

Legal Policies in Protecting Victims of Online Gender-Based Violence: A Victimology Perspective

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Abstract : *This study examines criminal law policies in protecting and recovering victims of Online Gender-Based Violence (OGBV) within the Indonesian criminal justice system from a victimology perspective. Although several legal instruments, such as Law Number 12 of 2022 concerning Sexual Violence Crimes and Law Number 19 of 2016 concerning Electronic Information and Transactions, provide a normative basis for addressing OGBV, their implementation has not yet ensured effective protection and recovery for victims. This research employs normative legal research using statutory, conceptual, and comparative approaches to evaluate existing legal frameworks and assess their effectiveness in preventing secondary victimization. The findings reveal that the Indonesian criminal justice system remains predominantly offender-oriented, resulting in limited access to victim recovery services, weak institutional coordination, and the absence of an effective compensation mechanism. These structural weaknesses contribute to the persistence of secondary victimization experienced by OGBV victims. Based on these findings, this study proposes a victim-centered criminal law policy model that integrates victim recovery mechanisms, compensation schemes, capacity building for law enforcement officers, and stronger collaboration with digital platforms in handling OGBV cases. The study contributes to the development of criminal law policy by offering a victimology-based framework for the protection and recovery of OGBV victims, which may serve as an academic reference for strengthening victim-oriented approaches within Indonesia's cybercrime and gender-based violence policies.*

Keywords : *Online Violence; Victim Protection; Victimology*

Abstrak : Penelitian ini bertujuan untuk menganalisis kebijakan hukum pidana dalam memberikan perlindungan dan pemulihan bagi korban Kekerasan Berbasis Gender Online (KGBO) dalam sistem peradilan pidana Indonesia dari perspektif viktimologi. Meskipun telah terdapat beberapa instrumen hukum, seperti Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual dan Undang-Undang Nomor 19 Tahun 2016 tentang Informasi dan Transaksi Elektronik, yang memberikan dasar normatif dalam penanganan KGBO,



implementasinya belum sepenuhnya mampu menjamin perlindungan dan pemulihan yang efektif bagi korban. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan perbandingan untuk menelaah kerangka hukum yang berlaku serta menilai efektivitasnya dalam mencegah terjadinya viktimisasi sekunder. Hasil penelitian menunjukkan bahwa sistem peradilan pidana di Indonesia masih cenderung berorientasi pada pelaku, sehingga mengakibatkan terbatasnya akses korban terhadap layanan pemulihan, lemahnya koordinasi kelembagaan, serta belum adanya mekanisme kompensasi yang efektif bagi korban. Kondisi tersebut menyebabkan korban KBGO masih berpotensi mengalami viktimisasi sekunder dalam proses penegakan hukum. Berdasarkan temuan tersebut, penelitian ini menawarkan model kebijakan hukum pidana yang berorientasi pada korban dengan mengintegrasikan mekanisme pemulihan korban, skema kompensasi, peningkatan kapasitas aparat penegak hukum, serta penguatan kerja sama dengan platform digital dalam penanganan kasus KBGO. Penelitian ini berkontribusi dalam pengembangan kebijakan hukum pidana melalui penyusunan kerangka perlindungan dan pemulihan korban KBGO berbasis viktimologi, yang diharapkan dapat menjadi rujukan akademik dalam memperkuat pendekatan perlindungan korban dalam kebijakan hukum siber dan kekerasan berbasis gender di Indonesia.

Kata kunci : Kekerasan Online; Perlindungan Korban; Viktimologi

Introduction

The development of information technology in this digital era has brought significant changes in various aspects of life, including in the patterns and forms of crime.¹ One of the crimes that is increasingly rampant is Online Gender-Based Violence (OGBV). This violence refers to all forms of violence carried out through digital technology and directed at individuals based on their gender or sexuality.² Forms of OGBV can include online sexual harassment, non-consensual intimate image distribution, threats of sexual violence, gender-based hate speech, and digital-based sexual exploitation. OGBV not only impacts victims psychologically, but also socially and economically, and in some cases can even lead to fatal actions such as suicide due to severe pressure.³

Online gender-based violence (OGBV) cases continue to occur, while legal protection for victims remains relatively weak. One prominent example is the 2020 case involving the circulation of non-consensual intimate videos of public figure GA, where the female party was initially named a suspect under the Electronic Information and Transactions (ITE) Law, raising concerns about

¹ Ridho Pakina and Mohammad Solekhan, "Pengaruh Teknologi Informasi Terhadap Hukum Privasi Dan Pengawasan Di Indonesia: Keseimbangan Antara Keamanan Dan Hak Asasi Manusia," *Journal of Sciencetech Research and Development* 6, no. 1 (2024): 273–86.

² Delviero Jhody et al., "Eksistensi Regulasi Kekerasan Berbasis Gender Online Ditinjau Berdasarkan Perspektif Ius Constitutum Dan Ius Constituendum," *Jurnal Ilmiah Wahana Pendidikan*, 2023, no. 14 (2023): 399–408, <https://doi.org/10.5281/zenodo.8175077>.

³ Henni Kumaladewi Hengky Ayu Dwi Putri Rusman, Muhammad Nur Maallah, *Gender Dan Kekerasan Perempuan* (Penerbit NEM, 2022).

secondary victimization.⁴ One of the regulations that is the legal basis for handling this case is Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which in several of its articles has accommodated digital-based sexual violence. For example, Article 14 regulates electronic-based sexual violence, while Article 4 paragraph (2) letter e covers digital-based sexual coercion or exploitation. In addition, Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) are also often used as references in handling OGBV cases, especially in Article 27 paragraphs (1) and (3) which regulate the distribution of immoral content and electronic-based insults. However, even though these regulations have existed, their implementation still encounters many obstacles, especially in terms of law enforcement, victim protection, and restoration of their rights.

