

**Article**

# Looking at Legal Regulation in Handling the Issues of Online Gender-Based Violence

Fadhilah Aini<sup>1,\*</sup>, Zulfa Ajda Khoiriyah<sup>1</sup>, Yogi Yoga Swara<sup>1</sup><sup>1</sup> Universitas Pendidikan Indonesia, Bandung, 40154, Indonesia. fadhilahaini.25@upi.edu; zulfaajda@upi.edu; yogiyogaswara13@upi.edu

\* Correspondence

The author(s) received no financial support for the research, authorship, and/or publication of this article.

**Abstract:** The development of information and communication technology has changed the way of social interaction, especially among Generation Z. The increasing use of the internet in Indonesia, which will reach 79.5% in 2024, brings new challenges in the form of Online Gender-Based Violence (OGBV). This study aims to explore the condition of legal education related to OGBV and efforts to prevent and handle it. This study uses a qualitative approach with a descriptive study method. Data were collected through random sampling among Generation Z, by combining primary and secondary data from various sources such as books, articles, and reports. The analysis was conducted to describe the actual condition of legal education in the context of OGBV. The findings show that despite increased legal awareness and regulations in the law related to OGBV, cases of this violence are still increasing. Data from the National Commission on Violence Against Women shows a spike in reports of OGBV cases from 16 complaints in 2017 to 1,272 in 2023. The most common type of violence is the threat of spreading sexual content. Although regulations have been in place, their effectiveness in preventing OGBV is still questionable. This study emphasizes the importance of socialization and increasing legal understanding among individuals to address the issue of OGBV more effectively. Legal culture reform and community engagement are needed to create a safer environment for internet users.

**Keywords:** Regulations, Laws, KBGO, Generation Z.

Copyright: © 2025 by the authors. This is an open-access article under the CC-BY-SA license.



## 1. Introduction

Various aspects of life have undergone significant transitions due to the rapid advancement of information and communication technology. The transformation from the manual era to the digitalization era in every aspect of people's lives certainly plays an important role in addition to offering progress, it also has a number of challenges that need to be faced. The digital era is a time when most people in that era use digital systems in their daily lives [1], which can be accessed by the wider community from various professional backgrounds, genders, ages, and so on. The massiveness of this digitalization is increasingly felt when social restrictions during the Covid-19 pandemic require most activities to be carried out from home or known as work from home (WFH). All face-to-face interactions then switch to online interactions.

The Indonesian Internet Service Providers Association (APJII) reported that, in 2024, the number of internet

users in Indonesia reached 221,563,479 individuals, representing approximately 79.5% of the total population of 278,696,200 people. This marks a significant increase from the previous year's penetration rate of 78.19% [2]. Indonesia's internet penetration rate has reached 79.5% in 2024, reflecting a 1.4% increase from the previous year. This growth is largely attributed to the increasing necessity of internet access for the community, especially following the Covid-19 pandemic. Since 2018, internet penetration has progressively risen from 64.8% to 73.7% in 2020, 77.01% in 2022, and 78.19% in 2023. The APJII survey also highlights differences in internet usage between urban and rural areas, with urban penetration at 77.36% and rural areas slightly higher at 79.79%. Regionally, Banten leads with the highest penetration rate at 89.10%, followed by DKI Jakarta at 86.96%, and several other provinces exceeding 80%. Demographically, men account for 50.7% of internet users while women represent 49.1%. Age-wise, the

majority of users are from Generation Z (ages 12-27) at 34.40%, followed by millennials (ages 28-43) at 30.62% and Generation X (ages 44-59) at 18.98%. The data indicates a clear trend of younger generations adapting more rapidly to internet usage, with significant implications for businesses looking to engage in Indonesia's digital landscape.

The increasing penetration of the internet in Indonesia, the blurring of the boundaries between the real world and the virtual world, which increases the vulnerability of the digital body security/digital identity of the Indonesian people. Online interactions frequently lead to precarious relationships, along with various challenges and threats that arise from the pervasive nature of technology in today's digital age. A significant concern among these is the risk of Online Gender-Based Violence (OGBV). According to the Southeast Asia Freedom of Expression Network (SAFENet), OGBV is a form of gender-based violence facilitated by technology, with the intention of harassing victims based on gender or sexuality, violence that has the intention or with the intention of harassing victims based on gender or sexuality using technology [3]. OGBV as internet-facilitated violence is almost the same as gender-based violence in the real world. This Gender-Based Violence has been popular since the 1993 UN resolution on the declaration of the elimination of violence against women. General Assembly Resolution No. 48/104 of 20 December 1993 in Article 1 which if translated into Indonesian as follows: "Any action of gender-based violence that causes or is likely to cause physical, sexual, or psychological harm or suffering to women encompasses threats of such actions, coercion, or arbitrary deprivation of liberty, regardless of whether it occurs in public or private settings. KBGO occurs as a result of the development of widespread internet coverage, the sophistication of the spread of sophisticated information technology, and the popularity of social media also play a role [4].

