



# Criminal Liability of Child Sexual Exploitation Perpetrators Using Social Engineering Techniques Through Digital Wallets in Indonesia

Kiki Kristanto<sup>1</sup>, Kautsar Ismail<sup>2</sup>, Fransisco Fransisco<sup>3</sup>, Ronaldi Ronaldi<sup>4</sup>  
<sup>1,3,4</sup>Universitas Palangka Raya, Palangkaraya, Indonesia  
<sup>2</sup>Universitas Airlangga, Surabaya, Indonesia

kikikristanto@law.upr.ac.id

**Abstract.** *The ease of access to digital financial services, particularly digital wallets, has strengthened the effectiveness of social engineering techniques as a tool for criminals. Digital wallets offer convenience for transactions without requiring strict identification, which increases the risk of criminal misuse. In the context of child sexual exploitation, perpetrators can exploit this ease of access to deceive victims, their families, or financial service providers, gaining access to financial resources for criminal activities. Social engineering techniques, such as tricking and manipulating child victims, often involve slow, persuasive methods. Other techniques, like phishing or threats, are also employed to intimidate and deceive children. The use of digital wallets in these crimes amplifies the risk by simplifying transactions and making it easier for criminals to conceal their identities. This study examines two core issues: how child sexual exploitation perpetrators use social engineering techniques to exploit digital wallets, and how criminal liability can be imposed on these perpetrators under Indonesian law. The research adopts a prescriptive legal approach, assessing coherence between legal norms, principles, and standards, with the Indonesian Criminal Code serving as a basis for imposing liability. In response to this threat, strict regulations, robust law enforcement, and public education are essential to protect children. Laws such as the Child Protection Law, Pornography Law, and the Criminal Code must be enforced to address these crimes. Ultimately, preventing the misuse of digital wallets in the sexual exploitation of children requires concerted efforts from both the legal system and the public to safeguard vulnerable individuals from harm.*

**Keywords:** *Digital Wallets, Child Sexual Exploitation, Criminal Liability, Social Engineering*

## 1. Introduction

Nowadays, the era has changed to an era of technology that makes it accessible to anyone, anywhere and anytime. This information technology provides significant convenience for the world in dealing, communicating and trading. Financial transactions then cannot be separated from the development of the times, which is quite drastic; a decade ago, for example, if you wanted to transfer money, it could only be done at a bank or ATM, but because of the development of the current era, it is even enough to do it with a cellphone. The world is in the palm of your hand.

This convenience is then inseparable from the potential for abuse or potential crimes that arise, for example, several modes that are humane, such as manipulation, hypnosis, and fraud, to social engineering or even technical ones, such as phishing, hacking and copying that can happen to anyone. One of the easy tools to become a place where criminal acts occur is a Digital Wallet that anyone can access even without any age limit. As long as users have a smartphone, they only need to download and create an account on the digital wallet application and store funds in it; then, they can make payment transactions online with a phone number as the primary requirement.[1].

The convenience obtained from the impact of globalisation becomes a boomerang when used by immoral and unethical syndicates; for example, in the era before globalisation,

we knew that prostitution was only an available place such as rooms, hotels, minibars, and so on that had a real place. After the era of globalisation, it is even known as Online Prostitution which means that these criminals sell themselves through applications and can be rented just by tapping a finger on a smartphone (smartphone). Data shows that there is an online prostitution case involving 75 people, including 18 teenage girls, through the MiChat application that has been uncovered by the police at two hotels in West Jakarta in 2021.[2] These teenage girls were persuaded and promised money by two pimps who intended to sell them to striped-nosed men for personal gain. The Head of Public Relations of the Metro Jaya Police, Kombes Yusri Yunus, explained that the two pimps used the MiChat application account to offer victims to a striped-nosed man at a rate of between 300 thousand to 500 thousand Rupiah.[3] From each transaction, pimps get a profit of up to 10%, or around 50 thousand to 100 thousand Rupiah, while the rest is given to the victim as payment for the prostitution. The case illustrates that the online prostitution of these 18 teenage girls is just the tip of the iceberg phenomenon, showing a problem that is much deeper and broader than it appears on the surface.[4]

