

The Criminal Liability for Users of WhatsApp Stickers Containing Pornography

Alif Putra Widiyanto¹⁾ & Abdul Kholiq²⁾

¹⁾Faculty of Law, Universitas Pembangunan Nasional “Veteran” Jakarta, Indonesia,
E-mail: 2210611244@mahasiswa.upnvj.ac.id

²⁾Faculty of Law, Universitas Pembangunan Nasional “Veteran” Jakarta, Indonesia,
E-mail: abdulkholiq@upnvj.ac.id

Abstract. *The development of information and communication technology has not only had a positive impact on society but has also given rise to negative consequences. One of the negative impacts of this technological advancement is the shift in criminal activities from the physical world to the virtual realm. The emergence of cybercrime has driven legal developments to address these new forms of criminal activity. This also applies to the evolution of criminal liability under the criminal law provisions in force in Indonesia. Criminal liability may also be imposed in the context of innovations in information and communication technology, such as in WhatsApp sticker packs containing pornography. In the case of “Batu City Communication and Information Office’s WhatsApp Group Inundated with Pornographic Stickers” and the case of “Female Student Reports to Police After Her Semi-Nude Photo Becomes a WhatsApp Sticker,” the imposition of criminal liability can be seen from the presence of the element of fault under criminal law in accordance with the principle of geen straf zonder schuld (no punishment without fault). In the case of “Batu City Communication and Information Office’s Media WhatsApp Group Inundated with Pornographic Stickers”, criminal liability is centered on the act of using WhatsApp stickers containing pornography, with the victims being members of the Batu City Media Press 2021 WhatsApp group, under the pretext of a joke. The element of fault was established due to the intentional act of sending or using WhatsApp stickers containing pornography in the Batu 2021 Media Press group, as the visual content clearly constituted pornography that violates public decency under criminal law.*

Keywords: Criminal Liability; Pornography; Whatsapp Stickers.

1. Introduction

Technological development is the result of human ingenuity aimed at advancing various aspects that facilitate and support daily life. This has been occurring for a long time, driven by advancements in science and the diverse experiences accumulated by humanity over the ages. The primary goal of scientific and technological progress is to shape a better, easier, faster, and safer future for humanity. Furthermore, technology has transformed how humans communicate, learn, and work (Paidil, Paidil & Sartika Sari, 2025). Consequently, the outcomes of scientific knowledge within a given era of human civilization, coupled with the drive for progress, compel humans to continually seek solutions to the challenges they face in their lives. Humans will collectively fulfill the need for new knowledge, fostering mutual integrity to continue the advancement of science from one era to the next. Consequently, all technologies in human life will continue to evolve as long as humanity endures—remaining socially engaged and living in communities.

The era of modernization and digitalization has driven the creation of various new technologies as a form of progress supporting the development of various sectors of human life. This era has also brought about changes in nearly all sectors of human life, particularly the economic and technological sectors (Rohmy, Atikah Mardhiya et al., 2021). This marks the beginning of the integration of information and communication technology as an integral part of human life. This modernization and digitalization are supported by the era of globalization, which began with the invention of internet-based technology. Internet technology continues to evolve and is increasingly accessible to all segments of society without the constraints of space and time. This makes globalization increasingly tangible by transcending spatial and temporal boundaries through the internet. Consequently, technological advancements and scientific progress can be achieved on a massive scale over a significantly extended timeframe thanks to internet technology. This massive development in information and communication technology brings positive impacts in the form of benefits for its users. However, behind all the benefits derived from the development of information and communication technology lie potential negative consequences for users. These negative potentials take the form of crimes arising from the misuse of information and communication technology by individuals with malicious intent. Such crimes are commonly referred to as cybercrime. Cybercrime is a criminal act or illegal activity committed in cyberspace (Putri, Elok Harry Ari Dhani et al., 2024).