The National Commission on Violence Against Women identifies various forms of online gender-based violence (KBGO), including cyber grooming, cyber harassment, hacking, illegal content, privacy violations, threats to disseminate personal photos or videos (malicious distribution), online defamation, and online recruitment [4]. Of the various types of KBGO above, one of the most common types in modern society is the distribution of non-consensual intimate photos or videos or known as (Non-consensual Dissemination of Intimate Images), doxing, sextortion, extortion, and online sexual harassment. Although any gender can be a victim, women and adolescents are vulnerable to KBGO. This is validated by referring to data recorded by the APIK Legal Aid Institute, that since the government appealed to the public to limit activities outside the home during the-19 pandemic, the number of complaints of violence cases has increased drastically. LBH APIK received 97 complaints of violence cases in just a month from March 16-April 16, 2020. With 30 cases of which were KBGO, dominated by cases of online sexual harassment, then threats to spread intimate content to

blackmail [5]. Meanwhile, during 2020 KBGO cases were the second highest cases after domestic violence (KDRT) cases. The number of KDRT cases was 418 cases, while KBGO cases were reported as many as 307 [6].

The National Commission on Violence Against Women has seen a significant rise in complaints regarding online gender-based violence (KBGO) over the years. According to Veryanto, a commissioner of the commission, the number of reported KBGO cases increased from 16 in 2017 to 97 in 2018, and further surged to 281 cases in 2019. In the period from January to October 2020, there were 659 reported cases, which escalated to 1,272 cases by 2023. This trend highlights a growing concern regarding the prevalence of KBGO and the need for effective measures to address it. According to the National Commission on Violence Against Women, the most common form of cyber cases reported were threats and intimidation of the distribution of sexual content of victims, either in the form of photos or videos. In addition, citing data from SAFENet, it shows that in the last 5 years, the number of reports of KBGO victims has increased significantly [7]. In 2019 there were 60 cases then it became 1,052 cases in 2023. SAFENet also found that over time, the victims of KBGO are in the young/teenage age category. The increase in cases is very worrying and has become a complex problem.

So far there are no specific and adequate regulations to regulate KBGO. However, there are several scopes of KBGO regulations in the legal framework in Indonesia that can be a legal basis for now through the Criminal Code for regulating KBGO online stalking, sextortion, online harassment, accessing data or communication without permission (hacking), online stalking. In Law No. 1 of 2024 concerning Information and Electronic Transactions, it can regulate KBGO for cases of hacking, online stalking, NCII, KBGO against children, broadcasting of sexual violence, then in Law No. 44 of 2008 concerning Pornography, it can regulate KBGO cases related to NCII, KBGO against children, broadcasting of sexual violence. Law No. 17 of 2016 concerning Child Protection, regulates criminal penalties for cases of KBGO against children, threats against children, cyber grooming against children, child exploitation. In addition, several Laws and Regulations also regulate protection for victims, in the ITE Law No. 1 of 2024 regulates the right to delete content, the right to be forgotten, prosecution of perpetrators of KBGO who have violated the Electronic System Organizer with the instrument of Article 26 or if the act is a crime through criminal liability. Government Regulation No. 71 of 2019 pertains to the management of electronic systems and transactions in Indonesia. This regulation, which replaces the earlier Government Regulation No. 82 of 2012, was enacted to address the rapid advancements in information technology and to enhance the digital economy while ensuring state sovereignty over electronic information. The regulation categorizes electronic system operators into public and private sectors and introduces various new concepts, such as the rights related to delisting and the responsibilities of the

government in overseeing electronic transactions, regulates the right to delete content in the form of content for deletion (right to erase) and being removed from the search engine list (right to delisting), then in Permenkominfo No. 20 of 2016 concerning Protection of Personal Data in Electronic Systems, which regulates the right to be forgotten for victims of KBGO for personal data spread on social media, Decree of the Chief Justice of the Supreme Court No. 144 / KMA / SK / regulates the right to restrict or block information for victims of KBGO for their personal data spread on search engines. The Supreme Court Regulation No. 3 of 2017, which provides guidelines for the trial of women in conflict with the law, addresses the judicial process involving female defendants. However, it lacks specific provisions for cases related to Gender-Based Violence (GBV), indicating a gap in the legal framework concerning the treatment of such cases in court, then the Indonesian Prosecutor's Guidelines No. 1 of 2021 concerning Access to Justice for Women and Children in Criminal Cases, regulates to resolve cases involving women and children in the prosecution process, there are regulations prohibiting vulgar descriptions for the privacy of women and children, the obligation to separate vulgar content, avoidance of publication of content for victims of online abuse. Permendikbud No. 30 of 2021 concerning Prevention and Handling of Sexual Violence in Higher Education Environments, which regulates KBGO actions in the realm of Higher Education. The enactment of Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) is a glimmer of light and hope in handling KBGO, in addition to the Regulation of the Minister of Education, Culture, Research, and Technology (Permendikbudristek) Number 46 of 2023 regulating the formation of the Violence Prevention and Handling Team (TPPK) in educational units, is a bright spot in the substance of the law.

