

Online Gender-Based Violence (GBV) Crime In The Perspective Of Indonesian Criminal Law

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ABSTRACT

In recent years, developments in information and communication technologies have increased the use of digital media, which has simultaneously expanded the risk of online gender-based violence (GBV). This phenomenon includes sexual harassment, non-consensual dissemination of intimate content, and gender-based threats, which commonly affect women and vulnerable groups. In Indonesia, Law No. 12 of 2022 on the Criminalization of Sexual Violence (UU TPKS) comes as a first step to provide protection to victims, including in cases of online GBV. However, the implementation of the TPKS Law still faces obstacles, such as the lack of understanding of law enforcement officials, difficulties in digital proof, and social stigma against victims. A normative juridical research method was used to evaluate the adequacy of regulations, harmonization of laws, and international best practices. The analysis shows that existing regulations, including the GCV Law, ITE Law, and Criminal Code, still have gaps in effectively addressing online GBV. Legal harmonization, strengthening digital forensic capacity, and increasing gender sensitivity are urgent needs. A holistic approach, including cross-sector collaboration, public education, and policies adaptive to technological developments, is expected to strengthen victim protection. This strategy is needed to realize law enforcement that is responsive, equitable, and supports efforts to eradicate gender-based violence in the digital space.

Keywords: Gender-Based Violence (GBV); Indonesian Criminal Law; Online-Crime

INTRODUCTION

In recent years, the surge in the use of digital media due to the development of information and communication technology has had a significant impact on patterns of social interaction. Unfortunately, this advancement has also given rise to various forms of crime, including online gender-based violence (GBV). These crimes include acts such as sexual harassment, non-consensual dissemination of intimate content, gender-based insults, and threats of violence, which are often targeted at women and vulnerable groups. This phenomenon not only reflects long-standing gender biases embedded in society, but also shows how the digital space has become an extension of systemic violence against women. In the Indonesian legal context, Law Number 12 of 2022 on the Crime of Sexual Violence (UU TPKS) exists as an effort to provide protection to victims of sexual violence, including gender-based violence committed online. However, the application of

the law to online GBV requires a more specific interpretation and an adaptive legal approach to technological developments.

Although the GCT Law has regulated various forms of sexual violence, including technology-based ones, such as in Article 4 Paragraph (2) letter d which covers acts of “electronic-based sexual exploitation,” the implementation of this regulation still faces serious obstacles. One of the main challenges is ensuring that victims of online GBV have access to prompt and effective justice.¹ In practice, many victims feel reluctant to report due to social stigma, low understanding of law enforcement officials, and protracted legal processes. In addition, digital evidence is often difficult to collect or acknowledge in the legal process.² This condition emphasizes the need to strengthen the criminal legal framework to crack down on gender-based crimes in the digital space, including strengthening the capacity of law enforcement officials and utilizing technology in investigations. Without comprehensive strategic steps, the existence of the TPKS Law will only be a legal instrument without significant impact in addressing the rise of online GBV cases.

The legal gap in handling online gender-based violence (GBV) is not only a reflection of regulatory limitations, but also reflects the slow adaptation of the law to social and technological changes. Although the Electronic Information and Transaction Law (ITE Law) is often used to ensnare perpetrators of technology-based crimes, it does not specifically target the issue of gender-based violence. For example, Article 27 Paragraphs (1) and (3) of the ITE Law, which are often used to crack down on the dissemination of intimate content or online insults, often fail to take into account the gender dimension and psychological impact on victims.³ These provisions emphasize formal aspects such as violation of privacy or defamation, without considering the structural context of violence against women that occurs in the digital space. As a result, perpetrators of online GBV often escape the law, or the sanctions imposed do not reflect justice for victims.

Furthermore, the lack of specific regulations also creates challenges in the process of evidence and law enforcement. Many victims of online GBV face barriers to justice due to the lack of adequate legal protection of their identity, coupled with the often complex process of gathering digital evidence that is not regulated in detail in the ITE Law or the Criminal Code.⁴ In this situation, the Law on Sexual Violence (UU TPKS) should be the answer, as it recognizes the technology-based dimension of sexual violence. However, its implementation requires a more integrative strategy, including harmonization with the ITE Law and other regulations. In the absence of strategic steps to bridge this gap, efforts to eradicate online GBV risk being trapped in procedural limitations that not only exacerbate the suffering of victims, but also reinforce gender inequality in the digital space.

¹ LewoLeba, K. K., & Wahyuni, Y. Y. (2023). Perempuan Korban Kekerasan Berbasis Gender Online dan Perlindungan Hukumnya. *UNES Law Review*, 6(2), 7082-7096.

