



Reconstructing Sextortion Enforcement in Indonesia Through a Multi-Stakeholder Criminal Law Approach

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Abstract

Sextortion, coercion effected by threatening to disseminate a victim's intimate content, has outgrown the criminal law categories presently used to address it in Indonesia. This study analyses the criminal law construction of sextortion following the entry into force of the National Criminal Code, identifies the obstacles to its enforcement, and formulates a multi-stakeholder enforcement model. It is normative legal research employing statutory, conceptual and case approaches. The study finds that sextortion is legally reachable through several provisions, yet none captures the offence in its entirety. The extortion provision of the National Criminal Code requires physical violence; the coercion provisions of that Code and of the Indonesian law on electronic information and transactions confine the object of coercion to goods and debts, reaching only financially motivated conduct; the pornography provisions protect public decency rather than sexual autonomy and risk capturing the victim; and only the Indonesian law on sexual violence crimes accommodates a sexual purpose. The consequence is regulatory fragmentation, an inconsistent complaint-offence regime, disproportionate sentencing thresholds and a persistent risk of victim criminalisation. The obstacles extend beyond the norms to uneven digital forensic capacity, the absence of any inter-institutional coordination protocol, and a legal culture of victim-blaming which suppresses reporting. The study proposes a multi-stakeholder enforcement model allocating authority among law enforcement agencies, victim protection institutions, electronic system operators, civil society, academia and communities across eight procedural stages, and concludes that effective enforcement requires the integration of substantive criminal law, institutional coordination, digital evidence capacity, victim protection and platform accountability.

Keywords: *Criminal Law Enforcement; Digital Evidence; Multi-Stakeholder Model; National Criminal Code; Sextortion.*

I. INTRODUCTION

The digitalisation of social life has not merely transferred human interaction into cyberspace; it has transferred part of the criminal repertoire along with it.¹ One of the most prominent manifestations of that shift is sextortion, namely extortion or coercion carried out by means of a threat to disseminate the victim's intimate content. Conceptually, sextortion is situated within the wider continuum of image-based sexual abuse, in which intimate imagery is deployed in order to control, extort or degrade the victim.² It is precisely this characteristic which distinguishes sextortion from conventional extortion: the instrument of coercion is not physical violence but the vulnerability of the victim's reputation and sexual privacy, whilst the object demanded by the offender is not invariably money and may equally consist of further sexual content, sexual intercourse or the victim's continuing compliance.³

The urgency of the present study does not lie in the novelty of the phenomenon but in the legal problems to which it gives rise. First, sextortion is a layered course of conduct comprising the acquisition of content, a threat, coercion and, frequently, the eventual dissemination of the content, with the result that a single episode may satisfy the elements of several offences at once and thereby raise difficulties of classification.⁴ Secondly, the conduct occurs across platforms and often across jurisdictions, so that investigators are dependent upon data held by foreign electronic system operators. Thirdly, proof rests upon digital evidence, which is inherently volatile and readily destroyed. Fourthly, victims are placed in an invidious position, since to report the matter is to surrender their own intimate content as evidence, at the risk of being cast instead as the producer of indecent material.⁵ The legal question to be answered is therefore not whether sextortion is harmful, but whether the criminal law presently available in Indonesia is capable of capturing the whole of its character in a coherent and proportionate manner.

Any quantitative picture of sextortion in Indonesia must be approached with methodological caution. The figures circulating in the literature derive from different institutions, each employing its own definitions and collection mechanisms, as Table 1 illustrates.

¹ J. M. Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *Al-Ihkam: Jurnal Hukum dan Pranata Sosial* 19, no. 1 (2024), <https://doi.org/10.19105/al-Ihkam.v19i1.8731>.

² Roberta Liggett O'Malley and Karen M. Holt, "Cyber Sextortion: An Exploratory Analysis of Different Perpetrators Engaging in a Similar Crime," *Journal of Interpersonal Violence* 37, nos. 1–2 (2022), <https://doi.org/10.1177/0886260520909186>.

³ Alexa Ray and Nicola Henry, "Sextortion: A Scoping Review," *Trauma, Violence, & Abuse* 26, no. 1 (2025), <https://doi.org/10.1177/15248380241277271>.

⁴ Jordy Herry Christian, "Seksstorsi: Kekerasan Berbasis Gender Online dalam Paradigma Hukum Indonesia," *Binamulia Hukum* 9, no. 1 (2020), <https://doi.org/10.37893/jbh.v9i1.364>.

