

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

## **Legal Implications in Overcoming Pornography Issues and Dangerous Content for Children in the Digital Era in Indonesia**

**Dorprawati Siburian<sup>1)</sup>, Gunarto<sup>2)</sup> & Jawade Hafidz<sup>3)</sup>**

<sup>1)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [dorprawati@gmail.com](mailto:dorprawati@gmail.com)

<sup>2)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [gunarto@unissula.ac.id](mailto:gunarto@unissula.ac.id)

<sup>3)</sup>Faculty of Law, Universitas Islam Sultan Agung (UNISSULA), Semarang, Indonesia, E-mail: [jawade@unissula.ac.id](mailto:jawade@unissula.ac.id)

**Abstract.** *This research examines the legal implications in overcoming the issue of pornography and harmful content towards children in the digital era in Indonesia. This research aims to analyze the role of law in protecting children from the negative impacts of this content, as well as to evaluate the effectiveness of existing regulations in tackling the spread of dangerous content in the digital environment. The research method used is normative juridical research with a qualitative approach. Secondary data such as the application of positive legal norms and scientific work from scholars are the main focus of this research. The results of this research show that protecting children from the negative impacts of pornography and harmful content requires a comprehensive and coordinated legal approach. Effective law enforcement requires cross-sector collaboration between government, law enforcement agencies, the private sector and civil society. Apart from that, there is a need to improve legal regulations that can keep up with developments in digital technology and fill existing legal gaps. Public education and awareness about the dangers of dangerous content in the digital era is also an important key in protecting children. Thus, it is hoped that the results of this research can contribute to efforts to create a safe and healthy digital environment for children in Indonesia.*

**Keywords:** *Digital; Implementation; Legal; Pornography.*

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

## 1. Introduction

In Indonesia, there is no prohibition at all on the use of technology for citizens, they can freely access it whenever and wherever they are.<sup>1</sup> The government facilitates the use of information technology and electronic transactions and protects the public interest from all types of disturbances as a result of misuse of electronic information which disrupts public order in accordance with statutory provisions. To provide clean and comfortable internet access by providing protection to the public and providing a basis for the Government and the public to understand negatively charged internet sites and their shared role in handling them and protecting the public interest from internet content that has the potential to have negative and/or detrimental impacts. Apart from providing convenience, the internet also has a negative impact on life, especially for children.

Internet technology has brought pornographic material that previously could only be accessed through books or videos into the vast cyber world. Everyone, regardless of age, can access pornographic material from their home as long as they have a computer or cellphone and internet access. Imagine, just by typing the keywords sex, porn, or nudes into a search engine, thousands of sites will be displayed that can be visited easily. The large number of local and international pornographic sites on the internet has made many parties, especially parents, worried about the development of children who are the nation's next generation. According to a study conducted by the Kita and Buah Hati Foundation in Jakarta in 2005, it was revealed that 80 percent of children aged 9-12 years had accessed pornographic material and dangerous content.

Related research has been conducted on the issue of pornography and harmful content which is correlated with children. Like Rika Hardani, et al., who explained that the bond between mother and child and between father and child that is formed from childhood will influence the development of the child's personality in the future. A good personality will enable children to choose good behavior and not fall into negative behavior such as pornography and dangerous content. One change that cannot be avoided in children is high motivation and curiosity about various things, including issues related to sexuality. The discussion begins with the related legal context, namely Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection, and Government Regulation (PP) no. 40 of 2011 concerning the Development, Guidance and Recovery of Child Victims and Perpetrators of Pornography and dangerous content. Even though there are related regulations, the author highlights that legal protection of children's rights as victims and perpetrators of pornography does not appear to have received serious attention, and this should depend on how a country's leaders pay attention to children.

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Protection of children from the influence of pornography is mandated in Article 15 of Law Number 44 of 2008 concerning Pornography which states, "Every person is obliged to protect children from the influence of pornography and prevent children's access to pornographic information." This obligation is the duty of the Government, social institutions, educational institutions, religious institutions, families and/or the community to provide guidance, assistance and social recovery, physical and mental health for every child who is a victim or perpetrator of pornography and dangerous content. Legal protection for children due to the spread of pornography and dangerous content on the internet is an issue that needs attention. Regarding morals, currently we have entered a new era, namely the era of globalization and modernization. As this new era progresses, changes are actually occurring in society, both economically, socially and culturally. These changes are caused by the <sup>5</sup>globalization process as an inevitable effect of the development of information technology, so that it can damage a person's morals, especially children who are not yet able to filter the correct information. The problem of pornography and dangerous content, apart from destroying morals, is also a source of immorality. In this case, pornography has a very real and worrying negative impact, including the frequent occurrence of promiscuous sexual behavior, sexual harassment, deviant sexual behavior and even murder, which many people have experienced. Protection of children due to the distribution of pornography and dangerous content on the internet from the influence of pornography and preventing children's access to pornographic information. It must be realized that the problem of pornography and dangerous content is a very complex and worrying problem, children are always victims of the distribution of pornographic material and dangerous content. in society.

