

Urgency of Legal Protection for Victims of Online Gender-Based Violence in Indonesia

Sri Humana¹, Beniharmoni Harefa²

¹ Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

² Faculty of Law, Universitas Pembangunan Nasional Veteran Jakarta, Indonesia

Abstract: *This study aims, firstly to analyze the obstacles faced and the efforts made in providing legal protection to victims of online gender-based violence, secondly to analyze law enforcement against victims of online gender-based violence, especially in protecting the rights of victims. The type of research used is normative juridical law research which is prescriptive with a statute, conceptual and case approach. The type of data used is secondary data. Legal protection for victims of online gender-based violence still does not have a clear regulation. It is very important to regulate the rights of victims, which are regulated in detail in the law. In the case of gender violence on social media, the regulation regarding legal protection for victims of crime, the Witness and Victim Protection Law only specifically regulates victims who can be given legal protection, namely victims of serious human rights violations, victims of terrorism crimes, victims of criminal acts trafficking in persons, victims of criminal acts of torture, victims of criminal acts of sexual violence, and victims of severe abuse. Therefore, it is necessary to revise the laws and regulations that have not regulated fairly the legal protection of victims of online gender-based crimes. Especially in Article 6 Paragraph (1) of the Law of the Republic of Indonesia No.13 of 2006 concerning the Protection of Witnesses and Victims, in addition to the rights as referred to in Article 5, victims are also entitled to a. medical assistance; and b. psychosocial and psychological rehabilitation assistance.” so that there are no misunderstandings and narrow understandings in its application, so that all victims of crime are entitled to medical assistance and psychosocial and psychological rehabilitation assistance if they really need this form of protection. In the legal process against cases of online gender-based violence used is Law of the Republic of Indonesia No. 19 of 2016 concerning Amendments to Law of the Republic of Indonesia No.11 of 2008 concerning Information and Electronic Transactions. However, this law still has many shortcomings because in its formulation there is still no gender perspective and there are still problems that arise from gender-based violence online that can hinder its handling. So it is necessary to have a penal policy that can be used in overcoming gender-based violence, namely by reforming the criminal law so that it can expand into the context of online gender-based violence in terms of fulfilling the rights of victims.*

Keywords: Legal protection, victims, online gender-based violence, Indonesia

1. Introduction

Cybercrime or cyber-based violence is a term used to define unlawful acts, where the act is in the realm of cyberspace or cyber-based. In a broad sense, cybercrime is all illegal actions carried out through computer network instruments and the internet to gain profits or to cause harm to others. Cyber-based violence initially emerged in 1988 where perpetrators created viruses to cause computers to shut down. Along with its development, cyber-based violence is not only a crime of hacking, carding, cracking but has developed into a gender-based violence crime committed through cyberspace. New forms of cyber-based crime, including Gender-Based Violence (KBG), which previously could only be committed in the real world, can now occur in cyberspace (the internet) called Online Gender-Based Violence. hereinafter referred to as KBGO (OGBV).

Cyber-Based Violence against Women refers to acts of violence against women and girls that are carried out partially or completely through information and communication technology (ICT). These actions include, among other things, cyberstalking; intimidation; cyber harassment; harassment on multiple platforms; attacks via comments; access, upload or share intimate photos, videos or audio clips without consent; access or disseminate personal data without consent; doxing (finding and publishing someone's personal data) and sexual blackmail (sextortion).

In 2015, Komnas Perempuan provided a note on violence against women related to the online world and underlined that violence and cyber crime have an increasingly complex pattern of cases. In 2017, there were 65 reports of cases of violence against women in cyberspace (internet) received by Komnas Perempuan¹, at least 8 (eight) forms of OGBV were reported to Komnas Perempuan, namely approaches to deceiving (cyber grooming), online harassment (cyber harassment), hacking, illegal content, invasion of privacy, threats of distribution of personal photos/videos (malicious distribution), defamation (online defamation) and online recruitment. Meanwhile, the internet governance forum explained that online gender-based violence covers a spectrum of behavior, including stalking, intimidation, sexual harassment, defamation, hate speech and exploitation. OGBV/KBGO can also enter the offline world, where victims or survivors experience a combination of physical, sexual and psychological torture both online and directly in the real world while offline.²

Throughout the Annual Records (CATAHU) the National Commission on Violence Against Women (Komnas Perempuan) recorded cases of violence against women that occurred throughout 2020 and there were the highest cases in a new pattern that was quite extreme, including the increasing number of marriage dispensations (child

¹ Ellen Kusuma & Nenden Sekar Arum, *Memahami dan menyikapi kekerasan berbasis Gender Online*, sebuah panduan SAFEnet, 2019, hlm.4

² *Ibid*, hlm 5

marriages). 3 times that were not affected by the pandemic situation, namely from 23,126 cases in 2019, an increase of 64,211 cases in 2020. Likewise, the number of cases of cyber gender-based violence (online/online space) or abbreviated as KBGO were reported directly to Komnas Perempuan. namely from 241 cases in 2019 it rose to 940 cases in 2020. The same thing from the Service Institute report, in 2019 there were 126 cases, in 2020 it rose to 510 cases.³ The increasing number of cases of gender-based violence in the online space (KBGO) should be a serious concern for all parties.

This increase in cyber-based violence needs to be seen as a new pattern that makes women vulnerable to become victims and do not yet have protection and security in the cyber world. From Komnas Perempuan's data, 940 cases of cyber-based violence against women were reported, and most of them were still carried out by people close to the victim, such as the victim's boyfriend, ex-girlfriend, and husband. The extent of access in the realm of cyberspace also allows other parties to become perpetrators of violence. With speed, broad power, anonymity and cross-country, cybercrime is not an ordinary form of violence against women, but can be part of a transnational crime that requires special attention from the government.

However, from several examples of KBGO cases that occurred, the issue of legal protection for victims has not received serious enough attention, especially KBGO victims so that victims do not dare to speak/disclose events that have occurred to them because it can make themselves victims for the second time caused by disclosure. events that are heard, experienced, or known. Witnesses and victims have positions/conditions that are vulnerable to terror and intimidation, are not protected by law, and are isolated from the wider community.

The frequent use of physical and psychological violence by perpetrators of KBGO crimes in the form of terror, physical violence, intimidation, and stigmatization aimed at witnesses and victims with the aim that they do not give testimony that incriminates the perpetrators of the crime, creating a new need for protection of witnesses and victims. victims, because without adequate protection for witnesses and victims it is very difficult to expect them to be willing to give their testimonies.

