

CRIMINAL RESPONSIBILITY FOR SEXUAL EXPLOITATION OF CHILDREN VIA ELECTRONIC MEANS OF COMMUNICATION CONSIDERING SAUDI ARABIA'S ANTI-CYBER CRIME LAW

Wael Mohammed Nusairat

Department of General Law, College of Law, Princess Nourah bint Abdulrahman University

*Corresponding author: wmnuserat@pnu.edu.sa

Abstract *The spread of information networks and social media is one of the great blessings in our contemporary world. However, this great blessing is sometimes exploited badly by some weak souls in committing some information crimes, including the crime of sexual exploitation of children through electronic means of communication, and this crime has spread recently with the spread of modern means such as mobile phones and social networking sites such as WhatsApp, Facebook and others. The crime of sexual exploitation of children through electronic means of communication is one of the most heinous and worst crimes committed against children, which aim to harm the integrity and purity of their honor and they made them either as a commodity to achieve material profit by greedy merchants who lacked the spirit of humanity and morals, or an opportunity for him to satisfy the perverted instinct of a sick, abnormal person, who lacks the slightest degree of sound human instinct. In view of the aggravation of this crime across all countries of the world, many international conventions and conferences called for an end to the crime of sexual exploitation of children, and the countries urged to put in place strict laws to deter the perpetrators of these crimes and to ensure the psychological, physical and moral protection of the child, the Saudi regulator has ensured to eradicate this phenomenon by introducing legal texts in the Saudi cybercrime system to criminalize and punish the commission of crimes of sexual exploitation of children, in addition to educating the family and society about this phenomenon. Hence, I wanted to show this crime, its forms and elements, and the role of the Kingdom of Saudi Arabia in addressing this phenomenon.*

Keywords: Sexual Exploitation, Children, Sexual Crimes, Saudi Regulator, handling.

Table of Contents

Introduction


1. Research Method
2. RESULTS AND DISCUSSION
3. Kingdom's efforts and mechanisms in combating crimes of sexual exploitation of children through electronic means of communication
 - 3.1 Kingdom's efforts at the international level
 - 3.2 CONCLUSION legislative, procedural, and preventive measures to combat crime in Kingdom.

CONCLUSION

ACKNOWLEDGEMENT

INTRODUCTION

The sexual exploitation of children through electronic means of communication is one of the most serious violations that today constitutes an obsession for all countries in the world. The exploitation of a child in pornography is a violation of one of his rights and the rape of his childhood, his will and his body, and the crime of sexual exploitation of children has emerged, in a technical way, with the development of electronic means of communication, which have become accessible to children, especially this category, which has come to consider electronic means of communication as a source of satisfying their cognitive, psychological and communicative needs, which led to the spread of these crimes all over the world, where the child became vulnerable to exploitation and to bring material benefit. In view of the stage of the child, which is characterized by mental and physical weakness compared to the adult person, which makes it easy to commit these types of crimes against him, as he



is a weak being who cannot resist, this is what led to the adoption of international charters and comparative legislation of a set of rights that guarantee him the provision of health, psychological and social care, as well as the means and mechanisms to protect them from any violation of a sexual nature. Various countries have endeavored to put in place a strict legislative policy to confront this phenomenon and to suppress criminals who are tempted to choose this weak group to commit their crimes, Especially that it has negative effects on the child's body and psychological which extending to his adulthood, and he becomes a negative individual in society.

Due to the nature of the subject of the study, we relied on the descriptive analytical method as a basic method for studying the subject in order to answer the problem posed, we followed the plan to evaluate the research into three sections. First section deals with the concept of the crime of sexual exploitation of children through electronic means of communication. Section two deals with the elements of crimes of sexual exploitation of children through electronic means of communication, while and third section focuses on the mechanisms of combating the Kingdom's crimes of sexual exploitation of children through electronic means of communication.

1. RESEARCH METHOD.

This research is Analytical legal research, It employs the statutory and case approaches, The data used are secondary data in the form of primary legal materials (international and national legal instruments) and secondary legal materials (books; journals; research reports; and news media, both printed and online), obtained through literature study. The legal materials collected were analysed qualitatively and presented descriptively in order to answer the questions in this paper.

2. RESULTS AND DISCUSSION

2.1 Study Problem

The problem in this study is mainly the appropriateness of the legal texts contained in the Saudi cybercrime system and their adequacy in confronting the sexual exploitation of children through electronic means of communication, in order to determine the extent of protection provided by this system to children from the risks of sexual exploitation that they are exposed to while using the Internet, and where lies the shortcomings through their research and analysis, and it will be clarified by answering a number of questions.

1. What is the concept of the crime of sexual exploitation of children, through electronic means of communication?
2. What are the elements of this crime? And what is its legal adaptation?
3. What is the position of the Saudi regulator on this crime? Was it addressed in the Anti-Cybercrime System?

2.2 Study hypothesis

The crime of sexual exploitation of children through electronic means of communication is one of the electronic crimes that are prohibited by law and regulation, as it facilitates the spread of immorality and corruption in society, and the penalty for its perpetrator shall be in accordance with the Cybercrime Combating Law.

