

Analysis of Legal Returns Related to Children's Pornography

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Abstract

This study aims to find, analyze, and study the philosophical foundation of the principle of child protection and regulation of child pornography in Law Number 44 of 2008 and how the nature of legal regulations relating to child pornography should be in the future.

This type of research is a mixture of normative juridical and juridical empirical research using a library approach. The library data were analyzed according to qualifications and classifications, which included child pornography and which included in the legal renewal group. In addition to using the library approach, this study also uses a statute approach which includes a conceptual approach, a case approach and a sociological juridical approach. This study concludes that Law Number 44 of 2008 concerning Pornography is philosophically a guideline for people to develop themselves and their lives by choosing and sorting out cultural values that develop both those that are appropriate and those that are not in accordance with the values of Pancasila. The juridical goal is to clarify and complete legal Norms about pornography and emphasize the differences in criminal sanctions for any violations involving children. The law is very necessary for the purpose of punishment. Sociologically, it is one of the tools of society in maintaining the order of life in facing the changes that occur and solving problems that arise as a result of the creation, dissemination and use of pornography in ways that interfere with the public interest.

Based on legal theories and the results of interviews with resource persons, future regulations relating to child pornography can prioritize prevention functions by explicitly explaining child pornography, adding different understanding of obscenity to children, child pornography, and also giving sanctions to children. parents or relatives or other people about information disseminated on social media to children by conducting counseling from correctional institutions or from the Indonesian Child Protection Commission (KPAI) so that we can protect children by taking precautions before something unexpected happens.

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PRELIMINARY

Background

The problem of pornography is a classic problem which until Now is enough to take the time and energy of various parties, because the response requires a high, specific and continuous commitment from various walks of life. Addressing the problem of pornography is not only through education, attitude or culture, but also through complete or unambiguous regulations or legislation. The legislation that regulates pornography today is the Criminal Code (KUHP). The Criminal Code does not necessarily overcome these problems and has not been able to change or scare the

perpetrators let alone make a deterrent effect on pornography. The evidence that supports this statement is quite a lot, among others, pornography is increasingly prevalent, the negative impact of pornography is increasingly evident with the increasingly permissive society towards pornography. For example, where porn videos circulate, adultery facilities such as being allowed to grow without rules, the artists are not shy about proclaiming and showing off-wedlock pregnancies, rapes not only by their muhrim but by the closest family, and more places are revealed illegal abortion.

A new problem in the era of technology and information is online pornography. Even though the ITE Law has regulated this matter, it still happens. At present everyone, even children, can easily access pornographic content. For example, at the end of 2017, there were 600 child pornography content in one of the Facebook groups "Loly Candy's"¹ which had more than 7,000 members. Beginning in 2018, cases of child exploitation in pornographic videos involve parents.

Based on the views, responses and opinions of several community groups, supported by various mass media news about criminal acts related to pornography and porno-action, the researchers assume that various shows that show violence, rape, freedom that do not heed morality, religious values, actually has become an alarming threat in shaping the character and personality of the Indonesian nation. Based on these assumptions, it is expected that the Indonesian people will provide strong support regarding the need for laws that oversee and impose severe sanctions on pornography and porno-action. From various references, we can also know that even in developed countries and countries, the issue of pornography and porno-action is still strictly regulated. The regulation is carried out solely for the sake of maintaining the orderliness of the public space, and in the context of this research is of course in the interest of maintaining the interests of children.

Child pornography can be very dangerous while ignoring the principle of child protection because it affects the future damage of Indonesian children, especially those caused by parents or closest people who are intentionally or unintentionally done. Due to Law Number 44 of 2008 concerning Pornography there are no articles that explicitly regulate child pornography while in Law Number 35 of 2014 concerning Amendments to Law Number 23 Year 2002 concerning Child Protection there are already regulations that regulating this matter then becomes the basis of the problem of child pornography, for this reason the author conducts an analysis of the Legal

Reform Related to Child Pornography in Law Number 44 of 2008 concerning Pornography "Based on the background above, problems can be formulated to be analyzed, namely, What is the basic philosophical basis of child protection and regulation of child pornography in Law Number 44 of 2008, What should be the nature of legal regulations related to child pornography in the future.