⁵ Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law."

Table 1. Complaints of Online Gender-Based Violence Involving an Element of Sextortion (2019–2023)

Year	Number of Complaints	Recording Institution	Nature of the Data
2019	241	Komnas Perempuan	Complaints received by the institution
2020	940	Komnas Perempuan	Complaints received by the institution
2021	1,721	Komnas Perempuan	Complaints received by the institution
2022	1,697	Komnas Perempuan	Complaints received by the institution
2023	1,052	SAFEnet	Complaints received through a civil society channel

Source: compiled from the Annual Records of Komnas Perempuan and the annual reports of SAFEnet.

The figures in Table 1 represent complaints rather than national prevalence, and they are not gathered under any uniform methodology.⁶ Komnas Perempuan records complaints submitted through its partner service institutions, whereas SAFEnet records complaints received through a civil society channel concerned with digital rights.⁷ The differences in recording institution, case definition and reporting channel mean that the two sets of figures are neither directly comparable nor capable of being combined into a single time series. The decline recorded in 2022–2023 cannot therefore be read as a decline in incidence; it may equally reflect a migration of victims from one reporting channel to another. All that may prudently be inferred is that complaints have remained in the order of thousands each year since 2020, and that the phenomenon is sufficiently widespread to demand an ordered legal response. The difficulty of collecting data is itself a material finding, for the absence of a single legal classification for sextortion causes identical conduct to be recorded under differing nomenclature.

The legal context of this study has likewise altered fundamentally. Law Number 1 of 2023 on the Criminal Code came into force on 2 January 2026, three years after its promulgation.⁸ From that date, Articles 368 and 369 of the former Criminal Code, upon which the existing scholarship on sextortion has principally relied, ceased to have effect and were replaced by Articles 482 and 483 of the National Criminal Code. That change carries a further consequence which has hitherto escaped attention, namely the migration of the regulation of the dissemination of indecent content into Article 407 of

⁶ Komnas Perempuan, “Catatan Tahunan Kekerasan terhadap Perempuan, Komnas Perempuan,” Jakarta, 2020.

⁷ “Southeast Asia Freedom of Expression Network (SAFEnet,” in *Laporan Situasi Hak-Hak Digital Indonesia, SAFEnet* (Denpasar, 2023).

⁸ Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2023 Nomor 1, Tambahan Lembaran Negara Republik Indonesia Nomor 6842 (2023).

the National Criminal Code. Any analysis of the criminal law construction of sextortion which continues to rest upon the former Criminal Code has accordingly lost its currency, and a fresh mapping of the applicable norms has become a pressing necessity.

A number of earlier studies have examined sextortion from differing standpoints. Christian situates sextortion within the paradigm of online gender-based violence and successfully demonstrates the dimension of power relations inherent in the conduct; that study, however, stops at affirming its gendered character and does not test the elements of the conduct against the norms of positive criminal law, with the result that it yields no operative construction of criminal liability.⁹ Herman and others address the formulation policy governing sextortion and recommend a distinct offence; that work is strong at the level of *ius constituendum*, yet it was undertaken by reference to Article 368 of the former Criminal Code and therefore does not answer how enforcement is to proceed under the National Criminal Code now in force.¹⁰ Muslimin and others advance the discussion considerably by comparing the treatment of sextortion under positive and Islamic law and by canvassing victims' experiences; their focus, however, rests upon the socio-legal interpretation of the conduct rather than upon the relationship between the general and special criminal provisions that a prosecutor must in practice select between.¹¹ At the international level, O'Malley and Holt have produced a typology of sextortion offenders drawn from an analysis of 152 cases,¹² Notté has documented the impact of sextortion upon adult male victims,¹³ and the most recent scoping review of the field shows that scholarship on sextortion remains dominated by criminological and victim-psychological perspectives rather than by the perspective of norm construction within a given jurisdiction.¹⁴

A clear research gap emerges from that mapping. The existing literature tends to halt at one of three points: the affirmation of sextortion as a form of sexual violence, advocacy for the protection of victims, or proposals for a formulation policy. No study has yet simultaneously mapped the normative relationship between the National Criminal Code, the twice-amended Electronic Information and Transactions Law, the Sexual Violence Crimes Law and the Pornography Law as they stand after 2 January 2026, and then translated that mapping into an enforcement design which allocates authority

⁹ Christian, "Sekstorsi: Kekerasan Berbasis Gender Online dalam Paradigma Hukum Indonesia".