The Law on the Protection of Witnesses and Victims should be able to become a legal umbrella for witnesses and victims of crimes but in reality this Law does not protect all witnesses and victims of crimes. The Law of the Republic of Indonesia No 13 of 2006 concerning the protection of Witnesses and Victims has not provided specific legal protection for victims of OBGV/KBGO. There are several articles that only focus on witnesses and victims of certain crimes. The Witness and Victim Protection Law only

provides legal protection in the form of medical assistance and psychological and psychosocial rehabilitation assistance for certain crimes, namely victims of serious human rights violations, victims of terrorism crimes, victims of trafficking in persons, victims of torture, victims of criminal acts criminal sexual violence, and victims of severe abuse, because the main purpose of the establishment of the Law of the Republic of Indonesia No 13 of 2006 concerning the Protection of Witnesses and Victims is so that witnesses and victims can feel protected so that witnesses and victims can reveal events that happened to them and can give testimony calmly and without fear. Based on the description of the background above, the author is interested in studying it more deeply and raising it into a legal study entitled "The Urgency of Legal Protection for Victims of Online Gender-

2. Problem Formulation

- 1) What are the obstacles faced in providing legal protection to victims of online gender-based violence?
- 2) How should the law be enforced for victims of online gender-based violence, especially in protecting victims?

3. Research Method

The research approach in this thesis research uses a statute approach. According to Peter Mahmud Marzuki in the book *Legal Research*, the legal approach is carried out by examining all laws and regulations related to the legal issues being handled.⁴ The results of the study are an argument for solving the issues at hand. In addition, in this thesis research, the author also uses a conceptual approach in the form of concepts related to Law Enforcement Against Victims of Online Gender-Based Violence and a case approach.

The research is prescriptive in nature, namely research on all provisions of laws and regulations relating to problems to obtain suggestions on problems regarding law enforcement against victims of online gender-based violence.

Sources of legal materials that will be used in this thesis research include primary legal materials, secondary legal materials and tertiary legal materials:

- 1) Primary legal materials, namely legal materials in the form of legislation related to the problem.
- 2) Secondary legal materials are legal materials that provide an explanation of primary legal materials by conducting a literature study that has relevance to the research, consisting of:
 - a) legal books and non-law books related to this thesis research.
 - b) Legal scientific work
 - c) Journals related to this thesis research
 - d) Writings obtained from the internet, especially related to this thesis research.
- 3) Tertiary legal materials, namely legal materials that provide meaningful instructions or explanations for primary legal materials and secondary legal materials in the form of dictionaries, encyclopedias, internet and others.

³ Komisi Nasional Anti Kekerasan Terhadap Perempuan, *Perempuan Dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak, dan Keterbatasan Penanganan Di Tengah Covid-19*, Catur 2021: Catatan Tahunan Kekerasan Terhadap Perempuan Tahun 2020, Jakarta, 5 Maret 2021

⁴ Suteki & Galang Taufani, *Metodologi Penelitian Hukum: Filsafat, Teori dan Praktik*, (Depok: Rajawali Pers, 2018), hlm.172

4. Theoretical Framework

4.1 Theories Regarding Victims of Crime

According to the Crime Dictionary, which was quoted by Bambang Waluyo:⁵ Victim is a person who has suffered physical or mental suffering, lost property or resulted in death due to an act or attempt of a minor offense committed by a criminal act and others. According to J.E. Sahetapy (1987) the notion of Victimology is a science or discipline that discusses the problems of victims in all aspects and phases,⁶ while according to Arief Gosita (1983), Victimology is a field of science that examines all aspects related to victims in various fields of life and livelihood.⁷ The definition put forward by J.E. Sahetapy and Arief Gosita are substantially the same, especially in relation to the scope of victims, victims are defined in general terms which include victims of crime and victims in general.

According to Paul Separovic as quoted by Mahrus Ali, victimology in a broader sense includes the whole science of victims in a general sense. The scope of victimology includes three things, namely first, analyzing various aspects related to the victim's problem; second, explain the causes of victimization; and third, developing a system of action for the reduction of human suffering.⁸ The definition of victim put forward by Paul Separovic in a general sense which includes victims of crime and victims in general.

Scientist Von Hentig has opened a new, broader understanding, that a criminal event should be viewed as having an interaction that is not only caused by the perpetrator, but there is a link between the perpetrator and the victim although the scope of victimization is still in a narrow stage.⁹

Victimology with an insight into human rights developed by Elias which later broadened the view of victimology to include human suffering as stated by Separovic. New Victimology aims to:¹⁰

- Analyzing various aspects related to victims;
- Trying to provide an explanation of the causes of victimization; and
- Develop a system of action to reduce human suffering.

The three objectives can cover various aspects related to victims, including the rights and protection of victims of crime, victims of natural disasters, or victims of abuse of power. The factors that cause a person to become a victim are not limited to a number of factors that have been known in special victimology such as the role of the victim or because of the economic and psychological factors of the

perpetrator, but also need to be extended to several factors, including: (1) the failure of the state to ensure sense of security of every citizen; (2) an early detection system for the possibility of a natural disaster that does not work, and (3) social solidarity is becoming more and more tenuous.¹¹ The system of action to reduce the suffering of the victim may also include the provision of restitution from the perpetrator and the willingness to be responsible for all losses suffered by the victim, medical, counseling and psychosocial services as well as the fulfillment of facilities or basic needs of the victim such as clothing, food and shelter.

1) Law Enforcement Theory

Law enforcement can be formulated as an effort to implement the law as it should, overseeing its implementation so that there is no violation, restoring the law that has been violated so that it can be enforced again.¹² Meanwhile, according to Soerjono Soekanto, law enforcement is an activity to harmonize the relationship of values that are spelled out in solid and embodied rules and attitudes of action as a series of final stage value elaborations to create, maintain, and maintain peaceful social life.¹³

In general, law enforcement can also be interpreted as the act of applying certain legal instruments to force legal witnesses to ensure compliance with the stipulated provisions, while according to Soetjipto Rahardjo, law enforcement is a process to realize the wishes of the law (i.e. the thoughts of the legislature). laws formulated in legal regulations) become a reality.

Law enforcement is an attempt to bring the ideas of justice, legal certainty and social benefits into reality. So law enforcement is essentially a process of embodiment of ideas. Law enforcement is the process of making efforts to enforce or actually function legal norms as a guide for actors in traffic or legal relationships in social and state life. Law enforcement is an effort to realize the ideas and legal concepts that are expected by the people to become a reality. Law enforcement is a process that involves many things.¹⁴

Law enforcement is strongly influenced by several factors, the factors that influence law enforcement according to Soerjono Soekanto are:¹⁵

- Legal factors themselves;
- Law enforcement factors, namely the parties that form and establish laws;
- Factors of facilities or facilities that support law enforcement;
- Community factors, namely the environment in which the law applies or is applied and

⁵ Bambang Waluyo, *Viktimologi Perlindungan Korban Dan Saksi*, (Jakarta: Sinar Grafika, 2019), hlm. 9

⁶ J.E. Sahetapy, *Bunga Rampai Viktimisasi* (Bandung: Erosco, 1995), hlm. 158

⁷ Arief Gosita, *Masalah Korban Kejahatan* (Jakarta: CV Akademika Pressindo, 1983), hlm 31

⁸ Mahrus Ali, *Viktimologi*, (Depok: Rajawali Pers, 2021), hlm.3

⁹ Yeni Nuraeni, *Perlindungan Anak Korban Perkosaan Dalam Sistem Peradilan Pidana Anak Dalam Perspektif Viktimologi*, (Surabaya: Kanaka Media, 2019), hlm.144

¹⁰ *Ibid*, hlm. 145

¹¹ Mahrus Ali, *Op.cit.*, hlm 8

¹² Abdul Kadir, *Etika Profesi Hukum*, (Bandung: PT. Citra AdityaBakti, 2006), hlm.15

¹³ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, (Jakarta: PT. Raja Grafindo Persada, 2012), hlm.5

¹⁴ Dellyana Shant, *Konsep Penegakan Hukum*, (Yogyakarta: Liberty, 1988), hlm.37

¹⁵ Soerjono Soekanto, *Op.cit.* hlm 8-9

- e) Cultural factors, namely as a result of work, creativity and taste based on human initiative in social life.