The research that has been carried out and described above opens up an important space for researchers to fill, namely explaining the various efforts that can be taken to protect children in overcoming the issue of pornography and dangerous content in the digital era like today. This research is the basis for developing effective protection strategies, in line with the rapid development of technology and information. In this context, researchers are trying to formulate concrete steps to tackle the spread of dangerous content such as pornography and dangerous content. It is hoped that the findings and recommendations produced will become valuable guidance for relevant parties in protecting children from the negative impacts of pornography issues and dangerous content in the current era of globalization. Thus, through cooperation and implementing the right solutions, it is hoped that a world will be created where children can grow and develop safely and healthily amidst a very dynamic flow of information. Based on the background description above, several problems have been identified that will be studied in this research, namely: what is the role of law in protecting children from the negative impacts of pornography and dangerous content in the digital environment in Indonesia? And what are the

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

legal implications for efforts to overcome the issue of pornography and harmful content towards children in Indonesia in the digital era?

## **2. Research Methods**

This research uses normative juridical research methods with qualitative data, which focuses on collecting secondary data such as the application of norms or rules in positive law, as well as scientific work from scholars. Normative legal research methods are used to examine available library materials. The statutory approach is used to analyze and review all laws and regulations related to the legal issue being studied. This research aims to provide a detailed, systematic and comprehensive description of the process of proving cyber pornography and dangerous content carried out by children through mass media in court trials, as well as efforts to tackle cyber pornography and dangerous content carried out via the internet in Indonesia.

## **3. Results and Discussion**

1) The Role of Law in Protecting Children from the Negative Impact of Pornography and Harmful Content in the Digital Environment Explanation of Law no. 23 of 2002 explains that children are trust and gift from God Almighty, which must always be guarded because they have dignity and rights attached to them as a human being who must be respected. Parents, family, and society is responsible for safeguarding and maintaining human rights is in accordance with the obligations imposed by law. Thereby also in the context of implementing child protection, the state and the government is responsible for providing facilities and accessibility for children, especially in ensuring growth and optimal and directed development.

Until now, there are no statutory regulations that specifically regulate provisions regarding revenge porn, although there have been several revenge porn cases that have been tried in court before. Therefore, a clear legal instrument is needed to provide legal protection and legal certainty for victims of revenge porn. The Draft Law on the Elimination of Sexual Violence (RUU PKS) has been included in the priorities of the 2021 National Legislation Program (Prolegnas) of the House of Representatives.

Until now, there is no law that specifically regulates revenge porn in Indonesia. However, there are several regulations in Indonesia that regulate the scope of distribution of pornographic content, namely "Law Number 11 of 2008 concerning Information and Electronic Transactions" (UU ITE); "Law Number 44 of 2008 concerning Pornography" (Pornography Law); "Law Number 37 of 1999 concerning Human Rights" (Human Rights Law); Law Number 13 of 2006 concerning



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Witness and Victim Protection” (Witness and Victim Protection Law); and criminal provisions in the "Criminal Code" (KUHP).

efforts on the issue of pornography and content harmful to children need to be implemented as early as possible, namely from the fetus in the womb until the child is 18 (eight twelve) years. Starting from the concept of complete child protection, thorough, and comprehensive, this law lays down obligations provide protection to children based on the following principles following:

a. Non-discrimination;

b. the best interests of the child;

c. the right to life, survival and development; And d. respect for children's opinions Law enforcement against children due to the issue of pornography and dangerous content on the internet has been accommodated in several laws and regulations, including Law Number 44 of 2008 concerning Pornography which is lex Specialists provide protection for children as mandated in Article 16 of Law Number 44 of 2008 concerning Pornography that state:

1) Government, social institutions, educational institutions, religious institutions, families, and/or society is obliged to provide guidance,

assistance, as well as social and health recovery physical and mental for every child who becomes victims or perpetrators of pornography.

2) Further provisions regarding coaching, assistance, as well as social and health recovery physical and mental as intended in paragraph (1) regulated by Government Regulation.

