



## REVENGE PORN AND THE CHALLENGES OF VICTIM RECOVERY: A CASE STUDY OF REVENGE PORN VICTIMS IN INDONESIA

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## **Abstract**

This article analyzes legal protection and victim recovery challenges regarding revenge porn abuse involving male victims in same sex relationship in Indonesia. The research uses an empirical legal method with a case study approach through semi-structured interviews with the victim (initials E) who experienced threats of intimate video distribution for eight months. The study focuses on adequacy of the national legal framework, particularly the TPKS Law, ITE Law, and Pornography Law in dealing with image-based sexual abuse. The results of the study show that although there are provisions that can be used, there are no specific regulations governing revenge porn, resulting in ambiguity in law enforcement, a lack of victim centered recovery mechanisms, and a tendency to resolve cases through mediation. As a result, a number of victim rights, such as a sense of security, content removal, restitution, and rehabilitation, have not been fully fulfilled. This study emphasizes the urgency of strengthening legal norms, implementing trauma-based procedures, and explicitly recognizing revenge porn as an act of digital sexual violence.

**Keywords:** *revenge porn, digital sexual violence, male victimization, same-sex relationships, victimology in indonesia.*

## **Abstrak**

Artikel ini menganalisis perlindungan hukum dan tantangan pemulihan korban dalam kasus revenge porn yang menimpakan korban laki-laki dalam relasi sesama jenis di Indonesia. Penelitian menggunakan metode hukum empiris dengan pendekatan studi kasus melalui wawancara semi-terstruktur terhadap korban (inisial E) yang mengalami ancaman penyebaran video intim selama delapan bulan. Kajian difokuskan pada kecukupan kerangka hukum nasional khususnya UU TPKS, UU ITE, dan UU Pornografi dalam menangani kekerasan seksual berbasis gambar (image-based sexual abuse). Hasil penelitian menunjukkan bahwa meskipun terdapat ketentuan yang dapat digunakan, belum ada aturan spesifik yang mengatur revenge porn sehingga menimbulkan ambiguitas penegakan hukum, minimnya mekanisme pemulihan yang berpusat pada korban, serta kecenderungan penyelesaian melalui mediasi. Akibatnya, sejumlah hak korban seperti rasa aman, penghapusan konten, restitusi, dan rehabilitasi belum sepenuhnya terpenuhi. Studi ini menegaskan urgensi penguatan norma hukum, penerapan prosedur berbasis trauma, serta pengakuan eksplisit terhadap revenge porn sebagai tindak kekerasan seksual digital.

**Kata kunci: revenge porn, kekerasan seksual digital, viktimisasi laki-laki, relasi sesama jenis, viktimologi di indonesia.**

## INTRODUCTION

The development of information technology, particularly social media and online platforms has brought significant changes in manifestation of gender based and sexual violence, one of them is revenge porn.<sup>1</sup> Revenge porn is distribution of indecent photos without consent of victim.<sup>2</sup> This phenomenon generally occurs in context of personal relationships, either between partners or ex-partners, with varying motives, ranging from revenge to exploitation.<sup>3</sup> Conceptually, revenge porn classified as sexual violence and more specifically falls under category of Online Gender-Based Violence (OGBV), given that modus operandi relies on digital technology as the main means.<sup>4</sup>

The National Commission on Violence Against Women noted that in 2024 there was a 40.8% increase cases of OGBV, reflecting a serious escalation in forms of gender-based violence in cyberspace.<sup>5</sup> This can be observed in the following image released by National Commission on Violence Against Women:

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<sup>1</sup> Zico Junius Fernando et al., "Revenge Porn: Digital Crimes and Implications for Victims," *Kosmik Hukum* 23, no. 2 (May 2023): 157, <https://doi.org/10.30595/kosmikhukum.v23i2.18542>.

