LEGAL SPIRIT

Online Gender-Based Violence Study: Analysis Of Violence Against Woman

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ABSTRACT

The wider and more sophisticated the reach and development of information technology, the more popular the use of social media. However, it turns out that this technological advancement has presented a new form of violence against woman, namely online gender-based violence. This online gender-based violence can result in harm or suffering in physical, mental or sexual form, threats, coercion and the deprivation of liberty. Therefore, in this study, we will discuss Online Gender-Based Violence as a Form of Violence Against Woman. The research method used is a normative juridical research method. Based on this research, it was found that in order to prevent the occurrence of online gender-based violence, women must be aware of digital footprints, because they can be used by irresponsible parties to commit online gender-based violence and the impact can be very cruel. Woman are also less aware of the potential threats related to personal data that deviate from large impacts such as fetishization, online harassment and humiliation, threats of online violence to online trafficking of woman.

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PRELIMINARY

Gender-based violence is not only conventional but with the times it has become an unconventional crime and must usually be experienced by women who are very vulnerable to violence on social media. This shows that gender-based violence is still a homework that requires serious handling[1]. Gender-based violence is a form of human rights violation. Human rights can be interpreted as a set of rights inherent in every individual as an inseparable part of his position as a creature created by God[2]. The wider and more sophisticated the reach as well as the development and dissemination of information technology, resulting in the use of social media being increasingly popular, but it turns out that these technological advances have brought about new forms of gender-based violence. The United Nations Commission for Refugees (UNHCR) defines gender-based violence as direct violence against a person based on sex or gender. This online gender-based violence can result in physical, mental or sexual harm or suffering, threats, coercion and the deprivation of liberty[3]

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[1] Nurochim., Siti Ngaisah, (2020), *Hukum dan Kekerasan di Sekolah: Optimalisasi Peran Konselor Sekolah,* Jurnal SASI, 26 (2), 143-153
[2] Supriyadi A. Arief, (2020), *Mengurai Kewarganegaraan Ganda (Dual Citizenship) Di Indonesia dalam Perspektif Hak Asasi Manusia dan Negara Kesejahteraan,* Jurnal SASI, 26 (4), 527-539
[3] http://katadata.co.id/anshar/berita/61777b0659e57/mengenal-kekerasan-berbasis-gender-online-dan-upaya-pencegahannya
diakses 5 Febuari 2022

The National Commission on Violence against Women (Komnas Perempuan) has terminology for cases of KBG in cyberspace with the term cyber-based Violence against Women (KtP), namely cyber crimes with female victims who are often associated with women's bodies which are used as objects of pornography. One form of crime that is often reported is the distribution of personal photos or videos on social media or pornographic websites[4] This increase in activity in the digital world is in line with the increase in the number of cases of Online Gender-Based Violence (KBGO), based on data uploaded by Komnas Perempuan in its 2020 Annual Records (CATAHU), a drastic increase Over the last 3 years, even in 2019 there was an increase of 300%, where in 2018 there were 97 cases of reports received and in 2019 it jumped to 281 cases. This incident is certainly something that needs attention from the government as policy makers, teaching staff in academic and non-academic processes, parents and social media users. To be wiser and more careful in using social media[5]

Borrowing a concept of social action from one of the sociological figures, namely Max Weber regarding the act of instrumental rationality. The act of instrumental rationality is an action that is determined by expectations about the behavior of objects in the environment and other human behavior; these expectations are used as a condition or tool for achieving the goals of the actor or the actor himself who is pursued and calculated rationally, so the use of social media today is not only a trend followed by some teenagers, but its existence has now become a necessity for interact with each other but there are still many social media users who still use it for negative things such as fraud, sexual harassment, bullying, spreading hoax news/information, and others.

All of this is based on the desire of the actor to achieve the goals or objectives to be obtained, so the use of social media today is not only a trend followed by some teenagers, but its existence has now become a trend. the need to interact with others but there are still many social media users who still use it for negative things such as fraud, sexual harassment, bullying, spreading hoax news/information, and others. All of that is based on the desire of the actor to achieve the goals or objectives to be obtained. The law is present as a tool that can control the order of people's lives from all deviant aspects, both in the form of crimes and violations. Thomas Hobbes stated that the purpose of law is to create social order, since then order is also seen as something absolute that must be created by law[6] One type of crime that is often found and causes disturbances in social order is violence. Violence is an action that is identical to physical behavior, but basically violence is all forms of behavior both verbal and non-verbal carried out by a person or group of people against a group of other people so that it causes negative physical, emotional and psychological effects on the target[7]

Violence refers to behavior that is contrary to the law, either in the form of threats only or which is already an actual act and has the consequences of damage to property or physical or resulting in the death of a person[8]. Violence can be based on the social identity attached to a person. This is because there is a feeling of superiority compared to victims who are considered weaker and helpless. In the midst of patriarchal culture, gender becomes a social identity that makes a person experience violence. Online gender-based violence (KBGO) or technology-facilitated gender-based violence, has similarities to gender-based violence in the real world in that the act of violence must have the intention or intent to harass the victim based on gender or sexuality. If not, then the violence is included in the category of general violence in cyberspace[9] Based on the description above, the problem that will be discussed in this paper is Online Gender-Based Violence as a form of violence against women.

