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Identifying Offenders and Victims in Cybersex Trafficking: A Comparative Study of India and Indonesia

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Abstract

Human trafficking as a traditional crime, when merged with the cyber operations and the attributes of cybercrime presents a complex scenario of trafficking in the cyber world. The issue of cybersex trafficking is getting rampant because of the expansion of cyberspace. The criminal legal framework in India and Indonesia tackled the aspects of human trafficking through its criminal and specific legislations, but does not adequately address cybersex trafficking in the transnational setting. This paper attempts to understand the definitional delimitations of human trafficking as a cybercrime, denoted as cybersex trafficking, by examining the modus operandi for identifying the offenders and victims in the cyberspace. It further attempts to understand the legislative lacunae both in India and Indonesia, by examining the existing legal frameworks and identifying the grey areas which fails to address the aspects of cybersex trafficking. The paper employs doctrinal methodology with a comparative analysis of India and Indonesia, by examining various primary and secondary sources. The paper address that identifying offenders and victims in cybersex trafficking is a complex phenomenon because of the

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transnational nature of the crime. Therefore, the paper's key contribution is to propose reforms comprising a statutory definition of cybersex trafficking which does not require physical movement of the victim, non-punishment clauses for the trafficked persons, and cooperative reporting obligations on digital intermediaries in the existing criminal legal frameworks of India and Indonesia to effectively tackle the issue of cybersex trafficking.

KEYWORDS *criminal legal reform, cybersex trafficking, human trafficking, identification of offenders and victims, modus operandi*

Introduction

The rapid development and revolution in the information technology sector have been a defining element in social interactions within and outside the cyber space. This digital transformation has brough about paradigm shifts in many domains including that of crime. Human trafficking has been in existence since ancient times wherein it was carried out under the pretext of slavery and slaver trade. However, with the advent of technology and the development of modern-day communication application and services based on internet, the nature of this crime and the modus operandi associated with the same has also changed a lot.

Another development resulting out of the growth of internet has been the development of the adult entertainment industry. Based on the financial viability and potential of this industry, many different startups emerged providing a wide variety of interactive experiences to the consumers, eventually this led to the emergence of cybersex as an expression of sexual activity through internet. However, at the same time, many organized crime syndicates also aimed to acquire illicit financial gains from the adult entertainment industry and they adjusted their trafficking networks and methods to see the rising demand of cybersexual service through cybersex trafficking which involved the sexual exploitation of victims by coercing them into performing sexually explicit acts through webcams and streaming them live on the internet.

The emergence of social media, end to end encryption communication applications, crypto currencies and other such services facilitated the smooth operation of cybersex trafficking and the hybrid nature of this crime made it challenging for the law enforcement authorities to tackle the same. The close

proximity of India and Indonesia to the golden crescent and golden triangle increases their vulnerability and risk of exposure to incidents of trafficking.[1]

As far as the legal regime in these countries is concerned, apart from their penal codes (The Bhartiya Nyaya Sanhita 2023 and the Kitab Undang-Undang Hukum Pidana, 2023), which defines and provides punishment for the offence of human trafficking, there is no specific legislation that deals with the issue of cybersex trafficking, despite being reintroduced and reenacted as a result of a reformative exercise in criminal law. Moreover, both the countries have also enacted their own cyber law legislations (Information and Technology Act, 2000 by India and Undang-Undang Informasi dan Transaksi Elektronik, 2008 by Indonesia) for regulating the transaction of business and interaction in the cyber space, which have been instrumental in the prevention, detection and prosecution of cybercrimes. But even they are not able to tackle the issue of online prostitution, let alone the issue of cyber

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[1] In addition, the identification of offenders and victims in cybersex trafficking requires an integrated approach that combines criminal law, digital evidence, victim protection, and institutional capacity to investigate technology-facilitated offenses. In both India and Indonesia, distinguishing perpetrators from victims is particularly important where individuals may be coerced, exploited, or manipulated into producing or distributing sexual content, while digital traces may simultaneously serve as evidence of exploitation and indicators of victimization. The effectiveness of identification therefore depends on investigative capabilities, inter-agency coordination, and safeguards against misidentification and the criminalization of exploited persons. These concerns are consistent with scholarship on institutional challenges in Indonesia's strategic intelligence and national security framework (Mukarromah 2026), criminal protection against digital identity theft and personal data misuse (Amanda, Putra, and Mubarak 2026), and the legal and operational challenges of policing cybercrime in Indonesia (Alejandro and Arifin 2026). A comparative analysis of India and Indonesia should accordingly examine not only the legal elements of cybersex trafficking and the attribution of criminal responsibility, but also the evidentiary standards, investigative procedures, and victim-centered protections necessary to distinguish offenders from exploited individuals and ensure effective access to justice. *See* Mufatikhatul Mukarromah, "Strategic Intelligence and National Security in Indonesia: Institutional Challenges in an Era of Emerging Threats". *Indonesian Journal of Defence, Security and Strategic Studies* 1, no. 2 (2026): 177-206. https://doi.org/10.65815/x1nttr40; Dahlia Putri Amanda, Damar Sinatrio Putra, and Siti Mahira Ahmad Mubarak. "Digital Identity Theft and Criminal Protection of Personal Data in Indonesia". *Indonesian Journal of Digital Crime and Criminal Justice* 2, no. 1 (2026): 107-46. https://doi.org/10.68080/jdccj.v2i1.24; Sergi Fernandez Alejandro, and Ridwan Arifin. "Policing Cybercrime in Indonesia: Institutional Capacity, Legal Challenges, and Emerging Responses". *Indonesian Journal of Policing and Security Studies* 1, no. 1 (2026): 41-74. https://doi.org/10.65815/e7dscg67

trafficking, both of which are involved in the commission of cybersex trafficking.

Existing researches in this regard have made significant achievements in the recent years and the most evident example of it is the United Nation's Palermo Protocol (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children) wherein a comprehensive and universally applicable definition for human trafficking was provided. But most of these researches fail to identify and address the issues arising out of the hybrid nature of cybersex trafficking and even fail to provide a comprehensive definition for it. However, recent legislative developments in this regard provide some degree of assistance (Philippine's Republic Act No. 11930) and have made an effort at defining the elements of crime involved in this offence.

Another major lacuna in the existing researches is that they fail to address the issue of identification of the real perpetrators of the crime and the issue of revictimization and forced criminality suffered by the victims of trafficking, addressing the same would ensure better identification of victims and prosecution of crime. Addressing all these underlying issues this paper aims to identify and prove the existence of cybersex trafficking as a hybrid crime existing at the intersection of traditional crimes like sex trafficking and digital crimes like cyber trafficking, by highlighting the similarities and differences between the two. Moreover, this paper will not only identify some common elements and techniques employed by the traffickers for commission of this offence, but will also provide recent case studies to showcase the manner in which these techniques are used.

This paper also provides a comparative study of the respective criminal and cyber laws of India and Indonesia with regard to the cybersex trafficking. Considering that both of these countries, having suffered the impact of colonization and that of draconian legal regime employed by the colonizers, have recently enacted new criminal laws which aim to was away the colonial and draconian nature of existing provisions and make them more suitable for present times. There is a major research gap which has been addressed under this paper by engaging in comparative study.

The choice of India and Indonesia is methodologically deliberate. Both are post-colonial states that have recently replaced colonial penal codes, the Indian Penal Code, 1860 and the Dutch-era Wetboek van Strafrecht, with the Bharatiya Nyaya Sanhita, 2023 and Law No. 1 of 2023 (KUHP), and both are State Parties to the Palermo Protocol. Both regulate cybersex trafficking through a fragmented mix of penal, anti-trafficking and cyber laws, and both are source countries for victims trafficked into Southeast Asian scam

compounds for forced criminality. These shared features permit a functional comparison of two reformed systems facing the same problem.

This article adopts doctrinal research as its primary legal methodology, supplemented by comparative legal analysis. It draws upon the understanding of definitional delimitations of human trafficking, cybercrime, and cybersex trafficking in light of criminal legal reforms. It proceeds with the comparative analysis of criminal legislative provisions, and refers to the specific legislation in India and Indonesia. Reference to primary sources include Kitab Undang-Undang Hukum Pidana, 2023 (Criminal Penal Code of Indonesia), Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang (Act for Criminalization and Eradication of Human Trafficking), Undang-Undang Informasi dan Transaksi Elektronik, 2008 (Law for Electronic Information and Transactions), Undang-Undang Tindak Pidana Kekerasan Seksual, 2022 (Law Criminalizing Sexual Violence and Crimes), The Immoral Traffic (Prevention) Act, 1956, Information Technology Act, 2000, The Bhartiya Nyaya Sanhita, 2023, Indian Penal Code, 1860 and The Protection of Children from Sexual Offenses Act (POCSO), 2012. Secondary sources utilized herein include reports from United Nations, U.S. Department of State, papers like Cybersex trafficking: legal challenges and protection for women and children in Indonesia, News reports from print media like The Hindu, The Korean Herald, The Times of India, etc. This comparative study attempts to understand the issue of cybersex trafficking in India and Indonesia from the lens of cyber operations of human trafficking.

Within this doctrinal framework, the study undertakes statutory analysis, reading provisions literally and, where they do not expressly reach online conduct, purposively, and adopts the functional method of comparative law, comparing rules by the problem they address rather than their form. Provisions were selected for relevance, as each addresses an element of cybersex trafficking, and for complementarity, since neither jurisdiction has a single governing statute and prosecutions proceed through corresponding sets of penal, anti-trafficking, cyber and sexual-offence laws. Secondary sources were selected for direct engagement with technology-facilitated trafficking; news reports illustrate modus operandi only.

