornographic material involving children. The principal legal problem is therefore not the complete absence of regulation, but the absence of a sufficiently clear framework for selecting, combining, and implementing these provisions without criminalizing or blaming the child whose intimate material has been exploited.

²⁸ Putri Wartina Lestari, Sonny Dewi Judiasih, and Bambang Daru Nugroho, 'Inheritance of Extramarital Children Determined as Legal Children After the Constitutional Court Decision No. 46/PUU-VIII/2010', *Law Review*, 23.1 (2023), 92 <<https://doi.org/10.19166/lr.v23i1.7471>>.

²⁹ Negara Republik Indonesia, 'Undang-Undang Nomor 12 Tahun 2022'.

Taken together, these provisions reveal a layered but fragmented architecture of protection. General criminal law addresses the extortion dimension, electronic-information legislation addresses unlawful digital transmission and threats, child-protection legislation establishes the special vulnerability and rights of child victims, and the TPKS Law provides the most specific framework for electronic-based sexual violence and victim protection. The principal weakness therefore lies not in the complete absence of legal norms, but in their dispersed regulatory location and the practical coordination required for digital evidence, perpetrator identification, content removal, victim confidentiality, restitution, and psychosocial recovery. Accordingly, an effective response to child sextortion requires a shift from an offense-centered reading of individual provisions toward a child-centered protection model that integrates prosecution with recovery and prevention. Comparative international research suggests that these enforcement problems are characteristic of technology-facilitated sexual violence more broadly: the multiplicity of platforms, forms of abuse, evidentiary contexts, and offender-victim relationships complicates conventional offense-based responses.³⁰ A child-centered model should therefore be capable of responding to different subtypes of image-based sexual abuse and their distinct victimization dynamics.³¹

Child Sextortion through the Maqasid al-Shariah Framework

From an Islamic legal perspective, the prohibition of digital sextortion is not based solely on its association with sexual immorality. It arises from the convergence of several prohibited forms of harm: coercion, intimidation, violation of privacy, exposure of another person's intimate matters, sexual exploitation, damage to dignity, and unlawful acquisition of property. These harms are inconsistent with the Qur'anic prohibition against approaching sexual wrongdoing, consuming another person's property unlawfully, spying upon others, and causing unjustified harm. They are also contrary to the legal maxim *la darar wa la dirar*, which rejects both the infliction of harm and the reciprocal perpetuation of harm. Consequently, the Islamic legal response must address the perpetrator's conduct while protecting the child from blame, public exposure, and further victimization.

Given that specific detailed provisions regarding sextortion are not found explicitly in the Qur'an or Hadith, such acts fall within the realm of *ta'zir*. This means that the sanction is not fixed by a specific scriptural penalty but is

³⁰ Henry and Powell, "Technology-Facilitated Sexual Violence"; Edwards and Hollely, "Online Sextortion."

³¹ Mitchell et al., "Identifying Subtypes of Image-Based Sexual Abuse."

determined by the competent authority or judge based on the severity of the violation, its impact on the victim, and the social harm caused.³²

Digital sextortion cannot be equated with zina, and its legal assessment should not rely on the fixed punishment prescribed for consensual or legally proven unlawful sexual intercourse. The essential elements of sextortion are coercion, threatened disclosure, violation of privacy, sexual exploitation, psychological harm, and, in some cases, unlawful appropriation of property. Because no fixed scriptural punishment specifically regulates this combination of conduct, sextortion falls within the domain of ta'zir, in which the competent authority may determine proportionate sanctions based on the seriousness of the conduct and the harm caused. This classification must remain victim-centered: a child whose intimate material has been obtained or circulated through grooming, deception, coercion, or abuse of vulnerability should be treated as a person requiring protection rather than as a participant in immoral conduct.

