

# Digital Safety for Women and Children: Legal and Policy Challenges Indonesia, Philippines, and Thailand

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## Abstract

This study explores the legal protections against online sexual exploitation of children and online gender-based violence (OGBV) in Southeast Asia, focusing on Indonesia, the Philippines, and Thailand. Using a systematic literature review (SLR) methodology, this research identifies and evaluates legal frameworks, implementation challenges, and the role of digital platforms in addressing these issues. Key regulations such as the Electronic Information and Transactions (ITE) Law in Indonesia, the Cybercrime Prevention Act in the Philippines, and the Computer Crime Act in Thailand were analyzed alongside institutional reports and academic studies. The results reveal that while these countries have made significant progress through the establishment of legal frameworks, implementation remains hindered

by limited technical capacity, a lack of digital forensic expertise, and low public digital literacy. Furthermore, weak enforcement and insufficient oversight of digital platforms exacerbate the problem, as many platforms fail to respond promptly to reports of illegal content. Despite progressive laws such as Indonesia's Sexual Violence Prevention Law and the Philippines' international collaborations, slow law enforcement processes and economic vulnerabilities contribute to the persistence of these issues. The study concludes that Southeast Asian countries need to enhance technical capabilities, expand public education, strengthen international collaboration, and ensure greater accountability from digital platforms. These measures are essential to addressing gaps in enforcement and creating a safer digital environment for women and children in the region.

**Keywords** *Online Sexual Exploitation, Gender-Based Violence, Legal Protection, Southeast Asia, Digital Platforms, Law Enforcement*

## Introduction

The development of digital technology has brought numerous benefits but also introduced new threats to the safety of women and children in cyberspace.<sup>1</sup> Online sexual exploitation, gender-based harassment, and various forms of digital violence have become increasingly serious issues in the modern era.<sup>2</sup> According to reports from UNICEF and the Internet Watch Foundation (IWF), cases of online child sexual exploitation have surged sharply over the past decade, with millions of child sexual abuse materials (CSAM) distributed across various digital platforms each year. In addition to children, women are also highly

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<sup>1</sup> June F. Chisholm, "Cyberspace Violence against Girls and Adolescent Females," *Annals of the New York Academy of Sciences* 1087, no. 1 (November 2006): 74–89, <https://doi.org/10.1196/annals.1385.022>.

<sup>2</sup> Anastasia Powell and Nicola Henry, "Sexual Violence and Harassment in the Digital Era," in *The Palgrave Handbook of Australian and New Zealand Criminology, Crime and Justice*, ed. Antje Deckert and Rick Sarre (Cham: Springer International Publishing, 2017), 205–20, [https://doi.org/10.1007/978-3-319-55747-2\\_14](https://doi.org/10.1007/978-3-319-55747-2_14).

vulnerable to online gender-based violence.<sup>3</sup> This form of violence includes online sexual harassment, threats of physical violence, unauthorized sharing of personal content, and digital stalking.<sup>4</sup> Data from the World Wide Web Foundation reveals that 38% of women worldwide have experienced violence on the internet, with more than half reporting that these experiences negatively impacted their mental well-being.<sup>5</sup>

One of the main factors exacerbating this issue is the weak legal protections in many countries.<sup>6</sup> Most jurisdictions still lack clear and comprehensive regulations to address online sexual exploitation and gender-based violence in cyberspace.<sup>7</sup> Even in countries with established legal frameworks, enforcement is often hindered by limited technical capacity, poor inter-agency coordination, and cultural barriers that discourage victims from reporting incidents.<sup>8</sup>

Furthermore, the role of digital platforms as internet service providers has become a critical focus.<sup>9</sup> Many technology companies are still considered to have failed in taking proactive steps to prevent the

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<sup>3</sup> Lisa Melody Ruellan, "The Sexual Exploitation of Children in the Digital Age. An Overview of a Major Phenomenon in Southeast Asia," 2023, <https://unitesi.unipv.it/handle/20.500.14239/26134>.

<sup>4</sup> Nicola Henry and Anastasia Powell, "Sexual Violence in the Digital Age: The Scope and Limits of Criminal Law," *Social & Legal Studies* 25, no. 4 (August 2016): 397–418, <https://doi.org/10.1177/0964663915624273>.

<sup>5</sup> Carol Rivas et al., "Advocacy Interventions to Reduce or Eliminate Violence and Promote the Physical and Psychosocial Well-Being of Women Who Experience Intimate Partner Abuse: A Systematic Review," *Campbell Systematic Reviews* 12, no. 1 (January 2016): 1–202, <https://doi.org/10.4073/csr.2016.2>.