Understanding Human Trafficking, Cyber Crime and Cybersex Trafficking

With the advent of information technology revolution around the world and the growth of internet, the paradigms of connectivity and cross-border interactions among different societies have undergone a lot of changes. They have made our world a smaller place, wherein the exchange of ideas and communication have gained a new momentum through fast speed internet and other networking alternatives. These changes are not only limited to the facets of interactions among individuals living in different parts of the world, but also transcend into other socio-economic domains governing human behavior. One such domain is related to the commission of crime and its impact on the society. Considering that criminal acts also function as an important factor in the nature of socio-economic functioning of the society, the drastic changes brought about the information technology revolution in the 21st century have also impacted the manner of their commission. Human Trafficking is one such domain, which clearly highlights the consequences of evolution of technology and commission of crimes leading to the origin of Cybersex trafficking. Therefore, during the process of providing a robust framework for criminal reforms in the existing criminal laws dealing with the issue of cybersex trafficking it is pertinent to identify the core elements of this offence, trace the evolution of its transformation from a traditional crime to a cybercrime and clarify the difference and commonalities they both share.

As far as the domain of human trafficking is concerned, a lot of debate and deliberation has gone in devising and adopting a universal definition that caters to define the multidimensional characteristic of this offence. Article 3 of the United Nations Palermo Protocol[2] defines human trafficking as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Dwelling upon the different facets of exploitations resulting as a consequence of trafficking, the protocol further attempts to define the term 'exploitation' herein by stating some minimum standards including

[2] "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children," United Nations Office on Drugs and Crime (UNODC), accessed January 8, 2026, https://www.ohchr.org/en/instruments-mechanisms/instruments/protocol-prevent-suppress-and-punish-trafficking-persons.

exploitation for prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery and servitude or the removal of organs. This definition of human trafficking is based on the Action-Means-Purpose (AMP) framework, wherein the action of recruitment of victims is carried out through means of coercion in order to serve the purpose of commercial sexual or labor needs[3][4]. However, considering that there is no universally acceptable definition of the term 'exploitation' and there are other frameworks which give primacy to economic factors related to labor exploitation and signify the importance of consent as an essential element which justifies human trafficking as a form of modern slavery[5]. But the definition provided by the Palermo Protocol is largely accepted by most of the countries as far as the offence of human trafficking is concerned. Human trafficking as a traditional crime has also been defined in a manner similar to the Palermo Protocol in the domestic criminal laws of India and Indonesia under section 370 of the Indian Penal Code,1860 and Article 1 of the Law No. 21 of 2007 on the Eradication of the Crime of Human Trafficking respectively. These definitions of human trafficking find suitable applications in cases concerning the commission of this offence in traditional terms and in the physical world.

As mentioned previously that the nature of human trafficking, the modus operandi employed by its perpetrators which relied on physical abduction and cross border transportation of victims have undergone a paradigm shift and transformation after the advent of internet and the emergence of a decentralized cyber space[6], that defied all notions of territorial sovereignty and jurisdiction of a state and its law enforcement agencies, by diluting the physical act of cross border trafficking and allowing for global

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[3] Kuswandi Katinah, Sigit Priyo Sembodo, and Surachmad, "Prevention of Human Trafficking with AMP Model with based vilage education," *International Journal of Management Excellence* 13, no. 1 (2019): 1882–1890, https://techmindresearch.org/index.php/ijme/article/view/1091.

[4] Inkyu Kim and Hanni Stoklosa, "Human Trafficking," in *Urban Emergency Medicine*, ed. Mark Curato, Kaushal Shah, and Christopher Reisig (Cambridge University Press, 2023), 56.

[5] Jennifer Bryson Clark and Sasha Poucki, eds., *The SAGE Handbook of Human Trafficking and Modern-Day Slavery* (Sage, 2018).

[6] Thomas J. Holt, Adam M. Bossler, and Kathryn C. Seigfried-Spellar, *Cybercrime and Digital Forensics: An Introduction*, 3rd ed. (Routledge, 2022), 10.

dispersal of sexual content[7]. Although, a common practice in the recent times has been to attach the term 'cyber' as a prefix before a traditional crime when it is committed in the cyber space, the same cannot be used as an exhaustive definition when dealing with the issue of trafficking in cyber space and cybersex trafficking, both of which are separate offences.

"Cyber trafficking is the 'transport of persons,' by means of a computer system, Internet service, mobile device, local bulletin board service, or any device capable of electronic data storage or transmission to coerce, deceive, or consent for the purpose of 'exploitation'"[8]. Exploitation herein constitutes the same meaning as defined under the Palermo Protocol. This contemporary offence of trafficking in the cyber space is carried out through a number of illegal activities like phishing attacks, e-mail frauds and different types of online disinformation campaigns, which come under a broader ambit of cybercrimes which aim to deceive and defraud the victims for financial gains[9]. Sex trafficking forms a subset of the wider domain of human trafficking which focusses specifically on the aspects related to trafficking for sexual exploitation. The acts related to recruitment, harboring, transportation, provision, or obtaining of a person for the purpose of a commercial sexual activities are covered under this area[10][11]. The offence of Cybersex trafficking on the other hand, exists at the intersection of cyber trafficking and sex trafficking, as a hybrid offence. It not only involves the accessing and viewing of pornographic content on the internet, but also extends to engaging in sexual chats, conversations and live streams on the internet[12] and relies on sex trafficking and cyber trafficking which serve as the breeding grounds for this offence by providing large number of trafficked victims. Therefore, Cybersex trafficking, by virtue of operating at the intersection of sex trafficking and cyber

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7 Siddhartha Sarkar, "Use of Technology in Human Trafficking Networks and Sexual Exploitation: A Cross-Sectional Multi-Country Study," *Transnational Social Review* 5, no. 1 (2015): 55–68, https://doi.org/10.1080/21931674.2014.991184.

8 Virginia Greiman and Christina Bain, "The Emergence of Cyber Activity as a Gateway to Human Trafficking," *Journal of Information Warfare* 12, no. 2 (2013): 41–49, https://www.jstor.org/stable/26486854.

9 Virginia Greiman and Christina Bain, "The Emergence of Cyber Activity," 44.

10 "Victims of Trafficking and Violence Protection Act of 2000," U.S. Department of State, accessed January 8, 2026, https://2009-2017.state.gov/j/tip/laws/61124.htm.

11 Victims of Trafficking and Violence Protection Act of 2000, Pub. L. No. 106-386, 114 Stat. 1464 (2000).

12 Al Cooper and Eric Griffin-Shelley, "The Internet: The Next Sexual Revolution," in *Sex and the Internet: A Guidebook for Clinicians*, ed. Al Cooper (Brunner-Routledge, 2002), 8.

trafficking involves both physical and digital elements respectively, can be classified as a hybrid offence in this regard.

The present era of information technology has also provided the netizens with a wide array of activities which can be done while surfing the web. As a result of this, it can be seen that a large number of people have resorted to internet as a source of leisure, which has increased its economic significance. For instance, during the COVID19 pandemic, many online platforms earned huge profits as majority of people relied on the services provided through the internet for their entertainment needs, a large chunk of this industry was aimed at catering to the sexual and fantasy desires of the users[13]. Cases of cybersex trafficking further surged in the wake of post-pandemic economic recession in different parts of the world which led to financial hardships[14] and desperation on the part of the victims to secure a job. Exploiting this situation traffickers employed tools of deception, fraud and fear to entice the victims under the garb of providing job opportunities and fulfilled the demand of this industry through cybersex trafficking wherein paid services related to live sexual acts were provided[15]. This led to further transformation of hybrid offence of cybersex trafficking into a transnational organized crime. This transformation not only facilitated the operations of cybersex trafficking rackets, but the trafficked victims were further coerced physically and psychologically into acting as an accessory and perpetrator for conducting large scale cyber fraud activities[16]. This transformation of cybersex trafficking into organized crime syndicates also placed a moral dilemma on the law enforcement authorities who were unable to ascertain whether to provide relief to the victims or to prosecute them as an accessory to cyber frauds. Coupled with complexity of legal frameworks in different countries and lack of any

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[13] Nanchanok Wongsamuth and Matt Blomberg, "Coronavirus Fuels Cybersex Trafficking Fears for Children in Southeast Asia," *Reuters*, March 26, 2020, https://www.reuters.com/article/business/healthcare-pharmaceuticals/coronavirus-fuels-cybersex-trafficking-fears-for-children-in-southeast-asia-idUSL8N2BI0P9/.

[14] Aga Natalis and Naufal Hasanuddin Djohan, "Cybersex Trafficking: Legal Challenges and Protection for Women and Children in Indonesia," *International Cybersecurity Law Review* 6, no. 3 (2025): 421–456, https://doi.org/10.1365/s43439-025-00149-1.

[15] Jesse Raines, "Trafficking Without Borders: Why It Is Time for the Law to Properly Address Cybersex Trafficking in the Livestreaming Context," *Catholic University Law Review* 71, no. 1 (2022): 197–226, https://scholarship.law.edu/cgi/viewcontent.cgi?article=3616&context=lawreview.

[16] Gargi Sarkar and Sandeep K. Shukla, "Bi-Directional Exploitation of Human Trafficking Victims: Both Targets and Perpetrators in Cybercrime," *Journal of Human Trafficking* (2024): 1–22, https://doi.org/10.1080/23322705.2024.2353015.

common guidelines for victim identification, all this often led to revictimization of individuals who have already been a victim of cybersex trafficking[17].