2.3 Study Importance

The importance of this study is highlighted in view of a number of scientific and practical considerations, the most important of which are the following:

The lack of studies that dealt with the sexual exploitation of children through social networks, and the need to conduct more specialized studies in this aspect, which helps in understanding its dimensions and providing the appropriate treatments for it.

The development of communication technology through electronic means of communication has led to the emergence of new forms of exploitation of children and exposing them to abuse in new ways, this necessitates the necessity of keeping pace with social research with the systematic methods that

organize this development in order to limit the forms of sexual exploitation that children may be exposed to, through two complementary aspects, one relates to prevention and the second relates to confrontation.

This study is new in legal terms in the Kingdom of Saudi Arabia, and this gives it a great importance due to the lack of Saudi studies that dealt with the sexual exploitation of children through social networks, and the need to conduct more specialized studies in this aspect, that helps in understanding its dimensions and providing appropriate treatments for it.

2.4 Study Objectives

- A. Identifying the nature of the crime of child exploitation through social networks.
- B. Statement of the basis for criminal protection of children from the crime of exploitation.
- C. Deduce the criminal acts of the crime of sexual exploitation of children through social networks from the system of combating information crimes.

2.5 Study Concepts

Information Crime: Any act committed involving the use of a computer or information network in violation of the provisions of this Law.

Website: The place where data is available on the information network through a specific address.

Capture: Viewing or obtaining data without a valid legal justification.

System: It means the system for combating information crimes issued by Royal Decree No. M/17 dated 8/3/1428 AH.

2.6 Study Methodology

Since the study deals with criminal responsibility for the sexual exploitation of children through electronic means of communication in the light of the Saudi information crime control system, the scientific method used in it will be the descriptive analytical approach, as I will discuss the exact description of the texts to try to answer the problem of the study, analyze it and develop appropriate solutions in order to reach the goal of the study Recognizing and demonstrating the crime of child exploitation through social networks in the Saudi cybercrime system.

2.7 Study Limits

Statutory limit: Saudi Anti-Cybercrime Law

Objective limit: deals with criminal responsibility for sexual exploitation of children through electronic means of communication in the light of the Saudi cybercrime system.

2.8 Study plan

The research necessitated the criminal responsibility for sexual exploitation of children through electronic means of communication, considering Saudi Anti-Cybercrime Law, it should consist of an introduction, three sections, and a conclusion, as follows

3. Search departments

The first research

Concept of children exploitation through electronic means of communication.

Crimes of sexual exploitation of children via the Internet are among the serious crimes that affect humanity in the present and the future, and until these crimes are effectively confronted, this requires defining their nature so that they do not interfere with other forms of crime, therefore, we will address in this section the concept of child exploitation through electronic means of communication as follows:

Required 3.1.1: Defining the sexual exploitation of children through electronic means of communication.

The statement of the definition of the exploitation of children through electronic means of communication requires an examination of this from the linguistic, jurisprudential, and legal aspects, in the following two terms:

Defining the child

The International Convention on the Rights of the Child defines a child as: “Every human being under the age of eighteen years unless he reaches the age of majority before that under the law applicable to him” (Convention on the Rights of the Child, 1989). The Egyptian regulator defined it in the Child Law as: “A child in the field of care provided for in this law means anyone who has not exceeded the age of eighteen full Gregorian years” (Jordanian Civil Law No. 3 of 1976).

Definition of sexual exploitation of children

Exploitation is defined in the Dictionary of Lisan al-Arab with influence, i.e., the use of influence to achieve personal ends (Ibn Manzur, 2008, pg. 7), and in the dictionary of the language, exploitation is defined as: “A person’s use of a means for a purpose, his benefit other than his ignorance, inability, or inability to gain a person’s right. Adel (Omar, Ahmed Mukhtar, 2008). As for the word gender, it denotes many different types, as it is more general than the species, for the animal is a genus, and the human being is a type of gender (in biology): one of the taxonomic divisions, higher than the species and lower than the family (Al-Fayoumi, 1973, p. 544).

In the third period of Article 2 of the Optional Protocol, the United Nations defined child pornography as: “The depiction of any child, by any means, engaged in real or simulated explicit sexual activities, or any depiction of a child’s sexual organs to essentially satisfy sexual desire (the Optional Protocol entered into force on January 18, 2002, which came as a supplement to the Convention on the Rights of the Child of 1989)

Sexual exploitation was defined as “sexual intercourse between a child and an adult to satisfy the latter’s sexual desires using force and control (Najm, 2008, p. 14).

The sexual exploitation of children has traditionally been defined as: “Sexual exploitation is every sexual act that is practiced against children or adolescents or in front of them (Zidane, 2016, p. 18).

The sexual exploitation of children over the Internet was defined as: “The use of pornographic materials through the exploitation of children and encouraging the sexual orientation of children and the production of videos and pictures that include pornographic materials and sexual abuse through electronic means of communication by arousing sexual arousal in children” (Al-Lawzi, 2018, p. 134).

Required 3.1.2: forms of sexual exploitation of children through electronic means of communication.

Information and communication technology is an integral part of modern life and plays an important role in the educational and social development of children. However, they make children increasingly vulnerable to new and evolving forms of sexual exploitation.

luring children for sexual exploitation through electronic means of communication.

