Legal Protection Of Women Victim Online Gender-Based Violence (KBGO)

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Abstract
Violence today does not only occur in the real world, but with the development of internet technology, it opens up opportunities for perpetrators to commit acts of violence by utilizing the internet, known as online gender-based violence (GBV). KBGO is more vulnerable to women and children, which not only causes suffering for victims physically, psychologically and even economically. The rights of victims have been deprived and their interests have been harmed by the perpetrators, so victims really need legal protection so that their rights are restored and their interests can be protected. Legal protection for victims of violence is provided by considering the losses suffered by victims, namely in the form of material and immaterial losses. Legal protection for women victims of online gender-based violence (KBGO), not only imposes punishment on the perpetrators of violence in the form of imprisonment and/or fines, but also provides the rights of victims who have been deprived and whose interests have been harmed by the actions of the perpetrators. The punishment that can be imposed on the perpetrators of violence has been regulated in Law Number 12 of 2022, including in the provisions of Article 14 and Article 15, with imprisonment and/or fines, even restitution, imposition of additional punishment or measures in the form of rehabilitation for the perpetrators, as stipulated in Article 16 and Article 17 of Law Number 12 of 2022. For legal protection of the rights of victims of violence, among others, it is regulated in Article 66 to Article 70 of Law Number 12 of 2022, which includes the right to handling, the right to protection and the right to recovery.

I. Introduction

The development of science and technology, especially in the field of information technology with the existence of the internet, not only makes it easier for humans to carry out their activities, such as facilitating communication, accessing information, shopping, providing public services and so on, but on the other hand it also has negative impacts that are very dangerous for humans. , namely the emergence of various crimes in cyberspace.

The rapid development of information and communication technology has also changed the distance or relationship between one country and another, making it seem as if it had become borderless. Apart from that, the development of information and communication technology has also brought about very rapid changes in the social, economic, and cultural fields. The positive and negative impacts brought by the development of information and communication technology show that information and communication technology is like a double-edged sword because, on the one hand, it can provide benefits for improving economic welfare and the progress of human civilization, on the other hand, can be a means of committing unlawful acts (Ramli, 2004).

The development of information and communication technology has brought changes to human civilization in the digital era. The digital era here refers to an era where digital technology and the internet have been integrated with everyday human life. Currently, with the use of internet technology, social interactions are increasingly carried out via digital platforms. This convenience also has significant risks, especially for vulnerable groups, such as women and children. Women and children are often victims of violence in the digital space, and one form of action that violates the law and has become an increasingly worrying phenomenon in the current digital era is online gender-based violence (KBGO).

The definition of online gender-based violence in terms of terminology, put forward by Zarizana Aziz, is that; "Acts of gender-based violence 'committed, abetted or aggravated' in part or fully by the use of information and communication technologies, such as cyberstalking; accessing or disseminating a woman's private data (through hacking); identity theft or doxxing" (Shodiq, 2022). The free translation is: "Acts of gender-based violence committed in collusion or aggravated in part or in whole by the use of information and communication technologies, such as cyber stalking; accessing or disseminating women's data (through hacking); identity theft or doxxing".

Based on this understanding, online gender-based violence is an act of violence committed in part or in whole using internet technology that results in physical, emotional, or psychological harm to victims, especially women and children.

Acts of violence are indeed common in society, even victims, both women and children, have lost their lives as a result of these actions. The frequent occurrence of violence against women proves that protection for women is still fragile. This is because there are still some people who hold patriarchal views and gender stereotypes that consider women as objects, even more sadly women who become victims are considered as triggers for violent crimes.

The perpetrators of violence consider themselves as the party that has a stronger position and dominance than the victim, so they are able to behave or act badly towards the victim. There are also still some communities or environments that normalize acts of violence for various reasons, such as to educate them to be obedient or compliant, which of course will have an impact on the victim, especially in terms of psychology which can make the victim become insecure, easily afraid when dealing with other people, depressed and so on. Whatever the form of the act of violence, it has a very bad impact on the victim who should be the party that must be protected by the perpetrator.

The causes of gender-based violence include injustice or abuse of power as a result of unequal power relations from unequal gender construction. This unequal or equivalent gender construction can be seen for example in the household, where in their role, women are required to carry out domestic tasks, such as taking care of the household and children, while the man's job is to earn a living. This unequal gender construction has created injustice and limited the potential for individuals to develop.

Unbalanced gender construction will eventually give rise to detrimental stereotypes, such as the view that women are weak and men are strong, which reinforces gender inequality (Kayus Kayowuan Lewo Leba, 2023). Gender inequality then gives rise to gender-based violence, where women become victims of violence, whether physical, sexual or emotional. In the relationship between women and men, it can also trigger violence because of the imbalance of power that leads to controlling behavior and violence from the dominant party.