Modus Operandi of Cybersex Trafficking

As established previously, cybersex trafficking has evolved into a transnational organized crime being operated by professionally structured syndicates which possess highly trained manpower and resources for performing separate functions in a cybersex trafficking racket, ranging from recruitment, grooming, coercion and exploitation to imposing forced criminality upon the victims by reemploying them as an accessory to other cybercrime offences like identity theft, online gaming frauds, etc. Such criminal activities which are planned and executed by exploiting the cyber space, primarily through computer networks, internet and other information technology infrastructure, are classified as cyber organized crime[18]. In many cases it has been observed that victims herein, are further used by the perpetrators, as facilitators for recruiting additional victims, thereby perpetuating the cycle of exploitation which results in annual revenue profit generation ranging to billions of United States Dollars[19].

In Indonesia alone, cybersex trafficking as a segment of human trafficking generates profits of approximately $ 99 billion out of a total of $150 billion per year and as far as the perpetrators and pimps involved in such online trafficking operations are concerned, data provided by the National Centre for Missing and Exploited Children states that, they earn a profit ranging from $150,000–$200,000 for each exploited woman and child[20]. Therefore, it can be observed that cybersex trafficking has evolved into a financially profitable industry which is operated in a manner similar to traditional organized criminal activities. The origin as well as accessibility of internet and widening consumer base of social media applications served as

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17 "2022 Trafficking in Persons Report: Cambodia," U.S. Department of State, accessed January 20, 2026, https://www.state.gov/reports/2022-trafficking-in-persons-report/cambodia.

18 Gargi Sarkar and Sandeep K. Shukla, "Bi-Directional Exploitation," 4.

19 "Hundreds of Thousands Trafficked to Work as Online Scammers in SE Asia, Says UN Report," Office of the High Commissioner for Human Rights, August 29, 2023, https://www.ohchr.org/en/press-releases/2023/08/hundreds-thousands-trafficked-work-online-scammers-se-asia-says-un-report.

20 Laura J. Lederer, *Modern Slavery: A Documentary and Reference Guide* (Santa Barbara, CA: ABC-CLIO, 2018), 325.

important catalyst in this evolution and also play a significant role in the commission of cybersex trafficking, along with other factors associated with the modus operandi of this offence.

The industry of cybersex trafficking and online prostitution, differing from each other with respect to the consent of the victim, are usually operated on the same business model wherein attracting and widening of customer base is of utmost importance. In this regard it has been observed that advertisements play an important role in making such trafficking operation financially viable and profitable for organized crime syndicates[21]. Moreover, the traffickers represent only one side of this crime and it is the rising demands of a steady and ever-expanding consumer base, including sexual predators and pedophiles, which provide financial viability to cybersex trafficking by consuming such content and acting as a party to such crimes[22]. Before the advent of internet, bulletin boards acted as the primary source of advertisements and payment channels for downloading pornography[23]. But the introduction of cell phones since 1990s[24], including prepaid burner phones which provided anonymity to the traffickers[25] and the sex workers, further simplified the process of solicitation of clients for escort services and

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[21] "Manhattan U.S. Attorney Charges 14 Gambino Crime Family Associates with Racketeering, Murder, Sex Trafficking, and Other Crimes," Federal Bureau of Investigation, April 20, 2010, https://archives.fbi.gov/archives/newyork/press-releases/2010/nyfo042010.htm.

[22] Donna M. Hughes, *The Impact of the Use of New Communications and Information Technologies on Trafficking in Human Beings for Sexual Exploitation: A Study of the Users*, Final Report (Strasbourg: Council of Europe, Group of Specialists on the Impact of the Use of New Information Technologies on Trafficking in Human Beings for the Purpose of Sexual Exploitation [EG-S-NT], 2001), https://www.researchgate.net/publication/237327683_The_Impact_of_the_Use_of_New_Communications_and_Information_Technologies_on_Trafficking_in_Human_Beings_for_Sexual_Exploitation_A_Study_of_the_Users.

[23] Lewis Perdue, *EroticaBiz: How Sex Shaped the Internet* (iUniverse, 2002), 125, https://www.researchgate.net/publication/246087487_EroticaBiz_How_Sex_Shaped_the_Internet.

[24] Donna M. Hughes, *Impact of the Use of New Communications.*

[25] Michelle Ibanez and Daniel D. Suthers, "Detection of Domestic Human Trafficking Indicators and Movement Trends Using Content Available on Open Internet Sources," in *2014 47th Hawaii International Conference on System Sciences* (IEEE, 2014), 1556–1565, https://doi.org/10.1109/HICSS.2014.200.

prostitution as these cell phones were affordable[26] and accessible to a large number of potential customers.

Although, these criminal activities were oriented towards the domain of sex trafficking and mere use of technology herein wouldn't classify them as cybersex trafficking which originated as an evolved and hybrid form of trafficking after the advent of internet and digital cyberspace. Internet, by providing anonymity to the traffickers, provided a new and secure base of operations to their organized crime syndicates for trafficking women and children and exploiting them sexually[27]. Although until now, the advancement in technology acted as a facilitator of sex trafficking and prostitution, but there was no specific case of cybersex trafficking.

All this changed after the introduction of a web browser by Netscape in 1994, which provided a boost to the domain of adult services advertisement by enabling the exchange of pornographic material through web pages equipped with new interactive features based on texts, images, sounds and videos. With this, emerged one of the earliest web-based prostitution business, known as 'A Personal Touch Services' in USA, which made trafficking easy through the world wide web[28]. An important change in the methodology of perpetrators was observed, when trafficking became a thriving industry on the web, wherein they employed a process known as 'pagejacking' of website URLs. It involved rewriting of html code of a website by the perpetrator due to which an individual browsing any website was directed to another pornographic website through browser pop-ups. Backtracking to previous website became impossible for the user who had to shut down the internet browser to exit the pornography site[29].

The emergence of many classified advertisement websites was another consequence of the penetration of perpetrators of sex trafficking in the

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[26] Mrinalini Darswal, Parveen Kumar, J. K. Mishra, and Samresh Kumar, "Use of Mobile Phone and Social Media in Sex Work Client Solicitation amongst Clients of HIV Targeted Intervention Projects in Delhi – An Exploratory Study," *International Journal of Preventive, Curative & Community Medicine* 4, no. 2 (2018): 28–35, https://doi.org/10.24321/2454.325X.201813.

[27] Chelsea Reynolds, "'Craigslist Is Nothing More than an Internet Brothel': Sex Work and Sex Trafficking in U.S. Newspaper Coverage of Craigslist Sex Forums," *The Journal of Sex Research* 58, no. 6 (2021): 681–93, https://doi.org/10.1080/00224499.2020.1786662.

[28] Donna M. Hughes, "The Sex Industry and Internet Industry: Partners in the Globalization of Sexual Exploitation," *IEEE Technology and Society Magazine* 19, no. 1 (2000): 35–42, https://ieeexplore.ieee.org/document/828562.

[29] Perdue, *EroticaBiz*, 103.

internet. For instance, Craigslist was a very popular website which was used as by traffickers for deceiving and fraudulently enticing women into commercial sex industry and online prostitution. There were many cases wherein this website was used as a medium for sale and purchase of enslaved and trafficked women, thereby creating a virtual and digital red-light area[30], which made it a profitable venture. The degree of anonymity it provided to the traffickers[31] and their clientele as well as consumer friendly interactive features like chat rooms and peer to peer file sharing servers, made it a preferred medium for sex trafficking[32].

Another business venture in this regard, which eventually replaced Craigslist, was a website known as Backpage.com. Initially launched as a daily newspaper it made huge profits by providing solicitation services and advertisements for adult services and eventually ended up being evolved as a website. It was estimated that 82.3% of the revenue made by it from June 2012 to May 2013 was from online prostitution, wherein advertisement and promotion of sex trafficking played a major role[33]. These business ventures, which were based on a mutually beneficial relationship between the sex traffickers and tech-based startups, were appreciated by many market players for their financial viability and profit-making capabilities[34].

The transition of the offences of online prostitution and sex trafficking to that of cybersex trafficking can be best observed in the backdrop of the introduction of live streaming video platforms on the internet in the late 1990s, like Skype and MSN Messenger, which were adapted to the demands of the perpetrators and were utilized extensively by the clients, popularly

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[30] Jason Chan, Probal Mojumder, and Anindya Ghose, "The Digital Sin City: An Empirical Study of Craigslist's Impact on Prostitution Trends," *Information Systems Research* 30, no. 1 (2019): 219–238, https://doi.org/10.1287/isre.2018.0812.

[31] Kimberly J. Mitchell and Dana Boyd, *Understanding the Role of Technology in the Commercial Sexual Exploitation of Children: The Perspective of Law Enforcement* (Durham, NH: Crimes Against Children Research Center, University of New Hampshire, 2014), https://scholars.unh.edu/ccrc/37/.

[32] Reynolds, "'Craigslist Is Nothing More than an Internet Brothel,'" 688.

[33] Monica J. Delateur, "From Craigslist to Backpage.com: Conspiracy as a Strategy to Prosecute Third-Party Websites for Sex Trafficking," *Santa Clara Law Review* 56, no. 3 (2016): 531–592, https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=2826&context=lawreview.

[34] Donna M. Hughes, "Prostitution Online," *Journal of Trauma Practice* 2, no. 3–4 (2003): 115–131, https://doi.org/10.1300/J189v02n03_06.

known as 'johns'[35]. These live streams features gave an interactive outlook to the online pornography industry wherein the johns could not only direct the victim into performing specific acts in real time through voice commands[36], but also create new pornographic content through webcam prostitution[37]. Benefiting from the financial viability of such business operations, many mobile applications like 'Carrot Dating' were also developed that outrightly provided for services like bribery and bidding for dating women[38]. Many women were invited, through coercive and fraudulent means, to these platforms and the interested buyers were given the option to bid for acquiring a date with the concerned woman[39]. These applications were a bid to white wash the dark side of trafficking associated with such online services.

