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Topic: Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children

Legal Protection for Children Who are Perpetrators of Sexual Abuse Due to the Influence of Pornography on the Internet

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Abstract. *The influence of pornography circulating in the digital world through prohibited sites is increasing and damaging, this also damages children as the next generation of the nation, the circulation of pornography in cyberspace can cause children to experience pathological disorders in the form of sexual behavioral deviations which ultimately lead to children committing sexual violence against their peers. The position of children as victims of exposure to pornography circulating in cyberspace when they become perpetrators of sexual violence is considered a crime like that committed by adults, so that victims often refuse to resolve this problem through diversion. The type of legal research used is non-doctrinal. Based on the results of the research conducted, it can be understood that Protection for children who commit sexual crimes due to the impact of the spread of pornographic sites on the internet that occurred in the city of Cirebon has not been realized. This is indicated by the large number of child perpetrators of sexual violence due to the influence of exposure to pornography in the digital world that are resolved in court. The solution that can be done to protect child perpetrators of sexual violence due to the influence of exposure to the circulation of pornography in the digital world is to optimize diversion in child sexual violence cases by emphasizing in Article 7 of the Law of the Republic of Indonesia Number 11 of 2012 concerning the Child Criminal Justice System that the type of conditions for diversion are not only based on the child's actions which are criminal acts that are threatened with 7 years of imprisonment but also need to look at the aspects of the child's criminal responsibility and the child's future situation. Emphasize to the parties in cases of sexual violence committed by children that it is necessary to go through the legal process through diversion for children first. Implementation of legal counseling on the importance of diversion, especially in cases of violence committed by children in the community.*

Keywords: Children; Pornography; Sexual; Violence.

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1. Introduction

Children are the nation's next generation and hold a vital position, indicating that they are the ones who determine the future of the nation and state. The rapid flow of information resulting from advances in digital technology in the current era of globalization makes pornography a vulnerable issue that also affects children in this country. According to Aries Adi Leksono, Commissioner of the Indonesian Child Protection Commission (KPAI), approximately 55 million children in Indonesia will be addicted to pornography by 2024. Aries added that this problem of children's addiction to online pornography can lead to addiction, which then affects children's brain function and mental health.¹

The influence of pornography in cyberspace on children's mental health can lead to deviant acts, this can be seen in the presence of free sex behavior of minors, even deviant acts in the form of rape. This can be seen in one of the cases of rape committed by four young men in Cirebon City against a minor. Initially, the victim, who was a minor, was forced to drink alcohol. The act was carried out in two different locations. The perpetrators took turns carrying out this act on the victim. The four perpetrators of this heinous act consisted of AS (18), IW (30), RS (19), and HR (35). The victim fought back. However, the perpetrators continued to force her. They even turned off the victim's cell phone, who had asked her family for help. However, the victim managed to contact her family so they immediately came to the scene. At that time, the victim was afraid at the location. The perpetrators were immediately secured at the Cirebon Police Headquarters. Based on the investigation into the case, it was discovered that AS (18), IW (30), RS (19), and HR (35) were drunk and planned to carry out this heinous act, triggered by frequently watching pornographic videos that they obtained via internet sites from one of the perpetrators, namely IW. This incident occurred on July 24 2024.²

The rapid pace of information access brought about by advances in digital technology has resulted in pornographic sites not being properly filtered. This allows children to access these prohibited sites, which can damage their behavior and harm victims of sexual crimes committed by children whose thinking and behavior are damaged by consuming pornography on the internet. However, children who commit sexual crimes as a result of consuming pornography cannot

¹Radio Republik Indonesia, "KPAI: 5.5 Million Indonesian Children Addicted to Pornography", <https://rri.co.id/daerah/824614/kpai-5-5-juta-anak-indonesia-kecanduan-pornografi>, January 12, 2026, 11:10 WIB.

²Interview with Ipda Saeful Eka Priaga as Head of the Women and Children Protection Unit (PPA) of the Cirebon City Police Criminal Investigation Unit, January 10, 2025.

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be punished like adults. This is because children do not yet have a mature understanding of the deviant actions they commit.³

This makes the method of taking action against children who commit violations of the law as deviations due to the influence of the spread of pornography on the internet must be carried out by means of mental and psychological guidance and development of children, this is considering that children who are perpetrators of deviant sexual behavior due to the negative impact of pornography on the internet are children who have neglected the responsibilities of their parents and their environment. Article 59 paragraph (1) of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states, "the government, Regional Governments, and other state institutions are obliged and responsible for providing Special Protection to Children". Article 59 paragraph (2) letter b of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states, "Special protection for Children as referred to in paragraph (1) is given to children who are in conflict with the law".

