

Human Rights and Digital Censorship as Legal Boundaries to Control Access to Pornographic Content

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Abstract: This research aims to analyze the legal considerations that prevent a person from being convicted when accessing pornographic content and identify the implications that arise from the consumption of such content. The main focus of this research is how legal regulations in various countries, including Indonesia, regulate access to pornography and the extent of the application of criminal law. The research method used is a normative juridical method with a statute approach and conceptual approach. Data is obtained through literature study, including rules and regulations, court decisions, academic literature, and social media. The results show that the non-criminalization of individuals who access pornography is based on the principle of no crime without a clear legal basis and the right to individual privacy. Most regulations place more emphasis on criminalizing the production, distribution, and dissemination of pornographic content than personal consumption. However, some countries apply exceptions in some instances, such as the consumption of child pornography, which is expressly prohibited.

Keywords: Pornography; Right to Privacy; Digital Regulation; Content Censorship.

1. Introduction

The implications of accessing pornography include various aspects, including legal, social, and psychological (Alfiansyah & Fadlian, 2021). From a legal perspective, although individual access is not penalized, internet regulation-based restrictions are still enforced in various countries as a form of public protection (Hendriana et al., 2022). From a social and psychological aspect, the consumption of pornography can have an impact on changing mindsets about sexuality, the potential for addiction, and increased objectification of individuals in social relationships (Muslikin, 2022).

The development of technology and the internet has facilitated access to various information, including pornographic content (Rayhan, 2024). This has led to debates regarding how the law should regulate access to pornography and whether someone who merely accesses it can be subject to criminal sanctions (Salmon, 2023). In many countries, the production and distribution of pornographic content are often criminalized, especially if it involves child exploitation, but personal consumption remains a grey area in legal regulation. In addition, various implications arise from the consumption of pornography, from legal, social, and psychological aspects (Salsabila & Maharani, 2024).

The development of technology is very rapid, especially in Indonesia. Technological advances and developments have changed the order of society with the latest culture (Adhi et al., 2023). This internet technology has changed life in a new era, which means there is a shift in life's reality from actual activities to virtual activities, known as cyberspace (Usman & Agustanti, 2021). Technological advances can change changes both directly and indirectly, positively and negatively affecting all matters of action and mental attitudes of the entire society. Every change must produce good and evil, as well as internet technology (Atem, 2022).

We can take advantage of a lot from the internet, namely facilitating digital input information and making it easy to communicate with various parties without having to

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meet, so internet technology has many advantages (Astuti & Purwanto, 2020). However, there are negative or harmful things from the internet; one example is cybercrime. In the view of criminology, technology is referred to as a criminogenic factor, which is a factor that causes a person to want to do evil or facilitates crime (Crofts, 2025). Cybercrime is the misuse of one negative thing from the development and advancement of information technology through computerized systems and internet networks (Koós et al., 2021).

Online pornography is the loading of pornographic elements in a space on the internet network called cyberspace, which can be in the form of images, sketches, illustrations, writings, sounds, sounds, moving images, animations, cartoons, conversations, gestures, and other forms of messages with various forms of communication media and/or public performances, which contain elements of obscenity, sexual exploitation that violate the norms of decency in society (Crofts, 2025; Miyazaki et al., 2024; Salsabila & Maharani, 2024).

One of the concerns of the community, especially parents, is about cyberporn, which is very easy to access in Indonesia; this is due to the lack of security against networks or sites that contain adult or pornographic content (Handoko, 2022). The Chairman of the Indonesian Communication Scholars Association continued that 80% of Indonesian youth store pornographic content on their mobile phones; considering that the millennial generation was born after 1980, this millennial generation uses a lot of instant communication technology (Rantjalobo et al., 2024).

