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Additional Criminal Revocation of Access to Online Communication Devices for Perpetrators of Electronic-Based Sexual Violence

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Abstract

Online communication platforms are being exploited for electronic-based sexual violence (EBSV), a new form of crime made possible by the swift advancement of technology. Despite the Sexual Violence Law (Law No. 12 of 2022) and the Electronic Information and Transactions Law (Law No. 19 of 2016) already providing imprisonment and fines, Indonesia's current legal framework lacks additional criminal sanctions that specifically revoke perpetrators' access to online communication devices, which constitutes its main problem. Formulating the urgency of imposing additional sanctions through revoking access rights to online communication tools, this study also seeks to analyze criminal law policies concerning EBSV. Relevant laws, judicial decisions, and scholarly opinions are examined through a statute and case approach, applying a normative legal method in this research. The persistence of online gender-based violence cases, along with judicial



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disputes reflected in the Pandeglang District Court and Banten High Court rulings, demonstrates that current sanctions fail to deliver an adequate deterrent effect. To ensure stronger legal protection for victims, improve deterrence, and harmonize criminal policy with societal values and human rights principles, the study determines that imposing further sanctions is essential. To address the pressing legal gap and strengthen the regulation of sexual violence in the digital age, Indonesian criminal law should integrate the revocation of access rights.

Keywords

Sexual Violence Conducted Electronically; Punishment Enhancements; Devices for Digital Communication.

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Introduction

Technological advancement has accelerated the appearance of various modern crimes, including sexual misconduct through digital platforms, which are becoming increasingly widespread. It is important to acknowledge, however, that technology provides numerous advantages alongside its drawbacks. Nonetheless, it is indisputable that technology can enable various forms of crime, including sexual offenses, by means of online communication platforms¹. Recent studies also highlight how technology-facilitated sexual violence (TFSV) disproportionately affects women and young people, particularly through social media and messaging applications. For example, Amdori & Brighi² emphasize that the rapid expansion of digital platforms has enabled perpetrators to exploit anonymity and reach victims more easily, thereby complicating law enforcement responses. A philosophical reason underlying the urgency of this issue is that sexual violence fundamentally contradicts moral values and the dignity of human beings. Law, in this sense, is not only an instrument of regulation but also a moral safeguard that reflects society's shared values of justice, decency, and respect for human dignity. Therefore, regulating electronic-based sexual crimes is philosophically urgent to ensure that legal norms align with the ethical foundations of society.

Cyberspace serves as a worldwide communication platform that has the potential to change information and allow individuals to connect with one another. It serves as a means to connect with individuals who engage in pornographic activity and share similar sexual orientations. The preservation of objectivity and the avoidance of biased language in scholarly writing regarding illegal activities are essential³

¹ Maskun et al., "Empowering SDG 16: Electronics-Based Criminal Law Policy to Combat Sexual Violence in Indonesia," *Jurnal Hukum Novelty* 14, no. 2 (2023): 288–303, <https://doi.org/10.26555/novelty.v14i2.a26968>.

² Alberto Amadori and Antonella Brighi, "Technology-Facilitated Sexual Violence among Sexual and Gender Minority Youth: The Moderating Role of Digital Resilience," *Computers in Human Behavior* 166 (2025), <https://doi.org/https://doi.org/10.1016/j.chb.2025.108576>.

³ Nazura Sulistio, Faizin and Abdul Manap, "Pornography and Sexual Crimes towards Children in Indonesia: A Judicial Approach," *Brawijaya Law Journal* 2, no. 5 (2018): 261.

Sexual offenses involving the use of electronic devices are classified as crimes based on electronic technology. There are various types of these offenses that fall under this category⁴:

- (a) *Acts such as unauthorized entry (hacking/cracking), unlawful data gathering (data espionage), illicit interception, alteration of information, and disruption of systems constitute breaches of the secrecy, reliability, and accessibility of digital data and networks.*
- (b) *Crimes involving computer systems, including online fraud, computer-based forgery, phishing operations, identity misuse, and unlawful handling of digital devices.*
- (c) *Among the acts penalized under these provisions are content-based violations, such as obscene material, racial discrimination, incitement of hatred, encouragement of violence, irreverence toward religion, illegal betting, and digital gaming.*
- (d) *Crimes associated with breaching copyright laws.*

