

# Bedroom Crimes: When Private Desire Meets Criminal Law



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## ABSTRACT

Pornography offenses continue to raise significant legal concerns because criminal law seeks to safeguard morality, privacy, and human dignity, while the current regulatory framework still allows personal possession or storage of pornographic material. This exception creates uncertainty in legal interpretation, weakens enforcement, and limits protection for victims, especially in cases involving hidden recordings, digital exploitation, and misuse of intimate images when offenders claim personal use. This study aims to examine whether the regulation of pornography for personal use reflects justice, to identify weaknesses in the current legal framework, and to formulate a fairer regulatory reconstruction. This study employs a socio legal research method that combines normative legal analysis with empirical assessment of social realities, law enforcement practices, and public responses. The study evaluates statutory provisions together with actual cases to measure the gap between legal norms and practical implementation. The findings show that the current regulation does not achieve justice because the personal use exception creates a loophole that allows harmful conduct to avoid criminal sanctions. The study identifies three weaknesses. First, the substance of the law contains ambiguity and multiple interpretations that weaken its objectives. Second, the legal structure remains fragmented and less responsive to digital crime. Third, legal culture reflects permissive attitudes that treat pornography as a private matter despite broader social harm. This study concludes that lawmakers should remove the personal use exception and establish clear rules that ensure dignity, morality, privacy, certainty, and justice.



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## Introduction

The Republic of Indonesia is a legally governed state. Pancasila and the 1945 Constitution safeguard morality, human rights, belief in God, respect for variety, and the protection of human rights. Indonesia, being a nation governed by the rule of law, must employ legal mechanisms to resolve social conflicts and maintain order. These measures must be equitable and ensure accountability<sup>1</sup>. Modernization and globalization have yielded numerous benefits, including

<sup>1</sup> Khudzaiyah Dimiyati and others, 'Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis', *Heliyon*, 7.8 (2021), e07865 <https://doi.org/https://doi.org/10.1016/j.heliyon.2021.e07865>

expedited access to knowledge, enhanced communication methods, and increased economic opportunities<sup>2</sup>. However, these alterations have also diminished conventional social boundaries and facilitated the misuse of digital technology by individuals<sup>3</sup>. A significant issue is that pornography disseminates rapidly via the internet, encompassing text, voice, photos, and video<sup>4</sup>. Pornography contravenes Indonesian social and cultural values as well as standards of decency. It can adversely affect children, adolescents, and adults, regardless of gender<sup>5</sup>. Pornography can also result in other offenses, including sexual harassment, exploitation, molestation, and rape. The government must reinforce the legislation and ensure its enforcement to safeguard the populace<sup>6</sup>.

Pornography constitutes a complex legal and social dilemma due to the interplay of technology, morality, culture, and inadequate governmental oversight<sup>7</sup>. Responsibility extends beyond the government; each individual has a role to fulfill since it impacts the entire community<sup>8</sup>. A significant number of individuals believe that the increase in sexual offenses is attributable to repeated exposure to pornographic material across digital, visual, and auditory platforms<sup>9</sup>. Inadequate law enforcement has transformed pornography into a significant social issue that may adversely affect the nation's wellbeing<sup>10</sup>. The state and society must

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<sup>2</sup> Patricia A Abbott and Amy Coenen, 'Globalization and Advances in Information and Communication Technologies: The Impact on Nursing and Health', *Nursing Outlook*, 56.5 (2008), 238-246.e2 <https://doi.org/https://doi.org/10.1016/j.outlook.2008.06.009>

<sup>3</sup> Ojelanki Ngwenyama and others, 'Social Values Dilemmas of the Digital Society: Considering the Implications of Pervasive Digitalization', *Technology in Society*, 87 (2026), 103376 <https://doi.org/https://doi.org/10.1016/j.techsoc.2026.103376>

<sup>4</sup> Mark McCormack and Liam Wignall, 'Chapter Fourteen - Pornography, Social Media, and Sexuality', in *Handbook of Social Media Use Online Relationships, Security, Privacy, and Society, Volume 2*, ed. by Vladlena Benson (Academic Press, 2024), pp. 309–26 <https://doi.org/https://doi.org/10.1016/B978-0-443-28804-3.00011-9>

<sup>5</sup> Goran Koletić, 'Longitudinal Associations between the Use of Sexually Explicit Material and Adolescents' Attitudes and Behaviors: A Narrative Review of Studies', *Journal of Adolescence*, 57 (2017), 119–33 <https://doi.org/https://doi.org/10.1016/j.adolescence.2017.04.006>

<sup>6</sup> Hwian Christianto, 'Measuring Cyber Pornography Based on Indonesian Living Law: A Study of Current Law Finding Method', *International Journal of Law, Crime and Justice*, 60 (2020), 100348 <https://doi.org/https://doi.org/10.1016/j.ijlcj.2019.100348>

<sup>7</sup> Meghan Donevan, 'Exposing Pornography's True Nature: A Conceptual Framework', *Women's Studies International Forum*, 109 (2025) <https://doi.org/10.1016/j.wsif.2024.103029> Peter Alilunas, 'What We Must Be: AI and the Future of Porn Studies', *Porn Studies*, 11.1 (2024), 99 – 112 <https://doi.org/10.1080/23268743.2024.2312181>

<sup>8</sup> Maria Giuseppina Bartolo and others, "'I Feel Good, I Am a Part of the Community": Social Responsibility Values and Prosocial Behaviors during Adolescence, and Their Effects on Well-Being', *Sustainability (Switzerland)*, 15.23 (2023) <https://doi.org/10.3390/su152316207>

<sup>9</sup> Okky Madasari, 'Shall We Dance? Defining Sexuality and Controlling the Body in Contemporary Indonesia', *Religions*, 12.4 (2021) <https://doi.org/10.3390/rel12040264>

<sup>10</sup> Evyta Rosiyanti Ramadhani, Ayudya Rizqi Rachmawati and Roro Hera Kurnikova, 'Integrating Islamic Values with the Right to Be Forgotten: A Legal Approach to Addressing Deepfake

collaborate to address this issue effectively. Pornography contravenes the fundamental principles of Pancasila, including morality, dignity, and the intellectual advancement of the nation<sup>11</sup>. Research suggests that continuous exposure to pornographic material might result in psychological issues, behavioral changes, and harmful consequences for youngsters who struggle to evaluate internet information accurately<sup>12</sup>. As a nation founded on Pancasila and the 1945 Constitution, Indonesia must fortify its legislation, enhance enforcement, and safeguard society from the detrimental impacts of pornography<sup>13</sup>.

Indonesia is experiencing a period of accelerated digital expansion, characterized by a consistent increase in the number of internet users nationwide<sup>14</sup>. Recent national data indicate that by 2025, over 80% of the population will utilize the internet. Approximately 229.4 million individuals from a total population of 284.4 million utilized the internet. This figure increased from 79.5 percent in 2024, indicating that internet connectivity has become a crucial component of education, commerce, communication, governance, and social interaction. Consequently, digital transformation has enhanced economic activity, facilitated connections among individuals across various places, and improved access to information and services for the populace in Indonesia. Nevertheless, the increased accessibility to the internet has concurrently resulted in a rise in cybercrime, online exploitation, and offenses relating to pornography<sup>15</sup>. Recent monitoring identified 2,382 instances of online gender-based violence in 2025, representing a significant increase from the previous year. The predominant types were threats to disclose private information, sexual extortion via digital platforms, unauthorized publication of private photographs, harassment, and online stalking<sup>16</sup>. Women, particularly those aged 18 to 25, were the most vulnerable. WhatsApp, Telegram,

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Pornography in Indonesia', *De Jure: Jurnal Hukum Dan Syar'iah*, 17.1 (2025), 112 – 131  
<https://doi.org/10.18860/j-fsh.v17i1.28880>

<sup>11</sup> Anis Mashdurohatun, Deny Arly Asmara, and others, 'The Independence of Civil Servant Investigators in Indonesian Immigration: A Fiqh Siyasa Perspective', *Jurnal Ilmiah Mizani*, 12.1 (2025), 345–58 <https://doi.org/10.29300/mzn.v12i1.5120>

<sup>12</sup> Luca Cerniglia and Silvia Cimino, 'Pornography Consumption in Pre-/Early Adolescents: A Study on the Links with Emotion Regulation and Internalizing/Externalizing Symptoms', *Current Psychology*, 43.34 (2024), 27414 – 27422 <https://doi.org/10.1007/s12144-024-06380-z>

<sup>13</sup> Yanwar Arief and others, 'The Personality Profile of Sexual Offenders', *The Open Psychology Journal*, 18 (2025) <https://doi.org/https://doi.org/10.2174/0118743501386844250721101533>

<sup>14</sup> Hendri Yulius Wijaya, 'Privacy, Porn, and Gay Sex Parties: The Carceral Governance of Homosexuality in Indonesia', *Laws*, 10.4 (2021) <https://doi.org/10.3390/laws10040087>

<sup>15</sup> Anis Mashdurohatun, Bambang Sugihartono, and others, 'Combating Digital Defamation: Regulations, Challenges and Protecting Reputation', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 3.3 (2025) <https://doi.org/10.53955/jsderi.v3i3.147>

<sup>16</sup> Ayako Akiyama Hasegawa and others, 'Addressing the Privacy Threat to Identify Existence of a Target's Account on Sensitive Services', *Journal of Information Processing*, 28 (2020), 1030 – 1046  
<https://doi.org/10.2197/ipsjip.28.1030>

Instagram, X, and TikTok are among the most prevalent messaging applications and social media platforms utilized by individuals to perpetrate these offenses<sup>17</sup>.

Simultaneously, national records indicated that there were 376,529 instances of violence against women in 2025, reflecting a 14% rise over the preceding year. This tendency indicates that structural violence persists and that victims are increasingly inclined to report abuse via formal means<sup>18</sup>. Pornography has developed as a substantial legal, moral, and social issue, since its distribution surpasses physical boundaries and rapidly proliferates over digital networks, becoming increasingly acceptable among specific socioeconomic segments<sup>19</sup>. Indonesia addresses these risks through the following legislation: Law Number 44 of 2008 concerning Pornography, Law Number 1 of 2024 regarding Electronic Information and Transactions, Law Number 12 of 2022 pertaining to Sexual Violence Crimes, Law Number 27 of 2022 on Personal Data Protection, and the Criminal Code as stipulated in Law Number 1 of 2023. The state must enhance its capacity to enforce laws, coordinate institutions, educate individuals on safe technology usage, safeguard victims, and address contemporary technological challenges to uphold morality, privacy, human dignity, and public order<sup>20</sup>.

