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## Juridical Review of Minors Facing Legal Proceedings in Pornography Offenses

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**Abstract:** This research analyzes the legal perspective on children in conflict with the law in cases of pornography-related crimes. The primary focus of this study is on the implementation of Law No. 44 of 2008 on Pornography and the Juvenile Justice System in cases involving children as perpetrators or victims. The approach used combines normative and empirical studies with descriptive methods. The results indicate that although regulations are applied, there are challenges in field implementation, such as social stigma against children in conflict with the law. This study also highlights the importance of restorative justice approaches in handling these cases to minimize negative impacts on the child's psychological and social development.

**Keyword:** Children, Crime, Pornography, Restorative Justice.

### INTRODUCTION

Pornography, as a global issue, encompasses various negative impacts on its viewers. According to the Indonesian Official Dictionary (Kamus Besar Bahasa Indonesia), pornography is defined as the deliberate depiction of erotic behavior in the form of paintings or writings that can intentionally arouse sexual desire. This intentional engagement often becomes an escape mechanism from stress, anxiety, dissatisfaction, and negative emotions. Other primary impacts include addiction, health-related issues, and suboptimal individual development in terms of social interaction, personality formation, and brain function performance (Privara & Bob, 2023).

These detrimental effects have yet to adequately raise public consciousness, particularly in an era where digital pornographic content exposure has become increasingly prevalent. This phenomenon corresponds with the Ministry of Communication and Information Technology's documentation of 25,628 instances of digital pornographic content dissemination during the period of July 17, 2023, to June 13, 2024 (Kemen PPPA, 2023). Additionally, the widespread accessibility of pornographic content is compounded by the fundamental human condition as social beings with inherent sexual drives.

Society, in its capacity as social beings, perpetually interacts with fellow humans, notably through the expression of thoughts and emotions via symbolic means (Aris, 2023). Moreover, humans are intrinsically endowed with biological impulses that encompass both beneficial and adverse inclinations (Santoso, 2018). The necessity for symbolic interaction coupled with the existence of inherent drives represents an intrinsic element of human nature's fundamental constitution. In this context, pornographic content may be classified among the socially exchanged symbols utilized during interpersonal interactions to fulfill negative biological imperatives. When social engagement is predicated upon negative impulses, the consequent behaviors may generate adverse implications for both the individual and other members of society.

The tangible manifestation of current adverse effects is demonstrated through society's inevitable exposure to the circulation of pornographic content, with particular vulnerability exhibited among minors. The convergence of internet accessibility, social interaction dynamics, and underlying biological impulses progressively transcends the demarcation of age-appropriate information accessibility. As defined by the Grand Dictionary of the Indonesian Language, minors constitute a principal demographic vulnerable to sexual exploitation through pornographic materials, a phenomenon that contravenes established legal frameworks and ethical principles (KBBI, 2023).

Minors, constituting a vulnerable population segment, particularly those experiencing inadequate parental oversight, demonstrate substantial susceptibility to pornographic material exposure. Such exposure to pornographic content potentially induces addictive behaviors and generates adverse implications for children's behavioral patterns and personality development. Luthfiyatin et al. (2020) documented transformative sexual behavioral patterns among elementary school students in Surabaya following pornographic content exposure, manifesting in persistent sexual ideation corresponding to consumed pornographic material, propensities toward pornographic behavior replication, inappropriate physical contact with opposite-sex peers, and auto-erotic behavior. The research additionally evidenced academic performance deterioration attributable to internet-sourced pornographic content exposure (Luthfiyatin et al., 2020). These conditions potentially compromise psychological development while facilitating the emergence of deviant behaviors that may prove prejudicial to others.

The substantive impact of child-targeted pornographic content manifests in numerous documented instances where minors figure as both offenders and victims in pornography-related cases (Jati & Adri, 2023). According to findings by the Ministry of Communication and Information Technology from July 2023 to June 2024, 374 out of 25,628 cases of digital pornographic content involved minors. This phenomenon poses a significant threat to children's developmental phases when exposed to pornographic content.

Research conducted by Privara and Bob (2023) establishes that excessive pornographic content consumption, particularly during developmental stages of childhood and adolescence, produces substantial negative implications for sexual development during formative periods. The consequential effects of pornographic content exposure manifest in multiple domains: gender stereotype internalization, mental health impairment, identity formation complications, and maladaptive body image perfectionism—factors which may subsequently precipitate anxiety and depressive disorders across the developmental continuum (Privara & Bob, 2023).

