



ANALYSIS OF LEGAL PROTECTION FOR FEMALE VICTIMS OF THE CRIME OF REVENGE PORN IN INDONESIA

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Abstract

This study aims to analyze the legal protection provided to female victims of revenge porn in Indonesia and to identify the factors hindering its implementation. This study uses a normative juridical approach with a literature review based on primary and secondary legal sources. Data were analyzed qualitatively with reference to relevant legal provisions, such as the ITE Law, the Pornography Law, and the Witness and Victim Protection Law. The results indicate that legal protection for female victims of revenge porn in Indonesia, both repressive and preventive, is not optimal. This is due to inhibiting factors such as overlapping regulations, weak understanding among law enforcement officials, and social stigma that tends to blame the victim. A limitation of this study is the lack of a comparative approach with other countries with more advanced regulations for handling similar cases; therefore, there is room for comparative analysis in further research. Nevertheless, this study is expected to contribute to the development of criminal law and victim protection studies by offering recommendations for strengthening the law and the role of victim protection institutions from a gender perspective. The novelty of this research lies in its integrative analysis of legal protection theory and legal system theory to understand the complexities of protecting female victims of revenge porn in the digital era.

Keywords: *Legal Protection, Female Victims, Revenge Porn.*

1. Introduction

The development of technology can bring evolution and development to social life, both positively and negatively (Arief, 2003; Raharjo et al., 2023). In the era of the industrial revolution, which is currently entering the 5.0 era or Society 5.0, the Internet is increasingly used as a means to access and share information. With all the sophistication of existing technology, humans today seem to be integrated with technology and the Internet itself. In addition to the ease of information exchange for humans, another impact of increasingly massive Internet use is the increase in cases of cybercrime. Cybercrime itself has many types, such as hacking, cyberbullying, wiretapping, copyright infringement, pornography, and Online Gender-Based Violence (KBGO) (Faizah & Hariri, 2022).

One of the most common types of KBGO is Revenge Porn, also known by other names, such as the distribution of non-consensual intimate content or Non-Consensual Dissemination of Intimate Images (NCII), sexual extortion or sextortion; Image-Based Abuse (IBA); Image-Based Sexual Abuse (IBSA); and intimate image abuse (Dwiwarno et al., 2019 in Destriannisya, 2024). Revenge Porn is the act of producing, distributing, and uploading content, including sexual images and videos, without the consent or knowledge of the person involved (Destriannisya, 2024). The perpetrator's goals and motives are not necessarily limited to revenge; perpetrators sometimes use it to threaten and blackmail victims for money or sexual relations. Perpetrators of revenge porn are usually people close to the victim and have close relationships with them, such as partners or ex-partners, friends, or even close relatives (hackers) (Ayuningtyas & Subekti, 2022 & Faizah & Hariri, 2022 in Destriannisya, 2024).

The phenomenon of revenge porn has created a negative stigma in society. Many people still engage in victim blaming or blame the victims for the dissemination of personal documentation. This is due to the culture of misogyny and sexism in Indonesia. Misogyny results in women being treated as sexual objects (Ananda et al., 2020 in Kang, 2021). Furthermore, many people still engage in sexist behavior, including acts of demeaning, insulting, stereotyping and stigmatizing, and International Conference



Criminal Law Indonesia (ICCLI) deceiving. Unfortunately, this sexist behavior is often directed toward women (Yayasan Pulih, 2020). Human rights are fundamental rights inherent to every human being, including women. However, the stigmatization of women, which often limits their human rights, makes it difficult for them to develop themselves further. Based on data from the UNDP Gender Inequality Index, Indonesia ranks highest in ASEAN, with a gender inequality percentage of 48% (Evendia, 2022).

Therefore, comprehensive protection is needed for women, especially those who are victims of such criminal acts. Research on revenge porn and its handling is urgently needed to address various ongoing problems, including legal, social, and psychological aspects. Based on past cases, it is clear that Indonesian law's protection for victims of revenge porn is limited to sentencing perpetrators. There is no further protection, either psychological or psychological, or compensation for immaterial losses. Therefore, this research is crucial for understanding the protection and recovery strategies for victims based on current Indonesian regulations, as well as for analyzing the factors that hinder legal protection, particularly for female victims of revenge porn. Based on the above description, the author raises the following questions: What is the legal protection for female victims of revenge porn and what are the factors that hinder legal protection for female victims of revenge porn?

2. Literature review and hypothesis/es development

2.1 General Overview of Legal Protection for Victims of Criminal Acts

Legal protection for victims of crime is a crucial aspect of the modern criminal justice system, which emphasizes the fulfillment of victims' rights in a fair and humane manner. In the context of national law, the definition and various rights of victims are regulated in Law Number 31 of 2014, which amends UU No. 13 of 2006 concerning Witness and Victim Protection (WVPA). These provisions are also strengthened by the views of legal experts and various international declarations. However, the position of victims in the justice system is often neglected, necessitating a more responsive and comprehensive approach to reviewing and strengthening legal protection for victims. Based on Article 1 number 3 of UU No. 31 of 2014, a victim is defined as an individual who experiences physical or mental suffering and/or economic loss due to a crime.

Meanwhile, according to legal expert Muladi, the definition of a victim is explained as follows: (Prakosya, 2022) "Victims are people, whether individually or collectively, who have suffered physical, mental, or economic harm, or substantial disruption to their fundamental rights, through acts that violate the criminal laws of their respective countries, including abuse of power." Based on legislation and one of these experts, it can be concluded that a victim is an individual or group that has experienced physical or mental suffering, financial loss, or disruption of their fundamental rights as a result of a criminal act or unlawful abuse of power. Indonesia's national legal system adheres to the Continental European model, namely, the Civil Law system.