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[4] SAFETnet, Memahami dan Menyikapi Kekerasan Berbasis Gender Online, http://id.safenet.or.id/uploads diakses 5 Febuari 2022

[5] http://www.kemenpppa.go.id/index.php/page/read/29/3215/kemen-pppa-dorong-literasi-digital-untuk-cegah-kekerasan-berbasis-gender-online-kbgo-selama-masa-pandemi diakses 5 Febuari 2022

[6] Peter Mahmud Marzuki, (2016), *Pengantar Ilmu Hukum,* Jakarta: Kencana Prenadamedia Group, p. 128

[7] Sofia Hardani dan Wilaela, (2010), *Perempuan dalam Lingkaran KDRT,* Riau: Pusat Studi Wanita, Universitas Islam Negeri Riau, p. 8

[8] Romli Atmasasmita, (2013), *Teori dan Kapita Selekta Kriminologi,* Edisi Revisi, Bandung: Refika Aditama, p. 66

[9] SAFEnet, *Loc. Cit*

METHOD

Legal research is an effort to seek and find true knowledge about law. The research method used in this research is the normative juridical method, namely research that studies various laws and regulations relating to online gender-based violence, while normative legal research is legal research that puts the law as a building norm system, where the system of norms that is built is about principles, norms, rules of laws and regulations, court decisions, agreements and doctrines (teachings)[10].

RESULTS AND DISCUSSION
Discussion

Definition and Forms of Online Gender-Based Violence Online gender-based violence (KBGO) is a form of violence that occurs on the basis of gender relations, between victims and perpetrators in the online realm or using digital technology and is an extension/extension of gender-based violence in the offline realm. Violence or harassment in the online realm does occur and affects both men and women, but this violence or harassment is more experienced by women than men. This case attacks the victim's identity as a woman, such as her body and sexuality[11]

Forms of Online Gender-Based Violence

Online Gender Based Violence is one of the many new crimes that occur because of the new media that allows crime to occur. The new media as a platform for the occurrence of this crime creates a social interaction called a cyber community. This relationship opens opportunities for perpetrators to act with various modus operandi and characteristics of action. The types of gender-based violence that often occur can be grouped as follows[12]

a. *Cyber Hacking*
   Hacking is an act of using technology illegally or without consent, to gain access to a system, with the aim of obtaining information, changing information, and damaging the reputation of the victim.
b. *Impersonation*
   Impersonation is the use of technology to retrieve the victim's personal data and create fake accounts on behalf of the victim with the aim of humiliating or insulting the victim. Furthermore, perpetrators can use this data to commit fraud. Examples that are often encountered are perpetrators creating fake accounts on behalf of victims and spreading pornographic content to embarrass victims.
c. *Cyber surveillance/stalking/tracking*
   This is an activity that uses technology to stalk and monitor the actions or behavior of victims carried out by direct observation or tracing the victim's tracks. Thanks to today's technological developments, it is easier for other people to know our daily lives and where we go.
d. *Cyber harassment/spamming*
   This activity is carried out by the perpetrator by flooding the victim's account with comments, or messages that aim to annoy, threaten, or scare the victim.
e. *Cyber recruitment*
   Cyber recruiting is the use of technology to manipulate the victim so that he or she is led into a harmful and dangerous situation.
f. *Malicious distribution content*
   This activity is carried out by using technology to spread content that contains malware or software designed to damage, control, steal, data on electronic devices such as

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[10] Mukti Fajar dan Yulianto, (2017), *Dualisme Penelitian Hukum Normatif dan Empiris,* Yogyakarta: Pustaka Pelajar, p. 33
[11] https://mobile.twitter.com/dkijakarta/status/1333725473361170432?lang=ar-x-fm, diakses 15 Maret 2022

[12] https://magdalene.co/story/infografik-jenis-jenis-kbgo diakses 15 Maret 2022

computers and mobile phones. Usually the content that contains malware is sent in the form of links or files that unknowingly provide access to install a malware application. This is done by the perpetrator with the aim of damaging the reputation of the victim or it could be to track the whereabouts of the victim.

g. *Non-consensual dissemination of intimate images*

Previously, this action was known as revenge porn, which is an act of sharing or distributing photos, videos, speech containing someone's sexual material without the consent of the person concerned with the motive of revenge with the aim of humiliating and humiliating the victim, but the use of the phrase revenge porn was removed because it did not always the motive is revenge but merely wants to humiliate and humiliate the victim. This phrase was later changed to Non-Consensual Dissemination of Intimate Image which was first coined by Coding Rights and Internetlab.

h. *Sexting*

This case is one of the cases of gender-based violence that has increased during the COVID-19 pandemic. Not only that, if your boyfriend or partner sends any pornographic videos or content without your consent, that includes KBGO.

i. *Morphing*

Morphing is the activity of using an image or video with the aim of damaging the reputation of the person in the content. Usually the perpetrator takes a photo of the victim's face and manipulates the photo into a pornographic image. This is often referred to as a deep fake. According to the Data Center and Education on Violance Against Women and Children Learning Network, the number of deep fake videos more than doubled in 2018 to 2019[13]

j. *Scammer*

Be careful of the threat of scammers aka scammers through dating apps or scammer social media. Usually the perpetrator builds trust and then contacts the victim to make him believe and after that makes a false story to ask for money.

Modes And Types Of Gender-Based Violence Online

Throughout 2017, there were at least 8 forms of online gender-based violence that were reported to the Women's Protection Commission, namely approaches to deceiving (cyber grooming), online harassment (cyber harassment), hacking (hacking), illegal content (illegal content), invasion of privacy (infringement). of privacy), threats of private photo/video distribution (malicious distribution), defamation (online defamation), and online recruitment (online recruitment)[14].

