



Law Enforcement Against Action Criminal Sexual Violence in Gender Based Digital Space in Indonesia

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Abstract. Sexual violence in the digital space can occur in various motives, such as Flaming, which is an act of harassment committed personally on social media, where the perpetrator insults, attacks, or humiliates the victim through abusive words, private photos, or messages that lead to sexual activity. In the context of digital sexual violence. This form of harassment aims to cause the victim distress, fear, or embarrassment, and can cause psychological trauma. To protect victims, the law needs to impose sanctions against sexual harassment committed through electronic media. In the Indonesian legal system, several laws have been implemented to follow up and address this kind of crime, including the Electronic Information and Transaction Law (ITE Law), the Criminal Code (KUHP), and the Sexual Violence Crime Law (TPKS Law), so that perpetrators of sexual violence in digital spaces are expected to be subject to strict criminal sanctions. Laws are an important step in law enforcement and victim protection. However, effective implementation and public education are needed to achieve these goals. Therefore, there is a need for training for law enforcement officials to better understand and be able to handle appropriate cases of digital sexual violence and community counselling and public education to increase public awareness of electronic sexual violence.

Keywords: Flaming, Harassment, Sexual Violence

1. BACKGROUND BEHIND

Sexual violence is a serious and dangerous form of human rights violation, which can occur in various contexts including in the digital space. With the rapid development of technology and the use of social media, electronic-based sexual violence is increasingly prevalent, causing significant impacts on victims. In an effort to address this issue effectively, Indonesia has passed the Sexual Violence Crime Act (UU TPKS).

The current condition of digital violence in Indonesia shows a worrying trend, especially related to gender-based digital violence (GBV). The National Commission on Violence Against Women recorded 339,782 complaints of gender-based violence in 2023, of which around 3,442 were GBV. (Pratiwi, 2024)

This form of abuse often includes the unauthorized distribution of personal content, such as revenge porn, and the use of deepfake technology to damage victims' reputations. Educating and prosecuting perpetrators is essential to creating a safer online environment.

After further study, there are several factors that cause this case. sexual violence in digital space continues to increase, including the lack of reporting of cases caused by victims who still feel hesitant to report and limited law enforcement, namely an unresponsive legal system and a lack of understanding of sexual violence in cyberspace hinder protection for victims. Therefore, this paper will discuss the role of the TPKS Law in dealing with sexual violence in digital space, criminal threats and sanctions for perpetrators of sexual violence in

digital space and challenges in law enforcement against sexual violence in digital space.

2. STUDY THEORETICAL

Understanding And room scope violence sexual in digital space

To protect victims, the law needs to impose sanctions on sexual harassment committed through electronic media. After the enactment Constitution Number 12 Year 2022 about Action Criminal Sexual Violence, or known as the TPKS Law, the term "Electronic-Based Sexual Violence" appears. included in Article 4 paragraph 1 letter i, which classifies legal violations related to sexual violence as a type of crime. Article 14 of Law of the Republic of Indonesia Number 12 of 2022 regulates sexual violence that occurs through electronic media. One form of violence in the form of sexual harassment that occurs in the digital realm, namely through the use of internet technology, is known as technology-based sexual violence. With any background, sexual violence carried out through electronic media can happen to anyone, both women and men. The Women's Committee said that various forms of sexual violence triggered by technology include cyber harassment, hacking, distribution of personal content without permission, and threats to spread intimate photos and videos. In addition, there is also sexual blackmail or blackmail through intimate videos. (Perempuan, 2021)

Of the total 1,510 cases of sexual violence, 518 cases were reported as electronic-based sexual violence, according to reports obtained by service agencies. Based on information from the National Commission on Violence Against Women's CATAHU, the total number of cases recorded during 2021 increased significantly, reaching 940 cases compared to 281 cases in 2020. This shows that in the digital world, there is no safe place for victims.