However, even though the laws and regulations have been passed, it is undeniable that cases of KBGO still occur in Indonesia. This shows that legal substance alone is not enough to prevent KBGO, there needs to be involvement from other elements to help reform and handle this KBGO issue. As long as the legal culture in Indonesia seems to 'romanticize' KBGO cases, prevention and enforcement will be difficult. So one way is to increase the legal awareness of each individual, therefore this study embodies this through socialization activities in an effort to increase understanding, prevention, and handling of KBGO in forming legal awareness of students.

## 2. Research Methods

Researchers use a qualitative approach with descriptive and literature study methods. Descriptive studies according to [8], are research methods carried out to describe or analyze data that has been collected without making conclusions that apply generally. The subjects of the study were generation Z who were randomly sampled. The stages of data collection with descriptive studies follow a series of detailed steps and utilize primary data, then

reinforced with secondary data collected from sources such as books, articles, reports, journals, and others. Then, the data is collected, reduced, and presented to draw a conclusion. To achieve data reduction, a broad thinking process is required, which is expressed either through brief descriptions, charts, and/or other types of visuals, and the results of the study will later be conclusions that can provide an overview of the problems that have been questions during the study [9]. The purpose of this study is to examine the current state of legal education for first-time voters, particularly those from Generation Z. This demographic is crucial as they represent a significant portion of the electorate and their understanding of the electoral process can greatly influence democratic participation. The research aims to identify gaps in knowledge and awareness regarding voting rights, electoral procedures, and the importance of informed voting among these young voters. By assessing their educational needs, the study seeks to enhance their engagement in the democratic process, ensuring they are well-prepared to exercise their voting rights effectively in upcoming elections.

## 3. Results and Discussion

The development and spread of information technology has indeed experienced very rapid progress in recent decades. The Internet, as a global network, allows communication and information exchange to occur without limits, creating previously unimaginable connectivity. Social media, which is increasingly popular, has become an integral part of everyday life, providing a platform for individuals to share information, ideas, and experiences in real time. However, behind these great benefits, there are negative impacts that also need to be considered. In 2018, the Special Rapporteur on Violence against Women explained that the terminology for KBGO is still evolving. There are several terminologies that have developed regarding KBGO. The UN document in the 2030 SDGs (Sustainable Development Goals) agenda, for example, explains online, digital and cyberspace using the term Information and Communication Technology (ICT) - which in Indonesian is translated as Information and Communication Technology (TIK). The UN reports refer to Kekerasan Berbasis Gender Online (KBGO) as online violence, digital violence, and cyberviolence. The UN Human Rights Council Resolution No. 32/13 from 2016 emphasizes that human rights, which are protected offline, must also be safeguarded in the online environment. Various international standards define Gender-Based Violence (GBV), with the CEDAW Committee characterizing it as acts that inflict physical, mental, or sexual harm or suffering, including threats, coercion, and deprivation of liberty.

According to the CEDAW Committee, the term gender-based violence (GBV) emphasizes that violence is a societal issue rather than merely an individual problem, necessitating a comprehensive response that transcends specific incidents, perpetrators, or victims 24. This broader understanding of GBV acknowledges that it can affect

individuals beyond women, impacting people based on their gender expression and identity due to existing inequalities in gender relations within society.

Online Gender-Based Violence (KBGO) is a form of GBV. According to the Association for Progressive Communications (APC), GBV is GBV that is supported or exacerbated, in part or in whole, by using information and communication technology (ICT), such as mobile phones, the internet, social media platforms, and email. In Indonesia, the term GBV has not been officially used by state institutions. The National Commission on Violence Against Women, for example, has paid attention to cases of violence in the cyber realm since the 2016 Annual Report (Catahu). However, until now, the National Commission on Violence Against Women still uses various terms to

explain online gender-based crimes, such as: cybercrime in 2016. Meanwhile, in the 2021 Catahu of the National Commission on Violence Against Women, the National Commission on Violence Against Women uses the term Cyber Gender-Based Violence (KBGS). Safenet has used the terminology Online Gender-Based Violence (KBGO) since 2019, namely as GBV facilitated by technology. Similar to GBV that occurs in the real world, KBGO also has the intention or aim to harass the victim on the basis of the victim's gender or sexuality. For online violence that is not gender-based, this violence falls into the category of general violence in the online realm.

The forms of KBGO and their definitions are provided in Table 1.