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. Online gender-based violence can also enter the offline world, where victims or survivors experience a combination of physical, sexual, and psychological abuse both online and in the real world while offline. The following are some activities that can be categorized as Online Gender Based Violence, namely[15]:

1. Privacy Breach
    a. Access, use, manipulate and disseminate personal data, photos or videos and personal information and content without knowledge and without consent.
    b. Daxing or digging and disseminating someone's personal information, sometimes with the intent to provide access for other malicious purposes, such as harassment or intimidation in the real world
2. Supervision and monitoring
    a. Monitor, track and supervise online or offline activities.
    b. Using spyware or other technology without consent

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[13] *Ibid*
[14] Purple Code Collective. 2020. *Kekerasan Berbasis Gender Online.* https://l.instagram.com/?u=https%3A%2F%2Flinktr.ee%2Fpurplecode&e=ATM_ewt7r8y3kDJUXQiKbv6b9mjbI_ZOIaDlZVeMAz0lr M8aXH301yykuFHzfmjVgEb_w9wZsWYEKK0rnZrZ0w&s=1, diakses 28 Maret 2022
[15] https://nendensan.medium.com/mengenal-kekerasan-berbasis-gender-online-kbgo-a4ec1bd95632 diakses 28 Maret 2022

   c. Use GPS or other geo-locator to track target's movement
   d. Stalking or stalking.
3. Damage to reputation/credibility
   a. Creating and sharing false personal data (eg social media accounts) with the aim of damaging the user's reputation.
   b. Manipulate or create fake content.
   c. Identity stealing and impersonation (eg pretending to be the person and making a picture or post that has the potential to damage the person's reputation and sharing it publicly).
   d. Disseminate personal information to damage someone's reputation.
   e. Making offensive, disparaging, or otherwise false comments or posts with the intention of tarnishing someone's reputation (including defamation)
4. Harassment (which can be accompanied by offline harassment)
   a. Online harassment, repeated harassment through unwanted messages, attention and/or contact.
   b. Immediate threats of sexual or physical violence.
   c. Rude comments.
   d. Hate speech and posts on social media targeted at a specific gender or sexuality.
   e. Incitement to physical violence.
   f. Online content that depicts women as sexual objects.
   g. Use of obscene images to demean women.
   h. Abusing, shaming women for expressing non-normative views
5. Direct threats and violence
   a. Trafficking of women through the use of technology, including victim selection and preparation (premeditated sexual violence)
   b. Sexual blackmail
   c. Theft of identity, money or property
   d. Impersonation or impersonation that results in physical attacks.
6. Targeted attacks on specific communities
   a. Hacking websites, social media or emails of organizations and communities with malicious intent.
   b. Supervision and monitoring of the activities of community members/organizations.
   c. Direct threats of violence against members of the community/organization.
   d. Mobbing, especially when selecting targets for intimidation or harassment by groups of people rather than individuals.
   e. Disclosure of information that has been anonymized, such as addresses of shelters.

Recognizing Perpetrators of Online Violence Against Women

Like fighting in a match, the opponents faced by women when experiencing violence in the virtual world are invisible. Most of the women victims of online violence do not know the perpetrators. The profile of perpetrators of online violence against women is illustrated by the findings of a survey by the Plan International Institute. The survey was conducted on April 1 – May 5, 2020 to 14,071 young women aged 15-25 years in 22 countries[16] The survey results found that more than half of the respondents (58 percent) had experienced violence in online spaces. Based on the answers of respondents who know the perpetrators of violence, both against themselves and against other women known, this practice is mostly carried out by foreigners (strangers). The category of strangers here includes people who are completely unknown to the victim, social media users with anonymous attributes,

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[16] http://magdalene.co/story/riset-56-persen-pelaku-kbgo-adalah-orang-terdekat diakses tanggal 18 April 2022

someone who uses social media but is not a friend or relative of the victim, as well as groups of people who are also unknown to the victim.

The largest part of respondents said that the perpetrators were foreigners (36 percent), and social media users with anonymous attributes (32 percent). There are also perpetrators who come from the victim's close circle, such as from the education/work environment, friends and partners or ex-partners of the victim, but still most of them are unknown people[17]. Seeing the forms of violence that occurred, such as online sexual harassment, this unknown or anonymous perpetrator used a fad motive before trapping the victim further. The emergence of foreign actors in virtual violence cannot be separated from the characteristics and ecosystem of the internet and social media. In the internet landscape, exploring the world is easy to reach. Internet technology makes the boundaries of territory and time closer.

In the case of sending messages, for example, in just seconds anyone can receive or send messages from other parties who are in other countries or even other continents via electronic mail. Through the internet, users can also access unlimited global sources of information. Likewise with social media, social media or also social networks are part of new media. This media offers digitization, convergence, interactivity, and network development regarding message creation and message delivery.The character of social media makes its users as creators and actors who allow themselves to self-actualize in creating digital content. At the same time, social media allows the content created to be shared with many people and is not limited to one particular person, even social media users can easily participate. Without realizing it, information networks on social media are not only virtual, but also tend to be transparent. This nature has at least two sides, from the aspect of disclosure and connection.

Transparent in disclosure looks more at the side of the freedom of social media users in expressing a thing or phenomenon, such as expressing feelings, experiences, statements, and even criticism, while transparent in the connection aspect is the openness side of social networks and users giving permission for other parties to connect with each other. Through this virtual network, information that is personal, can be connected or accessed by others, for example: photos of personal/family activities that can be seen by other users on Facebook.