<sup>2</sup> Melinda Sebastian, "Privacy and Consent: The Trouble with the Label of 'Revenge Porn,'" *Feminist Media Studies* 17, no. 6 (November 2017): 1107–11, <https://doi.org/10.1080/14680777.2017.1380428>.

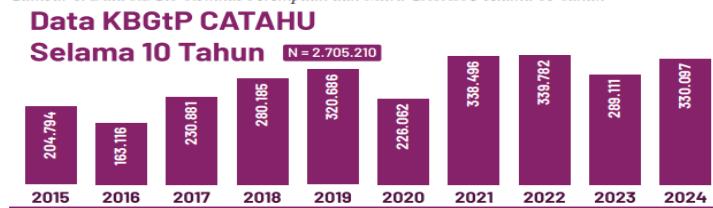
<sup>3</sup> Seth Fallik et al., "Revenge Porn: A Critical Content Analysis of the Nation's Laws and Reflection upon Social Science Research," *Journal of Criminology, Criminal Justice, Law & Society* 23, no. 1 (April 2022): 1–22, <https://doi.org/10.54555/ccjls.4234.34102>.

<sup>4</sup> Varsha Savilla Akbari Candra Suradipraja, "Tinjauan Viktimologis Terhadap Korban Revenge Porn Menurut Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Berdasarkan Tipologi Korban," *Padjadjaran Law Review* 12, no. 1 (June 2024), <https://doi.org/10.56895/plr.v12i1.1633>.

<sup>5</sup> Komnas Perempuan, MENATA DATA, MENAJAMKAN ARAH: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan 2024" Catatan Tahunan Kekerasan terhadap Perempuan, diakses pada 16 Juli 2025

## 2.2 Gambaran Data Kekerasan Berbasis Gender terhadap Perempuan (KBGtP) Tahun 2024

Gambar 6. Data KBGtP Komnas Perempuan dan Mitra CATAHU selama 10 Tahun



Various studies indicate that women are disproportionately group most affected by OGBV.<sup>6</sup> Although women are statistically group most affected by OGBV due to social constructs that represent bodies of women as sexual objects and visual commodities in patriarchal system, revenge porn also targets male victims, including those in same-sex relationships.<sup>7</sup>

A number of earlier studies have raised dimension of male victimization in the context of digital-based sexual violence. Bates (2016) shows that men from the LGBTQ community also experience serious psychological harm as a result of dissemination of intimate images, including trauma, anxiety, and insecurity in social life.<sup>8</sup> Powel and Henry (2018) highlight that legal framework in various jurisdictions not yet fully responsive to digital abuse that affects men, especially in the queer community.<sup>9</sup> Furthermore, Henry (2020) reveals that although female victims still dominate quantitatively, there is an

<sup>6</sup> Okamaisya Sugiyanto, "Perempuan Dan Revenge Porn: Konstruksi Sosial Terhadap Perempuan Indonesia Dari Prespektif Viktimologi," *Jurnal Wanita Dan Keluarga* 2, no. 1 (July 2021): 22–31, <https://doi.org/10.22146/jwk.2240>.

<sup>7</sup> Rebecca Umbach, Nicola Henry, and Gemma Beard, "Prevalence and Impacts of Image-Based Sexual Abuse Victimization: A Multinational Study," in *Proceedings of the 2025 CHI Conference on Human Factors in Computing Systems* (New York, NY, USA: ACM, 2025), 1–20, <https://doi.org/https://doi.org/10.1145/3706598.3713543>.

<sup>8</sup> Samantha Bates, "Revenge Porn and Mental Health: A Qualitative Analysis of the Mental Health Effects of Revenge Porn on Female Survivors," *Feminist Criminology* 12, no. 1 (June 2016): 22–42, <https://doi.org/10.1177/1557085116654565>.

