

Revenge Porn: Integral Policy And Public Moral Awareness

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Abstract:

Law Number 12 of 2022 on the Crime of Sexual Violence (TPKS) has specifically regulated online-based sexual crimes, including revenge porn, which has a high crime rate. The crime in the form of revenge porn causes the spread of personal photos or videos of a person containing pornography with the aim of taking revenge. The purpose of this study is to explain that the violence of revenge porn has been regulated in various laws systematically, and explain the integral policy in tackling revenge porn based on public moral awareness. This research uses a statutory approach and a conceptual approach. With descriptive analysis and interpretation of the principles in the TPKS Law to obtain valid research results. The results of the study indicate that (1) revenge porn has been regulated in the Criminal Code, the Pornography Law, the Electronic Information and Transaction Law, and the TPKS Law systematically, and has elements that form a criminal offense. (2) Integral policies that can be taken to tackle revenge porn violence can be done through fostering public legal awareness that forms public moral awareness, considering that revenge porn violence is synonymous with moral crimes. This study found that collaboration is needed from all parties involved in fostering public moral awareness in integral policies, such as schools and hospitals, as well as increasing digital literacy

Keywords: revenge porn; integral policy; moral awareness

Introduction

Law Number 12 Year 2022 on Sexual Violence Crimes (TPKS) has specifically regulated online-based sexual violence¹, but in fact this type of sexual violence experienced a significant upward trend from 2018-2022². This upward trend is reinforced by the high number of social media users in Indonesia, which also has the potential to become a new field for cyber crime³. Data shows that in National Commission for Women's 2023 Annual Report (CATAHU), 869 cases of GBV occurred in Indonesia throughout 2022⁴. One of the online-based sexual violence is

¹ Dinda Nurfitri et al., "Revenge Porn Tidak Mendapat Perlindungan Hak Asasi Manusia," *Advances In Social Humanities Research*, 2023.

² Mela Syaharani, "Jumlah Kasus Kekerasan Berbasis Gender Online Tahun 2022 Menurun, Berapa Totalnya?," goodstat, 2023, <https://goodstats.id/article/jumlah-kasus-kekerasan-berbasis-gender-online-tahun-2022-menurun-berapa-totalnya-3EFTc>.

³ Imelia Sintia, "Analisis Perlindungan Hukum Terhadap Perempuan Sebagai Korban Pornografi Balas Dendam (Revenge Porn)," *Jurnal Ilmiah Mahasiswa Hukum (KIMHUM)* 1, no. 3 (2021).

⁴ Rusti Dian, "Hotline Aduan Penyebaran Konten Intim Dan Kekerasan Berbasis Gender Online," narasi.tv, 2023, https://narasi.tv/read/narasi-daily/hotline-ancaman-revenge-porn#google_vignette.

revenge porn (Non Consensual Intimate Image (NCII)/revenge porn). The crime of revenge porn causes the dissemination of private photos or videos of a person containing pornography without the consent of the individual depicted in the image with the aim of taking revenge⁵. Another interesting thought in the scope of revenge porn violence is that sexual violence, including online-based violence, is often associated with moral crimes⁶, which is related to the moral awareness of the community and the resilience of the community to ward off crime.

So far, studies that discuss revenge porn emphasize more on the aspects of law enforcement related to online-based sexual violence, as well as legal protection for victims. Other writings focus more on sociological and psychological studies. These writings tend to be limited to three topics. First, the protection of victims of revenge porn that has been accommodated in Law Number 12 of 2022 comprehensively, such as the rights of victims, to the provision of restitution for victims⁷, and in Law Number 13 of 2006 jo Law Number 31 of 2014 which emphasizes that victims with the assistance of LPSK are entitled to get their rights back⁸, Second, the criminal liability of the perpetrators of revenge porn can be subject to criminal liability in accordance with the provisions of Article 281 and Article 282 of the Criminal Code (KUHP), Article 45 paragraph (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, and Article 29 of Law No. 44 of 2008 concerning Pornography⁹, and the accountability of the perpetrators of "sexortion" can be punished using the Criminal Code, ITE Law and Pornography Law¹⁰, and third, studies of resilience and victim blaming in revenge porn cases, including factors that influence resilience in survivors¹¹, and the need for policies to address the potential stigma directed at victims of revenge porn¹². From the existing writings, there are not many that discuss the serious threat of revenge porn and integral policies in overcoming it considering that it has experienced an upward trend.