Theoretical Framework

Communities need legal protection in order to avoid crime as a result of increasingly complex and increasingly sophisticated developments in science and technology. One of the prominent features of crime in late 20th century industrial society was to blend the criminal world with the world of civil society or sneak into normal and legitimate life. Criminals are no longer a separate group that is sharply separated from civilian life, but is interwoven with a kind of interdependence. Therefore, in order to create order in society, an order or norm is needed, namely legal norms. According to Satjipto Rahardjo, life in a society which more or less runs in an orderly and orderly manner is supported by the existence of an order. Because of this order, life becomes orderly. Ordering in people's lives will certainly be difficult to achieve if crime continues to occur and develop rapidly. These crimes must be prevented and addressed, one of the ways is through criminal law.

Prevention of crime by using criminal law is an effort that has been used for a long time and is part of criminal policy. According to Marc Ancel, criminal policy is a rational effort from the community in tackling crime². The crime prevention is to achieve the ultimate goal of criminal policy itself, which is to provide protection for the community to achieve prosperity. And one of the efforts to prevent and overcome crime is to use criminal law³. To anticipate the development of society in relation to changes in these crimes, efforts can be made to plan criminal law making that accommodates all the dynamics of society. This is a matter of the policy of choosing facilities in regulating community life. Criminal law is often used to

¹ Polisi temukan 600 Konten Pornografi anak di Group Facebook, diakses 30 Desember 2017, detik, <https://news.detik.com/berita/d-3447067/polisi-temukan-600-konten-pornografi-anak-di-grup-fb-loly-candys>

² Barda Nawawi Arief, *Bunga..., Op.cit*, Hal. 1.

³ *Ibid*. Hal. 2

solve social problems, especially in crime prevention⁴.

Legal Purpose Theory

There are three classifications of legal purpose theories, among them are ethical theories, utilities and mixtures. The purpose of this legal theory is not only justice but also benefits. Mixed theory, collaborating ethical theory and utility theory. This theory argues that if only the element of justice is the goal, then the result is only provisions that fulfill absolute justice that cannot meet the demands of daily interaction. Adherents of this theory are J Schrasset.⁵

Basic Protection of Child

Child protection is all efforts made to create conditions so that every child can exercise his rights and obligations for the proper development and growth of children both physically, mentally and socially. Child protection is an embodiment of the existence of justice in a society, thus protection of children is cultivated in various fields of life and state of society. Child protection activities carry legal consequences, both in relation to written and unwritten law. Law is a guarantee for child protection activities. Arif Gosita argued that the legal certainty of child protection and preventing fraud caused negative undesirable consequences for child protection.⁶ However, child protection efforts should not result in the death of initiative, creativity and other things that cause dependence on other people and behave uncontrollably so that children do not have the ability and willingness to use their rights and carry out their obligations⁷. Bismar Siregar said that the legal aspects of child protection are more focused on children's rights which are regulated by law and not an obligation, considering that law is not yet burdened by children⁸.

Types and Research Approaches

This research is a mixture of normative juridical and juridical empirical research using a library approach. The library data were analyzed according to qualifications and classifications, which included child pornography and which included in the legal renewal group. This method is carried out in the hope that it can seek legal certainty or the most appropriate legal rules applied to an event or legal action. Besides using the library approach, this research also uses a statutory research approach, conceptual approach, case approach, and a sociological juridical approach.⁹

The legal materials used in this study are primary, secondary and tertiary legal materials. Searching for legal materials is done by collecting legal materials in libraries, browsing the internet, and collecting collected directly from the community through interviews and Forum Group Discussion.

