

Protection of ITE Law Against Sexting By Teenagers

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ABSTRACT

The phenomenon of sexting, especially among teenagers, has become a significant problem because of its impact that can damage psychology, reputation and even the future. Many teenagers may not be aware of the legal consequences of sexting behavior, such as violations of the ITE Law which can result in imprisonment and fines. The purpose of this research is to find out how the implementation of ITE Law in preventing sexting behavior among teenagers and to find out what are the inhibiting factors in the implementation of ITE Law in preventing sexting behavior among teenagers. This research is conducted using the normative method which is done by examining library materials or secondary data. The results show that although the ITE Law does not yet have a specific law governing sexting in Indonesia, the ITE Law has an indirect article that can be used to handle these cases, article 27 paragraph (1) of the ITE Law states that the dissemination of electronic information violating public decency can be sanctioned. Although the definition of sexting varies in the context of Indonesian law, the ITE Law can be used to deal with sexting behavior.

Keywords:

ITE Law, Sexting, and Teenagers.

INTRODUCTION

In a very short span of time, the development of digital technology has grown quite rapidly, one of which is marked by the emergence of smartphones that can be used easily and quickly to send and receive images or videos. Smartphones have spread among teenagers, almost all teenagers use them and the use of smartphones is very free without any restrictions from either the parents (Nuryanto, H; 2012). Due to the free use of smartphones, it causes deviant behaviors, one of which is sexting behavior. Sexting has become a relatively widespread and devastating problem among teenagers, many teenagers perform sexting actions without thinking about the impact of their actions. Where in fact there is an abyss that awaits adolescents to fall into various negative impacts of sexting behavior such as sexual violence in adolescents, unnatural sexual behavior of adolescents, and legal traps and adolescent mental health (Victor C, et al; 2019., Riandi, A; 2022).

Over the past few years, news media in several countries have reported many cases of minors (18 years old) using digital cameras to produce and distribute sexually connoted images of themselves and others, some of which violate pornography laws. Indonesia is ranked first in the world in the number of downloaders and uploaders of pornographic sites, the majority of these immoral content downloaders are teenagers of junior and senior high school age. Easy access to the internet makes it easier for Indonesian teenagers to be exposed to the internet and more interested in knowing about it. Features that are very easy to access in the form of videos, images, sounds are all summarized in 1 internet site (Sajidalloh, F. N., et al 2022). For this reason, sexting behavior is very dangerous for the lives of adolescents because it can cause various negative impacts such as bullying by peers or the community if the image or video has been spread, damaging reputation both on social and digital reputation, or even worse there are legal consequences.

Many cases regarding sexting have occurred in Indonesia in recent years, there was a case that occurred in 2020 in Kuala Kapuas A man with the initials FI (18), a resident of Lupak, was arrested by the police because he was reported to have spread nude photos of his ex-girlfriend RI (19). The family did not accept it because the perpetrator had spread nude photos of the victim via Facebook massanger. The victim, RI, found out about the spread of the victim's nudity through a Facebook massanger. The victim RI found out about the spread of her photo after it went viral among her friends. The victim's reason for spreading nude photos was because of heartache, not having broken up with her boyfriend, she had found a replacement so the perpetrator was desperate

to spread nude photos of the victim that he got while still dating. In addition, the sexting case can be seen in the Pulang Pisau District Court Decision Number 18/Pid.Sus/2021/PN.Pps, this incident occurred in Tawung Village RT/Rw 002/-, namely the defendant Restumei Putra Jaya starting on December 04, 2020 the defendant sent a friend request to the witness Olgae Putri, then on December 05, 2020 until January 8, 2021 the defendant often sent messages in the form of photos showing genitals, videos of people having sex along with chat invitations to have sexual intercourse. Regarding this matter the witness felt aggrieved so the witness reported the matter to the authorities. Halkim considered this case, considering that the message contained an invitation to have sexual intercourse, talked about genitals, sent videos and photos that violated decency and aimed to arouse the witness (to have sex) while the message did not have the permission of the recipient. (Selly Cenia, 2023)