Cyberspace is a digital domain for carrying out various activities such as creating, storing, modifying, and exchanging information (Suharto, Miko Aditiya & Maria Novita Apriyani, 2021). Cyberspace is one of the products of the development of information and communication technology that knows no boundaries of space and time, reflecting the reality of globalization. All criminal acts carried out in cyberspace give rise to new forms of crime, such as phishing, cracking, cyberbullying, cyberporn, and others. These crimes emerge by exploiting loopholes in cyberspace for illegal purposes (Bego, Karolus Charlaes et al., 2025). Consequently, in response to the emergence of these crimes, which can be categorized as new in the current era of information and communication technology, legal frameworks have been established to regulate such matters. These legal instruments take the form of laws such as Law No. 11 of 2008 as amended by Law No. 1 of 2024 on Electronic Information and Transactions and Law No. 12 of 2022 on Sexual Violence Crimes.

Law No. 11 of 2008 as amended by Law No. 1 of 2024 on Electronic Information and Transactions serves as the legal framework established by the state to address criminal acts in cyberspace. With regard to cyberpornography, Law No. 11 of 2008 as amended by Law No. 1 of 2024 on Electronic Information and Transactions regulates this in Article 27(1), which prohibits any person from intentionally and without authorization distributing, transmitting, and/or making accessible electronic information containing content that violates public decency. This law is expected to provide a sense of security when engaging in activities in cyberspace (Haryadi, Dwi, 2013). Additionally, Article 4 of Law No. 44 of 2008 on Pornography prohibits the dissemination of pornographic content. These two laws complement each other in providing a strong legal basis for law enforcement authorities to take action against cybercriminals involved in the dissemination of pornographic content. Law No. 11 of 2008 as amended by Law No. 1 of 2024 on Information and Electronic Transactions places greater emphasis on the aspects of distribution and accessibility of electronic information in cyberspace, while Law No. 44 of 2008 on Pornography emphasizes regulations regarding the production, distribution, and consumption of pornographic content in general. In 2022, Law No. 12 of 2022 on Sexual Violence Crimes was enacted as a measure to protect the public from crimes involving indecent acts. Provisions regarding sexual violence crimes were expanded in Law No. 12 of 2022 to include protection for victims against the dissemination of pornography if the victim does not consent. Then, in 2023, Indonesia enacted the national Criminal Code (KUHP) contained in Law No. 1 of 2023. This law establishes criminal provisions that will take effect in 2026, replacing the 1946 Criminal Code. In the national Criminal Code, provisions regarding pornography are contained in Article 407, which falls under Chapter XV on Crimes Against Morality.

WhatsApp, as a platform in the field of information and communication technology, is not immune to cybercrime. One form of criminal activity that can occur on the WhatsApp platform is cyberporn or pornography. As a platform that provides a communication app (chatting app) accessible to everyone for free and with relatively unrestricted use, the potential for the dissemination of pornographic content is significant. Various features provided by WhatsApp are intended to be solutions or innovations. Some of the features provided by WhatsApp include sending images, messages, videos, current locations, voice notes, and stickers (Swarbhawa, Gede Oka et al., 2022). The sticker feature is frequently used by WhatsApp users as an alternative to standard text messages, allowing for messages with visual expressions in the form of images (Lidya, Gabriella, 2024). However, behind the solutions and innovations intended for WhatsApp users, WhatsApp stickers pose a threat in that they have the potential to be misused, causing harm to victims. WhatsApp stickers, included as a feature within the messaging app, can be misused by incorporating pornographic elements into their use.

2. Research Methods

This research employs normative or doctrinal legal analysis, focusing on the legal norms and principles established within the applicable laws and regulations (Muhaimin, 2020, p. 25). In this study, the author will analyze the criminal liability for the use of WhatsApp stickers containing pornography in relation to the applicable laws and regulations in Indonesia through several actual cases. The problem-solving approaches used in this study are the statutory approach and the case approach. The statutory approach involves examining the laws and regulations related to the legal issue under discussion (Muhaimin, 2020, p. 56). The legal approach in this study will be conducted by examining the applicable laws and regulations, namely Law No. 11 of 2008 as amended by Law No. 1 of 2024 on ITE, Law No. 44 of 2008 on Pornography, Law No. 1 of 2023 on the Criminal Code, and Law No. 12 of 2022 on Sexual Violence Crimes. The case approach is a method that involves analyzing cases related to a specific legal issue under discussion (Muhaimin, 2020, p. 57). The case approach in this study will be conducted by examining cases related to legal issues, such as the case "Batu City Communication and Information Office's WhatsApp Group Inundated with Pornographic Stickers" and the case "Female Student Reports to Police After Her Semi-Nude Photo Becomes a WhatsApp Sticker".

