

Legal Protection for Female Victims of Electronic-based Sexual Violence (EBSV): A Legal System Theory Perspective

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Abstract: Since 2017-2021, case of electronic-based sexual violence (EBSV) reported to service institution continues to increase, and a majority of the victims are women. This research aims to describe the EBSV case data, explain legal protection efforts given to the victims, then analyze it using the legal system theory. The type of research used is juridical-empirical with locus research at Women Crisis Centre (WCC) Dian Mutiara. The research results show that on month January 2020 - September 2022, there were 42 cases handled by WCC Dian Mutiara. Then the legal protection for victims is carried out through preventive and repressive efforts. In terms of legal structure, the facilities and infrastructure for handling KSBE cases at WCC Dian Mutiara and the police are not yet fully available. At WCC Dian Mutiara, this can be seen from the lack of human resources (assistants) and the unstable finances of the institution. Meanwhile, in the police, it can be seen from the victim's complaint at the time of confiscation of evidence in the form of a handphone which is usually used for daily activities by the victim. Then the analysis of the legal substance shows that the rules regarding EBSV already exist in the Law on Electronic Transactions (UU ITE) and the Pornography Law, but more comprehensive rules are contained in the Law on Crimes against Sexual Violence (RUU TPKS). Finally, an analysis of legal culture shows that public oversight of the performance of law enforcers, especially the police, is increasing. However, sometimes the community's understanding of a case is still partial, making it easy to intervene. Meanwhile, the legal culture of law enforcement officials can be seen from the lack of optimal cases in the process of resolving cases, coupled with the occasional attitude of the police, not on the side of the victims.

Keywords: legal protection; legal system theory; sexual violence; women

Abstrak: Sejak tahun 2017-2021 kasus kekerasan seksual berbasis elektronik (KSBE) yang dilaporkan ke lembaga layanan terus mengalami peningkatan, dan mayoritas korbannya adalah perempuan. Penelitian ini bertujuan untuk menguraikan data kasus KSBE, menjelaskan upaya perlindungan hukum yang diberikan kepada korban, kemudian menganalisisnya dengan menggunakan teori sistem hukum. Jenis penelitian yang digunakan adalah yuridis-empiris dengan locus penelitian di Women Crisis Centre (WCC) Dian Mutiara. Hasil penelitian menunjukkan bahwa pada bulan Januari 2020 - September 2022 terdapat 42 kasus yang ditangani WCC Dian Mutiara. Kemudian perlindungan hukum terhadap korban dilakukan melalui upaya preventif dan represif. Dari segi struktur hukum, sarana dan prasarana penanganan kasus KSBE di WCC Dian Mutiara dan kepolisian belum sepenuhnya tersedia. Di WCC hal tersebut terlihat dari minimnya SDM

(pendamping) dan finansial lembaga yang belum stabil. Sedangkan di kepolisian terlihat dari keluhan korban pada saat adanya penyitaan barang bukti berupa handphone yang biasanya digunakan untuk aktifitas sehari-hari oleh korban. Kemudian analisis mengenai substansi hukum menunjukkan bahwa aturan mengenai KSBE sudah ada dalam UU ITE dan UU Pornografi, tetapi aturan yang lebih komprehensif tertuang dalam RUU TPKS. Terakhir analisis mengenai budaya hukum menunjukkan bahwa pengawasan masyarakat terhadap kinerja aparat penegak hukum terutama kepolisian semakin meningkat. Namun terkadang pemahaman masyarakat tentang suatu kasus masih bersifat parsial sehingga mudah diintervensi. Sedangkan budaya hukum dari aparat penegak hukum terlihat dari kurang maksimalnya proses penyelesaian kasus, ditambah sikap polisi yang terkadang tidak memihak kepada korban.

Kata Kunci: perlindungan hukum; teori sistem hukum; kekerasan seksual; perempuan

A. Introduction

In the past few years, advocacy organizations and the National Commission on Violence against Women have paid a great deal of attention to situations involving electronic-based sexual violence. This is partially attributable to the yearly increase in the number of cases in Indonesia. The official Annual Record (CATAHU) data on Cases of Violence Against Women in 2020 published by the National Commission on Violence against Women indicates that cases of electronic-based sexual violence, or what CATAHU refers to as Online Gender-Based Violence (KBGO), increased throughout the period of 2017-2020. In 2017, 16 incidents were reported to the National Commission on Violence Against Women, 97 cases were recorded in 2018, 281 cases were reported in 2019, and 942 cases were reported in 2020.¹ In addition, the most recent data from CATAHU indicates that the number of KBGO cases reported to the National Commission on Violence against Women in 2021, precisely 1,721, continues to rise at an alarming rate.² During the data collecting procedure,

¹ Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), "CATAHU 2021: Perempuan dalam Himpitan Pandemi: Lonjakan Kekerasan Seksual, Kekerasan Siber, Perkawinan Anak dan Keterbatasan Penanganan di Tengah Covid-19," [komnasperempuan.go.id](https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2021-perempuan-dalam-himpitan-pandemi-lonjakan-kekerasan-seksual-kekerasan-siber-perkawinan-anak-dan-keterbatasan-penanganan-di-tengah-covid-19) (Jakarta, 2021), 60, <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2021-perempuan-dalam-himpitan-pandemi-lonjakan-kekerasan-seksual-kekerasan-siber-perkawinan-anak-dan-keterbatasan-penanganan-di-tengah-covid-19>.

² Komisi Nasional Anti Kekerasan terhadap Perempuan (Komnas Perempuan), "CATAHU 2022: Bayang-Bayang Stagnansi: Daya Pencegahan dan Penanganan Berbanding Peningkatan Jumlah, Ragam dan Kompleksitas Kekerasan Berbasis Gender terhadap Perempuan," [komnasperempuan.go.id](https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2022-bayang-bayang) (Jakarta, 2022), 4, <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2022-bayang-bayang>.

however, only 10-30% of the partner institutions submitted the forms to the National Commission on Violence against Women. Therefore, these data do not completely represent situations that occur in the field. The revealed data is only the tip of the iceberg when it comes to Indonesia's problem with violence against women.³

Cases of electronic-based sexual violence against women have happened in Malang City and have gone viral on social media, in addition to making national news.⁴ The case at hand is a *mukenah* fetish committed against seven mukenah endorsement models in August 2021 by a criminal posing as a photographer. Fetish is a sort of sexual violence characterized by a sexual attraction to inanimate things, non-sexual bodily parts, or other non-sexual objects.⁵ In general, this disorder is more common in men, so that the majority of victims are women.⁶ This case is included in the category of electronic-based sexual violence because the perpetrator uploaded photos he took on the Twitter account @pecinta_mukenah and also on the Instagram accounts @selfie_mukena, @peduli_mukena_bersih, @griya_mukena_malang without the victim's permission. The perpetrators were eventually policed because the victims did not accept it because the cooperation agreement agreed at the beginning led to abuse.