**Table 1.** Forms of KBGO and their definitions.

KBGO Form	Definition
Online Surveillance/ Cyber Stalking/ Stalking and Monitoring (Stalking)	Stalking consists of repeated events that may not be harmful individually, but when combined, can make the victim feel unsafe and cause them to feel distressed, frightened, or intimidated. Examples include sending someone offensive or intimidating messages, tracking the victim's location, or installing stalkerware on the victim's device. It can also be carried out more easily by intimate partners, friends, and family.
Cyber harassment/Harassment/Networked harassment (Threats of rape or death)	Unwanted digital attacks that can take many forms, such as brief attacks due to incidents, racist or sexist comments, or organized attacks. Some examples of cyber harassment include sending sexually suggestive emails or messages without consent, inappropriate advances in chat rooms or social websites, threats of physical or sexual violence via email or private mail, hate speech targeting someone based on their identity (such as gender, sexual orientation or disability). In addition, the harassment can take the form of rape threats or death threats.
Image-Based Sexual Abuse/ consensual non distribution of intimate images/ Malicious Distribution; it can also take the form of sexting	distribution of photos or videos depicting sexuality in the content or images without the permission or consent of the individual, or distribution of intimate images without the consent of the individual, especially from a former intimate partner of the victim
Voyeurism/creepshots	Creepshots are the taking of a picture of someone to be published to the public for viewing and commenting on in order to humiliate or sexualize the person in the picture. Examples of this include secretly taking photos or videos of another person for sexual purposes, using a hidden camera to secretly take photos of the victim without their knowledge, and placing the camera in a private place (such as a toilet, changing room or other private facility in a public space).
Sexploitation	Benefiting from websites used to share intimate content shared without consent
Sextortion (Sexual blackmail)	Forcing someone to do something by force through threats of having, or claiming to have, another person's sexual content. This act can be done by parties who are in an intimate/romantic relationship, but can also be done by strangers.
Documenting or broadcasting	Broadcasting videos or content of sexual violence can also be done by deliberately creating content of sexual violence to be broadcast to the public.
Synthetic Media/ Morphing (Artificial Media)	Creating synthetic/fake/artificial sexual images to place someone's face on a sexually explicit body.
Public Disclosure of Private Information/Doxing	Disseminating personal information such as someone's legal name, address, phone number, contact information, driver's license, place of employment, and personal documents or correspondence without their consent can be demeaning, harassing, and damaging to someone's reputation. In practice, doxing is often used to

	intimidate victims by encouraging others online to harass them, making them fear being harassed or hurt in person.
Defamation and Misrepresentation (Insults and slander)	Malicious and misleading publication of inappropriate/indecent information that can damage someone's reputation, regardless of its truth.
Impersonating/ imitating someone's identity	Creating fake accounts on the internet in someone's name to spread false information and damage their reputation, ruin their personal life and work. In addition, someone can also impersonate someone else to get information related to the victim.
Hate speech	Incite violence against an individual or group of people based on identifying characteristics (such as religion, gender, ethnicity, disability, or other identifying factors)
Hacking	Using technology to gain unauthorized access to systems or resources to obtain personal information, change or modify information, or defame and humiliate victims, including misusing passwords, controlling computer functions.
Recruitment	Using technology to attract victims of violence by using fake content or advertisements (such as dating websites and job opportunities), human traffickers communicate through advertisements or websites.
Online gender-based violence against children	Cyber grooming is a type of KBGO that is related to sexual violence that often occurs to children, such as building friendships and emotional relationships with children, engaging in sexual activities with children, or carrying out other sexual exploitation.

**Table 2.** Scope of KBGO Regulation in the Legal Framework in Indonesia.

Legislation	Related settings KBGO		
	Forms of KBGO that can be punished	Forms of protection for victims	Elements that can be detrimental
(KUHP)	<ul style="list-style-type: none"> <li>- Online stalking (Article 335)</li> <li>- Sextortion / sexual blackmail with the aim of doing / not doing something (Article 335)</li> <li>- Online harassment (Article 315, Article 281 number 2, Article 289)</li> <li>- Sextortion / sexual blackmail for material purposes (Articles 368 and 369)</li> </ul>		Moral perspective that can criminalize the victim
Law No. 11 of 2008 in conjunction with Law No. 19 of 2016 in conjunction with Law No. 1 of 2024 concerning ITE	<ul style="list-style-type: none"> <li>- Dissemination of intimate content without consent if accompanied by document alteration (Article 32 in conjunction with Article 48)</li> <li>- Hacking (Article 30 paragraph 3 in conjunction with Article 46 paragraph 3)</li> <li>- KBGO against children (Article 52)</li> <li>- Broadcasting of sexual violence (origin 27 Paragraph (1) - Online stalking (Article 31 paragraph (2) in conjunction with Article 47) - All forms of KBGO accompanied by threats/blackmail</li> </ul>	<ul style="list-style-type: none"> <li>- Right to delete content</li> <li>- Right to be forgotten</li> <li>- Prosecution of KBGO perpetrators who have violated the Electronic System Organizer with Article 26/if the act criminal through criminal responsibility</li> </ul>	<ul style="list-style-type: none"> <li>- Assessment of "Intimate Content" or "Pornographic Content" which is the subject of KBGO cases</li> <li>- Regulations in the ITE Law do not respond criminal through criminal responsibility</li> </ul>

