Legal Protection for Victims of Revenge Porn Crimes: A Critical Analysis Based on Victimology Theory

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Abstract: The purpose of this study is to critically analyze the legal protection for victims of revenge porn crimes in Indonesia based on victimology theory. This study used normative legal research methods, applying a statutory and victimology approach. The findings indicate that the existing regulations do not specifically address revenge porn, resulting in many victims facing difficulties in obtaining justice. Furthermore, the phenomena of victim blaming and slut shaming exacerbate the victims' conditions and hinder legal proceedings. This study recommends more inclusive legal reforms with a victimology-based approach to ensure protection and recovery for revenge porn victims.

Keyword: Legal Protection, Revenge Porn, Victimology.

INTRODUCTION

The rapid advancement of technology has brought numerous benefits, such as fast access to information, limitless communication, and increased effectiveness across various sectors. However, it has also led to negative impacts, particularly the misuse of technology that can cause public concern (Saragih & Kholiq, 2024).

Revenge porn is one such consequence of technological advancement that introduces new risks, as it involves the distribution of intimate content without consent (Lestari, 2023). Nadya Karima Melati from the Support Group and Resource Center on Sexuality Studies (SGRC) argues that revenge porn is a form of threat against victims, particularly women, with the intention of shaming and destroying their lives.

Data from the Indonesian National Commission on Violence Against Women (Indonesian: Komnas Perempuan) show an increase in cases of Online Gender-Based Violence (OGBV), with revenge porn being one of the main categories. In 2021, sexual extortion was recorded as the most common form of OGBV, accounting for 9.2% of the 1,321 reported cases. Approximately 33% of all cyber violence cases were related to revenge porn, with 61% of the perpetrators being the victims' former partners. In some cases, victims were extorted for

hundreds of millions of rupiah. This situation highlights the weakness of legal protection and the severe psychological impact on victims (Salsabila, 2024).

The Indonesian National Commission on Violence Against Women notes that although regulations such as the Electronic Information and Transactions Law (UU ITE) and the Law on the Crime of Sexual Violence (UU TPKS) prohibit the distribution of obscene content, these regulations do not specifically address revenge porn. Law enforcement efforts also face several obstacles, including a lack of understanding among officers regarding gender-based cases and the prevalence of victim blaming, which further worsens the victims' condition.

From the perspective of justice, victims are entitled to fair treatment, including respect for their privacy and protection from the social and psychological impacts resulting from this crime. In the decision of the Banten High Court, Case Number 96/Pid.Sus/2023/PT BTN, the defendant, Alwi Husein Maolana bin Anwari Husnira, was charged with the criminal act of distributing electronic information containing obscene material, which was categorized as a revenge porn offense. This case originated from the defendant's act of distributing the victim's private content, Isikha Aisi Khawasi, without her consent (Banten High Court Decision No. 96/Pid.Sus/2023/PT BTN).

This situation was further exacerbated by patriarchal views in society that perceive the victim as "immoral." Moreover, the lack of clear regulations often causes the handling of revenge porn cases to proceed slowly and fail to provide substantial justice for the victims.

Several revenge porn cases in Indonesia demonstrate that, although there are existing regulations such as Law Number 12 of 2022 on the Crime of Sexual Violence (UU TPKS), this law provides further protection for victims of sexual violence, including revenge porn. However, its implementation and enforcement remain challenging. Even though there is a legal framework in place to protect victims and prosecute perpetrators, in practice, the implementation of this law remains difficult and far from optimal due to various factors, such as limited understanding among law enforcement officers, evidentiary challenges, and the stigma attached to victims.

Ironically, the provisions intended to protect victims from the negative impacts of crime often end up worsening their condition. For instance, in several cases, investigations conducted by the authorities have instead triggered negative comments or stigmatization toward the victims. This contradicts the fundamental principles of law, which are supposed to protect victims from all forms of harassment, including secondary impacts such as victim blaming (Puspitosari & Kusumaningrum, 2021).

The lack of adequate legal protection for victims of revenge porn has significant consequences and may lead to prolonged psychological effects. Victims who are continuously subjected to negative stigma may experience emotional disturbances and find it difficult to reintegrate into society. Furthermore, this situation can lead to a lack of trust in the legal system, making victims reluctant to report if they experience similar crimes in the future (Napiah & Terranova, 2024).