About one-third of the world's women aged 15 and above have experienced sexual violence with a partner at some point in their lives, as reported by the World Bank Gender Data Portal. Violence from their partners has affected more than one in four women⁵. This finding is consistent with Ahmad & Smith⁶, who reported a similar escalation of online gender-based violence cases in South and Southeast Asia, pointing out that regulatory frameworks have not yet fully addressed the dynamics of digital sexual abuse. From 2018 to 2022, the Indonesian Women's Association for Justice (LBH APIK) Legal Aid Institute reported a sharp rise in cases of online gender-based violence. From 2018 to 2022, the number of reported cases shifted significantly: 42 in 2018, dropping to 17

⁴ Maskun Maskun et al., "Qualifying Cyber Crime as a Crime of Aggression in International Law," *Cybercrime under International Law* 13, no. 2 (2020): 397–418, <https://doi.org/10.14330/jeail.2020.13.2.08>.

⁵ Hana Brixi and Haishan Fu, "International Women's Day 2023: Three Important Facts (and Charts) from the World Bank's Gender Data Portal," World Bank Blogs, 2023.

⁶ Dwi Nur Fauziah Ahmad and Nucharee Nuchkoom Smith, "Digital Safety for Women and Children: Legal and Policy Challenges Indonesia, Philippines, and Thailand," *Journal of Law and Legal Reform* 5, no. 4 (2024), <https://doi.org/https://doi.org/10.15294/jllr.v5i4.16539>.

in 2019, then rising sharply to 307 in 2020, followed by 489 in 2021, and slightly decreasing to 440 in 2022⁷.

A total of 821 personal cyber cases were reported, according to the 2023 annual report released by the National Commission on Violence Against Women (Komnas Perempuan). Ex-boyfriends were responsible for 549 incidents and boyfriends for 230, making sexual violence the most prevalent type of abuse⁸. Komnas Perempuan further reports that the data on gender-based violence (GBV) reveal a yearly rise in the number of cases. Over 2.7 million cases, classified as personal, public, or state-related, have been documented since 2001⁹.

The statistics reveal a sharp rise in incidents of sexual offenses perpetrated via digital or internet-based communication tools in Indonesia¹⁰. From a sociological perspective, the rapid growth of digital interaction in Indonesia has transformed patterns of crime, making victims—especially women and children—more vulnerable in virtual spaces. The increasing prevalence of online sexual violence illustrates how social change, particularly technological advancement, creates new risks that the law must address. Hence, the regulation of additional criminal sanctions becomes sociologically urgent to maintain social order and protect the community from evolving threats. Reports from Komnas Perempuan and LBH APIK consistently show a worrying escalation in online gender-based violence, highlighting that cyberspace is increasingly being used as a medium for harassment and abuse.

Research by Henry & Beard¹¹ further shows that technology-facilitated sexual violence is not only increasing in prevalence but also diversifying in form, including image-based abuse, sexual extortion, and

⁷ Mela Syaharani, "Jumlah Kasus Kekerasan Berbasis Gender Online Tahun 2022 Menurun, Berapa Totalnya?," GoodStats, 2023.

⁸ Komnas Perempuan, "Catatan Tahunan Komnas Perempuan Tahun 2023," Komnas Perempuan, 2023.

⁹ Komnas Perempuan, "Kajian 21 Tahun CATAHU Komnas Perempuan: Ada Kenaikan Laporan Kekerasan Berbasis Gender," Komnas Perempuan, 2023.

¹⁰ Muhammad Mutawalli Mukhlis, *Negara Hukum Kedaulatan Dan Demokrasi (Konsepsi Teori Dan Perkembangannya)* (Pustaka Aksara, 2023).

¹¹ Nicola Henry and Gemma Beard, "Image-Based Sexual Abuse Perpetration: A Scoping Review," *Trauma, Violence, & Abuse* 25, no. 5 (2024): 3981–98, <https://doi.org/https://doi.org/10.1177/1524838024126613>.

deepfake pornography, which raises urgent questions for criminal law and victim protection.

Through multiple online communication channels—including chat rooms, forums, emails, and social media platforms—sexual offenses may take place. Sexually motivated harassment directed at a person’s sexual orientation or sexuality is also encompassed by the concept of gender harassment in this context. Hate speech, threats of sexual violence, defamatory misinformation, identity fraud, and fabricated allegations of sexual conduct are examples of such actions. Collectively, these behaviors cause significant harm and suffering to victims¹².