Therefore, in criminal justice, victims' roles are not as active as those of perpetrators (defendants). In court, victims are represented by lawyers/advocates who are also their legal advisors. This can create an imbalance between the protection of victims and perpetrators (Ariyanti, 2019). In Indonesia's criminal justice practices, the position and role of crime victims are often neglected. This is due to concerns that deeper victim involvement could compromise the independence of criminal justice bureaucracy. Therefore, steps are needed to re-evaluate, reform, and restructure the criminal justice system in terms of the formation of legislation and the law enforcement process. Currently, legal protection for victims of victimization (hereinafter referred to as victims) in the criminal law system does not fully fulfill the sense of justice, especially for the victims themselves. There is a view that assumes that once the perpetrator of a crime has been investigated, tried, and sentenced, the protection of the victim is considered fulfilled. However, this view is not entirely accurate, as even if the perpetrator is subject to criminal sanctions, the victim's losses are not immediately reparable. Even in court proceedings, the victim's interests are generally International Conference Criminal Law Indonesia



(ICCLI) represented solely by the prosecutor, who bases their charges on legal provisions and witness testimony (Bawole, 2021).

Fulfilling victims' rights is a key aspect of protecting victims. These rights are also enshrined in Article 5 of UU No. 34 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Witness and Victim Protection, namely:

- a. to receive protection for the security of their person, family, and property, and to be free from threats related to testimony they will, are, or have given;
- b. to participate in the process of selecting and determining the form of protection and security support;
- c. to provide information without pressure; d. to receive an interpreter;
- e. to be free from interrogative questions
- f. to receive information regarding case developments
- g. to receive information regarding court decisions;
- h. To receive information if the convict is released
- i. To have their identity kept confidential.
- j. to receive a new identity;
- k. to receive temporary housing;
- l. to receive a new housing;
- m. to receive reimbursement for transportation costs as needed;
- n. to receive legal advice
- o. receive temporary living expenses assistance until the Protection period ends; and/or
- p. receive assistance.

The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power states that victim protection includes the following: (Sujarwo, 2020)

1. Victims of crime must be treated with full respect for their dignity and have the right to seek prompt compensation.
2. Victims of crime must be informed about their role, timeline, and progress in handling their cases.
3. Victims of crime must receive compensation provided to both the victim and their family.

Victim protection is essentially a human right. As stated by C. Maya Indah, the rights of the victim are a component part of the concept of human rights. Victim protection, broadly defined, encompasses two aspects: (Indah 2014 in Carma, 2022)

- 1) Protection of victims from becoming victims of crime, which is synonymous with the protection of human rights or a person's legal interests. This implies that victim protection is not direct.
- 2) Protection to obtain legal guarantees or compensation for the suffering or losses suffered by those who have been victims of crime, including the victim's right to assistance and the fulfillment of the right to access to justice and fair treatment.

This implies direct victim protection. Legal protection for crime victims, as part of community protection efforts, can be realized in various forms, including the provision of restitution and compensation, medical services, and legal assistance, as stipulated in Article 5 of UU No. 31 of 2014 concerning Amendments to UU No. 13 of 2006 concerning Witness and Victim Protection. The effective and efficient fulfillment of these rights, without complications, excessive procedural constraints, and objectively, is the hope of all parties. Therefore, the role of the LPSK (Lembaga Perlindungan Saksi dan Korban) is needed, which is professional, has integrity, and has full responsibility in carrying out its duties and authorities. For the state and government, encouraging, supporting, and fulfilling obligations to protect citizens, including victims and witnesses, is a constitutional responsibility, as the International Conference Criminal Law Indonesia (ICCLI) mandated by the 1945 Constitution of the Republic of Indonesia and applicable laws and regulations (Carma, 2022).

2.2 Definition of Revenge Porn Crime

The term "criminal act" originates from a term known in Dutch law, known as strafbaarfeit. "Strafbaarfeit" consists of three words: straf, baar, and feit. "Straf" is translated as "criminal" and "law," "baar" is translated as "can" or "permissible," while "feit" is translated as "action," "event," "violation," and "deed." A criminal act or criminal act is an act for which the perpetrator is subject to criminal law. Moeljatno states (Chazawi, 2002 in Laia, 2022) that "a criminal act is an act prohibited by a legal regulation. This prohibition is accompanied by a threat (sanction) in the form of a specific penalty for anyone who violates it. It can also be said that a criminal act is an act prohibited by a legal regulation and subject to criminal punishment. It should be noted that the prohibition is directed at the act (i.e., a condition or event caused by a person's behavior), while the threat of punishment is directed at the person who causes the event."

The crime of revenge pornography is an act of producing, distributing, or posting sexual content belonging to a person carried out by a partner or former partner without the knowledge of the person concerned with the aim of humiliating, harassing, or destroying the victim's life. The crime of revenge pornography carried out without the knowledge of the person concerned is also a violation of another's right to privacy. In this case, the perpetrator should be arrested and given criminal sanctions (Sari, 2022).

