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RESEARCH ARTICLE

The Effectiveness of Sanctions on Social Media Pornography Content

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ARTICLE INFO	ABSTRACT
	Criminal law, which includes specific rules that regulate electronic transactions and decorum, significantly influences the dissemination of pornographic content. Nonetheless, the effectiveness of regulating sanctions for perpetrators of pornography violations on social media is a challenge. The objective of this study is to evaluate the efficacy of sanctions against individuals who post pornographic content on social media. This study applies a statutory and conceptual approach to normative juridical research. This research's results suggest that obstacles have hindered the enforcement of these regulations, resulting in ineffective law enforcement against individuals who use technology to disseminate pornography on social media. Younger generations favor indirect and imperceptible sanctions to preserve relationships, which may not effectively communicate normative violations. On the other hand, sanctions are critical to establishing community norms regarding privacy-respecting behavior on social networking sites. A variety of factors, including structure, substance, and legal culture, ultimately influence the efficacy of investigating cyber porn perpetrators through platforms like Instagram.

INTRODUCTION

Globalization's impact on information and communication technology has altered people's lifestyles worldwide, fostering a new order of life and facilitating social, economic, cultural, defense, security, and law enforcement changes. The current development of information and communication technology in Indonesia has brought about numerous modifications to various aspects of human life, including the well-being of humanity. The Internet is a product of information and communication technology that facilitates the rapid, cost-effective, and extensive dissemination of information to a vast population (Bawono & Glaser, 2024). The Internet does not always have positive effects; it can also have negative ones. The dissemination of pornographic content via the Internet is one of the adverse effects of internet usage. Numerous criminal activities have emerged as a result of social media technology exploitation, including the dissemination of pornography. Pornography on social media is defined as digitally distributed pornographic content, including through the internet network (Marwan et al., 2022).

The Greek words "pornos" and "grafi" give rise to the term "pornography." Graphics are images or writings that, in their broadest sense, encompass sculptural objects whose content or meaning depicts or displays something immoral or offensive to the senses. In contrast, pornography refers to immoral acts related to sexual relations or acts that are vulgar, indecent, or obscene with respect for other people's dignity. The government and law enforcement officials continue to focus on blocking pornographic websites and destroying pornographic products as part of their efforts to combat pornographic crimes. Law enforcement officials frequently use provisions to apprehend individuals

they believe are responsible for the online video content. This type of pornographic content is readily accessible through any social media platform (Santoso & Satria, 2023).

Information technology advancements through computerized systems and internet networks can lead to misuse or detrimental effects, known as cybercrime. Cyber pornography, a decency-related cyber offense, is a common occurrence in contemporary society. The distribution of pornographic content via the internet can be interpreted as cyber pornography (Masyhar & Emovwodo, 2023). Pornography, as defined by Wirjono Prodjodikoro, is the use of images or objects to contain or illustrate content that violates the moral sensibilities of the individual who views or reads them. Ariani and Sumarawan conducted a criminological review of the buying and selling of pornographic content via Twitter, which aimed to investigate the reasons why perpetrators engage in these activities, including economic factors and others. Numerous previous studies have investigated pornographic content via social media. Darmawansyah's other research clarifies the criminal responsibility and punishment linked to the spread of pornographic content on social media (Hamzy et al., 2023). Nevertheless, these investigations have not examined the penalties that are imposed on individuals who purchase and sell pornographic content through social media platforms. The regulation of sanctions against perpetrators of pornographic content on social media, as well as the models of sanctions against perpetrators of pornographic content on social media, must be thoroughly examined in light of the description.

METHOD

This paper draws on normative legal research. Legal research establishing law as a normative framework is known as normative legal research (Firmandayu & Elfaki, 2023). The construction of the norm system relies on the principles of norms and rules, encompassing statutory regulations, court decisions, agreements, and doctrines (teachings). This research employs the statutory approach as its problem-solving method (Brata & Sedera, 2023). This method is implemented to comprehend and evaluate the laws and regulations pertaining to the issue under investigation, specifically to elucidate how these laws and regulations impose criminal penalties on individuals who purchase and distribute pornographic content on social media. The following are the methods employed in this research: Legislative Regulation Approach There are three approaches to consider: the conceptual approach, the comparative approach, and the legislative approach, also known as the statute approach (Jaelani et al., 2022).

