Article Title

Law Enforcement against Platform X Accounts Distributing Pornographic Content: An Analysis of Criminal Liability and Blocking Measures

Author(s)

Wawo Fadholna Makhrom*
Universitas Diponegoro, Indonesia || wawofadholna123@gmail.com
Corresponding Author

Siti Malikhatun Badriyah
Universitas Diponegoro, Indonesia || sitimalikhatun@live.undip.ac.id

ABSTRACT

The proliferation of pornographic content dissemination on Platform X, facilitated by the platform's permissive internal policies and user anonymity through "alter accounts," has created an acute juridical conflict with Indonesian positive law. This study aims to analyze the dualism in law enforcement's response to this phenomenon. Utilizing a normative juridical research method via statute and conceptual approaches, this study examines two pillars of law enforcement: (1) the construction of repressive criminal liability against individual perpetrators, and (2) the preventive administrative authority for account access termination by Komdigi. The results indicate that criminally, the construction of perpetrator liability is dualistic, stemming from Article 27 section (1) of Law Number 1 of 2024 and Article 29 of Law Number 44 of 2008. Administratively, Komdigi's basis of authority (based on Article 40 section (2b) of Law Number 1 of 2024 in conjunction with Government Regulation Number 71 of 2019) to order the PSE to execute access termination is de jure adequate; however, its de facto effectiveness is hindered by the platform's internal policies and the difficulty of cross-jurisdictional enforcement. The legal effectiveness analysis finds that overall law enforcement implementation is impeded by legal substance factors (regulatory overlap and legal vacuums regarding new modus operandi such as deepfakes), law enforcement official factors (limitations in forensic human resources), and societal factors (high content demand). Furthermore, a crucial victimological loophole was found where the current legal framework risks criminalizing revenge porn victims.

Keywords: Account Blocking; Platform X; Pornographic Content; Positive Law.

INTRODUCTION

Digital transformation has become a primary driver revolutionizing the landscape of social interaction and information dissemination in contemporary society (Oktana et al., 2023). The internet, particularly social media platforms, currently occupies a central position as a means of communication, expression, and the fulfillment of information needs (Putri, 2024). Although these technological advancements offer unlimited efficiency and global connectivity, they also present an inevitable dualism. On the one hand, it serves as a positive catalyst; on the other, it creates a new space for the proliferation of various unlawful acts, commonly known as cybercrime. The complexity of this crime transcends traditional jurisdictional boundaries and challenges the effectiveness of existing legal frameworks (Rivanie et al., 2021; Nabila et al., 2024).

Among various forms of cybercrime, the dissemination of pornographic content is one of the most unsettling phenomena, consistently threatening the social order, morality, and legal culture in Indonesia (Dumako et al., 2025). Global social media platforms, due to characteristics that enable rapid dissemination and relative anonymity, have become the primary medium for spreading this content. Specifically, Platform X (formerly Twitter) holds unique significance. The platform's internal policies, which tend to be permissive toward adult content (Uddin et al., 2024), along with the prevalent use of "alter accounts" by users to access pornographic content

anonymously (Putri, 2024; Syaer et al., 2024), create an arena that technically facilitates the distribution of content prohibited by positive law in Indonesia.

Responding to this phenomenon, Indonesia has established a robust legal architecture to assert its digital sovereignty. Legislators have established two main legal instruments as the umbrella framework: Law Number 44 of 2008 and Law Number 11 of 2008[1]. Law Number 44 of 2008 specifically prohibits pornographic material (content) itself (Sushanty, 2019), while Law Number 11 of 2008 serves as a *lex specialis* regulating criminal acts committed through electronic means (Shofian et al., 2025).

In the context of preventive measures, Indonesian positive law provides a clear mandate to the government to act. The primary administrative legal effort is blocking, technically known as access termination. This imperative authority is granted, mutatis mutandis, to the Ministry of Communications and Digital Affairs (Kementerian Komunikasi dan Digital or Komdigi) under Law Number 11 of 2008. The mechanism for exercising this authority is further regulated in Government Regulation Number 71 of 2019, which explicitly requires the Electronic System Organizer (*Penyelenggara Sistem Elektronik* or PSE), including Platform X, to terminate access to content or accounts containing unlawful material upon the request of the relevant Komdigi (Kanzun, 2023).

