

Law Enforcement of Cyber Pornography of Children on Social Media Based on Human Rights in Indonesia

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Article Info	Abstract
Received: 2024-3-12 Revised: 2024-12-29 Accepted: 2024-12-30 Keywords: Law Enforcement; Cyberpornography; Human Rights; Children; Social Media.	<i>Social media is beneficial as a medium of communication between users and users. Another advantage of social media is that it can expand relationships and knowledge. However, social media can be harmful if social media is used to damage, insult, and harass, which is why cyberporn emerged. Many children are perpetrators and victims of cyberporn on social media. This research aims to analyze cyberporn law enforcement on children on social media based on human rights in Indonesia. This research is normative research that looks at Legislation and cases. This research found that law enforcement in Indonesia is based on legal substance based on Law (U.U.) Number 19 of 2016 concerning Electronic Information and Transactions, Law No. 44 of 2008 concerning Pornography, Law No. 12 of 2022 concerning Crimes of Sexual Violence, the Criminal Code, and the Child Protection Law.</i>

I. Introduction

Nowadays, the distribution of immoral content is no longer extended taboo. Moreover, the use of social media has had an impact on people's social lives (Hasbullah & Hee, 2022). Social media is beneficial as a medium of communication between users and users. Another advantage of social media is that it can expand relationships and knowledge because we will meet users worldwide. Social media can have harmful or destructive consequences if social media is used to damage insulting (Choi & Lee, 2018). The term for spreading immoral content on social media is cyber pornography. Cyber pornography is pornography on the internet in the form of information, images, photos, and videos containing pornography that is published digitally, one of which is through internet networks that are spread out because it is so easy to find links to pornographic content (Putra, 2019).

Activities that can be carried out include creating, installing, watching, distributing and distributing pornographic content. This has led to widespread cases of sexual violence, especially against children and women. Legislation that protects social media activities against the spread of immoral acts and sexual harassment, namely Law (U.U.) Number 44 of 2008 concerning Pornography Article 4 paragraph 1 Juncto Article 29 (Undang-Undang Republik Indonesia Nomor 44 Tahun 2008 Tentang Pornografi, 2008).

Law no. 19 of 2016 concerning I.T.E. article (5) (Law Of The Republic Of Indonesia Number 19 Of 2016 Concerning Information And Electronic Transactions, 2016) and Law no. 12 of 2022 concerning the Crime of Sexual Violence. This case also includes damage to human rights.

The human rights adhered to by Indonesia originate from Pancasila as the nation's philosophical foundation. Conceptually, human rights in Pancasila accommodate aspects of humans as individuals and social creatures (Ningsih & Putra, 2020). Human rights seek to provide standards beyond the essential obligations outlined in international human rights law. This shows that they have a greater level of ambition than the central government in each country. The emergence of states championing human rights explains the growing body of academic research on the involvement of city governments as human rights agents (Saul, 2024). The role of authorities in promoting and protecting human rights. Revealing differences in local governments' ability, capability, and drive to uphold human rights within and across states (A.F Jacobsen, 2022).

Indonesia itself has Legislation to protect human rights. Law no. 39 of 1999 concerning Human Rights Article 29 Every person has the right to protection of himself, his family, honour, dignity and property rights in conjunction with Article 30 Every person has the right to a feeling of security and peace and protection against threats of fear of doing or not doing something (Martha. F, 2021), nevertheless, even though everything was organized in the most efficient way imaginable. The use of social media as a criminal weapon to spread pornographic information is abused by a large number of Internet users. Just like the incident in 2020, both G.A. and M.Y.D. revealed that they had acted in a video circulating on social media, which was considered immoral (Ayomi, 2020). According to information provided by KOMINFO, there were 3,761,730 cases of handling harmful material on social media platforms in Indonesia between 2018 and 17 September 2023, and there were 1,211,571 cases of pornographic content (Rahman, 2023). Children are victims who are vulnerable to pornography. This is based on the Ministry of Women's Empowerment and Child Protection (Kemen PPPA), which revealed that 66.6 per cent of boys and 62.3 per cent of girls in Indonesia watched sexual activities (pornography) through online media (Rahmawaty, 2021).

