

## Effectiveness of the Electronic Information and Transactions Act Against Dating APPS-Based Pornography Crimes

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### Abstract

Indonesia This study aims to: (1) Analyze, evaluate, and find out how effective the ITE Law is on Dating APPS-based pornography crimes in Makassar City. (2) Analyze, evaluate, and find factors that influence the effectiveness of law enforcement against APPS Dating-Based Pornography Crimes in Makassar City. This research is empirical legal research using a field approach, starting with interviews that will review and analyze the effectiveness of the ITE Law on Dating APPS-based pornography crimes. This type of research includes studies that view the law as a reality, including social reality, cultural reality, and the reality of law enforcers. The results of this study indicate that: (1) In terms of regulation, they are considered competent, but if we focus on law enforcement structures, the authors find that there is still a lot of dissemination of information or content that contains immoral content in several dating apps. (2) The effectiveness of law enforcement has not been maximized and education about the spread of immoral content has not been maximized so the public's legal awareness has also not been comprehensive and in-depth about the regulation of the ITE Law against the spread of pornographic content, especially in media dating apps.

**Keywords:** Effectiveness, ITE, Pornography, Dating Apps.

### Introduction

Along with the development of people's needs in the world, information and communication technology or abbreviated as ICT plays an important role, both in the present and in the future. ICT is believed to bring great advantages and interests to the countries of the world. There are at least 2 (two) things that make ICT considered  
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so important in spurring world economic growth. First, ICT drives the demand for information and communication technology products themselves, such as computers, modems, means to build internet networks, and so on. The Second is to facilitate financial business transactions in addition to other businesses (Raharjo, 2002).

Globalization is the driver of the birth of the era of ICT development. The phenomenon of ICT speed is spreading in all parts of the world, so that information and communication technology has gained an important position for the progress of a nation. The life of the modern world today is inseparable and even relies heavily on the advancement of ICT in the field of information and electronics through international networks (Arief, 2006). The most important moment in the development of this technology occurred when man successfully traveled to space.

Yuri Gagarin, a cosmonaut from the Soviet Union, managed to become the first human to make this journey on April 12, 1961 using a Vostok 1 aircraft for 108 minutes. This was followed by John Glenn, the first human to orbit the Earth on February 20, 1962 on a Friendship 7 aircraft belonging to the United States, and Neil Amstrong as the first human to land on the moon on July 20, 1969 with Apollo 11 belonging to the United States. At the end of the Cold War opened a new page in the development of space technology. The International Space Station was established by the United States and Russia on November 20, 1998 and became a new chapter in the development of space technology (Kharti, 2022).

In this day and age, technology has become an important element in a country. The more advanced the technology, usually the more advanced the country. There are many countries in the world, of course, there are some that have more advanced technology than other countries, namely Japan, the United States and South Korea. In the first order of Japan, one of the specialties of Japan is their achievements in various fields, from biotechnology to robotics. A lot of technological innovations originated in this country, so it is not wrong if it is considered the country with the number one most advanced technology. Japan has been looking for ways not to rely on imported goods since 1973. All of those efforts paid off in 2008 when Japan inaugurated a nuclear reactor, a nuclear reactor that has powered electricity to 34% of the world. A proud event for Japan is that many Japanese scientists have received Nobel prizes in various science technologies (Kinetika, 2022).

The second-place position is the country of the United States. Since the beginning of the 19th century, the United States has excelled in terms of technology from other countries. Like the lights created by Thomas Alva Edison who came from the United States, the first aircraft flown by a person from the United States was Orville Wright from Ohio, United States. Compared to other countries, the United States is one of the countries with the fastest technological development. The country with the most populous population in the world is undeniably this country can become the country with the most advanced technology in the world. It was not only its advanced information technology but its military technology that made America a

superpower today. The space technology that made humans for the first time successfully tread on the Moon. The United States also has silicon valley, which is famous as the headquarters of many giant technology companies in the world. Examples of technology companies from the United States are Apple, Microsoft, Google, Facebook, Intel, IBM, and so on.

