



Rethinking Sextortion in Malaysia: Lessons from Indonesia on Legal Reform and Victim Protection

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Abstract:

Sextortion is at the crossroads of corruption and sexual exploitation. It occurs when a person in authority seeks sexual favours in exchange for not taking action in the person's official capacity. The demand for sexual gratification by officials is a threat to both good governance and gender equality. In Malaysia, however, sextortion has yet to be recognised as a distinct criminal offence. The existing laws, including the Malaysian Anti-Corruption Commission Act 2009, the Penal Code, and the Anti Sexual Harassment Act 2022, address certain elements of the sextortion but do not fully reflect its complexity or scope. This paper examines how Malaysia and Indonesia address incidents of sexual coercion that come from the abuse of authority. The method used is through a doctrinal and comparative legal approach to understand how both countries interpret and enforce the law in this area. The paper considers whether Indonesia's legal framework that approaches sextortion from anti-corruption and gender-based violence could serve as a model for reform in Malaysia. The findings show that Malaysia's legal definition of gratification is too narrow, as it only covers financial or material benefits and excludes sexual favours. This limits the ability to prosecute such cases and weakens accountability within institutions. In contrast, Indonesia's Law No. 31 of 1999 on the Eradication of Corruption Crimes and Law No. 12 of 2022 on Sexual Violence recognise sexual coercion and exploitation that occur through the misuse of authority as both corruption and gender based violence. Revising Malaysia's legal framework to include sexual gratification as a form of corrupt benefit would bring national law into closer alignment with the United Nations Convention against Corruption and the Convention on the Elimination of All Forms of Discrimination against Women. More importantly, it would extend meaningful protection to victims and strengthen integrity, trust, and ethical governance within public institutions.

Keywords: Sextortion; sexual gratification; corruption; Malaysia; Indonesia; victim protection; sexual harassment

INTRODUCTION

Sextortion occurs when a person in authority demands or accepts sexual favours in return for performing or withholding an official act. The International Association of Women Judges (2012) introduced the term to describe abuse by a person in authority demanding sexual favours instead of money in exchange for an official action. Unlike traditional corruption, which involves a financial transaction, sextortion uses sexual compliance as the currency of power. The United Nations Office on Drugs and Crime (2021) later recognised sextortion as a form of gendered corruption that merges the dynamics of authority, coercion, and sexual violence.

Sextortion undermines both institutional integrity and personal dignity. Many of its victims approach officials while seeking protection or assistance such as survivors of rape or sex workers who have been arrested and then threatened with demands for sexual favours in exchange for leniency. These

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are often individuals in vulnerable circumstances, seeking safety or justice, yet finding themselves exploited by the very authorities entrusted to protect them. The core element of sextortion is the abuse of entrusted power. This misuse of authority turns what might seem like private misconduct into a serious violation of public trust and ethical governance. Transparency International (2019) raised similar concerns by asserting that sextortion is one of the most widespread but least acknowledged forms of corruption. It found that victims rarely report such cases because they fear disbelief, blame, or retaliation. Institutional culture also tends to see this behaviour as personal misconduct rather than abuse of power. The organisation called for a broader definition of gratification that includes sexual acts or services, ensuring that authority-based sexual coercion is treated as corruption, not morality.

The United Nations Office on Drugs and Crime (UNODC, 2021) elevated the concept of sextortion by classifying it as a gendered form of corruption involving both a sexual demand and abuse of entrusted authority. Its study showed that corruption is not always about money but can also be power through coercive sexual conduct. Hence, the legal protection should adopt gender-sensitive procedures for enforcement and victim support. Indonesian scholars have helped contextualise sextortion within both corruption and gender-based violence. Yustikarini (2021) states that before the Sexual Violence Law of 2022, Indonesia had no specific category for sextortion. Cases were prosecuted under extortion, pornography, or electronic communication laws, which blurred the line between consent and coercion. She argued that addressing sextortion under both corruption and sexual violence laws would give better protection to the victims which aligned with global standards.