Problems like this are also one of the modes of crime that attack victim children that can be easily exploited, for example from the same article above there is a disclosure and use of the term globally, namely online sexual exploitation of child (OSEC) which can be defined as a criminal act committed by the perpetrator by utilizing communication, information and internet technology to facilitate harassment and sexual exploitation of children.[5] This study aims to analyze the modus operandi of child sexual exploitation perpetrators using social engineering techniques through digital wallets, as well as evaluate the effectiveness of the applicable laws in Indonesia in handling this case. Thus, it is hoped that this study can provide recommendations that can strengthen the legal framework and increase the effectiveness of law enforcement in Indonesia in protecting children from sexual exploitation in the digital era. How do perpetrators of child sexual exploitation use social engineering techniques in taking advantage of the ease of access to digital wallets to commit their crimes? What is the criminal liability of Child Sexual Exploitation Perpetrators using Social Engineering Techniques through Digital Wallets in Indonesia?

## 2. Research Methods

This research is legal research that departs from a definition and definition put forward by Peter Marzuki, Legal Research is the process of finding legal rules, legal principles and legal doctrines to answer the legal issues faced. According to the prescriptive character in legal research, the expected answer is to contain values or rules that are believed to be Right, appropriate, inappropriate or wrong. This research is based on rules regarding the ease of access to digital wallets and the use of social engineering in law as well as rules that are able to cover the flaws that will be faced, in addition to rules that can bind criminal liability from perpetrators of child sexual exploitation, both criminal sanctions due to the use of social engineering to the recovery of victims as a result of the criminal act.

## 3. Discussion

### 3.1 Social Engineering Techniques in Child Sexual Exploitation

#### Definition and Concept of Social Engineering

In its sense, the term social comes from the United Kingdom word "social" meaning "community", while in terms *social* is:

*1: of certain species of insect and animal species, including humankind. Living together in organized colonies or groups. 2. Pertaining. 3. concerned with responsible for the mutual relationship and welfare of individuals. For example social worker.*

Humans as social beings are often faced with the problems mentioned above, which in particular discuss the concept of human beings living together and organized as a species and group that needs each other and is responsible for mutually beneficial relationships as an example of work. According to Philip Kotler, social problems are certain conditions in the social order that are considered not in accordance with norms and disturb members of society, both individuals and groups, and can be reduced or eliminated through joint efforts (collective).

Social engineering is a technique of stealing or retrieving important/crucial/confidential data or information from a person by using a humane approach through the mechanism of social interaction. Or in other words, social engineering is a technique to obtain confidential data/information by exploiting human weaknesses.[6]

In social engineering, the perpetrator takes advantage of the nature of humans. This means that how human nature can be known and studied is also used for certain purposes. There are many methods used by criminals in launching their businesses in order to get what they want. It is usually done by taking advantage of the psychological side such as complimenting, being friendly, doing something excessive to get closer to the target such as giving something that can make the victim feel happy and happy, or by persuading.

There are many ways that the perpetrator can play with the target's emotions so that they will unknowingly provide confidential information. In social engineering, there are several common patterns that are commonly carried out by hackers, including:

- a. Collecting information, Information can be in the form of an organizational structure and a list of names in it, birthdays, and so on to develop relationships with the target.
- b. Developing relationships, after getting enough information, the next thing is to try to approach one of the employees who has been targeted. The information that has been obtained is used to gain the trust of the target.
- c. Exploitation, after gaining the trust of the targeted person, the next step is to exploit the information that has been obtained to enter the company's system.
- d. Execution, after successfully entering the system, the hacker can easily steal, change, and even damage the system and data without being hindered by the security system.

### **Modus Operandi Of Child Sexual Exploitation Perpetrators**

The modus operandi itself has the following meaning, namely the operational method of an act which may consist of one or more combinations of several actions. Another meaning of the modus operandi contained in the Great Dictionary of the Indonesian Language is the way or technique that is characterized by a criminal in committing a crime.[7]

Modus operandi, also known as modus operandi, is a special method or technique used by criminals in committing their crimes. Based on the official Indonesian dictionary, this term is clearly related to the way crime works. Modus operandi (plural modi operandi) comes from Latin and can be translated as "means of operation". This term describes a person's habits or methods of working.