<sup>6</sup> Mazaya Ghassani, "Peran United Nations Children's Fund Dalam Memberi Perlindungan Terhadap Hak Anak Pada Konflik Mali Tahun 2021" (B.S. thesis, Program Studi Hubungan Internasional Fakultas Ilmu Sosial Dan Ilmu Politik ..., 2022), <https://repository.uinjkt.ac.id/dspace/handle/123456789/70860>.

<sup>7</sup> N.A. Shreya and Shampa Dev, "Sexual Violence in Cyberspace: Breaking the Silence of International Law," *International Journal of Public Law and Policy* 10, no. 4 (2024): 383–97, <https://doi.org/10.1504/IJPLAP.2024.141718>.

<sup>8</sup> Tien Hoang Le, "Human Trafficking in Vietnam: Preventing Crime and Protecting Victims through Inter-Agency Cooperation" (PhD Thesis, Queensland University of Technology, 2017), <https://eprints.qut.edu.au/110537>.

<sup>9</sup> Carla Bonina et al., "Digital Platforms for Development: Foundations and Research Agenda," *Information Systems Journal* 31, no. 6 (November 2021): 869–902, <https://doi.org/10.1111/isj.12326>.

spread of sexual exploitation content and to protect their users.<sup>10</sup> For example, algorithms designed to drive user engagement often end up facilitating the distribution of harmful materials.<sup>11</sup> A report from the European Union Internet Forum highlights that major social media platforms like Facebook and Twitter face criticism for their lack of effectiveness in quickly removing sexual exploitation or online harassment content.<sup>12</sup>

In the context of children, online sexual exploitation not only directly harms victims but also leaves long-term psychological effects, such as trauma, depression, and social disorders.<sup>13</sup> Women who fall victim to online gender-based violence (OGBV) face similar consequences, including the loss of a sense of safety, tarnished reputations, and social isolation.<sup>14</sup>

In Southeast Asia, the rapid development of digital technology has brought positive impacts but also significant risks, especially in the form of online child sexual exploitation and OGBV targeting women.<sup>15</sup> Indonesia, for instance, has reported an increase in cases of online child sexual exploitation. According to ECPAT Indonesia, 2% of internet

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<sup>10</sup> Jill Steinberg and Kelly McGlynn, "Section 230 in 2022: The Increasing Responsibility of Online Platform Hosts to Address Human Trafficking and Child Exploitation," *Rutgers L. Rec.* 50 (2022): 31.

<sup>11</sup> Anastasia Kozyreva, Stephan Lewandowsky, and Ralph Hertwig, "Citizens Versus the Internet: Confronting Digital Challenges With Cognitive Tools," *Psychological Science in the Public Interest* 21, no. 3 (December 2020): 103–56, <https://doi.org/10.1177/1529100620946707>.

<sup>12</sup> Stine Eckert, "Fighting for Recognition: Online Abuse of Women Bloggers in Germany, Switzerland, the United Kingdom, and the United States," *New Media & Society* 20, no. 4 (April 2018): 1282–1302, <https://doi.org/10.1177/1461444816688457>.

<sup>13</sup> Cate Fisher et al., "The Impacts of Child Sexual Abuse: A Rapid Evidence Assessment" (Independent Inquiry into Child Sex Abuse, 2017), <http://uobrep.openrepository.com/handle/10547/624859>.

<sup>14</sup> Hajra Khan, Tahira Basharat, and Imran Hayat, "An Analytical Study of Unveiling Gender-Based Harassment in Cyberspace: An Exploration of Realities and Experiences," 2023, <https://www.preprints.org/manuscript/202306.0813>.

<sup>15</sup> Mubarak Rahamathulla, "Cyber Safety of Children in the Association of Southeast Asian Nations (ASEAN) Region: A Critical Review of Legal Frameworks and Policy Implications," *International Journal on Child Maltreatment: Research, Policy and Practice* 4, no. 4 (December 2021): 375–400, <https://doi.org/10.1007/s42448-021-00087-5>.

users aged 12–17 reported experiencing sexual harassment and exploitation online in the past year.<sup>16</sup> The Philippines is among the countries with the highest risks, with UNICEF reporting that 8 out of 10 children are vulnerable to online sexual exploitation, making it a central hub for the production and distribution of online child sexual abuse materials.<sup>17</sup> Similarly, in Thailand, INTERPOL's 2018 report revealed a surge in online child sexual exploitation cases, with thousands of illegal materials discovered annually.<sup>18</sup>

Furthermore, online gender-based violence (OGBV) poses a serious threat in this region. In Indonesia, the 2022 Annual Report by the National Commission on Violence Against Women recorded 1,721 cases of OGBV in 2021, reflecting an 83% increase from the previous year.<sup>19</sup> In the Philippines, the 2020 National Baseline Study on Violence Against Women (NBS-VAW) reported a significant rise in online sexual exploitation cases, with over 7,000 incidents documented, predominantly targeting women and children.<sup>20</sup> Meanwhile, in Thailand, the 2021 report by the Ministry of Digital Economy and Society revealed that 41% of 1,200 cybercrime complaints involved OGBV, including the non-consensual distribution of intimate content and threats via social media. These figures highlight that OGBV is a

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<sup>16</sup> Novianti Novianti, "Online Child Sexual Exploitation and Abuse (OCSEA) of Children and Adolescents: A Systematic Literature Review," *Psikologika: Jurnal Pemikiran Dan Penelitian Psikologi* 29, no. 2 (2024), <https://journal.uui.ac.id/Psikologika/article/view/33658>.