These five factors are interrelated because they are the essence of law enforcement, and are also a measure of the effectiveness of law enforcement. According to Satjipto Rahardjo, law enforcement regulates an effort to turn ideas and concepts into reality, where law enforcement is a process to make legal wishes come true. In essence, law enforcement contains 3 (three) elements that must always be considered, namely:¹⁶

- Legal certainty (rechtszekerheid);
- Benefit (zweckmassigkeit);
- Justice (gerechtigkeid);

In this era of globalization, certainty, justice and efficiency are very important, this can only be guaranteed by good law, which means placing the law in its proper place indiscriminately. Talking about certainty, justice and good legal efficiency means talking about legal order. The legal order in Dutch is called "rech orde" which is a legal arrangement, meaning to give the law its real place. What is meant by providing a real place is to properly and orderly arrange legal rules in social life. This is done so that the applicable provisions can easily be known and used to resolve any legal events that occur in order to achieve legal certainty, justice and efficiency.¹⁷

2) Feminist Legal Theory

Feminist Legal theory first appeared in 1970, along with the development of the Critical Legal Studies (CLS) movement in America. As an idea that seeks to make a breakthrough against the application of the law against women and the discrimination women get from the law, mainstream feminist legal theory can be said to have similarities with CLS. Therefore, in several discussions of Jurisprudence, feminist legal theory is included as one of the chapters in the discussion of CLS.¹⁸ There are 3 streams of feminism in feminist legal theory, namely:¹⁹

- Existentialist Feminism
- Liberal feminism
- Socialist feminism

Legal theory or feminist jurisprudence is a legal philosophy based on gender equality in the political, economic and social fields. Feminist Legal Theory is based on the view of the feminist movement that in history, law has been an instrument to perpetuate the position of women under the subordination of men. History written by men has created biases in the concept of human nature, gender potentials and abilities, and in societal settings. By declaring masculinity as the norm, womanhood is a deviation from the norm and this is hegemony in the concept and strengthening of patriarchal law and power.

¹⁶ Website UMS: <http://hukum.ums.ac.id>, diakses tanggal 7 Mei 2021 Jam 16.05

¹⁷ Abdoel Djamali, *Pengantar Hukum Indonesia*, (Jakarta: PT. Raja Grafindo Persada, 2010), hlm.5.

¹⁸ Niken Savitri, *HAM Perempuan Kritik Teori Hukum Feminis Terhadap KUHP*, (Jakarta: Refika Aditama, 2008), hlm.27

¹⁹ Indah Dwiprigitaningtyas dan Yuniar Rahmatiar, *Perempuan dan Kekuasaan Dihadapkan Dengan Feminist Legal Theori*, Jurnal Justisi Hukum Vo. 5 No.1, September 2020

In relation to law, feminist studies were born to fight for justice for oppressed women, and legal studies should not only apply the principle of certainty but especially the principle of justice. In legal positivism, legal certainty will only be realized if the law is considered as a closed and autonomous system of various moral, religious, philosophical, political, historical issues and the like. Questions about fairness, but as long as he still applies, then the law must still be obeyed. For adherents of legal positivism, legal certainty will be achieved not only because the law is formed by an authorized institution by following the applicable legal system, but also if the law can work together – within a scientific framework – with various positive sciences (natural sciences and social sciences). whose way of working is based on natural science methods) to legitimize various behaviors that exist in society.²⁰

Margot Stubbs notes that legal positivism actually departs from classical liberalism's assumption of society as a collection of individuals who are autonomous and have equal rights. Then to realize the common interest, these individuals freely enter into a social contract to form a state and law. Consequently, the state and law must be neutral, objective, and not in favor of any individual. Liberal philosophy underlies legal positivism, so that the legal system appears as a neutral, independent and apolitical mechanism when dealing with social tensions. Legal positivism throws up a definition of law that clearly complements the understanding of liberal philosophy about society, namely society as an artificial unit of autonomous individuals who enter into a social contract.²¹

3) Criminal Policy Theory

The term policy according to the English vocabulary is policy, and the Dutch vocabulary is politiek.²² According to M. Solly Lubis, policy is a state administration system including the state government system, policy is policy,²³ while wisdom is wisdom. Policy (policy) is a set of decisions taken by political actors in order to choose goals and how to achieve goals.²⁴

Thomas R. Dye mentions policy as the government's choice in determining steps to "do" or "not to do" (to do or not to do). Carl J. Friedrich said that policy is a series of concepts of action proposed by a person or group of people or government in a certain environment by showing the obstacles and opportunities for the implementation of these proposals in order to achieve certain goals.²⁵ Policy concerns something that becomes the outline and basis of a plan in the implementation of a job, leadership in a government or an

²⁰ Heri Setiawan, Steven Ouddy, Mutiara Girindra Pratiwi, *Isu Kesetaraan Gender Dalam Optik Feminist Jurisprudence dan Implementasinya Di Indonesia*, Jurisprudence, Vol. 5 No.2, Desember 2018

²¹ *Ibid*

²² Barda Nawawi Arief, *Strategi Kebijakan Penanggulangan Korupsi Dan Evaluasi Terhadap UUPTPK*, Paper sebagai Bahan Masukan Untuk Tim Pakar Departemen Hukum Dan Perundang-undangan, 1999, hlm.12.

²³ M. Solly Lubis, *Kebijakan Publik*, (Bandung: Mandar Maju, 2007), hlm 4-5

²⁴ *Ibid*

²⁵ *Ibid*, hlm. 6-7

organization. Policy in the legal dictionary is a direction of action that has an intention set by an actor or a number of actors in overcoming a problem or a change.²⁶

Barda Nawawi Arief interprets policy (policy) and politics in the same meaning, namely calling it legal politics to make criminal law politics (criminal policy).²⁷ Syaiful Bakhri also interprets the same as Barda Nawawi Arief, which states that policy and politics are legal politics, which is an effort to realize good regulations in accordance with current conditions.²⁸

According to Sudarto, legal politics is a policy from the state through authorized bodies to establish the desired regulations, and combined with the interests desired by the community to achieve what is aspired. The meaning of policy in a broad sense can be understood from the meaning of government in a broad sense including law enforcement in managing, regulating and resolving public affairs, community problems, forming legislation and then allocating the legislation to a general goal that leads to efforts to realize the welfare or prosperity of the people.²⁹

Criminal politics (criminal policy) means part of the function of a country's legal politics. Legal politics is broader than criminal politics. The criminal politics of a country involves policies in terms of crime prevention. Criminal politics and criminal policy have the same meaning, a state policy in a democratic system definitely involves the government and the legislature in making policies, each of these elements makes a concept in tackling crime based on criminal politics, meaning how a crime is politicized through institutions. -authorized institutions with various tactics and strategies so as not to surface.