Article 6 of Law Number 44 of 2008 about pornography prohibits individuals from exhibiting, displaying, utilizing, possessing, or storing pornographic materials as delineated in Article 4, paragraph 1, unless expressly permitted by law. The explanatory section of Article 6 states that the prohibition on possessing or storing pornography does not pertain to materials intended for personal use or individual interests. This phrasing renders the law inherently contradictory. The law seeks to regulate all types of pornography. The explanatory phrase, conversely, permits private ownership. This complicates the attainment of the law's primary objectives: safeguarding human dignity, upholding public morality, ensuring legal clarity, preventing sexual exploitation, and protecting women and children<sup>21</sup>. The exemption for personal usage further complicates matters for law enforcement. Authorities frequently concentrate on instances involving public dissemination,

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<sup>17</sup> Miftah Andriansyah and others, 'Developing Indonesian Corpus of Pornography Using Simple NLP-Text Mining (NTM) Approach to Support Government Anti-Pornography Program', in *Proceedings of the 2nd International Conference on Informatics and Computing, ICIC 2017* (Institute of Electrical and Electronics Engineers Inc., 2017), MMXVIII-JANUARY, 1 - 4 <https://doi.org/10.1109/IAC.2017.8280618>

<sup>18</sup> Lynne M Woehrl, *Structural Violence, Encyclopedia of Violence, Peace, & Conflict: Volume 1-4, Third Edition* (Elsevier, 2022), 1 <https://doi.org/10.1016/B978-0-12-820195-4.00260-0>

<sup>19</sup> Jennifer A Johnson, *Digital Pornography and Everyday Life, The Oxford Handbook of Digital Media Sociology* (Oxford University Press, 2020) <https://doi.org/10.1093/oxfordhb/9780197510636.013.18>

<sup>20</sup> Mohammad Muslim Al-Zawahreh and Kawthar Reda Hussein Al-Halqi, 'The Role of Technology in Enforcing Judicial Rulings and Ensuring Compliance with Legal Obligations', *Studies in Systems, Decision and Control*, 227 (2026), 771 - 782 [https://doi.org/10.1007/978-3-031-95310-1\\_59](https://doi.org/10.1007/978-3-031-95310-1_59)

<sup>21</sup> Hu Yuhong, 'An Analysis of the Legal Attributes of Human Dignity', *Social Sciences in China*, 38.3 (2017), 81 - 95 <https://doi.org/10.1080/02529203.2017.1339442>

sale, or distribution via digital media<sup>22</sup>. Conversely, private possession is frequently not subject to punishment. This mindset is incompatible with contemporary technological operations. Currently, one may create, replicate, save, and transmit pornographic material within seconds utilizing mobile devices, cloud services, and encrypted applications<sup>23</sup>. Information that was formerly confidential can rapidly disseminate to a broader audience, resulting in greater harm<sup>24</sup>.

The demand for reform has intensified following the enactment of several new legislation. Law Number 1 of 2024 about Electronic Information and Transactions enhances the legislation against illicit digital conduct and electronic proof. Law No. 12 of 2022 Regarding Sexual Violence Crimes acknowledges instances of technology-facilitated sexual abuse, including unauthorized recording and coercive exploitation. Law Number 27 of 2022 concerning Personal Data Protection safeguards personal information, including private digital photographs. Law Number 1 of 2023 regarding the Criminal Code enhances national criminal law, fortifying protections for morality, privacy, and public order<sup>25</sup>. The magnitude of the issue is evident from the current situation. Indonesia currently possesses over 200 million internet users. With the increasing number of individuals accessing the internet, there has been a corresponding rise in instances of online harassment, unauthorized sharing of private content, digital extortion, and privacy violations<sup>26</sup>.

The regulation of pornography now encompasses not only morality but also consent, cybersecurity, and mental health<sup>27</sup>. Consequently, legislators ought to

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<sup>22</sup> Oleh Hubanov and others, 'International Legal Regulation of Copyright and Related Rights Protection in the Digital Environment', *Estudios de Economia Aplicada*, 39.7 (2021) <https://doi.org/10.25115/eea.v39i7.5014>

<sup>23</sup> Valerie A Lapointe and others, 'The Present and Future of Adult Entertainment: A Content Analysis of AI-Generated Pornography Websites', *Archives of Sexual Behavior*, 2025 <https://doi.org/10.1007/s10508-025-03099-1> Goran Jakimovski, Aleksandar Karadimce and Danco Davcev, 'Multimedia Content Delivery between Mobile Cloud and Mobile Devices', ed. by Papavassiliou S. and others, *Lecture Notes in Computer Science (Including Subseries Lecture Notes in Artificial Intelligence and Lecture Notes in Bioinformatics)*, 8629 (2015), 3 – 11 [https://doi.org/10.1007/978-3-662-46338-3\\_1](https://doi.org/10.1007/978-3-662-46338-3_1)

<sup>24</sup> Asia A Eaton and Clare McGlynn, 'The Psychology of Nonconsensual Porn: Understanding and Addressing a Growing Form of Sexual Violence', *Policy Insights from the Behavioral and Brain Sciences*, 7.2 (2020), 190 – 197 <https://doi.org/10.1177/2372732220941534>

<sup>25</sup> Aris Hardianto and others, 'Critical Analysis of Living Law Formulation in Law No. 1 of 2023 Concerning the Criminal Code: Towards Law Reform to Realize Justice with the Spirit of Pancasila', *Journal of Law and Legal Reform*, 5.3 (2024), 1029 – 1066 <https://doi.org/10.15294/jllr.v5i3.13923>

<sup>26</sup> Murdoch Watney, 'Law Enforcement Access to End-to-End Encrypted Social Media Communications', in *Proceedings of the 7th European Conference on Social Media, ECSM 2020*, ed. by Karpasitis C. and Varda C. (Academic Conferences International, 2020), pp. 322 – 329 <https://doi.org/10.34190/ESM.20.064>

<sup>27</sup> Clare McGlynn, Lorna Woods and Alexandros Antoniou, 'Pornography, the Online Safety Act 2023 and the Need for Further Reform', *Journal of Media Law*, 16.2 (2024), 211 – 239 <https://doi.org/10.1080/17577632.2024.2357421>

amend the section of Article 6 that delineates it. The personal use exception should be abolished, and the law should explicitly include covert recording, possession of exploitative intimate material without consent, and sexual assault predicated on privacy as criminal offenses<sup>28</sup>. Harmonization of current laws will eliminate legal loopholes, enhance enforcement, and offer more protection for dignity, privacy, and justice in the digital age.

Previous studies have analyzed pornography from legal, criminological, technological, and human rights perspectives<sup>29</sup>. These publications clarify the underlying debate concerning Bedroom Crimes at the intersection of private desire and criminal law. Prior research has predominantly concentrated on exploitation, privacy infringements, and online dissemination<sup>30</sup>. Nonetheless, the matter of criminal culpability for private possession for personal use has been predominantly neglected, particularly within the Indonesian setting. This signifies a clear potential for further inquiry. Christianto (2019) examined online pornography in Indonesia, indicating that judges often depended on moral reasoning and contextual interpretation because of the insufficiency of legal definitions<sup>31</sup>. Nair (2024) analyzed the regulation of pornography in the digital era, arguing that lawmakers must balance enforcement goals with the protection of personal sexual privacy<sup>32</sup>. Donevan (2024) analyzed pornography in terms of exploitation and technology-related abuse, emphasizing that pornographic material may involve compulsion, non-consensual filming, and actual harm to the individuals shown<sup>33</sup>. These studies have yielded substantial insights; nonetheless, none have explicitly examined the legal discrepancy created by the personal use exception in Indonesian pornography law<sup>34</sup>. This study explores the convergence of private consumption with covert

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<sup>28</sup> Craig A Harper, Dean Fido and Dominic Petronzi, 'Delineating Non-Consensual Sexual Image Offending: Towards an Empirical Approach', *Aggression and Violent Behavior*, 58 (2021), 101547 <https://doi.org/https://doi.org/10.1016/j.avb.2021.101547>

<sup>29</sup> Abhilash Nair and James Griffin, 'Pornography, Sexual Privacy and Copyright', *Computer Law & Security Review*, 54 (2024), 105990 <https://doi.org/https://doi.org/10.1016/j.clsr.2024.105990>

<sup>30</sup> Furizal and others, 'Social, Legal, and Ethical Implications of AI-Generated Deepfake Pornography on Digital Platforms: A Systematic Literature Review', *Social Sciences & Humanities Open*, 12 (2025), 101882 <https://doi.org/https://doi.org/10.1016/j.ssaho.2025.101882>

<sup>31</sup> Anis Mashdurohatun, I Made Dwi Jayantara, and others, 'Delayed Justice in Protecting Emergency Medical Workers', 3.2 (2025), 347–71. <https://doi.org/10.53955/jsderi.v3i2.116>

<sup>32</sup> Anis Mashdurohatun, Mahmoud W M Abu Wazna, and others, 'Bridging Formal Legality and Living Law Public Prosecutorial Policies to Achieve Justice Of', *Contrarius*, 70.2022 (2026) <https://doi.org/https://doi.org/10.53955/contrarius.v2i2.272>

<sup>33</sup> Anis Mashdurohatun and Abdul Hanis Embong, 'Legal Protection of Coastal Community Land Tenure Rights', *Contrarius*, 1.2 (2025), 89–108 <https://doi.org/https://doi.org/10.53955/contrarius.v1i2.209>

<sup>34</sup> Hendro Widodo and others, 'Restitution as an Instrument of Justice for Victims of Domestic Sexual Violence: A Study of Positive and Islamic Law in the Contemporary Era', *MILRev: Metro Islamic Law Review*, 4.1 (2025), 676–99 <https://doi.org/10.32332/milrev.v4i1.10436>

monitoring, non-consensual recording, violations of dignity, and numerous forms of digital abuse that current law must recognize<sup>35</sup>.

This study aims to examine the intensifying confrontation between private sexual behavior and the authority of criminal law in Indonesia, particularly over the possession of pornography for personal use. This examines the efficacy of present laws in safeguarding privacy, human dignity, and justice in an era where digital technology has transformed interpersonal connections and the nature of admissible evidence. The study seeks to identify shortcomings in the existing regulations and their execution. Cases involving covert surveillance, non-consensual recordings, illegal possession of private material, and other manifestations of technology-facilitated sexual abuse receive heightened scrutiny<sup>36</sup>. These instances illustrate that actions claimed to be private often cause real harm to others. The study evaluates whether recent legislation pertaining to electronic information, sexual violence, personal data protection, and the new Criminal Code represents an adequate reaction. The primary objective of this research is to promote a more transparent and equitable legal environment. The law must safeguard individuals' right to privacy while also preventing exploitation, protecting victims, and ensuring that offenders cannot evade punishment by citing personal usage as a defense<sup>37</sup>.

## Research Method

This study adopts a descriptive analytical framework to examine legal issues concerning the personal use of pornography and to assess the effectiveness of existing regulations<sup>38</sup>. The descriptive component explains the current legal framework, relevant legal concepts, institutional responses, and recurring patterns of pornography related offences. The analytical component evaluates the relationship between statutory rules, enforcement practices, and social realities in order to identify weaknesses, inconsistencies, and areas that require legal reform. The study applies a socio legal approach that combines normative legal analysis with empirical research. This approach enables the research to move beyond written rules and to examine how law operates in practice. The normative component reviews legislation, legal principles, and academic interpretations concerning pornography offences. The empirical component gathers information

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<sup>35</sup> Edel Margherita Beckman and Matteo G P Flora, 'Non-Consensual Pornography: A New Form of Technology Facilitated Sexual Violence; [La Condivisione Non Consensuale Di Materiale Intimo Come Nuova Forma Di Violenza Online]', *Rassegna Italiana Di Criminologia*, 15.4 (2021), 317 – 328 <https://doi.org/10.7347/RIC-042021-p317>

<sup>36</sup> Mattia Falduti and Sergio Tessaris, 'On the Use of Chatbots to Report Non-Consensual Intimate Images Abuses: The Legal Expert Perspective', in *ACM International Conference Proceeding Series* (Association for Computing Machinery, 2022), pp. 96 – 102 <https://doi.org/10.1145/3524458.3547247>

<sup>37</sup> Lyria Bennett Moses and others, 'Technology-Facilitated Domestic and Family Violence: Protecting the Privacy and Safety of Victim-Survivors', *Law, Technology and Humans*, 4.1 (2022), 1 – 17 <https://doi.org/10.5204/lthj.2160>

<sup>38</sup> Matthew Mitchell, 'Analyzing the Law Qualitatively', *Qualitative Research Journal*, 23.1 (2022), 102–13 <https://doi.org/https://doi.org/10.1108/QRJ-04-2022-0061>

through interviews and field observations regarding law enforcement practices, institutional obstacles, and public responses<sup>39</sup>.