<sup>17</sup> Catherine Murray, "Technology and Child Sex Trafficking: A Comparative Study of the United States, Venezuela, And The Philippines," 2019, <https://repositories.lib.utexas.edu/items/6e9046de-1301-4a17-aa3f-561363c0dfb3>.

<sup>18</sup> Samantha De Vries, "Improving International Cooperation to Combat Transnational Child Sexual Exploitation: An Analysis of Bilateral Cooperation in Child Sex Tourism Cases Involving Thailand and Canada," 2018, <https://ufv.arcabc.ca/islandora/object/ufv%3A16755/>.

<sup>19</sup> Adinda Fitria, "Persepsi Lembaga Advokasi Perempuan Damar Lampung Terhadap Fenomena KBGO (Kekerasan Berbasis Gender Online) Dalam Sangkar Budaya Patriarki," 2023, <http://digilib.unila.ac.id/id/eprint/75554>.

<sup>20</sup> Gillian Dorado Consignado, Jennifer Marie Sunga Amparo, and Erwin Gaspar Alday Alampay, "Community-Based Violence Against Women (VAW) Desks in the Philippines: A Multi-Level Assessment.," *Pertanika Journal of Social Sciences & Humanities* 30, no. 2 (2022).

cross-border issue requiring coordinated efforts to protect vulnerable groups.<sup>21</sup>

However, a significant challenge in addressing these issues is the lack of robust legal frameworks and specific regulatory enforcement across many Southeast Asian countries.<sup>22</sup> Many nations have yet to establish explicit laws addressing online sexual exploitation or OGBV.<sup>23</sup> Even in countries with regulations, implementation is often limited. Digital platforms also face scrutiny for their slow response to illegal content reports and the absence of effective mechanisms to protect users. Additionally, public awareness of digital safety and victims' rights remains low, resulting in many cases going unreported or inadequately addressed.<sup>24</sup>

This situation underscores the urgent need for stricter policies, stronger law enforcement, and collaboration between governments, digital platforms, and society to protect women and children from the threats of violence and sexual exploitation in cyberspace.<sup>25</sup> Educational efforts on digital safety are also essential to raise awareness and empower victims to report incidents they experience.<sup>26</sup>

This theme is increasingly relevant given the growing accessibility of the internet. In many countries, even young children have unrestricted access to the internet, while education on digital safety

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<sup>21</sup> "Thailand: Freedom on the Net 2023 Country Report," Freedom House, accessed December 23, 2024, <https://freedomhouse.org/country/thailand/freedom-net/2023>.

<sup>22</sup> Dionysios Demetis and Jan Kietzmann, "Online Child Sexual Exploitation: A New MIS Challenge," *Journal of the Association for Information Systems* 22, no. 1 (2021): 9.

<sup>23</sup> Victoria Baines, "Online Child Sexual Exploitation: Towards an Optimal International Response," *Journal of Cyber Policy* 4, no. 2 (May 4, 2019): 197–215, <https://doi.org/10.1080/23738871.2019.1635178>.

<sup>24</sup> Anna Gjika and Alison J. Marganski, "Silent Voices, Hidden Stories: A Review of Sexual Assault (Non) Disclosure Literature, Emerging Issues, and Call to Action," *International Journal for Crime, Justice and Social Democracy* 9, no. 4 (2020): 163–76.

<sup>25</sup> Queennette Odudu, "Child Abuse: The Emerging Role of The Internet And Technology," 2024, [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=4996057](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4996057).

<sup>26</sup> David Finkelhor et al., "Youth Internet Safety Education: Aligning Programs With the Evidence Base," *Trauma, Violence, & Abuse* 22, no. 5 (December 2021): 1233–47, <https://doi.org/10.1177/1524838020916257>.

remains very limited. This creates opportunities for perpetrators to exploit victims with minimal risk of being caught.<sup>27</sup>

This research aims to examine legal protections for women and children against violence and sexual exploitation in cyberspace. Specifically, it will analyze the role of the state in designing comprehensive policies and regulations, as well as the responsibility of digital platforms in preventing and addressing these cases. Through a cross-country comparative approach, the study also seeks to identify best practices and existing gaps in global efforts to ensure digital safety for women and children.

