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The Urgency of Regulatory Accountability for Protecting Victims of Sexual Violence in Cyberspace

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Original Article

Abstract

The advancement of digital technology has contributed to a rise in incidents of sexual violence, particularly those perpetrated through electronic media. This study aims to examine the urgency and effectiveness of the Electronic Information and Transactions (ITE) Law and the Law on the Crime of Sexual Violence (TPKS Law) in providing legal protection for women who are victims of digital sexual violence. It also explores the challenges in implementing these regulations and offers recommendations for strengthening the existing legal framework. Employing a normative legal approach, the study finds that although both laws offer a foundational legal basis, their implementation remains hindered by entrenched patriarchal norms, low levels of digital literacy, and limitations in law enforcement capacity. The study concludes that enhancing legal protection necessitates the development of responsive regulatory measures, secure reporting mechanisms, and improved capacity among law enforcement personnel, alongside greater public awareness. The findings underscore the need to reform the legal protection system to ensure it effectively prioritizes the rights of victims.

Keywords: *Sexual Violence; Legal Protection; ITE Law; TPKS Law; Digital Literacy*

Abstrak

Perkembangan teknologi digital telah banyak menimbulkan kejahatan kekerasan seksual, terutama yang berbasis media elektronik. Penelitian ini bertujuan untuk menganalisis urgensi dan efektivitas UU ITE dan UU TPKS dalam memberikan perlindungan hukum bagi perempuan korban kekerasan seksual digital, serta mengkaji tantangan implementasinya dan merumuskan rekomendasi penguatan regulasi. Dengan pendekatan yuridis normatif, penelitian ini menemukan bahwa meskipun kedua regulasi telah memberi kerangka hukum, implementasinya masih terhambat oleh budaya patriarki, rendahnya literasi digital, dan keterbatasan penegakan hukum. Penelitian ini menyimpulkan bahwa penguatan perlindungan hukum memerlukan regulasi yang responsif, mekanisme pelaporan yang aman, serta peningkatan kapasitas aparat dan kesadaran masyarakat. Rekomendasi diberikan untuk mereformasi sistem perlindungan hukum yang efektif dan mengedepankan hak-hak korban.

Kata Kunci: *Kekerasan Seksual, Perlindungan Hukum, UU ITE, UU TPKS, Literasi Digital*

1. INTRODUCTION

The rapid advancement of information technology has fundamentally transformed various aspects of human life, including the ways in which people interact, communicate, and access information. While these developments offer numerous conveniences that can enhance quality of life, they also create new opportunities for complex and difficult-to-detect forms of crime, one of which is sexual violence perpetrated through electronic media. This phenomenon is increasingly alarming, as it occurs on a large scale, often covertly, and has severe consequences for victims—particularly women.

The protection of human rights is explicitly enshrined in Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia. These constitutional provisions affirm that every citizen has the right to life, personal security, and freedom from all forms of discriminatory treatment, including sexual violence committed through digital means. However, in practice, violations of these rights continue to occur frequently, in parallel with the rising incidence of sexual violence in digital spaces.

According to the 2022 Annual Report of the National Commission on Violence Against Women, the year 2021 marked the highest number of gender-based violence cases recorded in the previous decade, reaching 338,496 incidents—a 50% increase from the preceding year.¹ A prominent form of this violence is Online Gender-Based Violence (OGBV), which includes acts such as intimidation, the non-consensual distribution of intimate content, and sexual extortion via digital platforms. These acts not only infringe upon victims' rights to privacy and dignity but also have profound psychological, social, and economic consequences.

In response to these challenges, the Indonesian government has enacted several legal instruments, including Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law) and Law No. 12 of 2022 on the Crime of Sexual Violence (TPKS Law). These laws are intended to provide a robust legal framework for prosecuting offenders and protecting victims. Nonetheless, the practical implementation of legal protections for victims of digital sexual violence remains fraught with challenges. These include weak law enforcement, limited public awareness, and the persistent influence of deeply rooted patriarchal norms.

Moreover, overlapping legal provisions in the ITE and TPKS Laws, coupled with the absence of clear mechanisms for victim recovery, present significant obstacles to effective legal protection. In many cases, victims experience re-victimization due to insufficient safeguards and limited access to justice.² Additionally, the low level of digital

¹ Komnas Perempuan, "Peluncuran Catahu Komnas Perempuan 2022: Peningkatan Jumlah Kasus KBG Di Tahun 2021 Menjadi Alarm Untuk RUU TPKS Segera Disahkan," Komnas Perempuan, 2022, <https://komnasperempuan.go.id/kabar-perempuan-detail/peluncuran-catahu-komnas-perempuan-2022>.