Although Indonesian legislation formally recognizes victims' rights in OGBV cases, contemporary scholarship demonstrates that criminal justice responses to technology-facilitated gender-based violence remain predominantly offender-centered. The structural emphasis on criminal liability and sentencing continues to outweigh mechanisms for victim restoration and digital harm mitigation.⁵ Restitution and compensation frameworks in many jurisdictions remain conviction-dependent and enforcement-contingent, thereby subordinating victim recovery to prosecutorial outcomes. Empirical studies on technology-facilitated sexual violence further show that legal systems prioritize prosecution while victims continue to experience prolonged digital exposure, secondary victimization, and insufficient takedown mechanisms.⁶ Consequently, the prevailing model reflects a persistent retributive paradigm rather than a structurally embedded victim-centered justice framework. Existing regulations, such as the TPKS Law and the ITE Law, focus more on the aspect of criminalization of perpetrators, while the victimology aspect that focuses on victim recovery, compensation, and prevention of secondary victimization is still not optimal.⁷ In the Indonesian criminal justice system, victims of crime often experience secondary victimization, namely additional suffering due to complicated legal processes, minimal psychosocial support, and low access to restitution and compensation.⁸

⁴ Azza Fitrahul Faizah and Muhammad Rifqi Hariri, "Pelindungan Hukum Terhadap Korban Revenge Porn Sebagai Bentuk Kekerasan Berbasis Gender Online Ditinjau Dari Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Jurnal Hukum Lex Generalis* 3, no. 7 (2022): 520–41, <https://doi.org/10.56370/jhlg.v3i7.281>.

⁵ Nicola Henry, Asher Flynn, and Anastasia Powell, "Technology-Facilitated Domestic and Sexual Violence: A Review," *Violence Against Women* 26, no. 15–16 (2020): 1828–54, <https://doi.org/10.1177/1077801219875821>.

⁶ Kathryn M. Barker et al., "Testing the Effectiveness of the Responsible, Engaged, and Loving Fathers (REAL Fathers) Intervention for Improving Early Childhood Development and Reducing Family Violence in Uganda: Study Protocol for a Cluster-Randomized Controlled Trial," *Trials* 26, no. 1 (2025): 372, <https://doi.org/10.1186/s13063-025-09061-9>.

⁷ Muhammad Amin and Andri Nurkartiko, "Perlindungan Hukum Perempuan Korban Kekerasan Seksual Yang Mengalami Blaming The Victim Di Tinjau Dari Perspektif Victimologi," *Unes Law Review* 5, no. 4 (2023): 4140–60, <https://review-unes.com/>.

⁸ A Munim, "Analisis Perlindungan Hukum Terhadap Anak Korban Prostitusi Dalam Tindak Pidana Perdagangan Orang Berbasis Keadilan" (Universitas Islam Sultan Agung Semarang, 2024),

In addition, the lack of awareness of law enforcement officers regarding the complexity of OGBV and the lack of understanding of the victimology perspective in handling OGBV victims are also obstacles. Many victims have difficulty reporting their cases because they are afraid of being blamed, experiencing revictimization, or even getting stigma from the community. Previous studies such as previous research by Sahat Maruli Tua Situmeang and Ira Maulia Nurkusumah, published in 2021, whose research emphasized the reformulation of OGBV sanctions based on Pancasila values because existing laws have not been effective in providing a deterrent effect.⁹ Further research by Ronny A. Maramis et al., published in 2023, explained that law enforcement against perpetrators of Cyber Gender-Based Violence (CGBV) in Indonesia is still not optimal, even though the TPKS Law already exists, because there are still technical and psychological obstacles in the investigation process and victim protection.¹⁰ Of the two studies, more are discussed in the criminalization aspect of the perpetrators, but not many have specifically examined how the victimology perspective can be applied in the protection and recovery of OGBV victims in the Indonesian legal system.

This study attempts to fill the gap in legal protection for victims of Online Gender-Based Violence (OGBV) by offering a more victim-friendly criminal law approach. The main novelty of this study lies in the comprehensive analysis of legal protection for victims of OGBV from a victimology perspective. In this analysis, the study highlights the weaknesses of existing regulations and evaluates the effectiveness of the implementation of the rules that have been enacted, in order to provide a clearer picture of the urgency of criminal law policy reform.

In addition, this study offers a more humanistic and victimology-based criminal law policy concept in handling OGBV cases. This approach aims to shift the paradigm of the criminal law system which has so far focused more on punishing perpetrators, to a policy that is more oriented towards the interests and protection of victims. In this context, the study proposes concrete recommendations regarding improvements to legal policies that are more pro-victim, so that the applicable regulations are not only repressive, but also preventive and rehabilitative. Furthermore, this study proposes a model for recovering OGBV victims that not only focuses on the aspect of punishing perpetrators, but also accommodates victims' rights, including psychological rehabilitation, restitution, and stronger legal protection. Thus, this study contributes to developing a more comprehensive and victim-oriented protection mechanism, which has so far received less attention in existing criminal law policies. Finally, this study identifies various obstacles in the implementation of the law on the protection of victims of online gender-based violence (OGBV), both in terms of regulation, judicial practice, and public policy. By examining these obstacles, this study provides strategic solutions

[http://repository.unissula.ac.id/id/eprint/36987%0Ahttp://repository.unissula.ac.id/36987/1/Magister Ilmu Hukum_20302200317_fullpdf.pdf](http://repository.unissula.ac.id/id/eprint/36987%0Ahttp://repository.unissula.ac.id/36987/1/Magister%20Ilmu%20Hukum_20302200317_fullpdf.pdf).

⁹ Sahat Maruli Tua Situmeang, Ira Maulia Nurkusumah, "Kajian Hukum Kekerasan Berbasis Gender Online Dihubungkan Dengan Tujuan Pemidanaan Dalam Perspektif Negara Hukum Pancasila," *Res Nullius Law Journal* 3, no. 2 (2021): 162–77, <https://doi.org/10.34010/rnlj.v3i2.5100>.

¹⁰ Ronny, A. Maramis, Meylicia Vinolita Kamagi, and Natalia Lengkong, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Kekerasan Berbasis Gender Siber (KBGS) Di Indonesia," *Innovative: Journal Of Social Science Research* 3, no. 3 (2023): 6906–17.

that can be implemented to increase the effectiveness of legal protection for victims of online gender-based violence (OGBV). Thus, this study is expected to be an academic reference and policy recommendation in an effort to build a criminal law system that is more responsive to the needs of OGBV victims.

