



Cyber Space: A Dangerous World For Children (Analysis on Transnational Online Child Pornography)

Hesti Septianita¹, Synthiana Rachmie²

¹Universitas Pasundan

²Universitas Pasundan

e-mail: hesti.septianita@unpas.ac.id.

i5

ABSTRACT

Article history:

Received 100924

Revised 111024

Accepted 191124

ii

Keyword:

Children, cyber-pornography, transnational organized crime

International community has been paying attention on welfare of children for decades by passing laws regulating international actions as the endeavours to promote and achieve the goals on maintaining the safety and welfare of children of the world. Ironically, this crime of cyber-pornography involving underage individuals is not yet internationally regulated as a transnational organized crime making the perpetrators free to do this horrendous doing while children, the victims are still unprotected even though international law on child protection has been promulgated and in force. This writing will discuss crimes committed against children, mainly focused on online sexual abuse and exploitation with modus operandi structured and organized. The research aims to propose a notion on new category of transnational organized crime which is cyber child pornography by analyzing the elements of crime of transnational online child pornography. The research is conceptual research with philosophical and normative approaches. The idea to bring about the crime into a transnational organized crime should be an immediate action by promulgating an international legal instrument in effect considering the severity of the crime against the children's future life.

INTRODUCTION

Since the outbreak of Covid-19 virus hit the world, internet consumption has been significantly increased. Children are becoming more familiar with it and casually browse and surf the cyberspace on regular basis. While this believed to help children with their study, but on the other hand, some internet users with sinister intention lurk and be ready to ambush the children. Exploitation of new and established technologies often allows criminals to stay ahead of the authorities or law enforcement, hide their sinister activities and find new ways of committing criminal conduct. The hit of the pandemic accelerated the criminal use of technology (National Crime Agency, 2021)

As with the children, most of the children are just being children: naïve and innocent. They may not understand the threats that can make them vulnerable and become the victims of sexual predator. In some cases, sexual predators, most likely adults, posed as children, teenagers or innocent adults when communicating and approaching children. They appeared to be friendly, easy to talk to, nice while they patiently groom the child to be persuasively fallen into their evil traps.

Some children are heavily groomed, deceived, or extorted that they 'voluntarily' produce and post 'self-generated' images such as photos or videos and share those images online with or without the perpetrator's presence. These are images of child sexual abuse taken in a home-setting such as their own bedrooms or bathrooms and traded on deep web and dark web. Deep web or dark web are known for their infamous reputation as safe haven for some malicious, illegal material trade under the pretext 'anonymous'.

Ironically, this crime of cyber-pornography involving underage individuals is not yet internationally regulated as a transnational organized crime making the perpetrators free to do this horrendous doing while children, the victims are still unprotected even though international law on child protection has been promulgated and in force i.e. Convention on Transnational Organized Crime specifically in Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children since this protocol criminalizes trafficking of women and children where sexual exploitation counted as an element of the crime only

This writing will discuss crimes committed against children, mainly focused on online sexual abuse and exploitation with modus operandi structured and organized. The research aims to propose a notion on new category of transnational organized crime which is cyber child pornography by analyzing the elements of crime of transnational online child pornography.

RESEARCH METHODS

This research is conceptual research using mixed method such as philosophical, conceptual, and text-critic to portray the urgency to regulate this crime as transnational organized crime.

RESULTS AND DISCUSSION

Prepared crime may be in reality prominent from different criminal offenses. we can discover the crime from the terminology 'prepared'(United countries convention on Transnational prepared Crime, 2000).This crime can be described as the organization of criminals continuously and intentionally gaining blessings from the 'illicit' sports frequently via committed bribery to public officials, the use of intimidation and danger to shield their sports. a number of the acts can be labeled as organized crime, one of that's cyber-organize crime. even though the UN convention of Transnational organized Crime does not strictly stipulate the definition of organized crime because of the failure to attain agreement most of the member states, though the conference defines it as 'prepared criminal group'

Article 2 (a) of the convention says that prepared crook organization:

"Prepared criminal organization shall suggest a dependent organization of 3 or extra individuals, existing for a period of time and acting in concert with the goal of committing one or more severe crimes or offences hooked up according with this convention, so that you can reap, at once or circuitously, a economic or different material benefit."

However, the dependent organization is described shall suggest a group that is not randomly fashioned for the immediate fee of an offence and that doesn't need to have officially defined roles for its contributors, continuity of its club or a evolved structure(United Nations Office on Drugs and Crime, 2013)

Now, when we are discussing the organized crime and cyber-organized crime, the difference lies on the cyber component(Wall, 2017). The term cyber is used to show the network activities using technology to commit a criminal offense. Wall argued that this type of crime is targeting a group of victims through technology of network.