² Elizabeth D. Jacobus, Cicilia Pali, and Hendri Opod, "Pandangan Mahasiswa Pada Salah Satu Institusi Di Sulawesi Utara Terhadap Victim Blaming Dalam Kasus Kekerasan Seksual," *Jurnal Psikologi* 2, no. 2 (2025): 1–8,

literacy among the public results in a widespread lack of awareness regarding behaviors that constitute sexual violence in digital environments—many of which are punishable under existing laws.

The rapid development of information technology has significantly transformed social dynamics, including the emergence of new forms of sexual violence—particularly gender-based violence in digital spaces. Several previous studies have explored this issue from various legal and sociological perspectives. Mintje, for example, analyzed legal protection for victims of sexual harassment on social media through a normative legal lens. Her findings suggest that although relevant regulations exist, their implementation remains suboptimal, especially in providing a deterrent effect for perpetrators.³ Similarly, Nabilah et al. examined the expansion of the scope of sexual violence in the digital era, highlighting the urgency of regulating the privacy rights of victims as part of the broader framework of human rights—rights which are often overlooked. Their study emphasizes the need for robust legal protection concerning the identity and personal data of victims.⁴

Another study by Salsabila and Susanti compared the protective frameworks offered by the ITE Law and the TPKS Law, underscoring that the latter provides a more comprehensive approach—particularly in terms of restitution and victims rights.⁵ Dachi emphasized the importance of implementing the TPKS Law to ensure justice for both victims and perpetrators, as well as to reduce the prevalence of electronic sexual violence.⁶ Meanwhile, Utama and Majid investigated the trends of sexual violence on social media using data from the National Commission on Violence Against Women, stressing the importance of continually identifying patterns of gender-based violence.⁷

While existing studies have addressed various aspects of legal protection for victims of digital sexual violence, several critical gaps remain unaddressed. First, the majority of prior research adopts a descriptive-normative approach and does not

<https://doi.org/10.47134/pjp.v2i2.3603>; Rayza Ilfie Azkya Ashgarie et al., “Bias Gender Dalam Fenomena Victim Blaming Kekerasan Seksual,” *Flourishing Journal* 2, no. 3 (2022): 201–7,

<https://doi.org/10.17977/um070v2i32022p201-207>; Destia Purwaningsih et al., “Efektivitas Undang-Undang Perlindungan Hak Asasi Perempuan Dalam Mengatasi Kekerasan Terhadap Perempuan,” *Parlementer: Jurnal Studi Hukum Dan Administrasi Publik* 1, no. 4 (2024): 165–175, <https://doi.org/10.62383/parlementer.v1i4.366>.

³ Jonathan S. P. Mintje, “Kajian Yuridis Terhadap Tindak Pidana Pelecehan Seksual Yang Dilakukan Melalui Media Sosial,” *Lex Privatum* 11, no. 1 (2023): 1–9, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/45603>.

⁴ Ghina Nabilah et al., “Perlindungan Hukum Bagi Korban Kekerasan Seksual: Upaya Pemulihan Dan Hak Privasi Korban Kekerasan Seksual Di Era Disrupsi Digital,” *Padjadjaran Law Review* 10, no. 1 (2022): 1–18, <https://doi.org/10.56895/plr.v10i1.818>.

⁵ Dana Haura Salsabila and Rahtami Susanti, “Kekerasan Seksual Berbasis Gender Online Dalam Perspektif Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual,” *UMPurnwokerto Law Review* 4, no. 2 (2023): 269–80, <https://doi.org/10.30595/umplr.v4i2.16398>.

⁶ Kornelius Soya Yohan Dachi, “Perlindungan Hukum Terhadap Korban Kekerasan Seksual Berbasis Elektronik,” *Legalitas: Jurnal Hukum* 16, no. 2 (2014): 114–21, <https://doi.org/10.33087/legalitas.v16i2.533>.

⁷ Cika Suci Dewi Utama and Nur Kholis Majid, “Pelecehan Seksual Dalam Dunia Maya: Studi Kasus Terhadap Penggunaan Media Sosial,” *Journal of Contemporary Law Studies* 2, no. 1 (2024): 55–63, <https://doi.org/10.47134/lawstudies.v2i1.2106>.

critically assess the effectiveness of the interaction between the two primary legal instruments—the ITE Law and the TPKS Law—in protecting women who experience sexual harassment via electronic media. Second, few studies have explicitly analyzed the weak synergy between law enforcement and public digital literacy in the prevention and mitigation of digital sexual violence. Third, there is a lack of research that directly connects this issue to constitutional guarantees of non-discrimination and the fulfillment of human rights, as articulated in Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia.