Child sexual abuse via electronic means of communication involves the use of information and communication technology as a means of sexual abuse.

Where there is a category of Internet users and social networking sites that engage in sexually explicit conversations with children, and searches for the victims in chat rooms, where they are tempted to meet, and meetings of this kind can threaten the safety of the child (Zaidan, 2016).

Perpetrators of this type of crime used to enter chat rooms without revealing their identity to prey on their child victims (Al-Obaidi, 2013, p. 78).

Grooming through electronic means of communication for sexual purposes (seducing children or enticing children for sexual purposes)

Child sexual grooming is defined as: "The act of preparing a child, or someone the offender believes to be a child, for sexual activity or a sexual relationship through the transmission of any form of child pornography". It includes temptation or temptation through electronic means of communication through any other means" (Nusairat, 2022, pp51)

Grooming is a method through electronic means of communication to build an intimate and emotional relationship with a minor with the aim of gaining trust, arranging a personal meeting, and using it for sexual purposes (<https://cloudo3.com/ar/internet>).

The goal of grooming through electronic means of communication is the sexual exploitation of the child or abuse of me and can occur through electronic means of communication by manipulating or forcing the child to take a sexually explicit picture or video and send it to the offender (<https://www.unodc.org>).

Direct Sexual Abuse on the Internet - Live Streaming of Children Sexual Exploitation.

The direct broadcast of sexual exploitation of children is carried out through many technical means through which the child is shown engaging in sexual activities, real or simulated (<https://www.divinalaw.com>)

Live broadcasting may be done by forcing or inducing a child to participate in sexual activity, whether the child is aware of what is happening or not (Al-Nawaisah, 2017).

This may include activities such as engaging children in looking at or producing sexual images, watching sexual activities, encouraging children to behave in sexually inappropriate ways, or displaying pictures of naked or semi-naked children on provocative pages aimed to make the child a sexual object (paragraph (2) of Article 6 of Saudi Anti-Cyber Crime Law).

A. Children sexual exploitation through pornography

1. Child pornography consider a form of sexual exploitation of children, and article 6 of the Cybercrime Combating Law criminalizes this method by sending what violates the sanctity of private life, and it states that: "Any person who commits any of the following information crimes shall be punished by imprisonment for a period not exceeding five years and a fine not exceeding three million riyals, by: 1. Producing, preparing, sending, or storing anything that might prejudice public order, religious values, public morals, or the sanctity of private life, via the information network, or a computer...".

B. Exploitation of children through sexual blackmail.

Electronic blackmail is defined as: "every act based on the bad use of the Internet aimed at achieving a certain purpose. This purpose differs from one individual to another according to the circumstances surrounding each one of them, either the purpose is material, sexual or moral." (Muhammad, Asaad Abdel Hamid, 2020, pg. 53).

Electronic blackmail is represented by intimidation and threat to the victim, either by publishing pictures or leaking confidential information and data related to the victim, this work is done to exploit the victim to carry out illegal acts for the benefit of blackmailers (Al-Mahraj, Zainab bint Abdulaziz, 2015)

Paragraph (2) of Article 3 of the Saudi Information Crimes Control Law mentioned sexual extortion, stating that: "A person who commits any of the following crimes shall be punished with imprisonment for a period not exceeding one year and a fine not exceeding five hundred thousand riyals, by:

1. Illegal entry to threaten or blackmail a person to make him do or refrain from doing an act even if it is lawful, compromising private life by using mobile phones equipped with cameras or any tool like them. Required 3.1.4 : Impact of the Corona pandemic (Covid-19) on the risks of sexual exploitation of children.

The alarm of the Corona pandemic (Covid-19) has resulted in new forms of sexual abuse and exploitation of children, among them are attempts to enter illegal websites that display child sexual abuse material.

A recent report published by the European Union's law enforcement agency, Europol (<https://www.scientificamerican.com>), indicated that there is an increase in digital activity among those trying to sexually exploit children online. Child predators post on forums where they expect young people to be most vulnerable to exploitation due to social isolation, lack of censorship, and spending a lot of time on computers.

In its annual report, the Internet Watch Foundation (IWF) says:

(<https://www.alaraby.co.uk.society>), it has dealt with an increasing number of reports of child abuse via electronic media in the past year, and last September was a record month with 15,000 reports, an increase of 5,000 reports from the same month in 2019 until the end of last November.

3.2 Second research

Elements of the crime of sexual exploitation of children through electronic means of communication.

Sexual crimes committed against children, including sexual exploitation, differ in their constituent elements from other sexual crimes. The victim in sexual crimes committed against children must be a child under the age of eighteen, and thus the distinguishing element of this crime is mainly the age of the victim, regardless of other data such as his gender, for example.

In this section, we discuss the elements of crimes of sexual exploitation of children through electronic means of communication within three requirements, as follows:

Required 3.2.1 : Legal element of the crime.

In essence, the crime is illegal behavior, and the illegality within the scope of the behavior, whether it is an act or omission, comes with a provision in the law criminalizing it. The legal element of the crime is embodied in the illegal character of the behavior taken by the criminal, it is merely a description or conditioning that the system adds to the behavior (Al-Khalaf, Ali Hassan, and Al-Shawi, Sultan Abdul Qadir, 1998).

