

LEGAL CONSEQUENCES FOR DEVELOPERS WHO MAKE GAMES CONTAINING ADULT CONTENT IN INDONESIA

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ABSTRACT

This study explores the legal framework governing adult content in video games in Indonesia, focusing on the Electronic Information and Transactions Law (Law No. 11/2008) and Ministerial Regulation No. 11/2016. Using a normative legal research method, the research investigates how these regulations aim to protect minors through age-based content classifications and other restrictions. The analysis incorporates statutory, responsive, utilitarian, and naturalist legal theories to assess the effectiveness of these measures. The study finds that game developers can face various penalties, including administrative, criminal, and civil sanctions, if their games contain adult content that violates legal standards. The research underscores the necessity for laws that adapt to technological advancements and regional differences, ensuring that regulations effectively safeguard youth from inappropriate content.

Keywords: *Legal Regulation, Adult Content, Video Games, Legal Penalties*

I. INTRODUCTION

1.1 Background of the problem

Adult content in video games has become a controversial issue in Indonesia, especially in recent years with the increasing internet penetration and popularity of video games among young people. This phenomenon has raised concerns from various parties, including governments, parents, and educators, regarding the negative impact that exposure to adult content may have on young players.

Indonesia is one of the countries with a very large number of internet users. According to data from the Indonesia Internet Service Providers Association (APJII), in 2022, the number of internet users in Indonesia reached 210 million people, with the majority of users being young people aged 13-24 years. This shows that access to video games, including those containing adult content, is very widespread among young people in Indonesia.¹ This raises concerns that exposure to adult content can affect the psychological and moral development of the younger generation.

¹ Hapsari, R. D., & Pambayun, K. G. (2023). Ancaman cybercrime di Indonesia: Sebuah tinjauan pustaka sistematis. *Jurnal Konstituen*, 5(1), 1-17.

Adult content in video games includes many forms, from extreme violence, abusive language, to sexually explicit content. Studies show that exposure to violence in video games can increase a player's aggressiveness, although empirical evidence regarding this relationship is still debated among academics. For example, a study by Anderson and Bushman showed that exposure to violent video games can increase aggression in the short term.² However, another study by Ferguson et al. found that there was no significant association between playing violent video games and long-term aggressive behavior.³

In addition to violence, sexually explicit content in video games is also a concern. This content can influence young players' views on sexuality and interpersonal relationships. Several studies show that exposure to sexual content in the media can affect adolescents' sexual attitudes and behaviors.⁴ In Indonesia, this issue has become more sensitive given the strong cultural and religious values that emphasize morality and ethics in interpersonal relationships.

The Indonesia government has taken steps to regulate and restrict access to adult content in video games. Through the Ministry of Communication and Information Technology (Kominfo), the government has implemented a policy to block access to games that are considered incompatible with cultural and religious norms in Indonesia. For example, in 2016, Kominfo blocked popular games such as "Grand Theft Auto" because they were deemed to contain violent and sexually explicit content.⁵ However, the effectiveness of this policy is often debated, as users can still access the game through a variety of means, including using a VPN (Virtual Private Network).

In addition to government efforts, the role of parents and educators is also very important in supervising and guiding children in the use of video games. Parents are expected to be more proactive in monitoring the types of games played by their children and providing an understanding of appropriate

² Anderson, C. A., & Bushman, B. J. (2001). "Effects of violent video games on aggressive behavior, aggressive cognition, aggressive affect, physiological arousal, and prosocial behavior: A meta-analytic review of the scientific literature." *Psychological Science*, 12(5), 353-359.

³ Ferguson, C. J., et al. (2008). "Violent Video Games and Aggression: Causal Relationship or Byproduct of Family Violence and Intrinsic Violence Motivation?" *Criminal Justice and Behavior*, 35(3), 311-332.

⁴ Brown, J. D., & L'Engle, K. L. (2009). "X-Rated: Sexual attitudes and behaviors associated with U.S. early adolescents' exposure to sexually explicit media." *Communication Research*, 36(1), 129-151.

⁵ Prasetya, A. G. P. (2024). Kominfo siap blokir game online yang mengandung unsur kekerasan dan pornografi, berikut listnya. Retrieved from <https://radarsemarang.jawapos.com/entertainment/724568852/kominfo-siap-blokir-game-online-yang-mengandung-unsur-kekerasan-dan-pornografi-berikut-listnya?page=2>

and inappropriate content. Educators can also play a role by incorporating media literacy into the school curriculum, so that students can understand and evaluate media content critically.