Law- law TPKS in Taking action Violence Sexual in Room Digital

To protect victims, the law needs to impose sanctions on sexual harassment committed through electronic media. After the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, or known as the TPKS Law, the term "Electronic-Based Sexual Violence" emerged. included in Article 4 paragraph 1 letter i, which classifies violations of the law related to sexual violence as a type of crime. Article 14 of Law of the Republic of Indonesia Number 12 of 2022 regulates sexual violence that occurs through electronic media. One form violence Which in the form of abuse sexual Which happen in realm digital, namely through the use of internet technology, known as technology-based sexual violence.

Based on the explanations that have been described above, the author raises the title "Law on sexual violence crimes: no place for perpetrators of violence in digital space" There

is a formulation of the problem in this paper, namely What is the role of the TPKS law in dealing with sexual violence in digital space and what are the challenges in enforcing the law against sexual violence in digital space. Only about 11% of women and 5% of men report incidents of sexual violence committed through electronic media; most cases are usually left unhandled by victims or other parties. (Fundrika , 2020)

3. METHOD STUDY

This research method uses a normative legal method with a statute approach as per the Law. Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and Law Number 19 of 2016 concerning Information and Electronic Transactions. conceptual approach, as this approach is taken based on the views and doctrines of legal science. and historical approach. (Marzuki, 2017)

4. RESULTS AND DISCUSSION

Law- law TPKS in Taking action Violence Gender Based Sexuality in Digital Space

Violence Sexual harassment in digital space can be defined as unwanted verbal or nonverbal acts of a sexual nature that occur online. This action aims to violate a person's dignity by creating an intimidating, hostile, or degrading environment. This violence often targets women and children, who are vulnerable groups. most prone to in context This. In general law, violence sexual based on Electronic Violence (ESV) refers to various harassments that occur through digital communication channels such as email, social media, and instant messaging. Indecent violations are classified as cybercrimes under the Republic of Indonesia Law Number 11 of 2008 concerning Electronic Information and Transactions. (Arifah, 2011)

Sexual violence in digital space can occur in various motives, such as Flaming, which is an act of harassment carried out personally on social media, where the perpetrator insults, attacks, or humiliates the victim through harsh words, private photos, or messages that lead to sexual activity. In the context of digital sexual violence, flaming is usually done through direct messages or open comments that are demeaning and intimidating, often with aggressive and provocative language. This form of harassment aims to cause the victim to feel depressed, afraid, or ashamed, and can cause psychological trauma. Flaming can also involve sending unwanted sexual content, which makes the victim feel threatened or uncomfortable in their digital environment; Revenge porn refers to the act of spreading someone's private sexual content (such as intimate photos or videos) without their permission, usually as a form of revenge or for the purpose of blackmailing the victim. The perpetrator can threaten the victim

by spreading this content if the victim does not fulfill certain demands, such as giving money, carrying out the perpetrator's wishes, or staying in a relationship. Revenge porn often involves ex-partners or people who have access to the intimate content, who then misuse it to destroy the victim's reputation or gain certain benefits. This action can impact the victim's mental health, threaten their privacy and security, and damage the victim's social and professional reputation; Defamation in the substance of sexual violence in digital space is an action that aims to damage someone's reputation by defaming them through the spread of false information or comments that are offensive. negative. In media social, this is often carried out in large groups or by spamming comments, where the perpetrator or group of perpetrators floods the comments column with content containing sexual elements or pornography, so that influence view public to victim. Objective from defamation is to embarrass, damage the victim's image in the eyes of the public, and cause psychological distress. In many cases, victims of this defamation can have difficulty clearing their names, especially if the information spreads quickly through social media; Child grooming is a process in which a perpetrator gradually approaches children or adolescents with the intention of persuading them to engage in sexual activity. The perpetrator uses a manipulative approach, such as pretending to be a friend or confidant, giving special attention, gifts, or attractive promises to gain the child's trust. The perpetrator then slowly steers the conversation and interaction in a sexual direction, often in a way that does not seem suspicious at first. Child grooming is a form of sexual violence which is very dangerous because it targets children, who tend to be more vulnerable and less able to understand the evil intentions behind it. the approach. This phenomenon can occur through media social, application chat, or platform games online, in where perpetrator can interact with children without adult supervision. (Fitri Hardianti, 2022)