Violence that initially only occurred in the real world, has spread to cyberspace, due to the increasing use of internet technology and social media as mentioned. Not a few acts of violence committed by perpetrators continue in cyberspace with the aim of intimidating victims, so that victims are harmed psychologically. Forms of violence that occur online or in cyberspace include verbal harassment, cyberbullying, and sexual exploitation. Perpetrators can use anonymity in cyberspace to continue their aggressive behavior. It can also happen that online violence continues in the real world. When online violence turns into violence in offline spaces, such as abuse, physical impacts such as injury and death can occur (Lintang, Blandina, Farhanah dan Ningtyas, 2022).

The actions of perpetrators of online gender-based violence are a form of immoral, wrong, and unlawful acts (Jawade Hafidz Arsyad, 2013), so the perpetrators' actions must be accounted for as a form of legal protection for the victims, and also for the victims, ' rights that have been taken away and their interests that have been harmed by the perpetrators need to be restored.

2. Research Method

This research is normative legal research, which uses data in the form of legal materials (either in the form of laws and regulations, law books, law journals, opinions of scholars, and so on), or library research (Muhaimin, 2020). The specifications of this research have an analytical descriptive nature, namely that this research is carried out to obtain a detailed and systematic description or explanation of the problems being

studied, which in this case are related to legal protection for women victims of online gender-based violence (KBGO). The analysis in this study is based on the results of the research which are facts obtained to answer the research problems and provide conclusions on the results of the research as answers to the problems raised (Soekanto, Soerjono dan Mamuji, 2012).

The data used in this study is the type of legal research used, namely in the form of secondary data. This secondary data is data obtained from library studies, which are in the form of legal materials, both primary legal materials (Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence), secondary legal materials (books from legal circles, research results, and so on), and tertiary legal materials (Indonesian dictionary).

Based on the data used in this study in the form of secondary data, this study uses a data collection technique in the form of a literature study. A literature study is a review study of books, research results, journals, literature, notes, or other sources (from the internet, newspapers, and others) related to the problems being studied, which are identified systematically, and then the information is analyzed by the research topic. The secondary data that has been collected is then analyzed using qualitative data analysis methods, from the stage of compiling and categorizing the data obtained to understand its meaning, which is then processed and produces descriptive data, and conclusions are drawn by the problems being studied (Nazir, 2003).

3. Results and Discussion

a. Legal Protection

Protection means protecting or guarding something from threats or vulnerabilities, and that something can be an interest, object, or good. Protection also means providing protection to someone who has a weaker position (Sudrajat, 2020).

The definition of law according to E.M. Meyers is all forms of regulations that contain moral values and are aimed at human behavior that interacts in society, as well as a guide for the government in carrying out its duties and obligations (Juhaya S. Praja, 2011).

Based on the understanding of protection and law, legal protection can be interpreted as an effort with full awareness carried out by the government, which aims to provide a sense of security, the ability to provide protection and strive for society to live more prosperously in harmony with human rights so that legal protection itself cannot be separated from the function of law to provide protection for human interests (Sudrajat, Tedi dan Wijaya, n.d.).

Philipus M. Hadjon defines legal protection as an act to protect or provide assistance to legal subjects through legal instruments. Legal instruments here refer to the components of the legal system, namely legal structure (Hadjon, 2011) (institutions or law enforcement officers), legal substance (statutory regulations), and legal culture (legal awareness of the community as well as attitudes and behavior of law enforcement officers in carrying out their duties and functions (Hadjon, 1987).

Furthermore, Philipus M. Hadjon stated that legal protection is a form of protection of dignity and honor, as well as respect for human rights owned by legal subjects in accordance with applicable laws from arbitrary actions, or is a collection of

regulations or rules aimed at providing protection for one thing from another.

Legal protection of dignity and honor is an effort to recognize and respect human values. Protection in this legal context aims to provide certainty for everyone to be respected and treated fairly, without discrimination.

b. Women as Victims

Understanding the concept of women is closely related to human psychological and physical issues. The definition of women in a psychological or gender context is the feminine nature that exists in a person, while the definition of women in a physical context refers to one of the sexes identified through the presence of reproductive organs, such as the uterus, ovum, and breasts (Marwing, 2021). The difference between men and women in terms of physicality is the fact that women can menstruate, get pregnant, give birth, and breastfeed, although not all women experience this (Nurhayati, 2018).

In general, women are considered weak individuals who are in great need of protection. Weak here is not only seen in terms of reason but also seen in terms of strength and feelings. Women are often victims of crime, especially violent crimes, whether physical, psychological, sexual, or even online gender-based violence.