As a non-governmental organization (NGO) in the city of Malang, Women Crisis Centre (WCC) Dian Mutiara is a service organization that deals with and assists women victims of abuse, particularly electronic-based sexual violence, in a very consistent manner. This stability has been maintained since 2002, when WCC Dian Mutiara was established. In addition, from 2018 to 2022, WCC Dian Mutiara has been engaged in providing the National Commission on Violence

stagnansi-daya-pencegahan-dan-penanganan-berbanding-peningkatan-jumlah-ragam-dan-kompleksitas-kekerasan-berbasis-gender-terhadap-perempuan.

³ Khaerul Umam Noer, Siti Chadijah, and Endang Rudiati, "There Is No Trustable Data: The State and Data Accuracy of Violence against Women in Indonesia," *Heliyon* 7, no. 12 (2021): e08552, <https://doi.org/10.1016/j.heliyon.2021.e08552>.

⁴ M Ulul Azmy, "Kronologi Terungkapnya Kedok Fetish Mukenah di Malang," *Kumparan*, 2021, <https://kumparan.com/tugumalang/kronologi-terungkapnya-kedok-pengidap-fetish-mukena-di-malang-1wNDuty4QVV/full>.

⁵ Moch. Akbar Alif Firmansyah and Emmilia Rusdiana, "Kualifikasi Fetish sebagai Tindak Pidana dalam Pasal 335 (Ayat 1) KUHP (Studi Kasus Fetish Kain Jarik Gilang)," *Novum: Jurnal Hukum* 9, no. 3 (2022): 21-30, <https://doi.org/10.2674/novum.v0i0.41011>.

⁶ Hadyan Zulkaisi Sukoco, Faiq Althof, and Ulin Nihayah, "Menyoal Gangguan Kesehatan Mental Deviasi Seksual Fetish," *Islamic Counseling: Jurnal Bimbingan Konseling Islam* 5, no. 2 (2021): 148-64, <https://doi.org/10.29240/jbk.v5i2.2111>.

against Women with information on violence against women.⁷ Thus, it is not unexpected that WCC Dian Mutiara is frequently referred to by the National Commission on Violence against Women to handle cases involving Malang-based women who have been victims of assault based on their identity card (KTP). Endrawati disclosed that the assistant of WCC Dian Mutiara afforded at least three to four the National Commission on Violence against Women referral cases each month.⁸

This research focuses on female victims due to general and special factors. In general, the number of victims of violence is more dominated by women than men, including electronic-based sexual violence.⁹ The World Health Organization (WHO) states that around 736 million women, or one-third of the world's female population, have suffered violence.¹⁰ According to Subhan, women's vulnerability to all sorts of violence is a result of their weak position or their purposeful social, political, and economic weakening.¹¹ In addition, the inadequate contribution of education, particularly schools, to establishing the values of equality between men and women also affects this condition.¹² As opposed to the results of preliminary research conducted by WCC Dian Mutiara, which indicate that the majority of victims of electronic-based sexual violence treated as of June 2022 are female, this study focuses on women.¹³

According to Arawinda's research, the increase in occurrences of electronic-based sexual violence against women is partially attributable to the rapid advancement of technology.¹⁴ This condition has been exacerbated by the

⁷ The above data can be seen in the Records of Violence against Women for 2018, 2019, 2020 and 2021 released by National Commission on Violence against Women

⁸ Lucky Endrawati, *interview* (Malang, August 30, 2022).

⁹ Muhammad Iqbal and Genie Cyprien, "The Urgency of Regulation in the Case of Online Gender-Based Violence in Indonesia," *Sawwa: Jurnal Studi Gender* 16, no. 2 (2021): 173–90, <https://doi.org/10.21580/sa.v16i2.8132>.

¹⁰ Megha Mohan, "Perempuan di Dunia Banyak Mengalami Kekerasan Fisik dan Seksual: Satu dari Tiga Perempuan Jadi Korban, Ungkap Studi WHO," BBC News Indonesia, March 10, 2021, <https://www.bbc.com/indonesia/dunia-56342562>.

¹¹ Zaitunah Subhan, *Kekerasan terhadap Perempuan* (Yogyakarta: Pustaka Pesantren, 2004), 5.

¹² Ana Martín García, "Prevention of Gender-Based Violence in the Classroom: Some Observations," *Procedia - Social and Behavioral Sciences* 161, no. 161 (2014): 275–80, <https://doi.org/10.1016/j.sbspro.2014.12.071>.

¹³ Ina Irawati, *Interview* (Malang, June 7, 2022).

¹⁴ Stella Hita Arawinda, "Perlindungan Hukum terhadap Perempuan Korban Kekerasan Berbasis Gender Online di Indonesia," *Jurnal Hukum Yustika: Media Hukum dan Keadilan* 24, no. 02 (2022): 76–90, <https://doi.org/10.24123/yustika.v24i02.4599>.

COVID-19 pandemic which has limited people's activities outside the home.¹⁵ This increase was triple compared to the prior year.¹⁶ Then research conducted by Adkiras showed that before the Law on Crimes against Sexual Violence (RUU TPKS) was passed, legal protection for victims referred to the Law on Information and Law on Electronic Transactions (UU ITE) and the Law on Pornography. However, according to him, the rules in the two laws are still not comprehensive.¹⁷ Regulations regarding electronic-based sexual violence still lead to multiple interpretations and inconsistencies in how they are handled.¹⁸ According to Faizah and Hariri, the passage of the Law on Crimes against Sexual Violence (RUU TPKS) sends a favorable signal regarding Indonesia's efforts to prevent and address electronic-based sexual violence. One of the victim's rights that is clearly outlined is the procedure for restitution. Moreover, law enforcement authorities tasked with resolving incidents of sexual violence must possess integrity and expertise in this subject.¹⁹

The difference between this study and other studies resides in the analytic theory employed. Previous research has focused mostly on one perspective, particularly legal normativity. While this research examines from three perspectives, including: the legal structure in the form of WCC Dian Mutiara and the police, the substance of the law examined from a normative perspective, and the legal culture which evaluates how people see the law. In addition, this research takes the form of an empirical study so that the findings are not limited to legal requirements but may go further into field conditions.

¹⁵ Debora de Souza Santos et al, "Domestic Violence against Women during the Covid-19 Pandemic: A Scoping Review," *Forensic Science International: Reports* 5, no. 100276 (2022): 100276, <https://doi.org/10.1016/j.fsir.2022.100276>.

¹⁶ Noviyanti Soleman, "Kekerasan Berbasis Gender Online selama Pandemi COVID-19 di Indonesia," *Al-Wardah: Jurnal Kajian Perempuan, Gender dan Agama* 15, no. 1 (2021): 58, <https://doi.org/10.46339/al-wardah.v15i1.639>.