The impact of sexual violence in digital space is very real and no less serious than physical violence. Victims of sexual violence in digital space often experience severe psychological disorders. They can feel anxiety, fear, and even depression due to the traumatic experience, general studies show that women are more likely to experience depression than men starting in adolescence. (Wilk, 2018) And also in studies show that many victims experience feelings of hopelessness and shame, which can lead to self-harm behavior and avoidance of social relationships. In addition, many of them feel alienated from their closest community due to the spread of personal content without permission, which causes them to withdraw from interactions with friends and family. The social impact of sexual violence in digital space is also very significant. Victims often experience social alienation, where they

feel ostracized by their surroundings due to the stigma attached to them. Many women report that they limit themselves in interacting online and publishing on social media as a form of self-censorship to avoid further harassment. (Indraswari, 2020)

Economically, sexual violence in digital space can cause financial losses for victims. Many lose their jobs or experience a decrease in income due to the effects of a reputation tarnished by the spread of intimate content without consent. This creates economic instability for the victims, which often times already in a vulnerable position. Sexual violence in digital space can also result in limited mobility for victims. Fear of further harassment makes many people reluctant to participate in social or professional activities, both online and offline. This can hinder career development and healthy social interactions, as well as worsen mental and victim's emotions. (UGM, 2021)

Several factors that contribute to the increase in sexual violence in digital spaces include a lack of understanding of the risks and forms of online sexual violence, weak regulations regarding victim protection, and a patriarchal culture that still views women as objects.

Overall, sexual violence in digital space is a complex issue that requires serious attention from all parties. With the increasing use of technology, it is important to create a safe and supportive online environment. For all users, especially Woman And children. Effort collective efforts in education, regulation, and community support are essential to reduce the prevalence of electronic-based sexual violence. (Solehati, 2022)

Sexual violence committed through electronic media is clearly an act driven by the bad intentions of an irresponsible perpetrator, with the aim of causing great harm to the victim. According to legal teachings, a person will be considered a perpetrator of a crime if he fulfills all the elements act criminal Which listed in Chapter 55 (1) Book Constitution Criminal Code (KUHP), which reads as follows:

- Those who carry it out, who give orders to carry it out, as well as those who participate in the action;
- Those who abuse their authority to carry out an act; and
- They Which do action or give promise about something.

Article 4 paragraph (1) of the Pornography Law (Law No. 44 of 2008) states that "Every individual is prohibited from producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting or providing pornographic material that explicitly contains:

- intercourse, including, but not limited to, explicit pornography ;
- violence sexual ;
- masturbation or masturbation;
- nudity or appearance Which suggestive of nudity;
- tool sex ; or
- pornography .

Article 27 paragraph (1) of the Information and Transactions Law Electronics (UU No. 19 Year 2016 which is revision from Law No. 11 Year 2008) discloses:¹⁰ "Any individual who intentionally and without permission disseminates, sends, and/or makes Electronic Information and/or Documents available for access."

Article 14 paragraph (1) of the Law on Sexual Violence Crimes (Law Number 12 of 2022) states as follows:¹¹ 1. Any individual who does not have permission: a. Makes recordings or takes pictures and screenshots containing sexual elements without the permission or desire of the individual who is the subject of the recording or picture.