Previous research comparing the spread of immoral information on social media has been carried out by previous researchers. Anwar highlighted in his study that Indonesia has a comprehensive framework for dealing with issues related to cybercrime and improving public administration. Due to the lack of laws that can prevent cybercrime, data breaches have a devastating impact not only on the people whose information is stolen but also on the nation's image (Anwary, 2023). According to Wijakusumariasih, the Indonesian region has become a place for deviant practices, including the involvement of syndicates and more sophisticated international methods; these conditions further strengthen the assumption that Indonesia is indeed an emergency for sexual violence (Wijakusumariasih, 2019).

According to Handoko, proof of the spread of immoral content does not only use evidence as regulated in Article 184 (KUHP) but also uses evidence as regulated in Article 5 (UU ITE). Electronic evidence still needs to clarify the certainty of electronic evidence obtained by legal officers authentically (Handoko, 2019). According to Prayitno and Bawono, in their research, there are several differences in regulations regarding

cyberspace legislation in Indonesia, Malaysia, and South Korea, especially in those dealing with crimes in electronic media. Cybercrime in cyberspace can be classified based on each country's type of offence, elements and definitions (Prayitno & Bawono, 2023). According to Christianto, research on 6 (six) judges' decisions shows that the judges considered pornography as revenge based on contextual considerations of society when carrying out the act. Considerations from the social side appear in the judge's understanding of the moral values that apply in a society related to the act being examined (Gunawan, 2016).

Previous research, such as the one above, is beneficial but needs more scope and focus. This research complements previous research, which has not discussed Cyber Child Pornography on Social Media Based on Human Rights and Law Enforcement in Indonesia. This research is needed to analyze Human Rights-Based Cyber Law Enforcement of Child Pornography on Social Media in Indonesia. It is hoped that this research can provide maximum benefits for further research on the same topic and become a reference in understanding how Human Rights-Based Cyber Law Enforcement of Child Pornography on Social Media in Indonesia.

2. Research Method

This research uses normative research, namely how to study and analyze laws and regulations related to business law, legal principles, and legal norms. The approaches used in this research are the statutory and case approaches. Research materials were obtained from literature studies with a qualitative descriptive approach taken from primary legal materials, namely Legislation, and secondary legal materials by studying and utilizing books, journals, or websites related to this research.

3. Results and Discussion

Understanding Cyber Pornography

Cyberpornography is defined as actions that utilize cyberspace to create, develop, expose, distribute, promote, or market pornographic or obscene products, especially anything that depicts minors engaging in sexual acts with adults. Cyber pornography falls into the "inappropriate content" category. If seen from ethical considerations, it is not surprising that pornography is considered a criminal act and is included in one of the causes that can cause harm to individuals (Saulawa, 2019). The use of cyberspace by cyber pornographers facilitates the dissemination and distribution of their goods to paedophiles, who can then purchase child pornography. As a result, paedophiles use internet chat rooms in an attempt to engage children in sexual activities of their choosing.

This is an offence because it is an act of luring a child into a sexual environment. Therefore, it is prohibited. In another case, a paedophile engaged in conversation with a teenager on the internet, proposing that they meet or visit the home of a minor in the name of sexual involvement. The proliferation of cyber pornography on the internet has produced something whose impact was previously unimaginable. The spread of pornographic content through the use of internet media is called cyber pornography (Verma, 2021).

Legislation Regarding the Distribution of Pornographic Content Through Social

Media to Children in Indonesia

The spread of immoral content often occurs and is widespread in Indonesia. This can be seen from the increasing data regarding cyber porn on social media. Indonesia has several regulations governing this action. For example, Law Number 44 of 2008 concerning Pornography Article (1) paragraph 1 in conjunction with Article (4) which reads: "Pornography is a picture, sketch, illustration, animation, photo, writing, sound, body movement, or other form of message through various forms of communication media and public performances, which contains elements of obscenity or sexual exploitation that violate the norms of decency in public " (undang-undang republik indonesia nomor 44 tahun 2008 tentang pornografi, 2008)."

Also, article 4 paragraph (1) letter a of the Pornography Law prohibits anyone from producing, creating, reproducing, multiplying, distributing, broadcasting, importing, exporting, offering, buying and selling, renting or providing pornography which expressly contains:

1. Sexual relations, including deviant sexual relations,
2. Sexual violence
3. Masturbation or masturbation
4. Nudity or displays that suggest nudity,
5. Genitals, or
6. Child pornography.