The definition of victim according to UN-MU Resolution 40/34 is as follows: “Victims means person who, individually or collectively, have suffered harm, including physical or mental injury emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power”(Mahmutarom, 2009).

It can be freely translated that: “Victims mean persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power”.

The definition of a victim according to Article 1 number 3 of Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims, namely: "A victim is a person who experiences physical, mental, and/or economic suffering caused by a criminal act".

As mentioned, women are very vulnerable to becoming victims of crime. Women as victims of crime is a complex issue, covering various social, psychological, and legal aspects. The impact that must be borne by women as victims of crime, is not only the physical, psychological, and even financial impacts, but as victims, women still get a bad stigma from society because of the public's view that the victim is the cause of the crime (for example in sexual violence, victims are often blamed because of the way they dress), so that this stigma also has a bad impact on the psychological condition of the victim.

This bad stigma against women victims of crime cannot be separated from the culture of society which still places women in a subordinate position, in addition to the sensational representation in the media, both mass and electronic media, strengthens the bad stereotype of women as victims.

The increasing cases of sexual violence against women and children victims, which not only occur in the real world but also cyberspace, are because social media

provides space for violence to occur, such as through private messages and public comments. On social media, even television shows, show or present sexual violence in the form of films, music, and so on, so that it increasingly reduces sexual violence, which ultimately society considers as something normal.

Legal protection for women victims of online gender-based violence (KBGO) is very important and urgent in providing certainty in obtaining a sense of security, receiving fair treatment as individuals and as part of society, and receiving recovery as victims.

In cases of online gender-based violence with women as victims, legal protection for victims is part of the effort to enforce criminal law, which is included in social policy as a joint effort to improve social welfare (social welfare policy) and community protection policy (social defense policy) that accommodates the rights of victims (Indah S., 2019). Se¬parovic stated that: "The rights of the victim are a part of the concept of human rights" (in essence, protection for victims is a form of protection of human rights) (*Ibid*, n.d.-a).

The human rights of women victims of online gender-based violence include the right to equality and non-discrimination, the right to live free from violence, the right to privacy, the right to legal protection, the right to justice, and so on. Respect and protection of these human rights are efforts to reduce and overcome criminal acts of violence in any form, as well as efforts to improve the welfare and justice for women victims of criminal acts of violence, which of course these efforts require support not only from the government, but also the need for contributions from the community to ensure that these rights are upheld and fulfilled.

c. Online Gender-Based Violence (OGV)

Gender-based violence is a global public health problem and a form of human rights violation, which is also a characteristic of a humanitarian crisis (Bhuvanendra dan Holmes, 2014). The United Nations (UN) General Assembly also characterizes gender-based violence as a form of discrimination and a violation of human rights. Furthermore, the International Rescue Committee 2007 defines gender-based violence as any act carried out intentionally, which causes harm to others, due to the power gap formed by gender roles, involving women and girls as victims(*Ibid*, n.d.-b).

The United Nations Human Rights Council Resolution Number 32/13 of 2016 concerning the Promotion, Protection, and Enjoyment of Human Rights on the Internet, states the importance of protecting human rights both in real life (offline) and in the realm of cyberspace (online) (Rahmawati, Maidina dan Saputri, 2022).

It can be said here that online gender-based violence is an act of violence facilitated by the internet. Online gender-based violence is one form of gender-based violence. The Association for Progressive Communications (APC) states that online gender-based violence is gender-based violence that is carried out with the support or either partially or completely exacerbated by the use of information and communication technology (ICT), such as mobile phones, the internet, social media platforms, and e-mail (Lintang, Blandina, Farhanah dan Ningtyas, 2022).

Online spaces provide opportunities for the emergence of new forms of violence, such as online harassment, doxing, the spread of sexual content, and even threats of rape. The concern is that online gender-based violence will spread in the real world. Online gender-based violence is a phenomenon that occurs in an online scope or realm and is also a reflection of the patriarchal structure that allows men (in many cases) to assume that they have the right to harass women and people of diverse genders online (*Ibid*, n.d.-b).

There are several forms of online gender-based violence, including (Rahmawati, Maidina dan Saputri, 2022):

1) Online surveillance/cyber stalking/stalking and monitoring;
2) Cyber harassment/harassment/networked harassment (threats of rape or death);
3) Image-based sexual abuse/non-consensual distribution of intimate images/non-consensual pornography (or revenge porn)/malicious distribution, can also be in the form of sexting;
4) Voyeurism/creepshots;
5) Sexploitation;
6) Sextortion (sexual extortion);
7) Documenting or broadcasting sexual violence;
8) Synthetic media/morphing (artificial media);
9) Public disclosure of private information/doxing;
10) Defamation and misrepresentation (insults and slander);
11) Impersonating/imitating someone's identity;
12) Hate speech;
13) Hacking;
14) Recruitment;
15) Online gender-based violence against children.