By emphasizing a data- and law-based approach, this research is expected to provide strategic recommendations to address legal and policy challenges in protecting women and children from cyber threats. This study adopts a Systematic Literature Review (SLR) approach to explore the legal protections for women and children against online sexual exploitation and online gender-based violence (OGBV) in Southeast Asia. SLR was chosen as it enables the systematic identification, evaluation, and synthesis of relevant literature, providing a solid foundation to answer the research questions. The primary focus of the study is to analyze the legal frameworks in Southeast Asian countries, the role of digital platforms in user protection, and best practices that can be adapted.<sup>28</sup>

The SLR process begins with defining inclusion and exclusion criteria. Articles published in the last 10 years (2013–2023), addressing relevant topics and available in English or Indonesian, were included, while studies focused solely on technical aspects without connections to legal or policy frameworks were excluded. Literature was sourced from academic databases such as Scopus and Google Scholar, as well as institutional reports from organizations like UNICEF, UN Women, and ECPAT International. Keywords used included terms such as

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<sup>27</sup> Mariya Stoilova, Sonia Livingstone, and Rana Khazbak, “Investigating Risks and Opportunities for Children in a Digital World: A Rapid Review of the Evidence on Children’s Internet Use and Outcomes,” 2021, <https://www.unicef.org/innocenti/media/5621/file/UNICEF-Investigating-Risks-Opportunities-Children-Digital-World-2021.pdf>.

<sup>28</sup> Eva S. Goldfarb and Lisa D. Lieberman, “Three Decades of Research: The Case for Comprehensive Sex Education,” *Journal of Adolescent Health* 68, no. 1 (2021): 13–27.

“online child sexual exploitation in Southeast Asia,” “gender-based violence online in ASEAN countries,” and “digital safety laws for women and children.”<sup>29</sup>

The selection process involved two stages. In the initial stage, articles were screened based on titles and abstracts to ensure relevance. In the subsequent stage, the content of the articles was deeply analyzed to evaluate methodologies, data, and findings. The validity of the research was ensured through triangulation, comparing findings from academic journals, international institutional reports, and national regulations.<sup>30</sup> Additionally, all selected articles were reviewed by two independent researchers to minimize bias. With this systematic approach, the study aims to provide an in-depth understanding of the legal and policy challenges in Southeast Asia and offer evidence-based recommendations to enhance digital protection for women and children.<sup>31</sup>

## **Legal Frameworks for Protecting Women and Children from Online Sexual Exploitation at Southeast Asian Countries**

Legal frameworks in Southeast Asia addressing the protection of women and children from online sexual exploitation and online gender-based violence (OGBV) have shown progress, although significant disparities remain in terms of coverage, enforcement, and effectiveness. For online sexual exploitation, several countries have explicit regulations prohibiting such actions, but implementation on the ground faces many obstacles.<sup>32</sup>

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<sup>29</sup> Stince Sidayang et al., “Addressing Gender-Based Violence: Comparative Analysis of International Legal Frameworks and Practices,” *The Easta Journal Law and Human Rights* 1, no. 03 (2023): 147–57.

<sup>30</sup> Tony Bush, “Authenticity in Research: Reliability, Validity and Triangulation,” *Research Methods in Educational Leadership and Management* 6, no. 19 (2012): 75–89.

<sup>31</sup> Chloë FitzGerald and Samia Hurst, “Implicit Bias in Healthcare Professionals: A Systematic Review,” *BMC Medical Ethics* 18, no. 1 (December 2017): 19, <https://doi.org/10.1186/s12910-017-0179-8>.

<sup>32</sup> Palupi Anggraheni and Anjani Tri Fatharini, “Menuju Ruang Yang Lebih Aman (Virtual): Tantangan ASEAN Dalam Memerangi Kekerasan Online Berbasis

In Indonesia, online sexual exploitation is regulated under the Electronic Information and Transactions Law No. 11 of 2008 and the Child Protection Law No. 35 of 2014. These regulations prohibit the distribution of child sexual exploitation materials and impose criminal penalties on perpetrators. However, enforcement is often hampered by limited technical resources, such as a lack of digital forensic experts and insufficient training for law enforcement personnel. For instance, in 2021, the Indonesian government successfully dismantled a child trafficking network operating online through social media. Despite this success, the legal process was protracted due to technical barriers and poor inter-agency coordination.<sup>33</sup>

In the Philippines, laws such as the Cybercrime Prevention Act of 2012 and the Anti-Child Pornography Act of 2009 are among the most progressive in Southeast Asia. The Philippines is also an active participant in various international efforts to combat online child sexual exploitation. Nonetheless, the country faces challenges as one of the nations with the highest number of online sexual exploitation cases, driven by poverty and high global demand for illegal content. In 2020, the Philippine government collaborated with INTERPOL to dismantle child exploitation syndicates distributing content internationally. This operation highlights the critical importance of international cooperation in addressing cross-border crimes.<sup>34</sup>

In Thailand, the Computer Crime Act of 2007 prohibits the distribution of child sexual exploitation content. However, despite being in effect for over a decade, the number of online sexual exploitation cases in Thailand remains high. This is largely due to weak oversight of digital platforms and low reporting rates by the public.

