

## **Law Enforcement Related To Cyber-Pornography In Indonesian Criminal Justice System**

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### **Abstract**

This study aims to determine and analyze law enforcement efforts against internet pornography in Indonesia. The research involved the Yogyakarta Special Police, especially the Special Criminal Investigation Directorate; the State Attorney of Sleman, especially the General Crime Section; and the Sleman District Court, especially the Criminal Registry. The data for this study were collected through literature study, interviews and documentation. The data were analyzed by qualitative and quantitative analysis. The results showed that Law Number 44 Year 2008 regarding Pornography has been implemented fairly well. The implementation of the law starts from the stage of reporting and is followed by police investigation. However, the stage of reporting/complaint is likely to remain passive. Also, the stage of prosecuting criminal acts of pornography has been well implemented, by applying alternative charges to reduce the potential for mistakes in the application of the law during the hearing. In addition, the stage of trial of pornography related crimes has been done well, but there are still some constraints in getting experts.

**Keywords:** Law Enforcement; Pornography; Internet.

### **Introduction**

The current era of globalization has had a huge impact on the advancement of information technology in all the countries of the world. Most developed countries take advantage of the advancement in information technology to sustain their national interests, while in developing and underdeveloped countries, the advancement of information technology seems to be an opportunity for a few people to profit in ways that are not justified by law, such as cheating by using fictitious accounts on social media, selling women by advertising prostitution on the internet, and selling or uploading pornographic content on the internet.

Indonesia is one of the economically and technologically advanced developing countries. In Indonesia, advances in information technology have also

had a significant impact on the development of national law. The enactment of Law of the Republic of Indonesia Number 19 Year 2016 on the Amendment of Law of the Republic of Indonesia Number 11 Year 2008 on Information and Electronic Transactions (ITE Law) is a proof of the development of Indonesia's national laws in the field of information technology, where the substance follows the development of the times and needs of the people of Indonesia. The ITE Law is the first law in the field of information technology and electronic transactions. It is a much-needed legislative product and has become a pioneer that lays the foundation of regulation in the field of utilization of information technology and electronic transactions.

The Internet makes conventional crimes, such as threats, theft, defamation, pornography, gambling, fraud and criminal acts of terrorism, easier. At present, through the internet, some types of criminal acts can be done by individuals or groups with very little risk of being caught. This leads to great losses for both communities and countries. The more interest people show in using the computer, the greater their dependence on the sophisticated equipment (Golose, 2006: 50). Globalization and the development of information technology affect many different crimes, and new crimes are now possible due to emerging technological developments. Crimes related to information technology are relatively new compared with other conventional crimes. Crimes related to information technology emerged along with the birth of the information technology revolution. Ronni R. Nitibaskara (2001: 38) stated the following:

"Social interaction that minimizes physical presence is another feature of the information technology revolution. With this kind of interaction, the deviation of crime social relationship will adjust its shape to that character. "

Cybercrime is one of the new forms or dimensions of today's crimes and has attracted widespread attention in the international world. Cybercrime is one of the dark sides of technological advances, and it has a very severe negative impact on all areas of modern life. Pornography is one of the forms of cybercrime. An important point that needs to be considered is that cybercrime is borderless, and so efforts to overcome and enforce the law must be maximal.

There are at least three main legislations governing the substance of the crime of internet pornography in Indonesia, and they are as follows:

1. Criminal Code;
2. Law no. 19 of 2016 on the Amendment to Law No. 11 of 2008 on Information and Electronic Transactions; and
3. Law no. 44 of 2008 on Pornography (Pornography Act).

Of the three laws and regulations that form the main basis of the substance of pornography crime, only the Pornography Act provides a clear definition of what Pornography is. Article 1 number 1 states as follows:

"Pornography is a drawing, sketch, illustration, photo, writing, sound, motion picture, animation, cartoon, conversation, gesture or other forms of message through various forms of communication media and/or public performances containing obscenity or sexual exploitation that violates moral norms in society".

The crime of internet pornography is punishable by Article 281 up to Article 297 of the Criminal Code, Article 27 paragraph (1) of the ITE Law, and Article 29 paragraph (1) of the Pornography Act. Many pornographic materials are circulated through the internet, and because the internet is without boundaries, such materials can be accessed in all regions of Indonesia and even all over the world.

