

Cyberporn on Twitter in the Perspective of Islamic Criminal Law: An Analysis of Criminal Acts and Sanctions

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A B S T R A C T

The phenomenon of cyberporn on social media – particularly on the Twitter (X) platform – has emerged as an increasingly complex form of moral crime in the digital era. This study aims to examine the framework of Indonesia's positive law and Islamic criminal law in responding to the dissemination of online pornographic content, as well as to analyze the role of *maqāṣid al-sharī'ah* as a relevant legal paradigm in the age of technology. Using a qualitative-descriptive approach through a literature review of national regulations and contemporary Islamic legal scholarship, this research finds that Indonesian positive law – although it has regulated the issue through Law No. 44 of 2008 on Pornography and Law No. 19 of 2016 on Electronic Information and Transactions (ITE) – remains reactive and has yet to adequately address the moral and spiritual dimensions of digital society. In contrast, Islamic law offers an ethical perspective through the concept of *maqāṣid al-sharī'ah*, emphasizing the protection of human dignity (*hifz al-'ird*), intellect (*hifz al-'aql*), and lineage (*hifz al-nasl*). The integration of these two legal systems opens the possibility for a more comprehensive regulatory model that not only enforces legal justice but also cultivates public moral consciousness. This study concludes that *maqāṣid al-sharī'ah* can serve as an ethical paradigm for the development of national law grounded in values of public welfare (*maslahah*) to address the challenges of cyberporn in Indonesia.

1. Introduction

The rapid development of information and communication technology has fundamentally transformed the way humans interact, communicate, and access information. Social media has become a new public sphere where the exchange of ideas, expressions, and even complex social behaviors takes place. One of the negative implications of this digital advancement is the emergence of *cyberporn*—the dissemination of pornographic content through the internet. This activity not only raises moral concerns but also impacts the social, legal, and religious fabric of society. In Indonesia, Twitter (now X) has become one of the most frequently used platforms for the distribution of obscene content. According to data from the Ministry of Communication and Information Technology (Kominfo) in 2022, out of 199,515 pornographic contents blocked, as many as 124,837 originated from Twitter. This figure illustrates that social media has become a dominant arena for digital pornography, one that is difficult to monitor through conventional legal mechanisms.

This phenomenon presents a serious legal dilemma. On one hand, technological progress has expanded the boundaries of freedom of expression; on the other, it has created widespread violations of decency norms and positive law. Law No. 44 of 2008 on Pornography and Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law) have established clear prohibitions against obscene digital activities. However, the enforcement of these laws against *cyberporn* perpetrators often faces obstacles related to evidence, jurisdiction, and socio-ethical considerations. This situation reflects a gap between written legal norms and the social realities of the digital world. From the perspective of Islamic law, pornographic acts are not merely seen as violations of positive law, but as transgressions against moral and *shari'ah* values. Therefore, this study is crucial to understand how the *cyberporn* phenomenon on Twitter can be analyzed through two legal lenses: Indonesia's positive law and Islamic criminal law.

Previous studies have explored similar issues, albeit with different emphases. Research in Islamic criminal law has focused on the application of *jarimah ta'zīr* and the principle of *hifz al-'ird* (protection of dignity) in addressing moral transgressions in cyberspace. Studies by Aulia et al. (2023), Hayati & Edyar (2024), and Fianto & Syamsuri (2023) emphasize the importance of integrating Islamic law and national law. Other works, such as Ramadhani et al. (2025) and Saleh (2025), expand the discourse by combining *shari'ah* values with modern digital rights to address *cyberporn* and online exploitation. More recent scholarship highlights victim protection and platform regulation concerning the dissemination of non-consensual sexual content. Davisson & Alati (2024) and Mania (2024) discuss the limitations of moderation policies and international legal frameworks, while Garcia (2024) and Qiwei et al. (2024) emphasize the ethical and technological dimensions of such challenges. Similarly, Said and McNealey (2023) and Rahma and Latif (2024) underscore the need for legal reform grounded in public moral awareness. Collectively, these studies indicate the necessity of a multidimensional approach that bridges law, ethics, and digital platform governance.

Behavioral studies further demonstrate that digital pornography consumption has significant implications for mental health, social relationships, and moral development. Ben Brahim et al. (2024) and Vieira & Griffiths (2024) identify its addictive tendencies, while Paulus et al. (2024) and Sravanti et al. (2025) highlight its impact on children and adolescents. Xue et

al. (2023) show Twitter's dual role as both a research source and a site for risky content distribution. Together, these findings emphasize the importance of regulation rooted in digital literacy and psychosocial protection for users.

From this literature review, it is evident that studies on digital pornography have largely focused on two main domains: behavioral and public health analysis on one side, and legal and policy studies on the other. However, few have integrated Islamic criminal law into the discussion of *cyberporn* on social media—particularly on Twitter, whose public and algorithmic communication structure differs significantly from other platforms. Prior studies address Islamic legal perspectives on pornography, yet do not sufficiently explore the juridical challenges posed by viral and open-network digital systems.

Furthermore, most modern cyberlaw research remains normatively positivist, overlooking the ethical foundation of *sharī'ah* in constructing moral and dignity-based legal norms. Conversely, psychological and sociological studies tend to focus on consumer behavior rather than the legal accountability of distributors. Hence, this study fills an important research gap by providing an in-depth analysis of *cyberporn* offenses on Twitter through the lens of Islamic criminal law, especially within the frameworks of *jarīmah ta'zīr* and *maqāṣid al-sharī'ah* concerning the preservation of human dignity (*hifz al-'ird*).