There are several previous studies that discuss legal protection for victims of Online Gender-Based Violence (OGBV) with the focus of the research conducted. The first is a study conducted by Fadillah Adkiras entitled *Legal Construction of Protection for Victims of Online Gender-Based Violence in Indonesia*.¹¹ In this study, he discusses how legal protection for victims of OGBV is examined from the perspective of human rights law. This study focuses on the fulfillment of victims' rights based on human rights principles, but does not specifically highlight the victimology aspect and the challenges of implementing criminal law policies in Indonesia. Next, the second research from Astri Widia Safela et al., entitled *Legal Protection for Victims of Online Gender-Based Violence (OGBV) Reviewed from the ITE Law*.¹² In this study, she examines the effectiveness of legal protection for victims of OGBV based on the Electronic Information and Transactions Law (UU ITE). The main focus of this study is a normative analysis of the articles in the ITE Law relating to OGBV. However, this journal has not comprehensively discussed the aspect of secondary victimization that victims often experience due to the ineffectiveness of the criminal justice system. And the third is a study from Jawade Hafidz and Siska Narulita entitled *Legal Protection for Victims of Online Gender-Based Violence (OGBV) in Indonesian Positive Law*.¹³

In this study, she highlights various legal regulations relating to OGBV in Indonesia, including the ITE Law, the Pornography Law, and the Sexual Violence Crime Law. The main focus of this study is the identification of existing legal norms, but it does not examine the weaknesses of implementation and has not proposed policy reforms based on a victimology perspective.

The purpose of this study is to analyze and evaluate the current legal policies in protecting victims of Online Gender-Based Violence (OGBV) from a victimology perspective. This study aims to identify weaknesses in the Indonesian criminal law system related to the protection of victims of OGBV, including the effectiveness of existing regulations, victims' access to recovery, and the role of law enforcement officers in handling OGBV cases. In addition, this study also aims to propose a more victim-oriented legal policy with a victimology approach, in order to prevent secondary victimization and ensure justice for victims. Thus, this study is expected to contribute to the development of a more responsive and effective criminal law policy in handling and preventing OGBV cases in Indonesia.

¹¹ Fadillah Adkiras, "Konstruksi Hukum Perlindungan Korban Kekerasan Berbasis Gender Online Menurut Hukum Hak Asasi Manusia," *Jurnal Lex Renaissance* 6, no. 2 (2021): 376–90, <https://doi.org/10.20885/jlr.vol6.iss2.art12>.

¹² Astri Widia Safela, Hadi Mahmud, and Nourma Dewi, "Legal Protection for Victims of Online Gender-Based Violence (OGBV) Reviewed in Terms of the ITE Law," *Unrika* 13, no. 1 (2024): 139–50, <https://www.journal.unrika.ac.id/index.php/jurnaldms>.

¹³ Jawade Hafidz Arsyad, "Perlindungan Hukum Korban Kekerasan Berbasis Gender Online (KBGO) Dalam Hukum Positif Indonesia," *Jurnal Cakrawala Informasi* 2, no. 2 (2022): 26–41, <https://doi.org/10.54066/jci.v2i2.241>.

Methods

This study employs a normative legal research method, which focuses on examining legal norms, principles, and doctrines governing the protection of victims of Online Gender-Based Violence (OGBV) within the criminal justice system. Normative legal research is used to analyze the adequacy and effectiveness of existing legal regulations in addressing OGBV and ensuring victim protection from a victimology perspective.

This research applies several approaches. First, the statutory approach is used to analyze relevant legal instruments governing OGBV in Indonesia, particularly Law Number 12 of 2022 concerning Sexual Violence Crimes and Law Number 1 of 2024 concerning the Second Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, along with other related regulations concerning victim protection and cybercrime. This approach allows the study to examine the normative framework regulating digital-based sexual violence and victim protection within Indonesian positive law.

Second, the conceptual approach is employed to analyze legal doctrines and theoretical perspectives related to victimology, victim protection, secondary victimization, and victim-centered criminal justice policies. Through this approach, the research evaluates whether the current criminal law framework adequately reflects victim-oriented principles.

Third, the comparative approach is used to compare Indonesia's legal framework with legal policies in several jurisdictions, including Germany, Canada, and Australia, which have developed more advanced mechanisms for addressing online gender-based violence and protecting victims in digital environments.

The legal materials used in this study consist of primary, secondary, and tertiary legal materials. Primary legal materials include statutory regulations and official legal documents relating to sexual violence, cybercrime, and victim protection. Secondary legal materials consist of scholarly books, journal articles, and previous studies discussing victimology, cybercrime, and gender-based violence. Tertiary legal materials include legal dictionaries, reports, and other supporting references relevant to the research topic.

The legal materials are analyzed using qualitative juridical analysis, by interpreting and systematically examining legal norms and policies in order to identify weaknesses in the existing legal framework. Through this analysis, the study seeks to formulate a victim-centered criminal law policy model aimed at strengthening protection and recovery mechanisms for victims of Online Gender-Based Violence while preventing secondary victimization within the criminal justice system.

Result And Discussion

Legal Protection for Victims of Online Gender-Based Violence (OGBV) in Indonesia's Criminal Justice System from a Victimology Perspective

Legal protection for victims of crime, including victims of Online Gender-Based Violence (OGBV), is a fundamental aspect of the modern criminal law

system based on restorative justice.¹⁴ The victimology perspective emphasizes that victims should not only be viewed as objects of crime, but as individuals who have the right to receive adequate protection, recovery, and justice.¹⁵ In the context of OGBV, victims often experience deep psychological suffering due to the unauthorized distribution of personal content, digital-based sexual harassment, doxing, and threats of violence carried out through various online platforms. The impact of this crime is not only limited to mental and emotional aspects, but can also affect the social, economic, and professional conditions of victims, such as job loss, social exclusion, or even the risk of physical violence due to doxing.