¹⁷ Fadillah Adkiras, "Konstruksi Hukum Perlindungan Korban Kekerasan Berbasis Gender Online Menurut Hukum Hak Asasi Manusia," *Jurnal Lex Renaissance* 6, no. 2 (2021): 376, <https://doi.org/10.20885/JLR.vol6.iss2.art12>.

¹⁸ Hany Areta A, Hardiana Clarisa, and Siti Chatlia Q, "Eskalasi Kekerasan Berbasis Gender Online di Masa Pandemi: Studi Penanganan Kasus Pornografi," *Jurnal Lex Renaissance* 6, no. 4 (2021): 767, <https://doi.org/10.20885/JLR.vol6.iss4.art8>.

¹⁹ Azza Fitrahul Faizah and Muhammad Rifqi Hariri, "Pelindungan Hukum terhadap Korban Revenge Porn sebagai Bentuk Kekerasan Berbasis Gender Online Ditinjau dari Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual," *Jurnal Hukum Lex Generalis* 3, no. 7 (2022): 539, <https://doi.org/10.56370/jhlgv3i7.281>.

Friedman argues that the legal system consists of structure of law, substance of law, and legal culture.²⁰ These three elements support the running of the legal system in a country.²¹ According to Friedman, a legal system's structure may be compared to a body framework, namely the institutional body of the system.²² The structure may include the number of judges, the court's jurisdiction, organizational arrangements, and required procedures. The legal structure demonstrates how legal institutions and their associated officials execute the legal process.²³ Then, the legal content comprises statutory regulations and provisions or rules governing how the legal system executes its responsibilities and authority and how society must conduct itself in daily life. If there are deficiencies in the substance of the legislation, law enforcements are ineffectual, resulting in a failure to accomplish the desired objectives.²⁴ Furthermore, culture or legal culture may be defined as the attitude of society (including law enforcement personnel) toward the relevant law and legal system. Regardless of the quality of a country's legal framework and legal substance, law enforcements are ineffective if the parties participating in the system do not embrace a strong legal culture.²⁵

The purpose of this research is to explain how legal protection is afforded to female victims of electronic-based sexual violence and what obstacles the assistant of WCC Dian Mutiara encountered. Lastly, this research employs Lawrence M. Friedman's theory of the legal system to analyze the legal protection provided to victims.

The type of research used is juridical-empirical with a sociological approach. An approach that examines reactions and interactions in society when a legal norm is operating.²⁶ The position of the researcher in this study

²⁰ Lawrence M. Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*, trans. M. Khozim (Bandung: Penerbit Nusa Media, 2009), 15–18.

²¹ Saifullah, *Refleksi Sosiologi Hukum* (Bandung: PT Refika Aditama, 2013), 26.

²² Friedman, *Sistem Hukum: Perspektif Ilmu Sosial*, 16.

²³ Mushafi Miftah, Syarif Hidayatullah, and Siti Aisyah, "Penerapan Sanksi bagi Santri Bermasalah di Pondok Pesantren Nurul Jadid Perspektif Teori Penegakan Hukum Lawrence M. Friedman," *At-Turost: Journal of Islamic Studies* 8, no. 2 (2021): 187, <https://doi.org/10.52491/atv8i2.67>.

²⁴ Sudjana, "Penerapan Sistem Hukum Menurut Lawrence W Friedman terhadap Efektivitas Perlindungan Desain Tata Letak Sirkuit Terpadu Berdasarkan Undang-Undang Nomor 32 Tahun 2000," *Al Amwal: Jurnal Hukum Ekonomi Syariah* 2, no. 1 (2019): 84.

²⁵ Sudjana, 89.

²⁶ Mukti Fajar ND and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif dan Empiris* (Yogyakarta: Pustaka Pelajar, 2010), 47–49.

was non-participatory, that is, he did not play an active role in the life of the informants.²⁷ The research location is in the Dian Mutiara Women's Crisis Center in Malang. Three factors influenced the selecting process. First, the constancy with which WCC Dian Mutiara has assisted and accompanied victims of sexual violence since 2002. Second, information from the National Commission on Violence against Women's Annual Records indicating that WCC Dian Mutiara is a non-governmental organization that has been active in delivering data on incidents of violence against women over the last many years. In this study, the completeness of WCC Dian Mutiara's data is crucial for answering the posed questions and providing the appropriate solutions. Since 2017, WCC Dian Mutiara has dealt with cases of sexual violence committed through electronic tools.²⁸ The research data was derived from the results of interviews with five carefully selected companions, the results of observations on case management, and the 2020-2022 WCC Dian Mutiara accompanying minutes document.

B. Electronic-Based Sexual Violence Case at WCC Dian Mutiara

From January to December of 2020, sixteen instances were reported to WCC Dian Mutiara. The number of victims and perpetrators matches the total number of recorded incidents. Exactly the same as in 2020, WCC Dian Mutiara handled 16 cases from January to December of 2021; the only change was the number of victims. If the number of victims and perpetrators in the previous year were both 16, the number of victims exceeds the number of perpetrators in 2021. The number of perpetrators was 16, whereas the number of victims was 22. Then, between January and September of 2022, there were 10 incidents, as well as victims and perpetrators.

Based on the data above, it can be concluded that in January 2020 - September 2022 there were 42 cases of electronic-based sexual violence handled by WCC Dian Mutiara. Of the 42 cases, the number of victims reached 48 people, while the perpetrators were 42 people. This figure shows that the number of victims is greater than the number of perpetrators, which is equal to 8:7. In another sense, the data shows that there are perpetrators who commit electronic-based sexual violence against more than 1 person.

²⁷ Hasyim Hasanah, "Teknik-Teknik Observasi (Sebuah Alternatif Metode Pengumpulan Data Kualitatif Ilmu-Ilmu Sosial)," *At-Taqaddum* 8, no. 1 (2017): 36, <https://doi.org/10.21580/atv8i1.1163>.

²⁸ Ina Irawati, *interview* (Malang, May 31, 2022).

Table 1
Total of Cases, Victims, and Actors

Year (Month)	Total		
	Case	Victim	Actor
2020 (January - December)	16	16	16
2021 (January - December)	16	22	16
2022 (January - September)	10	10	10
Total	42	48	42

In terms of the sex of the victims, 48 victims (100% victims) handled by WCC Dian Mutiara in January 2020 - September 2022 were women. Meanwhile, in terms of the gender of the perpetrators, of the 42 perpetrators handled by WCC Dian Mutiara in January 2020 - September 2022, 33 of them were male, 4 were female, and 5 were perpetrators without explanation. The majority of perpetrators of violence were men, which reached 78.57%. This data is very much different from the sex of the victims, who are 100% female.