The data sources used in this study include primary and secondary data sources. Primary data sources are those derived from legal materials with primary characteristics, as they originate from the formulation of regulations in the form of legal products by state institutions. The primary data sources in this study are Law No. 11 of 2008 as amended by Law No. 1 of 2024 on Information and

Electronic Transactions, Law No. 44 of 2008 on Pornography, Law No. 1 of 2023 on the Criminal Code, and Law No. 12 of 2022 on Sexual Violence Crimes. Secondary data sources are sources derived from legal materials to provide explanations regarding primary legal materials, with the primary function of supporting the understanding, review, and analysis of primary legal materials. The secondary data sources in this study include literature, books, legal journals, articles, and relevant scholarly writings.

Data collection in this study utilized a literature review, which involved examining various relevant sources such as scientific articles, textbooks, and other legal writings addressing the research topic. Additionally, this study referenced legislation such as Law No. 11 of 2008 as amended by Law No. 1 of 2024 on Information and Electronic Transactions, Law No. 44 of 2008 on Pornography, Law No. 1 of 2023 on the Criminal Code, and Law No. 12 of 2022 on Sexual Violence Crimes to strengthen the analysis with primary data sources in the form of primary legal materials. This study was conducted by analyzing a legal phenomenon and relating it to legal materials. The phenomenon to be examined concerns the legal issue of criminal liability for users of WhatsApp stickers containing pornography. This legal issue will be linked to provisions in primary legal materials. Additionally, to sharpen the analysis in this study, the author also utilizes secondary data sources such as journals, books, and verified websites.

3. Results and Discussion

3.1. Legal Regulations Regarding the Use of WhatsApp Stickers Containing Pornography Based on Positive Law

A law in a country is born based on sociological factors as a response to the needs of society in accordance with the scope of the law's applicability to regulate order, justice, and conflict resolution in society. Societal needs arise from the creation of concepts and values that are eventually generalized into communal values known as societal norms (Udayana, I Gede Pande et al., 2022). This is what creates differences in moral values among societies worldwide, reflecting the distinct communal or societal characteristics of different global communities. According to Soerjono Soekanto, a pluralistic society possesses distinctive characteristics based on cultural universals inherent in each society, which give rise to both differences and similarities in the communal nature of these societies (Burlian, Paisol, 2016, p. 26). Thus, societal problems emerge as a result of the mismatch between actions and moral values, which subsequently become norms within society. Pornography entering Indonesian society is perceived as something new and creates friction with the moral values embedded in existing social norms. This friction arises from the gap between a new phenomenon like pornography and the societal values contained within these norms.

Regarding pornography, this phenomenon can be viewed as a relatively new social development in the context of digital dissemination. This creates a discrepancy with the moral norms that exist and evolve within Indonesian society. These moral norms are regarded as a societal necessity that has long served as one of the sociological foundations for the formulation and enforcement of criminal law provisions (Gea, Ali Yusran, 2024). When an act is deemed to contradict widely held moral norms, this situation is understood as a deviation that negatively impacts public order and morality. It is this negative impact that subsequently gives rise to the need for clear criminal law regulations, including the formulation of prohibitions, the imposition of sanctions, and mechanisms for criminal accountability for perpetrators. Thus, the law does not stand apart from the norms that exist within society but is rooted in shared values. Social norms and legal provisions are closely intertwined because the law derives its legitimacy from social norms, particularly moral norms as public norms. This public dimension serves as a reference in determining the scope of legal application, especially within the realm of public law or criminal law, which aims to safeguard the public interest and protect the moral order of society.

Criminal law regulations regarding WhatsApp stickers containing pornography, such as the case “Batu City Communication and Information Office’s WhatsApp Group Inundated with Pornographic Stickers” and the case “Female Student Reports to Police After Her Semi-Nude Photo Became a WA Sticker,” essentially fall under legal regulations concerning the dissemination of pornographic content via digital platforms. In light of this, the pornographic content referred to in the legal provisions relates to both the substance of the content and the form of its dissemination. The substance of pornographic content can be identified through text and imagery that expose matters related to sexuality. The dissemination of pornographic content, one form of which is via stickers on WhatsApp, severely undermines the existing social norms within society. Therefore, a set of laws contained in legislation has been established to be enforced to protect societal norms and the general public from criminal acts of pornography (Tarigan, Ahmad Junaedy et al., 2023). The existence of legal regulations also constitutes the fulfillment of citizens’ rights by the state. According to Satjipto Raharjo (2010), this aligns with Peter Mahmud’s statement, which divides rights into three elements: the element of protection, the element of recognition, and the element of will. The regulations established through the body of laws regarding pornography are designed to complement one another to prevent legal loopholes that criminals could exploit to evade criminal liability.