Therefore, criminal law must have a more comprehensive role in dealing with OGBV, not only limited to ensnaring perpetrators, but also ensuring the existence of strong prevention mechanisms and effective recovery procedures for victims.¹⁶ Prevention can be done by tightening regulations for digital platforms to be more active in removing content that is detrimental to victims and implementing a stricter data protection system. In terms of enforcement, there needs to be more responsive law enforcement, including a special unit within the law enforcement apparatus that has expertise in handling gender-based digital crimes. Meanwhile, in terms of recovery, the state must provide legal, psychological, and appropriate compensation services for victims to reduce the long-term impacts of gender-based digital violence. With a more comprehensive and victim-centered approach, criminal law can function optimally in realizing fair and effective protection for victims of gender-based digital violence in Indonesia.

In Indonesia, legal protection for victims of gender-based digital violence can be found in several regulations, including Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE). The TPKS Law explicitly recognizes the existence of electronic-based sexual violence in Article 14, which stipulates that anyone who commits electronic-based sexual violence can be punished with imprisonment and/or a fine. In addition, Article 4 paragraph (2) letter e of the TPKS Law also stipulates that sexual coercion or exploitation carried out via electronic media is included in the category of sexual violence which must be prosecuted legally.

Meanwhile, the ITE Law also provides a legal basis for prosecuting perpetrators of OGBV, especially in Article 27 paragraph (1) which prohibits the distribution, transmission, and/or making accessible electronic information that has content that violates morality. Article 27 paragraph (3) also regulates insults or defamation which can be used to protect victims from

¹⁴ Mita Aulia Eva Manfaatin, *Membongkar Kekerasan Seksual Di Pendidikan Tinggi: Pemikiran Awal*, *Jurnal Pendidikan Islam Anak Usia Dini*, vol. 01 (Yayasan Pustaka Obor Indonesia, 2024), <https://books.google.com/books?hl=en&lr=&id=EDqdEAAAQBAJ&oi=fnd&pg=PA3&dq=pemahaman+mahasiswa+tentang+kekerasan+seksual&ots=dKUu9fOV0j&sig=HP4sd2xOEmLqonKTB1k5e30CwLI>.

¹⁵ Ahmad Rizal Awwalludin Ramadhani, "Pemenuhan Hak Restitusi Kepada Korban Tindak Pidana," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 3 (2022): 823–33, <https://doi.org/10.53363/bureau.v2i3.65>.

¹⁶ S M Hasibuan, "Perlindungan Hukum Bagi Perempuan Dalam Perspektif Undang Undang Penghapusan Tindak Pidana Kekerasan Seksual" (Universitas Islam Sultan Agung Semarang, 2024).

digital attacks that harm their reputation. However, even though this regulation already exists, its implementation still faces various obstacles, especially in terms of law enforcement which is not yet optimal and the lack of protection based on a victimology perspective.

From a victimology perspective, protection of victims of crime is not only limited to punishing the perpetrators, but must also include the recovery of victims from the psychological, social, and economic impacts they experience.¹⁷ One of the weaknesses in the Indonesian legal system is the lack of mechanisms for the recovery of victims of online-based violence, either in the form of restorative justice, psychosocial assistance, or compensation.¹⁸ Although Article 22 of the TPKS Law regulates the rights of victims to receive protection and recovery, in practice many victims still face difficulties in accessing these services. Many victims of online-based violence experience re-victimization or secondary victimization due to social stigma and a lack of understanding by law enforcement officers regarding the complexity of digital-based crimes.¹⁹ In addition, the limitations of regulations in providing legal protection for victims of online-based violence can also be seen in the reporting and handling system of their cases. Many victims are reluctant to report because they are afraid of being re-victimized or do not trust the justice system.²⁰ From a victimology perspective, the state should provide victim-friendly mechanisms, such as special service units for victims of digital crime, the provision of easily accessible psychological counseling, and stronger protection for witnesses and victims. Currently, the Witness and Victim Protection Agency (LPSK) does have a role in providing protection for victims, as regulated in Law Number 31 of 2014 concerning Witness and Victim Protection, but this protection mechanism is still more focused on victims of conventional crimes, not cybercrimes such as OGBV.

A comparison with Germany and Canada shows that Indonesia is still lagging behind in terms of legal protection for victims of Online Gender-Based Violence (OGBV), especially in regulations that specifically regulate the prevention and recovery of victims. The European Union, for example, has implemented the Digital Services Act (DSA) and the General Data Protection Regulation (GDPR) which provide stricter protection for personal data and set strict sanctions for digital platforms that fail to prevent the spread of illegal content.²¹ The GDPR, which applies to all EU member states, requires technology companies to protect user privacy and gives individuals the right

¹⁷ Muhammad Iqbal Muyassar Javiery and Merline Eva Lyanthi, "Perlindungan Hukum Bagi Korban Penyebaran Vidio Berkonten Kekerasan Seksual," *COURT REVIEW: Jurnal Penelitian Hukum (e-ISSN: 2776-1916)* 5, no. 03 (2024): 1–12, <https://doi.org/10.69957/cr.v5i03.1799>.

¹⁸ Muhammad Gunawan Lussa, "Tinjauan Yuridis Terhadap Korban Online Based Gender of Violence Dalam Hukum Pidana Di Indonesia" (Universitas Muslim Indonesia, 2023), <http://fh.umi.ac.id/>.

¹⁹ Varsha Savilla Akbari Candra Suradipraja, "Tinjauan Viktimologis Terhadap Korban Revenge Porn Menurut Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Berdasarkan Tipologi Korban," *Padjadjaran Law Review* 12, no. 1 (2024): 20–31, <https://doi.org/10.56895/plr.v12i1.1633>.

²⁰ Lussa, "Tinjauan Yuridis Terhadap Korban Online Based Gender of Violence Dalam Hukum Pidana Di Indonesia."

²¹ Rosalia Dika Agustanti and Bambang Waluyo, "Konsep Sistem Peradilan Pidana Khusus Perempuan Korban Kekerasan," *Masalah-Masalah Hukum* 52, no. 1 (2023): 42–51, <https://doi.org/10.14710/mmh.52.1.2023.42-51>.

to request the removal of their personal data from the internet, which is very relevant to victims of OGBV.