Maqasid al-shariah provides evaluative criteria for determining whether the legal response adequately protects the child.³³ Hifz al-nafs requires protection from physical danger, self-harm, suicidal ideation, and severe psychological distress.³⁴ Hifz al-aql encompasses the preservation of mental and emotional integrity through counseling, trauma-informed assistance, and protection from continuing manipulation. Hifz al-'ird protects the child's dignity, privacy, and reputation, particularly through confidentiality and rapid removal of intimate content. Hifz al-nasl concerns protection from sexual exploitation and from harm that may disrupt the child's familial, social, and developmental future. Hifz al-mal applies when threats are used to obtain money or property and supports restitution and recovery of financial losses.³⁵ These dimensions operate cumulatively because a single incident of sextortion may simultaneously damage several protected interests.

³² Ridho Alawiyah Edira jasmin, Muhammad Nur, and Sumiadi Sumiadi, "Criminal Sanctions for Sexual Violence in the Perspective of Islamic Criminal Law and Criminal Law," *Scientific Journal of Law Faculty Students, Malikussaleh University* 7, no. 3 (2024), <https://doi.org/10.29103/jimfh.v7i3.17134>.

³³ Ahmad Rajafi, "The Contemporary Ushul Fiqh in Indonesia: An Idea and Practice", *Jurnal Ilmiah Al-Syir'ah*, 21.1 (2023), 19–34 <<https://doi.org/10.30984/jis.v21i1.2260>>.

³⁴ Farida Nurun Nazah, Restia Gustiana, and Tobibatus Saadah, "Gender Justice in Child Custody Disputes: The Maqāṣid Al-Sharī'ah Approach in Contemporary Judicial Practice", *MILRev: Metro Islamic Law Review*, 4.2 (2025), 1328–58 <<https://doi.org/10.32332/MILREV.V4I2.10790>>.

³⁵ Abdul Hamid and others, "Living Islamic Law in Indigenous Communities in Indonesia: Integration of Fiqh in the Tradition of Mu'amalah of the Muslim Community of Banjar", *Al-Manahji: Jurnal Kajian Hukum Islam*, 19.2 (2025), 289–312 <<https://doi.org/10.24090/MNH.V19I2.14792>>.

The maqasid assessment also requires distinguishing between punitive, preventive, and restorative obligations. Criminal punishment responds to the perpetrator's culpability, but punishment alone does not remove intimate content, restore the victim's psychological condition, protect confidentiality, or prevent social stigma. Prevention requires age-appropriate digital education, platform safety mechanisms, parental and school awareness, and accessible reporting channels. Restorative protection requires counseling, legal assistance, content-removal procedures, restitution, family support, and safeguards against repeated exposure. Maqasid al-shariah therefore functions not as an alternative to statutory law, but as a normative standard for evaluating whether the entire legal response actually removes harm and protects the child's essential interests.

The dynamic nature of Sharia, which is facilitated through the principle of *ijtihad*, thereby ensuring its continued relevance in the rapidly changing dynamics of society. This perspective allows for the development of legal interpretations and rulings that address contemporary issues such as cybercrime, which falls under certain specific crimes. The Qur'an and Hadith have established punishments for certain crimes, known as *hudud* crimes. However, electronic-based sexual violence is not included in this category of punishment, but is included in the category of *ta'zir* punishment. This is because there are no clear rules or provisions regarding sanctions for such crimes in the Qur'an or hadith, so the provisions are produced through the *ijtihad* of scholars.

Within the domain of *ta'zir*, the state may impose sanctions and protective measures through valid legislation, provided that they are proportionate, lawful, and directed toward preventing harm.³⁶ In the contemporary Indonesian context, imprisonment, fines, confiscation of instruments used to commit the offense, restitution, removal of unlawful digital content, and restrictions intended to prevent contact with victims derive their enforceability from positive law rather than directly from an independently imposed religious punishment. Maqasid-based reasoning supplies the justification for evaluating these measures: imprisonment and fines promote deterrence and accountability; content removal protects dignity and psychological integrity; restitution addresses financial and personal loss; and rehabilitation and prevention programs reduce the likelihood of repeated offending.