The third in order is South Korea. South Korea made it into the top three as the country with the most advanced technology in the world. In fact, in the 1970s this country was still included among the poor. South Korea is a country that is famous for its mobile phone production. This country is the birthplace of big companies such as LG, Hyundai, and of course Samsung. This brand competes with other brands that have gone global as well such as Apple and Toyota. South Korean scientists are already very concluded in the field of technology, especially in the field of robotics. Internet speeds in South Korea are faster than in the United States, this indicates South Korea its technology can rival the United States and other countries.

As a result of the rapid development of information and communication technology, gradually information and communication technology by itself has also changed the behavior of society and human civilization globally. In addition, the development of information and communication technology has caused the world to be borderless and caused significant social changes to take place so quickly (Maskun, 2017). The emergence of the development of computer technology and combined with the basis of information and communication systems is also known as a new thing that is popularly known as the internet (Maskun, 2011).

The emergence of the COVID-19 disease outbreak provided a new cultural climate in society. One such climate change is the diversion of work and activities from meeting in person to remote meetings via the internet. In the conditions of the COVID-19 pandemic, the government also made rules that limit in-person gatherings to avoid widespread transmission of the COVID-19 virus. The internet is access that can be reached by everyone. Accessing the internet can facilitate all activities both from communication and transactions remotely without having to meet, where the benefits can be felt by everyone. But behind its benefits, the internet also has a negative impact if used unwisely.

One of the most worrying things related to the above is the development of the modus operandi of criminal acts. The development of the modus operandi of a criminal act has become the dark side of the advancement of information technology which has a very broad negative impact on all spheres of modern life today. Previous criminal acts were carried out in conventional ways, now they are carried out in a more modern way, namely by utilizing advances in information technology. Various crimes can be committed such as the process of prostitution, gambling in cyberspace (internet), breach of Automated Teller Machine (ATM), theft of company data via the internet and fraud through electronic media (Zulkifli, 2022).

Advances in technology and information as well as the characteristics of a free internet have resulted in many children becoming victims in the emergence of crimes in pornography. plus the lack of intervention of adults around the child who do not take care of and supervise the child in the child's development and the child's environment. Many adults are less sensitive to the negative effects of this problem. Whereas the Law states that everyone is obliged to protect children from the influence of pornography and prevent children's access to pornographic information.

Based on data analysis in the 2013-2021 period, there were 393 people who were charged under the ITE Law. Referring to the description of the data, the details mentioned in 2021 victims of the criminalization of the ITE Law who came from activists reached 10 people or 26.3% of the total victims. Then there were 8 people (21.1%) victims of violence and their companions who were prosecuted under the ITE Law, and 7 people (18.4%) from among the residents. Other victims came from journalists, academics, students, workers, politicians, and community organizations (Annur, 2022). The number of pornography cases on social media in 2022, there are as many as 10 cases in several regions where in the Aceh region there are 2 cases, South Sulawesi 2 cases, West Sumatra 1 case, Riau 1 case, South Sumatra 1 case, West Kalimantan 1 case, East Kalimantan 1 case, Maluku 1 case (pusiknas, 2022).

Some social media users who are entangled in the ITE Law on the spread of immoral content come from various platforms. Sourced from <https://id.safenet.or.id/daftarkasus/>, there were 7 cases from 2015 to 2021 from different media platforms. One of those entangled by the Act comes from the Facebook platform and there is also one who is entangled through the media youtube (safenet, 2022).

Dating apps also do not forget to be a means of pornography, the source that is most highlighted today is the content creator of Onlyfans, Gusti Ayu Dewanti aka Dea Onlyfans is entangled with the ITE Law and Pornography in the legal case that entangles him. In this case, Dea is charged with Article 27 paragraph (1) Jo Article 45 paragraph (1) of Law Number 19 of 2016 concerning ITE and or Article 4 paragraph (1) Jo Article 29 and or Article 4 paragraph (2) Jo Article 30 and or Article 8 Jo Article 34 and or Article 9 Jo Article 35 and or Article 10 Jo Article 36 Law Number 44 of 2008 concerning Pornography (CNN, 2022). Furthermore, the author does not disclose other data about pornography because it maintains the privacy of the perpetrator. Pornography is already so prevalent in cyberspace. From the data that has been obtained from various sources, the author concludes that throughout the passage of the ITE Law, the number of social media users who are entangled by the ITE Law with cases of dissemination of information containing pornography will occur the most in 2022 with a total of 10 cases.

