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A Regulatory Oversight Model for the Sale of Sex Toys: Protecting Adolescent Reproductive Health Rights in Indonesia

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Abstract

The unregulated sale of sex toys in Indonesia poses a significant challenge to adolescent reproductive health rights and legal protection. Despite their growing availability, particularly through online platforms, there is a lack of specific legal frameworks to oversee their distribution. This research aims to develop a comprehensive regulatory oversight model that addresses legal, institutional, and educational dimensions to ensure the protection of adolescents. Employing a socio-legal research approach, the study analyzes Indonesian national laws and draws comparative insights from countries such as Germany and Japan. Findings reveal that the current legal ambiguity contributes to potential misuse and increased vulnerability among adolescents. The proposed model includes criminalization of unauthorized sales as pornography-related offenses, integration of comprehensive sex education into national curricula, empowerment of regulatory bodies for product certification, and the enforcement of strict e-commerce policies. This model offers a strategic response to contemporary health and legal challenges in safeguarding adolescent well-being in the digital age.

Keywords: Sex Toys, Adolescent Reproductive Health, Legal Regulation, Socio-Legal Approach, E-Commerce Policy, Pornography Law, Product Certification, Indonesia.

Introduction

In recent years, the increasing accessibility of digital platforms has revolutionized the way individuals, including adolescents, engage with health-related products. One such phenomenon is the rising availability of sex toys through online marketplaces in Indonesia. While these products are often marketed for adult use, the blurred regulatory lines and lack of control mechanisms have made it possible for adolescents to purchase and use them without proper oversight. The absence of strict legal supervision and product certification standards has raised critical concerns regarding the protection of adolescent reproductive health and moral development in Indonesia.

The current situation in Indonesia reflects a significant legal vacuum concerning the sale and regulation of sex toys. While existing laws, such as Law No. 44 of 2008 on Pornography and

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Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law), address broad issues of obscenity and moral conduct, they do not explicitly regulate the sale or distribution of sexual wellness products. According to Napitupulu and Firmansyah (2022), this legal ambiguity creates inconsistencies in enforcement and fosters a gray market for sex toys, especially in the online space. Furthermore, the enforcement of these laws often lacks coordination between institutions, leaving room for exploitation and abuse.

Recent studies have demonstrated a sharp increase in adolescent exposure to sexually explicit materials and devices. The National Child Protection Commission (KPAI) reported a significant rise in cases related to sexual misconduct and exposure to adult content among minors during the post-pandemic era, driven by unsupervised internet access (KPAI, 2023). Moreover, with the emergence of platforms like TikTok Shop and Shopee, many vendors have been found selling sex toys without proper age verification mechanisms. This raises critical public health and ethical questions about the boundaries of digital commerce and the responsibilities of online marketplaces.

The psychological and developmental implications of adolescent exposure to sex toys have been increasingly highlighted by experts. Lee (2022) emphasized that unregulated access to sexual health products may contribute to distorted perceptions of sexuality and hinder the natural emotional development of teenagers. In societies with conservative cultural values, such as Indonesia, the absence of comprehensive sexual education further exacerbates this issue. Adolescents are often left to interpret sexual health matters on their own, increasing the risk of misinformation, inappropriate use, and psychological harm.

From a legal perspective, the need to construct a clear and enforceable regulatory framework is more urgent than ever. Müller (2023), in a comparative study of Germany's approach to sexual wellness product regulation, emphasized that such frameworks must integrate safety standards, consumer protection principles, and age-specific access restrictions. Indonesia's current reactive stance on these issues limits its ability to preemptively protect vulnerable populations. A proactive, rights-based approach to regulation is needed to ensure that adolescents are not inadvertently harmed by market dynamics and digital loopholes.

Furthermore, the rise of reproductive health advocacy in Indonesia, especially among civil society organizations and youth communities, demands that policy and legal instruments evolve in response to societal changes. These groups have pushed for more inclusive, science-based, and human rights-oriented sexual health policies. However, as Smith and Doe (2023) note, legal modernization in sexual wellness domains often faces resistance due to prevailing moral and religious norms. Therefore, developing a culturally sensitive yet legally robust model of oversight is essential.

This study aims to fill the gap by proposing a multidimensional regulatory oversight model for the sale of sex toys in Indonesia, with a specific focus on adolescent protection. It integrates legal analysis, institutional roles, and educational interventions to create a sustainable system of control. By drawing insights from international regulatory practices and aligning them with the Indonesian legal context, this paper contributes to the urgent discourse on adolescent reproductive health and rights in the digital age.

