

Cyber-Based Human Trafficking for Sexual Exploitation: An Islamic Law Perspective

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Abstract: This article examines the emergence of human trafficking based on cyber sexual exploitation as a contemporary form of human trafficking operating through cyberspace, resulting in legal vacuums and regulatory ambiguity. This study aims to identify various forms of online sexual exploitation trafficking and to examine Islamic legal perspectives on appropriate criminal sanctions for such acts. The method used is normative juridical with a conceptual approach, grounded in secondary data collected systematically through literature review. The collected data are then qualitatively analysed through processes of decomposition, interpretation, and evaluation of the legal materials examined. The findings reveal that although online sexual exploitation trafficking is not explicitly recognised in classical fiqh literature, the essence of the act is substantively contrary to the principles of maqashid sharia. Within the framework of Islamic legal classification, this crime is categorised as a jarimah ta'zir, in which the determination of sanctions is left to the authority of the state or a judge. The novelty of this research lies in the effort to integrate classical Islamic legal concepts with modern cyber legal mechanisms. This approach has not been systematically studied in the context of digital-based human trafficking. The contribution of this research is to provide a normative and moral framework as a basis for developing both Islamic and national legal policies to address increasingly sophisticated cybercrimes, while strengthening the ethical foundations for protecting human dignity and honour in the digital age.

Keywords: *cyber sex trafficking, maqashid shariah, islamic law, jarimah ta'zir, cybercrime.*

Abstrak: Artikel ini mengkaji kemunculan perdagangan manusia berbasis eksploitasi seksual siber sebagai wujud kontemporer perdagangan manusia yang beroperasi melalui ruang siber, sehingga menimbulkan kekosongan hukum dan ketidakjelasan regulasi. Penelitian ini bertujuan untuk mengidentifikasi berbagai bentuk perdagangan eksploitasi seksual daring serta mengkaji pandangan hukum Islam terhadap sanksi pidana yang relevan atas perbuatan tersebut. Metode yang digunakan adalah yuridis normatif dengan pendekatan konseptual, berlandaskan data sekunder yang dihimpun melalui studi kepustakaan secara sistematis. Data yang terkumpul kemudian dianalisis secara kualitatif melalui proses penguraian, penafsiran, dan penilaian terhadap bahan-bahan hukum yang telah dikaji. Hasil penelitian mengungkapkan bahwa meskipun perdagangan eksploitasi seksual daring belum dikenal secara eksplisit dalam khazanah fiqh klasik, hakikat perbuatannya secara substantif bertentangan dengan prinsip-prinsip maqashid syariah. Dalam kerangka klasifikasi hukum Islam, kejahatan ini dikategorikan sebagai jarimah ta'zir, di mana penetapan sanksinya diserahkan kepada negara atau kepada hakim. Kebaruan penelitian ini terletak pada upaya mengintegrasikan konsep-konsep hukum Islam klasik dengan mekanisme hukum siber modern, yaitu pendekatan yang belum banyak dikaji secara sistematis dalam konteks perdagangan manusia berbasis digital. Adapun kontribusi penelitian ini adalah menyediakan kerangka normatif dan moral sebagai pijakan pengembangan kebijakan hukum Islam maupun nasional dalam menghadapi kejahatan siber yang kian berkembang, sekaligus memperkuat landasan etis untuk melindungi martabat dan kehormatan manusia di era digital.

Kata Kunci: *cyber sex trafficking, maqashid syariah, hukum islam, jarimah ta'zir, kejahatan siber*

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1. Introduction

The development of the digital era harbours two conflicting sides; on one hand, technology offers almost limitless convenience, but on the other, it also opens up space for increasingly complex crimes that transcend national borders. Behind all the progress achieved, new forms of crime have emerged that are based on practices of human exploitation, which are no longer confined to the physical realm but have penetrated the virtual world. This phenomenon not only expands the methods and patterns of existing crimes but also challenges and shakes our conceptual understanding of human trafficking when it occurs in the cyber dimension. Along with this development, a new term has emerged that requires serious attention, referring to acts of human trafficking directed at sexual exploitation within the digital space, commonly known as cyber sex trafficking (Mokobombang & Alkazahfa, 2025).

Cyber sexual exploitation-based human trafficking does not merely contain a dimension of sexual crime, but also constitutes a contemporary manifestation of structured and organised exploitative practices. Although this crime does not always require the physical movement of victims from one place to another, it fundamentally still positions humans as objects to be exploited, robbing them of dignity and individual freedom, and reducing the human body to merely an economically valuable commodity. Therefore, cyber sexual exploitation-based human trafficking is essentially a form of "exploitation in the digital realm" that is contrary to humanitarian values and the universal principle of justice. Data collected by international agencies such as the United Nations Office on Drugs and Crime (UNODC) and Interpol reveals a significant surge in online-based human trafficking cases or sexual exploitation via the internet, particularly targeting women and children, including in the Indonesian region (UNODC, 2024).