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Gender Di Era Pasca Pandemi COVID-19 [Towards a Safer Room (Virtual): The Challenges of ASEAN in Fighting Online Gender-Based Violence in the Era of Post COVID-19 Pandemic],” *Verity: Jurnal Ilmiah Hubungan Internasional (International Relations Journal)* 15, no. 29 (2023): 32–46.

<sup>33</sup> Fawwas Aufaa Taqiyyah Prastiwi, “Perlindungan Hukum Terhadap Anak Sebagai Korban Eksploitasi Seksual Melalui Media Online” (PhD Thesis, Universitas Islam Indonesia, 2023), <https://dspace.uui.ac.id/handle/123456789/45043>.

<sup>34</sup> Sulistyanta Sulistyanta et al., “The Principle of Proportionality in Anti-Pornography Law: Comparing Several Countries,” *Journal of Indonesian Legal Studies* 8, no. 2 (2023): 1103–50.

Many victims, especially children, do not report incidents due to a lack of awareness of their rights or fear of social stigma.<sup>35</sup>

Overall, while some countries have established solid legal frameworks, their effectiveness remains far from ideal. Challenges such as limited technical capacity, weak oversight of digital platforms, and low public awareness present significant barriers to ensuring better protection for women and children in Southeast Asia.

Legal protections for children from online sexual exploitation in Southeast Asia have shown progressive steps through regulations implemented in several countries. Indonesia, the Philippines, and Thailand have legal frameworks prohibiting the distribution of child sexual exploitation content, such as the ITE Law and Child Protection Law in Indonesia and the Cybercrime Prevention Act in the Philippines. These regulations serve as an essential foundation for criminal penalties against online sexual exploitation. However, implementation faces significant obstacles, including limited technical resources, a lack of digital forensic experts, and insufficient training for law enforcement. For example, in Indonesia in 2021, a child trafficking network using digital platforms was dismantled, but the legal process was prolonged due to technical challenges. The Philippines, despite having strong regulations, still faces substantial challenges as one of the countries with the highest numbers of online sexual exploitation cases, often driven by poverty.<sup>36</sup>

Digital platforms play a strategic role in preventing and addressing online sexual exploitation, yet their performance often falls short. Major platforms, such as social media, are slow to respond to reports of illegal content, while their algorithms frequently facilitate the distribution of exploitation materials. While the Philippines has initiated collaborations with INTERPOL to dismantle illegal content distribution syndicates, other countries like Indonesia and Thailand continue to face challenges in establishing similar partnerships. Active involvement from digital platforms through proactive detection

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<sup>35</sup> Rahamathulla, "Cyber Safety of Children in the Association of Southeast Asian Nations (ASEAN) Region."

<sup>36</sup> Roderic Broadhurst, "Developments in the Global Law Enforcement of Cyber-Crime," *Policing: An International Journal of Police Strategies & Management* 29, no. 3 (2006): 408–33.

technology and improved content moderation is urgently needed to reduce the risk of online exploitation.

In addition to regulations and the role of platforms, legal implementation shows significant disparities across the region. The Philippines has strong legal frameworks but struggles with oversight of digital platforms. Meanwhile, Thailand's Computer Crime Act has proven ineffective due to weak public reporting systems. In Indonesia, regulations such as the ITE Law and Sexual Violence Prevention Law (TPKS) have begun providing better protection, but low digital literacy means many cases go unreported. These obstacles reveal that regulations alone are insufficient without consistent implementation and adequate technical support.

Collaboration between governments and digital platform providers is urgently needed to strengthen child protection measures. International cooperation, such as the Philippines' partnership with INTERPOL, can serve as a model for other countries. Moreover, public education, especially for children and their families, is essential to improve digital literacy and awareness of the dangers of online sexual exploitation. In conclusion, while progress has been made in developing legal frameworks, effective protection relies heavily on strong implementation, active engagement by digital platforms, and cross-sector collaboration to create a more effective digital protection ecosystem in Southeast Asia.<sup>37</sup>

## **Legal Protection for Women Victims of Online Gender-Based Violence**

Legal protection for women who are victims of online gender-based violence (OGBV) in Indonesia, the Philippines, and Thailand faces significant challenges. Many cases go undetected or are inadequately addressed due to the absence of specific and comprehensive legislation in these countries. Victims are often left vulnerable to threats, unauthorized distribution of private content, and digital sexual