Article 71 of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection then reads:

Special protection for children who are victims of mistreatment and neglect as referred to in Article 59 paragraph (2) letter m is carried out through supervision, prevention, care, counseling, social rehabilitation and social assistance.

Based on various existing provisions, it can be understood that children who are perpetrators of sexual deviation due to the negative impact of pornography on the internet cannot be viewed as perpetrators of sexual crimes like parents, but also need to be viewed as victims of neglect of the responsibility of supervision and guidance of parents and their families, so that for that reason, children who are perpetrators of deviant behavior due to the negative impact of pornography on the internet need to receive special protection as intended in Article 71 of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. However, the provisions of Article 71 of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection have not yet been realized in reality, this is because the punishment of children who are perpetrators of

³Narantoputrayadi Makan Malay, op, cit.

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sexual crimes committed against other children who become victims is seen as a sexual crime like a crime committed by an adult.

2. Research Methods

This research was conducted using sociological juridical research, namely a type of research that studies the influence of society on law, the extent to which phenomena in society can influence law and vice versa and is based on the paradigm of empirical science.⁴

3. Results and Discussion

3.1. Protection for Children Who Commit Sexual Crimes Due to the Impact of the Spread of Pornographic Sites on the Internet in Cirebon City

The crime of pornography has a significant impact on deviant behavior in children. Pornography on the internet and social media has not only developed into a personal need but also a commodity traded commercially and professionally. Online prostitution has also emerged in various forms, exploiting technology. Pornography has a devastating impact on children's lives, including reducing concentration in learning and, most dangerously, using it for gratification, leading to sexual harassment or sexual crimes. Therefore, there must be a collective effort by all of society to combat pornography to prevent it from further leading children into a denial of our true nature as human beings, endowed with everything from the Creator, including sexuality, for the noble task and purpose of creating a sustainable generation of human beings with physical, spiritual, and spiritual health. Everyone is obligated to protect children from the influence of pornography and prevent their access to technological information. The role of parents and families is to provide children with understanding, which is a strong bulwark against the influence of pornography. Pornography on the internet and social media is difficult to eradicate and block due to easily penetrated blocks, so the safest way is to teach children to block themselves, that's more important. Computer abuse (cybercrime), namely computers being used as a tool or medium to commit crimes such as selling pornographic and pornographic sites that can lead to crimes such as rape and sexual harassment. In the form of computer crime, crimes closely related to the use of technology based primarily on computers and telecommunications networks, is called Illegal Content, namely the crime of entering data or information into the internet about something that is false,

⁴Johnny Ibrahim, *Normative Legal Research Theory & Methodology*, Bayumedia Publishing, Malang, 2013, p. 40.

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unethical and can be considered unlawful or disturbing public order. Social media is an online medium that appears in various forms, including magazines, internet forums, weblogs, social blogs, wikis, photos or images, videos, and so on. Currently, it is the most visited media because social media seems to have a magic that makes its users feel at home playing it. Pornographic content is easily spread on social media such as Facebook, Twitter, and others that can be accessed by all ages because the lack of security for users in terms of age has caused anxiety and concern for us all. Adults, when they see and/or hear and/or touch pornographic and/or pornographic objects, will react differently than children or minors. Adults can still control themselves from pornography and/or pornographic action compared to minors. Meanwhile, people who are not yet adults, especially children approaching adolescence and teenagers, are more easily influenced by pornography and/or pornographic action, whether it is what they see, hear or touch.⁵

The problem of pornography, apart from destroying morals, is also a source of sin. In this case, pornography has a very real and worrying negative impact, including frequent free sex, sexual harassment, deviant sexual behavior, the spread of HIV (AIDS) and even murder, which are already widely experienced by society.

Based on the National Police Criminal Investigation Agency's (Bareskrim Polri) EMP, the West Java Regional Police have taken the most action against children in conflict with the law related to crimes and thuggery involving sharp weapons. Throughout 2024, the West Java Regional Police took action against 143 children related to these crimes. Most of them were children aged 12 to 17, amounting to 130 children. Meanwhile, 13 other children were under 11 years old. The West Java Regional Police are also the regional unit with the most action related to brawls. Data from the National Police's DORS SOPS application shows that since the beginning of the year, the West Java Regional Police have taken action against 3 brawls. Meanwhile, in second place is the Jakarta Metropolitan Police, which has taken action against 117 children related to crimes and thuggery involving sharp weapons, as well as taking action against 2 brawl cases. The North Sumatra Regional Police have taken third place, taking action against 116 children and 1 brawl case. Of the 34 regional police units spread across Indonesia, six regional police did not report any action against children related to crimes and thuggery carrying sharp weapons: the Aceh Regional Police, the Riau Islands Regional Police, the East Nusa Tenggara Regional Police, the North Kalimantan Regional Police, the Gorontalo Regional Police, and the North Maluku Regional Police. Meanwhile, for

⁵Rini Fitriani, "Legal Protection for Children Due to the Spread of Pornography on the Internet and Social Media", *Samudra Keadilan Law Journal*, Vol. 10, No. 2, 2015, pp. 229-231.