Law No.44 of 2008 concerning pornography also has the same meaning of children namely a person who is not yet eighteen years old, and in the explanation of Article 4 paragraph (1) letter f too explained that child pornography is in all forms pornography involving adults who act or act like a child. So that it can concluded that child pornography is complicity children or adults who play a role or act like a child in taking pictures, sketches, illustrations, photos, writing, sounds, sounds, moving images, animation, cartoon, conversation, gesture, or shape other messages through various forms of media communication (social media) and/or performances on public, which contains obscenity or exploitation sexual relations that violate internal decency norms public. Child pornography is considered an act

crimes that exploit children and as sexual crimes against children. Prohibition Child pornography is clearly stated in Article 4 paragraph (1) Law no. 44 of 2008 concerning Pornography which

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

reads: "Everyone is prohibited from producing, making, reproduce, reproduce, distribute, broadcast, import, export, offer, buy, sell, rent or provide explicit pornography."

As for the definition of a child according to Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, in article 1 point 1, a child is "a person who is not yet 18 (eighteen) years old, including children who are still in the womb". In this article, children who are still in the mother's womb have the right to receive legal protection.

Children here mean children in any condition (abandoned children, disabled children, children who have advantages and so on).<sup>15</sup> Based on several definitions from the laws and regulations above, an equation can be drawn, namely that what is called a child is someone aged between 0 (still in the womb) to 17 years (under 18 years). Researchers will use these restrictions to refer to children in this research.

Formulating and updating regulations is a very important step in facing the challenges of child protection in the ever-growing digital era. In Indonesia, there are several laws and regulations that are relevant to this statement and that have an important role in protecting children in the online environment.<sup>16</sup> Apart from legal regulatory aspects, efforts to prevent the spread of pornography also require active participation from the community. The role of society is integral in maintaining children's safety in the digital world. Awareness of potential dangers, learning about the safe and wise use of technology, and reporting harmful content are some of the ways in which society can contribute to protecting young people. As time went by, Law no. 4 of 2008 has had a positive impact in protecting children's rights in cyberspace. Increased legal awareness among internet users, as well as prevention efforts carried out by related institutions, are indications that this regulation is not just a legal document, but also an effective instrument in protecting the nation's future generations. Although there have been steps to address the spread of child pornography and harmful content in cyberspace, challenges continue to grow as technology develops. The future requires closer collaboration between governments, legal institutions and society in identifying innovative solutions that can protect children from the negative impacts of inappropriate content.

The legal framework regarding the relationship between parents and children represents the parenting style that Indonesian families have, which is called *alimantation*, namely a reciprocal relationship between children and parents. This is also supported by a patriarchal culture where the voice of the old and powerful is considered the best and must be approved.<sup>18</sup> One of the key laws is the Information and Electronic Transactions Law (UU ITE). The ITE Law has a big role in

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

regulating online privacy, cybercrimes against children, and regulating dangerous content. It provides an important legal basis for addressing cybercrime that harms children and protecting them from harmful content online.

2) Legal Protection of the Rights of Indigenous Peoples in the Digital Realm Development of increasingly widespread internet networks in Indonesia have a positive impact on initiatives to address deficiencies in mastery of technology (technologically illiterate). The negative impact is crime in information technology, which is a source of concern and gain attention from various parties, especially regarding violations decency. One form of information technology crime in this field is cybercrime, with a primary focus on online pornography, in particular involving children, and online sexual activity. Although the legal framework has been provided by the government, the response crime techniques that occur through computer technology are not yet fully effective, especially in the context of internet networks. Although the Criminal Code Bill recognizes electronic media as a tool to commit a crime. The pros and cons of "sharenting" revolve around parental power over children and the child's own right to privacy. The trigger is the lack of awareness of the boundaries between parents' rights to share content about children and children's rights to privacy. Parents do legally have power over children as stated in Article 47 paragraph (1) Law no. 1 of 1974 concerning Marriage, where children who have not reached the age of 18 (eighteen) years or have never been married are under the authority of their parents as long as they are not removed from their authority.

The Human Rights Law has regulated basic rights as human rights for as many children as possible fifteen articles, which actually contain points of protection for children's lives as contained in section ten of the Human Rights Law. If you pay attention There are four articles on children's rights contained in the Human Rights Law letterlijk contains a protective phrase which states that every child has rights to obtain legal protection, including:

- a. Protected from all forms of physical or mental violence, neglect, ill- treatment and sexual harassment,
- b. Protected from economic exploitation activities and any work that occurs endanger himself, so that it can disrupt education and health physical, moral, social life and spiritual mental,
- c. Protected from sexual exploitation and abuse, kidnapping, child trafficking, and
- d. Protected from various forms of narcotics, psychotropic and abuse other additives.