Men, as well as women, can be victims of sexual violence. In many situations, women are frequently regarded as being at greater risk of experiencing sexual violence. Sexual violence, which can happen in many settings, must also be recognized as a grave concern. Included within this are multiple types of conduct, ranging from harassment and other non-contact violations to unwanted physical interactions like sexual coercion, attempted rape, and other non-consensual acts¹³. Both physical public spaces and online platforms, including social media, exhibit this tendency.

In 2007, the United Nations formally recognized sexual assault as both a crime against humanity and a danger to international peace and security, classifying this act as not only a criminal offense but also a breach of fundamental human rights¹⁴. Fundamental human rights are inherently violated by sexual crimes¹⁵. Supporting this, a study by Jurasz and Barker¹⁶ argues that sexual violence in digital spaces must be approached as both a human rights violation and a cybercrime issue, thereby requiring integrated

¹² Nicola Henry, Asher Flynn, and Anastasia Powell, “Technology-Facilitated Domestic and Sexual Violence: A Review,” *Violence Against Women* 26, no. 15–16 (2020): 1828–54, <https://doi.org/10.1177/1077801219875821>.

¹³ Deni Setiawan et al., “Law Enforcement of Sexual Violence on Social Media: An Islamic Restorative Justice Perspective,” *De Jure: Jurnal Hukum Dan Syar’iah* 17, no. 1 (2025): 90–111, <https://doi.org/10.18860/j-fsh.v17i1.28185>.

¹⁴ Ibid.

¹⁵ Fakhrol Kurniawan, Iwa Munawar, and Odang Suparman, “Human Rights-Based Legal Protection for Sexual Violence Victims in Formal Education,” *Research Horizon* 5, no. 4 (2025): 1545–1554, <https://doi.org/https://doi.org/10.54518/rh.5.4.2025.1545-1554>.

¹⁶ Olga Jurasz and Kim Barker, “Sexual Violence in the Digital Age: A Criminal Law Conundrum?,” *German Law Journal* 22, no. 5 (2021): 784–99, <https://doi.org/10.1017/glj.2021.39>.

legal reform combining criminal law, victim support, and digital governance. In Indonesia, recognized as a legal state governed by the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), every individual, as a bearer of rights, is guaranteed equitable treatment¹⁷. Article 28G Paragraph (1) of the 1945 Indonesian Constitution guarantees that each person has the right to safeguard their physical self, family, dignity, and the property they lawfully possess from any form of threat or harm. The freedom to exercise or abstain from exercising their fundamental rights must be free from intimidation, danger, or fear, and they are equally entitled to safety and protection.

Article 8 of the Human Rights Law places the primary duty on the government to safeguard, advance, preserve, and fulfill human rights. This obligation is further reflected in Article 33(1) of Law No. 39 of 1999 on Human Rights, which underscores that every person is entitled to freedom from torture, cruel or inhuman punishment, and degrading treatment that violates their dignity and humanity.

Providing legal protection for all Indonesian citizens is one way the government fulfills its responsibilities. Legal certainty for the public as bearers of rights and obligations is guaranteed by the government through the establishment of laws and regulations. According to L.J. Van Apeldoorn¹⁸ the purpose of law is to create order and harmony in how people live. From Apeldoorn's viewpoint, law serves to establish societal order and maintain tranquility. The law serves a purpose of great nobility, as this perspective reveals.

The 2022 Law Number 12 on Sexual Violence Criminal Acts (TPKS Law) provides legal safeguards for the public against sexual crimes conducted through electronic means. For Indonesian society, the arrival of this law offers a welcome change, ensuring at minimum legal clarity in preventing sexual violence and criminal offenses within the criminal justice framework. As the saying in law states, a law that is uncertain cannot truly

¹⁷ Muhammad Mutawalli Mukhlis et al., "Regional Government According to the 1945 Constitution: Ideas Refinements and Law Reform," *Journal of Law and Legal Reform* 5, no. 2 (2024): 485–530.