Pornography has generally been prohibited under Law No. 44 of 2008 (Mellyuana, Amanda & Ni Putu Rai Yuliartini, 2026). Law No. 44 of 2008 on Pornography explicitly prohibits all forms of prohibited activities, such as the production, distribution, and use of pornography. The definition in Article 1(1) of Law No. 44

of 2008 broadly defines pornography as including images, illustrations, photographs, animations, moving images, sounds, or any form of message that leads to obscene acts or sexual exploitation. Based on Article 1(1), WhatsApp stickers, which are visual media used as a means of communication and expression, can be categorized as pornography if they lead to obscene acts or sexual exploitation. Explicit regulations regarding pornographic content can be found in Article 4(1) of Law No. 44 of 2008. This provision specifies that pornography contains explicit content, namely sexual intercourse, sexual violence, masturbation, nudity, genitalia, and child pornography. In terms of normative form, this law illustrates that pornography constitutes a deviation from broad standards of decency. The use of WhatsApp stickers containing pornographic content is fundamentally prohibited by the pornography law.

The use of WhatsApp stickers containing pornographic content falls under the category of acts related to the dissemination of pornographic content. The dissemination of pornography referred to in the context of WhatsApp stickers constitutes content that aligns with Article 4(1) of Law No. 44 of 2008 (Sumadiyasa, I Kadek Arya et al., 2021). All criminal law provisions regarding pornography may be applied to acts involving the use of WhatsApp stickers containing pornographic content. The use of WhatsApp stickers is fundamentally not a matter of public interest for educational or public service purposes, as intended under Article 14 of Law No. 44 of 2008. Therefore, it can be concluded that the use of WhatsApp stickers generally constitutes a criminal offense subject to criminal penalties.

Further regulations regarding pornography are also found in Law No. 11 of 2008, as amended by Law No. 1 of 2024 on Information and Electronic Transactions. In this law, regulations on pornography are more focused on the distribution of content via electronic media. Thus, this law places greater emphasis on prohibiting the dissemination of pornographic content that violates public decency norms in electronic media (Dumako, Ananda Rayhan et al., 2025). This law is intended to meet the need for legal norms in the context of the development of electronic technology. Given that electronic technology increasingly facilitates the distribution of information contained in electronic content, whether positive or negative in nature. Furthermore, this law also protects the Indonesian public, as all information is more easily accessible to the Indonesian public even the global community due to globalization and modernization.

The most relevant provision regarding the prohibition on the dissemination of pornographic content is found in Article 27(1) of the Electronic Information and Transactions Law, which essentially prohibits any person from intentionally and without authorization broadcasting, displaying, distributing, transmitting, or making accessible electronic information or electronic documents containing content contrary to public decency (Karista, Rendra Putra et al., 2025). The phrases

“distribute,” “transmit,” and “make accessible” indicate that the scope of this provision is not limited to uploading content but also encompasses actions such as reposting content, sending via electronic messages, or providing links that allow the public to access such material. Thus, this scope meets the criteria for regulating the use of WhatsApp stickers, which also fall under the category of visual content in electronic media. Consequently, the scope of legal liability becomes broad and aligns with the characteristics of digital technology that enables the rapid and massive dissemination of information, such as within the WhatsApp platform.

Amendments through Law No. 1 of 2024 on the Second Amendment to Law No. 11 of 2008 on Information and Electronic Transactions clarify several aspects, including adjustments to the wording of legal provisions and strengthening the clarity of elements of fault to prevent overly broad interpretations. One of the challenges in implementing the Electronic Information and Transactions Law is that the phrase is often open to multiple interpretations and creates the impression of restricting freedom of expression (Apandi, M. et al., 2024). This situation underscores the need for regulatory updates so that existing provisions can be applied more clearly and consistently. Therefore, the revision of the Electronic Information and Transactions Law is an effort to ensure effective implementation of the law to prevent multiple interpretations in its application.