The purpose of this paper is to complement previous writings on revenge porn by explaining that it has become a serious threat in Indonesia as evidenced by the increasing number of reports. In line with that, two questions will be answered in this paper. First, how is violent revenge porn regulated in various laws systematically

⁵ Mega Triutami Sundari, "Victim Blaming Terhadap Penyebaran Konten Video Pornografi Pada Korban Toxic Relationship Dan Balas Dendam (Revenge Porn)," *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat*, 2023.

⁶ Asrianto Zainal, "Kejahatan Kesusilaan Dan Pelecehan Seksual Di Tinjau Dari Kebijakan Hukum Pidana," *Al-'Adl* 7, no. 1 (2014): 138–54, <https://ejournal.iainkendari.ac.id/al-adl/article/view/215>.

⁷ Rahimah Ismah Salimah, "Perlindungan Korban Revenge Porn Dalam Hukum Positif Indonesia," *Jurnal Mahasiswa Indonesia*, 2023.

⁸ Zalabila Armadani and Purnama Sari, "Perlindungan Hukum Terhadap Perempuan Sebagai Korban Tindak Pidana Pornografi Balas Dendam (Revenge Porn)," *Jurnal Magister Hukum Argumentum* 8, no. 1 (2022): 2715–7709.

⁹ Ni Putu and Winny Arisanti, "Pertanggungjawaban Pidana Pelaku Revenge Porn (Pornografi Balas Dendam) Menurut Hukum Positif Indonesia," *Jurnal Kertha Desa*, 2023.

¹⁰ Fikri Chandra Permana, "Pertanggungjawaban Pidana Pelaku 'Sektorsi' Dalam Kekerasan Berbasis Gender Online (KBGO)," *Jurist-Diction*, 2022, <https://doi.org/10.20473/jd.v5i3.35776>.

¹¹ L Wahyuni and N E Saputra, "Resiliensi Pada Penyintas Revenge Porn: Resilience of Revenge Porn Survivors," *Jurnal Psikologi Jambi*, 2022.

¹² Tiffany Lavis Tahlee Mckinlay, "Why Did She Send It in the First Place? Victim Blame in the Context of 'Revenge Porn,'" *Psychiatri, Psychology, and Law* 27, no. 3 (2020): 386–96, <https://doi.org/https://doi.org/10.1080/13218719.2020.1734977>.

along with its elements? Second, how integral policies in tackling revenge porn are based on the moral awareness of society. The two definitions of the problem will be the main study in this paper. The idea of this paper is based on the argument that today revenge porn in Indonesia has experienced a significant increase, one of which is caused by the unlimited use of social media. This increase is a serious threat because the majority of perpetrators and victims of revenge porn are young adults who are the golden generation of Indonesia 2045. In addition, so far, cases related to online-based sexual violence cannot involve only one party but require collaboration from various parties and a multidisciplinary approach to make laws that are just and humane.

The type of research used is normative research using a statutes approach and conceptual approach. Furthermore, in this paper the type of data used is primary legal material in the form of laws and regulations that are studied in more depth, namely Law Number 12 of 2022, Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions, Law No. 44 of 2008 concerning Pornography, and the Criminal Code, and secondary legal material in the form of all publications on law that are not official documents, namely law books including theses, theses, and legal dissertations, and legal journals. The data analysis method uses legal interpretation techniques, namely in the form of historical interpretation by paying attention to the history of the formation of these laws and regulations, systematic interpretation by connecting a law and regulations with the entire legal system, and hermenetic or interpretation of the meaning in a text in interpreting the principles contained in laws and regulations in order to obtain valid research results.

Results and Discussion

Revenge Porn in Positive Law

Carmen M. Cusack in her book Pornography and the criminal justice system, defines that "revenge porn is pornography produced or distributed by intimate partners with the intent of humiliating or harassing the victim, which when translated means revenge pornography is pornography production or distribution by intimate partners with the intent of humiliating or harassing the victim"¹³. Meanwhile, researchers from the Support Group and Resource Center on Sexuality Studies (SGRC) define revenge porn as a form of coercion, threatening someone, generally women, to spread pornographic content in the form of photos or videos that have been sent to the perpetrator, with the aim of embarrassing, destroying lives, or ostracizing. The perpetrators in revenge porn are often former partners¹⁴.