According to Anastassiou (2017) Sexting behavior is one of the negative behaviors carried out by adolescents, where adolescents show off their bodies (aurat) explicitly either semi-nude or naked by taking pictures or in the form of videos and sending them to other people via smartphones. In the results of the study, it was found that out of 35 respondents who behaved sexting was higher, namely 26 (74.3%) respondents compared to those who did not behave sexting as many as 9 (25.7%). (Anastassiou; 2017). This study is in accordance with the results of research by Mirnawati Jufri (2022) on sexting behavior in adolescents in Makassar city showing the results of 90.1% of adolescents who have been exposed to sexting behavior. Based on the results of the study that obtained from 35 respondents who behaved sexting higher, namely 26 (74.3%) respondents compared to those who did not behave sexting as many as 9 (25.7%). (Mirnawati Jufri; 2019). The results of this test are in line with several theories where sexting behavior can be caused by various factors, including technological developments where sexting problems arise along with the development of technology and digital communication mixed with turbulent adolescent hormones. The results of this study indicate that there is 74.3% sexting behavior. (Arfiani, et al; 2022)

Based on the results of research conducted by previous researchers, they focus more on the impact and factors of sexting. However, no researchers have conducted research on the role of the ITE Law in preventing cases of sexting, especially in adolescents. So here the researcher is interested in researching (1) How is the implementation of ITE Law in preventing sexting behavior among teenagers? (2) what are the inhibiting factors in the application of ITE Law in preventing sexting behavior among teenagers?

METHOD

This research uses normative research which is done by examining library materials or secondary data. Furthermore, this research considers and analyzes the laws and regulations regarding sexting behavior contained in ITE Law Number 11 of 2008 as amended to Law Number 19 of 2016 and now Law of the Republic of Indonesia Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 concerning Electronic Information and Transactions. The data studied was obtained indirectly, in understanding the problems described this research also uses a conceptual approach and is analyzed qualitatively.

The analysis method is carried out step by step. That is, searching for legal or literature material and collecting it for research so as to provide an overview of the research topic. This allows the author to draw objective conclusions.

RESULTS AND DISCUSSION

1. Implementation of the ITE Law in preventing sexting behavior among teenagers

The development of science and technology has had an impact on the development of law, especially on the issue of acts (criminal offenses), in the life of the modern world today cannot be separated and even often depends on advances in advanced technology ("hitech" or "advanced technology"), especially in the field of information and electronics through international networks (internet). Progress in the field of science and technology is always followed by consequences (impacts), both directly and indirectly. One of the negative impacts, especially for teenagers, of advances in information technology is sexting behavior. Therefore, the presence of law with its

function as "a tool of social control" is needed, namely the function of law as a tool of social control". (Sujamawardi, L. H. 2018).

UU ITE or the Electronic Information and Transaction Law is a law that regulates electronic information and electronic transactions. Electronic information here is one or a set of electronic data, but not limited to writing. Which also includes sounds, maps, images, designs, electronic data interchange (EDI), photos, electronic mail or email, telex, telegrams, letters, signs, symbols, access codes, or perforations that have been processed and have meaning and can be understood by people who can understand them. Meanwhile, electronic transactions are legal actions carried out by using computers, computer networks, and other electronic media. (Decree of the House of Representatives and the President of the Republic of Indonesia Law Number 1 Year 2024)

There are several articles that indirectly regulate sexting behavior in the ITE Law. It is said indirectly because in Indonesia itself there is no specific law regulating sexting behavior. The definition of sexting varies depending on the type of behavior included, referring to active sexting (such as sending or forwarding a third party) and passive sexting (receiving messages directly from the creator or through an intermediary). The messages also vary according to the content of the message (sexual images, videos, or text) and the level of sexual explicitness (suggestive or explicit). (Barrense-Dias et al., 2017)

Therefore, the most restrictive definition exclusively refers to sending sexually explicit images (Choi et al., 2016; Marume et al., 2018), whereas the most comprehensive definition also includes other types of behavior, e.g. content dissemination (Mitchelletal., 2012; Villacampa, 2017).