² Rohmawati, I., Junaidi, A., & Khaerudin, A. (2024). Urgensi Regulasi Penyalahgunaan Deepfake Sebagai Perlindungan Hukum Korban Kekerasan Berbasis Gender Online (KBGO). *Innovative: Journal Of Social Science Research*, 4(6), 1779-1794.

³ Utami, A. D. (2021). KEKERASAN SEKSUAL MELALUI INTERNET DITINJAU DARI PERSPEKTIF GENDER. *NOURA: Jurnal Kajian Gender dan Anak*, 5(1), 31-40.

⁴ Nurisman, E. (2022). Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022. *Jurnal Pembangunan Hukum Indonesia*, 4(2), 170-196.

The psychological impact of online gender-based violence (GBV) is often more severe than conventional violence due to its massive and persistent nature, where victims are not only traumatized from the first attack, but are also constantly haunted by the threat of viral and uncontrollable content spreading in the digital space.⁵ In addition, technology-based harassment tends to create a sense of helplessness, social isolation, and even mental health disorders such as depression, anxiety, and post-traumatic stress (PTSD). In patriarchal societies such as Indonesia, victims of online GBV are often blamed and stigmatized, worsening their mental state. This stigma comes not only from the social environment but also from law enforcement officials who often view such cases as trivial or hold victims responsible for the violence they experience.

In addition to the psychological impact, online gender-based violence also has a significant social impact, with victims often losing their reputation, job, or access to a healthy social environment as a result of the online attack.⁶ In many cases, victims become targets of digital bullying that is amplified by misogynistic comments, reinforcing existing structures of gender injustice. This suggests that comprehensive legal protection should not only involve prosecuting perpetrators, but should also include recovery mechanisms for victims. The Law on Sexual Violence (UU TPKS) actually provides space for this through the regulation of victim protection and recovery, but its implementation is far from optimal. Without an integrated system of legal protection, psychological recovery services, and more inclusive social awareness, victims of online GBV will continue to be trapped in an endless cycle of violence.

One of the biggest challenges in law enforcement against online gender-based violence (GBV) is the ability to effectively track perpetrators in the digital space.⁷ The anonymous characteristics of the internet are often exploited by perpetrators to avoid legal liability, making identification and evidence collection a complicated process. Many perpetrators use encryption tools, fake IP addresses, or platforms with strict privacy policies to protect their identities. In this context, law enforcement officials in Indonesia often lack sufficient technical resources and training to deal with these challenges. Without specialized expertise in digital forensics, attempts to prove technology-based crimes are likely to end in failure, ultimately undermining public confidence in the legal system.

On the other hand, law enforcement officials' lack of understanding of the gender dimensions of online GBV is also a serious obstacle. Many law enforcement officers still consider these crimes as personal problems or ordinary conflicts, rather than serious offenses involving power structures and gender injustice. This view often leads to a less empathetic attitude towards victims and even rejection of reports on the grounds of insufficient evidence. In addition, a lack of public awareness about their rights to report online gender-based violence exacerbates the situation. Many victims are afraid to report for fear of social stigma, lack of legal protection, or even threats of retaliation from the perpetrator. Therefore, there needs to be a more systemic approach to tackling online GBV, including gender education for legal officers, strengthening technical capacity in

⁵ Permatasari, A. A. (2022). Cyberbullying Sebagai Kekerasan Berbasis Gender Online: Dampak Terhadap Remaja Serta Peran Keluarga. *Jurnal Wanita Dan Keluarga*, 3(1), 1-15.

⁶ Aji, R. D. (2024). *Kekerasan Berbasis Gender Online Di Lingkup Keluarga Menurut Perspektif Hukum Islam (Analisis Putusan Pengadilan Negeri Kabupaten Kediri Nomor 214/pid. b/2021/pn gpr.)* (Doctoral dissertation, IAIN Kediri).

⁷ Battisti, M., Kauppinen, I., & Rude, B. (2024). Breaking the silence: The effects of online social movements on gender-based violence. *European Journal of Political Economy*, 85, 102598.

digital forensics, as well as public awareness campaigns to encourage the reporting of cases of gender-based violence in the digital space.

METHOD

The normative juridical method in online gender-based violence (GBV) research is carried out by analyzing relevant laws and regulations, such as the Law on Sexual Violence (UU TPKS), the Law on Information and Electronic Transactions (UU ITE), and the Criminal Code, to evaluate the adequacy of legal norms in regulating these criminal acts. A conceptual approach is used to understand the theoretical basis of online gender-based violence and its relation to the principles of justice and victim protection. In addition, a comparative study with other countries' legal systems helps identify best practices that can be adapted to the Indonesian legal context. An analysis of court decisions was also conducted to evaluate the implementation of the law, including evidentiary, law enforcement and victim protection challenges. This method aims to provide concrete recommendations for improving regulations, harmonizing laws, and strengthening law enforcement mechanisms that are more responsive to online GBV crimes.

