

# Restorative Justice for Victims of Cyber Sexual Harassment: Realizing Justice for Victims

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**Abstract**

Sexual violence on social media is one of the negative impacts of technological developments. Sexual violence on social media can have both physical and psychological impacts on victims. This study focuses on an analysis of the urgency and orientation of implementing restorative justice in cyber sexual harassment crimes. This research is a normative legal research with a conceptual and statutory approach. The results of the study confirm that the urgency of RJ's approach in cyber sexual harassment crimes is because the characteristics of cyber sexual harassment crimes are the existence of victims' losses both physically and psychologically so that RJ-based law enforcement efforts are needed which emphasize victim recovery as well as perpetrator awareness. The orientation of realizing justice for victims through RJ has actually been facilitated in the TPKS Law. This emphasized that victims have the right to medical, social and mental rehabilitation, social empowerment, compensation, and social reintegration. The guarantee for the fulfillment of victims' rights further emphasizes that the main orientation of the TPKS Law is efforts to recover victims. In addition, the TPKS Law has also formulated an RJ orientation for perpetrators that prioritizes social and medical rehabilitation for perpetrators.

## I. Introduction

Sexual harassment is immoral behavior and is categorized as a criminal act. As a criminal and immoral act, sexual harassment is certainly an act that violates social norms as well as legal norms. The development of technology and information has also increased the space and way sexual harassment through various media and channels available.<sup>1</sup> If in general sexual harassment is carried out factually in the real world, the development of technology and information actually makes sexual harassment carried out through digital media, especially social media.<sup>2</sup> Sexual harassment on social media is a type of sexual harassment that uses social media as a means and place for sexual harassment. Sexual harassment on social media is commonly known as cyber sexual harassment. Simply put, cyber sexual harassment is sexual harassment by utilizing cyber facilities such as social media as a means and place for sexual harassment.<sup>3</sup> Technically, cyber sexual harassment is carried out by sending perverted images, perverted stickers, to messages that have perverted tendencies or sexual patterns. As a result of cyber sexual harassment, those who are sent pictures to perverted messages become uncomfortable and even feel depressed in living their daily lives. The psychological impact of cyber sexual harassment then also has implications for other physical impacts which can certainly interfere with the daily activities of victims of cyber sexual harassment.<sup>4</sup>

Increasingly massive cyber sexual harassment as an implication of technological development requires the role of the state, especially law enforcement officials, to enforce cyber sexual harassment.<sup>5</sup> Legally positive, efforts to enforce cyber sexual harassment have been regulated in laws and regulations such as: Law No. 44 of 2008 concerning Pornography (Pornography Law), Law No. 19 of 2016 concerning Amendments to the ITE Law (ITE Amendment Law), and Law No. 12 of 2022 concerning Sexual Violence Criminal Acts (TPKS Law). Of the various provisions of the legislation, only the TPKS Law has provided provisions regarding the need for recovery efforts for victims of cyber sexual harassment. Article 70 of the TPKS Law actually emphasizes the need for recovery efforts for victims of cyber sexual harassment both before, during, and after the court. The regulation of Article 70 of the TPKS Law is relevant to the idea of restorative justice which is one of the pillars of Indonesian criminal law reform.

Restorative justice (RJ) is a form of criminal dispute resolution based on recovery efforts for victims while preventing criminal offenders from repeating their actions.<sup>6</sup> RJ is a

<sup>1</sup> Pitoyo Feryna Nur Rosyidah, Hadiyanto A. Rachim, "Social Media Trap : Remaja Dan Kekerasan Berbasis Gender Online," *Sosiogloba* 7, no. 1 (2022): 22.

<sup>2</sup> Rendika Azhar Musyaffa and Sofyan Effendi, "Kekerasan Berbasis Gender Online Dalam Interaksi Di Media Sosial," *Kekerasan Berbasis Gender Online Dalam Interaksi Di* 19, no. 2 (2022): 85–93, <https://komunikologi.esaunggul.ac.id/index.php/KM/article/view/507/253>.

<sup>3</sup> Ahmad Hidayah, Yeni Marcelawati, and Hanafi Saputra, "Cyber Harassment: Fenomena Hate Comment Di Era Pandemi Covid-19 Pada Akun Tik-Tok @Y\*\*\*Q," *Jurnal Masyarakat Maritim* 5, no. 1 (2021): 9–17, <https://doi.org/10.31629/jmm.v5i1.3419>.

<sup>4</sup> Alya Muflihatud Dini et al., "Internalisasi Urgensi Pencegahan Pelecehan Dan Kekerasan Seksual Bagi Siswa," *Jurnal Praksis Dan Dedikasi* 5, no. 2 (2022): 88–95.

<sup>5</sup> Kurniati, "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pelecehan Seksual Melalui Media Sosial Dalam Pasal 27 Ayat 1 UU ITE Nomor 19 Tahun 2016," *Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum Sumpah Pemuda* 28 (2022): 91–98, <http://disiplin.stihpada.ac.id/p-issn:1411-0261e-issn:2746-394Xavailableonlineathttp://disiplin.stihpada.ac.id/index.php/Disiplin/article/view/75/79>.

