

LEGAL PROTECTION FOR VICTIMS OF THE CRIMINAL ACT OF BUYING AND SELLING PORNOGRAPHIC CONTENT VIA TELEGRAM SOCIAL MEDIA

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Abstract

Legal protection for victims of the crime of buying and selling pornographic content through the Telegram application is a concrete manifestation of the state's responsibility in guaranteeing the human rights of every citizen to obtain a sense of security, protection, and justice in the digital space. The problem in this study is how legal protection for victims of the crime of buying and selling pornographic content through Telegram social media and what obstacles are found in realizing legal protection for victims of the crime of buying and selling pornographic content through Telegram social media. In addition to limited personnel and technical capabilities, the factor of facilities and infrastructure is also a major obstacle in handling pornography crimes through Telegram. Many regional police cyber units are not equipped with adequate supporting devices, such as cyber monitoring systems, digital forensic devices, and the latest online activity tracking software. This study uses a normative legal research method by reviewing document studies using various secondary data such as laws and regulations, court decisions, legal theories, and can be in the form of scholarly opinions. This study concludes that ideal legal protection for victims of pornography crimes in the digital space does not only emphasize the punishment of the perpetrator, but must also include comprehensive protection for victims through legal assistance, guarantees of identity confidentiality, and psychological and social recovery. These efforts need to be accompanied by increased capacity of law enforcement officials in information technology, modernization of cyber law enforcement facilities, and strengthening cross-border cooperation with digital platform providers like Telegram. Going forward, more specific regulatory updates regarding digital pornography are needed, particularly regarding the mechanisms for trading content on closed platforms like Telegram, including rules regarding paid memberships, private groups, and digital asset-based transactions.

Keywords: Protection, Victims, Pornography

INTRODUCTION

Sexual crimes, pornography, trafficking, bullying, and other forms of crime committed online pose a growing threat to the nation's future generations. The unique characteristics of the internet have made it the most effective medium for disseminating information, including that which contains pornographic elements.

One of the abuses of the internet is the crime of pornography, often referred to as cybersex. Pornography is a problem faced by Indonesia in the current era of globalisation, because the development of pornography not only affects social life in the community, but its widespread distribution in the virtual world has also become a very normal thing for some people. Pornographic media is also increasingly easy to access through electronic and print media. It is so easy for anyone to view pornography through the internet, mobile phones, reading materials, and so on.

Due to technological developments, the problem of pornography is becoming increasingly alarming and its negative impacts are becoming more apparent, including frequent cases of adultery, rape, and even murder. Pornography is prohibited because it violates moral values. Anyone can become a victim of pornography, including children, teenagers, adults, women, or men. Children often become victims of all kinds of adult actions, especially those related to attitudes, mentality, and ways of thinking.

The emergence of the Pornography Law was due to public concern over the rampant spread of pornography, prompting the government to respond by enacting the law. The Pornography Law defines the types or forms of pornography-related criminal acts, whereby anything related to pornography that is prohibited by the Pornography Law is punishable by certain penalties for anyone who violates these prohibitions.

Pornography in Indonesia has experienced rapid growth, particularly since the reform era, with advances in information technology playing a significant role in its development. The current trend of globalisation has penetrated every aspect of Indonesian society. Therefore, we can see that pornography is an issue that must be addressed immediately and a solution must be found by the Indonesian people, considering the negative consequences it will have in the future.

In social media, pornographic content in Indonesia has exceeded 5 million pieces of content in the last four years. Meanwhile, the number of pornography cases handled by the Indonesian National Police in the last four years has reached 1,670. The Director General of Information and Public Communication (IKP) of the Ministry of Communication and Information Technology, Usman Kansong, said that the ministry found 5 million pornographic contents, including child pornography, in cyberspace. The content appears on online media and also in online games that are easily accessible to children today. 'This figure places Indonesia in second place in ASEAN,' said Usman Kansong, as quoted from an article entitled 'Sad! Ministry of Communication and Information Technology Reveals Indonesia's Pornography Cases Reach 5 million, second in ASEAN' posted on the website www.bisnis.com.

The findings are like the tip of the iceberg. This is because there is a discrepancy between the number of cases reported or discovered by the cyber police and the number of findings by the Ministry of Communication and Information Technology. It is possible that the actual number is higher. The Indonesian National Police handles pornography cases based on reports from the public. However, many pornography cases are also handled based on the findings of cyber police investigations in cyberspace. One such example is the cyber police's investigation, which uncovered hundreds of pornography-related groups on the Telegram messaging app in July 2024.

Currently, the spread of pornography is not only found and occurs in everyday social life but is also widely disseminated through social media. It is known that social media is not only used by adults but also by many minors for various purposes.