Criminal policy (criminal policy) talks about a crime prevention policy. Criminal policy not only discusses how to tackle crime by using criminal law (penal), but outside of the norms of criminal law is also part of criminal policy (non-penal). This means that there are two means of overcoming crime problems in the context of criminal policy, namely criminal law facilities (penal facilities) and non-criminal law facilities (non-penal means). Such a concept as mentioned by Sudarto that put forward three meanings of criminal policy, namely:³⁰

- a) In a narrow sense, namely the overall principles and methods that form the basis of reactions to violations of the law in the form of crimes;
- b) In a broad sense, namely the overall function of the law enforcement apparatus including the workings of the criminal justice system (police, prosecutors, judges, advocates and correctional institutions); and

²⁶ M. Marwan & Jimmy P, *Kamus Hukum*, (Surabaya: Reality Publisher, 2009), hlm. 334

²⁷ Barda Nawawi Arief, *Op.cit.* hlm. 23

²⁸ Syaiful Bakhri, *Kebijakan Kriminal Dalam Perpektif Pembaharuan Sistem Peradilan Pidana Indonesia*, Total Media P3IH UMJ, Jakarta: 2010, hlm.13.

²⁹ Sudarto, *Hukum dan Hukum Pidana*, (Bandung: alumni, 1981), hlm. 161

³⁰ Syaiful Bakhri, *Op.cit.*, hlm. 21

- c) In a broad sense, namely the overall policy carried out through legislation and official bodies aimed at enforcing the central norms of society.

These arguments become the basis for strengthening arguments in the efforts to overcome crimes carried out repressively by law enforcement officials against violations of criminal law, which are a category of criminal policy in a narrow sense and in a broad sense. If crime prevention efforts are carried out in a preventive manner, then these efforts are categorized as criminal policies in the broadest sense. Even in theories, legal experts argue that criminal policy is part of social policy, because criminal problems cannot be separated from social problems.

5. Discussion

5.1 Obstacles Faced in Legal Protection Efforts Against Victims of Online Gender-Based Violence

From a legal perspective, the government has made efforts to protect women with the ratification of the Convention on the Elimination for All Forms of Discrimination Against Women through the Law of the Republic of Indonesia No 7 of 1984 which states: "Gender-based violence is a form of discrimination that is a serious obstacle to women's ability to enjoy their rights and freedoms on an equal basis with men. This General Recommendation also officially expands the prohibition on discrimination based on gender and defines acts of gender based violence as: acts of violence that are directly directed at women because they are female, or affect women proportionally. This includes acts that result in physical, mental and sexual harm or suffering, threats to carry out such acts, coercion and other forms of deprivation of the right to freedom.

However, the fact on the ground is that women victims of violence, both in the domestic and public sectors, are faced with the criminal justice system, often receiving negative responses and even experiencing sexual harassment. Victims are still often blamed and not given the kind of protection they need. According to Achie Sudiarti Luhulima, in treating victims during the criminal justice process, law enforcement officers (police, prosecutors, judges) still treat victims of sexual violence as objects, not subjects whose legal rights must be listened to and respected. They mostly still make victims as victims for the second time (revictimization) for the cases they experienced. As a result, more and more cases are not reported or even withdrawn and not proceed to court.

Several laws that can be used as the basis for legal protection for KBGO victims are regulated in several laws and regulations, including:

- 1) The Law of the Republic of Indonesia No. 44 of 2008 concerning Pornography.

Article 16 (Protection of child victims or perpetrators of pornography):

- a) The government, social institutions, educational institutions, religious institutions, families, and/or the community are obliged to provide guidance, assistance, and social recovery, physical and mental health for every child who is a victim or perpetrator of pornography.

- b) Further provisions regarding guidance, assistance, and social recovery, physical and mental health as referred to in paragraph (1) shall be regulated by a Government Regulation.
- 2) The Law of the Republic of Indonesia No. 21 of 2007 concerning eradication of the crime of trafficking in persons. Article 43 (Witness and Victim Protection refers to the Witness and Victim Protection Law):

Provisions regarding the protection of witnesses and victims in cases of criminal acts of trafficking in persons are implemented based on Law Number 13 of 2006 concerning Protection of Witnesses and Victims, unless otherwise stipulated in this Law.

Article 47 (Protection of Witness and Victim's Families):

In the event that witnesses and/or victims and their families receive threats that endanger themselves, their lives, and/or their property, the State Police of the Republic of Indonesia is obliged to provide protection, either before, during, or after the case examination process.

Article 48 (Right to Restitution):

- a) Every victim of the criminal act of trafficking in persons or their heirs has the right to obtain restitution.
- b) The restitution as referred to in paragraph (1) shall be in the form of compensation for:
- Loss of wealth or income;
 - Suffering;
 - Costs for medical and/or psychological treatment measures; and/or
 - Other losses suffered by the victim as a result of trafficking in persons.
- c) The restitution is given and included at the same time in the court's decision regarding the criminal act of trafficking in persons.
- d) The granting of restitution as referred to in paragraph (1) shall be implemented since the decision of the first instance court is imposed.
- e) The restitution as referred to in paragraph (4) may be deposited in advance at the court where the case was decided.
- f) Restitution shall be granted within 14 (fourteen) days as of the notification of the decision which has obtained permanent legal force.
- g) In the event that the perpetrator is acquitted by the court of appeal or cassation, the judge shall order in his decision that the restitution money deposited be returned to the person concerned.

Article 49 (Implementation of Restitution):

- The implementation of the granting of restitution is reported to the head of the court who decides the case, accompanied by evidence of the implementation of the granting of the restitution.
- After the chairman of the court receives the evidence as referred to in paragraph (1), the chairman of the court announces the implementation on the notice board of the court concerned.

- A copy of the proof of implementation of the granting of restitution as referred to in paragraph (1) shall be submitted by the court to the victim or his/her heirs.

Article 50 (Implementation of Giving Restitution to Victims Not Fulfilled):

- In the event that the provision of restitution to the victim is not fulfilled beyond the time limit as referred to in Article 48 paragraph (6), the victim or his heirs shall notify the court.
- The court as referred to in paragraph (1) shall issue a written warning letter to the giver of restitution, to immediately fulfill the obligation to provide restitution to the victim or his heirs.
- In the event that the warning letter as referred to in paragraph (2) is not executed within 14 (fourteen) days, the court orders the public prosecutor to confiscate the assets of the convict and auction the assets for restitution.
- If the perpetrator is unable to pay the restitution, the perpetrator is subject to a maximum imprisonment of 1 (one) year.