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cases of brawls, six regional police reported taking action against these disturbances. These are the West Java Regional Police (3 cases), the Jakarta Metropolitan Police (2 cases), the South Sulawesi Regional Police (2 cases), the Banten Regional Police (2 cases), the North Sumatra Regional Police (1 case), and the West Java Regional Police (1 case). Brawls are one of the crimes and sexual violence committed by groups. Carrying sharp weapons is also an illegal act that is prohibited by law. The Indonesian National Police continues to strive to prevent brawls between youths in their respective regions. Police patrol vulnerable areas to prevent security disturbances, especially brawls that are very disturbing to the community. Of all existing cases, the majority are resolved in court.⁶

The number of cases received at the Cirebon City District Court related to sexual violence cases committed by children was 78 cases out of cases involving 117 suspects, of which 95 cases were brawls, while 8 cases were bullying with violence.⁷

It is important to understand that sexual violence committed by children constitutes delinquency. Juvenile delinquency is behavior that reflects errors in educational patterns, both at home and in the community, as well as at school. This problem cannot be assessed from a single aspect, but must involve many aspects, including the individual adolescent. Essentially, the occurrence of juvenile delinquency indicates a lack of discipline among adolescents regarding applicable rules and norms, whether at the family, school, community, or individual norms. These norms must be instilled in adolescents beforehand so they have a good understanding of these norms. Causes of this delinquency include poor parenting, a poor school environment, negative peer groups, an unfavorable social and community environment, weak self-control, and adolescent emotional maturity that does not develop according to the adolescent's age. Therefore, this article attempts to explore the causes of juvenile delinquency and preventative measures, as well as how to improve adolescent discipline from a psychological and Islamic perspective. The report of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders, which met in London in 1960, stated that there was an increase in the number of juvenile delinquents in

⁶National Police Education Center, "Number of Children Involved in Cases of Violence", https://pusiknas.polri.go.id/detail_artikel/antara_tawuran_dan_senjata_tajam#:~:text=Throughout%20the%20year%202024%2C%20Polda%20Jawa,most%20related%20to%20brawl%20actions., May 7, 2026.

⁷Interview with Police Commissioner Joni Suryaas Head of the Cirebon Police Samapta Unit, April 4, 2025.

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the quality of crimes, and an increase in the ferocity and cruelty of these crimes, which were more often carried out in group actions than individual crimes.⁸

Facts then show that all types of juvenile crime are increasing in number with the increasing pace of industrialization and urbanization. In rapidly developing industrial cities and large urban areas, crime rates are far higher than in "primitive" societies or villages. And in economically prosperous countries, the level of crime is correlated with the process of industrialization. Therefore, America, as the most economically advanced nation among the world's nations, has the highest number of juvenile crimes; thus, it has the highest level of juvenile crime. Social ills or societal ills are all forms of behavior that are considered inappropriate, violate general norms, customs, formal laws, or cannot be integrated into general behavioral patterns. Social ills are also called social disorganization because their symptoms develop into social excesses that disrupt the integrity and smooth functioning of social organizations. Furthermore, it is also called social disintegration, because one part of the social structure develops out of balance with other parts (for example, members of a tribe, clans, etc.) so that the process can disturb, hinder, or even harm other parts, because it cannot be integrated into a complete totality.⁹

Juvenile delinquency does not arise spontaneously in every aspect of life, as it has underlying causes, which are the factors contributing to its occurrence. Initially, criminologists assumed that intent and opportunity significantly influenced the causes of crime or delinquency. Intention is related to both endogenous and exogenous factors.¹⁰

Endogenous factors are factors originating from within the child themselves that influence their behavior, including: first, biological and psychological disabilities. Second, hampered personality and intelligence development, resulting in an inability to internalize prevailing norms. Exogenous factors are factors originating from outside the child that can influence their behavior. According to Walter Luden, the factors that play a role in the emergence of delinquency are as follows:¹¹

⁸Murdianto, *Social Pathology, Concepts, Theories and Applications*, State Islamic University (UIN) Mataram, Mataram, 2019, pp. 136-149.