The novelty of this study lies in its integrative approach, connecting three essential dimensions: Islamic legal norms, Indonesian positive law structures, and the social dynamics of digital media. This research not only interprets *cyberporn* as a moral violation but also as a form of cybercrime that necessitates renewed Islamic legal reasoning responsive to technological progress. Thus, this study contributes theoretically to the development of contemporary Islamic criminal law while offering a normative foundation for formulating more comprehensive legal policies on digital pornography in the age of social media.

Building upon the conceptual and empirical gaps identified above, this research begins from a fundamental question: how can Islamic law remain relevant and contextually responsive in addressing the *cyberporn* phenomenon on social media, particularly on Twitter? The phenomenon signifies a shift from physical to digital forms of crime, where the dissemination of pornographic content is driven by algorithmic systems beyond conventional control. Although Indonesian positive law provides a legal framework for pornography and electronic information, its implementation has not fully incorporated the moral and ethical dimensions central to Islamic criminal jurisprudence.

The primary question addressed in this study is how the form and characteristics of *cyberporn* offenses on Twitter can be understood within the framework of Indonesia's positive law while also being evaluated through the perspective of Islamic criminal law. The study further explores how *maqāṣid al-sharī'ah* principles—particularly *hifz al-'ird* (protection of dignity)—and the concept of *jarīmah ta'zīr* can serve as normative foundations for assessing moral culpability and determining appropriate sanctions. Moreover, it seeks to formulate a model for integrating Islamic law with the national legal system, so that both can complement each other in shaping a more adaptive and ethically grounded legal framework in the digital era.

The main objective of this study is to provide a comprehensive understanding of *cyberporn* on social media from the perspective of Islamic criminal law and to reaffirm its

relevance within modern law enforcement contexts. Academically, the study aims to enrich the discourse on contemporary Islamic law by developing a *ta'zīr*-based theoretical framework that responds to cybercrime. Practically, it seeks to offer a conceptual foundation for policymakers in formulating regulations that balance legal justice, Islamic moral values, and the rapidly evolving challenges of the digital world.

2. Method

This study employs a qualitative approach using a normative juridical research design, primarily based on library research. This approach was chosen because the problem under investigation is conceptual and normative in nature, focusing on the interpretation of Islamic law regarding *cyberporn* offenses on social media, particularly on Twitter (Soekanto, 2003). Rather than collecting empirical field data, the study centers on an in-depth analysis of relevant legal norms in Indonesian positive law and the principles of Islamic criminal law. Through this method, the research seeks to describe, interpret, and compare the provisions of Indonesia's legal system with Islamic legal sources to identify both conceptual and practical points of convergence in addressing digital pornography (Efendi & Johnny Ibrahim, 2018).

The normative juridical approach in this research is supported by statute and conceptual analyses. The statutory approach is applied to examine various legal provisions that regulate pornographic and digital activities, including Law No. 44 of 2008 on Pornography, Law No. 19 of 2016 amending Law No. 11 of 2008 on Electronic Information and Transactions (the ITE Law), and other relevant derivative regulations. Meanwhile, the conceptual approach is employed to explore the theoretical framework of Islamic criminal law, particularly the concepts of *jarīmah ta'zīr*, *maqāṣid al-sharī'ah*, and *hifz al-'ird* (protection of dignity), which provide the ethical and normative foundations for regulating human behavior in the public sphere—including the digital realm (al-Zuhaili, 1985).

The primary data sources of this study consist of primary, secondary, and tertiary legal materials. Primary materials include statutory texts, legal regulations, and Islamic legal sources such as the Qur'an, Hadith, and both classical and contemporary *fiqh jināyah* (Islamic criminal jurisprudence). Secondary materials encompass prior research, journal articles, academic books, and scholarly opinions from both Islamic and modern criminal law experts relevant to *cyberporn* (Aulia et al., 2023; Hayati & Edyar, 2024; Fianto & Syamsuri, 2023). Tertiary materials comprise legal dictionaries, encyclopedias, and other reference tools that clarify key concepts.

Data collection was conducted through a systematic literature review, exploring national and international scholarly publications related to social media pornography, Islamic law, and cyber regulations. The sources were obtained from academic databases such as Scopus, Google Scholar, and the journal portals of Islamic higher education institutions. All legal materials were analyzed qualitatively using content analysis and comparative approaches (Moleong, 1989).

The analytical process involved identifying existing positive law provisions on pornography and interpreting them through the lens of Islamic legal principles to highlight their similarities and differences. The findings were then elaborated through a descriptive-analytical interpretation, explaining how *sharī'ah*-based values can serve as both a moral and juridical foundation for legal policies addressing *cyberporn*. Through this method, the study

aims to produce a comprehensive, integrative, and contextually grounded understanding of the position of Islamic criminal law in confronting contemporary forms of digital crime (Hallaq, 2009; Qardhawi, 1986).

3. Results and Discussion

3.1. Overview of Cyberporn Phenomena on Social Media (Twitter Context)

The phenomenon of *cyberporn* on social media has become increasingly complex alongside the rapid growth of digital connectivity and the expansion of online freedom of expression. Among various digital platforms, Twitter – now known as X – has emerged as one of the global social media networks with the highest prevalence of pornographic content. This is largely due to its permissive content policy, which allows adult material under certain conditions, such as consensual distribution, proper labeling of explicit content, and strict prohibition of child exploitation and non-consensual materials (Spangler, 2024). Although this policy is intended to balance freedom of expression with moral responsibility, in practice Twitter frequently struggles to control the vast circulation of explicit material driven by its recommendation algorithms and retweet mechanisms (Burgess, 2022).

This situation illustrates a clear paradox: on the one hand, social media has become a space for digital freedom and self-expression; on the other, it has evolved into a fertile ground for the dissemination of content that violates legal and ethical norms. In Indonesia, the *cyberporn* phenomenon has become increasingly prominent, coinciding with the rise of Twitter's active user base, which reached approximately 24 million accounts in early 2023 (Syair et al., 2024). The size of this user population amplifies the potential exposure of the public – directly or indirectly – to digital pornographic material.