RESULTS AND DISCUSSION

Philosophical foundation of the principle of child protection and regulation of child pornography in Law Number 44 of 2008.

The philosophical foundation illustrates that the regulations formed consider the views of life, consciousness, and ideals of the law which include the atmosphere of mysticism and the philosophy of the Indonesian nation originating from Pancasila and the Opening of the 1945 Constitution.¹⁰ The sociological foundation illustrates that regulations are formed to meet people's needs in various aspects. The sociological foundation actually concerns empirical facts about the development of problems and needs of society and the state.¹¹ The juridical foundation illustrates that regulations are established to overcome legal problems or fill legal gaps by considering existing rules, which will be changed, or which will be revoked in order to ensure legal certainty and a sense of justice for the community. The juridical foundation concerns legal issues relating to substances or material that are regulated so that new laws and regulations need to be established. Legislative approach,

⁴ Romli Atmasasmita, *Op.cit.* Hal 58

⁵ *Ibid.* Hal 28.

⁶ Arif Gosita. *Masalah Perlindungan Anak.* (Jakarta: Akademika Pressindo, 1998). Hal. 34

⁷ Maidin Gultom. *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Indonesia.* (Bandung: Refika Aditama, 2006) hal. 12

⁸ Bismar Siregar dalam Arif Gosita, 1998. *Ibid* Hal. 41

⁹ Jhonny Ibrahim, *Teori dan Metodologi Penelitian Hukum Normatif,* (Malang: Bayumedia, 2005) Hal. 299.

¹⁰ Lampiran II Undang-undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-undangan

¹¹ *Ibid.*

conceptual approach, case approach, and sociological juridical approach.¹²

Philosophical foundation of Law Num. 23 of 2002 concerning Child Protection

Based on the minutes of the Draft Law Num. 23 of 2002 concerning Child Protection (RUU 23/2002) that the philosophical foundation of Law Num. 23 of 2002 concerning Child Protection. Children are a mandate as well as a gift from God Almighty, which must always be guarded, because in him the inherent dignity, dignity and rights as human beings must be upheld. Child rights are part of human rights as contained in the 1945 Constitution and the United Nations Convention on the Rights of the Child.¹³

Philosophical Foundation Law Num. 35 of 2014 concerning Amendments to Law Num. 23 of 2002 concerning Child Protection.

UU Num. 23 of 2002 concerning Child Protection does not mention anything about the problem of pornography and acts of decency involving children, even though the violation of decency is part of the protection of children. Children are an inseparable part of human survival and the survival of a nation and state. In order to be able to be responsible for the continuity of the nation and state, every child needs to have the widest opportunity to grow and develop optimally, both physically, mentally and socially. For this reason, safeguards are needed to realize child welfare by providing guarantees for the fulfillment of their rights without discriminatory treatment.¹³

The state upholds human rights, including the rights of children which are characterized by the guarantee of the protection and fulfillment of the rights of the child in the 1945 Constitution and several provisions of legislation both national and international. This guarantee is reinforced through the ratification of the international convention on the Rights of the Child, namely the ratification of the Convention on the Rights of the Child through Presidential Decree Num. 36 of 1990 concerning Ratification of the Convention on The Rights of the Child.¹⁴

¹² *Ibid.*

¹³ Penjelasan Undang-undang Nomor 35 Tahun 2014 Tentang Perubahan atas Undang-undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak.