Table 2
Gender of Victims and Perpetrators

Victim/ Perpetrator	Gender	Per-Year Total			Total number
		2020	2021	2022	
Victim	Male	-	-	-	0
	Female	16	22	10	48
Perpetrator	Male	11	15	7	33
	Female	2	0	2	4
	No Description	3	1	1	5

Furthermore, there are 5 forms of electronic-based sexual violence committed by both men and women. First, online grooming, which is the perpetrator's approach and development of emotional relationships in cyberspace in order to acquire the victim's trust. Once the perpetrator has successfully established an emotional bond with the victim, he is able to use her to commit criminal acts with relative ease. Cyber harassment is the sending of text over electronic media with the intent to harm, terrify, threaten, or annoy

the target. The perpetrator engages in cyber harassment when the victim refuses or ceases to give personal images or videos to the perpetrator. Third, impersonation/cloning, which is the duplication of the victim's identity in order to get access to personal information, humiliate, and coerce the victim. In one of the incidents at WCC Dian Mutiara, the criminal used the victim's identity and profile photo to create an Instagram account utilizing cloning. As a form of retaliation intended to shame or damage the victim's life in the real world, the dissemination of personal images or films of victims online without their consent constitutes revenge porn. In the Dian Mutiara WCC case, the perpetrator transmitted personal photographs or videos of the victim to the victim's relatives and close acquaintances.

C. Preventive Legal Protection as an Effort to Prevent Electronic-Based Sexual Violence

Since 2002, when WCC Dian Mutiara was established, the parties involved have continued to educate all sectors of society about sexual violence, particularly electronic-based sexual violence. The objective is for the community to comprehend the dangers of sexual violence and how to respond if they or their loved ones become victims. Through radio broadcast programs, outreach, community discussions, case investigations, government cooperation, and the 16 Days of Anti-Violence Against Women (16 HAKTP) campaign, these preventative measures are undertaken.²⁹ The community in question comprises the paralegal community, the WCC Dian Mutiara community, which is dispersed throughout Malang City, Malang Regency, and Batu, as well as previously unknown settlements. Socialization, community discussion, case evaluation, collaboration with the government, and accidental campaigns are the six programs already stated, while Radio Kosmonita Malang transmits once a month.³⁰

D. Repressive Legal Protection for Female Victims of Electronic-Based Sexual Violence

WCC Dian Mutiara seeks legal protection in the form of handling cases involving victims of electronic-based sexual violence. The handling procedure

²⁹ Source: Secondary Data (WCC Dian Mutiara Document)

³⁰ Ina Irawati, *Interview* (Malang, August 11, 2022).

consists of four parts. First, the victim reported the incident to WCC Dian Mutiara by either arriving immediately to the office or phoning the companion to arrange a meeting. During the case reporting procedure, the assistant inquires about the victim and perpetrator's identities, what occurred, when, and where, as well as the complainant's proof. Second, the reporter, who is the victim or victim's representative in this instance, must choose between lawsuit and non-litigation. Third, the victim must create a timeline of events based on what transpired and be armed with photographs for support. For instance, screenshots of the victim and perpetrator's telephone history, social media conversations between the victim and perpetrator indicating aggression, threats, or traps, etc. Fourthly, the WCC analyzes whether or not the victim need the services of a psychiatrist or psychologist. If necessary, the WCC connect the victim with a psychologist or psychiatrist associated with WCC Dian Mutiara.³¹

There are two processes for handling electronic-based sexual violence cases at WCC Dian Mutiara that victims can choose from, namely litigation and non-litigation. In practice, the litigation procedure is more complex than alternative dispute resolution. A minimum of two witnesses are necessary for the litigation procedure, and the police seize evidence for the examination phase. The evidence must be really solid, not simply sufficient. If the complainant's proof is insufficient, the perpetrator is likely to report the victim on the pretense of defamation. Therefore, the victim must meticulously arrange witnesses and evidence to facilitate the inquiry procedure at the police station.³²

Then regarding the non-litigation route, the victim is given the choice to resolve the problem by mediation or non-mediation. If the victim chooses mediation, the assistant of WCC Dian Mutiara tries to reconcile the victim with the perpetrator. Non-litigation is a path that is preferred by victims of electronic-based sexual violence rather than litigation. This is based on two considerations. First, the non-litigation process is much easier than litigation. Second, the victim feels sorry for the perpetrator because in litigation efforts the perpetrator is in touch with the police.³³

³¹ Lucky Endrawati, *interview* (Malang, August 30, 2022).

³² Lucky Endrawati, *interview* (Malang, August 30 2022).

³³ Ina Irawati, *interview* (Malang, August 11, 2022).

When dealing with cases of electronic-based sexual violence, the companion gives complete freedom to the victim regarding the chosen handling efforts. The companion still respects the victim's decision even though sometimes the decision is considered unfavorable. However, if the decision chosen has the intervention of the perpetrator, the companion continues to provide understanding to the victim until the victim's decision is completely objective.

In practice at WCC Dian Mutiara, assistants not only handle cases but also accompany women victims of electronic-based sexual violence according to the needs of each victim. In general, the mentoring process provided can be simplified into three stages. First, provide assistance to the victim to calm down. Second, ensure the victim's digital security. Third, collect evidence and store it neatly. This third stage is carried out if the victim chooses the litigation route to resolve the case.³⁴

Then regarding techniques for assisting victims of electronic-based sexual violence, according to Uyun there are five techniques that can be carried out by assistants. First, read the chronology of electronic-based sexual violence when you are mentally prepared. Second, ensure the victim's mental readiness when telling what happened. Third, interspersed with other activities so that the victim does not feel intimidated. Fourth, the companion tries to convince the victim to have the courage to cut off communication with the perpetrator in cyberspace so that the chain of continuation of violence can be stopped. Fifth, respect the victim's decision, including when the victim decides to drop the case. However, if the decision the victim chooses does not come from himself, for example due to intimidation, WCC Dian Mutiara assistants slowly communicate with the victim to continue the case handling process.³⁵

E. Obstacles in Providing Legal Protection to Female Victims of Electronic-Based Sexual Violence

Based on the results of the study it can be concluded that there were seven obstacles felt by the assistant of WCC Dian Mutiara when providing legal protection for women victims of electronic-based sexual violence. First, the obstacles associated with Dian Mutiara's WCC institution. These constraints

³⁴ Ina Irawati, *interview* (Malang, August 11, 2022).

³⁵ Dhia Al Uyun, *interview* (Malang, September 15, 2022).

include HR, SOP, and financial issues. So far the number of human resources at WCC Dian Mutiara has not increased, but the number of cases has actually increased. To deal with these obstacles, the assistant of WCC Dian Mutiara recruited anyone willing to help. But unfortunately the process of finding new HR is also not easy to do because it is related to the financial stability of prospective members. In another sense, if you want to be a companion at WCC Dian Mutiara, at least you have a permanent job first. Apart from that, other efforts made by the assistant of WCC Dian Mutiara are accepting internships, accepting student research, seeking victims to become agents of advocacy and education for the wider community, and managing several communities including the community of victims of sexual violence. With regard to finances, if there is an urgent need while the WCC's cash is insufficient, for example for the purposes of a post-mortem examination, then the willing companion pays a fee.