The ITE Law explicitly addresses fake news, gambling, humiliation or defamation, electronic transactions, and documents that violate decency. Since the enactment of the law, the public's legal understanding or awareness of the ITE Law is

arguably still very low, as evidenced by the large number of people who are entangled by this law on the grounds that they do not understand that their actions are a criminal act. For example, the case of a skewer insults by editing an engineered image showing the president.

Various services or features provided by internet services, one of the social media that is often used by people today is dating apps (Dating Apps). Dating Apps is one of the dating features that makes it easier for its users to get new acquaintances and find a partner. But Dating Apps also do not escape cybercrime crimes such as Pornography.

The misuse of Dating Apps as a means of spreading pornographic content does not only stem from the intentions of its users, there are even some Dating Apps that deliberately provide pornographic content as a selling point. One example of an application that is misused is mi chat where many users sell pornographic content on the media. The app makes it easy to meet up with friends based on the closest location. Acts of harassment can occur even before meeting with the party concerned through the media of images, videos or conversations from the application.

Related to the regulation of pornography in cyberspace which was first regulated in Law Number 11 of 2008, one form of violation of website content is pornography. Pornography is the most common offense with videos, images or stories. The government revised Law Number 11 of 2008 concerning Electronic Information and Transactions first amended by Law Number 19 of 2016, but this change remains a controversy because it is considered that the application of articles that are considered inconsistent with the purpose and purpose of making these rules. Seeing the large number of pornographic content spread in cyberspace, especially on Dating Apps. There are several factors that cause the spread of pornographic content to be so rampant. Such as from the factors of enforcing the ITE Law in cyberspace, legal awareness factors, and factors of how to supervise the ITE Law. Therefore, the author is interested in studying more deeply about the Effectiveness of the ITE Law on Dating Apps-based Pornography Crimes.

The type of research used in this research is empirical normative, namely legal research that examines the enforcement or implementation of applicable normative legal provisions and those that occur in reality in society (law in action). Empirical normative research is carried out with the intention of knowing and finding the facts and data needed, data identified and then analyzed to find solutions to problems (Mukti Fajar, 2010).

## **Result and Discussion**

### **Effectiveness of the ITE Law on Dating Apps-based Pornography Crimes**

Pornography has long been a problem for this nation, there have been many regulations such as the ite law and the pornography law to stem the spread of pornography crimes. However, if you look at the reality, pornography crimes are still

so massive that they occur both directly and through electronic information media. The South Sulawesi regional police (POLDA) is the first pillar in the pornography review process of the ITE Law where this agency functions in the process of investigation and investigation.

Based on the provisions of article 5 paragraph 1 of Law No. 2 of 2022 which states that "the National Police of the Republic of Indonesia is a state tool that plays a role in maintaining public security and order, enforcing the law, and providing protection, protection, and services to the community in the context of maintaining domestic security".

In relation to Pornography, everyone who comes into contact with the justice system will first come face to face with the police. Police agencies utilize digital technology in crime operations so that technological developments are also one of the weapons of the South Sulawesi Regional Police, especially the cyber team in handling cases related to the ITE Law. The directorate of special criminal investigation of the cyber team is a special team from the SOUTH SULAWESI REGIONAL POLICE which is assigned as a handling of cases related to the ite law. In the period from 2020 to 2022, the application of the ITE Law to pornography cases in Makassar City is presented in the following table.

*Table 1*  
*Data on the number of Cases of Dissemination of Immoral Content*

No	Years	Number of Cases	Devolved to the Attorney General's Office
1	2020	-	-
2	2021	4	4
3	2022		

Primary Data Source: Research Results, SOUTH SULAWESI REGIONAL POLICE, Makassar City, 2022.