	(Article 27 paragraph (4) in conjunction with Article 45 paragraph (4))	
Law No. 44 of 2008 concerning Pornography	-NCII (Article 4 and Article 8) - KBGO against children (Article 11 and Article 12) -Broadcasting of sexual violence (Article 4) -Child pornography (Article 4, Article 8, Article 11, and Article 12)	The victim is considered as an object of intimate content or pornographic content
Law No. 17 of 2016 concerning Child Protection	-KBGO against children (Article 76D, Article 76E, and Article 76F) -Threats against children (Article 76D) -Cyber-grooming against children (Article 76E) -Exploitation of children (Article 76F)	
PP No. 71/2019 concerning the Implementation of Electronic Systems and Transactions		The right to delete content in the form of the right to erase and the right to delist.
Regulation of the Minister of Communication and Information No. 5/2020 concerning Implementation of Private Electronic Systems		There are no further provisions regarding sanctions that PSE will receive if it violates
Regulation of the Minister of Communication and Information No. 20/2016 on Personal Data Protection in Electronic Systems		-There are no further provisions regarding the sanctions that PSE will receive if they violate -There are no regulations regarding public information regarding how PSE responds to victim complaints
Regulation of the Minister of Communication and Information No. 20/2016 on Personal Data Protection in Electronic Systems		The right to be forgotten for victims of GBV regarding personal data spread on social media
Decision of the Chief Justice of the Supreme Court (KKMA) No. 144/KMA/SK/		It is not explained further regarding what and under what conditions content deletion can be carried out.
Decision of the Chief Justice of the Supreme Court (KKMA) No. 144/KMA/SK/		The right to restrict or block information for victims of KBGO regarding their personal data that is spread on search engines.
Perma No. 3/2017 concerning Guidelines Prosecuting Women Against the Law		Not specifically reaching KBGO
Perma No. 3/2017 concerning Guidelines Prosecuting Women Against the Law		Arrangements to address cases involving women in court, but there are no specific regulations regarding handling KBGO
Indonesian Prosecutor's Guidelines No.1/2021 on Access to Justice for Women and Children in Criminal Cases		-Regulation to handle cases involving women and children in the prosecution process -There is a regulation prohibiting vulgar

descriptions for the privacy of women and children -Obligation to separate vulgar content -Avoidance of publishing content for victims of online abuse

Regulation of KBGO actions that occur in the PT realm

Permendikbud No. 30/2021 on Prevention and Handling of Sexual Violence in Higher Education Environments

Source: (Mardiasih, 2024, processed by the author)

Data of the complaint

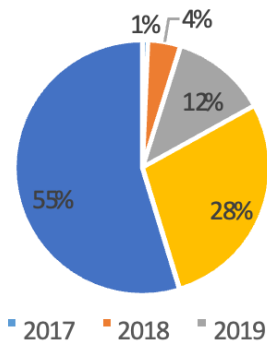


Figure 1. Data of the complaint. Source: National Commission on Violence Against Women, 2023

Age range

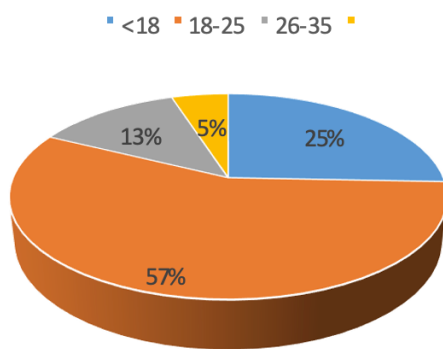


Figure 2. KBGO Data Based on Age.

According to data from SAFENet Indonesia, the number of Online Gender-Based Violence (OGBV) cases in Indonesia surged fourfold in 2024 compared to the previous year, rising from 118 cases in the first quarter of 2023 to 480 cases in the first quarter of 2024. The Minister of Women’s Empowerment and Child Protection indicated that the largest demographic of OGBV victims falls within the 18-25 age range, accounting for 272 cases or 57 percent, followed by children under 18 years old with 123 cases or 26 percent.