These forms of online gender-based violence show that acts of violence that occur in cyberspace can appear in various forms, with serious impacts on victims, most often experienced by women and children, especially on the mental health and well-being of victims (Wahid, Abdul dan Labib, 2005).

4. Discussion

Criminal acts or crimes are bad deeds that also have bad impacts, not only for the perpetrators but also for the victims, society, and the state. In the perpetrators who commit crimes, it is caused by low awareness of implementing applicable legal regulations, dissatisfaction with the life they live, environmental influences, because of pressing needs, and so on.

Van Bammelen stated that crimes or criminal acts are any actions that have an uncivilized nature (immoral), actions that are not by norms or rules, causing chaos and unrest in the life of society so that society has the right to denounce, react or reject such actions. Society has the right to oppose all forms of crime that occur in society, because these crimes are included in acts that are against the law, besides that they are also a form of violation of human rights, such as social, and economic rights, and so on

(Nitibaskara, 2001).

Crimes that occur in this world are increasingly developing both in quantity and quality. Crimes that were originally only conventional, but with the development of science and technology, the modus operandi and the equipment used are increasingly varied and increasingly sophisticated, so that it can also complicate the process of proof in court, even the advancement of information and communication technology has created a new space for crime, known as cybercrime, and the types of crimes in cyberspace are various, such as phishing, hacking, malware, and so on.

Not only does it have implications for the development of crime, the advancement of science and technology, especially the internet, also influences the progress of community civilization, population growth, community construction, changes in social and cultural values, and this also influences and has its own consequences for the motives, nature, patterns, frequency, intensity and modus operandi of crime.

For example, along with the development of technology, especially the internet and social media, the form of violent crimes or violent crimes against women has changed. With the existence of internet technology, perpetrators now have a new platform to carry out acts of violence, both directly and indirectly, which is then referred to as online gender-based violence (KBGO). Online gender-based violence or electronic sexual violence is a form of non-conventional crime, and this crime is currently rampant and is carried out online/cyber (Saimima, Ika Dewi Sartika; Harahap, Hamida Syari dan Pertiwi, 2022).

The definition of violence itself, according to Wahid and Irfan, is an act that causes injury, disability, illness, or physical suffering experienced by another person, due to coercion and without the consent of the victim, while Mansour Fakih defines violence as a form of physical or mental attack that has an impact on a person's psychological condition.

Violence in general can be said to be an act that hurts a person physically and mentally, and this act is carried out directly by the perpetrator to the victim. This is different from online gender-based violence which is carried out by the perpetrator via the internet, and can even continue into the real world.

Online gender-based violence crimes, one of which is the distribution of pornographic videos carried out using internet media facilities, are cases that often occur in Indonesia. The perpetrators distribute pornographic video content by hacking someone's data (the victim), even the perpetrators can be people close to the victim, such as ex-husbands, ex-boyfriends, or friends. Internet media security for women is still very minimal, where the security of personal data should be a priority for the state to protect (Saimima, Ika Dewi Sartika; Harahap, Hamida Syari dan Pertiwi, 2022).

This online gender-based violence is the same as acts of violence that often occur, namely physical, psychological, sexual, and even economic violence, but is carried out by utilizing information and communication technology (ICT). Violence against women and children is an act carried out with a specific purpose, resulting in harm to the victim, and resulting in or potentially causing physical, sexual, or psychological suffering or the victim. This online gender-based violence has the aim of controlling, dominating, or

pressuring the victim to obey the perpetrator's wishes.

The category of gender-based violence according to the Violence Against Women Map includes acts of violence against a person's physical body, mental abuse, and sexual violence. Acts in the form of violence against the victim's physical body carried out by the perpetrator include slapping, beating, pulling hair, pushing the victim roughly, stepping on, kicking, strangling, throwing objects at the victim, torture using sharp objects, or burning/dousing with chemicals to scare the victim, and coercion to fulfill the perpetrator's sexual desires. Violence is a form of mental torture, namely carried out by the perpetrator with harsh words, insults, and insults that are carried out continuously by the perpetrator to lower the victim's self-esteem, in addition to shouting and intimidation that causes fear for the victim. In addition, the perpetrator also gives a prohibition so that the victim does not leave the house or the victim is restricted in his movements so that the victim obeys the perpetrator's wishes.