The research uses several approaches. The statutory approach examines the Constitution, the Criminal Code, the Criminal Procedure Code, Law Number 44 of 2008 concerning Pornography, Law Number 1 of 2023 concerning the Criminal Code, Law Number 12 of 2022 concerning Sexual Violence Crimes, Law Number 27 of 2022 concerning Personal Data Protection, and other relevant regulations. The case approach analyzes court decisions and factual incidents involving pornography for personal use<sup>40</sup>. The comparative approach studies legal models from other jurisdictions to identify principles that may support future reform in Indonesia. The study uses primary and secondary data<sup>41</sup>. Primary data come from interviews with selected respondents, including legal practitioners, law enforcement officers, academics, and other relevant stakeholders. Secondary data come from legislation, judicial decisions, books, academic journals, legal commentaries, and related materials. The study analyzes all data qualitatively. The researcher classifies legal sources and interview findings, compares legal norms with actual conditions, interprets regulatory inconsistencies, and formulates recommendations for a clearer and more just framework governing pornography offences for personal use<sup>42</sup>.

## Results and Discussion

### *Legal Framework for Indonesian Bedroom Crimes*

Digital technology is advancing swiftly, and the smartphone has emerged as one of the most prevalent technologies in contemporary culture<sup>43</sup>. Its compact dimensions, portability, and multifunctionality enable users to communicate, study, engage in business, and access information at any time via internet connectivity<sup>44</sup>. Internet connectivity has proliferated among all age demographics,

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<sup>39</sup> Joseph A Schafer and Stephen D Mastrofski, 'Police Leniency in Traffic Enforcement Encounters: Exploratory Findings from Observations and Interviews', *Journal of Criminal Justice*, 33.3 (2005), 225–38 <https://doi.org/10.1016/j.jcrimjus.2005.02.003>

<sup>40</sup> Lam Tony and Mok Tsz-Ngai, 'Sexual Offenses, Adult: Sexual Offense – Global Crime Figures and Statistics', in *Encyclopedia of Forensic and Legal Medicine (Third Edition)*, ed. by Jason Payne-James and Roger W Byard, Third Edition (Oxford: Elsevier, 2025), pp. 302–11 <https://doi.org/10.1016/B978-0-443-21441-7.00228-4>

<sup>41</sup> Maxine Sun and Stuart R Lipsitz, 'Comparative Effectiveness Research Methodology Using Secondary Data: A Starting User's Guide', *Urologic Oncology: Seminars and Original Investigations*, 36.4 (2018), 174 – 182 <https://doi.org/10.1016/j.urolonc.2017.10.011>

<sup>42</sup> Chad R Lochmiller, 'Conducting Thematic Analysis with Qualitative Data', *Qualitative Report*, 26.6 (2021), 2029 – 2044 <https://doi.org/10.46743/2160-3715/2021.5008>

<sup>43</sup> Riski Dysas Prabawani, Pujiyono Pujiyono and Dodi Roikardi, 'Overcapacity in Indonesia's Prisons: The Role of Criminal Law Reform in Sustainable Solutions', *Journal of Law and Legal Reform*, 6.4 (2025), 2141 – 2176 <https://doi.org/10.15294/jllr.v6i4.22172>

<sup>44</sup> Marie Thérèse Kaufmann and others, 'Discrimination, Stalking, Sexual Harassment and Sexual Violence at the University – Exploring and Predicting Pattern-Based Subcategories among Students and Staff in a German University Sample', *BMC Public Health*, 26.1 (2026) <https://doi.org/10.1186/s12889-025-25864-6>

yielding significant advantages in education, commerce, and social engagement. Nevertheless, the widespread availability of smartphones and the internet has also heightened instances of misuse, especially with pornographic material. Individuals may secretly view, download, save, or distribute sexual material repeatedly<sup>45</sup>. Prolonged exposure to pornography has been linked to compulsive behavior, emotional distress, social isolation, and challenges in interpersonal interactions<sup>46</sup>. Certain users additionally find it challenging to regulate urges and resort to pornography as a means of managing anxiety or ennui<sup>47</sup>.

Pornography is frequently regarded as a personal kind of enjoyment; yet, excessive consumption can lead to broader social and psychological repercussions<sup>48</sup>. Extended exposure can affect attitudes on sexuality, diminish behavioral regulation, and lead to detrimental actions. Consequently, pornography must be regarded as a legal, social, and public health issue in the digital age<sup>49</sup>. Pornography addiction can result in significant repercussions in psychological, sexual, and societal aspects<sup>50</sup>. From a psychological standpoint, recurrent exposure to pornographic material can activate the brain's reward system via sustained dopamine secretion. Over time, the brain may cultivate tolerance, prompting individuals to pursue more intense stimulus to attain equivalent satisfaction<sup>51</sup>. This tendency may diminish self-regulation, impair decision-making abilities, and

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<sup>45</sup> Alberto Martinez-Serra and Ana Sofia Cardenal, 'Who Watches Porn? Demographic Insights from Web Tracking Data', *Computers in Human Behavior*, 172 (2025) <https://doi.org/10.1016/j.chb.2025.108731>

<sup>46</sup> Larissa Terán and Leah Dajches, 'The Pornography "How-To" Script: The Moderating Role of Consent Attitudes on Pornography Consumption and Sexual Refusal Assertiveness', *Sexuality and Culture*, 24.6 (2020), 2098 – 2112 <https://doi.org/10.1007/s12119-020-09739-z>

<sup>47</sup> Brigitte M Holzner and Dédé Oetomo, 'Youth, Sexuality and Sex Education Messages in Indonesia: Issues of Desire and Control', *Reproductive Health Matters*, 12.23 (2004), 40–49 [https://doi.org/https://doi.org/10.1016/S0968-8080\(04\)23122-6](https://doi.org/https://doi.org/10.1016/S0968-8080(04)23122-6)

<sup>48</sup> Rezvan Shekarchi, Stefano Eleuteri and Valeria Saladino, 'From Habit to Compulsion: The Mediating Role of Sexual Compulsivity between Pornography Consumption and Problematic Use', *Current Psychology*, 45.1 (2026) <https://doi.org/10.1007/s12144-025-08697-9> Nashwa Ahmed Hussein Abdel Karim and others, 'Effects of Porn Addiction on Mental Health and Personality of Nursing Students: A Cross-Sectional Study in Egypt', *BMC Nursing*, 24.1 (2025) <https://doi.org/10.1186/s12912-025-02918-z>

<sup>49</sup> Laura E Anderson and others, 'Young Adults' Sexual Health in the Digital Age: Perspectives of Care Providers', *Sexual & Reproductive Healthcare*, 25 (2020), 100534 <https://doi.org/https://doi.org/10.1016/j.srhc.2020.100534>

<sup>50</sup> Wahyu Sutrisno and Muhardi Saputra, 'Understanding Online Pornography Addiction: A Systematic Review of Behavioral Impacts, Screening Tools, and Therapeutic Interventions', *Entertainment Computing*, 54 (2025) <https://doi.org/10.1016/j.entcom.2025.100956> Catarina Durante Bergue Alves and Klaus E Cavalhieri, 'Self-Perceived Problematic Pornography Use: An Integrative Model from a Research Domain Criteria and Ecological Perspective', *Sexuality and Culture*, 24.5 (2020), 1619 – 1640 <https://doi.org/10.1007/s12119-019-09680-w>

<sup>51</sup> Reuben Rideaux and others, 'Distinct Early and Late Neural Mechanisms Regulate Feature-Specific Sensory Adaptation in the Human Visual System', *Proceedings of the National Academy of Sciences of the United States of America*, 120.6 (2023) <https://doi.org/10.1073/pnas.2216192120>

promote compulsive behavior<sup>52</sup>. Numerous folks additionally encounter worry, mood fluctuations, guilt, diminished self-esteem, and depressive symptoms<sup>53</sup>. In several instances, pornography serves as a detrimental refuge from stress, isolation, or emotional strain<sup>54</sup>.

From a sexual standpoint, excessive use of pornography may diminish natural sexual sensitivity and foster reliance on artificial visual stimuli<sup>55</sup>. Some individuals experience challenges with arousal, delayed orgasm, or unhappiness in sexual relationships<sup>56</sup>. Unrealistic depictions of sexuality can foster excessive expectations of oneself or a partner, thereby undermining intimacy and emotional connection<sup>57</sup>. From a sociological standpoint, pornography addiction can undermine familial bonds and diminish trust between partners<sup>58</sup>. Individuals frequently retreat from significant social engagement and conceal their behaviors. Prolonged exposure may also normalize violence, objectification, and detrimental sexual attitudes<sup>59</sup>. Consequently, pornography addiction must be recognized as a comprehensive issue impacting mental health, sexuality, and social welfare<sup>60</sup>.

The proliferation of pornography has emerged as a worldwide concern confronting numerous nations, including Indonesia, whose legislative framework is based on the principles of Pancasila. While several governments primarily penalize child pornography, sexual exploitation, and non-consensual content,

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<sup>52</sup> Kristi Chin and Sarah C E Stanton, *Self-Regulation, The Wiley Encyclopedia of Personality and Individual Differences, Personality Processes and Individuals Differences* (wiley, 2020) <https://doi.org/10.1002/9781119547174.ch246>

<sup>53</sup> Alexandra M Adamis and Bunmi O Olatunji, 'Specific Emotion Regulation Difficulties and Executive Function Explain the Link between Worry and Subsequent Stress: A Prospective Moderated Mediation Study', *Journal of Affective Disorders*, 348 (2024), 88 – 96 <https://doi.org/10.1016/j.jad.2023.12.029>

<sup>54</sup> Georgios Arabatzis, 'Pornography and Stress', *Conatus - Journal of Philosophy*, 7.2 (2022), 143 – 156 <https://doi.org/10.12681/cjp.31971>

<sup>55</sup> Johannes B Finke and Tim Klucken, 'Trait Sexual Motivation Shapes Cue Reactivity in Visual, but Not Auditory, Sexual Reward Learning: Psychophysiological and Computational Evidence', *Biological Psychology*, 198 (2025) <https://doi.org/10.1016/j.biopsycho.2025.109046>

<sup>56</sup> Lies Hendrickx, Luk Gijs and Paul Enzlin, 'Who's Distressed by Sexual Difficulties? Exploring Associations Between Personal, Perceived Partner, and Relational Distress and Sexual Difficulties in Heterosexual Men and Women', *Journal of Sex Research*, 56.3 (2019), 300 – 313 <https://doi.org/10.1080/00224499.2018.1493570>