This study offers an original contribution by presenting a critical analysis of the urgency to harmonize and optimize the roles of the ITE Law and the TPKS Law in providing legal protection for women who are victims of sexual harassment through electronic media. In contrast to previous studies that predominantly focus on normative frameworks or statistical data, this study integrates a legal approach with a constitutional perspective and socio-cultural dimensions—including the persistence of patriarchal norms and low levels of digital literacy—which contribute to the high incidence of digital sexual violence. As such, this study offers a more nuanced and comprehensive approach, supporting evidence-based policy advocacy aimed at strengthening legal protections.

Given this reality, further critical research is necessary to evaluate the effectiveness of existing legal frameworks in delivering fair and adequate protection, particularly for women, who constitute the most vulnerable group to digital sexual violence. This study seeks to address this gap by examining, from both legal and constitutional perspectives, the urgency of harmonizing and enhancing the roles of the Electronic Information and Transactions Law (Law No. 19 of 2016) and the Sexual Violence Crime Law (Law No. 12 of 2022) in providing comprehensive, victim-centered legal protection.

Accordingly, the objectives of this study are: (1) to analyze the urgency and effectiveness of the ITE Law and the TPKS Law in safeguarding women who are victims of sexual harassment via electronic media; (2) to explore the relationship between the enforcement of laws addressing online gender-based violence and the fulfillment of citizens constitutional rights—especially the right to personal security and freedom from discrimination, as guaranteed under Articles 28A to 28J of the 1945 Constitution of the Republic of Indonesia; (3) to identify key challenges in the implementation of legal protection, including issues related to law enforcement, the persistence of patriarchal cultural norms, and low levels of digital literacy within society; and (4) to provide recommendations for strengthening regulatory frameworks and legal protection mechanisms that are responsive to the specific needs of victims of digital sexual violence in Indonesia.

2. RESEARCH METHODOLOGY

This study employs a normative legal approach, which focuses on the analysis of positive legal norms, principles, and legal doctrines to address the issue of legal protection for women who are victims of sexual harassment through electronic media. The analysis centers on the effectiveness of Law No. 19 of 2016 concerning Electronic Information and Transactions (ITE Law) and Law No. 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law), with women positioned as the primary subjects of protection in the context of digital sexual violence.

This research is descriptive-analytical in nature, aiming to explore legal norms and social realities, while also identifying gaps between the written law and its practical implementation. A comparative approach is applied to evaluate the effectiveness and relevance of each legal instrument in responding to the evolving dynamics of sexual violence in digital spaces. The study relies on secondary legal materials, including legislation, court decisions, legal doctrines, and reports from the National Commission on Violence Against Women and victim advocacy organizations. These are complemented by non-legal sources, such as investigative journalism and relevant survey data.

Data collection was carried out through a comprehensive literature review. The collected data were then analyzed qualitatively using various methods of legal interpretation—grammatical, systematic, historical, and teleological. Additionally, a critical feminist perspective was employed to assess the extent to which the existing legal framework reflects or overlooks the needs and vulnerabilities of victims.⁸ Legal evaluations were also conducted to identify normative gaps and barriers in implementation, serving as a foundation for developing recommendations aimed at strengthening future regulatory frameworks.

3. RESEARCH RESULT AND DISCUSSION

3.1. The Urgency and Effectiveness of Law No. 19 of 2016 on Electronic Information and Transactions (ITE Law) and Law No. 12 of 2022 on the Crime of Sexual Violence (TPKS Law)

The advancement of digital technology has significantly influenced multiple facets of human life. On one hand, it has created new avenues for social interaction, education, and even the reporting of criminal acts, including sexual harassment. On the other hand, this era of digital disruption has also facilitated the emergence of more complex forms of sexual violence, particularly through electronic media. Sexual harassment is no longer confined to physical encounters; it now manifests in digital forms, including the transmission of obscene messages, the non-consensual distribution of intimate content

⁸ Elif Ceylan Özsoy, “Critical Feminist Law-Making: Imitative Spaces and Improvised Coalitions,” *Australian Feminist Law Journal* 48, no. 2 (2022): 265–94, <https://doi.org/10.1080/13200968.2022.2153490>.

(commonly referred to as non-consensual pornography), and visual manipulation using artificial intelligence (AI).

This evolving landscape underscores the urgency of establishing a legal framework that is adaptive and responsive to the dynamics of sexual crimes committed via digital platforms. In the Indonesian context, the enactment of the ITE Law and the TPKS Law reflects the states commitment to addressing this pressing issue. This study finds that both legal instruments play a pivotal role, though their implementation continues to face significant challenges.

The ITE Law, as the primary regulation governing activities in cyberspace, serves as the legal foundation for addressing internet-based moral offenses. Article 27(1) of the ITE Law criminalizes the distribution of content that violates decency, including the transmission of obscene images, videos, or unsolicited sexual messages. Additionally, Article 29 criminalizes threats made through electronic communication, a provision often invoked when perpetrators use intimidation tactics to silence victims and prevent them from reporting abuse.