Empirical data from the Indonesian Ministry of Communication and Information Technology (Kompas Cyber Media, 2023) highlight the alarming scale of online pornographic content dissemination. As of September 15, 2023, Kominfo reported that access to 1,950,794 pornographic contents had been blocked, with 737,146 cases originating from social media platforms (Antara News, 2023). Out of a total of 3,761,730 negative digital contents handled by the ministry, 1,211,571 cases were classified as pornography, making it the most prevalent type of digital violation in Indonesia (Liputan6.com, 2023). Furthermore, the 2023 Infographic Report from Kominfo's Directorate of Applications and Informatics (Komdigi, 2025) recorded that Twitter (X) was among the leading platforms, accounting for 48,510 pornographic cases out of 160,128 negative social media contents in that year alone (Binsar, 2024).

These figures demonstrate that Twitter is not merely a space for social interaction, but also a public arena where digital pornography is circulated – both through consensual sharing and exploitative or abusive acts. The viral spread of obscene videos on Twitter involving Indonesian public figures throughout 2023–2024 underscores how rapidly pornographic content can propagate across the platform, often before any legal intervention can take place (Komdigi, 2025). This phenomenon reveals the growing difficulty of digital regulation in maintaining a balance between freedom of expression and the protection of public morality – values that remain deeply rooted in Indonesian society.

Consequently, the *cyberporn* phenomenon on Twitter should not be viewed solely as a social or moral issue, but as a legal and policy challenge that demands an interdisciplinary

approach. From an Islamic legal perspective, this issue directly challenges the concept of *hifz al-'ird* (the protection of human dignity), one of the essential objectives of *maqāṣid al-sharī'ah*. Therefore, understanding the dynamics of *cyberporn* dissemination on social media becomes a crucial foundation for examining the relevance and contribution of Islamic criminal law in addressing contemporary digital legal issues.

3.2 Legal Framework of Pornography in Indonesian Positive Law

Indonesia's positive legal system provides the principal regulatory foundation for governing pornography, primarily through Law No. 44 of 2008 on Pornography and Law No. 11 of 2008 on Electronic Information and Transactions (ITE Law) along with its subsequent amendments. The Pornography Law offers a broad definition and prohibition concerning the production, distribution, importation, and use of pornographic content, as well as the sexual exploitation of children in pornographic contexts. Core provisions—such as Articles 4 and 5—explicitly prohibit “obscenity, sexual exploitation, nudity, or portrayals suggesting nudity” (Law No. 44/2008).

In the digital context, the ITE Law plays an equally critical role. Article 27(1) of the ITE Law stipulates that any person who knowingly and without authorization distributes, transmits, or makes accessible electronic information containing content that violates decency (*kesusilaan*) may be subject to legal sanctions. The combination of the Pornography Law and the ITE Law enables the state to address both physical and digital pornographic materials disseminated online. However, these regulations face practical challenges, particularly regarding the subjective interpretation of what constitutes “pornographic content” or “indecent,” as well as the evidentiary and jurisdictional complexities inherent in cyberspace (Aslam, 2024).

Juridical analyses of the Pornography Law indicate that, although it was designed upon moral and ethical foundations reflecting Indonesia's national values, its implementation continues to attract criticism. For example, legal and philosophical studies on Law No. 44/2008 reveal normative ambiguity within several articles that intersect with Indonesia's social and cultural diversity, leading to interpretive tensions between moral standards and pluralistic societal values (Aslam, 2024). Moreover, an evaluation report by the House of Representatives' Center for Law Monitoring and Implementation (Puspanlak UU, 2023) emphasizes that existing regulations remain insufficient in addressing emerging forms of digital pornography—such as new media formats, social media dissemination, and technology-based content-sharing mechanisms.

From a law enforcement perspective, several studies have examined the implementation of the Pornography Law and ITE Law in prosecuting *revenge porn* cases on social media. These studies reveal persistent obstacles related to identifying perpetrators, reporting mechanisms for victims, and the use of digital evidence in court proceedings (Natasya & Andriasari, 2023). Similarly, research on legal protection for digital pornography victims demonstrates that while victims often suffer severe losses in privacy and reputation, mechanisms for restitution or compensation remain underdeveloped (Krisnalita & Rahayu, 2022).

The sanctions stipulated in the Pornography Law are notably severe. For instance, Article 29 of Law No. 44/2008 prescribes imprisonment of up to 12 years for those convicted

of the gravest offenses related to pornographic acts (Nurjamilah, 2020). Nevertheless, the enforcement of such penalties is hampered by the limited institutional capacity of law enforcement agencies and inadequate digital forensic technology infrastructure.

Overall, Indonesia's positive legal framework provides a robust normative foundation for addressing pornography in both traditional and digital forms. However, its practical effectiveness remains constrained by several factors: the pervasive nature of digital content dissemination, ambiguities in moral and cultural definitions, and the persistent gap between written regulations and their real-world enforcement. These gaps represent critical points of inquiry for further study – particularly when analyzed through the lens of Islamic law, which offers a stronger moral and ethical foundation for addressing such issues within the digital sphere.

3.3 Islamic Criminal Law Perspective on Cyberporn

In Islamic criminal law (*fiqh al-jināyah*), actions related to the production, dissemination, or consumption of pornographic material are considered violations of moral and ethical integrity (*al-'ird*), one of the five essential objectives of *maqāṣid al-sharī'ah*. The concept of *ḥifẓ al-'ird* (protection of human dignity) holds a central position, as it safeguards human honor against all forms of sexual exploitation and moral corruption (*fasād al-akhlaq*). In the modern context, the spread of digital pornography – *cyberporn* – constitutes a contemporary breach of human dignity that utilizes technology as its medium and must therefore be interpreted through an adaptive Islamic legal framework (al-Zuhaili, 1985; Hallaq, 2009).