The emphasis on moral and spiritual development in Islamic teachings serves as a crucial preventative measure, fostering a sense of accountability and ethical behavior that prevents individuals from engaging in such harmful acts.³⁷

³⁶ Zul Anwar Ajim Harahap, 'Reconstruction of Online Gambling Sanctions in Indonesia: A Comparative Analysis of Ta'zir Sanctions and Penalties of the Electronic Information and Transaction Law', *Al-Istinbath: Jurnal Hukum Islam*, 10.1 (2025), 130–53 <<https://doi.org/10.29240/jhi.v10i1.11314>>.

³⁷ Badra Uyuni Mohammad Adnan, Muhammad Saleh, and Loso Judijanto, Nilasari Siagian, 'The Concept of Ta'zir in Fiqh Jinayat and Its Relevance to Traffic Ticket Sanctions in

Sharia, through its categorization of cyber sexual harassment as *fahisyah* and its handling is based on *maqasid al-shariah*, provides a robust moral and ethical framework that goes beyond mere legal compliance. Unlike national legal systems that primarily operate through formal legal structures and sanctions, Sharia integrates spiritual and ethical dimensions. This suggests that beyond the threat of legal prosecution, cultivating a strong moral compass, community values, and religious education can serve as a powerful internal deterrent mechanism, addressing the root causes of harmful digital behavior by appealing to conscience and religious obligations. This demonstrates significant potential for multi-stakeholder collaboration, particularly involving religious leaders, educational institutions, and community organizations. Public awareness campaigns can effectively integrate legal ramifications and moral/religious teachings, promoting digital ethics not only as a legal obligation but as a deeply rooted social value, potentially leading to more sustainable behavioral change. This preventive orientation is compatible with international evidence emphasizing that effective responses to online child sexual exploitation require interventions extending beyond criminalization to community-based safety, education, social support, and prevention.

Viewed through *maqasid al-shariah*, digital sextortion constitutes a multidimensional harm rather than a single offense against morality.³⁸ Threats that produce severe trauma, self-harm, or suicidal ideation implicate *hifz al-nafs*; manipulation and sustained psychological domination affect *hifz al-aql*; coercive sexual demands and the dissemination of intimate material violate *hifz al-ird* and *hifz al-nas*; and financial blackmail directly infringes *hifz al-mal*. This multidimensional assessment expands the function of Islamic law from assigning a discretionary *ta'zir* sanction to constructing a preventive and restorative framework. Prevention of digital exploitation, rapid removal of intimate content, confidentiality, psychosocial recovery, family and community support, digital literacy, and prevention of revictimization can therefore be understood as legal-policy implications of preserving these essential interests. *Maqasid al-shariah* thus complements positive law not by replacing statutory rules, but by supplying an evaluative framework for determining whether enforcement and victim-protection mechanisms actually preserve children's life, dignity, psychological integrity, and property. The emphasis on recovery and prevention is also empirically defensible: international reviews document that image-based sexual

Indonesian Traffic Law', *Al-Istinbath: Jurnal Hukum Islam*, 10.2 (2025), 853–72 <<https://doi.org/10.29240/jhi.v10i2.12626>>.

³⁸ Dwi Novita and others, 'Family Conflict Disclosure on Social Media in Islamic Law: *Islah* as a Reconciliation Mechanism', *Al-Istinbath: Jurnal Hukum Islam*, 10.1 (2025), 443–58 <<https://doi.org/10.29240/jhi.v10i1.12658>>.

abuse can produce psychological, social, educational, and reputational harms that persist beyond the initial act of coercion or disclosure.³⁹

Table 1.