Online Gender-Based Violence (OGBV) refers to violence that arises from gender power dynamics between

victims and perpetrators in the digital space, utilizing technology as a medium. This type of violence is not confined solely to incidents that occur over the internet. OGBV is violence facilitated by technology such as the internet by someone with the aim of harassing based on the victim’s gender or sex [3]. Scope of KBGO Regulation in the Legal Framework in Indonesia, available in table 2.

Law by the Legal Positivism school is interpreted as nothing other than positive legal norms. This school even specifically defines positive law as laws issued by public authorities (formal) and packaged in a certain format agreed upon in the legal system [11]. Positive legal discourse will emerge as a result of discussions about law based on legal positivism. Positive law refers to a space and time that has been determined because the word “current” refers to the law that applies at a certain time and region [12]. The punishment does not just appear; instead, it must have existed beforehand. Therefore, *ius constitutum* is a term often used to describe positive law. The development of society and changes in society require legal reform. This includes legal politics, which is an effort to establish appropriate regulations according to certain circumstances and situations. Providing guidance on whether legal reform is needed, to what extent legal reform should be implemented and what form the reform takes. This concerns *ius constituendum*, which is the law that will come and is aspired to.

The enforcement of KBGO using the ITE Law is considered problematic because KBGO attacks sexuality and gender identity, and victims do not have adequate security and protection. As regulated in Article 45 paragraph (1) of the ITE Law, one of them is the definition of the phrase “violating morality” in Article 27 paragraph (1), which although is a common term, can lead to multiple interpretations, so that law enforcement officers find it difficult to apply it. The word “moral” in English is moral, ethics, decent. These words are usually translated differently. The word moral is translated as moral, politeness, while ethics is translated as morality, and decent is translated as propriety, what is complicated and always mixed up is “moral” and “ethics” [13]. Both words contain “decent”. However, if observed carefully, it turns out that “ethics” is

narrower than “moral”, but ethics is in the word “moral” both “moral”, “ethics” and “law” are essentially “value perceptions” of society. “Moral” is a consideration based on good/bad, while “ethics” is a provision or norm of behavior (Code of Conduct). If observed based on daily life, the public perception of the meaning of “morality” is more inclined to: “behavior as to right or wrong, especially in relation to sexual matter.”

However, in the context of the Criminal Code, the meaning is not quite right because begging, animal abuse, alcohol, and gambling are included in crimes against morality. Therefore, “morality” refers to morals or ethics regulated by law [14]. According to Van Bemmelen, a Dutch criminal law expert, “moral crimes are generally not as surprising as crimes against life, and their frequency is less than that of property crimes. However, these crimes cause many difficulties for lawmakers, judges, and also for the administration in implementing criminal law.”

Law No. 44 of 2008 concerning Pornography defines pornography in Article 1, paragraph 1 as any form of communication, including images, sketches, illustrations, photos, writings, sounds, noises, moving images, animations, cartoons, conversations, body movements, or other messages conveyed through various media and public performances that contain obscenity or sexual exploitation violating societal moral norms. This definition emphasizes the broad scope of what constitutes pornography and its implications on moral standards within society [15]. Then in Article 1 paragraph 2, pornography services are defined as all types of pornography services provided by individuals or corporations through live performances, cable television, terrestrial television, radio, telephone, internet, and other electronic communications, as well as newspapers, issues, and other printed materials. The relationship between KBGO and this regulation is that it contains provisions regarding the act of creating, owning, and storing content containing sexual exploitation. However, the Pornography Law has weaknesses that allow for the criminalization of KBGO victims. Article 29 of the Pornography Law regulates how perpetrators distribute personal content, meaning that the content can be accessed by the public. This means that victims of KBGO suffer losses if there is a threat that can be used by the perpetrator to gain profit [16]. However, a person can be subject to criminal penalties if involved in immoral content or committing immoral acts, in accordance with Article 34. So that it shows that there is a vulnerability to someone who does not intend to spread immoral content but is in the video [17]. In the Pornography Law, several articles address acts of Online Gender-Based Violence (KBGO) and outline penalties for offenders, specifically Articles 4, 8, 11, and 12. Article 4 stipulates that individuals involved in creating or distributing intimate or pornographic content without consent, including child pornography and depictions of sexual violence, are subject to punishment. Conversely, Article 8 treats victims as mere objects within immoral or pornographic materials.

The *ius constitutum* perspective shows that the Criminal Code, as an umbrella and legal milestone for all kinds of criminal acts, has not been able to accommodate and firmly and clearly make regulations related to KBGO crimes. The use of the Criminal Code is only limited to various KBGO crimes which include articles on insults, articles on unpleasant acts, and various rules related to crimes that have been regulated therein. Each article of the Criminal Code has several elements of action that indicate this. Article 335 of the Criminal Code addresses penalties for perpetrators of Online Gender-Based Violence (KBGO) who employ violence or threats to compel individuals into certain actions. Additionally, Articles 315, 281 number 2, and 289 pertain to online sexual harassment, specifying punishments for those committing sexual insults without the necessity of accompanying accusations or concrete actions. Notably, individuals featured in immoral videos may also be designated as suspects, even if their videos were disseminated by others.