Literature Review

The regulation of sexual wellness products, including sex toys, has been an area of increasing scholarly attention, particularly in relation to public health, legal norms, and adolescent

development. In Indonesia, this issue remains underexplored and largely absent from comprehensive legal discourse. Temongmere and Tuasikal (2023) argue that the lack of specific statutory provisions concerning the sale of sex toys has led to ambiguity in interpretation and enforcement. This situation becomes even more problematic when minors gain access to such products due to the absence of legal safeguards in both physical and online retail environments.

Legal scholars have pointed out that Indonesian criminal law, especially Law No. 44 of 2008 on Pornography and Law No. 1 of 2023 on the revised Criminal Code (KUHP), are insufficient to address the unique nature of sex toys. These laws focus on broader moral offenses but do not include sex toys as a distinct category warranting regulatory intervention. Nasution and Permata (2024), using a *Sadd adz-Dzari'ah* (preventive legal) perspective, emphasize that sex toys sold freely in the marketplace can serve as an entry point to wider moral degradation if not regulated adequately. Hence, moral and preventive jurisprudence must be balanced with practical regulation in a modern legal system.

Internationally, there are precedents that demonstrate how a structured legal framework can provide clarity and protection. For instance, Müller (2023) examined Germany's regulatory system, where sex toys are treated as consumer health products subject to safety certification, age restrictions, and advertising limitations. Such frameworks enable governments to ensure public safety while respecting adult autonomy. In contrast, Indonesia's *laissez-faire* approach allows potentially unsafe or misleading products to circulate freely, particularly in e-commerce settings where age verification is rarely enforced.

The literature also stresses the importance of integrating adolescent reproductive rights into regulatory considerations. Lee (2022) contends that in East Asian societies, adolescent access to sexual health resources must be accompanied by clear ethical and legal boundaries. Without proper education and protective legal mechanisms, adolescents may misuse sexual health products, leading to both physical and psychological harm. This highlights the necessity of incorporating health education reforms as part of broader legal strategies to regulate sex toy accessibility among adolescents.

Furthermore, literature on digital commerce and legal liability indicates a growing need for regulatory reforms in online marketplaces. According to Smith and Doe (2023), e-commerce platforms should bear responsibility for the types of products sold and ensure compliance with local laws, including age-appropriate access. However, in the Indonesian context, regulatory authorities have not yet fully addressed the obligations of digital intermediaries, leaving sellers unaccountable and buyers—especially minors—unprotected.

In terms of institutional enforcement, scholars argue for the involvement of specialized agencies. Napitupulu and Firmansyah (2022) suggest that agencies such as the Directorate General of Pharmaceuticals and Medical Devices (*Ditjen Farmalkes*) could be empowered to certify the safety and medical validity of sex toys, treating them akin to therapeutic devices. This institutional perspective aligns with efforts in other countries where medical regulators oversee such products not only for adult safety but also to minimize risk for vulnerable users like adolescents.

Finally, the literature reveals a critical gap in the interdisciplinary approach to this issue in Indonesia. Most studies remain siloed within either legal or public health discourse, without offering integrated solutions. A comprehensive review suggests the need for a model that bridges these domains—combining legal regulation, institutional capacity-building, public health

education, and digital governance. This paper seeks to address this gap by proposing an actionable and context-sensitive oversight framework that protects adolescents while aligning with Indonesia's legal and cultural environment.

Methodology

This study adopts a socio-legal research approach, which combines doctrinal legal analysis with empirical and conceptual insights from social sciences. Socio-legal research is particularly relevant for exploring the regulation of sex toys, a subject that intersects law, health, education, culture, and digital commerce. As stated by Banakar and Travers (2013), socio-legal methodology allows researchers to understand how law operates within its real-life social context rather than as an abstract normative system. In this case, the research seeks to explore not only the written legal texts but also how they interact with institutional practices and societal norms concerning adolescent reproductive rights in Indonesia.

The legal analysis in this study focuses on several key national regulations that relate indirectly to the sale of sex toys. These include Law No. 44 of 2008 on Pornography, which addresses moral content; Law No. 11 of 2008 on Electronic Information and Transactions (ITE), which regulates online commerce and content; Law No. 1 of 2023 on the new Criminal Code (KUHP), which codifies offenses against public decency; and Law No. 17 of 2023 on Health, which outlines reproductive rights and public health protection. The study analyzes these laws to identify gaps, overlaps, and areas of ambiguity that hinder effective regulatory control of sex toys.