The video game industry itself also needs to play a role in reducing the negative impact of adult content. Game developers are expected to be more responsible in creating and marketing their games. One step that can be taken is to provide clear and specific warning labels regarding adult content in the game. In addition, developers can also create parental control features in the game, which allow parents to restrict their children's access to certain content.

Despite many efforts to address this issue, challenges remain. One of them is the rapid development of technology that makes regulations always lag behind. In addition, cultural diversity in Indonesia also makes it difficult to implement uniform policies. Some regions may be more conservative and sensitive to adult content than others. Therefore, a more flexible and community-based approach may be needed to address this issue effectively.

Priyanti Tangkeara in her research in 2019 stated that there are still many *Game Rental Service Providers* that Contain Elements of Pornography and Morality for Children, in Balikpapan City and some game rental service owners who have reasons not to understand or do not understand the existing rules even though before opening the service business, *game rental service providers Rules* have been given regarding what obligations they must and must not do. The formulation of this research problem is *Legal Liability for Game Rental Service Providers that Contain Elements of Pornography and Morality for Children in Balikpapan City*, *Legal Liability that can be Imposed is Game Rental Service Providers Containing Elements of Pornography and Morality for Children in Balikpapan City Criminal Law Liability Based on Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) of Law Number 11 of 2008 concerning Information and Electronic Transactions, Article 29, Article 30, Article 32 of Law Number 44 of 2008 concerning Pornography*, while administrative legal accountability is based on Article 14 of the Regulation of the Mayor of Balikpapan City Number 13 of 2016 concerning the Implementation of Internet Services.⁶ Meanwhile, according to Antonius Sudirman and Ignasius Grasian in their research in 2022, it is stated that in fact the Child Protection Pornography Law is oriented to the interests of child protection, including child pornography crimes. However, the provisions of the law on Pornography contain weaknesses, namely the special formulation of the

⁶ Tangkeara, P. (2019). Pertanggungjawaban hukum terhadap penyedia jasa penyewaan game yang mengandung unsur pornografi dan kesusilaan bagi anak di Kota Balikpapan. *LEX SUPREMA Jurnal Ilmu Hukum*, 1(2).

minimum criminal sanction is not accompanied by guidelines for criminal threats and the minimum outrageous is low or light compared to the maximum criminal threat, thus opening up criminal disparities. chance. Second, the Makassar Police have not optimally enforced the law to protect the interests of children from child pornography crimes.⁷

Based on the initial presentation, it will be very interesting to discuss in the form of a legal journal with the title: **LEGAL CONSEQUENCES FOR DEVELOPERS WHO MAKE GAMES CONTAINING ADULT CONTENT IN INDONESIA**

The problem formulation in this research is what are the legal arrangements related to game circulation in Indonesia and what are the legal consequences that can arise from the existence of game developers who create adult content?

I. RESEARCH METHODS

This research uses the normative law research method, normative law research is a research method that focuses on the analysis of legal norms or rules that apply in society. The main purpose is to study legal documents such as laws, government regulations, court decisions, and other legal literature in order to understand and explain legal concepts and the underlying principles. This research process involves the collection of relevant legal documents, critical analysis of legal texts, and evaluation of the effectiveness of regulations and their impact on society.⁸ This research also uses a statute approach. This approach involves collecting, analyzing, and interpreting laws and regulations to understand their meaning and application in a practical context. Researchers interpret legal texts by considering the historical, sociological, and philosophical context of the formation of such rules.⁹

II. DISCUSSION

2.1 Legal Regulation of Game Circulation in Indonesia

The legal regulation of video game circulation in Indonesia includes a variety of regulations designed to protect the public from inappropriate or harmful content. Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), which was amended by Law Number

⁷ Sudirman, A., & Grasian, I. (2022). Fungsionalisasi hukum pidana terhadap kejahatan pornografi anak dan perlindungan kepentingan anak. *Jurnal Pemberdayaan Hukum*, 2(1).

⁸ Marzuki, P. M. (2019). *Penelitian hukum*. Jakarta: Kencana.