With respect to pornography crimes, some cases have been decided by the courts. Reza Rizaldy aka Rejoy bin Imam Santosa was sentenced to two years and six months imprisonment after been proven guilty beyond reasonable doubt of committing a criminal act of allowing others to spread pornography. Another case was decided by the Bandung District Court, who sentenced the defendant, Nazril Irham aka Ariel Peterpan, to three years and six months imprisonment. Further, the Sleman District Court convicted Herman Joseph bin Ie Hie Soeng after it was proven beyond reasonable doubt that the defendant was guilty of the crime of transmitting electronic information whose content violates decency. Similarly, cases of transmitting sexual content of minors have been exposed by the police. Metro Jaya Regional Police revealed a case of spreading child pornography content conducted using social media, a Facebook account named Official Candys Group.

### **Stage of Investigation**

Pornography has become one of the most complicated issues in law enforcement. This is because of its massive spread, and it is very difficult to handle. With the introduction of the internet, it has become a challenge for law enforcers to eradicate pornography. The crime of cyberporn (pornography on the internet) has a massive impact. Cyberporn can be categorized as a cybercrime. But in classifying cyberporn as a cybercrime, reference is made to only the perpetrators of spreading pornography or those who provide pornographic links on the internet, and there is also the aspect of downloading and spreading it. In the chain, after the first spreader or the first link provider, it is worthy and interesting to examine whether the others are perpetrators or victims. This problem can be analyzed using crime without victim reviews to see if they are true victims or just actors. This article will discuss whether cyberporn can be seen in the review as well as review who is actually a victim in the massive deployment of cyberporn at this time, so that a cyberporn prevention policy can be formulated (Putra, 2018).

Due to the enactment of the ITE Law on April 21, 2008, Indonesia now has a special law that regulates all acts committed using the internet. There are arrangements in the field of criminal law, both in terms of material criminal law, contained in Chapter VII, article 27-37 of the ITE Law, and the aspect of formal

criminal law, contained in Chapter X, Article 42 - 44 of the ITE Law. The formal regulation of criminal law, specifically the ITE Law, shows that there is an understanding of the difference in handling of criminal cases of information and electronic transactions, including criminal acts of internet pornography. It is just that the regulation in the ITE Law related to formal criminal law does not elaborate in detail what procedure should be applied by law enforcers in criminal cases of information and electronic transactions. Law enforcement in the event of a criminal case should be done in a series of legal proceedings, from investigation to prosecution, court hearing, decisions, and legal remedies.

Based on interviews with the investigators of the Jogjakarta Regional Police, it was indicated that some investigation processes were stopped or unfinished because the evidence did not adequately prove the criminal element. Investigators will seek the fulfillment of criminal elements based on evidence governed by the legislation. Lack of evidence causes only a few reports to be processed. So, the use of electronic evidence is needed in the process of proving criminal acts of internet pornography. If this is not observed, cases will increase continuously. A problem faced, sometimes, in a criminal proceeding is the difficulty in obtaining the absolute truth, because of the lack of evidence or the availability of evidence that gives little support to solving the case. This causes a lot of unresolved cases, and cases accumulate at the level of investigation/police. The number of accumulated cases at the police level usually increases, because the prosecutor in these cases usually rejects the case files submitted by the investigator due to lack of evidence to corroborate the indictment.

In relation to the crime of internet pornography, the prosecutor's office coordinates with the police, as the investigator, to ensnare the suspected perpetrators of criminal acts, but if there is no strong evidence that the suspect has breached the provisions of the laws governing the criminal offence, the process of investigation or prosecution of the suspect may be suspended.

In the process of investigation, the police investigators only determine the tempus and locus delicti of the crime that has occurred by using the existing theories. There are three theories as follows:

1. The theory of the place where the crime is committed
2. Tools used in committing a crime
3. The consequences arising from such offences

The police do not determine the court that has jurisdiction to adjudicate on criminal acts of internet pornography but only determines the tempus and locus of internet pornography, because the determination of the jurisdiction of the court to prosecute the crime is the authority of the prosecutor, not the police.