Meanwhile, the TPKS Law represents a legislative advancement in victim-centered protection, encompassing both physical and digital forms of sexual violence. Articles 20 through 67 of the TPKS Law guarantee victims rights, including access to integrated support services, restitution, and psychological and social rehabilitation. The law fills critical gaps left by previous legislation, particularly in the areas of legal aid, witness protection, and comprehensive recovery mechanisms.

This study confirms the critical importance of both the ITE Law and the TPKS Law in combating digital sexual violence, as they provide legal legitimacy for victims seeking justice and protection. However, the practical effectiveness of these laws is contingent upon several factors, including the accessibility of reporting mechanisms, the availability and admissibility of digital evidence, the competency of law enforcement personnel, and the overall level of digital literacy within the community.

First, with respect to reporting mechanisms, technological advancements have enabled victims to file complaints online through official platforms such as LAPOR!, SP4N, and applications offered by womens and childrens protection agencies. Social media has also evolved into a platform for digital advocacy and solidarity, empowering victims to speak out and challenge societal stigma. Despite these developments, substantial barriers remain, including feelings of shame, fear of retaliation, and skepticism regarding the efficacy of the legal process⁹

⁹ Imam Alfi and Umi Halwati, "Faktor-Faktor Blaming the Victim (Menyalahkan Korban) Di Wilayah Praktik Kerja Sosial," *Islamic Management and Empowerment Journal* 1, no. 2 (2019): 217–28, <https://doi.org/10.18326/imej.v1i2.217-228>; Firstnandiar Glica Aini Suniaprily and Hanuring Ayu Ardhani Putri, "Perlindungan Tenaga Kerja Perempuan Dalam Perspektif Hukum Profetik," *Wijaya Putra Law Review* 2, no. 2 (2023): 117–38, <https://doi.org/10.38156/wplr.v2i2.139>.

Second, regarding evidentiary requirements, cases of sexual harassment perpetrated through electronic media necessitate accurate and admissible digital evidence, such as screenshots, message recordings, or metadata. Challenges emerge when offenders utilize fake accounts or encryption technologies, making it difficult to trace and identify them. Compounding this issue is the limited technical capacity of law enforcement officials—including investigators and prosecutors—to evaluate the authenticity, integrity, and relevance of digital evidence.

Third, low levels of digital literacy and limited understanding of sexual norms in society exacerbate the problem. Many individuals remain unaware that they are either victims or perpetrators of digital forms of sexual violence. This underscores the urgent need for comprehensive educational initiatives, particularly targeting adolescents and active users of social media platforms.

Fourth, at the level of legal implementation, the effectiveness of victim protection mechanisms is highly dependent on inter-agency coordination. Although the TPKS Law mandates integrated services, its implementation remains suboptimal—especially in rural and remote areas. Strengthening collaboration among law enforcement bodies, healthcare providers, and social service agencies is essential to ensure seamless assistance and recovery processes for victims.

A key case highlighted in this study involves the sexual harassment of a 12-year-old child through AI-based photo manipulation.¹⁰ This incident illustrates the current legal vacuum in addressing crimes involving advanced technological tools. Although the perpetrators were prosecuted under Article 27(1), Article 45(1), and Article 48 of the ITE Law, along with provisions related to personal data protection, existing legislation does not explicitly address AI-generated sexual harassment. This gap indicates that, while the ITE and TPKS Laws represent progressive legal developments, technological innovation continues to outpace regulatory frameworks. Therefore, amendments or the formulation of new legal provisions are urgently required to ensure a more responsive and future-proof legal system.

One of the critical findings of this study is that digital sexual harassment differs fundamentally from conventional physical violence. Digital sexual content can be disseminated broadly and may persist indefinitely on the internet, leading to prolonged psychological trauma for victims. Re-victimization occurs when such content is re-circulated—either intentionally or inadvertently—forcing victims to relive their traumatic experiences repeatedly. This highlights the need for legal regulations that go beyond punitive measures against perpetrators and include provisions for the removal of harmful content and the delivery of comprehensive support and recovery services for victims.

¹⁰ Ervana Trikarinaputri, “Anak 12 Tahun Dapat Pelecehan Seksual Lewat Manipulasi Gambar AI,” *Tempo*, 2024, https://www.tempo.co/hukum/anak-12-tahun-dapat-pelecehan-seksual-lewat-manipulasi-gambar-ai-1164186#google_vignette.

3.2. Constitutional Rights to Safety and Freedom from Discrimination

Articles 28A through 28J of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) provide a foundational guarantee of constitutional human rights. Notably, Article 28G (1) affirms that every individual has the right to personal protection, including the protection of family, honor, dignity, and property, as well as the right to feel secure and protected from threats or coercion to act or refrain from acting. Additionally, Article 28I (2) stipulates that all persons are entitled to freedom from discriminatory treatment on any basis and have the right to receive protection against such discrimination.