An example of a revenge porn case that has occurred in Pandeglang, Banten is the case of Alwi (22 years old) and IAK (23 years old). In this case Alwi disseminated intimate content of Alwi and IAK to IAK's friends with the aim that IAK would not break off the relationship. The case ended up in court with Alwi being charged with a maximum sentence of 6 years in prison and fined 1 billion rupiah based on Article 45 Paragraph (1) in conjunction with Article 27 Paragraph (1) of Law Number

¹³ Adi Dharmawan and Eman Solaeman, "Tinjauan Yuridis Terhadap Korban Revenge Porn," *Alauddin Law Development Journal* 4, no. 3 (2022): 699–716, <https://doi.org/10.24252/aldev.v4i3.19800>.

¹⁴ Salimah, "Perlindungan Korban Revenge Porn Dalam Hukum Positif Indonesia."

11/2008 on Electronic Information and Transactions¹⁵. Another case related to revenge porn involved Rebecca Kloppe, a young artist whose vulgar footage was spread on social media in 2023 and continued with a report to the Police Criminal Investigation Unit¹⁶.

In positive law, the regulation of online-based sexual violence has been regulated in several laws. Namely in the Criminal Code both in Law Number 1 of 1946 and the National Criminal Code, Law Number 44 of 2008 concerning Pornography, and Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. The articles that regulate are as follows:

1. Article 281 of the Criminal Code (KUHP, Law Number 1 Year 1946)

The article stipulates a maximum imprisonment of 2 years and 8 months or a maximum fine of Rp4.5 million for those who intentionally and publicly violate decency; and intentionally and in front of other people who are there against their will, violate decency. Furthermore, Article 282 of the Criminal Code states the prohibition for people who broadcast, show or paste in public writings, images or objects that are known to violate decency..

2. Article 406 of the Criminal Code (KUHP, Law No. 1 of 2023)

In the National Criminal Code, gender-based sexual violence has been regulated in Article 406 that is punishable by a maximum imprisonment of 1 year or a maximum fine of category II, namely IDR 10 million, for every person who violates decency in public; or violates decency in front of another person who is present without the will of the person present.

3. Article 27 (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 on Information and Electronic Transactions

Article 27 (1) of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions. While the sanctions of the article are in article 45 (1), it is stated that: *‘Any person who fulfills the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp.1,000,000,000.00 (one billion rupiah)’*.

4. Article 44 of Law Number 44 of 2008 on Pornography

Looking at the Law on Pornography, it basically states that every person is prohibited from producing, making, reproducing, duplicating, disseminating, broadcasting, importing, exporting, offering, selling, renting, or providing pornography that explicitly contains, among others: intercourse (including deviant), sexual violence, masturbation (masturbation), nudity or displays that give the impression of nudity, genitals, or child pornography. As for the sanctions regulated in Article 29, which can be imprisoned for a minimum of 6 months and a maximum of 12 years and/or a fine of at least Rp250 million and a maximum of Rp6 billion.

¹⁵ Clementine Kristenesia Bonaparte, “Kasus Revenge Porn Pandeglang: Perspektif Hukum Dan Ancaman Terhadap Pelanggaran Privasi Seksual,” FH UI, 2023, <https://lk2fhui.law.ui.ac.id/portfolio/kasus-revenge-porn-pandeglang-perspektif-hukum-dan-ancaman-terhadap-pelanggaran-privasi-seksual/>.

¹⁶ Aliya Musyriyah Anas, “Revenge Porn & Sextortion: Polemik Yang Dialami Rebecca Kloppe, Bagaimana Negara Melindungi?,” advokatkonstitusi, 2023, <https://advokatkonstitusi.com/polemik-yang-dialami-rebecca-kloppe-bagaimana-negara-melindungi/>.

5. Article 14 of Law Number 12 of 2022 on the Criminalization of Sexual Violence

In the Law on criminal acts of sexual violence, it has been regulated in Article 14 (1) which basically regulates that every person who without the right to record and / or take pictures or screenshots of sexual content against the will or without the consent of the person who is the object of recording or pictures or screenshots can be sentenced to imprisonment for a maximum of 4 years and / or a maximum fine of Rp.200,000,000.