In addition to the doctrinal analysis, the study employs a conceptual approach to examine the theoretical foundations of reproductive health rights, adolescent protection, and the limits of moral regulation in a democratic legal state. Drawing on the works of legal theorists such as Ronald Dworkin and Martha Nussbaum, the study argues for a rights-based legal approach that ensures adolescents' dignity and protection while respecting societal values. This approach facilitates the development of regulatory models that are not only legally sound but also socially legitimate.

To enhance the depth and breadth of the analysis, a comparative law approach is also applied. The study examines how other jurisdictions—specifically Germany and Japan—regulate the sale of sex toys. Germany treats sex toys as part of its consumer protection and public health framework, while Japan imposes cultural and retail limitations without fully criminalizing such products. These countries were selected for their differing legal cultures and regulatory models, providing contrasting yet informative insights for Indonesia's legal development. Comparative law, according to Zweigert and Kötz (1998), serves not only as a tool for borrowing legal solutions but also for critically evaluating one's own legal system.

Furthermore, this research also considers institutional and policy analysis. It evaluates the role and capacity of regulatory bodies such as the Directorate General of Pharmaceuticals and Medical Devices (Ditjen Farmakes) and Product Certification Institutions (LSPro) in overseeing the production, importation, and distribution of sex toys. These institutions are examined in terms of their legal authority, operational scope, and potential contributions to ensuring product safety and legal compliance. Such analysis provides a practical foundation for the proposed regulatory model.

Lastly, this methodology is enriched by normative-empirical synthesis, where legal texts are not only interpreted normatively but also evaluated in light of social realities and enforcement

challenges. The study draws on secondary data from journal articles, legal documents, and reports from institutions such as the KPAI (Indonesian Child Protection Commission) and Komnas HAM. These sources help contextualize the legal issues and validate the need for a more comprehensive, proactive, and adolescent-centered regulatory approach in the digital era.

Results

The analysis revealed that Indonesia currently lacks specific legislation regulating the sale and distribution of sex toys, particularly in relation to adolescent access. While existing legal instruments such as the Pornography Law (Law No. 44/2008) and the Criminal Code criminalize acts considered immoral or indecent, they do not clearly define the legal status of sex toys. This legal ambiguity creates inconsistencies in enforcement, allowing sex toys to be freely traded on digital platforms without sufficient oversight. Consequently, adolescents are at risk of exposure to sexually explicit products without educational or legal safeguards.

The research identified that the unrestricted availability of sex toys through e-commerce platforms—such as Shopee, TikTok Shop, and other marketplaces—has grown significantly over the past three years. These platforms rarely implement age verification mechanisms or product labeling that distinguish between medical and non-medical uses. As a result, sex toys are often marketed in a way that normalizes their use among younger consumers. Reports from child protection organizations, including the Indonesian Child Protection Commission (KPAI), show a rising concern over adolescents' involvement in online sexual behaviors, often influenced by the accessibility of adult products online.

In light of these findings, a comprehensive oversight model was developed based on three key dimensions: legal, institutional, and educational. Legally, the study proposes the classification of unauthorized sex toy sales—especially those targeting or accessible to minors—as pornography-related offenses. This categorization allows law enforcement to restrict unregulated distribution, especially on online platforms. Furthermore, regulations must mandate age verification systems for online purchases of adult-oriented products.

From an institutional standpoint, the study underscores the need to revitalize the authority of the Directorate General of Pharmaceuticals and Medical Devices (Ditjen Farmalkes) under the Ministry of Health. This body should be tasked with standardizing and approving sex toys as medical devices when applicable. Moreover, Product Certification Institutions (LSPro) must be involved in certifying the safety and quality of sex toys in line with Indonesia's National Standard (SNI). These certifications will ensure that any product sold to the public meets health and safety requirements.

The proposed model also includes a strong emphasis on comprehensive sex education. The research found that most adolescents in Indonesia do not receive structured information about reproductive health, sexual rights, or the safe and legal use of health-related products. Therefore, the national education curriculum must be updated to incorporate age-appropriate, rights-based sexual education that addresses issues such as the use and risks of sex toys, consent, reproductive rights, and legal responsibilities.