RESULTS AND DISCUSSION

1. The Urgency of Harmonizing Regulations in Handling Online Gender-Based Violence

A. Identification of Legal Gaps and the Need for Comprehensive Regulations

When talking about legal gaps and the need for comprehensive regulations related to gender-based violence in digital spaces, it is important to understand that existing laws in Indonesia, such as the Sexual Violence Crime Law (UU TPKS), the Electronic Information and Transaction Law (UU ITE), and the Criminal Code (KUHP), have not been able to fully address the complexity of the problem. The TPKS Law, for example, although it has provided important breakthroughs in addressing sexual violence, focuses more on physical or offline forms of violence. Digital spaces, which are increasingly becoming an integral part of everyday life, do not receive special attention, so many forms of online gender-based violence (GBV) such as online sexual harassment, gender-based threats, or distribution of intimate content without consent (revenge porn) are not specifically regulated.⁸

Meanwhile, the ITE Law, which is supposed to be the main instrument in dealing with offenses in the digital space, is often subject to multiple interpretations. Articles in this law, such as those on insults or defamation, are often misused for specific purposes and do not explicitly support the protection of victims of GBV. The Criminal Code, on the other hand, is still based on colonial legal concepts that are not relevant to modern technological developments. The absence of a clear definition of gender-based violence in the digital space in the KUHP makes it difficult to accommodate new phenomena, such as doxing (disclosure of personal data to harm) or sexual harassment through social media. The result of this inconsistency is that many victims of GBV do not receive

⁸ Khotimah, U. K. (2024). Islamic Legal Analysis on the Protection of Vulnerable Age Groups from Online Gender-Based Violence (OGBV) in Indonesia. *Journal of Ecohumanism*, 3(8), 7184-7193.

adequate protection or even face difficulties in reporting their cases.⁹ This situation points to the need for more specific and progressive legal arrangements. Clear and explicit definitions should be made to classify various forms of gender-based violence in the digital space. For example, revenge porn should be defined not only as an invasion of privacy, but also as a gender-based crime that has a serious impact on victims, especially women. In addition, forms of harassment such as unwanted sexual comments, sexual threats, or manipulation of the victim's personal data should also be categorized in detail in the new legal framework.¹⁰ Without this measure, many cases of GBV will continue to be ignored as existing laws lack appropriate mechanisms to deal with them.

This new legal framework should also include the protection of victims' privacy, given that one of the biggest risks of GBV is the dissemination of victims' personal data which can exacerbate trauma. Regulations need to guarantee the confidentiality of victims' data, including limiting the dissemination of content relevant to their case during the legal process. In addition, assistance services such as psychological counseling, legal representation, and removal of harmful content from digital platforms should be an integral part of this approach. Cooperation with digital platforms such as social media is also crucial. Regulations should require these platforms to be more proactive in removing offending content and providing technical support for victims.

Capacity building of law enforcement officers is also an important factor. Currently, many officers lack an in-depth understanding of the dynamics of gender-based violence in the digital space, so legal proceedings are often ineffective or even biased against victims. Gender- and technology-focused training should be a priority, so that officers can handle these cases with a sensitive perspective and based on the needs of victims. In addition, regulations must also take into account vulnerable groups such as women, children, and the LGBTQ+ community who are often the main targets of GBV.

To achieve all this, learning from best practices in other countries can be an inspiration. The Philippines, for example, through its Cybercrime Prevention Act and Safe Spaces Act, has provided better protection for victims of GBV, including prohibitions on online harassment and revenge porn. Australia has an E-Safety Commissioner who actively handles cases of online violence, including gender-based violence. The European Union, through the General Data Protection Regulation (GDPR), has provided a strong legal framework to protect personal data, including that of victims of GBV. By revising existing laws, drafting new laws that are more inclusive, and raising public awareness about GBV, Indonesia can create a safer digital environment. This will not only protect victims, but also strengthen public trust in law and justice, while demonstrating the country's commitment to addressing the challenges presented by modern technology.

⁹ Agustina, R., & Purwanto, G. H. (2024). Kejahatan Impersonation terhadap Public Figure dalam Perspektif Undang-Undang Tindak Pidana Kekerasan Seksual (Studi Kasus di Kabupaten Bojonegoro). *Jurnal Pembangunan Hukum Indonesia*, 6(2), 315-327.

¹⁰ Pratiwi, A. M. (2021). Mengupayakan Keadilan Bagi Korban Kekerasan Seksual Melalui Aktivisme Tagar: Kesempatan dan Kerentanan di Indonesia (Initiating Justice for Sexual Violence Victims via Hashtag Activism: Opportunity and Vulnerability In Contemporary Indonesia). *Jurnal Perempuan*, 26(3), 197-206.