An Integrative Framework for Protecting Children from Digital Sextortion under Indonesian Law and Maqasid al-Shariah

Aspect	National Legal System	Sharia	Relevance to Digital Child Sextortion
Source of Law	Criminal Code, ITE Law, TPKS Law	Quran, Hadith, Ijma', Qiyas	National legal systems provide specific digital crime laws (e.g., the TPKS Law for electronic sexual violence); Sharia sources offer fundamental moral prohibitions and principles for <i>ijtihad</i> in new contexts, enabling adaptation to evolving cybercrimes.
Types of Sanctions	Jail, Fine	<i>Ta'zir</i>	National legal systems provide fixed deterrents and specific penalties; Sharia allows for flexible, judge-determined penalties based on the harm, including removal of digital content and rehabilitation, which can be adapted to evolving digital crimes.
Main Approach	Formal, Legal Structural	Moral, Spiritual, Preventive	National legal systems focus on legal prosecution and formal justice; Sharia emphasizes ethical behavior, community morality, and spiritual development as the primary layers of prevention, addressing the moral roots of the problem.
Protection Focus	Victims as Legal Subjects	Victims as noble human beings (<i>hifẓ al-'ird</i>)	The national legal system secures legal rights, redress, and state protection; Sharia protects the inherent dignity, honor, and reputation of

³⁹ Paradiso, Rollè, and Trombetta, "Image-Based Sexual Abuse Associated Factors"; Hellevik, Haugen, and Överlien, "Outcomes of Image-Based Sexual Abuse among Young People."

			human beings from violation, emphasizing the broader social welfare.
Proof	Digital Evidence, Witness	Submitted to Judge For <i>Ta'zir</i>	National legal systems rely on digital forensics, electronic evidence, and testimony, which often face capacity and cross-border challenges.

The proposed framework demonstrates that effective protection cannot be produced by adding moral education to criminal sanctions without institutional integration. When a report is received, law-enforcement and child-protection institutions must first secure the child's safety and confidentiality, preserve digital evidence, and initiate rapid content-removal procedures. The case must then be legally classified by considering the coercive, electronic, sexual, and child-specific dimensions of the conduct. Prosecution and punishment should operate alongside restitution, psychosocial recovery, family assistance, and continuing protection against retaliation and redistribution of the material. At the preventive level, schools, families, religious organizations, digital platforms, and government institutions should develop coordinated digital-safety education and accessible reporting systems. These interconnected measures translate the maqasid commitments to protect life, intellect, dignity, lineage, and property into an operational child-protection model.

Conclusion

This study finds that Indonesian law provides multiple legal bases for responding to digital sextortion against children, but these provisions remain distributed across different regulatory regimes. The Criminal Code regulates extortion and threats, the Electronic Information and Transactions Law addresses electronic coercion and transmission, the TPKS Law specifically recognizes electronic-based sexual violence, and the Child Protection Law establishes special protection arising from the victim's age. The principal weakness is therefore not an absolute absence of law, but insufficient coordination in legal qualification, digital evidence, confidentiality, content removal, restitution, psychosocial recovery, and prevention of revictimization.

The maqasid analysis demonstrates that child sextortion simultaneously threatens life and psychological safety, mental integrity, dignity, lineage, and property. Accordingly, Islamic legal analysis should not be limited to identifying sextortion as *fahishah* or placing it within the category of *ta'zir*. Its more significant contribution lies in requiring the state and society to prevent harm, protect victims' dignity, remove damaging content, restore psychological and financial losses, and prevent repeated victimization. Maqasid al-shariah thus

operates as an evaluative framework that strengthens, rather than replaces, the enforceable mechanisms of Indonesian positive law.

The study proposes an integrative child-protection model in which criminal accountability is connected to confidential reporting, preservation of digital evidence, rapid content removal, restitution, trauma-informed recovery, digital literacy, and institutional coordination. Its principal theoretical contribution is the operationalization of maqasid as criteria for assessing the adequacy of legal protection, while its practical contribution is the identification of responsibilities extending beyond law-enforcement institutions to schools, families, service providers, religious organizations, and digital platforms. Because this study is normative, future empirical research should examine how these mechanisms are implemented and experienced by child victims and protection institutions.

