

## The Phenomenon of Groomer Manipulation of Children; Initiating Law Concerning Child Sexual Grooming

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### ABSTRACT

Grooming is a process of manipulation carried out by the groomer on the child so that the child believes that the groomer is worthy of admiration, trust, and love. If an emotional connection has been created, the groomer will easily commit sexual crimes against children. This research discusses the relationship patterns between groomers and victims, crimes targeted by groomers, and the urgency of drafting a law on child sexual grooming. It is normative juridical research that examines the emptiness of norms regarding child sexual grooming. The groomer builds an emotional relationship with the victim, both offline and online grooming, even starting with online grooming and continuing with offline grooming to realize the target of his actions. Targeted crimes can include obtaining pornographic photos and videos of the victim for the satisfaction of the perpetrator, using the victim's photos to humiliate, oppress and intimidate or take revenge on the victim, obtaining pornographic material to be sold to porn site users, and doing sexual intercourse with children. Unfortunately, Indonesia does not yet have a law on child sexual grooming, so pre-sexual violence is not a criminal offense. Criminalizing the Law on child sexual grooming will increase children's sensitivity to sexual violence.

**Keywords:** child; grooming; sexual violence.

### INTRODUCTION

The phenomenon of sexual violence against children is becoming increasingly worrying, both quantitatively and qualitatively. The child, whom he is supposed to be protected, is in a vulnerable group in the case of sexual offenses. According to data filed from January 1, 2024, to March 2024, there are 1757 cases of sexual violence against children out of 3773 cases collected by the Ministry of Empowerment of Women and Children of the Republic of Indonesia.<sup>1</sup> The method used by the perpetrator is approaching the child persuasively, or what is termed child sexual grooming. Grooming is a method used by perpetrators to get to know children. The acceleration of information technology has implications for making it easier for the perpetrators to make children the objects of sexual crimes through child sexual grooming, which is not only carried out offline but also is carried out online.

Manipulation is carried out by adults by becoming figures who are admired and trusted and become special people for children. The perpetrator also assured that the victim was a special person so that the child had to separate himself from his parents, teachers, friends, and social environment. Some perpetrators of sexual abuse against children carry out grooming before committing the abuse. These tactics are methods that abusers use to gain access to potential victims and prepare them to be more compliant with the abuse.<sup>2</sup> According to Georgia M. Wintersa and Elizabeth L. Jeglic, the

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<sup>1</sup> Kemenpppa, "Peta Sebaran Jumlah Kasus Kekerasan Menurut Provinsi, Tahun 2024," 2024, <https://kekerasan.kemenpppa.go.id/ringkasan>

<sup>2</sup> Natalie Bennett and William O'Donohue, "Identifying Grooming of Children for Sexual Abuse: Gender Effects and Increased False Positives from Internet Information," *International Journal of Psychology and Psychological Therapy*, Vol. 20, No. 2, 2020, p. 133, <https://dialnet.unirioja.es/servlet/articulo?codigo=7487722>

perpetrators systematically exploit the victim, their family, and the community to conceal their deviant intentions and evade detection. These behaviors include identifying a susceptible target, obtaining contact with the youngster, establishing trust, and gradually desensitizing the victim to physical contact.<sup>3</sup>

Child grooming can be carried out by perpetrators who are known or unknown to the victim. This method can be done by close people or the child's family. MB, the alleged perpetrator of sexual violence against Icha, a 10-year-old child in Manado who ultimately died in 2021, used the child grooming mode. The alleged perpetrator is Icha's stepfather. The perpetrator took advantage of his closeness as a stepfather and then succeeded in molesting the victim, who lived in the same house as him. This child grooming strategy is to manipulate sexual acts carried out by adults on children by approaching and building trust and an emotional relationship with the victim.<sup>4</sup>

The popularity of the World Wide Web among children and teenagers has changed how teenagers gain knowledge, communicate, and form friendships and relationships.<sup>5</sup> Adult perpetrators take advantage of the anonymity and accessibility of the internet to befriend and target victims of sexual abuse.<sup>6</sup> Cases of online grooming in Indonesia have begun to be uncovered by the police. The suspect is suspected of molesting 50 minors aged 11-17 years by falsifying a teacher's Instagram account. The suspect then created a fake account in the teacher's name and followed the children. Through direct messages on Instagram, the suspect also tried to convince children to send photos and videos of themselves naked and touching vital parts. In the perpetrator's email, police found 1,300 photos and videos of children. The police said that the suspect used the *modus operandi* of grooming to persuade and influence the victim to want to send naked photos and videos on the pretext that his grades would be in danger if he refused.<sup>7</sup>

Cases of sexual violence against children not only cause physical injuries but also psychologically injure the victim for a long time. Grooming victims experienced by children will cause several negative feelings such as psychological impact, embarrassment, reminders of the offender, self-harm, loss of confidence, and aggression. About half of the victims discussed the abuse's detrimental psychological effects and how it will stay with them for a very long time.<sup>8</sup> Legal protection for grooming victims is essential to prevent and restore the condition of child victims. Unfortunately,

