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"SEX TRAFFICKING" IN CYBERSPACE AND THE POTENTIAL FOR LEGAL INJUSTICE: A CYBERFEMINISM STUDY

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Abstract. The advancement of information and communication technology has provided many changes and conveniences to all levels of society. One of them is the development of internet technology that can be accessed by everyone. The existence of the internet network has provided many benefits to its users, such as as a means of education or learning, a means of technology-based economic development, a means of online business transactions, a means of sharing news and stories, as a means of social interaction, and so on. The development of internet technology that influences various aspects of life has caused humans to live in two different worlds, namely the real world (space) and the cyber world (space). This research is normative research. And the conclusion is the Internet in the illegal sex industry is a convenient forum for sexual abuse and a facilitator of the increasing problem of international Sex Trafficking.

Keywords: Injustice; Sex; Trafficking.

1. Introduction

All human needs and survival can now be accessed only through the internet network so that it has created a world connection without limits or borderless. Borderless is a term that with the advancement of technology, the latest information can be accessed anytime and anywhere, and the world community can reach each other without being hindered by language, distance, and time differences.

Such conditions certainly have a positive impact because they can make human work easier. However, it should be noted that technological developments like this also have negative impacts. One of the negative impacts is the development of crimes that were previously only found traditionally have now transformed into crimes that can be caused in cyberspace or cybercrime. The Internet and information technology open up new opportunities to carry out crimes in more sophisticated and complex ways. The Internet increases the opportunities for someone to commit crimes more neatly, hidden, organized, and penetrate space and time.

One form of crime through the internet network is online prostitution services or Sex Trafficking. Sex Trafficking in the form of online prostitution or prostitution is a crime that uses the internet network or social media as a means of connection or communication for pimps and sex workers with their users.

Sex trafficking Also known as sex trafficking, it is a form of human trafficking whose purpose is to sexually exploit each victim. The practice is by selling women and children as sex workers by taking advantage of the action. Sex Trafficking is considered the fastest growing crime in the world, but on the other hand, there are still unfair laws that do not side with victims of



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Sex Trafficking, especially women and girls. The increasing misuse of technology is changing the nature of human trafficking, and countries must develop new ways to address it.

In an effort to create laws governing Sex Trafficking in cyberspace, the State must pay attention to the provisions stipulated in the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) as ratified in Law Number 7 of 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, especially in Article 6 which stipulates that "States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women." Through these provisions, the state is obliged to create laws and regulations governing sex trafficking that are biased towards victims, in this case towards women and girls or as parties who are vulnerable to sex trafficking.

The issue of Sex Trafficking in cyberspace is a special concern for feminist theorists in an effort to fight subordination and discrimination influenced by the growth of information and communication technology built on patriarchal values. Such feminism emerged as Cyberfeminism which offers an idea of liberation and empowerment for women in navigating the male-dominated cyberspace. The Dictionary of Media Studies calls Cyberfeminism "the study of new technology and its effect on women's issues".

Cyberfeminism is a movement by a group of women by utilizing the development of information and communication media technology. For feminists, matters relating to the dissemination and distribution of information media are related to the patriarchal world, so that the position of women is questioned whether it is between women and computers, between computers and communication links, and between connections and connectionist networks. Cyberfeminism currently describes social and cultural strategies using information and communication technology. The desired goal is to provide opportunities for women to connect with each other, and to help them learn and produce their own work online. Specifically, cyberfeminism is intended to free women from the isolation of cyberculture. Women, as part of a digital society, have the right as creators and users of information and communication technology. This is important for cyberfeminism in forming active groups to facilitate the development of cross-national and cross-cultural movements.

Cyberfeminism a new vehicle for women to rise and free themselves from domination and subordination in cyberspace, in this case to break down and destroy the practice of Sex Trafficking in cyberspace which is detrimental to women and girls.