Indonesia is recorded as the country with the third-highest number of child sexual exploitation cases in the world. The threat to children in the digital space is increasingly alarming. In 2024, Indonesia ranked third globally in terms of Child Sexual Exploitation (CSE) cases, with the number of documented cases reaching 1,450,403 (Komdigi, 2025). The term cyber sexual exploitation-based human trafficking is still relatively new in Indonesia, although this issue has begun to receive serious attention. Even though the term is not yet commonly used and not fully recognised in the national legal framework, various forms of sexual exploitation crimes that occur actually reflect the practice of cyber sexual exploitation-based human trafficking. In Indonesia, online sexual exploitation is still categorised as part of Electronic-Based Sexual Violence and Online Gender-Based Violence.

This situation raises serious problems in the legal, moral, and social orders. On the one hand, Indonesia actually already has a number of relevant legal instruments, such as Undang-Undang Nomor 21 Tahun 2007 on the Eradication of the Criminal Act of Trafficking in Persons (TPPO) and Undang-Undang Nomor 11 Tahun 2008 on Electronic Information and Transactions (ITE), both of which are designed to ensnare perpetrators of such crimes. However, at the implementation level, law enforcement against human trafficking based on cyber sexual exploitation still frequently faces various obstacles, whether concerning aspects of proof in court, the limited understanding of law enforcement officials regarding criminal modes that take place online, or the recovery and protection process for victims. As a result, not a few perpetrators manage to escape the legal net or are only charged with articles that are not commensurate with the weight and impact of the acts they have committed.

The gap illustrated above reflects a wide chasm between the ideal conditions aspired to and the reality that actually occurs, where technological progress is instead misused as a means to expand the practice of slavery in a more modern guise. This phenomenon demands a more comprehensive and in-depth study, not only from the perspective of positive law but also from that of Islamic Law, which is laden with moral, spiritual, and fundamental human values (Ramadhan, 2008).

In the view of Islamic Law, all forms of exploitation of human beings, including acts of sexual abuse and assault, are actions that clearly contradict *maqāṣid al-sharī'ah*, namely the primary objectives of Islamic law in safeguarding the five fundamental principles of human life (Kamali, 2008). Human trafficking based on cyber sexual exploitation explicitly violates at least three main *maqāṣid*: first, it destroys honour and the continuity of progeny (*ḥifẓ al-nasl*); second, it degrades the dignity and humanity of the victim (*ḥifẓ al-nafs*); and third, it plunges both perpetrators and victims into moral decay and intellectual decline (*ḥifẓ al-'aql*). In the Qur'an, Allah SWT has unequivocally prohibited all forms of sexual coercion and slavery, as stated in His decree in Q.S. An-Nur verse 33 (Rasyid Media, 2017). When examined through the theoretical framework of *maqāṣid al-sharī'ah*, this approach indeed provides an epistemological foundation for assessing a crime not only in terms of its outward acts but also in terms of its moral, social, and humanitarian impacts. Thus, the relevance of Islamic Law in addressing cyber sexual exploitation-based human trafficking lies not only in the aspect of sanctions and punishment, but also in the values of protection and preservation of human dignity that constitute the core of the *maqāṣid* themselves. In the context of modern life, these cybercrimes rooted in sexual exploitation must be understood as a serious challenge to the principle of respect for human dignity, which is one of the main foundations of Islamic teachings.

A number of previous studies related to this topic reveal that human trafficking based on cyber sexual exploitation is a contemporary manifestation of sexual exploitation that leverages the development of digital technology, particularly through social media platforms and various online communication applications. A previous study conducted by Noval et al. (2022) found that the misuse of digital technology, especially the internet, has driven an increasingly alarming surge in online-based sex trafficking cases, especially since the outbreak of the COVID-19 pandemic. Meanwhile, Aprilia and Zainsyah (2025) in their research sought to examine Indonesia's positive legal framework in responding to online sex trafficking crimes, while identifying various forms of legal protection available for children as victims. The research employed a normative-judicial approach, combined with legislative, conceptual, case-study, and comparative-law approaches.