Many victims of revenge porn experience prolonged trauma, with some even admitting that they are reluctant to continue their education or employment due to feelings of shame and fear of facing stigma. Observing the significant gap between the ideal situation and the reality in terms of legal protection for victims of revenge porn, serious efforts are needed to improve existing legal policies. Legal protection for victims of revenge porn should not only focus on punishing the perpetrators but also provide space for victims to obtain substantial justice.

In this context, the discussion using a victimology approach identifies the issue that revenge porn is increasingly prevalent and has a significant impact on victims, while the Indonesian legal system has not yet been able to provide effective protection.

Although there are several regulations that can be used to prosecute perpetrators, the lack of specific legal provisions and the legal approach that continues to overlook the needs of victims have resulted in unequal legal protection.

Moreover, victim blaming and slut shaming in society further worsen the situation, discouraging victims from seeking justice. Therefore, a deeper understanding of victimization through the lens of victimology theory can help explain why victims of revenge porn are often blamed, as well as how legal protection for these victims can contribute to achieving substantive justice.

METHOD

This research used the statutory approach and the case approach. The statutory approach was used to examine various regulations governing revenge porn, such as the 1945 Constitution of the Republic of Indonesia, the Law on the Crime of Sexual Violence (UU TPKS), the Electronic Information and Transactions Law (UU ITE), and the Law on the Protection of Witnesses and Victims (Law No. 13 of 2006, as amended by Law No. 31 of 2014) (Zainuddin, 2017). This research used secondary data sources without involving respondents or informants.

Primary legal materials were obtained from statutory regulations and court decisions. Secondary and tertiary legal materials were used as additional references. The selection of data was based on its relevance to the issue of revenge porn and the legal protection of victims in Indonesia (Soekanto & Mamudji, 2003).

RESULTS AND DISCUSSION

Factors Contributing to Victim Blaming and Slut Shaming of Revenge Porn Victims Based on Victimology Theory.

Victimology theory explains that victims are often blamed due to the presence of double standards in society, where women bear a greater moral burden compared to men. Second, rape culture theory illustrates how societal attitudes that normalize sexual violence make it difficult for victims to obtain protection, as victims are often perceived as having contributed to the incidents they experience. Third, the theory of social norms and gender stereotypes explains the influence of culture and the perception of immorality attached to women, leading to situations where women who present themselves in ways considered too revealing become targets of criticism and humiliation.

Revenge porn, or the distribution of intimate content without consent, is often accompanied by the phenomena of victim blaming and slut shaming directed at the victims. From a victimology perspective, it is important to understand the factors that contribute to such behavior. One of the main factors is the existence of sexual double standards within society. Research shows that victims who appear more exposed in the distributed content are more likely to be perceived as promiscuous and are blamed to a greater extent, especially by individuals who hold traditional gender views. This demonstrates that social norms, which place a greater moral burden on women, contribute to victim blaming and slut shaming (Amudhan et al., 2024).

In addition, the prevailing rape culture in society further reinforces this behavior. This culture includes attitudes that normalize sexual violence, blame the victim, and downplay the seriousness of such acts. In the context of revenge porn, victims are often blamed for allegedly contributing to the distribution of the content, even though it occurred without their consent.

Another factor is the perception of morality and culture. Studies show that cultural narratives and perceptions of immorality play a significant role in how blame is attributed to victims of nonconsensual pornography. Blame attribution that arises from gender stereotypes and gender roles within cultural and societal contexts has been found to influence self-blaming attitudes and increase the victimization experienced in cases of non-consensual pornography.

The role of media and technology is also significant. Media often portrays women in objectifying ways, which can reinforce negative stereotypes and facilitate slut shaming. Furthermore, with the advancement of technology and social media, the distribution of intimate content has become easier, and victims frequently become targets of negative comments and online harassment. The lack of education and awareness regarding consent and privacy also

contributes to this phenomenon. Many individuals do not understand the importance of consent in every sexual activity, including the creation and distribution of intimate content. This lack of understanding can lead to the normalization of victim-blaming behavior.

These factors are interconnected and create an environment that is unsupportive of victims. When victims experience slut shaming and victim blaming, they are more likely to suffer from prolonged trauma, loss of self-confidence, and reluctance to seek legal or psychological assistance. From a victimology perspective, it is important to understand that victim blaming and slut shaming can exacerbate the psychological impact on victims. Victims do not only suffer trauma from the distribution of their intimate content but also from the social stigma and humiliation they receive afterward. This can hinder the recovery process and discourage victims from seeking help (Ramadhan & Rohmah, 2024).