Online gender-based violence (OGBV) constitutes a direct violation of these constitutional rights. First, perpetrators often exploit digital platforms to threaten, humiliate, or sexually exploit victims, thereby compromising their sense of safety and personal dignity. Second, because OGBV predominantly targets women and other vulnerable groups, it inherently reflects gender-based discrimination. In this context, the states failure to prevent or effectively address OGBV constitutes a breach of its constitutional responsibility to uphold and protect the fundamental rights of its citizens.

This study identifies several prevalent forms of OGBV, including the non-consensual sharing of intimate images, sexual harassment via digital messaging, deepfake or AI-based image manipulation, and doxxing—the intentional distribution of personal data to harm the victim.¹¹ Data from various non-governmental organizations (NGOs) working on gender-based violence issues indicate a marked increase in OGBV cases since the onset of the COVID-19 pandemic, a period that accelerated the digitalization of social life.

The impacts of OGBV are both psychological and socio-economic. Victims often suffer prolonged trauma, social withdrawal, job loss, and stigma within their communities. Meanwhile, perpetrators frequently evade accountability due to regulatory loopholes and the limited capacity of law enforcement to address crimes within the digital space effectively.

From a legal standpoint, Indonesia currently relies on two primary legal frameworks to prosecute perpetrators of OGBV: Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE Law) and Law Number 12 of 2022 concerning Sexual Violence Crimes (TPKS Law). The ITE Law—particularly Article 27(1)—is often used to prosecute the distribution of obscene or immoral content. In contrast, the TPKS Law offers a more progressive and victim-centered legal approach

¹¹ Mira Aurelita and Kayus Kayowuan Lewoleba, “Perempuan Sebagai Korban Deepfake Pornografi Dalam Perspektif Viktimologi,” *Kertha Semaya: Journal Ilmu Hukum* 12, no. 12 (2024): 3382–96, <https://doi.org/10.24843/KS.2024.v12.i12.p19>; Hikmah Nurhasanah et al., “Tinjauan Yuridis Peristiwa Revenge Porn Dalam Konteks Undang-Undang ITE Atau Undang-Undang Tindak Pidana Kekerasan Seksual,” *Media Hukum Indonesia* 2, no. 2 (2024): 109–13, <https://doi.org/10.5281/zenodo.11206692>.

by explicitly recognizing and addressing non-physical forms of sexual violence, including those that occur in digital environments.

However, in practice, law enforcement continues to encounter several significant obstacles. These include the ease with which digital evidence can be deleted, manipulated, or disseminated anonymously by perpetrators; limited expertise among law enforcement personnel in digital forensics, gender sensitivity, and the psychological impacts of online gender-based violence (OGBV); and victim-blaming attitudes, where victims are often discredited, pressured to reconcile with perpetrators, or discouraged from pursuing legal action. Moreover, many victims choose to remain silent due to fear of social repercussions, particularly the stigma attached to women perceived as “immoral” following experiences of digital sexual violence.

This study further reveals a persistent gap between the constitutional guarantees of the right to personal security and freedom from discrimination and the actual implementation of these rights in the context of OGBV. This disparity is rooted in weak enforcement mechanisms and the absence of a victim-centered approach within the criminal justice system. The constitutional right to feel safe and free from discrimination should serve as both the ethical and normative foundation for legal formulation and enforcement. The state bears the responsibility not only to enact appropriate regulations but also to ensure that all citizens—without exception—receive effective and tangible legal protection.¹²

To address these challenges, it is essential to harmonize the ITE Law and the TPKS Law, ensuring that they are responsive to digital realities and not susceptible to multiple interpretations. Equally important is the provision of technical and gender-sensitive training for investigators, prosecutors, and judges, enabling them to understand the complex dimensions of OGBV. The establishment of specialized units for handling OGBV cases at both police and judicial levels would also contribute to more efficient and victim-sensitive legal processes.

Furthermore, collaboration with civil society and digital communities is critical to improving reporting mechanisms, promoting digital literacy, and fostering solidarity with victims. The constitution should not be regarded merely as a collection of legal norms, but rather as a political and legal declaration of the nation's core values—including the protection of individuals from violence and discrimination.

In the context of OGBV, law enforcement must be understood not solely as a retributive mechanism against perpetrators, but also as a restorative process aimed at empowering victims as rights-holders under the constitution. The fulfillment of the right to feel safe and free from discrimination cannot rely solely on formal legal mechanisms.