Gabriella H and Eddyono (2021), in their research, examined the comparison of legal regulations regarding cybersex trafficking in Indonesia and the Philippines. The results of that study indicate that the legal instruments applicable in both countries have not been able to comprehensively prevent or eradicate cybersex trafficking practices. In addition, the research by Nufus et al. (2025) examines cyber sexual harassment against women in social media spaces, using two analytical perspectives: positive criminal law and Islamic law. Overall, what distinguishes this study from previous studies is that based on the real conditions occurring, the normative urgency, and the gaps left unanswered in prior research, this study aims to deeply examine the Islamic Law perspective on the phenomenon of human trafficking based on cyber sexual exploitation, while also offering relevant and applicable legal recommendations as efforts to combat such crime and provide protection for victims in Indonesia.

2. Methods

This study uses a normative juridical method (Narbuko & Ahmani, 1997), a legal research method that focuses on applicable legal norms and principles in Islamic Law derived from the Qur'an, hadith, and *fiqh jinayah* literature. In terms of the problem object, this study does not examine behaviour or empirical data obtained from the field, but rather examines legal concepts through literature searches to find their relevance and normative value in relation to the phenomenon of human trafficking based on cyber sexual exploitation. The approach used in this study is conceptual, namely, an examination of Islamic Law and positive law as they relate to the criminal act of trafficking in persons committed online. Through this approach, the researcher examines how crime, criminal sanctions, and protection of human dignity are regulated in these two legal systems. In addition, this study uses a normative philosophical approach to explore the fundamental values and core objectives of Islamic Law, or *maqashid sharia*, in protecting life, honour, and religion. This approach serves to help understand the philosophical relevance of Islamic Law in responding to the phenomenon of human trafficking based on cyber sexual exploitation.

The data used in this study are secondary, as this research was conducted by searching and reviewing available legal materials (Mustika, 2004). The data sources include: a) primary legal materials, i.e., binding primary legal sources, including: the Qur'an and hadith, books of *fiqh jinayah*, Undang-Undang No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Undang-Undang No. 11 of 2008 in conjunction with Undang-Undang No. 19 of 2016 on Information and Electronic Transactions, as well as international legal instruments such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children (Palermo Protocol). b) Secondary legal materials, which serve to explain and interpret primary legal materials, including books, scientific journals, research reports, theses, academic articles, and the views and opinions of scholars and experts in the field of law. c) Tertiary legal materials, i.e., supporting materials used to strengthen the analysis, such as legal dictionaries, Islamic encyclopedias, and credible and accountable online sources.

Data collection in this study was carried out through library research by searching, compiling, and reviewing legal materials from various sources, both printed and electronic (Noor, 2011). This process includes identification, grouping, and recording of data tailored to the research focus, namely the relevance of Islamic Law to the phenomenon of cyber-based sexual exploitation and human trafficking. Meanwhile, data analysis was conducted qualitatively by systematically describing, interpreting, and evaluating the collected legal materials (Zuchri, 2021).

The analysis steps taken include: a) Data reduction, i.e., the process of selecting and filtering legal materials deemed relevant to the research problem formulation; b) Data classification, i.e., grouping legal materials based on main themes covering Islamic Law, positive law, and *maqashid shari'ah*; c) Interpretation and conclusion drawing, i.e., analyzing the content of Islamic Law norms and positive law in order to find their relevance and degree of suitability in responding to the phenomenon of cyber-based sexual exploitation human trafficking as a form of modern slavery.

3. Result and Discussion

3.1 Cyber-based sexual exploitation human trafficking

One contemporary issue confronting Islamic Law today is cybercrime. Cybercrime can be understood as any form of misuse of computer networks for criminal purposes and/or high-tech crimes that exploit the conveniences offered by digital technology (Irfan & Masyrofah, 2013). The term cybercrime refers to various criminal activities that use computers or computer networks as tools, media, or venues. The rapid development of technology has also opened up space for the growth of various *modus operandi* of sexual exploitation in increasingly diverse forms. One of the most alarming manifestations of cybercrime is human trafficking based on cyber sexual exploitation, namely the practice of trafficking in persons carried out through online networks.

Human trafficking based on cyber sexual exploitation is an inseparable part of the crime of trafficking in persons, and at the same time constitutes a form of human rights violation with ever-evolving *modus operandi*. This is because human trafficking has a broad scope and often intersects with various other forms of crime, such as forced labour, commercial sexual exploitation of children, or the illegal removal of organs. In response to this issue, the international community has adopted the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking Protocol), as part of a series of international agreements designed to address transnational organised crime and its various manifestations.