In the context of the use of WhatsApp stickers, the provision in Article 27(1) of the Electronic Information and Transactions Law has been updated by adding the phrase “for public knowledge”. This amendment is intended to provide legal certainty, particularly in distinguishing between content that clearly violates public decency and expressions protected as part of legitimate freedom of expression in the private sphere. Furthermore, criminal sanctions remain the primary instrument for law enforcement, with the threat of criminal penalties as stipulated in Article 45(1) regarding criminal provisions related to Article 27(1). Thus, in the context of pornography and law enforcement, this Act positions electronic media as a medium with the potential for widespread social impact, leading the state to deem it necessary to establish control mechanisms through criminal law regulations. Thus, the Electronic Information and Transactions Law serves as a legal instrument that complements regulations on pornography in other laws and regulations, particularly in the digital realm, to uphold moral values while fostering order in the use of information technology.

Regulations regarding the use of WhatsApp stickers containing other forms of pornography are found in Article 407(1) of Law No. 1 of 2023 on the Criminal Code. This provision is included in Chapter XV, which governs offenses against public morality. The provisions of Article 407(1) of Law No. 1 of 2023 essentially state that any person may be punished if they produce, create, reproduce, duplicate,

disseminate, broadcast, import, export, offer, buy or sell, rent, or provides pornography, subject to a maximum prison sentence of 10 (ten) years or a fine of at least Category IV (IDR 200,000,000.00 (two hundred million rupiah)) and a maximum fine of Category VI (IDR 2,000,000,000.00 (two billion rupiah)) (Astuti, Yulia & Ufran, 2024). These provisions essentially have a broad scope because they do not focus solely on the physical form of pornography but also encompass the distribution of content via digital means. In the context of advancements in communication technology, one relevant form of content dissemination is the use of stickers on the WhatsApp application. Stickers in this application serve as visual media capable of containing images, illustrations, or photo clips that are subsequently shared in digital conversations. If such stickers contain pornographic content, then the process of creating, duplicating, or distributing them may be viewed as part of the acts of “producing,” “reproducing,” or “distributing” pornography as referred to in Article 407(1) of Law No. 1 of 2023.

Given that pornography is closely linked to sexuality, regulations regarding WhatsApp stickers containing pornographic content are also included in Law No. 12 of 2022 on Sexual Violence Crimes. Although the contexts of sexual violence and pornography differ in definition, this law clarifies that pornography is also considered a sexual violence crime when viewed through the lens of the use of WhatsApp stickers. This provision is contained in Article 4, paragraph (2), letter d of Law No. 12 of 2022, which broadens the scope by stating that acts violating public decency such as the use of WhatsApp stickers containing pornography is constitute sexual violence if they are contrary to the victim’s will (Nurisman, Eko, 2022). The victim in question may be the person depicted in the WhatsApp sticker or the recipient of the WhatsApp sticker, provided the use of the sticker is against the victim’s will. Additionally, provisions regarding pornography in Law No. 12 of 2022 are also contained in Article 4, paragraph (2), letter e, concerning child pornography (Fadhila, Moch. Ivan, 2025). This provision indicates that the law does not merely view sexual violence as direct physical acts but also encompasses actions carried out through digital media containing sexual content and potentially causing harm to the victim. Thus, the scope of legal protection provided by this law is broader, including against acts of sexual harassment committed via electronic communication means such as the use of WhatsApp stickers.

WhatsApp sticker usage like the dissemination of images or illustrations containing pornographic elements can have psychological and social impacts on the recipient or on the person depicted in the sticker. If a sticker containing pornographic content is sent without consent or even with the intent to harass, degrade, or cause discomfort to another party, such an act may be classified as a form of non-physical sexual harassment as defined in Law No. 12 of 2022 (Mardianto, Cuk Indah et al., 2024). This aligns with the purpose of the law, which seeks to provide comprehensive protection for victims of sexual violence, including incidents

occurring in the digital space. Furthermore, the provisions regarding child pornography in Article 4(2)(e) further emphasize that any form of exploitation, distribution, or use of sexually explicit content involving children constitutes a serious criminal offense with severe legal consequences. Therefore, the use of WhatsApp stickers containing pornographic elements, particularly those involving children or used without the consent of others, may be considered a form of legal violation falling within the scope of sexual violence crimes under the applicable laws and regulations in Indonesia.