<sup>6</sup> Joko Setiyono Srirejeki and Master, "Formulation of Restorative Justice Concept in Criminal Law Reform," *International Journal of Social Science Research and Review* 5, no. 1 (2022): 159–65.

relevant effort for victims of cyber sexual harassment because victims of cyber sexual harassment require recovery efforts both physical and psychological. This study focuses on the analysis of two legal issues, namely: the urgency of applying restorative justice in cyber sexual harassment and the orientation of restorative justice in cyber sexual harassment as an effort to realize justice for victims. Research related to cyber sexual harassment has actually been carried out by three previous researchers, such as those conducted by: (i) Khoirunisa (2022) who discussed cyber sexual harassment in the context of Article 27 paragraph (1) of the ITE Law.<sup>7</sup>

The advantages of this study have prescriptively discussed the weaknesses in the formulation of Article 27 paragraph (1) of the ITE Law so that revisions are needed to optimize law enforcement in cyber sexual harassment crimes. The weakness of this study has not discussed cases specifically that discuss cyber sexual harassment so that it can be seen how law enforcement officials apply Article 27 paragraph (1) of the ITE Law. The next research was conducted by (ii) Tomo (2022) which discussed legal protection efforts against cyber sexual harassment.<sup>8</sup> The advantage of this study is that it has explained the reasons behind the existence of cyber sexual harassment in society. The weakness of this study has not addressed the form of legal protection for victims of cyber sexual harassment. Further research was conducted by (iii) Indriany and Monica (2023) who discussed efforts to crack down on cyber sexual harassment experienced by children.<sup>9</sup> Keunggulan dari penelitian ini yaitu telah secara khusus memaparkan upaya juridical-empirical countermeasures are in Polda Metro Jaya. The weakness of this study has not provided an analysis of recovery efforts in children after experiencing cyber sexual harassment.

Of the three studies above, research on the RJ aspect of cyber sexual harassment has not been reviewed and analyzed by the three previous researchers. Therefore, this research is an original research.

## Research Methode

Research that discusses the RJ aspect in cyber sexual harassment is a normative legal research that focuses on the analysis of legal concepts and laws and regulations.<sup>10</sup> The primary legal materials used are: the 1945 NRI Constitution, the Pornography Law, the ITE Amendment Law, and the TPKS Law. Secondary legal materials are journal articles, books, and various studies that discuss cyber sexual harassment. Non-legal material is a legal dictionary. The approach used is a concept and legislation approach.

<sup>7</sup> Dela Khoirunisa, "Pelecehan Seksual Melalui Media Sosial Ditinjau Dari Pasal 27 Ayat (1) Undang-Undang Tentang Informasi Transaksi Elektronik," *Jurnal Lex Renaissance* 7, no. 2 (2022): 372–83, <https://doi.org/10.20885/jlr.vol7.iss2.art11>.

<sup>8</sup> Anisha Widi Tomo, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Secara Verbal Dalam Media Sosial," *Justitia* 9, no. 5 (2022): 2640–49.

<sup>9</sup> Khalisa Aliya Indriany and Dona Raisa Monica, "Upaya Penanggulangan Tindak Pidana Pelecehan Seksual Anak Di Media Sosial ( Studi Di Kepolisian Daerah Polda Metro Jaya )," *Inovasi Pembangunan* 11, no. 1 (2023): 87–96.

<sup>10</sup> Rahmadi Indra Tektona Efendi, A'an, Dyah Ochtorina Susanti, *Penelitian Hukum Doktrinal* (Yogyakarta: LaksBang Justitia, 2019).

## II. Results and Discussion

### 1. The Urgency of Implementing Restorative Justice in Cyber Sexual Harassment

Cyber sexual harassment is a criminal act that develops due to the increasingly massive development of technology and information. Regarding the relationship between technological development and the existence of a criminal act, Muladi explained that technological development has a positive and negative impact related to the development of criminal acts.<sup>11</sup> From a positive aspect, technological developments have an impact on efforts to facilitate criminal law enforcement because technological developments can further accelerate and facilitate the process of investigation, investigation, and other law enforcement processes.<sup>12</sup> The role of technology in accelerating a criminal act is one of the positive implications of technological developments in relation to criminal law enforcement. From the negative aspect, technological developments also have an impact on various types of criminal acts that are growing along with technological developments.<sup>13</sup> The development of this increasingly massive and diverse crime which then makes technological developments negatively implicate the development of a criminal act. One of the negative impacts of technological developments on criminal acts is the emergence of cybercrime. Cyber crime is actually a criminal act that occurs and takes place in digital space where digital space is a virtual space formed due to the development of technology and information.<sup>14</sup>

One of the cyber crimes committed by utilizing digital space, especially on social media, is related to cyber sexual harassment. The criminal act of cyber sexual harassment is simply understood as a criminal act by committing elements of sexual harassment carried out in the digital world.<sup>15</sup> The element of sexual harassment in the criminal act of cyber sexual harassment is actually divided into two categories, namely direct and indirect categories. Directly, the crime of cyber sexual harassment is carried out by sending images, photos, to videos that contain elements of sexual harassment.<sup>16</sup> The criminal act of cyber sexual harassment is indirectly carried out through writing or voice messages that lead to the substance of sexual harassment.<sup>17</sup> In general, the criminal act of cyber sexual

<sup>11</sup> Utin Indah and Permata Sari, "Kebijakan Penegakan Hukum Dalam Upaya Penanganan Cyber Crime Yang Dilakukan Oleh Virtual Police Di Indonesia," *Mimbar Jurnal Hukum* 2, no. 1 (2021): 4, [www.mustikaratu.com](http://www.mustikaratu.com).