⁹ Soekanto, S., & Mamudji, S. (2014). *Penelitian hukum normatif: Suatu tinjauan singkat*. Jakarta: RajaGrafindo Persada.

19 of 2016, is the main legal basis that regulates digital content, including video games. The ITE Law prohibits the distribution, transmission, and provision of access to content that violates morals, gambling, insults, extortion, and threats, which means that video games with these elements may be subject to sanctions in accordance with applicable regulations. Regulation of the Minister of Communication and Information Technology (Permenkominfo) Number 11 of 2016 concerning the Classification of Electronic Interactive Games stipulates the requirements for the classification of video games based on the age of the player. This classification includes age categories such as 3+, 7+, 13+, and 18+, which aim to protect children from content that is inappropriate for their age.¹⁰ In addition, Law No. 23 of 2002 concerning Child Protection, which was amended by Law No. 35 of 2014, affirms the right of children to be protected from violent or pornographic content in information media, including video games.¹¹ Government Regulation Number 71 of 2019 concerning the Implementation of Electronic Systems and Transactions requires electronic system operators to maintain the security and reliability of the systems they operate, including filtering inappropriate content.¹² Bank Indonesia Regulation No. 20/6/PBI/2018 on Electronic Money also plays an important role, especially in regulating microtransactions in online games to ensure that all transactions meet security and consumer protection standards.¹³ Some regions have also issued regional regulations (perda) that regulate game hours for children to prevent the negative impact of game addiction on their development.

In the context of regulating the legal regulation of game circulation in Indonesia, the positive law theory pioneered by John Austin is very relevant to be used to dissect existing problems. This theory argues that law is an order from the sovereign and is strictly applied.¹⁴ In this case, regulations such as the ITE Law and Permenkominfo No. 11/2016 can be understood as an order from the Indonesia government to regulate digital content to protect the public from the dangers posed by inappropriate video game content. Positive law provides a clear and unequivocal framework for regulating public

¹⁰ Prianggih, R., Jazuli, H. R., & Citrawan, A. L. (2023). Kewenangan Komite Klasifikasi dalam uji kesesuaian game online "Grand Theft Auto V" berdasarkan Peraturan Menteri Komunikasi dan Informatika Nomor 11 Tahun 2016 tentang Klasifikasi Permainan Interaktif Elektronik. *Jurnal Beleid*, 1(2), 117-139.

¹¹ Kartini, M. (2019). Perlindungan anak dari konten berbahaya media elektronik dikaitkan dengan Undang-Undang Nomor 35 Tahun 2014 tentang perlindungan anak. *Yustitia*, 5(2), 213-225.

¹² Sahib, N. S. M., Idayanti, S., & Rahayu, K. (2023). Problematika aturan penyelenggara sistem elektronik (PSE) di Indonesia. *Pancasakti Law Journal (PLJ)*, 1(1), 61-74.

¹³ Ponten, S. (2023). Perlindungan hukum terhadap konsumen dalam transaksi jual beli online melalui sosial media. *Realism: Law Review*, 1(3), 79-90.

¹⁴ Budiono, A., Iriani, D., Hariyani, N., & Janah, E. U. (2021). Jhon Austin's Positivism Legal Policy: Convergence of Natural Law. *International Journal of Multicultural and Multireligious Understanding*, 8(9), 401-410.

behavior with the aim of maintaining public order and safety. In addition, the responsive legal theory proposed by Philippe Nonet and Philip Selznick is also relevant to be used to dissect this problem. Responsive legal theory emphasizes that the law must be responsive to social and technological changes.¹⁵ In this context, the implementation of the ITE Law and other related regulations shows how Indonesia's laws are adapting to the development of information and communication technology, as well as the increasing use of the internet and video games among young people. Legal responsiveness is important to ensure that regulations remain effective in the face of new challenges arising from evolving technologies.¹⁶ By combining these legal theories, we can see that the regulation of game circulation laws in Indonesia not only aims to enforce existing regulations, but must also continue to evolve and adapt to remain relevant and effective in protecting the public, especially children and adolescents, from harmful content.