Research on the topic of "Sex Trafficking" has been conducted by several previous researchers, for example research conducted by Alexander Samuel in 2022. The research entitled "Legal Review of Criminal Acts Against Morality Against Women" focuses on the regulation of criminal acts against morality against women according to the Criminal Code (KUHP) and other regulations outside the KUHP and their implementation and how to provide legal protection for women who are victims of criminal acts against morality.

Next is the research conducted by Zezen Zaenal Mutaqin and Yayan Sopyan in 2024. Through the research entitled "Forced Marriage and Sex Trafficking under the Guise of Nikah Siri in Indonesia" Zezen found the reasons why the practice of sex trafficking and forced marriage is tolerated and what causes it to be allowed. The practice is tolerated because it is hidden



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behind a thick veil of cultural-religious justification and obscured by legal tricks/strategies that researchers call "framing of human trafficking".

Research conducted by Jennifer E. O'Brien and Wen Li in 2020. The study entitled "The Role of the Internet in the Grooming, Exploitation, and Exit of United States Domestic Minor Sex Trafficking Victims" shows that the internet (e.g., social networking, online marketing, and encryption technology) has been identified as a means to facilitate Domestic Minor Sex Trafficking Victims or commercial sexual exploitation especially against children. This study aims to consider the role of the Internet in the context of grooming and exploration of Domestic Minor Sex Trafficking Victims. Qualitative semi-structured in-depth interviews were conducted with 20 service providers in North Carolina and Texas. Interviews were digitally recorded, transcribed verbatim, and coded line by line using a grounded theory approach. The results show two overarching themes in service provider interviews, namely the beginning of exploitation and exiting exploitation.

2. Research Methods

This research is normative research. Based on the background description above, the formulation of the research problem is the legal system in the shackles of patriarchy which is unfair and does not side with women and girls as victims of Sex Trafficking in cyberspace.

3. Result and Discussion

3.1. The Phenomenon of Sex Trafficking as a Form of Discrimination Against Women and Children: How Can the Law Answer This Challenge?

The Internet has revolutionized the way people share and access information around the world by providing a quick and easy space to find ideas, products, and business opportunities. In addition to the positive activities mentioned above, the Internet has undeniably provided an easily accessible space for people to participate in illegal activities, such as Sex Trafficking. The Internet in the illegal sex industry as a comfortable space for sexual abuse and a facilitator of the increasing problem of international Sex Trafficking.

Sex Trafficking Sex trafficking is a segment of human trafficking, which is estimated to generate about \$99 billion out of the \$150 billion in annual profits from all forms of human trafficking. According to data from the National Center for Missing and Exploited Children, each pimp or trafficker can make between \$150,000 and \$200,000 for each woman and child they exploit. In the United States, sex trafficking accounted for 71% of reported human trafficking incidents in 2017. In 2018, the United States Department of Justice handled 230 human trafficking cases, with 213 of those cases falling under the category of sex trafficking.

In 2019, the prevalence of Sex Trafficking made headlines when notorious Hedge Fund manager Jeffrey Epstein was arrested and charged with running an international Sex Trafficking ring. A few days later, popular R&B singer R. Kelly was arrested and charged with thirteen federal Sex Trafficking charges. This massive arrests show the increasing attention that law enforcement is paying to Sex Trafficking.

On June 11, 2021, Kompas.com published an article entitled "Facebook Said to be the Platform with the Most Sex Trafficking". In the article, it was explained that the majority of online recruitment in illegal sex trafficking cases in 2020 occurred on Facebook. This is the result of the latest research from the Human Trafficking Institute. According to the report,



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around 50% of online recruitment of victims occurred on the Facebook platform, with 65% of the victims being children.