<sup>12</sup> Aulia Virgistasari and Anang Dony Irawan, "Pelecehan Seksual Terhadap Korban Ditinjau Dari Permendikbud Nomor 30 Tahun 2021," *Media of Law and Sharia* 3, no. 2 (2022): 106-1123, <https://doi.org/10.18196/mls.v3i2.14336>.

<sup>13</sup> Marsekal Taris Ilmamsyah, Andreana Lingga Sekarasri, and Heriyanto Atmojo, "Kampanye Sosial 'Stop Pelecehan Seksual Di Perkantoran,'" *Jurnal Dimensi DKV Seni Rupa Dan Desain* 7, no. 2 (2022): 219-34, <https://doi.org/10.25105/jdd.v7i2.10810>.

<sup>14</sup> Sahat Maruli Tua Situmeang, "Penyalahgunaan Data Pribadi Sebagai Bentuk Kejahatan Sempurna Dalam Perspektif Hukum Siber," *Sasi* 27, no. 1 (2021): 47.

<sup>15</sup> Miftahudin Azmi, "Protection of Human Rights Victims of Sexual Violence through Maqâsid Al-Sharî'ah: A Case in Batu City Indonesia," *Jurnal HAM* 13, no. 3 (2022): 613, <https://doi.org/10.30641/ham.2022.13.613-630>.

<sup>16</sup> Adita Miranti and Yudi Sudiana, "Sexual Harassment of Men and Society's Perspective On Masculinity (Norman Fairclough Critical Discourse Analysis)," *Jurnal Magister Ilmu Komunikasi* 7, no. 2 (2021): 261-76, <http://journal.ubm.ac.id/>.

<sup>17</sup> Intan Diah Permata Ayu and Budiarsih, "Penerapan Hukum Tindak Pidana Pelecehan Seksual Melalui Media Online Di Indonesia," *Court Review* 2, no. 4 (2022): 48.

harassment is indirectly carried out through text messages or voice messages that to the point address sexual harassment, but there are attempts to direct or substantively show intent to the conversation whose essence is an attempt to commit sexual harassment.<sup>18</sup> Both direct and indirect cyber sexual harassment are actually both forms of sexual harassment in the digital world, especially on social media.

Social media is a place for massive sexual harassment, this is based on at least three reasons, namely: first, social media is a place for digital sexual harassment because social media is one of the "new worlds" for society, namely cyberspace which in that world is a place for community interaction as the world in general.<sup>19</sup> The thing that distinguishes between the virtual world and the real world is in the form of interaction, namely if in the virtual world it is done face-to-face or indirectly while in the real world it is done face-to-face or directly. As a new world, social media is also a place for criminal acts such as cyber sexual harassment because it is used by the community to interact in daily life so that it becomes a space for criminal acts to be committed.<sup>20</sup> Second, social media is a place for cyber sexual harassment because social media presents various features that support cyber sexual harassment, such as sending photo and video content and sending voice messages.<sup>21</sup> Some of these features are one aspect that indirectly makes it easier to carry out cyber sexual harassment on social media. Third, even though social media is public, social media also provides private space. This can be seen from the facilities in the form of private chats, private groups, to private special rooms. This special private space makes it easier to carry out cyber sexual harassment because one of the efforts made related to cyber sexual harassment is through personal interaction features and facilities on social media.

From the three reasons for using social media as a place for cyber sexual harassment crimes to be carried out above, it can be concluded that the various features and facilities on social media were originally intended for the effectiveness of communication facilities, but instead there are features and facilities that are actually used for criminal acts such as cyber sexual harassment. In general, there are two main motives for perpetrators of cyber sexual harassment crimes, namely accidentally and intentionally and planned (personal motives).<sup>22</sup> The motive for cyber sexual harassment is inadvertently intended as an act of sexual harassment on social media that is carried out randomly and can threaten anyone. The perpetrator in this case does not set a specific target but directly commits an act of

<sup>18</sup> Sri Wahyuni et al., "Korban Dan/Atau Pelaku: Atribusi Victim Blaming Pada Korban Kekerasan Seksual Berbasis Gender Di Lingkungan Kampus," *Brawijaya Journal of Social Science* 2, no. 01 (2022): 1–17, <https://doi.org/10.21776/ub.bjss.2022.002.01.1>.