Another important development subsequent to the onset of internet was the development and spread of a number of social media websites and mobile applications that were intended to promote exchange of information and interaction among different cultures in a seamless manner so as to create an environment similar to that of the physical society in the digital cyberspace. However, such digital landscape gave an edge to the perpetrators by providing encrypted communication and messaging setup along with anonymity and a new pool of victims[40] as the abundance of persona data shared by users on their social media accounts served as a goldmine for the traffickers for selection and predating upon the victims[41].

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[35] Ummni Khan, "'Johns' in the Spotlight: Anti-prostitution Efforts and the Surveillance of Clients," *Canadian Journal of Law and Society* 30, no. 1 (2015): 9–29, https://doi.org/10.1017/cls.2014.27.

[36] Victor Malarek, *The Johns: Sex for Sale and the Men Who Buy It* (Arcade Publishing, 2009), 253.

[37] Melissa Farley and Meghan Donevan, "Reconnecting Pornography, Prostitution, and Trafficking: 'The Experience of Being in Porn Was Like Being Destroyed, Run Over, Again and Again,'" *Atlánticas: Revista Internacional de Estudios Feministas* 6, no. 1 (2021): 30–66, https://doi.org/10.17979/arief.2021.6.1.7312.

[38] Peggy Drexler, "The Most Crass Dating App Ever?," *CNN*, October 29, 2013, https://edition.cnn.com/2013/10/29/opinion/drexler-carrot-dating-app.

[39] Yoon Min-sik, "Online 'Date Auctions' Spark Controversy over Possible Prostitution," *The Korea Herald*, January 25, 2026, https://www.koreaherald.com/article/10662092.

[40] Melissa Farley, Kenneth Franzblau, and M. Alexis Kennedy, "Online Prostitution and Trafficking," *Albany Law Review* 77, no. 3 (2014): 1039–1094, https://www.albanylawreview.org/article/70164.pdf.

[41] Derek M. Moore, "Algorithmic Exploitation in Social Media Human Trafficking and Strategies for Regulation," *Laws* 13, no. 3 (2024): 31, https://doi.org/10.3390/laws13030031.

This further simplified the process of psychological screening and manipulation of the victims by the traffickers to an extent that despite of being under coercion and suffering exploitation at the hands of the perpetrators, the victims, especially minors, remained loyal to their pimps and traffickers even after being rescued which made the task of prosecuting the real culprits more difficult[42]. Moreover, considering that cybersex trafficking involves the engagement of victims, including men[43], women and children, in performing sexual acts on camera and broadcasting the same to the customers globally, the digital landscape provided by the social media websites and other encrypted messaging services also aims to diminish the physical act of abducting, transporting or trafficking the victims and the victims can also be blackmailed and manipulated into performing these acts at their home through internet chat rooms and live streaming platforms[44]. So, it can be seen that in majority of cases concerning cybersex trafficking, the exploited victims didn't even encounter their traffickers physically[45].

Social media websites like Facebook and Instagram provide a medium of targeted engagement of victims and execution of sophisticated recruitment strategies to the traffickers, by virtue of their algorithmic architecture which connects the potential victims with the traffickers, and simultaneously serve a dual purpose of recruitment and advertisement of cybersex services[46]. In a recent case in Delhi[47], Instagram was used as an accessory for indulging in digital grooming of victims, wherein the perpetrator posed as a modelling agency and coerced the victim into providing graphic images. In a bid to

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[42] Natalis and Djohan, "Cybersex Trafficking," 431.

[43] Laura A. Hebert, "Always Victimizers, Never Victims: Engaging Men and Boys in Human Trafficking Scholarship," *Journal of Human Trafficking* 2, no. 4 (2016): 281–96, https://doi.org/10.1080/23322705.2016.1144165.

[44] Qiaolei Jiang, Xiuqin Huang, and Ran Tao, "Internet Addiction: Cybersex," in *Principles of Addiction: Comprehensive Addictive Behaviors and Disorders*, vol. 1, ed. Peter M. Miller (Academic Press, 2013), 809–818.

[45] Kathleen A. Price, "Defining Worthy Victims: State-Level Legislative Decisions to Prevent the Criminalization of Commercially Sexually Exploited Children in the United States" (PhD diss., University of Massachusetts Boston, 2019), https://scholarworks.umb.edu/doctoral_dissertations/515/.

[46] Jennifer Musto, Mitali Thakor, and Borislav Gerasimov, "Editorial: Between Hope and Hype: Critical Evaluations of Technology's Role in Anti-Trafficking," *Anti-Trafficking Review* 14 (2020): 1–14, https://doi.org/10.14197/atr.201220141.

[47] Deepshikha Kumari, "Cyber Trafficking of Children in India: Emerging Legal Challenges and the Need for Reform," *The Lawway with Lawyers Journal* 21, no. 21 (2025), https://thelawwaywithlawyers.com/cyber-trafficking-of-children-in-india-emerging-legal-challenges-and-the-need-for-reform/.

maximize user engagement, these machine learning algorithms, unintentionally, create digital pathways for cybersex trafficking[48]. Recently published case studies by Kompas revealed that Facebook accounted for 50% of online recruitment of victims in 2020 for the purpose of sex trafficking in Indonesia, with 65% of the victims being minors[49].

In a recent case investigated by the Indonesian police, it was observed that Twitter, a social media platform, and WhatsApp, an end-to-end encryption messaging application, were used by the perpetrators for advertisement and delivery of cybersex services[50]. The prevalence of sex tourism[51] in Indonesia has also led to the emergence of applications like Grindr, Jack'd, Hornet, BoyAhoy, Blued, Romeo, VGL, GROWLr, GayPark, etc. which were being used to deliver prostitution services to customers of different sexual orientations[52]. The traffickers also make an attempt at normalizing the process of sale and purchase of victims and their services by using social media, which ensures that the buyer remains detached from the victim and the trafficker[53], thereby giving a low-risk environment for flourishment of this industry. In many cases, the use of cryptocurrencies can also be seen for the purpose of sex trafficking, which maintains the anonymity of the buyer[54].

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48 Moore, "Algorithmic Exploitation," 3–5.

49 Tito Hilmawan Reditya and Ardi Priyatno Utomo, "Facebook Disebut Jadi Platform dengan Perdagangan Seks Paling Banyak" [Facebook reportedly the platform with the most sex trafficking], *Kompas*, June 11, 2021, https://www.kompas.com/global/read/2021/06/11/134552270/facebook-disebut-jadi-platform-dengan-perdagangan-seks-paling-banyak.

50 "Menguak Modus Prostitusi Online: Mulai dari Pasang Nomor WhatsApp hingga Pakai Tagar Khusus" [Uncovering the modus operandi of online prostitution: From posting WhatsApp numbers to using special hashtags], *BBC News Indonesia*, November 7, 2019, https://www.bbc.com/indonesia/indonesia-50320760.

51 Hughes, "Internet and Sex Industries," 35-42.

52 "17 Aplikasi Gay di Indonesia Segera Diblokir" [17 gay apps in Indonesia to be blocked soon], *Media Indonesia*, September 9, 2016, https://mediaindonesia.com/politik-dan-hukum/66199/17-aplikasi-gay-di-indonesia-segera-diblokir.

53 Jennifer Middleton, "From the Street Corner to the Digital World: How the Digital Age Impacts Sex Trafficking Detection and Data Collection," in *The Palgrave International Handbook of Human Trafficking*, ed. John Winterdyk and Jennifer Jones (Cham: Palgrave Macmillan, 2020), 7.

54 Jane Khodarkovsky, April N. Russo, and Lauren E. Britsch, "Prosecuting Sex Trafficking Cases in the Wake of the Backpage Takedown and the World of Cryptocurrency," *Department of Justice Journal of Federal Law and Practice* 69, no. 3

The use of social media apps as a medium of trafficking appears to be a common feature across multiple cases worldwide and especially in India, wherein the victims usually belong to the underdeveloped and impoverished tribal belt of the country[55]. For instance, two teenagers, in a recent case, were enticed by traffickers through social media, wherein the perpetrator acquired the trust of the victims by deceiving them through promise of a better life, love and marriage. Following this, the victims agreed to meet him physically and were subsequently trafficked to New Delhi where, due to timely intervention of an NGO, they were rescued[56]. Another similar case in this regard can be found wherein a 17-year-old girl from Chhattisgarh fell prey to the traffickers through social media platforms. Herin, the perpetrator, impersonating himself as army personnel, promised the victim a job in the armed forces, trafficked her to Bhopal and established physical relations with her under the pretext of providing a job. Later on, he sold the victim to one of his friends for three lakh rupees who, while impersonating himself as a recruiter, trafficked the victim to Rajasthan and forced her into marriage[57].

The United Nations Global Report on Trafficking in Persons 2020[58] highlights two broad categories of strategies which are usually adopted by the traffickers in the commission of this crime:

(i) Hunting: It involves an active pursue of the victim by the trafficker after a thorough screening which reveals emotional and economic vulnerabilities of the victim. The trafficker, usually uses social media, starts with a friendly introduction and gradually develops a deep emotional connection which is utilized at a later state for exploiting the

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(2021): 101, https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/usab69&section=39.

55 Rajulapudi Srinivas, "Traffickers Target Tribal Children from A.P., 4 Other States," *The Hindu*, March 2, 2020, https://www.thehindu.com/news/national/andhra-pradesh/traffickers-target-tribal-children-from-ap-4-other-states/article30959041.ece.

56 PTI, "Traffickers Using Social Media to Prey on Schoolgirls," *The New Indian Express*, August 14, 2021, https://www.newindianexpress.com/nation/2021/Aug/14/traffickers-using-social-media-to-prey-on-schoolgirls-2344748.html.