¹⁴ *Ibid.*

The State, Government, Regional Government, Society, Family and Parents are obliged to provide protection and guarantee the fulfillment of children's rights in accordance with their duties and responsibilities. The protection of children that has been carried out so far has not provided guarantees for children to get treatment and opportunities that are in accordance with their needs in various fields of life, so that in carrying out efforts to protect the rights of children by the Government must be based on human rights principles, namely respect, fulfillment and protection for the Rights of the Child.¹⁵ As an implementation of the ratification, the Government has ratified Law Num. 23 of 2002 concerning Child Protection, which substantively regulates several matters, among others, the problem of children facing the law, children from minority groups, children from victims of economic and sexual exploitation, trafficked children, children victims of riots, children who become refugees and Children in situations of armed conflict. Child protection is carried out based on non-discrimination principles, the best interests of the child, respect for children's opinions, the right to live, grow and develop. In the implementation of the Act has been in line with the mandate of the 19545 Constitution related to human rights guarantees, namely Children as human beings have the same right to grow and develop.¹⁶

Although legal instruments have been owned, in the course of Law Num. 23 of 2002 concerning Child Protection has not been able to run effectively because there is still overlap between sectoral laws and regulations with the definition of Children. On the other hand, the prevalence of crimes against children in the community, one of which is sexual crime, requires increased commitment from the Government, Regional Government, and the Community and all stakeholders related to the implementation of Child Protection.¹⁷

The Philosophical Foundation of Child Pornography Arrangements in Law Num. 44 of 2008

According to Webster's New Dictionary (1990), the term pornography comes from the Greek "porne", which means prostitution, prostitutes, and graphein, which means picture, or writing. Literally

¹⁵ *Ibid.*

¹⁶ *Ibid.*

¹⁷ *Ibid.*

pornography is then interpreted as a saying about impurity, or a description of acts of prostitution. In Indonesia, which tends to be religious, even though it is not the same as the understanding in religious law, the notion of pornography in the life of society, nation and state is rather colored by religious values. Likewise in Indonesian laws and regulations, pornography is defined in a variety and varies from time to time. In the practice of law in Indonesia, the religious values adhered to by the greater part of society seem to influence the definition of pornography. Nudity or which leads to nudity which is prohibited in religion, it turns out that since the decade of the 50s it has been included as part of the prohibition in the system of legislation. Although the definition of pornography has been defined differently, the substance of the definition of pornography in legislation turns out to include the notion of erotica and obscenity.

The Philosophical Rationale of Law Num. 44 of 2008 concerning Pornography

The insistence on the strength of globalization in various fields of life which is increasingly difficult to avoid, the rapid development of information and communication technology that brings various cultural values has encouraged the occurrence of very complex social changes in society. In order to be able to follow these social changes, it is necessary to have legislation that in addition to following the changes that occur can also serve as a "guideline" for the community to develop themselves and their lives by selecting and sorting out the cultural values that develop in them. according to and which is not in accordance with the values of Pancasila¹⁸.

In addition, the existence of the Law on Pornography can also help the Government of Indonesia in reducing the occurrence of cases of sexual crimes and immoral or immoral acts that greatly disrupt the achievement of national goals, as stated in paragraph IV of the Preamble of the 1945 Constitution. The Government of Indonesia has additional instruments needed to reduce the possibility of social conflicts caused by pornography. The law is also needed to uphold ethics, courtesy and nobility in social relations or community life, improve honesty and trustworthiness in national life, and increase respect for the provisions of laws and regulations that apply in the life of the state.

Legal Regulations Regarding Future Child Pornography

In Indonesia, from a cultural point of view, pornography has long been taboo, and experts consider pornography to be a "problematic behavior", namely actions that are not desired, disliked, harmful or can be harmful, can bring victims.¹⁹ In contrast to people in countries where society prioritizes rationality, Indonesians consider pornography to be problematic behavior because it is influenced more ideologically. The existence and development of pornography is considered to threaten the order of life of society which is based on the values of Pancasila. The values of the One and Only God by people who respect Pancasila from a background of ethnicity, religion, race, are placed as the main values and cover other values. Fair and civilized humanity, Indonesian unity, popularism led by wisdom in deliberation / representation, social justice for all Indonesian people, has become an instrument for the community in placing pornography in the public sphere as unethical, violating decency and decency, not providing many benefits can even endanger the public interest. In addition, a number of cases show that the current acts, dissemination and use of pornography often cause problems in the form of unrest and various disturbances that often cause victims at all ages, both women and men.