In connection with the systematic regulation of revenge porn in various laws, the elements of the crime of revenge porn can be obtained. The elements or in other literature are referred to as elements. The formulation in the article has two functions. First, as an embodiment of the principle of legality, the second formulation is a show of evidence in the context of criminal procedure law¹⁷. So that when researched more, the elements of revenge porn can be found¹⁸ :

1. The existence of action or behavior Action

Action is an absolute element of a criminal offense or offense. According to Moeljatno, a criminal act is an act prohibited by a rule of law, which prohibition is accompanied by threats or sanctions in the form of certain punishments, for those who violate the prohibition. In this regard, when reviewing the definition of revenge porn expressed by Kirchengast, which states revenge porn as "the sharing of intimate images without the consent of the person depicted"¹⁹, has also explicitly included 'act' in its definition. It should be understood that in the definition there is the phrase 'without consent', which means that the dissemination of images or videos is done without permission or without the knowledge of the party concerned. This point is what makes revenge porn an online-based sexual violence. Based on the analysis of the definition of the crime and the definition of the act of revenge porn and based on the articles that regulate it, it is known that the meaning of the act or behavior in question is to broadcast or distribute. The act is an operational verb that requires a real action, as well as a sign that revenge porn is a completed offense that requires the distribution of images or videos.

2. The existence of the object of the criminal offense

In relation to the object of a criminal offense, it is always associated with the interests to be protected by criminal law itself. The placement of the object is behind the element of behavior because behavior is always related to the object of the crime²⁰. In connection with the act of evenge porn based on the articles that regulate the object of the criminal act, namely images or videos that contain pornography and violate decency, which if spread will cause harm to the party concerned because it has been distributed without permission or without knowledge. The loss in this case can be in the form of material loss or related to dignity or good name.

3. The existence of faults

¹⁷ Eddy O.S Hiariej, *Prinsip Prinsip Hukum Pidana* (Yogyakarta: Cahaya Atma Pustaka, 2016).

¹⁸ Putu and Arisanti, "Pertanggungjawaban Pidana Pelaku Revenge Porn (Pornografi Balas Dendam) Menurut Hukum Positif Indonesia."

¹⁹ Tyrone Kirchengast, "The Limits of Criminal Law and Justice: 'Revenge Porn' Criminalisation, Hybrid Responses and The Ideal Victim," *Unisa Student Law Review* 2 (2016).

²⁰ Adami Chazawi, *Tindak Pidana Pornografi* (Jakarta: Sinar Grafika, 2016).

Fault is a requirement for criminal liability as the principle of "no punishment without fault"²¹. Fault is always related to the inner attitude of the maker or dader in realizing the criminal act. In revenge porn, it is clear in the articles that the form of guilt that exists in the maker is intentional (*dolus*) to disseminate images/video that contain pornography and violate decency. Willfulness (*dolus*) in criminal law has two requirements, namely wanting the act to occur (*willens*), and knowing the act is a criminal offense (*wittens*)²². In revenge porn, the perpetrator has both elements because they want to disseminate the images or videos.

4. The existence of the unlawful nature of the act

Actions can contain the nature of censure, which comes from 2 sources. Formelle wederrechtelijk or against formal law if the act is censured by law, and materiele wederrechtelijk or against material law if the act is censured by the legal consciousness of society²³. Based on this, the nature of unlawfulness is apparent from the formulation of the relevant articles. This is also consistent with the decision of the Supreme Court which emphasizes the inherent unlawfulness of every criminal act or action even though the phrase 'against the law' is not included. Based on the articles regulating revenge porn, the prohibitions referred to have also been contained, so that the nature of unlawfulness also automatically arises.

5. Accompanying circumstances

The accompanying circumstances can indicate how the perpetrator committed a criminal offense, so that things that were previously abstract can become more concrete and clear because they are limited by the way the criminal offense was committed²⁴. In the case of revenge porn, the element of the act is disseminating or distributing pornographic content which is done by broadcasting the content on the internet or social media, with the aim of humiliating, embarrassing, or taking revenge. Based on the description above of the various laws that regulate, it is clear that revenge porn has the elements of a criminal act that can be used as an offense formulation, to be used as a show of evidence in formal criminal law (Criminal Procedure Law).