57 Rashmi Drolia, "Chhattisgarh Human Trafficking: Instagram Friend Rapes Minor Girl, Sells Her to Rajasthan Man for Rs 3 Lakh," *The Times of India*, January 3, 2024, https://timesofindia.indiatimes.com/city/raipur/chhattisgarh-human-trafficking-instagram-friend-rapes-minor-girl-sells-her-to-rajasthan-man-for-rs-3-lakh/articleshow/106523157.cms.

58 *Global Report on Trafficking in Persons 2020* (Vienna: United Nations Office on Drugs and Crime, 2021), https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf.

victim, which can also be observed in the above cases[59]. Hunting strategies can also be employed for searching suitable clientele as well.

(ii) Fishing: Used more often than hunting, this strategy involves posting advertisements by the perpetrator and waiting for the victims or potential customers to respond. In case of victims, these advertisements provide a cover for deception under the garb of fake job opportunities, as observed in a previous case[6061]. These strategies were also used by the traffickers for facilitating the sale of victims, as was evident in the case wherein Twitter and WhatsApp were used for this purpose[62]. The posting of adult commercials on websites like Craigslist[63] and Backpage.com[64] are also examples of fishing strategies.

A unique modus operandi seen in cases of trafficking is that of Traumatic Bonding, where the victim is instilled with deep-rooted fear coupled with gratitude for still being given a chance to live[65] Apart from the above broad classification, there are many other strategies employed by the traffickers which highlight some essential features of modus operandi, based on which the typology of different types of traffickers can be laid down. For instance, traffickers committing crime with a specific modus operandi, wherein they resort to establish a romantic relationship with the victim for developing trust and later on exploit the same relation for their benefit, are called as Romeo Pimp or Loverboy[66]. Romeo pimps, operating online or offline, treat their victims as their girlfriends and often gift them jewelry and clothing to establish a bond. Once a truthful relationship is established with the victim, they attempt to traffick them on pretext of false marriage or better job opportunities. Brainwashing of the victims by the traffickers forms an important element of this offence which not only involves false commitments of marriage and job, but the trafficker here also attempts to normalize the

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59 PTI, "Traffickers Using Social Media to Prey on Schoolgirls."

60 Drolia, "Chhattisgarh Human Trafficking."

61 Kumari, "Cyber Trafficking of Children."

62 "Uncovering the Modus Operandi of Online Prostitution."

63 Reynolds, "'Craigslist Is Nothing More than an Internet Brothel.'"

64 Delateur, "From Craigslist to Backpage.com."

65 Neha A. Deshpande and Nawal M. Nour, "Sex Trafficking of Women and Girls," *Reviews in Obstetrics & Gynecology* 6, no. 1 (2013): e22–e27, https://pubmed.ncbi.nlm.nih.gov/23687554/.

66 The Carlson Law Firm, "Protecting Your Child from a Romeo Pimp," February 10, 2025, https://www.carlsonattorneys.com/romeo-pimp-sing/.

commission of sexual and cybersex acts for the victim[67]. Moreover, while developing this relationship, the trafficker also makes an attempt to isolate and alienate the victim from their family and friends and replaces them, thereby making the victim emotionally dependable on the perpetrator[68]. Many times, the trafficker ensures submission and obedience on the part of the victim by threating to harm his/her family[69] and even imposition of monetary fines upon the victims for controlling them[70]. Observing the above, a series of common elements present in the different techniques of trafficking, can be observed starting with screening and profiling of victims through social media, establishing contact and building trust through conversations and developing emotional dependency, arranging secret meetups physically or through online chat rooms, exploitation of victims through trafficking which either be done by abducting the victim and trafficking them to different places or by blackmailing them to perform sexual acts on webcams and livestreaming them.

Throughout this process, the victims are manipulated psychologically and used as an accessory to cybercrimes, thereby diminishing their role as a victim. Although, an important point to be observed here is that, the use of terms like Loverboy and Romeo Pimp, for classifying perpetrators has also ended up favoring them in some cases. It has been observed that the perpetrators take advantage of such terms to separate themselves from the traffickers and sex predators which are usually criticized in the society. The perpetrators of cybersex trafficking use such social discourses to represent themselves as pimps or even potential victims of online prostitution and

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[67] Dominique Roe-Sepowitz, "A Six-Year Analysis of Sex Traffickers of Minors: Exploring Characteristics and Sex Trafficking Patterns," *Journal of Human Behavior in the Social Environment* 29, no. 5 (2019): 608–29, https://doi.org/10.1080/10911359.2019.1575315.

[68] David Finkelhor, Richard K. Ormrod, and Heather A. Turner, "Lifetime Assessment of Poly-Victimization in a National Sample of Children and Youth," *Child Abuse & Neglect* 33, no. 7 (2009): 403–411, https://doi.org/10.1016/j.chiabu.2008.09.012.

[69] Herbert B. Dixon Jr., "Human Trafficking and the Internet (and Other Technologies, Too)," *The Judges' Journal* 52, no. 1 (2013): 36–39, https://www.americanbar.org/content/dam/aba/publications/judges_journal/vol52no1-jj2013-tech.pdf.

[70] *Casinos, Cyber Fraud, and Trafficking in Persons for Forced Criminality in Southeast Asia* (United Nations Office on Drugs and Crime, 2023), https://www.unodc.org/roseap/en/resources/publications.html.

cybersex rackets[71]. Along with revictimization of the victims of cybersex trafficking, as was mentioned earlier, the utilization of existing social discourses by the perpetrators to portray themselves as the victims and escape any culpability, also presents a challenge towards the identification of real perpetrators of crime and ensuring their effective prosecution.

Legal and Procedural Gaps in India and Indonesia

Considering the dynamic and hybrid nature of the crime of cybersex trafficking and its evolution from a traditional crime to a cyber-crime, a thorough discussion on the existing legislative and policy formulations in India and Indonesia is important to assess the underlying lacuna which could be plugged through a process of reforms in the criminal law regime of these countries.

A. Analysis of legislative and procedural framework in India

India lacks any comprehensive and specific legislation dealing with cybersex trafficking as far the conventional criminal law regime of the country is concerned. However, some degree of safeguard has been provided, which was the result of an ongoing criminal law reformation exercise. A combination of these laws is used for prosecution of crimes related to cyber space and trafficking.

The Immoral Traffic (Prevention) Act, 1956 (ITPA)[72]:

Introduced initially as a ratifying reaction to the UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others[73], the Suppression of Immoral Traffic in Women and

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[71] Guiomar Merodio, Elena Duque, and Juan Carlos Axt Peña, "They Are Not Romeo Pimps, They Are Traffickers: Overcoming the Socially Dominant Discourse to Prevent the Sex Trafficking of Youth," *Qualitative Inquiry* 26, no. 8–9 (2020): 1010–1018, https://doi.org/10.1177/1077800420938881.

[72] The Immoral Traffic (Prevention) Act, 1956, No. 104, Acts of Parliament, 1956 (India).

[73] Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature Mar. 21, 1950, 96 U.N.T.S. 271 (entered into force July 25, 1951).

Girls Act, 1956 (SITA)[74] served as the primary legislation in India, aiming to curb the menace of human trafficking. However, due to its ineffectiveness it was amended later in 1986 and renamed as ITPA to introduce stricter penalties and regulatory mechanisms. The purpose of this act is to criminalize the act of trafficking of women and children for the purpose of prostitution instead of prohibiting it[75]. Section 4[76] of this act provides punishment for living on the earnings of a prostitute, Section 5[77] deals with procurement of individual for prostitution and Section 8[78] penalizes solicitation for the purpose of prostitution. Although, acting as the primary legislation against trafficking, this act did advocate for, appointing Special Police Officers in areas affected by trafficking[79] and provides them with powers of searching[80] and making arrests without warrants[81], establishment of Special Courts[82] with powers of summary trial[83] for concerned offences and most importantly the rehabilitation of victims through special homes[84]. But, a major reason for its ineffectiveness could be the its preconception that the sole purpose of trafficking is commercial sexual exploitation through prostitution which projects a narrow perspective of the bi-directional nature[85] and trafficking as an organized crime, which can also be proven by the fact that this law makes no attempt at defining trafficking as a separate offence. Moreover, it is incapable of dealing with the offence of trafficking as a cybercrime.

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74 The Suppression of Immoral Traffic in Women and Girls Act, 1956, No. 104 of 1956, India Code (1956).

75 Poonam Pradhan Saxena, "Immoral Traffic in Women and Girls: Need for Tougher Laws and Sincere Implementation," *Journal of the Indian Law Institute* 44, no. 4 (2002): 504–33, https://www.jstor.org/stable/43951841.

76 The Immoral Traffic (Prevention) Act, 1956, No. 104 of 1956, Acts of Parliament, 1956 (India), § 4.

77 The Immoral Traffic (Prevention) Act, 1956, § 5.

78 The Immoral Traffic (Prevention) Act, 1956, § 8.

79 The Immoral Traffic (Prevention) Act, 1956, § 13.

80 The Immoral Traffic (Prevention) Act, 1956, § 15.

81 The Immoral Traffic (Prevention) Act, 1956, § 14.

82 The Immoral Traffic (Prevention) Act, 1956, § 22A.

83 The Immoral Traffic (Prevention) Act, 1956, § 22B.

84 The Immoral Traffic (Prevention) Act, 1956, § 21.

85 Sarkar and Shukla, "Bi-Directional Exploitation."

Information Technology Act, 2000 (IT Act)[86]

Introduced after the onset of the Information Technology revolution in India and the advent of internet-based services, this legislation gave a foundation to the cyber law regime in India and still serves as the major legislative safeguard against the commission of cybercrimes. Acknowledging the changing nature of cyberspace and associated criminal activities, the act has undergone several amendments in order to retain its relevancy in modern times. Although there is no provision in the act that specifically addresses the issue of cybersex trafficking, it makes an attempt at penalizing the publishing or transmitting obscene material in electronic form by imposing a three-year prison sentence with/without a fine extending upto ten lakh rupees[87]. It also provides punishments for publishing or transmitting of material containing sexually explicit act, etc., in electronic form[88] and the categorizes the transmission of child pornography as a crime[89]. An interesting point to be observed here is that Section 67B (c) of this act criminalizes the act of online grooming, cultivation, enticement or inducement of children for any sexually explicit act on the internet and their abuse[90] in any manner. Coupled with Section 66E of the act which penalizes the intentional capture, publication, or transmission of private images or acts of a person without their consent, it can be said that these provisions, though not explicitly identifying the offence of cybersex trafficking, can be interpreted liberally to prosecute acts of such nature. Placing liability on the online intermediaries for removing and reporting any content related to child sexual abuse material[91].