In addition to administrative efforts directed at the platform, Indonesian law also regulates repressive responses targeting individual perpetrators. Criminal liability is strictly imposed on any person who actively disseminates pornographic content. Through Article 27 section (1) of Law Number 1 of 2024, the law criminalizes the act of "distributing" and/or "transmitting" material that violates decency. Simultaneously, Article 29 of Law Number 44 of 2008 ensnares the acts of "producing," "creating," or "disseminating" pornographic content (Siregar & Sihite, 2021; Kanci, 2023). These two articles serve as the basis for law enforcement officials to take action against perpetrators who use social media accounts to commit crimes.

Although Indonesia possesses a comprehensive criminal and administrative legal framework, law enforcement effectiveness in the field faces significant implementation gaps. Efforts to block accounts and prosecute perpetrators are confronted with a series of multidimensional challenges. These challenges include juridical aspects, such as potential regulatory overlap between Law Number 11 of 2008 and Law Number 44 of 2008 (Kolompoy, 2015; Dumako et al., 2025). Challenges also arise from the law enforcement side, encompassing limitations in human resources and digital forensic technology facilities that often lag behind the rapid adaptation of perpetrators (Wijanarko et al., 2021; Gurusinga et al., 2024).

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[1]Law Number 11 of 2008, as amended several times, lastly by Law Number 1 of 2024.

The most complex challenge arises from the evolution of the perpetrator's modus operandi, which outpaces regulation and is difficult for the existing legal framework to anticipate. This includes phenomena such as the use of alternative accounts to enhance anonymity (Syaer et al., 2024), the misuse of deepfake technology to manipulate images (Novera & Fitri, 2024), and the use of platforms for revenge porn (Napiah & Terranova, 2024). These new forms of modus operandi not only complicate evidentiary processes but also create legal loopholes, particularly regarding victim protection. In many cases of revenge porn, victims whose intimate content is disseminated are vulnerable to secondary victimization and criminalization (Aziz & Hasan, 2025).

Previous studies have extensively examined the aspect of criminal liability for pornography disseminators in general (Sumadiyasa et al., 2021; Kanci, 2023), or analyzed case studies on specific platforms such as Twitter/X (Putra & Darmadi, 2021; Putri, 2024) and comparative platforms like OnlyFans (Muning & Rosando, 2024), or live streaming applications (Ulumuddiin et al., 2024). However, research specifically analyzing the intersection between two distinct legal regimes—namely, administrative measures (account blocking by Komdigi based on Government Regulation Number 71 of 2019) as a response to criminal acts (dissemination by perpetrators based on Law Number 11 of 2008/Law Number 44 of 2008)—remains limited. This study aims to fill that gap by evaluating the combined effectiveness of these two legal approaches within the specific context of handling Platform X accounts.

Based on the background and research gap outlined, this study formulates two main objectives. *First*, this study aims to analyze the construction of criminal liability for perpetrators disseminating pornographic content through Platform X accounts. *Second*, this study aims to analyze, through a juridical-normative approach, the preventive legal measures to block Platform X accounts that distribute pornographic content, in accordance with Indonesian positive law. Theoretically, this research is expected to contribute to academic thought regarding the intersection of state administrative law and criminal law in combating cybercrime. Practically, this research is expected to provide constructive evaluations and recommendations for regulators (Komdigi) and law enforcement officials (Polri) to enhance the effectiveness of law enforcement against pornography in the digital era.

METHOD

This research is structured as normative juridical research, focusing on legal analysis as a system of norms or rules, often referred to as law in books (Qamar & Rezah, 2020). This approach was selected because it aligns with the research objective of analyzing and evaluating positive law (*ius constitutum*) regarding the prevention of digital pornography. The nature of this research is descriptive-analytical. It is

descriptive, systematically, factually, and accurately expounding on regulations, account-blocking mechanisms, and the prevailing construction of criminal liability. Furthermore, this research is analytical, as it does not merely describe norms but deeply analyzes the relations between norms, identifies potential conflicts or legal vacuums, and evaluates the effectiveness of legal implementation within the specific context of Platform X.