The Indonesian Corruption Crimes Law defines gratification broadly enough to include non-material benefits. Article 12B of this law allows prosecutors to treat sexual gratification as a corrupt advantage, though enforcement was long hindered by cultural stigma and unclear procedures (Rasjidi, 2023). The negative social stigma faced by victims of sextortion differs from those involved in financial corruption or other sexual crimes (Alemi et al., 2025). Many stay silent due to fear of exposure or blame. The study stressed that legal clarity must be supported by confidentiality, institutional cooperation, and strong protection mechanisms for victims.

This gap was later addressed by the 2022 Sexual Violence Law, which criminalises sexual coercion and exploitation through abuse of power. Within this legal framework, Matondang and Putra (2024) found that cooperation between the Corruption Eradication Commission (KPK) and the Ministry of Women Empowerment and Child Protection was essential. Despite initial overlaps, later coordination improved victim protection and public awareness. They concluded Indonesia demonstrates that sextortion can be addressed more effectively when anti-corruption frameworks and gender-justice mechanisms are integrated and mutually reinforcing.

In Malaysia, the legal and institutional framework remains limited. The Malaysian Anti Corruption Commission Act 2009 (MACC) defines gratification in material terms and excludes sexual benefits. No reported cases show that the prosecutors are classifying sexual coercion as corruption under the MACC law. Consequently, there is no judicial interpretation of sextortion under this law. The Anti Sexual Harassment Act 2022 addresses workplace cases, but not abuse of authority in public service. The National Anti Corruption Plan 2019–2023 which focuses on transparency and governance also fails to consider gendered abuse of power. Accordingly, there is an institutional gap between the Anti-Corruption Commission and the agencies mandated to uphold women's rights. Without reforms to definitions and procedures, sextortion remains largely invisible in Malaysia's anti-corruption system.

METHODOLOGY

This paper employs a doctrinal and comparative legal approach to the laws and enforcement in Malaysia and Indonesia in addressing sextortion (Ozsungur, 2024). The doctrinal part focuses on how the law defines and applies key concepts such as gratification, authority, and abuse of power. The paper compares the legal systems of both countries in the areas of anti-corruption and sexual violence. A national legal framework that upholds integrity in public office by recognising and addressing such conduct as sextortion offers valuable lessons for reform. This approach is appropriate because sextortion lies at the intersection of two domains: the legal structures that safeguard integrity in governance and the mechanisms that protect victims from abuse of power.

The doctrinal analysis is by examining legal statutes, namely, the Malaysian Anti Corruption Commission Act 2009 (Act 694), the Penal Code (Act 574), and the Anti Sexual Harassment Act 2022 (Act 840). This paper then evaluates the Indonesian Sexual Violence Law of 2022 and the Law on the Eradication of Corruption Crimes (Law No. 31 of 1999, amended by Law No. 20 of 2001). Reference are also made to secondary materials such as journal articles, policy papers, and institutional reports that discuss how these laws are applied in practice. These sources provide a basis for understanding how legal principles have evolved and how enforcement works in reality.

The research process was carried out in three stages. The first stage describes how both countries define gratification and sexual coercion. The second stage examines how the law is enforced and how victims are protected. The third stage considers what Malaysia can learn from Indonesia and from international standards when reforming its own system.

RESULTS

The results of this doctrinal and comparative analysis are presented in two parts: first, Malaysia's legal and institutional framework, followed by Indonesia's. Each section highlights how relevant laws define, interpret, and address sextortion as an abuse of authority.