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The protection for children that already exists in Indonesian positive law has not been able to fully protect children in cyberspace due to various types of crimes or unpleasant acts against children in cyberspace. Apart from the above laws, protection for children in other matters is spread across other laws and regulations such as Law Number 44 of 2008 concerning Pornography regarding the prohibition of pornography and sexual exploitation of children, Law 26 Number 11 of 2008 concerning Information and Electronic Transactions related to criminal threats for anyone who distributes information or electronic documents that concern morality or sexual exploitation of children.

Law Number 23 of 2003 concerning Child Protection emphasizes the distribution of roles and responsibilities for child protection to the family, community and state. By regulating the distribution of roles and responsibilities for the protection of children, it shows that efforts to protect children are a shared responsibility, not just one party. Legislation relating to the legal protection of children from harmful content in print and electronic media is:

- a. Law Number 40 of 1999 concerning the Press
- b. Law Number 23 of 2002 concerning Child Protection
- c. Law Number 32 of 2002 concerning Broadcasting
- d. Law Number 44 of 2008 concerning Pornography
- e. Regulation of the Minister of State for Women's Empowerment and Child

Protection Number 2 of 2010 concerning the National Action Plan for the Prevention and Handling of Violence Against Children.

The Child Protection Law also places obligations on parents to fulfill children's rights. Article 1 number (2) of the Child Protection Law emphasizes that children's rights are part of human rights which must be guaranteed, protected and fulfilled by parents and others. Article 1 number 4 does not limit parents to only biological father/mother but also father and/or stepmother, father and/or adoptive mother. Furthermore, parental participation in child protection is regulated in Article 20 which states that the state, government, regional government, community, family and parents or guardians are obliged and responsible for the implementation of child protection. In more depth, Article 23 paragraph (1) also states that the State, Government and Regional Government guarantee the protection, maintenance and welfare of children by paying attention to the rights and obligations of parents, guardians or other people who are legally responsible for children.

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Children as victims are also given legal protection through Law number no. 31 of 2014 concerning Amendments to Law no. 13 of 2006 concerning Witness and Victim Protection. In Article 5 of the Witness and Victim Protection Law, that:

a. Witnesses and Victims have the right:

- 1) Obtain protection for personal security, family and property, and be free from threats related to testimony that will be, is being, or has been given;
- 2) Participate in the process of selecting and determining forms of security protection and support;
- 3) Provide information without pressure;
- 4) Get a translator;
- 5) Free from entangling questions'
- 6) Obtain information regarding case developments;
- 7) Obtain information regarding court decisions;
- 8) Obtain information in the event that the convict is released;
- 9) Identity kept secret;
- 10) Get a new identity;
- 11) Get temporary residence;
- 12) Get a new residence;
- 13) Obtain reimbursement for transportation costs according to needs;
- 14) Obtain legal advice;
- 15) Obtain temporary living expenses assistance until the protection period ends; and/or
- 16) Get assistance.

#### **4. Conclusion**

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

The legal implication in dealing with the issue of pornography and harmful content towards children in the digital era in Indonesia is that protecting children from the negative impacts of this content requires a holistic and coordinated legal approach. Effective law enforcement requires cooperation between government, law enforcement agencies, the private sector, and civil society. There is also a need to improve legal regulations that accommodate developments in digital technology and fill existing legal gaps to improve children's protection. Apart from that, public education and awareness about the dangers of dangerous content in the digital era is also very important. Thus, with integrated joint efforts, it is hoped that a safe and healthy digital environment can be created for children in Indonesia.

## 5. References

### Journals:

Arif Sugitanata, Bronfenbrenner's System Ecological Analysis of Efforts to Protect Children from the Dangers of Pornography in the Era of Digital Globalization, *Journal of Gender and Children Studies* Vol. 3, no. 2 (2023): 129-138, p. 131.

Andrew Christian Banjarnahor, Hana Farida h, Juridical Review of the Process of Proving Cyber Pornography Conducted Through Social Media Based on

Indonesian Positive Law, (JAH) *UNDIKNAS Journal of Legal Analysis* Vol. 6 No. April 1, 2023, 1-15, p. 36.