<sup>19</sup> Marshelia Gloria Narida et al., "Penyuluhan Tentang Pencegahan Pelecehan Seksual Dalam Media Sosial Kepada Siswa-Siswi SMA Di Jakarta Dan Depok," *Jurnal Abdi Masyarakat Indonesia* 2, no. 1 (2022): 311–20, <https://doi.org/10.54082/jamsi.187>.

<sup>20</sup> Adinda Cahaya Magfirah, Kurniati, and Abd Rahman, "Kekerasan Seksual Dalam Tinjauan Hukum Islam," *Jurnal Cakrawala Ilmiah* 2, no. 6 (2023): 2581–90, <http://bajangjournal.com/index.php/JCI>.

<sup>21</sup> Indah Indainanto, Nurwahyu Julianto, and Ami Saptiyono, "Framing Pemberitaan Kekerasan Seksual 12 Santriwati Di Media Online Dengan Pembigkiaan Gamson Dan Modigliani," *Jurnal Komunikasi* 16, no. 2 (2022): 224–39.

<sup>22</sup> Fianisa Filmanda, Siti Hafsah Budi Argiati, and Ryan Sugiarto, "Dinamika Psikologi Perempuan Penyintas Cyber Sexual Harassment," *Jurnal Spirits* 12, no. 2 (2022): 76–85, <https://doi.org/10.30738/spirits.v12i2.12877>.

cyber sexual harassment that can target anyone on social media. The motive for cyber sexual harassment is deliberately and full of planning is usually done because there is a personal motive in the form of revenge or other motives carried out by targeting certain predetermined targets.<sup>23</sup>

From the two motives above, of course, cyber sexual harassment has an orientation to harm the community so that law enforcement efforts by relevant law enforcement officials are needed. Regulations regarding cyber sexual harassment have actually been regulated in various laws and regulations such as: the Pornography Law, the ITE Amendment Law, and the TPKS Law. Article 4 paragraph (1) of the Pornography Law has actually affirmed the prohibition for the distribution of pornographic content and its sanctions. The weakness of this Pornography Law, the Pornography Law has not formulated the type of dissemination of pornographic content on social media as well as the criminal act of cyber sexual harassment. This can be understood because the purpose of the formulation of the Pornography Law is to prevent and crack down on pornography in general and does not specifically discuss sexual harassment, especially cyber sexual harassment. Article 45 paragraph (1) of the ITE Amendment Law also emphasizes the prohibition on the dissemination of content that violates decency in the digital realm, including social media. Although Article 45 paragraph (1) of the ITE Amendment Law is more futuristic than the Pornography Law related to regulations regarding cyber crimes, Article 45 paragraph (1) of the ITE Amendment Law has also not been able to take substantive action on cyber sexual harassment. This is because Article 45 paragraph (1) of the ITE Amendment Law only affirms the prohibition for the dissemination of content that violates decency which indicates that no party is harmed, only that the content is inappropriate or contrary to humanity in society.

<sup>8</sup> The criminal act of cyber sexual harassment is clearly different from the formulation of the provisions of Article 45 paragraph (1) of the ITE Amendment Law because in the criminal act of cyber sexual harassment there are victims who are harmed and in addition to criminal sanctions, other appropriate sanctions are needed to fulfill the rights of victims who have been harmed due to cyber sexual harassment. The regulations in the TPKS Law are actually substantively more appropriate in enforcing cyber sexual harassment crimes compared to the regulations in the Pornography Law and the ITE Amendment Law. Article 14 paragraph (1) of the TPKS Law expressly regulates the criminal act of digital sexual harassment and is emphasized in Article 14 paragraph (3) of the TPKS Law which confirms that the criminal act of digital sexual harassment is a complaint offense in which there must be a complaint from the victim and then can be used as a criminal act to be followed up by law enforcement officials. The TPKS Law is more appropriate in regulating cyber sexual harassment than the Pornography Law and the ITE Amendment Law based on three aspects, namely: first, the formulation of the TPKS Law has clearly and clearly (lex certa) determines the offense of sexual harassment in the digital realm.<sup>24</sup>

<sup>23</sup> M. Adib Nur Huda Dicky Eko Prasetyo, "Penyadaran Kekerasan Seksual Di Sekolah: Implementasi Moderasi Beragama Dalam Pelajaran Pendidikan Agama Islam Di SMPN 1 Kalitidu, Bojonegoro," *Amorti: Jurnal Studi Islam Interdisipliner* 1, no. 2 (2022): 85.

<sup>24</sup> Eko Nurisman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya

This also strengthens and reinforces aspects of legal certainty. Second, the TPKS Law is oriented towards the implementation of RJ based on the fulfillment of the rights of perpetrators before, during, and after the law enforcement process. RJ's orientation in the TPKS Law is actually a progressive step because it emphasizes the importance of victims' rights to both physical and psychological losses as a result of cyber sexual harassment crimes. RJ's orientation in the TPKS Law is what later became the thing that distinguishes between the TPKS Law and the Pornography Law and the ITE Amendment Law. Third, in its explanation, the TPKS Law emphasizes that one of its orientations is to rehabilitate perpetrators. This aspect is also in line with the conception of RJ, which in addition to being oriented towards recovery towards the victim also emphasizes rehabilitation efforts for the perpetrator so that the perpetrator does not repeat his actions. The superiority of the substance of the TPKS Law compared to the Pornography Law and the ITE Amendment Law is what makes the regulation of cyber sexual harassment relevant crimes regulated in Article 14 juncto Article 70 of the TPKS Law which emphasizes the substance of RJ. RJ is an important effort in law enforcement of cyber sexual harassment.