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Reference

- Akbarani, Izza. "Corruption Called "Sextortion"." *kompas.id*, 2024.
- Al-Khadimi, Nuruddin bin Mukhtar. *The Prophet of Islam*. Riyadh: Maktabah al-'Abikan, 2021.
- Alliance's, WeProtect Global. "Financial Sexual Extortion of Children and Young People." WeProtect Global Alliance, 2024.
- Antoni, Antoni. "CYBER CRIME IN SIMAK ONLINE." *Nurani: Journal of Sharia and Community Studies* 17, no. 2 (February 2018): 261–74. <https://doi.org/10.19109/nurani.v17i2.1192>.
- Detikcom. "Minister of Women's Empowerment and Child Protection: 12,000 Children Were Victims of Violence Between January and June 2025." *Detikcom*, 2025. <https://news.detik.com/berita/d-7968417/menteri-pppa-12-ribu-anak-jadi-korban-kekerasan-selama-januari-juni-2025>.
- Edira Jasmin, Ridho Alawiyah, Muhammad Nur, and Sumiadi Sumiadi. "Criminal Sanctions for Sexual Violence from the Perspective of Islamic Criminal Law and Criminal Law." *Scientific Journal of Law Faculty Students*,

- Malikussaleh University 7, no. 3 (2024).
<https://doi.org/10.29103/jimfh.v7i3.17134>.
- Edwards, Matthew, and Nick M. Hollely. 2023. "Online Sextortion: Characteristics of Offences from a Decade of Community Reporting." *Journal of Economic Criminology* 2: 100038.
<https://doi.org/10.1016/j.jeconc.2023.100038>.
- Finkelhor, David, Heather Turner, and Deirdre Colburn. 2022. "Prevalence of Online Sexual Offenses Against Children in the US." *JAMA Network Open* 5 (10): e2234471.
<https://doi.org/10.1001/jamanetworkopen.2022.34471>.
- Gámez-Guadix, Manuel, Miguel A. Sorrel, and Jone Martínez-Bacaicoa. 2023. "Technology-Facilitated Sexual Violence Perpetration and Victimization Among Adolescents: A Network Analysis." *Sexuality Research and Social Policy* 20: 1000–1012. <https://doi.org/10.1007/s13178-022-00775-y>.
- Hellevik, Per Moum, Linn-Eirin Aronsen Haugen, and Carolina Överlien. 2025. "Outcomes of Image-Based Sexual Abuse among Young People: A Systematic Review." *Frontiers in Psychology* 16: 1599087.
<https://doi.org/10.3389/fpsyg.2025.1599087>.
- Henry, Nicola, and Anastasia Powell. "Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research." *Trauma, Violence, & Abuse* 19, no. 2 (April 16, 2018): 195–208.
<https://doi.org/10.1177/1524838016650189>.
- Indonesia, CNN. "Chronology of Mother Molesting Her Biological Child in South Tangerang, Threatened to Share Photos." CNN Indonesia, 2024.
- Jordy Herry Christian. "Sextortion: Online Gender-Based Violence in the Indonesian Legal Paradigm." *Binamulia Law* 9, no. 1 (April 2023): 83–92.
<https://doi.org/10.37893/jbh.v9i1.364>.
- Kornandi, Atem. "The Threat of Cyber Pornography to Children." *Journal of Community Morals* 1, no. 2 (2021): 107–21.
- KumparanNews. "TII: 18% of the Public Have Experienced Sexual Extortion While Accessing Public Services." KumparanNews, 2020.
- Liggett O'Malley, Roberta, and Katelyn Smith. "Suicidal Ideation Among Male Victim-Survivors of Financial Sextortion." *Victims & Offenders*, July 19, 2024, 1–22. <https://doi.org/10.1080/15564886.2024.2379818>.
- Lumbanrau, Raja Eben. "The Case of a Mother Molesting Her Child in South Tangerang Reveals Sex Extortion - What is Sextortion, How Does It Work, and How to Deal With It?" BBC News Indonesia Journalist, n.d.