The magnitude of impacts emanating from these deviant phenomena warrants particular governmental attention within Indonesia's constitutional framework. Indonesia's designation as a state governed by rule of law necessitates that all aspects of life within the Unitary State of the Republic of Indonesia must conform to legislative frameworks and their derivative regulatory instruments. Pursuant to Article 1 paragraph (3) of the 1945 Constitution, all governmental and societal activities must be predicated upon legitimate legislative authority and operate within the legal parameters established by Pancasila and the hierarchical structure

of the 1945 Constitution, statutory law, governmental regulations, and regional legislative instruments. The Indonesian legal system's fundamental objectives encompass human rights protection, maintenance of public order and security, and the administration of justice (Abdurrahman, 2020). Consequently, Indonesia's status as a constitutional state necessitates the equitable and universal enforcement of prevailing laws, including comprehensive measures to address the pornographic content phenomenon.

One approach to addressing the phenomenon of pornographic content impacts involves adherence to the legal framework and judicial system for Children in Conflict with the Law, accompanied by regular understanding and evaluation of its implementation. Such comprehension and evaluation are crucial to ensure that the law has been applied appropriately, equitably, and effectively. To verify these four elements, a legal review becomes essential. In this context, a legal review concerning Pornography in cases involving children in conflict with the law becomes particularly crucial to ascertain whether the legal framework pertaining to children in pornography cases has been implemented appropriately, equitably, and effectively for affected minors.

A legal review involving the Pornography Law is essential, conducted on the principles of equitable justice, human rights protection, and the best interests of the child. As stipulated in Law Number 44 of 2008, which encompasses definitions, prohibitions, and limitations of moral standards or restrictions on pornography. This review is crucial as legislation must be implemented in a manner that not only enforces legal regulations but also provides protection and rehabilitation capable of safeguarding children involved in pornography cases. Furthermore, comprehensive understanding of legal implementation can be achieved by exploring the motivations for pornographic interest, along with its characteristics and impacts. Additionally, sexual education and the involvement of parents and society are vital in protecting children from the effects of pornography.

Based on the issues concerning children as targets of pornographic content exposure, both as perpetrators and victims, a further review of related rules and regulations is necessary. Therefore, this research aims to conduct a legal review of children in conflict with the law in pornography criminal cases. Accordingly, the research problem is formulated as "What is the legal review of Children in Conflict with the Law in pornography criminal cases?"

## **METHOD**

The research methodology employed in this scientific article utilizes legal analysis and evaluation methods, combining empirical and normative legal approaches. Normative legal research examines the application of legal norms contained within legislation related to pornography cases involving minors and analyzes legal implementation based on legal materials, encompassing both primary and secondary material analysis (LKKI, 2022). The empirical research component comprises a case study methodology designed to illustrate, analyze, and elucidate legal implementation in accordance with existing regulations and observable phenomena pertinent to the research inquiry (Sangadji, 2024, p. 20). Consequently, this study comprises empirical research employing case study methodology in examining pornography-related criminal cases involving Children in Conflict with the Law, predicated upon analysis of official documentation and pertinent scholarly publications, systematically categorized into primary, secondary, and tertiary data sources. The analytical framework implements descriptive data analysis protocols to facilitate comprehensive explication and delineation of legal implementation pertaining to the cases under investigation. Primary data encompasses case documentation and information pertaining to pornography-related criminal offenses involving Children in Conflict with the Law. Secondary data, alternatively designated as legal materials, constitutes:

1) Primary Juridical Sources, comprising:

- The 1945 Constitution of the Republic of Indonesia
  - Law Number 44 of 2008 Regarding Pornography
  - The Indonesian Criminal Code (KUHP)
  - Law Number 11 of 2012 Regarding the Juvenile Criminal Justice System
- 2) Secondary Juridical Sources, encompassing scholarly literature, research publications, law journals, juristic opinions, and academic papers or symposia pertinent to this research inquiry.
  - 3) Tertiary Juridical Sources, incorporating referential materials to primary and secondary juridical sources, including legal lexicons, encyclopedic resources, linguistic dictionaries, bibliographic indices, and analogous reference materials.

## RESULTS AND DISCUSSION

### Deleterious Effects on Juveniles Subjected to Pornographic Content Exposure

Indonesia constitutes a nation wherein its populace, particularly minors, demonstrates inevitable exposure to the proliferation of pornographic content. Pornography encompasses all materials presenting visual sexual conduct or nudity capable of eliciting sexual arousal. This phenomenon's prevalence is predicated upon societal predisposition toward pornographic content, catalyzed by negative biological impulses, while content dissemination occurs through society's intrinsic nature as social entities establishing interpersonal interactions. Supplementary factors underlying pornographic content engagement include its function as a maladaptive coping mechanism for stress, anxiety, dissatisfaction, and negative emotional states. Pornographic content exposure potentially precipitates addiction, physiological and psychological health complications, social developmental impediments, sexual developmental anomalies, behavioral mimicry of depicted activities, personality alterations, dysmorphic body image perfectionism, and compromised cognitive function (Privara & Bob, 2023).