In Indonesian legal provisions, the regulation of sexting is regulated in Article 27 paragraph (1) of Law Number 1 Year 2024 on Electronic Information and Transactions which states that: "Every person intentionally and without the right to broadcast, show, distribute, transmit, and/or make accessible Electronic Information and / or Electronic Documents that have content that violates decency for public knowledge".

From the wording of Article 27 paragraph (1) of Law 1/2024, the explanation of the elements of the article is: "Broadcasting" includes the act of transmitting, distributing, and making accessible electronic information and/or electronic documents in an electronic system. "Distributing" means sending and/or disseminating electronic information and/or electronic documents to many people or various parties through an electronic system. "Transmitting" is sending electronic information and/or electronic documents addressed to another party through an electronic system.

"Making accessible" is any act other than distributing and transmitting through an electronic system that causes electronic information and/or electronic documents to become known to other parties or the public. "Violating decency" is the act of displaying nudity, genitals, and sexual activity that is contrary to the values that live in the community at the place and time the act is committed. The interpretation of the notion of decency is adjusted to the standards prevailing in society at a particular time and place (contemporary community standards). "Publicly known" means to be able or so accessible to a large group of people who mostly do not know each other.

Furthermore, a person who violates the provisions of Article 27 paragraph (1) of Law 1/2024 has the potential to be sentenced to imprisonment as stipulated in Article 45 paragraph (1) of Law 1/2024. Article 45 paragraph (1), reads: Every person who intentionally and without right broadcasts, shows, distributes, transmits, and/or makes accessible Electronic Information and / or Electronic Documents that have content that violates decency for public knowledge as referred to in Article 27 paragraph (1) shall be punished with a maximum imprisonment of 6 (six) years and / or a maximum fine of Rp1.000.000.000,00 (one billion rupiah).

The existence of Article 27 paragraph (1) of the ITE Law aims to provide protection to the public from criminal acts related to pornography, including sexting behavior. The crime of sexting is a crime that occurs quite often. Its distribution through electronic media is the current mode of distribution.

There are several efforts made to prevent sexting among teenagers. Namely, providing strict action in law enforcement, namely by taking firm action against the perpetrators involved in

the distribution of sending text messages. So that with strict legal procedures intended to provide a deterrent effect. Furthermore, by blocking content, the Ministry of Communication and Information Technology (Kominfo) works with digital platforms to block and remove content that violates morals, including sexting content. Next is by providing education and support, in this case by holding an education program in schools that includes content on digital safety, ethical internet use, and the risks of sexting into the school curriculum. This program aims to raise students' awareness about the dangers of sexting and its legal consequences. And also hold trainings and seminars with students, teachers, and parents on how to use technology safely, understand ITE laws, and prevent sexting behavior.

Next is parental involvement by educating parents on how to monitor their children's digital activities and providing guidance on responsible Internet use. The last effort is to provide online counseling services that can be accessed by young people to receive help and support when facing problems related to sexting and Masu online harassment. As well as providing easily accessible hotlines and complaint platforms to report sexting and other inappropriate content.

With these efforts, it is expected to minimize sexting behavior among teenagers. In order to create a safe and educational digital environment for the younger generation.

2. Factors inhibiting the application of the ITE Law in preventing sexting behavior among teenagers.

The enforcement of ITE laws to prevent sexting among teenagers faces various obstacles. There are several main factors that may hinder the effectiveness of the implementation of ITE Law in preventing sexting behavior among teenagers. First, Limited Digital Education: Many teenagers have not received adequate education on digital safety and the risks of sexting behavior. School curricula often do not cover these topics in depth (Akrima, A. 2023). Second, Lack of Public Awareness: Many ordinary people, including teenagers may not fully understand the implications of the ITE Law on their use of the internet and social media. including article 27 paragraph (1) which regulates the prohibition of distribution of content that violates decency, Lack of public awareness of rights and obligations in the digital environment can be a serious problem. Third, Uncontrolled Access to Technology: namely the use of smartphones and social media, Teenagers have easy access to smartphones and social media without adequate supervision from parents or teachers. This makes it easier for them to engage in sexting behavior.