- Mitchell, Kimberly J., Ateret Gewirtz-Meydan, Lisa M. Jones, David Finkelhor, and Heather A. Turner. 2026. "Identifying Subtypes of Image-Based Sexual Abuse and Their Distinct Incident Characteristics, Victimization Histories, and Personal Correlates." *Journal of Youth and Adolescence* 55: 465–481. <https://doi.org/10.1007/s10964-026-02316-x>.
- MissingKids.org. "Sextortion." MissingKids.org, n.d.
- Noviana, Ivo. "Sexual Abuse: Impact and Handling." *Sosio Informa* 01, no. 1 (2015): 1–16.
- O'Malley, Roberta Liggett, and Karen M. Holt. "Cyber Sextortion: An Exploratory Analysis of Different Perpetrators Engaging in a Similar Crime." *Journal of Interpersonal Violence* 37, no. 1–2 (January 2022): 258–83. <https://doi.org/10.1177/0886260520909186>.
- Paradiso, Maria Noemi, Luca Rollè, and Tommaso Trombetta. 2024. "Image-Based Sexual Abuse Associated Factors: A Systematic Review." *Journal of Family Violence* 39: 931–954. <https://doi.org/10.1007/s10896-023-00557-z>.
- Patel, Unnati, and Ronald Roesch. 2022. "The Prevalence of Technology-Facilitated Sexual Violence: A Meta-Analysis and Systematic Review." *Trauma, Violence, & Abuse* 23 (2). <https://doi.org/10.1177/1524838020958057>.
- Paulina, Arianda Lastiur. "Sextortion: A Form of Online Sexual Violence That Claims Many Victims, But Its Legal Protection Is Still Weak." *Indonesia Judicial Research Society*, 2023. <https://ijrs.or.id/2023/11/30/sextortion-bentuk-kekerasan-seksual-online-yang-memakan-banyak-korban-tapi-payung-hukumnya-masih-lemah-2/>.
- Ramadhani, Annisa Tiara, Hijrayanti Sari, and Muttazimah Muttazimah. "A Review of Islamic Law on Electronic-Based Sexual Violence (A Review of Article 14 of Law No. 12 of 2022)." *AL-QIBLAH: Journal of Islamic Studies and Arabic* 3, no. 4 (2024): 494–513. <https://doi.org/10.36701/qiblah.v3i4.1634>.
- . "A Review of Islamic Law Regarding Electronic-Based Sexual Violence (A Review of Article 14 of Law No. 12 of 2022)." *AL-QIBLAH: Journal of Islamic Studies and Arabic* 3, no. 4 (July 22, 2024): 494–513. <https://doi.org/10.36701/qiblah.v3i4.1634>.
- Tatyana, Nadira. "The Vulnerability of Indonesian Children to Online Sexual Violence in the Covid-19 Era: A Legal Perspective." *Journal of Women and Family* 2, no. 2 (2021): 103–16. <https://doi.org/10.22146/jwk.3619>.

UNICEF. “#JagaBareng Keeping Yourself and Others Safe from Online Child Sexual Exploitation and Abuse.” UNICEF, n.d.

Walsh, Wendy A., and Dafna Tener. “If You Don’t Send Me Five Other Pictures I Am Going to Post the Photo Online’: A Qualitative Analysis of Experiences of Survivors of Sextortion.” *Journal of Child Sexual Abuse* 31, no. 4 (May 19, 2022): 447–65. <https://doi.org/10.1080/10538712.2022.2067093>.

Yungsiana, Istiqomah, and Yayi Suryo Prabandari. “Psychological Dynamics of Victims of Sectorization: A Literature Review.” *Indonesian Journal of Forensic Psychology* 4, no. 1 (2025). <https://doi.org/10.71088/jpfi.v4i1.57>.

Zhu, Hanqing, Yuchen Zhu, Yaoyue Lu, Jiaming Hu, Jingxin Liu, Xudong Gong, Bridget Steele, and Xiangming Fang. 2025. “Prevalence Estimates and Nature of Online Child Sexual Exploitation and Abuse: A Systematic Review and Meta-Analysis.” *The Lancet Child & Adolescent Health* 9 (3): 184–193. [https://doi.org/10.1016/S2352-4642\(24\)00329-8](https://doi.org/10.1016/S2352-4642(24)00329-8).