In the United Kingdom, often abbreviated as M.O., this expression is commonly used by the police in discussing crimes and methods used by perpetrators. The term is also applied in an individual's criminal profile to describe how they commit crimes, evade detection, and/or facilitate escape. Modus operandi involves a series of actions or steps taken by criminals to achieve their goals, such as stealing valuables, robbing stores, or attacking victims. MO often includes typical habits or methods, such as choosing specific targets, timing the right time, using certain weapons or tools, and avoiding detection by police or security guards.

Both children and parents need to know and be aware of the modus operandi of online sexual exploitation of children, which can be distinguished as follows:[5]

*Child Grooming (online grooming)*

Child Grooming can also be said to be a persuasion of a child or an invitation to a child for sexual purposes; it can also be described as an adult who befriends a child intending to sexually abuse the child. The process of approaching a child to persuade the child to be willing to do sexual activity is called *grooming*.<sup>[8]</sup> The perpetrator used various techniques to gain access and control the victim. This process requires access, time, and interpersonal skills from the perpetrator. If child grooming is done properly, the victim will unknowingly easily 'cooperate' with the perpetrator. The more expert, the perpetrator, is in selecting and persuading vulnerable victims; the more successful child grooming will be. The skills of the perpetrator include how to choose a victim, identify and understand the victim's needs, the time it takes to approach the victim and seduce and control the victim.<sup>[9]</sup>

*Child sexual abuse/Exploitation Material (CSA/EM)*

The use of the term *Child Sexual Abuse / Exploitation Material* is due to the refusal by international institutions, law enforcement, academics and professionals in child protection to use the term *Child Pornography*. This is because when using the term *Child Pornography*, it seems that there is intentionality from the child so that it is considered a child who needs to be responsible even though the child is a victim of manipulation by child criminals so that the term exploitation of children's material is considered more appropriate to use.<sup>[10]</sup> CSA or EM can be defined as any performance or in any way that engages a child in real sexual activity, or that displays a child's body parts for sexual purposes. Children's material exploration includes photographs, visual and audio performances, and writing, and can be disseminated through magazines, books, pictures, movies, videotapes, mobile phones, and computer disks or files. In general, there are two categories of children's material exploration, namely:<sup>[11]</sup> (a) Exploration of child material that is not sexually explicit but contains nude and provocative images of children; (b) Exploration of children's material that presents images of children engaged in sexual activities.

*Sextortion*

*Sextortion* is a combination of *sexual* and *extortion* or can be categorised as a form of extortion which includes threats to hurt, humiliate and even harm the victim if the perpetrator's sexual demands are not met. The perpetrator can also threaten to spread the victim's private sexual content to extort money or other demands.<sup>[12]</sup>

**The Role of Digital Wallets in Child Sexual Exploitation Crimes**

Digital wallets or Digital Wallets are able to replace physical wallets. Digital wallet applications allow transactions using electronic devices such as mobile phones and computers. Typically, digital wallets are used for online shopping, making it easier for users to make payments without carrying cash or physical cards. This application provides convenience and security in daily transactions and can store various payment information in one easily accessible place.

Digital wallets offer some attractive advantages for users. First, users can connect their digital wallets directly with their bank accounts, making it easy to transfer funds between accounts, pay bills, and top-up balances quickly and easily. Additionally, bank digital wallets are often equipped with financial management features that help users manage and monitor their finances, such as viewing transaction history and compiling budgets.

One example of a popular bank digital wallet in Indonesia is GoPay from Bank BCA, which offers various features such as online payments, money transfers between GoPay users, credit and data package purchases, bill payments, and investment features. In addition, there is Jenius from Bank BTPN, which has innovative features such as virtual accounts, transaction grouping, and customisable financial settings.

Child offenders can now easily access information about children, exchange data, share content related to child sexual abuse, and even motivate children to engage in crime.

This poses a huge potential problem. Children are being exploited on an unprecedented scale. Most of the victims who appear in online sexual abuse material are children and adolescents, including those under the age of 10. According to a survey published by the Canada Centre for Child Protection in 2017, 56% of victims of online sexual exploitation begin to experience abuse at or before the age of 4.[14]

A digital wallet is a place to make transactions; the absence of strict rules, such as when someone makes an ATM via a bank, causes vulnerability to misuse of digital wallets by children. For example, if a child needs pocket money, he can sell himself by relying on payment via a digital wallet that can be paid by the perpetrator voluntarily or if the child does not have a desire but the manipulation method, as discussed in this study, namely *social engineering* can force the child to do such an action. So, parents and children also need to understand the importance of digital wallets.