3.3.1 Conceptualizing Pornography in Islamic Law

Although the term *pornography* does not explicitly appear in classical Islamic sources, Islam unequivocally prohibits any act or representation that arouses sexual desire outside the bounds of legitimate marriage. This prohibition is rooted in various Qur'anic injunctions, including Surah *al-Nūr* [24]: 30–31, which commands believing men and women to lower their gaze and guard their chastity. The verse implicitly rejects behaviors that expose the *'awrah* (intimate parts) or exploit the human body for sexual gratification. Prophet Muhammad also condemned *tabarruj* (immodest exposure) and *fāḥishah* (lewd acts), stating that “*every lustful gaze is a poisoned arrow of Satan*” (al-Bukhari & Muslim).

From the perspective of *fiqh*, modern pornography may be classified as *fāḥishah* or indecency – acts that contradict human *fiṭrah* (natural disposition) and moral purity. Scholars such as Ibn Taymiyyah and al-Ghazali emphasize that the public display of immoral behavior (*izhār al-ma'āṣi*) constitutes a grave sin that destabilizes society and must be prevented through *ta'zīr* (discretionary punishment) (Al-Ghazali, 2000).

3.3.2 Classifying Cyberporn as Jarimah Ta'zīr

Within the taxonomy of Islamic criminal law, acts associated with digital pornography do not fall under *ḥudūd* (crimes with fixed punishments) or *qisās-diyāt* (crimes involving physical or life-related harm), but rather under *jarimah ta'zīr* – offenses whose punishment is determined by the authority (*ulī al-amr*) to preserve public welfare (*maṣlaḥah 'āmmah*) (Qardhawi, 1986).

Cyberporn qualifies as *jarimah ta'zīr* because no explicit *nass* (scriptural text) prescribes its punishment, yet it violates the core objectives of Islamic law in safeguarding morality and dignity. Offenders involved in producing, distributing, or consuming pornographic content can therefore be categorized as *ta'zīr* offenders, with varying degrees of culpability. Contemporary scholars such as Wahbah al-Zuhayli affirm that *ta'zīr* applies to all immoral acts that cause social harm (*mafsadah*) even if not specified under *hudūd*. Accordingly, the dissemination of pornographic content – especially non-consensual or exploitative material – constitutes a moral violation punishable by *ta'zīr*. The sanctions may include imprisonment, fines, or digital access restrictions, depending on the extent of social damage caused.

3.3.3 Maqāṣid al-sharī'ah and the Protection of Dignity

Cyberporn threatens two essential objectives of the *maqāṣid al-sharī'ah*: *ḥifẓ al-'ird* (protection of dignity) and *ḥifẓ al-akhlaq* (preservation of morality). In the *maqāṣid* hierarchy, both values belong to the *darūriyyāt* (fundamental necessities) that must be preserved to maintain social and spiritual order (Kamali, 2021).

According to al-Syathibi (2004), any act that degrades human dignity or publicly promotes immorality directly contradicts the purpose of Islamic law, which is oriented toward achieving *maṣlaḥah* (public good). Therefore, state policies aimed at preventing the spread of digital pornography align with the higher objectives of the Shariah. For example, government actions such as blocking or suspending social media accounts distributing pornographic material can be justified as *ta'zīr idārī* (administrative sanctions) to maintain public order and moral integrity (Aulia et al., 2023; Saleh, 2025).

3.3.4 Ethical and Technological Dimensions in the Islamic Perspective

Islam views technology as a morally neutral tool whose ethical value depends on its use. When digital media is exploited to disseminate pornographic content, such misuse becomes a form of *isrāf* (abuse of divine blessings) and *ifsād fī al-arḍ* (corruption on earth), leading to moral decay and digital sexual addiction (Ben Brahim et al., 2024; Vieira & Griffiths, 2024; Farida et al., 2021).

Islamic law addresses not only the external behavior but also the broader social and psychological consequences of such acts. Consequently, the use of Twitter and other social platforms to distribute pornographic material contradicts the principles of *'iffah* (chastity) and *amr bi al-ma'rūf wa nahy 'an al-munkar* (enjoining good and forbidding evil). According to Yusuf al-Qaradawi, the enforcement of Islamic law in modern contexts requires adaptive interpretations that can address new forms of crime without compromising moral integrity.

3.3.5 Renewal and Implementation of Islamic Law in the Digital Era

In Indonesia, Islamic law occupies a strategic position as a source of moral values that can complement the national legal system. Research by Hayati and Edyar (2024) indicates that the integration of Islamic and national law can enrich the ethical dimension of legal enforcement against pornography. Islamic law offers a preventive and moral-based approach, while national law tends to operate reactively and administratively.

Accordingly, the development of a cyber law framework grounded in *maqāṣid al-sharī'ah* can serve as a normative model for modern legal governance. The enforcement of *cyberporn* laws should therefore emphasize not only punishment but also moral rehabilitation

and digital education founded on religious and ethical principles. This reflects the concept of *iṣlāḥ al-mujtama'* (societal reform) in Islamic jurisprudence, which seeks a balance between penalization and moral reformation (Aulia et al., 2023; Ramadhani et al., 2025).

In the broader context of media globalization, Islamic law can function as a moral compass, ensuring ethical oversight of social media algorithms and user protection from morally destructive content. The *ta'zīr maqāṣidī* approach—sanctions guided by the higher objectives of Shariah—offers a flexible yet principled framework for addressing modern cybercrimes. In this way, Islamic law not only preserves traditional moral values but also reaffirms its contemporary relevance in responding to the challenges of *cyberporn* and digital ethical degradation.