The Bhartiya Nyaya Sanhita, 2023[92] *(BNS)*

In a major move by the Indian government to reform the draconian Indian Penal Code, 1860[93] (IPC) which had served as the bedrock of criminal

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[86] India, The Information Technology Act, 2000, Act 21 of 2000.

[87] The Information Technology Act, 2000, No. 21 of 2000, Acts of Parliament, 2000 (India), § 67.

[88] The Information Technology Act, 2000, § 67A.

[89] The Information Technology Act, 2000, § 67B.

[90] The Information Technology Act, 2000, § 67B (c).

[91] The Information Technology Act, 2000, § 79

[92] The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, Acts of Parliament, 2023 (India).

law regime in India, a new code on criminal law namely, the Bhartiya Nyaya Sanhita was introduced in 2023 which was regarded as a positive step towards criminal law reforms in the country. Although, as mentioned earlier, the IPC and BNS adapted the definition of human trafficking[94] as was mentioned in the Palermo Protocol[95] they also made an attempt at criminalizing the sexual exploitation of the victim in any manner[9697]. The angle related to online exploitation might not be specifically mentioned, but a liberal interpretation of these provisions along with other provisions which criminalize the import of children from foreign countries[9899] gain relevance in the present discussion.

The Protection of Children from Sexual Offenses Act (POCSO), 2012[100]

POCSO is one of the most recent criminal law legislations in the country that made an explicit attempt at dealing with the issue of child sexual abuse. In line with the previously discussed criminal laws, even POCSO doesn't make any attempt at defining the offence of cybersex or cybersexual trafficking. But it does mention that a person is said to commit sexual harassment upon a child when such person with sexual intent threatens to use, in any form of media, a real or fabricated depiction through electronic, film or

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93 The Indian Penal Code, 1860, No. 45 of 1860, Acts of Parliament, 1860 (India).

94 The Indian Penal Code, 1860, No. 45 of 1860, Acts of Parliament, 1860 (India), § 370; The Bharatiya Nyaya Sanhita, 2023, No. 45 of 2023, Acts of Parliament, 2023 (India), § 143. Section 370 of the IPC and Section 143 of the BNS define trafficking as follows: "Trafficking of person.—(1) Whoever, for the purpose of exploitation, recruits, transports, harbours, transfers, or receives a person or persons, by— (a) using threats; or (b) using force, or any other form of coercion; or (c) by abduction; or (d) by practising fraud, or deception; or (e) by abuse of power; or (f) by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received, commits the offence of trafficking."

95 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature Mar. 21, 1950, 96 U.N.T.S. 271 (entered into force July 25, 1951).

96 The Indian Penal Code, 1860, § 370A.

97 The Bharatiya Nyaya Sanhita, 2023, § 144.

98 The Indian Penal Code, 1860, § 141.

99 The Bharatiya Nyaya Sanhita, 2023, § 96.

100 The Protection of Children from Sexual Offences Act, 2012, No. 32 of 2012, Acts of Parliament, 2012 (India).

digital or any other mode, of any part of the body of the child or the involvement of the child in a sexual act[101] or entices a child for pornographic purposes or gives gratification[102]and penalizes them. However, the question of determining sexual intent on the part of the accused remains a question of fact which, as evident from the previous discussions, is difficult to prove in cases of cybersex trafficking. Moreover, the using of child through any form of media, including internet, for any pornographic purpose or any real or simulated sexual acts[103] has also been made punishable under this act.

Therefore, analyzing the above, it can be stated that a combination of these legislations could be employed for the prosecution of cybersex trafficking, but the ambiguities in defining this offence and the element of revictimization of victims through forced criminality owing to the hybrid nature of this offence, does makes the task of victim identification difficult and subject to the facts of the case. Exploiting which the perpetrators could avoid any culpability under law.

B. Analysis of legislative and procedural framework in Indonesia

Falling on the same line as that of India, the criminal law regime in Indonesia consists of multiple legislative initiatives which address the issues of human trafficking, prostitution and sexual exploitation of children physically or in the cyber space, but no explicit mention of cybersex trafficking can be found.

Kitab Undang-Undang Hukum Pidana, 2023 (KUHP)[104]

Enacted as Law No. 1 of 2023, it replaced the older penal code of Indonesia which was enacted by the erstwhile colonizers, the Dutch. Although the older penal code did penalized trafficking of women and teenage boys[105], it

[101] The Protection of Children from Sexual Offences Act, 2012, § 11(v).
[102] The Protection of Children from Sexual Offences Act, 2012, § 11(vi).
[103] The Protection of Children from Sexual Offences Act, 2012, § 13.
[104] Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana [Law Number 1 of 2023 on the Criminal Code], LN No. 1 Tahun 2023, TLN No. 6842 (Indonesia).
[105] Wetboek van Strafrecht voor Nederlandsch-Indië [Criminal Code of the Netherlands East Indies], Staatsblad van Nederlandsch-Indië 1915 No. 732 (Netherlands East Indies), art. 297.

represents a decisive step in the direction of criminal law reforms of the country as it not only modernized the age-old criminal laws of the country, but also facilitated in the transition of the older colonial laws into meeting the demands of the modern-day independent Indonesia. As far as the provisions concerning trafficking are concerned, the KUHP penalizes the production, manufacturing, reproduction, duplication, dissemination, broadcasting, import, export, trading and renting of pornography by any person with six to ten months of imprisonment[106].

Article 417 of the act also places a punishment for a person, upto nine years of incarceration, on techniques associated to enticing a victim, not specifically for cybersex trafficking but similar acts, into acts of obscenity by exploiting relations with a child either by exerting any authority or promising any gifts in return. A simple reading of Article 455(1) of the act which states that "Any Person who recruits, transports, accommodates, sends, transfers or receives a person by means of the Threat of Violence, the use of Violence, abduction, confinement (penyekapan), forgery, fraud, abuse of power or position of vulnerability, entanglement in debt, or the provision of payments or benefits despite obtaining approval from a person who has control over another person, for the purpose of exploiting said person within the territory of the Unitary State of the Republic of Indonesia, shall be sentenced due to committing the Crime of Human Trafficking, with a minimum imprisonment of 3 years and a maximum of 15" tells us that the KUHP can also be applicable for addressing the issue of forced criminality of victims of trafficking.

Moreover, it also places a prison sentence of ten years on a person who moves, carries, places, or surrenders a Child to another person in order to commit fornication, prostitution, or other acts of indecency[107]. Although, an offence as complex as cybersex trafficking must be dealt in a manner which ensures hassle-free prosecution of the real perpetrators and this purpose gets defeated due to Article 1 of KUHP which states that no act can be punished

[106] Kitab Undang-Undang Hukum Pidana 2023 [Criminal Code 2023], art. 407(1) (Indonesia).

[107] Kitab Undang-Undang Hukum Pidana 2023 [Criminal Code 2023], art. 422(1) (Indonesia).

without legal provisions that regulate it first, which defeats the purpose of prosecuting cybersex trafficking specifically.

Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang (UUTPPO)[108]

The UUTPPO, commonly referred as the Law No. 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons is also a valid legislation for discussing the issue of cybersex trafficking. Failing to recognize cybersex trafficking or trafficking in cyberspace as a specific offence, it is significant in defining the physical elements involved in human trafficking which can be observed under Article 1 of this act which defines trafficking as the "recruitment, transportation, harboring, sending, transfer, or receipt of a person by means of threat or use of force, abduction, incarceration, fraud, deception, the abuse of power or a position of vulnerability, debt bondage or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, whether committed within the country or cross border, for the purpose of exploitation or which causes the exploitation of a person". Apart from providing specific recognition to the common techniques and elements involved in the offence of human trafficking, it also defines sexual exploitation as a purpose of trafficking by extending its contours to include the use of sexual organs or other organs of the victim for the purpose of obtaining profit, including but not limited to all acts of prostitution and sexually indecent acts in any form[109].

Addressing the issue of sexual exploitation further, it penalizes "anyone who uses or takes advantage of a victim of the criminal act of trafficking in persons by way of engaging in sexual intercourse or other indecent acts with

[108] Undang-Undang Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang [Law Number 21 of 2007 on the Eradication of the Criminal Act of Trafficking in Persons] (Indonesia), Lembaran Negara Republik Indonesia Tahun 2007 Nomor 58, Tambahan Lembaran Negara Nomor 4720.

[109] Undang-Undang Nomor 21 Tahun 2007 [Law Number 21 of 2007], art. 1(8) (Indonesia).

the victim, employing the victim so as to continue the exploitative situation, or gains benefit from the result of the crime"[110].