Acts of violence are a constant threat to women as victims, wherever and whenever. This violence is: "The threat, attempt, or use of physical force by one or more people that results in physical or non-physical harm to one or more" (Siregar, Hairani; Thamrin, Husni; Ritonga, Fajar Utama dan Suriadi, 2022). This means that violence is a form of threats and attempts by someone to use physical violence against one or more people, resulting in physical or non-physical damage to one or more people (Martha, 2003).

The problem of gender-based violence against women and children as victims is a comprehensive problem related to human rights and gender inequality. This gender inequality creates conditions where one gender (usually women) is considered to have a lower position, is worthless, or has fewer rights than the other gender (men) so that conditions like this provide opportunities for violence to occur, even society normalizes acts of violence against women, and victims are still considered the cause of the problem (stigma towards victims). Several forms of gender-based violence include domestic violence (KDRT), sexual harassment, rape, and so on. The cases of violence in society are an iceberg phenomenon because they do not fully describe the number of cases that occur in society. Not all cases of violence are reported by victims, because some people consider instances of violence against women to be a disgrace that should not be known to the general public, and are domestic problems within the household sphere that are not appropriate for other people to know about (Irianto, Sulistyowati dan Nurtjahjo, 2020).

Online gender-based violence that is carried out using internet facilities, the impact is not much different from acts of violence that occur in cyberspace, it's just that if the act of violence is carried out in cyberspace, the psychological impact on the victim is even more severe, because of the feeling of fear and even shame that occurs. It can make the victim want to end his life. An example is acts of sexual violence in cyberspace, often referred to as cybersexual harassment. This act of violence is sexual, which is certainly not desired by the victim, while the impact it causes is fear, shame, discomfort, and can even cause depression for the victim due to threats from the perpetrator on digital media. An example is revenge porn, where the perpetrator deliberately distributes private photos or videos of a sexual nature without the victim's consent, to

get the victim to comply with the perpetrator's wishes or aim to take revenge on the victim (Rosida, Luluk; Putri, Intan Mutiara; Silmia, Esi Putri dan Ismiyatun, 2021).

Sexual crimes that occur either in the real world or cyberspace, not only against women but also children can become victims (Wijaya, Andika dan Ananta, 2016). An example can be given of a case of sexual violence that occurred in South Korea, known as the Nth Room case, where in this case it was revealed that an encrypted messaging service was used to share sexual exploitation content against women, including minors. The perpetrator threatened the victim by distributing the victim's video if he did not comply with the perpetrator's request. It is not impossible that this could happen in Indonesia, considering that it is easy to access the internet without supervision, and the perpetrators take advantage of anonymity in carrying out their actions so they are not afraid of being caught. On the other hand, victims are also reluctant to report it because of shame and even the possibility of getting a bad stigma from society. , so that crimes like this become difficult to eradicate.

In Indonesia itself, there was a case of revenge porn experienced by a female student in Pandeglang, with the initials IAK (23). This student became a victim of revenge porn by her ex-boyfriend Alwi Husein Maolana. The perpetrator not only committed acts of violence against the victim, but also committed rape which was recorded on video, and the video was used as a tool by the perpetrator to threaten the victim. The perpetrator threatened the victim that he would distribute the video to his lecturers and friends so that the victim would not be dumped, and so that the victim would comply with the perpetrator's wishes. The perpetrator was only given a sentence of 6 (six) years in prison and a fine of IDR 1 billion subsidiary 3 (three) months in prison, apart from that the perpetrator was also given an additional penalty in the form of revocation of the right to use and exploit internet-based electronic communication devices for 8 (eight) years. Comes into force from the time the decision is handed down (Bonaparte, n.d.).

Of course, the sentence imposed by the judge on the victim was unfair to the victim and his family. The physical and psychological impact on the victim as a result of the perpetrator's actions is very large. Violence committed by perpetrators is not only carried out in the real world but also occurs in cyberspace with the distribution of videos of victims. Physical injuries and psychological trauma resulting from acts of violence committed by the perpetrator, with a sentence of only 6 (six) years in prison, have not been able to reverse the physical and psychological losses of the victim. Recovery of the victim's physical and psychological condition takes a long time because the victim can experience depression, anxiety, and even reputation damage due to the distribution of the victim's video.

Until 2024, online gender-based violence will increase, and most cases are experienced by women, as can be presented in the following graph:



Sumber: Antara, 15 Juli 2024

Based on information from Antara, forms of online gender-based violence in the first quarter of 2024 include (Antara, 2024) :

Number.	Cases	Number of Cases
1.	Threats and distribution of intimate content.	326
2.	Sexual blackmail and doxing (spreading information).	104
3.	Flaming (provocative message).	13
4.	Morphing (changing images/videos with other people's faces).	13
5.	Accessing accounts without permission.	9
6.	Other.	15

Cases of online gender-based violence that occur in Indonesia easily occur and can be experienced by anyone, however, efforts to protect women who are victims are still very minimal and can be said to have not shown justice for victims, even though currently there is. Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, which is the legal basis for the protection of victims of criminal acts of sexual violence, including online gender-based violence [Article 4 paragraph (1) letter i Law Number 12 of 2022].