Outside the virtual and transparent context, the presence of the internet and social media also brings problems from an ethical perspective in communicating. The character of freedom and virtual openness by a number of internet and social media users has become a gap for violations of communication ethics. This, among other things, appears in the use of false identities, downloading copyright-protected material, and spreading fake news or hoaxes. Not to mention the content of content that violates privacy, morals and the rule of law such as insults or hate speech.

One form of eroding ethics in the development of the internet and social media is the emergence of online violence against women. The Plan International survey also shows other forms of online violence, such as expressions of harassment/humiliation, embarrassing ridicule, threats of sexual violence and stalking.[18] The impact of this online violence brings suffering that cannot be underestimated. These survivors of online violence experience the most psychological stress, namely stress and loss of self-confidence. The bad influence of virtual violence also has an impact on the social behavior of the victim. A number of survivors said that violence made them choose problems in relationships with friends, family and the school/work environment.

Revealing the Identity of Online Sexual Violence Perpetrators Is Not a Wise Solution

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[17] *Ibid*

[18] Kusuma, E. dkk. 2020. *Aku Harus Bagaimana? Panduan Sigap Menghadapi Penyebaran Konten Intim Non Konsesnsual.* https://awaskbgo.id/publikasi, diakses 20 April 2022

Spill Out leaking the names and identities of perpetrators to social media is often a way for victims of Online Gender Based Violence (KBGO) to seek justice. Often we find this spill out phenomenon on Twitter, Instagram or Facebook. Child victims upload photos and identities of the perpetrators along with evidence of their behavior. The goal is for the perpetrators to get rewards in the form of bad stigma and tarnishing of the dignity of the perpetrators. This is usually done after the victim feels hopeless because she has not been able to get the justice she needs. Usually this action is quite effective to work in a short time. Netizens will flock to the perpetrators online and get the public's attention[19] Unfortunately, spill out can be risky like a double-edged sword, it could be that the perpetrator then attacks the victim by bringing him or her into a lawsuit through the Electronic Information and Transaction Law. In addition, high public attention can have a negative influence on the victim's mental condition instead of helping, so the best way for victims to uncover perpetrators of Online Gender Based Violence is to collect the evidence needed to report to the police.

Disclosure of the identity of the perpetrator on social media can indeed be useful to get affirmation and support for the victim. This is because social media has a broader perspective so that more possibilities can occur, for example: assistance from various parties who are more knowledgeable in handling this case. This spill out is often carried out by victims who do not have social support from their surroundings including family and friends, often people still have doubts about seeking justice through legal processes and situations that require them to deal with law enforcement officers. This is due to the lack of understanding from the public regarding the legal articles that can protect them, instead of being protected or getting justice, which is evident in the fact that it is easy for victims to be criminalized. Another problem is the lack of alertness of law enforcement officers in handling cases of online gender-based violence. Especially when the perpetrators take advantage of the anonymous feature on social media to carry out their actions.

Victims of Online Gender Based Violence

Online Gender-Based Violence (KBGO) is increasingly happening along with the increase in internet use. Basically KBGO is the same as sexual violence in the real world which aims to harass victims based on gender, but its implementation is carried out through technology, especially the internet and social media. Online Gender Based Violence has a big impact and carries over into everyday life. The impact caused by KBGO is as dangerous as the violence that occurs offline. Online Gender Based Violence has various challenges to be eliminated, namely[20] :
a. Ignorance that someone is being a victim of KBGO
b. Feelings of fear of getting negative stigma from society when complaining about events that happened to him
c. A person who feels victimized does not know how to access legal or psychological help
d. Worries about becoming a victim of the Electronic Information and Transactions Law when admitting his experiences on social media
e. The absence of friends to accompany the process of seeking justice for his experiences.

3 (Three) Main Factors That Can Be References for Victims of Online Violence

Unfortunately, so far the public especially young people have not properly understood the definition of Online Gender Based Violence (KBGO). In most cases, victims often doubt whether they have been victims of online violence or not. To find out whether

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[19] Nariswari, Sekar Langit dan Lusia Kus Anna (ed.). *Ungkap Identitas Pelaku Kekerasan Seksual Online Bukan Solusi Bijak.* https://lifestyle.kompas.com/read/2021/04/20/191400220/ungkap-identitas-pelaku-kekerasan-seksual-online-bukan-solusi-bijak?page=all diakses 20 April 2022
[20] Nariswari, Sekar Langit dan Lusia Kus Anna (ed.). *Ungkap Identitas Pelaku Kekerasan Seksual Online Bukan Solusi Bijak.* https://lifestyle.kompas.com/read/2021/04/20/191400220/ungkap-identitas-pelaku-kekerasan-seksual-online-bukan-solusi-bijak?page=all diakses 20 April 2022

we are victims of violence, it can be seen through three aspects that can be indicators, this is because each person's case can be different. The three aspects are :[21]

1. *Anything that happens in the digital world that is sexual, gendered and unwanted.* Various behaviors in the online realm that are undesirable can be a form of KBGO. The concept of consent is needed to distinguish whether the behavior or attention of others can be categorized as violence. Example: Sexual direct messages (DMs) that enter without permission from unknown people can be a form of KBGO. In addition, comments on other people's uploads, both male and female, can also be a form of online sexual violence.

2. *Make Yourself Uncomfortable*. Anything that makes us uncomfortable regarding gender and sexuality can be categorized as KBGO. Therefore, the recent viral tiktok case can be used as an example. Although not referring to a specific person or mentioning the patient's name, the doctor gave an uncomfortable feeling, especially to women.