In addition to Facebook, there are many other types of applications that allow for Sex Trafficking. For example, Tinder is one of the dating applications that also offers Video Call Sex, Open Booking Out, Pijet Plus-Plus, and so on. There are also other applications that are specifically for certain sexual orientations, for example in 2016, the Ministry of Communication and Information of the Republic of Indonesia blocked 187 gay applications that were considered disturbing to the public. Previously, the Directorate of Economic and Special Crimes of the Criminal Investigation Unit of the Indonesian National Police found 17 applications that were suspected of being a place to bargain for victims of exploitation and prostitution of the same sex. This started with the iPad of suspect AR (41) who was arrested in the Puncak Bogor area with eight victims. Seven of the victims were minors. The seventeen applications include; Grindr, JAck'd, Hornet, BoyAhoy, Blued, Romeo, VGL, GROWLr, GayPark, Adam4Adam, Guyz, Scruff, Gay Dating, Surge, Gaydar, Krave, Gay Times, Gay Cities, and Maleforce.

In addition, on November 22, 2021, the police uncovered a prostitution case involving minors in Soppeng, South Sulawesi Province. The disclosure began with the police going undercover as customers. The police initially communicated through an account on a dating application. Furthermore, the police were asked to visit an inn in the Jalan Wijaya area, Lalabata District, Soppeng. The police arrested a man with the initials S (20) and a teenage girl with the initials S, along with a minor with the initials SN (15). Man S is suspected of playing a role in offering women S and SN to customers.

There are several repetitive manipulation tactics used to force victims into sex trafficking situations, the most common being the promise of a good job, education, or citizenship in a foreign country or a false marriage proposal that turns into slavery. Many victims are brought into sex trafficking by their parents, husbands, and significant others in their lives, while the most common among victims is debt bondage, an illegal practice where the victim must promise personal services in order to pay or settle some form of debt. Sex traffickers may often approach families living in poverty and attempt to buy the girl or young woman with promises of a better life in a wealthier country or may approach women already involved in prostitution to take them abroad. Another tactic used is traumatic bonding, where the victim is instilled with a deep-rooted fear coupled with gratitude for being given the chance to live.

Some cases of sex trafficking begin with the perpetrator contacting the potential victim on social networking sites such as Facebook and MySpace. The techniques used by the perpetrator to gain trust vary widely, including expressing love and admiration for the victim, promising to make the victim a star, and offering tickets to new locations far from the victim's home. Other types of trafficking attempts begin with online job searches and lead the unsuspecting victim to move out of her home with the promise of a high-paying job. Once the victim has joined the perpetrator, various techniques are used to restrict the victim's access to communication with the home, such as physical punishment, unless the victim complies with the pimp's demands.

Some cases of sex trafficking that have occurred in Indonesia, including Decision Number 1498/Pid.Sus/2015/PN.Mks regarding sexual exploitation of women who were then sold as



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sex workers. Some of them even include minors. The incidence of sex trafficking in Indonesia is very high because the demand is also high.

Here are some examples of how victims get caught up in Human Trafficking and Sex Trafficking. :

- a. In Illinois, a 19-year-old woman responded to an Internet ad promoting modeling opportunities. Instead of offering modeling work, the perpetrator persuaded the girl to wait in a hotel room where she was expected to have sex with a stranger. The perpetrator, who would become a pimp, intended to sell the young woman for sex at an hourly rate. In this case, the prospective client was an undercover police officer who took the young woman to a safe place.
- b. In Denmark, law enforcement authorities have recorded suspicious advertisements for nannies, maids, and dancers on websites in Latvia and Lithuania. Traffickers use Internet sites to post job advertisements in Western Europe. An anti-trafficking group in Poland reports that 30% of its clients (trafficked women) are recruited via the Internet.
- c. Polish and Italian police have jointly dismantled a network that trafficked men for forced labor. The employment agency's website was the main means of recruitment.
- d. Testimony was presented to the U.S. Senate Committee on Foreign Relations hearing "Human Trafficking: Mail-Order Bride Abuse," that several entities in the "mail-order bride" industry (or international matchmaking organizations) have been linked to trafficking organizations that offer adults and girls as "brides" but sell them privately into sexual exploitation or domestic servitude. These incidents include cases where organized crime groups use fiancé and marriage visas to bring women to the United States for exploitation.
- e. A scheme showing how technology is used to circumvent international borders and certain national laws involving the trafficking of women from Japan to Hawaii for the purpose of sexual exploitation. Traffickers in Japan advertise "nude models" for work in the United States. Once in Hawaii, the models are used to perform live Internet sex shows and create pornographic videos that will be shown to Japanese viewers over the Internet. To avoid violating Japanese pornography laws, the traffickers set up their operation, which was aimed at the Japanese market, with all website content written in Japanese. The live shows are recorded and transmitted to Internet Service Providers in California, where Japanese viewers will access them. In 2006, 89% of the estimated 270 million pornographic web pages in existence worldwide were produced in the United States.