The existence of Law Number 12 of 2022 needs to be appreciated, it is just a form of legal protection for victims of criminal acts, not only in the formation of legislative regulations to realize the justice of law for new legislative processes, but the protection provided must also be able to Overcome the existence of injustice of law which can only be carried out by law enforcement officials so that the concept of legal protection for victims aims to realize the law as a means of protection, not only used as a legal basis but also its implementation to be able to provide substantive justice for victims. The

application of statutory regulations by law enforcement officers is not only carried out when an action occurs that violates the law but also because of the value of just justice which must be protected and realized (Indah S., 2019).

The United Nations General Assembly even stated that gender-based violence occurs in every corner of the world, in various levels and forms. The characteristics or features of gender-based violence are a form of discrimination and a violation of human rights. Most victims are women, both violence that occurs in the real world and that occurs through social media or online gender-based violence. The perpetrator's intention in committing online gender-based violence is to harass the victim based on gender or sex (Saimima, Ika Dewi Sartika; Harahap, Hamida Syari dan Pertiwi, 2022).

Legal protection for victims of violence is provided by considering the losses experienced by the victims, namely in the form of material and immaterial losses. This material loss is because the victim has to undergo recovery at a significant cost, both physically and mentally, because of the suffering experienced. This suffering is divided into two types, namely short-term suffering and long-term suffering. Short-term suffering means that the suffering experienced by the victim can immediately disappear in a short time, during which the victim can quickly forget the events they have experienced. The long-term suffering experienced by the victim can last for quite a long time, it can even disrupt the victim's daily activities and also affect his health, both physical and psychological (Soeroso, 2010).

The effectiveness of legal protection for victims of violence by legal officers through criminal law enforcement is still not optimal, because there are still law enforcement officers who lack understanding about gender-based violence, lack sensitivity to the suffering of victims of violence, still give victims a bad stigma, and so on. An example can be given in the revenge porn case above, where there were irregularities in the handling of the case (Annisa Nur Azizah, 2016). It can be said that getting justice in this case is very difficult and must go viral first to be handled properly by law enforcement officials.

Weaknesses in terms of legal structure, namely from law enforcement officials, cases of gender-based violence cannot be said to have received good handling. Coupled with the weakness in terms of culture or society which prioritizes men, women's position is subordinate. Patriarchal culture places men as the center of power and authority. This is the root of various forms of gender inequality. In a patriarchal system, women are placed in a subordinate position, with limited roles and responsibilities. Women are often limited in terms of education, employment, and decision-making. From the start, women were formed and intended to only play a role in the domestic realm, such as taking care of the household and children, so this limitation has hampered women's potential to contribute fully to society.

Patriarchal culture also normalizes violence against women, both physical and psychological violence, which is often considered normal or even justified, so this creates an unsafe and comfortable environment for women, and strengthens male domination. As the party that dominates and has power, men, as the strong party, should provide protection to the weak party (women and children), not make the weak party an object of violence.

All forms of violence experienced by women always have cultural legitimacy in

society, because women's position is considered lower than men's. Negative gender stereotypes towards women, such as women being weak creatures, always emotional and even irrational, reinforce the view that women deserve to be treated differently and even become targets of violence for the reason of educating women. Based on this, prevention of violence must be carried out continuously by implementing legal provisions, good application of the law by law enforcement officials, and public awareness of the law to overcome the problem of violence against women (Katjasungkana, 2002).

Furthermore, even though criminal acts of violence against women have received special regulations in Law Number 12 of 2022, the criminal justice system in Indonesia still prioritizes the protection of interests against criminal acts (offender-centered). This is because there is a view that the criminal justice system is organized to prosecute criminals, and not provide services of interest to crime victims, for the reason that (Arief, 2001):

> *Crime is regarded as an offence against the state. The damage to the individual victim is incidental and its redress is no longer regarded as an function of the criminal justice process. The victim is told that if he want to recover his losses he should hire a lawyer and sue in civil court. The criminal justice system is not for his benafit but for the community's. Its purposes are to deter crime, rehabilitate criminals, punish criminals, and do justice, but not to restore victims to their wholeness or to vindicate them*.

Another view that provides support for this reason is that the crime is a violation of the public interest or general interests (criminal law as public law), not the interests of the victim alone so that the state c.q. Public prosecutors are considered to represent crime victims. Based on this view, the interests of victims are violated, are not considered and accommodated in the criminal justice system, and even tend to be ignored.