3.4 Comparative Analysis: Convergence and Divergence of Positive Law and Islamic Law

A comparative study between Indonesian positive law and Islamic criminal law in the context of *cyberporn* reveals a dialectical relationship between morality, law, and technology. Although the two systems originate from distinct normative foundations—positive law from secular rationalism and legal certainty, and Islamic law from divine revelation and universal moral values—they share a common objective: maintaining social order and protecting human dignity (*ḥifẓ al-'ird*). In the contemporary era, this comparative analysis becomes essential to identify an integrative legal foundation capable of addressing the moral and juridical challenges posed by digital crimes such as *cyberporn* (Hayati & Edyar, 2024; Aulia et al., 2023).

3.4.1 Convergence: Shared Objectives and Foundational Principles

Both Indonesian positive law and Islamic criminal law treat pornography as an act that undermines public morality and threatens social order. Law No. 44 of 2008 on Pornography explicitly recognizes pornography as destructive to national morality and inconsistent with Indonesia's noble cultural values. This aligns with the principles of *maqāṣid al-sharī'ah* in Islamic law, which emphasize the protection of religion (*ḥifẓ al-dīn*), intellect (*ḥifẓ al-'aql*), and honor (*ḥifẓ al-'ird*).

Furthermore, both legal systems share a preventive orientation. In national law, prohibitions on producing or distributing digital pornographic content reflect *preventive justice*, whereas in Islamic law, the principle of *sadd al-dharā'i'* (blocking the means to vice) serves as a moral safeguard. This principle seeks to close pathways leading to immorality, including the spread of images, videos, or texts that arouse lust or normalize indecency in the digital sphere (Kamali, 2008).

Both systems also recognize the importance of protecting victims and the broader community. In positive law, this protection manifests through criminal sanctions and reporting mechanisms managed by the Ministry of Communication and Informatics (*Kominfo*). In Islamic law, moral protection is achieved through *ta'zīr*, where the government holds discretionary authority to impose punishments that both deter (*zajr*) and educate (*iṣlāḥ al-mujtama'*). Thus, both frameworks converge philosophically in viewing *cyberporn* not merely as a legal violation but as an affront to human values and moral sanctity.

3.4.2 Divergence: Philosophical and Epistemological Foundations

Despite their shared goals, the two legal systems diverge fundamentally in their sources of legitimacy and epistemological orientation. Indonesian positive law is grounded in

legal positivism, which recognizes legislation as the sole valid source of law. Within this framework, pornography is considered a violation of secular public morality, not a transgression against divine law.

Conversely, Islamic criminal law derives its legitimacy from revelation—the Qur'an and Sunnah—supplemented by *ijtihād* (independent reasoning) as a secondary method of legal derivation. Hence, acts of pornography are not merely social offenses but *ma'ṣiyah* (sins against God). In Islam, moral and legal wrongdoing are intrinsically linked, whereas in positive law, the relationship is compartmentalized. This distinction represents a key epistemological divergence between the two systems (Hallaq, 2009; Kamali, 2008).

In terms of sentencing, positive law emphasizes certainty and uniformity. For instance, Article 29 of the Pornography Law prescribes up to 12 years of imprisonment for those producing or distributing pornographic material. In contrast, *ta'zīr* punishments in Islamic law are flexible and proportional, determined by the offender's intent, social impact, and level of moral harm. Judges or authorities are thus empowered to adjust sanctions according to societal conditions and the degree of public corruption involved (Aulia et al., 2023).

Moreover, positive law tends to separate morality from legality, while Islamic law embeds morality as the foundation of the legal order. In Islam, acts that corrupt morality—regardless of material harm—constitute legal offenses. Conversely, in positive law, offenses must be empirically verifiable through evidence and witnesses. This gap creates a challenge in addressing *cyberporn*, where moral and social harm often eludes quantification in secular legal systems (Hayati & Edyar, 2024; Rahma & Latif, 2024).

3.4.3 Integrating Islamic Values into the National Legal Framework

As a Pancasila-based nation, Indonesia provides space for Islamic values to inform its legal system. Although not a theocratic state, the integration of religious morality within national legislation is a defining feature of Indonesia's legal pluralism (Marzuki, 2017). Islamic moral principles frequently serve as references for formulating decency norms in positive law, including in the Pornography Law.

This integration is evident in the philosophical preamble of Law No. 44 of 2008, which explicitly cites “the religious values of Indonesian society” as a foundation for legislation. Substantively, this reflects an alignment with the *maqāṣid al-sharī'ah* principle of preserving public morality, even if not explicitly stated (Fianto & Syamsuri, 2023). Therefore, developing an integrative approach between both systems is not only feasible but also necessary to confront the ethical dilemmas of digital modernity.

An ideal integration model would combine the normative precision of positive law with the ethical depth of Islamic law. For instance, in cases of *revenge porn* on Twitter, national law could impose criminal sanctions as a means of enforcement, while Islamic law could provide the moral and spiritual framework for the rehabilitation of both perpetrators and victims. The Islamic concepts of *iṣlāh* (reformation) and *tawbah* (repentance) could thus balance justice (*'adl*) with compassion (*rahmah*) (Aulia et al., 2023; Saleh, 2025).

3.4.4 Implementation Challenges and Legal Reform Directions

The main challenge in integrating Islamic and positive law lies in their differing methodologies and institutional frameworks. Islamic law operates through a moral-

teleological (*maqāṣidī*) approach, while positive law functions through a procedural-formalistic one. As a result, positive law tends to be reactive and enforcement-oriented, while Islamic law emphasizes moral prevention and community-based oversight.