To dissect the formulated issues, this study adopts several approaches simultaneously. The primary approach is the statute approach, utilized to examine the hierarchy and normative relations among various relevant legal instruments, primarily Law Number 11 of 2008, Law Number 44 of 2008, the Penal Code, and its implementing regulation, Government Regulation Number 71 of 2019. This study employs a conceptual approach to understand the meaning and implications of central legal concepts and doctrines, including authority in administrative law, criminal liability, and criminal law principles such as *lex specialis.*

As normative legal research, the primary data source utilized is secondary data, consisting of three types of legal materials (Sampara & Husen, 2016). *First*, primary legal materials, namely authoritative and binding regulations consisting of the Penal Code, Law Number 11 of 2008, Law Number 44 of 2008, and Government Regulation Number 71 of 2019. *Second*, secondary legal materials in the form of scientific literature, journal articles, theses, and relevant prior research. These secondary legal materials are crucial for mapping the state of the art in the research and sharpening the analysis. *Third*, tertiary legal materials, such as legal dictionaries, encyclopedias, and glossaries, provide guidance or explanations for primary and secondary legal materials. All legal materials were collected through library research or document review, then identified, inventoried, and classified according to their relevance to the research problem.

The collected legal materials were then subjected to qualitative analysis (Irwansyah, 2020). The data analysis technique employed is specifically designed to address the two research objectives. To address the first objective (analyzing the legal remedy of blocking), the Theory of Authority in State Administrative Law will be used to map the juridical basis for Komdigi's blocking actions, and the Theory of Law Enforcement Effectiveness will be used to evaluate implementation obstacles. To address the second objective (analyzing the perpetrator's criminal liability), the Theory of Criminal Liability, specifically the principle of no punishment without guilt (*geen straf zonder schuld*), will be used to dissect the perpetrator's *actus reus* and *mens rea*. This includes an analysis of criminal law principles—specifically the debate between concursus idealis and *lex specialis derogat legi generali*—to map the relationship between Law Number 11 of 2008 and Law Number 44 of 2008. This

analysis will also be enriched by a Victimology Perspective to examine legal loopholes in victim protection, particularly regarding the modus operandi of revenge porn and deepfakes. By synthesizing these analysis techniques, this research is expected to yield comprehensive and prescriptive answers.

RESULTS AND DISCUSSION

A. Construction of Criminal Liability for Perpetrators: An Analysis of Regulatory Dualism Between Law Number 11 of 2008 and Law Number 44 of 2008

In the Indonesian criminal law system, criminal liability is based on the fundamental principle of *geen straf zonder schuld*, or no punishment without guilt (Sutopo & Panjaitan, 2025). Based on this principle, to impose a penalty, it is insufficient to merely prove that the act (*actus reus*) has occurred; one must also prove the existence of fault (*mens rea* or *mental state*) within the perpetrator (Kanci, 2023). In the context of content dissemination on Platform X, the *actus reus* is the act of "disseminating" or "distributing" content, while the *mens rea* constitutes the element of "intentionally" (*dolus*). The primary juridical challenge in Indonesian positive law is that this act is regulated across three legal instruments that potentially overlap: the Penal Code, Law Number 11 of 2008, and Law Number 44 of 2008.

Historically, the Penal Code represents the *lex generalis* that first regulated decency offenses, designed to protect public honor and propriety. Article 281 of the Penal Code criminalizes acts of "intentionally and openly violating decency." Furthermore, Article 282 of the Penal Code specifically prohibits the act of "broadcasting, displaying, or posting in public any writing, image, or object known to contain content violating decency." Nevertheless, the effectiveness of these two articles is severely limited in ensnaring modern digital crimes (Kolompoy, 2015). The interpretation of the phrase "in public" in the context of cyberspace, which is simultaneously private and public (e.g., "alter accounts" on X), creates evidentiary complexities (Oktana et al., 2023). Moreover, the penal sanctions in these articles (a maximum of two years and eight months for Article 281 and one year and six months for Article 282) are deemed insufficient to deter cybercrimes with massive impacts (Sushanty, 2019; Sumadiyasa et al., 2021).