In Germany, the policy for protecting victims of digital crime has been integrated into the NetzDG (Network Enforcement Act) which requires social media platforms to immediately remove illegal content within 24 hours of being reported.²² In addition, the German police have a special unit that handles digital crimes, including OGBV, with an approach that focuses on victim recovery through state-funded psychological and legal assistance services. Meanwhile, in France, there is the Brigade de Lutte Contre la Cybercriminalité, a unit within the police that specifically handles cybercrime, including gender-based harassment in the digital world.²³ France also enforces the Avia Law, which requires digital platforms to remove hate and harassing content within a maximum of 24 hours, and imposes large fines for platforms that do not comply.²⁴

Canada has a Criminal Code Amendment (Bill C-13) that specifically criminalizes the distribution of images or videos without consent, with a prison sentence of up to five years.²⁵ Canada also provides a compensation scheme for victims of cybercrime, including psychological and legal assistance facilitated by the government. Meanwhile, in Australia, the eSafety Commissioner acts as an independent institution that handles reports of online harassment, including OGBV, and has the authority to order the rapid removal of content from digital platforms.²⁶

Compared to these countries, Indonesia still has many gaps in the regulation and implementation of protection for victims of OGBV. The absence of specific laws that comprehensively regulate OGBV and the lack of special units in law enforcement officers make it difficult for many victims in Indonesia to obtain optimal justice and recovery. Therefore, more progressive legal reform is needed, both in the form of new, more comprehensive regulations and increasing the capacity of law enforcement officers in handling gender-based digital crimes.

To improve protection for victims of online gender-based violence in Indonesia, several steps are needed to improve the criminal justice system.²⁷ First, there needs to be more specific regulations regarding online gender-based violence, which not only regulate the punishment of perpetrators but

²² Rachel Griffin, "New School Speech Regulation as a Regulatory Strategy against Hate Speech on Social Media: The Case of Germany's NetzDG," *Telecommunications Policy* 46, no. 9 (2022): 102411, <https://doi.org/10.1016/j.telpol.2022.102411>.

²³ Jerome Barlatier, "Le Renseignement Criminel Au Service de La Lutte Contre La Cybercriminalité : L'exemple Français de La Gendarmerie Nationale," *Rivista Di Criminologia, Vittimologia e Sicurezza* 16, no. XVI, 1–3, 2022 (2022), <https://doi.org/10.14664/rcvs/244>.

²⁴ Marco Lewis, "The NetzDG and the Avia Law: How Two Different Legal Systems Created Two Different Outcomes from Similar Laws," *Wis. Int'l LJ* 40 (2022): 491.

²⁵ Richard Jochelson, David Ireland, and Hannah Taylor, "Clearing Your History: A Review of Non-Consensual Distribution of Intimate Images in Canada and Future Responses," *UBCL Rev.* 54 (2021): 763.

²⁶ Aashish Srivastava, "Social Media and Online Trolling: Examining the Legal Developments in Platform Responsibilities for Tackling Trolling in the US, UK, and Australia," in *Law and Visual Jurisprudence*, vol. 13 (Springer, 2024), 275–99, https://doi.org/10.1007/978-3-031-51248-3_14.

²⁷ Safela, Mahmud, and Dewi, "Legal Protection for Victims of Online Gender-Based Violence (OGBV) Reviewed in Terms of the ITE Law."

also include the rights of victims to receive proper recovery. Second, there needs to be an increase in the capacity of law enforcement officers, including investigators and prosecutors, in handling online gender-based violence cases from a victimology perspective. Training and provision regarding victim trauma and a more victim-friendly approach need to be applied in the investigation and trial process.

The system for reporting and handling online gender-based violence cases must be improved by providing mechanisms that are more easily accessible to victims, such as a safe and anonymous online complaint platform, and cooperation with social media platforms in handling dangerous digital content. Currently, many cases of online gender-based violence are difficult to investigate due to limited regulations regarding the removal of content or minimal coordination between the government and technology companies. One case that highlights this complexity is the distribution of a private video of artist Gisella Anastasia in 2020.²⁸ Although the perpetrators were finally sentenced, the law enforcement process was difficult due to the rapid and difficult-to-track spread of digital content, as well as the public's tendency to blame the victim. Therefore, there needs to be a regulation that requires digital platforms to be more proactive in protecting victims and prosecuting perpetrators.

In addition to the reporting and case handling systems that need improvement, there needs to be the establishment of a compensation fund for victims of online gender-based violence, as has been implemented in several developed countries. Several developed countries have implemented a compensation fund mechanism for victims of online gender-based violence as part of legal protection for victims of gender-based crimes. The United States, for example, has Crime Victim Compensation under the Victims of Crime Act (VOCA) which allows victims of crimes, including online gender-based violence, to apply for compensation to cover medical costs, counseling, loss of income, and other recovery needs. In the UK, the Criminal Injuries Compensation Authority (CICA) provides funds for victims of serious crimes, including online gender-based violence, while the Revenge Porn Helpline provides legal and psychological assistance to victims of image-based violence funded by the government. Germany also has the Gesetz über die Entschädigung für Opfer von Gewalttaten (OEG) or Compensation Act for Victims of Violence, which allows victims of OGBV to receive financial assistance, as well as the NetzDG (Network Enforcement Act) which requires social media platforms to address harmful content quickly. Sweden, through the Swedish Crime Victim Compensation and Support Authority, provides compensation for victims of gender-based violence, including OGBV, especially if the perpetrator is unable to pay compensation. Canada also has various victim compensation programs, such as the Ontario Victim Quick Response Program+ (VQRP+), which includes financial assistance as well as legal and psychological support for victims of gender-based crimes. With these policies, these countries not only focus on the legal aspects of handling GBV cases, but also emphasize psychosocial recovery and mitigating the negative impacts of secondary victimization. These funds can be used to finance psychological rehabilitation of victims, legal assistance, and economic

²⁸ Maramis, Kamagi, and Lengkong, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Kekerasan Berbasis Gender Siber (KBGS) Di Indonesia."

recovery for those financially affected by these crimes. Although the TPKS Law has regulated the rights of victims to receive restitution, the realization in the field is still far from expectations because many victims do not have access to fight for their rights.