There are many examples of cases of payment via digital wallets causing children to commit acts that sell and exploit their bodies; in addition, if you want to catch the perpetrator by tracing his digital footprint, it tends to be more difficult because all that is needed is a phone number registration after the phone is thrown away, there will be no more traces that can be traced for the perpetrator who causes the child to do so.

### **3.2 Criminal Liability of Child Sexual Exploitation Perpetrators In Indonesia Using Social Engineering Techniques By Utilising Digital Wallets**

#### **Definition and concept of criminal liability**

The legal facts presented by the ecpatindonesia.org organisation in citing data from Financial Service Providers (PJK), state that the ease of transactions in Indonesia is often abused by perpetrators for child sexual exploitation transactions. In 2022, the Financial Transaction Reporting and Analysis Center (PPATK) successfully tracked financial transactions worth Rp 114 billion related to trafficking in persons (TPPO) and child pornography. Many of these criminals use digital wallets or e-wallets to receive payments from buyers of child pornography content. Likely, there are still many transactions that have not been detected because the financial sector in Indonesia has not prioritised child sexual exploitation as the main issue in handling original crimes related to Money Laundering (TPPU).[15]

Technological advancements in the digital era have provided numerous benefits, but they have also created new vulnerabilities for cybercrime, including child sexual exploitation. Social engineering techniques, which exploit psychological manipulation to gain sensitive information or actions, are increasingly used by criminals, particularly through digital wallets. Originally designed for convenient financial transactions, digital wallets have become tools for illegal activities, allowing perpetrators to register and cash out without a bank account, relying solely on a phone number. This ease of access enables children to be targeted and coerced into digital transactions, facilitating sexual exploitation crimes. In Indonesia, this issue has become more alarming with the growing use of the internet and digital wallets, making children vulnerable due to their limited understanding of cybersecurity. Criminals manipulate children into sending explicit content, which is then used for extortion or sold illegally. While Indonesia's laws, such as the Information and Electronic Transactions Law (UU ITE) and Child Protection Law, address aspects of cybercrime, enforcing these laws remains challenging due to regulatory gaps and the complexity of the technologies employed by perpetrators.

Criminal liability is a condition that leads to the criminalisation of a person if the person has committed a criminal offence and has fulfilled its elements.[16] According to Chairul Huda, what the person is responsible for is the criminal act committed by him because the criminal responsibility committed by the perpetrator of the criminal act is related to the community's rejection of the act he committed. Society, in this case, is interpreted through the state.[17] So, as stated by Roeslan Saleh, criminal liability is to impose reproach on the perpetrator for his actions that violate the prohibition or cause prohibited circumstances as

regulated by the Law. Criminal liability generally targets subjects who commit these acts; Didik Endro said there are two subjects that can be held criminally liable, namely Natural Humans (*Naturlijkpersoon*) and *Corporations (Rechts persoon)*. [18]

Moeljatno himself argued that people would not be held criminally responsible if they did not commit criminal acts. However, even though he has committed a criminal act, he is not always punishable. [19] If then examined further and related to the case currently being studied, the perpetrator who takes advantage of children when they have reached the age of adulthood needs to be held criminally accountable as defined by the experts mentioned above.

### **Legal Rules in Indonesia related to child sexual exploitation perpetrators in Indonesia using the *Social Engineering* method with Digital Wallets.**

Various legal rules can be used to solve legal problems even though they still have concrete problems in terms of non-law and still leave holes that need to be closed together. The following are legal rules that can be used as legal rules related to this problem:

*Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons (TPPO Law).*

Exploitation according to Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons Article 1 paragraph (7) is: [20] Exploitation is an act with or without the consent of the victim, which includes but is not limited to prostitution, forced labour or service, slavery or similar practices, slavery, oppression, extortion, physical, sexual, reproductive organs, or unlawful use or transplantation of organs and or tissues of the body or the use of a person's power or ability by another party to obtain both material and immaterial benefits.