¹⁰ Handrawan Herman et al., "Kebijakan Formulasi Kejahatan Sekstorsi dalam Sistem Pidana Indonesia", *Halu Oleo Legal Research* 5, no. 2 (2023), <https://doi.org/10.33772/holresch.v5i2.250>.

¹¹ Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law".

¹² O'Malley and Holt, "Cyber Sextortion: An Exploratory Analysis of Different Perpetrators Engaging in a Similar Crime".

¹³ Roderic J. Notté, "Exploring the Impact of Sextortion on Adult Males: A Narrative Approach", *Technology in Society* 78 (2024), <https://doi.org/10.1016/j.techsoc.2024.102617>.

¹⁴ Ray and Henry, "Sextortion: A Scoping Review".

among the relevant stakeholders in concrete terms. It is that gap which the present study seeks to fill.

The novelty of this study is twofold. First, it constructs a normative map of sextortion by reference to the criminal law presently in force, testing the elements of sextortion against Articles 482, 483 and 407 of the National Criminal Code, Article 27B of Law Number 1 of 2024, Article 14 of Law Number 12 of 2022 and the provisions of Law Number 44 of 2008. Secondly, it formulates a multi-stakeholder sextortion enforcement model which does not stop at a catalogue of roles but sets out the legal basis of authority, the inter-institutional relationships and the points of coordination for each stakeholder across eight stages of case handling. Consistently with that aim, the study seeks to analyse the criminal law construction of sextortion following the entry into force of the National Criminal Code, to identify the obstacles to enforcement in terms of legal substance, legal structure and legal culture, and to formulate a multi-stakeholder model for the enforcement of sextortion.

II. RESEARCH METHOD

This study constitutes normative legal research, that is to say research which takes legal norms as its object and is directed towards discovering the rules, principles and doctrines by which the legal issue in question may be resolved.¹⁵ Three approaches are employed in combination. The statutory approach is used to examine and interrelate Law Number 1 of 2023 on the Criminal Code, Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 11 of 2008 as last amended by Law Number 1 of 2024, Law Number 44 of 2008 on Pornography and Law Number 31 of 2014 on the Protection of Witnesses and Victims. The conceptual approach is used to construct the elements of sextortion from criminal law doctrine and from the literature on image-based sexual abuse, and to deploy the theory of the legal system and the theory of law enforcement as analytical tools. The case approach is used to examine the judgments of the ordinary courts and of the Constitutional Court concerning extortion based upon intimate content and the standing of electronic evidence, so as to test how those norms operate in practice.

The primary legal materials consist of the legislation identified above together with the official elucidations thereof, and of the relevant court decisions. The secondary legal materials comprise criminal law textbooks, national and reputable international journal articles concerning sextortion, electronic-based sexual violence, digital evidence and law enforcement, together with official institutional reports, which are used sparingly and only for data and policy documents. All of the legal materials are analysed qualitatively by means of legal interpretation, comprising grammatical interpretation of the formulation of the elements of the offences, systematic

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).

interpretation in order to locate the relationship between general and special provisions, and teleological interpretation in order to identify the legal interest protected by each provision. The results of that interpretation are then subjected to prescriptive analysis in order to identify the weaknesses and lacunae in the law, and upon that basis the enforcement model offered as the contribution of this study is formulated.

III. RESULT AND DISCUSSION

A. The Criminal Law Construction of Sextortion following the Entry into Force of the National Criminal Code

Any analysis of the criminal law construction of sextortion must begin with an articulation of its elements, for without that exercise any assessment of the adequacy of the criminal norms will be merely impressionistic. Drawing upon the available doctrine and empirical scholarship, sextortion may be resolved into four principal elements. The first is the offender's possession of sexual content or information concerning the victim, whether obtained upon the basis of trust within a personal relationship, through the fabrication of an identity, through the recording of a video conversation, or through unauthorised access to the victim's device.¹⁶ The second is the threat, that is to say the offender's statement that the content will be disseminated or shown to particular persons unless the victim complies with his demands. The third is coercion, namely the offender's demand that the victim give something, do something or permit something to be done. The fourth is the offender's purpose, which in practice divides into two types: the pursuit of economic advantage, and the pursuit of sexual gratification or of control over the victim.¹⁷ These four elements are ordinarily effected by digital means, and the electronic medium is therefore better understood as the mode of execution than as a freestanding element.