Regarding the determination of the relative authority or jurisdiction of the court to adjudicate on crimes related to misuse of technology and information, a public prosecutor of the State of Sleman who handles criminal acts of internet pornography revealed the following:

"The authority to try perpetrators of common crimes as well as special crimes, such as crimes of internet pornography, is the same as where the perpetrator commits the crime, the perpetrator's domicile, the result of the perpetrator's crime and the number of witnesses, but the difference is that with respect to common crimes, the tempus, locus delicti and the authority of the court is easily known and traced, but with regards to the crime of internet pornography, it is the opposite. After the file from the police department has been transferred to the prosecutor and the public prosecutor issued the P-21, the determination of the court to adjudicate on the crime shall be determined by the public prosecutor based on the domicile of the accused, where the case occurred and the number of witnesses and evidences related to the crime committed by the defendant".

Based on the above explanation, the determination of tempus and locus delicti of internet pornography at the prosecution level needs to be further analyzed after getting the file from the police (investigator). It is not appropriate for only the police to analyze the tempus and locus of criminal acts of internet pornography, because the determination of the tempus and locus delicti plays an important role in determining whether or not an indictment is made by the public prosecutor. Since the crime is committed using technology, telematics specialists are required to assist the prosecutor in handling and resolving cases of internet pornography. In addition, the determination of the tempus and locus delicti in Article 15 of Law No. 8 of 1981 of the Criminal Procedure Code states that the public prosecutor prosecutes criminal cases that occur within their jurisdiction in accordance with the provisions of the law. The levels of police investigation and pre-prosecution in the prosecutor's office have an effect on determining the jurisdiction of the court to adjudicate on a crime.

In the event of a crime, law enforcement should be done in a series of legal proceedings, i.e. investigation, prosecution, court hearing, decisions, and legal remedies. Analyzing the regulation on reporting in the Pornography Act indicates that lawmakers gave freedom to all levels of society to participate in the eradication of pornography. Article 20 of the Pornography Law asserts the following:

"The public can participate in preventing the manufacture, dissemination, and use of pornography."

Based on interviews, the authors found that in relation to the participation of the community, as stated in the Pornography Act, the public was given the right to report the occurrence of pornographic crimes in the community. Such reporting must be through the Police of the Republic of Indonesia, through the Police Service Centers, which must accept all forms of reports and public complaints. This matter is affirmed in Government Regulation Number 2 Year 2003 regarding Discipline Regulation of the Police of the Republic of Indonesia in Article 4 letter b, which affirms as follows:

"In the performance of duties, members of the Police of the Republic of Indonesia shall: observe and resolve the best of the community report."

During the interviews, the police said that the community is not active in making reports, because some people generally enjoy pornography. Also, the attraction of the people to things related to pornography is still very high, as evident in the fast circulation of pornographic videos, either because they are curious to see or because they want to satisfy their biological needs; hence, they are not reluctant to send such videos to their peers, either through computer media, such as download, as well as practical media, such as shipping via mobile phone. In the law enforcement process against the spread of internet pornography, the police routinely conduct raids in cafes or other places, which shows that there are efforts by the police to enforce the law.

The stage of reporting pornographic crimes is still passive, because of lack of public awareness regarding law enforcement and the reluctance of members of the public to report internet pornographic crimes. Furthermore, informants from the police stated that after the report of the reporting party on the alleged occurrence of criminal acts related to information and electronic transactions or cybercrime, an investigation is carried out. The report is received by the Unit of Integrated Police Service and the determination of cybercrime cases is conducted by the Directorate of Special Crimes Investigation. The Integrated Police Service Unit makes a chronology of the crime, conducts an analysis to find out what criminal elements have or have not been met, conducts an examination of the crime scene to search for and collect information, guidance, evidence and identity. The investigator then interviews the witness, who saw or experienced the alleged crime, interviews the suspect, and re-evaluates the title of the case by checking the evidence.

An investigation into a criminal case of internet pornography requires a long process and time, because conducting the seizure of items to be used as evidence must be done with the permission of the Chairman of the District Court. To obtain permission from the Chairman of the District Court, it must be proven beforehand that the matter has fulfilled the elements of crime. Likewise, arrest and detention must go through the court chairman's permission, making it difficult to investigate and collect evidence. The police are passive in determining whether a criminal case has fulfilled the elements of internet pornography crime, since the investigator highly depends on the opinion of the expert witnesses.