The Internet is an ideal environment for sex trafficking. Online advertising sites such as Craigslist and Backpage facilitate sex trafficking for several reasons: online advertising is nearly ubiquitous. According to the internet tracking site Alexa, Craigslist currently ranks 27th in the United States, with approximately 50 billion page views each month; there is no cost to advertise on these sites; they are a legitimate means of advertising that can covertly mask illicit activity with legitimate activities such as massages and dating.

Since the mid-1990s, the Internet has expanded the solicitation of sex and human trafficking, making it difficult to investigate, and therefore cyber sex trafficking presents several challenges for law enforcement. While sex trafficking remains a form of exploitation of individuals for sexual activity, cyberspace appears to be a new medium for an old crime, often referred to as "old crimes in new bottles." Instead, a fundamental shift in the relationship



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between victim and perpetrator has occurred. Today, pimps and other exploiters use technology to market, manage, and run their operations entirely using smartphones without ever having to meet their victims in person.

According to the University of Toledo Human Trafficking and Social Justice Institute, social media has allowed exploiters to find victims without meeting them face-to-face by masking signs that indicate a person is dangerous. A 2018 report found that nearly 42% of victims never met their pimps in person but were still exploited with the help of social media.

Through social media, potential victims are attracted to their exploiters and actively seek their attention without personal seduction. Initially, victims do not see themselves as victims, but as a consensual business with their traffickers. This attitude reflects the psychological manipulation of victims to be unaware of the exploitative and coercive relationship with their traffickers. Lack of understanding of the nature of victimization results in ineffective law enforcement efforts. For example, prostitutes and minors who are at risk of being loyal to pimps are likely to refuse to testify and return to their pimps after being released from arrest despite a history of mistreatment by the pimp. Marcus, Horning, Curtis, Sanson, and Thompson in 2014 found a similar pattern in their qualitative study of Sex Trafficking in New York City and Atlantic City.

Prostitution is commonly described as a "victimless" crime. However, there are two opinions that invalidate the claim that Sex Trafficking is a form of crime that has no victims. The first opinion is based on the existence of underage victims. In Indonesia, underage children who are sexually trafficked by legal definition cannot give consent. According to the American Bar Association, "any child who is involved in a commercial sex act and is under the age of 18 is by definition a victim." The second opinion is that victims of sex trafficking need to be convinced that they are victims, because of the crystallized process, victims of sex trafficking do not feel that law enforcement is saving or freeing them from sexual exploitation, but are considered to have disrupted "their consensual business".

Law enforcement and victim services may need to take a different approach when working with this issue, as they may not see themselves as victims. This changing role of law enforcement in sex trafficking cases is in line with fundamental changes in policing in general in the era of cyberspace development.

Basic ally Sex Trafficking also has the potential to cause sexual violence against women. Sexual violence is a traumatic event with physical and emotional effects on the victim. Sexual violence is any sexual activity between two or more people in which one person is involved against their will. The sexual activity involved in this form of assault can include many different experiences. Women can be victims of unwanted touching, oral sex, anal sex, sexual penetration with an object, and/or intercourse.

Sex Trafficking also potentially lead to Sexual and Reproductive Health complications, including Sexually Transmitted Diseases (STDs) and other gynecological problems. Women who have been trafficked into Sex Trafficking may often not have access to or be permitted to use condoms or other birth control methods, and may only receive irregular gynecological examinations.