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<sup>3</sup> Georgia M. Winters and Elizabeth L. Jeglic, "Stages of Sexual Grooming: Recognizing Potentially Predatory Behaviors of Child Molesters," *Deviant Behavior*, Vol. 38, No. 6, 2017, p. 724, <https://doi.org/10.1080/01639625.2016.1197656>

<sup>4</sup> Febry Kodongan, "Child Grooming, Modus Ayah Tiri Cabuli Icha, Anak 10 Tahun yang Tewas Pada 2021," 2023, <https://kumparan.com/manadobacirita/child-grooming-modus-ayah-tiri-cabuli-icha-anak-10-tahun-yang-tewas-pada-2021-1zvcpl8t0GK/full>

<sup>5</sup> Eden Kamar, et al., "Parental Guardianship and Online Sexual Grooming of Teenagers: A Honeypot Experiment," *Computers in Human Behavior* Vol. 137, 2022, p. 107386, <https://doi.org/10.1016/j.chb.2022.107386>

<sup>6</sup> Jonie Chiu and Ethel Quayle, "Understanding Online Grooming: An Interpretative Phenomenological Analysis of Adolescents' Offline Meetings with Adult Perpetrators," *Child Abuse & Neglect*, Vol. 128, 2022, p. 105600, <https://doi.org/10.1016/j.chiabu.2022.105600>

<sup>7</sup> Anastasia Aulia and Sabrina Asril, "Waspada Grooming, Modus Pencabulan Anak dengan Membangun Hubungan!" 2019, <https://megapolitan.kompas.com/read/2019/07/24/12113401/waspada-grooming-modus-pencabulan-anak-dengan-membangun-hubungan?page=all>

<sup>8</sup> Helen C. Whittle, Catherine Hamilton-Giachritsis, and Anthony R. Beech, "Victims' voices: The Impact of Online Grooming and Sexual Abuse," *Universal Journal of Psychology*, Vol. 1, No. 2, 2013, p. 62, <https://doi.org/10.13189/ujp.2013.010206>

Indonesia does not yet have a law on Child Sexual Grooming, so perpetrators can be punished if sexual crimes against children have occurred.

This study examines groomer relationship patterns with victims, crime targeted by groomers and the urgency of the draft law on child sexual grooming. Several similar studies have been written by other researchers, for example a study written by Imara Pramesti Normalita Andaru entitled "Cyber Child Grooming as a Form of Online Gender-Based Violence in the Pandemic Era." The study aims to determine the increase in cyber grooming of children in the Covid-19 pandemic era, the factors causing cyber child grooming and its impacts.<sup>9</sup> Dewi Fatimah Ananda, Haipasona Purba, Andara Rizky, Sonia Rizky Fadillah Lubis, Devina Maysarah Yunaz researched on "The Development of Forms of Sexual Violence Against Children by Carrying Out Child Grooming in the Implementation of Article 76 E Jo Article 82 of the Child Protection Law." This study aims to examine the phenomenon of child grooming, its impact on children, and the need for an evaluation of child protection laws and more effective legal socialization to protect children from the threat of sexual crimes in cyberspace, especially against acts of child grooming.<sup>10</sup> Leah E. Kaylor, Georgia M. Winters, Elizabeth L. Jeglic & Jennifer Cilli research "An analysis of child sexual grooming legislation in the United States." This paper examines sexual grooming to provide a framework for understanding sexual grooming behavior, critiques federal and state sexual grooming laws, and provides recommendations for how to evaluate and integrate sexual grooming research into prosecution and criminal policy.<sup>11</sup>

## METHODS

This research is normative juridical research that examines the absence of specific regulations regarding child sexual grooming and the existence of laws and regulations in Indonesia that can be used to take action against perpetrators of child grooming. Sexual grooming itself is not a legal term that refers to a criminal act, but refers to a method used to manipulate children so that children become victims of sexual violence. Thus, legal interpretation is needed in compiling arguments in this research. This research also examines penal policy towards child grooming. Legal materials consist of primary and secondary legal materials, which are collected through a literature study. The primary legal materials used in this study are the Electronic Information and Transactions Law, the Pornography Law, the Child Protection Law and supported by several international legal instruments. Secondary legal materials consist of scientific articles that are relevant to this research. The analysis was carried out qualitatively to describe cases of child grooming against children, crime patterns, groomer behavior patterns, and legal policy models.