The informant explained that in the handling of the pornography cases, the investigator coordinates with the Ministry of Communication and Information in order to make it easier to request for experts, from the Cyber Crime Investigation Center (CCIC) Police Headquarters, that will examine the evidence that has been seized by the investigator and determine when an offence has occurred and the equipment with which the perpetrator committed the crime. The cybercrime experts and experts from the Ministry of Communications and Information determine the elements of crime that has been met. This means that there is a difference in handling

of internet pornography cases. In the normal course, in requesting expert information or in confiscating evidence, after the suspect or witness has been interviewed and it is discovered that there is evidence, the investigator can directly conduct a seizure, but in the case of pornography, the provisions mentioned above must be followed. So, in conducting an investigation, everything depends on the expert and the evidence; in this case, the investigator applies Article 27 paragraph (1), which stipulates that pornography is not only limited to drawings but can be through writing.

### **Stage of Prosecution**

The prosecution stage of internet pornography crime under the ITE Law is under the special authority of the public prosecutor. The legal provisions of Article 43 point 7 of the ITE Law confirms that any further investigation results should be submitted to the prosecutor. Generally, in relation to criminal acts of internet pornography, the prosecutor uses the legal provision of Article 27 paragraph (1) of the ITE Law. The use of these legal provisions is relevant when the internet is used to display or disseminate electronic information that has pornographic content. In other words, the act of internet pornography is viewed as the use of the internet that deviates from the intended purpose.

At the prosecution stage, the prosecutor makes an indictment, which is based on the evidence that has been collected, examined and kept by the prosecutor. In accordance with the evidentiary system adopted by the Criminal Code, the prosecutor in preparing his demands must also be guided by the contents of Article 183 of the Criminal Procedure Code. According to the act, there are at least two valid evidences that are forwarded to the court hearing process when fulfilling the conditions of the case.

The prosecutor can apply various forms of indictments, depending on the position of the case. For violations of Article 27 paragraph (1) of the ITE Law, a single charge indictment may be used. However, if the prosecutor is of the opinion that it is necessary, it is possible to apply alternative charges in the indictment. In the handling of criminal acts in Sleman District, with respect to Decision No.476/Pid.Sus/2013/PN.SLMN, the prosecutor used alternative charges; in the indictment, the prosecutor used three articles at once. Different charges were formulated for the criminal offence, but the main objective is simply to prove that the accused has committed a criminal offence. In this case, the public prosecutor does not yet know for certain whether one or another crime can be proven and which provisions will be applied by the judge. The consequence of the proof is that if the intended indictment has been proven, then the charges on the other layer need not be proven again. The prosecutor's office can directly prove the charge that is deemed to be more likely to be proven, without being bound by the order of the charges contained in the indictment. In the case, the prosecutor used alternative charges.

The first is the charge by prosecutors using Article 45 paragraph (1) and Article 27 paragraph (1) of Law No. 11 of 2008 on Information and Electronic Transactions (ITE). The defendant was accused of intentionally and illegally distributing and/or transmitting and/or making accessible electronic information and/or electronic document that has a content that violates morality. Furthermore, the second charge by the prosecutors relied on Article 30 and Article 4 paragraph (2) of the Law of the Republic of Indonesia No. 44 of 2008 on Pornography. The defendant, at the time and place as we described in the first charge, was accused of broadcasting, showing or attaching in public, a writing, image or object that has been found to be in contravention of decency., or with the intention to be broadcast, displayed or posted in public, picture or object, put it in the country, forward it, remove it from the land, or have inventory, or openly or by passing unsolicited letter, offer it or show it as obtainable.