<sup>57</sup> Rita Kartika Sari and others, 'How Female Adolescents Exposed to Pornography?', *Public Health of Indonesia*, 11.3 (2025), 124 – 132 <https://doi.org/10.36685/phi.v11i3.1008>

<sup>58</sup> Gretchen Blycker, *Women's Wellbeing: Illuminating the Harmful Impact of a Partner's Compulsive Sexual Behaviours, Behavioural Addiction in Women: An International Female Perspective on Treatment and Research* (Taylor and Francis, 2023) <https://doi.org/10.4324/9781003203476-5>

<sup>59</sup> Paul J Wright and Robert S Tokunaga, 'Men's Objectifying Media Consumption, Objectification of Women, and Attitudes Supportive of Violence Against Women', *Archives of Sexual Behavior*, 45.4 (2016), 955 – 964 <https://doi.org/10.1007/s10508-015-0644-8>

<sup>60</sup> Ayush Dwivedi, Ravindra Singh and Aditya Ratna Tripathi, *Intra-Interpersonal Consequences of Pornographic Addiction in Youth, Assessing and Treating Behavioral Addictions* (IGI Global, 2025) <https://doi.org/10.4018/979-8-3373-0518-9.ch005>

Indonesia employs a more expansive regulatory framework<sup>61</sup>. Indonesian legislation considers pornography as behavior that could jeopardize morality, human dignity, and public order<sup>62</sup>. Consequently, the state aims to regulate pornography through extensive criminal legislation. Pornography is frequently associated with exploitation, especially when commercial entities exploit the bodies and sexuality of women or children for monetary profit<sup>63</sup>. Such techniques may encompass coercion, fraud, exploitation of authority, or manipulation<sup>64</sup>. The swift advancement of technology has exacerbated these hazards, since digital platforms facilitate the immediate production, duplication, and dissemination of explicit content<sup>65</sup>. Facilitated internet access has heightened exposure among youngsters and teenagers who may lack the maturity to comprehend its detrimental implications<sup>66</sup>.

Indonesia presently governs this matter via Law Number 44 of 2008 on Pornography, Law Number 1 of 2023 on the Criminal Code, Law Number 1 of 2024 on Electronic Information and Transactions, Law Number 12 of 2022 on Sexual Violence Crimes, and Law Number 27 of 2022 on Personal Data Protection<sup>67</sup>. These statutes enhance safeguards against exploitation, privacy infringements, and illicit digital activities. Consequently, the criminal control of pornography embodies both moral policy and the state's obligation to safeguard dignity, consent, and societal welfare. The Indonesian legal framework regarding the prosecution of pornographic offenses has evolved through multiple legislative phases, starting with the previous Criminal Code and progressing through specific legislation that address contemporary technology advancements<sup>68</sup>. This framework illustrates the

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<sup>61</sup> Abdul Rahman, Zainal Amin Ayub and Ratnawati, 'Legal Framework for Protecting Children from Commercial Sexual Exploitation', *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, 8.1 (2025), 87 – 110 <https://doi.org/10.24090/volksgeist.v8i1.13156>

<sup>62</sup> Redhina Aulia, Retanisa Rizqi and Sheikh Adnan Ahmed Usman, 'Pornography In The Perspective Of Islamic Criminal Law', *MILRev: Metro Islamic Law Review*, 2.1 (2023), 79 – 89 <https://doi.org/10.32332/milrev.v2i1.7354>

<sup>63</sup> Frank W Paulus and others, 'The Impact of Internet Pornography on Children and Adolescents: A Systematic Review', *L'Encéphale*, 50.6 (2024), 649–62 <https://doi.org/https://doi.org/10.1016/j.encep.2023.12.004>

<sup>64</sup> Gail Hornor, 'Child and Adolescent Pornography Exposure', *Journal of Pediatric Health Care*, 34.2 (2020), 191–99 <https://doi.org/https://doi.org/10.1016/j.pedhc.2019.10.001>

<sup>65</sup> R Chatterjee, 'Sexual Assault and Cancer Pathways: A Scoping Review of Biomedical and Screening Outcomes', *BMC Women's Health*, 26.1 (2026) <https://doi.org/10.1186/s12905-025-04223-y>

<sup>66</sup> Rubén López-Bueno and others, 'Association between Age of First Exposure and Heavy Internet Use in a Representative Sample of 317,443 Adolescents from 52 Countries', *European Child and Adolescent Psychiatry*, 32.3 (2023), 395 – 403 <https://doi.org/10.1007/s00787-021-01869-5>

<sup>67</sup> Sylvain Honoré Woromogo and others, 'Determinants of Gender-Based Violence among Female Sex Workers in Berbérati, Central African Republic', *BMC Research Notes*, 19.1 (2026) <https://doi.org/10.1186/s13104-025-07607-3>

<sup>68</sup> Aldo Andrieyan Putra Makaminan and Eko Soponyono, 'The Urgency of Criminal Code Bill Ratification in Criminal Law Policy Frame on The Spreading of Pornographic Content Offence', *Law Reform: Jurnal Pembaharuan Hukum*, 17.1 (2021), 36 – 46 <https://doi.org/10.14710/lr.v17i1.37551>

state's ongoing commitment to safeguarding morality, public order, human dignity, and at-risk populations against detrimental sexual exploitation.

The previous Criminal Code established by Law Number 1 of 1946 governed pornography via offenses against decency. The Code did not offer a contemporary technical definition of pornography but criminalized actions related to obscene conduct, indecent publications, and public breaches of morality. Article 281 forbade deliberate actions that overtly violated decency, but Article 282 outlawed the distribution, exhibition, circulation, or possession for public dissemination of materials deemed immoral. Additional regulations also limited information that could incite immoral conduct among minors. These regulations embodied a comprehensive ban model as opposed to the more limited approach observed in certain international jurisdictions. Indonesia subsequently enacted Law Number 44 of 2008 regarding Pornography as a distinct legal instrument. Article 1 broadly defines pornography to encompass images, drawings, photographs, written works, audio, moving images, animation, dialogue, gestures, and other communications sent by media or public performances that exhibit obscenity or sexual exploitation in violation of moral standards. Article 4 forbids the production, reproduction, distribution, importation, exportation, sale, rental, or provision of explicit pornographic material, encompassing sexual intercourse, deviant sexual acts, sexual violence, masturbation, nudity, genital exposure, and child pornography. Article 5 additionally forbids the borrowing or downloading of such content.

The legislation additionally mandates preventive responsibilities for the government and regional authorities. Articles 18 and 19 permit oversight, coordination, public awareness initiatives, network disruption, and internet blocking methods to inhibit the production, distribution, and utilization of pornography. Criminal penalties vary from incarceration to significant monetary fines. This framework is currently bolstered by recent legislation, including Law Number 1 of 2024 on Electronic Information and Transactions, Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 27 of 2022 on Personal Data Protection, and Law Number 1 of 2023 on the Criminal Code. Collectively, these statutes enhance the enforcement of regulations pertaining to digital pornography, non-consensual intimate material, exploitation, and breaches of privacy in the modern internet landscape.

Criminal law governs three fundamental aspects: the categorization of banned actions as criminal offenses, the assessment of criminal liability, and the enforcement of penalties on transgressors. An individual may be penalized only when the state demonstrates that the behavior contravenes a legal standard, satisfies the legislative criteria of an offense, and cannot be legally justified or excused. The principle of legality mandates that no act shall be penalized without antecedent legislation, whereas the principle of culpability necessitates evidence of

culpable intent, awareness, negligence, or deliberate misconduct<sup>69</sup>. Criminal liability is thus contingent upon both law prohibition and individual culpability<sup>70</sup>. In modern society, legal reform is essential due to technology advancements that have engendered novel types of wrongdoing, especially in the digital realm. Individuals who deliberately make, record, possess, distribute, transmit, commercialize, or exploit obscene content in relation to pornography may face criminal liability<sup>71</sup>.

Indonesian legislation presently governs such conduct via Law Number 44 of 2008 on Pornography, Law Number 1 of 2024 on Electronic Information and Transactions, Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 27 of 2022 on Personal Data Protection, and Law Number 1 of 2023 on the Criminal Code. These statutes also pertain to concealed cameras, non-consensual intimate recordings, breaches of privacy, and online exploitation. Criminal punishments safeguard society, discourage future offenses, uphold legal principles, and encourage rehabilitation. Consequently, criminal accountability upholds justice, public order, and human dignity. Two pornography examples illustrate disparate judicial responses to analogous conduct, specifically Decision Number 67/Pid.B/2025/PN Mrt and the concealed camera incident in Lebak Banten. In Decision Number 67/Pid.B/2025/PN Mrt, the defendant, employed as a cook at an Islamic boarding school, clandestinely ascended near a bathroom ventilation opening and utilized his mobile phone to observe, photograph, and record a female student while her bathing.

The victim identified the offense and notified the authorities. Investigators subsequently retrieved erased data and discovered analogous recordings pertaining to additional victims spanning several years. The court determined that the defendant had rendered another individual an object of pornography in violation of Law Number 44 of 2008 about Pornography, resulting in a sentence of imprisonment and a monetary penalty. The court underscored that the behavior infringed upon dignity, privacy, and public morals. Conversely, the Lebak Banten case pertained to a boarding house proprietor who covertly installed a concealed camera camouflaged as a lamp in a women's restroom, surveilling the residents secretly for around one year. Investigators discovered no archived recordings or indications of dissemination, therefore closing the case. These two instances demonstrate significant discrepancies in enforcement. Both perpetrators sought

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<sup>69</sup> Christina Peristeridou, *The Principle of Legality in the Area of Freedom, Security and Justice, Fundamental Rights in the EU Area of Freedom, Security and Justice* (Cambridge University Press, 2021) <https://doi.org/10.1017/9781108769006.020>

<sup>70</sup> Dmitry A Lipinsky and Konstantin N Evdokimov, 'The Regulatory Function of Criminal Liability: Its Concept, Structure and Interrelation with Crime Prevention', *Russian Journal of Criminology*, 11.3 (2017), 520 – 530 [https://doi.org/10.17150/2500-4255.2017.11\(3\).520-530](https://doi.org/10.17150/2500-4255.2017.11(3).520-530)

<sup>71</sup> Julian Petley, *The Regulation Of Pornography, Obscenity And Indecency In Uk Law, The Routledge Companion to Freedom of Expression and Censorship* (Taylor and Francis, 2023) <https://doi.org/10.4324/9780429262067-23>

personal sexual satisfaction via non-consensual observation. Nonetheless, one perpetrator faced punishment while the other evaded accountability<sup>72</sup>.

This contradiction underscores the necessity to amend Indonesian pornography legislation, enhance the interpretation of victim-centered damage, and prohibit covert sexual surveillance, even in the absence of stored data or public distribution<sup>73</sup>. Law Number 44 of 2008 regarding Pornography delineates certain prohibitions pertaining to the production, possession, utilization, and dissemination of pornographic material. Article 6 contains a fundamental clause that forbids individuals from presenting, displaying, utilizing, having, or keeping pornographic materials, unless explicitly permitted by law. The explanatory section of Article 6 presents a contentious exception, indicating that the prohibition on possessing or keeping pornography is inapplicable when the material is designated for personal use or interests. This phrasing suggests that the private ownership of pornography is still legally permissible. This exclusion poses significant legal issues as it contradicts the overarching moral intent of the Act<sup>74</sup>.