With digitalization, legislators responded by enacting Law Number 11 of 2008, which functions as a *lex specialis* regulating acts performed through electronic media (Makhrom, 2023). The central provision used to prosecute perpetrators of pornographic content dissemination is Article 27 section (1) of Law Number 1 of 2024, which prohibits:

> *"Any Person who intentionally and without right broadcasts, displays, distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents containing content that violates decency for public knowledge."*

Violations of this norm carry criminal sanctions regulated in Article 45 section (1) of Law Number 1 of 2024, namely imprisonment for a maximum of 6 (six) years and/or a fine of up to Rp1,000,000,000.00 (one billion rupiah). This provision clearly targets distribution as the primary *actus reus*, making it the main instrument used by investigators in cases of the dissemination of pornographic content via social media (Siregar & Sihite, 2021; Khumairah, 2022).

Simultaneously, legislators also enacted Law Number 44 of 2008, which specifically regulates pornographic material or content itself. Unlike Law Number 11 of 2008, which uses the general term "violating decency," Law Number 44 of 2008 provides a detailed juridical definition in Article 1, point 1, regarding what constitutes "pornography." Its primary penal provision, Article 4 section (1) of Law Number 44 of 2008, prohibits a very broad range of acts, including:

> *"Producing, creating, reproducing, copying, disseminating, broadcasting, importing, exporting, offering, trading, renting, or providing pornography."*

Violations of this provision carry heavier criminal sanctions as regulated in Article 29 of Law Number 44 of 2008, namely imprisonment for a minimum of 6 (six) months and a maximum of 12 (twelve) years and/or a fine of up to Rp6,000,000,000.00 (six billion rupiah).

The existence of two special laws (Law Number 11 of 2008 and Law Number 44 of 2008) and one general law (the Penal Code), all regulating the dissemination of pornographic content, creates a serious problem of overlapping regulation (Dumako et al., 2025). In law enforcement practice, juridical questions often arise regarding which provision should take precedence. Some circles, including in the initial draft of this research, argue that in situations where a single act (*factum*) fulfills the elements of offenses in multiple regulations (for example, violating Article 27 section (1) of Law Number 1 of 2024 and Article 29 of Law Number 44 of 2008 simultaneously), the public prosecutor may employ the construction of concurrent crimes or concursus idealis as regulated in Article 63 of the Penal Code. In this construction, the judge will select the single charge carrying the heaviest criminal penalty between the two.

However, the use of the concursus idealis principle in this context is dogmatically imprecise and has been widely criticized in legal literature (Sushanty, 2019). The more appropriate approach is to apply the principle of *lex specialis*

derogat legi generali (special law overrides general law). In this debate, there are two main views. *First*, some view Law Number 44 of 2008 as the *lex specialis* of Law Number 11 of 2008, because Law Number 11 of 2008 regulates "decency" generally while Law Number 44 of 2008 regulates "pornography" specifically (Sumadiyasa et al., 2021). *Second*, another view, more widely accepted, holds that both possess the character of *lex specialis* in their respective domains. Law Number 11 of 2008 is the *lex specialis* regarding the method of the act (via electronic systems), whereas Law Number 44 of 2008 is the *lex specialis* regarding the object of the act (pornographic material) (Putra & Darmadi, 2021). In practice, public prosecutors often utilize both laws in the indictment (either alternatively or cumulatively) to prosecute the perpetrator comprehensively (Shofian et al., 2025).

Regardless of this theoretical debate, the combined application of these two laws in real case studies demonstrates that the perpetrator's *actus reus* and *mens rea* in disseminating content on Platform X are clearly fulfilled. The action of an X account user uploading indecent videos, as analyzed in case studies by Putra and Darmadi (2021) regarding Twitter, Muning and Rosando (2024) regarding OnlyFans, and Ulumuddiin et al. (2024) regarding host streamers, simultaneously satisfies the elements of "distributing" (Article 27 section (1) of Law Number 1 of 2024) and "disseminating" (Article 29 of Law Number 44 of 2008). The presence of intent (*dolus*) is also established, as the perpetrator consciously (*willens en wetens*) uploads the content so that it becomes accessible to the public or followers (Putri, 2024).