¹⁸ Hans Karyose, Muhammad Ansari, and Ade Saptomo, "Violation of Legally Binding Peace Agreements Legal Implications and Resolution Solutions," *Journal Equity of Law and Governance* 7, no. 1 (2025): 37–41, <https://doi.org/https://doi.org/10.22225/elg.7.1.11941>.

be considered a law. Law cannot exist in the absence of legal certainty. As a means of ensuring legal certainty in the prevention and handling of sexual violence, the TPKS Law has been enacted.

The TPKS Law (Law Number 12 of 2022 on the Crime of Sexual Violence) outlines 19 (nineteen) types of sexual violence offenses, as stipulated in Article 4, Paragraphs (1) and (2). The chapter of a law and its title define the legislation. The crime of sexual violence is explicitly and clearly regulated by the TPKS Law. All criminal acts involving sexual violence must, therefore, be guided by the TPKS Law, as it constitutes the *lex specialis* (specific legal provisions). The crime of sexual violence is explicitly and directly regulated by the TPKS Law. All criminal acts involving sexual violence must, therefore, be governed by the TPKS Law, as it serves as *lex specialis*.

Article 14 of the TPKS Law outlines Indonesia's criminal provisions concerning acts of sexual violence conducted through electronic means. The types of criminal sanctions regulated in the article include imprisonment and fines. Electronic-based sexual crimes in principle have their own *sui generis*. The unique feature is that the criminal offense is committed using online-based electronic communication device facilities. In terms of law enforcement, it must also be carried out specifically.

Recent research confirms this urgency: According to Rahman et al.¹⁹ victims of online gender-based violence continue to receive inadequate protection under the current legal framework, highlighting the need for stronger and more targeted sanctions. Supporting this, Riyanto and Barung²⁰ emphasizes that the TPKS Law still faces serious enforcement obstacles, especially in electronic-based sexual violence, thus demonstrating the urgency of complementary sanctions such as electronic access revocation. This aligns with Bossler²¹ who demonstrated that imprisonment and fines alone often fail

¹⁹ Alip Rahman et al., "Legal Protection for Victims of Online Gender-Based Violence (Cyber-Based Violence)," *Edunity Kajian Ilmu Sosial Dan Pendidikan* 3, no. 12 (2024): 1210–20, <https://doi.org/10.57096/edunity.v3i12.350>.

²⁰ Pandu Riyanto and Anselmus A.Y. Barung, "Law on Sexual Violence Crime (TPKS): Abolishing Restorative Justice and Prioritising Victims' Rights," *Jurnal Pemikiran Sosiologi* 12, no. 1 (2025), <https://doi.org/https://doi.org/10.22146/jps.v12i1.98855>.

²¹ Adam M. Bossler, "Perceived Formal and Informal Sanctions in Detering Cybercrime in a College Sample," *Journal of Contemporary Criminal Justice* 37, no. 3 (2021): 452–70, <https://doi.org/https://doi.org/10.1177/10439862211001630>.

to provide a deterrent effect in cyber-harassment cases, suggesting the necessity of additional, more context-specific sanctions. Mamak²² proposes revocation of digital access as an innovative sanction that directly restricts offenders' ability to reoffend in cyberspace, thereby increasing both preventive and deterrent effects. As Rahmawati & Lestari²³ argue, adopting stronger sanctions such as digital access revocation is significant because it strengthens a victim-centered approach, ensuring that justice mechanisms prioritize victims' dignity and security.

Law Number 19 of 2016, as an amendment to Law Number 11 of 2008 on Electronic Information and Transactions (ITE Law), is chiefly flawed because it does not provide for extra criminal penalties that prohibit sexual offenders from accessing or utilizing online communication media when the crimes are carried out through digital platforms. So that it does not provide an adequate deterrent effect. In fact, criminal law must basically provide a deterrent effect for criminal offenders. Juridically, the urgency lies in the absence of specific additional criminal sanctions within the current statutory framework, particularly the TPKS Law and the ITE Law. While both regulate sexual violence and electronic transactions, neither provides clear provisions for revoking perpetrators' access to online communication devices. This legal vacuum creates inconsistency and weakens deterrence. Therefore, juridical considerations demand new legal formulations to fill the gap and ensure compliance with the principle of legal certainty. As the expression of Paun Johan Anselm von Feurbach²⁴ basically states when determining prohibited acts in a criminal regulation, this is not only related to the acts specifically described in the law but also related to the types of offenses that are subject to sanctions. Thus, someone who wants to commit an illegal act will have prior knowledge of the sanctions listed in the law.