Malaysia

In Malaysia, sextortion has yet to be legally defined under statutory laws. The Malaysian Anti-Corruption Commission Act 2009 criminalises the act of soliciting or receiving gratification by public officials. However, the meaning of gratification is confined to monetary or material benefits. Section 3 describes gratification as money, gifts, donations, or services, but it does not clearly include sexual gratification. While the phrase service or favour of any description could in theory cover sexual favours, enforcement practice tends to interpret it narrowly as referring only to tangible or financial benefits. Section 17(a) makes it an offence for a public officer to ask for or receive gratification in exchange for performing or withholding an official act. In practice, however, the Malaysian Anti Corruption Commission (MACC) treats gratification only in financial terms. This means sexual favours are not seen as corrupt rewards. As a result, when a public officer demands sexual favours in exchange for leniency, permits or protection, prosecution is usually brought under the Penal Code for offences related to extortion or sexual modesty rather than under the Anti-Corruption Act.

When sexual demands involve public officers, the cases are usually classified under the Penal Code instead. Sections 354, 376, 503, and 509 deal with assault, rape, criminal intimidation, and offences related to modesty. These provisions look at the physical act or consent but not at the abuse of official power. As a result, sextortion is handled as a sexual offence against an individual rather than as a corruption offence that undermines integrity. Reports involving enforcement officers and licensing staff show further gaps in the system. Victims face confusion about where to report, as both the MACC and the Royal Malaysia Police have overlapping authority. The lack of a joint reporting system and gender-sensitive procedures discourages victims from coming forward.

The Anti Sexual Harassment Act 2022 sets up a tribunal to handle workplace harassment but does not cover cases involving the abuse of official authority. Likewise, the National Anti Corruption Plan 2019–2023 focuses on transparency and governance, yet makes no mention of gender-related corruption. This omission prevents cooperation between anti-corruption agencies and institutions that protect women's rights. As a result, sextortion remains outside Malaysia's main legal and policy frameworks.

Indonesia

The Law on the Eradication of Corruption Crimes (Law No. 31 of 1999, amended by Law No. 20 of 2001) defines gratification as "any benefit, financial or non-financial, received by a public official in connection with authority". Article 12B states that accepting gratification related to one's position is a corruption offence as it is a breach of its official duties. This broad definition allows prosecutors to treat sexual gratification as a corrupt benefit. Law No. 12 of 2022 on Sexual Violence supports this approach by criminalising sexual coercion and exploitation committed through the abuse of power.

Article 6(c) penalises those who use their authority or trust to commit sexual coercion, while Article 12 covers sexual exploitation for personal gratification. Together, these laws close the gap between corruption and sexual violence. Indonesia’s legal scholarship recognises “sektorsi” as a form of online gender-based violence that can be prosecuted through overlapping statutes (Permana, 2022). This illustrates a broader doctrinal understanding that treats sextortion not merely as moral misconduct but as a punishable abuse of authority across multiple legal regimes.

The central agency in implementing Indonesia’s anti-corruption and sexual violence framework is the Corruption Eradication Commission (KPK). Regulation No. 2 of 2020 on Gratification Control explicitly lists sexual services as a prohibited form of gratification. It also requires public officials to report any benefit obtained through their position, with failure to comply treated as misconduct. This regulation fills the gap that previously hindered enforcement against sexual corruption (Yustikarini, 2021).

Other than the legal and institutional framework, the public awareness initiatives in educating society about the nature of sextortion are equally important. Sexual demands made by public officials constitute serious abuses of authority rather than private moral issues. Hence, victims should therefore not be stigmatised, but recognised as individuals who have suffered from an exploitation of power and trust. Hence, victims should not face barriers to reporting, largely due to fear of stigma and privacy concerns. According to a study, successful enforcement depends on confidential reporting procedures, cooperation among institutions, and investigations conducted with sensitivity towards victims(Alemi et al., 2025). Indonesian KPK, which works in partnership with the Ministry of Women Empowerment and Child Protection (KemenPPPA) found that this institutional framework improved both victim protection and institutional accountability (Matondang and Putra, 2024). Indonesia’s experience demonstrates that effective legal reform requires not only comprehensive legislation but also institutions that are ready and capable of enforcing it.

DISCUSSION

The paper first compares how both countries define gratification under their respective anti-corruption laws, followed by an examination of their sexual violence legislation. It then explores the institutional responses to sextortion, showing that Malaysia’s approach remains weak and fragmented, while Indonesia offers a stronger and more coordinated model through its integrated legal and institutional framework.