Threat Criminal And Sanctions for Perpetrator Violence Sexual in Room Digital

Sexual violence in digital spaces, including online-based sexual harassment electronic, is an increasingly pressing issue in today's digital era. Sexual violence in digital space includes various actions, such as sending sexual messages or images without consent, distributing personal photos or videos without permission, to threats related to the victim's sexual content. (Nurisman, 2022) In the Indonesian legal system, several laws has implemented For follow up And overcome crimes of this kind, including the Electronic Information and Transactions Law (UU ITE), the Criminal Code (KUHP), and the Law on Sexual Violence (UU TPKS), so that perpetrators of sexual violence in the digital space can be subject to strict criminal sanctions.

The following is a description of several laws that regulate sexual violence in digital spaces and sanctions for perpetrators of sexual violence in digital spaces:

Constitution Information And Transaction Electronic (UU ITE)

Law No. 11 of 2008 concerning Electronic Information and Transactions, which has been amended through Law No. 19 of 2016, is the main legal basis for regulating criminal acts in the digital space. Some of the ITE Laws that are relevant to digital sexual violence include:

- Article 27 paragraph (1) of the ITE Law, The purpose of this article is to provide protection to the public from the distribution of content that is detrimental to individuals or groups, especially in terms of pornography and violations of privacy. This article regulates the

prohibition on the distribution of content that contains elements that violate moral norms, including pornographic content or explicit content. created, distributed, or accessed without permission. In the context of digital sexual violence, this article is often used to prosecute perpetrators who distribute intimate images or videos of victims without permission. Perpetrators can be sentenced to a maximum of 6 years in prison and/or a maximum fine of IDR 1 billion.

- Article 29 of the ITE Law, This article prohibits dealing with intimidation or threats of violence through electronic media, including threats of sexual violence. the perpetrator can be punished with a maximum imprisonment of 4 (four) years and/or a maximum fine of Rp750,000,000.00 (seven hundred and fifty million rupiah)". By giving criminal sanctions to the perpetrator, it is hoped that threatening behavior in the digital space can be reduced and the victim protected.
- Article 45 of the ITE Law, this article is to protect individuals from insults and defamation through electronic media. In the context of sexual violence, spreading information that can be detrimental to the victim can be considered as violation to right privacy And reputation somebody.

The perpetrator can be subject to a legal penalty of six years in prison, and the perpetrator can be subject to a fine of up to IDR 1 billion.

Book Constitution Law Criminal (Criminal Code)

Article 407 of the Criminal Code, this article regulates the distribution of intimate content without the consent of the person concerned. If it is proven that someone has distributed intimate images or videos illegally, then the perpetrator can be subject to criminal sanctions. Can be punished with a minimum of 6 (six) months imprisonment and a maximum of 10 (ten) years imprisonment or a fine of at least category IV and a maximum fine of category VI.

Constitution Action Criminal Violence Sexual (UU (TPKS)

Article 14 paragraph (1) of the TPKS Law, the purpose of this article is to provide more comprehensive legal protection for victims of sexual violence in digital space. This provision provides victims with legal means to report acts of violence experienced in cyberspace. prevent sexual violence in digital space, and to create a safer environment for Internet users, especially for women and children. Perpetrators can be punished with a maximum imprisonment of four years and/or a maximum fine of IDR 200 million.

With a strong legal basis such as the ITE Law, the TPKS Law, and the Criminal Code

Law, the government has shown its seriousness in handling this case through clear criminal intimidation. However, enforcement law still must need accompanied by preventive measures to create a safe and civilized digital space for all parties. (Risal, 2022)

Challenges in Law Enforcement against Gender-Based Sexual Violence in Digital Space

Sexual violence in digital space is an increasingly pressing issue in the era of rapidly developing information technology. Although Indonesia has passed Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), enforcement law to violence sexual in world virtual Still facing significant challenges. This discussion will outline these challenges and their implications for victim protection.