This is because the characteristic of cyber sexual harassment is the loss of victims either physically or psychologically so that RJ-based law enforcement efforts are needed.<sup>25</sup> RJ, which emphasizes the recovery of victims as well as awareness of perpetrators, is an important effort so that cyber sexual harassment can focus more on the right to recovery of victims as stipulated in the TPKS Law. Based on the description above, the urgency of RJ's approach in cyber sexual harassment because the characteristic of cyber sexual harassment is the loss of victims either physically or psychologically so that RJ-based law enforcement efforts are needed that emphasize victim recovery as well as perpetrator awareness. RJ's approach not only sees criminal sanctions as the main solution and this has relevance to the criminal act of cyber sexual harassment which places efforts to recover victims as well as awareness of perpetrators is the main aspect that must be fulfilled in cyber sexual harassment as stipulated in the TPKS Law.

## **2. The Restorative Justice Orientation in Cyber Sexual Harassment Crime: Realizing Justice for Victims**

RJ is actually the right approach in the criminal act of cyber sexual harassment. Especially for victims of cyber sexual harassment crimes, it has characteristics in the form of physical and psychological losses that must be recovered so that the resolution of cyber sexual harassment crimes does not only emphasize efforts and criminal bases.<sup>26</sup> Recovery and compensation for victims is an important aspect of cyber sexual harassment. This indicates that justice for victims of cyber sexual harassment is fulfilled if the orientation of

Undang-Undang Nomor 12 Tahun 2022," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 170–96, <https://ejournal2.undip.ac.id/index.php/jphi/article/view/13859>.

<sup>25</sup> Virgin Suciyanthi Maghfiroh and Faqihul Muqoddam, "Dynamics of Sexual Harassment on Social Media," in *Proceeding of International Conference of Mental Health, Conference of Mental Health, Neuroscience, and Cyberpsychology*, 2018, 154–62, <https://doi.org/10.32698/25272>.

<sup>26</sup> Sutiani Choirunnisa, "Legal Protection Against Women Victims of Sexual Harassment Through Social Media (Cyberporn)," *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 367–80, <https://doi.org/10.15294/ijicle.v3i3.48266>.

solving cyber sexual harassment crimes is based on recovery and compensation for victims and not only based on aspects of punishment for perpetrators.<sup>27</sup> Judging from the aspect of justice for victims, focusing on prosecuting perpetrators of cyber sexual harassment crimes can actually cause injustice for victims. This is at least viewed from two aspects, namely: first, punishment for perpetrators of cyber sexual harassment cannot guarantee certainty about the deterrent effect for perpetrators.<sup>28</sup> There is a potential that after the conviction is complete, the perpetrator commits further cyber sexual harassment crimes. Second, from the victim aspect, a punishment-oriented approach for perpetrators of cyber sexual harassment is also considered unfair to perpetrators because cyber sexual harassment has an impact on physical and psychological losses experienced by victims.<sup>29</sup> The right approach while ensuring justice for victims is an approach that affirms the fulfillment of victims' physical and psychological rights as an implication of cyber sexual harassment.

Efforts to realize justice for victims of cyber sexual harassment optimally can only be obtained through the RJ approach. RJ in the criminal justice system has three orientations, namely: first, RJ's focus is on recovery and anti-harm for victims. Especially for victims of cyber sexual harassment, RJ is an important aspect because the physical and psychological recovery of victims is the main orientation to be restored.<sup>30</sup> This is certainly relatively more prioritizing aspects of justice for victims than just convicting victims. Second, RJ also focuses on rehabilitating or converting the perpetrator and not repeating his actions.<sup>31</sup> Hal ini relevan dengan tindak pidana *cyber sexual harassment* yang mana ketika pelakuThe criminal act of cyber sexual harassment becomes converted and does not repeat its actions, the perpetrator is expected to be a mentor or a means of modeling for other perpetrators of cyber sexual harassment crimes not to repeat their actions again.

Third, RJ is also oriented towards community involvement in tackling a criminal act. Community involvement in the settlement of RJ means that crime or criminal acts are one of the symptoms and phenomena in the community and with the participation and active role of the community, it is hoped that crimes or criminal acts can be minimized.<sup>32</sup> In relation to cyber sexual harassment, the role and control of the community is important, especially in relation to providing education for family, relatives, and closest relatives about the importance of civility in social media. Social media politeness is indeed a problem in Indonesia because social media tends to be interpreted as a free place and is as

<sup>27</sup> Jane Im et al., "Women's Perspectives on Harm and Justice after Online Harassment," *Proceedings of the ACM on Human-Computer Interaction* 6, no. 2 CSCW (2022), <https://doi.org/10.1145/3555775>.