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<sup>37</sup> Ruellan, "The Sexual Exploitation of Children in the Digital Age. An Overview of a Major Phenomenon in Southeast Asia."

harassment, while ambiguities in legal frameworks discourage reporting by failing to assure adequate protection.<sup>38</sup>

In Indonesia, the enactment of Law No. 12 of 2022 on Sexual Violence Crimes marks a significant milestone, as it includes provisions on electronic-based sexual harassment. However, its implementation faces notable challenges, including insufficient digital forensic expertise among law enforcement officers and inadequate sensitivity in handling cases. For instance, in 2022, the unauthorized distribution of private photos involving a female celebrity highlighted delays in legal processes due to technical shortcomings in gathering evidence and limited responsiveness from authorities. Despite this progress, strengthening enforcement mechanisms remains crucial for effective protection.

The Philippines relies on Republic Act No. 10175, known as the Cybercrime Prevention Act, which includes measures to address OGBV, such as online harassment and the non-consensual dissemination of intimate content. The country has also made significant efforts to collaborate internationally, particularly in combating online sexual exploitation. However, enforcement challenges persist, primarily due to limited technical capacity and slow judicial processes. A report from 2020 revealed that over 7,000 incidents of online sexual exploitation targeted women and children, demonstrating the urgent need for enhanced coordination and faster judicial responses to protect victims.<sup>39</sup>

In Thailand, the Computer Crime Act B.E. 2550 (2007) addresses certain aspects of OGBV, including online harassment and privacy violations. While the government has shown commitment through regional collaborations and partnerships to tackle digital violence, enforcement mechanisms remain weak. A report by the Ministry of Digital Economy and Society in 2021 highlighted that 41% of cybercrime complaints involved OGBV, including non-consensual sharing of intimate content and online threats. The lack of explicit provisions tailored to OGBV limits the law's effectiveness, leaving

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<sup>38</sup> U. N. Women, *Global Guidance on Addressing School-Related Gender-Based Violence* (UNESCO Publishing, 2016).

<sup>39</sup> James Keith C. Heffron, "The Philippine Cybercrime Prevention Act of 2012: To Protect or Destroy," *DLSU Business & Economics Review* 24, no. 1 (2014): 96–103.

victims inadequately protected and often deterred from reporting their cases.

The challenges across these three countries share commonalities. Legal gaps persist, as only Indonesia has introduced specialized regulations, while the Philippines and Thailand still rely on general cybercrime laws that often fail to address the complexities of OGBV. Weak enforcement mechanisms, including insufficient technical expertise and slow judicial processes, exacerbate these issues. Cultural barriers and patriarchal norms discourage victims from reporting incidents, further perpetuating the cycle of violence. Additionally, digital platforms have not taken sufficient proactive measures to monitor, prevent, or respond to OGBV cases.

To address these challenges, Indonesia, the Philippines, and Thailand need to adopt a holistic approach. Strengthening legal frameworks, particularly in the Philippines and Thailand, is crucial, alongside improving enforcement through training for law enforcement officers and enhancing digital infrastructure. Public awareness campaigns are needed to reduce stigma and encourage victims to report cases. Furthermore, collaboration with digital platforms to implement stricter monitoring systems, faster response times, and preventive measures is essential. By addressing these gaps, these countries can create safer digital environments and provide stronger protections for women against OGBV.

## **The Role of States in Legal Protection Against Online Sexual Exploitation in Southeast Asia**

Southeast Asian countries such as Indonesia, the Philippines, and Thailand have adopted progressive measures to address online sexual exploitation of children by implementing robust regulations. These regulations serve as a foundational framework to criminalize such acts and impose penalties on perpetrators. However, the effectiveness of these regulations depends heavily on the states' ability to implement laws, ensure strong enforcement, and address technical and resource limitations. A detailed analysis of the role of states reveals that while positive steps have been taken, significant challenges remain.

### ***A. Existing Regulations and Implementation Challenges in Indonesia***

Indonesia has established a relatively strong legal framework through the Electronic Information and Transactions Law No. 11 of 2008 and the Child Protection Law No. 35 of 2014. These laws explicitly prohibit the distribution of child sexual exploitation content and impose criminal penalties on offenders. Indonesia has demonstrated a commitment to combating online sexual exploitation, as evidenced by the dismantling of a digital child trafficking network in 2021.