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<sup>9</sup> Andaru, Imara Pramesti Normalita, "Cyber Child Grooming sebagai Bentuk Kekerasan Berbasis Gender Online di Era Pandemi." *Jurnal Wanita dan Keluarga*, Vol.2, No. 1, 2021, p. 41-51, <https://doi.org/10.22146/jwk.2242>

<sup>10</sup> Ananda, Dewi Fatimah, et al. "Perkembangan Bentuk Kekerasan Seksual Terhadap Anak Dengan Melakukan Child Grooming Dalam Penerapan Pasal 76 E Jo Pasal 82 Undang-Undang Perlindungan Anak," *Jurnal Hukum Terapan dan Inovasi Hukum (JHTIH)*, Vol. 7, No. 2, 2025, p. 43, <https://journalpedia.com/1/index.php/jhtih/article/view/4992>

<sup>11</sup> Kaylor, Leah E., et al. "An analysis of child sexual grooming legislation in the United States," *Psychology, Crime & Law*, Vol. 29, No. 9, 2023, p. 982-1000, <https://doi.org/10.1080/1068316X.2022.2043313>

## DISCUSSION

### Groomer Relationship Patterns with Victims

Child grooming is a way to commit a crime by referring to a manipulative process created by the perpetrator to sexually abuse minors. To do this, the perpetrator must educate the child and make the child believe that his intentions are sincere and in the child's best interests.<sup>12</sup> Abusers approach and try to gain the trust of a child for sexual gratification. Abusers will continue to influence children both online and offline. Although recent research on child exploitation focuses on online grooming and groomers, the grooming process is not new or limited to the online environment. Researchers have shown that perpetrators of child sexual abuse, both online and offline, differ in several psychological variables, including level of empathy for children, level of sexual deviance, and stability of relationships.<sup>13</sup> The perpetrator seems to be a hero and protector for the child, and when the child believes, the perpetrator can easily carry out his actions. Grooming refers to the process of obtaining, persuading, and involving children in sexual activities that use the Internet as a medium of access.<sup>14</sup>

Cyber child grooming is carried out in various types, durations, and intensities depending on the characteristics and behaviour of each perpetrator.<sup>15</sup> Perpetrators surf the internet and will look for groups of children who lack supervision. Social networking sites were created to share personal information. This condition provides an opportunity for perpetrators to commit crimes by targeting children through personal information shared by victims. Children are inquisitive about being involved in various discussions in cyberspace. Children are unaware of the risks they will face when interacting openly with unknown people in cyberspace. Sometimes, they make bad decisions in their lives. The perpetrator took advantage of this opportunity to get the victim. Online grooming can cause online and offline sexual exploitation.

Grooming is a method and process of carrying out sexual violence. Therefore, perpetrators generally have the aim of sexual exploitation, pornography, or trying to have sexual relations with children. Daniel Pollack and Andrea Mac Iver said the purpose of grooming is:

- a. to influence the way other adults perceive the youngster.
- b. to influence the youngster into becoming a willing participant, decreasing the chances of their revealing the truth and increasing the likelihood of the child continuously returning to the perpetrator.
- c. to diminish the probability of the child being trusted if they provide the information.

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<sup>12</sup> Limor Ezioni, "The Crime of Grooming," *Child and Family Law Journal*, Vol. 8, No. 1, 2020, p. 6, <https://lawpublications.barry.edu/cflj/vol8/iss1/1>

<sup>13</sup> Tatiana R. Ringenberg, et al., "A Scoping Review of Child Grooming Strategies: Pre-and Post-Internet," *Child Abuse & Neglect*, Vol. 123, 2021, p: 105392, <https://doi.org/10.1016/j.chiabu.2021.105392>

<sup>14</sup> Parisa Rezaee Borj, Kiran Raja, and Patrick Bours, "Online Grooming Detection: A Comprehensive Survey of Child Exploitation in Chat Logs," *Knowledge-Based Systems*, Vol. 259, 2023, p. 110039, <https://doi.org/10.1016/j.knosys.2022.110039>

<sup>15</sup> Imara Pramesti Normalita Andaru, "Cyber Child Grooming sebagai Bentuk Kekerasan Berbasis Gender Online di Era Pandemi," *Jurnal Wanita dan Keluarga*, Vol. 2, No. 1, 2021, p. 46, <https://doi.org/10.22146/jwk.2242>

d. to reduce the likelihood of the abuse being detected.<sup>16</sup>

Perpetrators who are unknown to the child generally use online grooming methods. Online grooming is a process of establishing or building a relationship with a child through the use of the Internet or other digital technology to provoke, manipulate, or instigate a child so that the child is willing to engage in sexual activity.<sup>17</sup> The online grooming process often includes making sexual conversations, showing the victim adult pornographic and/or child sexual abuse material, and pressuring or forcing the children to create and share their sexual images.<sup>18</sup>

Another strategy used is to take an interest in the lives of minors and establish relationships. For example, an online groomer may show an interest in the minor's problems with family, friends, or school or in the affective needs of potential victims. Predator ensures minors feel comfortable and safe at the beginning of the grooming process. The groomer's interest in the children's lives may facilitate their emotional involvement with adults, reduce awareness of the inappropriateness of the relationship, and thereby facilitate sexual solicitation and abuse of the minor. Some victims report having close emotional relationships with adults, including falling in love. Some adults use progressive sexual approach strategies, while others demonstrate their sexual interest in minors directly from the start of the conversation. In short, the sexualization of conversation appears to be a frequent element in online grooming situations, although the timing and form can vary greatly. Adults may use a range of subtle or explicit aggression to achieve a minor's compliance.<sup>19</sup> Thus, not all sexual activities carried out by children at the perpetrator's request are carried out by force. Aggression is carried out subtly with the relationship status where the child is the perpetrator's girlfriend.