3. *Already Causing Danger*. We can be sure to become victims of KBGO when we are in danger. It can take many forms, for example, stalking is done to track our whereabouts. Hacking is also one of them, especially stealing important information such as names, account numbers and other data. This can bring us harm in various forms.

Impact Of Online Gender-Based Violence

According to SAFEnet's Guide to Online Gender-Based Violence, the following are the impacts of online gender-based violence[22]:

a. **Psychological Impact,** Victims or survivors of online gender-based violence will experience several disorders such as depression, anxiety, and even cause excessive fear. At some point the victim or survivor has bad thoughts such as suicide. This is because the victim feels that there is nothing left to do what they can do moreover they also lose their sense of self-confidence so that they become desperate for what they are facing.

b. **Social Alienation**, Victims or survivors of online gender-based violence also tend to withdraw from their social life, including withdrawing from their family and friends. This will be serious for women whose photos or videos are widely circulated in the community without their consent. They will feel humiliated and humiliated.

c. **Economic Loss**, Victims and survivors will also suffer economic losses. Some people may not be aware of this impact, but victims of online gender-based violence can lose their jobs and become unemployed.

d. **Limited Mobility**, Those who become victims will have limited space for movement. They cannot freely carry out activities and participate in online and offline spaces. Victims have concerns that if they appear, they will be abused or excluded from the social environment.

e. **Self Sensor**, Due to fear of becoming the next victim, a victim is very likely to lose confidence in the safety of using technology. The thing that might be done is to remove themselves from the internet, even the victim can also not use any technology at all because of the fear they have.

Anticipating Gender-Based Violence Online

Protection of privacy in cyberspace is the main key to self-security from various threats of cybercrime, including online gender-based violence. Basically, what is meant by privacy is the limitation of information about personal data from the reach of the public eye. In the online realm, protecting privacy means protecting personal data that can be used to

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[21] https://lifestyle.kompas.com/read/2021/04/20/130516620/apakah-kita-jadi-korban-kekerasan-online-ini-cara-memastikannya?page=all diakses 23 April 2022

[22] https://id.safenet.or.id/wp-content/uploads/2019/11/Panduan-KBGO-v2.pdf, diakses 23 April 2022

identify, track or refer to a specific individual, from anyone who has access to that information.

TIPE DATA PRIBADI	CONTOH
Nama	Nama lengkap, nama semasa kecil, nama ibu, alias
Nomor Identitas	NIK, NPWP, SIM, nomor paspor, plat nomor kendaraan, nomor kartu anggota rumah sakit, rekening bank, nomor kartu kredit
Alamat Pribadi	Alamat rumah, email
Nomor Kontak Personal	Ponsel pribadi, telepon rumah
Karakteristik personal	Gambar fotografik (utamanya atas wajah atau bagian lain yang menunjukkan karakteristik yang dapat dikaitkan pada seseorang), sidik jari, tulisan tangan
Data Biometrik	Scan retina, tanda suara *(vioce signature),* sidik jari, geometri wajah
Informasi atas properti pribadi	Nomor kendaraan, akta tanah dan bangunan
Informasi aset teknologi	Alamat Internet Protocol *(IP address),* atau alamat *media access control (MAC address)* yang secara konsisten terhubung pada satu individu tertentu
Lainnya	Tanggal dan tempat lahir, nomor telepon bisnis, alamat email atau surat menyurat untuk keperluan bisnis, ras, agama, indikator geografis dan informasi terkait pekerjaan, kesehatan, edukasi atau finansial

Sumber: SAFEnet Memahami dan Menyikapi Kekerasan Berbasis Gender Online[23]

In cyberspace, personal data such as the image above is highly recommended not to be published when using social media (such as facebook, twitter, instagram) or conversation applications (such as whatsapp, line, telegram). Based on a guide on online gender-based violence created by SAFEnet, an organization that fights for digital rights in Southeast Asia, there are 8 tips to protect privacy on social media and chat applications to avoid gender-based violence online, namely[24] :

a. Separate private account from public account, Using multiple accounts to separate things that are private and things that can be shared publicly can be an alternative to protecting yourself in cyberspace.

b. Check and reset privacy settings, Adjust the privacy settings of the personal security level in various personal data, such as name, photo, mobile number and location. Control who or what can access our personal data.

c. Create a strong password and turn on login verification, Avoid hacking social media accounts by creating a strong login password (long and containing a combination of letters, numbers and symbols) and enabling login verification (2 step verification or 2 factor authentication).

d. Do not carelessly trust third-party applications, Irresponsible third party applications may use the personal information or data they get from such access irresponsibly and can have an impact on life.

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[23] SAFEnet, *Memahami dan Menyikapi Kekerasan Berbasis Gender Online Sebuah Panduan,* https://id.safenet.or.id/wp-content/uploads/2019/11/Panduan-KBGO-v2.pdf diakses 23 April 2022

[24] Veda, Justitia Avila. Kolektif Advokat untuk Keadilan Gender. SAFEnet. *Aspek Hukum Untuk Jerat Pelaku.* Febuari 2021 http://awaskbgo.id/publikasi diakses 23 April 2022

e. Avoid sharing location in real time, Real-time locations or locations where someone frequently visits can be valuable information for people with malicious intent.

f. Be careful with shortened URL, There is a potential danger when clicking on shortened URLs. These URL may lead to malicious or malicious websites that can steal our personal data.