Moral Awareness in Integral Policy

When examined from the previous discussion, revenge porn has been regulated by several laws and has elements that make up the Act. However, what also needs to be underlined in this discussion is the integral policy that needs to be systematically harmonized so that the regulation of revenge porn is carried out as intended. Integral policy is a harmonization of penal and non-penal policies that not only prioritize the principle of legality but also the principle of benefit.²⁵ . So that this affects how the creation of a policy related to revenge porn must focus on the perpetrators, victims, and build public legal awareness considering the dangers of revenge porn itself.

²¹ Suslianto Suslianto and Ismet Hadi, "Penerapan Asas Tiada Pidana Tanpa Kesalahan Dalam Ketentuan Pasal 78 Ayat (15) Undang-Undang Nomor 41 Tahun 1999 Tentang Kehutanan," *At-Tanwir Law Review*, 2022, <https://doi.org/10.31314/atlarev.v2i2.2028>.

²² Hiariej, *Prinsip Prinsip Hukum Pidana*.

²³ Eddy Irianto Syahputra, "Analisis Yuridis Tindak Pidana Pornografi Yang Disebarluaskan Melalui Media Sosial (Twitter)" (Universitas HKBN Nommensen, 2019).

²⁴ Chazawi, *Tindak Pidana Pornografi*.

²⁵ RR. Putri A. Priamsari, "Kebijakan Integral Penanggulangan Tindak Pidana Penyalahgunaan Narkotika," *Jurnal Hukum Progresif*, 2022, <https://doi.org/10.14710/jhp.10.2.99-111>.

Based on the findings of previous research, revenge porn is often blamed on women^{26 27}, who are actually criminalized. This fact indicates that in society there is a stigma that women are often considered as triggers for sexual violence, such as the use of clothing, make-up, or ways of speaking that are considered seductive until sexual violence occurs. This is also reinforced by the patriarchal culture in society which further exacerbates the situation experienced by women who are often victimized. In a patriarchal culture, men are considered stronger, more powerful, and more entitled to occupy important roles that have constructed a cultural order that favors men over women²⁸. So that if sexual violence occurs, the woman is still considered the guilty party..

Although various laws regulating revenge porn have included the rights of victims, the high number of revenge porn violence has shown that this is still a threat that has the potential to damage the younger generation so that it needs serious attention from various parties to prevent, overcome, and tackle revenge porn. The involvement of all elements of society and the government is an effort to harmonize all interests, and protect the rights of all parties concerned. Given that in revenge porn violence there is a unique power relationship because the majority of perpetrators and victims are lovers²⁹ so it still belongs to the young adult age range.

In connection with this, a structured effort is needed to deal with revenge porn in the current era. The integrated approach is a combination of penal and non-penal approaches. The integrated approach is a rational approach, which in addition to respecting the principle of legality also prioritizes the principle of expediency or utility³⁰. According to Barda Nawawi Arief, the main problem in crime prevention is to integrate and harmonize non-penal (non-criminal law) and penal (criminal law) activities or policies, namely towards suppressing or reducing potential factors for the growth of crime. With this integral policy approach, it is hoped that social defense planning can be successful.³¹

Related to revenge porn, integral policies can be carried out by considering legal culture factors to foster legal awareness. According to Friedmann, "without legal culture, the legal system is inert, a dead fish lying in a basket, not a living fish swimming in its sea"³². Legal culture includes the views, habits and behavior of the community regarding the values and expectations of the applicable legal system, in other words, legal culture is the climate of social thought about how the law is applied, violated or implemented³³. From this description, it can be seen that legal culture is an important element of the enforceability of law in society.

²⁶ Okamaisya Sugiyanto, "Perempuan Dan Revenge Porn: Konstruksi Sosial Terhadap Perempuan Indonesia Dari Perspektif Viktimologi," *Jurnal Wanita Dan Keluarga*, 2021, <https://doi.org/10.22146/jwk.2240>.

²⁷ Tahlee Mckinlay, "Why Did She Send It in the First Place? Victim Blame in the Context of 'Revenge Porn.'"

²⁸ Nanang Hasan Susanto, "Tantangan Mewujudkan Kesetaraan Gender Dalam Budaya Patriarki," *Muwazah* 7, no. 2 (2016), <https://doi.org/10.28918/muwazah.v7i2.517>.

²⁹ Salimah, "Perlindungan Korban Revenge Porn Dalam Hukum Positif Indonesia."