In the *cyberporn* context, this distinction manifests in the lag between legal enforcement and the rapid dissemination of pornographic content through algorithmic systems. In contrast, Islamic legal thought—through the principle of *ḥisbah* (moral supervision)—advocates preventive mechanisms rooted in communal responsibility to curb immorality. Hence, integrating both traditions can strengthen Indonesia's legal system by combining enforcement with moral education (Ramadhani et al., 2025; Aulia et al., 2023).

Legal reform in the digital era must adopt a *maqāṣidī* approach to ensure that lawmaking protects not only justice but also human dignity and ethical integrity. For example, emerging forms of *deepfake pornography*—AI-generated explicit images—cannot be adequately addressed solely through statutory provisions of the Pornography Law. A normative approach based on *maqāṣid al-sharī'ah* allows violations to be assessed not just by formal elements of crime but by the degree of harm inflicted upon human dignity (Ramadhani et al., 2025).

Comparatively, both Indonesian positive law and Islamic criminal law share the same moral orientation—preserving public decency—yet differ in their methodologies and normative grounding. Positive law provides legal certainty through codified sanctions, while Islamic law supplies moral and spiritual legitimacy that fills the ethical vacuum of secular legislation. Integrating these frameworks is therefore a strategic necessity to address the complex, transboundary nature of *cyberporn*.

By adopting *maqāṣid al-sharī'ah* as a guiding principle in national cyber law policy, Indonesia can establish a legal system that is not merely repressive but also educative and moralistic. Such a hybrid model—blending normative and ethical dimensions—would strengthen Indonesia's position as a legal state that upholds religious values while ensuring the responsible exercise of digital rights and freedoms.

3.5 The Role of *Maqāṣid al-sharī'ah* in Formulating a Legal Response to Cyberporn

The phenomenon of *cyberporn* in the digital era presents a profound challenge for modern legal systems, particularly in societies founded on religious and ethical values such as Indonesia. The proliferation of pornographic content through social media platforms like Twitter (X) not only violates positive law but also generates a moral crisis and a degradation of social values. In this context, the principles of *maqāṣid al-sharī'ah* (the higher objectives of Islamic law) serve as a crucial conceptual framework for assessing, responding to, and reorienting legal paradigms in addressing technology-based moral crimes. This approach extends beyond the mere articulation of prohibitions; it seeks to ensure that law promotes public welfare (*maṣlaḥah*) and prevents corruption and harm (*mafsadah*) within the increasingly complex landscape of digital life (Kamali, 2008).

3.5.1 Relevance of *Maqāṣid al-sharī'ah* in the Digital Era

Maqāṣid al-sharī'ah is a normative legal theory positioning Islamic law as an instrument to achieve human well-being by protecting five essential aspects of life: religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and honor (*ḥifẓ al-'ird*) (al-Syatibi,

2024; Kamali, 2008). In the context of *cyberporn*, at least three of these objectives are particularly relevant: the protection of honor, intellect, and lineage.

First, *ḥifẓ al-ʿird* guarantees every individual's right to dignity and privacy, whether in physical or virtual spaces. The dissemination of pornographic content without consent – such as *revenge porn* or *deepfake pornography* – constitutes a violation of personal honor and human dignity (Rahma & Latif, 2024; Ramadhani et al., 2025; Bustamam & Hardivizon, 2025). Second, *ḥifẓ al-ʿaql* mandates the protection of the intellect from corrupting influences, such as the addictive consumption of online pornography, which has been shown to distort social and psychological behavior (Ben Brahim et al., 2024; Vieira & Griffiths, 2024). Third, *ḥifẓ al-nasl* emphasizes the sanctity of sexual relations within marriage, regarding all forms of public sexual representation as threats to moral and social order within Muslim communities.

Accordingly, the *maqāṣid* framework offers a holistic ethical paradigm – viewing *cyberporn* not only as a legal offense but also as a disruption to the moral and spiritual balance of human life.

3.5.2 Theological Foundation for Legal Reform

Islam prohibits pornography not merely because of its explicit sexual nature but because it produces widespread *mafsadah* – moral, psychological, and social corruption. The Qur'an explicitly warns in Surah *al-Nur* [24]:19 that “those who love to spread indecency among the believers will have a painful punishment in this world and the Hereafter.” This verse serves as a theological foundation for the state to enact and enforce laws that prohibit the dissemination of pornographic content in any form, including in digital spaces.

Within the framework of *maqāṣid al-sharīʿah*, legal regulation must prioritize the prevention of greater harm. Thus, state interventions such as website blocking, content reporting systems, and criminal prosecution against perpetrators of digital pornography align with the Islamic concept of *ḥisbah* – the social duty of enjoining good and forbidding evil (*amr bi al-ma'rūf wa nahy 'an al-munkar*) (Qardhawi, 1986). In this regard, institutions such as Indonesia's Ministry of Communication and Informatics (*Kominfo*) can be seen as modern extensions of the *ḥisbah* function in governance.

Furthermore, Islam encourages lawmakers to ground legal policies in *maṣlaḥah mursalah* – public interests that, though not explicitly stated in scripture, are consistent with the overarching objectives of the Sharia. Consequently, regulatory efforts against *cyberporn* are *sharʿi*-legitimate as long as they aim to protect society from moral and social decay (al-Zuhaili, 1985).

3.5.3 Maqāṣid Approach to Legal Policy and Punishment

A *maqāṣidī* approach to lawmaking does not stop at defining prohibitions; it also guides the design of sanctions consistent with Islamic moral objectives. In Islamic criminal law, *cyberporn* is classified as a *jarimah taʿzīr* – a discretionary offense for which the Qur'an and Sunnah specify no fixed punishment, granting the state authority to determine penalties in accordance with public welfare (al-Zuhaili, 1985; Aulia et al., 2023).