⁹*Loc. cit.*

¹⁰*Loc. cit.*

¹¹*Loc. cit.*

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1. The wave of urbanization of teenagers from villages to cities is quite large in number and difficult to prevent.
2. The occurrence of conflict between traditional rural customary norms and new norms that are growing in the process and rapid social shifts, especially in big cities.
3. The fading of individual personality patterns that are strongly linked to traditional social control patterns, so that members of society, especially teenagers, face "vague patterns" in carrying out their behavior.
4. The development of juvenile delinquency is caused by the negative impact of rapid global changes including knowledge and technology beyond their awareness.

Social and cultural influences play a major role in shaping or conditioning the criminal behavior of adolescents. These adolescents' behavior shows signs of little or no conformity to social norms, with the majority of juvenile delinquents occurring under the age of 21. The highest crime rate occurs between the ages of 15 and 19; and after the age of 22, the number of crimes committed by delinquents declines.¹²

These juvenile crimes are a byproduct of, first, mass education that does not emphasize character and personality development in children. Second, the lack of effort by parents and adults to instill morality and religious beliefs in young people. Third, the lack of social responsibility in adolescents. Teenagers who commit these crimes generally lack self-control, or even abuse it, and like to enforce their own standards of behavior, while belittling others. The crimes they commit are generally accompanied by mental elements with subjective motives, namely to achieve a particular goal through sexual violence and aggression. In general, these young people are highly egotistical and often abuse or exaggerate their self-esteem. The motives that drive them to commit crimes and immoral acts include: To satisfy greedy tendencies, Increased aggressiveness and sexual urges, Mis-parenting and mis-education by parents, so that children become spoiled and mentally weak, The desire to gather with friends of the same fate and age, and the desire to imitate, Pathological or abnormal innate tendencies, and Conflict itself then uses irrational escape mechanisms and self-defense. The total number of crimes committed by teenagers cannot be known precisely, because cases reported to the police and brought to court are very limited. Only a very small

¹²*Loc, cit.*

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proportion of the number of crimes can be known or reported, usually in the form of violent crimes and very conspicuous in the public eye. Petty crimes are generally not reported, because people are reluctant to deal with the police or authorities, or people feel embarrassed if the incident is revealed.¹³

Juvenile delinquency encompasses all behaviors committed by adolescents that deviate from criminal law norms. This behavior is detrimental to themselves and those around them. Adolescence, as the threshold period for adulthood, presents a period of confusion and difficulty in abandoning previous habits and projecting the impression that they are almost or already adults, such as smoking, drinking alcohol, and using drugs. The family is the primary agent of socialization in shaping a child's personality. Therefore, the family is crucial to a child's life before they enter school, playmates, the workplace, and so on.¹⁴ Based on the existing description, it is clear that child perpetrators of sexual violence are actually victims of a lack of attention and social education from their families and communities, which leads to children developing violent and deviant attitudes. With the same investigative process as for adult perpetrators of sexual violence, this is clearly unacceptable, considering that children also have the right to receive guidance, education, and adequate living needs. The suboptimal implementation of diversion in cases of sexual violence perpetrated by children in Central Java demonstrates how the law has not been able to be implemented fairly for children. This is also clearly inconsistent with the objectives of criminal law, which requires the protection of the rights of perpetrators of crimes. In essence, punishment is a form of protection for society and retribution for unlawful acts. Furthermore, Roeslan Saleh also stated that punishment encompasses other aspects, namely that it is expected to bring harmony and that punishment is an educational process to help people be accepted back into society.¹⁵ In this context, Muladi proposed a combination of objectives of punishment that are considered appropriate to sociological, ideological, and philosophical juridical approaches, based on the basic assumption that criminal acts are a disturbance to the balance, harmony, and compatibility in social life, resulting in individual and societal damage. Thus, the objective of punishment is to repair the individual and social damage caused by criminal acts. The objectives of punishment are: 1) prevention (general and specific), 2) community protection, 3) maintaining community solidarity, 4) recompense/balance.¹⁶

¹³Loc, cit.

¹⁴Loc, cit.

¹⁵Muladi and Barda Nawawi, *Criminal Theory and Policy*, Alumni, Bandung, 1992, p. 22.

¹⁶Muladi, *Selected Chapters on the Criminal Justice System*, UNDIP, Semarang, 1995, p. 61.