The increasing production, dissemination and use of various pornographic products that seem to be unable to be handled by law enforcement officials has long caused concern and anxiety among the Indonesian people. Some people raise their concerns about the possible negative effects of pornography on teenagers. The concern is quite reasonable because the facts show, lately there have been several cases of rape of underage girls by very young boys, who claim that they are taking action, because they are not strong enough to hold their appetite after watching porn videos, there are also who make pornographic videos done by adult women with a boy just to make money. According to Professor of the Faculty of Psychology, University of Indonesia, Prof. DR. Sarlito W. Sarwono, pornography can have a negative impact on the younger generation, among others in the form of early age free sex, sexual abuse of women, sexual violence against children, even encouraging deviant

¹⁸ Risalah Undang-undang Nomor 44 Tahun 2008 Tentang Pornografi

¹⁹ *Ibid.* Hal 188

sexual behavior that can lead to deadly diseases, such as HIV and AIDS.²⁰

From various mass media and facts of daily life in some areas, the negative influence of circulation of pornographic videos or images that show a human body curves is very damaging to the souls of members of society, especially teenagers because at this age a person will be more compromised on psychological stimulants that goes into his soul. Various experts agree that if psychological stimulants are negative in nature, then their development, their soul will tend to be potentially destructive.

Although in the life of society the definition of pornography is different from one another, according to legal norms that have been implemented since the establishment of the Unitary State of the Republic of Indonesia to date, the creation, dissemination and use of pornography in public spaces in Indonesia is considered a criminal act. This is clearly seen from the implementation of various forms of legislation in every era of government since the proclamation of Indonesian independence until now. The facts show that in this country there are various forms of understanding of pornography, not only include the notion of obscenity but also includes the elements of sex, sexuality and erotica such as depicting certain body parts: thighs, buttocks and breasts and nudity or those leads to nudity, both male and female body parts.

Based on the results and discussion of the first problem formulation above, it can be seen that the philosophical foundation of child pornography in making Law Num. 44 of 2008 concerning Pornography that it cannot be concluded that there is a clear and explicit definition of pornography. This statement is also supported by frequent differences of opinion about the definition of pornography. The existence of a law can function as a means of transformation if the law can change society (its users) to have attitudes and actions that are more in line with the objectives of the law and according to the standards of Pancasila values. With the existence of these laws the Government of Indonesia should have

additional instruments that function in reducing the possibility of social conflicts caused by pornography. The law can also be an instrument in upholding ethics, courtesy and nobility in social relations or community life, increasing honesty and trustworthiness in national life, and increasing respect for the provisions of laws and regulations that apply in the life of the state.

As a challenge in the future, nowadays the instruments we call the law are very difficult to deny the fact that the development of information and communication technology such as the internet which is the result of technological convergence of various media has made the media a communication medium capable of providing space for freedom greater for individuals in accessing various global information, and pornography which actually weakens the function of the law and then disseminates it to various individuals and groups. The information contained in the law was actually eroded and even drowned out by the swift flow of global information and pornography

Moreover, the creation, dissemination and use of pornography carried out by certain groups at this time do not only involve themselves and are limited to personal interests, but have developed and involve other people and groups, both of their own volition and because they are forced, displayed in front general as a form of entertainment, and disseminated without regard to possible negative impacts on society, especially the younger generation or children.

Based on minutes of Law Num. 44 of 2008 that the functions and objectives of the making of this law have specific objectives, namely to:

1. Realizing and maintaining an ethical community life, maintaining and strengthening the noble personality of the nation that upholds the values of God Almighty and just and civilized humanity;
2. Providing legal certainty that is able to protect every citizen, especially children and women, from acts of violence that undermine human dignity;
3. Prevent and stop the development of commercialization of sex and sexual exploitation in pornographic media and the sex industry.

According to the theory of criminal law policy, criminal law policy must be directed at the purpose of social policy consisting of policies / efforts for social welfare and policies / efforts to protect the community.