Nevertheless, the existing framework of criminal liability faces significant challenges when confronted with new forms of modus operandi, particularly those creating loopholes in the victimology perspective (victim protection). The phenomenon of revenge porn is a prime example. In cases of revenge porn, the perpetrator (often an ex-partner) disseminates the victim's intimate content without consent (Aziz & Hasan, 2025). The juridical issue is that the victim (who may have initially consented to be recorded privately) is vulnerable to double criminalization or secondary victimization. The victim can be accused of violating Article 8 of Law Number 44 of 2008 ("intentionally… becoming an object or model is prohibited") or even considered to "participate" in the act of "producing" as regulated in Article 4 section (1) of Law Number 44 of 2008, even though the victim possessed absolutely no *mens rea* (intent) to "disseminate" the content (Napiah & Terranova, 2024).

This legal loophole becomes increasingly complex as image manipulation technology (deepfakes) emerges. In cases of deepfake pornography, the victim's face (often a public figure or non-consenting individual) is digitally grafted onto explicit pornographic content (Novera & Fitri, 2024). In this situation, the victim

factually never "became a model" (Article 8 of Law Number 44 of 2008) and never "created" (Article 4 of Law Number 44 of 2008). Although the perpetrator disseminating the deepfake can be prosecuted under Article 27 section (1) of Law Number 1 of 2024 and Article 29 of Law Number 44 of 2008, neither law explicitly criminalizes the act of manipulation or falsification of content itself as a specific *actus reus*. This indicates a legal vacuum (*rechtsvacuüm*) in which technology has outpaced regulation, thereby complicating law enforcement and criminal liability for increasingly sophisticated modus operandi.

B. Administrative Authority for Access Termination: An Analysis of the Implementation of Article 40 of Law Number 1 of 2024 and Government Regulation Number 71 of 2019 regarding X Accounts

The analysis of the first problem focuses on preventive administrative legal measures undertaken by the state in response to the prevalence of the dissemination of pornographic content. This effort differs fundamentally from the analysis in the previous sub-chapter, which focused on repressive criminal liability against individual perpetrators. In the context of cybercrime prevention, the primary legal instrument employed by the government is blocking, or technically known as access termination. This is a state administrative law action aimed at halting the dissemination of illegal content in the digital realm. This action specifically targets Platform X accounts identified as violating Indonesian positive law, thereby serving as the vanguard in the digital pornography prevention strategy before pro justitia proceedings commence.

The legal foundation for this administrative authority is explicitly set out in Law Number 11 of 2008. Based on an analysis using the Theory of Authority, the government's execution of access termination is not an action without legal basis, but rather an attribution of authority delegated directly by statute. Article 40 section (2) of Law Number 1 of 2024 mandates the government to protect the public interest from all types of disturbances resulting from the misuse of Electronic Information. This authority is concretized in Article 40 section (2b) of Law Number 1 of 2024, which states that the government "is authorized to perform access termination and/or order the PSE to perform access termination" against Electronic Information containing unlawful content. Thus, Law Number 11 of 2008 legally grants Komdigi full authority to act as an active regulator overseeing content in cyberspace (Kanzun, 2022).

If Law Number 11 of 2008 is the source of authority, then Government Regulation Number 71 of 2019 is the instrument that regulates the mechanism for its execution. As an implementing regulation of Law Number 11 of 2008, Government Regulation Number 71 of 2019 provides detailed technical guidance on

how the access termination process must be conducted. Article 95 of Government Regulation Number 71 of 2019 states that Komdigi is authorized to order the PSE (in this case, Platform X) to terminate access. This order is based on the classification of illegal content regulated in Article 96 of Government Regulation Number 71 of 2019, which encompasses content that "violates statutory provisions" (for instance, violating Law Number 44 of 2008) and/or "disturbs society and disrupts public order." This regulation establishes a clear bureaucratic flow: Komdigi conducts cyber patrols or receives reports, classifies content under Article 96, and subsequently issues an access termination order to Platform X under Article 95.