Cybercrime does not have a specific reference in legal term(Yar, 2005). However Wall(Wall, 2001) provided categories of cyber crime as:

1. Cyber-trespass such as hacking, malware
2. Cyber-deceptions dan thefts, stealing money or ownership such as carding, intellectual property rights infringement.
3. Cyber-pornography
4. Cyber-violence: activities damaging the physical and psychological being of other's by breaking the law, for example hate speech and stalking.

Wall (Wall, 2017) explained that many criminal offenses and cyber crimes consist of levels of organization, meaning that the crime is planned, intentionally committed reflecting the activities committed by a group of individuals.

The criminalization of infant pornography internationally has been accommodated thru the decision of UN standard meeting No. A/RES/fifty four/263, 25 may also 2000 concernng optionally available Protocol to the conference on the Rights of the kid at the sale of kids, child prostitution and child pornography that has entered into pressure on 18 January 2002. Article 2 letter c of this protocol described infant pornography as any representation of youngsters involving in sexual sports regardless it is real or explicitly simulated, by way of all approach or all pix or representations of sexual body parts of a child for sexual purposes.

This protocol criminalized any sports of producing, dispensing, disseminating, importing, exporting, offering, promoting or owning any content material referred to in Article 2 for baby pornography functions by way of any people or any companies domestically or transnationally as said in Article 3 (c). online baby pornography includes any use of statistics and communicating technology because the technique to annoy and /or to exploited youngsters.(Interagency running institution, 2016).

Prepared crook businesses via and massive use net to talk with each other and conduct their enterprise forming an company wherein the internet is used to hyperlink up offenders to dedicate an offline crime, after which they fall apart to shape new alliances. Alternately, organized criminal agencies may additionally use networked technology to create greater non-stop organizational forms, presupposed to closing in time and to provide protection to the criminals going for walks beneath its wing from unique criminals in the region and moreover regulation enforcement companies (Varese et al., 2010)between the ones extremes of the spectrum, there also are 'hybrid' bureaucracy wherein a extra significantly not unusual criminal cause is extensively

circulated 'absolutely' through manner of a small middle organisation, however its bodily expression is completed via individual lone wolves or localized cells - as located with some varieties of hacker businesses or in offline situations in which a linkage is mounted among crime and terrorism. Bassiouni (Bassiouni, 1990) referred to that the sports activities of terrorist and prepared criminal agencies may be overlapped because of the fact the preceding pursue political or social objectives on the complete, even as organized criminal institution pursue more monetary or extraordinary cloth advantages United countries financial and Social commission for Asia and the Pacific defines child sexual violence as any touch or interaction among a baby and older kids or a infant with expertise or an grownup (strangers, siblings, or humans with strength consisting of parents or parent) in which the kid becomes the object of sexual desires of older youngsters or person. while sexual exploitation is described as any sexual violence or any other shape of sexual activities related to infant with a change of items (food, drugs, or other objects)

The numbers of report around the world on online child pornography are, unfortunately, huge and increasing per year. According to 2022 Annual Report released by Internet Watch Foundation (IWF, 2023), a UK based organization, there was 375,230 reports in UK alone. Of the number, 375,153 were reports on websites posting imagery containing pornography with the presence of children, and 77 were newsgroup. This was 4% higher than of 2021. 255,571 URLs (webpages) were confirmed as containing child sexual abuse imagery having links to the imagery or advertising it (1% increase from 2021) (Anna Fleck, 2023)

Government of Canada reported a statistical profile of online child pornography reported to the police in Canada spanned between 2014 to 2022 that 15,630 incidents on online sexual offences against children and 45,816 incidents of online child pornography (Savage, 2024). While Indonesia's Commission on Child Protection reported 3160 cases of the same offences (KPAI, 2021). This is believed to be a tip of iceberg of the crimes and many are still committed under radar considering the demography.

Some researches had been conducted by quite many researchers on this particular issue, portraying how internet is literally not safe for children (Casman et al., 2021), how sexual predators manipulatively used internet to allure children (Savage, 2024). Suprpto, et.al discussed the role of Indonesian government in preventing transnational cyber pornography of children in Southeast Asian countries (Suprpto et al., 2023) while Rasjid, Imran, and Achir debated on restitution to children victims of pornographic video distribution (Rasjid et al., 2023). This research will discuss the notion to regulate this horrendous offense as transnational organized crime, considering the nature and modus operandi committed by the perpetrators and the *locus delicti* of the crime.