- The crime of threatening or blackmailing a children

Electronic blackmail: It is every act based on the bad use of the Internet aimed at achieving a certain purpose. This purpose differs from one individual to another according to the circumstances surrounding each of them, either the purpose is material, sexual or moral (Muhammad, Asaad Abdul Hameed, 2020, pg. 53).

Under Paragraph (2) of Article 3 of the Anti-Cyber Crime Law, it criminalized threatening or extorting a person, including a child, to get him to do or refrain from doing an act, as it stipulated, "He shall be punished by imprisonment for a period not exceeding one year and a fine not exceeding five hundred thousand riyals, or one of these two penalties." Any person who commits any of the following information crimes:

2. unlawful entry to threaten or blackmail a person; To compel him to do or refrain from doing an act, even if doing or refraining from doing this act was lawful.

Usually, the first means of contact with extortionists are social media in all its forms (Facebook, Twitter, Instagram...etc). Where the extortion process begins with gaining trust, as the blackmailer establishes a friendship relationship between him and the victim in order to get to know him (if he did not have his information previously) and to establish the foundations of trust and communication with him (Abdul Aziz, 2015), and in most cases the blackmailer pays attention to the points shared between him and the victim, until a sense of safety and comfort is formed for this stranger.

- The crime of violating the private life of the child.

Paragraph (4) of Article 3 of the system criminalizes infringement of private life, as it states, “A penalty of imprisonment for a period not exceeding one year and a fine of not more than five hundred thousand riyals, or one of these two penalties, shall be imposed on any person who commits any of the following information crimes: Infringement of private life through the misuse of mobile phones equipped with cameras, or the like.

- The crime of defamation and harm to a child.

Paragraph (5) of Article 3 of the system criminalizes defamation and harm to a child by publishing a picture of a child in a way that jeopardizes life, or any drawings that harm a child’s reputation, as it stipulates: “He shall be punished with imprisonment for a period not exceeding one year and a fine not exceeding five hundred thousand riyals, or one of these two penalties, every person who commits any of the following information crimes: Defaming and harming others, through various means of information technologies.

- Electronic orders that aim at the sexual exploitation of children.

Paragraphs (1), (2) and (3) of Article 6 of the system criminalize electronic orders of the production, publication, and promotion of anything that would prejudice the sanctity of the private life of children, as it stipulates: “A penalty of imprisonment not exceeding five years and a fine not exceeding three million riyals, or one of these two penalties for each person who commits any of the following information crimes:

1. Producing, preparing, sending, or storing anything that might prejudice public order, religious values, public morals, or the sanctity of private life through the information network or a computer.
2. Create a website or a computer or publish it, for human trafficking, or to facilitate dealing with it.
3. Creating, publishing, or promoting materials and data related to pornographic networks, or the activities of the facilitator that violate public morals.

The penalties in this article are severe, and the aim is to achieve deterrence and reduce information crimes, which today trouble officials in the world and in Saudi Arabia in particular, and it is one of the disadvantages of technology that the weak-minded exploit with the aim of quick financial profit.

Required 3.2.2 : The material and moral aspect of crimes of sexual exploitation of children over the Internet.

1. The material element of the crime of sexual exploitation of children is achieved through electronic means of communication when the offender - while using a computer, the Internet, or smart phones - performs the following material behaviors: production, preparation, transmission, storage, distribution, publishing, promotion (Mohammed, Asaad Abdel Hamid, 2020).
2. The crime of child exploitation in the circulation of pornography through electronic means of communication.
3. The material element of the crime of electronic child pornography is achieved when the offender commits a criminal behavior with the intent of sexually exploiting the child through the offender’s perpetration of criminal behavior through the following material behaviors: production, preparation, transmission, storage (text of paragraph (1) of Article 6 of the anti-crime system informatics).
4. The crime of sexual exploitation of a child in the circulation of pornography through electronic means of communication is considered a deliberate crime that is based on the general criminal intent that is, the availability of knowledge and will (Al-Ghazawi, Samir Ibrahim Jamil, 2021, p. 34). That is, the offender’s knowledge is that he has committed an illegal act that may lead to the sexual exploitation of the child, whether by photographing the child’s sexual organs, engaging in sexual activities or preparing pornographic materials - through production, distribution, display, publication, sale, promotion, possession, import, export - he is also aware that the victim is a child under the age of eighteen.

A. the crime of sexual trafficking of children through electronic means of communication.

It was not limited to the use of children in pornography only, but also to trafficking in human beings, which was addressed by the Saudi regulator in paragraph (2) of Article Six of the Law on Combating Information Crimes.

1. the material element.