This is in line with Article 407 paragraph (1) of UU No. 1 of 2023 concerning the Criminal Code, namely: "Any person who produces, makes, reproduces, duplicates, distributes, broadcasts, imports, exports, offers, sells, rents or provides pornography shall be punished with a minimum prison sentence of 6 (six) months and a maximum prison sentence of 10 (ten) years or a fine of at least category IV and a maximum fine of category VI" Although there is no law in Indonesia that specifically regulates the crime of revenge porn, in terms of its elements, revenge porn has fulfilled the elements contained in the formulation of Article 282 paragraph (1) KUHP, Article 29 in conjunction with Article 4 paragraph (1) of the UU Pornography and Article 45 paragraph (1) in conjunction with Article 27 paragraph (1) of the UU ITE, namely disseminating or distributing pornography, so it is clear that someone who commits revenge porn can be subject to criminal sanctions. In some cases of revenge porn, the victim, or woman, is always the focus of public blame.

Often, the public condemns women, despite their position as victims, because they are perceived to have consented to the perpetrator taking nude photos or videos. The public views women's bodies as mere sexual objects. However, women, as victims of revenge porn, never wanted their nude photos or videos to be disseminated (Sari, 2022). Therefore, this crime cannot be underestimated, as it is considered an extraordinary or special crime (Fathonah et al., 2022 in Hidayat & Lubis, 2023). Legal protection for victims of revenge porn is crucial because this crime directly degrades their dignity and worth. Victims often experience severe psychological stress, such as deep trauma and prolonged feelings of shame. Furthermore, the perpetrator's distribution of content on social media leaves a digital footprint containing immoral material that is difficult to remove, allowing the content to be disseminated or reproduced by others. This situation causes significant harm to victims.

The losses experienced in these cases are generally immaterial, making it crucial to provide comprehensive legal protection for women who fall victim to revenge porn. This protection includes restitution, counseling, legal aid, providing information to victims or their families regarding the criminal investigation and trial, and the right to be forgotten for women who are victims of revenge porn (Pangesti 2024). International Conference Criminal Law Indonesia (ICCLI) Protecting women is a crucial effort that requires serious government attention. This is because women frequently experience discriminatory treatment. This consideration prompted the government to ratify the international convention through UU No. 7 of 1984, concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

This convention recognizes the biological or natural differences between women and men, as well as the differences in conditions and social positions that arise from discriminatory practices against women (Evendia 2022). In the context of revenge porn, comprehensive legal protection for female victims is urgently needed in the current legal systems because of the significant impact it has on victims, both psychologically and in terms of long-term immaterial losses. Revenge porn is a digital crime that cannot be underestimated because it not only violates the law but also harms the dignity, honor, and privacy rights of victims, especially women.

2.3 General Review of Women from a Victimology Perspective

Victimology comes from the words victim (victim) and logi (science), from the Latin *victima* (victim), and *logos* (science). Simply put, victimology means the study of victims (of crime) (Waluyo 2011). The definition of victimology according to experts is as follows: (Rinaldi & Tutrianto, 2024): a. J.E. Sahetapy explains that victimology is a science or discipline that addresses the problems of victims in all aspects, including crime, abuse of power, and accidents and natural disasters. b. Arief Gosita explains that victimology is a field of science that studies all aspects related to victims, including the nature of who a victim is, the process of victimization, and the impact of human actions that cause mental, physical, and social suffering for victims. c. Dikdik M. Arief Mansur, explained that victimology terminologically comes from the Latin "*victima*" (victim) and "*logos*" (science/study), so it can be interpreted as the study of victims and the causes and consequences of the emergence of victims as a social problem. In general, victimology encompasses various aspects related to crime victims, both individually and collectively.

These areas include (Rasiwan, 2024) 1. Psychological Aspects of Victims Understanding the psychological impact of crime on victims, such as stress, trauma, anxiety, and the psychological recovery process. 2. Social Aspects of Victims Examining the interaction of victims with their social environment, community responses to victims, stigma, social support, and reintegration into society after becoming victims of crime. 3. Legal Aspects of Victims Considering victims' rights within the legal system, legal processes involving victims, restorative justice, and legal efforts to protect and advance victims' interests. 4. Risk Factors for Victims Analyzing factors that increase victims' vulnerability to crime, such as individual characteristics, social environment, and crime situation. 5. Victim Protection and Support Considering efforts to provide effective protection for crime victims, including support systems, victim services, and public policies that support victims. 6. The Victim's Perspective in the Criminal Justice System Considers the role of victims in the criminal justice process, victims' rights in the legal process, victims' participation in legal decisions, and efforts to improve victims' access to justice. 7.

The Social and Economic Impact of Crime Analyzes the impact of crime on society at large, including economic loss, social insecurity, and efforts to prevent crime and mitigate its impact on victims and society. International Conference Criminal Law Indonesia (ICCLI) Through this scope, victimology seeks to provide a comprehensive understanding of the experiences of crime victims and to develop effective strategies to protect, support, and advocate for victims' rights within a legal and social context (Rasiwan, 2024). From a victimology perspective, women are classified as latent victims (Mulyadi, 2007, in Sugiyanto, 2021). Women are latent or predisposed victims because they are a vulnerable group based on the assumption that they are weak and unable to perform activities like men.

Therefore, women tend to become victims of violence, such as rape, refugee status, slave trade, prostitution, and forced labor (Muhtaj, 2008 in Fajrin & Triwijaya, 2019). Ezzat Abde Fatatah classifies latent or predisposed victims as part of the victim typology based on victim involvement (Astoto, 2001 in Fajrin & Triwijaya, 2019). Psychologically, the characteristics of women as victims are generally marked by the emergence of fear, which then develops into an attitude of resignation. This attitude of



resignation is interpreted as accepting the actions of others towards them as a destiny for the suffering they experience (a view that reflects a fatalistic culture).