Global community has been paying interest on welfare of children for many years through passing legal guidelines regulating global actions as the endeavors to sell and gain the goals on retaining the safety and welfare of kids of the sector. several conventions in impact regarding this difficulty are such convention at the proper of the kid and its non-obligatory Protocol to the conference at the proper of the kid regarding Sale of youngsters, toddler Prostitution, and infant Pornography, even as in the local scope, ASEAN has released its 2021 nearby course of action on infant on line protection thru the implementation of the announcement on the protection of kids from All types of online Abuse and Exploitation in ASEAN. Protocol to the convention at the proper of the kid regarding Sale of children, baby Prostitution, and toddler Pornography was promulgated considering the developing availability of pornography involving children at the internet. In Europe continent, nations of Europe have stipulated regime of regulation on sexual violence in opposition to kids, one among that is Council of Europe conference on the safety of youngsters towards Sexual Exploitation and Sexual Abuse, entry into pressure in 2010.

Global society has been combating with this heinous crime considering that long, but the crimes are ongoing devoted. The modus operandi of the crime is identified as structurally organized. thinking about the offense dedicated with the aid of numbers of human beings related whether or not or now not they recognize each different and frequently it's far devoted transnationally. the world has already enacted the conference towards transnational organized crime with the enforcement of Palermo convention 2000 towards Transnational organized Crime and its Protocol to prevent, Suppress and Punish Trafficking in folks in particular women and kids, supplementing the United international locations convention against Transnational prepared Crime. but, with the absence of law in opposition to this unique act, the growing online baby abuse and pornography and infant trafficking for sexual contents will now not be stopped, especially with the underworld change on darkish net because the secure havens with its anonymity.

Dark net is a tiny part of the deep net that can't be accessed using everyday search engines like google. The dark net isn't one unmarried community; it's miles composed of many 255fb4167996c4956836e74441cbd507 darknets that together shape what's known as the dark internet. A darknet community is a decentralized peer-to-peer network, some of the darknet networks are specifically big and powered through valid companies or non-public projects, at the same time as others are small and run with the resource of humans. dark internet is 9aaf3f374c58e8c9dcd1ebf10256fa5 to host websites that promote illegal products and issuer along with drugs and hands alternate, stolen economic and private records, toddler pornography and lots of others. (Varin Khera, 2020)

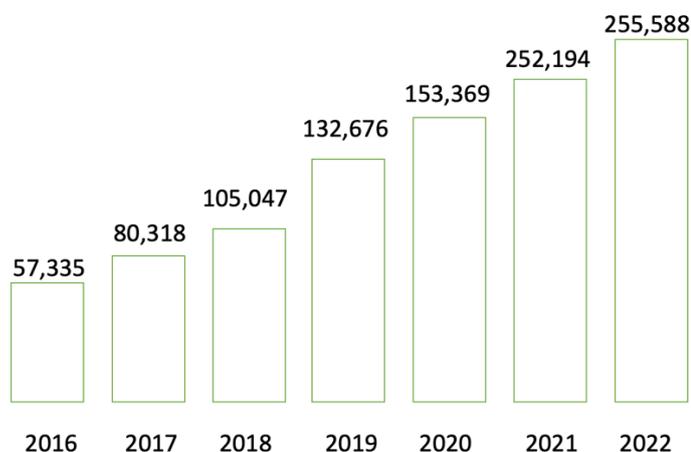
Little one pornography is described in three ranges: production, distribution and downloading of abusive fabric. All factors of the introduction and use of little one pornography are criminal. while motives fluctuate for

attractive in the change: some manufacturers and/or companies of little one pornography are brought about absolutely thru economic benefit and provided commercially on illicit websites; whereas in different instances paedophilic fabric is uploaded non-commercially through peer-to-peer (P2P) networks, specific messaging boards and among cellular devices. enterprise child pornography, at the same time as users pay to have get admission to to or in order to down load abusive material, is one of the fastest growing internet crimes, specifically on dark web, with an expected annual income of 3 billion dollars (global Initiative towards Transnational prepared Crime, 2014)

Prepared Crime and Corruption Reporting challenge reported in 2009 that 90% of business baby pornography online originates with prepared crime in jap Europe (Beth, 2009). while worldwide Initiative toward Transnational prepared Crime recorded that child pornography and on-line exploitation of youngsters is a transnational prepared crime. The Philippines and Mexico are ranked because the pinnacle supply worldwide locations producing and distributing little one pornography. In 2014 on my own as said via the equal commercial enterprise enterprise, on line toddler pornography controlled a network associated with kind of 250 toddler patients in 39 US States and 5 extraordinary countries. most have been boys among the a while of thirteen and 15 years vintage. US Federal Bureau of studies (FBI) and United countries expected that there are 750,000 predators throughout the globe associated with the net at any given 2d.