Despite these efforts, the biggest challenge lies in implementing these laws. Law enforcement officials often lack adequate digital forensic expertise to identify and gather evidence from digital platforms. Additionally, slow legal procedures hinder timely action against perpetrators. Limited digital infrastructure and insufficient training for officials further impede effective enforcement. As a country with a large population and growing internet use, Indonesia needs a more integrated strategy to enhance technical capacity and inter-agency coordination in addressing online sexual exploitation cases.<sup>40</sup>

### ***B. Progressive Regulations and Structural Challenges in the Philippines***

The Philippines has one of the most progressive legal frameworks in Southeast Asia, with the Cybercrime Prevention Act of 2012 and the Anti-Child Pornography Act of 2009. These laws not only prohibit online sexual exploitation of children but also mandate active participation by internet service providers to prevent the spread of illegal content.<sup>41</sup> The Philippines is also an active participant in international

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<sup>40</sup> See also Wismayanti, Yanuar Farida, et al. "Child sexual abuse in Indonesia: A systematic review of literature, law and policy." *Child Abuse & Neglect* 95 (2019): 104034.

<sup>41</sup> See Cruz, Emmanuel Rey P. "Outlawing Lolita: Testing the Constitutionality and Practicality of the "Victimless" Provisions of the Anti-Child Pornography Act of 2009." *Ateneo Law Journal* 55, no. 3 (2010).

efforts to combat online child sexual exploitation, such as collaborations with INTERPOL and other global institutions.<sup>42</sup>

Despite these advancements, the Philippines faces significant challenges. The country is one of the largest global hubs for the production and distribution of child sexual exploitation content, driven largely by poverty. Many families resort to selling illegal content as a source of income. Although the legal framework is strong, enforcement often struggles due to the high volume of cases and limited resources to thoroughly address each report. A major operation in 2020, conducted in collaboration with INTERPOL, successfully dismantled a child exploitation syndicate. However, the operation also highlighted the need for stronger digital infrastructure to detect and address undetected cases.

### ***C. Thailand: Robust Regulations, Weak Enforcement***

Thailand relies on the Computer Crime Act of 2007 as the primary legal framework to address online sexual exploitation. This law prohibits the distribution of illegal content, including child sexual exploitation materials. Thailand is also involved in various international initiatives to combat online child trafficking.<sup>43</sup>

However, the primary challenge in Thailand is weak enforcement and oversight of digital platforms. Many cases of child exploitation go unreported due to low digital literacy and victims' fear of social stigma. Additionally, inter-agency coordination in Thailand requires significant strengthening. Although there is political will to address this issue, law

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<sup>42</sup> See Heffron, James Keith C. "The Philippine cybercrime prevention act of 2012: To protect or destroy." *DLSU Business & Economics Review* 24, no. 1 (2014): 96-103; Tarun, Ivy M. "Legal Consequences of Social Networking Malpractices: Users' Perspectives versus the Reality of Cybercrime Prevention Act of the Philippines." *Advanced Science Letters* 24, no. 11 (2018): 8111-8114.

<sup>43</sup> See Charoen, Danuvasin. "The analysis of the computer crime act in thailand." *International Journal of Information* 2, no. 6 (2012); Cheurprakobkit, Sutham, and Kidtanathat Lerwongrat. "Criminal justice officials' attitudes towards addressing computer crimes in Thailand: Difficulties and recommendations." *Trends in Organized Crime* (2023): 1-21.

enforcement often reacts reactively rather than proactively. For example, digital platforms operating in Thailand are not strictly regulated, allowing perpetrators to operate with relative freedom. Low reporting rates further exacerbate the challenge of effectively handling these cases.

## **Comparative Analysis and Common Challenges in Three Countries (Indonesia, Philippines, and Thailand)**

The three countries—Indonesia, the Philippines, and Thailand—demonstrate distinct approaches to addressing online sexual exploitation, but they face several common challenges that hinder progress in combating this issue effectively. One of the significant challenges is the lack of technical capacity in these countries. The shortage of skilled digital forensic experts is a major impediment to efficiently handling online exploitation cases. In Indonesia, although the Electronic Information and Transactions Law and the Child Protection Law provide a legal framework to address online abuse, the country still struggles with a deficiency in the technical expertise required to collect and process digital evidence. Similarly, in the Philippines, the Cybercrime Prevention Act and the Anti-Child Pornography Act are in place, but the absence of a sufficient number of trained professionals hampers the ability to investigate and prosecute cybercrimes effectively. Thailand, while it has ratified international conventions like the UN Convention on the Rights of the Child, also faces challenges in building the technical capacity necessary for efficient law enforcement responses to online sexual exploitation.

Another critical challenge is the weak inter-agency coordination among law enforcement, government agencies, and private sector stakeholders. The effective handling of online sexual exploitation cases requires close collaboration between various entities, but such coordination remains minimal in many Southeast Asian countries. In Indonesia, coordination between the Ministry of Communication and Information Technology and the police's cybercrime units often lacks coherence, leading to fragmented efforts in tackling the issue. Similarly, in the Philippines, the National Bureau of Investigation (NBI) and Philippine National Police (PNP) face difficulties in collaborating with

private tech companies, which causes delays in investigating and preventing cases of online abuse. Thailand has made some progress by creating specialized cybercrime units, but still encounters difficulties in establishing consistent cooperation across different agencies and private sectors. The lack of coordination undermines the capacity of these nations to develop a unified and comprehensive response to the problem.