¹² Christina Maya Indah Susilowati, *Perlindungan Korban: Suatu Perspektif Viktimologi Dan Kriminologi* (Jakarta: Prenada Media, 2022), <https://prenadamedia.com/product/perlindungan-korban-suatu-perspektif-viktimologi-dan-kriminologi-2/>; Chaerul Amir, “Perlindungan Hukum Terhadap Benda Sitaan Dalam Sistem Peradilan Pidana” (Universitas Airlangga, 2019), <https://repository.unair.ac.id/87096/>.

It must be supported by digital-based recovery services for victims, such as online counseling, integrated reporting systems, and accessible legal information platforms. In addition, comprehensive sexual and digital education should be introduced at an early stage in schools and communities to raise awareness of digital safety and reproductive rights. Finally, regulatory measures should compel digital platforms to implement responsive complaint mechanisms that effectively address harassment and harmful content.

3.3. Challenges in the Implementation of Legal Protection Against Online Gender-Based Violence

The rapid development of digital technology has profoundly transformed patterns of social interaction and communication. However, digitalization has also introduced new challenges, particularly in the form of online gender-based violence (OGBV). OGBV refers to acts of sexual violence committed through digital media—such as social media platforms, messaging applications, and other online technologies—which target the bodily integrity, dignity, and psychological well-being of victims. Although Indonesia has enacted key legal instruments, such as Law Number 19 of 2016 on Electronic Information and Transactions (ITE Law) and Law Number 12 of 2022 on Sexual Violence Crimes (TPKS Law), the practical implementation of legal protections for victims of OGBV remains significantly constrained.¹³

This study identifies three core challenges that hinder the effective enforcement of legal protections in OGBV cases: (1) systemic issues within law enforcement, (2) the persistence of patriarchal cultural norms within society and legal institutions, and (3) low levels of digital literacy among the general population, which hinders preventive efforts.

One of the primary findings of this study is that, despite the existence of a normative legal framework, implementation at the operational level remains suboptimal. This is due to several interrelated factors, including regulatory fragmentation and overlapping institutional mandates, limited capacity and digital literacy among law enforcement personnel, and restricted access to justice for victims. In practice, the handling of OGBV cases is often marked by inconsistent interpretations of legal provisions. For instance, Article 27(1) of the ITE Law—originally intended to criminalize the dissemination of immoral content—is frequently misapplied against victims rather than perpetrators, particularly in cases involving the non-consensual

¹³ Muhammad Rafli Aprideano and Elisatris Gultom, “Pengaruh Sistem Hukum Dalam Dinamika Sosial Kehidupan Masyarakat,” *Gudang Jurnal Multidisiplin Ilmu* 2, no. 12 (2024): 22–26, <https://doi.org/10.59435/gjmi.v2i12.1061>; Sukardi Sukardi and Zaman Zaman, “Nilai Hak Asasi Manusia Dalam Penegakan Hukum Terhadap Anak Pelaku Tindak Pidana,” in *Prosiding Seminar Hukum Aktual: Harmonisasi Hukum Pidana Dalam Perspektif Demokrasi Dan Hak Asasi Manusia*, 2024, 167–84, <https://journal.uui.ac.id/psha/article/view/34998>; Purwaningsih et al., “Efektivitas Undang-Undang Perlindungan Hak Asasi Perempuan Dalam Mengatasi Kekerasan Terhadap Perempuan.”

distribution of intimate images.¹⁴ Conversely, the more progressive provisions of the TPKS Law have yet to be fully understood or adopted by law enforcement officials, especially in regional and rural areas.¹⁵ As a result, victims frequently encounter outcomes such as re-victimization, reversed criminalization, or premature termination of investigations.

Moreover, many police officers and prosecutors lack specialized training in digital forensics and victim-centered approaches. This results in the improper collection and preservation of digital evidence, which in turn weakens the prosecutorial process and diminishes the credibility of victim testimony. Victims from remote areas and low socio-economic backgrounds face additional barriers, including limited access to legal assistance, psychological support services, and sustained guidance throughout judicial proceedings. These structural deficiencies are compounded by societal stigma, particularly toward women who report incidents of sexual violence. Such victims are frequently accused of bringing shame upon their families or communities, further deterring reporting and pursuit of justice.

A particularly salient finding from this study is the entrenched influence of patriarchal culture in shaping both institutional and public responses to OGBV. This patriarchal mindset permeates not only the general population but also key sectors such as the judiciary, education, and mass media. Case studies reveal that law enforcement officials often engage in victim-blaming practices.¹⁶ For example, victims may be interrogated with prejudicial questions such as, “Why did you send those photos?” or “What were you wearing when the images were taken?” These approaches not only violate victims’ rights to dignity and security but also undermine public confidence in the justice system.