Article 51 (Rights to Obtain Health Rehabilitation, Social Rehabilitation, Return, and Social Reintegration):

- Victims have the right to obtain health rehabilitation, social rehabilitation, repatriation, and social reintegration from the government if the person concerned experiences physical or psychological suffering as a result of the criminal act of trafficking in persons.
- The rights as referred to in paragraph (1) are proposed by the victim or victim's family, friend of the victim, police, companion volunteer, or social worker after the victim reports the case he or she has experienced or other parties report it to the Indonesian National Police.
- The application as referred to in paragraph (2) is submitted to the government through the minister or agency that handles health and social problems in the regions.

Article 52 (Organization of Rehabilitation):

- The minister or agency in charge of rehabilitation as referred to in Article 51 paragraph (1) is obligated to provide health rehabilitation, social rehabilitation, repatriation, and social reintegration no later than 7 (seven) days after the application is submitted.
- For the provision of health rehabilitation services, social rehabilitation, repatriation, and social reintegration as referred to in paragraph (1), the Government and Regional Governments are obliged to establish a social protection house or trauma center.
- For the provision of services as referred to in paragraph (2), the community or other social service institutions may also establish a social protection house or trauma center.

Article 53 (First Aid for victims of the crime of trafficking in persons):

In the event that the victim experiences trauma or a disease that endangers himself due to the crime of trafficking in persons and thus requires immediate assistance, the minister or agency dealing with health and social problems in the region is obliged to provide first aid no later than 7 (seven) days after the application is submitted.

Article 55 (The rights of witnesses and victims of the crime of trafficking in persons are also contained in other laws and regulations):

Witnesses and/or victims of the criminal act of trafficking in persons, apart from those referred to in this Law, are also entitled to rights and protection in accordance with the provisions of other laws and regulations.

With reference to the The Law of the Republic of Indonesia No. 21 of 2007 and The Law of the Republic of Indonesia No. 44 of 2008 as well as several crimes that have occurred, there are several forms of legal protection provided to victims of crime, as follows:

a) Provision of Restitution (Article 48 of the Law of the Republic of Indonesia No. 21 of 2007)

In the Criminal Code (KUHP), the provisions governing the protection of crime victims through compensation are in Article 14c which states: "...the judge may apply a special condition that the convict is for a certain period of time, which is shorter than his probationary period. , must replace all or part of the loss caused by the crime. According to Barda Nawawi Arief, this provision cannot be separated from various obstacles in its implementation, namely:

- The determination of compensation cannot be given by the judge as a stand-alone sanction in addition to the main punishment. Only as a special condition for the implementation or execution of the main punishment imposed on the convict.
- The stipulation of special conditions in the form of compensation is only given if the judge imposes a maximum sentence of one year or imprisonment.
- This special requirement in the form of compensation according to the Criminal Code is only facultative, not imperative.

Restitution is contained in Article 1 number 11 The Law of the Republic of Indonesia No. 13 of 2006, namely compensation given to victims or their families by perpetrators or third parties. Restitution can be in the form of returning property, payment of compensation for loss or suffering, or reimbursement of costs for certain actions. In the case of KBGO/OGBV, compensation cannot be given to victims of KBGO/OGBV because victims of KBGO/OGBV are not victims of serious human rights violations and victims of criminal acts of terrorism, while restitution is given to victims of cyber recruitment and very rarely given to other victims of KBGO/OGBV because the victim does not suffer material losses, but does not rule

out the possibility for KBGO/OGBV victims to apply for restitution. Requests for restitution can be made before or after a court decision that has obtained permanent legal force through LPSK.

b) Social Rehabilitation/Social Recovery and Mental Health Recovery (Article 16 of The Law of the Republic of Indonesia No. 44 of 2008 and Article 51 of the The Law of the Republic of Indonesia No. 21 of 2007)

In general, social recovery and mental health recovery are given to victims of crime as a result of the negative psychological impact of a crime. Assistance in the form of social recovery and mental health recovery is usually given to victims of crimes that leave long-lasting trauma, such as in cases related to decency. Mental health recovery is a form of service aimed at recovering the psychological trauma experienced by OGBV victims as a result of KBGO/OGBV crimes. Social recovery is all forms of psychological and social services and assistance aimed at helping relieve, protect, and restore the physical, psychological, social, and spiritual conditions of victims of OGBV so that they are able to carry out their social functions again before the crime happened to the victim. Social recovery is usually given to KBGO/OGBV crimes related to damaging the reputation of the victim so that the victim can return to his social life as before the crime occurred. In fact, the Witness and Victim Protection Law does not regulate legal protection in the form of social recovery and mental health restoration for victims of KBGO/OGBV crime. In the The Law of the Republic of Indonesia No. 13 of 2006, namely Article 6 Paragraph (1), those who are entitled to psychological and psychosocial rehabilitation are victims of serious human rights violations , victims of terrorism crimes, victims of criminal acts of trafficking in persons, victims of criminal acts of torture, victims of criminal acts of terrorism. sexual violence, and victims of severe abuse. It is very unfair if victims of crimes other than those stated in the Witness and Victim Protection Act cannot obtain legal protection in the form of psychological or psychosocial rehabilitation, because essentially psychological or psychosocial rehabilitation is given to victims who experience trauma or psychological disorders as a negative impact as a result of a crime. KBGO/OGBV victims are one of the victims of crime who need social recovery and mental health recovery because the consequences of criminal acts committed by the perpetrators create fear, even prolonged trauma

c) Physical Health Recovery (Article 16 of the Law of the Republic of Indonesia No. 44 of 2008 and Article 51 of the Law of the Republic of Indonesia No. 21 of 2007). Physical health recovery is given to crime victims who suffer physically as a result of the crime that happened to them. Physical health recovery can be in the form of a medical examination and a written report (visum or medical certificate which has the same legal force as evidence). This medical information is needed if the victim wants to report the crime that happened to him to the police for further action. Physical health recovery is

essentially given to crime victims who experience physical suffering as a result of the crime committed by the victim, but Article 6 Paragraph (1) of the Law of the Republic of Indonesia No. 13 of 2006 limits the types of crime victims who are entitled to medical assistance, namely victims of human rights violations who victims of criminal acts of terrorism, victims of criminal acts of trafficking in persons, victims of criminal acts of torture, victims of criminal acts of sexual violence, and victims of severe abuse. OGBV is a crime that occurs in cyberspace, but it is not uncommon for these crimes to continue / occur in the real world so that the victim suffers physically before, during, or after the victim reports the OGBV crime that has happened to him. Based on this, victims of OGBV are also entitled to medical assistance if they experience physical suffering as a result of the crime that happened to them.

- d) Guidance and Mentoring (Article 16 of the Law of the Republic of Indonesia No. 44 of 2008)

Coaching is a series of activities to shape and improve the identity of children who are victims or perpetrators of pornography in a better direction so that children can grow and develop in a healthy and reasonable manner both physically, brain, mental and spiritual intelligence. Coaching is given to children so that they can grow and develop properly as they should. In this case, guidance is given to children who are victims of OGBV related to pornography (sexting and revenge). Assistance is an effort or process with the intention of empowering children who are victims or perpetrators of pornography so that they can overcome their own problems by providing counseling, legal assistance, special education, psychological support, and so on. In the event that the victim of OGBV is a child, then the child needs to be given assistance in providing counseling, special education, psychosocial support, and so on so that the child feels safe, is not traumatized for a long time, and can return to the community as before the crime.