Perpetrators of violence must be held accountable for their actions. For acts of online gender-based violence, the criminal provisions that can be imposed on perpetrators have been regulated in Law Number 12 of 2022, including in the provisions of Article 14 and Article 15, with imprisonment and/or fines, even restitution. , the imposition of additional punishment or action in the form of rehabilitation for the perpetrator, as stipulated in Article 16 and Article 17 of Law Number 12 of 2022.

Furthermore, the thing that needs to be paid attention to is: "There are victims, there are criminal acts. There is a crime, there are victims," so here if you want to prevent and deal with the occurrence of criminal acts, you must not ignore the existence and occurrence of victims, so that if someone becomes a victim, then it is clear that a crime has occurred (Gosita, 2004).

Women who are victims of violence, whether physical, sexual, psychological, or other violence, whether committed by the perpetrator via the internet or occurring in the real world, have the same right to receive protection and justice. The law here functions to protect and guarantee the fulfillment of these human rights.

Legal protection is the protection of human honor and dignity, as well as recognition of the human rights possessed by every legal subject based on applicable legal provisions from arbitrary acts, or as a set of regulations or norms that can protect a person's interests from other things (Ariadi, 2022).

Considering that the law functions as a protection for human interests, the law must be applied professionally by law enforcement officials and all Indonesian society. If the law is violated, the law must be enforced through law enforcement efforts. Law enforcement requires the realization of justice, usefulness, and legal certainty, as a form of protection for the judiciary against arbitrary actions (Sudrajat, 2020).

Victims of violence have had their rights taken away or taken away by the perpetrator, including the right to be treated fairly or non-discriminately, the right to live freely, the right to honor and dignity, and so on. The rights of victims are the main part of human rights, so victims' rights in the context of human rights, if they are taken away and taken away from the victim, then the victim has the right to recovery from both the perpetrator and the state. The rights of crime victims to the physical and psychological recovery of the victim, so that the victim receives several services, including health care, both psychological and physical, and other government services. In addition, the state is obliged to restore the privacy of victims, as well as protect the safety and security of victims (Suhariyanto, 2013).

The victims' rights of recovery, as regulated in the provisions of Article 66 of Law Number 12 of 2022, are:

(1) Victims have the right to treatment, protection, and recovery since the crime of sexual violence occurred;
(2) Victims with disabilities have the right to receive appropriate accessibility and accommodation to fulfill their rights in accordance with the provisions of laws and regulations unless otherwise provided in this Law;
(3) Further provisions regarding procedures for handling, protection, and recovery as intended in paragraph (1) are regulated by Government Regulation.

The rights of victims of violence, as regulated in the provisions of Law 67 of Law Number 12 of 2022, are:

(1) Victims' rights include:
    a. Right to treatment;
    b. The right to protection; and
    c. Right to recovery.
(2) Fulfilling victims' rights is a state obligation and is carried out in accordance with the conditions and needs of victims.

These victims' rights also receive separate regulations in Law Number 12 of 2022, namely:

a. Right to treatment (Article 68 of Law Number 12 of 2022);
   The victim's right to treatment as intended in Article 67 paragraph (1) letter a of Law Number 12 of 2022, includes:

a) The right to information regarding the entire process and results of treatment, protection, and recovery;
b) The right to obtain documents resulting from handling;
c) The right to legal services;
d) The right to psychological empowerment;
e) The right to health services includes medical examinations, procedures and treatment;
f) The right to services and facilities by the special needs of victims; and
g) The right to removal of sexually charged content in cases of sexual violence with electronic media.

b. Right to protection (Article 69 of Law Number 12 of 2022); And
The victim's right to protection as intended in Article 67 paragraph (1) letter b of Law Number 12 of 2022, includes:
a) Providing information regarding protection rights and facilities;
b) Providing access to information on protection implementation;
c) Protection from threats or violence from perpetrators and other parties as well as the recurrence of violence;
d) Protection of confidentiality of identity;
e) Protection from attitudes and behavior of law enforcement officers that demean victims;
f) Protection from loss of employment, job transfer, education, or political access; and
g) Protection of victims and/or reporters from criminal charges or civil suits for criminal acts of sexual violence that have been reported.

c. Right to recovery (Article 70 of Law Number 12 of 2022).
The victim's right to recovery as intended in Article 67 paragraph (1) letter c of Law Number 12 of 2022, includes:
a) Medical rehabilitation;
b) Mental and social rehabilitation;
c) Social empowerment;
d) Restitution and/or compensation; and
e) Social reintegration.