Social norms in many communities continue to place the burden of preserving family “purity” or “honor” on women, while male sexual behavior is often socially tolerated. In this context, victims of online gender-based violence (OGBV) are frequently perceived as responsible for the violence they endure, particularly when the victims are adolescent girls or young women. The formulation of cyber and sexual violence policies remains largely informed by moral and security-oriented frameworks, rather than by principles of human rights and gender justice. Consequently, many legal provisions are punitive in nature yet fail to offer substantive protection for victims.

¹⁴ Nurhasanah et al., “Tinjauan Yuridis Peristiwa Revenge Porn Dalam Konteks Undang-Undang ITE Atau Undang-Undang Tindak Pidana Kekerasan Seksual.”

¹⁵ Prianter Jaya Hairri and Marfuatul Latifah, “Implementasi Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual: Implementation of Law Number 12 of 2022 on Criminal Acts of Sexual Violence,” *Negara Hukum: Membangun Hukum Untuk Keadilan Dan Kesejahteraan* 14, no. 2 (2023): 163–79, <https://doi.org/10.22212/jnh.v14i2.4108>.

¹⁶ Ashgarie et al., “Bias Gender Dalam Fenomena Victim Blaming Kekerasan Seksual”; Jacobus, Pali, and Opod, “Pandangan Mahasiswa Pada Salah Satu Institusi Di Sulawesi Utara Terhadap Victim Blaming Dalam Kasus Kekerasan Seksual”; Alfi and Halwati, “Faktor-Faktor Blaming the Victim (Menyalahkan Korban) Di Wilayah Praktik Kerja Sosial.”

Low levels of digital literacy further exacerbate vulnerability to OGBV. This deficiency affects not only victims but also the broader public, many of whom contribute—knowingly or unknowingly—to the dissemination or normalization of OGBV. A substantial number of individuals, particularly adolescents and young women, lack awareness of the importance of safeguarding personal and intimate data in digital environments. For example, users often share private photos or videos without recognizing the risks of misuse or are unaware of how to manage privacy settings on social media platforms. Additionally, the national education curriculum has yet to comprehensively address critical issues such as sexual violence, consent, and digital rights. As a result, younger generations are ill-equipped to identify, resist, or report acts of sexual violence, especially those occurring online.

In many regions, the rapid expansion of internet access and digital technologies has not been accompanied by a corresponding increase in digital literacy. Educational institutions, community leaders, and local organizations have not been systematically mobilized to participate in digital literacy initiatives or cyber violence prevention efforts.

These three challenges—ineffective law enforcement, entrenched patriarchal norms, and low digital literacy—constitute a systemic cycle that reinforces itself and collectively undermines efforts to provide effective legal protection for OGBV victims. Addressing these challenges requires a comprehensive, cross-sectoral strategy. Key elements should include: (1) institutional reform within law enforcement agencies, mandating training on OGBV and the adoption of victim-centered approaches; (2) integration of gender-sensitive perspectives into national digital policies, including regulatory obligations for online platforms to actively remove sexual violence content and protect victims; (3) implementation of comprehensive digital literacy and sex education programs, with active involvement from schools, religious leaders, local communities, and mass media as agents of change; and (4) strengthened multi-stakeholder collaboration among governmental bodies, civil society organizations, and private sector actors to develop accessible, victim-friendly reporting mechanisms and technology-driven legal information systems.

3.4. Strengthening Regulations and Legal Protection Mechanisms for Victims of Online Sexual Violence

This study is driven by the marked increase in cases of digital sexual violence in Indonesia, particularly following the widespread use of social media and digital platforms as primary spaces for social interaction. Forms of digital sexual violence—such as the non-consensual dissemination of intimate content, sexually motivated threats, gender-based digital manipulation, and cyber grooming—have severe psychological, social, and legal consequences for victims, the majority of whom are women and individuals from vulnerable groups.

Despite the existence of several regulatory frameworks, including the Law on Electronic Information and Transactions (UU ITE), the Law on the Crime of Sexual Violence (UU TPKS), and various implementing regulations, this study reveals a substantial gap between legal norms and their practical enforcement. Consequently, a set of strategic recommendations is essential to enhance regulations and legal protection mechanisms that are responsive to the needs of victims.

The primary finding indicates the presence of overlapping and inconsistent provisions concerning digital sexual violence across the UU ITE, UU TPKS, and the Indonesian Criminal Code. In practice, the UU ITE is frequently misused to criminalize victims—often under charges of defamation or moral violation—despite the fact that these individuals are the ones whose rights have been infringed.

Accordingly, the first recommendation is the harmonization of legal frameworks through either the revision of existing laws or the formulation of integrated legal interpretation guidelines. The UU TPKS should be designated as **lex specialis** in matters involving digital sexual violence, ensuring that conflicting provisions in the UU ITE or the Criminal Code are not used to undermine the principle of victim protection. Furthermore, a government regulation is urgently needed to outline specific mechanisms for addressing digital sexual violence as a distinct category of criminal offense, grounded in a victim-centered approach.