Teenagers are generally at a stage in their lives when they are experiencing problems with self-esteem, and predators try to exploit this vulnerability to their advantage. Teenagers who experience sexual advances online (though not necessarily from adults) may feel upset, afraid, embarrassed, depressed, and stressed; cannot stop thinking about the incident; are restless or irritable, loss of interest in things; engage in substance abuse; and experiencing symptoms of depression.<sup>20</sup> With manipulation carried out by the perpetrator, children sometimes do not realize that they are victims. What the child does becomes an expression of the child's feelings of love for the perpetrator, and if it is stopped, then the child will be the party at fault for the perpetrator.

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<sup>16</sup> Daniel Pollack and Andrea Mac Iver, "Understanding Sexual Grooming in Child Abuse Cases," *ABA Child Law Practice*, Vol. 34, No. 11, 2015, p. 165, [https://www.researchgate.net/profile/Daniel-Pollack-3/publication/284732040\\_Understanding\\_sexual\\_grooming\\_in\\_child\\_abuse\\_cases/links/59943914aca272ec9087e7d8/Understanding-sexual-grooming-in-child-abuse-cases.pdf](https://www.researchgate.net/profile/Daniel-Pollack-3/publication/284732040_Understanding_sexual_grooming_in_child_abuse_cases/links/59943914aca272ec9087e7d8/Understanding-sexual-grooming-in-child-abuse-cases.pdf)

<sup>17</sup> Twenty Purandari, "Pertanggungjawaban Hukum Pelaku Eksploitasi Seksual pada Anak melalui Internet," *Media Iuris*, Vol. 2, No. 2, 2019, p. 244, <https://doi.org/10.20473/mi.v2i2.12717>

<sup>18</sup> ICMEC, "Online Grooming of Children for Sexual Purposes: Model Legislation & Global Review," 2017, p. 5, [https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children\\_FINAL\\_9-18-17.pdf](https://www.icmec.org/wp-content/uploads/2017/09/Online-Grooming-of-Children_FINAL_9-18-17.pdf)

<sup>19</sup> Manuel Gámez-Guadix, et al., "Unraveling Cyber Sexual Abuse of Minors: Psychometrics Properties of the Multidimensional Online Grooming Questionnaire and Prevalence by Sex and Age," *Child Abuse & Neglect*, Vol. 120, 2021, p. 105250, <https://doi.org/10.1016/j.chiabu.2021.105250>

<sup>20</sup> Magiswary Dorasamy, et al., "Parents' Awareness on Online Predators: Cyber Grooming Deterrence," *The Qualitative Report*, Vol. 26, No. 11, 2021, p. 3687, <https://doi.org/10.46743/2160-3715/2021.4914>

### Crime targeted by Groomers

Grooming is a way for groomers to control children both physically and emotionally. Offline grooming has been widely known in various forms of sexual violence, especially in cases of sexual intercourse and molestation. The groomer can carry out the act repeatedly because of the closeness he has with the victim, which is different from the case of rape committed by an unknown person, which is most likely only committed once. Georgia M. Winters and Elizabeth L. Jeglic, in research, examined grooming behavior in siblings who commit sexual violence. The research results show that SSH most often involves teenage siblings. In terms of characteristics of sexual violence, fondling/kissing was the most frequently reported behavior, and many cases of sexual violence occurred in the afternoon and evening, during the summer months, and within the homes of siblings. On average, individuals who experienced sexual violence reported 13 of a possible 42 grooming behaviours, and the most frequently endorsed grooming behaviours were victim selection tactics while gaining access and isolation behaviours were the least endorsed.<sup>21</sup>

Sexual grooming is considered an integral part of the process of child sexual abuse. However, to date, there is no universally accepted definition of the construct that condenses and encapsulates this complex process.<sup>22</sup> Winters and Jeglic proposed four overarching stages in the sexual grooming process, including victim selection, gaining access and isolation, developing trust, and desensitization to sexual content and physical contact.<sup>23</sup> In sexual crime behaviour, groomers can also carry out online grooming or online grooming, which continues with offline grooming. Lack of knowledge about child sexual abuse in Indonesia and views regarding discussions of sexuality as still taboo hamper policy development.<sup>24</sup>

Online grooming is the process by which a person uses digital media to groom a minor to obtain sexual material (images, videos) from him or to sexually abuse him.<sup>25</sup> ECPAT International further provides the following definition of online grooming:

"The act of interacting with a youngster online with the sole goal of building a relationship to enable future online or offline sexual encounters is known as "online grooming for sexual purposes." It could involve coercion or encouragement to engage in various abusive or exploitative sexual practices, like having sex in front of a webcam or creating content about

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<sup>21</sup> Georgia M. Winters and Elizabeth L. Jeglic, "Sexual Grooming Behaviours in Sibling Sexual Harm," *Journal of Sexual Aggression*, Vol. 29, No. 3, 2023, p. 306, <https://doi.org/10.1080/13552600.2023.2249491>