The application of Government Regulation Number 71 of 2019 fundamentally redefines the legal relationship between the state and global digital platforms. In this regulatory architecture, there are two distinct actors with clear roles: the Government (Komdigi) acts as the regulator possessing public authority to supervise and command, whereas Platform X (as a Private Scope PSE) acts as the operator holding a legal obligation to comply with regulator orders (Kanzun, 2022). This compliance obligation is affirmed in Article 98 section (1) of Government Regulation Number 71 of 2019, stating that the PSE "must perform access termination" against illegal content. The failure of Platform X to comply with this order may result in the imposition of administrative sanctions, as regulated in Article 100 of Government Regulation Number 71 of 2019, ranging from written warnings and administrative fines to the most severe sanction: termination of the platform's temporary or permanent access.

Although the formal legal mechanism (*de jure*) has been established through the synergy of Law Number 11 of 2008 and Government Regulation Number 71 of 2019, the reality of its implementation (*de facto*) is far more complex. In practice, this administrative law enforcement faces a clash between Indonesian legal sovereignty and Platform X's internal policies (Community Standards), which currently explicitly allow users to upload adult content (Uddin et al., 2024). This permissive internal platform policy directly contradicts the prohibition norms in Article 96 of Government Regulation Number 71 of 2019 and Law Number 44 of 2008. Consequently, Komdigi's formal flow for access termination often proceeds slowly and is ineffective at stemming content dissemination. In response, an alternative strategy driven by civil society has emerged: user mass reporting. As analyzed by Uddin et al. (2024), activists and social media experts rely more on the platform's internal reporting mechanism—based on the number of reports— to pressure Platform X into executing an account takedown, a strategy that is sometimes faster than waiting for government bureaucracy.

The focus of administrative legal action against Platform X becomes crucial as data indicates this platform has become one of the primary media for accessing

pornographic content in Indonesia. A qualitative study conducted by Putri (2024) confirms that the X application not only has the potential but has factually become a "venue" for the massive and free dissemination and consumption of pornographic content. This phenomenon is exacerbated by specific user behavior in Indonesia, particularly Generation Z. Phenomenological research by Syaer et al. (2024) found that users intentionally create "alter accounts" (secondary digital identities) with the specific purpose of accessing, interacting with, and even producing pornographic content anonymously. The use of these alternative accounts directly exploits weaknesses in Platform X's surveillance system while simultaneously posing a primary technical challenge to Komdigi's tracking and access termination efforts, as blocked accounts can be easily recreated using new anonymous identities.

C. Implementation Gap Analysis: Obstacles to Law Enforcement and Loopholes in Victim Protection

In practice, criminal and administrative law enforcement efforts face a significant implementation gap. This gap refers to the discrepancy between law in books and law in action. Although *de jure* Indonesia possesses a comprehensive regulatory architecture to combat digital pornography, the *de facto* effectiveness of such enforcement is hindered by a complex series of factors. Law enforcement effectiveness cannot be measured solely by regulatory availability. Using the Theory of Law Enforcement Effectiveness proposed by Soekanto (2016), five fundamental and interrelated factors can be identified as the primary obstacles to law enforcement against accounts disseminating pornographic content on Platform X (Dumako et al., 2025).

The first factor is the legal substance itself. The quality of existing regulations—although comprehensive—paradoxically creates barriers. As outlined in the previous sub-chapter, the existence of three instruments (Penal Code, Law Number 11 of 2008, and Law Number 44 of 2008) regulating intersecting substances has created overlapping regulations (Dumako et al., 2025). The *lex specialis* problematic between Law Number 11 of 2008 and Law Number 44 of 2008 often causes normative confusion at the investigation and prosecution levels (Sushanty, 2019; Sumadiyasa et al., 2021). Furthermore, existing legal substance proves unadaptive to the speed of criminal innovation. Current regulations, such as Article 27 section (1) of Law Number 1 of 2024 or Article 29 of Law Number 44 of 2008, are formulated to entrap "conventional" modus operandi (uploading and disseminating) but fail to anticipate new, more complex, and technologically sophisticated forms of modus operandi (Khumairah, 2022).