With the emergence of various new types of digital crimes and the inability of legal products to adapt to technological advances, the Criminal Code and the Pornography Law seem unable to reduce KBGO. Therefore, the government has launched Law No. 11 of 2008 concerning Electronic Transactions and Information which has now been amended to Law No. 1 of 2024 concerning ITE which stipulates various provisions regarding problems in the cyber world, including KBGO. Although the law regulates articles related to KBGO. However, this article can be used to punish acts that violate the law in the Criminal Code. However, from a criminal law perspective, Article 27 paragraph (1) of the ITE Law emphasizes prohibitions based on the value and essence of all information available through electronic media, not on the ownership or distribution of the information that is legitimate. The focus of the regulation of this law is more on the content related to moral aspects. Therefore, this provision can target victims and does not provide protection to victims who do not want their personal content to be disseminated.

Law enforcement against sexual violence, especially KBGO, has progressed after the enactment of the Law on the Crime of Sexual Violence. The TPKS Law is a legal regulation that specifically applies in Indonesia, and this legal provision is referred to as *Lex Specialist* because it regulates in detail acts of sexual harassment or sexual violence against women or men explicitly. In the TPKS Law, the term KBGO is replaced with the term Electronic-Based Sexual Violence (KSBE) (SAFE<sub>net</sub>, 2022). The replacement of this term does not have a significant impact on the substance of KBGO in this legislation. There are three aspects that must be considered in the legal system, namely substance, structure, and legal culture. These three aspects are closely related. As a country of law, as mandated in the provisions of Article 1 Paragraph 3 of the 1945 Constitution, Indonesia has not been able to have specific regulations governing KBGO, where some regulations regarding this type of KBGO have not yet had the potential to develop [17]. Meanwhile, because the concept of KBGO as



part of KBG is still very new in Indonesia, the laws and standards governing it have not developed as much as in the international world. Indonesia also does not have laws and regulations that specifically regulate KBGO. However, several existing legal and legislative products actually have a number of regulatory dimensions related to KBGO.

#### 4. Conclusion

Online gender-based violence (OGBV) highlights that despite some existing legal regulations, enforcement and protection of victims are still very lacking. This study shows that OGBV, which includes various forms such as online harassment and cyberstalking, increased significantly during the COVID-19 pandemic. Data from legal aid institutions show a spike in complaints, especially targeting women and adolescents. In addition, although laws such as the ITE Law and the Child Protection Law provide a legal framework to address OGBV, many challenges remain in their implementation. Community involvement, especially among students, is essential to raise awareness of this issue and encourage more effective policy reforms. Therefore, this study recommends the need for socialization and legal education to build better legal awareness among the younger generation in dealing with OGBV.

#### 5. Suggestions

Although there are several regulations that regulate certain aspects of KBGO, such as the Electronic

Information and Transactions Law and the Child Protection Law, there are still many shortcomings in law enforcement and victim protection. The suggestions given by the researcher to further researchers, where with the increasing use of the internet among students and adolescents, they need to be equipped with knowledge about their rights and how to protect themselves from the threat of KBGO. In addition, the involvement of various parties in handling this issue is very necessary. The government must strengthen law enforcement against perpetrators of KBGO and provide support for victims through counseling services and legal aid. The victim protection system also needs to be strengthened with more comprehensive policies. Although the Law on the Crime of Sexual Violence has been passed as a positive step in dealing with KBGO, its implementation must be supported by public legal awareness. Public involvement in efforts to prevent and handle KBGO is very important to create a safe environment for all internet users. In this context, this study recommends the need for wider socialization regarding KBGO and the formation of a team for preventing and handling violence in educational environments. With these steps, it is hoped that awareness of the issue of KBGO can be increased and protection for victims can be strengthened. Addressing KBGO requires a multi-stakeholder approach involving the government, educational institutions, non-governmental organizations, and the general public to create sustainable change in facing the challenges of gender-based violence in cyberspace.

#### 6. Conflicts of Interest

The authors declare no conflicts of interest.