- e) Social Reintegration and Return (Article 51 of the Law of the Republic of Indonesia No. 21 of 2007)
- f) Social reintegration is the reunification of OGBV victims (cyber recruitment) to their families or family substitutes who can provide protection and fulfill the needs of victims. The right to repatriation must be exercised by providing assurances that the victim really wants to go home and does not risk greater harm to the victim.

The basis for consideration of the need for a law that regulates the protection of witnesses and victims can be seen in the considering section of the Law on the Protection of Witnesses and Victims, which states "that law enforcers in seeking and finding clarity about criminal acts committed by perpetrators of criminal acts often experience difficulties because they cannot presenting Witnesses and/or Victims due to threats, both physical and psychological from certain parties". The role of witnesses and victims in a criminal justice process occupies a very important position in an

effort to seek and find clarity about the criminal acts committed by the perpetrators. Meanwhile, the regulation of witnesses in the Criminal Procedure Code (KUHAP) is not sufficient to provide protection for witnesses when compared to the protection of the rights of suspects and defendants (Articles 50-68). KUHAP only sees witnesses as part of the evidence and does not see witnesses as parties who need to be protected, especially the restoration of their rights.

The protection of witnesses and victims is needed because terror or threats, both physical and psychological, often afflict witnesses and victims who will testify in a criminal justice process, moreover the testimony that will be given can incriminate people accused of committing a crime. Witness testimony is very important in revealing material truth, witness testimony is placed first in Article 184 Paragraph (1) KUHAP above other evidence, namely expert testimony, letters, instructions, and statements of the defendant.

When a witness or victim is about to give testimony, it must be accompanied by a guarantee that the person concerned is free from fear before, during, and after giving testimony. It is important to provide this guarantee to ensure that the information to be provided is truly pure, not the result of engineering or the result of pressure from certain parties. This is in line with the definition of a witness in Article 1 point 26 of the Criminal Procedure Code, namely "Witness is a person who can provide information for the purposes of investigation, prosecution and trial regarding a criminal case which he has heard himself, seen and experienced himself".

The main purpose of enacting Law of the Republic of Indonesia No. 13 of 2006 concerning the Protection of Witnesses and Victims is so that witnesses and victims can feel protected so that witnesses and victims can reveal what happened to them and can testify calmly and without fear. The Law on the Protection of Witnesses and Victims should be able to become a legal umbrella for witnesses and victims of crimes, but in reality this Law does not protect all witnesses and victims of crimes. There are several articles that only focus on witnesses and victims of certain crimes.

The Law on Victim Protection only provides legal protection in the form of medical assistance and psychological and psychosocial rehabilitation assistance for certain crimes, namely victims of serious human rights violations, victims of criminal acts of terrorism, victims of criminal acts of trafficking in persons, victims of criminal acts of torture, victims of violent crimes. sexual abuse, and victims of severe abuse. Victims of crime, especially victims of OGBV, often receive terror from perpetrators of crime so that they do not dare to reveal what happened to them. OGBV victims must get guarantees for their safety both physically and psychologically. Victims of OGBV have the right to receive psychosocial and psychological rehabilitation assistance because the impact of the crime that has occurred to them can traumatize them. OGBV victims can also get medical assistance if the perpetrator's actions continue to be carried out in the real world so that the victim experiences physical suffering.

In addition to regulatory issues that have not been able to accommodate issues of gender-based violence, especially regarding the fulfillment of victims' rights and compensation, the problems that are at the root of the problem of gender-based violence on social media are not only due to legal regulations and ineffective case handling. This is also caused by many external factors such as lack of awareness and knowledge of what and how the motives for gender-based violence make many victims who are not aware that they have experienced it, ignorance of access services and difficulties in accessing complaint services to report cases, to the lack of supervision. Law enforcement agencies in places or media where gender-based violence can occur.

5.2 Law Enforcement Policy for Victims of Online Gender-Based Violence in Protecting Victims' Rights

a) Penal Policy in Combating Gender-Based Violence Online

Basically, cases of gender violence still do not have a clear regulation. In cases of gender violence on social media, when victims report cases and when processed, the law used is the Law of the Republic of Indonesia No. 19 of 2016 concerning Amendments to the Law of the Republic of Indonesia No 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as UU ITE). However, there are still many shortcomings in this law because in its creation it is still not from a gender perspective. Apart from that, there are still problems that arise from gender-based violence on social media that can hinder its handling. So that the penal policy that can be used in overcoming gender-based violence is to reform the applicable criminal law as regulated in the concept of criminal law policy. This can be done by drafting new legislation by the legislature.

Based on the existing reality, it is very important to regulate the rights of victims in detail in the law. Although the perpetrator can be snared, but if the victim does not get the fulfillment of his rights, it will certainly become an obstacle in handling cases such as conditions where the victim hesitates to report or withdraws from the legal process. By regulating in detail, this indicates that the victim will receive legal assistance and protection, so that they can overcome these problems.

When it comes to cases of gender-based violence, the Draft Law on the Elimination of Sexual Violence (hereinafter referred to as the PKS Bill) is a regulation that is close to accommodating the prevention of gender-based violence. As in the draft text, it has been mentioned about the regulation of the rights of victims of sexual violence. Article 22 of the PKS Bill regulates:

- 1) Right to treatment
- 2) Right to protection
- 3) Right to recovery

These rights are described as follows:

- a) Article 23 paragraph (1) of the PKS Bill regulates the right to handling, with details as follows:

- Right to information on all processes and results of handling, protection and recovery;
 - The right to obtain documents resulting from handling;
 - The right to legal assistance and assistance;
 - The right to psychological reinforcement;
 - The right to health services includes examination, treatment and medical treatment; and
 - The right to services and facilities according to the special needs of the victim.
- b) Article 24 of the PKS Bill paragraph (1) regulates the right to protection, with the following details:
 - Provision of information regarding protection rights and facilities;
 - Provision of access to information on the implementation of protection;
 - Protection from threats or violence from perpetrators and other parties as well as repeated violence;
 - Protection of identity confidentiality;
 - Protection from the attitudes and behavior of law enforcement officers who demean and/or strengthen the stigma against victims;
 - Protection from job loss, job transfer, education, or political access; and
 - Protection of the victim and/or the reporter from criminal charges or civil lawsuits for the sexual violence incident that he reports.
 - c) Article 26 of the PKS Bill regulates the right to recovery, with the following details:
 - Physical;
 - Psychological;
 - Economics;
 - Social and cultural; and
 - Compensation

When compared to the rights of victims as regulated in the Criminal Procedure Code, the Criminal Procedure Code has not yet accommodated the procedural law that is sensitive to victims and has a human rights and gender perspective. This can be seen, among others:

- a) KUHAP does not regulate the need for medical or psychological assistance to female victims.
- b) There are no special procedures for the process of preparing the Minutes of Investigation (BAP) against women victims.
- c) There is no regulation regarding the victim's right to information.
- d) There is no prohibition for any party to publish the case experienced by the victim without the victim's consent.
- e) There is no regulation regarding the authority of the Public Prosecutor to communicate with the victim, the victim's family, and the victim's companion.
- f) There is no prohibition against attitudes that corner or blame the victim.
- g) There is no regulation regarding the need to provide a court room that is sensitive to the psychological condition of women victims.
- h) There is no regulation regarding the provision of a special examination room for women victims or who are separated from the suspect/accused in the investigation process until the trial.