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Meanwhile, regarding criminalization, Barda Nawawi said that criminalization must be directed at two targets, namely:

1. Community protection;
2. Protection and guidance for individual criminals and victims.

Therefore, criminal penalties should be able to consider the interests of society, which are then accommodated by the principle of legality, and the interests of individuals, which are then accommodated by the principle of culpability or fault. Therefore, in criminal penalties, it is necessary to review the issues of criminal acts and criminal responsibility.¹⁷

Child protection is all activities to guarantee and protect children and their rights to live, grow, develop, and participate optimally, in accordance with human dignity and dignity, as well as protection from violence and discrimination. In order to realize Indonesian children who are qualified, have good morals and are prosperous, child protection efforts need to be implemented as early as possible, namely from the fetus in the womb until the child is 18 years old. Starting from the concept of complete, comprehensive and comprehensive child protection, the Child Protection Law places the obligation to provide protection to children based on the principles of non-discrimination, the best interests of the child, the right to life, survival and development and respect for the child's opinion. Children must be protected so that they do not become victims of anyone's policy actions (individuals or groups, private organizations or the government) either directly or indirectly. Being a victim means suffering harm (mental, physical, social) due to the passive or active actions of other people or groups, either directly or indirectly.

Legal protection for children due to the dissemination of pornography on the internet and social media has been accommodated in several laws and regulations, including Law Number 44 of 2008 concerning Pornography, which is a *lex specialis* that provides protection for children as mandated in Article 16 of Law Number 44 of 2008 concerning Pornography, which states:

- (1) The government, social institutions, educational institutions, religious institutions, families and/or communities are obliged to provide guidance, assistance and social, physical and mental health recovery for every child who is a victim or perpetrator of pornography.

¹⁷Barda Nawawi Arief, *Anthology of Criminal Law Policy*, Citra Aditya Bakti, Bandung, 2005, p. 88.

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(2) Further provisions regarding guidance, assistance, and social, physical and mental health recovery as referred to in paragraph (1) are regulated by Government Regulation.

This law requires all parties, in this case the state, social institutions, educational institutions, religious institutions, families, and/or communities to provide guidance, assistance, social recovery, physical and mental health for every child who is a victim or perpetrator of pornography. The government's role is to prevent the creation, distribution and use of pornography. Guidance here is a series of activities to improve and shape the child's identity in a better direction so that the child can grow and develop healthily and naturally. Such as providing an understanding of the dangers of pornography for perpetrators of pornography, spiritual mental guidance, guidance on moral and religious values and counseling. Assistance is carried out as an effort to accompany children who are victims or perpetrators of pornography in order to overcome problems and strengthen the child's identity, such as restoring self-confidence, and realizing their wrong actions and not repeating them. After that, recovery is an effort to strengthen the self of children who are victims or perpetrators of pornography crimes to be more empowered, both socially, physically and mentally.

Law Number 23 of 2002 concerning Child Protection regulates the protection of children from pornography as mandated in Article 59 of Law Number 23 of 2002 concerning Child Protection which states: The government and other state institutions are obliged and responsible for providing special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, children who are trafficked, children who are victims of abuse of narcotics, alcohol, psychotropics, and other addictive substances (napza), children who are victims of kidnapping, sale and trade, children who are victims of physical and/or mental violence, children with disabilities, and children who are victims of mistreatment and neglect. The protection mandated in Article 59 of Law Number 23 of 2002 concerning Child Protection is only a small part, even with the wording of protecting children from sexual exploitation. Article 88 of Law Number 23 of 2002 concerning Child Protection states:

Any person who exploits a child economically or sexually with the intention of benefiting themselves or others shall be punished with imprisonment of up to 10 (ten) years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).

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There are several perspectives in viewing children as victims of the spread of pornography:¹⁸

1. Children become victims of the spread of pornography because their rights to grow and develop naturally and to have a future are taken away because their thinking, mentality, and even physical appearance are damaged by pornography.
2. Children become victims of the spread of pornography due to sexual exploitation to become the subject of pornographic material.
3. Children who become victims of the spread of pornography will be pushed to become perpetrators of sexual crimes in the form of molestation, rape, and even rape which results in murder and the loss of their future, as well as being convicted of consuming pornography.
4. Children become victims of sexual crimes in the form of molestation, rape, and even murder by child and adult perpetrators who are driven to commit criminal acts due to pornography.