Further, on the third charge, the prosecutor used the provisions of Article 282 paragraph (1) and (3) of the Criminal Code. The defendant was accused of broadcasting, performing or attaching publicly, a written article, image or object that has been found to be in contravention of decency, or with the intention to be broadcast, displayed, or affixed publicly, to make any posts, images or objects, put it into the country, carry it out, remove it from the land, or have inventory, or openly or by circulating unsolicited mail, offer it or show it as obtainable

The attorney general of Yogyakarta, the state prosecutor of Sleman, stated the following in an interview:

“In the Indictment there are several charges arranged in layers; each layer is an alternative and excludes the charges on the other layers. This form of indictment is used if there is no certainty about which criminal acts can best be proven. Although the indictment consists of several layers of charges, only one charge will be proven. Proof of charges need not be done in sequence according to the charges of the indictment, but according to the charge that is deemed to be more likely to be proven. If one has been proven, then the charges on the other layers need not be proven anymore.”

The authors argue that what the prosecutor did in applying alternative charges in the case with decision Number 476/Pid.Sus/2013/PN.SLMN is in accordance with the Circular Letter of the Attorney General of the Republic of Indonesia (Number: Se-004/JA/11/1993) About the Making of Indictment. The form of the indictment is adjusted to the type of criminal act committed by the defendant. If the defendant only commits a single offence, then a single charge is used. In the event that a defendant commits a criminal act that can be formulated into several charges, alternative or subsidiary charges are used. In the event that the defendant commits several crimes, each of which is a stand-alone criminal act, a cumulative indictment is used.



### **Stage of Decision**

The examination phase in the court session is part of the implementation of the law of evidence applicable in the Criminal Procedure Code. The ITE Law itself does not provide specific arrangements concerning the criminal prosecution of information and electronic transactions; hence, the implementation of Article 41 of the ITE Law is the evidentiary model stipulated in the Criminal Procedure Code. The purpose of the hearing in court is to bring legal facts obtained on the basis of valid evidence before the court.

During the process of examination in court, the judge assesses the strength of the evidence presented by the prosecutor in the indictment. The judge in this case is guided by the negative evidentiary system according to the Law, i.e. Article 183 of the Criminal Procedure Code, which determines at least two evidences with confidence. The legal provisions of article 184 of the Criminal Procedure Code only recognize 5 (five) valid evidences, while the evidence in the form of electronic documents and/or electronic information has different characteristics with the evidence already arranged. This is one of the characteristics of the development of modern evidence law, which always adapt to the development of technology and science. Recognition of electronic documents and/or electronic information makes it easier for investigators to collect evidence in internet pornographic cases, so that the spread of pornography can be addressed quickly. Hiariej (2012: 13) further confirms that the existence of video recording or electronic data is physical evidence or real evidence. Existing electronic data has become sufficient evidence to explain the subsequent criminal acts, and the only requirement is for telematics experts and facsimile experts to prove the authenticity of the electronic data. Further proof is done in accordance with Article 183 of the Criminal Procedure Code, which applies the theory of evidence based on the Law on Negative. The evidence contained in article 184 of the Criminal Procedure Code must be proven in court, so that based on valid evidence the judge may obtain confidence to decide the case.

He added that Article 1 point 27 of the Criminal Procedure Code regulates the testimony of the witness of the crime of pornography. The witness in question is not to be influenced by the other party in such a way that he/she is not able to give information freely. Article 159 Paragraph 10 of the Criminal Procedure Code stipulates that the presiding judge shall then examine whether all the witnesses summoned are present and give orders to prevent witnesses from contacting one another before giving testimony in the session, so that witnesses' statements will not be influenced. The court decision stage is the final part of the hearing process, which contains the facts of law and evidence as the basis for the judge to give the verdict. The ITE Law does not provide specific arrangements on judges' considerations or judgments, so the criminal procedure in the Criminal Procedure Code is enforced.

Unlike other legal provisions, the Pornography Act gets a pro and contra reaction from various parties, because of the restriction of freedom of expression, gender issues and the protection of public interest. The provisions of the Pornography

Act itself states that the existence of pornography in various forms of development threaten the lives and social order of Indonesian society. These provisions emphasize the importance of criminal law in protecting public interest. The Pornography Act, which is effective since November 26, 2008, also has a unique arrangement, because it not only regulates the matters of criminal law but also the formal criminal law. The act of pornography along with criminal sanctions for violation of applicable legal provisions is regulated in Chapter II, starting from Article 4 through 14 of the Pornography Law, while the threat of crimes is found in Article 29 - 41 of the Pornography Act. Unlike the case of the ITE Law, which only provides formal criminal law arrangements during the investigation stage, the Pornography Law specifically regulates the formal criminal punishment in Chapter V from the stage of investigation to prosecution and examination at the court session. The arrangement shows the special attention of lawmakers to the handling of pornography compared with other cases.