g. Do data detox, Please try data detox so that you can become a person who has more control over your personal data online by accessing http://datadetox.myshadow.org

h. Keep your pin or password secret on your personal cell phone or laptop. It is important to set and maintain the confidentiality of a pin or password on personal electronic devices, especially those that store personal data

Online Gender-Based Violence and the Problems of Legal Protection

The phenomenon of online gender-based violence is the same as gender violence that is carried out directly with the aim of harassing victims, it's just that online gender-based violence occurs in the cyber or electronic world. According to the United Nations High Commissioner for Refugees, gender-based violence is direct violence against someone based on their gender. Ironically, women are the main target. These actions are often used to attack, oppress or silence women in the private and public spheres of the cyber world. The Southeast Asia Freedom of Expression Network (SAFEnet) launched a guide to introducing the modes and types of online gender-based violence. This guide covers various activities that can be categorized as online gender-based violence, namely invasion of privacy, surveillance and monitoring, damage to reputation/credibility, harassment (which can be accompanied by offline harassment), threats and direct violence and attacks targeted at specific communities. In the case reporting received by SAFEnet, the most prominent one during the current pandemic was related to the spread of non-consensual intimate content[25] or what is often known as revenge porn or non-consensual dissemination of intimate images (NCII).

Non-Consensual Intimate Content

Intimate content is content in the form of photos, videos, sound recordings, screenshots (screenshots) and other digital or physical forms that contain bodily expressions, nudity, and/or sexual activity in any form (including kissing, touching organs). intimate, up to penetration) whether done alone or with others with consent and for personal consumption.

Definition of Spread

Article 27 paragraph (1) of Law Number 11 of 2008 in conjunction with Law Number 19 of 2016 concerning Electronic Information and Transactions stipulates: "Everyone intentionally and without rights distributes and/or transmits and/or makes electronic information accessible and / or electronic documents that have content that violates decency." Based on the sound of Article 27 paragraph (1), what is meant by distributing is sending and/or disseminating electronic information and/or electronic documents to many people or various parties through an electronic system. In this Article what is meant by transmitting is sending electronic information and/or electronic documents addressed to one other party through an electronic system; and making accessible are all actions other than distributing and transmitting through an electronic system that causes electronic information and/or electronic documents to be known to other parties or the public[26].

Article 4 paragraph (1) of Law Number 44 of 2008 concerning Pornography regulates the prohibition of the act of producing, making reproductions, duplicating, distributing,

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[25] https://awaskbgo.id/2021/02/05/ini-dia-aspek-hukum-untuk-jerat-pelaku-ancaman-penyebaran-konten-intim-non-konsensual/ diakses tanggal 27 April 2022

[26] Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning *Information and Electronic Transactions (ITE)*

broadcasting, importing, exporting, offering, trading, renting or providing pornography which explicitly contains:
1. Coitus, including deviant intercourse;
2. Sexual violence;
3. Masturbation or masturbation;
4. Nudity or an impressive display of nudity;
5. genitals; or
6. Child pornography[27].

In the elucidation of Article 4 paragraph (1) of the Pornography Law, it is stated that what is meant by "making" is not for oneself and one's own interests.

Measures for Disseminating Non-Consensual Intimate Content

a. Content Production

There are many ways that the perpetrator can do to obtain intimate content of the victim, including the following:
1. Recording without permission
   Perpetrators often record victims without the consent of the victim, either while naked or engaging in sexual activity.
2. Hack or Retrieve Content
   Perpetrators can break into emails, digital storage media, or even victim gadgets to obtain intimate content. Not only taking content, they can also collect and disseminate the victim's personal data so that doxxing occurs.
3. Manipulate or Make Content Look Like Someone[28]
   Sometimes, intimate content never exists, but in order to carry out acts of harassing, threatening and psychological violence, perpetrators can manipulate content or intentionally create content that resembles someone. Many perpetrators edit photos of their victims and pair them with other photos that show nudity[29].

b. Threats

Various forms of threats within the scope of the dissemination of non-consensual intimate content include:
1. Threats spread intimate content through messages, telephone calls, actions to force victims to do things they don't want.
   Examples: sending some money, reconnecting with the perpetrator, sending other intimate content, and so on.
2. Threats by making offensive, disparaging comments or postings intended to tarnish reputation

c. Intimate Content Spread

Dissemination of non-consensual intimate content can result in criminal prosecution for distributing unapproved intimate content, without the knowledge and/or consent of the people involved in a documented sexual activity. Not a few threats of perpetrators led to the spread. The various forms of non-consensual sharing of intimate content include:

Be the first disseminator and continued dissemination of content

The perpetrators of the first distribution of intimate content electronically are usually the ones who are also making threats (whether partners, ex-partners, friends, strangers, and

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[27] Law Number 44 of 2008 concerning *Pornography*

[28] Arianto, B. (2021) *Media Sosial Sebagai Ruang Baru Kekerasan Berbasis Gender di Indonesia*, PERSEPSI : Communication Journal, 4 (2), 129-141

[29] Hikmawati, P. (2021) *Pengaturan Kekerasan Berbasis Gender Online : Perspektif Ius Constitutum dan Ius Constituendum (The Legal Policy of Online Gender Based Online Violence Regulation : Ius Constitutum and Ius Constituendum Perspective),* NEGARA HUKUM : Membangun Hukum Untuk Keadilan dan Kesejahteraan, 12 (1), 59-79

others)[30]. The perpetrator of continued dissemination is when the content has been uploaded to social media or is known to others and disseminated by them.

i. Uploading to social media accounts, websites and other online platforms.
The digital platforms chosen by the perpetrators to spread content are usually social media and porn sites. In addition to spreading through digital platforms for public consumption, the perpetrators also send intimate content digitally to family members, partners, colleagues or people who know the victim.

ii. Spread in print, Perpetrators can also distribute printed content to people who know the victim.

iii. Spreading False Information and/or Creating Fake Accounts, The victim's intimate content, including the victim's personal data, can be faked and distributed by the perpetrator. It could be that the intimate content that is being spread is real, but the perpetrator fabricates information such as that the victim provides sexual services, causing the victim to be harassed and contacted by other people. To launch their actions, it is not uncommon for perpetrators to create fake accounts that resemble victims by offering services or sharing intimate content voluntarily. Even worse, the perpetrators also often share the victim's personal data along with the dissemination of intimate content[31].