Armed with these various perspectives, protecting children from the dangers of pornography distribution must be carried out by preventing children from accessing pornographic sites. Preventing access to pornography includes prohibiting the production, distribution, and consumption of pornography. The effects of pornography on adults who see, hear, or touch pornographic objects will be different from those of children who see, hear, or touch pornographic objects. Adults have the possibility of self-control, while minors, especially children approaching adulthood and adolescence, are more easily influenced by pornography, which can lead to criminal acts. The problem of pornography is increasingly concerning and its negative impacts are increasingly evident, especially on children who do not yet understand and therefore only practice what they see. Criminal acts arising from the influence of pornography on the internet such as adultery, abortion, rape, or murder. Child protection is a crucial task that must be continuously carried out by all elements of our nation. Forms of child protection must be implemented from all aspects, starting from guidance in the family, social control over children's relationships, and appropriate handling through good regulations established by a state. The parties involved in providing child protection are every member of society according to their abilities with

¹⁸[ps://fairuzelsaid.wordpress.com/2010/10/20/Aspek-hukum-perlindungan-anak-terhadap-pornografi](https://fairuzelsaid.wordpress.com/2010/10/20/Aspek-hukum-perlindungan-anak-terhadap-pornografi) accessed May 15, 2026.

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various efforts, so that child protection is not only the duty of parents but is also an obligation for society and the government.

Based on the various explanations above, it can be seen that child perpetrators of sexual violence are children who experience pathological disorders due to exposure to pornography via the internet. Therefore, the law should view children who commit sexual violence as victims of pathological disorders due to the influence of pornography on the internet. Addiction to pornography on the internet has various negative impacts. For example, these children will spend a lot of time accessing pornographic materials both in internet cafes and on mobile phones. For those who access pornography at school, pornography reduces concentration in learning and also productivity. For personal development, pornography causes negative impacts such as becoming a slave to lust, lazy to work hard, like to lie, and always daydreaming, losing orientation for the future. Worse, the effects of pornography damage the mind, making laziness, ultimately lowering intelligence levels.

Islam views children as parties who also need to receive the right to legal protection. Islam's seriousness towards a generation (descendants; read children) is undeniable by anything or anyone. So serious, in fact, that Islam, through its holy book, has given children a special place. However, before discussing children in more detail, it's helpful to examine the varied definitions of a child. According to the Indonesian dictionary, a child is "a small human being" or "a child who is still small (not yet an adult)."¹⁹

Meanwhile, from a terminological perspective, many experts have offered definitions of child. Among these definitions are the second generation, a small human being, a small animal, a small tree growing on a tuber or clump of larger plants, a person belonging to a particular occupation (family, etc.), a small part (of an object), or something smaller than others.²⁰

In the context of Islamic law and civil law, the definition of a child is closely linked to the family. When linked to the family, the definition of a child varies widely. Therefore, it is not surprising that when classified, the definition of a child is very diverse and encompasses a wide range of aspects. Therefore, it can be emphasized that the various meanings of children can be interpreted from various perspectives and approaches. Therefore, approaching children correctly can be done through a system of religious, legal, and social interests from each respective field. Based on

¹⁹Ahmad Muzakki, 2013, Gus Dur: Reformer of Indonesian Islamic Humanist Education in the 21st Century, Idea Press Yogyakarta, pp. 19-30.

²⁰Loc, cit.

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the explanation above, it can be said that the understanding of children from various branches of science will differ substantially, both in function, meaning, and purpose. For example, in the context of Islamic law, the definition of a child differs from that of children in the context of legal, social, economic, political, and defense and security disciplines. In this regard, Islam firmly defines the term and consistently promotes the concept of children as wise and noble creatures of Allah SWT. Furthermore, the process of their creation and existence unfolds through various dimensions and is the authority of Allah SWT's will.²¹

Islam's "seriousness" in addressing the status of children is increasingly legitimated by the numerous verses of the Quran—as a holy book and source of Islamic law—that discuss the status of children. This illustrates and confirms that the Quran and Islamic creed are deeply humanistic, positioning children as highly noble creatures, complete with "equipment" of sustenance and possessing added value. The emergence of this, in the context of Islam, is the absolute right and will of Allah SWT. Therefore, to address and reveal this transcendental value, Allah SWT also affirms the existence and presence of children in another section of the Quran, namely Surah al-Tîn verse 4, which states, "Indeed, I created you humankind in the best form, or in the most noble form."²²

Islam's "partisanship" with child protection efforts is truly a priority. The instruments related to this have been neatly organized and arranged to create a generation of perfect human beings and a blessing for all creation. Therefore, child protection is taught from an early age, namely by granting the right to life to the fetus in the mother's womb before birth. This is reflected in Allah's words in Surah al-An'am, verse 140, which states:

Indeed, it is a loss for those who kill their children, because they are stupid and do not know and they forbid what Allah has provided for them by merely making things against Allah. Indeed, they have gone astray and they have not been guided.