<sup>22</sup> Georgia M. Winters, Leah E. Kaylor, and Elizabeth L. Jeglic, "Toward a Universal Definition of Child Sexual Grooming," *Deviant Behavior*, Vol. 43, No. 8, 2022, p. 926, <https://doi.org/10.1080/01639625.2021.1941427>

<sup>23</sup> Georgia M. Winters and Elizabeth L. Jeglic, "The Sexual Grooming Scale–Victim Version: The Development and Pilot Testing of a Measure to Assess the Nature and Extent of Child Sexual Grooming," *Victims & Offenders*, Vol. 17, No. 6, 2022, p. 919, <https://doi.org/10.1080/15564886.2021.1974994>

<sup>24</sup> Wismayanti, Yanuar Farida, et al., "The problematization of child sexual abuse in policy and law: The Indonesian example." *Child Abuse & Neglect*, Vol.118, 2021, p. 105157.

<sup>25</sup> Juan M. Machimbarrena, et al., "Internet Risks: An Overview of Victimization in Cyberbullying, Cyber Dating Abuse, Sexting, Online Grooming and Problematic Internet Use," *International Journal of Environmental Research and Public Health*, Vol. 15, No. 11, 2018, p. 3, <https://doi.org/10.3390/ijerph15112471>

child sexual abuse or self-generated sexual content. It should be mentioned that in some countries, these kinds of acts might not be illegal.”<sup>26</sup>

The perpetrator builds an emotional relationship with the child to obtain the child's pornographic material.<sup>27</sup> The grooming process requires sexually uninhibited and exhibitionist behaviour, such as exposing genitals and masturbating in front of the camera, having erotic conversations in underwear with other people, and sending and receiving text messages and images with insinuating and erotic content. Specific risk factors for grooming include behavioural disinhibition traits and sexual advance strategies, sometimes coercive, that may be preceded by the posting of “hard” selfies or pornography.<sup>28</sup> The perpetrator makes an emotional approach to the child to obtain child pornography. The perpetrator met the victim in cyberspace.

The friendship between the groomer and the child continues by discussing intimate matters in cyberspace. It is continued by sending each other vulgar photos and videos in cyberspace or using a webcam. There are several types of sexual groomer behaviour. The first group is groomers who use pornographic photos and videos of victims for their sexual satisfaction. Groomers only collect and get sexual satisfaction after seeing these photos and videos. This act is related to pedophilic behaviour. Pedophilia is classified as a crime against children because it harms the victim. Victims of paedophilia will experience a lack of self-confidence and have a negative view of sex. Paedophiles tend to have sexual relations with children, either with underage boys (homosexual paedophilia) or with underage girls (heterosexual paedophilia). Paedophilia is a form of child abuse where adults or older teenagers use children for sexual stimulation. The effects of sexual violence on children include depression, post-traumatic stress disorder, and anxiety.<sup>29</sup>

The second group, the perpetrator, uses the victim's photos to humiliate, oppress, and intimidate the victim so that the victim will do something the perpetrator wants or uses this opportunity to take revenge on the victim.<sup>30</sup> The groomer's actions can also lead to blackmail, where if the child does not want to comply with subsequent orders or is unable to send a certain amount of money to the perpetrator, the photos and videos will be distributed. The third group, groomers, deliberately approach children to obtain pornographic material to sell to porn site users. The concept of child pornography content must be able to encompass the definition of child pornography and the

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<sup>26</sup> ECPAT International, “Protecting Children from Online Sexual Exploitation; A Guide to Action for Religious Leaders and Communities,” 2016, <https://srhr.dspace-express.com/server/api/core/bitstreams/4f03f095-0f33-4c7f-98b3-12c532e54e19/content>

<sup>27</sup> According to Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, child prostitution and child pornography, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 entered into force on 18 January 2002 “Child pornography means any representation, by whatever means, of a child engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a child for primarily sexual purposes.”

<sup>28</sup> Konstanze Schoeps, et al., “Risk Factors for Being a Victim of Online Grooming in Adolescents,” *Psicothema*, Vol. 32, No. 1, 2020, p. 21, <https://doi.org/10.7334/psicothema2019.179>

<sup>29</sup> Nur Hidayati, “Perlindungan Anak terhadap Kejahatan Kekerasan Seksual (Pedofilia),” *Ragam Jurnal Pengembangan Humaniora*, Vol. 14, No. 1, 2014, p. 70, <https://jurnal.polines.ac.id/index.php/ragam/article/view/496>

<sup>30</sup> Juan M. Machimbarrena, et al., *Loc. Cit.*

image context in which photos of children are communicated. Child pornography includes images/discussions about children that contain sexual relations, as well as images of children discussed in the context of sexual relations with adults.<sup>31</sup> The final group, groomers, use the internet as a medium to approach the victim, followed by a more intimate relationship in the real world so they can have sexual intercourse with the child. This condition is called online grooming, which continues with offline grooming.