Second, constraints related to companions. First, you have to match the mood (mood) with the victim because it's not uncommon for victims to suddenly contact their assistants to consult their case. Second, you must be prepared to talk about things that are often considered taboo, such as discharge from the vagina and how the situation was during sexual intercourse. Third, time constraints. This is because apart from assisting victims of electronic-based sexual violence, the assistants also work to meet their daily economic needs.³⁶

Third, constraints related to victims. The obstacles experienced by the assistant of WCC Dian Mutiara are more often felt when the victim chooses the litigation route to handle her case. This obstacle is manifested by the emergence of doubts in the victim between stopping or continuing the case because of intervention from the family. The background for this intervention was the feeling of pity for the victim's family towards the perpetrator because they were going to have to deal with the police. In facing these obstacles, the assistant of WCC Dian Mutiara continues to try to keep victims going through the process and support victims so they do not get bored in providing understanding to families who are trying to intervene.³⁷

³⁶ Dhia Al Uyun, *interview* (Malang, September 15, 2022).

³⁷ Lucky Endrawati, *interview* (Malang, August 30, 2022).

Fourth, constraints related to the government. The intention of the government here includes the Regional Government (Pemda) and the National Commission on Violence against Women. Obstacles originating from the regional government are the lack of monitoring and perspective of the regional government referral psychologist who sometimes differs from the guiding principle of Dian Mutiara's WCC. Then regarding the National Commission on Violence against Women, the coordination function that is being carried out is still not optimal. There are several reference cases to the National Commission on Violence against Women whose handling is beyond the reach of WCC Dian Mutiara. An example is a case where the victim was domiciled in Malang based on an identity card (KTP), but at that time the victim was living in Papua.³⁸

Fifth, obstacles related to the police. The handling of cases of electronic-based sexual violence by the police is not always carried out optimally. Sometimes companions have to state their identity such as title and position in order to be served well.³⁹ Another obstacle was the confiscation of handphones for the process of examining evidence which took a long time. Meanwhile, the owner of the handphone, in this case the victim or witnesses, also needs the handphone for work, college, communication, and so on. To deal with these obstacles, the assistant of WCC Dian Mutiara tries to collaborate with the police. The goal is that the process of resolving cases in the police can run easily and quickly. Despite WCC Dian Mutiara's principles in handling cases it is in the best interest of the victim, quickly and promptly. But in practice this principle is not easy to implement.⁴⁰

Sixth, constraints related to laws and regulations. The Law on Electronic Transactions (UU ITE) as a legal reference before the Law on Crimes against Sexual Violence (RUU TPKS) was passed has not been able to provide a strong legal umbrella for victims of electronic-based sexual violence. Victims who should be protected often change their status to become suspects. However, since the Law on Crimes against Sexual Violence (RUU TPKS) was passed, this condition has slowly begun to shift. The rights of victims of electronic-based sexual violence are regulated very comprehensively in this law.⁴¹

³⁸ Lucky Endrawati, *interview* (Malang, August 30, 2022).

³⁹ Dhia Al Uyun, *interview* (Malang, September 15, 2022).

⁴⁰ Lucky Endrawati, *interview* (Malang, August 30 2022).

⁴¹ Ina Irawati, *interview* (Malang, August 11, 2022).

Seventh, constraints due to the COVID-19 pandemic. Since the pandemic, the process of handling cases and assisting victims cannot be carried out optimally because there are rules regarding limiting relationships. Efforts made by the assistant of WCC Dian Mutiara to deal with these obstacles are by handling cases and assisting victims of electronic-based sexual violence in a hybrid manner.⁴²

F. Lawrence M. Friedman's Legal System Theory Review

Legal Structure

Basically, the discussion regarding the legal structure is very closely related to law enforcement officials, while WCC Dian Mutiara is an NGO, so it is not part of the law enforcement apparatus in Indonesia. But even so, the participation of NGOs in the process of handling cases of sexual violence is regulated in the Law on Crimes against Sexual Violence (RUU TPKS). In Article 39 paragraph (1):

“Korban atau orang yang mengetahui, melihat, dan/atau menyaksikan peristiwa yang merupakan tindak pidana kekerasan seksual melaporkan kepada UPTD PPA, unit pelaksana teknis dan unit pelaksana teknis daerah di bidang sosial, Lembaga Penyedia Layanan Berbasis Masyarakat, dan/atau kepolisian, baik di tempat korban berada maupun di tempat terjadinya tindak pidana.”⁴³

(Victims or people who know, see, and/or witness events constituting criminal acts of sexual violence report to UPTD PPA, technical implementing units and regional technical implementing units in the social field, Service Providers Based on the Community, and/or the police, both where the victim is and where the crime occurred).

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⁴² Ina Irawati, *interview ra* (Malang, August 11, 2022).

⁴³ Law Number 12 of 2022 concerning Crimes of Sexual Violence. UPTD PPA (Unit Pelaksana Teknis Daerah Perlindungan Perempuan dan Anak) is a regional technical implementation unit for the protection of women and children.

39 paragraph (1) it is stated that victims or people who know, see, and/or witness events constituting criminal acts of sexual violence report to UPTD PPA, technical implementing units and regional technical implementing units in the social field, Service Providers Based on The community, and/or the police, both where the victim is and where the crime occurred.⁴⁴ From the two points presented by Yasin, the analysis in this discussion focuses on the facilities and infrastructure factors.

First, the police. Basically, the facilities and infrastructure owned by the police have been guaranteed by the state. However, in the process of investigating cases of electronic-based sexual violence, victims often complain about the confiscation of evidence, especially handphones. This is because the handphone confiscated by the police is needed by the victim for school, work, and communication matters. The handphone is returned to the victim when the investigation process is complete. While the police investigation process sometimes takes months. Thus, the police should have more sophisticated means to overcome this problem. So that victims who have previously been harmed by the actions of the perpetrator are not further harmed by the police because of the lengthy process of resolving cases.

Second, WCC Dian Mutiara. In the process of handling cases of electronic-based sexual violence, the most common obstacle experienced by the assistant of WCC Dian Mutiara was the lack of human resources and financial institutions. The number of cases handled by WCC Dian Mutiara every year is increasing, but this is not accompanied by an increase in the number of accompanying human resources. It is not uncommon for assistants to feel overwhelmed because it is difficult to divide their time between accompanying victims and doing work that is their responsibility. Although basically they are very enthusiastic when helping to handle cases, physical conditions cannot be forced. To deal with these obstacles, there are four regeneration efforts that have been carried out by the assistant of WCC Dian Mutiara. These efforts include: 1) accepting student interns, 2) accepting students who wish to do research, 3) seeking victims to become agents of advocacy and education for the wider community, and 4) managing several communities including the community of victims of sexual violence. However, the regeneration process

⁴⁴ Muhammad Nur Yasin, *Politik Hukum Ekonomi Syariah di Indonesia* (Malang: UIN-Maliki Press, 2018), 170.

attempted by the assistants does not always run smoothly, especially when the cadres do not have permanent jobs outside of their responsibilities as assistants to victims of violence.