Beyond its implications for diverse aspects of physical, social, and psychological developmental trajectories, juveniles, characterized by inherent elevated levels of curiosity, manifest proclivities toward experimentation with newly acquired cognitive content, further modulated by environmental determinants (Afriliani et al., 2023), may precipitate juvenile reproduction of pornographic content scenarios and potentially culminate in their status as perpetrators in pornography-related criminal proceedings. Juveniles who become offenders in pornography-related criminal cases are subsequently classified under the legal designation of Children in Conflict with the Law. This phenomenon is exemplified in a documented case wherein four Children in Conflict with the Law committed acts of sexual assault and homicide against a secondary education student in Palembang, with causation attributed to pornographic content exposure (BBC NEWS Indonesia, 2023). An analogous case materialized in Banda Aceh in 2021, involving a victim of toddler age and a juvenile offender (classified as a Child in Conflict with the Law) aged 13 years, who attributed behavioral causation to pornographic content exposure encountered during internet-based gaming acquisition activities (Modusaceh.co, 2023).

These documented cases exemplify the profound implications of pornographic content exposure, manifesting not merely in victimization risk but in concurrent behavioral aberrations culminating in criminal conduct. The documented involvement of minors in pornographic content production and dissemination, sexual misconduct, and homicide cases demonstrates the normalization of violence precipitated by pornographic content consumption. The Australian Institute of Family Studies has systematically delineated multiple deleterious effects attributable to juvenile exposure to pornographic content. The intrinsic elements of violence and coercion within pornographic material may engender aggressive proclivities and potentially precipitate violent behavioral manifestations toward others. Moreover, sustained

exposure to pornographic content may result in compromised self-regulatory capabilities among affected juveniles (Quadara et al., 2017).

The substantial implications of pornographic exposure manifest in how affected juveniles who have developed behavioral aberrations culminating in criminal conduct may encounter procedural impediments within their judicial proceedings. This phenomenon, with its multifaceted deleterious implications for vulnerable minors, necessitates optimal remedial interventions for both victimized juveniles and Children in Conflict with the Law. However, the risk of encountering systemic difficulties within juridical frameworks persists, particularly for Children in Conflict with the Law. Notwithstanding ongoing judicial proceedings, these juveniles remain susceptible to societal stigmatization, negative attribution, adverse stereotyping, and community-based victimization factors which may subsequently precipitate further psychological deterioration (NICE, 2016).

### **Legislative Analysis of Pornography Statutes Pertaining to Juveniles**

The regulation of pornography within Indonesian jurisdiction is codified in Law Number 44 of 2008 concerning Pornography. This statutory instrument provides a comprehensive definition of pornography encompassing all forms and methodologies pertaining to messages conveyed through photographic representations, illustrations, pictorial content, sketches, written materials, cinematographic content, animations, audio content, verbal communications, physical gestures, or any alternative forms of message transmission through public media, prescribing criminal sanctions for violations thereof. Furthermore, Article 29 in conjunction with (juncto) Article 4 paragraph (1) delineates prohibitive measures and criminal sanctions pertaining to pornographic content. Article 4 paragraph (1) specifically emphasizes prohibitions concerning various forms of pornographic content production and dissemination. Article 29 subsequently prescribes criminal sanctions for violations involving juvenile exploitation containing pornographic elements, incorporating both custodial sentences and pecuniary penalties for perpetrators.

The comprehensive adjudication protocols for juveniles in conflict with the law are denominated within the juvenile criminal justice system, which endeavors to implement optimal interventions for minors while maintaining judicial integrity and public interest considerations. The procedural spectrum encompassing investigative processes through rehabilitative supervision, predicated upon protective measures, dignity preservation, and restorative justice principles pertaining to juvenile rights, is executed within the framework of juvenile criminal jurisprudence (Gultom, 2013). Restorative justice constitutes a jurisprudential framework emphasizing rehabilitative and remedial interventions through educational methodologies. This paradigm is designed to optimize juvenile offenders' future societal integration while minimizing adverse developmental consequences (Marpaung, 2020).

The following statutory instruments constitute the legislative framework governing judicial proceedings for juveniles in pornography-related cases:

- 1) Law Number 44 of 2008, codifying prohibitive measures pertaining to pornographic content and juvenile sexual exploitation;
- 2) Law Number 11 of 2008, prescribing criminal sanctions regarding the dissemination of pornographic content and juvenile social exploitation;
- 3) Law Number 11 of 2012, establishing protective juridical measures within the juvenile criminal justice system framework.