The *modus operandi* encountered in Indonesia are in substance variations upon the manner in which the first element is satisfied. Offenders cultivate intimacy through social media under a false identity and then solicit intimate content on the pretext of closeness;¹⁸ they employ encrypted messaging applications in order to seduce and to record;¹⁹ they offer adult content as bait for an exchange;²⁰ or they employ hacking and malware in order to obtain the victim's personal data without her knowledge. The distinction between these modes is legally significant, for it determines

¹⁶ Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law".

¹⁷ O'Malley and Holt, "Cyber Sextortion: An Exploratory Analysis of Different Perpetrators Engaging in a Similar Crime".

¹⁸ Christian, "Sektorsi: Kekerasan Berbasis Gender Online dalam Paradigma Hukum Indonesia".

¹⁹ Ray and Henry, "Sextortion: A Scoping Review".

²⁰ Notté, "Exploring the Impact of Sextortion on Adult Males: A Narrative Approach".

whether a discrete offence has been committed before the threat is made, such as unlawful access to an electronic system. The consequences are correspondingly layered, encompassing economic loss arising from repeated payments, social harm in the form of stigma and isolation, and psychological harm in the form of prolonged anxiety and a fear of re-dissemination which never truly abates.²¹ It is this last dimension which explains why the enforcement of sextortion cannot properly end with the punishment of the offender.

Measured against those elements, Article 482 of the National Criminal Code punishes extortion with imprisonment for a term not exceeding nine years where a person, with intent unlawfully to benefit himself or another, compels another by violence or the threat of violence to hand over goods, to incur a debt, to acknowledge a debt or to extinguish a debt.²² The Elucidation of that Article makes clear that the coercion contemplated is physical or corporeal in nature. The consequence is plain: a threat to disseminate intimate content, being psychological and reputational in character, will not ordinarily satisfy the element of violence or the threat of violence under that provision. Article 482 is therefore capable of reaching sextortion only in the comparatively rare configuration in which the threat of dissemination is accompanied by a threat of physical violence against the victim or another person.

Article 483 of the National Criminal Code lies closer to the character of sextortion, since its instrument of coercion consists of a threat of defamation, of written defamation, or of the disclosure of a secret. A threat to disseminate the victim's intimate content may, as a matter of doctrine, be classified as a threat to disclose a secret. The provision nevertheless harbours two fundamental limitations. First, the object of coercion is confined exhaustively to the handing over of goods and to matters of debt, so that sextortion which demands further sexual content, sexual intercourse or other non-economic compliance falls outside the terms of the provision. Secondly, Article 483(2) constitutes the offence a complaint offence carrying a maximum term of four years' imprisonment. That penalty is disproportionate when set against the nine years applicable to ordinary extortion, notwithstanding that the suffering of a sextortion victim is generally far graver and more enduring. The imbalance reveals that the legislature continues to regard sexual privacy as a legal interest of lesser value than property.

A further significant change concerns the regulation of dissemination. Article 407 read with Article 172 of the National Criminal Code now governs the offence of pornography in codified form, and, by virtue of Article II point

²¹ Justin W. Patchin and Sameer Hinduja, "The Nature and Extent of Youth Sextortion: Legal Implications and Directions for Future Research", *Behavioral Sciences & the Law* 42, no. 4 (2024), <https://doi.org/10.1002/bsl.2667>.

²² Undang-Undang Nomor 1 Tahun 2023 tentang Kitab Undang-Undang Hukum Pidana.

1 of Law Number 1 of 2024, the operation of Article 27(1) and Article 45(1) of the Electronic Information and Transactions Law was limited to the period preceding the entry into force of the National Criminal Code.²³ That shift is double-edged. On the one hand, codification reduces the overlap between the Electronic Information and Transactions Law, the Pornography Law and the Criminal Code in respect of dissemination. On the other, the formulation of Article 407, being directed at the act of disseminating pornography without drawing any clear distinction between the perpetrator and the victim of exploitation, continues to leave open the risk of victim criminalisation, particularly where the victim is regarded as having participated in producing the content. It is precisely that risk which, empirically, constitutes the principal reason for victims' reluctance to report.