The Problems of Protecting Victims of Online Gender-Based Violence (KBGO)

Forms of legal protection for victims of online gender-based violence are regulated in Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (TPPO Law), Law Number 44 of 2008 concerning Information and Electronic Transactions (ITE Law), and Law No. Number 31 of 2014 concerning Protection of Witnesses and Victims. The forms of legal protection regulated in the Criminal Act of Trafficking in Persons, namely restitution (Article 48), health rehabilitation, social rehabilitation, repatriation, and social reintegration (Article 51). Meanwhile, what is regulated in the Pornography Law, namely coaching, mentoring, and social recovery, physical and mental health for children who are victims or perpetrators of pornography (Article 16).

Then in Article 5 and Article 6 of the Law on the Protection of Witnesses and Victims, the rights of victims of sexual violence crimes have also been regulated. In addition, victims of online gender-based violence can also request assistance in the form of medical assistance and rehabilitation as well as requests for restitution in the form of compensation through the Witness and Victim Protection Agency. The provision of protection for victims of online gender-based violence in the Witness and Victim Protection Act varies depending on the type of crime and the impact of the crime. However, in reality the regulations regarding legal protection for victims of crime in the law only regulate specifically for victims of serious human rights violations, crimes of terrorism, criminal acts of trafficking in persons, crimes of torture, crimes of sexual violence and serious mistreatment. . This confirms that the current legal system in Indonesia is not fully in favor of the interests of the victims.

Victims of online gender-based violence actually have to get guarantees for their safety both physically and psychologically and are entitled to psychosocial and psychological rehabilitation assistance because the impact of the crime that happened to them can traumatize the victim[32]. Victims of online gender-based violence are also entitled to medical assistance if the perpetrator's actions continue in the real world so that the victim experiences physical suffering.

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[30] D'Ambrosi, L., Papakristo, P., & Polci, V. (2018). *Social media and gender violence: communication strategies for a "new education."* Italian Journal of Sociology of Education, 10 (2), 1–15.

[31] Pramana, D. N & Subekti (2020). Bentuk Perlindungan Hukum Korban Online Gender-Based Violence Dalam Peraturan Perundang-Undangan di Indonesia, Jurnal Hukum Pidana dan Penanggulangan Kejahatan, 9 (2). 161-173

[32] Dodge, A. (2016). Digitizing rape culture: Online sexual violence and the power of the digital photograph. *Crime, Media, Culture,* 12 (1), 65-82

CLOSING

The increasing cases of Online Gender-Based Violence encourage the Ministry of Women's Empowerment and Child Protection (Kemen PPPA) to increase digital literacy for women as an effort to prevent online gender-based violence (KBGO). The increasing use of the internet is not matched by qualified digital literacy, especially for women and children, so it is more difficult for them to protect themselves on the internet.

Women should be wary of digital footprints, as they can be used by irresponsible parties to perpetrate gender-based violence online and can have devastating consequences. Women are also less aware of the potential threats related to personal data that deviate from large impacts such as fetishization, online harassment and humiliation, threats of online violence to online trafficking of women. One of the reasons for the lack of awareness of women in the digital realm is the gender construction factor prevailing in society. This often places women as parties who are easily deceived and pressured by irresponsible parties. The difficulty to identify the identity of the perpetrators of KBGO in the digital world, the digital footprints of the victims that have been spread on the internet and difficult to erase are also problems that have resulted in the protection of the victims of KBGO still not being fully implemented.

Recommendations that can be made in integrating gender perspectives in the digital realm and efforts to overcome KBGO include: (1) Strengthening women's power through critical education, gender awareness and digital literacy; (2) Capacity building for law enforcement officers (APH) and service agencies in responding to KBGO cases; (3) Ratification of the Bill on the Elimination of Sexual Violence; (4) Revise articles in the law that have the potential to criminalize KBGO victims and pass laws related to personal data security. The widespread use of social media in the community and the high increase in violence in the digital realm have become PR for all parties to work together in solving KBGO problems

BIBLIOGRAPHY
Book

Atmasasmita, Romli, (2013), *Teori dan Kapita Selekta Kriminologi,* Edisi Revisi, Bandung: Refika Aditama

Fajar, Mukti dan Yulianto, (2017), *Dualisme Penelitian Hukum Normatif dan Empiris,* Yogyakarta: Pustaka Pelajar

Hardani, Sofia dan Wilaela, (2010), *Perempuan dalam Lingkaran KDRT,* Riau: Pusat Studi Wanita, Universitas Islam Negeri Riau

Marzuki, Peter Mahmud. (2016), *Pengantar Ilmu Hukum,* Jakarta: Kencana Prenadamedia Group