Fourth, lack of Parental Supervision: Many parents do not have the knowledge or tools to effectively monitor their children's online activities. (Ulfah, M. 2020). Fifth, Anonymity in Cyberspace: The Internet provides anonymity that can be used by teenagers to engage in sexting behavior without fear of being caught. Sixth, law enforcement difficulties: Law enforcement officials often face technical challenges in tracking and identifying sexting offenders, especially when using encrypted platforms. Seventh, Uncomprehensive Policies: Policies and regulations related to sexting prevention and child protection in the digital world still need to be strengthened and clarified. Eighth, Law Enforcement Infrastructure: Limited resources and law enforcement infrastructure, such as the lack of experts in the field of digital forensics, can hamper the investigation and prosecution process. (Asirah, A., et al 2023). Ninth, Unoptimal Cooperation: Cooperation between the government and digital platform providers is sometimes not optimal, so the response to reports of sexting content can be slow. (Kurniasari, A. 2019). And the last is the Content Removal Procedure: Procedures for removing or blocking offending content are often time-consuming, allowing the content to spread more widely before it is addressed.

Legal awareness of the many teenagers who do not know and understand the legal implications of their sexting behavior violates the ITE Law and can lead to serious legal consequences, so here a comprehensive sexual education is needed that can provide an understanding related to sexting behavior and also what consequences they will get when they do the sexting behavior.

Overcoming these inhibiting factors requires collaborative efforts between the government, educational institutions, parents, communities and digital platform providers. Increasing education and awareness, strengthening policies and regulations, as well as developing technological infrastructure and law enforcement are important steps that need to be taken to effectively address these challenges.

CONCLUSION

Based on the above discussion, we can conclude several things, among others:

1. Implementation of the ITE Law in preventing sexting behavior among teenagers The ITE Law or Electronic Information and Transaction Law is a law that regulates electronic information and electronic transactions. In Indonesian legal provisions, the regulation of sexting is regulated in Article 27 paragraph (1) of Law Number 1 Year 2024 concerning Electronic Information and Transactions. With the existence of Article 27 paragraph (1) of the ITE Law, it aims to provide protection to the public from criminal acts related to pornography, including sexting behavior.
2. The inhibiting factors in the application of the ITE Law in preventing sexting behavior among adolescents include: Lack of Awareness and Education, Lack of Public Awareness, Uncontrolled Access to Technology, Lack of Parental Supervision, Technical and Legal Challenges, Law Enforcement Difficulties, Policy and Infrastructure Limitations, Law Enforcement Infrastructure, Unoptimal Cooperation and Content Removal Procedures.