The human trafficking protocol for the first time formulated a comprehensive definition of human trafficking, encompassing all forms of acts involving recruitment, transportation, transfer, harboring, or receipt of individuals by means of threat, force, or other forms of coercion, including abduction, deception, manipulation, abuse of authority or a position of vulnerability, as well as the giving or receiving of certain benefits to obtain the consent of a person having control over another person, all with the intention to exploit. Meanwhile, exploitation within the context of this definition includes at least the practice of prostitution of others or other forms of sexual abuse, forced labour or services, slavery or practices similar to it, servitude, and the forced removal of body organs (Gallagher & Skrivankova, 2015). Human trafficking based on cybersex exploitation (Cybersex trafficking) is a term referring to the practice of sex trafficking conducted online, where the victims of sexual exploitation are mostly children and women (Raines, 2022). This crime is one form of human trafficking that has shifted by utilising internet technology as a means to sexually exploit victims. The modes frequently used include live streaming and the forced creation of recordings and photographs. Thus, this crime is essentially a form of modern slavery taking place in cyberspace (Prasojo, 2025).

The Organisation for Security and Co-operation in Europe (OSCE) provides a broad definition covering all live-streamed sexual activities, including acts of child sexual abuse directed at a global audience (OSCE & Tech Against Trafficking, 2020). Meanwhile, in the Trafficking Victims Protection Act, a United States federal law, there are provisions restricting sex trafficking that address human trafficking and define it as commercial sex activities resulting from force, fraud, or involving individuals induced to perform such acts and who are under 18 years of age. From this definition, several points can be understood. First, commercial sex acts may encompass various forms, including prostitution, production of pornographic content, striptease performances, and live sex shows. Second, these provisions apply both to pimps exploiting victims and to individuals purchasing services from victims. Third, if the victim is an adult, then the elements of force and

fraud must be present. Thus, prostitution carried out by adults voluntarily and without coercion is not categorised as sex trafficking; however, if there is an element of force or fraud in its execution, the act may be classified as sex trafficking. As for children specifically, any form of commercial sex activity involving them, whether with or without force or fraud, is automatically considered sex trafficking (Noval et al., 2022).

Cyber-based sexual exploitation human trafficking in Indonesia is classified as a relatively new phenomenon; nevertheless, this issue has begun to receive considerable attention. Although this term is not yet commonly used and is not fully recognised in the national legal framework, various forms of sexual exploitation crimes that occur have actually indicated the existence of cyber-based sexual exploitation human trafficking practices. In Indonesia, online sexual exploitation is still categorised as part of Electronic-Based Sexual Violence and Online Gender-Based Violence (Prastiwi & Martha, 2023). Within the national legal framework, Article 4 paragraph (1) letter g of UU No. 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) expressly regulates electronic-based sexual exploitation as one form of sexual violence crime. This provision covers various acts such as recording, taking screenshots, transmitting electronic information, stalking, or tracking a person carried out for sexual purposes (UU No. 12 Tahun 2022, Article 4).

Based on the provisions of Article 12 of UU TPKS No. 12 concerning Sexual Violence Crimes, an act of sexual violence can be classified as sexual exploitation if committed with the intent to obtain a benefit (UU No. 12 of 2022, Article 12). The phrase "benefit" in this provision can be implicitly interpreted broadly, including benefits derived from transactions involving the use of a person as a sexual object through online media. On the other hand, the regulation of the Crime of Human Trafficking (TPPO), which includes the purpose of sexual exploitation in Indonesia, is still currently focused on the practice of trafficking in persons within physical spaces limited by territorial boundaries (UU No. 1 of 2023, Article 455). Such conditions potentially cause existing regulations to be unable to reach human trafficking practices that take place in a digital context, whether the entire process or only part of its execution occurs in cyberspace.

The term cyber has been widely used to describe anything related to computers, the internet, and communication networks (Greiman & Bain, 2013). The UNODC uses the term cybersex in discussions on human trafficking, referring to the space or medium where sexual exploitation takes place (UNODC, 2024). In her research, Sykiotou also uses the term cyber trafficking, which refers to the use of cyberspace as a means to recruit victims, advertise victims along with their services or body parts, with the aim of attracting potential clients. According to her, human trafficking can now occur through the use of the internet, where such crimes are facilitated by information and communication technology, known as cyber-enabled crimes (Sykiotou, 2017).

Cybersex refers to sexual activities that take place in cyberspace or occur using computers, networks, or the internet. In various terminological uses, cybersex is sometimes equated with virtual sex. However, these two terms cannot truly replace one another. The term virtual sex is used specifically to distinguish non-physical sexual activities, or those that occur in the virtual world, from those that occur in person.

Advances in digital technology and the internet have significantly changed the manner and pattern of carrying out the crime of human trafficking, so that this crime can now take place without recognising territorial boundaries (borderless) in cyberspace. The transformation in the way human trafficking and sexual exploitation are conducted has encouraged the development of

new *modus operandi* of the crime of human trafficking that increasingly adapt to the patterns and mechanisms of activities taking place in the virtual world (Mokobombang & Alkazahfa, 2025).