Islam has explicitly and clearly instructed its followers to protect their children. More importantly, Islam never mentions or alludes to differences in gender or sex within a child. This means that all children receive equal protection for their natural development and growth, both physically, mentally, and socially. This is intended to ensure that parents do not leave behind vulnerable offspring. Therefore, Islamic law's commitment to child protection is absolute and constitutes a sacred teaching originating from divine revelation long before the

²¹*Loc, cit.*

²²*Loc, cit.*

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foundation of Law Number 23 of 2002 concerning Human Rights and the UN Convention on the Rights of the Child. The recognition and protection of children emerged with the consecration of Muhammad ibn Abdullah as a prophet. Islamic law is truly unquestionable and has been a pioneer in the continuation of human rights throughout the world. Within the context of Islamic law, children are a gift and a blessing from God for which we should be grateful. They are the successors of the baton of inheritance, preserving the blessings of their parents even after their death. Furthermore, children are future "fathers" ready to prosper the motherland, future soldiers ready to protect the homeland, and scientists who will spread the light of Islam and knowledge throughout the nation. Therefore, children are a gift and a trust from God that must be handled properly. Every parent will always work hard and strive to the maximum some even resort to various means to protect, nurture, and guide their children so they can grow and develop as they should.²³

3.2. Obstacles Related to Protection Issues for Children Who Commit Sexual Crimes Due to the Impact of the Spread of Pornographic Sites on the Internet in Cirebon City

Law Number 44 of 2008 concerning Pornography has weaknesses, namely:

- a. There is an overlap in the meaning of one term with another in relation to the terms in the dictum of the law.

This overlapping understanding can be observed in the meaning of "produce" (making), "reproduce" (duplicating), "disseminate" (distributing), and "sell." This is also clarified in the explanation of Article 13 paragraph 1, namely:

- 1) What is meant by "act" includes producing, making, multiplying or duplicating.
- 2) What is meant by "use" includes listening to, showing, utilizing, owning or storing.

This means that in certain cases, two or three criminal acts can be applied simultaneously. The objects of pornography are regulated in Article 1 paragraph 1, Articles 4 through 12 in conjunction with Articles 29 through 38, namely:

- a. Picture

²³*Loc, cit.*



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- b. Sketch
- c. Illustration
- d. Sound, sound
- e. Moving image
- f. Animation, cartoon,
- g. Conversation
- h. Body movements
- i. Message format

The objects of pornographic acts explicitly include:

- a. Intercourse
- b. Sexual violence
- c. Masturbation or onani
- d. Nudity or the appearance of nudity
- e. Genitals
- f. Child pornography

This view will not automatically guarantee the implementation of all forms of community activities related to various activities. In this context, the Law on Community Empowerment does not reflect several principles that should be stipulated in Article 5 of Law of the Republic of Indonesia Number 12 of 2011 concerning the Formation of Legislation, which states that:

- (1) In forming Legislation, it must be done based on the principles of forming good Legislation, which include:
 - a. clarity of purpose;

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- b. appropriate institution or official forming it;
 - c. conformity between type, hierarchy, and content material;
 - d. can be implemented;
 - e. usability and effectiveness;
 - f. clarity of formulation; and
 - g. openness.
 - h. equality before the law and government;
 - i. order and legal certainty; and/or
 - j. balance, harmony, and alignment.
- (2) Apart from reflecting the principles as referred to in paragraph (1), certain Legislation may contain other principles in accordance with the legal field of the Legislation in question.

Regarding the principles in the legal product of the Pornography Law, one of the Constitutional Court Judges, Maria Farida Indrati, had a different opinion (dissenting opinion) with 8 (eight) other judges who agreed with the Pornography Law or rejected the Judicial Review lawsuit in the Decision on Case Number 10-17-23/PUU-VII/2009 Concerning Pornography with several considerations, namely:

1. The Pornography Law's effectiveness and implementation are difficult to implement. He believes there is still ambiguity in its articles. Furthermore, numerous laws already regulate the content of the Pornography Law, including:
 - a. Criminal Code. In the Criminal Code, the crime of pornography can be classified as a moral offense, as a criminal offense violating morality (*zedelijkheid*), which is regulated in Article 282 paragraph (1), (2) and 3. Article 283 paragraph (1), in book (2), (3) and Article 283 bis. Article 532, Article 533, Article 534 and Article 535 in book II chapter XIV.
 - b. Law No. 40 of 1999 concerning the Press, specifically Article 5 paragraph (1), Article 13 and Article 18 paragraphs (1) and (2).