The crime of child sex trafficking takes many and many forms, including violence and sexual abuse that is carried out through organized gangs that practice these attacks within the scope of the crime of human trafficking, and this crime is considered one of the most heinous crimes committed against children, as it affects the special sanctity of the child (Al-Buhairi, Amira Muhammad, 2011). The material element in the crime of trafficking in human beings consists of the criminal behavior, the consequence, and the causal relationship. The criminal behavior in this crime is achieved through the offender committing one of the following acts (Al-Kaabi, Muhammad Obaid, 2015):

- Extortion by exposing the child to pressure and threats by publishing and informing others of letters or pictures concerning them, and defamation for money and sexual exploitation.
- Urging the child to perform sexual acts in return for any form of compensation or reward.
- The electronic display of images and video clips, such as publishing, distribution, printing, production, saving, buying, and selling, which have been replaced by pornographic materials.
- The crime of creating a website or a computer for trafficking in human beings is considered a premeditated crime for which it is necessary to provide the general criminal intent represented in the offender's will to perform the behavior while informing him of the general elements, i.e. merely the direction of the offender's will to engage in any form of the behavior carried out by the material element with his knowledge of this, and to the availability of a special criminal intent, which is that the offender seeks from behind his criminal behavior to achieve an illegal final purpose. (Lamiya, Shaaban Muhammad, 2020, p. 44).

B. The crime of creating, publishing, and promoting material and data related to pornographic networks

- Rooting this crime in accordance with the Cybercrime Combating Law.
- Porn networks: They mean networks that contain pornographic materials, according to Paragraph (3) of Article 1 of the system. The information network is defined as a link between more than one computer or information system to obtain and exchange data, such as private and public networks and the World Wide Web (Internet).
- Paragraph (4) of Article 1 of the system defines data as information, commands, messages, sounds, or images that are prepared or previously prepared for use in a computer, and everything that can be stored, processed, transmitted, and created by a computer. such as numbers, letters, symbols, etc.
- Referring to paragraph (3) of Article 6 of the system, it criminalized the creation, publication, or promotion of materials and data related to pornographic networks, or facilitator activities that violate public morals.

A. Moral element.

Criminal behavior is represented in three forms, which are as follows:

1. Creating materials and data related to pornographic networks, and goes.
 - Creating a real child pornographic clip, including preparation.

The criminal behavior is represented by the criminal creating a real pornographic clip related to the child, in which the child appears as he engages in clear and real sexual activities (Ibrahim, 2009). Through the pornographic clip, it is understood that there is a real crime in which the criminal communicated with the child directly, and through that direct communication he was able to make the child participate in a pornographic act, or in any obscene situation related to a sexual act or arouse the instinct, then he filmed it, and thus he became the owner of pornographic material It can be stored, sent, published, promoted...etc.

The exploitation of children in obscene materials is represented by displaying pictures of naked or semi-nude children on exciting pages on the Internet whose aim is to make the child a sexual commodity. (Nuseirat, Wael Muhammad, Tarif, Ghada Abdel Rahman, 2018).

- Creating false or simulated child pornography.

False or simulated child pornography is represented in the production of composite images on the Internet of unreal children engaging in sexual activity, and regardless of the reality of these images, they are an illusion that the perpetrators are children (Majid, Najat Mualla, 2009). Dissemination and promotion of material and data related to pornographic networks.

- Publishing and promoting materials and data related to pornographic networks

Criminal behavior is the promotion of pornography through the offender making, recording, or transmitting pornographic images of a child with the aim of displaying them by electronic means of communication.

- Examples of criminal behavior in the dissemination of pornography:

- E-mail is e-mail, and this important technology has been exploited by perpetrators of sexual exploitation of children who are now able to access people's e-mail and view its contents, as well as send various messages with sexual content related to sexual exploitation of children (Abdullah, Abdul Karim Abd God, 2007).

- Chat rooms on the Internet, especially conversations of a sexual nature, may take on a greater depth. Since they feel that they are not monitored by society, and sexual deviants take advantage of this to lure young people into their nets and trap them, either for their sordid personal purposes or for sexual trafficking.

2. Promote pornography

Criminal behavior is represented in the promotion of pornography through the perpetrator manufacturing, recording, or transmitting pornographic images of a child with the aim of displaying them through electronic means of communication, and this applies if the child is photographed in obscene sexual situations and displayed on the Internet, or if the same scandalous sexual situations are presented to other children, whether they are real. Or hypothetically on the victim child, or sending messages via e-mail to the child encouraging him to immorality and moral corruption, and even proving the crime even if it did not actually cause exposure to delinquency (Al-Obaidi, Osama Abdel-Ghani, 2013, p.Moral Side

The crime of creating, publishing, and promoting material and data related to pornographic networks is an intentional crime that requires the presence of a general criminal intent; It means the offender's knowledge of what he is doing in the manufacture, recording or transmission of sexual images of children with his will directed to this action (Abdullah, Abdul Karim Abdullah, 2007).

3.3 Section Three

Kingdom's efforts and mechanisms in combating crimes of sexual exploitation of children through electronic means of communication.

The Kingdom of Saudi Arabia called for eliminating the "roots" of crimes related to the misuse of technology in the abuse and sexual exploitation of children through electronic means of communication, in addition to the crimes of publishing pornographic and sexual images and clips on websites, considering that this leads to the "spread of many negative and social crimes among Community members of all ages.

In this topic, we discuss the efforts and mechanisms of the Kingdom in combating crimes of sexual exploitation of children through electronic means of communication within two demands, as follows:

Required 3.3.1 : Kingdom's efforts at the international level.

A. Budapest Convention for the Prevention of Information and Communication Crimes

The Budapest Convention is the first step in the field of forming international solidarity to combat crimes of sexual exploitation of children that take place through electronic means of communication, as it aims to unify international efforts in the field of combating these crimes (Magrani, Sarah, 2016).

Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, 2000 issued pursuant to Resolution No. 263/54 of the General Assembly on May 25, 2000. The Kingdom acceded to the protocol by virtue of Royal Decree No. M/38 dated 7/18/1431 AH.

B. The International Convention on the Rights of the Child 1989.

This convention is considered the most important in the field of protecting the rights of the child, and it was signed by 192 countries and 140 bodies. The Kingdom is among the countries that signed the International Convention on the Rights of the Children.

Article 34 of the Convention also affirms the obligation of states to protect the child from all forms of sexual exploitation, and its packages are obligatory to be informed of the necessary measures at the bilateral and multilateral levels.

Required 3.3.2 : legislative, procedural, and preventive measures to combat crime in Kingdom.

A. Legislative measure:

1. Legislative Measure: The laws in force in the Kingdom of Saudi Arabia ensured the protection of human rights, as the Child Protection Law promulgated by Royal Decree No. (M/41) dated 2/3/1436 AH was issued, including a number of texts that are consistent with the provisions contained in the Convention, and fulfilling the principle of the best interest. the child, and the system has prohibited every form of child abuse or exposing him to any form of sexual exploitation.
2. Child Protection Law: The laws of the Kingdom of Saudi Arabia, derived from Islamic Sharia, criminalized their exploitation in prostitution or pornography, and many measures were taken to eliminate these crimes, which were based on the three principles (prevention, protection, and prosecution). Persons under Royal Decree No. (M/40) dated 7/21/1430 AH, which was consistent with international and regional standards for combating human trafficking crimes. Paragraph (1) of Article (1) of the Law defined human trafficking as: "using a person , attaching, transferring, harboring, or receiving him for the purpose of abuse." Article (2) of the same law included the prohibition of all forms of trafficking in persons for the purpose of sexual abuse.
3. Anti-Cybercrime Law: The Anti-Cybercrime Law comes as a legislative measure among its objectives - according to Article (2) thereof - to protect the public interest, morals, and public morals, and it includes what guarantees the protection of persons, including children, from trafficking and sexual exploitation, as the article included (6) Including a punishment of imprisonment for a period not exceeding five years and a fine not exceeding (three million Saudi riyals), or one of these two penalties, for producing or preparing something that would prejudice public order, religious values, public morals, or the sanctity of private life. , or sending or storing it through the information network or a computer, creating a website on the information network, or a computer or publishing it for human trafficking, or facilitating dealing with it. Likewise, the creation, publication, or promotion of materials and data related to pornographic networks or facilitator activities that violate public morals (Nuseirat, 1437). The law also stresses in Article (8) thereof the penalty and fine if the crime is associated with "deceiving minors and their likes, and exploiting them."

B. Procedural efforts of the Kingdom of Saudi Arabia.

The Kingdom has monitored a number of crimes related to sexual exploitation, and crimes of sexual exploitation of children through electronic means of communication represent the largest part of these crimes, and with regard to pornographic images, publications and video films, the Kingdom's regulations criminalize their production, supply and possession at all (Al-Shahri, Fayez, 2016). The confiscation and

destruction of large numbers of them at the border crossings and the punishment of their smugglers, according to the statistics of the General Customs Authority, the total number of seizures of immoral materials in 2014 AD amounted to (2320) articles, and in 2015 AD it amounted to (4,248) articles. About electronic games, in (2019 AD), the Ministry of Culture and Information confiscated (30) pornographic electronic games. As for pornographic live shows, they are criminal, and the instructions and procedures followed in conducting live shows, especially those directed at children, ensure that such shows are not allowed (Nuseirat, Wael Muhammad, Tarif, Ghada Abdel Rahman, 2018).

C. Preventive and Awareness Efforts

1. The National Committee for Childhood: The National Committee for Childhood has carried out a number of activities aimed at raising awareness of the consequences of selling children and exploiting them in prostitution and pornography, investing in cooperation and partnerships with the relevant government agencies, such as the Ministry of Education, the Ministry of Culture and Information, and the Family Safety Program, King Abdulaziz Public Library, Human Rights Commission, etc..

2. The National Forum for the Prevention of Sexual Exploitation of Children through Electronic Communications, which was held in the capital, London, during the period from 18-19/2/1436 AH.

3. The Kingdom participated in the International Summit Conference on the Protection of Victims of Child Exploitation via the Internet. During the conference, the Kingdom reviewed the most important achievements in combating child exploitation crimes via the Internet, including filtering Internet content with the beginnings of its entry into the Kingdom in 1997, by setting filtering policies, making decisions regarding blocking sites or not, blocking sites related to pornography, gambling and drugs, and providing a voluntary reporting service on this type of sites for network users. In addition, the issuance of the Anti-Cybercrime Law promulgated by Royal Decree No. M/17 dated 08/03/1428, which introduced prison sentences and fines for those who exploit information technologies to attack or harass children, or to publish and promote pornographic images in general. The Law on Combating Trafficking in Persons promulgated by Royal Decree No. M/40 dated 7/21/1430 was also issued, whereby trafficking in any person and in any form is prohibited.