First, the element of the act. In conventional human trafficking, the actions that occur include recruitment, transportation, transfer, harbouring, or receipt of a person. In this conventional model, recruitment is typically carried out directly in person or through an intermediary already known to the victim. However, with the advent of digital technology, social media, instant messaging applications, and various digital platforms have now become new effective instruments in recruiting victims. This condition allows a person to become a victim of human trafficking entirely within cyberspace, whether through websites or various other internet services (Sykiotou, 2017).

Trafficking that takes place online or through advertising platforms is one form of the victim recruitment process that utilises the internet. In this advertising process, the recruitment of victims in cyberspace is often carried out through hunting or fishing strategies, namely by actively searching for or luring potential victims. There are a number of characteristics targeted in the profiling of human trafficking victims, including individuals who have economic vulnerabilities, emotional vulnerabilities, or vulnerabilities in other aspects (UNODC, 2024). Based on the development of existing modes of sexual exploitation, this act of transfer is functionally interpreted as the transfer of access to and control over the victim into an online exploitation system. Even though no physical transfer occurs, control over the victim shifts to another party, thereby binding the victim and forcing them to navigate the situation in cyberspace (Mokobombang & Alkazahfa, 2025).

Second, the method or *modus operandi*. Human trafficking can occur directly within cyberspace. In conventional human trafficking, the *modus operandi* used by perpetrators against victims can be direct, such as threats, the use of physical violence, and acts of kidnapping. In addition, there are also indirect *modus operandi*, where victims are often lured with job offers in certain areas, but in reality they instead experience various forms of exploitation. This is reflected in a case that occurred in Bogor, where a child was forced to perform live broadcasts of pornographic content, and the perpetrator then traded that content for personal profit (Noviansah, 2025). Such a *modus operandi* can be carried out in cyberspace with tricks of psychological manipulation to make the victim believe the perpetrator's promises, even though this *modus operandi* is not carried out directly in physical space

Third, sexual exploitation as a purpose. Sexual exploitation as the primary purpose of human trafficking can now fully take place in cyberspace. The existence of the internet enables the massive dissemination of sexual exploitation, reaching consumers on a global scale. Victims can be forced to appear on live broadcasts that are easily accessible to consumers worldwide. This form of exploitation proves that sexual exploitation can occur entirely in cyberspace, and the consumption of such exploitation can still take place even without direct contact between the perpetrator and the victim (Mokobombang & Alkazahfa, 2025).

On the other hand, the crime of sexual exploitation in cyberspace can also occur partially, where part of the exploitation process takes place in the virtual world while the rest occurs in the real world. Thus, human trafficking for the purpose of sexual exploitation can take place through a combination of conventional methods involving physical space and the use of digital technology in cyberspace (Prakash & Malik, 2022). Based on this fact, the use of internet technology has altered

the patterns and modus operandi of human trafficking, which originally were physical, to now be able to shift and occur within cyberspace. Nevertheless, not all cases of human trafficking occur purely in cyberspace, so this practice can still combine physical and digital elements simultaneously (Mokobombang & Alkazahfa, 2025).

When examined in terms of the relevance between sexual exploitation in the crime of human trafficking and human trafficking based on cyber sexual exploitation, the two are actually distinct matters. Although there are differences in the modus operandi used and the space where sexual exploitation takes place, both still contain elements of the criminal offence of human trafficking (TPPO), which include the act, the means or modus operandi, and the purpose of exploitation. Even though some or all of these elements take place in cyberspace.

Table 1. Differences between Conventional and Cyber

No.	Aspect	Conventional Sexual Exploitation	Cyber Sexual Exploitation
1	Space	Physical and limited by territorial boundaries.	Digital and not bound by any territorial boundaries.
2	Role of Technology	All or part of the process is facilitated by digital technology.	All or part of the process is facilitated by digital technology.
3	Sexual Exploitation	Sexual activities are closely related to direct physical contact, for example bringing together victims and perpetrators in forced prostitution practices.	Sexual activities may involve physical contact or none at all, yet the sexual content is consumed by many people through digital spaces without any direct contact.
4	Control over the Victim	Directly physical, such as confinement, physical violence, and the like.	It can be physical and direct, but it can also occur digitally through manipulation and psychological pressure.