Article 29 of Law Number 44 of 2008 concerning Pornography, with the threat of imprisonment for a minimum of 6 (6) months and a maximum of 12 (twelve) years and a fine of at least Rp. 250,000,000,- (Two Hundred and Fifty Million rupiah) and a maximum of Rp. 6,000,000,000 (Six Billion Rupiah) (Law Of The Republic Of Indonesia Number 44 Of 2008 Concerning Pornography Of 2008). Apart from the pornography law, the circulation of pornographic content via social media is included in Law Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE) Article (45), which states that:

"Every person intentionally and without right disseminates and transmits and makes accessible electronic information and documents that have content that violates decency." Those who violate the articles above can be imprisoned for a maximum of 6 years and a fine of IDR 1,000,000,000 (One Billion Rupiah) (Saulawa, 2019). This is followed by Law no. 12 of 2022 concerning Crimes of Sexual Violence Article (4) paragraph (2) letter e and Article (5), which states:

"(1) Pornography involving children or pornography that explicitly contains violence and sexual exploitation; (2) Every person who commits non-physical sexual acts aimed at the body, sexual desires, and reproductive organs to degrade a person's honour and dignity based on their sexuality and morality, shall be punished with a non-physical crime. Sexual harassment, with a maximum imprisonment of 9 (nine) months and a maximum fine of IDR 10,000,000.00 (ten million rupiah) (Law No. 12 of 2022 concerning Crime of Sexual Violence, 2022).

Moreover, Law no. 1 of 2023 concerning the Criminal Code Article (172) and Article (407) paragraph (1) states: (1) Pornography is an image, sketch, illustration, photo, sound, moving image, animation, cartoon, conversation, gesture, or message -other healthy messages through various forms of communication media and public performances, which

contain elements of obscenity or sexual exploitation that violate the norms of decency in society; (2) Every person who produces, creates, reproduces, duplicates, distributes, broadcasts, imports, explores, offers, sells, rents or provides pornography, shall be punished by imprisonment for a minimum of 6 (six) months and a maximum of 6 (six) months. Month. 10 (ten) years or a minimum fine of category IV and a maximum fine of category VI (Law No. 12 of 2022 concerning Crime of Sexual Violence, 2022).

As well as Law no. 23 of 2002 concerning Child Protection in Article (13) paragraph (1) number 2: "Every child while in the care of parents, guardians, or other parties responsible for their care, has the right to receive protection from treatment: exploitation, both economic and sexual. Article 59 also states, "The government and other state institutions are obliged and responsible for providing special protection to children in emergencies, children in conflict with the law, children from minority and isolated groups, children in minority and isolated groups. Exploited economically and sexually, children who are trafficked, children who are victims of abuse of narcotics, alcoholic drinks, psychotropic substances and other addictive substances (drugs), children who are victims of kidnapping, selling and trafficking in people, children who are victims of physical and sexual violence. /or mental violence, children with disabilities, and children who are victims of abuse and neglect." Thus, the crime of perpetrators of cyber pornography against children is threatened with the article (78), which states: "Every person who knows and deliberately abandons a child in an emergency, as referred to in Article 60, is a child in conflict with the law. , children from minority and isolated groups, children who are exploited economically and sexually, children who are trafficked, children who are victims of abuse of narcotics, alcoholic drinks, psychotropic substances and other addictive substances (drugs), children who are victims of kidnapping, children who are victims of trafficking a person or child who is a victim of violence as intended in Article 59, even though the child needs help and must be assisted, shall be punished with imprisonment for a maximum of 5 (five) years and a fine of a maximum of IDR 100,000,000.00 (one hundred million rupiah) (Law No. 12 of 2022 concerning Crime of Sexual Violence, 2022).

Implementation of Human Rights Towards Law Enforcement of Cyber Pornography of Children on Social Media

Enforcement of cyber pornography laws against children on social media and the implementation of human rights have various consequences that need to be watched out for. Human rights in the field of cyber pornography include the protection of individuals, especially minors, from violations related to pornography on the internet and social media platforms. In addition, effective law enforcement against cyber pornography involving children on social media requires the active involvement of law enforcement officials, such as the police, in limiting the spread of explicit information and bringing violators to justice. Additionally, ensuring the protection of human rights while enforcing laws against child cyber pornography on social media requires collaboration between law enforcement agencies and the public, including parents and educators, to eliminate cyber pornography and increase public awareness of its dangers (Putri & Tantimin, 2019).