The Pornography Law was enacted to uphold moral values derived from religious principles, protect citizens, prevent the spread of pornography and sexual commercialization, and establish clear legal boundaries supported by criminal sanctions<sup>75</sup>. These objectives reflect the state's intention to shield society from the harmful effects of pornographic conduct. However, the exception for personal use creates a normative inconsistency within the law. On one hand, the state seeks to restrict pornography in the public interest. On the other hand, the explanatory provision appears to tolerate private possession and consumption through a legal loophole. This contradiction weakens legal certainty and diminishes the ethical consistency of the statutory framework<sup>76</sup>.

The practical consequences of this weakness appeared in the hidden camera case in Serang, Banten. A boarding house owner secretly installed a concealed camera

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<sup>72</sup> Chara Chioni-Chotouman, 'Fair Trial for Victims Invoking Civil Claims: Rereading Article 6(1) Echr', *European Journal of Crime, Criminal Law and Criminal Justice*, 30.2 (2022), 188 – 208 <https://doi.org/10.1163/15718174-bja10033>

<sup>73</sup> Cody N Porter and others, 'Exploring Social Perceptions of Hiring Individuals Convicted of Sexual Offences in the United Kingdom: A Methodological Review', *Journal of Criminal Psychology*, 15.4 (2024), 495–508 <https://doi.org/https://doi.org/10.1108/JCP-10-2024-0101>

<sup>74</sup> Angela W Eke and others, 'Comparing the Static-99R and the Child Pornography Offender Risk Tool (CPORT) in Two Canadian Samples Adjudicated of Child Sexual Exploitation Material Offenses', *Journal of Criminal Justice*, 95 (2024), 102303 <https://doi.org/https://doi.org/10.1016/j.jcrimjus.2024.102303>

<sup>75</sup> Olivia Smith and others, 'The Systemic Procedural Injustice Faced by Victim-Survivors in Police Responses to Rape and "Serious" Sexual Offences: A Comprehensive Study of Four Forces in England and Wales', *International Journal of Law, Crime and Justice*, 82 (2025), 100756 <https://doi.org/https://doi.org/10.1016/j.ijlcrj.2025.100756>

<sup>76</sup> Sarah Ashton, Karalyn McDonald and Maggie Kirkman, 'What Does "Pornography" Mean in the Digital Age? Revisiting a Definition for Social Science Researchers', *Porn Studies*, 6.2 (2019), 144 – 168 <https://doi.org/10.1080/23268743.2018.1544096>

inside a women's bathroom in order to watch female residents for personal sexual gratification. He did not store recordings or distribute images to others. As a result, investigators encountered difficulties in applying criminal provisions because no digital file had been produced, preserved, or circulated. The case therefore failed to proceed effectively, even though the privacy and dignity of several victims had clearly been violated. This situation demonstrates that the current regulation of pornography for personal use has not yet achieved substantive justice, particularly when the law provides insufficient protection for victims harmed by covert sexual exploitation<sup>77</sup>. The legal structure seems to prioritize the offender's private interests over the victim's rights to safety, dignity, and legal protection. Criminal law must safeguard society from detrimental actions rather than offer sanctuary for exploitation masquerading as private conduct. Consequently, Article 6 necessitates amendment to ensure the law equilibrates personal freedom with morality, privacy, and fairness for all stakeholders<sup>78</sup>.

Law Number 44 of 2008 about Pornography was established as a specialized legal framework to treat pornography more thoroughly than the previous Criminal Code permitted. Previous stipulations in the Criminal Code primarily governed offenses related to decency and public morality; nevertheless, these regulations were inadequate to address contemporary pornography, digital dissemination, and commercial exploitation. The Pornography Law functions as a specialized statute that complements general criminal law by delineating explicit prohibitions, penalties, and preventive strategies<sup>79</sup>. The law broadly defines pornography to encompass images, drawings, photographs, written content, audio, video, animation, gestures, dialogues, and other communications that contain obscenity or sexual exploitation, thereby contravening societal moral standards<sup>80</sup>.

It also governs pornography services provided via live performances, broadcasting systems, online platforms, electronic communication, and printed publications. The state aims to safeguard morals, human dignity, women, children, and younger generations against detrimental exposure and exploitation through this framework. The legal framework has gained increased significance in the digital age. Law Number 1 of 2024 about Electronic Information and Transactions enhances enforcement against illegal digital content, electronic distribution, and

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<sup>77</sup> Hannah Edlund, 'An Analysis of American Public Libraries' Policies on Patron Use of Internet Pornography', *Open Information Science*, 4.1 (2020), 58 – 74 <https://doi.org/10.1515/opis-2020-0005>

<sup>78</sup> Topo Santoso and Hariman Satria, 'Sexual-Violence Offenses in Indonesia: Analysis of the Criminal Policy in the Law Number 12 of 2022', *Padjadjaran Jurnal Ilmu Hukum*, 10.1 (2023), 59 – 79 <https://doi.org/10.22304/pjih.v10n1.a4>

<sup>79</sup> Danielle Arlanda Harris and others, 'Onset, Frequency, and Temporal Ordering of Chronic Adverse Childhood Experiences in Adolescents Adjudicated for Sexual Offences', *Child Abuse & Neglect*, 161 (2025), 107256 <https://doi.org/https://doi.org/10.1016/j.chiabu.2025.107256>

<sup>80</sup> Harun Ismail Incekara and others, 'Pornography Craving Questionnaire: Adaptation and Psychometric Properties in Turkish Men', *Sexuality and Culture*, 29.5 (2025), 2416 – 2439 <https://doi.org/10.1007/s12119-025-10377-6>

the abuse of online platforms. Law Number 12 of 2022 about Sexual Violence Crimes pertains to technology-facilitated sexual abuse, coercion, non-consensual recording, and enhanced victim protection. Law Number 27 of 2022 about Personal Data Protection protects private photos and sensitive personal information. Law Number 1 of 2023 regarding the Criminal Code updates national criminal legislation and enhances the safeguarding of morals, privacy, and public order<sup>81</sup>.

Notwithstanding these advancements, numerous deficiencies persist. Article 6 and its explanatory part exempt ownership or storage for personal use, so establishing a loophole that violators may exploit to evade accountability. This exception undermines the coherence between the ethical aims of the law and its actual implementation. Incidents involving concealed cameras, illicit observation, and private exploitation demonstrate that harm can arise even in the absence of public dissemination. Effective regulation of pornography necessitates more than mere punitive measures. The state ought to integrate legal penalties with digital literacy, familial education, institutional collaboration, and community engagement. Indonesia must amend Article 6 to ensure that private usage does not serve as a pretext for actions that infringe upon dignity, privacy, and justice. A restructured framework would harmonize the Pornography legislation with constitutional principles, technological realities, and the overarching obligation of legislation to safeguard society<sup>82</sup>.

Law enforcement cannot thrive solely through codified regulations, as institutions dictate the practical efficacy of legal standards<sup>83</sup>. The investigative stage in criminal cases is essential since it involves the collection of evidence, identification of suspects, protection of victims, and determination of the viability of prosecution. The Indonesian criminal procedure confers these powers primarily via the Criminal Procedure Code. Nonetheless, the institutional framework for enforcing pornography offenses continues to exhibit significant deficiencies, particularly in the digital age. Law Number 44 of 2008 regarding Pornography predominantly confers investigative jurisdiction to the Indonesian National Police. This paradigm may have been sufficient when pornographic offenses primarily

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<sup>81</sup> Juan María Martínez Otero, 'Restriction of Minors' access to Online Pornography: Solutions Provided by the Law; [La Restricción Del Acceso de Los Menores de Edad a La Pornografía Online: Soluciones Desde El Derecho]', *Revista de Internet, Derecho y Política*, 2024 <https://doi.org/10.7238/idp.v0i40.420546>

<sup>82</sup> Angelica Vanessa Audrey Nasution, Suteki and Anggita Doramia Lumbanraja, 'Addressing Deepfake Pornography and the Right to Be Forgotten in Indonesia: Legal Challenges in the Era of AI-Driven Sexual Abuse', *International Journal for the Semiotics of Law*, 38.7 (2025), 2489 – 2517 <https://doi.org/10.1007/s11196-025-10265-0>

<sup>83</sup> Harry Wood and Alys Armstrong Davies, 'Sexual Offenses, Adult: Psychological Sequelae of Rape and Other Forms of Sexual Assault', in *Encyclopedia of Forensic and Legal Medicine (Third Edition)*, ed. by Jason Payne-James and Roger W Byard, Third Edition (Oxford: Elsevier, 2025), pp. 286–91 <https://doi.org/https://doi.org/10.1016/B978-0-443-21441-7.00180-1>

pertained to printed materials or physical distribution<sup>84</sup>. Currently, several offenses transpire using encrypted messaging services, cloud storage, livestream platforms, concealed cameras, and social media networks. These types of wrongdoing necessitate specialized knowledge in cyber tracing, digital forensics, metadata recovery, and the preservation of electronic evidence. A police-centric organization frequently encounters difficulties when resources, manpower, or specialized expertise are constrained<sup>85</sup>.

Recent law has recognized the necessity for expanded institutional involvement. Law Number 1 of 2024 on Electronic Information and Transactions permits Civil Servant Investigators with expertise in electronic systems and information technology to engage in cyber-related inquiries. Law Number 27 of 2022 about Personal Data Protection enhances state accountability in addressing the misuse of private photos and the unauthorized processing of personal data. Law Number 12 of 2022 about Sexual Violence Crimes enhances safeguards for victims of technology-facilitated sexual abuse, encompassing the unauthorized recording and dissemination of intimate material. Law Number 1 of 2023 regarding the Criminal Code updates criminal policy and enhances the safeguarding of dignity, morality, and privacy<sup>86</sup>.

Notwithstanding these improvements, the Pornography Law has not completely aligned with the contemporary framework. The investigative power is decentralized, and coordination among police, cyber agencies, prosecutors, and victim assistance institutions sometimes relies on administrative practices rather than explicit regulatory frameworks. This situation may impede investigations, compromise evidence management, and diminish victim protection. Indonesia necessitates structural transformation that implements an integrated enforcement model. The legislation should permit coordinated investigations, enhance digital forensic capabilities, and provide explicit collaboration frameworks among organizations. In the absence of reform, the enforcement of pornographic regulations will persistently trail the rapidity and complexity of digital offenses<sup>87</sup>.