This state of resignation increases the potential for women to be placed in a powerless position, thus opening up opportunities for perpetrators to exploit victims' weaknesses for their own gain. According to Von Hentig, this state of fear accompanied by resignation is caused by biological factors that place women in the category of "the female," a group considered more vulnerable to victimization due to their relatively weaker physical condition compared to men (Widiartana, 2014, in Sugiyanto, 2021). Based on the context of victimology, one effort to restore the rights and dignity of female victims of crime is through restitution.

This mechanism is a crucial aspect of victim protection, ensuring that recovery is not limited to sentencing the perpetrator but also includes fulfilling the victim's rights. According to Article 1, point 13 of UU No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking, restitution is defined as the payment of compensation imposed on the perpetrator based on a legally binding court decision for material and/or immaterial losses suffered by the victim or their heirs. Furthermore, Government Regulation Number 35 of 2020 concerning Amendments to Government Regulation Number 7 of 2018 concerning the Provision of Compensation, Restitution, and Assistance to Witnesses and Victims stipulates that victims of criminal acts are entitled to restitution in the following forms:

- (1) Compensation for lost wealth or income.
- (2) Compensation for losses incurred as a result of suffering directly related to the criminal act; and/or
- (3) Applications for restitution, as referred to in paragraph (2), must be submitted by the victim, their family, or their attorney.

2.4 General Overview of the Legal System

According to the Big Indonesian Dictionary, a system is a set of elements that are regularly interrelated to form totality. Meanwhile, law is a regulation in a country that is binding and compels every citizen to obey it. Therefore, it can be understood that a legal system is the totality of rules regarding what humans should and should not do, binding and integrating units of activity with each other to achieve goals (Siregar, 2022). Lawrence M. Friedman categorizes the understanding of the legal system into three aspects: structural, substantive, and legal culture. The following is a further explanation of Lawrence M. Friedman's view of the legal system (Nugroho et al., 2024) 1.

The structural aspect describes the parts of the legal system that operate within an institutional framework, including legislative institutions, the judiciary, and other entities that play a role in law implementation and enforcement. 2. The substantive aspect encompasses the concrete outputs produced by the legal system, namely, individual legal norms (in concerto) and legal norms (in abstracto). Individual legal norms are so named because they apply specifically to certain parties or individuals, whereas general norms are abstract because they apply to everyone. International Conference Criminal Law Indonesia (ICCLI) 3. The components of legal culture are the views and values held by a society, as well as the actions that influence the use of courts as a means of conflict resolution. The implementation of these values held by a society is known as legal culture, which can be described as the totality of social values related to law, along with behaviors that influence the legal system. In the judicial realm, the legal system significantly influences the application of law, especially for judges in examining and deciding cases (Kumorotomo, 1996 in Siregar, 2022). Legal systems vary by country. Eric L. Richard, a global business law expert, divides the main legal systems into six legal families (Ulfah, 2022): (a) civil law, civil law based on a codified civil code.

This legal system has its roots in Roman law, which was practiced by Continental European countries, including its former colonies. b) Common Law, law based on custom or custom based on precedent or judge-made law. This system is practiced in Anglo-Saxon (British-American) countries. c) Islamic Law,



which is based on Islamic Sharia and whose primary sources are the Quran and Hadith. d) Socialist Law, which is practiced in socialist countries. e) Sub-Saharan Africa: a legal system practiced in African countries south of the Sahara Desert. f) The Far East: This legal system is complex, combining civil law, common law, and Islamic law as the fundamental basis of society. The legal system in Indonesia is a national legal system based on Pancasila, because all applicable legal regulations must be based on its values contained in Pancasila.

As the foundation of the state, Pancasila serves as the source of all laws and occupies the highest position (Grundnorm) in the Indonesian legal system. Although, in the early days of independence, Indonesia still used a legal system inherited from the Dutch, Pancasila remains the primary guideline for formulating, developing, and refining all legal regulations in Indonesia. Given that law is constantly evolving in line with societal dynamics, any legal changes must be aligned with the aspirations and values of the Indonesian people, which are based on Pancasila (Fakih, 2010, in Barlian & Herista, 2021).

3. Methodology

The approach used in writing to discuss the problems proposed by the author in this research is a normative legal approach. This research used secondary data. Secondary data are obtained from various legal sources related to the research and are divided into two categories: primary legal materials and secondary legal materials. Subsequently, the necessary data were collected using a literature study procedure. The data collected through data collection activities are then processed through data processing and review by conducting data identification, data classification, and data systematization. Data analysis was carried out qualitatively and legally, meaning describing the data in the form of sentences that are arranged systematically and then interpreted based on laws and regulations related to the problem being studied so that a clear and related picture of the subject matter will be obtained, so that conclusions will be obtained that are expected to answer the problems examined in this research.

4. Results and discussion

4.1 Legal Protection for Women Victims of Revenge Porn Crimes

Indonesian women experience various threats of sexual violence and sexual harassment (Wahid, 2011 in Oktaviarika & Apriyani, 2024) but find it difficult to obtain legal protection. Based on data obtained from the 2024 Annual Notes, the number of reported cases was 401,975 (Sihotang, 2024 in Oktaviarika & Apriyani, 2024). Most complaints of sexual violence cases are dominated by KSBG (Gender-Based Cyber Violence), with the highest number of complaints from revenge porn (Oktaviarika & Apriyani, 2024). Revenge porn is a form of intimidation that is usually accompanied by threats from the perpetrator to the victim (usually women) to disseminate immoral content (in the form of photos, videos, or recordings) through cyberspace.