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- c. Law No. 23 of 2002 concerning Child Protection.
 - d. Law No. 32 of 2002 concerning Broadcasting, specifically Article 36 paragraph (5) point b, Article 46 paragraph (3) letter d and Article 48 paragraph (4) letters c, d and e.
 - e. Law No. 11 of 2008 concerning Electronic Information and Transactions.
 - f. Law No. 28 of 1992 concerning Film, especially Article 3, Article 13 and Article 33.
2. The Pornography Law failed to meet the principle of transparency, as intense opposition emerged during the drafting process, including in the media, demonstrations, discussions, and other settings. He recalled that two factions walked out, and two regions, Bali and Papua, firmly rejected it.
 3. The change in the name of the law from Anti-Pornography to Pornography Law is technically questionable. The Pornography Law's definition of homosexuality as a sexual deviation is inaccurate, contradicting the WHO definition and the Ministry of Health's Classification and Diagnosis of Mental Disorders book.
 4. With the name of the Pornography Law, its contents are about pornography and there is no legal procedure.
 5. Implementing the goal of an ethical society is not as easy as simply enacting a Pornography Law. Of the 40 articles, only one, Article 16, addresses development.

Furthermore, the ambiguity in the application of principles as the foundation for all regulations and laws will result in extraordinary culmination in the application of legal rules to concrete regulations. The construction of legal structures will become merely a procedural force, unable to clarify the issues to be resolved fairly. Shifts in meaning, misunderstandings, misplaced aggressiveness, and excessive anomalies will arise when the law guarantees and understands true justice. However, the definition of pornography remains ambiguous, mixed, and unable to sort out emerging legal issues, leading to rampant abuse and disastrous consequences for law enforcement.

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4. Conclusion

Protection for children who commit sexual crimes due to the impact of the spread of pornographic sites on the internet that occurred in the city of Cirebon has not been realized. This is indicated by the continued large number of child perpetrators of sexual violence due to the influence of exposure to pornography in the digital world that are resolved in court. Obstacles that cause children to commit sexual violence due to the influence of pornography in the digital world are pathological disorders due to viewing pornography and wanting to try it on their peers, minimal parental supervision and attention, and the government's failure to eradicate the crime of pornography in digital spaces so that children can easily access it.

5. References

Journals:

Rini Fitriani, "Perlindungan Hukum Terhadap Anak Akibatpenyebarnya Pornografi Di Internetdan Media Sosial", *Jurnal Hukum Samudra Keadilan*, Vol. 10, No. 2, 2015

Books:

Arief, Barda Nawawi, 2005, *Bunga Rampai Kebijakan Hukum Pidana*, Bandung : Citra Aditya Bakti
Ibrahim, Johnny, 2013, *Teori & Metodologi Penelitian Hukum Normatif*, Malang : Bayumedia Publishing
Muladi dan Barda Nawawi, 1992, *Teori dan Kebijakan Pidana*, Alumni, Bandung
_____, 1995, *Kapita Selekta Sistem Peradilan Pidana*, Semarang : UNDIP
Murdianto, 2019, *Patologi Sosial, Konsep, Teori dan Aplikasi*, Mataram : Universitas Islam Negeri (UIN) Mataram
Muzakki, Ahmad, 2013, *Gus Dur: Pembaharu Pendidikan Humanis Islam Indonesia Abad 21*, Yogyakarta : Idea Press

Internet:

ps://fairuzelsaid.wordpress.com/2010/10/20/aspek-hukum-perlindungan-anakterhadap-pornografi accessed 15 May 2026
Pusiknas Polri, "Jumlah anak Yang Terlibat Kasus Kekerasan", https://pusiknas.polri.go.id/detail_artikel/antara_tawuran_dan_senjata_tajam#:~:text=Sepanjang%20tahun%202024%2C%20Polda%20Jawa,paling%20banyak%20terkait%20aksi%20tawuran., 7 May 2026



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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

Radio Republik Indonesia, “KPAI: 5,5 Juta Anak Indonesia Kecanduan Pornografi”,
<https://rri.co.id/daerah/824614/kpai-5-5-juta-anak-indonesia-kecanduan-pornografi>, 12 January 2026

Interview:

Interview with Ipda Saeful Eka Priaga as Head of the Women and Children Protection Unit (PPA) of the Cirebon City Police Criminal Investigation Unit, January 10, 2025

Interview with Police Commissioner Joni Suryaas Head of the Cirebon Police Samapta Unit, April 4, 2025