The study also highlights the limited capacity of law enforcement personnel in handling cases of digital sexual violence. Many officers—both police and prosecutors—lack specialized training in managing digital evidence, addressing digital-specific harms, and applying victim-based legal procedures.¹⁷ This deficiency often results in the re-victimization of survivors and a low rate of successful prosecution against perpetrators.

The second recommendation is the establishment of a sustainable, institutionalized training program for law enforcement personnel that incorporates three core components: (1) gender and sexual violence awareness; (2) digital forensics and electronic evidence collection; and (3) victim-sensitive procedures, including confidentiality protections and legal assistance. Educational bodies such as the National Police Education and Training Institute and the Attorney General's Education and Training Center should integrate a digital sexual violence module as a mandatory component in the training and professional development of law enforcement officials.

Victims of digital sexual violence frequently encounter barriers when attempting to report incidents, including fear of social stigma, skepticism toward the legal process, and concerns over potential misuse of their personal data. Thus, the third recommendation is the development of an integrated, technology-based reporting and case management system for digital sexual violence that adheres to the principles of confidentiality, digital security, and user accessibility. This could be achieved by

¹⁷ Aurelita and Lewoleba, "Perempuan Sebagai Korban Deepfake Pornografi Dalam Perspektif Viktimologi."

strengthening the national online reporting platform and ensuring direct integration with relevant service units, legal aid organizations, psychological support providers, and the police cybercrime division. Such a system must also enable anonymous reporting, real-time case tracking, and the provision of immediate assistance to victims throughout the entire legal process.

Digital service providers—including social media platforms, messaging applications, and content-sharing websites—play a critical role in the prevention and mitigation of digital sexual violence. However, current legal frameworks do not impose a sufficiently robust obligation on these platforms to act swiftly in removing harmful content or to cooperate effectively with law enforcement agencies.

Accordingly, the fourth recommendation of this study is to urge the government to establish firmer regulations regarding the responsibilities of digital platforms, adopting a due diligence approach to user protection. This may be implemented through the issuance of a derivative regulation—specifically a Ministerial Regulation by the Ministry of Communication and Information—that mandates each platform to: (1) provide dedicated reporting channels for gender-based sexual content, (2) respond to such reports within a maximum of 24 hours, and (3) supply identifying user data of alleged perpetrators to law enforcement, consistent with international legal cooperation frameworks.

Prevention is a vital component of any comprehensive strategy to protect victims. This study finds that limited digital literacy and the lack of consent-based sexual education contribute to a significant number of victims being unaware that they have become targets of digital sexual violence. Therefore, the fifth recommendation is for the government—through the Ministry of Education and Culture in collaboration with the Ministry of Communication and Information—to develop and implement a comprehensive digital literacy and sexual education curriculum beginning at the junior high school level. The curriculum should include essential topics such as digital rights, sexual consent, ethical communication in digital environments, and procedures for reporting incidents of harassment or exploitation.

4. CONCLUSION

This study affirms that digital sexual violence constitutes a complex, multidimensional form of crime that increasingly threatens citizens' constitutional rights, particularly the right to feel safe and free from discrimination as enshrined in Articles 28A–28J of the 1945 Constitution of the Republic of Indonesia. While existing legal instruments—such as the Electronic Information and Transactions Law (ITE Law) and the Law on the Crime of Sexual Violence (TPKS Law)—have addressed certain manifestations of digital sexual violence, their implementation remains hindered by a range of structural and cultural barriers. These include overlapping legal norms, limited capacity and

training among law enforcement personnel, entrenched patriarchal norms within legal and social institutions, and insufficient levels of digital literacy across the population. The findings of this research indicate that effective legal protection for victims can only be achieved through a multi-tiered, victim-centered approach. This includes strengthening the regulatory framework, harmonizing existing laws, establishing secure and accessible digital reporting mechanisms, enhancing the capacity of legal practitioners, and ensuring the proactive involvement of digital service providers.

Moreover, prevention efforts must be prioritized through the integration of comprehensive digital literacy and sexuality education at all levels of the national education system. The government is urged to revise and formulate derivative regulations under the TPKS Law that explicitly recognize digital sexual violence as a distinct category of crime. Law enforcement personnel must receive continuous training on gender-sensitive approaches and digital case handling, while inter-agency coordination should be reinforced through a cross-sectoral policy framework. Future research should investigate the effectiveness of technology-based digital sexual violence reporting systems in Indonesia, and further explore victims' experiences and perceptions within the judicial process. Comparative studies involving countries that have successfully implemented digital protection mechanisms may provide valuable insights for the development of more robust and inclusive national policies.

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