The pornographic content in question is the result of documentation obtained by a partner in a close (intimate) relationship with the knowledge and consent of the other party or can be International Conference Criminal Law Indonesia (ICCLI) done without the knowledge of the person concerned. Victims of revenge porn often experience additional psychological distress, making them vulnerable to criminalization under the UU Pornography or even the UU Electronic Information and Transactions due to the articles that can implicate them. This is because victims are often considered to have participated in the creation of immoral content, even if they had no intention of publishing it. Furthermore, in the context of Online Gender-Based Violence (OGBV), particularly revenge porn, law enforcement continues to categorize cases as cybercrimes without considering the inherent gender dimensions of the case. This approach, which focuses solely on technological aspects, results in inadequate attention to the substance of gender-based violence against women.

Consequently, many victims of revenge porn choose to pursue non-litigation avenues to resolve their cases, and many are reluctant to report the crimes they have experienced. Therefore, advocates play a



crucial role in this process. In the case of the spread of pornographic content in revenge porn crimes, when linked to the theory of victim typology presented by Mendelsohn, victims of the dissemination of pornographic content are victims with the 2nd (two) classification of six victim typologies: first, the victim is completely innocent (completely innocent victim); second, the victim with a little contribution of error (victim with minor guilt); third, the victim with the same level of error as the perpetrator; fourth, the victim whose fault exceeds the perpetrator (victim more guilty than offender); fifth, the victim is the only guilty party or in the case of being killed because of his own actions; and the last is the imaginary victim in the case of someone who claims to be a victim but does not experience any suffering or loss. Regardless of whether or not and how little or much involvement the victim has in the crime he experienced that caused the loss, the victim still needs to receive more attention from the perpetrator, and the victim's existence needs to be protected (Ayuningtyas, 2022).

Legal protection for female victims of revenge porn can be achieved through two channels: repressive and preventive (Sintia 2021). This aligns with Phillipus M. Hadjon's theory, which posits that legal protection can be achieved through preventive and repressive methods. Repressive efforts involve treatment and punishment, which include investigations and subsequent court proceedings. Repressive efforts can be implemented through legal sanctions provided by applicable laws and regulations after a thorough examination of evidence to produce a just court decision.

This punishment is not intended as a form of revenge or blasphemy but rather aims to restore the perpetrator to the right path and prevent them from committing revenge porn again (Ayu et al., 2024). In cases of revenge porn, repressive legal protection for victims can be achieved through the imposition of criminal sanctions on perpetrators based on relevant laws and regulations, such as UU No. 19 of 2016 concerning Electronic Information and Transactions, UU No. 44 of 2008 concerning Pornography, and UU No. 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS). In addition to imposing sanctions on perpetrators, victims must also receive protection of their privacy during the evidentiary process up to the trial stage, as well as the right to receive restitution of their rights.

The provision of restitution is regulated by Supreme Court Regulation Number 1 of 2022 concerning Procedures for Settling Applications and Providing Restitution and Compensation to Victims of Crime. Furthermore, efforts to fulfill the rights of victims of sexual violence have been strengthened by the enactment of Government Regulation Number 29 of 2025 concerning the Assistance Fund for Victims of Sexual Violence Crimes, which came into effect in June 2025. Preventive efforts to prevent the emergence or development of revenge porn are also essential (Sintia, 2021). These preventive efforts can be implemented through two main approaches: raising public awareness and eliminating the causes of revenge porn, or eradicating all the root causes of revenge porn (Dharmawan & Solaeman, 2022 in Ayu et al., 2024). These preventive efforts are usually aimed at the community to increase public awareness of revenge porn, its dangers, and its potential impacts. This effort can be delivered in several ways, including: International Conference Criminal Law Indonesia (ICCLI)

1. Providing regular education, especially among adolescents and adults, is important as revenge porn is particularly vulnerable to these groups. This regular education also aims to increase understanding of what to do if a revenge porn case occurs. Education can also reduce the widespread dissemination of content on social media platforms.
2. Optimizing the role of digital platforms in preventing the spread of revenge porn by establishing an early warning and prevention system through collaboration with digital platforms, requiring digital platforms to have a "panic button" feature and automatic content removal, and building a database of repeat cybercrime perpetrators for prevention.
3. Establishing Regional Regulations specifically regulating the protection of women from cyberbased violence so that case handling can be carried out more closely with the community through the role of



local governments. This allows for faster and more effective response, assistance, and recovery for victims without relying entirely on central-level institutions.

Although various regulations and efforts exist to provide legal protection for victims of revenge porn, particularly women, in practice, this protection has not been optimally implemented because of various inhibiting factors. This indicates that legal protection for female victims of revenge porn still requires further strengthening in terms of regulations, institutions, and social awareness. Therefore, it is important to complement repressive protection with preventive measures. The integration of these two aspects is key to realizing comprehensive victim protection and preventing the recurrence of similar crimes in the future.