²⁰ Pendapat ini dikemukakan oleh Guru Besar Fakultas Psikologi, Universitas Indonesia Prof. DR. Sarlito W. Sarwono dalam Diskusi Interaktif Pelajar SMU yang diselenggarakan Yayasan AIDS Indonesia di Jakarta, tahun 2001. Lihat: Berita cybermedia: "Tidak Ada UU Yang Bisa Halangi Pomografi," <http://www.glorianet.org/beritalb04051.html>

Sudarto argues that in law enforcement policies in the context of crime prevention by using criminal law must pay attention to the following matters:

- a. The use of criminal law must pay attention to the objectives of national development, namely to create a just and prosperous society that is evenly materially spiritual based on Pancasila; In connection with this, then (the use of) criminal law aims to overcome crime and impose a countermeasure for the countermeasures itself, for the sake of the welfare and protection of the community.
- b. Acts that are attempted to be prevented or overcome by criminal law must be undesirable actions, namely actions that bring harm (material and / or spiritual) to citizens.²¹

Thus the actual function and purpose of Law Num. 44 of 2008 in theory is already quite good and in accordance with the theory but related to the article governing child pornography in the present (Article 15 of Law Num. 44 of 2008) ethical theory and utility theory. This theory argues that if only the element of justice is the goal, then the result is only provisions that fulfill absolute justice that cannot meet the demands of daily association.²² In the application of legal theory can not be just one theory but must be a combination of various theories. Based on the existing legal theory, the main legal objectives are to create justice, expediency, legal certainty, order and peace.

Basically seeing a child who is still young during a period of growth is indeed pleasing especially to the child's own parents, so parents often express it by uploading children's photos or videos to their social media but parents forget that social media access is very broad and unlimited or not can be limited. The negative impact of the wide access of social media is that the safety and honor of the child can be threatened, one example is the case of child pornography which often occurs lately where parents or closest relatives (family) upload photos of children showing their own children's curves done deliberately by parents like child abuse cases experienced by some famous artists / celebrities. Child abuse proves that mistakes are not from predators but also from parents and immediate family. Based on the theory of goals, the child must be protected by taking precautions

before something unexpected happens. Prevention can be done by punishing parents and giving guidance to parents or closest relatives so as not to repeat it. Based on the general purpose theory of the use of criminal law and punishment (criminal politics) is an effort to protect the community to achieve public welfare.

Results of interviews of researchers with members of the Republic of Indonesia Parliament for the period 2014-2019 namely Drs. H. Irgan Chairul Mahfiz M.Sc., which was held by researchers at Nusantara Building 1, Republic of Indonesia Parliament Complex with staff members of the Indonesian Parliament produced a conclusion as follows.

1. Law Num. 44 of 2008 concerning Pornography and also as an affirmation, namely Article 67A Law Num. 35 of 2014 regarding changes to Law Num. 23 of 2002 concerning the protection of children, in order to protect the rights and safety of children, the definition of pornography and child pornography must be distinguished.
2. The definition of child pornography which was originally equated with the notion of pornography in general, namely pornography are images, sketches, illustrations, photographs, writings, sounds, sounds, moving images, animations, cartoons, conversations, gestures, or other forms of messages through various forms of media public communication and / or performance, which includes sexual obscenity or exploitation that violates the norms of decency in the community, added with the understanding of obscenity explicitly, because the measure of the meaning of obscene words according to each person is different so that it needs to be explained especially to children, must there are rules that explain in writing.

Results of interviews with DPR RI Members for the 2014-2019 period with Mr. Ir. Effendi Sianipar.