In conclusion, the criminal law system in Indonesia still has many shortcomings in providing optimal legal protection for victims of OGBV. Current regulations are still more oriented towards punishing perpetrators, while aspects of victim protection and recovery have not received sufficient attention.²⁹ Therefore, policy reform is needed that focuses more on the victimology perspective, by emphasizing the rights of victims to receive more effective legal protection, access to proper recovery, and prevention of secondary victimization. With these steps, it is hoped that the Indonesian criminal law system can be more responsive in handling OGBV and provide fairer protection for victims.

The Ideal Criminal Law Policy for Providing Recovery and Protection to Victims of Online Gender-Based Violence (OGBV) to Prevent Secondary Victimization

In the criminal justice system, protection of victims of crime is an aspect that is increasingly receiving attention, especially in the context of digital-based crimes such as Online Gender-Based Violence (OGBV). The victimology perspective emphasizes that the criminal law system should not only focus on punishing the perpetrators, but must also ensure that victims receive proper recovery and are protected from the possibility of re-victimization or secondary victimization.³⁰ Secondary victimization refers to additional suffering experienced by victims due to the legal system itself, such as complicated legal processes, lack of psychological support, social stigma, and the insensitivity of law enforcement officers to the victim's condition. Therefore, a criminal law policy is needed that is more oriented towards the recovery and protection of OGBV victims so that they can return to living a better life after experiencing the crime.

Legal review of the protection and recovery of victims of Online Gender-Based Violence (OGBV) in Indonesia is based on several main regulations, including Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and Law Number 19 of 2016 concerning Information and Electronic Transactions (UU ITE). The TPKS Law affirms the rights of victims to obtain protection and recovery through several provisions, such as Article 22 which guarantees legal protection from physical and psychological threats, Article 23 which regulates recovery services including medical, psychological, social aspects, and legal assistance, and Article 26 which gives victims the right to receive restitution from the perpetrator for the physical, psychological, and

²⁹ Apriska Widiangela, "Perlindungan Hukum Korban Kekerasan Seksual Berbasis Gender Online Tinjauan Undang-Undang Nomor 11 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual" (2022).

³⁰ J AHMAD, "ANALISIS HUKUM PERTANGGUNGJAWABAN TERHADAP PELAKU TINDAK PIDANA PEMERKOSAAN TERHADAP ANAK DIBAWAH UMUR (Studi Kasus Putusan ...)" (Magister Hukum, Universitas Islam Sumatera Utara, 2024), [https://repository.uisu.ac.id/handle/123456789/3108%0Ahttps://repository.uisu.ac.id/bitstream/123456789/3108/3/Chapter I%20CII.pdf](https://repository.uisu.ac.id/handle/123456789/3108%0Ahttps://repository.uisu.ac.id/bitstream/123456789/3108/3/Chapter%20CII.pdf).

economic suffering they have experienced. This mechanism provides a strong legal basis for victims of OGBV to obtain protection and support in their recovery process.³¹

On the other hand, the ITE Law places more emphasis on the criminal aspect of perpetrators of OGBV, especially in Article 27 paragraphs (1) and (3) which prohibit the distribution of content containing morality and insults online.³² Although this regulation provides sanctions for perpetrators, its main focus is still more on the repressive aspect than on efforts to restore victims. As a result, many victims experience long-term psychological impacts without adequate recovery support. In addition, the existing legal approach is not fully responsive to the complexity of OGBV cases, such as online harassment involving the victim's digital identity, threats to spread personal content, or technology-based manipulation that causes deep psychological trauma.

Therefore, efforts to protect victims of OGBV in Indonesia still require strengthening in a more comprehensive legal aspect.³³ Policies are needed that are more oriented towards victim recovery, such as the provision of easily accessible legal and psychosocial assistance services, as well as faster and more effective law enforcement mechanisms in handling OGBV cases. In addition, synergy between law enforcement officers, women's and children's protection institutions, and digital platforms need to be strengthened to prevent OGBV more effectively. This step will not only provide better protection for victims, but also create a safer digital environment free from gender-based violence.

Although the Law on the Crime of Sexual Violence (UU TPKS) has accommodated the rights of victims of Online Gender-Based Violence (OGBV), the implementation of protection and recovery for victims in Indonesia still faces various structural and systemic challenges.³⁴ One of the main problems is the lack of access for victims to comprehensive recovery services. Many victims of OGBV do not have sufficient information about the legal mechanisms they can take or institutions that can provide assistance.³⁵ Services such as legal assistance, psychological assistance, social rehabilitation, and financial compensation are often difficult to access, especially for victims who live in remote areas or have economic limitations. Although the Witness and Victim Protection Agency (LPSK) has a mandate to protect victims in accordance with Law Number 31 of 2014 concerning Witness

³¹ Siti Shalima Safitri, Mohammad Didi Ardiansah, and Andrian Prasetyo, "Quo Vadis Keadilan Restoratif Pada Perkara Tindak Pidana Kekerasan Seksual Pasca Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual (Studi Terhadap Pasal 23 UU TPKS)," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 01 (2023): 29–44, <https://doi.org/10.58812/jhhws.v2i01.173>.

³² Putu Cyntia Rizdyanti, Agung Anak Sagung Laksmi Dewi, and I Made Minggu Widyantara, "Perlindungan Hukum Terhadap Anak Sebagai Korban Eksploitasi Seksual Komersial Di Media Sosial," *Jurnal Konstruksi Hukum* (Universitas Islam Indonesia, 2021), <https://doi.org/10.22225/jkh.2.2.3232.332-337>.

³³ Adhelia Ananda Putri et al., "Efektivitas Aturan Hukum Yang Menjerat Kekerasan Gender Berbasis Online," *Iblam Law Review* 4, no. 1 (2024): 26–36, <https://doi.org/10.52249/ilr.v4i1.214>.

³⁴ Widiangela, "Perlindungan Hukum Korban Kekerasan Seksual Berbasis Gender Online Tinjauan Undang-Undang Nomor 11 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual."