The second factor is law enforcement officials. The Cyber Sub-Directorate of the Indonesian National Police (Polri), the spearhead of repressive action, faces serious capacity constraints. Gurusinga et al. (2024) confirm internal obstacles to police performance in the field, specifically limitations in human resources possessing specific digital expertise. Cyber law enforcement is a technological battle requiring officials with specialized qualifications. The limited number of Cyber Sub-Directorate personnel, disproportionate to the volume of reports and the massive dissemination of content on platforms like X, coupled with a lack of advanced technical training, often leaves law enforcement officials in a reactive rather than a proactive position (Rambe et al., 2024). Consequently, many public reports cannot be effectively followed up, thereby diminishing public trust in the legal system's effectiveness.

The third factor is supporting facilities or infrastructure. This factor represents the most significant technical obstacle in the war against digital pornography. The success of cybercrime investigations heavily relies on the availability of digital forensic technology (Wijanarko et al., 2021). However, perpetrators on Platform X almost always exploit weaknesses in surveillance technology. The primary obstacle is the platform's high level of anonymity (Gurusinga et al., 2024). Perpetrators can easily create new accounts after one is blocked (Khumairah, 2022). The phenomenon of "alter account" usage among users in Indonesia, as specifically identified by Syaer et al. (2024), is a modus operandi intentionally designed to separate digital identity from real-world identity, rendering official tracking nearly impossible.

The evolution of perpetrator technology further widens this facility gap. Law enforcement officials are now fighting not only anonymity but also new forms of modus operandi that are not yet regulated by statutory law. The clearest example is the use of technology to create AI-generated images or photos (Wibowo, 2025). In this case, the perpetrator no longer "disseminates" original content but rather "creates" fake content with the victim's face. The limitations of forensic facilities for rapidly proving AI manipulation, combined with a legal vacuum (*rechtsvacuüm*) in criminalizing the act of deepfake creation itself, paralyze law enforcement officials in confronting this modus operandi (Novera & Fitri, 2024).

The fourth and fifth factors, namely society and culture, are intertwined within the digital context. Legal effectiveness is hindered by two contradictory social conditions. On one hand, there is the "demand" factor from society. Putri (2024) and Syaer et al. (2024) indicate that the use of Platform X as a medium for accessing pornographic content is extremely high, driven by ease of access and the availability of free content. This high demand creates a "market" continuously filled by perpetrators, making blocking efforts akin to an "amoeba phenomenon"—

one account is blocked, a thousand new ones emerge (Sushanty, 2019). On the other hand, the segment of society not involved in demand also contributes to obstacles through "apathy" or low digital and legal literacy (Dumako et al., 2025). Many citizens do not yet understand the consequences or reporting mechanisms, resulting in low public participation in supervision, such as mass reporting (Uddin et al., 2024).

The cultural aspect in the theory of law enforcement effectiveness can also be expanded to encompass the context of "global legal culture" or transnational jurisdictional challenges. Platform X is a foreign PSE subject to United States jurisdiction, which possesses a diametrically different legal framework and culture (First Amendment) regarding pornographic content (Uddin et al., 2024). As analyzed in the previous sub-chapter, Komdigi's authority over Platform X is limited to administrative measures under Government Regulation Number 71 of 2019. However, criminal law enforcement by the police against perpetrators whose servers are located abroad or whose identities are protected by foreign platforms faces jurisdictional deadlocks (Rambe et al., 2024; Shofian et al., 2025). Transnational law enforcement efforts through Mutual Legal Assistance (MLA) or other international legal instruments are highly bureaucratic, slow, and costly, rendering them ineffective for handling cybercrimes that move in seconds (Nabila et al., 2024).

Finally, this implementation gap analysis must conclude with a victimology perspective, identifying the most crucial loophole in the current law enforcement system: the failure to protect victims. The positive law focus on the criminal acts of "producing" (Article 4 section (1) of Law Number 44 of 2008), "becoming a model" (Article 8 of Law Number 44 of 2008), or "distributing" (Article 27 section (1) of Law Number 1 of 2024) creates a dangerous situation in cases of revenge porn. In this modus operandi, victims who initially created content consensually for private consumption with their partners can be criminalized as "perpetrators" when their ex-partners disseminate the content without permission (Napiah & Terranova, 2024; Aziz & Hasan, 2025). The law fails to distinguish between consensual creation for the private realm and non-consensual distribution to the public realm. Consequently, revenge porn victims experience secondary victimization: first, harassed by the perpetrator; second, criminalized by the legal system supposed to protect them.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that the architecture of Indonesian positive law enforcement against the dissemination of pornographic content through Platform X accounts is divided into two main pillars that run in