<sup>9</sup> Anastasia Powell, Adrian J Scott, and Nicola Henry, "Digital Harassment and Abuse: Experiences of Sexuality and Gender Minority Adults," *European Journal of Criminology* 17, no. 2 (March 2020): 199–223, <https://doi.org/10.1177/1477370818788006>.

increasing trend of revenge porn reports targeting men in same-sex relationships.<sup>10</sup>

These findings challenge dominant assumption that victims of sexual violence, especially in digital context always women in heterosexual relationships. In Indonesia, legal and public policy approaches still dominated heteronormative framework that does not accommodate intersectional perspectives.<sup>11</sup> As a result, the complexity of victims' identities, sexual orientations, and relational dynamics often overlooked in policy formulation and legal protection implementation processes. In a legal landscape that is not yet sensitive to relational dynamics of victims, victimological approach is crucial. Specifically, using critical victimological approach allows for more comprehensive analysis of the victim experience, including the psychological and social dimensions, as well as accompanying power relations.<sup>12</sup> This paradigm is necessary starting point for understanding the "real" condition of a victim.<sup>13</sup> In this case, victimology will play a role in unravelling what happened directly to the victim, from causes of victimization to the consequences that are part of human problems as a social reality.<sup>14</sup>

However, victimology studies in Indonesia are dominated focus on female victims in heterosexual relationships, thus failing to capture complexity of male victimization, especially in same-sex relationships. This certainly leaves a gap in the reading reality of victims. This study

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<sup>10</sup> Nicola Henry, Asher Flynn, and Anastasia Powell, "Technology-Facilitated Domestic and Sexual Violence: A Review," *Violence Against Women* 26, no. 15–16 (October 2020): 1828–54, <https://doi.org/10.1177/1077801219875821>.

<sup>11</sup> Selvi Oktavia and Sri Anjini, "Perspektif Studi Gender Terhadap Transagender Di Indonesia Gender Studies Perspective on Transgender in Indonesia," *IJoEd: Indonesian Journal on Education* 1, no. 2 (2024): 49–54.

<sup>12</sup> Heather Zaykowski and Lena Campagna, "Teaching Theories of Victimology," *Journal of Criminal Justice Education* 25, no. 4 (October 2014): 452–67, <https://doi.org/10.1080/10511253.2014.965410>.

<sup>13</sup> Hal ini diungkapkan oleh Mawby dan Walklate dalam karyanya, "People's conscious activity, their 'unconscious' activity (that is, routine activities people engage in which serve to sustain and sometimes change the conditions in which they act), the generative mechanisms (unobservable and unobserved) which underpin daily life, and finally, both the intended and the unintended consequences of action which feed back into people's knowledge." 1994 : 9.

<sup>14</sup> Pamela Davies, Peter Francis, and Victor Jupp, *Victimisation: Theory, Research, and Policy* (Basingtoke: Macmillan, 2003).

offers conceptual and empirical contributions by raising a case study of male victims in same-sex relationships who were targeted revenge porn by their partners. This case significant because it reveals the failure of relevant legal and institutional structures to provide an adequate response forms of digital-based sexual violence that target vulnerable groups outside the mainstream victim category.

By victims analyzed experiences through relational, psychological, and juridical approaches, this paper aims to expand the discourse on inclusive victim protection, based on principles of social justice and responsive to complexities of gender identity and sexual orientation. This approach intended to review more holistically the dynamics of victimization and challenges faced by victims in the process of obtaining justice. In this regard, this study will discuss two main issues, namely: What form of legal protection provided to victims (E) as victims of revenge porn crimes? How are the rights of victims (E) fulfilled in the context of revenge porn crimes?

## **RESULTS AND DISCUSSION**

### **Case Chronology and Forms of Victimization**

The case began with interactions between perpetrator and victim who engaged in Booking Out (BO) due to economic circumstances. After the BO practice, the relationship between perpetrator and victim continued to stage becoming lovers. When the victim wanted to end the relationship with perpetrator, the perpetrator refused and used a video of indecent acts that perpetrator had deliberately recorded and used as a weapon to threaten, coerce, and psychologically pressure the victim if they refused to resume relationship with the perpetrator. These threats lasted for 8 (eight) months, causing the victim be experience trauma and even plan suicide due to shame and fear.