The second problem involves financial institutions. As a non-governmental organization, WCC Dian Mutiara makes it very known that it is not supported by the government. Since its founding in 2002, WCC has continued to serve victims of violence not because of their financial resources, but because of the depth of their relationships with victims and the sincerity of their unpaid volunteers. The ties that have been effectively developed by the mentors extend beyond other mentoring organizations and into a broader arena. Among them are ties with physicians, psychologists, psychiatrists, attorneys, police, criminal law specialists, academics, and government officials. The relationship's strength is ultimately what expedites the case-handling procedure.

Legal Substance

The substance of the law regarding prohibitions and provisions for electronic-based sexual violence crimes has been regulated in the Law on Electronic Transactions (UU ITE), the Pornography Law, and the Law on Crimes against Sexual Violence (RUU TPKS). First, in the Law on Electronic Transactions (UU ITE) the rules regarding prohibition are contained in Article 27 paragraph (1):

“Setiap orang dengan sengaja dan tanpa hak mendistribusikan dan/atau mentransmisikan dan/atau membuat dapat diaksesnya Informasi Elektronik dan/atau Dokumen Elektronik yang memiliki muatan yang melanggar kesusilaan.”⁴⁵

(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).

While the criminal provisions are contained in Article 45 paragraph (1),

“Setiap Orang yang memenuhi unsur sebagaimana dimaksud dalam Pasal 27 ayat (1), ayat (2), ayat (3), atau ayat (4) dipidana dengan pidana penjara

⁴⁵ Law Number 19 of 2016 Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.

paling lama 6 (enam) tahun dan/atau denda paling banyak Rp. 1.000.000.000,00 (satu miliar rupiah)."⁴⁶

(Any person who fulfills the elements referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with imprisonment for a maximum 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah)).

In the view of Endrawati, a victim assistant and criminal law expert at the University of Brawijaya, Article 27 paragraph (1) of the Law on Electronic Transactions (UU ITE) is very capable in regulating electronic-based sexual violence. The article explains that a person can be punished for committing electronic-based sexual violence if the act is done intentionally and against rights. Endrawati is also of the opinion that it is sufficient to use general sentences to read regulations in a law, it does not have to be detailed. The consideration is that changing times allow for the emergence of new cases so that the types of crime further develop. In dealing with the emergence of new modes of crime in the future, the provisions in the Law on Electronic Transactions (UU ITE) are far more comprehensive than the Law on Crimes against Sexual Violence (RUU TPKS).⁴⁷

Irawati expressed a different view, according to her Article 27 paragraph (1) of the Law on Electronic Transactions (UU ITE) has not been able to provide strong legal protection to victims of electronic-based sexual violence. Victims who are supposed to be protected often receive backlash from the perpetrator by using the defamation article, namely Article 27 paragraph (3) of the Law on Electronic Transactions (UU ITE). As a result of using this article, it is not uncommon for someone who was originally a victim to change status as a suspect. However, since the Law on Crimes against Sexual Violence (RUU TPKS) was passed, this condition has slowly begun to shift. The Law on Crimes against Sexual Violence (RUU TPKS) has regulated the rights of victims of electronic-based sexual violence very comprehensively.⁴⁸

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⁴⁸ Ina Irawati, *interview* (Malang, August 11, 2022).

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Second, in the Pornography Law the prohibition rules are contained in Article 4 paragraph (1):

“Setiap orang dilarang memproduksi, membuat, memperbanyak, menggandakan, menyebarkan, menyiarkan, mengimpor, mengekspor, menawarkan, memperjualbelikan, menyewakan, atau menyediakan pornografi yang secara eksplisit memuat: a) persenggamaan, termasuk persenggamaan yang menyimpang; b) kekerasan seksual; c) masturbasi atau onani; d) ketelanjangan atau tampilan yang mengesankan ketelanjangan; e) alat kelamin; atau f) pornografi anak.”⁵⁰

(Everyone is prohibited from producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting, or providing pornography that explicitly contains: a) intercourse, including deviant intercourse; b) sexual violence; c) masturbation or masturbation; d) nudity or impressive display of nudity; e) genitals; or f) child pornography).

Meanwhile, the criminal provisions are contained in Article 29:

“Setiap orang yang memproduksi, membuat, memperbanyak, menggandakan, menyebarkan, menyiarkan, mengimpor, mengekspor, menawarkan, memperjualbelikan, menyewakan, atau menyediakan pornografi sebagaimana dimaksud dalam Pasal 4 ayat (1) dipidana dengan pidana penjara paling singkat 6 (enam) bulan dan paling lama 12 (dua belas) tahun dan/atau pidana denda paling sedikit Rp. 250.000.000,00 (dua ratus lima puluh juta rupiah) dan paling banyak Rp. 6.000.000.000,00 (enam miliar rupiah).”⁵¹

⁴⁹ Dhia Al Uyun, *interview* (Malang, September 15, 2022).

⁵⁰ Law Number 44 of 2008 concerning Pornography.

⁵¹ Law Number 44 of 2008 concerning Pornography.

(Every person who produces, makes, reproduces, reproduces, distributes, broadcasts, imports, exports, offers, trades, rents, or provides pornography as referred to in Article 4 paragraph (1) shall be punished with criminal imprisonment for a minimum of 6 (six) months and a maximum of 12 (twelve) years and/or a fine of a minimum of IDR 250,000,000.00 (two hundred fifty million rupiah) and a maximum of IDR 6,000,000,000.00 (six billion rupiah).

At first look, the language of Article 4 paragraph (1) of the Pornography Law appears broad; yet, upon closer inspection, the substance of this article might be utilized as a pretext to blame the victim, particularly due to the terms creating and making. In a number of instances of electronic-based sexual violence handled by WCC Dian Mutiara, the victim herself produces or creates immoral content in the form of images or films. In some instances, the victims were coerced or duped by the criminal into taking photographs or films, while in other instances, the victims freely took the images or videos. Prior to the occurrence of electronic-based sexual violence, the relationship between the victim and the perpetrator was extremely excellent and close. As a result, it may be inferred that the adoption of the Pornography Legislation as a legal basis for instances involving electronic-based sexual violence does not offer victims with legal certainty; rather, the law exposes victims to the risk of being held accountable as perpetrators.