parallel: repressive criminal liability against individual perpetrators and preventive administrative authority over the PSE. The construction of the perpetrator's criminal liability is dualistic, stemming from Article 27, section (1), of Law Number 1 of 2024, which criminalizes the electronic dissemination method, and from Article 29 of Law Number 44 of 2008, which criminalizes the object or material of the content. Juridical analysis finds that the theoretical debate regarding concursus idealis (concurrent crimes) versus *lex specialis* (specialty principle) remains a normative obstacle, although both instruments are substantially adequate to prove the perpetrator's *actus reus* (act) and *mens rea* (intent).

Preventive legal efforts in the form of account blocking possess a strong legal basis. Article 40 section (2b) of Law Number 1 of 2024 provides an attributive mandate to Komdigi to execute access termination. The mechanism for exercising this authority is detailed in Article 95, Article 96, and Article 98 of Government Regulation Number 71 of 2019, which legally obligates Platform X as a Foreign PSE to comply with orders to terminate access to illegal content. However, *de facto*, the effectiveness of both law enforcement pillars (criminal and administrative) proves to be suboptimal and faces a significant implementation gap.

The analysis of the implementation gap identified five fundamental hindering factors. *First*, the legal factor, namely, regulatory overlap (Law Number 11 of 2008 vs. Law Number 44 of 2008) and the existence of a legal vacuum (*rechtsvacuüm*) in anticipating new technological modus operandi, such as deepfake pornography. *Second*, the law enforcement official factor, specifically the limited technical capacity and human resources of the Cyber Sub-Directorate. *Third*, the facility factor, where law enforcement officials technically lag behind the perpetrator's ability to utilize anonymity (via "alter accounts") and new technologies. *Fourth*, the societal factor, namely the high demand for pornographic content (the "amoeba" phenomenon) and low digital literacy. *Fifth*, the global cultural factor, specifically the deadlock in law enforcement due to transnational jurisdictional obstacles regarding Foreign PSEs operating from abroad. Furthermore, a crucial victimological loophole was found where the current legal framework, particularly Article 4 section (1) and Article 8 of Law Number 44 of 2008, risks criminalizing revenge porn victims and causing secondary victimization by the legal system.

Based on the conclusions above, several recommendations of a juridical, technical, and structural nature are proposed. *First*, urgent legislative revision is required for Law Number 11 of 2008 and/or Law Number 44 of 2008 to explicitly criminalize specific new forms of modus operandi, such as the creation and dissemination of deepfake content for pornographic purposes. In this revision, a protection clause (safe harbor principle) must be added to explicitly distinguish between revenge porn victims and non-consensual distribution perpetrators, to close the victimological loophole and

prevent the criminalization of victims. *Second*, regarding the institutional aspect, the capacity of law enforcement officials (Polri Cyber Sub-Directorate) and the regulator (Komdigi) must be significantly enhanced. Substantial investment is needed in training and the provision of cutting-edge digital forensic technology facilities to keep pace with the speed of perpetrator technological adaptation, particularly in tracking anonymous users and proving digital manipulation.

Third, in the realm of administrative law, the Government (Komdigi) is recommended to shift from a reactive, ad hoc, per-account blocking strategy to a more systemic law-enforcement approach. The Government must utilize its authority based on Article 98 and Article 100 of Government Regulation Number 71 of 2019 more firmly to demand the compliance of Foreign PSEs (Platform X) with Indonesian positive law, by applying proportional yet deterrent administrative sanctions, while strengthening international legal cooperation mechanisms (MLA) for transnational criminal prosecution. *Fourth*, repressive and preventive law enforcement efforts must be balanced with promotive efforts upstream. A more massive and structured national digital literacy program is required to target the root cause, namely the high demand for pornographic content in society, while simultaneously encouraging public participation to report content actively, safely, and responsibly.

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