B. Challenges in Adjusting Regulations to Technological Developments

The rapid development of digital technology has brought various benefits, but it has also created major challenges in the legal realm, particularly in addressing online gender-based violence (GBV) crimes. From the perspective of Indonesian criminal law, online GBV includes acts such as sexual harassment, non-consensual dissemination of intimate content, threats, and gender-based insults in the digital space.¹¹ The biggest challenge in dealing with this phenomenon is the gap between existing legal regulations and the dynamics of evolving technology.¹²

One of the main challenges is the anonymity of the perpetrator which is very easy to realize in the digital space. Technologies such as virtual private networks (VPNs) and end-to-end encrypted messaging applications allow perpetrators to hide behind anonymity. In cases of online GBV, perpetrators often use fake or anonymous identities to spread threats of violence or degrading content to victims.¹³ In the context of Indonesian criminal law, although the Electronic Information and Transaction Law (UU ITE) and the Criminal Code (KUHP) have provisions that can be used to ensnare perpetrators, the identification of perpetrators remains a serious obstacle, mainly because the law enforcement infrastructure is not yet fully prepared to track complex cybercrimes.¹⁴ Another difficulty is the collection of digital evidence that is admissible in court. In online GBV cases, evidence is often in the form of screenshots, electronic messages or digital metadata that are vulnerable to deletion or manipulation. In Indonesian criminal law, digital evidence must meet the requirements of validity and relevance to be accepted as evidence, as stipulated in the ITE Law and KUHP. However, the process of collecting this evidence is often hampered by technical issues, such as lack of access to servers located overseas or the limitations of local legal authorities to order foreign technology companies to hand over data. This prolongs the legal process and often removes any trace of the perpetrator before action can be taken.

In addition, Indonesian criminal law also faces challenges in addressing potential misuse of technology platforms that have not been fully anticipated by existing regulations. Social media platforms, for example, are often used by perpetrators of online GBV to disseminate intimate content of victims without consent, or to commit verbal abuse in the form of demeaning comments.¹⁵ In this case, criminal law tends to be reactive, responding only after the offense has occurred, instead of creating preventive regulations. As a result, victims often face severe psychological pressure, including social stigma, before their cases can be brought to the law.

¹¹ Nursyafia, N., Amirulloh, M., & Muchtar, H. N. (2023). Kekerasan Berbasis Gender Online (KBGO) dalam Game Online Menurut Hukum di Indonesia Serta Perbandingan dengan Negara Lain. *Jurnal Pendidikan Tambusai*, 7(1), 2045-2056.

¹² Tantangan terbesar dalam menghadapi fenomena ini adalah kesenjangan antara regulasi hukum yang ada dan dinamika teknologi yang terus berkembang.

¹³ Christian, J. H. (2020). Sekstorsi: Kekerasan Berbasis Gender Online Dalam Paradigma Hukum Indonesia. *Binamulia Hukum*, 9(1), 83-92.

¹⁴ Perkasa, A., & Pakpahan, K. (2023). Kebijakan Penegak Hukum Dalam Penanggulangan Tindak Pidana Perjudian Melalui Media Elektronik Di Indonesia. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 2(7), 2067-2084.

¹⁵ Bintari, A. (2024). Kekerasan Seksual Berbasis Elektronik: Permasalahan dan Respons terhadap Kasus Cyber Sexual Harassment: Issues and Response to Case. *Jurnal Perempuan*, 29(1), 17-29.

On the other hand, delays in adjusting regulations also create legal uncertainty for both victims and perpetrators. Victims of online GBV are often unaware of their legal rights or are reluctant to report their cases due to a lack of adequate protection. Meanwhile, perpetrators take advantage of the legal vacuum to continue their actions without fear of criminal consequences. This phenomenon highlights the need for more comprehensive legal revision and harmonization, such as that done through the new Criminal Code (2022) which includes several articles to address sexual violence, although its implementation still requires time and strengthening.¹⁶ In the face of these challenges, possible solutions include more adaptive and technology-driven regulatory updates, increased law enforcement capacity, and cross-sector collaboration. New regulations should address the specific needs of victims of online GBV, including privacy protections and mechanisms for rapid content removal. In addition, intensive training for law enforcement officers is needed to ensure they have sufficient technical and legal understanding in handling technology-based cases. At the global level, cooperation with international technology platforms is crucial to ensure digital data and evidence are accessible to Indonesian legal authorities. The challenges in adapting regulations to technological developments show how complex the relationship between criminal law and the digital space is. Without coordinated and sustained efforts, online GBV will continue to pose a serious threat to the safety and dignity of individuals, particularly women and other vulnerable groups. A holistic approach encompassing law, technology and public education is therefore key to creating a safer and fairer digital environment.