The victim's attempt to protect their self was to try reconcile with perpetrator, but the perpetrator continued to threaten, so the victim finally found courage to voice her experience on the social media platform X (Twitter) with the aim of seeking protection from public regarding the threats made by perpetrator.<sup>15</sup> Based on the chronology

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<sup>15</sup> Terjadi di Yogyakarta, Kronologi Founder Nasi Darurat Jogja Alami Revenge Porn dari Mantan Client," Pekanbaru Suara, 12 Juli2023

of case, the author identifies what (E) experienced in this case as revenge porn because there was a relationship between the perpetrator and victim, and this action was initiated because of the perpetrator got hurt feelings.

### **Legal Protection for Revenge Porn**

The definition of revenge porn still becomes subject of debate in academic circles. This is because the definition of revenge porn is considered too narrow. There are other suggested terms to describe the context of distribution this pornographic content, including non-consensual pornography and image-based sexual abuse.<sup>16</sup> One criticism of the term revenge porn is its tendency to assume that the main motive for distributing such content is revenge. In fact, many cases the distribution of intimate content can also occur due to personal data theft, hacking, or other forms of digital technology exploitation, which are disseminated without the victim's consent.

In the United States, the conceptual debate regarding revenge porn also involves legal dimensions, namely whether such acts should be categorized as privacy violations handled through civil law, or as form of indecent acts that fall under criminal law.<sup>17</sup> This has reignited discourse on whether revenge porn constitutes violation of privacy or an indecent act.<sup>18</sup>

In this context, the author refers to the views of Roni Rosenberg and Hadar Dancig, who asserted act of disseminating intimate content without consent in fact form of sexual violence.<sup>19</sup> They argue that the

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<https://pekanbaru.suara.com/read/2023/07/12/114413/terjadi-di-yogyakarta-kronologi-founder-nasi-darurat-jogja-alami-revenge-porn-dari-mantan-client>, diakses 25 September 2023. Pernyataan ini juga telah dikonfirmasi langsung oleh korban terkait kronologi kasus yang dialaminya.

<sup>16</sup> Jason Haynes, “Judicial Approaches to Combating ‘Revenge Porn’: A Multi-Jurisdictional Perspective,” *Commonwealth Law Bulletin* 44, no. 3 (July 2018): 400–428, <https://doi.org/10.1080/03050718.2019.1635034>.

<sup>17</sup> Rachel E Budde, “Taking the Sting Out of Revenge Porn: Using Criminal Statutes to Safeguard Sexual Autonomy in the Digital Age,” *SSRN Electronic Journal*, 2014, <https://doi.org/10.2139/ssrn.2424518>.

<sup>18</sup> Roni M. Rosenberg and Hadar Dancig-Rosenberg, “Reconceptualizing Revenge Porn,” *SSRN Electronic Journal*, 2020, <https://doi.org/10.2139/ssrn.3574072>.

<sup>19</sup> Ibid

main harm suffered by victims is not merely violation of privacy, but more profoundly violation of sexual autonomy and a violation of human dignity. Thus, the act in question should be understood within the framework of gender-based sexual violence that seriously impacts the integrity and personal honor of the victim.

Although there are no specific regulations regarding revenge porn, there are several articles that are commonly used by law enforcement officials in Indonesia to prosecute such cases, namely Article 14 of Law Number 12 of 2022 concerning Sexual Crimes, which states;

*Paragraph (1) "Any person who, without authorization, records and/or takes pictures or screenshots of a sexual nature against will or without the consent of person being recorded or captured; b) Transmits electronic information and/or electronic documents containing sexual content against the will of recipient for sexual purposes; and/or; c) Stalking and/or tracking using an electronic system against a person who is the subject of electronic information/documents for sexual purposes."*

*Paragraph (2) The acts referred to in paragraph (1) are carried out with intention of: blackmail or threats, coercion, deception, and/or fraud.*