³⁵ Sahrul Hukumu, Mukum Syahrir, and Abdul Fatah Lukum, "Criminalization of Online Gender-Based Violence (OGBV): Challenges and Solutions in Indonesian Criminal Law," *Hakim: Jurnal Ilmu Hukum Dan Sosial* 3, no. 1 (2025): 1013–31, <https://doi.org/10.51903/hakim.v3i1.2297>.

and Victim Protection, its implementation is still more focused on conventional crime cases such as physical violence and other serious crimes.³⁶ As a result, victims of OGBV often do not receive maximum protection, either in legal, psychological, or social aspects, thus adding to their burden in dealing with the impact of the crimes they experience.

In addition, the victimology perspective in the criminal justice system is still weak, causing the handling of OGBV cases to be ineffective.³⁷ Law enforcement officers, such as the police and prosecutors, still tend to view digital crimes as minor violations or mere interpersonal conflicts, rather than as crimes with broad impacts.³⁸ This results in many victim reports not being followed up seriously, and in some cases, victims are even re-victimized by law enforcement officers. For example, when victims report cases of unauthorized distribution of personal content, they are blamed or judged for their own actions, such as being considered less careful in protecting personal data. This less victim-centered approach reflects the still low understanding of the psychosocial impacts experienced by OGBV victims, which can include deep trauma, social pressure, and significant economic impacts.

Another weakness in the OGBV victim protection system is the absence of a systematic and affordable compensation policy for victims. The economic impact of OGBV cannot be underestimated, especially for victims who experience digital-based harassment or exploitation that results in job loss, social stigma, and financial stress due to the need for psychological and legal recovery. Although the TPKS Law has regulated restitution for victims, its implementation in the field still faces many obstacles, one of which is the inability of perpetrators to pay compensation.³⁹ Not all perpetrators have the financial resources to fulfill restitution obligations, and the existing system does not yet provide a compensation scheme borne by the state for victims who cannot obtain compensation from the perpetrators. As a result, many victims must bear the economic impact of the crimes they experience without any concrete assistance from the government or the legal system that is on their side.

To address these weaknesses, a more comprehensive approach is needed in the protection and recovery system for victims of online gender-based violence. The state needs to ensure that victim recovery services are widely available, easily accessible, and integrated with a more effective legal protection system. Law enforcement officers must also be given specific

³⁶ Windy Claudia Yunus et al., "Analisis Terhadap Perlindungan Perempuan Korban Kekerasan Seksual Dari Segi Hak Asasi Manusia Dalam Sistem Hukum Positif Indonesia," *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 3 (2024): 34–62, <https://doi.org/10.59246/aladalah.v2i3.855>.

³⁷ Rahma Mentari, "Mewujudkan Keadilan: Perlindungan Hukum Bagi Perempuan Korban KDRT Dalam Sistem Peradilan Pidana Indonesia," *SPECTRUM: Journal of Gender and Children Studies* 4, no. 1 (2024): 32–45, <https://doi.org/10.30984/spectrum.v4i1.1019>.

³⁸ Erika Angie Runtu, Jolly Ken Pongoh, and Bobby Pinasang, "Penegakan Hukum Dalam Memberikan Perlindungan Terhadap Perempuan Korban Ancaman Kejahatan (Revenge Porn) Yang Terjadi Di Sosial Media," *Lex Privatum* IX, no. 11 (2021): 179–89, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/38361>.

³⁹ P W S Pradnyani, "EFEKTIVITAS PELAKSANAAN RESTITUSI BAGI KORBAN TINDAK PIDANA KEKERASAN SEKSUAL (Studi Kasus Kabupaten Jembrana)" (Universitas Islam Sultan Agung Semarang, 2024), [http://repository.unissula.ac.id/38431/%0Ahttp://repository.unissula.ac.id/38431/1/Magister Ilmu Hukum_20302300480_fullpdf.pdf](http://repository.unissula.ac.id/38431/%0Ahttp://repository.unissula.ac.id/38431/1/Magister%20Ilmu%20Hukum_20302300480_fullpdf.pdf).

training on victimology and online gender-based crimes so that they can handle cases of online gender-based violence more professionally and sensitively to the conditions of victims. In addition, compensation policies for victims need to be strengthened, both through more effective restitution schemes and state assistance mechanisms for victims who are unable to obtain compensation from the perpetrators. Collaboration between the government, women's and children's protection agencies, civil society organizations, and digital platforms is also very important in creating a safer environment for internet users and preventing future cases of online gender-based violence. Without comprehensive reform, the protection and recovery of victims of online gender-based violence in Indonesia will continue to experience various obstacles that hinder the optimal fulfillment of victims' rights.

The ideal criminal law policy model for the recovery and protection of victims of Online Gender-Based Violence (OGBV) must be oriented towards a comprehensive and victim-centered approach.⁴⁰ One of the main steps that can be taken is the drafting of special laws that specifically regulate OGBV from the perspective of victim protection. Currently, regulations in Indonesia are still scattered in various laws such as the ITE Law and the TPKS Law, which have not holistically accommodated protection for victims.⁴¹ With special regulations, it is hoped that handling of OGBV can be more effective, as has been implemented in several countries such as the UK through the Online Safety Act, which requires digital platforms to participate in protecting users from gender-based violence in cyberspace.⁴² In addition, increasing the capacity of law enforcement officers in handling OGBV cases is a crucial step. Many victims face obstacles in the reporting process and legal handling due to the lack of understanding of officers regarding the characteristics of digital crimes and their psychosocial impacts.⁴³ Therefore, special training is needed for police officers, prosecutors, and judges so that they can handle OGBV cases more sensitively and professionally. In several European countries, special police units have been formed that focus on handling gender-based digital crimes, which can be used as a model for Indonesia in an effort to increase the effectiveness of legal protection for victims.