Meanwhile, sexual exploitation, as explained in Law Number 21 of 2007 Article 1 paragraph (8), includes all forms of use of sexual organs or other body organs of the victim to obtain benefits. This includes but is not limited to prostitution and obscenity activities. Sexual exploitation can also be interpreted as acts of prostitution and prostitution, which are the practice of temporary sexual relations with various people in exchange for money. According to Purnomo and Siregar, prostitution is an event in which a woman gives her body to many men in exchange for payment to be and satisfy the sexual desire of the payer, carried out outside of marriage. [21]

Based on the TPPO Law, it can be concluded that if a person deliberately commits the crime of sexual exploitation of children, the perpetrator will be subject to sanctions in accordance with the applicable legal provisions, which are regulated in the Child Protection Law and the Law on the Eradication of Trafficking in Persons.

*Law Number 35 of 2014 Jo. Law Number 23 of 2002 concerning Child Protection.*

If based on existing laws and regulations, to fulfil the rights of children and provide protection from all kinds of disturbances and other wrong treatment or actions, it has been regulated in Law of the Republic of Indonesia Number 35 of 2014, Article 15, which stipulates that children have the right to obtain protection from.

- a) abuse in political activities;
- b) involvement in armed conflicts;
- c) involvement in social unrest;
- d) involvement in events that contain elements of violence;
- e) Involvement in the war
- f) sexual crimes;

In the Child Protection Law, there are only two articles that specifically discuss the prohibition of sexual and economic exploitation of children, namely Article 76 I and Article 88. Article 76 I state that everyone is prohibited from placing, allowing, doing, ordering to do, or participating in the economic and/or sexual exploitation of children. This means that all forms of actions that exploit a child for economic or sexual gain, either directly or indirectly, are prohibited.

*Law Number 11 of 2008 concerning Electronic Transaction Information. Law Number 19 of 2016 jis. Law Number 1 of 2024*

In providing protection for children as victims of commercial sexual exploitation through social media, there are several laws and regulations that specifically regulate this. One of the laws related to cases of commercial sexual exploitation through social media is Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE); based on the description above, it can be known that not only one law can be applied in cases of commercial sexual exploitation of children through social media. Thus, the question arises about which law is used as the basis for law enforcement, considering that the three laws are both special.

Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE) provides a legal basis for handling cases involving information technology and electronic transactions, including commercial sexual exploitation through social media. In the context of child protection, the ITE Law has several relevant articles. Article 27 Paragraph 1 prohibits any person from knowingly and without rights to distribute, transmit, or make accessible electronic information that has content that violates morality. In the case of commercial sexual exploitation of children, the dissemination of child pornography content through social media falls into this category. Article 28 Paragraph 1 prohibits the dissemination of electronic information that contains false and misleading news that results in consumer losses.

Although it does not directly mention sexual exploitation, the dissemination of false or misleading information that leads to child exploitation can be charged with this article. Article 29 prohibits any person from knowingly and without rights transmitting electronic information or electronic documents containing threats of violence or intimidation aimed at individuals.

Law No. 11 of 2008 concerning Electronic Information and Transactions (UU ITE) plays an important role in handling cases of commercial sexual exploitation of children through social media. With the existing provisions, the ITE Law provides a legal basis to ensnare perpetrators who use information technology to exploit children, protect victims, and provide a deterrent effect through strict criminal sanctions. In cases of child sexual exploitation, the ITE Law can be applied synergistically with other laws, such as the TPPO Law and the Child Protection Law, to provide more comprehensive protection for children.

#### **4. Conclusion**

This study found that child sexual exploitation perpetrators in Indonesia often use social engineering techniques through digital wallets. These techniques allow criminals to manipulate victims through seduction or threats, exploiting the ease of access and lack of strict regulations on digital wallets. Criminal accountability for these perpetrators must be enforced using strong legal foundations, such as the Child Protection Law, Pornography Law, and the Criminal Code (KUHP). The principle of *\*lex specialist\** emphasizes the importance of applying specific laws to cases like child sexual exploitation, highlighting the need for stricter, more targeted regulations to address crimes using digital technology.

To address these issues, the following steps are recommended: Strengthening Regulations and Law Enforcement—laws on child protection and digital technology should be updated to reflect the complexities of modern crime methods. Role of Digital Wallet Providers platforms should tighten user identity verification processes and implement stronger security measures like two-factor authentication to prevent abuse. Public Education raising awareness about the risks of digital wallets, especially related to social engineering, is crucial to protect both adults and children from online manipulation.

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