3.2. Criminal Liability That May Be Imposed on Users of WhatsApp Stickers Containing Pornography

Criminal liability serves as the foundation for imposing sanctions under criminal law to be applied to perpetrators for acts prohibited by criminal law (Fadhila, Moch. Ivan, 2025). In criminal liability, it is recognized that the imposition of criminal sanctions must be assessed in accordance with the unlawful act, the perpetrator, and the provisions of the law itself. This includes an assessment of the aspects of the act to determine whether the elements of the perpetrator's fault are met and the perpetrator's capacity to be held accountable for the fault in their act. Thus, the concept of criminal liability can be understood as a mechanism to determine whether a person who commits a criminal act can be subject to criminal sanctions based on the fault inherent in them and their capacity to be held accountable. In other words, criminal liability establishes the relationship between an unlawful act and the element of fault, and the perpetrator who can be held accountable for their actions.

Criminal acts based on fault in criminal liability are related to a fundamental principle of criminal law, namely "geen straf zonder schuld", which means "no punishment without fault" (Sjawie, Hasbullah F., 2017, p. 7). The elements of the principle of fault referred to in criminal liability include the capacity to be held responsible, intent or negligence regarding the criminal act, and the absence of justifying or exculpatory grounds for the criminal act. Pursuant to Article 36(1) of Law No. 1 of 2023, criminal liability may be imposed for criminal acts committed with intent or negligence, which constitute the elements of fault. The existence of the principle of fault implies that the commission of a criminal act does not necessarily entail criminal liability. This is because the imposition of liability must be based on the fault that occurred. If the fault related to the commission of a criminal act cannot be proven, then criminal liability cannot be imposed because there is no solid basis for the commission of that criminal act. Rules regarding criminal liability are established so that the validity of punishment for perpetrators of criminal acts has a legitimate and legally binding foundation and is applied in accordance with the fault committed by the perpetrator. This also serves as a filter

for imposing criminal penalties on those who are truly guilty and responsible for the commission of the criminal act.

Provisions regarding the conditions that may eliminate criminal liability for fault or negligence are known as grounds for the elimination of criminal liability. Grounds for the elimination of criminal liability are the reasons on which the basis rests for a person not to be subject to criminal punishment, including criminal liability, for a criminal act (Kila, Ferdinandus et al., 2023). Grounds for criminal exemption can generally be distinguished into justifying grounds and excusing grounds. Justifying grounds are categorized as reasons that can eliminate the unlawful nature of an act constituting a criminal offense; consequently, the resulting legal consequences preclude the imposition of punishment even if the elements of the criminal offense are met. Meanwhile, exculpatory grounds are categorized as reasons that eliminate the perpetrator's fault, such as those pertaining to the personal circumstances of the perpetrator of the criminal act or reasons caused by factors influencing the perpetrator to commit the criminal act but lacking an element of fault in the perpetrator, thereby precluding the imposition of liability on the perpetrator.

As previously explained, within the provisions regarding the element of fault in criminal liability, there is also the element of capacity to be held liable. Capacity to be held liable refers to a person's ability, under the circumstances, to be held accountable for their actions regarding an understanding of moral values, risks, and legal consequences. This definition addresses the concept of a lack of capacity to be held accountable when an individual is deemed unable to comprehend the moral values, risks, and legal consequences of their actions. Consequently, certain conditions arise that exempt an individual from criminal liability, such as justifying grounds. The capacity to be held accountable is based on the assumption that three (3) conditions must be met: the ability to clearly understand the meaning of one's actions, the ability to recognize that one's actions are inconsistent with societal norms, and the ability to establish the intent behind the actions committed (Kholiq, Abdul, 2022).

