



Victimological Examination of Children as Victims of Child Grooming in the Online Game Hago

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Abstract. Abuse of internet media and technology is currently carried out by irresponsible people who commit crimes aimed at children to exploit and abuse children for their own profit and to fulfill their sexual desires, one of which is child grooming which occurs in the Hago online game application. The National Society for the Prevention of Cruelty to Children (NSPCC) defines grooming as when someone builds a relationship, trust and emotional bond with a child so that they can manipulate, exploit and abuse the child. The research method used is a doctrinal approach with analysis of legal materials and described qualitatively descriptively. Viewed from a victimology perspective, children as a vulnerable group become victims of a crime and see the consequences of child grooming crimes on the physical, psychological and social conditions of children. The actions taken by children and their weak physical and psychological conditions are factors that cause children to often become victims of child grooming crimes. Legal protection for children who are victims of child grooming is carried out through preventive and repressive legal protection. Preventive protection for children as victims of child grooming in the Hago online game is contained in statutory regulations to prevent violations and provide limitations in carrying out obligations, such as regulating rights and prohibitions on being protected and involved in acts of sexual violence, while repressive protection, namely by providing sanctions in the form of imprisonment, fines and additional penalties to the perpetrators as well as handling and restoring the condition of child victims, as well as providing restitution or compensation.

Keywords: Child Grooming, Hago, Victimology

1. Introduction

The state has an obligation to ensure the welfare of all its citizens, including providing protection and guaranteeing the fulfillment of every citizen's rights, including children as victims of criminal acts, as mandated in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia [1].¹ According to the Disrupting Harm research conducted by ECPAT International, INTERPOL, and the UNICEF Office of Research in 13 countries, including Indonesia, in 2022, it was found that in the past year, 2% of children aged 12-17 who used the internet were victims of online exploitation and sexual abuse, including being coerced into engaging in sexual activities, having their sexual images shared without consent, and being forced into sexual activities with promises of money or gifts [2].² The data indicate that children are highly vulnerable to becoming victims of crimes and sexual exploitation, including the crime of child grooming.

The perpetrator initiated their actions by getting acquainted through the Hago application and subsequently transitioning to WhatsApp. Employing various deceitful tactics

¹ Article 28B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia stipulates that every child has the right to survival, growth, and development, and is entitled to protection from violence and discrimination.

² ECPAT Indonesia; <https://ecpatindonesia.org/siaran-pers/darurat-eksplotasi-dan-pelecehan-seksual-anak-secara-daring-peluncuran-laporan-disrupting-harm-di-indonesia/>, accessed last on February 15, 2023..

and manipulations, the perpetrator coerced the child into sending sexually explicit photos or videos, even accepting invitations for sexually oriented video calls. These sexual images or videos of the child were then used as threats by the perpetrator to compel compliance with further demands. Some perpetrators also sent various pornographic photos or videos to children, even enticing them to meet in person, resulting in criminal acts of molestation or sexual intercourse.

In the occurrence of a crime, both the perpetrator and the victim are participants involved, either actively or passively.³ The victim, as the party experiencing suffering physically, psychologically, or socially, is entitled to receive protection, which includes legal protection and the restoration of the victim's condition. Therefore, there must be clear articulation and enforcement of laws concerning the protection of children, especially in the online domain.

This study analyzes the victimological review of children as victims of child grooming in the online game Hago and the legal protection of children as victims of child grooming in the online game Hago within the positive law of Indonesia.

2. Methodology

The type of research used in this study is a doctrinal approach that possesses a normative character, where the research targets include the analysis of the relationships between norms, content analysis, the integration of theory and norms, and legal principles. The doctrinal approach focuses on efforts to solve legal problems based on written law and legal practice.⁴

3. Discussion And Findings

a. Child Grooming As A Crime Of Sexual Violence Against Children

*The National Society for the Prevention of Cruelty to Children (NSPCC) defines grooming as the process by which an individual builds a relationship, trust, and emotional connection with a child, enabling them to manipulate, exploit, and abuse the child.*⁵ ECPAT delineates forms of sexual exploitation to include materials depicting sexual violence/sexual exploitation against children, grooming (enticement) with sexual purposes online, sexting (chatting or conversing with the intent to satisfy sexual desires towards children), sextortion (sexual extortion), and live streaming of sexual violence against children, commonly referred to as live online sexual abuse.⁶ The modus operandi of online child grooming involves utilizing internet media to establish relationships, trust, and emotional connections with victims, which then evolve into sexually explicit conversations encompassing controlling, aggressive, and/or coercive behaviors⁷ This allows the perpetrator to facilitate sexual contact either offline or online. Offline sexual contact refers to actions where the perpetrator invites the child to meet and date in person, potentially culminating in acts of rape and/or molestation. In contrast, online sexual contact refers to the perpetrator requesting, coaxing, or coercing the child into sending sexual photos, videos, or audio recordings, or engaging in other sexual activities as demanded by the perpetrator.