Human beings navigate existence through values that inform judgment, behavior, and social interaction. As individuals establish a community, personal

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<sup>84</sup> A Gomes and others, '678 Perceived Addiction to Online Pornography and Sexual Attitudes in Portuguese College Students', *The Journal of Sexual Medicine*, 15.7, Supplement 3 (2018), S390 <https://doi.org/https://doi.org/10.1016/j.jsxm.2018.04.586>

<sup>85</sup> Aydın Erden, 'Modern Web Application Security in Practice: National-Scale Measurement and Managerial Insights from Türkiye', *Computers & Security*, 164 (2026), 104847 <https://doi.org/https://doi.org/10.1016/j.cose.2026.104847>

<sup>86</sup> Min Joo Lee, 'Sexual Violence and Censorship in Contemporary Korea: Examining the Debate Surrounding the Digital Sexual Violence Prevention Law', *Korean Studies*, 49 (2025), 14 – 49 <https://doi.org/10.1353/ks.2025.a960368>

<sup>87</sup> J Cardoso and others, '117 Cyber Pornography Use Inventory-9: Factor Structure and Psychometric Properties in the Portuguese Population', *The Journal of Sexual Medicine*, 15.7, Supplement 3 (2018), S177 <https://doi.org/https://doi.org/10.1016/j.jsxm.2018.04.119>

values progressively evolve into shared norms that influence public ethics and societal structure. These ideals subsequently become the basis for standards and legislation. Moral ideals derived from Pancasila, religion, dignity, and communal peace significantly impact legal regulations in Indonesia, particularly in criminal law related to pornography. Legal regulations gain efficacy solely when the community acknowledges the moral intent underlying them, as law embodies the prevailing values of society. Consequently, standards of decency occupy a significant role in criminal law. They serve as both individual moral benchmarks and public criteria that safeguard society against behavior deemed demeaning, exploitative, or detrimental. Pornography frequently intersects with legal considerations due to its potential to market sexuality, objectify the human form, and diminish respect for human dignity. Consequently, Indonesia governs pornography by Law Number 44 of 2008 pertaining to Pornography. The state has enhanced protective measures via Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 27 of 2022 on Personal Data Protection, Law Number 1 of 2024 on Electronic Information and Transactions, and Law Number 1 of 2023 on the Criminal Code. These statutes address covert recordings, non-consensual dissemination of images, digital exploitation, and other contemporary offenses<sup>88</sup>.

Legal regulation encounters cultural opposition. A significant number of individuals continue to regard pornography as a personal issue rather than an infringement upon decency or dignity. This lenient disposition engenders a disparity between codified law and societal conduct. Privately consumed content is frequently accepted despite its potential to foster exploitation, addiction, or disregard for others. When society legitimizes such behavior, law enforcement diminishes in validity and becomes merely symbolic rather than functional<sup>89</sup>. A robust judicial system involves more than mere retribution. The state must cultivate public awareness via education, digital ethics, familial guidance, and community engagement. In the absence of cultural backing, the reform of pornography legislation will remain insufficient. Justice relies not solely on legislation, but also on societal dedication to the principles that such legislation aims to uphold.

### ***The Criminalization of Pornography for Personal Use in Indonesian Criminal Law: A Justice-Based Analysis***

South Korea adopts one of the strictest legal approaches toward pornography among modern democratic states<sup>90</sup>. Korean law generally understands

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<sup>88</sup> Aliya Shukan and others, 'Crime Control in the Sphere of Information Technologies in the Republic of Turkey', *Digital Investigation*, 30 (2019), 94–100 <https://doi.org/https://doi.org/10.1016/j.diin.2019.07.005>

<sup>89</sup> Fiona Leverick and others, 'Why We Need Juror Education in Rape and Serious Sexual Offence Cases', *Journal of Criminal Justice*, 101 (2025), 102525 <https://doi.org/https://doi.org/10.1016/j.jcrimjus.2025.102525>

<sup>90</sup> Min Joo Lee, 'Webcam Modelling in Korea: Censorship, Pornography, and Eroticism', *Porn Studies*, 8.4 (2021), 485 – 498 <https://doi.org/10.1080/23268743.2021.1901602>

pornography as material designed to stimulate sexual desire through explicit depictions of sexual activity or the human body<sup>91</sup>. As pornography cases increased alongside digital expansion, the government responded by strengthening criminal regulation and online control mechanisms<sup>92</sup>. The Korean Criminal Act classifies pornographic material as obscenity and prohibits its production, sale, and distribution. Articles 243 and 244 serve as the principal legal basis for punishing obscene expression, even though the statute does not provide a detailed definition of obscene material. These provisions aim to preserve public morality and social decency, and they have received broad social acceptance within South Korea. Law enforcement authorities apply these rules aggressively<sup>93</sup>. Police regularly investigate online pornography networks, commercial distributors, and uploaders of explicit content<sup>94</sup>. In several enforcement campaigns, thousands of individuals have faced arrest or prosecution for producing, selling, or circulating pornographic material through digital platforms.

The government has also used public participation programs, including volunteer monitoring groups, to report unlawful websites and assist cyber enforcement efforts<sup>95</sup>. This model reflects a firm state policy that treats pornography as a threat to public ethics, even though complete eradication remains difficult in a highly connected society<sup>96</sup>. South Korea also regulates electronic dissemination through communications law that prohibits obscene online content and authorizes blocking measures. Courts have interpreted obscenity as explicit sexual or nude material lacking artistic, educational, or social value and intended primarily to arouse desire. Based on this interpretation, regulators routinely restrict access to domestic and foreign pornographic websites. Search engines and online services often apply age verification systems for adult content. Despite these strict controls, South Korean law generally does not criminalize adults who merely watch or privately possess pornography, provided that the material does not involve children or exploitation. Accordingly, South

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<sup>91</sup> Muharman Lubis and Dini Oktarina D Handayani, 'The Relationship of Personal Data Protection towards Internet Addiction: Cyber Crimes, Pornography and Reduced Physical Activity', *Procedia Computer Science*, 197 (2022), 151–61 <https://doi.org/https://doi.org/10.1016/j.procs.2021.12.129>

<sup>92</sup> Siti Nurbayani, Moh. Dede and Millary Agung Widiawaty, 'Utilizing Library Repository for Sexual Harassment Study in Indonesia: A Systematic Literature Review', *Heliyon*, 8.8 (2022), e10194 <https://doi.org/https://doi.org/10.1016/j.heliyon.2022.e10194>

<sup>93</sup> Dani Gunawan and others, 'The Identification of Pornographic Sentences in Bahasa Indonesia', *Procedia Computer Science*, 161 (2019), 601–6 <https://doi.org/https://doi.org/10.1016/j.procs.2019.11.162>

<sup>94</sup> Shawn Suyong Yi Jones, 'Jemok Eopseum: The Repurposing of Tumblr for Gay South Korean DIY Pornography', *Porn Studies*, 7.3 (2020), 303 – 314 <https://doi.org/10.1080/23268743.2020.1716386>

<sup>95</sup> Sabine Prantner and others, 'Magnetoencephalographic Correlates of Pornography Consumption: Associations with Indicators of Compulsive Sexual Behaviors', *International Journal of Clinical and Health Psychology*, 24.4 (2024) <https://doi.org/10.1016/j.ijchp.2024.100524>

<sup>96</sup> Clarissa Smith, *Pornography, The Oxford Handbook of Sex Offences and Sex Offenders* (Oxford University Press, 2017) <https://doi.org/10.1093/oxfordhb/9780190213633.013.31>

Korea combines severe punishment for production and distribution with censorship-based prevention, while leaving limited space for private adult consumption outside the sphere of criminal prosecution<sup>97</sup>.

Turkey adopts a distinctive legal approach toward pornography when compared with South Korea. Turkish criminal law does not impose an absolute prohibition on pornography, which places Turkey among the few Muslim majority countries that do not fully criminalize adult pornography<sup>98</sup>. Nevertheless, the state combines this limited tolerance with strong restrictions on circulation and public access. Turkish authorities have blocked many pornographic websites, thereby limiting ordinary access to explicit content<sup>99</sup>. In practice, however, many users continue to reach blocked platforms through Virtual Private Networks and other circumvention tools, which reveals the practical limits of technological censorship. The principal legal regulation appears in Article 226 of the Turkish Penal Code, which classifies pornography within offences against public morality and decency<sup>100</sup>. This provision criminalizes the display or delivery of pornographic material to minors and prohibits the sale or distribution of such material in public places accessible to children. Violators may face imprisonment and monetary penalties<sup>101</sup>. The same article also punishes the publication or broadcasting of obscene content through newspapers, television, radio, or other mass media<sup>102</sup>. Through these measures, the Turkish legal system seeks to protect minors and preserve public morality rather than impose a blanket ban on all adult material<sup>103</sup>.

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<sup>97</sup> Jake Turvey, Dana McKay, and others, 'Exploring the Feasibility and Acceptability of Technological Interventions to Prevent Adolescents' Exposure to Online Pornography: Qualitative Research', *JMIR Pediatrics and Parenting*, 7 (2024) <https://doi.org/https://doi.org/10.2196/58684>

<sup>98</sup> Joshua B Grubbs and others, 'Pornography and Pride: Antagonism Drives Links between Narcissism and Perceived Addiction to Pornography', *Journal of Research in Personality*, 107 (2023), 104419 <https://doi.org/https://doi.org/10.1016/j.jrp.2023.104419>

<sup>99</sup> Neşe Kavruk Erdim and Gamze Baş, 'Adolescent Online Child Sexual Abuse Material Offending in Turkey: Psychosocial and Forensic Profiles from NCMEC Reports and Child Protection Implications', *Child Abuse & Neglect*, 172 (2026), 107851 <https://doi.org/https://doi.org/10.1016/j.chiabu.2025.107851>

<sup>100</sup> Roberto Paolo Malaspina, 'The Head-Set as a Lover: Pornography and the Eroticism of Immersive Devices', *New Techno-Humanities*, 4.1 (2024), 5–13 <https://doi.org/https://doi.org/10.1016/j.techum.2024.09.001>

<sup>101</sup> Kadriye Bakirci and Graham Ritchie, 'Corporate Liability for Modern Slavery', *Journal of Financial Crime*, 29.2 (2021), 576–88 <https://doi.org/https://doi.org/10.1108/JFC-09-2021-0189>

<sup>102</sup> Thomas Kasakowskij and others, 'Network Enforcement as Denunciation Endorsement? A Critical Study on Legal Enforcement in Social Media', *Telematics and Informatics*, 46 (2020), 101317 <https://doi.org/https://doi.org/10.1016/j.tele.2019.101317>

<sup>103</sup> Jesse Cale and others, 'A Quasi-Experimental Evaluation of a Specialized Treatment Service for Youth Adjudicated for Sexual Offences in Queensland, Australia', *Journal of Criminal Justice*, 99 (2025), 102462 <https://doi.org/https://doi.org/10.1016/j.jcrimjus.2025.102462>

Turkish law recognizes limited exceptions for scientific, artistic, or literary works containing sexual elements, provided that children cannot access the material<sup>104</sup>. This exception reflects an attempt to balance morality with intellectual and artistic freedom. In addition, Internet Law Number 5651 of 2007 authorizes administrative bodies to block websites containing unlawful content, including pornography and obscenity<sup>105</sup>. Authorities therefore supervise digital platforms and may restrict online dissemination without criminalizing every private act of consumption. Despite these controls, pornography consumption in Turkey remains significant, demonstrating tension between legal policy and social reality<sup>106</sup>. Many citizens bypass state blocking systems, and online demand for adult content remains high. This pattern indicates that formal prohibition does not automatically eliminate consumption<sup>107</sup>. Turkish enforcement therefore operates between two competing forces: the secular legal tradition that permits limited private autonomy and conservative moral expectations that demand stricter supervision. As a result, Turkey maintains a regulatory model stricter than liberal European jurisdictions but generally more permissive than South Korea regarding private possession and personal consumption<sup>108</sup>.