Undang-Undang Informasi dan Transaksi Elektronik, 2008 (UUITE)

Also referred as the Law Number 11 of 2008 on Electronic Information and Transactions, and recently amended in2024, the UUITE doesn't specifically deal with the domain of cybercrimes or cybersex trafficking specifically, its importance lies in the fact that it aims to provide a foundational establishment for the cyber law regime in Indonesia, similar to that provided by the IT Act in India. Considering the nature of cyber space and its utter disregard to existing notions of territorial sovereignty of states and underlying issues of exercising jurisdiction therein, the UUITE explicitly defines the extension of its jurisdiction by stating that it shall be applicable to any person (Indonesian or foreign) who commits a legal act inside or outside Indonesian jurisdiction that has a legal effect in Indonesia, especially if it harms Indonesian national interests[111]. Adopting a broader interpretation of this provision, it can be said that this law aims to exercise its jurisdiction into the cyber space which acts as the scene of crime cases of cybersex trafficking and associated cyber offences. Article 27 of this act imposes a prohibition on the creation, distribution, or transmission of electronic information or documents containing immoral content by imposing punishment on "any Person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Records with contents against propriety[112]", wherein such content is interpreted as "involving propriety or sexual exploitation of children"[113].

Undang-Undang Tindak Pidana Kekerasan Seksual, 2022[114] (UUTPKS)

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[110] Undang-Undang Nomor 21 Tahun 2007 [Law Number 21 of 2007], art. 12 (Indonesia).

[111] Undang-Undang Nomor 21 Tahun 2007 [Law Number 21 of 2007], art. 2 (Indonesia).

[112] Undang-Undang Nomor 21 Tahun 2007 [Law Number 21 of 2007], art. 27(1) (Indonesia).

[113] Indonesia, UU No. 21 Tahun 2007, psl. 52(1).

[114] Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual [Law Number 12 of 2022 on the Crime of Sexual Violence] (Indonesia), Lembaran

The Law No. 12 of 2022 on Sexual Violence Crimes or UUTPKS can be considered as a milestone in the evolution of cyber law regime of Indonesia and a positive step towards criminal reforms of the country. Although, despite of defining and criminalizing the offence of sexual violence, it fails to address the issue of cybersex trafficking or any violence associated with the same being perpetrated in the cyber space. The act states that the crime of Sexual Violence not only covers the domains of rape and acts of indecency, but also extends to sexual intercourse, commission of any indecent act and sexual exploitation of a Child, also including the child pornography and acts of explicit violence and sexual exploitation being committed against a child in any pornographic content[115]. In an attempt to include money laundering with the predicate crime being a crime of Sexual Violence it also recognizes the nexus between organized crime syndicates and traffickers[116].

TABLE 1. Comparative summary of the legal frameworks governing cybersex trafficking in India and Indonesia

Parameter	India	Indonesia
Governing Statutes	BNS 2023; ITPA 1956; IT Act 2000; POCSO 2012; Criminal Procedure (Identification) Act 2022 (CPIA)	KUHP (Law No. 1/2023); UUTPPO (Law No. 21/2007); UUITE (Law No. 11/2008, as amended by Law No. 19/2016 and Law No. 1/2024); UUTPKS (Law No. 12/2022); Police Law (Law No. 2/2002); KUHAP (Law No. 20/2025)
Definition of cybersex trafficking	None. Trafficking (BNS s. 143) is defined by physical acts: recruiting, transporting, harbouring, transferring or receiving. Online conduct is reached only indirectly (IT Act ss. 66E, 67, 67A, 67B), with online grooming	None. Trafficking (UUTPPO art. 1(1); KUHP art. 455) is likewise based on movement. UUTPKS art. 14 (electronic-based sexual violence) is the closest analogue but does not cover trafficking.

Negara Republik Indonesia Tahun 2022 Nomor 120, Tambahan Lembaran Negara Nomor 6792.

[115] Undang-Undang Nomor 12 Tahun 2022 [Law Number 12 of 2022], art. 4(2) (Indonesia).

[116] Undang-Undang Nomor 12 Tahun 2022 [Law Number 12 of 2022], art. 4(2) (Indonesia).

Parameter	India	Indonesia
	covered for children alone (s. 67B(c)).	
Extraterritorial Jurisdiction	IT Act ss. 1(2), 75: offences by any person outside India involving a computer system in India. BNS s. 1(5)(c): offences targeting a computer resource located in India.	UUITE art. 2: acts within or outside Indonesia having legal effect in Indonesia. UUTPPO art. 4: taking Indonesian citizens abroad for exploitation.
Victim protection/non-punishment	Protective homes (ITPA s. 21); child-friendly procedure and Special Courts (POCSO); compensation (BNSS s. 396). No non-punishment clause; only the narrow duress exception (BNS s. 22).	Restitution and rehabilitation (UUTPPO arts. 48, 51; UUTPKS). Express non-punishment clause (UUTPPO art. 18), but no procedure for screening victims.
Intermediary liability	Conditional safe harbour (IT Act s. 79) subject to due diligence under the IT Rules 2021, including expedited removal of intimate imagery. Mandatory reporting of child sexual material (POCSO s. 20).	General responsibility of electronic system operators (UUITE art. 15). Age verification, content classification and reporting duties (PP No. 17/2025), with no criminal sanction.
Penalties	Trafficking: 7–10 years, up to life if aggravated (BNS s. 143). Obscene, sexually explicit and child sexual content online: up to 3, 5 and 5 years respectively on first conviction (IT Act ss. 67, 67A, 67B). Using a child for pornography: minimum 5 years (POCSO s. 14).	Trafficking: 3–15 years and a fine of Rp120–600 million (UUTPPO art. 2). Content against propriety: up to 6 years or Rp1 billion (UUITE arts. 27(1), 45(1)). Electronic-based sexual violence: up to 4 years, or 6 years if aggravated (UUTPKS art. 14).
Identification and records of offenders	CPIA: "measurements" limited to bodily, biological and behavioural attributes (s. 2(1)(b)), taken from convicted, arrested and detained persons (s. 3). Records are held by the NCRB for 75 years and shared with law enforcement	No dedicated statute. Police power to take fingerprints and other identity data and to photograph a person (Police Law art. 15(1)(h)); National Criminal Information Centre (art. 15(1)(j)); investigative powers under KUHAP

Parameter	India	Indonesia
	agencies; they are destroyed on acquittal or discharge only after all legal remedies are exhausted (s. 4). Manner of collection, storage and sharing is set by rules (s. 8). No digital identifiers.	2025. No digital identifiers; no rules on retention or destruction.

C. *Transnational Perspectives to understand the legal and procedural gaps*

In order to suggest the required criminal law reforms in India and Indonesia, an interesting example with regards to cybersex trafficking can be seen in Philippines's recently introduced Republic Act No. 11930[117] which is also known as the Anti-Online Sexual Abuse or Exploitation of Children Act (OSAEC) of 2022. It makes an attempt at defining the component of cybersex by stating that "sexualization of a child refers to the act of using a child as an object for the sexual desire or satisfaction of another, even if there is no actual sexual intercourse or no private part of the body of the child has been shown"[118] and categorically criminalizes the sexual exploitation of children through live streaming on internet, thereby acknowledging the digital component involved in cybersex trafficking. Many provisions of this law can be used as a frame of reference for drafting a comprehensive legal framework for dealing with cybersex trafficking.

Four mechanisms of Republic Act No. 11930 can be adapted without disturbing either legal architecture, provided they are inserted into existing statutes rather than enacted as parallel codes. First, its definition of online sexual abuse or exploitation, which does not depend on the physical movement of the victim,[119] can be added as an explanation to Section 143 of the BNS and to Article 1 of the UUTPPO, extended to adult victims. Second, the duties that Section 9 imposes on internet intermediaries to report, preserve

[117] Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act, Republic Act No. 11930 (2022) (Philippines).

[118] Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act, Republic Act No. 11930, § 3(z) (2022) (Philippines).

[119] Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act, Republic Act No. 11930, § 3 (2022) (Philippines).

evidence and block material[120] can be made conditions of safe harbour through rules under Section 87 of India's IT Act, triggered by government or court notice consistently with Shreya Singhal v. Union of India,[121] while Indonesia can attach sanctions to the corresponding duties in Government Regulation No. 17 of 2025 by incorporating them into the UUITE. Third, the reporting duties of payment system providers and financial intermediaries can be channelled through the existing financial intelligence units, FIU-IND and PPATK. Fourth, the National Coordination Center established under Section 30[122] need not be replicated; its functions can be vested in India's Indian Cyber Crime Coordination Centre and in Indonesia's anti-trafficking task force under Article 58 of the UUTPPO.

D. Role of Enforcement Agencies and IT Stakeholders

Some of the most common challenges faced by the law enforcement agencies in dealing with cybercrimes generally include the issue of exercising jurisdiction in the cyber space. Even if the jurisdictional issues are sorted out through joint efforts of the concerned countries, the sheer complexities of the cyber space and the lack of technical knowledge and infrastructure on the part of such agencies acts as a hurdle in evidence collection and prosecution of the real perpetrators. The issue of identification of perpetrators has been a pertinent one due to the use of victims as an accessory for the commission of other cybercrimes, which leads to their revictimization. Although after analyzing the cyber law regime of Indian and Indonesia it can be said that they do make an effort to ensure the accountability of the digital intermediaries involving internet service providers, website owners and mobile application developers. But in order to deal with this crime appropriately, an effort must be made emphasize more on their cooperation, rather than imposing culpability under law[123].

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[120] Republic Act No. 11930, § 9(a).

[121] *Shreya Singhal v. Union of India*, (2015) 5 SCC 1.

[122] Republic Act No. 11930, § 30.

[123] Lilian Edwards, "The Role of Internet Intermediaries in Advancing Public Policy Objectives: Forging Partnerships for Advancing Policy Objectives for the Internet Economy, Part II" (June 22, 2011), https://ssrn.com/abstract=1875708.