Law Number 1 of 2024 supplies a more contextual formulation through Article 27B. Paragraph (1) addresses extortion effected by distributing or transmitting electronic information or documents accompanied by a threat of violence, whilst paragraph (2) addresses coercion by means of a threat of defamation or of the disclosure of a secret effected through electronic means. Article 27B(2) is the provision which lies closest to financially motivated sextortion, its penalty being prescribed by Article 45(9) and its character as a complaint offence being confirmed by Article 45(11). Nevertheless, as with Article 483 of the National Criminal Code, the object of coercion under Article 27B remains confined to goods and to matters of debt. The provision accordingly does not reach sextortion whose purpose is wholly sexual, which is precisely the type most frequently suffered by child and adolescent victims.²⁴

The sole provision which expressly accommodates a sexual purpose is Article 14 of Law Number 12 of 2022. Paragraph (1) defines three forms of electronic-based sexual violence, namely the recording or capturing of images of a sexual nature against the will of the subject, the transmission of sexual material against the will of the recipient, and stalking or tracking by electronic means for a sexual purpose.²⁵ Paragraph (2) aggravates the penalty to a maximum of six years' imprisonment and a fine not exceeding three hundred million rupiah where such conduct is undertaken with intent to extort or to threaten, to compel, to mislead or to deceive a person into doing, permitting to be done or refraining from doing something. It is that paragraph which most completely captures the construction of sextortion, since the phrase 'doing, permitting to be done or refraining from doing something'

²³ Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2024 Nomor 1, Tambahan Lembaran Negara Republik Indonesia Nomor 6905 (2024).

²⁴ Janis Wolak et al., "Sextortion of Minors: Characteristics and Dynamics", *Journal of Adolescent Health* 62, no. 1 (2018), <https://doi.org/10.1016/j.jadohealth.2017.08.014>.

²⁵ Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2022 Nomor 120, Tambahan Lembaran Negara Republik Indonesia Nomor 6792 (2022).

does not confine the object of coercion to economic advantage. The provision is further supported by mechanisms for the protection of victims, namely its character as a complaint offence save where the victim is a child or a person with disabilities, the express provision that conduct undertaken in self-defence against sexual violence is not punishable, and the rule that the consent of a child or of a person with disabilities does not extinguish criminal liability.

Law Number 44 of 2008 remains relevant at the stage of dissemination, in particular through its prohibitions upon producing and disseminating pornography and upon making a person the object of pornography.²⁶ The legal interest protected by that statute is, however, public decency rather than individual sexual autonomy, so that its invocation in sextortion cases risks displacing the focus from the coercion of the victim onto the propriety of the content. A systematic comparison of the four regimes is set out in Table 2.

Table 2. Comparison of Elements, Protected Legal Interests and the Reach of the Criminal Provisions in Respect of Sextortion

Provision	Instrument of Coercion	Object of Coercion	Protected Legal Interest	Reach in Respect of Sextortion
Article 482, National Criminal Code	Violence or threat of violence (physical)	Goods, debts, receivables	Property and bodily integrity	Very limited; only where a physical threat is present
Article 483, National Criminal Code	Threat of defamation or disclosure of a secret	Goods, debts, receivables	Property and honour	Reaches economic sextortion; does not reach a sexual purpose
Article 407, National Criminal Code	Coercion not required	Not applicable	Public decency	Dissemination stage only; risks capturing the victim
Article 27B, Law No 1 of 2024	Threat of violence; threat of defamation or disclosure of a secret by electronic means	Goods, debts, receivables	Property within cyberspace	Reaches electronically effected economic sextortion
Article 14, Law No 12 of 2022	Recording, transmission or electronic	Doing, permitting to be done or	Sexual autonomy and	Most completely captures the

²⁶ Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2008 Nomor 181, Tambahan Lembaran Negara Republik Indonesia Nomor 4928 (2008).

	stalking intent to extort, threaten, compel or deceive	with extort, or	refraining from doing something	integrity of the victim	construction of sextortion
Articles 4, 29 and 34, Law No 44 of 2008	Coercion required	not	Not applicable	Public decency	Production and dissemination stages; the victim may be treated as the object

Source: compiled by the author from the relevant legislation, 2026.

The mapping in Table 2 demonstrates that the Indonesian legal framework does not suffer from an absolute lacuna but from fragmentation. Each provision captures a part of the character of sextortion from the standpoint of a different protected legal interest, with the result that the classification of a given case depends heavily upon the construction adopted by the investigator and the prosecutor. As a matter of normative principle, Article 14 of Law Number 12 of 2022 stands as *lex specialis* in relation to the provisions on extortion and coercion in the National Criminal Code and in the Electronic Information and Transactions Law, since it formulates the instrument, the object and the purpose distinctive to electronic-based sexual violence. It follows that, in sextortion cases, that provision ought to be pleaded as the primary charge, with Article 27B(2) of Law Number 1 of 2024 or Article 483 of the National Criminal Code forming the subsequent layer should the element of sexual purpose not be established, and Article 407 of the National Criminal Code being applied only to the person who disseminates the material and never to the victim. A construction of that kind accords with the view that criminal law policy ought to be directed towards the protection of the most substantial legal interest engaged by the conduct, rather than towards evidential convenience alone.²⁷ Since the application of those layers depends entirely upon practice, however, legal certainty will be attained only if the relationship between the norms is embodied in binding prosecutorial guidelines.