We can be unluckily sure that the numbers are exponentially developing nowadays because the report has showed. as with all transnational prepared crimes, there are a number of challenges to stopping on line pornography and exploitation. The predominate assignment is to penetrate thru the layers of select out safety to discover the real perpetrators. The signal, particularly the darkish net or what we know as darkish internet, stays an below-regulated zone. and not using a legal guidelines regulating the specific duty of net carrier vendors (ISP) to apply proxy servers and fee websites that preserve transaction information, it appears not possible to dispose of the crime. the subsequent mission is the mechanisms of global cooperation to attain data on groups operating out of doors particular country wide jurisdiction thinking about that many countries have now not but applied sufficient law to fight baby pornography (international Initiative towards Transnational prepared Crime, 2014) traded and devoted via organized criminal agencies. beneath is the full wide variety of URLs confirmed as containing toddler sexual abuse imagery international extensive starting from the 12 months 2016 to 2022 released by means of worldwide Watch foundation and mentioned by means of Statista.com in 2023 (statista.com, 2023)

:



Picture 1: Total Numbers of URLs containing Child Sexual Abuse Images world wide

The numbers above consist of hyperlinks to the imagery or advertising and marketing and marketing it. every URL may want to comprise one, tens, masses or perhaps masses of person infant sexual abuse pix or videos (net Watch basis, 2023)

To combat online infant pornography calls for a excessive stage of harmonisation of every great and procedural legal guidelines (CRC Committee, CRC/C/GC/25). thinking about this transnational and pass-border nature of online little one sexual abuse, the CRC Committee stresses the significance of sturdy international and local cooperation mechanisms (CRC Committee, CRC/C/CG/25). which will follow this shift in offending behaviour and keep away from the advent of “relaxed havens”, nations require harmonised criminal mechanisms to facilitate the research and prosecution of offences beyond their territorial borders (UNODC, 2013), (Witting, 2021)

Thinking of the truth that this crime leaves grave impact on children at some stage in the globe, the sector needs a direct a special ordinary law to prevent, suppress, and punish perpetrators of the crime in opposition to youngsters stipulating measures to combat transnational organized on line child pornography. thinking about that the global regulation in opposition to transnational prepared crime or the United international locations convention on Transnational prepared Crime (UNTOC) 2000 does not encompass this particular crime as an prepared crime.

The Protocol to prevent, Suppress, and Punish Trafficking in humans in particular women and children, (The Protocol to save you, Suppress, and Punish Trafficking in human beings in particular women and children, 2000) supplementing the United countries conference in opposition to Transnational prepared Crime really stipulates the trafficking in humans for sexual exploitation sports activities, although, the time period “trafficking in males and females” approach the interest associated with the recruitment, transportation, transfer, harbouring or receipt of oldsters, through the threat or use of strain or different types of coercion, of abduction, of fraud, of deception, of the abuse of electricity or of a role of vulnerability or of the giving or receiving of bills or advantages to gain the consent of someone having control over every other person, for the purpose of exploitation. Exploitation shall encompass, at a minimum, the exploitation of the prostitution of others or distinct types of sexual exploitation, compelled labour or offerings, slavery or practices just like slavery, servitude or the removal of organs;

With that definition, we remember the fact that the term ‘trafficking in folks’ calls for the factors of recruitment, transportation, transfer, harbouring, or receipt of corporal frame of people. at the same time as within the crime of online baby pornography, the item of crime is images of kids carrying out sexual activities which then the pix are traded on-line on dark net via as a minimum two to 3 perpetrators. it is what Palermo convention 2000 defines an organized crook institution which set out that the crime is committed via a established organization of three or greater persons agreeing with one or more men and women to commit a extreme crime for a reason to reap economic or other cloth gain. As stipulated in Article 2 and 5 of the convention.

The Convention also defines transnational crime as an act of crime if

- a. It is committed in more than one State;
- b. It is committed in one State but a substantial part of its preparation, planning, direction or control takes place in another State;
- c. It is committed in one State but involves an organized criminal group that engages in criminal activities in more than one State; or
- d. It is committed in one State but has substantial effects in another State.

If we analyze, online child pornography is committed by one or more perpetrators by producing, uploading on internet, selling the images of child engaging in sexual activities, and ultimately gaining financial benefit.