The implementation of these statutory instruments as regulatory frameworks, particularly concerning pornography-related cases involving Children in Conflict with the Law, necessitates rigorous consideration. This imperative derives from the fact that Children in Conflict with the Law constitute minors requiring comprehensive physical and psychological intervention during their post-adjudication societal reintegration. As previously delineated,



these juveniles exhibit particular susceptibility to negative societal stigmatization and community-based victimization. Therefore, appropriate juridical implementation from inception assumes paramount importance, given the multiplicity of future implications these minors may encounter.

### **Application of Pornography Legislative Framework in Juvenile Justice Proceedings: Implementation Analysis**

The Pornography Law explicitly codifies definitional parameters, prohibitive measures, and regulatory limitations governing moral transgressions and pornographic offenses. Law Number 44 of 2008, specifically Article 29 in conjunction with (juncto) Article 4 paragraph (1), pertaining to cases involving Children in Conflict with the Law (ABH), emphasizes the principle of judicial prudence in maintaining the fundamental tenets of justice administration and the preservation of juvenile rights (Markuat, 2022). These statutory provisions are engineered to afford protection to juveniles from pornographic exploitation, whether in content production or dissemination, within the contemporary context of prevalent pornographic exposure. Perpetrators shall be subject to Article 29 sanctions upon the involvement of minors as victims of pornographic exploitation. Conversely, in circumstances where juveniles are implicated in pornographic content production and dissemination through coercive measures, absence of cognizance, or other environmental determinants, their legal status is designated as Children in Conflict with the Law, thus necessitating specialized protective interventions.

This specialized protective framework emphasizes rehabilitative and educational juridical methodologies, explicitly precluding detention protocols. Implementation prioritizes the juvenile status of the subject, as codified within Child Protection and Juvenile Criminal Justice System legislative frameworks, emphasizing educational intervention over punitive measures. These interventions are conceptualized to optimize juvenile rehabilitative opportunities through developmental guidance, vocational training, and psychological intervention protocols. Furthermore, these measures are designed to facilitate juvenile protection enabling subsequent societal reintegration with minimized stigmatization and enhanced longitudinal outcomes.

Analysis of juridical documentation pertaining to Children in Conflict with the Law in the homicide and sexual assault proceedings involving a secondary education student in Palembang reveals differentiated sanctioning protocols. One juvenile offender received a decennial custodial sentence with concurrent vocational training and rehabilitation measures, while the remaining three juvenile perpetrators were subject to annual rehabilitation protocols. In contrast, the sexual assault proceedings involving an infant victim and a 13-year-old juvenile offender in Aceh resulted in concurrent rehabilitative interventions and quadrennial incarceration, attributable to Aceh's distinct jurisdictional framework. Nevertheless, the custodial provisions for Children in Conflict with the Law within Aceh's jurisdiction maintain primacy of educational and rehabilitative objectives.

The juridical processing of cases involving Children in Conflict with the Law conforms to the statutory provisions delineated within Law Number 11 of 2012 concerning the Juvenile Criminal Justice System Framework (Marpaung, 2020). The juvenile case resolution methodology implementing restorative justice principles emphasizes multi-stakeholder reconciliation external to formal adjudicative proceedings, designed to preserve juvenile rights, facilitate community engagement, and cultivate juvenile accountability. Criminal proceedings involving Children in Conflict with the Law may encompass developmental guidance protocols, educational interventions, and behavioral rehabilitation frameworks to facilitate societal reintegration absent negative attribution. This juridical framework demonstrates state commitment to juvenile justice administration, facilitating comprehension of behavioral

transgressions and appropriate remedial responses while maintaining the integrity of juvenile rights preservation.

## CONCLUSION

This research concludes that notwithstanding Indonesia's comprehensive regulatory framework regarding pornography and juvenile criminal justice, the implementation of legal provisions concerning Children in Conflict with the Law confronts multifaceted challenges, particularly in mitigating developmental impacts on affected juveniles. The application of juridical measures through restorative justice methodologies demonstrates efficacy in facilitating rehabilitation and recovery opportunities, enabling societal reintegration. However, impediments persist, notably insufficient public comprehension of restorative justice principles, potentially compromising juvenile rehabilitation processes.

Governmental entities and pertinent institutions are urged to adopt more proactive approaches in public education regarding restorative justice implementation for Children in Conflict with the Law. Through appropriate educational initiatives, societal understanding of rehabilitative approaches may be enhanced, emphasizing both the avoidance of punitive measures and the provision of developmental opportunities. Moreover, reinforcement of rehabilitation program implementation, incorporating psychological intervention and developmental guidance within the criminal justice framework, is imperative. These interventions facilitate recovery from traumatic experiences while mitigating recidivism risk. Furthermore, enhanced supervision of juvenile access to pornographic digital content is essential. Such regulatory measures may prevent juvenile involvement in pornography-related criminal proceedings while providing protection from age-inappropriate content exposure impacts.

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