Most female victims of cyber sex trafficking end up in forced prostitution and/or the pornography industry. Melissa Farley states that "throughout history, regardless of its legal



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status, prostitution has had a devastating impact on women's health, as evidenced by the many physical and psychological consequences of this damaging lifestyle. Some of Farley's findings include:

- a. Sexual violence and physical assault are common for women in all types of prostitution;
- b. Health Issues including fatigue, PMS, vaginal infections, back pain, difficult sleep, depression, headaches, stomach aches, and eating disorders;
- c. Post-traumatic stress disorder is a consequence of prostitution such as mood disorders, dissociation, and depression; and
- d. Women who are prostituted have a higher risk of being killed.

Drug abuse andalcoholis a common finding among trafficked women. Most off unctioning as a mechanism to ensure some of the horror and misery what they experience cannot be felt. The book "Caring for Trafficked Persons: Guidance for Health Providers", reports that, as with victims of torture, trafficked individuals are likely to experience injuries and illnesses. physiqueor psychological and a complex set of symptoms.

If the victim is a minor (under 18 years of age), Sex Trafficking has devastating consequences for children, including long-term physical and psychological trauma, HIV/AIDS, drug addiction, unwanted pregnancy, social exclusion, and even death.

Several international legal instruments related to Sex Trafficking in Cyberspace, for example the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime, as ratified in the Law of the Republic of Indonesia Number 14 of 2009 concerning Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime. Article 9 of the Trafficking in Persons Protocol stipulates that countries are obliged to establish policies and laws and take action to prevent human trafficking, because the internet contributes to increasing Sex Trafficking and the vulnerability of women and children, the internet must be regulated in accordance with Article 9.

Failure to create legislative policies to regulate the internet is a violation of Article 9 paragraph (1) which mandates that a country create legislative policies to regulate the internet by developing policies, programs and other actions to prevent human trafficking and revictimization.

The Internet is a factor that makes women and children vulnerable to trafficking and therefore requires international cooperation to create effective regulation. According to Article 9 paragraph (4), countries are also required to take action, including engaging in international cooperation to eliminate factors that make women and girls vulnerable to sex trafficking. To fully comply with Article 9 paragraph (4), countries must regulate the Internet on an international scale. International sex trafficking is a global crime and as a result, internet regulation must be addressed at the international level, national regulations cannot reach or apply to internet content hosted in other countries. For example, content hosted in Germany can still be accessed in the United States and global cooperation is needed to effectively regulate sex trafficking.



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Recognizing that the Internet is so interwoven into everyday life in modern societies around the world, women and children are more vulnerable to exploitation through websites, email, and other forms of communication including Internet advertising. Nearly everyone has access to the Internet and many people use it as a basic necessity. The widespread availability of the Internet gives traffickers instant access to women and children at the click of a mouse. Sex traffickers target specific age groups and genders by searching for victims on popular websites, such as dating sites or through chat rooms. The largely unlawful nature of the Internet creates a dangerous environment for innocent Internet users.

Article 9 Paragraph (5) further supports internet regulation as it requires states to adopt laws or other relevant measures to prevent demands that encourage any form of exploitation of persons, especially women and children leading to human trafficking. Article 9 Paragraph (5) requires measures that reduce the demand for victims of Sex Trafficking in "countries of origin, transit and destination" and measures that reduce the vulnerability of potential victims in "source countries".

The availability of information on the internet about women and children for sale increases the demand for the sex industry that is fed by human trafficking. A quick internet search can provide information and access to pornography, prostitution, sex tourism, and pedophilia. The widespread availability of this information on the internet normalizes sexual exploitation. Internet regulation would prohibit access to material that contains the exploitation of women and children and as a result would reduce the demand for trafficked individuals. Failure to regulate the internet would not only fail to discourage the clients of sex trafficking, but would encourage and facilitate sex trafficking that harms women and girls in violation of the Trafficking in Persons Protocol.