Source: (Mokobombang & Alkazahfa, 2025)

The thing that most distinguishes this type of exploitation from other forms is the way it is carried out, which is not through direct physical contact, but by exposing parts of the victim's body to satisfy the sexual desires of those who pay for and access the broadcast. This crime can even be perpetrated by a single actor without requiring a large network, who can sell a victim to more than a hundred people within 60 days merely by utilising internet advertisements. This reality shows that cyber sexual exploitation-based human trafficking can potentially occur massively in cyberspace. The ease of disseminating exploitative content leads to increased consumption of exploitation on a much larger scale compared to conventional human trafficking. This is possible because exploitation through livestreaming allows various forms of exploitation to be broadcast widely to viewers via the internet, so that it can be accessed globally at the same time (real time) (Mokobombang & Alkazahfa, 2025).

The root causes of cyber sexual exploitation-based human trafficking are structural and multidimensional, encompassing factors such as poverty, economic inequality, unemployment, limited job opportunities, and various other social problems. The impact of this crime is highly destructive. Victims experience not only sexual violence but also deep psychological trauma from repeated exploitation in front of the camera. Many of them lose self-confidence, identity, and hope for the future. That trauma will last a lifetime, especially for children trapped in these criminal

networks. Handling cyber sexual exploitation-based human trafficking requires a comprehensive and integrated approach, including strict law enforcement through hexa helix collaboration involving the government, law enforcement officials, civil society, and various other related parties (Rindrasari, 2025).

3.2 Cyber-based sexual exploitation human trafficking

In the discourse of Islamic Law, particularly in the study of *Fiqh Jinayah* (Islamic criminal jurisprudence), the crime of human trafficking based on cyber sexual exploitation is regarded as a highly complex contemporary form of transgression, considering that this crime involves the exploitation of humans through the use of advanced technology. Descriptively, a legal review of this issue can be outlined through two main aspects: the qualification of the act and the classification of the type of crime. It should be noted that in Islamic legal studies, the term human trafficking based on cyber sexual exploitation is indeed not found literally in classical fiqh texts.

The essence of Islamic Law or Sharia is to safeguard the welfare (*maslahah*) of humanity while preventing all forms of harm (*mafsadah*), both in this world and the hereafter. This aligns with the fundamental principle of Islamic law: bringing about benefit and warding off harm (*Jalb al-Masalih wa Dar' al-Mafasid*). In every legal issue, Islam always prioritises benefit over harm. Izzudin bin Abdul as-Salam emphasised that the entire Sharia is fundamentally about *maslahah*, whether realised by repelling harm or by attaining benefit itself (Djazuli, 2011). Benefit must always be pursued and preserved wherever it can be realised. Conversely, if harm is likely to occur, it is obligatory to prevent it and block all paths leading to it, even if there is no specific scriptural text (*nash*) governing it (al-Raisuni, 1992).

Islamic law not only governs the relationship between humans and their Lord (*hablun min Allah*) but also encompasses relationships among humans (*hablun min al-nas*). The provisions of Islamic law have been formulated in detail and with certainty to achieve equitable welfare for all humankind (Nufus et al., 2025). From the perspective of Islamic Law, the phenomenon of human trafficking based on cyber sexual exploitation must be examined through the universal principles of Sharia oriented toward the protection of human welfare, namely *maqasid al-shari'ah*, in order to provide protection and prevent harm. Imam al-Shatibi explained that the legal burdens placed upon humans are essentially intended to preserve and realise the objectives (*maqasid*) of the law in the life of creatures. According to Imam al-Shatibi, *maqasid al-shari'ah* are divided into three levels: *daruriyat* (necessities), *hajiyyat* (needs), and *tahsiniyat* (embellishments). Within the level of *daruriyat*, there are five essential protections that must be safeguarded, including the protection of religion (*hifz al-din*), protection of life (*hifz al-nafs*), protection of intellect (*hifz al-'aql*), protection of honour and progeny (*hifz al-nasl*), and protection of wealth (*hifz al-mal*) (Toriquddin, 2014).

Based on the description above, the rapid development of technology and the digital world has made it easier for people to fall into immorality and crime. In this context, various forms of crime in the digital realm or cyberspace continue to emerge, one of which is human trafficking based on cyber sexual exploitation. In the view of Islamic law, all forms of abominable acts (*al-Fawahisy*) are strictly forbidden by religion. *Al-Fawahisy*, also called *fahisah*, linguistically means "atrocious," "ugliness," or "evil." In the Qur'an, the term is used to describe extremely vile behaviour and refers to major sinful acts that violate Islamic law and carry serious consequences. Perpetrators of abominable acts in this world will be subject to legal sanctions in accordance with the provisions

of Islamic law based on the magnitude of the act committed, while in the hereafter they will receive a most painful recompense from Allah SWT (Ramadhani & Muttazimah, 2022).