Legal and Procedural Reforms

As observed from above discussions, the hybrid nature of the crime of cybersex trafficking puts forth a different kind of challenge altogether. It is not only important to address the issue of human trafficking in traditional sense of crime, but also important to address the issues of cyber trafficking sex trafficking and considering that all of these offences differ in the mode of their commission and modus operandi, they did contain similar elements and features which makes it more difficult to correctly identify, segregate and classify them. In many cases of cybersex trafficking, the physical act of displacement of victim doesn't take place and the victim is coerced by the perpetrator into performing sexually explicit acts online through livestream at their home. Therefore, it places a challenge in classifying this offence as a subset of trafficking as no physical trafficking of the victim took place.

Moreover, it is also important to treat this offence at a different pedestal and not classify it as a case of online prostitution. Although it might seem that the offence of cybersex trafficking is a lot similar to online prostitution and other cases of online sexual exploitation but the nature of victims and the method of screening of victims involved in both the cases is slightly different. Cybersex trafficking involves multiple hunting strategies that are further classified as traumatic bonding, Romeo pimping, etc. based on the nature of perpetrators, who put a lot of effort in the identification and poaching of suitable victims that could not only fulfill the demands of cybersex industry, but must also possess minimal level of understanding and educational standards which could be later utilized by the perpetrators for using those victims as a perpetrator of other cybercrimes and for bringing in additional victims. This forced criminality imposed upon the victims of cybersex trafficking makes them more vulnerable as even after being successfully rescued they struggle to prove their identity as a victim of trafficking and not as a co-accused of other cybercrimes they committed under coercion.

International law supplies a test for separating the coerced victim from the true co-perpetrator: the non-punishment principle, under which trafficked persons are not penalised for offences committed as a direct consequence of their trafficking. Procedurally, police should first screen suspects against recognised trafficking indicators before charging them, and then ask whether a causal nexus links the offence to trafficking. Indonesia partially codifies this in Article 18 of the UUTPPO, exempting victims compelled by traffickers to offend. India has no equivalent; the duress exception in Section 22 of the BNS, confined to threats of instant death, cannot accommodate prolonged psychological coercion.

Therefore, the first task in this regard must be to address the issue of identification of the victims and the perpetrators of this crime and this can be completed by providing a holistic definition to this crime and its unique modus operandi which must ensure a universal applicability and acceptance so that any issues regarding jurisdictions could be addressed by the concerned parties. For instance, the law introduced by Philippines regarding the criminalization of commission and transmission of sexual acts online on live streams has been defined as a process of sexualization of the victim[124] which would provide essential insights while identifying acts of cybersex trafficking.

Another underlying issue which needs to be addressed is the incapacity of existing laws in India and Indonesia to deal with the offence of cybersex trafficking. For instance, in case of India two important legislations discussed in this regard were the ITPA and the IT Act. While analyzing the provisions these laws in individual capacity, it could be seen that the ITPA possessed the capacity and served as the primary law in India for dealing with the issues of trafficking as it contained provisions which could ensure timely prevention, detection and prosecution of trafficking, but the scope of their application appeared archaic in nature considering that it was aimed at dealing with the issue of prostitution with almost no regard to other forms of exploitation which the victims of trafficking suffer, let alone the fact that its application in the cyber space was restricted due to the obsolete nature and inoperativeness of its provisions. At the same time, the IT Act served as the foundation for building a resilient cyber law regulatory regime in the country, but its application was restricted due to failure of recognizing cyberspace as a medium of trafficking. Therefore, a calculated attempt at reformation of these laws through modernization and revision would help in better integration.

The criminal law regime in Indonesia lacks any legislation dealing specifically with cybersex trafficking. Although the government did make an effort at introducing the Government Regulation Number 17 of 2025[125] concerning Child Protection in the Online Realm which placed an obligation on the electronic system operators (digital intermediaries) to classify content, verify age, and provide a rapid reporting mechanism for content containing

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[124] Anti-Online Sexual Abuse or Exploitation of Children (OSAEC) and Anti-Child Sexual Abuse or Exploitation Materials (CSAEM) Act, Republic Act No. 11930, § 3(z) (2022) (Philippines).

[125] Peraturan Pemerintah Nomor 17 Tahun 2025 tentang Tata Kelola Penyelenggaraan Sistem Elektronik dalam Pelindungan Anak [Government Regulation Number 17 of 2025 on the Governance of Electronic System Operation in Child Protection] (Indonesia), https://peraturan.bpk.go.id/Details/316698/pp-no-17-tahun-2025.

child sexual violence, but due to lack of criminal sanctions it has not been implemented in an efficient manner[126]. Adopting a reformative approach in this regard and ensuring better integration of the UUTPKS which recognized violence as an outcome of sexual exploitation, the UUITE which provided technical definitions concerning cyber space and cyber law regime in Indonesia and the UUTPPO which emerged as a pioneer in the field of human trafficking, would definitely ensure better identification of perpetrators and prosecution of crime.

A further procedural reform concerns the identification of offenders. India's Criminal Procedure (Identification) Act, 2022 (CPIA) authorises the taking of measurements from convicted and arrested persons, and requires the National Crime Records Bureau to store these records for seventy-five years and share them with law enforcement agencies.[127] The records of convicted cybersex traffickers should be stored within this framework, so that repeat offenders operating across platforms and jurisdictions can be identified. The CPIA, however, confines measurements to bodily and behavioural attributes such as finger-impressions, iris scans and handwriting,[128] whereas cybersex traffickers are traced chiefly through digital footprints. The definition should therefore be amended to include digital identifiers, namely device identifiers, account identifiers, IP logs and cryptocurrency wallet addresses, while section 8 permits the manner of their collection, storage and sharing to be prescribed by rules.[129] Equally, victims arrested as co-accused require protection: the destruction of records under section 4(2) should follow once a person is identified as a victim, rather than after all legal remedies are exhausted. Indonesia, which relies on general police powers to take fingerprints and photographs,[130] could enact a comparable statute, maintaining these records within its National Criminal Information Centre.

Another important suggestion in this regard would be to provide better training and infrastructural capabilities to the law enforcement agencies which would facilitate better implementation of existing laws. At the same time, it is

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[126] Ridwan Tahir and Titie Yustisia Lestari, "Children's Digital Rights: An In-depth Analysis of Indonesia, Europe, and the US," *Eduvest - Journal of Universal Studies* 5, no. 2 (2025): 1942–1964, https://doi.org/10.59188/eduvest.v5i2.50770.

[127] The Criminal Procedure (Identification) Act, 2022, No. 11 of 2022, Acts of Parliament, 2022 (India), §§ 3, 4.

[128] Criminal Procedure (Identification) Act, 2022, § 2(1)(b).

[129] Criminal Procedure (Identification) Act, 2022, § 8(2)(b).

[130] Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia [Law Number 2 of 2002 on the Indonesian National Police], art. 15(1)(h), (j) (Indonesia).

also important to garner the support of digital intermediaries as highlighted above. For this purpose, the governments can adopt a reward based positive reinforcement method wherein the digital intermediaries would be rewarded for achieving a certain crime prevention or reporting target.

Conclusion

Cybersex trafficking appears as one of the most disturbing outcomes of the advent of internet. Operating at the intersection of human trafficking, sex trafficking, cyber trafficking and cybercrime it represents a hybrid offence that is committed in the decentralized digital cyber space that complements its nature of transnational organized crime apart from providing adequate safeguards to the perpetrator due to ambiguity in legal jurisdictions and prosecution of such crimes. The advancement in technology and development of messaging applications providing end to end encryption as well as anonymity of financial transactions ensured through the use of cryptocurrencies further complicates the timely prevention, detection and prosecution of this offence. The element of forced criminality, that is imposed upon the victims further complicates the process of segregating the victims from the actual perpetrators which often causes revictimization of the actual victims and also hinder the process of their rehabilitation.

As far as the legal analysis done in the present paper is concerned, the comparative examination of the criminal law and cyber law legislations of Indian and Indonesia revealed a shared pattern of legislative fragmentation wherein even the existing laws, which could be integrated together for effective prosecution, did not prove as an adequate measure to address the issue of cybersex trafficking. Considering that the present paper highlighted the economic significance and financial viability of the online adult entertainment market and the nexus between cybersex trafficking and organized crime syndicates operation across different countries, it is essential to indulge in necessary reformative actions to design a robust legal framework for dealing with all such dynamics associated with this crime.

Specifically, India should insert an explanation to Section 143 of the BNS recognising trafficking without physical movement, enact a non-punishment clause for trafficked persons, amend Section 2(1)(b) of the CPIA to include digital identifiers, and frame rules under Section 87 of the IT Act obliging intermediaries to report, preserve and remove cybersex content on lawful notice. Indonesia should make the corresponding addition to Article 1 of the UUTPPO, extend Article 18 to cybercrimes committed under compulsion together with a pre-charge screening procedure, and give statutory

sanction in the UUITE to the duties under Government Regulation No. 17 of 2025. In both countries, platforms should be required to disable algorithmic recommendation of minors' accounts to unconnected adults, flag recurring grooming patterns for human review, and submit periodic risk assessments to the national cybercrime coordination body, while anti-trafficking police units should be trained in victim-screening indicators. Moreover, a cooperative approach towards digital intermediaries and app developers is also required to regulate the algorithmic recommendation patterns in social media apps which could help in the identification of repetitive patterns of behavior so as to identify the perpetrators before they could establish a durable relationship with the victims. Only through such a holistic and forward-looking approach can legal systems effectively disrupt cybersex trafficking networks and uphold the fundamental rights and dignity of vulnerable individuals in the digital era.

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