RESEARCH METHODS

The research method used in this thesis is normative juridical. The normative juridical approach is an approach based on primary legal materials by examining theories, concepts, legal principles and legislation related to this research. This approach is also known as the literature approach, which involves studying books, laws and regulations, and other documents related to this research. The empirical legal approach is carried out by observing the reality in practice in the field. This approach is also known as the sociological approach, which is carried out directly in the field.

Based on its type, this scientific work is classified as normative research, which is described as follows: Normative Research Method: this method conducts research and data collection through literature studies using materials obtained by the author from scientific books related to the title, lecture materials, newspapers, and so on. The author also uses various laws related to the title as legal provisions.

Normative legal research or library research is research that examines document studies using various secondary data such as laws and regulations, court decisions, legal theories, and can take the form of scholars' opinions.

Normative legal research uses qualitative analysis by explaining the available data with statements rather than numbers. The things studied in normative legal research include legal principles, legal systematics, legal inventory, clinical law, the level of legal synchronisation, comparative law, and legal history.

Secondary data sources, namely data obtained through document studies related to the topic of this legal writing. Secondary data sources are divided into two categories:

a. Primary legal materials

These are binding legal materials in the form of legislation, namely the Criminal Code (KUHP), the Criminal Procedure Code (KUHP), Law Number 44 of 2008 concerning Pornography, Decision Number 371/Pid.B/2024/PN.Jkt.Sel and Decision Number 78/Pid.B/2025/PN.Jkt.Sel.

b. Secondary legal material

These are data obtained from books, scientific writings by legal experts or articles, papers, journals, legal magazines related to the topic as references for writing a thesis.

RESULT AND DISCUSSION

Forms of Legal Protection for Victims of Criminal Acts of Selling Pornographic Content Through Telegram Social Media

Legal protection for victims of criminal acts involving the distribution or sale of pornographic content through social media, including Telegram, is a fundamental aspect of the Indonesian criminal justice system. These criminal acts not only violate legal norms, but also attack the dignity, integrity and privacy of victims, especially if the victims are children or adolescents. Therefore, Indonesian positive law provides preventive, repressive and rehabilitative protection instruments.

Preventive Legal Protection

Preventive protection aims to prevent new victims and provide legal restrictions on digital activities in cyberspace. This form of protection includes:

1. Regulation through Law No. 44 of 2008 on Pornography

This law strictly prohibits the production, distribution, trade, and use of pornographic

media. These provisions form the basis for preventing the public from engaging in the buying and selling of pornographic content, including through Telegram.

2. Law No. 19 of 2016 (Amendment to the ITE Law)

The provisions on electronic transactions impose strict restrictions on the distribution and transaction of indecent content in the digital space (Article 27 paragraph (1)). This norm aims to create a safe digital space that is free from online sexual exploitation.

3. Law No. 23 of 2002 in conjunction with Law No. 35 of 2014 on Child Protection

Children are legally positioned as subjects who must be protected from all forms of sexual exploitation, including those committed through digital media.

Educational and preventive efforts by law enforcement officials and the Ministry of Communication and Information Technology The government has the authority to block websites/accounts and conduct cyber patrols on platforms that have the potential to be used to disseminate pornographic content.

Repressive Legal Protection

Repressive protection is provided after a crime has been committed, through law enforcement and victim recovery processes. This form of protection includes:

1. Criminal law enforcement against perpetrators
2. Perpetrators who sell pornographic content through Telegram can be charged under:
 1. The Pornography Law (Article 29 in conjunction with Article 4 paragraph (1)),
 2. The ITE Law (Article 27 paragraph (1)),
 3. The Child Protection Law (Articles 76I and 82) if the victim is a child.
3. The purpose of this law enforcement is to provide indirect protection, namely to create a deterrent effect and justice for victims.
4. Protection of victims through assistance services
5. Psychological and social assistance by the Witness and Victim Protection Agency (LPSK).
6. Guarantee of confidentiality of the victim's identity.
7. Psychological rehabilitation, especially for child or adolescent victims who have experienced trauma due to digital exploitation.
8. Restoration of victims' rights (restitution and compensation)

Based on Perma No. 1 of 2022 concerning Restitution Guidelines, victims can obtain compensation in the form of:

1. Reimbursement Of Psychological Costs,
2. Loss Of Income,
3. Losses Due To the Dissemination of Content That Humiliates or Damages the Victim's Future.

3. Rehabilitative Legal Protection

Rehabilitative legal protection is a form of protection oriented towards the recovery of victims of crime, whether physically, psychologically, socially, or legally. This concept stems from the understanding that victims of crime not only suffer losses as a result of the perpetrator's actions, but also face ongoing suffering that can last for a long time, especially in the case of information technology-based crimes such as the sale of pornographic content via the Telegram social media platform.