Human trafficking based on cyber sexual exploitation is a form of human trafficking crime carried out through information technology tools with the aim of sexual exploitation. This practice includes various forms, such as online prostitution, forcing women or children to engage in sexual activities via live streaming, as well as distribution of paid sexual content containing elements of coercion and motives of economic gain (Sykiotou, 2017). Although the term human trafficking based on cyber sexual exploitation is not known and is not specifically mentioned in classical fiqh literature, the substance of the act can be examined through the framework of fiqh jinayah as a form of modern *jarimah* that contradicts the principles of Islamic law.

Human trafficking based on cyber sexual exploitation violates a number of protective principles within *maqashid shariah*, particularly the protection of life and honour (*hifdzu an-nafs*) and the protection of religion (*hifdz al-din*). Islam holds human dignity in the highest esteem. Turning the human body into a digital commodity is a form of modern slavery that is strictly forbidden in Islam because it explicitly robs a person of their humanity and self-honor (Bidin & Al-Qodsi, 2015). Honour is constantly safeguarded, protected, and accorded a noble and lofty status in Islamic teachings (Fatkhuri, 2025). Moreover, acts that occur within cyberspace are qualified as a *wasilah*, or intermediary, leading to the act of adultery. Even though the interactions are virtual, the commercial display of sexual activity is still regarded as a means leading to moral corruption, tantamount to approaching adultery. This is based on the fiqh principle that “*al-wasilah ila al-haram haramun*” meaning everything that serves as an intermediary to the forbidden is itself forbidden (An-Nabhani, 2005).

Human trafficking based on cyber sexual exploitation shares substantive correspondence with the term *al-bagha'* (prostitution), which is explicitly prohibited in Q.S. An-Nur verse 33. The verse condemns all forms of coerced sexual exploitation in any mode, especially when motivated by the pursuit of material gain. Allah SWT says:

وَلَا تُكْرِهُوا فَتِيَّتَكُمْ عَلَى الْبِغَاءِ إِنْ أَرَدْنَ تَحَصُّنًا لِّتَبْتَعُوا عَرَضَ الْحَيَاةِ الدُّنْيَا

“... Do not compel your slave girls into prostitution, if they desire chastity, in order that you might seek the fleeting gains of worldly life.”

In addition, human trafficking based on cyber sexual exploitation contains an element of coercion (*al-ikrah*), whether physical, psychological, or economic. Audah (2011) stresses that coercion can aggravate the perpetrator's criminal liability while nullifying the victim's culpability.

Islam explicitly prohibits all forms of human trafficking (*al-tijarah bi bashar*), just as it forbids the practice of slavery in its modern guises. Cyber sexual exploitation-based human trafficking is a contemporary manifestation of human trafficking carried out in cyberspace for the purpose of sexual exploitation. Allah SWT has honoured humanity by bestowing special distinctions not granted to other creatures as a mark of respect for human existence. A consequence of that honour is that no human being may be degraded by being treated like merchandise, akin to animals or other objects that can be bought and sold. Allah SWT says in Q.S. Al-Isra' verse 70:

وَلَقَدْ كَرَّمْنَا بَنِي آدَمَ وَحَمَلْنَاهُمْ فِي الْبَرِّ وَالْبَحْرِ وَرَزَقْنَاهُمْ مِنَ الطَّيِّبَاتِ وَفَضَّلْنَاهُمْ عَلَى كَثِيرٍ مِّمَّنْ خَلَقْنَا تَفْضِيلًا ۝٤

“Indeed, We have honoured the children of Adam and carried them on land and sea. We have also provided them with good things and favoured them above many of those We created with a perfect favour.” (Rasyid Media, 2017, Q.S. Al-Isra’ [17]:70).

Furthermore, in a Hadith Qudsi, Allah SWT gives a stern threat to those who trade in human beings, declaring that He Himself will be their enemy on the Day of Judgment. Imam al-Bukhari and Imam Ahmad narrated a hadith from Abu Hurairah RA that Prophet Muhammad SAW said:

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ قَالَ اللَّهُ ثَلَاثَةٌ أَنَا خَصْمُهُمْ يَوْمَ الْقِيَامَةِ رَجُلٌ أَعْطَى بِي ثُمَّ عَدَرَ وَرَجُلٌ بَاعَ حُرًّا فَأَكَلَ ثَمَنَهُ وَرَجُلٌ اسْتَأْجَرَ أَجِيرًا فَاسْتَوْفَى مِنْهُ وَلَمْ يُعْطِ أَجْرَهُ

“From Abu Hurairah Radhiyallahu ‘anhu, from the Prophet Shallallahu ‘alaihi wa sallam, he said: Allah Azza wa Jalla said: “Three types of people I will be their enemy on the Day of Judgment: first, one who swears by My name and then breaks it; second, one who sells a free person and consumes the proceeds of the sale; and third, one who hires a worker who has completed the work but does not pay his wages.” (Al-Bukhari, 1236, Hadith No. 2227).

