

**ABSTRAK**  
**PENERAPAN SANKSI PIDANA TERHADAP PELAKU TINDAK PIDANA**  
**PORNOGRAFI MELALUI MEDIA SOSIAL (Studi Putusan Pengadilan Negeri**  
**Wates Nomor 23/Pid.B/2022/PN.Wat)**

**Syahrum\***

Perkembangan teknologi informasi telah membawa dampak besar terhadap pola tindak pidana, termasuk dalam penyebaran konten pornografi melalui media sosial. Penelitian ini membahas pengaturan tentang penyebaran tindak pidana pornografi melalui media sosial dalam hukum positif di Indonesia, penerapan hukum terhadap tindak pidana pornografi dalam Putusan Nomor: 23/Pid.B/2022/PN.Wat oleh Pengadilan Negeri Wates dan pertimbangan hakim dalam menjatuhkan pidana dalam perkara Nomor 23/Pid.B/2022/PN.Wat.

Penelitian ini bersifat deskriptif dengan pendekatan kualitatif. Jenis penelitian hukum yang digunakan adalah yuridis normatif dengan menggunakan perundang-undangan (*statute approach*) dan studi kasus (*case approach*).

Hasil penelitian adalah sebagai berikut: Pengaturan tentang penyebaran tindak pidana pornografi melalui media sosial dalam hukum positif di Indonesia memiliki pengaturan hukum yang kompleks. Perbuatan tersebut diatur secara tegas dalam: Undang-Undang Nomor 44 Tahun 2008 tentang Pornografi, yang melarang produksi, penyimpanan, serta penyebaran materi pornografi dalam bentuk apa pun dan dengan cara apa pun, termasuk melalui media daring. Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik (ITE), yang secara eksplisit mengatur larangan penyebaran konten yang melanggar kesusilaan melalui media elektronik. Kitab Undang-Undang Hukum Pidana (KUHP), yang turut memperkuat larangan terhadap perbuatan cabul di ruang publik atau kepada khalayak umum. Penerapan hukum terhadap tindak pidana pornografi melalui media sosial dalam Putusan Nomor: 23/Pid.B/2022/PN.Wat merupakan cerminan nyata dari penerapan hukum terhadap tindak pidana pornografi yang dilakukan melalui media sosial di era digital. Dalam perkara ini, pengadilan berhasil mengkonstruksikan perbuatan terdakwa sebagai suatu bentuk pelanggaran hukum yang serius, karena melibatkan produksi dan penyebaran konten pornografi secara sistematis, masif, dan berbasis keuntungan finansial melalui berbagai platform digital. Pertimbangan Hakim dalam menjatuhkan pidana dalam Putusan Nomor: 23/Pid.B/2022/PN.Wat menunjukkan keseimbangan antara pendekatan yuridis, sosiologis, dan humanis. Hakim tidak hanya menilai unsur pidana dari segi formil dan materil, tetapi juga mempertimbangkan latar belakang pelaku, dampak sosial dari perbuatannya, serta tujuan pemidanaan yang tidak semata-mata bersifat represif.

**Kata Kunci: Penerapan; Sanksi pidana, pelaku, pornografi, Putusan Pengadilan Negeri Wates Nomor 23/Pid.B/2022/PN.Wat**

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\*Mahasiswa Program Pascasarjana Program Ilmu Hukum Universitas Islam Sumatera Utara

**ABSTRACT**  
**APPLICATION OF CRIMINAL SANCTIONS TOWARDS PERPETRATORS OF  
PORNOGRAPHY THROUGH SOCIAL MEDIA (Study of Wates District Court  
Decision Number 23/Pid.B/2022/PN.Wat)**

**Syahrum\***

*The development of information technology has had a major impact on criminal patterns, including the distribution of pornographic content through social media. This study discusses the regulation of the distribution of pornography crimes through social media in positive law in Indonesia, the application of law to pornography crimes in Decision Number: 23/Pid.B/2022/PN.Wat by the Wates District Court and the judge's considerations in imposing a sentence in case Number 23/Pid.B/2022/PN.Wat.*

*This research is descriptive with a qualitative approach. The type of legal research used is normative juridical using legislation (statute approach) and case studies (case approach).*

*The results of the study are as follows: The regulation on the distribution of criminal acts of pornography through social media in positive law in Indonesia has complex legal regulations. The act is expressly regulated in: Law Number 44 of 2008 concerning Pornography, which prohibits the production, storage, and distribution of pornographic material in any form and by any means, including through online media. Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), which explicitly regulates the prohibition on the distribution of content that violates morality through electronic media. The Criminal Code (KUHP), which also strengthens the prohibition on obscene acts in public spaces or to the general public. The application of the law to criminal acts of pornography through social media in Decision Number: 23/Pid.B/2022/PN.Wat is a real reflection of the application of the law to criminal acts of pornography committed through social media in the digital era. In this case, the court succeeded in constructing the defendant's actions as a form of serious violation of the law, because it involved the production and distribution of pornographic content systematically, massively, and based on financial gain through various digital platforms. The Judge's considerations in imposing a sentence in Decision Number: 23/Pid.B/2022/PN.Wat show a balance between the legal, sociological, and humanist approaches. The judge not only assesses the criminal elements in terms of formal and material, but also considers the background of the perpetrator, the social impact of his actions, and the purpose of punishment which is not merely repressive.*

**Key Word:** **Implementation; Criminal sanctions, perpetrators, pornography, Wates District Court Decision Number 23/Pid.B/2022/PN.Wat**

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\* Postgraduate Student of Law Program, Islamic University of North Sumatra