Article 9 fully supports internet regulation to protect individuals from trafficking, but does not articulate how countries should handle internet regulation on an international scale. Article 10 does, however, provide guidance on how countries should communicate with each other to work towards regulating the methods used to combat human trafficking. Article 10 paragraph (1) letter c mandates that relevant authorities in each country cooperate with each other by exchanging information on the means and methods used by organized criminal groups for the purposes of human trafficking, including the recruitment and transportation of victims.

Article 10 Paragraph (2) also mandates that law enforcement receive training on the methods used by traffickers. By sharing and comparing information on how the internet is used on an internet scale in traffic, the international community. According to Article 10, failure to cooperate to determine the methods used to track victim traffic and failure to provide training to law enforcement constitutes a violation of the Trafficking in Persons Protocol.

Article 6 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) imposes a legal obligation on States Parties to take all appropriate measures, including legislative measures, to combat all forms of traffic in women and the exploitation of prostitution of women. Despite the extensive anti-trafficking legal and policy frameworks at the national, regional and international levels, women continue to constitute the majority of victims of human trafficking detected worldwide and perpetrators enjoy widespread impunity.



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Recognizing that women's right to a life free from gender-based violence is inseparable from other human rights issues. The CEDAW Committee regularly outlines the responsibilities of States Parties to prevent such violence and has provided detailed guidance on the steps that States Parties must take to fully comply with their obligations. Such actions include creating legislation that criminalizes all forms of Gender-Based Violence Against Women (GBVAW) which are violations of the physical, sexual or psychological integrity of a person, including those committed in cyberspace. In other words, States Parties must take proactive steps to develop and implement laws to combat and address the root causes of GBVAW that are embedded throughout society.

In General Recommendation No. 38 (2020) on Trafficking in Women and Girls in the Context of Global Migration, it is also explained about efforts to address the use of digital technology in human trafficking, which calls for platform companies to be responsible for the exposure of women and girls to trafficking and sexual exploitation as users of services. Require platform companies to determine relevant controls to mitigate these risks and implement appropriate governance structures and procedures that enable them to be reactive in responding and providing relevant information to relevant agencies. Also require companies to use existing capabilities in Big Data and Artificial Intelligence to identify any patterns that could lead to trafficking and identify the parties involved, including on the demand side.

States Parties should call on existing digital technology companies to increase transparency. At the same time, States Parties should aim to initiate and create, for example as part of the Central Bank system, platforms for the use of electronic currencies based on disclosed user information. Ensure that anti-money laundering laws are effectively implemented to disincentivize the use of electronic currencies based on user anonymity. Initiate proactive identification of the production of online sexual abuse material during the COVID-19 pandemic and beyond; work with technology companies to create automated tools to detect online recruitment and identify traffickers; strengthen partnerships between the public and private sectors to address the pandemic, which has been correlated with an increase in these crimes. Call for information sharing between digital interactive platforms to facilitate international cooperation in combating human trafficking and sexual exploitation and assist law enforcement efforts. Improve data collection, ensuring that data provides a variety of reliable information.

In Indonesia, related to the act of Sex Trafficking in cyberspace has been regulated in Article 27 paragraph (1) of Law Number 11 of 2008 concerning Information and Electronic Transactions, that anyone who intentionally and without the right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates morality. Based on Article 45 paragraph (1), anyone who meets the elements as referred to in Article 27 paragraph (1) shall be punished with imprisonment of a maximum of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah). So far the government regulates the issue of prostitution which is emphasized in criminal law only prohibits those who assist and provide illegal sex services, as stated in the Criminal Code (KUHP) Article 296, Article 297 of the Criminal Code, Article 506 of the Criminal Code also prohibits the trafficking of women and children under age. Likewise in the Draft Criminal Code 2006, Chapter XVI on "Criminal Offenses Against Morality". These articles only prohibit those



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who assist and provide illegal sexual services, meaning that the prohibition is only given to pimps. However, criminal law remains the basis of regulations in the sex industry in Indonesia.