Based on this comparison, it can be seen that to accommodate cases of gender-based violence related to the rights of victims, the PKS Bill can be accommodated. The PKS Bill also regulates case handling, criminal provisions, and rehabilitation. However, when it comes to cases of gender-based violence, this Draft Law only discusses cases of sexual violence. Its scope is also still limited when it comes to crimes that occur on social media. So that criminal law reform is needed so that it can expand into the context of gender-based violence on social media in terms of fulfilling the rights of victims.

The regulation of the types of gender-based violence on social media is still not clearly accommodated in Indonesian laws and regulations. However, because these cases are becoming more and more frequent, in handling it still uses the Criminal Code and the ITE Law as legal sources. The details of its use are as follows:

a) Online harassment

Article 27 paragraph (1) the Law of the Republic of Indonesia No 11 of 2008:

"Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency."

Article 28 paragraph (2) of the ITE Law:

"Every person intentionally and without rights distributes information that is intended to cause hatred or hostility to certain individuals and/or community groups based on ethnicity, religion, race, and intergroup (SARA)."

Article 1 point 1 the Law of the Republic of Indonesia No 11 of 2008:

"Electronic Information is one or a set of electronic data, including but not limited to writing, sound, pictures, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail), telegram, telex, telecopy or the like, letters, signs, numbers, Access Codes, symbols, or processed perforations that have meaning or can be understood by people who are able to understand them."

b) Approach to deception (cyber grooming)

Article 378 of the Criminal Code (KUHP):

"Anyone with the intention of unlawfully benefiting himself or another person, by using a false name or false dignity, by deceit, or a series of lies, moves another person to hand over something to him, or to give a debt or write off a debt, is threatened because fraud with a maximum imprisonment of four years."

Article 379 of the Criminal Code (KUHP):

"The act as formulated in Article 378, if the goods delivered are not livestock and the price of the goods, debts or receivables is not more than twenty-five rupiahs, is threatened as minor fraud with a maximum

imprisonment of three months or a maximum fine of two hundred and five rupiahs. tens of rupiah."

c) Hacking

Article 30 jo. Article 46, Article 30 of the the Law of the Republic of Indonesia No 11 of 2008:

- Every Person intentionally and without rights or against the law accesses Computers and/or Electronic Systems belonging to other Persons in any way.
- Any person intentionally and without rights or against the law accesses a Computer and/or Electronic System in any way with the aim of obtaining Electronic Information and/or Electronic Documents.
- Any Person intentionally and without rights or against the law accessing a Computer and/or Electronic System in any way by violating, breaking through, exceeding, or breaking into the security system.

Article 46 the Law of the Republic of Indonesia No 11 of 2008:

- Everyone who fulfills the elements as referred to in Article 30 paragraph (1) shall be sentenced to a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 600,000,000.00 (six hundred million rupiah).
- Everyone who fulfills the elements as referred to in Article 30 paragraph (2) shall be sentenced to a maximum imprisonment of 7 (seven) years and/or a maximum fine of Rp. 700,000,000.00 (seven hundred million rupiah).
- Everyone who fulfills the elements as referred to in Article 30 paragraph (3) shall be sentenced to a maximum imprisonment of 8 (eight) years and/or a maximum fine of Rp.800,000,000.00 (eight hundred million rupiah).

d) Privacy breach

Article 27 paragraph (1) the Law of the Republic of Indonesia No 11 of 2008:

"Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency."

e) The threat of distribution (malicious distribution)

Article 335 of the Criminal Code (KUHP):

"(1) Threatened with a maximum imprisonment of one year or a maximum fine of four thousand five hundred rupiah:

Whoever unlawfully forces another person to do, not to do or to allow something, by using violence, another act or unpleasant treatment, or by using threats of violence, any other act or unpleasant treatment, either against that person themselves and others."

Article 29 the Law of the Republic of Indonesia No 11 of 2008:

"Every person intentionally and without rights sends Electronic Information and/or Electronic Documents that contain threats of violence or intimidation aimed at personally."

f) Revenge porn

Article 27 paragraph (1) the Law of the Republic of Indonesia No 11 of 2008:

"Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency."

Article 29 the Law of the Republic of Indonesia No 11 of 2008:

"Every person intentionally and without rights sends Electronic Information and/or Electronic Documents that contain threats of violence or intimidation aimed at personally."

Article 45 paragraph (1) the Law of the Republic of Indonesia No 11 of 2008:

"Every person who intentionally and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that has content that violates decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment for a maximum of 6 (five) years. six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

g) Impersonation

Article 35 of the the Law of the Republic of Indonesia No 11 of 2008:

"Every person intentionally and without rights or against the law manipulates, creates, changes, deletes, destroys Electronic Information and/or Electronic Documents with the aim that the Electronic Information and/or Electronic Documents are considered as if the data is authentic."

h) Defamation

Article 310 paragraph (1) of the Criminal Code (KUHP):

"Anyone who intentionally attacks someone's honor or reputation by accusing someone of something, the intention of which is clear so that it is known to the public, is threatened for libel with a maximum imprisonment of nine months or a maximum fine of four thousand five hundred rupiahs."

Article 27 paragraph (3) the Law of the Republic of Indonesia No 11 of 2008

"Every person intentionally and without rights distributes and/or transmits and/or makes accessible Electronic

Information and/or Electronic Documents that have insulting and/or defamatory content."

i) Online recruitment

There are no regulations that specifically accommodate the type of discrimination when applying for a job. the Law of the Republic of Indonesia No 13 of 2003 concerning Manpower only regulates protection when a person has become a worker.