C. Harmonizing Regulations as a Strategic Step in Handling Online GBV

In the context of Indonesian criminal law, online gender-based violence (GBV) has become a complex phenomenon that threatens human rights, especially for women and vulnerable groups. Online GBV, which includes forms such as non-consensual dissemination of intimate content, online harassment, threats, and gender-based bullying, is a manifestation of violence that utilizes digital technology as a tool of crime. Unfortunately, legal developments in Indonesia have not fully anticipated the unique dimensions of online GBV, creating a legal vacuum that harms victims. Harmonization between regulations such as the Law on Sexual Violence (UU TPKS), the Electronic Information and Transaction Law (UU ITE), and the Criminal Code (KUHP) is a strategic step to answer this challenge.¹⁷

Conceptually, each existing regulation has a different but intersecting focus. The TPKS Law, passed in 2022, is a new milestone in providing protection for victims of sexual violence, including technology-based sexual violence. However, this law is still limited to the context of sexual violence and does not explicitly regulate other forms of gendered violence, such as online gender-based bullying or digital-based economic exploitation. On the other hand, the ITE Law, which is the legal basis for cracking down on cybercrime, is more oriented towards aspects of defamation, libel, or illegal content without paying special attention to the protection of victims from the gender dimension.

¹⁶ Oktavia, F., Navisa, F. D., & Ashsyarofi, H. L. (2024). Pengaturan Restorative Justice Yang Berkaitan Dengan Tindak Pidana Pelecehan Seksual Secara Verbal. *Dinamika*, 30(2), 10597-10615.

¹⁷ Indonesia Judicial Research Society, "Appropriate for sexual violence cases?" <https://ijrs.or.id/en/2023/12/01/is-the-electronic-information-and-transaction-law-uu-ite-appropriate-for-sexual-violence-cases/> diakses pada January 07, 2025

Meanwhile, the Criminal Code, which is the general criminal law, has not yet covered the development of technology-based crimes specifically, let alone gender-based ones.

The lack of a unified definition of online GBV in these three regulations creates legal uncertainty for both victims and law enforcement officials. For example, in the case of the dissemination of intimate content without consent (revenge porn), the ITE Law only criminalizes the dissemination of electronic information that violates decency (Article 27 paragraph (1)), but does not see the gender exploitation aspect inherent in the crime. As a result, victims are often faced with social stigma and unfair legal proceedings, while perpetrators receive sentences that do not reflect the severity of the impact of the crime. To address this challenge, regulatory harmonization should start with adjusting the definition of online GBV to include all forms of gendered violence, both sexual and non-sexual. This definition needs to consider the dimension of technology as the main tool of crime, so that it addresses not only acts such as online sexual harassment, but also other gender-based attacks, such as identity-based threats or gender-based privacy attacks. This adjustment can be made through the revision of the ITE Law and the integration of more detailed arrangements in the derivative regulations of the GCTS Law.

In addition, strengthening victim protection must be a priority in the harmonization of this regulation. Currently, the TPKS Law has provided several victim protection mechanisms, such as legal assistance and psychosocial rehabilitation. However, these mechanisms are often not optimally implemented in online GBV cases due to a lack of coordination across sectors. Law enforcers often lack the capacity to understand the complexities of gender-based crimes in the digital space, so victims are often ignored or even revictimized. In this case, there needs to be a special arrangement that ensures that victims of online GBV receive identity protection, speedy access to justice, and adequate psychological support.

Harmonization should also include the integration of protection mechanisms in cross-sectoral policies. Addressing online GBV requires close collaboration between law enforcement agencies, relevant ministries and digital platform providers. In many cases, digital platforms play a key role as mediators in the process of reporting and removing content. Therefore, the government needs to require platform providers to provide responsive, transparent and victim-friendly reporting mechanisms. In addition, the government also needs to encourage public education on digital safety and the dangers of online GBV, so that people are more aware of their rights and able to protect themselves from the threat of this crime. With proper regulatory harmonization, Indonesia's criminal legal system can respond to the online GBV phenomenon more effectively and fairly. Harmonization will not only provide legal certainty for victims, but also create a strong legal foundation to prevent crime. In addition, this step can strengthen public trust in the criminal justice system, as well as demonstrate Indonesia's commitment to the protection of human rights in the digital age.