REFERENCES

- Anastassiou, A. (2017). Sexting and young people: A review of the qualitative literature. *The Qualitative Report*, 22(8), 2231-2239.
- Afrida, D. T., & Elda, E. (2023). Sextortion as a Crime of Electronic-Based Sexual Violence in the Indonesian Legal System. *Delicti: Journal of Criminal Law and Criminology*, 1(1), 11-26.
- Antaguna, N. G., & Dewi, A. A. S. L. (2023). Restrictions on Freedom of Opinion and Expression on Social Media Based on Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (ITE). *KERTHA WICAKSANA*, 17(2), 138-146
- Asirah, A., Sofyan, A. M., & Muin, A. M. (2023). LAW ENFORCEMENT EFFORTS OF ILLEGAL COSMETICS CIRCULATION THROUGH E-COMMERCE BY PPNS BBPOM MAKASSAR. *UNES Law Review*, 5(3), 1013-1033.
- Barrense-Dias, Y., Berchtold, A., Surís, J. C., & Akre, C. (2017). Sexting and the definition issue. *Journal of adolescent health*, 61(5), 544-554.
- CENIA, S. (2023) CRIMINAL SANCTIONS FOR SEXTING PERPETRATORS FROM THE PERSPECTIVE OF UU ITE AND.
- Choi, S. L., Goh, C. F., Adam, M. B. H., & Tan, O. K. (2016). Transformational leadership, empowerment, and job satisfaction: the mediating role of employee empowerment. *Human resources for health*, 14, 1-14.
- Farid, M., & Hidayati, K. B. (2016). Self-concept, adversity quotient and self-adjustment in adolescents. *Indonesian Journal of Psychology*, 5(2), 137-144.
- Ismatuddiyanah, et al. "Characteristics and Developmental Tasks in Early and Middle Adolescence and Their Effect on Education." *Tambusai Education* 7, no. 1 (2023): 3.
- Jufri, M. (2022). Sexting Behavior among Adolescents in Makassar City.
- Julita, M., & Adhari, A. (2023). Legality of the Skb Regarding Guidelines for the Implementation of Certain Articles in the ITE Law in View of the Law on the Formation of Legislation. *UNES Law Review*, 6(2), 5842-5853.
- Khatima, H., & Khaera, N. (2022). SEXTING BEHAVIOR AMONG ADOLESCENTS AT MA "X" BULUKUMBA DURING THE COVID-19 PANDEMIC. *Medika Alkhairaat: Journal of Medical and Health Research*, 4(2), 62-67.
- Karsinta, V. D. (2017). The Relationship of Addiction, Self-Control and Personality Type to Cybersex Behavior in Advanced High School Adolescents in Kubu Raya (Doctoral dissertation).
- Kurniasari, A. PORNOGRAPHY AND CHILD SEXUAL VIOLENCE. Habibullah~ Husmiati~ Nina Kurniasih~ Nyi Irmayani Alit Kurniasari~ Mohd Dahlan HA Malek~ Aulia
- Marume, A., Maradzika, J., & January, J. (2018). Adolescent sexting and risky sexual behaviors in Zimbabwe: a cross-sectional study. *Sexuality & Culture*, 22, 931-941.
- Mitchell, J. Kimberly, Finkelhor, D., Jones, L., Wolak, J. (2012). Prevalence and characteristics of youth sexting: A national study. *Pediatrics*, 129(1), 13-20.

- Nuryanto, H. (2012). History of the development of information and communication technology. PT Balai Pustaka (Persero).
- Riandi, A. (2022). Video Call Sex as a Form of Deviant Behavior (Case Study on Students X, Y and Z in Pekanbaru City) (Doctoral dissertation, Riau Islamic University).
- Rohmy, A. M., Suratman, T., & Nihayaty, A. I. (2021). ITE Law in the Perspective of Information and Communication Technology Development. *Dakwatuna: Journal of Islamic Da'wah and Communication*, 7(2), 309-339.
- Sajidalloh, F. N., Chairani, R., & Anwar, S. (2022). Analysis of the Relationship Between Demographics, Sexual Behavior, Peers To Online Sex (Sexting) In Middle Schools In South Tangerang City: Analysis Of The Relationship Between Demography, Sexual Behavior, Peer To Online Sex (Sexting) In Middle Schools In South Tangerang City. *Quality: Journal of Health*, 16(1), 48-54.
- Strasburger, V. C., Zimmerman, H., Temple, J. R., & Madigan, S. (2019). Teenagers, sexting, and the law. *Pediatrics*, 143(5).
- Setiawan, D. A. (2017). The Relationship of Sexting Using Internet Media with Adolescent Sexual Behavior (Doctoral dissertation, Gadjah Mada University).
- Wolter, M. (2024). Sexting Experiences of Young Women in Indonesia in Kacatama.
- Sujamawardi, L. H. (2018). Juridical Analysis of Article 27 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. *Dialogia Iuridica*, 9(2).
- Ulfah, M. (2020). *DIGITAL PARENTING: How Parents Protect Children from Digital Dangers*. Edu Publisher.
- Victor C Strasburger 1, Harry Zimmerman, Jeff R Temple 2, Sheri Madigan 3 (2019). Teenagers, Sexting, and the Law. *PEDIATRICS*. 143(5).
- Villacampa, C. (2017). Teen sexting: Prevalence, characteristics and legal treatment. *International Journal of Law, Crime and Justice*, 49, 10-21.
- Van Ouytsel, J., Walrave, M., & Ponnet, K. (2018). Adolescent sexting research: The challenges ahead. *JAMA pediatrics*, 172(5), 405-406.