Basically, even though there are articles in the Criminal Code (KUHP) and the Law of the Republic of Indonesia No 11 of 2008 that can be used to process cases of gender-based violence on social media, there are still many shortcomings when it comes to the types of gender-based violence above which are not in accordance with the formulations regulated in both. , especially regarding the fulfillment of the rights of victims. This is because the formulation of the Criminal Code and the ITE Law still does not have a gender perspective. the Law of the Republic of Indonesia No 11 of 2008 itself is more inclined to e-commerce issues, while in the Criminal Code the formulation of the article is not in accordance with the elements of gender-based violence because its nature is still an old law. So the formulation of the article still has not answered as to the impact of the victims of gender violence. Therefore, a new regulation is needed to be formulated to protect victims of gender-based violence in the mass media. Based on this, the formulation that can be carried out by the legislative body as a form of criminal law policy is to formulate new regulations with the following elements:

- a) The regulation of criminal acts of each type of gender-based violence on social media based on its elements and characteristics
- b) Regulating the rights of victims of gender-based violence on social media
- c) Regulating the authority of each related institution in the gender justice criminal justice system on social media
- d) Arrangements for other sub-systems to support the implementation of a gender-just criminal justice system on social media. This update is urgently needed because acts of gender-based violence on social media have evolved and developed, as are crimes that are dynamic.

b) Non-Penal Policy in Combating Gender-Based Violence Online

These problems are also an obstacle to the handling of gender-based violence on social media. Therefore, in terms of preventing this as a non-penal effort, what can be done are:

- 1) Increase awareness and knowledge about gender-based violence on social media through the anti-gender violence campaign movement through social media

Awareness and knowledge of gender-based violence on social media plays an important role in prevention efforts. This is intended so that everyone can know important things related to gender-based violence. This awareness and knowledge increase can be done by

campaigning on social media accounts and other internet networks targeting social media and internet users as the targets of gender-based violence on social media. In this campaign movement, unique designs can be used with the aim of attracting users' attention while displaying messages and knowledge about gender-based violence. The campaign moves may contain:

- a) What is gender based violence on social media
- b) The modes of action of the perpetrator on social media
- c) What are the precautions that can be taken personally in maintaining data security and the use of social media
- d) What to do when you become a victim
- e) Reporting and complaint processes that can be used by victims
- f) Access to any complaints and reporting services that victims can contact
- g) Legal aid institutions/agencies to assist in legal assistance to victims
- h) Psychological and health service institutions/institutions

With this campaign movement, it is hoped that all social media users can find out about gender-based violence and take personal precautions and when they have experienced such cases, they will be able to immediately take appropriate action according to the recommended procedure.

- 2) Provide access to complaints and reporting services (hotline) that are easily accessible and respond quickly. Difficulty in accessing complaints and reporting services is also an important problem. Access to services is the key to bridge the victim to continue the case to the next stage or as access that can suggest the first step that can be taken by the victim. There are several complaints and reporting services for cases of women's violence that have been made by several institutions, namely:
 - a) Komnas Perempuan, No. Tel = 021-3903963 and 021-802053, Email = mail@komnasperempuan.go.id
 - b) Office of Women's Empowerment and Child Protection (PPPA)

There is an Android-based online application innovation called "Laker" or Violence Reports made since June 2018 by the North Sulawesi Provincial government. This innovation emerged because so far the community has been reluctant to report violence to the Integrated Service Center for Women and Children Empowerment (P2TP2A) because it is too far from where they live.³¹ The application can be downloaded in the playstore for later use.

Some of the complaints and reporting services mentioned above, of course, are still lacking, especially for services belonging to each region. Therefore, in order to increase the effectiveness of reporting, the policies of these

services must be immediately adapted by other local governments to facilitate complaints and reporting of cases in each region with the aim of reaching the whole community. By providing a complaint and reporting service (hotline) it is hoped that it will make it easier for victims of violence to report the violence they have experienced without limited access, the length of the reporting process due to complicated bureaucracy and so on. This complaint and reporting service (hotline) is expected to accommodate:

- a) Responsive service in responding
- b) Services that are carried out 24 hours as in cases of gender-based violence on social media are not limited to time
- c) Using a short call access number to make it easier for the public to remember, such as the hotline used by the Indonesian National Police, namely 110, the Indonesian emergency response service, which is 112 and others.
- d) Complaint service hotlines in each region to be connected to an official institution belonging to the Central Government in collaboration with the Indonesian National Police cyber crime unit with the aim of accelerating the handling of cases.

- 3) Supervise and provide understanding to the public through patrols carried out by the Cyber Patrol Team of the Indonesian National Police.

The increasing development of technology opens up the types of crimes that occur in cyberspace. Therefore, law enforcers must try to develop ways to cope. One of the breakthroughs used by the Indonesian National Police is to create a Cyber Patrol team. Cyber Patrol is a cyber team/troop in the form of a combination of several special units to carry out tracking. Tracking is carried out on sending messages such as Whatsapp and Instagram, one of which is the cause of fake news or cyber bullying.³²

The existence of this supervision is expected to make the public, especially social media users, be more careful and avoid cases of gender-based violence, as well as a warning that social media users cannot act recklessly in cyberspace because there has been supervision from law enforcement.

6. Conclusion

The obstacles faced in providing legal protection to victims of online gender-based violence still do not have clear regulations. It is very important to regulate the rights of victims, which are regulated in detail in the law. Although the perpetrator can be snared, but if the victim does not get the fulfillment of his rights, it will certainly become an obstacle in handling cases such as conditions where the victim hesitates to report or withdraws from the legal process. In the case of gender violence on social media, the regulation regarding legal protection for victims of crime in

³¹ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, "Laporan Kekerasan Lebih Mudah Dengan Laker", Diakses dari <https://www.kemenpppa.go.id/index.php/page/read/29/1776/lapor-kekerasan-lebih-mudah-dengan-laker>, pada tanggal 4 Juni 2021

³² Naufal Rachmatullah Putra Chairisida, *Optimalisasi Satgas Cyber Patrol Polres banyumas Dalam Menghadapi Pemilu 2019*, Vol.4 No.1, Police Studies Review Jurnal, Akademisi Kepolisian Republik Indonesia, 2020.

the Witness and Victim Protection Law only regulates specifically for victims who can be given legal protection, namely victims of serious human rights violations, victims of terrorism crimes, victims of criminal acts. trafficking in persons, victims of criminal acts of torture, victims of criminal acts of sexual violence, and victims of severe abuse. Therefore, it is necessary to revise the laws and regulations that have not regulated fairly the legal protection of victims of crime. Especially in Article 6 Paragraph (1) of the Law of the Republic of Indonesia No.13 of 2006 concerning the Protection of Witnesses and Victims which contains "Victims of serious human rights violations, Victims of criminal acts of terrorism, Victims of criminal acts of trafficking in persons, Victims of criminal acts of torture, Victims of criminal acts of sexual violence, and Victims of severe persecution. , besides being entitled to as referred to in Article 5, is also entitled to a. medical assistance; and b. psychosocial and psychological rehabilitation assistance." so that there are no misunderstandings and narrow understandings in its application, so that all victims of crime are entitled to medical assistance and psychosocial and psychological rehabilitation assistance if they really need this form of protection.

In legal proceedings against online gender-based violence cases, the law used is the Law of the Republic of Indonesia No 19 of 2016 concerning Amendments to the Law of the Republic of Indonesia No 11 of 2008 concerning Information and Electronic Transactions (hereinafter referred to as UU ITE). However, there are still many shortcomings of the ITE Law because in its manufacture it is still not from a gender perspective. Apart from that, there are still problems that arise from gender-based violence on social media that can hinder its handling. So that the penal policy that can be used in overcoming gender-based violence is to reform the criminal law so that it can expand into the context of gender-based violence on social media in terms of fulfilling the rights of victims.

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