Based on the statistical table of the number of cases above, the author found that in 2020 there were no reports / complaints from the public about Pornography on cybercrime crimes. In 2021 there are 4 reports.

*Table 2*  
*Data on the number of cases of dissemination of immoral content*

No	Years	Number of Cases	Apps
1	2019	1	Michat
2	2020	3	Instagram,facebook, WA
3	2021	5	Instagram,facebook, WA
3	2022	5	Instagram,facebook, WA

Primary Data Source: Research Results, District Court, Makassar City, 2022.

Based on the statistical table of the number of cases above, the author concludes that as stated in article 27 paragraph 1 of Law No. 11 of 2008 concerning the ITE Law in 2019 there is 1 court decision that qualifies as an act of spreading content charged with hammering media dating apps. The type of application used for the dissemination of content is the michat application.

In 2020 there were 3 social media, 2021 there were 5 cases, and 2022 there were 5 cases on social media. Referring to the results of the research above, there is only 1 type of dating application that is a medium for disseminating the content. However, from the results of the author's search on the application, the spread of immoral content on the michat application is still so much but there are still so few legally processed.

When referring to the theory of crime, Emile Durkhheim and Robert k Merton concluded the causes of crime were born out of economic factors and changes in social structure. If you use the lens of crime theory to see cases of pornography based on dating apps in Makassar, from the last 4 years, only 1 case of pornography based on dating apps has occurred. The motive for the crime is revenge. (explain the chronology of the crime).

Crime prevention theory, based on interview research law enforcement officials carry out various crimes in a preventive form in the internet world by means of:

1. Cyber Patrol to monitor accounts on social media that are indicated to contain Pornographic content, Once found, the Cybercrime Team patrol to the account gives a warning through a message.
2. Conducting integrated Legal Counseling involving the community and campuses in Makassar.
3. Educate electronically on social media through the official account of South Sulawesi Regional Police.
4. The public can use the smartpolice application in South Sulawesi by making a complaint for an emergency where the report is directly connected to the officer's cellphone.
5. The Minister of Communication and Informatics blocks all types of content on social media in the form of blocking websites or IPs if the content is indicated to be negatively charged and violates applicable legal provisions such as gambling, immoral content, hoax news, etc.

The government and also law enforcement agencies in this case, namely the police, have carried out various efforts to prevent criminal acts in the form of cyber. But the perpetrators of the crime are still able to find loopholes in committing the crime. Such as the use of a fake IP address to hide its location.

### **Factors Influencing the Effectiveness of the ITE Law on Dating Apps-Based Pornography Crimes**

### **Legal Substance.**

The substance of the law becomes the core of the rules or norms of how human behavior patterns are in the system. Legal norms created by the government, Legal norms that live in society determine the performance of the existing elements of the substance. The ITE Law in this case plays a role in legality in regulating electronic information in the form of a set of data and electronic transactions carried out using a computer or computer network. In this regard, consider the security system and legal certainty in the use of technology so that it is optimal.

The ITE Law, which was first passed in the House of Representatives on March 25, 2008, is proof that the technology has a great influence on the Indonesian state. Some important breakthroughs in the discussion of Law Number 11 of 2008 were Pornography, then revised Law Number 19 of 2016 concerning ITE. Looking Back at Lawrence M. Friedman's view of the measure of the successful performance of the law on the applicable statute or rule is:

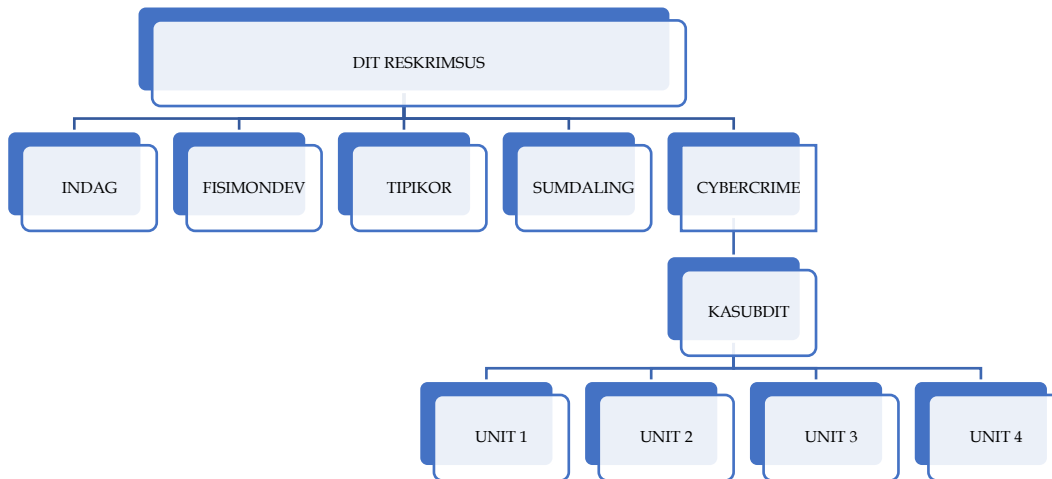
1. The existing regulations regarding cybercrime are quite systematic.
2. Qualitatively and quantitatively the governing regulations in cybercrime are sufficiently hierarchically synchronous there is no conflict.
3. Have implementation guidelines for law enforcement officials in carrying out their duties and authorities so as not to cause multi-interpretation and controversy based on the Joint Decree of the Minister of Communication and Informatics of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, and the head of the national police of the Republic of Indonesia

The legal factor is the first factor, the author also conducts interviews on dating Apps, from various specific communities. From the interview results, users know about the ITE Law regulations but found several pornographic violations using livestreaming.

### **Legal Structure**

The legal structure is an institution that supports the work of the legal system including law enforcement officials such as: National Police, Prosecutor's Office, Judiciary. However, in this study, researchers focused more on the Police, namely the SOUTH Sulawesi Regional Police. The following is the structure of the main task implementation elements based on special criminal investigations at the SOUTH Sulawesi REGIONAL POLICE.





Source : South Sulawesi Regional Police 2023

Based on the special criminal investigation of the SOUTH SULAWESI REGIONAL POLICE above, it can be explained the description of the duties of each section, namely:

1. The Directorate of Special Criminal Investigations is in charge of organizing investigations and investigations of special crimes, coordination, operational supervision, and administration of PPNS investigations in accordance with the provisions of laws and regulations.
2. The Trading Industry conducts investigations and investigations on film, plant culture, telecommunications, broadcasting, housing, settlements, investigations, food, consumer protection, trade and quarantine.
3. Fiscal, monetary, and foreign exchange.
4. Corruption crimes.
5. Environment resources
6. Cybercrime.
7. The Head of the Sub-Directorate is responsible to the Director of the General Criminal Investigation

The vision and mission of the South Sulawesi regional police and the Human Resources Bureau of the South Sulawesi Regional Police are "The Realization of a Safe and Orderly South Sulawesi" Meaning: the realization of a safe and orderly South Sulawesi to support the vision and mission of the president and vice president: "An advanced Indonesia that is sovereign, independent, and personality based on Mutual cooperation." With a mission: "Protecting, Nurturing, and Serving the Community"

Meaning: protecting, protecting and serving the community to maintain Public Security and Order and enforce the law.

### **Culture**

The following are the results of the author's research on people's behavior patterns in dating apps:

a. Lemo

As a result of the author's observation in the lemo application, the author found that the behavior patterns of the people in lemo were somewhat less obedient to the law due to weak law enforcement factors and low legal awareness factors. As for streaming that contains immoral elements, it has become a pride for application users. As a result of interviews from several users of this application, some of them know that their seizure of broadcasting content that smells of immorality is against the law but they still do it for various reasons, such as to attract the number of viewers, get saweran in the form of coins, and also trade their services when live streaming.

b. Michat

As the author's search results, the author found that the majority of this application is abusing this application to try sex services online with the feature provided by Michat where this feature helps us to be able to connect with other Michat users randomly. But this feature is actually misused by various people. For example, some users put down their cellphone numbers and promote sex services through the feature so that it can be seen by random people.