One of the Kingdom's achievements after the completion of the conference is the establishment of an electronic safety center under the supervision of the Ministry of Interior.

4. The National Forum for the Prevention of Sexual Exploitation of Children through Electronic Communications (1).

The forum was held in cooperation with a number of agencies of the Ministry of Interior and government ministries with international, regional and local participation. In its vision, the Forum focuses on strengthening regional and international cooperation through promoting values and concepts, exchanging information in the field of preventing sexual exploitation of children, and spreading preventive awareness of the dangers of sexual exploitation of children through electronic means of communication and technology.

5. Prince Mohammed bin Salman initiative to protect children in the cyber world 9 9(Saudi Press Agency website, accessed on 9/14/2022. <https://www.my.gov.sa>).

Based on the initiative of Prince Muhammad bin Salman bin Abdulaziz, Crown Prince, Deputy Prime Minister, and Minister of Defense, the National Cyber Security Authority launched an introductory video on the objectives of the Global Program for the Protection and Empowerment of Children in Cyberspace

CONCLUSION

After our study of the issue of criminal responsibility for the sexual exploitation of children through electronic means of communication and the associated images. The subject revealed to us that this crime is one of the dangerous criminal phenomena, the harm of which is not enough for the child only, but also extends to include society and the state as a whole and that the application of the system to

¹ The National Forum for the Prevention of Sexual Exploitation of Children over the Internet. Held during the period from 15-17 Safar 1438 AH at the Ritz-Carlton Hotel, Riyadh

confronting and combating this type of crime may not end it completely, but it will contribute to a great extent in reducing this crime

After we have studied this subject and brought it into existence, it became necessary for him to state the results and recommendations we reached.

Results

1. The reality of the crime of sexual exploitation of children through electronic means of communication: "It is the integration of the child into any sexual activities by various modern technical means through electronic means of communication to reach a state of satiation of sexual desire or material gain with the possibility of actual implementation on the ground.
2. This type of crime poses a great challenge to society due to the ease of committing it and the difficulty of dealing with it in the world of technology, especially as it affects the most important vulnerable group in society.
3. Children's traps vary through electronic means of communication through methods of deception and systematic solicitation, which include e-mail service, chat rooms, and others lots.
4. Legal measures alone are not sufficient to limit the harm to the weaker segments of society. Rather, the efforts of state institutions, unions and associations concerned with child protection and rights must be combined.
5. Some values and customs in some societies stand in the way of effectively confronting these crimes due to the failure to address them by not reporting them, either to preserve the family's reputation or the family's honor, which leads to impunity for the perpetrators, and the blame and punishment may be placed on the child.
6. There are several forms of the crime of sexual exploitation of children through electronic means of communication, which are inciting the child to sexual acts through electronic means of communication, promoting and displaying pornographic images through electronic means of communication, and exploiting the child in prostitution through electronic means of communication.

ACKNOWLEDGEMENT

1. We wish the Saudi regulator to explicitly state the crime of sexual exploitation of children in Article 6 of the Cybercrime Combating Law, and because this crime is a cross-border crime, it has become necessary for international cooperation to eliminate this dangerous scourge.
2. Focusing in the media on the seriousness of these crimes to spread awareness among children to prevent these crimes through targeted programs that take into account the values, customs and traditions applied in the country.
3. Take the necessary measures to prohibit the use of the Internet to trade or sell pornographic materials or lure children, by setting controls for Internet cafes, listing those who frequent their boxes, and creating a database for them to facilitate their follow-up.
4. We recommend Internet Service Providers, Mobile Network Operators and Search Engines to intensify in order to continuously block pornographic websites that aim to spoil children especially.
5. Requiring Internet service providers, mobile network operators, search engines and other relevant actors to report violations to the responsible authorities and to prevent access to websites and material preservation, for the purposes of investigation and prosecution procedures.
6. We recommend increasing material and moral support for specialists in the Cybercrime Unit and enhancing their capabilities and training human competencies to deal with crime, especially in the difficulty of tracking, investigation and proof with physical evidence.
7. Calling on the national authorities, especially the Ministry of Education, to include in the school curricula a measure of sexual education for children and what is appropriate for their age stages due to the great role that educational institutions play in the self-immunization of the child from being subject to sexual pornography
8. The importance of holding more international conferences and symposia to identify the real dangers that threaten countries as a result of sexual exploitation of children through electronic means of communication in order to confront them effectively.
9. The need to support and encourage studies and research on the issue of sexual exploitation of children through electronic means of communication, whether in universities or relevant social research centers.

The authors extend their appreciation to the Deputyship for Research & Innovation, Ministry of Education in Saudi Arabia for funding this research work through the project number.