If we look further into some of the National Legal instruments that have been explained above, it can be seen that none of them specifically regulates Sex Trafficking activities in cyberspace in order to protect women and girls. Despite the significant progress in this positive law, the statistics of cyber crimes in the form of Sex Trafficking remain a problem with large proportions.

The neutrality and discrimination of the law in the form of the absence of specific provisions governing Sex Trafficking in cyberspace that harms women and girls, makes this law unjust and therefore must be dismantled in order to transform the law in order to realize justice for women and girls as victims of Sex Trafficking in cyberspace. Legal discrimination affects women and girls from all classes and social contexts, making them vulnerable to a wide spectrum of human rights violations.

If the law that regulates the issue of sex trafficking is based on patriarchal values that marginalize women and girls as vulnerable groups, then what Gumplowics said is true, that the law is always based on the conquest of the weak by the strong and the law is a set of definitions formed by the strong to maintain their power over the weak.

4. Conclusion

The Internet has revolutionized the way people participate in illegal activities, such as Sex Trafficking. The Internet in the illegal sex industry is a convenient forum for sexual abuse and a facilitator of the increasing problem of international Sex Trafficking. Sex Trafficking can have very serious consequences for its victims. Trafficked women may suffer from serious health problems, including physical health, reproductive health, and mental health problems. If we look further into several National Legal instruments, we can see that none of them specifically regulates Sex Trafficking activities in cyberspace in order to protect women and girls. Despite significant progress in this positive law, the statistics of cyber crimes in the form of Sex Trafficking remain a problem of great proportions.

5. References

- Alexander Samuel. "A LEGAL REVIEW OF CRIMINAL OFFENCES AGAINST WOMEN." LexCrimen 11, no. 1 (2022): 128–36.
- Clarrisa Simamora, Ela. "THE ROLE OF ALLIANCEANTITRAFIC IN HANDLING SEX TRAFFICKING CASES IN THAILAND (Case Study of Sex Trafficking of Women and Minors in Thailand 2016-2018)." SOVEREIGN: Journal of International Relations 4, no. 1 (2022): 188–206. https://jurmafis.untan.ac.id.
- Closson, T, and R. D O'Brien. "They Worked for R. Kelly. This Is What They Saw." The New York Times, 2021.
- Defeis, Elizabeth F. "PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS-A NEW APPROACH," nd http://www.unodc.org/unodc/crime-cicp-signatures.html.
- Dwivedi, Yogesh K., Elvira Ismagilova, D. Laurie Hughes, Jamie Carlson, Raffaele Filieri, Jenna Jacobson, Varsha Jain, et al. "Setting the Future of Digital and Social Media Marketing Research: Perspectives and Research Propositions." International Journal of



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- Information Management 59 (August 1, 2021). https://doi.org/10.1016/j.ijinfomgt.2020.102168.
- Farley, Melissa, Kenneth Franzblau, and M Alexis Kennedy. "ONLINE PROSTITUTION AND TRAFFICKING," nd http://deepthroated.wordpress.com/2010/03/07/an-outlaws-insurance-policy/.
- Fr, and James. "Devastating Consequences of Sex Trafficking on Women's Health." Sage Journal 84, no. 4 (2017): 367–79. https://doi.org/https://doi.org/10.1080/00243639.2017.1387471.
- Herbert B. Dixon Jr. "Human Trafficking and the Internet* (*and Other Technologies, Too)." American Bar Association, 2013.
- Hervina Puspitosari. "Efforts to Combat Online Internet Prostitution Based on Law Number 11 of 2008 Concerning Information and Electronic Transactions (ITE)." Journal of Mass Communication 3, no. 1 (January 2010): 1–20.
- International Organization for Migration. "Caring for Trafficked Persons: Guidance for Health Providers," 2009.
- Jennifer E. O'Brien, and Vivien Wen Li Anthony. "The Role of the Internet in the Grooming, Exploitation, and Exit of United States Domestic Minor Sex Trafficking Victims."