Third, in the Law on Crimes against Sexual Violence (RUU TPKS), the rules for criminal acts are contained in Article 4 paragraph (1):

“Tindak Pidana Kekerasan Seksual terdiri atas: a) pelecehan seksual non-fisik; b) pelecehan seksual fisik; c) pemaksaan kontrasepsi; d) pemaksaan sterilisasi; e) pemaksaan perkawinan; f) penyiksaan seksual; g) eksploitasi seksual; h) perbudakan seksual; dan i) kekerasan seksual berbasis elektronik.”⁵²

(Criminal acts of sexual violence consist of: a) non-physical sexual harassment; b) physical sexual violence; c) forced contraception; d) forced sterilization; e) forced marriage; f) sexual violence; g) sexual exploitation; h) sexual slavery; and i) electronic-based sexual violence).

Meanwhile, the provisions for electronic-based sexual violence crimes are contained in Article 14 paragraph (1):

⁵² Law Number 12 of 2022 concerning Crimes of Sexual Violence.

“Setiap orang yang tanpa hak: a) melakukan perekaman dan/atau mengambil gambar atau tangkapan layar yang bermuatan seksual di luar kehendak atau tanpa persetujuan orang yang menjadi objek perekaman atau gambar atau tangkapan layar; b) mentransmisikan informasi elektronik dan/atau dokumen elektronik yang bermuatan seksual di luar kehendak penerima yang ditujukan terhadap keinginan seksual; dan/atau c) melakukan penguntitan dan/atau pelacakan menggunakan sistem elektronik terhadap orang yang menjadi obyek dalam informasi/dokumen elektronik untuk tujuan seksual, dipidana karena melakukan kekerasan seksual berbasis elektronik, dengan pidana penjara paling lama 4 (empat) tahun dan/atau denda paling banyak Rp. 200.000.000,00 (dua ratus juta rupiah).”⁵³

(Any person without rights: a) recording and/or taking sexually charged pictures or screenshots against the will or without the consent of the person who is the object of the recording or pictures or screenshots; b) transmitting electronic information and/or electronic documents with sexual content against the will of the recipient aimed at sexual desire; and/or c) carry out stalking and/or tracking using an electronic system against people who are objects in electronic information/documents for sexual purposes, convicted for committing electronic-based sexual violence, with a maximum imprisonment of 4 (four) years and/or a maximum fine of IDR 200,000,000 .00 (two hundred million rupiah)).”

In addition, it is also regulated in paragraph (2) which reads :

“Dalam hal perbuatan sebagaimana dimaksud pada ayat (1) dilakukan dengan maksud: a) untuk melakukan pemerasan atau pengancaman, memaksa; atau b) menyesatkan dan/atau memperdaya, seseorang supaya melakukan, membiarkan dilakukan, atau tidak melakukan sesuatu, dipidana dengan pidana penjara paling lama 6 (enam) tahun dan/atau denda paling banyak Rp. 300.000.000,00 (tiga ratus juta rupiah).”⁵⁴

(In the event that the act referred to in paragraph (1) is carried out with the intention of: a) to extort or threaten, coerce; or b) misleading and/or tricking someone into doing, allowing it to be done, or not doing something, shall be subject to imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of Rp. 300,000,000.00 (three hundred million rupiahs)).

⁵³ Law Number 12 of 2022 concerning Crimes of Sexual Violence.

⁵⁴ Law Number 12 of 2022 concerning Crimes of Sexual Violence.

Compared to the Law on Electronic Transactions (UU ITE) and the Pornography Law, the Law on Crimes against Sexual Violence (RUU TPKS)'s regulations on electronic-based sexual violence are significantly clearer and more specific. In addition to focusing on the punishment of offenders, the Law on Crimes against Sexual Violence (RUU TPKS) also regulates the help provided to victims. The Law on Electronic Transactions (UU ITE) makes no mention of any requirements addressing aid to victims. Then, the Pornography Law's support provisions are limited to minors who are victims or offenders of pornography. In the case handled by WCC Dian Mutiara, however, aid is required not just by children as victims, but also by adults. Articles 26 through 29 of the Law on Crimes against Sexual Violence (RUU TPKS) govern the rules governing the support of victims and witnesses.

In addition, the rules regarding criminal procedural law have also been very well regulated in the Law on Crimes against Sexual Violence (RUU TPKS). Law enforcement officials must have integrity, knowledge, and skills regarding assistance from a human rights and gender perspective when handling cases of sexual violence. Based on these regulations, not all law enforcement officials members can be authorized to resolve cases of sexual violence.⁵⁵ Then, in terms of case handling at WCC Dian Mutiara, the presence of the Law on Crimes against Sexual Violence (RUU TPKS) helped assist the process, especially when the victim chose the litigation route. The Law on Crimes against Sexual Violence (RUU TPKS) makes it easy for victims and witnesses, both of whom can ask the Witness and Victim Protection Agency (LPSK) to provide protection if needed. Victims are also entitled to restitution and recovery services.⁵⁶

Analyzed according to the premise *lex specialis derogat legi generali*, the Law on Crimes against Sexual Violence (RUU TPKS) is a *lex specialis* form of all laws and regulations that control electronic-based sexual violence. In the future, law enforcement officers always utilize the Law on Crimes against Sexual Violence (RUU TPKS) as their primary reference in every case processing procedure. It is desired that the processing of cases of electronic-based sexual violence, particularly at the level of the police, can be carried out properly.

⁵⁵ Sri Wahyuningsih, *interview* (Malang, June 7, 2022).

⁵⁶ Umu Hilmy, *interview* (Malang, October 31, 2022).

In addition, the issue of legal content is evaluated in light of Fuller's belief that there are eight prerequisites for the formulation of laws and regulations in order for their implementation to be effective in people's lives.⁵⁷ First, there must be rules that serve as guidelines in the manufacturing process. The formation of the Law on Crimes against Sexual Violence (RUU TPKS) was guided by Law Number 12 of 2011 concerning the Formation of Legislation (UU PPPU) and in line with the 1945 Constitution of the Republic of Indonesia (1945 Constitution). Second, the rules that are used as guidelines must be announced, they cannot be kept secret. The PPPU Law has been announced through the state gazette and can be accessed by the entire community through the Legal Documentation and Information Network (JDIH) website. Third, rules cannot be retroactive. Not a single case of electronic-based sexual violence was found at the national level or WCC Dian Mutiara who was tried using the Law on Crimes against Sexual Violence (RUU TPKS) before the law was passed. Fourth, the law must be understandable by the people. The provisions contained in the Law on Crimes against Sexual Violence (RUU TPKS) are narrated very clearly and in detail, and are equipped with explanations to make it easier to understand the contents of the law.