4.2 Factors Inhibiting Legal Protection for Female Victims of Revenge Porn Crimes

Revenge porn involves threats or the distribution of intimate content without the victim's consent, usually perpetrated by a partner, ex-partner, or close friend as a form of revenge, disappointment, or an attempt to control the victim. This act can arise from various motives, such as hurt feelings due to a breakup, a desire to force the victim back into a relationship, or as a means of intimidation to get the victim to comply with the perpetrator's wishes. The primary goal of this act is to damage the victim's social reputation, defame them, and lower their self-esteem. Cyberporn perpetrators are generally those with close relationships with the victim, whether within the family or romantic relationships, such as boyfriends or ex-boyfriends (Setiawan and Lubis, 2024).

All issues related to violence against women are fundamentally rooted in the inequality of status and power between men and women, which is formed through social construction and further reinforced by the patriarchal value system inherent in society. This unequal power relationship can be found in various areas of life, including the household, the workplace, and society in general. Many women accept this situation as normal, whereas most men consider it justified. Unawareness of this inequality prevents many from realizing that this situation constitutes discrimination against women, which can ultimately lead to violence. Essentially, violence against women arises from a low appreciation of women's roles and status in various aspects of life, as well as a misconception of religious teachings, which are then used to justify discriminatory behavior (Perbawati, 2019, in Setiawan & Lubis, 2024). A fundamental obstacle that often hinders legal protection for victims of crimes against morality is the lack of a shared perspective on the proper victim position. Victims should be viewed as those in need of legal protection so that their violated rights and interests can be fairly restored. However, in practice, the various parties involved in the law enforcement process have not optimally carried out their roles and functions. Obstacles encountered during the investigation stage can be divided into two types: (Subarkah, 2025)

a. Non-legal obstacles are obstacles primarily caused by victims' reluctance to report the crimes they have experienced. Overall, 85% of crimes in society go unreported for various reasons, one of which is the fear of personal harm from the act of reporting. Furthermore, a lack of understanding of how to stop crimes and fear of revenge are non-legal obstacles. International Conference Criminal Law Indonesia (ICCLI)

b. Legal obstacles include the following:

1. Problems with evidence

2. Adaptation to the types of crimes that occur and the formulation of available offenses.

The problems that arise in society today are regulated by various applicable provisions and legal protection instruments. However, despite the existence of legal regulations and sanctions for each violation, many people still ignore or violate them due to various social factors. Consequently, law enforcement is often unable to effectively prevent the recurrence of similar violations, including revenge porn (Runtu et al., 2021).



One of the biggest challenges in handling revenge porn cases is the deliberate removal or destruction of digital evidence by the perpetrator. Perpetrators often delete files, destroy devices, or use apps with difficult-to-access tracking systems, complicating the evidentiary process in court and weakening victims' legal standing. Furthermore, low levels of digital literacy and legal understanding in society mean that many victims are unaware of their rights to protection and redress from the state. Victims are often reluctant to report abuse due to shame, fear of public scrutiny, or a lack of confidence that the legal system will side with them (Ratnasari et al., 2025).

According to Lawrence M. Friedman, the success of law enforcement depends on the effectiveness of three main elements in the legal system: the legal substance, structure, and culture. First, legal substance is the part of the legal system that contains legal products in the form of norms and rules that serve as the basis for enforcing compliance with the law. This substance includes all forms of regulations, both written (law on the books) and unwritten (living law), which are formed by parties in the legal system through the process of making decisions and creating new regulations. Second, the legal structure is a fundamental element of the legal system that includes all institutions, apparatuses, and legal institutions that carry out basic functions, such as the formation of law (the legislation of law), socialization and cultivation of law, law enforcement (the enforcement of law), and efficient and accountable legal administration by the government as the implementer of law (executive).

Third, legal culture reflects the attitudes, beliefs, values, and expectations of society and law enforcement officials towards the law and its legal system. Legal culture describes the atmosphere of thought and social forces that influence how the law is used, avoided or even abused. Friedman asserts that without a vibrant legal culture, the legal system will become inert and dysfunctional, like "dead fish lying in a basket" instead of "live fish swimming freely in the ocean" (Fata et al., 2022).

The following is an analysis of various inhibiting factors in efforts to protect women victims of revenge porn, which is examined using Lawrence M. Friedman's legal system theory framework as a basis for understanding how the substance, structure, and culture of the law influence the effectiveness of law enforcement in these cases.

1. Legal Substantive Factors

The overlap between the norms in Law Number 44 of 2008 concerning Pornography and the Electronic Information and Transactions (ITE) Law presents a significant obstacle in handling revenge porn cases. The disharmony between these two regulations often creates confusion among investigators in determining the appropriate article to apply, whether to use the provisions of the ITE Law or the Pornography Law, as each has different legal consequences. This situation has the potential to cause stagnation in the law enforcement process and hinder effective case resolution. Furthermore, the lack of technical implementing regulations that support the mandate of Law Number 2 of 2002 concerning the Indonesian National Police is also a serious obstacle.

The absence of technical guidelines or a National Police Chief Regulation specifically governing the protection mechanisms for victims of pornography crimes forces investigators to act based on local policies in each region. This creates inconsistencies in handling cases between regions and has the potential to reduce legal certainty for victims (Latili et al., 2025). International Conference Criminal Law Indonesia (ICCLI) The absence of specific regulations explicitly addressing the protection of female victims of crime is also a factor hindering the fulfillment of victims' rights. This lack of a legal framework implies the lack of adequate legal instruments to guarantee the rights of women as victims, from the right to restitution, rehabilitation, and legal aid to the right to psychosocial recovery. Women are often in a vulnerable position due to social and cultural factors, as well as unequal power structures, requiring specific and gender-based protection. Therefore, more comprehensive regulations are crucial to ensure that when women are involved in legal conflicts, they receive maximum protection that upholds formal justice and guarantees the restoration of their dignity and human rights.