In terms of the storage of pornographic content, it is characterized by the presence of sexual behavior in general, behavior that is carried out alone with the opposite sex or the same sex, and its forms vary from feelings of attraction, intercourse, making out, to also sexual objects of various types from other people, imaginary or self (Hartanto, 2024). The easy access to pornographic content on mobile phones is also due to the absence of more specific rules that discuss restrictions on accessing adult content so that children in Indonesia can easily access much pornographic content (Sommet & Berent, 2023). Of course, this also has an impact on the child's mentality and psychology because children who access pornographic content will experience addictions such as increasing adolescent sexual exploration, lying easily, depression, and ansyethas (O'Bryan, 2024).

Based on the many cases that have occurred, it can be seen that the problem of pornography stems from the creation of pornographic material that was initially intended for self-interest (Ronzoni, 2024). Various cases of pornography also occur so much and seize the attention of the public in law enforcement, especially in Law Number 44 of 2008 concerning Pornography (Girsang, 2022). However, law enforcement carried out by law enforcement officials in ensnaring perpetrators of pornography on the internet (cyberporn) as a Nayanthara crime is not running optimally in Indonesia (Veronica, 2023).

Advances in computer technology and internet networks have significantly impacted various aspects of life, including the dissemination of pornographic content (Ronzoni, 2024). The government and related agencies face a significant challenge in balancing cybercrime techniques, especially in controlling access to pornographic content on the internet (Al Aziz & Hasan, 2024). Although various policies and regulations have been enacted, in reality, access to pornographic content can still be done quickly by the public through various means, such as VPN (Virtual Private Network) or proxy servers (Santoso, 2023; Veronica, 2023).

Law No. 44/2008 on Pornography has regulated prohibited acts, which are contained in Article 4 - Article 14 of the Pornography Law (Handoko, 2022). If we study the Law on Pornography, there is no specific rule where the act of watching or accessing pornography is prohibited by law (Sasmitha et al., 2022). Indeed, there are no specific rules governing not being able to access or watch pornographic content (Puspitosari & Kusumaningrum, 2024).

From the perspective of criminal law, there is the *nullum crimen sine lege* principle, which means that a person cannot be convicted unless his actions have been clearly regulated in law (Santoso, 2023; Sommet & Berent, 2023). Many legal systems do not explicitly regulate that accessing pornography is a criminal offense, except in some instances,

such as child pornography or illegal distribution (Veronica, 2023). The background of this research shows that the regulation of access to pornography is still debatable, especially regarding legal aspects, human rights, and the social impact it has. Therefore, it is necessary to analyze the protection of human rights, especially the right to privacy, in the context of access to pornography to determine the correct legal approach to regulating access to pornography without violating individual rights (Rayhan, 2024).

2. Materials and Methods

To find out the protection of human rights, especially the right to privacy, in the context of access to pornography as a reference to analyze the legal norms that regulate the protection of the right to privacy in the context of access to pornography (Miyazaki et al., 2024). Furthermore, this research will try to see how the Government's authority as a controller of the implementation of privacy rights protection policies related to access to pornography in practice. Data on cybercrime victim cases referring to internet crimes involving many people in Indonesia were also recorded. In addition, the characteristics of the research problem are the primary motive for researchers to apply the network content analysis research method to analyze network content and explain research problems in depth.

The data used in this research are decisions on pornography crime cases by reviewing the website <https://pusiknas.polri.go.id/>, which refers to cases related to pornography/prostitution crimes through electronic media/social media handled by the police, with court case decisions issued by the Supreme Court of the Republic of Indonesia, which have been inkracht from 2019-2024 (Table 1). Then conduct a statutory study approach (Statute Approach) and case approach (Case Approach), which is one type of approach in normative legal research to build legal arguments, by taking secondary data from fifteen Supreme Court decisions.