 Journal of Children and Media 14, no. 2 (2019): 187–203. https://doi.org/https://doi.org/10.1080/17482798.2019.1688668.
- Khoirunnisa Jasmine, and Ardalena Romantika. "Analysis of the Phenomenon of Sex Trafficking and Legal Protection for Female Victims." HopeHelps UGM, November 18, 2021.
- Laula J. Lederer. Modern Slavery: A Documentary and Reference Guide. California: ABC-CLIO, 2018.
- Lee, Ae Ri, Soo Min Son, and Kyung Kyu Kim. "Information and Communication Technology Overload and Social Networking Service Fatigue: A Stress Perspective." Computers in Human Behavior 55 (February 1, 2016): 51–61. https://doi.org/10.1016/j.chb.2015.08.011.
- Mappiwali. "Police Uncover Online Prostitution of Minors in Soppeng, South Sulawesi," 2020.
- Melissa Farley. "Bad for the Body, Bad for the Heart": Prostitution Harms Women Even If Legalized or Decriminalized." Sage Journal 10, no. 10 (2004).
- Michele R Decker, Heather L McCauley, and Dusita Phuengsamran. "Sex Trafficking, Sexual Risk, Sexually Transmitted Infection and Reproductive Health among Female Sex Workers in Thailand." Journal of Epidemiology and Community Health 65, no. 4 (2010).
- Miller-Perrin, Cindy, and Sandy K. Wurtele. "Sex Trafficking and the Commercial Sexual Exploitation of Children." Women and Therapy 40, no. 1–2 (April 3, 2017): 123–51. https://doi.org/10.1080/02703149.2016.1210963.
- Moh. Mahfud MD. Legal Politics in Indonesia. Depok: Rajawali Pers, 2020.

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- Mutaqin, Zezen Zaenal, and Yayan Sopyan. "Forced Marriage and Sex Trafficking under the Guise of Nikah Siri in Indonesia." Indonesian Journal for Islamic Studies 31, no. 2 (2024): 221–40. https://doi.org/10.36712/sdi.v31i2.39198.
- Naseh, Morteza Vesali. "Person and Personality in Cyber Space: A Legal Analysis of Virtual Identity." Masaryk University Journal of Law and Technology 10, no. 1 (2016): 1–21. https://doi.org/10.5817/MUJLT2016-1-1.
- Nhan, Johnny, and Kendra N. Bowen. "Policing Internet Sex Trafficking." Journal of Qualitative Criminal Justice & Criminology, November 10, 2020. https://doi.org/10.21428/88de04a1.2d5eb46e.
- Patricia Tjaden, and Nancy Thoennes. "Full Report of the Prevalence, Incidence, and Consequences of Violence Against Women." Washington, 2000.
- Price, Kathleen A. "Defining Worthy Victims: State-Level Legislative Decisions to Defining Worthy Victims: State-Level Legislative Decisions to Prevent the Criminalization of Commercially Sexually Exploited Children in the United States," 2019. https://scholarworks.umb.edu/doctoral dissertations.
- Reditya, TH "Facebook Said to be the Platform with the Most Sex Trafficking." Kompas.com, 2020.
- Smith, Catherine E. "INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS: AN OLD ARROW TARGETS THE NEW HEAD OF THE HATE HYDRA," nd http://www.donnaladd.com/voice29.html.
- Suharnanik. "Cyberfeminism: Opportunities and Challenges of Social Media for the Empowerment of Indonesian Women." JASIMA: JOURNAL OF CORPORATE COMMUNICATION AND MEDIA 3, no. 2 (2022): 118–34.
- Trisna Andarwulan. "Cyberfeminism: The New Face of Women's Self-Liberation." Journal Of Gender Studies 7, no. 1 (2017): 93–94. http://kafaah.org/index.php/kafaah/index.
- Weitzer, Ronald. "The Campaign Against Sex Work in the United States: A Successful Moral Crusade." Sexuality Research and Social Policy 17, no. 3 (September 1, 2020): 399–414. https://doi.org/10.1007/s13178-019-00404-1.
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