³⁰ M.H. Rini Fathonah, S.H., "Kebijakan Integral Terhadap Penanggulangan Tawuran Antar Pelajar (Studi Kasus Pada Wilayah Hukum Kota Bandar Lampung)," *Universitas Lampung* (2018).

³¹ Barda Nawawi Arief, "Kebijakan Penanggulangan Kejahatan Dengan Hukum Pidana," *Masalah-Masalah Hukum* 2, no. 4 (1982).

³² Lawrence Meir Friedmann, *American Law*, ed. W.W Norton & Company (London, 1984).

³³ Yusri Munaf, *Hukum Administrasi Negara* (Pekanbaru: Marpoyan Tujuh Publishing, 2016).

In addition, fostering legal awareness can also be obtained through education to the community regarding gender-based sexual violence. Patriarchal culture and blaming women who are actually victims are issues that need to be considered and addressed immediately. Although in the law victims get legal protection in several forms such as restitution, compensation, medical assistance, and theoretical legal assistance, it should also be realized that victims of revenge porn are reluctant to report for fear of being blamed by the community, even by law enforcement officials themselves³⁴. This fact is corroborated by the findings of S. Azzahra's research, which states that victims of revenge porn are often blamed by the public for their immoral behavior, despite the fact that they did not intend to spread the information to the public³⁵. It is well known that society's response to revenge porn tends to be victim blaming and slut shaming, which leads to the violation of victims' rights, honor, and security. Slut shaming, according to the Oxford Dictionary definition, refers to a form of social control that stigmatizes women for their sensual and wild behavior.

Building a legal culture in the context of revenge porn is more towards human development. This is related to the interests that are protected, namely decency. The crime of revenge porn is often related to a person's morals so that efforts need to be made to re-ground the values or social norms in society so that people's behavior is directed towards what is a common goal. This thinking is based on the idea that sexual violence is a crime against decency. In drafting a law in the field of decency and sexual harassment, it must be based on the values that live in society³⁶. The habituation of values that live in society is often called habituation³⁷. In habituation, a person will be familiarized to form the character as desired by the policy maker. So that this is a strategy to instill morals for generations taught to the younger generation through cultivation which emphasizes which is right and wrong in absolute terms. This strategy is in line with the findings in the study by Alqadri, et al who emphasized the cultivation of morals as early as possible to form a commendable character³⁸.

In connection with the cultivation of morals in the digital era that cannot be separated from the development of technology that is growing rapidly, and clearly has an impact on human morals. Magnis-Susino says that morals always refer to the good and bad of humans as humans, so that the field of morals is the field of human life seen in terms of its goodness as a human being. In the beginning, law and morals were two aspects that merged in the law of God (Natural Law), before being influenced by the secularization of life which separated the life of the world into the life of the state, and the affairs of the afterlife which became the domain of religion³⁹.

³⁴ Permata Adinda, "Derita Korban Revenge Porn: Trauma Hingga Tak Mendapat Perlindungan Hukum," *asumsi*, 2021, <https://asumsi.co/post/58608/derita-korban-revenge-porn-dari-trauma-hingga-minimnya-perlindungan-hukum/>.

³⁵ Sahira Azzahra et al., "Kajian Literatur : Perlindungan Hukum Terhadap Korban Revenge Porn," *Doktrin* 2, no. 2 (2024).

³⁶ Zainal, "Kejahatan Kesusilaan Dan Pelecehan Seksual Di Tinjau Dari Kebijakan Hukum Pidana."

³⁷ Voni Fitria, Hambali, and Supentri, "Pengaruh Habitiasi Nilai Karakter Tanggung Jawab Terhadap Pembentukan Profil Pelajar Pancasila Siswa Kelas XI SMAN 1 Benai," *Journal on Education*, 2023.

³⁸ Bagdawansyah Alqadri, Edy Kurniawansyah, and Ahmad Fauzan, "Habitiasi Nilai-Nilai Karakter Sebagai Perilaku Anti Korupsi Pada Masyarakat Kajang," *Jurnal Pendidikan Sosial Keberagaman* 8, no. 1 (2021): 10–29, <https://doi.org/10.29303/juridiksiam.v8i1.178>.

³⁹ Salman Luthan, "Dialektika Hukum Dan Moral Dalam Perspektif Filsafat Hukum," *Jurnal Hukum Ius Quia Iustum* 19, no. 4 (2012): 506–23, <https://doi.org/10.20885/iustum.vol19.iss4.art2>.