2. The Role of Law Enforcement Officials and Enforcement Challenges in Online Gender-Based Violence Cases

A. Evaluation of Law Enforcement Officials' Technical Capacity in Managing Digital Evidence

Managing digital evidence in online gender-based violence (GBV) cases is a major challenge for Indonesia's criminal legal system. Digital evidence such as recorded conversations, photos, or metadata is often decisive in these cases, but law enforcement

officials still face technical and resource gaps. Police at the central level, especially cyber units, tend to be more skilled in using digital forensic tools compared to officers in the regions who lack training and technological tools. Online GBV perpetrators often use anonymizers such as VPNs or the dark web, which are difficult to trace without advanced technology. Prosecutors and judges also face limitations in understanding digital evidence, often relying on forensic experts, who are in short supply. Validation of digital evidence is another challenge, as evidence is often susceptible to manipulation and not always managed according to chain of custody principles, leading to rejection in court.¹⁸ On the other hand, regulations such as the ITE Law and the TPKS Law are not yet fully harmonized, creating legal loopholes that complicate the enforcement process.

Addressing these issues requires intensive training for law enforcement on digital forensics, investment in modern technology at all levels, and synchronization of regulations to ensure consistent management of digital evidence. Cross-sector collaboration with technology companies and international organizations is also essential to tackle transnational perpetrators. With these measures, Indonesia's legal system can be more responsive to the complexity of online GBV cases, provide better protection for victims, and ensure more effective justice.

However, technical capacity building alone is not enough without a paradigm shift in the handling of online gender-based violence (GBV) cases. Law enforcement officials need to understand that these cases are not only technical in nature, but also have complex social dimensions. Victims of online GBV often experience psychological trauma, shame, and social stigma that discourage them from reporting. In this context, digital evidence management must be accompanied by a victim-centered approach that prioritizes their privacy, safety and comfort. Training for police, prosecutors and judges should also include gender sensitivity, so they can handle cases with empathy and avoid revictimizing victims in the legal process.

In addition, inter-agency and community synergies are essential to ensure a law enforcement ecosystem that is responsive to digital crime. The government needs to strengthen collaboration between law enforcement, non-governmental organizations (NGOs), and victim service centers to create a holistic support system. Public awareness campaigns also need to be enhanced to encourage victims to report and educate the public about online GBV crimes and their legal consequences. With a more inclusive and coordinated approach, not only will technical capacity increase, but so will public confidence in the criminal legal system to address digital and gender-based crimes.

B. Gender Sensitivity in Handling Victims of Online Gender-Based Violence

Online gender-based violence (GBV) is one of the increasingly complex forms of crime in the digital age. In the context of Indonesian criminal law, these crimes include harassment, threats, non-consensual distribution of intimate content, and other forms of violence that use technology as a medium. While regulations such as the Electronic Information and Transaction Law (UU ITE), particularly Article 27 paragraphs (1) and (3) on the distribution of indecent content and defamation, and the Criminal Code (KUHP) through Articles 310 and 311 on defamation and slander, provide a legal basis to prosecute perpetrators of online GBV, the application of these regulations is often

¹⁸ Miller, C. M. (2023). A survey of prosecutors and investigators using digital evidence: a starting point. *Forensic Science International: Synergy*, 6, 100296.

insensitive to gender dimensions.¹⁹ Legal processes that focus more on formal evidence and less on the psychological impact on victims often exacerbate their suffering.

One of the main challenges is the lack of gender sensitivity among law enforcement officials.²⁰ Many victims report experiences of revictimization during the legal process, such as being blamed for the actions of the perpetrator or being considered the instigator of the crime because of their activity on social media. This gender bias not only reflects a lack of understanding by authorities of the nature of gender-based violence, but also reinforces a patriarchal culture that often blames the victim. In online GBV cases, victims often face a heavy burden of proof, such as having to present digital evidence that is difficult to access or prove the perpetrator's malicious intent. This approach ignores the psychological trauma of victims, increases stigma, and reduces trust in the legal system. In addition, social stigma against female victims exacerbates the situation. In a patriarchal society, victims are often blamed for not maintaining privacy or being too active on social media. Law enforcement officials often do not provide adequate support and tend to consider online violence as a less serious problem than physical violence. As a result, many victims are reluctant to report for fear of facing social judgment or are unsure of justice.

To address this issue, gender sensitivity must be an integral part of the criminal legal system. Training for officers on gender issues and their impact is necessary to increase empathy and understanding. In addition, victim-friendly reporting mechanisms, such as online platforms that protect privacy, should be developed immediately. Legal approaches must also ensure victims are fully protected, by providing psychological assistance, maintaining data confidentiality, and preventing the dissemination of digital footage that harms victims.