Table 1. List of Supreme Court Decisions related to the crime of pornography

No	Nama	No	Nama
1	Supreme Court Decision Number 276/PID/2024/PT DKI	9	Supreme Court Decision Number 13/PID/2023/PT DPS
2	Supreme Court Decision Number 272/Pid.B/2024/PN Kla	10	Supreme Court Decision Number 290/PID.SUS/2022/PT DKI
3	Supreme Court Decision Number 658/Pid.B/2024/PN Bkn	11	Supreme Court Decision Number 9/Pid.B/2022/PN Mnd
4	Supreme Court Decision Number 208/Pid.B/2024/PN Bjn	12	Supreme Court Decision Number 137/Pid.B/2022/PN Amb
5	Supreme Court Decision Number 327/Pid.B/2024/PN Gsk	13	Supreme Court Decision Number 74/Pid.B/2022/PN Wno
6	Supreme Court Decision Number 108/Pid.B/2023/PN Yyk	14	Supreme Court Decision Number 24/Pid.Sus/2023/PN Tbk
7	Supreme Court Decision Number 40/Pid.Sus/2022/PN Srp	15	Supreme Court Decision Number 2/Pid.Sus-Anak/2019/PN Bms
8	Supreme Court Decision Number 147/Pid.B/2023/PN Tlk		

Source. (Supreme Court, 2023)

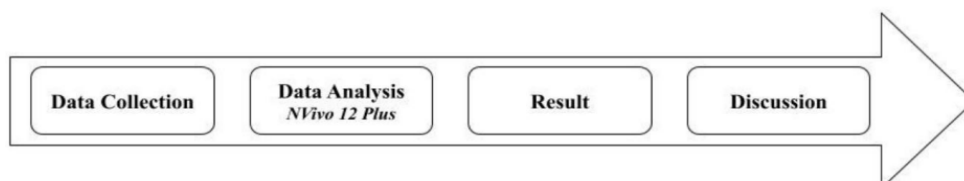


Figure 1. The analysis process

Source. Adopted by Lasut (2021), Purnomo, Zahra, & Malawani (2021), Wu (2023)

Furthermore, Figure 1 shows the stages of data analysis research by carrying out the following process: (1) data collection through the Supreme Court website (<https://www.mahkamahagung.go.id/id> starting from 21 December 2024 to 28 December 2024), data sources from government reports, articles, and policy products for handling pornography crimes in Indonesia including legal regulation, education, and law enforcement; (2) data collected from each source; (3) data collected using NVivo 12 plus software; (4) the next stage is data visualization as study material to be studied and discussed using NVivo 12 plus software (Purnomo et al., 2021).

3. Results

3.1. Indonesia's Positive Legal Arrangements for Pornographic Privacy Access Acts

The development of information technology makes various innovations but also creates a new problem that arises due to the existence of specific sites, one of which is discussed in this paper, which is related to porn sites, which various groups own (Virani, 2023). Article 1 number 1 of the Pornography Law confirms a solid and very objective barrier to pornography, namely the norm of decency (Prayogi et al., 2021). The audience, as a group of people who bind themselves together with others, basically agree on an order of values/set of values that are enforced with full awareness of the importance of these values for both personal and collective life (*ubi societas ubi ius*).

Referring to Article 1 number 15, access is interacting with electronic systems that stand-alone or in a network. Based on the concept of the Ministry of Education's KBBI, the word access also means making/opening, not an act of harvesting or retrieving files from the information services used (Soesilo, 2022). Regarding the favorable legal arrangements in Indonesia, there are disparities when there are advances in porn in cyberspace in particular; the problems are so complex that there is not clear which party has the responsibility for inconsistent law enforcement materials, one of which is related to the act of accessing pornographic privacy (Edwards, 2023).

Access to pornography privacy is a problem. There must be a legal umbrella that regulates related to law enforcement against the crime of pornography, including Law Number 11 of 2008 concerning Electronic Information and Transactions. The Criminal Code (KUHP), Law Number 8 of 1992 on Film, Law Number 36 of 1999 on Telecommunications, Law Number 40 of 1999 on the Press, Law Number 32 of 2002 on Broadcasting, and Law Number 44 of 2008 on Pornography (Prayogi et al., 2021). Decency norms are the main parameter for a nation, especially Indonesia, to maintain the identity of a civilized nation from a moral perspective. The belief in the law that regulates social life makes a knife that will cut a thin line between content that contains art or contains immoral values (Ridha, 2024).