<sup>28</sup> Muhammad Dicka, "Cybermisogyny: Hate Against Women and Gendertrolling Manifestation on Instagram," *Jurnal Ilmu Komunikasi* 18, no. 2 (2021): 183–200, <https://doi.org/10.24002/jik.v18i2.3381>.

<sup>29</sup> Faith Folusho Olowoniye Mulikat Ladi A. Mustapha, Shuaib Abolakele Muhammed, "Prevalence And Forms Of Online Harassment Among Undergraduates Of A Nigerian University," *Spekta: Jurnal Pengabdian Kepada Masyarakat* 2, no. 1 (2021): 73–82.

<sup>30</sup> Bakti Abdillah Putra, "Students' Reception Towards Sexual Harassment Case Of Gen-Z At A Private University In Depok," *IJAMESC* 1, no. 02 (2023): 35–44.

<sup>31</sup> Tiara Annisa Pri Elja and Universitas, "Teori Keadilan Restoratif (Restorative Justice) Sebagai Upaya Pelindungan Terhadap Anak Yang Berhadapan Dengan Hukum (Studi Penyelesaian Kasus Pidana Anak Di Polres Tanjung Pinang)," *Jurnal Equitable* 7, no. 2 (2022): 194.

<sup>32</sup> Brittany Zakszeski and Laura Rutherford, "Mind the Gap: A Systematic Review of Research on Restorative Practices in Schools," *School Psychology Review* 50, no. 2–3 (2021): 371–87, <https://doi.org/10.1080/2372966X.2020.1852056>.

free as possible for some people.<sup>33</sup> In fact, as in the real world, even in cyberspace, people still have to submit and obey the provisions of existing norms, especially legal norms.

From the three orientations of RJ above, it can be concluded that RJ is relevant to be applied to the criminal act of cyber sexual harassment, especially in efforts to recover and provide compensation for victims. RJ-based victim recovery efforts for victims of cyber sexual harassment have actually been affirmed in Article 70 paragraph (1) of the TPKS Law which affirms that there are rights that must be fulfilled by the state to victims of cyber sexual harassment which include: (i) the right to medical, social, and mental rehabilitation, (ii) social empowerment, (iii) compensation, and (iv) social reintegration. In fact, Article 70 paragraphs (2) and (3) of the TPKS Law also affirm the form of recovery before, during, and after the trial. Judging from the provisions of Article 70 of the TPKS Law above, the RJ aspect has been normatively put forward and used as the main orientation in solving cyber sexual harassment crimes. Therefore, for victims of Article 70 of the TPKS Law, it has actually guaranteed aspects of justice because the RJ conception has been applied.

In addition to ensuring justice for victims, the TPKS Law also seeks to ensure justice for perpetrators of cyber sexual harassment crimes with an orientation in the form of social and medical rehabilitation as stipulated in Article 17 paragraph (2) of the TPKS Law. Based on this description, it can be concluded that the TPKS Law has substantively fulfilled the RJ aspect where from the victim aspect, the formulation in the TPKS Law has guaranteed the rights that must be fulfilled by victims while for perpetrators the TPKS Law has also formulated rehabilitation for perpetrators where victim recovery and rehabilitation for perpetrators are two important aspects of RJ.

#### IV. Conclusion

The urgency of RJ's approach in cyber sexual harassment is because the characteristic of cyber sexual harassment is the loss of victims either physically or psychologically, so RJ-based law enforcement efforts are needed that emphasize victim recovery as well as perpetrator awareness. RJ's approach not only sees criminal sanctions as the main solution and this has relevance to the criminal act of cyber sexual harassment which places efforts to recover victims as well as awareness of perpetrators is the main aspect that must be fulfilled in cyber sexual harassment as stipulated in the TPKS Law.

The orientation to realize justice for victims through RJ has actually been facilitated in the TPKS Law. It is affirmed that victims have the right to medical, social, and mental rehabilitation, social empowerment, compensation, and social reintegration. The guarantee of the fulfillment of victims' rights further emphasizes that the main orientation of the TPKS Law is efforts to recover victims. In addition, the TPKS Law has also formulated an RJ orientation for perpetrators that prioritizes social and medical rehabilitation for perpetrators.

<sup>33</sup> Fidelis P Simamora, Lewister D Simarmata, and Muhammad Ansori Lubis, "Kajian Hukum Pidana Terhadap Perbuatan Pencemaran Nama Baik Melalui Media Sosial," *Jurnal Retenrum* 1, no. 2 (2020): 34.