B. Obstacles to the Enforcement of Sextortion in Terms of Legal Substance, Structure and Culture

In order to explain why that normative fragmentation results in weak enforcement, the theory of the legal system advanced by Lawrence M Friedman is employed as an analytical tool. Friedman maintains that the operation of a legal system is determined by three interdependent

²⁷ Barda Nawawi Arief, "Bunga Rampai Kebijakan Hukum Pidana: Perkembangan Penyusunan Konsep KUHP Baru," Kencana, Jakarta, 2010.

components, namely legal substance, legal structure and legal culture.²⁸ A weakness in any one component cannot be wholly compensated by the strength of the others and tends, on the contrary, to propagate. That framework is apposite here because the problems attending sextortion in Indonesia are indeed distributed across all three components simultaneously.

At the level of legal substance, the principal obstacle is not the absence of norms but their want of integration. The lack of any nomenclature for sextortion means that factually identical conduct may be classified as coercion, as electronic-based sexual violence or as pornography, according to the officer seised of the matter. That inconsistency extends to the prosecutorial regime: Article 483 of the National Criminal Code, Article 27B(2) of Law Number 1 of 2024 and Article 14(1) of Law Number 12 of 2022 are each complaint offences subject to differing exceptions, so that the duty of the authorities to proceed depends upon the willingness of a victim who is herself under pressure from the offender.²⁹ Disproportionate penalties, and the absence of any provision expressly requiring the removal of content as part of the disposal, complete the picture of substantive weakness.

At the level of legal structure, the difficulty centres upon capacity and coordination. The handling of sextortion demands digital forensic capability which is not yet evenly distributed across regional units, whilst offenders make use of anonymous accounts, encrypted networks and payment in cryptoassets.³⁰ Institutionally, the disposal of a case engages the police, the prosecution service, the courts, the ministry responsible for communications and informatics, the Witness and Victim Protection Agency, the ministry responsible for the protection of women and children, and the regional technical units for the protection of women and children; yet there exists no single coordination protocol governing the referral pathway, the applicable time limits and the officer responsible at each stage. The result is fragmented handling, in consequence of which the victim is obliged to recount the same events to several institutions in turn.

The most decisive structural problem is that of digital proof. Article 5 of the Electronic Information and Transactions Law has established electronic information and documents as lawful means of proof,³¹ and the

²⁸ Lawrence M. Friedman, "The Legal System: A Social Science Perspective," Russell Sage Foundation, New York, 1975.

²⁹ Eko Nurisman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022), <https://doi.org/10.14710/jphi.v4i2.170-196>.

³⁰ Patchin and Hinduja, "The Nature and Extent of Youth Sextortion: Legal Implications and Directions for Future Research".

³¹ Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2008 Nomor 58, Tambahan Lembaran Negara Republik Indonesia Nomor 4843 (2008); Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

Constitutional Court, in Decision Number 20/PUU-XIV/2016, held that electronic information adduced as evidence must have been obtained for the purposes of law enforcement at the request of the competent authorities.³² That holding carries practical implications for sextortion cases, since the principal evidence lies in the hands of the victim in the form of screenshots of conversations, video call histories, links to uploads and records of transfers. In order that such evidence may carry probative value, its authenticity must be capable of verification through metadata and hash values, and its custody must be documented in an unbroken chain of custody.³³ The difficulty is compounded where account data and internet protocol addresses are held by electronic system operators established abroad, so that requests for data must be pursued through the mechanism of mutual legal assistance in criminal matters, which is protracted.³⁴ Because digital evidence is volatile and readily destroyed, delay at the earliest stage may result in the permanent loss of evidence.

At the level of legal culture, the obstacle takes the form of stigma and victim-blaming. Victims of sextortion refrain from reporting for fear of being shamed, blamed or indeed prosecuted as the producers of indecent material, and that apprehension is not wholly unfounded, given that the formulation of Article 407 of the National Criminal Code and of the Pornography Law is oriented towards public decency.³⁵ A legal culture of that kind explains why the complaint figures set out in Table 1 must be read as a picture very considerably smaller than the true incidence.