In the context of information technology development, there has been an evolution in criminal law to adapt to the need for legal protection in cyberspace due to the emergence of various types of cybercrimes (Yulianto, Heri Purnomo & Imam Makhali, 2025). This also applies to forms of conduct that may give rise to criminal liability. This aligns with the enactment of several laws regarding the use of information technology, which are fundamentally intended to prevent or halt the misuse of information technology. One form of such misuse involves pornography. Pornography is a phenomenon that ultimately necessitates an expansion of legal frameworks so that criminal liability can be imposed on users of information technology who intentionally misuse it. One phenomenon arising

from the misuse of information technology is the use of WhatsApp stickers containing pornography. The concept of misuse here arises as a result of the use of features within digital communication in information technology features that should be used to produce positive effects but instead result in negative consequences. Essentially, WhatsApp stickers are a form of visual, image-based communication used to express emotions or specific messages in digital conversations. However, the misuse of WhatsApp stickers can also be used to disseminate pornographic content, as seen in the cases of “Batu City Communication and Information Office’s WhatsApp Group Inundated with Pornographic Stickers” and “Female Student Reports to Police After Her Semi-Nude Photo Became a WhatsApp Sticker,” which ultimately led to legal issues and the emergence of criminal liability for such actions.

From these two cases, it is clear that the criminal acts related to pornography committed do not have any justifying or exculpatory grounds that could negate criminal liability, as stipulated in Article 14 of Law No. 44 of 2008. In the first case, the WhatsApp sticker used in the incident “Batu City Communication and Information Office’s Media WhatsApp Group Inundated with Pornographic Stickers” was intended as a joke among coworkers. However, from a general human perspective, upon seeing the visual content of a WhatsApp sticker containing pornographic elements, it is very easy to conclude that such a sticker is visually inappropriate for use. Users should certainly understand that using WhatsApp stickers containing pornographic content is prohibited by law, even if intended as a joke. Furthermore, in accordance with the legal fiction principle, which states that once a law is enacted, everyone is deemed to be aware of it (Andrikasmi, Sukamariko et al., 2023). By stating the intention to joke with coworkers, it is clear that the use of these WhatsApp stickers was a deliberate act, not one resulting from negligence. The intentional nature of the act indicates the presence of a fault element, thereby giving rise to criminal liability for the use of the WhatsApp sticker in the case titled “Batu City Communication and Information Office’s Media WhatsApp Group Inundated with Pornographic Stickers”.

In the second case, the WhatsApp sticker was used as a medium containing pornographic images, with the victim being a female college student in Mamuju depicted in a semi-nude image of herself. Unlike the previous case, in this instance, the individual depicted in the image on the WhatsApp sticker is the victim. However, criminal liability may still be imposed on anyone who uses such stickers within the WhatsApp platform. This relates to the act of redistributing WhatsApp sticker content proven to contain pornographic elements as defined in Law No. 44 of 2008. Similar to the first case, generally speaking, the content of stickers featuring semi-nude images should be viewed as inappropriate and unethical for use. The use of these semi-nude WhatsApp stickers is confirmed to be a deliberate act, as the intended purpose of WhatsApp stickers is for visual communication.

4. Conclusion

Based on the findings and discussion in this study, it can be concluded that the use of WhatsApp stickers containing pornography in Indonesia has been comprehensively regulated through several coordinated regulations, namely Law No. 44 of 2008 on Pornography, Law No. 11 of 2008 in conjunction with Law No. 1 of 2024 on Electronic Information and Transactions, Law No. 1 of 2023 (the National Criminal Code), and Law No. 12 of 2022 on Sexual Violence Crimes. WhatsApp stickers can be categorized as content that violates public decency if they contain pornographic elements such as sexual exploitation, nudity, and so on. Acts such as distributing, transmitting, or making such content accessible constitute criminal offenses. Criminal liability in this context is based on the principle of “geen straf zonder schuld” (no punishment without fault), under which a perpetrator may be sanctioned if they meet the elements of intent and possess the capacity to be held accountable, without any justifying or exculpatory grounds. This law enforcement effort aims not only to maintain public order and morality but also to provide legal protection for victims, particularly in the context of non-physical sexual harassment in the digital space. The use of stickers containing pornography, even if done under the pretext of a joke or personal expression, still qualifies as the offense of distributing illegal content due to its deliberate nature and its contravention of the victim’s will as well as the sociological values of Indonesian society. Therefore, the integration of these various laws serves to close legal loopholes in addressing the misuse of visual communication technology that harms social order.

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