Regarding the act of accessing pornography privacy, the author develops that it is the same as the right to pornographic material, which is intended for personal use (Faryzza, 2024). The emergence of the right to privacy material access to pornography is a complicated problem in terms of law, human rights, society, and culture in Indonesia. There are several possibilities for making pornographic material for oneself and one's interests, including (a) Pornographic material made by oneself, containing one's objects, (b) Pornographic material made by oneself, containing one's objects with other people, (c) Pornographic material made by oneself, containing other people's objects (Carter, 2023; Sayari et al., 2022; Virani, 2023).

The basis for the idea of rights has existed since the beginning of human existence; God affirms humans' privilege to enjoy and manage natural resources as life support. In Peter Mahmud Marzuki's book, it is affirmed that the existence of rights originates from the needs and existence of the human self. As a human being, it will always be his nature to fight for rights as part of life support to grow and develop, for self-actualization is also interpreted as a guarantee of recognition and social fulfillment with other humans (Faryzza, 2024; Nurfitriya et al., 2023).

The provisions in the Pornography Law that allow the production of pornographic material for personal use and prohibit the dissemination of pornographic material are not much different from the provisions of the Criminal Code in addressing pornographic material as part of the privacy rights of citizens (Hidayat et al., 2023). Consistency with the protection of public interests has closed the possibility of criminal imposition for actions that have the potential to violate decency. So far, it can be understood that the nature of criminal law prioritizes the principle of legality for the protection of human rights. What needs further thought regarding the existence of the right to pornographic material is the clarity of the scope and granting of this right to individuals (Kató et al., 2024).

The understanding that there is a right to pornographic material cannot be separated from the meaning of the origin of pornographic material (Koós et al., 2021). The material understood by the Pornography Law as 'pornography' is also very narrow because it is limited to all communication/visualization media that are shown to the public and contain obscenity or sexual exploitation. The development of thinking on human rights is characterized by modal relativism so that any individual or commune can claim or consider rights as human rights that must be protected. Indonesia has committed in its legal policy that pornographic material hurts society and is, therefore, considered a prohibited act (Crofts, 2025; Salmon, 2023).

4. Discussion

4.1 The Influence of Pornography on Social Behaviour and Interpersonal Relationships

There are many dangers posed by pornography, which are gradual and can cause addiction. Like a person who likes liquor, he will eventually develop an addiction. Children are also the same; the more often they see pornographic things, the greater the possibility of sexual perversion or sex addiction. Especially nowadays, electronic media and mass media are increasingly broadcasting it. This kind of condition will increase the potential dangers that exist in pornography (Santoso, 2023; Veronica, 2023).

Some of the dangers posed by pornography are based on research and observations in a country that pioneered free sex, namely America (Edwards, 2023). The following implications can be caused, including damaging the brain; Professor Greenfield from Oxford University explained that the brain is a human organ that can change. The brain can be substantially shaped by experience or our actions (Ayuningtyas, 2021; Girsang, 2022).

At the microcellular level, the network of nerve cells that make up parts of the brain changes in response to specific experiences and stimuli (Carter, 2023; Sayari et al., 2022). In other words, the brain can be molded, especially during early childhood. The effect of pornography addiction is the same as the use of illegal drugs that can damage the brain and mind, where when someone views pornographic content, the structure of the brain skeleton can change with the shrinkage of brain tissue, gradually the brain will experience a reduction in size and permanent damage to the Pre Frontal Cortex (PFC).

When a child sees porn for the first time, they will usually feel disgusted and inappropriate due to the activation of the limbic system in the brain. When the limbic system is active, other systems in the brain (norepinephrine and serotonin) are also active (Sommet & Berent, 2023). These systems cause an urge on the limbic system to increase feelings of comfort, happiness, and satisfaction, thus increasing lust and drive (Hartanto, 2024; O'Bryan, 2024). On the other hand, it also makes children addicted to pornography. Montessori once stated that early childhood is a sensitive period; during early childhood, children efficiently receive stimuli from their environment, where the child's brain's ability to accept all knowledge from their environment is followed by high curiosity (Ronconi, 2024).