C. Competency Strengthening Strategy and Cross-Sector Cooperation

Online gender-based violence (GBV) in Indonesia is a complex crime that continues to evolve with the rapid use of digital technology. These crimes range from sexual harassment on social media, non-consensual dissemination of intimate content, gender-based threats, to sexual exploitation through online platforms. Despite the existence of legal frameworks such as the Electronic Information and Transaction Law (UU ITE) and the Sexual Violence Crime Law (UU TPKS), their implementation often faces major challenges, mainly due to the limited capacity of law enforcement officers in handling these cases both technically and from a gender sensitivity perspective. Officials often lack the expertise to identify and investigate perpetrators' digital footprints, secure legally valid electronic evidence, or understand the complexities of the technology used in these crimes. In addition, the process of dealing with victims is often insensitive to their specific needs, leading to secondary victimization through stigma, victim blaming, or lack of empathy in the legal process.²¹

¹⁹ Choiriyati, W. (2019). Etika Media Dalam Kultur New Technology (Mengkaji Etika Internet Versus Undang-Undang Informasi Dan Transaksi Elektronik). *Jurnal Masyarakat Dan Budaya*, 247-262.

²⁰ Zahara, D. A., & Sunarti, G. (2024). Analisa Peran Hukum Dalam Mengatasi Kekerasan Berbasis Gender Ditinjau Dari Sudut Pandang HAM Dalam Politik Islam. *AL IMARAH: JURNAL PEMERINTAHAN DAN POLITIK ISLAM*, 10(1).

²¹ Suradipraja, V. S. A. C. (2024). 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(1), 20-31.

On the other hand, handling online GBV cannot be left entirely to law enforcement officials alone. Strong cross-sectoral cooperation is needed to create an effective, responsive and gender-just law enforcement system. The government must take a central role in designing comprehensive policies and regulations, including ensuring clear coordination with digital platform providers to remove gender-based violence content quickly. Technology platform providers, as managers of digital spaces, have a great responsibility in providing safe and user-friendly reporting mechanisms, as well as accelerating the follow-up process of victim reports. However, these efforts are often hampered by conflicts of interest related to user privacy and limited regulations governing data disclosure for law enforcement officials. In this context, transparent collaboration between the government and technology providers is crucial to ensure a balance between user privacy protection and law enforcement effectiveness. In addition, the role of non-governmental organizations (NGOs) cannot be ignored. NGOs are often at the forefront of providing assistance to victims, both in the form of psychological support and legal aid. They also play an important role in raising public awareness of the impact of online GBV and encouraging policy changes that favor victims. Unfortunately, however, the role of NGOs in the law enforcement system is often marginalized, despite their significant contribution in bridging the needs of victims with the legal process.

In creating an effective, responsive and gender-just law enforcement system, a holistic approach is a must. Effectiveness must be realized through strengthening digital forensic technology and data utilization in the investigation process, while responsiveness must ensure that the reporting and investigation system is friendly to victims and free from revictimization. At the same time, gender justice means integrating a gender perspective in every stage of the legal process, from investigation, prosecution, to court decisions, so that victims really get substantive justice. Thus, strengthening the competencies of law enforcement officials and cross-sector collaboration is not just an additional strategy, but an urgent need to ensure that the Indonesian legal system is able to comprehensively address the challenges of online GBV, empower victims, and punish perpetrators fairly

CONCLUSION

Indonesian laws, such as the Anti-Gender-Based Violence Law, ITE Law, and Criminal Code, still have gaps in addressing the complexities of online gender-based violence (GBV) such as online harassment and unauthorized distribution of intimate content. Existing regulations tend to be multi-interpretive, irrelevant to technological developments, and inadequate in effectively protecting victims. More specific regulations are needed, including a clear definition of GBV, protection of victims' privacy, and the obligation of digital platforms to act proactively. Other challenges include the anonymity of perpetrators, the difficulty of collecting digital evidence, and the limited technical capacity of law enforcement, who often lack adequate training or access to necessary forensic tools. Harmonizing the TPKS Law, ITE Law, and Criminal Code is an important step towards creating a unified legal foundation capable of protecting victims and increasing public trust in the legal system. In addition, increasing gender sensitivity in handling victims is essential, including through empathy training, victim-friendly reporting systems, and psychological assistance. Cross-sector collaboration with digital platforms, NGOs and civil society needs to be strengthened to address legal challenges and support victims comprehensively. A holistic approach that includes strengthening forensic technology, public education, and integration of gender perspectives in the legal

process is an urgent need. The government also needs to design policies that are adaptive to technological developments, and encourage international coordination to deal with transnational crimes. With these strategic steps, the handling of GBV in Indonesia is expected to be more effective, responsive, and just for victims..