Friedman's analysis may be sharpened by reference to the theory of law enforcement advanced by Soerjono Soekanto, which identifies five determinative factors: the law itself, the law enforcement officers, facilities and infrastructure, society and culture.³⁶ The factor of the law itself is reflected in the fragmentation of the definitions of the offences and in the disproportionality of the penalties. The factor of the officers is apparent in the uneven competence of investigators and prosecutors in handling cases resting upon electronic evidence. The factor of facilities is the most decisive in sextortion cases, for in the absence of digital forensic laboratories, acquisition equipment and channels of cooperation with electronic system operators, no norm, however well drafted, can be rendered operative. The factor of society is reflected in the low rate of reporting, and the factor of culture in the persistence of the view which treats victims of sexual violence as partly to blame. The juxtaposition of the two theories yields one important

³² "Mahkamah Konstitusi Republik Indonesia, Putusan Nomor 20/PUU-XIV/2016," September 7, 2016.

³³ Eoghan Casey, *Digital Evidence and Computer Crime: Forensic Science, Computers, and the Internet* (Academic Press, 2011).

³⁴ Undang-Undang Nomor 1 Tahun 2006 tentang Bantuan Timbal Balik dalam Masalah Pidana, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2006 Nomor 18 (2006).

³⁵ Notté, "Exploring the Impact of Sextortion on Adult Males: A Narrative Approach".

³⁶ Soerjono Soekanto, "Faktor-Faktor yang Mempengaruhi Penegakan Hukum, Rajawali Pers," Jakarta, 2019.

analytical conclusion: the obstacles to the enforcement of sextortion are systemic, and cannot be resolved by the reform of norms alone, so that improvement must be pursued simultaneously at the levels of norms, institutions, facilities and public awareness.

C. A Multi-Stakeholder Model for the Enforcement of Sextortion

The conclusion that the obstacles to enforcement are systemic provides the basis for the formulation of an enforcement model involving a plurality of stakeholders. It must be emphasised at the outset that the multi-stakeholder approach adopted in this study is not understood as an exhortation that all parties should cooperate, but as an allocation of authority grounded in the legal mandate of each institution. Since this is normative legal research which undertakes no empirical measurement of effectiveness, the analysis which follows does not assert that the model has been proved more effective; it demonstrates rather that the model is normatively necessary and has the potential to close the gaps identified in the preceding section.

The model proposed comprises six actors. First, the law enforcement authorities, comprising the police as investigators, the prosecution service as prosecuting authority and the courts as the tribunal of trial, whose powers derive from the law of criminal procedure and from sectoral legislation.³⁷ Secondly, the victim protection institutions, namely the Witness and Victim Protection Agency under Law Number 31 of 2014,³⁸ together with the regional technical units for the protection of women and children and the community-based service providers under Law Number 12 of 2022. Thirdly, electronic system operators and the regulator of the digital sphere, who are under a duty to ensure the reliability of their systems and to give effect to requests for the removal of content pursuant to Articles 15 and 16A of the Electronic Information and Transactions Law and the implementing regulations made thereunder.³⁹ Fourthly, civil society organisations, which discharge the functions of accompaniment, case documentation and policy advocacy.⁴⁰ Fifthly, academia, whose role is to supply normative scholarship, digital forensic expertise and expert evidence at trial. Sixthly, the community, including educational institutions and online communities, as the locus of prevention and of first reporting.

³⁷ Herman et al., "Kebijakan Formulasi Kejahatan Sekstorsi dalam Sistem Pidana Indonesia".

³⁸ Undang-Undang Nomor 31 Tahun 2014 tentang Perubahan atas Undang-Undang Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban, Pub. L. No. Lembaran Negara Republik Indonesia Tahun 2014 Nomor 293, Tambahan Lembaran Negara Republik Indonesia Nomor 5602 (2014).

³⁹ Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik; Undang-Undang Nomor 1 Tahun 2024 tentang Perubahan Kedua atas Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik.

⁴⁰ Ray and Henry, "Sextortion: A Scoping Review"; Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law".

Those six actors are then situated across eight stages in the handling of a case, so that each party has a clearly defined point of entry, output and responsible officer, as shown in Table 3.