Limitations Proof Digital

One of the main challenges in law enforcement against sexual violence in the digital space is the limited availability of digital evidence. Evidence such as text messages, photos, or videos can be easily deleted or manipulated, making evidence collection very complex. This has the potential to cause many cases to not be processed properly, thus reducing the victim's confidence in reporting. (Perempuan , Menemukanali Violence In Domestic Violence (DV), 2020)

The low Law enforcement

The low level of law enforcement is also a serious problem. Many reports of sexual violence cases in digital space are not followed up seriously by the authorities. Data from the National Commission on Violence Against Women shows that only a small portion of reported cases receive a response from the police. As a result, perpetrators feel free to commit acts of violence without fear of legal consequences.

Stigma And Discrimination On Victim

Social stigma and discrimination against victims are also major challenges in law enforcement. Many victims feel afraid or ashamed to report, fearing the social repercussions they may face. This unsupportive environment creates additional barriers for victims to seek justice and protection. Without adequate support, many victims choose to remain silent, thus exacerbating the situation of sexual violence in the digital space. (Wulandari, 2024)

Lack of Awareness Public

Lack of public awareness of the issue of sexual violence in digital space is also a inhibiting factor. Better education and outreach are needed to increase public understanding of digital rights and the importance of reporting acts of violence. (Bram Raya Ketaren, 2024)

To overcome this stigma, education and public awareness campaigns about sexual

violence is very important. The community needs to be given an understanding better understanding of victims' rights and the importance of providing support to them. By changing the way society views victims of sexual violence, expected more Lots victim feel empowered For report And look for justice. Lack of public awareness regarding victims' rights and legal consequences for perpetrators of sexual violence in digital spaces also contributes to the ineffectiveness of legal protection.". (Siti Nurbayani, 2023)

Many people are unaware that acts of sexual violence in digital spaces are a violation of the law. Education and campaigns about sexual violence in digital space is still limited, so that society does not have enough knowledge to recognize and fight against such acts.

Many people, including the younger generation, often assume that acts of sexual violence in digital spaces are common and harmless. For example, intimidating behavior through messages or comments on social media is often considered a "joke" or "just for fun." This makes the perpetrator feel that there are no consequences for their actions, and the victim feels that what they experience is not serious and does not need to be reported.

5. CONCLUSION AND SUGGESTIONS

Conclusion

In essence, the function of law enforcement itself is not limited to enforcing The law alone as the norms contained in the law must be implemented. However, the current reality is that In terms of legal sociology, the state of society itself will change the structure of the existence of the law. Enforcement of gender-based sexual violence laws in The digital world is marked by the development of the internet globally, which results in every person or perpetrator of violence always following innovations to commit sexual violence and what the perpetrator will get.

Constitution Criminal Acts of Sexual Violence (UU TPKS) which passed in 2022 serves as a legal umbrella to protect victims and prevent sexual violence in Indonesia. This law covers various forms of sexual violence, including physical and non-physical harassment, sexual exploitation, and electronic-based violence.

The TPKS Law is an important step in law enforcement and victim protection. However, effective implementation and public education are essential to achieve these goals.

Suggestion

In Implementing the Law Enforcement Therefore, it is necessary to have training for law enforcement officers to better understand and be able to handle cases of digital sexual violence appropriately and provide counseling to the community and public education in

increasing public awareness regarding electronic-based sexual violence through campaigns and education programs in schools and communities, as well as the aim of increasing understanding of sexual violence. Then, coordination between institutions to encourage cooperation between police, ministry communication and informatics, as well as women's protection agency to speed up the process case handling. The revision of the ITE Law in reviewing article 27 of the ITE Law so that it is not used to punish victims of sexual violence, protecting them when reporting violations. Also not to forget the psychological support that must be strengthened for victims, by being able to provide psychological support services for victims so as to help their mental and emotional recovery after experiencing violence.

With this, it is hoped that it can strengthen protection for victims and prevent sexual violence in the digital space.

6. SAYING ACCEPT LOVE

We say accept love to all over The author who has take time out time For participate in writing this , so that need about material the necessary laws can collected with Good . And appreciate all authors and give respect to the contributions of colleagues so that writing is possible. implemented.

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