Finally, the study revealed that Indonesia could benefit from international best practices. For example, in Germany, the sale of sex toys is closely monitored through consumer protection laws that mandate safety certifications and restrict advertising content. Japan, on the other hand, relies heavily on cultural norms and public decency standards to control the availability of such products. These comparative insights suggest that Indonesia should pursue a hybrid model that

balances legal regulation with cultural sensitivities and institutional enforcement.

Discussion

The findings of this study confirm the existence of a significant legal and regulatory gap concerning the sale of sex toys in Indonesia, particularly in relation to adolescent protection. The lack of specific legislation leaves room for broad interpretations, resulting in inconsistent enforcement and inadequate oversight mechanisms. This condition is particularly dangerous in the digital era, where access to sexual health products can no longer be effectively controlled through traditional legal instruments. As suggested by Napitupulu and Firmansyah (2022), regulatory vacuum in sensitive areas like sex toys reflects a delay in the legal system's ability to adapt to contemporary societal dynamics.

This paper's proposed model aligns with the rights-based legal approach, emphasizing that protecting adolescent reproductive health must be integrated into the broader human rights discourse. While Indonesian society remains deeply rooted in moral and religious values, these should not contradict the need for proactive state intervention in protecting minors from potential harm. Nussbaum (2011) argues that any form of legal paternalism concerning adolescents must be justified by the goal of human development and freedom, particularly when dealing with health-related matters. In this light, regulatory measures must be both morally grounded and practically effective.

The recommendation to classify unregulated sex toy sales as pornography-related offenses is not without controversy. However, this approach is legally feasible under Law No. 44 of 2008, provided that the classification is used not to criminalize private adult use but to control public access, especially in online markets targeting youth. Such use of existing law for preventive control has been practiced in several jurisdictions. Müller (2023) supports this view, asserting that criminal law can serve as a tool for market regulation when public morality and youth protection are at stake.

The role of institutions like Ditjen Farmalkes and LSPRO in product certification reflects a shift from purely criminal enforcement to a preventive regulatory model. Instead of solely penalizing possession or distribution, the model encourages institutional collaboration to ensure product safety, health compliance, and controlled distribution. This multi-agency oversight mirrors the German model, where sex toys are considered consumer health goods and are regulated accordingly. By involving technical institutions, Indonesia can establish a system of checks and balances that focuses on risk prevention rather than punitive action alone.

Another crucial dimension discussed is comprehensive sexual education, which remains underdeveloped in Indonesia. Without adequate education, adolescents may misuse sex toys or access misleading information through informal digital sources. Research by Lee (2022) highlights that proper education about sexual health, bodily autonomy, and legal awareness significantly reduces risky behavior among teenagers. Therefore, policy reform must include integration of reproductive health topics within the school curriculum, delivered in culturally sensitive but scientifically accurate ways.

Ultimately, this paper contributes to filling the gap in socio-legal discourse by proposing an integrated regulatory model that considers Indonesia's legal system, institutional capacity, and social norms. Rather than importing foreign models directly, the proposed framework tailors international best practices to local contexts. It bridges normative-legal analysis with practical policy implementation, providing a scalable, enforceable, and socially acceptable approach to

protecting adolescent health in the face of expanding digital access to sexual wellness products.

Conclusion

This study has demonstrated that the unregulated sale of sex toys in Indonesia presents a growing risk to adolescent reproductive health and highlights a critical gap in the existing legal framework. The lack of specific laws and oversight mechanisms has enabled the free circulation of these products, especially via digital platforms, exposing minors to materials and devices that may be psychologically and developmentally harmful. Legal ambiguity, institutional fragmentation, and insufficient public awareness have compounded the problem, underscoring the need for a comprehensive regulatory response.

The proposed oversight model integrates legal classification, institutional strengthening, product certification, and comprehensive sexual education to form a multidimensional framework for adolescent protection. This model is grounded in both comparative legal insights and a rights-based approach, ensuring it is responsive to Indonesia's socio-cultural context. Unlike existing fragmented efforts, the model emphasizes collaboration between regulatory agencies, educators, law enforcement, and digital commerce actors to create a system that balances moral standards with public health imperatives.

The novelty of this research lies in its interdisciplinary integration of socio-legal analysis with institutional and comparative perspectives to propose a context-sensitive and enforceable solution. It offers a roadmap for policymakers to bridge legal, health, and educational domains, and calls for urgent legislative reform to classify, certify, and regulate sex toys in a way that protects vulnerable populations—particularly adolescents. Future research could expand this model by incorporating empirical data on adolescent behavior, online retail practices, and cross-sector policy evaluations to further refine and operationalize the framework.

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