Taʿzīr sanctions may take various forms – imprisonment, fines, or digital access restrictions – depending on the extent of social harm caused. For example, perpetrators of *revenge porn* that severely damage a victim's reputation may face harsher punishment, while

passive consumers may receive corrective measures such as moral rehabilitation or ethical education programs. This reflects the *maqāṣidī* aim of *iṣlāḥ al-mujtamaʿ* (social reform) rather than mere retribution (Saleh, 2025).

The *maqāṣidī* paradigm also emphasizes balance between *taʿzīr* (punishment) and *taʿdīb* (moral education). In the context of public policy, this can be realized through Islamic-based digital literacy initiatives that not only prohibit but cultivate ethical awareness. Thus, law functions as a means of *tahdhīb al-naḥs* (purification of the soul), not merely a repressive instrument (al-Qaradhawi, 2024; Kamali, 2008).

3.5.4 Integrating Maqāṣid al-sharīʿah with National Cyber Law

Integrating *maqāṣid al-sharīʿah* into Indonesia's national legal system is neither utopian nor incompatible. As a nation founded upon belief in the Almighty God (*Ketuhanan Yang Maha Esa*) under the Pancasila and the 1945 Constitution, Indonesia possesses the philosophical legitimacy to incorporate moral-religious values into public legal policy. Within this framework, *maqāṣid* serves as an ethical foundation to strengthen the effectiveness of positive law, which tends to be more administrative and reactive.

As highlighted by Hayati and Edyar (2024), Indonesia's positive legal framework primarily emphasizes prohibition and punishment, but lacks a deep moral orientation. Here, *maqāṣid al-sharīʿah* can function as an ethical compass for modern legal systems. The principle of *ḥifẓ al-ʿird* can enrich moral norms within the Pornography Law, while *ḥifẓ al-ʿaql* supports psychological protection against the harms of digital pornography consumption.

This integration may be operationalized through three key steps: (1) reconstructing legal regulations on the basis of Islamic moral values; (2) strengthening digital ethics education; and (3) implementing restorative justice mechanisms. A *maqāṣidī* approach enables national law to move beyond punitive measures toward restoring moral equilibrium within society (Ramadhani et al., 2025; Fianto & Syamsuri, 2023).

3.5.5 Toward a Maqāṣid-Based Cyber Ethics Framework

One of Islamic law's most significant contributions lies in its capacity to shape moral consciousness. In the realm of social media, the principles of *maqāṣid al-sharīʿah* can be developed into an Islamic digital ethics framework—a paradigm not only addressing the prohibition of pornographic content but guiding individuals toward morally responsible (*amānah*) technology use.

According to Yusuf al-Qaradawi (2013), the purpose of Islamic law is not solely to enforce rules but to build a virtuous society (*mujtamaʿ al-ḥaḍīrah*). Therefore, a *maqāṣidī* approach to *cyberporn* must operate across three interrelated domains: law (legal reform), education (ethical literacy), and technology (platform regulation). These dimensions must function synergistically to enable Islamic law to serve as a moral system guiding contemporary digital governance.

Moreover, the *maqāṣid* framework can encourage governments to reassess algorithmic policies that facilitate the viral spread of pornographic content on social media platforms. By applying the principle of *maṣlaḥah ʿāmmah* (public interest), states can hold global tech corporations accountable for the societal impact of their algorithms (Byron et al., 2025). The

concept of *ḥisbah maqāṣidī* may thus evolve into a form of ethical digital governance that not only restricts harmful content but fosters an educational and morally sound online ecosystem.

The role of *maqāṣid al-sharī'ah* in formulating legal responses to *cyberporn* demonstrates that Islamic law is not rigid but adaptive to contemporary transformations. This approach asserts that law is not merely a punitive mechanism but an ethical instrument preserving equilibrium between individual rights and public morality. In Indonesia, embedding *maqāṣid al-sharī'ah* into national legal development reinforces both the moral legitimacy of the legal system and its function as the guardian of human dignity.

By adopting *maqāṣid al-sharī'ah* as the paradigm for digital legal policy, Indonesia can cultivate an integrative legal system—one that enforces justice while instilling moral and spiritual awareness in technological use. This approach aligns with Islam's vision as a *rahmatan lil-'ālamīn* (mercy to all creation), positioning law as a vehicle for building a clean, just, and dignified civilization amid the complexities of the digital age.

3.6 Towards a Unified Legal-Moral Framework for Cyberporn Regulation

The findings of this study demonstrate that the phenomenon of *cyberporn* on social media—particularly on Twitter (X)—has evolved into a complex moral and social crime in the digital era. This phenomenon involves not only violations of decency norms but also intersects with technological challenges, platform policies, and tensions between freedom of expression and moral responsibility. Empirical data from Indonesia's Ministry of Communication and Informatics (*Kominfo*) indicate that by the end of 2023, more than 1.9 million pornographic contents had been blocked in Indonesia's digital sphere, with Twitter among the leading platforms for such distribution (Komdigi, 2025). These statistics highlight the urgency for a legal approach that extends beyond punitive measures to encompass the moral reconstruction of the digital public sphere.

From the perspective of Indonesia's positive law, pornography is comprehensively regulated through Law No. 44 of 2008 on Pornography and Law No. 19 of 2016 amending the ITE Law. These statutes provide a solid normative foundation for prosecuting perpetrators of digital pornography. However, this study finds that their practical enforcement still faces obstacles in digital evidence collection, cross-platform coordination, and algorithmic oversight. The Pornography Law emphasizes prohibition and punishment but fails to adequately address the ethical, psychological, and moral dimensions of the *cyberporn* phenomenon. Consequently, positive law remains reactive and procedural when confronting dynamic forms of moral crime (Aslam, 2023).