Journal

Arief, Supriyadi A., *Mengurai Kewarganegaraan Ganda (Dual Citizenship) Di Indonesia dalam Perspektif Hak Asasi Manusia dan Negara Kesejahteraan,* Jurnal SASI, 26 (4), hlm. 527-539

Arianto, B. (2021) *Media Sosial Sebagai Ruang Baru Kekerasan Berbasis Gender di Indonesia*, PERSEPSI : Communication Journal, 4 (2), 129-141

Hikmawati, P. (2021) *Pengaturan Kekerasan Berbasis Gender Online : Perspektif Ius Constitutum dan Ius Constituendum (The Legal Policy of Online Gender Based Online Violence Regulation : Ius Constitutum and Ius Constituendum Perspective),* NEGARA HUKUM : Membangun Hukum Untuk Keadilan dan Kesejahteraan, 12 (1), 59-79

Pramana, D. N & Subekti (2020). Bentuk Perlindungan Hukum Korban Online Gender-Based Violence Dalam Peraturan Perundang-Undangan di Indonesia, Jurnal Hukum Pidana dan Penanggulangan Kejahatan, 9 (2). 161-173

D'Ambrosi, L., Papakristo, P., & Polci, V. (2018). Social media and gender violence: communication strategies for a "new education." *Italian Journal of Sociology of Education,* 10 (2), 1–15.

Dodge, A. (2016). Digitizing rape culture: Online sexual violence and the power of the digital photograph. *Crime, Media, Culture,* 12 (1), 65-82.

Nurochim., Siti Ngaisah. (2020), *Hukum dan Kekerasan di Sekolah: Optimalisasi Peran Konselor Sekolah,* Jurnal SASI, 26 (2), 143-153

Regulations

Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning *Information and Electronic Transactions (ITE)*

Law Number 44 of 2008 concerning *Pornography*

Law Number 21 of 2007 concerning *Eradication of the Criminal Act of Trafficking in Persons (TPPO Law)*

Law Number 31 of 2014 concerning *The Protection of Witnesses and Victims.*

Website

http://katadata.co.id/anshar/berita/61777b0659e57/*mengenal-kekerasan*-berbasis-gender-online-dan-upaya-pencegahannya diakses 5 Febuari 2022

SAFETnet, *Memahami dan Menyikapi Kekerasan Berbasis Gender Online,* http://id.safenet.or.id/uploads diakses 5 Febuari 2022

http://www.kemenpppa.go.id/index.php/page/read/29/3215/kemen-pppa-dorong-literasi-digital-untuk-cegah-kekerasan-berbasis-gender-online-kbgo-selama-masa-pandemi diakses 5 Febuari 2022

https://mobile.twitter.com/dkijakarta/status/1333725473361170432?lang=ar-x-fm, diakses 15 Maret 2022

https://magdalene.co/story/infografik-jenis-jenis-kbgo diakses 15 Maret 2022

Purple Code Collective. 2020. *Kekerasan Berbasis Gender Online.* https://l.instagram.com/?u=https%3A%2F%2Flinktr.ee%2Fpurplecode&e=ATM ewt7r8y3kDJUXQiKbv6b9mjbI_ZOIaDlZVeMAz0lrM8aXH301yykuFHzfmjVgEb_w9 wZsWYEKK0rnZrZ0w&s=1, diakses 28 Maret 2022

https://nendensan.medium.com/mengenal-kekerasan-berbasis-gender-online-kbgo-a4ec1bd95632 diakses 28 Maret 2022

http://magdalene.co/story/riset-56-persen-pelaku-kbgo-adalah-orang-terdekat   diakses tanggal 18 April 2022

Kusuma, E. dkk. 2020. *Aku Harus Bagaimana? Panduan Sigap Menghadapi Penyebaran Konten Intim Non Konsesnsual.* https://awaskbgo.id/publikasi, diakses 20 April 2022

Nariswari, Sekar Langit dan Lusia Kus Anna (ed.). *Ungkap Identitas Pelaku Kekerasan Seksual Online Bukan Solusi Bijak.* https://lifestyle.kompas.com/read/2021/04/20/191400220/ungkap-identitas-pelaku-kekerasan-seksual-online-bukan-solusi-bijak?page=all diakses 20 April 2022

Nariswari, Sekar Langit dan Lusia Kus Anna (ed.). *Ungkap Identitas Pelaku Kekerasan Seksual Online Bukan Solusi Bijak.* https://lifestyle.kompas.com/read/2021/04/20/191400220/ungkap-identitas-pelaku-kekerasan-seksual-online-bukan-solusi-bijak?page=all diakses 20 April 2022

https://lifestyle.kompas.com/read/2021/04/20/130516620/apakah-kita-jadi-korban-kekerasan-online-ini-cara-memastikannya?page=all diakses 23 April 2022

https://id.safenet.or.id/wp-content/uploads/2019/11/Panduan-KBGO-v2.pdf, diakses 23 April 2022

SAFEnet, *Memahami dan Menyikapi Kekerasan Berbasis Gender Online Sebuah Panduan,* *https://id.safenet.or.id/wp-content/uploads/2019/11/Panduan-KBGO-v2.pdf* diakses 23 April 2022

Veda, Justitia Avila. Kolektif Advokat untuk Keadilan Gender. SAFEnet. *Aspek Hukum Untuk Jerat Pelaku.* Febuari 2021 http://awaskbgo.id/publikasi diakses 23 April 2022

https://awaskbgo.id/2021/02/05/ini-dia-aspek-hukum-untuk-jerat-pelaku-ancaman-penyebaran-konten-intim-non-konsensual/ diakses tanggal 27 April 2022