Portugal adopts a more liberal legal approach toward pornography for private consumption<sup>109</sup>. Portuguese law generally recognizes adult pornography as lawful and permits its circulation subject to specific regulatory conditions<sup>110</sup>. Since the political transformation that followed the Estado Novo era in the 1970s, Portugal has reduced strict censorship and allowed wider dissemination of sexual material

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<sup>104</sup> Vildan Apaydin Cirik, Bahar Aksoy and Elif Bulut, 'Investigation of Fathers' Metaphors Regarding Child Sexual Abuse in Turkey: A Metaphor Study', *Journal of Pediatric Nursing*, 72 (2023), e210–16 <https://doi.org/https://doi.org/10.1016/j.pedn.2023.06.030>

<sup>105</sup> Benedetta Barchielli and others, 'Exploring the Interplay of Problematic Pornography Use, Sexism, and Rape Myth Acceptance: An Italian Cross-Sectional Study', *Heliyon*, 10.13 (2024), e32981 <https://doi.org/https://doi.org/10.1016/j.heliyon.2024.e32981>

<sup>106</sup> Jake Turvey, Michelle Raggatt, and others, 'A Digital Pornography Education Prototype Co-Designed With Young People: Formative Evaluation', *JMIR Formative Research*, 9 (2025) <https://doi.org/https://doi.org/10.2196/65859>

<sup>107</sup> Brian J Willoughby and others, 'Pornography Diversity: A Latent Class Analysis of Pornography Users in Committed Relationships', *Computers in Human Behavior*, 149 (2023), 107961 <https://doi.org/https://doi.org/10.1016/j.chb.2023.107961>

<sup>108</sup> Robert J W Clift, 'Adolescent Sexual Offending: A Comparison of Female and Male Adolescents on the ERASOR, and Background and Offense Characteristics', *Journal of Criminal Justice*, 99 (2025), 102467 <https://doi.org/https://doi.org/10.1016/j.jcrimjus.2025.102467>

<sup>109</sup> Arminda Vale and others, 'Cyber-Aggression in Adolescence and Internet Parenting Styles: A Study with Victims, Perpetrators and Victim-Perpetrators', *Children and Youth Services Review*, 93 (2018), 88–99 <https://doi.org/https://doi.org/10.1016/j.childyouth.2018.06.021>

<sup>110</sup> Yaniv Efrati and others, 'Longitudinal Study of Probable Compulsive Sexual Behavior Disorder and Problematic Pornography Use Profiles: Their Prospective Impact on Psychopathology during Wartime', *Addictive Behaviors*, 175 (2026), 108589 <https://doi.org/https://doi.org/10.1016/j.addbeh.2025.108589>

within the broader framework of freedom of expression<sup>111</sup>. Adult films may be exhibited in licensed cinemas, while magazines and videos intended for adults may be sold through authorized commercial channels<sup>112</sup>. Criminal law does not prohibit adults from purchasing, possessing, or viewing pornographic content, provided that the material does not involve minors or other unlawful forms of exploitation<sup>113</sup>. In this sense, private ownership and personal consumption by consenting adults remain legally permissible<sup>114</sup>.

This approach reflects the foundational principles of Portuguese law, which emphasize consent, personal autonomy, and individual liberty<sup>115</sup>. Where all participants are adults and no coercion, trafficking, abuse, or exploitation occurs, the state generally refrains from treating pornography as a matter for criminal punishment<sup>116</sup>. Portugal therefore distinguishes between consensual private conduct and conduct that harms public interests or vulnerable groups<sup>117</sup>.

Although Portuguese criminal law does not impose a general ban on adult pornography, the state regulates distribution to protect children and preserve public welfare. The Portuguese Constitution strongly protects freedom of expression, making broad censorship difficult to justify<sup>118</sup>. Consequently, the legal system relies on controlled access rather than outright prohibition. Broadcasting Law Lei n.º 27/2007, as later amended, restricts the transmission of content that may seriously impair the development of children and adolescents on free to air

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<sup>111</sup> Csaba Erdős and others, 'Pornography-Watching Disorder and Its Risk Factors Among Young Adults: Cross-Sectional Survey', *Journal of Medical Internet Research*, 27 (2025) <https://doi.org/https://doi.org/10.2196/49860>

<sup>112</sup> Telma Catarina Almeida and Inês Barreiros, 'Online Grooming among Portuguese Adolescents and the COVID-19 Lockdown: Relationship with Other Types of Victimization', *Children and Youth Services Review*, 156 (2024), 107370 <https://doi.org/https://doi.org/10.1016/j.childyouth.2023.107370>

<sup>113</sup> Vasco Ramos and Ana Nunes de Almeida, 'From Percentages to Narratives: Giving Silence a Voice in Child Sexual Abuse within the Portuguese Catholic Church, 1950–2022', *Child Abuse & Neglect*, 154 (2024), 106944 <https://doi.org/https://doi.org/10.1016/j.chiabu.2024.106944>

<sup>114</sup> Evan J Moon and others, 'Transdiagnostic Psychopathology among Individuals with Co-Occurring Problematic Pornography Use and Alcohol Use Problems', *Journal of Affective Disorders*, 403 (2026), 121459 <https://doi.org/https://doi.org/10.1016/j.jad.2026.121459>

<sup>115</sup> Belén Sanz-Barbero and others, 'Association between Exposure to Pornography Involving Physical Violence and Risky Sexual Behaviors in Young Adults', *BMC Public Health*, 26.1 (2026) <https://doi.org/10.1186/s12889-025-25836-w>

<sup>116</sup> Ebuka Christian Orjiakor and Wisdom Chidiebere Obioha, 'Differential Impacts of Bullying and Sexual Violence on Girls' Self-Esteem in Nigeria: The Buffering Role of Social Support', *BMC Psychology*, 14.1 (2026) <https://doi.org/10.1186/s40359-026-04083-7>

<sup>117</sup> Rita Castro and Samuel Lins, 'How Human Values Relate to Attitudes Toward Pornography: A Portuguese Survey', *International Journal of Sexual Health*, 33.2 (2021), 229 – 235 <https://doi.org/10.1080/19317611.2021.1888839>

<sup>118</sup> Blanca Larrain and others, 'Mapping Policies Related to Problematic Usage of the Internet in Seven European Countries: Netherlands, Spain, Hungary, Lithuania, Portugal, Estonia and Switzerland', *Comprehensive Psychiatry*, 148 (2026), 152674 <https://doi.org/https://doi.org/10.1016/j.comppsy.2026.152674>

television. Pornographic material falls within this category and cannot be broadcast openly. Adult films may appear only through subscription or encrypted channels and usually during late night hours between midnight and six in the morning. Violations typically trigger administrative sanctions and substantial fines rather than imprisonment<sup>119</sup>.

Local planning regulations may also restrict the location of shops or cinemas selling explicit material, particularly near schools or places of worship<sup>120</sup>. Portuguese enforcement therefore prioritizes supervision, zoning, and age control instead of criminalization<sup>121</sup>. Authorities may penalize unlawful distribution, yet adults who access pornography for private purposes do not ordinarily violate the law<sup>122</sup>. Portugal thus treats pornography in a manner comparable to other age restricted products, while preserving firm protections for minors and preventing forced exposure in public spaces<sup>123</sup>.

Legal reform constitutes a conscious, planned, and continuous effort to develop a legal system in both substantive norms and institutional structure<sup>124</sup>. Law regulates many aspects of social life, yet it remains only one instrument for creating order, justice, and public welfare<sup>125</sup>. For that reason, reform must engage moral values, social realities, technological change, and human dignity so that legal rules remain responsive rather than rigid<sup>126</sup>. In Indonesia, this need has become more urgent because formal law enforcement often emphasizes procedure while

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<sup>119</sup> Clarissa Herpel and others, 'Anonymous Forensic Evidence Collection (AFC) after Sexual Offenses: A Challenge in Gynecological Care—Data from 13 Years and 7 Months at a University Hospital', *Archives of Gynecology and Obstetrics*, 313.1 (2026) <https://doi.org/10.1007/s00404-026-08388-1>

<sup>120</sup> Abhishek Gangwar and others, 'AttM-CNN: Attention and Metric Learning Based CNN for Pornography, Age and Child Sexual Abuse (CSA) Detection in Images', *Neurocomputing*, 445 (2021), 81–104 <https://doi.org/https://doi.org/10.1016/j.neucom.2021.02.056>

<sup>121</sup> Marie Eneman, 'Ethical Dilemmas When Conducting Sensitive Research: Interviewing Offenders Convicted of Child Pornography', *Journal of Information, Communication and Ethics in Society*, 20.3 (2022), 362–73 <https://doi.org/https://doi.org/10.1108/JICES-03-2022-0028>

<sup>122</sup> Pranujan Pathmendra and others, 'Exposure to Pornography and Adolescent Sexual Behavior: Systematic Review', *Journal of Medical Internet Research*, 25 (2023) <https://doi.org/https://doi.org/10.2196/43116>

<sup>123</sup> Mark Borg and others, 'Detecting and Ranking Pornographic Content in Videos', *Forensic Science International: Digital Investigation*, 42–43 (2022), 301436 <https://doi.org/https://doi.org/10.1016/j.fsidi.2022.301436>

<sup>124</sup> Jeremy Prichard and others, 'The Effect of Therapeutic and Deterrent Messages on Internet Users Attempting to Access "Barely Legal" Pornography', *Child Abuse & Neglect*, 155 (2024), 106955 <https://doi.org/https://doi.org/10.1016/j.chiabu.2024.106955>

<sup>125</sup> Maree Crabbe, Michael Flood and Kelsey Adams, 'Pornography Exposure and Access among Young Australians: A Cross-Sectional Study', *Australian and New Zealand Journal of Public Health*, 48.3 (2024), 100135 <https://doi.org/https://doi.org/10.1016/j.anzjph.2024.100135>

<sup>126</sup> Linden Loutzenhiser, Federica Arrighi and Barry Rosenfeld, 'The Association between Pornography Use and Sexual Offending in Individuals with a History of Sex Offenses: A Meta-Analysis', *Aggression and Violent Behavior*, 78 (2024), 101980 <https://doi.org/https://doi.org/10.1016/j.avb.2024.101980>

neglecting fairness and ethical substance<sup>127</sup>. Excessive reliance on textual interpretation may produce certainty, yet certainty without justice weakens public trust. A modern legal order must therefore reconcile legality with the broader ideal of the rule of law, which requires protection of rights, proportionality, and social justice<sup>128</sup>.

This perspective is highly relevant to Law Number 44 of 2008 concerning Pornography. The statute was enacted to address the rapid growth of pornographic production and circulation considered harmful to morality, children, and public order<sup>129</sup>. However, Article 6 and its explanatory section generate a normative contradiction. Article 6 prohibits any person from presenting, displaying, utilizing, possessing, or storing pornographic products except where authorized by law. Yet the explanation excludes possession or storage for personal use or personal interests. This exception creates a loophole that may allow offenders to justify private ownership of pornographic material and evade accountability. In practice, individuals may claim that secretly recorded intimate images, hidden camera footage, or downloaded explicit files were intended only for personal consumption. Such reasoning undermines the protective purpose of the statute and weakens justice for victims<sup>130</sup>.