The definition of gratification under the Malaysian law is limited to money or material gain. The Indonesian law codified a more explicit definition of sexual gratification. Table 1 below shows that Indonesia’s approach broadens the scope of corruption to include abuse of power for sexual benefit, thereby bridging anti-corruption enforcement with gender-based protection mechanisms. This integrated framework ensures that sexual coercion in public office is not treated merely as moral misconduct but as a serious corruption offence. By contrast, Malaysia’s fragmented legal approach separates corruption from sexual exploitation, leaving victims without a clear avenue for justice and accountability.

Table 1. Comparison of “Gratification” under Malaysian and Indonesian Anti-Corruption Laws

Aspect	Malaysia-Malaysian Anti Corruption Commission (MACC) Act 2009 (Section 3)	Indonesia-Law No. 31 of 1999 on the Eradication of Corruption Crimes (as amended by Law No. 20 of 2001, Article 12B)
Definition of Gratification	Includes money, gifts, property, favours, services, positions, contracts, or other advantages.	Any gift or benefit, monetary or non-monetary, received by a public official in connection with their authority.
Scope	Primarily targets financial or material benefits; interpretation of non-material benefits is broad but uncertain.	Explicitly includes non-material benefits, such as sexual gratification, when linked to an official act.

Aspect	Malaysia-Malaysian Anti Corruption Commission (MACC) Act 2009 (Section 3)	Indonesia-Law No. 31 of 1999 on the Eradication of Corruption Crimes (as amended by Law No. 20 of 2001, Article 12B)
Sexual Gratification	Not expressly mentioned; may be implied under “any other service or favour,” but lacks judicial clarity.	Recognised as a corrupt benefit when exchanged for an exercise of official power.
Focus of Law	To preserve integrity and prevent abuse of office in relation to financial or material corruption.	To address both integrity and moral abuse of authority, integrating elements of sexual coercion.
Legal Implication	Sextortion remains a grey area, often prosecuted under separate sexual or disciplinary provisions.	Sextortion can be prosecuted as corruption, ensuring both accountability and victim protection.

Comparison is made to the sexual violence provisions under both laws. Based on Table 2 below, Indonesia’s integration of sexual violence law and anti-corruption enforcement represents a more coherent framework compared to Malaysia’s fragmented system. By recognising sexual coercion, exploitation, and abuse of authority as forms of sexual violence under the TPKS Law 2022, Indonesia bridges the divide between corruption and sexual favours. It is treated as a serious criminal offence involving both power abuse and gendered harm. Malaysia, in contrast, continues to treat sexual misconduct and corruption as separate legal domains, leaving gaps in how sextortion is classified and prosecuted.

Table 2. Comparison of Sexual Violence Provisions under Malaysian and Indonesian Law

Aspect	Malaysia-Penal Code & Anti-Sexual Harassment Act 2022	Indonesia-Law No. 12 of 2022 on Sexual Violence
Legal Focus	Addresses specific acts such as rape, outrage of modesty, and sexual harassment as separate offences.	Establishes a comprehensive framework for all forms of sexual violence, including coercion, exploitation, and abuse of authority.
Definition of Sexual Violence	Not defined as a single offence; scattered across different sections of the Penal Code and the 2022 Act.	Defined broadly as any act that degrades, insults, attacks, or exploits a person’s body, sexuality, or reproductive functions.
Extortion / Coercion Element	Section 383 (Penal Code): Extortion involves threats or fear of injury to obtain property or benefit; does not cover sexual favours.	Recognises sexual coercion -demanding sexual acts through abuse of power, authority, or dependency.
Outrage of Modesty	Section 354 criminalises assault or use of criminal force with intent to outrage modesty. Focuses on physical acts rather than abuse of office.	Incorporated under <i>sexual harassment</i> and <i>sexual abuse</i> provisions, which include verbal, non-verbal, and digital harassment.
Rape / Sexual Intercourse without Consent	Section 375 defines rape as sexual intercourse against a woman’s will or without consent. Requires proof of penetration and absence of consent.	Defines rape as any non-consensual sexual act, including through manipulation, coercion, or misuse of authority, broadening the notion of consent.
Institutional or Power-Based Sexual Abuse	No explicit recognition of sexual exploitation by authority figures; treated under general sexual offences or misconduct.	Explicitly recognises sexual exploitation and sextortion as offences arising from abuse of position, trust, or institutional power.