Immanuel Kant in his theory argues that morals are autonomous so that moral rules are obeyed by humans because of the impulse of their own will (awareness). In law, morals have a function, one of which is as an ethical basis in the formation of legal rules. Moral values, especially the values of virtue in the association of human life must animate and direct the formation of legal rules (laws), which in this case are contained in an integral policy that requires human moral development in it to achieve public moral awareness⁴⁰. Moreover, laws that are not based on morality are unjust laws⁴¹, because the rule of law is born based on thoughts about what is good and what is bad⁴².

In line with technological advances in the digital era, public moral awareness will guide people's behavior by itself in line with moral values in accordance with conscience. Such as obeying the rule of law or in everyday life such as wearing polite clothing, not being rude or saying harsh words, or other behaviors that are not in line with the values that live in society. This is also what will lead people's behavior to legal compliance. Legal compliance itself cannot be considered from one side as a form of community fear of threatening sanctions, but can be considered as community approval by governing legal rules that are in line with conscience or good values. The existence of technology that is growing rapidly, and causes impacts that erode the morals of the younger generation⁴³, can be dispelled by itself if the moral awareness of the community has grown. This is in line with the concept of social defense in integral policy.

The use of integral policies certainly cannot be done by one party alone, but requires collaboration from various related parties to be able to achieve legal objectives in society. Although the TPKS Law has systematically regulated from the prevention stage to recovery by appointing related parties, what needs to be considered together is how prevention efforts can be successful. In this case, the Government, the community, and other related parties such as schools, and hospitals need to work together to create a safe and orderly digital environment by following applicable rules and ethics. Collaboration from various related parties was also agreed by Pratama, et al⁴⁴ in its research findings. Inclusive and sustainable partnerships can also help raise awareness of the challenges and opportunities faced, as well as strengthen capacity to deal with changes that occur in the digital era. This further affirms the equal position of all parties including the community itself to jointly prevent sexual violence revenge porn in open cooperation.

In an individual context, digital literacy awareness also needs to be pursued as much as possible so that a person can understand every action in cyberspace that is dangerous and illegal and can avoid it. And understanding that actions in cyberspace also have the same consequences in the real world can lead to reasoning for the ability to be responsible for every action taken. These findings are also corroborated by

⁴⁰ Luthan.

⁴¹ Jonathan Crowe, *Legal Theory, Second Edition* (Nutshell LawBook Series Co, 2014).

⁴² Eddy O.S Hiariej Zainal Arifin Mochtar, *Dasar-Dasar Ilmu Hukum; Memahami Kaidah, Teori, Asas Dan Filsafat Hukum* (Yogyakarta: Raja Grafindo Persada, 2022).

⁴³ Ade Kurniawan et al., "Krisis Moral Remaja Di Era Digital," *Literaksi: Jurnal Manajemen Pendidikan* 01, no. 02 (2023): 21–25, <https://literaksi.org/index.php/jmp/article/view/9/11>.

⁴⁴ R Pratama, R. A., Sari, R. M., & Effendi, "Transformasi Digital Dan Perkembangan Hukum Di Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 26, no. 1 (2019), <https://doi.org/https://doi.org/10.20885/iustum.vol26.iss1.art1>.

research conducted by Bahram⁴⁵ on the importance of digital literacy. Digital literacy should be a priority in formal and informal education so that people are not technology illiterate and are able to know legal and illegal actions in cyberspace. In the end, public moral awareness can encourage public behavior in accordance with good values and conscience so that it can become a filter for any deviant actions or behavior, including revenge porn violence which has recently become a trend will fade due to the process of internalizing moral values to individuals and society and awareness of digital literacy.

Conclusion

From this research, it is found that it turns out that the integral policy that can be taken in tackling revenge porn violence is to foster public legal awareness that can form public moral awareness, because revenge porn violence is identical to moral crimes, so it requires the collaboration of all parties concerned to be able to overcome it together in order to create social defense. These findings can be a conceptual contribution to criminal law policy in Indonesia by considering non-legal factors such as legal culture to shape community behavior in accordance with social norms and conscience. This research is limited to the type of sexual violence studied, namely revenge porn, and is limited to the approach taken, namely integral policy. The hope for further research is to use different methodologies such as socio-legal to refine the findings of this research so that revenge porn violence can be addressed through an interdisciplinary approach.

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