Ai Permanasari, Yohanes Hermanto Sirait, Protection of Children's Privacy Rights for Sharenting Violations by Parents in Indonesia, *Journal of Legal Communication*, Volume 7 number 2, August 2021, p. 1027.

Annisa Nur Fitri, Agus Wahyudi Riana, Muhammad Fedryansyah, Protection of

Rights Children in Efforts to Improve Child Welfare, *Proceedings of Ks: Research & Pkm*, Vol. 2 No. 1, 2015, p. 142

Andy Satria, Chantika Aprila Sirejekina Sibarani, Ririn Aulia Tobing, Daniel Teguh Jaya Telaumbanua, Implementation of Child Protection Policies on the Use of Technology and the Internet, *All Fields of Science J-LAS*, Vol.3, No.4, 30 December 2023 (pg: 154 - 165), p. 161.

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)

Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

Cindy Kang, The Urgency of Ratifying the PKS Bill as a Legal Protection Effort for Revenge Porn Victims, Journal of Yustika Media Law and Justice,

Faculty of Law, University of Surabaya Vol. 24 No. 01, July 2021, p. 6.

Destin Aulia Alma, Tuti Atika, Fulfilling the Rights of Children and Families in Cases of Victims of the Distribution of Pornography at the Medan City PPA Service, ACADEMIC CAMPUS PUBLISHING Science Journal Student Research Vol.1, No.1 October 2023, p. 2.

Evi Deliana HZ, Legal Protection of Children from Dangerous Content in Print and Electronic Media, Journal of Legal Studies, VOLUME 3 NO. 1, p. 5.

Herlyanty YES. Bawole, Vonny A. Wongkar, Legal Protection for Children Due

to Content on Social Media Containing Pornographic Elements, Sam Ratulangi University Faculty of Law Journal Lex Privatum Vol.XII/No.3/Okttober/2023, p. 4.

Muhammad Rafifnafia Hertianto, Juridical Review of Child Protection in Cyberspace in Indonesia, Journal of Law & Development Vol. 51 No. 3 (2021): 555-573, p. 561.

Muh. Fachrur Razy Mahka, Fatri Sagita, Najirah Umar, Sitti Zuhriyah, Nur Lilis Sukanda, Preventive Legal Strategies in Improving Child Protection in the Digital Era, IALL, Proceedings of the National Seminar on Information Systems and Technology, page 375.

Rini Fitriani, Legal Protection of Children Due to the Dissemination of Pornography on the Internet and Social Media, Samudra Perempuan Law Journal, Vol. 10 No. 2 July-December 2015, p. 229.

Samuel D. Warren, Louis. Brandeis, The Right to Privacy, Harvard Law Review, Vol. 4, no. 5., 1890, p. 218.

Shofiyah, The Impact of Social Media and Pornography on the Sexual Behavior of Minors, Journal of Islamic Communication and Broadcasting, Volume 4 Number 1 June 2020, p. 62.

Ventje Jeremias Lewi Enge I, Efforts to Protect Children from Pornography on the Internet, Sociotechnology Journal Edition 25 Year 11, April 2012, p. 61.

Wantini, Us'an, Implications of Pornographic Content for Children: The Urgency of Early Sex Education in Efforts to Prevent Promiscuity among Adolescents, Journal of Children's Education, November 2023, p: 246-256 Vol. 9 No. 2 of 2023, p. 246.

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)



Topic: Human Right Issues of Artificial Intelligence (AI) Gaps and Challenges, and Affected Future Legal Development in Various Countries

**Books:**

BPHN, 2017, Final Report of the Legal Analysis and Evaluation Working Group on Community Development Toleran, Center for National Legal Analysis and Evaluation, BPHN-Kemenkumham, Jakarta.

27Herlyanty YES. Bawole, Vonny A. Wongkar, Legal Protection for Children Due to Content on Social Media Containing Pornographic Elements, Sam Ratulangi University Faculty of Law Journal Lex Privatum Vol.XII/No.3/Okttober/2023, p. 5. Komariah, 2002, Civil Law, Muhammadiyah University of Malang, Malang, Matter. 65.

**Internet:**

Kominfo. 14 November 2016. " Controlling Negative Internet Content in Efforts to Educate the Nation ". Available on the site

<https://aptika.kominfo.go.id/2016/11/pengendalian-konten-negatif-internet-dalam-usaha-mencerdaskan-bangsa/>. Accessed on 28 April 2024.

Legal Implications in Overcoming Pornography Issues and ...  
(Dorprawati Siburian, Gunarto & Jawade Hafidz)