This early childhood curiosity is evidence that children are active learners, which can be seen from the child's initiative to find out, try, and independently explore all new things that interest him (Al Aziz & Hasan, 2024). Therefore, one of the things that may affect children may be pornography or pornographic videos that they accidentally watch.

The term is narcolema (narcotics through the eyes). Narcolema (narcotics through the eyes) is pornography viewed by a person that has addictive and destructive effects, as in narcotics users. This sarcolemma can affect the concentration of children who are addicted to pornography and continue to imagine the pornographic material that the child previously saw and feel like seeing or enjoying pornographic content again (Astuti & Purwanto, 2020).

On the other hand, children can become sexual abusers in the future. The nature of children is to imitate. They will imitate what they see. Several studies explain that the harmful habit of children who have seen pornography is to see pornographic pictures or shows (blue films) because of their great curiosity (Rantjalobo et al., 2024). Once children are used to and addicted to seeing pornographic things, they will get used to doing the things they see without feeling guilty or even proud and think that it is "modern" or "cool". If pornography poisons them, not only will it cause addiction, but children are very likely to become sexual abusers by performing the sexual activities they see in younger children or even weaker peers (Sasmitha et al., 2022).

Continuous exposure to pornography can change the way one views relationships and sexuality. Pornography often depicts unrealistic relationships where emotional aspects and commitment are under-emphasized (Sayari et al., 2022). As a result, individuals who consume pornography over the long term may experience distortions in their understanding of healthy and balanced relationships. Pornography addiction can lead to social isolation as individuals prefer spending time alone rather than interacting with others. This can reduce communication skills and empathy in social relationships, whether in a family, friendship, or work environment (Edwards, 2023; Virani, 2023).

4.2 Parents' Views on the Use of Gadgets in the Digital Age

The reality of rapid technological development in Indonesia today affects how children grow, learn, play, and interact (Salmon, 2023). Grow, learn, play, and interact. 21st-century children born in the era of the Industrial Revolution 4.0 grew with digital platforms such as Facebook, Twitter, Instagram, and YouTube; a recent study explains that 2-year-olds already know and can use tablets before speaking. Studies even 40% of 2 to 4-year-olds use smartphones, iPods, iPads, or the like (Miyazaki et al., 2024; Rayhan, 2024).

Modernization is a certainty. Parents cannot limit themselves or their children to stay away from today's advanced technology because that can make early childhood left far behind by the ever-evolving world. Although the American Academy of Pediatrics (AAP) also issued a Policy Statement on media use in children, the AAP recommends that parents consider media use for infants because of the potential negative impact of media use is much more significant. However Northwestern University surveyed parents of children aged 0-8 years in California and Illinois and found that 13% of parents were very concerned about the content that their children were using, then 17% were somewhat concerned (13% of the 17% said they were slightly concerned given their child's age), and 55% were apprehensive about the content their child was using. Given their child's age, 55% of parents were not worried (Siregar & Sihite, 2020; Usman & Agustanti, 2021).

Another survey explained that fifty-seven percent (57%) of parents said they were not concerned about their children getting addicted to "new" media, and forty percent (40%) said they were worried about it (Al Aziz & Hasan, 2024; Veronica, 2023). Worried about it. The above survey explains that many parents still do not object, even support the use of gadgets and do not care about the use of media on their children (Carter, 2023; Ridha, 2024; Sayari et al., 2022).

Pornographic content obtained by children can come from the internet/social media, advertisements, games, movies, and video clips (Carter, 2023). Pornography that is watched or accidentally will arouse their curiosity first, and this is what drives them to see more pornographic content (Prayogi et al., 2021). In addition, this addiction is also triggered by the release of the hormone dopamine in the brain, which will cause a feeling of happiness when watching pornographic content. So, if not immediately prevented, this addiction will soon occur in children (Faryzza, 2024).