2. Legal Structural Factors

Law enforcement officials' lack of understanding of how to deal with women in conflict with the law also hinders efforts to provide legal protection to victims of revenge porn. This is evident, for example, during the investigation stage, where questions sometimes corner victims, making them feel unsafe and reluctant to pursue legal action. Negligence by law enforcement officials in such situations can be classified as a form of human rights violation by the state. In the context of legal protection, victims have several mechanisms to hold the state to account. First, victims can file a lawsuit for Unlawful Acts (PMH) against the state based on the provisions of Law Number 39 of 2008 concerning State Ministries, which can be processed through the State Administrative Court or the General Court. Second, if negligence is systemic, victims can file a complaint with the National Commission on Human Rights (Komnas HAM), an independent institution authorized to investigate alleged human rights violations.

Third, victims have the right to receive reparations through the Witness and Victim Protection Agency (LPSK), as stipulated in Law Number 31 of 2014, which includes compensation, restitution, and rehabilitation. Fourth, if negligence contains elements of maladministration, victims can submit a report to the Ombudsman of the Republic of Indonesia. Thus, constitutionally and within the framework of international law, the state bears full responsibility for any form of negligence by its apparatus, based on the principle of state responsibility. The limited role of the LPSK often hinders legal protection in fulfilling victims' rights. The limited reach of the LPSK, particularly because its representative offices are not evenly distributed across all provinces in Indonesia, means that the protection of victims of sexual violence and revenge porn is largely handled by Non-Governmental Organizations (NGOs). This role demonstrates that NGOs, while lacking formal authority like the LPSK, are capable of filling the implementation gap at the regional level through a more responsive, participatory, and victim-centered approach. Thus, NGO involvement reflects the importance of synergy between state institutions and civil society organizations in achieving comprehensive and effective victim protection.

3. Legal Culture Factors

According to Richmond-Abbott, societal cultural views on sexual crimes often perpetuate victim blaming, excuse the perpetrator's actions, and reinforce the power imbalance between men and women. Ryan further explained that the concept of blaming the victim is a form of justification for injustice by finding fault or shortcomings in the victim. In this context, women, as victims, are often blamed for the crimes they have experienced. Through the narratives and diction used in media reports, women are often portrayed paradoxically, either as victims or as the cause of the crimes they experience. This phenomenon demonstrates the power relations born of a patriarchal culture in which women are considered inferior, while men are positioned as superior. According to BurgessProctor, patriarchy, or male dominance, is the root of women's oppression because the discrimination women experience stems from social relationships and interactions dominated by International Conference Criminal Law Indonesia (ICCLI) male power. This obsession with women's bodies, born of patriarchal structures, is reflected in legal systems, cultural values, political practices, and social views that persist today (Sugiyanto, 2021).

Revenge porn is also rooted in similar motives of power and control among the perpetrators. In this case, men who distribute intimate photos or videos of their ex-partners seek to assert their dominance by controlling women's bodies through the distribution of personal content. In society, prevention of revenge porn is often directed with advice such as "never give your private videos to anyone" or "don't let your face be seen in explicit photos or videos for your boyfriend." These statements reflect victim blaming, blaming the victim for what happened to them. As explained by the Jawapos news website, accusing the victim of negligence for taking or providing private photos shifts the responsibility from the perpetrator to the victim. What should be questioned is the victim's right to control their body, which has been taken and abused by the perpetrator. Thus, revenge porn is not only related to the distribution



of intimate content in the digital realm (cyberspace) but also reflects a deeper issue: women's loss of control over their own bodies and how they are forced to live as if their bodies are shared or communal property (Adinda, 2019 in Sugiyanto, 2021). Based on the above description, it can be concluded that legal culture is one of the main obstacles to providing legal protection for female victims of revenge porn.

The deeply ingrained patriarchal culture in society has given rise to the practice of victim blaming, where the victim is perceived as the guilty party. This biased mindset erodes public empathy and solidarity with victims and influences law enforcement practices, often appearing gender insensitive and biased towards women. Consequently, the legal process, which should protect women, has the potential to exacerbate victims' suffering. Therefore, without a fundamental change in legal culture that rejects the victim-blaming paradigm and emphasizes the principle of gender equality, legal protection for female victims of revenge porn will remain partial and suboptimal, risking the perpetuation and reinforcement of entrenched societal discrimination.. In addition to the obstacles mentioned above, the legal process fails to address the needs of victims. The overemphasis on punishing perpetrators tends to neglect reparative aspects, such as removing content from the Internet, providing psychological support, or providing affordable legal aid. Many victims face significant financial burdens to remove content or file lawsuits, while social and psychological support is unavailable to them. This imbalance reflects a structural bias in the legal system, which focuses more on sanctions than on victim recovery. Protection and recovery should be the top priorities in addressing revenge porn (Kamal & Newman, 2016 in Kadir, 2025).