### **Conclusion**

When viewed from Lawrence M. Friedmann's theory for the effectiveness of the ITE Law on dating apps-based pornography crimes in Makassar city, it can be seen in terms of reluctance that it has been considered accumulating, but if it is focused on the structure of law enforcement, the author finds that there is still a lot of dissemination of information or content that contains immoral content in several dating apps. As for the cultural aspects of the community, some have not received education about the effects of the spread of immoral content in terms of the law. From this, the author concludes that law enforcement has not been maximized and education about the spread of immoral content have not been maximized so the public's legal awareness is also not comprehensive and in-depth about the regulation of the ITE Law against the spread of pornographic content, especially in dating apps.

## References

- Agus Raharjo, *Cyber Crime: Pemahaman dan Upaya Pencegahan Kejahatan Berteknologi*, Citra Aditya Bakti, Bandung, 2002.
- Anwar Niswar Zulkifli, *Penerapan Hukum Pidana Terhadap Pelaku Penyebaran Konten Pornografi Menurut Undang-Undang Nomor 44 Tahun 2008*, Program studi magister ilmu hukum, Universitas Hasanuddin, 2022.
- Barda Nawawi, *Tindak Pidana Mayantara*, Raja Grafindo Persada, Jakarta, 2006.
- Maskun dan Wiwi Meilarati, *Aspek Hukum Penipuan berbasis Internet*, Keni Media, Bandung, 2017.
- Maskun, *Kejahatan Siber (cybercrime) suatu Pengantar*, Kencana Prenada Media Group, Jakarta, 2013, hlm. 2.
- Maskun, *Pengantar Cyber Crime*, Pustaka Pena Press, Makassar, 2011.
- Mukti Fajar dan Yulianto Ahmad, *Dualisme Penelitian Hukum Empiris & Normatif*, Pustaka Pelajar, Yogyakarta, 2010.
- Undang-Undang Republik Indonesia Nomor 44 Tahun 2008 tentang Pornografi Pasal 15.
- Rene Swastiwi viandari Kharti, *Mengetahui Perkembangan IPTEK di masa kini*, <https://www.ruangguru.com/blog/mengetahui-sejarah-perkembangan-iptek-di-masa-kini>, diakses pada tanggal 2 September 2022 pukul 21.59.
- Hmtk Kinetika, *3 Negara dengan Teknologi Termaju di Dunia*, <http://kinetika.hmtk.undip.ac.id/2016/>, diakses pada tanggal 3 September 2022 pukul 23.21.
- Cindy Mutiara Annur, *Hampir 400 Orang Dituntut dengan UU ITE dalam 9 Tahun Terakhir*, <https://databoks.katadata.co.id/datapublish/2022/07/18/hampir-400-orangdituntut-dengan-uu-ite-dalam-9-tahun-terakhir>, diakses pada tanggal 7 September 2022 pukul 17.02
- Pusiknas Bareskrim Polri, *Ada 10 Kasus Pornografi di Medsos ditangani Polisi*, [https://pusiknas.polri.go.id/detail\\_artikel/ada\\_10\\_kasus\\_pornografi\\_di\\_medsos\\_ditangani\\_polisi](https://pusiknas.polri.go.id/detail_artikel/ada_10_kasus_pornografi_di_medsos_ditangani_polisi), diakses pada tanggal 7 September 2022 pukul 17.17.
- Southeast Asia Freedom of Expression Network, *Data Kasus Netizen yang Terjerat UU ITE*, <https://id.safenet.or.id/daftarkasus/>, diakses pada tanggal 7 September 2022 pukul 17.22.
- CNN Indonesia, *Dea Onlyfans dijerat UU ITE dan Pornografi*, <https://www.cnnindonesia.com/nasional/20220328125649-12-776970/jadi-tersangka-dea-onlyfans-dijerat-uu-ite-dan-pornografi>.