Furthermore, the government needs to provide compensation funds for victims of OGBV as a form of state responsibility in ensuring the recovery of victims. The economic impact of OGBV can be very detrimental, such as loss of employment, psychological rehabilitation costs, and legal costs that must be borne by the victims themselves. Therefore, a state compensation scheme, as has been implemented in Canada and Germany, can be a solution to ensure that victims are not further harmed due to the inability of the perpetrators to pay restitution. With this fund, victims can recover more quickly, both in

⁴⁰ Faizah and Hariri, "Pelindungan Hukum Terhadap Korban Revenge Porn Sebagai Bentuk Kekerasan Berbasis Gender Online Ditinjau Dari Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual."

⁴¹ Syamsul Arifin, "Tindak Pidana Pemerasan Seksual Berbasis Gender Siber Melalui Elektronik Dalam Sistem Hukum Pidana Di Indonesia," *An-Nawazil: Jurnal Hukum Dan Syariah Kontemporer* 5, no. 1 (2024): 69–90.

⁴² Kim Barker and Olga Jurasz, "Gender-Based Abuse Online: An Assessment of Law, Policy and Reform in England and Wales," *The Palgrave Handbook of Gendered Violence and Technology*, 2022, 529–44, https://doi.org/10.1007/978-3-030-83734-1_26.

⁴³ Klarisa Desi Ananta et al., "Peningkatan Kapasitas Aparat Penegak Hukum Dalam Menangani Kasus Kekerasan Seksual Di Kabupaten Nganjuk," *Ngaliman: Jurnal Pengabdian Kepada Masyarakat* 3, no. 2 (2025): 162–83, <https://doi.org/10.53429/ngaliman.v3i2.1389>.

psychological, social, and economic aspects. In addition to legal and compensation approaches, collaboration with digital platforms is also an important element in efforts to prevent and recover victims of OGBV. As the main space where this crime occurs, technology companies must participate in efforts to protect users. One policy that can be implemented is the "Right to Be Forgotten", where victims are given the right to request the removal of content that violates their rights quickly and effectively. This policy has been adopted in several European countries and has been proven to help victims reduce the ongoing impact of the spread of detrimental digital content. With the implementation of a more progressive and victim-oriented criminal law policy model, it is hoped that the legal system in Indonesia can provide better protection and ensure that victims of online gender-based violence receive proper recovery. This approach not only focuses on the aspect of law enforcement, but also pays attention to aspects of prevention, rehabilitation, and cross-sector cooperation in building a safer digital ecosystem free from online gender-based violence.

Protection and recovery of victims of online gender-based violence in Indonesia still face many challenges, ranging from minimal access to recovery services, the lack of a victimology perspective in the criminal justice system, to the absence of a clear compensation scheme for victims. Therefore, a more victim-oriented criminal law policy is needed, with an emphasis on the creation of special regulations, increasing the capacity of law enforcement officers, providing compensation funds, and collaborating with digital platforms. With these steps, it is hoped that the Indonesian criminal law system can be more responsive in providing justice for victims of online gender-based violence and preventing secondary victimization in the legal process.

Conclusion

From the discussion related to criminal law policies in providing protection and recovery for victims of Online Gender-Based Violence (OGBV), it can be concluded that although regulations such as the TPKS Law and the ITE Law have accommodated victim protection, implementation in the field still faces various challenges. Many victims still experience secondary victimization due to minimal access to recovery services, the lack of a victimology perspective in the criminal justice system, and the ineffectiveness of compensation mechanisms. In addition, law enforcement officers often do not have sufficient understanding of the characteristics of OGBV, so that case handling is often not optimal and actually worsens the condition of the victim. Therefore, a more victim-oriented criminal law reform is needed by adopting a restorative approach, which not only emphasizes punishing the perpetrator, but also the recovery of the victim through a state compensation scheme, increasing the capacity of law enforcement officers, and collaborating with digital platforms to prevent the spread of harmful content. With these steps, the Indonesian criminal law system is expected to be more responsive and effective in providing justice for victims of OGBV and preventing secondary victimization in the future.

Recommendation

Indonesia needs to develop a comprehensive legal framework specifically addressing Online Gender-Based Violence that integrates both criminalization and victim protection mechanisms. Existing regulations, particularly Law Number 12 of 2022 on Sexual Violence Crimes and Law Number 1 of 2024 concerning the Second Amendment to the Electronic Information and Transactions Law, should be systematically harmonized to ensure that OGBV is regulated in a more coherent and victim-oriented manner. A specific regulatory framework should explicitly incorporate victim recovery mechanisms, protection from secondary victimization, and clear institutional responsibilities for handling OGBV cases.

The criminal justice system should adopt a victim-centered policy approach in handling OGBV cases. This requires the integration of victimology principles into the practices of law enforcement agencies, including police investigators, prosecutors, and judges. Institutional reforms should include specialized training on digital gender-based violence, the psychosocial impacts of cyber harassment, and trauma-informed approaches to victim handling. Establishing specialized units within law enforcement agencies dedicated to cyber gender-based violence may also significantly improve the effectiveness of case handling and victim protection.

The government should establish a state-based victim compensation mechanism for victims of OGBV. Considering that restitution mechanisms often depend on the financial capacity of perpetrators, the state must assume a greater role in ensuring victim recovery. A national compensation fund for victims of digital gender-based violence would provide financial support for psychological rehabilitation, legal assistance, and socio-economic recovery. Such mechanisms have been implemented in several jurisdictions and could serve as a model for strengthening victim protection policies in Indonesia.

Stronger regulatory responsibility for digital platforms should be introduced to prevent the spread of harmful digital content and to protect victims of OGBV. Digital service providers should be required to implement rapid-response mechanisms for removing illegal or harmful content, improve reporting systems for victims, and cooperate with law enforcement agencies in investigating digital crimes. The introduction of clearer obligations for digital platforms, like regulatory models adopted in several jurisdictions, would significantly improve the effectiveness of preventing and mitigating OGBV.

Finally, future criminal law reform in Indonesia should place greater emphasis on victim-oriented justice policies in the digital environment. The integration of victim protection, prevention of secondary victimization, and cross-sector collaboration between legal institutions, government agencies, civil society organizations, and digital platforms is essential for building a more responsive and inclusive criminal justice system in addressing OGBV.

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