The lack of collaboration between the government, digital platforms, and civil society further exacerbates this situation. As the primary medium for content distribution, digital platforms play a crucial role in preventing and addressing revenge porn distribution. However, the policies implemented have been ineffective. Although some major platforms, such as Facebook and Instagram, have implemented policies to remove unauthorized content, similar materials can easily be re-uploaded by third parties. The lack of transparency in content removal and minimal cooperation with law enforcement leave victims feeling out of control (Kadir, 2025). Advances in communication technology have significantly increased the speed and scale of revenge porn, further complicating law enforcement efforts in these cases. Perpetrators often exploit the viral nature of online media to disseminate intimate material to a wide audience, without being easily identified.

This digital virality phenomenon not only accelerates the spread of content but also exacerbates victims' psychological trauma, especially when they lose complete control over their personal information and privacy. Although several digital platforms have implemented policies to remove unauthorized content, these measures have not proven to be optimally effective. Similar content can often be re-uploaded by third parties, creating a cycle of repeated distribution that is difficult to control. This situation emphasizes that the challenges in law enforcement against revenge porn lie not only in the International Conference Criminal Law Indonesia (ICCLI) legal aspects but also in the technological dimensions and governance of digital platforms, which are still unable to provide comprehensive protection for victims (Franks, 2016; Kadir, 2025). The state has a constitutional responsibility to ensure that digital platforms protect victims' rights, even if they are formally private entities.

The principle of the horizontal effect of constitutional rights emphasizes that human rights protection applies not only vertically between the state and citizens, but also horizontally to non-state actors, including digital corporations, such as Meta. Based on this principle, the state can require digital platforms to comply with due diligence obligations, for example, through revisions to Articles 15 and 16 of Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE). This revision could include imposing administrative sanctions on platforms that are negligent or slow to respond to requests to remove content containing revenge porn. Furthermore, an expedited notice-and-



takedown mechanism should be implemented, with a maximum time limit of 24 hours for digital platforms to remove content containing revenge porn from the date of a valid report. To ensure its effectiveness, the establishment of an independent digital content supervisory body with the authority to order content removal and impose administrative sanctions is a strategic step. This approach aligns with Constitutional Court Decision Number 50/PUU-VI/2008, which emphasizes that citizens' constitutional rights must be protected not only from state intervention but also from the actions of non-state actors, including digital service providers. Thus, the responsibility for protecting victims of revenge porn is a shared responsibility between the state and the digital private sector to realize justice and respect for human dignity in cyberspace.

5. Conclusion

5.1. Conclusion Based on the presentation and discussion in the previous chapter, the following conclusions can be drawn.

1. Legal protection for female victims of revenge porn can be pursued through two channels: repressive and preventive measures. Repressive efforts involve imposing legal sanctions on perpetrators, protecting victims' privacy during the legal process, and providing restitution and restoration of victims' rights. Preventive efforts, on the other hand, are realized through public education, optimizing the role of digital platforms, and establishing regional regulations to facilitate closer community-based victim care. However, the implementation of both forms of protection still faces challenges, such as low gender sensitivity among law enforcement officials, minimal public awareness, and suboptimal coordination between relevant institutions. Therefore, strengthening both aspects of legal protection is necessary to ensure synergy, justice, and comprehensive recovery and protection for revenge porn victims.

2. Obstacles to legal protection for female victims of revenge porn can be understood through Lawrence M. Friedman's three elements of the legal system: substance, structure, and legal culture. From a substantive legal perspective, overlapping regulations and the absence of specific gender-based regulations create uncertainty in the application of the law. From a legal perspective, limited understanding among law enforcement officials, the weak role of the LPSK (Lembaga Perlindungan Saksi dan Korban), and minimal coordination between state institutions and digital platforms have resulted in the law enforcement process being less favorable to victims. Meanwhile, in terms of legal culture, patriarchal values and the practice of victim blaming remain strong, often blaming victims for the crimes they experience. This situation demonstrates that legal protection efforts for female victims of revenge porn cannot rely solely on formal law enforcement agencies. Comprehensive reform is needed, encompassing regulatory harmonization, capacity building of law enforcement officials, and transforming society's legal culture toward gender equality and respect for women's dignity. Therefore, ideal legal protection encompasses procedural and substantive justice for victims. International Conference Criminal Law Indonesia (ICCLI)

5.2. Limitation

The main limitation of this research lies in the scope of the analysis, which focuses solely on Indonesia's national legal system without a comparative approach with other countries that have more advanced regulations for handling revenge porn cases and protecting victims of gender-based violence. This lack of comparative analysis prevents research from providing a comprehensive picture of the effectiveness of legal mechanisms implemented in various jurisdictions. Furthermore, because this research is normative and uses a literature review approach, its results depend on the availability of relevant legal sources and secondary literature reviews. Therefore, this research does not fully describe the empirical dynamics of the field related to the implementation of legal protection for female victims of revenge porn.

5.3. Suggestion

Based on the research findings and limitations outlined, the following recommendations can be made:



1. The government needs to strengthen and harmonize regulations governing revenge porn, increase the capacity of law enforcement officials and victim protection agencies to be more sensitive to gender issues, and expand education and digital literacy to the public to prevent the spread of non-consensual intimate content and eliminate the culture of victim blaming against female victims of cybercrime.
2. Further research using an empirical approach is needed to describe conditions on the ground more concretely, particularly regarding the effectiveness of law enforcement, the obstacles faced by officials, and victims' experiences in accessing justice and redress.
3. Further research is recommended to conduct comparative studies with countries that already have more advanced regulations and mechanisms for protecting revenge porn victims than South Korea. This is crucial for gaining a broader picture of the best practices for providing gender-based legal protection that can be adapted to the Indonesian national legal context.

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