Law Number 19 of 2016 concerning Information and Electronic Transactions (I.T.E.) is significant in enforcing cyber pornography laws and regulations in implementing human rights. Article 26 of the I.T.E. Law explicitly regulates the protection of individuals,

especially children, who are affected by cyber pornography. This allows them to delete their personal information and remove irrelevant electronic data. In addition, the I.T.E. Law mandates electronic system administrators to eliminate irrelevant electronic data and establish procedures for deleting electronic data that is no longer relevant (Made & Weda, 2021). Police personnel play an essential role in upholding human rights by actively preventing the spread of pornographic material and bringing those responsible for such violations to justice. They can implement oppressive measures, such as passing resolutions on actions they believe have brought the prosecutor's office's attention and calling on the public to address immoral content (Darmawansyah, 2023). Police officers can also collaborate with the Ministry of Communication and Information (Kominfo), which provides content complaint service features. They can also coordinate with mobile operator service providers or internet service providers to stop the spread of pornographic content.

Increasing human rights protection requires collaboration between law enforcement and society to ensure the protection of victims, especially children, from internet pornography. The public, including parents and teachers, can actively contribute to eliminating online pornography and increasing public awareness of its dangers. They can conduct outreach and education programs to prevent cyber pornography and pornography. Apart from that, they can also carry out raids on internet cafes that are suspected of storing pornographic information (Yunengsih & Setiawan, 2021). Effective implementation of laws against child cyber pornography on social media requires the active involvement of law enforcement officials, collaboration between law enforcement and the community, and protection of victims, especially children, of cyber pornography. Enforcing cyber pornography laws against children on social media to defend human rights can increase public awareness of the dangers of cyber pornography and stop the spread of pornographic material.

Evaluation of Cyber Pornography Law Enforcement Through Social Media

To combat the spread of pornographic information on social media platforms, law enforcement must consider several factors, including laws and regulations, technology, and collaboration between agencies. To combat the spread of pornographic material on social media, law enforcement must consider several criteria, including those listed below. Evaluation of regulations regarding the dissemination of pornographic information via social media can cover several different issues, such as the efficiency of applicable laws, efforts made by law enforcement, and collaboration between various parties. The parties involved. In the process of analyzing law enforcement regarding the circulation of pornographic material on social media, several things can be taken into consideration in the evaluation process:

1. Legislation

The effectiveness of Legislation regarding the distribution of pornographic content on social media (cyber porn) should be sufficient in regulating and dealing with victims and perpetrators. According to this view, the components that make up a legal system are legal structure, legal content, and legal culture (Ansori, 2017). Based on this theory, statutory regulations are included in the substance of the law. In the context of the legal system, what is meant by "legal substance" is

the entirety of legal law, both written and unwritten. This includes legal principles and norms and the administration of justice, which is the basis of society and government (Ayuningtyas, 2020). In Indonesia, the Information and Electronic Transactions Law (UU ITE), the I.T.E. Law, is often used to crack down on cases of spreading pornographic material on the internet. The articles included in the I.T.E. Law can be used to deal with the situation of spreading pornographic content through the use of information technology, the Sexual Violence Crime Law, and the Criminal Code.

In Law Number 19 of 2016 concerning Information and Electronic Transactions (I.T.E.), Article 27 paragraph (1) reads, "Every person intentionally and without right disseminates and transmits and makes accessible information and electronic documents that have content violates decency." Law Number 44 of 2008 concerning Pornography Article 4 paragraph (1) reads "Regulates the prohibition on producing, making, multiplying, reproducing, distributing, broadcasting, importing, exporting, offering, buying and selling, renting or providing pornography which explicitly contains: (a) sexual intercourse, including deviant sexual intercourse; (b) sexual violence; (c) masturbation or masturbation; (d) nudity or display of nudity; (e) genitals; or (f) child pornography." In the explanation of the article, it is stated that what is meant by "making" does not include for oneself and one's own interests, furthermore Law no. 12 of 2022 concerning the Crime of Sexual Violence Article (4) paragraph (2) letter e and Article (5) which reads: "(1) Pornography involving children or pornography that clearly contains violence and sexual exploitation; (2) Every person who commits non-physical sexual acts aimed at the body, sexual desires, and/or reproductive organs with the intention of degrading a person's honor and dignity based on their sexuality and/or morality, shall be punished with non-physical sexual harassment, with a criminal maximum imprisonment of 9 (nine) months and/or a maximum fine of IDR 10,000,000.00 (ten million rupiah) (Law No. 12 of 2022 concerning Crime of Sexual Violence, 2022).