Normatively, Chapter V of the Pornography Law provides for regulation of the criminal procedural law applicable in handling pornographic criminal cases. It is only based on the provisions of Article 23 of the Pornography Law that "investigation, prosecution and examination in court for violations of pornography are carried out under the Criminal Procedure Law, unless otherwise provided in this Law." This indicates that the procedural law arrangement of the criminal punishment in a criminal case of pornography is still based on the Criminal Procedure Code. The specificity of the arrangements contained in the Pornography Act can be reviewed in the substance of mechanisms arranged from Article 24 through Article 27 of the Pornography Law.

Under the special arrangement, the Pornography Law clearly lays emphasis on the development of information media and telecommunications as a means of spreading pornography. Actually, the regulation regarding the prohibition of the spread of pornography is found in every law that regulates the exchange of information: Article 18 paragraph (2) and Article 5 paragraph (1) of the Press Law, Article 57 in conjunction with Article 42 paragraph (1) of the Telecommunication Law and Article 57 letter d and Article 36 paragraph (5) Sub-paragraph b of the Broadcasting Law. The existence of special arrangements in Articles 24 through 27 of the Pornography Law provides a solution to deal with pornographic criminal cases more quickly and easily.

Regarding internet pornography, the prosecutor may use various forms of indictment. The ITE Law and the Pornography Law have provided specific arrangements relating to formal criminal law. However, both laws still refer to the Criminal Procedure Code as the provision of basic formal criminal law which will be enforced unless a *quo* law imposes otherwise (Article 42 of the Law on ITE and Article 23 of the Pornography Act). The applicable criminal procedure law starts from the initial stage of the investigation to the court's decision on an internet pornography criminal case. Therefore, the special arrangements concerning formal

criminal law in both the ITE Law and the Pornography Law do not weaken the criminal procedure mechanism set forth in the Criminal Procedure Code.

Indeed, the special arrangement adds a new mechanism to handling of internet pornography criminal cases. For example, in setting up an investigation on an ITE criminal case, investigators are required to base their investigations on privacy, confidentiality, smooth public services, data integrity; data integrity has not been known in the KUHAP (Article 43 paragraph (2) of the ITE Law). Similarly, in the Pornography Law, a new understanding of electronic data is required to be attached to the case file (Article 27 paragraph (1) of the Pornography Law). Based on the understanding of special arrangements in criminal procedure law stipulated in the Law on ITE and Pornography Law, the regulation of criminal procedure in a criminal case of internet pornography is complementary and supports the implementation of criminal procedure in Criminal Procedure Code.

### **Constraints in Law Enforcement**

Information and communication technology has changed the behaviour of the society and human civilization globally. In addition, the development of information technology has led to quick significant social changes. Information technology today is a double-edged sword; in addition to contributing to the improvement of welfare, advancement and human civilization, it is also an effective means of committing a crime.

Based on the interviews conducted by the authors, it was discovered that in dealing with the crime of internet pornography, law enforcement officers experience juridical and non-juridical constraints in conducting investigations. One of the juridical obstacles is the absence of authority for investigators to search the entire computer systems in a certain area that is suspected to be the location or target of the crime, because it is vulnerable to privacy violations despite having authority. The non-juridical obstacles are as follows: the limited ability and number of police officers who are knowledgeable in the field of computer technology, evidence in cybercrime is easily eliminated or removed, the difficulty of detecting crime, the difficulty of detecting the identity of the perpetrator, the lack of adequate equipment, the reluctance of some victims to report to the police, the security system and asset of the owner, and the domicile of the offender.

As stated above, the limited human resources are a problem that cannot be ignored. The number of investigative personnel is not commensurate with the number of criminal acts of cybercrime, which leads to long investigation time for one case. Also, police investigators are not very knowledgeable in computer operations and do not understand how to tackle internet pornography cases. Further, the absence of a helper investigator who has knowledge and understanding of cybercrime issues is a problem.