Recovery of victims both before and during the judicial process is stated in the provisions of Article 70 paragraph (2) of Law Number 12 of 2022, namely:
a. Provision of health services for physical recovery;
b. Psychological strengthening;
c. Providing information about victims' rights and the judicial process;
d. Providing information about recovery services for victims;
e. Legal assistance;
f. Providing accessibility and appropriate accommodation for victims with disabilities;
g. Providing assistance with transportation, food, temporary living expenses, and adequate and safe temporary residence;

h. Provision of religious and spiritual guidance;
i. Providing educational facilities for victims;
j. Providing population documents and other supporting documents required by the victim;
k. The right to information in the event that the prisoner has completed serving his sentence; And
l. The right to removal of sexually charged content in cases of sexual violence by electronic means.

The recovery of victims after the judicial process is regulated in the provisions of Article 70 paragraph (2) of Law Number 12 of 2022, namely:

a. Regular and ongoing monitoring, examination, and services for the physical and psychological health of victims;
b. Strengthening community support for victim recovery;
c. Assistance in the use of restitution and/or compensation;
d. Providing population documents and other supporting documents required by the victim;
e. Provision of social security services in the form of health insurance and other social assistance according to needs based on an integrated team assessment;
f. Economic empowerment; And
g. Provision of other needs based on the results of identification of UPTD PPA and/or Community-Based Service Provider Institutions.

Apart from the victims' rights above, Law Number 12 of 2022 also regulates the provision of restitution, assistance funds for victims, and even rehabilitation for victims. Restitution according to Article 1 number 20 of Law Number 12 of 2022, is: "Payment of compensation charged to the perpetrator or third party based on a court decision or decision which has permanent legal force, for material and/or immaterial losses suffered by the victim or his heirs. ". Based on Article 30 paragraph (1) of Law Number 12 of 2022, that: "Victims of criminal acts of sexual violence have the right to receive restitution and recovery services."

Furthermore, Article 30 paragraph (2) of Law Number 12 of 2022, states that: Restitution as intended in paragraph (1), takes the form of:

a. Compensation for loss of wealth or income;
b. Compensation for losses incurred as a result of suffering directly related to criminal acts of sexual violence;
c. Reimbursement of medical and/or psychological care costs; and/or
d. Compensation for other losses suffered by the victim as a result of criminal acts of sexual violence.

The victim assistance fund according to the provisions of Article 1 point 21 of Law Number 12 of 2022, is a state compensation fund for victims of criminal acts of sexual violence. This victim assistance fund is in the form of financial assistance provided by the state to victims. The main aim is to help victims recover both physically and psychologically, after experiencing trauma due to the acts of violence they have experienced.

The role and benefits of victim assistance funds are very important in providing

justice for victims of violence. With these funds, victims can receive assistance to recover and start a new life. This victim assistance fund is also a form of support for victims and provides a message that victims are not alone, and the state provides protection to victims. What is no less important is the right to rehabilitation for victims, to help victims overcome the trauma they have experienced, in addition to rebuilding their self-confidence, so they can return to optimal activities in daily life.

Law Number 12 of 2022 is a step forward in providing legal protection for victims of sexual violence, including online gender-based violence, which not only strengthens legal sanctions for perpetrators, but also provides comprehensive protection for victims. However, there are still obstacles in its implementation, so it is very necessary to increase legal awareness, both for law enforcement officers as implementers of criminal law enforcement, to handle cases of violence professionally and fairly, as well as for the community to provide more support for victims of violence, by eliminating the negative stigma for victims of violence.

The state's participation or role in protecting victims of violence can be done by developing an integrated service system for victims of violence, including health, psychological, and legal services. Here, cooperation is needed between the government, non-governmental organizations, and the private sector to provide comprehensive protection for victims.

The effectiveness of legal protection for women victims of online gender-based violence cannot be separated from clear and firm legal regulations so that victims can obtain justice, protection, and recovery. The role of law enforcers and the public with their legal awareness can also contribute to providing good services to victims so that victims feel protected and cared for and can create a safer, fairer, and more civilized environment.

5. Conclusion

Legal protection for women victims of online gender-based violence (KBGO), not only punishes the perpetrators of violence in the form of imprisonment and/or fines but also provides victims with the rights that have been taken away and their interests that have been harmed due to the perpetrator's actions. The penalties that can be imposed on perpetrators of violence are regulated in Law Number 12 of 2022, including in the provisions of Article 14 and Article 15, with imprisonment and/or fines, even restitution, the imposition of additional penalties or action in the form of rehabilitation for the perpetrators. , as stipulated in Article 16 and Article 17 of Law Number 12 of 2022. For legal protection of the rights of victims of violence, including those regulated in Articles 66 to Article 70 of Law Number 12 of 2022, which include the right to handling, the right to protection and the right to recovery.

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