Table 3. A Multi-Stakeholder Model for the Enforcement of Sextortion

Stage	Principal Activities	Lead Actor	Supporting Actors
Prevention	Legal and digital literacy; preventive policies within educational institutions and on platforms	Digital regulator and educational institutions	Academia, civil society, communities
Reporting	A safe and single reporting channel; initial accompaniment; assessment of risk to the victim	Police and regional protection units	Civil society, service providers
Securing digital evidence	Preservation of content; preservation requests to electronic system operators; documentation of the chain of custody	Police	Electronic system operators, digital forensic experts
Investigation	Identification of the offender; tracing of funds; requests for cross-border data	Police	Central authority for mutual legal assistance, financial service providers
Prosecution	Determination of layered classification and settlement of the indictment	Prosecution service	Academia as expert witnesses
Trial	Hearings in camera; protection of identity; expert forensic evidence	Courts	Witness and Victim Protection Agency, victim advocates
Victim protection	Protection of identity and safety; removal and blocking of content	Protection agency and digital regulator	Electronic system operators, civil society
Victim recovery	Restitution; psychological and social recovery services; prevention of re-dissemination	Regional protection units and service providers	Prosecution service as enforcing authority for restitution, communities

Source: the author's construction, 2026.

The relationship between the actors within that model is hierarchical at the stages which are pro justitia and coordinative at the remaining stages. At the stages of securing digital evidence, investigation, prosecution and trial, authority remains vested in the law enforcement agencies, whilst the other actors occupy a supporting position and may not assume that authority. Conversely, at the stages of prevention, reporting, protection and recovery,

the relationship between the actors is one of parity and operates through mechanisms of referral. The most critical points of coordination lie at two nodes. The first is the request for the preservation of data addressed to the electronic system operator, which must be made immediately upon receipt of the report, since delay at that point results in the permanent loss of evidence. The second is the referral from the reporting channel to the protection institution, which must operate automatically so that the victim is not required to recount the events afresh.⁴¹

The orientation of the model does not end with the punishment of the offender. The enforcement of sextortion may properly be regarded as successful only where the victim obtains tangible recovery, which encompasses the right to restitution under Article 30 of Law Number 12 of 2022,⁴² the rights to handling, protection and recovery under Articles 66 to 70 of the same statute, the protection of identity and privacy throughout the proceedings, and the prevention of the re-dissemination of the content once the case has concluded. The last of these is a requirement peculiar to sextortion which remains inadequately addressed, since content already disseminated may resurface at any time, so that the victim's suffering does not end with the conclusion of the proceedings.⁴³ The removal of content ought therefore to be treated as an element of the victim's recovery capable of being sought within the prosecution's submissions, rather than as an administrative measure divorced from the criminal proceedings.⁴⁴ Upon that construction, the analysis indicates that the multi-stakeholder model has the potential to bridge the gap between a fragmented body of criminal norms and the continuing protective needs of victims.

IV. CONCLUSION

The criminal law construction of sextortion in Indonesia following the entry into force of the National Criminal Code is fragmented rather than absent: several provisions reach the conduct, yet only Article 14(2) of Law Number 12 of 2022 accommodates a sexual purpose whilst shielding the victim from criminalisation, and it ought therefore to be pleaded as the primary charge, with Article 27B(2) of Law Number 1 of 2024 or Article 483 of the National Criminal Code forming the subsequent layer and Article 407 being applied only to the person who disseminates the material. The obstacles to enforcement are systemic, comprising fragmented classification, an inconsistent complaint-offence regime and disproportionate penalties at the level of substance; uneven digital forensic capacity, the absence of any

⁴¹ Ray and Henry, "Sextortion: A Scoping Review".

⁴² Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual.

⁴³ Justin W. Patchin and Sameer Hinduja, "Sextortion among Adolescents: Results from a National Survey of U.S. Youth", *Sexual Abuse* 32, no. 1 (2020), <https://doi.org/10.1177/1079063218800469>.

⁴⁴ Nurisman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022".

inter-institutional coordination protocol and protracted cross-border requests for data at the level of structure; and stigma and victim-blaming at the level of legal culture. The contribution of this study is accordingly a multi-stakeholder sextortion enforcement model which allocates the authority of six actors across eight procedural stages, hierarchical at the stages which are pro justitia and coordinative elsewhere, with the immediate preservation of data and automatic referral to the victim protection institution as its critical nodes. It is recommended that the legislation be harmonised, that digital forensic capacity be enhanced down to district police level, that an inter-institutional coordination protocol be adopted, and that formal cooperation with electronic system operators encompass both the expeditious preservation of data and the removal of content as an element of the victim's recovery; further empirical research is required in order to test the operation of this model in practice.

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