Pornography addiction is as dangerous as drug addiction, which damages the brain / PFC of children. So pornography is also often called “Narcolema”, namely narcotics through the eyes (Ayuningtyas, 2021). Neurosurgeon of San Antonio Hospital, United States, Donald L. Hilton, emphasized that brain damage due to pornography addiction is more severe than other addictions. This pornography addiction affects the sublime functions of the brain, also stimulates the body physically and emotionally, and is followed by sexual behavior (Ronzoni, 2024; Veronica, 2023).

From the analysis of the Supreme Court’s decision, it was found that most pornography-related cases are related to social media abuse, exploitation, and the lack of effective regulation in controlling the spread of illegal content (Adhi et al., 2023; Siregar & Sihite, 2020). Social media abuse is one of the main factors in the rise of pornography cases. The ease of access to digital platforms allows for the widespread distribution and consumption of pornographic content, including among children and adolescents (Edwards, 2023; Nurfitriya et al., 2023; Ridha, 2024). In addition, sexual exploitation, both in the form of human trafficking and online harassment, is increasingly prevalent due to weak supervision of content circulating in cyberspace (Edwards, 2023).

Regulations that have not been fully effective are also an obstacle in dealing with pornography cases (Sayari et al., 2022). The mismatch between existing regulations and the development of digital technology makes law enforcement face various challenges (Ronzoni, 2024). In addition, the lack of digital literacy in society contributes to the spread of illegal content, as many individuals do not understand the legal implications of their actions in producing, distributing, or accessing pornographic material online (Rayhan, 2024).

To address these issues, strategic measures are needed, including improving digital literacy, strengthening more adaptive regulations, and cooperation between the government, law enforcement agencies, digital platforms, and the community (Kató et al., 2024; Koós et al., 2021; Salmon, 2023). Better legal awareness and stricter monitoring of digital content are expected to reduce the number of pornography cases in the future (Sommet & Berent, 2023).

High Accessibility to Pornographic Content Technological advances allow devices such as smartphones, tablets, and computers to connect to the internet quickly and easily. This increases the risk of access to pornographic content, especially for children and adolescents who do not have a mature understanding of its negative impact (Girsang, 2022; Hartanto, 2024; Sommet & Berent, 2023). **Misuse of Social Media and Digital Platforms** Many pornography cases stem from the misuse of social media and digital platforms. Various instant messaging apps and social media are often used as a means of illegally sharing pornographic content. In addition, recommendation-based social media algorithms can also accelerate the spread of inappropriate content (Koós et al., 2021; Salsabila & Maharani, 2024).

Lack of Effective Monitoring and Regulation, despite the existence of regulations governing the spread of pornographic content, challenges in the implementation of the law still occur (Kató et al., 2024). Lack of parental supervision and the difficulty of controlling every content circulating online make pornography easily accessible to anyone (O’Bryan, 2024; Ronzoni, 2024). **Negative Impact on Society**, easy access to pornography can have negative impacts, such as pornography addiction, decreased morality, increased sexual crimes, and sexual exploitation of children and adolescents. In addition, long-term consumption of pornographic content can affect social behavior and interpersonal relationships (Kató et al., 2024; Salmon, 2023).

5. Conclusions

Juridically, the right to pornographic material is recognized in the explanation of Article 4 of the Pornography Act. The existence of the right to pornographic material must be understood by emphasizing several things; namely, the nature of the right to pornographic material is not absolute. The right is recognized as long as it is used for one’s interests (right to privacy) and not for dissemination. This is in line with protecting public

order and interest in the field of decency, considering that the Criminal Code places these rights as "special rights". The limitation of one's right to pornographic material should be emphasized on the norms of decency that stem from the precepts of a just and civilized Humanity. The creation of pornographic material, even for oneself, essentially degrades the human dignity of both oneself and others. In line with this thought, religious law considers the existence of pornographic material to attack the holiness/sanctity of human beings, immoral actions, and corrupt the soul, so it must be eliminated. There are many dangers posed by pornography, which are gradual and can cause addiction. Like a person who likes to drink alcohol, he will eventually develop an addiction. Children are the same way; the more they see pornographic things, the greater the likelihood of sexual perversion or sex addiction.

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