RESULTS AND DISCUSSION

According to the Pornography Law (UU RI No. 44, 2008), pornography encompasses a variety of media, including images, sketches, illustrations, photographs, writing, sounds, moving images, animations, cartoons, conversations, body movements, and other forms of messages. Public communication or performances that contain obscenity or sexual exploitation, which violates societal norms of etiquette, are considered pornography (Abdillah et al., 2024). From the Greek word "pornography," which means "writing about or pictures of prostitutes," it is a depiction of the human body or human sexual behavior that is explicitly distinct from erotica. In other words, pornography is an extreme or vulgar form of erotica. Erotica is a physical elucidation of the concepts of eroticism. The pornography industry frequently employs the term "erotica" with euphemistic intentions, which confuses the general public (Mohammad et al., 2023).

Pornography may employ a variety of media, including written or spoken text, photographs, engravings, animated images (such as animation and sound), films, or videos. Porn is a term that encompasses a variety of elements, including moving images in print media that frequently incorporate written text and photographs, as well as cyberporn in social media. "Cyber pornography" refers to pornography that circulates online. As communication technology advances, the concept of pornography has also evolved and transformed (Taufiqurrohman et al., 2024).

There are numerous conceptualizations of pornography and contemporary pornographic discourse (Hamdalah, 2022).

1.   Pornography refers to images of obscene behavior or acts that violate morals and reveal more of the human body and genitals. Its vulgar, filthy, and amusing nature induces sexual desire in those who observe it.

2.   Pornotexts, which are obscene works or depict acts that violate morals, typically take the form of narratives, story constructions, testimonials, or vulgar personal experiences, including comic book stories. They lead the reader to believe they have personally witnessed, experienced, or performed the sexual act.

3.   Pornographic sounds, sounds or utterances, words, and sentences uttered by an individual who, either directly or indirectly, or even vulgarly, makes sexual advances, sounds, or utterances about sexual objects or activities.

4.   Porno-action, which involves the representation of actions, movements, bending, contortions, and the protrusion of dominant body parts that provide sexual stimulation, is the act of exposing breasts and vital organs unintentionally or deliberately to arouse sexual desire in the viewer.

5.   In the context of mass media, pornography, pornographic text, pornographic sound, and pornographic action are all interconnected components. Pornography (print-visual) is similar to pornographic text because it combines text and imagery. Meanwhile, television broadcasts pornographic action, enabling it to coexist with electronic pornography.

Pornographic programs are not exclusively located in magazines or on DVDs or VCDs; instead, they are readily accessible on websites as a result of the advancements in digitalization and internet technology (Amalia, 2022). Network media, including the internet, seamlessly integrates these pornographic variations, commonly known as cybersex, cyber porn, and so on. According to the explanation above, researchers can infer that pornography encompasses all vulgar and lust-inducing scenes, images, writing, and noises. The Indonesian government passed Law Number 44 of 2008 concerning pornography in response to the growing impact of the creation, dissemination, and use of pornography on society, which poses a threat to the social order and livelihoods of Indonesian citizens. The anti-pornography law enables the interpretation of pornography in a variety of ways, thereby addressing the issue of pornography. For instance, the issue of pornography in Indonesia remains unresolved because of society's insufficient reaction to its presence. Additionally, the understanding and definition of pornography vary among individuals, posing a unique set of challenges in its prevention. The government has taken pornography prevention in Indonesia seriously, as evidenced by the passage of Law Number 44 of 2008, which pertains to pornography (Setiawan et al., 2024).

The revocation of the provisions in Article 29 of Law Number 44 of 2008 concerning pornography has changed the threat of sanctions for perpetrators who produce pornography to Article 407 paragraph (1) of Law Number 1 2023 concerning Criminal Law (Wu et al., 2021). The criminal law system's implementation of a new criminal paradigm has altered the threat of sanctions, as demonstrated by the criminal penalties for pornographic acts in Law Number 44 of 2008 concerning Pornography and Law Number 1 of 2023 concerning Criminal Law. Novel. This is pertinent to the National Criminal Code's vision and mission. Law Number 1 of 2023 ratified the national criminal code, a modern criminal law paradigm universally applicable worldwide. This new paradigm is a vision of the national criminal code that prioritizes retributive justice and no longer employs criminal law as lex talionis or the law of retribution. Instead, it focuses on corrective, restorative, and rehabilitative justice. Corrective justice is primarily focused on the perpetrator. This suggests that the National Criminal Code, through sanctions, may rectify the actions of perpetrators who commit

criminal acts. Restorative justice, on the other hand, aims to support victims. The victim's injustice as a consequence of a criminal act must be rectified. By this paradigm, the objective of punishment is no longer to deter criminals; instead, it is to fix the perpetrator's actions and alter the perpetrator to facilitate recovery from the chaos resulting from committing a crime (Thoha et al., 2023).