REFERENCES

- Agustina, R., & Purwanto, G. H. (2024). Kejahatan Impersonation terhadap Public Figure dalam Perspektif Undang-Undang Tindak Pidana Kekerasan Seksual (Studi Kasus di Kabupaten Bojonegoro). *Jurnal Pembangunan Hukum Indonesia*, 6(2), 315-327.
- Aji, R. D. (2024). Kekerasan Berbasis Gender Online Di Lingkup Keluarga Menurut Perspektif Hukum Islam (Analisis Putusan Pengadilan Negeri Kabupaten Kediri Nomor 214/pid/. b/2021/pn gpr.) (Doctoral dissertation, IAIN Kediri).
- Battisti, M., Kauppinen, I., & Rude, B. (2024). Breaking the silence: The effects of online social movements on gender-based violence. *European Journal of Political Economy*, 85, 102598.
- Bintari, A. (2024). Kekerasan Seksual Berbasis Elektronik: Permasalahan dan Respons terhadap Kasus Cyber Sexual Harassment: Issues and Response to Case. *Jurnal Perempuan*, 29(1), 17-29.
- Choiriyati, W. (2019). Etika Media Dalam Kultur New Technology (Mengkaji Etika Internet Versus Undang-Undang Informasi Dan Transaksi Elektronik). *Jurnal Masyarakat Dan Budaya*, 247-262.
- Christian, J. H. (2020). Sekstorsi: Kekerasan Berbasis Gender Online Dalam Paradigma Hukum Indonesia. *Binamulia Hukum*, 9(1), 83-92.
- Indonesia Judicial Research Society, "Appropriate for sexual violence cases?" <https://ijrs.or.id/en/2023/12/01/is-the-electronic-information-and-transaction-law-uu-ite-appropriate-for-sexual-violence-cases/> diakses pada January 07, 2025
- Khotimah, U. K. (2024). Islamic Legal Analysis on the Protection of Vulnerable Age Groups from Online Gender-Based Violence (OGBV) in Indonesia. *Journal of Ecohumanism*, 3(8), 7184-7193.
- LewoLeba, K. K., & Wahyuni, Y. Y. (2023). Perempuan Korban Kekerasan Berbasis Gender Online dan Perlindungan Hukumnya. *UNES Law Review*, 6(2), 7082-7096.
- Miller, C. M. (2023). A survey of prosecutors and investigators using digital evidence: a starting point. *Forensic Science International: Synergy*, 6, 100296.
- Nurisman, E. (2022). Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022. *Jurnal Pembangunan Hukum Indonesia*, 4(2), 170-196.
- Nursyafia, N., Amirulloh, M., & Muchtar, H. N. (2023). Kekerasan Berbasis Gender Online (KBGO) dalam Game Online Menurut Hukum di Indonesia Serta Perbandingan dengan Negara Lain. *Jurnal Pendidikan Tambusai*, 7(1), 2045-2056.
- Oktavia, F., Navisa, F. D., & Ashsyarofi, H. L. (2024). Pengaturan Restorative Justice Yang Berkaitan Dengan Tindak Pidana Pelecehan Seksual Secara Verbal. *Dinamika*, 30(2), 10597-10615.
- Perkasa, A., & Pakpahan, K. (2023). Kebijakan Penegak Hukum Dalam Penanggulangan Tindak Pidana Perjudian Melalui Media Elektronik Di Indonesia. *SIBATIK JOURNAL: Jurnal Ilmiah Bidang Sosial, Ekonomi, Budaya, Teknologi, Dan Pendidikan*, 2(7), 2067-2084.

- Permatasari, A. A. (2022). Cyberbullying Sebagai Kekerasan Berbasis Gender Online: Dampak Terhadap Remaja Serta Peran Keluarga. *Jurnal Wanita Dan Keluarga*, 3(1), 1-15.
- Pratiwi, A. M. (2021). Mengupayakan Keadilan Bagi Korban Kekerasan Seksual Melalui Aktivisme Tagar: Kesempatan dan Kerentanan di Indonesia (Initiating Justice for Sexual Violence Victims via Hashtag Activism: Opportunity and Vulnerability In Contemporary Indonesia). *Jurnal Perempuan*, 26(3), 197-206.
- Rohmawati, I., Junaidi, A., & Khaerudin, A. (2024). Urgensi Regulasi Penyalahgunaan Deepfake Sebagai Perlindungan Hukum Korban Kekerasan Berbasis Gender Online (KBGO). *Innovative: Journal Of Social Science Research*, 4(6), 1779-1794.
- Suradipraja, V. S. A. C. (2024). 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(1), 20-31.
- Tantangan terbesar dalam menghadapi fenomena ini adalah kesenjangan antara regulasi hukum yang ada dan dinamika teknologi yang terus berkembang.
- Utami, A. D. (2021). Kekerasan Seksual Melalui Internet Ditinjau Dari Perspektif Gender. *Noura: Jurnal Kajian Gender dan Anak*, 5(1), 31-40.
- Zahara, D. A., & Sunarti, G. (2024). Analisa Peran Hukum Dalam Mengatasi Kekerasan Berbasis Gender Ditinjau Dari Sudut Pandang HAM Dalam Politik Islam. *AL IMARAH: JURNAL PEMERINTAHAN DAN POLITIK ISLAM*, 10(1).