Then in Article 27 paragraph 1 of the ITE Law stated that:

*Any person who deliberately and without rights distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that contain content violates decency.*

Then in Article 29 of the Pornography Law:

*Any person who produces, creates, reproduces, duplicates, disseminates, broadcasts, imports, exports, offers, sells, rents, or provides pornography as referred to in Article 4 paragraph (1) shall be punished with imprisonment of at least 6 (six) months and a maximum of 12 (twelve) years and/or a fine of at least Rp250,000,000.00 (two hundred and fifty million rupiah) and a maximum of Rp6,000,000,000.00 (six billion rupiah).*

To review the extent of legal regulations on revenge porn crimes in Indonesia, a comparative approach can be used by comparing regulations that have been implemented in various countries. This is important, given that revenge porn has received serious attention in a

number of global jurisdictions as cases of digital-based sexual violence increase. One country that has initiated concrete steps is Australia. The country is currently discussing revenge porn within the framework of the 2018 Enhancing Online Safety Bill, particularly in relation to non-consensual distribution of intimate images. This bill currently being submitted to the Australian House of Representatives and proposes to make revenge porn federal offense. Under the proposed provisions, perpetrators could face significant administrative penalties in form of fines for more than AUD 100,000.<sup>20</sup>

This regulations such as showed that some countries have begun to take seriously crime of distributing intimate content without consent as a form of technology-based sexual violence, and directing it into domain of public (criminal) law with strict penalties. Therefore, this comparison can provide normative and practical basis for evaluating and reforming legal regulations in Indonesia to be more responsive to developments in forms of digital violence.

### **Normative Analysis of the Legal Framework for Revenge Porn in Indonesia**

Revenge porn as part of image-based sexual abuse (IBSA) is not specifically regulated in Indonesian positive law. The available legal framework is still scattered across several regulations, causing uncertainty in the application of criminal offenses. The TPKS Law is the most relevant legal instrument, particularly through Article 14, which regulates creation and distribution of sexual content without consent. However, the substance of revenge porn not merely related to distribution of content, but also to the threat of distribution as a means of psychological control, which is often not adequately regulated by the relevant articles.<sup>21</sup>

The TPKS Law does not yet regulate offense of threatening to distribute intimate content as form of digital sexual violence. Such

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<sup>20</sup> Tahlee McKinlay and Tiffany Lavis, "Why Did She Send It in the First Place? Victim Blame in the Context of 'Revenge Porn,'" *Psychiatry, Psychology and Law* 27, no. 3 (May 2020): 386–96, <https://doi.org/10.1080/13218719.2020.1734977>.

<sup>21</sup> Alfira Destriannisy, "Analisis Pornografi Balas Dendam (Revenge Porn) Dan Regulasinya Di Indonesia," *Journal of Contemporary Law Studies* 1, no. 3 (2024): 115–28.

threats are usually charged under extortion articles or the ITE Law, but this approach does not reflect the characteristics of sexual violence that occurs in personal relationships.<sup>22</sup> This is in line with Otniel's finding that threat of distribution is distinct form of IBSA and requires specific criminalization.<sup>23</sup>

In addition, the Pornography Law regulates the production or distribution of pornographic material, but does not distinguish between private intimate content and commercial pornography, thus making victims vulnerable to criminalization. Article 27 paragraph (1) of the ITE Law also emphasizes morality ("violating decency") rather than power relations and coercion in revenge porn. Thus, the current Indonesian legal framework emphasizes content rather than violence.

### **Protection and Case Resolution Efforts**

Based on the chronology case, (E) is a victim of the sexual crime revenge porn. Conceptually, a victim of criminal act defined as an individual who suffers physical, psychological, or economic harm as a direct result of a criminal act.<sup>24</sup> Arief Gosita defines victims as people who suffer, both physically and mentally, as a result of the actions others carried out for their own interests or those of others, and these actions are contrary the interests of the victims who have been harmed.<sup>25</sup>

Victims of revenge porn suffer multidimensional losses that include psychological, social, and emotional aspects. Based on various academic findings and victim testimonies, the act of disseminating intimate content without consent has serious consequences, such as shame, humiliation, and loss of control over their body and self-identity.