This research pertains to the evolution of living civilizations, the majority of which employ technological devices to conduct activities. One such activity is the use of social media (e.g., Facebook, Twitter) as a means of communication between individuals. However, while many of the facilities on social media offer positive benefits in various aspects of life, others are currently being employed for negative purposes, such as the creation of pornographic content. This not only violates the provisions of Law Number 44 of 2008 concerning pornography and Republic of Indonesia Law Number 1 of 2023 concerning criminal law, but it also has a significant societal impact, as the use of electronic media by any individual results in exposure to content that contravenes morality. Content that violates morality includes pornography (Prastyanti & Sharma, 2024).

The third of the three provisions in Indonesian legislation pertains to preventing and controlling crime as a component of social control. Social control is a method of influencing the behavior of individuals or social groups to ensure that it aligns with the group's norms and expectations to foster social harmony. However, this article is about using technology to distribute pornographic content, which violates the ITE Law and other laws. Numerous related statutes and regulations prohibit the creation of content containing pornographic content, threaten criminal sanctions for violations, and restrict the widespread dissemination of such content, making it accessible to all (Ibrohim & Budi, 2023).

Content that includes pornography is a prohibited action under numerous Indonesian criminal law regulations. The preservation of state life requires the prevention of perceived crimes. Numerous crime prevention models are currently in use to reduce crime rates (Baranowski et al., 2019):

a.   Crime Prevention in Specific Situations

This model delineates a prevention strategy that aims to diminish the opportunity structure of specific crime categories by increasing the risks and challenges and decreasing the benefits of the crimes committed.

b.   The Prevention of Community Crime

The prevention focus is on empowering community strengths through daily activities that prioritize the implementation of social prerequisites. These prerequisites are expected to alter and deter individual motivations to commit crimes.

c.   Prevention of social crime

Prevention focuses on treating the underlying causes of crime and investigating individual propensities to commit crimes. This prevention model establishes a robust foundation for crime prevention policy and practice. This model aims to mitigate crime risk factors, including gender, age, and the influence of family, school, and friends, by enhancing the role of social institutions, community organizations (through skills education), moral education (through schools), the cessation of domestic violence, parental education, and the simultaneous enhancement of existing social conditions and institutions.

To prevent the misuse of pornographic content on social media, it is critical to promote a comprehension of religious values in social life, which is anticipated to have a profound impact. Ideally, data-related information should be precise, timely, specific, and organized with a particular purpose. Presenting it in a relevant and meaningful context can enhance understanding and decrease ambiguity (Gewirtz-Meydan et al., 2019). The current issue with social media is the prevalence of

violations associated with disseminating information. Cybercrime violations primarily target information on social media platforms. This is because media contains not only content but also context. Primary applications and tools for information sharing between individuals are social media, predominantly internet or mobile phone-based (Lewczuk et al., 2020).

Meanwhile, individuals can disseminate information through posts, images, videos, and more. Here, social media is defined as "the collective of online communication channels dedicated to community-based input, interaction, content sharing, and collaboration" or as a collection of online communication channels dedicated to community-based input, interaction, various content, and collaboration. The current model primarily targets a criminal perspective.

CONCLUSION

The Republic of Indonesia Law No. 11 of 2008 concerning Electronic Information and Transactions regulates sanctions against perpetrators of pornographic content via social media. The application of sanctions typically results in punishment, as evidenced by Republic of Indonesia Law No. 1 of 2024, which pertains to the Second Amendment, and Republic of Indonesia Law No. 11 of 2008, which relates to information and electronic transactions. This research underscores the significance of legal regulations, including Law Number 44 of 2008 concerning pornography and Law Number 11 of 2008 concerning electronic information and transactions, in preventing cyberporn. Also, the fact that better legal protection is needed, especially when intimate photos are shared without permission, shows that current rules aren't doing enough to protect victims of online gender-based violence. To effectively combat the proliferation of pornographic content on social media platforms, it is imperative to implement stringent legal and preventative measures. Subsequently, numerous methods can be employed to prevent pornography, including situational crime prevention, community crime prevention, and social crime prevention.

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