## References

- Ayu, Intan Diah Permata, and Budiarsih. "Penerapan Hukum Tindak Pidana Pelecehan Seksual Melalui Media Online Di Indonesia." *Court Review* 2, no. 4 (2022): 48.
- Azmi, Miftahudin. "Protection of Human Rights Victims of Sexual Violence through Maqâsidi Al-Shari'ah: A Case in Batu City Indonesia." *Jurnal HAM* 13, no. 3 (2022): 613. <https://doi.org/10.30641/ham.2022.13.613-630>.
- Choirunnisa, Sutiani. "Legal Protection Against Women Victims of Sexual Harassment Through Social Media (Cyberporn)." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 367–80. <https://doi.org/10.15294/ijicle.v3i3.48266>.
- Dicka, Muhammad. "Cybermisogyny: Hate Against Women and Gendertrolling Manifestation on Instagram." *Jurnal Ilmu Komunikasi* 18, no. 2 (2021): 183–200. <https://doi.org/10.24002/jik.v18i2.3381>.
- Dicky Eko Prasetyo, M. Adib Nur Huda. "Penyadaran Kekerasan Seksual Di Sekolah: Implementasi Moderasi Beragama Dalam Pelajaran Pendidikan Agama Islam Di SMPN 1 Kalitidu, Bojonegoro." *Amorti: Jurnal Studi Islam Interdisipliner* 1, no. 2 (2022): 85.
- Dini, Alya Muflihatud, Aanisah Nurul Qomariyah, Adistya Eka, Sis Ardiansyah, Putri Harahap, Ahmad Tirtho, Faidl Huda, Angga Gilang Ramadhan, Universitas Negeri Malang, and Jawa Timur. "Internalisasi Urgensi Pencegahan Pelecehan Dan Kekerasan Seksual Bagi Siswa." *Jurnal Praksis Dan Dedikasi* 5, no. 2 (2022): 88–95.
- Efendi, A'an, Dyah Ochtorina Susanti, Rahmadi Indra Tektona. *Penelitian Hukum Doktrinal*. Yogyakarta: LaksBang Justitia, 2019.
- Elja, Tiara Annisa Pri, and Universitas. "Teori Keadilan Restoratif (Restorative Justice) Sebagai Upaya Pelindungan Terhadap Anak Yang Berhadapan Dengan Hukum (Studi Penyelesaian Kasus Pidana Anak Di Polres Tanjung Pinang)." *Jurnal Equitable* 7, no. 2 (2022): 194.
- Feryna Nur Rosyidah, Hadiyanto A. Rachim, Pitoyo. "Social Media Trap : Remaja Dan Kekerasan Berbasis Gender Online." *Sosioglobal* 7, no. 1 (2022): 22.
- Filmada, Fianisa, Siti Hafsa Budi Argiati, and Ryan Sugiarto. "Dinamika Psikologi Perempuan Penyintas Cyber Sexual Harassment." *Jurnal Spirits* 12, no. 2 (2022): 76–85. <https://doi.org/10.30738/spirits.v12i2.12877>.
- Hidayah, Ahmad, Yeni Marcelawati, and Hanafi Saputra. "Cyber Harassment: Fenomena Hate Comment Di Era Pandemi Covid-19 Pada Akun Tik-Tok @Y\*\*\*Q." *Jurnal Masyarakat Maritim* 5, no. 1 (2021): 9–17. <https://doi.org/10.31629/jmm.v5i1.3419>.
- Ilmamsyah, Marsekal Taris, Andreana Lingga Sekarasri, and Heriyanto Atmojo. "Kampanye Sosial 'Stop Pelecehan Seksual Di Perkantoran.'" *Jurnal Dimensi DKV Seni Rupa Dan Desain* 7, no. 2 (2022): 219–34. <https://doi.org/10.25105/jdd.v7i2.10810>.
- Im, Jane, Sarita Schoenebeck, Marilyn Iriarte, Gabriel Grill, Daricia Wilkinson, Amna Batool, Rahaf Alharbi, et al. "Women's Perspectives on Harm and Justice after Online Harassment." *Proceedings of the ACM on Human-Computer Interaction* 6, no. 2 CSCW (2022). <https://doi.org/10.1145/3555775>.
- Indah, Utin, and Permata Sari. "Kebijakan Penegakan Hukum Dalam Upaya Penanganan Cyber Crime Yang Dilakukan Oleh Virtual Police Di Indonesia." *Mimbar Jurnal Hukum* 2, no. 1 (2021): 4. [www.mustikaratu.com](http://www.mustikaratu.com).
- Indainanto, Indah, Nurwahyu Julianto, and Ami Saptiyono. "Framing Pemberitaan Kekerasan Seksual 12 Santriwati Di Media Online Dengan Pembigkiaan Gamson Dan Modigliani." *Jurnal Komunikasi* 16, no. 2 (2022): 224–39.
- Indriany, Khalisa Aliya, and Dona Raisa Monica. "Upaya Penanggulangan Tindak Pidana Pelecehan Seksual Anak Di Media Sosial ( Studi Di Kepolisian Daerah Polda Metro Jaya )." *Inovasi Pembangunan* 11, no. 1 (2023): 87–96.
- Khoirunisa, Dela. "Pelecehan Seksual Melalui Media Sosial Ditinjau Dari Pasal 27 Ayat (1) Undang-Undang Tentang Informasi Transaksi Elektronik." *Jurnal Lex Renaissance* 7, no. 2 (2022): 372–83. <https://doi.org/10.20885/jlr.vol7.iss2.art11>.
- Kurniati. "Penegakan Hukum Terhadap Pelaku Tindak Pidana Pelecehan Seksual Melalui Media Sosial Dalam Pasal 27 Ayat 1 UU ITE Nomor 19 Tahun 2016." *Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum Sumpah Pemuda* 28 (2022): 91–98. <http://disiplin.stihpada.ac.id/p-issn:1411-0261e-issn:2746-394Xavailableonlineathttp://disiplin.stihpada.ac.id/index.php/Disiplin/article/view/75>