Low digital literacy is another factor that exacerbates the issue of online sexual exploitation. Many children and their families lack awareness of the risks associated with online platforms and do not know how to report incidents of exploitation when they occur. Studies, such as a 2020 survey by the Philippine National Computer Center, reveal that a significant portion of the population still lacks basic knowledge about online security and safety. Similarly, in Indonesia, a report by UNICEF in 2021 emphasized that many children do not understand the dangers of online grooming, and parents are often unaware of how to monitor their children's internet use effectively. Thailand, although making strides in digital literacy education, still has a large gap in awareness, especially in rural and underserved areas. The lack of education about the risks and reporting mechanisms leaves children and their families vulnerable to exploitation.

Economic factors, particularly poverty, are a significant driver of online sexual exploitation in these countries. In the Philippines and Indonesia, poverty-stricken families are often targeted by perpetrators who exploit their financial desperation. Perpetrators promise financial rewards in exchange for explicit content, leveraging the vulnerability of impoverished households. A report by Save the Children in 2022 indicated that economic distress is a primary factor pushing some families in the Philippines into accepting exploitation offers. Similarly, in Indonesia, the combination of economic pressures and limited access to social services exacerbates the vulnerability of poor families to online exploitation. In Thailand, economically disadvantaged regions also face similar challenges, where online exploitation is seen by some as an opportunity to escape financial hardship.

To address these pressing challenges, several steps must be taken to strengthen the legal and institutional framework protecting children from online sexual exploitation. One essential step is investing in the

technical capacity of law enforcement agencies by providing digital forensic training to personnel and improving digital infrastructure. Such investment will enhance the ability of authorities to investigate and prosecute online exploitation cases effectively. Furthermore, establishing clearer frameworks for collaboration between governments, law enforcement, and private sector entities is crucial. Formalizing partnerships with tech companies will allow for more efficient data sharing and quicker responses to potential online abuse. Establishing joint task forces or operation centers, with clear protocols for inter-agency collaboration, could help streamline efforts and avoid duplication of work.

Improving public awareness about the risks of online exploitation is another critical measure. Public campaigns aimed at educating both parents and children about the dangers of online abuse and how to recognize warning signs are necessary. Schools should integrate digital safety into their curricula, and media outlets should disseminate information on how to report incidents of exploitation. These initiatives can empower families and children to take proactive steps in protecting themselves and seeking help when needed.

Addressing the economic drivers of online exploitation is equally important. Governments should implement comprehensive poverty alleviation programs that not only provide financial support to vulnerable families but also create opportunities for economic empowerment. Programs aimed at job creation, skills development, and access to basic social services can reduce the financial desperation that often makes families susceptible to exploitation. By improving economic stability, families will be less likely to fall victim to exploitative offers from perpetrators.

By tackling these challenges and strengthening regional and international cooperation, Southeast Asian countries can create a more effective and comprehensive system for protecting children from online sexual exploitation. Legal frameworks should be complemented with improved technical expertise, stronger coordination between agencies, better public awareness, and poverty reduction efforts to create a robust and adaptive response to online abuse. These efforts will ensure a safer environment for children and vulnerable individuals in the digital age.

## Conclusion

In Southeast Asia, significant progress has been made in establishing legal protections against online sexual exploitation of children and online gender-based violence (OGBV) through regulations such as Indonesia's Electronic Information and Transactions (ITE) Law, the Philippines' Cybercrime Prevention Act, and Thailand's Computer Crime Act. Despite these advancements, challenges persist in the effective implementation of these laws. Key obstacles include insufficient technical capacity among law enforcement agencies, a lack of digital forensic experts, and low levels of digital literacy, which hinder both the prevention of and response to online exploitation.

While Indonesia has strengthened protections through the Sexual Violence Prevention Law and the Philippines has enacted robust legislation targeting online exploitation, the pace of law enforcement remains slow. Furthermore, oversight of digital platforms is weak, and many platforms fail to respond promptly to reports of illegal content, enabling the continued spread of exploitative materials.

To address these challenges, Southeast Asian countries must prioritize improving technical capacity through investments in digital forensic training for law enforcement, enhance public awareness through education campaigns, and promote stronger international cooperation. Additionally, digital platforms must assume greater responsibility for content moderation and compliance with local laws. By addressing these key areas, the region can create a safer digital environment, ensuring that legal protections for women and children are both effective and enforceable.

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