REFERENCES

- [1] Al-Ansari, Ibn Manzur, *Lisan Al-Arab*, 2008, Dar Al-Maaref, Cairo, Volume 6.
- [2] Omar, Ahmed Mukhtar, *Contemporary Arabic Dictionary*, 1429 - 2008, World of Books - Cairo. (2/1637).
- [3] Muhammad, Al-Razi bin Abi Bakr bin Abdul Qadir, Mukhtar Al-Sahah, Al-Hilal Library House, Beirut, first edition, 1983.
- [4] Child Protection Law issued by Royal Decree No. (M/14) dated 2/3/1436.
- [5] Executive Regulations of the Child Protection System issued by Ministerial Resolution No. (56386) dated 06/16/1436 AH.
- [6] Law on Combating Information Crimes issued by Royal Decree No. M/17 dated 8/3/1428 AH.
- [7] Al-Khalaf, Ali Hassan, and Al-Shawi, Sultan Abdul Qadir. (1998). *General principles of penal law*. Legal Library, Baghdad.
- [8] Mohammed, Asaad Abdel Hamid Ibrahim. (2020). *The role of criminal policy in combating the crime of electronic extortion in the Kingdom of Saudi Arabia in Islamic law and the system: a comparative study*. Al-Qalzam Scientific Journal, volume 5.
- [9] Al-Buhairi, Amira Muhammad. (2011). *Trafficking in human beings, especially children, from the scientific, psychological, social and legal point of view*, Dar Al-Nahda Al-Arabiya, Cairo, 1st Edition.
- [10] Abdullah, Abdul Karim Abdullah. (2007). *Information and Internet Crimes*, Al-Halabi Publications, 1st Edition.
- [11] Ibrahim, Khaled Mamdouh. (2009). *Information Crimes*, Dar Al-Fikr University, Egypt, 1st Edition.
- [12] Mohammed, Asaad Abdel Hamid Ibrahim. (2020). *The role of criminal policy in combating the crime of electronic extortion in the Kingdom of Saudi Arabia in the Islamic Sharia and the system. A comparative study*. Al-Qalzam Scientific Journal, No. 5, 2020, p. 44.
- [13] Zidane, Mosad Abdel Rahman (2016). "Sexual exploitation of children via the Internet in the light of the provisions of international law, College of Criminal Justice". Naif Arab University for Security Sciences, Riyadh, p. 18.
- [14] Al-Kaabi, Muhammad Obaid. (2015). "Crimes arising from the illegal use of the Internet." PhD thesis, Cairo University, p. 134.
- [15] Majid, Najat Maalla. (2009). "Promotion and protection of all civil, political, economic, social and cultural rights, including the right to development," Human Rights Council, Twelfth Session, p. 7.
- [16] Magrani Sarah. (2016). "The Crime of Child Sexual Exploitation on the Internet". Master's Thesis, Larbi Ben M'hidi University, Oum El Bouaghi, Faculty of Law and Political Science, Algeria, p. 87.
- [17] Dr. Wael Mohammed Nusairat. (2022). *The Crime of Defamation and Slander and Methods to Prove it Via the International Information Network in the Saudi regime and Jordanian law*, International Journal of Innovation, Creativity and Change Volume 16, Issue 2.
- [18] Lamiya, Shaaban Muhammed. (2020). "Human Trafficking via the Internet". *Journal of Social Sciences*, Vol. 3, No. 13, p. 48.
- [19] Nuseirat, Wael Muhammad, and Tarif, Ghada Abdel Rahman. (2018). "The crime of fraud through the international information network, a comparative study of the Saudi system and Jordanian law." *Journal of Political and Law Notebooks*, College of Law and Political Science, Issue, June 19, 1918, pg. 97.
- [20] Al-Nawaisah, Abdul-Ilah. (2017). "Criminal Protection for Children from Permissibility in the Jordanian Cybercrime Law and Comparative Legislation." *University of Sharjah Journal of Sharia and Legal Sciences*, Volume 14, Issue 2, 2017, p: 240.
- [21] Al-Lawzi, Ahmed Mohamed, and Al-Thneibat, Mohamed Abdel-Majeed. (2019). "Electronic Porn Crime as per the Jordanian Information Systems Crimes Law." *Journal of Sharia and Law Sciences Studies*, Volume 42, Issue (3), Deanship of Scientific Research, p. 66.
- [22] Abdulaziz, Dalia Muhammad, (2015), "Criminal Responsibility for the Crime of Electronic Extortion in the Saudi System A Comparative Study", research published in the *Journal of In-depth Legal Research Generation*, Qassim Private Colleges, No. 25, p. 76.
- [23] Najm Alsayid (2008). *Human Trafficking and Child Sexual Exploitation*, Research in the Second International Conference on Protection of Information and Privacy in Internet Law, Cairo - June 2008.
- [24] Nuseirat, Wael Muhammad. (1437). *International efforts in combating cybercrime and the difficulties they face*. Research presented to the first international conference to combat information crimes. Imam Muhammad bin Saud Islamic University, held from Tuesday 28/1/1437 AH to Thursday 30/1/1437 AH. At the Intercontinental Hotel. Riyadh, Saudi Arabia.
- [25] The National Forum for the Prevention of Child Sexual Exploitation on the Internet. Located in the capital, London, during the period from 18-19/2/1436 AH.
- [26] The National Forum for the Prevention of Child Sexual Exploitation on the Internet. Held during the period from 15-17 Safar 1438 AH at the Ritz-Carlton Hotel in Riyadh.



- [27] *Convention on the Rights of the Child (1989): adopted and opened for signature, ratification and accession by UN General Assembly resolution 44/25 of November 20, 1989, entry into force: September 2, 1990, in accordance with Article 49,3, Saudi Press Agency <https://www.my.gov.sa>*