CONCLUSION

United nations financial and Social commission for Asia and the Pacific defines infant sexual violence as any touch or interaction between a toddler and older youngsters or a child with know-how or an adult (strangers, siblings, or humans with strength which include mother and father or dad or mum) in which the kid turns into the object of sexual desires of older children or adult. at the same time as sexual exploitation is defined as any sexual violence or another shape of sexual activities involving child with a change of gadgets (food, tablets, or different items)

Countries round the arena have stipulated regime of law on sexual violence against kids, considered one of that's Council of Europe convention on the protection of children towards Sexual Exploitation and Sexual Abuse, access into force in 2010. however, it is urgently required to outline sexual violence factors inside the form of on line toddler pornography as precise provisions as considered one of transnational organized crime considering the enforcement of the law towards the illicit cyber activity continues to be vulnerable mostly on the deep layers of net with its anonymity as the secure havens for perpetrators.

BIBLIOGRAPHY

- Anna Fleck. (2023, October 5). *Online Child Pornography Skyrockets*. Statista.Com. [statista.com/chart/30964/](https://www.statista.com/chart/30964/)
- Bassiouni, M. (1990). *Effective National and International Action against Organized Crime and Terrorist Criminal Activities* Citation: M. Cherif Bassiouni, *Effective National and International Action against Organized Crime and Terrorist Criminal Activities*, 4 *Emory Int'l L.* <https://works.bepress.com/m-bassiouni/211/>
- Beth. (2009). *O.C. Delivers 90 % of Child Porn?* OCCRP.
- Casman, C., Fitriani, N., Bahtiar, B., Pradana, A. A., & Helfiyanti, Y. (2021). Portrait of Interaction Between the Internet, Pornography and Child Sexual Abuse in Indonesia. *Jurnal Kesehatan Pasak Bumi Kalimantan*, 4(2), 52–62. <http://e-journals.unmul.ac.id/index.php/JKPBK/article/view/6875/3923>
- Dr. Varin Khera. (2020, November 2). *Darkweb & Internet Anonymity: Exploring The Hidden Internet*. <https://Cyberprotection-Magazine.Com/Darkweb-Internet-Anonymity-Exploring-the-Hidden-Internet>.
- Global Initiative Against Transnational Organized Crime. (2014). *Stollen innocence, The Online Sexual Exploitation of Children*. [GlobalInitiativeAgainstTransnationalOrganizedCrime. https://globalinitiative.net/analysis/stollen-innocence-the-online-exploitation-of-children/](https://globalinitiative.net/analysis/stollen-innocence-the-online-exploitation-of-children/)
- Interagency Working Group. (2016). *Adopts global terminology guidelines for the sexual exploitation and sexual abuse of children*.

- IWF. (2023). *The Annual Report 2022: #BehindTheScreens*.
- KPAI. (2021). *Data Kasus Perlindungan Anak 2016 – 2020*. <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-perlindungan-anak-2016-2020>
- National Crime Agency. (2021). *National Strategic Assessment of Serious and Organised Crime National Strategic Assessment*. <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/533-national-strategic-assessment-of-serious-and-organised-crime-2021/file>
- Rasjid, R. M., Imran, S. Y., & Achir, N. (2023). Providing Restitution to Children Victims of Pornographic Video Distribution. *Estudiante Law Journal*, 5(3), 674–686. <https://ejurnal.ung.ac.id/index.php/eslaw/index>
- Savage, L. (2024). *Online child sexual exploitation: A statistical profile of police-reported incidents in Canada, 2014 to 2022*. <https://www150.statcan.gc.ca/n1/pub/85-002-x/2024001/article/00003-eng.htm>
- Suprpto, D. P., Faslukil, M., & Triyana, Y. (2023). Indonesia's Role in Preventing Transnational Cyber Pornography of Children in the Southeast Asian Region Viewed From a Political Law Approach. *International Journal of Social Science and Human Research*, 06(06), 3871–3877. <https://doi.org/10.47191/ijsshr/v6-i6-83>
- The Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children (2000).
- United Nations Convention on Transnational Organized Crime (2000).
- United Nations Office on Drugs and Crime. (2013). *UN Crime Body to Combat Online Child Abuse*.
- Varese, F., Taylor, R., Croup, F., & York, N. (2010). *ORGANIZED CRIME Critical Concepts in Criminology Edited by*.
- Wall, D. (2017). Dis-organized Crime: Towards a distributed model of the organization of cybercrime. *The European Review of Organized Crime*, 2(2), 71–90.
- Witting, S. K. (2021). Transnational by default: Online child sexual abuse respects no borders. In *International Journal of Children's Rights* (Vol. 29, Issue 3, pp. 731–764). Brill Nijhoff. <https://doi.org/10.1163/15718182-29030010>
- Yar, M. (2005). The novelty of 'cybercrime': An assessment in light of routine activity theory. *European Journal of Criminology*, 2(4), 407–427.