Cybercrime is virtual and nonphysical, which makes the evidentiary system of the crime difficult for investigators. In addition, the technical knowledge and

experience of investigators in handling cases of internet pornography is still very limited. The lack of provision for a special education/training on investigating cases of cybercrime, like internet pornography, weakens the ability of the investigators. Another issue that arises in law enforcement of internet pornographic crimes is the gathering of evidence.

Gathering evidence is a serious challenge in the investigation of internet pornography, since the target of internet pornography is data, computer systems and the internet, which can be easily changed, deleted, or hidden by the culprit. Therefore, data, computer systems or the internet related to such crimes should be recorded as evidence of the crime that has been committed. Problems arise in relation to the position of recorded media (recorder), which is not recognized by the Criminal Procedure Code as valid evidence.

Based on the above, it is clear that in principle, the obstacles in handling cases of internet pornography are still dominated by conventional factors. Difficulty in getting experts is another constraint faced by investigators, since more than one expert is required, such as criminal, linguistic and cultural experts from the Ministry of Communications and Information as well as cyber experts from the Cyber Crime Investigation Center National Police Headquarters. The obstacle in conducting an investigation lies in the limited budget to summon four or five of the required experts.

Also, mobile phones constitute an obstacle in conducting investigations into the crime of internet pornography, since mobile phones that have been used to send images may not be known because the perpetrators could easily remove the evidence.

The difficulty in determining the original identity of the perpetrator is a major obstacle in the fight against pornography, as tracking the whereabouts of the perpetrator by tracing the Internet Protocol address, which is usually camouflaged or disguised by the perpetrator, may not yield a positive result, because most perpetrators use false accounts in their crimes.

The unavailability of equipment needed for electronic investigations is a serious challenge; such equipment is only available at the National Police Headquarters, so the investigator must bring the evidence to the Police Headquarters to test, resulting in a very long investigation time. Community factor also influences law enforcement of pornography crime. This is particularly related to the level of public legal awareness. What is meant by legal awareness, among others, is the knowledge of the law, the appreciation of the function of the law, and obedience to the law. Unfortunately, public legal awareness related to pornography law is still low. Often, technological gadgets, like mobile phones, cameras, etc., have been misused, i.e. they are often used to access pornography. Also, people who know of a crime of pornography tend not to report it to law enforcement officers. This is because the spread of pornographic content has become a habit, so it is considered as a culture in the community.

In order to prevent pornography crimes, two approaches can be followed, namely sociological and psychological handling. In terms of the sociological approach, crime is caused by lack of harmonious integration between individuals and

social institutions, so each individual has difficulty adapting to various social relationships. Social problems cause social relationships to be disturbed and threaten group life. In the handling of pornographic crimes from a social point of view, the families, schools and communities are very relevant.

The position of the family is very fundamental and plays a vital role in a child's education. It is a container for the personal formation of family members, especially for children who are experiencing physical and spiritual growth. The family environment can potentially shape a child or a person to live more responsibly. However, if the family's educational endeavor fails, there is a tendency for the child to become mischievous in the society, which often leads to crime.

In addition, the school is also a place of formal education and has a role in the development of the child's personality in accordance with his/her ability and knowledge to perform tasks in society. This goal can be successful if the teacher can encourage and direct the pupils to learn to develop their creative skills. This means that between teachers and students, there should be a good relationship and mutual trust to learn together. But if the opposite happens, the students do not have the spirit of learning. This causes skipping of classes, casual attitude, and disturbing others (usually after joining a gang), which are connected to committing criminal acts.

## Conclusion

In the framework of the effectiveness of law enforcement related to pornography crimes, it is necessary to improve the number of personnel, facilities and budget. Internet users are numerous, so there should be adequate apparatus as well to check its abuse. The police, the party conducting the investigation, as well as the prosecutor, the public prosecutor, should empower the units related to handling of cybercrime, so that law enforcement can be done without having to wait for the result of assessment from an external party regarding the presence or absence of the element of the pornography crime being handled. Apart from prosecution, law enforcement related to pornography crimes should be pursued from the aspect of intensive prevention, such as monitoring sites and content providers containing pornography, raids on internet service businesses, and carrying out sensitization, with minors as the priority target. \*\*\*

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