In the context of digital pornography crimes, victims often experience psychological trauma, shame, loss of security, damage to their reputation, and social stigma due to the dissemination of personal and intimate content. Therefore, rehabilitative legal protection cannot be limited to the punishment of perpetrators, but must include efforts to restore the dignity and quality of life of victims.

Rehabilitative legal protection is in line with the victim-centred justice approach, which places victims as the main subjects in the criminal justice system. This approach also

correlates with the principle of restorative justice, where the recovery of victims is an important goal in addition to law enforcement. The state has an obligation to ensure that victims receive adequate recovery services as part of its constitutional responsibility to protect human rights.

In cases involving the sale of pornographic content via Telegram, rehabilitative legal protection has specific characteristics because these crimes are:

1. Non-physical but have a profound impact, especially on the mental health of victims;
2. Repetitive in nature, as digital content can be redistributed without limits;
3. Transcend space and time, so that the suffering of victims does not end even after the criminal proceedings have been completed.

Thus, rehabilitative legal protection must be understood as a holistic, sustainable, and adaptive effort in response to technological developments, covering psychological, social, legal, and digital recovery aspects for victims.

Victim recovery should cover psychological, social, economic and legal aspects. However, in reality, recovery services for victims of digital pornography distribution are still very limited. Victims tend to be left alone without support, and many experience prolonged trauma. The absence of psychological counselling and legal advocacy makes the recovery process even more difficult.

Social and economic rehabilitation has not yet become a concern for the state. In fact, some victims lose their jobs, are excluded from their social environment, or experience financial difficulties due to the distribution of their personal content. Therefore, the state must develop a comprehensive victim protection system, involving psychologists, paralegals, and the community so that recovery can be carried out in an integrated manner. This research is supported by Victimology Theory, which focuses on the rights, position, and needs of victims in the criminal justice process. This theory assumes that legal protection is not sufficient in merely punishing the perpetrator, but must also restore the victim to their original state, psychologically, socially, and economically.

In addition, Satjipto Rahardjo's Progressive Law Theory is also an important foundation, as it emphasises that the law must side with victims and not be rigidly focused on procedure alone. The law is seen as a means of creating substantive justice, especially for vulnerable groups who are victims of modern crimes such as the distribution of digital pornographic content.

Law enforcement agencies such as the police, the prosecutor's office, and the LPSK theoretically have a major role to play in tackling cybercrime. However, in practice, many of them are not yet optimal in handling cases of digital pornography distribution. For example, not all reports from victims are followed up seriously by the police due to a lack of human resources with information technology expertise.

Similarly, although the LPSK is ideally supposed to protect victims, it tends to focus only on cases of physical violence, not digital crimes. The role of the Ministry of Communication and Information Technology as a digital information regulator is also hampered by bureaucracy and slow responses to requests for content blocking. This indicates the need for training and institutional capacity building in order to comprehensively address digital crimes.

CONCLUSIONS

Legal protection for victims of criminal acts involving the sale of pornographic content through the Telegram application is a tangible manifestation of the state's responsibility to guarantee the human rights of every citizen to feel safe, protected, and receive justice in the digital space. The legal basis for this protection stems from several laws and regulations, including Law No. 44 of 2008 concerning Pornography, Law No. 11 of 2008

concerning Electronic Information and Transactions and its amendments, and Law No. 31 of 2014 concerning Witness and Victim Protection. These three laws form the legal basis for regulating both preventive (prevention of crime) and repressive (prosecution of perpetrators and restoration of victims' rights) forms of protection.

In practice, the implementation of this legal protection still faces a number of serious obstacles. From the perspective of law enforcement officials, the limited number of personnel with expertise in cybercrime and the lack of supporting tools and facilities, such as digital forensic equipment, often result in suboptimal investigation and evidence gathering processes. In addition, technical obstacles also arise due to Telegram's highly secure and cross-jurisdictional encryption system, which makes it difficult for authorities to obtain user data without international cooperation.

From the victims' perspective, psychological barriers such as shame, fear, or trauma arise, causing victims to be reluctant to report and uncooperative in the legal process. Social and cultural factors that still view pornography cases as a disgrace also exacerbate the situation. As a result, many cases are terminated at an early stage because victims withdraw or are reluctant to testify.

Thus, ideal legal protection for victims of pornography crimes in the digital space should not only focus on punishing perpetrators, but also include comprehensive protection for victims through legal assistance, identity confidentiality guarantees, and psychological and social recovery. These efforts need to be accompanied by capacity building for law enforcement officials in the field of information technology, modernisation of cyber law enforcement facilities, and strengthened cross-border cooperation with digital platform providers such as Telegram.

Only with a comprehensive and equitable approach can the state realise an effective, humane, and adaptive legal protection system in line with technological developments in the digital age, while ensuring the restoration of the dignity and rights of victims as part of substantive justice.

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