### **The Urgency of the Draft Law on Child Sexual Grooming**

The issue of grooming youngsters for sex is multijurisdictional and calls for a coordinated international response. As nations work to address the online grooming of children, international legal mechanisms provide a robust platform for child safety initiatives. On a global scale, however, child sexual grooming has not received enough attention. Several international legal treaties, including the Convention on the Rights of the Child and the Optional Protocol on the Sale of Minors, child prostitution, and child pornography, extensively cover child sexual abuse and exploitation. Although they don't expressly mention it, these tools provide definitions and vocabulary that are pertinent and useful when thinking about online grooming.<sup>32</sup> The state has a significant obligation to ensure child protection. Theoretically, this obligation originates from international law. Regarding this, the United Nations Office on Drugs and Crime said that international law increasingly recognizes that children have the right to special protection.<sup>33</sup> Several international legal instruments require States to take action to protect children from abuse and exploitation and to engage in international cooperation in the investigation and prosecution of crimes of child abuse and exploitation.

An important component that forms the basis of state obligations is that participating states are legally required to follow each other's practices on a global scale.<sup>34</sup> The state has a legal obligation to protect children from sexual grooming both at the level of international policy and national policy. International agreements give rise to state responsibilities for matters agreed upon and apply globally. States must harmonize the provisions of international agreements into state law. The formulation of international legal rules into national criminal law by countries is carried out in several ways:

- a. Through ratification, which is followed by enactment (ratification and promulgation) and transformation into national criminal legislation.
- b. Through adoption. A country that does not or has not ratified an international convention recognizing an international crime, if, based on certain considerations, it does not intend to

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<sup>31</sup> Yahya Muhammed Bah and Myrtati Dyah Artaria, "Child Sex Tourism Recruitment Techniques," *Journal of Educational, Health and Community Psychology*, Vol. 9, No. 4, 2020, p. 533, <https://joergfritschi.ch/wp/wp-content/uploads/2021/04/Child-Sex-Tourism-Recruitment-Techniques.pdf>

<sup>32</sup> ICMEC, *Op. Cit.*, p. 21.

<sup>33</sup> United Nations Office on Drugs and Crime. (2015). Study on the Effects of New Information Technologies on the Abuse and Exploitation of Children. Retrieved from [https://www.unodc.org/documents/Cybercrime/Study\\_on\\_the\\_Effects.pdf](https://www.unodc.org/documents/Cybercrime/Study_on_the_Effects.pdf)

<sup>34</sup> Khan, Abdus Samad, et al, "Responsibility of Sexual Violence Under International Law," *Journal of Social Sciences Review*, Vol. 3, No.1, 2023, p. 29-41.

ratify it, can use other methods to make the substance of the international agreement part of its national criminal law or statute.

- c. Through the decision of the national dispute resolution body.
- d. Through customary international law.”<sup>35</sup>

At the international level, the response to the importance of child protection can be seen in the Convention on the Rights of the Child Adopted and opened for signature, ratification, and accession by General Assembly resolution 44/25 of 20 November 1989 (ratified by Indonesia on Presidential Decree Number 36 of 1990 on September 25, 1990). In the Preamble to the Convention on the Rights of the Child, it was stated that the child should be thoroughly equipped to lead an independent life within society and raised by the principles outlined in the Charter of the United Nations, specifically emphasizing peace, dignity, tolerance, freedom, equality, and solidarity.

Every nation must carry out child protection as stipulated by the international committee outlined in the Convention on the Rights of the Child. In Paragraph 2, it is stated:

1. States Parties shall respect and ensure the rights outlined in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment based on the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.”

According to the Penal Policy theory, crime prevention includes state policies through authorized bodies to establish regulations desired and needed by society.<sup>36</sup> Indonesia is one of the countries that has ratified the Convention on the Rights of the Child. Therefore, Indonesia has the responsibility to regulate child protection issues in its national law and take appropriate action to ensure optimal child protection. At the international level, there is no international convention that specifically regulates the protection of children from grooming. Still, there are several related conventions, for example, the Convention on Cybercrime, Budapest, 23.XI.2001 (Treaty 185), Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography, Adopted and opened for signature, ratification and accession by General Assembly resolution A/RES/54/263 of 25 May 2000 entered into force on 18 January 2002, and Additional Protocol to the Convention on Cybercrime, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems Strasbourg, 28.I.2003 (Treaty No.189). However, these provisions do not specifically regulate the protection of children from grooming.

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<sup>35</sup> I Wayan Partiana, *Hukum Pidana Internasional*, Bandung: Yrama Widya, 2006.

<sup>36</sup> Sudarto, *Hukum Pidana dan Perkembangan Masyarakat*, Bandung: Sinar Baru, 1983, p. 20

In 2007, there was an international legal instrument in the form of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. This international agreement is the first international instrument to discuss online grooming (solicitation of children for sexual purposes). The convention states as follows:

“The Convention also establishes programs to support victims, encourages people to report suspected sexual exploitation and abuse, and sets up telephone and internet helplines for children. It also ensures that certain types of conduct are classified as criminal offenses, such as engaging in sexual activities with a child below the legal age and child prostitution and pornography. The Convention also criminalizes the solicitation of children for sexual purposes ("grooming") and "sex tourism."