³ John Kenedi, 2020, Witness and Victim Protection (A Study on Legal Protection for Crime Victims within the Criminal Justice System in Indonesia), First Edition, Pustaka Pelajar, Yogyakarta, pp. 4.4

⁴ Muhammad Muhdar, 2019, Doctrinal and Non-Doctrinal Research, Mulawarman University Press, Samarinda, p. 11..

⁵ National Society for the Prevention of Cruelty to Children; <https://www.nspcc.org.uk/what-is-child-abuse/types-of-abuse/grooming/>, accessed last on August 7, 2023

⁶ ECPAT Indonesia; <https://www.slideshare.net/ecpatindonesia/sesi-i-bentuk-eksploitasi-seksual-anak-di-internetpdf>, last accessed on August 8, 2023

⁷ Emily Smith, Emma Short, Roshan Rai, Pinky Rajput, and Amanda Wilson, It Is Not Your Fault Tell Someone: Case Studies of Young Women's Experiences of Online Grooming in England, Journal of Victimology and Victim Justice Vol.6, No. 1, 2023, pp. 7-24.

b. Criminal Cases Of Child Grooming Against Children

- a. Case of Child Grooming by AW (aged 22) engaged in child grooming with a minor (aged 15).
- b. Case of Child Grooming by AAP (male, aged 27). AAP engaged in grooming activities involving ten children aged approximately 9 to 15 years.
- c. Case of Child Grooming by Y (male, aged 37) was apprehended after being discovered to have impregnated a minor (female, 17 years old).
- d. Case of Child Grooming by MNH (Verdict No. 391/Pid.Sus/2021/PN JKT.SEL.).⁸
- e. Case of Child Grooming by WG (Verdict No. 392/Pid.Sus/2021/PN JKT.SEL.).⁹

c. A Victimological Review Of Children As Victim Of Child Grooming In Online Games Such As Hago

Victimology is the study of victims, the causes leading to victimization, and the various consequences of victimization as a social phenomenon.¹⁰ A victim, whether active or passive¹¹ plays a role in the occurrence of a crime, either consciously or unconsciously, directly or indirectly. The role of the victim relates to the attitudes and conditions of potential victims that may provoke someone to commit a criminal act.¹² An active role refers to behaviors that actively stimulate the perpetrator, while a passive role refers to situations where the victim does not take any action but, due to physical or psychological conditions, becomes a target of crime.

Hans Von Hentig classifies victims based on risk factors related to specific situations and conditions, as well as the vulnerability of individuals or groups due to their physical and social-psychological conditions, which may make them more susceptible to crime. According to Hans Von Hentig's typology, the categories of victims include: young people, women, the elderly, individuals with mental disabilities and other psychological disorders, immigrants, minorities, dull normal individuals, those suffering from depression, greedy individuals, careless individuals, those who are lonely or heartbroken, abusers, and the blocked groups.¹³ Based on Hans Von Hentig's victim typology theory, child victims of grooming are positioned as a vulnerable group susceptible to crime due to their physical and emotional weakness and immature personalities, which means they lack the resilience to confront various attacks from adults.¹⁴ Children possess innocent, obedient, trusting, and easily influenced traits, making them susceptible to being targeted and manipulated. In other cases, it has been observed that perpetrators of child grooming exhibit pedophilic disorders, which result in a particular interest in children and a deliberate targeting of minors. As an object to satisfy their sexual needs.

d. Legal Protection Of Children As Victims Of Child Grooming In The Hago Online Game In Positive Law In Indonesia

1) Preventive Legal Protection

- a. Law No. 4 of 1979 on Child Welfare.¹⁵

⁸ Directory of Verdicts of the Supreme Court of the Republic of Indonesia, Decision Number 391/Pid.Sus.2021.PN JKT. SEL.

⁹ Directory of Decisions of the Supreme Court of the Republic of Indonesia, Decision Number 392/Pid.Sus.2021.PN JKT. SEL.

¹⁰ Arif Gosita, 1989, *Child Protection Issues*, Akademika Pressindo, Jakarta, p. 80.

¹¹ Gomgom T.P. Siregar and Rudolf Silaban, 2020, *Victims' Rights in Criminal Law Enforcement*, CV. MANHAJI, Medan, p. 51.

¹² Rena Yulia, 2010, *Victimology: Legal Protection for Crime Victims*, Graha Ilmu, Yogyakarta, p. 75.

¹³ Erwin Owan Hermansyah Soetoto., et al., 2022, *Textbook of Victimology*, Mazda Media, Bojonegoro, p. 17

¹⁴ John Kenedi, 2020, *Witness and Victim Protection (A Study on Legal Protection for Crime Victims within the Criminal Justice System in Indonesia)*, First Edition, Pustaka Pelajar, Yogyakarta, p. 38.