Indonesia's institutional framework demonstrates how inter-agency coordination can transform the handling of sextortion from a fragmented process into a cohesive system of accountability and protection. Table 3 below shows the linking between the Corruption Eradication Commission (KPK) with the Ministry of Women Empowerment and Child Protection, Indonesia ensures that cases involving abuse of authority for sexual gain are treated as both corruption and gender-based violence. This unified approach allows victims to report confidentially, access integrated support services, and receive restitution or rehabilitation without navigating multiple bureaucratic systems. In contrast, Malaysia's institutional response remains compartmentalised, with the MACC, Royal Malaysia Police, and women's protection bodies operating in isolation. The lack of cross-agency coordination limits both investigative efficiency and victim confidence, underscoring the need for Malaysia to establish an integrated mechanism that aligns anti-corruption enforcement with gender-justice objectives.

Table 3. Institutional Framework for Addressing Sextortion in Malaysia and Indonesia

Aspect	Malaysia	Indonesia
Victim Protection Mechanisms	Victims may seek redress through courts or tribunals under the <i>Anti-Sexual Harassment Act 2022</i> , but coordination between agencies remains limited.	Provides integrated victim protection including restitution, rehabilitation, and coordinated support among the police, anti-corruption commission, and the Ministry of Women Empowerment and Child Protection.
Legal Connection to Sexual Violence	None; corruption and sexual offences are handled under separate laws with no institutional link.	Explicitly connected through the Sexual Violence Law 2022 (TPKS), which complements the Anti-Corruption Law in cases involving abuse of authority.
Institutional Practice	The Malaysian Anti-Corruption Commission (MACC) and the Royal Malaysia Police operate independently, with minimal collaboration on cases involving sexual exploitation.	The Corruption Eradication Commission (KPK) collaborates closely with the Ministry of Women Empowerment and Child Protection in investigating power-based sexual coercion.
Reporting and Enforcement	Fragmented and unclear; victims must report separately to different bodies depending on the offence.	Unified and confidential reporting system, enabling victims to lodge complaints involving both corruption and sexual violence through coordinated channels.
Victim Support	Minimal and procedural, limited mainly to court processes without continuous psychosocial or institutional assistance.	Comprehensive and survivor-centred, offering counselling, rehabilitation, and public awareness programs integrated across agencies.

CONCLUSION

This study asserts that sextortion is a convergence of corruption and gender-based violence, rather than as separate offences governed by moral or disciplinary norms. While earlier Malaysian scholarship has treated sexual misconduct and corruption as distinct issues, this paper presents one of the first comparative doctrinal analyses of Malaysia and Indonesia, highlighting how sexual gratification can and should be recognised as a corrupt benefit. Through statutory comparison and institutional framework analysis, the study exposes the structural gap that weakens Malaysia's ability to address power-based sexual coercion effectively.

By contrasting Malaysia's fragmented institutional response with Indonesia's coordinated framework anchored in the TPKS Law 2022 and KPK Regulation No. 2 of 2020, this study advances a new analytical model for reform based on cross-agency collaboration. Its findings contribute to both academic and policy discourse by recommending specific amendments to Section 3 of the MACC Act

2009 and the creation of a joint enforcement mechanism linking anti-corruption and gender-justice agencies. In the end, this approach shows that sextortion is not just a personal wrongdoing but a failure of good governance. It points the way for Malaysia to build greater integrity, accountability, and protection for victims.

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Conflict of Interest

All the authors declare that there are no conflicts of interest.

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