In the concept of a Welfare State,<sup>37</sup> the state, government, and regional governments have an obligation to make legal policies related to child protection, formwork programs, and promote child protection efforts in order to ensure children's welfare. In this regard, the state has the authority to adopt the provisions of international conventions, which become reference standards in efforts to protect children from a legal perspective.

Every child has the right to receive protection. Protection can be defined as all efforts aimed at preventing, rehabilitating, and empowering children who experience child abuse, exploitation, and neglect. The principle of child protection here is in accordance with the basic principles contained in the Convention on the Rights of the Child. The principle of the best interests of children is that in all actions concerning children carried out by the government, society, legislative bodies, and judicial bodies, the best interests of children must be the main consideration. The principles of the right to life, survival, and development are the most basic human rights for children, which the state, government, society, family, and parents protect. The principle of respect for children's opinions is respect for children's rights to participate and express their opinions in decision-making, especially when it concerns matters that affect their lives.

Linked to the concept of the welfare state, criminal law policy in dealing with the sexual grooming of children is in line with the state's objectives as outlined in the Preamble to the 1945 Constitution, namely to protect the entire Indonesian nation and all of Indonesia's blood and to advance general welfare, educate the life of the nation, and participate in implementing order. A world based on freedom, eternal peace, and social justice. The criminal law policy against sexual grooming is aimed at and carried out to protect children. Child protection is needed to prevent abuse. Theoretically, mistreatment can occur due to social learning (social learning theory), as William G. Doerner and Steven P. Lab proposed about social learning theory focusing on the absorption of experience and reinforcement.<sup>38</sup> The policy of protecting children from grooming touches on criminal and human rights aspects within the framework of prevention. The government has the authority to

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<sup>37</sup> A welfare state is briefly defined as a country where the state government is responsible for ensuring a minimum standard of living welfare for every citizen. See Oman Sukmana, "Konsep dan Desain Negara Kesejahteraan (Welfare State)", *Jurnal Sospol*, Vol. 2, No.1, 2016, p. 104, <https://doi.org/10.22219/sospol.v2i1.4759>

<sup>38</sup> William G. Doerner and Steven P. Lab, *Victimology Sixth Edition*, Burlington: Elsevier, 2012, p. 272.

implement child protection from online grooming, whether carried out by children or against children, through telematics policies and child protection policies through criminal law policies.

Criminal law is primarily national law, so to establish a precise definition of “grooming” in each country, the relevant provisions of the criminal code must be consulted.<sup>39</sup> Grooming cannot be considered a criminal act unless the act is manifested in the form of pornography, distribution of pornography, or sexual intercourse, as previously explained. In the practice of law enforcement in Indonesia, the provisions that law enforcers often use are Law of the Republic of Indonesia Number 44 of 2008 concerning Pornography, hereinafter referred to as (Pornography Law), Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Information and Electronic Transactions (Electronic Information and Transaction Law) and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (hereinafter referred to as the Child Protection Law). In fact, using these provisions often confuses law enforcers when applying the articles violated by the perpetrator.

Pornography, as regulated in the Pornography Law, is an image, sketch, illustration, photo, writing, sound, sound, moving image, animation, cartoon, conversation, body movement, or other form of message through various forms of communication media and/or performances on in public, which contains obscenity or sexual exploitation that violates the norms of decency in society. The Pornography Law strictly prohibits the act of producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, selling, renting, or providing pornography that explicitly contains child pornography, as well as other acts in the Pornography Law. Enforcement of child protection can be seen in the prohibition on involving children in activities and/or as objects, even if the action is carried out for personal gain.

Article 27 paragraph (1) of the Information and Electronic Transactions Law: Every person intentionally and without the right to broadcast, display, distribute, transmit, and/or make accessible Electronic Information and/or Electronic Documents that have content that violates decency for public knowledge. The focus of prohibited acts in this article is on acts of broadcasting, displaying, transmitting, distributing, and/or making accessible Electronic Information and/or Electronic Documents containing violations of morality. This provision also emphasizes that the act must be made public. This is different from the provisions in the Pornography Law, where the focus is on the moral act itself.

As previously explained, online grooming can continue into offline grooming, the aim of which is to have sexual intercourse with the child. Jonie Chiu & Ethel Quayle in their research stated that the decision to continue developing a relationship with a groomer was reframed by the child as an

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<sup>39</sup> Ena Kazić, “A Brief Discourse About the Need for Criminalization of Online Grooming in Bosnia and Herzegovina,” *Balkan Social Science Review*, Vol. 18, No.18, 2021, p. 167.

opportunity to meet someone new, rather than being seen as a risk.<sup>40</sup> This act usually takes place repeatedly with the status that the child is the perpetrator's girlfriend. In this condition, even though sexual relations are carried out with the child's willingness, from a legal perspective, the child's decision cannot be seen as consent. The Child Protection Law prohibits anyone from using violence or threats of violence to force a child to have sexual intercourse with him or another person, including if the groomer commits sexual intercourse because of deception, a series of lies, or by persuading the child to have sexual intercourse with him or another person.<sup>41</sup>