¹⁵ Law No. 4 of 1979 on Child Welfare (State Gazette of the Republic of Indonesia 1982 No. 32, Supplement to State Gazette of the Republic of Indonesia No. 3143)..

- e. Presidential Decree of the Republic of Indonesia No. 36 of 1990 on the Ratification of the Convention on the Rights of the Child.
 - f. Law No. 44/2008 on Pornography.¹⁶
 - g. Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection.¹⁷
 - h. Law No. 12 of 2022 on the Crime of Sexual Violence.¹⁸
 - i. Law Number 1 Year 2024 on the Second Amendment to Law Number 11 Year 2008 on Electronic Information and Transactions.¹⁹
- 2) Repressive Legal Protection
- a. KUHP (Indonesian Penal Law Code)
 - b. KUHAP (The Criminal Procedure Code)
 - c. Law Number 35 of 2014 on the Amendment to Law Number 23 of 2002 on Child Protection jo Law Number 17 of 2016 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 on the Second Amendment to Law Number 23 of 2002 on Child Protection into Law.²⁰
 - d. Law No. 31/2014 on the Amendment to Law No. 13/2006 on Witness and Victim Protection.²¹
 - e. Law Number 1 Year 2024 on the Second Amendment to Law Number 11 Year 2008 on Electronic Information and Transactions.²²
 - f. Government Regulation No. 43/2017 on the Implementation of Restitution for Children who are Victims of Criminal Acts.²³

4. Conclusion

Based on the results and discussion, it is evident from a victimological perspective that children are a vulnerable group susceptible to becoming victims of crime. The actions of children and their physical, psychological, and social vulnerabilities are factors that frequently lead to them becoming victims of child grooming. In cases of child grooming on online gaming platforms such as Hago, children may be involved both actively and passively, consciously or unconsciously, due to their situation, condition, attitudes, and state at the time the crime occurs, which attract offenders to target them. Furthermore, due to their negligence and ignorance, children place themselves in dangerous situations by interacting and communicating intensively with offenders, thereby creating opportunities for manipulation and coercion, which ultimately leads to victimization. Among various regulations that can be used for legal protection of children who are victims of child grooming on online gaming platforms like Hago, Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS) is the most

¹⁶ Law No. 44 of 2008 on Pornography (State Gazette of the Republic of Indonesia 2008 No. 181, Supplement to State Gazette of the Republic of Indonesia No. 4928).

¹⁷ Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia 2014 No. 297, Supplement to State Gazette of the Republic of Indonesia No. 5606).

¹⁸ Law No. 12 of 2022 on Sexual Violence Crimes (State Gazette of the Republic of Indonesia 2022 No. 120, Supplement to State Gazette of the Republic of Indonesia No. 6792).

¹⁹ Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia 2024 No. 1, Supplement to State Gazette of the Republic of Indonesia No. 6905).

²⁰ Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection (State Gazette of the Republic of Indonesia 2014 No. 297, Supplement to State Gazette of the Republic of Indonesia No. 5606).

²¹ Law No. 31 of 2014 on Amendments to Law No. 13 of 2006 on Witness and Victim Protection (State Gazette of the Republic of Indonesia 2014 No. 293, Supplement to State Gazette of the Republic of Indonesia No. 5602).

²² Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Electronic Information and Transactions (State Gazette of the Republic of Indonesia 2024 No. 1, Supplement to State Gazette of the Republic of Indonesia No. 6905).

²³ Government Regulation No. 43 of 2017 on the Implementation of Restitution for Children Who Are Victims of Criminal Acts (State Gazette of the Republic of Indonesia 2017 No. 219, Supplement to State Gazette of the Republic of Indonesia No. 6131).

comprehensive. This law provides extensive provisions for prevention, handling, protection, and recovery, including compensation through restitution or victim assistance funds.

The advice of this study is that in order to protect children from various sexual crimes, it is necessary to take preventive action by providing education to parents and children about the dangers of sexual violence. The need to strengthen the role of parents in supervising the child's environment, improving family communication, building good character towards children from an early age. Kominfo must periodically test the classification results of applications both for content category classification and age category. As for applications with an age category classification of 18, it is necessary to use an ID card in the sign in/log in process so that the user's identity can be verified as an adult. There is a need to strengthen law enforcement by law enforcement officials against sexual crimes. As for the victim's right to restitution as a form of compensation for their suffering, there is a need for derivative regulations governing the inability of the perpetrator to pay restitution, so that the provision of restitution is carried out without taking over the responsibility of the perpetrator as stipulated in Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence that the state will compensate the amount of restitution underpaid to victims through victim assistance funds.

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