On this issue, the scholars have unanimously agreed on the prohibition of selling a free person, and any contract leading to it is declared invalid, and the perpetrator bears sin. Ibn Abidin (1423) *rahimahullah* stated that the children of Adam are honoured according to Shariah, even if he is a disbeliever, as long as he is not a prisoner of war, so making him an object of a sale contract and equating him with objects is a form of degrading human dignity that is not permissible.

When viewed from the classification of criminal offences in the perspective of Islamic law, cyber sexual exploitation-based human trafficking does not fulfil the elements of hudud, given that no physical sexual intercourse occurs and the evidentiary requirements for *zinā* as stipulated by the Sharia are not met. Nevertheless, even though this activity is non-physical and takes place solely in cyberspace, the act still violates the principles of Islamic Sharia. One fiqh maxim affirms: "Whatever serves as a means to an unlawful matter is itself unlawful". (Rahmawati, 2025). After considering the qualification of the act, this crime is classified under *ta'zir*. The main reason is that the Qur'an and Hadith do not specifically mention sanctions for human trafficking committed via the internet. Therefore, the authority to determine the type and severity of punishment rests entirely with the ruler or judge.

Ta'zir punishment is essentially preventive, intended to avert and reject all forms of harm. In *ta'zir*, the imposition of sanctions and punishment is based on the discretion and judgment of the ruler or judge. In determining the punishment for a *ta'zir* offender for the crime of cyber sexual exploitation-based human trafficking, the primary principle guiding the ruler or judge is to safeguard the public interest and protect every member of society from harm. The forms of punishment that may be imposed include physical sanctions, financial penalties, imprisonment, or other sanctions deemed beneficial based on the judge's consideration (Al-Mawardi, 2014).

The imposition of sanctions in *ta'zir* has two main objectives. First, a preventive objective, namely to deter others from committing similar crimes. Second, a repressive objective, namely to ensure that the perpetrator does not repeat their actions (Rahmawati, 2023). Given the rapid advancement of technology, efforts to prevent the crime of human trafficking based on cyber sexual exploitation have become increasingly urgent. Such efforts can be realised through the establishment of progressive legal instruments, as well as through measures to close any gaps that

enable perpetrators to commit their crimes. Preventive measures can focus on enhancing individuals' understanding to help them avoid becoming victims. Furthermore, a major factor driving this crime is the misuse of the internet by both perpetrators and victims. With the increasingly widespread use of social media as the primary means of internet access, even among children, a high level of vigilance is necessary when interacting with unknown parties in cyberspace. The impact of this crime is severely damaging to human morality, and if carried out in an organised manner by transnational syndicates, it has the potential to cause widespread fear and massive moral decay in society. Thus, Islamic Law views human trafficking based on cyber sexual exploitation not merely as an ordinary moral violation, but as a serious crime against humanity that requires firm legal handling, responsiveness to technological developments, and an orientation towards the protection of victims, who are often in a vulnerable position.

4. Conclusion

Cyber sexual exploitation-based human trafficking is a form of modern crime that substantially contradicts the principles of Islamic Sharia. Although not explicitly recognised in classical fiqh literature, this practice contains elements of sexual exploitation, coercion, violation of human dignity, and trafficking in persons, which collectively render it a criminal act prohibited in Islam. The *Maqasid Shariah* approach demonstrates that this crime directly conflicts with the objectives of protecting life, honour, and lineage. From the perspective of Islamic law, cyber sexual exploitation-based human trafficking is categorised under *ta'zir* because it does not meet the qualifications of hudud. The determination of its sanction is left to the discretion of the judge or the state, with the primary aim of safeguarding public welfare, deterring perpetrators, and protecting victims from further exploitation. This research is not free from several limitations that need to be acknowledged. First, this research is normative-doctrinal; thus, it has not yet touched upon empirical data regarding the actual practice of cyber sexual exploitation-based human trafficking and its law enforcement patterns in society. Second, the *fiqh jinayah* study still relies on the general construction of *jarimah ta'zir*, and has therefore not been able to formulate a specific and operational model of sanctions for cybercrime. Third, this research has not deeply examined the role of digital platforms and corporate responsibility from the perspective of Islamic law, even though this aspect constitutes an important dimension in understanding cyber sexual exploitation-based human trafficking. Based on these limitations, future research is recommended to develop an empirical-normative approach by examining cases of cyber sexual exploitation-based human trafficking that have been adjudicated by courts, as material for more concrete and contextual analysis.

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