Based on the analysis of existing literature, the application of victimology theory, rape culture, as well as social norms and gender stereotypes, demonstrates an interconnected relationship that mutually reinforces the dynamics in revenge porn cases.

Specifically, the double standards in society, where women bear a greater moral burden, contribute to the emergence of victim-blaming attitudes. Moreover, the presence of rape culture, which normalizes sexual violence and fosters a tendency to blame the victim, further exacerbates this situation. On the other hand, deeply rooted social norms and gender stereotypes cause women who present themselves in ways deemed inconsistent with societal norms to become targets of criticism and humiliation. This analysis indicates that the combination of these three factors not only intensifies the trauma experienced by victims but also hinders their pursuit of justice through legal channels. Therefore, it is necessary to revise existing legislation to more specifically address the issue of revenge porn and to raise public awareness about the importance of consent and the protection of victims' rights.

Forms of Legal Protection for Victims of Revenge Porn in Achieving Substantive Justice.

Revenge porn, or the distribution of intimate content without consent, is a form of sexual violence that has become increasingly prevalent with the advancement of digital technology. Victims of this act often suffer significant psychological, social, and economic impacts. To achieve substantive justice for victims, comprehensive and effective legal protection is required. Law Number 12 of 2022 on the Crime of Sexual Violence (UU TPKS) was enacted in response to the need for more specific regulations to address various forms of sexual violence, including those occurring in the digital realm. The forms of protection provided include the following:

1) Protection for Victim Recovery

Article 67 of the Law on the Crime of Sexual Violence (UU TPKS) affirms that victims are entitled to recovery services, which include medical, psychological, and social support. These services are designed to help victims recover from the trauma they have experienced, both in terms of physical and mental health. With such recovery support, it is expected that victims will be able to resume their daily lives more effectively and regain their self-confidence (Faizah & Hariri, 2022).

2) Restitution and Compensation

Article 48 paragraph (1) of the Law on the Crime of Sexual Violence (UU TPKS) grants judges the authority to order the perpetrator to pay restitution to the victim. This restitution is intended to compensate for the losses suffered by the victim, such as medical treatment costs, material damages, and other losses arising from the act of revenge porn. This form of protection is essential to alleviate the economic burden that the victim may bear after the incident.

3) Protection During Judicial Proceedings

Article 25 paragraph (1) of the Law on the Crime of Sexual Violence (UU TPKS) also stipulates that the victim's testimony is recognized as valid evidence, ensuring that the victim's voice is acknowledged and seriously considered in the judicial process. This is an important

step to guarantee that victims are not merely treated as objects of violence but are actively involved in the enforcement of the law. In addition, the protection of the victim's identity and privacy throughout the legal proceedings must be ensured to prevent further stigma or intimidation.

Support Through Law Number 31 of 2014 Concerning the Amendment to Law Number 13 of 2006 on the Protection of Witnesses and Victims In addition to the Law on the Crime of Sexual Violence (UU TPKS), there is also Law Number 31 of 2014, which amends Law Number 13 of 2006 on the Protection of Witnesses and Victims. This law provides protection for witnesses and victims of criminal acts through the Witness and Victim Protection Agency (LPSK) to ensure their safety and support them throughout the judicial process. This protection covers physical and psychological aspects, legal protection, as well as the fulfillment of procedural rights. With the provision of protection, medical assistance, rehabilitation, legal assistance, as well as guarantees of immunity and reduced sentences, witnesses and victims are expected to provide testimony without fear. This aims to ensure justice and encourage the courage to reveal the truth in court (Wahyuni, 2023).

Thus, legal protection efforts for victims of revenge porn include the provision of recovery services, the awarding of restitution as compensation for losses, and the assurance of judicial proceedings that are safe and sensitive to the victim's identity. The implementation of the provisions in the Law on the Crime of Sexual Violence (UU TPKS) must be carried out in an integrated manner and supported by the capacity building of law enforcement officers, so that victims not only see perpetrators receive appropriate punishment but also receive adequate recovery and support to restore their psychological, social, and economic well-being.