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<sup>22</sup> Setyawan Darma Diputra, "Tinjauan Yuridis Terhadap Penerapan Undang-Undang Tindak Pidana Kekerasan Seksual Dalam Kasus Kekerasan Berbasis Digital Di Indonesia," *Jurnal Legalitas* 2, no. 2 (2024): 83–92.

<sup>23</sup> Otniel P Napitupulu, "Pertanggungjawaban Pelaku Penyebar Konten Vulgar Di Platform Media Sosial Dengan Ancaman Dan Pemerasan(Studi Putusan Nomor 74/Pid. Sus/2021/PN Nga)" (UNIVERSITAS KRISTEN INDONESIA, 2024).

<sup>24</sup> Lihat dalam Undang-Undang Nomor 31 Tahun 2014 Tentang Perubahan atas Undang-Undang Nomor 13 Tahun 2006 Tentang Perlindungan Saksi dan Korban.

<sup>25</sup> Arif Gosita, *Masalah Korban Kejahatan* (Jakarta: Penerbit Universitas Trisakti, 2009).

One of the most dominant consequences is mental stress due to cyberbullying, which often accompanies dissemination of such material.<sup>26</sup> In more extreme cases, it can even lead to thoughts and/or attempts of suicide.<sup>27</sup>

The witness and victim protection law stipulates several rights that must be fulfilled for victims, as outlined in articles 5 and 6. In this context, victims (E) who experience revenge porn crimes are normatively entitled to various forms of protection as regulated the law. The main purpose of this protection is to provide sense of security to witnesses and/or victims in the process of providing information at every stage of criminal proceedings. In the case analyzed of the author, the victim (E) chose to settle the case through a non-litigation mechanism, namely mediation.

The victim preferred mediation process to litigation because the victim considered court process to be complicated and felt that would not be satisfied even if the perpetrator received criminal sanctions, as the justice of victim sought was simply for the perpetrator to stop disturbing their life and threatening the victim.

*“Dealing with the law is complicated, there are hearings and so on. Moreover, if the perpetrator does not accept it, first they can sue again, appeal, and so on. Second, there is personal grudge. In this case, I do not care even if the perpetrator does not receive a prison sentence, because the important thing is that I am no longer disturbed. Besides, the perpetrator has already received social sanctions, which is enough for me”<sup>28</sup>*

The mediation process was conducted at the local police station, facilitated by the authorities and legal victim counsel, on Tuesday, July 18, 2023. The mediation also involved local community leaders. This mediation meeting was effective and produced results at the first meeting. One of the important achievements of this mediation was the

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<sup>26</sup> Hwian Christianto, “KONSEP HAK UNTUK DILUPAKAN SEBAGAI PEMENUHAN HAK KORBAN REVENGE PORN BERDASARKAN PASAL 26 UNDANG-UNDANG INFORMASI DAN TRANSAKSI ELEKTRONIK,” *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 32, no. 2 (October 2020): 175, <https://doi.org/10.22146/jmh.51110>.

<sup>27</sup> Jason Haynes, “Legislative Approaches to Combating ‘Revenge Porn’: A Multijurisdictional Perspective,” *Statute Law Review*, 2021.

<sup>28</sup> Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00.

agreement of perpetrator to sign a statement declaring willingness to delete the video that had previously been used as a means of threatening the victim, as well as a promise to no longer interfere with the victim's personal life.<sup>29</sup>

The local police station also demonstrated its commitment to protecting the victim by stating its willingness to conduct further monitoring if potential conflict arises again in the future. According to the victim, the success of this mediation was inseparable from strategic role of the legal counsel who accompanied. The legal counsel of victim actively built communication with various community leaders in neighborhood of perpetrator, including the heads of neighborhood unit (RT) and community unit (RW), village government officials, and even the local police. These socio-cultural approaches proved effective in opening up dialogue between two parties.<sup>30</sup> However, it should be noted that these efforts also required considerable financial expenditure, which in practice could be an obstacle for other victims who do not have access to adequate legal assistance.