Recent Indonesian legislation strengthens the argument for reform. Law Number 1 of 2023 concerning the Criminal Code reinforces the protection of morality and dignity. Law Number 1 of 2024 concerning Electronic Information and Transactions addresses digital dissemination and misuse of electronic systems. Law Number 12 of 2022 concerning Sexual Violence Crimes protects victims of nonconsensual sexual conduct and image-based abuse. Law Number 27 of 2022 concerning Personal Data Protection safeguards privacy and personal images. These statutes reflect a broader national policy that prioritizes dignity, consent, and victim protection. Accordingly, Article 6 requires reconstruction. The phrase permitting possession for personal use should be removed or narrowly limited to lawful institutional purposes such as law enforcement, education, or health services. Such reform would close interpretive gaps, strengthen enforcement, and

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<sup>127</sup> Ke Yu and others, 'Self-Regulation Deficiencies and Perceived Problematic Online Pornography Use among Young Chinese Women: The Role of Self-Acceptance', *Computers in Human Behavior*, 162 (2025), 108459 <https://doi.org/https://doi.org/10.1016/j.chb.2024.108459>

<sup>128</sup> Narayanan Ganapathy, Vanita Kaneson and Samantha Sim, 'Patterns of Youth Violence: A Profile Analysis of State Court Cases in Singapore', *Asian Journal of Criminology*, 21.1 (2026) <https://doi.org/10.1007/s11417-026-09489-1>

<sup>129</sup> Ester Barrios Miras and Montserrat Esquerda Arete, 'Sexual Consent in Adolescence. Influence of the Consumption of «new Pornography» on Decision-Making', *Anales de Pediatría (English Edition)*, 102.4 (2025), 503791 <https://doi.org/https://doi.org/10.1016/j.anpede.2025.503791>

<sup>130</sup> Kirsty Welsh, 'Changing the Law on Intimate Image Abuse: A New Paradigm for Image-Based Domestic Abuse', *Journal of Criminal Law*, 89.2 (2025), 63 – 77 <https://doi.org/10.1177/00220183251329179>

align the Pornography Law with contemporary Indonesian criminal policy and substantive justice<sup>131</sup>.

The proposed reconstruction of Law Number 44 of 2008 concerning Pornography, particularly the explanatory provision of Article 6, which still contains a substantial normative weakness. The current explanation states that the prohibition on possessing or storing pornographic material does not apply when the material is intended for personal use or personal interests. At the same time, the law permits certain institutions authorized by legislation, such as film censorship bodies, broadcasting supervisory agencies, law enforcement institutions, health service providers, therapeutic institutions, and educational institutions, to access such material for limited official purposes<sup>132</sup>. This dual formulation creates inconsistency because the statute seeks to prevent pornography while simultaneously tolerating private possession<sup>133</sup>.

The phrase allowing possession for personal use creates a legal loophole that may be exploited by offenders. Individuals who store explicit material, hidden recordings, or unlawful digital content may claim that the material was retained solely for private consumption<sup>134</sup>. Such arguments can obstruct criminal investigation, weaken prosecutorial certainty, and reduce the deterrent effect of the law. The provision also risks harming victims because exploitative content may remain protected under a claim of personal ownership. In the digital era, where material can be copied, transmitted, and redistributed instantly, this exception no longer reflects the practical realities of modern crime<sup>135</sup>. The proposed reconstruction removes the phrase that excludes personal possession while preserving access for institutions expressly authorized by law. Under the revised approach, only competent institutions such as censorship agencies, broadcasting regulators, law enforcement bodies, health services, libraries, laboratories, and educational facilities may possess or use such material, and only within locations designated for lawful institutional functions. This formulation narrows interpretation, strengthens regulatory coherence, and prevents misuse of the private use defense.

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<sup>131</sup> Charlotte Bishop, *Sharing and/or Threatening to Share Private, Sexual Images without Consent as an Emerging Strategy of Coercive Control*, *Research Handbook on Domestic Violence and Abuse* (Edward Elgar Publishing Ltd., 2024) <https://doi.org/10.4337/9781035300648.00008>

<sup>132</sup> Moira Aikenhead, 'Non-Consensual Disclosure of Intimate Images as a Crime of Gender-Based Violence', *Canadian Journal of Women and the Law*, 30.1 (2018), 117 – 142 <https://doi.org/10.3138/cjwl.30.1.117>

<sup>133</sup> Lana Clara Chikhungu and Ugochi Nkwunonwo, 'Sexual Abuse and Unwanted Pregnancies amongst Women and Girls in Malawi during the COVID-19 Pandemic', *BMC Public Health*, 26.1 (2026) <https://doi.org/10.1186/s12889-025-25691-9>

<sup>134</sup> Allison J Brown, *Non-Consensual Intimate Image Sharing on the Internet: Regulating Betrayal in Jamaica and India*, *The Palgrave Handbook of Everyday Digital Life* (Springer International Publishing, 2024) [https://doi.org/10.1007/978-3-031-30438-5\\_11](https://doi.org/10.1007/978-3-031-30438-5_11)

<sup>135</sup> Tsachi Keren-Paz, 'Pornographic Deep Fakes: Liability for Breach of Privacy in Cases of Parody?', *Journal of Tort Law*, 18.2 (2025), 553 – 577 <https://doi.org/10.1515/jtl-2025-0030>

From a broader legal policy perspective, the reconstruction advances legal certainty, enhances victim protection, and aligns the Pornography Law with modern Indonesian criminal policy that emphasizes dignity, privacy, child protection, and accountability in digital environments<sup>136</sup>. The amendment also restores the protective purpose of the statute by placing public interest above private justifications that may conceal harmful conduct. Therefore, revising Article 6 constitutes an essential step toward a more effective, consistent, and justice-oriented regulation of pornography in Indonesia<sup>137</sup>.

By removing the exception phrase concerning personal use from the explanatory section of Article 6, the Pornography Law would operate more effectively in achieving its principal objective, namely the protection of public morality and social order. The deletion of this clause would eliminate opportunities for offenders to avoid liability through claims of privacy or personal consumption. In this context, privacy interests cannot outweigh the broader social harm caused by pornography, particularly where such material contributes to exploitation, moral degradation, digital abuse, and violations of human dignity<sup>138</sup>. Although the protection of private rights remains an important constitutional principle, the protection of society from conduct that produces wider harm deserves greater priority. This approach is consistent with the constitutional view that privacy rights are not absolute and may be limited when private conduct threatens social order, violates public values, or conflicts with the principles of Pancasila<sup>139</sup>.

This regulatory reconstruction reflects the principle that law must continuously respond to the demands of justice. Progressive legal thought emphasizes that legislation should not remain imprisoned within outdated textual formulations when those formulations obstruct fairness and effective protection. Law must serve human interests, social welfare, and substantive justice rather than preserve rigid norms that no longer correspond with contemporary realities. In the digital era, where pornographic content may be copied, stored, and disseminated instantly, a

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<sup>136</sup> Reno Efendi and others, 'Urgensi Percepatan Pengesahan Rancangan Undang-Undang Penghapusan Kekerasan Seksual', *Jurnal Suara Hukum*, 3.1 (2021), 26 – 52 <https://doi.org/10.26740/jsh.v3n1.p26-52>

<sup>137</sup> Maskun and others, 'Empowering SDG 16: Electronics-Based Criminal Law Policy to Combat Sexual Violence in Indonesia', *Jurnal Hukum Novelty*, 14.2 (2023), 288 – 303 <https://doi.org/10.26555/novelty.v14i2.a26968>

<sup>138</sup> Síofra Peeren and others, 'Trauma-Informed Healthcare from the Perspectives of Women Who Have Experienced Sexual Violence in Adulthood: A Systematic Review and Meta-Ethnography', *BMC Health Services Research*, 26.1 (2026) <https://doi.org/10.1186/s12913-025-13584-x>

<sup>139</sup> Sri Wiyanti Eddyono, 'Restorative Justice for Victim's Rights on Sexual Violence: Tension in Law and Policy Reform in Indonesia', *Journal of Southeast Asian Human Rights*, 5.2 (2021), 176 – 201 <https://doi.org/10.19184/jseahr.v5i2.28011>

permissive exception for personal possession creates risks that extend far beyond the private sphere<sup>140</sup>.

The proposed reform would also restore balance among the foundational principles of the Pornography Law by removing ambiguity concerning private ownership of pornographic material. Legal certainty would increase because the prohibition would no longer invite multiple interpretations regarding personal possession. At the same time, the amendment would deliver a clear message that the state is committed to protecting human dignity and does not tolerate pornography merely because it is concealed within private spaces. Such a framework would align positive law with the living values of Indonesian society, which continue to uphold religiosity, decency, communal responsibility, and the constitutional ideals embodied in Pancasila and the 1945 Constitution. Consequently, the reconstruction of Article 6 would strengthen both the legitimacy and effectiveness of pornography regulation in Indonesia<sup>141</sup>.

## Conclusion

This study concludes that the existing restriction of pornography for personal use, as outlined in the explanatory portion of Article 6 of Law Number 44 of 2008, fails to sufficiently represent justice, legal certainty, or effective social protection. The term omitting possession or storage for personal use establishes a normative gap that enables offenders to evade criminal accountability by claiming private usage. This exception undermines the primary objectives of the Pornography Law, which are to uphold morals, prevent exploitation, safeguard society, and ensure public order. The concealed camera episode in Serang illustrates the tangible repercussions of this vulnerability, since the perpetrator evaded substantial punishment while the victims had no adequate legal recourse despite evident infringements of privacy and dignity. The research additionally delineates deficiencies in the substantive, structural, and cultural aspects of the legal framework. Article 6 introduces vagueness and inconsistent interpretation in the substantive dimension, so undermining enforcement. Within the structural dimension, investigative authority is predominantly centralized in the Indonesian National Police, despite the fact that digital pornography offenses frequently necessitate technical proficiency, cyber investigative capabilities, and extensive institutional collaboration in accordance with recent legislation pertaining to electronic information, sexual violence, and personal data protection. In the cultural sphere, lenient attitudes regarding pornography as a personal issue, variations in local decency standards, and the growing acceptance of explicit content undermine the social validity of enforcement initiatives. The report

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<sup>140</sup> Pablo Prego-Meleiro and others, 'Drug-Facilitated Sexual Assault Pornography and Sexual Violence While Partying: Cross-Sectional Study', *JMIR Public Health and Surveillance*, 12 (2026) <https://doi.org/https://doi.org/10.2196/80110>

<sup>141</sup> Caroline Kuo and others, 'Rationale and Design of a Randomized Controlled Trial Testing the Efficacy of Safe South Africa, an Intervention to Prevent HIV Risk Behavior and Sexual Violence among Adolescent Boys', *Trials*, 27.1 (2026) <https://doi.org/10.1186/s13063-025-09326-3>

suggests amending the regulation by eliminating the clause that exempts personal use possession. This modification would eradicate interpretive ambiguity, enhance deterrence, and avert the exploitation of privacy claims as a justification for detrimental behavior. It would align the Pornography Law with recent Indonesian legal advancements, including Law Number 1 of 2023 on the Criminal Code, Law Number 1 of 2024 on Electronic Information and Transactions, Law Number 12 of 2022 on Sexual Violence Crimes, and Law Number 27 of 2022 on Personal Data Protection. This change would enhance the law's protection of dignity, morality, child welfare, and public interests, while aligning with the fundamental principles of Pancasila and the 1945 Constitution.

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