The United States has regulations that are one step further than those of Indonesia. Sexual grooming of children is considered the beginning of a criminal act of sexual abuse against children; however, in some jurisdictions, sexual grooming of children is considered a separate criminal offense. Both the federal and state governments in the United States have enacted anti-grooming laws to criminalize preparatory actions to protect children before sexual abuse occurs.<sup>42</sup> To prevent child sexual abuse before it occurs, laws must be in place to intervene before sexual abuse begins. Although there are many challenges in defining sexual grooming, current United States Federal and State laws, as well as international sexual grooming laws, are designed to criminalize sexual grooming before abuse occurs. Sexual grooming, as it may be applied in civil cases of sexual harassment, will also be examined. Furthermore, additional laws can be used to prevent sexual grooming, such as the obligation to report sexual abuse of children, as well as mandatory background checks for every perpetrator.<sup>43</sup>

In its development, a safe place can be a vulnerable place for children. Georgia M. Winters et al., in their research, it was found that the perpetrators of sexual abuse against children were in the environment of places of worship carried out by religious leaders. There is an opinion that many of these cases are not reported because they involve sexual grooming. The results of the study revealed that the accused priests often used tactics in gaining access and isolation, trust development, and the Sexual Grooming Model desensitization stage. Given the limited data available for the victim selection and post-abuse maintenance stages, findings suggest that this tactic is relatively less common. In criminal justice system, data integration and task mapping results in an integrated legal process.<sup>44</sup> Overall, priests suspected of child sexual abuse used tactics consistent with sexual care in general, although there were unique aspects of sexual care given their role and institutional position.<sup>45</sup> Without criminalization of unwanted sexual grooming, it could have implications for reducing

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<sup>40</sup> Chiu, J & Quayle, E, "Understanding online grooming: An interpretative phenomenological analysis of adolescents' offline meetings with adult perpetrators," *Child Abuse and Neglect*, Vol. 128, 2022, p. 105600, <https://doi.org/10.1016/j.chiabu.2022.105600>

<sup>41</sup> Siswanto, Yayan Agus, and Fajar Rachmad Dwi Miarsa, "Upaya Preventif sebagai Bentuk Perlindungan Hukum dari Kejahatan Kekerasan Seksual pada Anak," *Jurnal Kolaboratif Sains*, Vol.7, No.5, 2024, p.1651-1667.

<sup>42</sup> Leah E. Kaylor, et al., "An Analysis of Child Sexual Grooming Legislation in the United States," *Psychology, Crime & Law*, Vol. 29, No. 9, 2023, p. 982, <https://doi.org/10.1080/1068316X.2022.2043313>

<sup>43</sup> Georgia M. Winters and Elizabeth L. Jeglic, *Sexual Grooming Legislation and Policy*, in *Sexual Grooming: Integrating Research, Practice, Prevention, and Policy*, Springer, Switzerland: 2022, p. 243.

<sup>44</sup> Rasiwan, H. Iwan, and MH SH, *Dinamika Sistem Peradilan Pidana Indonesia*. Grafindo Publisher, 2025, p. 107.

<sup>45</sup> Georgia M. Winters, Elizabeth L. Jeglic, and Karen J. Terry, "The Prevalence of Sexual Grooming Behaviours in a Large Sample of Clergy," *Sexual Abuse*, Vol. 34, No. 8, 2022, p. 923, <https://doi.org/10.1177/10790632211070803>

children's sensitivity to physical contact and sexual content that can be identified in cases of sexual violence. The urgency of the Draft Law on Sexual Grooming has an essential role in prevention.<sup>46</sup>

## CLOSING

Sexual grooming is a process of emotional approach carried out by the perpetrator towards the victim (child) to commit sexual crimes. Groomers try to obtain pornographic material to fulfill their sexual satisfaction, obtain pornography to buy and sell, use pornographic material to threaten and blackmail children, and even later have sexual intercourse with children. Sexual grooming is much more dangerous than rape because the victim will lose the sensitivity to realize that he has become a victim. Physical contact is carried out consciously and in the name of love. This is certainly dangerous because it is likely to happen repeatedly. The state has a legal obligation to draft a law on sexual grooming. In Indonesian laws and regulations, the prohibition on sexual grooming has not been regulated in regulations, but acts in the form of crimes of morality through cyberspace, child pornography, and child sexual intercourse have been regulated in laws and regulations. Urgency regarding the Draft Law on Child Sexual Grooming is very necessary before sexual crimes occur. Digital literacy is also essential for children to avoid the dangers of sexual exploitation in cyberspace. Parents can apply parenting mode to social media owned by children..

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<sup>46</sup> Elizabeth L. Jeglic, Georgia M. Winters, and Benjamin N. Johnson, "Identification of Red Flag Child Sexual Grooming Behaviors." *Child Abuse & Neglect*, Vol. 136, 2023, p. 105998, <https://doi.org/10.1016/j.chiabu.2022.105998>

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