On the other hand, although the Law on the Crime of Sexual Violence (UU TPKS) has provided a comprehensive legal framework, its implementation in practice still faces various challenges. There are still obstacles in the enforcement of laws related to revenge porn cases, including the lack of understanding among law enforcement officers regarding online gender-based violence and the social stigma attached to victims. Therefore, in addition to a strong legal framework, efforts to enhance the capacity of law enforcement officers in handling cases of electronic-based sexual violence are also necessary. Training and public awareness campaigns on the UU TPKS and issues related to online gender-based violence need to be intensified to ensure effective and victim-sensitive law enforcement.

The study by Imelia Sintia, as highlighted in her legal journal, emphasizes that the absence of a specific legal framework is a major obstacle in protecting victims. In addition, the legal approach, which tends to focus more on punishing perpetrators, often overlooks the aspect of victim recovery. The lack of protection and prevailing social stigma cause many victims to hesitate to report their cases, thereby perpetuating the cycle of violence (Adinda, 2021).

This article aims to analyze the factors contributing to victim blaming and slut shaming of revenge porn victims based on victimology theory, to evaluate the existing forms of legal protection and their challenges in ensuring substantive justice for victims, and to propose policy recommendations that are more supportive of victim recovery. Thus, this article seeks to address the existing legal gaps and provide a more comprehensive victimological perspective on the protection of revenge porn victims in Indonesia.

The main argument of this article is that the Indonesian legal system has not yet fully provided comprehensive protection for victims of revenge porn (Anjani, 2024). Although there are regulations that prohibit the distribution of obscene content, these regulations still contain many loopholes that leave victims in a vulnerable position (Destriannisya, 2024). Moreover, social stigma and a legal approach that focuses more on punishing perpetrators without paying sufficient attention to victim recovery further exacerbate the situation. Therefore, a victimology-based approach is necessary to ensure substantive justice for victims and to prevent the prolonged psychological impact caused by revenge porn (Salsabila, 2024).

The role of society is also crucial in providing support for victims and in preventing the occurrence of revenge porn. Public education on the importance of respecting others' privacy and the harmful consequences of distributing intimate content without consent needs to be widely promoted. In this way, it is expected that a supportive environment for victims can be established while also preventing similar criminal acts in the future. Overall, the Law on the Crime of Sexual Violence (UU TPKS) has provided a strong legal foundation for protecting victims of revenge porn and achieving substantive justice. However, effective implementation requires collaboration between the government, law enforcement agencies, and society. Through collective efforts, it is hoped that victims of revenge porn will receive the protection and recovery they need, and that true justice can be realized (Rasiwan & Terranova, 2024)

Implications of the Factors Contributing to Victim Blaming and Slut Shaming
If factors such as sexual double standards, rape culture, and perceptions of morality are left unaddressed, victims of revenge porn will become increasingly isolated and reluctant to report their cases. This will further exacerbate gender inequality and increase the incidence of digital sexual violence. If social norms continue to favor perpetrators over victims, cases of revenge porn will persist without providing sufficient deterrent effects for offenders. Therefore, changing social norms through education and public awareness is urgently needed (Amudhan et al., loc. cit.).

Effectiveness of Legal Protection for Victims
Even if regulations such as the Law on the Crime of Sexual Violence (UU TPKS) are in place, substantive justice for victims will not be achieved if law enforcement remains weak. Barriers to the implementation of these regulations must be addressed through training for law enforcement officers and the establishment of more transparent mechanisms for handling revenge porn cases. Without adequate public dissemination and a shift in the perspectives of law enforcement toward digital sexual violence, the effectiveness of the law will remain limited (Faizah, loc. cit.).

Strategies for Achieving Substantive Justice
A multidisciplinary approach is required to address revenge porn cases, including stricter regulations, public education, and support for victims. Opportunities for victims to access psychological and social protection must also be expanded to help them recover from the trauma they have experienced. Legal reforms alone are not sufficient if they are not accompanied by social change. Therefore, the main strategy that must be implemented is a combination of regulation, public education, and social support to create a fairer environment for victims of revenge porn.

CONCLUSION
Victim blaming and slut shaming toward victims of revenge porn occur as a result of sexual double standards, rape culture, and a lack of understanding about consent and privacy. Although legal protections exist under the Law on the Crime of Sexual Violence (UU TPKS) and the Electronic Information and Transactions Law (UU ITE), their implementation remains weak due to stigma and limited understanding among law enforcement officers. The victimology theory highlights that victims experience double victimization, thereby necessitating the strengthening of legal protection, improved implementation, and social change to achieve substantive justice.

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