In contrast, within Islamic criminal law, *cyberporn* is categorized as a *jarīmah ta'zīr*—an offense not explicitly prescribed in the Qur'an or Sunnah but one that clearly violates the *sharī'ah* principles of preserving honor (*ḥifẓ al-'ird*) and public morality. Islam firmly condemns the public dissemination of indecency (*fāḥishah*), as stated in Qur'an *Surah al-Nūr* [24]:19, viewing it as a grave violation of purity and social order. Accordingly, *cyberporn* offenders may be subject to *ta'zīr* penalties that are educational, proportional, and contextually determined based on the severity and societal impact of their offenses. This approach frames law enforcement not solely as a repressive tool but as a means of moral and social reform (*iṣlāḥ al-mujtama'*) (al-Zuhaili, 1985; al-Qardhawi, 2024).

A comparative analysis of positive and Islamic law reveals both convergence and divergence. While both systems share the objective of safeguarding public morality and human dignity, they diverge in legitimacy and methodology. Positive law is grounded in secular rationalism and legal certainty, whereas Islamic law is rooted in divine revelation and moral-spiritual reasoning. Nevertheless, this study finds that integrating Islamic values within the national legal framework is both feasible and necessary, as Indonesia's plural legal system accommodates religious ethics. Such integration enriches the substance of positive law through the moral framework of *maqāṣid al-sharī'ah*, transforming law from a mere instrument of control into a guide for cultivating a virtuous and civilized society (Hayati & Edyar, 2024; Fianto & Syamsuri, 2023).

A central finding of this research is that the *maqāṣid al-sharī'ah* approach provides a robust philosophical and ethical foundation for legal reform in responding to cybercrime. Through the principles of *ḥifẓ al-dīn* (protection of faith), *ḥifẓ al-'aql* (protection of intellect), and *ḥifẓ al-'ird* (protection of honor), Islamic law views *cyberporn* as a threat to reason, morality, and human dignity. The *maqāṣidī* perspective demands that legal policy be directed toward the prevention of *mafsadah* (harm) and the realization of *maṣlaḥah* (public good). Therefore, legal responses to *cyberporn* should be preventive, educational, and restorative—not merely punitive—aimed at fostering digital ethics and moral responsibility within society (Kamali, 2008; Rahma & Latif, 2024; Saleh, 2025).

This study further asserts that *maqāṣid al-sharī'ah* can serve as a paradigm for national legal policymaking amid digital transformation. The principle of *maṣlaḥah mursalah* enables Islamic law to remain relevant in addressing unprecedented phenomena such as *deepfake pornography* and digital sexual addiction. Thus, Islamic law is not rigid but adaptive to contemporary change while preserving its moral essence. The *maqāṣidī* framework prioritizes the protection of intellect and honor as central legal objectives in an age when digital freedom often blurs the boundaries between privacy, morality, and criminality (Ramadhani et al., 2025; Byron et al., 2025).

Overall, the study concludes that legal efforts to combat *cyberporn* must operate on two interconnected levels: first, through the strengthening of effective positive law mechanisms, and second, through the internalization of *maqāṣid al-sharī'ah* values emphasizing balance between legal justice and social welfare. The integration of these two levels will yield a more holistic and human-centered approach—one that not only suppresses deviant behavior but also fosters moral consciousness and social harmony.

In conclusion, *cyberporn* on social media is not merely a criminal offense but a symptom of deeper moral disorientation amid technological advancement. Islamic law, through the framework of *maqāṣid al-sharī'ah*, offers a conceptual and ethical model that unites legal rationality, spiritual morality, and social benefit. This synthesis constitutes the principal contribution of the present study to the development of both Islamic and national legal thought in the digital era—advancing toward a legal system that is not only juridical but also moral, just, and profoundly humane.

4. Conclusion

This study affirms that the phenomenon of *cyberporn* on social media – particularly on platforms such as Twitter (X) – represents a multidimensional issue encompassing legal, moral, and technological dimensions. From the standpoint of positive law, Indonesia already possesses a regulatory framework through the Pornography Law (Law No. 44 of 2008) and the Electronic Information and Transactions Law (Law No. 19 of 2016), both of which provide the legal basis for prosecuting the dissemination of pornographic content online. However, the implementation of these instruments still faces serious challenges, particularly in cross-platform enforcement, inter-agency coordination, and digital oversight. As it currently stands, positive law remains reactive and procedural, failing to address the deeper moral and social roots underlying the proliferation of online pornography.

In contrast, from the perspective of Islamic criminal law, *cyberporn* is categorized as a form of *jarimah ta'zīr* – an offense that not only violates legal norms but also desecrates human dignity and sanctity. The principles of *maqāṣid al-sharī'ah* – especially *ḥifẓ al-'ird* (protection of honor), *ḥifẓ al-'aql* (protection of intellect), and *ḥifẓ al-nasl* (protection of lineage) – provide an ethical and philosophical framework for understanding and responding to this phenomenon in a more comprehensive manner. The *maqāṣidī* approach teaches that law should aim not merely to punish but to prevent moral corruption and to preserve human dignity as a core objective of legal governance.

The findings of this study suggest that the integration of positive and Islamic law is not only possible but also essential through the paradigm of *maqāṣid al-sharī'ah*. This approach allows the national legal system to become adaptive, just, and socially beneficial within the dynamics of the digital age. By adopting *maqāṣid al-sharī'ah* as a foundation for public ethics, the state can achieve a balance between legal certainty and the moral values that underpin Indonesian society.

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