- /79.
- Magfirah, Adinda Cahaya, Kurniati, and Abd Rahman. "Kekerasan Seksual Dalam Tinjauan Hukum Islam." *Jurnal Cakrawala Ilmiah* 2, no. 6 (2023): 2581-90. <http://bajangjournal.com/index.php/JCI>.
- Miranti, Adita, and Yudi Sudiana. "Sexual Harassment of Men and Society's Perspective On Masculinity (Norman Fairclough Critical Discourse Analysis)." *Jurnal Magister Ilmu Komunikasi* 7, no. 2 (2021): 261-76. <http://journal.ubm.ac.id/>.
- Mulikat Ladi A. Mustapha, Shuaib Abolakale Muhammed, Faith Folusho Olowoniye. "Prevalence And Forms Of Online Harassment Among Undergraduates Of A Nigerian University." *Spekta: Jurnal Pengabdian Kepada Masyarakat* 2, no. 1 (2021): 73-82.
- Musyaffa, Rendika Azhar, and Sofyan Effendi. "Kekerasan Berbasis Gender Online Dalam Interaksi Di Media Sosial." *Kekerasan Berbasis Gender Online Dalam Interaksi Di* 19, no. 2 (2022): 85-93. <https://komunikologi.esaunggul.ac.id/index.php/KM/article/view/507/253>.
- Narida, Marshelia Gloria, Chontina Siahaan, Yemima Agustini Sinaga, Laras Nadiananda Iswari, and Tiko Sihotang. "Penyuluhan Tentang Pencegahan Pelecehan Seksual Dalam Media Sosial Kepada Siswa-Siswi SMA Di Jakarta Dan Depok." *Jurnal Abdi Masyarakat Indonesia* 2, no. 1 (2022): 311-20. <https://doi.org/10.54082/jamsi.187>.
- Nurisman, Eko. "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022." *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 170-96. <https://ejournal2.undip.ac.id/index.php/jphi/article/view/13859>.
- Putra, Bakti Abdillah. "Students' Reception Towards Sexual Harassment Case Of Gen-Z At A Private University In Depok." *IJAMESC* 1, no. 02 (2023): 35-44.
- Simamora, Fidelis P, Lewister D Simarmata, and Muhammad Ansori Lubis. "Kajian Hukum Pidana Terhadap Perbuatan Pencemaran Nama Baik Melalui Media Sosial." *Jurnal Retenrum* 1, no. 2 (2020): 34.
- Situmeang, Sahat Maruli Tua. "Penyalahgunaan Data Pribadi Sebagai Bentuk Kejahatan Sempurna Dalam Perspektif Hukum Siber." *Sasi* 27, no. 1 (2021): 47.
- Srirejeki, Joko Setiyono, and Master. "Formulation of Restorative Justice Concept in Criminal Law Reform." *International Journal of Social Science Research and Review* 5, no. 1 (2022): 159-65.
- Suciyanti Maghfiroh1, Virgin, and Faqihul Muqoddam. "Dynamics of Sexual Harassment on Social Media." In *Proceeding of International Conference of Mental Health, Conference of Mental Health, Neuroscience, and Cyberpsychology*, 154-62, 2018. <https://doi.org/10.32698/25272>.
- Tomo, Anisha Widi. "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Secara Verbal Dalam Media Sosial." *Justitia* 9, no. 5 (2022): 2640-49.
- Virgistasari, Aulia, and Anang Dony Irawan. "Pelecehan Seksual Terhadap Korban Ditinjau Dari Permendikbud Nomor 30 Tahun 2021." *Media of Law and Sharia* 3, no. 2 (2022): 106-1123. <https://doi.org/10.18196/mls.v3i2.14336>.
- Wahyuni, Sri, Siti Nurbayani, Ilma Kesumaningsih, and Dinar Hargono. "Korban Dan/Atau Pelaku: Atribusi Victim Blaming Pada Korban Kekerasan Seksual Berbasis Gender Di Lingkungan Kampus." *Brawijaya Journal of Social Science* 2, no. 01 (2022): 1-17. <https://doi.org/10.21776/ub.bjss.2022.002.01.1>.
- Zakszeski, Brittany, and Laura Rutherford. "Mind the Gap: A Systematic Review of Research on Restorative Practices in Schools." *School Psychology Review* 50, no. 2-3 (2021): 371-87. <https://doi.org/10.1080/2372966X.2020.1852056>.

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