### **Fulfilling the Rights of Victims (E) in Revenge Porn Cases**

The motivation behind involvement of victims (E) in their relationship with the perpetrator cannot be separated from their economic situation. Desperate economic conditions have forced victims to engage in booking out with perpetrators as a way to earn income and stabilize their lives. However, the perpetrator took advantage of this interaction by recording their activities, even if carried out with the victim's knowledge. In this context, it is important to understand that status of the victim as a "victim" would not arise if there were no structural vulnerabilities such as economic pressure, and if the perpetrator did not deviate from initial agreement through threats and blackmail based on intimate content, known as revenge porn.

In discussing forms of protection, victims choose not to pursue criminal proceedings and prefer independent resolution through mediation mechanisms. However, it is important to underline that

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<sup>29</sup> Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00.

<sup>30</sup> Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00.

choice of resolution through mediation has consequences, namely that there are a number of victims' rights that may not be optimally fulfilled. In fact, the rights victims of criminal acts, including victims of sexual violence are guaranteed within the legal framework, including:

- a. The right to confidentiality, its means that identity of the victim, including their name and information, cannot be disclosed to the public or media without prior consent. This can certainly help protect victims from dangers of social stigmatization or continued harassment.<sup>31</sup>
- b. The right to be forgotten, means that victims must be able to request internet service providers, websites, or platforms to block or remove revenge porn content as soon as possible. This can help prevent spread and further damage of revenge porn content.<sup>32</sup>
- c. The right to compensation means that victims can sue perpetrators or anyone who distributes revenge porn content for damages. This certainly can help victims recover from the physical, mental, emotional, relational, professional, or spiritual harm they have suffered due to revenge porn content.<sup>33</sup>

In case of (E), if the TPKS Law applied, the victim will be entitled to the right to handling, protection, and recovery. In this case, the victim used mediation in process so that the victim received protection from the local police station in the event of threats or crimes committed by the perpetrator, such as threats or extortion against the victim.<sup>34</sup> In addition to other basic rights, victims also have the right to confidentiality of their identity and personal information. In this context, the right to confidentiality is reflected in the author experience during

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<sup>31</sup> Christianto, "KONSEP HAK UNTUK DILUPAKAN SEBAGAI PEMENUHAN HAK KORBAN REVENGE PORN BERDASARKAN PASAL 26 UUD-UNDANG INFORMASI DAN TRANSAKSI ELEKTRONIK." *Op.Cit*

<sup>32</sup> Karolina Mania, "The Legal Implications and Remedies Concerning Revenge Porn and Fake Porn: A Common Law Perspective," *Sexuality & Culture* 24, no. 6 (December 2020): 2079–97, <https://doi.org/10.1007/s12119-020-09738-0>.

<sup>33</sup>Guardian, "What legal Protection do revenge porn victim have at work in the US", [What legal protections do revenge porn victims have at work in the US? | Law | The Guardian](#)

<sup>34</sup> Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00.

the data collection process at the police station where mediation between the victim and the perpetrator took place. The author encountered obstacles in gaining access to case data on grounds that "the police station did not handle the case." This denial of access, although a methodological challenge in the research process can be understood as a form of commitment from law enforcement officials to protect the privacy of victims, especially in sensitive cases such as revenge porn. This commitment was also reinforced victim statement in an interview: "It means they kept their promise, because yesterday the police promised to maintain the confidentiality of the process."<sup>35</sup>

However, based on the author interviewed with the victim, it was revealed that the victim did not fully obtain the protection rights to which was entitled. In the interview, the victim stated:

*"The police station only gave a statement that if anything happened in the future, they would be ready to back me up and guarantee my safety. So far, I am safe, but I am also confused about how this guarantee works, because the perpetrator is not being monitored or anything."*<sup>36</sup>

This statement indicates that there is a lack of clarity in mechanism for guaranteeing protection and monitoring the perpetrator after mediation process. This lack of clarity indicates a gap in the implementation of victim protection, which should be primary concern in the resolution of cases of digital sexual violence. Based on the results of the research and interviews conducted by the author, it can be concluded that victims do not obtain full fulfillment of their rights. This is due to the choice of resolution through mediation, rather than formal judicial proceedings. In fact, the full fulfillment of victims' rights, such as the right to safety, rehabilitation, and restorative justice, is more likely to be achieved through judicial mechanisms. Although Indonesia currently has legal instruments such as the Sexual Violence Criminal Law (TPKS Law) that accommodates revenge porn cases, its

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<sup>35</sup>Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00

<sup>36</sup> Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00

implementation still not optimal, especially when the resolution is carried out through non-litigious channels such as mediation.

## **CONCLUSION**

Revenge porn is the act of distributing intimate or sexual content without the victim's consent, with the main motive being revenge can substantially damage the victim's reputation, dignity, and social life. Although still there is debate regarding conceptual definition of revenge porn, the author categorizes this act as form of sexual violence, it contains elements of coercion, violation of privacy, and profound psychological impact on the victim.

As a form of digital-based sexual crime, victims of revenge porn are entitled to adequate protection, just like victims of other crimes. Law Number 31 of 2014 concerning Witness and Victim Protection, specifically Articles 5 and 6, explicitly guarantees the victim's right to compensation, restitution, medical assistance, and psychological and psychosocial rehabilitation services.

In the case of revenge porn experienced by the victim (E), the resolution was carried out through mediation. This option was chosen by the victim due to considerations of process efficiency and concerns about complexity of court procedures, which were considered unsatisfactory psychologically. The victim felt that substantive justice for their lay in the guarantee that perpetrator would no longer interfere with personal life or repeat the threats. The mediation process ran relatively smoothly with support of a community-based approach through community leaders and involvement of the local police.

However, the settlement through mediation significant issues, particularly regarding the fulfillment of the victim's rights. Several important rights, such as the right to confidentiality of identity, delete digital content, adequate compensation, and the right to recovery and substantive justice, may not be fully fulfilled through mediation mechanism. This reflects a legal vacuum in ensuring comprehensive recovery for victims outside the formal judicial process.

Furthermore, another issue that needs attention is the potential for secondary victimization experienced by victim condition in which victims become the target of stigma, negative judgment, or

discriminatory treatment from society. This phenomenon exacerbates the psychological impact experienced victims and can be barrier for other victims in reporting similar cases. Therefore, it is important to build public awareness so as not to reproduce stigma against victims of sexual violence, including revenge porn.

The state has constitutional responsibility to guarantee protection and sense of security for all citizens, including victims of digital sexual violence. Therefore, regulatory reforms needed that more responsive to the needs of revenge porn victims, both of the context litigious and non-litigious resolutions. For example, Australia has imposed administrative sanctions in form of fines up to \$100,000 for perpetrators revenge porn, as a form deterrent and a mechanism justice for victims. Similar measures can be used as a reference for Indonesia in formulating policies that are not only oriented towards punishment, but also towards the comprehensive recovery of victims.

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## **Lain -lain**

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Komnas Perempuan, MENATA DATA, MENAJAMKAN ARAH: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan 2024" Catatan Tahunan Kekerasan terhadap Perempuan,

Kronologi Founder Nasi Darurat Jogja Alami *Revenge Porn* dari Mantan Client," *Pekanbaru Suara*, 12 Juli2023  
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Wawancara secara langsung dengan Korban Revenge Porn (E), pada Selasa, 26 September 2023 Pukul 16.00.