2.2 Legal Consequences Arising from the Existence of Game Developers Containing Adult Content

Video game developers who include adult content in their products in Indonesia can face a variety of significant legal consequences, both in the form of administrative, criminal, and civil sanctions. One of the main legal consequences is the administrative sanctions applied by the government. Based on the Regulation of the Minister of Communication and Information Technology Number 11 of 2016 concerning the Classification of Electronic Interactive Games, video games must be classified according to the age category that is in accordance with the content presented. If a game contains adult content that does not fit the specified age category, the developer may be subject to administrative sanctions. This includes revocation of distribution licenses, withdrawal of products from the market, or banning the circulation of games in Indonesia. On the criminal side, developers can be sanctioned if their video games violate Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE), which was amended by Law Number 19 of 2016. The ITE Law prohibits the dissemination of content that contains elements of pornography, violence, or other forms of decency that violate the law. If a game is proven to violate this provision, the developer may be subject to criminal sanctions, which include fines or imprisonment, in accordance with Article 27 paragraph (1) and Article 28 of the ITE Law. In the civil realm, video game developers can face lawsuits if their game

¹⁵ Nonet, P., Selznick, P., & Kagan, R. A. (2017). *Law and society in transition: Toward responsive law*. Routledge.

¹⁶ Abas, M., Amalia, M., Malik, R., Aziz, A., & Salam, S. (2023). *SOSIOLOGI HUKUM: Pengantar teori-teori hukum dalam ruang sosial*. PT. Sonpedia Publishing Indonesia.

content causes losses or negative impacts to other parties. For example, if adult content in a game has a negative impact on a player's morale or psychology, or if there is copyright infringement, the developer may be subject to civil lawsuits for compensation for damages incurred. Law No. 23 of 2002 concerning Child Protection, as amended by Law No. 35 of 2014, also provides a legal basis for civil actions against offenses involving children and adolescents.

In this context, the utilitarian legal theory developed by Jeremy Bentham is very relevant. Bentham, an 18th-century United Kingdom philosopher and jurist, proposed the theory that law should be aimed at achieving "the greatest happiness for the greatest number."¹⁷ Within this framework, legal arrangements related to adult content in video games can be seen as an effort to maximize the welfare of society, especially by protecting children and adolescents from negative influences that can damage their moral and psychological development. Utilitarian theory emphasizes the importance of the end result of the application of the law, namely the welfare and happiness of the community, which in this case is realized through strict regulation of adult content in video games.

In addition, the naturalist legal theory put forward by Thomas Aquinas also provides a useful perspective. Aquinas argued that law should be based on morality and justice inherent in natural law.¹⁸ Good law should reflect fundamental moral values and promote the common good. In the context of video game circulation in Indonesia, regulations that prohibit adult content can be seen as an effort to uphold morality and protect society from destructive influences. Thus, the law banning adult content in video games not only serves as a social control tool, but also as a manifestation of universal moral principles.

Through the application of this utilitarian and naturalist theory, we can see that the legal regulation of adult content in video games in Indonesia aims to protect the welfare of the community and uphold essential moral values. The regulation not only regulates the behavior of individuals and entities in society, but also reflects a commitment to promoting the common good and protecting the most vulnerable members of society, especially children and adolescents.

III. CONCLUSION

The legal regulation of video game circulation in Indonesia aims to protect the public from inappropriate and harmful content through various regulations, including the Electronic Information

¹⁷ Driver, J. (2014). *The History of Utilitarianism*. Stanford Encyclopedia of Philosophy.

¹⁸ Finnis, J. (2011). *Natural Law and Natural Rights* (2nd ed.). Oxford University Press.

and Transaction Law (UU ITE), the Regulation of the Minister of Communication and Informatics, and the Child Protection Law. The ITE Law prohibits content that violates decency, while the Ministerial Regulation establishes an age classification for video games, and the Child Protection Law underlines the protection of children from violent or pornographic content. These regulations are designed to prevent the negative impact of adult content that can damage the morals and psychology of children and adolescents.

In terms of legal consequences against developers, administrative, criminal, and civil sanctions may be imposed if the game content violates existing provisions. Positive law theory, which sees the law as an order to be obeyed, and responsive law theory, which emphasizes the adaptation of law to social and technological change, are relevant to understanding these arrangements. In addition, utilitarian and naturalist theories support this arrangement as an effort to maximize welfare and protect people's moral values. These strict and responsive regulations reflect efforts to maintain social order and protect the most vulnerable groups in society.

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