1. Changes to Law Num. 44 of 2008 concerning Pornography, in order to protect the rights and safety of children, Law Num. 44 of 2008 concerning Pornography must distinguish the notion of pornography from child pornography or the notion of sexual exploitation in pornography laws explained in detail, for example that sexual exploitation of children can be in the form of curves, photos or videos that only feature thighs, or cleavage of children.
2. Differentiate the notion of "impressing nudity" which means a condition of someone who uses a

²¹ Soedarto, *Hukum dan Hukum pidana*, Op.cit hal. 44-48.

²² Dudu Duswara Machmudin, *Pengantar Ilmu Hukum Sebuah Sketsa*, Op.cit hal. 23-24.

body cover, but still expresses genitals explicitly, by "impressing nudity" for a child by using a body cover for children to only cover 30 percent of the child's body even though it does not show genitals explicitly.

Results of interviews with DPR RI Members for the period 2014-2019 with Drs. M. Dardiansyah. I agree with what you have said. Irgan and also Mr. Ir. Effendi Sianipar, I want to add to Article 15 of Law Num. 44 of 2008 concerning Pornography there must be sanctions for every person who neglects minimum sanctions to the perpetrator. Prevention efforts need to be carried out, among others, those given in the form of counseling in prisons. Counseling material includes education about the dangers of pornography, planting religious values, and moral values. As we all know, usually this sanction will produce a deterrent effect on this very large Indonesian society.

Based on the results of the discussion and analysis from the speakers that there is a need for legal changes related to child pornography in the future. With the rapid development of technology today, various information in the form of images and videos can be easily misused for child predators and also very vulnerable for the parents and closest relatives to neglect the information they upload to children on social media. In the future, we can protect child safety and for the future of our own nation, there must be additional regulations governing information about children on social media.

Based on the analysis of the data and the results of interviews and the analysis carried out above, it can be concluded that changes must be made immediately to child pornography in Law Num. 44 of 2008 concerning Pornography, at a minimum these changes can add regulation about what things can threaten child safety related to pornography such as curves, children's clothes that are too mini (such as clothes that only cover 30 percent of the child's body), visible thighs or shapes almost naked body which is displayed on social media or the internet and adds regulations related to sanctions for parents who are negligent in keeping their children related to child pornography which can be in the form of counseling from correctional institutions or from the Indonesian Child Protection Commission.

Kesimpulan

Based on the results of the analysis above, conclusions and suggestions can be drawn as follows:

1. The Philosophical Foundation of the Principle of Child Protection and the Arrangement of Child Pornography in Law Number 44 of 2008.

Philosophically Law Num. 44 of 2008 is a guideline for the community in developing themselves and their lives by choosing and sorting out the cultural values that develop in them that are appropriate and which are not in accordance with the values of Pancasila. Juridically Law Num. 44 of 2008 concerning Pornography has the purpose of clarifying and completing legal norms about pornography, and emphasizing the differences in criminal sanctions for any violations. In the event that an action is carried out involving children, the Act is very necessary for the purpose of punishment. Sociologically Law Num. 44 of 2008 concerning Pornography as one of the tools of the community in maintaining their order of life facing changes that occur and solving problems that arise as a result of the creation, dissemination and use of pornography in ways that interfere with the public interest.

2. Legal Regulations Regarding Future Child Pornography

Based on the results of the analysis of legal theories, interviews and Forum Group Discussion that regulations related to the regulation of child pornography in the future to prioritize prevention functions by explaining explicitly about child pornography adds a different understanding of obscenity to children, child pornography and also give sanctions to parents and relatives especially other people related to information disseminated in social media to children. Prevention before something unwanted happens by counseling from a correctional institution or from the Indonesian Child Protection Commission (KPAI)

Suggestion

1. For the Government, especially legislators, to reformulate the definition of child pornography in order to prevent sexual abuse and abuse of children in the real and virtual worlds.
2. For the community, to always pay attention to children, and be more careful in carrying out activities on social media such as uploading children's photos or videos to social media so that things do not happen that are not desirable and children can be protected from child predators.

3. For academics to add legal insight, especially about child pornography and pay attention to and participate in supervising child pornography, especially in Indonesia

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