Moreover, Law no. 1 of 2023 concerning the Criminal Code Article (172) and Article (407) paragraph (1) states: (1) Pornography is an image, sketch, illustration, photo, sound, moving image, animation, cartoon, conversation, gesture, or message -other healthy messages through various forms of communication media and public performances, which contain elements of obscenity or sexual exploitation that violate the norms of decency in society; (2) Every person who produces, creates, reproduces, duplicates, distributes, broadcasts, imports, explores, offers, sells, rents or makes available pornography, shall be punished by imprisonment for a minimum of 6 (six) months and a maximum of 6 (six) months. Month. 10 (ten) years or a minimum fine of Category IV and a maximum fine of Category VI (Reynita, 2023).

2. Collaboration with Social Media Platforms

Proper collaboration between authorities and social media platforms is needed to combat the spread of immoral information. The following are examples of frequently occurring collaboration elements and methods,

policies, and Platform Standards. Community standards and guidelines on social media sites prohibit posting offensive information. Authorized parties can connect to these platforms to understand the policies and ensure they are adequately adhered to (Yunengsih & Setiawan, 2021).

Currently, many social media platforms are collaborating with the government to minimize cyberporn. Reporting Illegal Content: Users and authorized parties can report material that violates moral standards by using the reporting mechanism provided by the site. In most cases, platforms have security teams responsible for responding to allegations and taking necessary actions. In addition to algorithms and automated filtering, through automated technology and artificial intelligence-based algorithms, social media companies can automatically identify information that is considered immoral. There is potential for authorities to collaborate with platforms to improve technology detection and make it more efficient. Cooperation in investigations: Authorities can collaborate with platforms to gather important information for investigations when law violations are discovered. Some data that may be sent as part of this coordination includes information about user accounts and Internet Protocol (I.P.) addresses (Ybarra et al., 2022). Remove any content or accounts that violate; once a violation occurs, the Platform can remove material that violates the rules and take action against the accounts of those who violate the rules.

The Platform may obtain the authorities' assistance in identifying those responsible for the crime. User instructions: Through collaboration with relevant authorities, social media companies can raise awareness and educate users about the legal impact of disseminating unethical material. Programs that educate the public may prevent violations and change user behaviour. In collaboration conferences, authorities and platforms may come together to host joint forums or working groups to facilitate the exchange of information, trends and best practices. These partnerships have the potential to help identify common difficulties and find more successful solutions. International cooperatives, when it comes to social media platforms, the spread of unscrupulous information often crosses national borders. International collaboration between law enforcement agencies and platforms from various countries could increase law enforcement's efficiency.

3. Victim Protection

Law enforcement needs to take action to protect victims from the spread of pornographic information via social media. As regulated in the I.T.E. Law and TPKS Law, victims of violence, especially cyber porn, must be protected from a psychological and legal perspective (Simanjuntak, 2022). Victims of the distribution of pornographic content can experience severe psychological impacts. It is essential to provide counselling services and psychological support to help them overcome trauma and stress. Efforts need to be made to protect the victim's identity so that they do not experience harassment or threats again. This may involve removing harmful content, preventing its spread, and providing victims with information about their rights and ongoing

legal processes. Education regarding actions that can be taken and available support can provide victims with a sense of security and control, and collaboration with child and women's protection agencies can improve coordination in protecting victims, mainly if they belong to vulnerable groups (Made & Weda, 2021).

4. Conclusion

Cyberpornography is the use of cyberspace to produce, develop, expose, distribute, promote or market pornography, especially involving minors. This phenomenon is classified as a criminal act because it harms individuals, especially children, by spreading inappropriate content and violating moral norms. The spread of pornography via the internet provides easy access for paedophiles, who can then use chat rooms to attract children to sexual activity. As a result, cyber pornography has severe impacts that require strict legal action. Legislation regarding the distribution of pornographic content via social media to children in Indonesia includes Law Number 44 of 2008 concerning Pornography, Law Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE), Law Number 12 of 2022 concerning Crimes of Sexual Violence, Law Number 1 of 2023 concerning the Criminal Code (KUHP), and Law Number 23 of 2002 concerning Child Protection. Implementation of human rights in enforcing cyber pornography laws against children on social media. Law enforcement against child cyber pornography on social media needs to pay attention to human rights, with a focus on protecting children as victims. Effective implementation of laws against child cyber pornography requires cooperation between law enforcement, social media platforms, and the public. This aims to protect human rights, especially children, from exploitation and increase public awareness of the dangers of cyber pornography.

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