#### 7. References

- [1] R. Puji, "Pengaruh Era Digital Terhadap Perkembangan Bahasa Anak," *Jurnal Al Fathin*, vol. 2, pp. 47–59, 2019, doi: <https://doi.org/10.32332/al-fathin.v2i2.1423>.
- [2] APJII, "Survey Penetrasi Internet Indonesia 2024.," 2024.
- [3] H. Jawade and N. Siska, "Perlindungan Hukum Korban Kekerasan Berbasis Gender Online (KBGO) dalam Hukum Positif Indonesia," *Jurnal Cakrawala Informasi*, vol. 2, no. 2, pp. 26–41, Dec. 2022, doi: [10.54066/jci.v2i2.241](https://doi.org/10.54066/jci.v2i2.241).
- [4] A. F. Zanuba, "Upaya Penanganan Korban Kekerasan Berbasis Gender Online Dalam Fenomena Victim Blaming Di LRC-KJHAM Semarang," 2023.
- [5] N. Widya, "Perlindungan Hukum Bagi Korban Kekerasan Seksual Berbasis Gender Online Perspektif UU No. 12 Tahun 2002 Tentang Tindak Pidana Kekerasan Seksual," 2023.
- [6] J. A. Tatimu, R. V. Karamoy, and A. T. Koesoemo, "Analisis Yuridis Undang-Undang Tindak Pidana Kekerasan Seksual Berbasis Gender," *Jurnal Fakultas Hukum UNSRAT Lex Administratum*, vol. 12, no. 3, pp. 1–12, 2024, [Online]. Available: <https://lm.psiologi.ugm>.
- [7] R. Indah, J. Amir, and K. Ariy, "Urgensi Regulasi Penyalahgunaan Deepfake Sebagai Perlindungan Hukum Korban Kekerasan Berbasis Gender Online (KBGO)," *INNOVATIVE: Journal Of Social Science Research*, vol. 4, no. 6, pp. 1–16, 2024, doi: <https://doi.org/10.31004/innovative.v4i6.16559>.
- [8] Sugiono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*. 2014.
- [9] T. Kurniati and N. A. Wiyani, "Pembelajaran Berbasis Information and Communication Technology pada Era Revolusi Industri 4.0," *Jurnal Ilmiah Pendidikan dan Pembelajaran*, vol. 6, no. 1, pp. 182–192, 2021, doi: <http://dx.doi.org/10.23887/jipp.v6i1>.

- [10] A. M. M, M. Ali, and U. Anila, "Bimbingan Konseling Bagi perempuan Korban Kekerasan Dalam Rumah Tangga Di LRC-KJHAM Semarang," *Jurnal Sawwa*, vol. 11, no. 2, pp. 177–210, 2016, doi: <https://doi.org/10.21580/sa.v11i2.1454>.
- [11] S. Delarosa, "Refleksi Filsafat Keadilan Hukum Alam dan Positivisme Hukum Melalui Kisah Les Miserables," *Jurnal Gloria Justitia*, vol. 4, no. 1, pp. 40–59, 2024, doi: <https://doi.org/10.25170/gloriajustitia.v4i1.5633>.
- [12] A. Fuadi and D. A. Sy, "Pernikahan Beda Agama Perspektif Hukum Islam dan Hukum Positif Di Indonesia," *Jurnal Hadratul Madaniyah*, vol. 7, no. 2, pp. 1–14, 2020, doi: <https://doi.org/10.33084/jhm.v7i2.1986>.
- [13] P. Hikmawati, "The Legal Policy of Online Gender Based Violence Regulation: Ius Constitutum and Ius Constituendum Perspective," *Jurnal Negara Hukum*, vol. 12, no. 1, pp. 59–79, 2021, [Online]. Available: <https://www.kompas.tv/>
- [14] S. W. Lidya, "Criminalization of Decency in The Criminal Code Bill from Moral Perspectives," *Jurnal Negara Hukum*, vol. 9, no. 2, pp. 181–198, 2018, [Online]. Available: <https://tirto.id/revisi-uu->
- [15] A. Fathurizki and R. M. U. Malau, "Pornografi Dalam Film: Analisis Resepsi Film 'Men, Women & Children,'" *ProTVF*, vol. 2, no. 1, p. 19, Dec. 2018, doi: [10.24198/ptvf.v2i1.11347](https://doi.org/10.24198/ptvf.v2i1.11347).
- [16] A. D. Amrianto, M. K. A. Putri, A. Yusup, and I. P. A. D. Putra, "Kriminalisasi dan Reformulasi Perbuatan Prostitusi dalam Hukum Pidana: Catatan Kritis atas Minimnya Pengaturan Perbuatan Prostitusi Di Indonesia," *Jurnal Penegakan Hukum dan Keadilan*, vol. 4, no. 2, pp. 38–58, Sep. 2023, doi: [10.18196/jphk.v4i2.18091](https://doi.org/10.18196/jphk.v4i2.18091).
- [17] D. Jhody, D. Z. Fitriani, A. Y. S. Muhammad, and K. A. W. Mutiara, "Eksistensi Regulasi Kekerasan Berbasis Gender Online Ditinjau Berdasarkan Perspektif Ius Constitutum Dan Ius Constituendum," *Jurnal Ilmiah Wahana Pendidikan*, , vol. 2023, no. 14, pp. 399–408, 2023, doi: [10.5281/zenodo.8175077](https://doi.org/10.5281/zenodo.8175077).