Fifth, should not conflict with each other. The articles in the Law on Crimes against Sexual Violence (RUU TPKS) are in accordance with the 1945 Constitution as statutory regulations that are above it. Even the material content on electronic-based sexual violence is clearer than Law on Electronic Transactions (UU ITE) and the Pornography Law because it does not give rise to multiple interpretations. Sixth, it is not permissible to order something that is impossible to do. The order contained in the Law on Crimes against Sexual Violence (RUU TPKS) is a prohibition against committing crimes of sexual violence, these rules are contained in Article 4 paragraph (1) and paragraph (2). The provisions of this article do not indicate an order to do something that is impossible to do. Seventh, may not be changed at any time. The new Law on Crimes against Sexual Violence (RUU TPKS) was promulgated on May 9 2022, and no changes have been made. Eighth, there must be consequences between the regulations announced and implementation in the field. Since the Law on Crimes against Sexual Violence (RUU TPKS) was passed, government

⁵⁷ Khudzaiyah Dimiyati, *Teorisasi Hukum Studi tentang Perkembangan Pemikiran Hukum di Indonesia 1945-1990* (Yogyakarta: Genta Publishing, 2010), 70.

regulations and presidential regulations as technical guidelines for the implementation of the Law on Crimes against Sexual Violence (RUU TPKS) have been worked on by the government in collaboration with various parties. In addition, based on observations at the Batu Polres, the police no longer use the Law on Electronic Transactions (UU ITE) in resolving cases of electronic-based sexual violence, but instead use the Law on Crimes against Sexual Violence (RUU TPKS). This shows an indication that the regulations announced have started to be implemented in the field.

Legal Culture

Discussions about legal culture are closely related to the customs practiced by the community. At this point, the analysis of legal culture is classified into two discussions, namely the legal culture of society and the legal culture of law enforcement officials. The discussion regarding the legal culture of society is divided into four categories, as follows.

First, the legal culture of society in social life. Advances in information and communication technology have brought enormous changes to society. These changes can be seen from the increasing public curiosity about the legal phenomena that occur around them. People are also starting to understand the legal texts that apply in Indonesia, although their understanding is still partial. These two conditions ultimately contributed to increasing public oversight of the performance of law enforcers, especially the police. However, regarding the reporting of a case, most people are still focused on the police. In fact, the report can also be submitted to other institutions that can be asked for assistance, such as NGOs.

Then regarding community support for solving a case, Uyun argues that practice in the community has not run optimally.⁵⁸ In general, society supports the occurrence of sexual violence to be prosecuted, but only until it is supported. When the community is directly involved, for example when asked to be a witness, most of them think again because they consider other things such as jobs and positions. This condition shows that the community's response only stops at providing support to victims, but does not want to take further action. In general, the people around the victims are still conservative and individualistic, they prefer to be in their comfort zone. Some people also ignore

⁵⁸ Dhia Al Uyun, *interview* (Malang, September 15, 2022).

it and consider cases of sexual violence, including those based on electronics, to be trivial. In fact, sexual violence is a crime against humanity.

Second, the culture of society in cyberspace. Community interaction in cyberspace shows that they provide support to victims of sexual violence. In fact, not infrequently this support is able to make cases go viral and be resolved. Nevertheless, the assistant of WCC Dian Mutiara did not recommend that victims of sexual violence share their cases on social media because they are prone to attacks by perpetrators on the basis of defamation. If that happens, the victim is the injured party. The status of the victim quickly changes to that of a suspect. However, when the assistant has explained the consequences but the victim insists on sharing her case via social media, then the final decision is left to the victim.

Third, the legal culture of society in the educational environment. Not a few cases of sexual violence that occurred in educational institutions were suppressed on the grounds of maintaining the good name of the institution. This is one of the influences from the views of the public outside the institution who view an educational institution as good if it is clean from cases of sexual violence. Yet what happened is not necessarily the case. There are times when sexual violence occurs a lot but is covered up so that it is not known by the wider community. Thus, society's views on sexual violence should start to move. The community must also observe how the practice of handling cases of sexual violence is carried out by an educational institution. Is the handling really finished or is it just considered finished so that the good name of the institution is not tarnished?

Fourth, the legal culture of electronic media management. If we observe developments in cyberspace, some media do not dare to expose all cases of sexual violence, especially when the perpetrator is an influential person and has strong power. The freedom of a media in conveying information is one of them influenced by the requests of groups that have power and are close to the perpetrator.

The next section addresses the legal culture of law enforcement authorities. Occasionally, the attitude displayed by law enforcement officers when treating a case of sexual violence is not favorable to the victim. For instance, the legal representative of the criminal apologizes to the victim in the hopes that he would forgive the perpetrator's faults and be ready to drop the

lawsuit. In the meantime, the police, who should be on the victim's side, encourage the offender by urging the victim to forgive him. In addition, the police do not always resolve situations of sexual violence to the best of their abilities. Occasionally, in order for a companion to be served appropriately, he or she must specify his or her occupation and status.

G. Conclusion

During the time period from January 2020 to September 2022, WCC Dian Mutiara handled 42 cases. Of the total number of incidents, there were 48 victims, all of them were female. In the meanwhile, there were 42 perpetrators, including 33 males, 4 women, and 5 people with no known motive.

The legal protection for female victims of electronic-based sexual violence is then implemented through preventative and punitive measures. These preventative measures include of radio broadcast programs, outreach, community conversations, case investigations, government cooperation, and the 16 Days of Anti-Violence Against Women campaign (16 HAKTP). Then, oppressive activities are separated into two distinct categories: litigation and non-litigation.

In terms of legal framework, the facilities and infrastructure for managing instances of electronic-based sexual violence at WCC Dian Mutiara and the police as law enforcement agents are insufficient, according to an analysis based on legal system theory. This is evident at WCC by the shortage of human resources (assistants) and the instability of the financial institutions. In contrast, the police can determine from the victim's complaint at the time of the seizure of evidence in the form of a mobile phone that the victim typically uses for everyday activities. Then an analysis of the substance of the law shows that the rules regarding electronic-based sexual violence have been regulated in Article 27 paragraph (1) and Article 45 paragraph (1) of the Law on Electronic Transactions (UU ITE), Article 4 paragraph (1) and Article 29 of the Pornography Law, as well as Article 4 paragraph (1)), Article 14 paragraph (1), and 14 paragraph (2) of the Law on Crimes against Sexual Violence (RUU TPKS). From a material standpoint, the rules contained in the Law on Crimes against Sexual Violence (RUU TPKS) are far more comprehensive and more accommodating to victims' rights than the Law on Electronic Transactions (UU ITE) and the Pornography Law. In conclusion, a review of legal culture reveals that public oversight of the work of law enforcers, particularly the police, is

growing. The community also responded positively to the victims by providing support. Occasionally, though, the community's awareness of a situation is incomplete, making intervention easier. In the meanwhile, the legal culture of law enforcement personnel is reflected in their responses to the cases they manage. The resolution of incidents of electronic-based sexual violence by the police is not always optimum, and the police's approach is not always sympathetic to the victim.

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