²² Kamil Mamak, "Cyber Banishment: An Old Sanction for Virtual Spaces," *Criminal Justice Studies* 36, no. 2 (2023): 133–45, <https://doi.org/https://doi.org/10.1080/1478601X.2023.2188449>.

²³ Nabella Dellia Putri, Agus Mulyawan, and Nuraliah Ali, "Legal Protection for Victims of Sexual Violence in Higher Education from a Victimology Perspective," *Journal of Law, Politic and Humanities* 5, no. 4 (2025): 2766–79, <https://doi.org/https://doi.org/10.38035/jlph.v5i4>.

²⁴ Dion Valerian, "Pemikiran Anselm von Feuerbach Tentang Hukum Pidana: Pembacaan Atas Literatur Primer," in *Percikan Pemikiran Makara Merah: Dari FHUI Untuk Indonesia*, 4th ed. (Depok: akultas Hukum Universitas Indonesia, 2021), 59-67).

At the core of this study lies the omission of complementary punitive measures, particularly the restriction of digital communication access for perpetrators of technology-facilitated sexual violence. Even though the TPKS Law and the ITE Law already regulate imprisonment and fines, they do not provide a sufficient deterrent effect. Questions arise regarding how criminal law policy ought to address the urgent need for regulating these additional sanctions to guarantee justice and safeguard victims, due to this legal gap. The necessity of regulating additional criminal sanctions, such as revoking perpetrators' rights to use online communication tools, is examined in this research through a comprehensive analysis of criminal law policies on electronic-based sexual violence. In developing criminal law theory in Indonesia, this study also seeks to provide new legal prescriptions to address gaps in the TPKS Law and related regulations. To address the issue of the lack of supplementary criminal penalties for offenders of electronically mediated sexual violence, this study aims to propose a solution in the form of regulations allowing the revocation of access to online communication platforms.

Method

Normative legal research methods are applied in this study, utilizing both the statute-based approach and the case-based approach. Relevant rules and court decisions related to the research topic are cataloged as part of this process²⁵. In particular, this research refers to *Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law)*, *Law No. 19 of 2016 on Amendments to the Electronic Information and Transactions Law (ITE Law)*, and *Law No. 1 of 2023 on the Criminal Code (KUHP)* as the statutory basis. Court decisions analyzed include *Pandeglang District Court No. 71/Pid.Sus/2023/PN Pdl* and its appellate review in *Banten High Court No. 96/Pid.Sus/2023/PT BTN*, the question of whether revoking access to online communication tools can be considered a legitimate supplementary criminal penalty is directly informed by both of these.

²⁵ Peter Mahmud Marzuki, *Pengantar Ilmu Hukum* (Jakarta: Kencana, 2021).

This study, grounded in the criminal law framework, primarily relies on Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) and Law Number 19 of 2016 amending Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE) as its main legal sources. This study also takes into account rulings made by the courts. Legal publications that are not official records—such as textbooks, law dictionaries, journals, and analyses of court rulings pertinent to the matter at hand—fall under the category of secondary legal materials²⁶. Sources that are unrelated to the law are considered non-legal materials²⁷.

Described in sentence form, legal materials are thoroughly examined through a qualitative analysis. A new legal guideline or perspective, designed to address issues concerning the revocation of online communication privileges as an additional criminal penalty for perpetrators of electronic-based sexual crimes, is the intended outcome of this analysis.

Result and Discussion

A. Supplementary Penal Measures Against Electronic Sexual Violence Offenders: Withdrawal of Online Communication Device Usage Rights under Criminal Justice Policy

Within the realm of criminal law theory, academics hold diverse views, making penal policy a multifaceted concept. Eko Soponyono²⁸ emphasizes that criminal law strategy is tied to the direction of the criminal justice system, with the purpose of drafting criminal rules that respond to present realities and adapt to future progress. As a result, the policy of the criminal justice system is regarded as a component in the revitalization of criminal law.

²⁶ Marzuki.

²⁷ Marzuki.

²⁸ Eko Soponyono, "KEBIJAKAN PERUMUSAN SISTEM PEMIDANAAN YANG BERORIENTASI PADA KORBAN," *Masalah-Masalah Hukum* 41, no. 1 (2012): 29–41, <https://doi.org/https://doi.org/10.14710/mmh.41.1.2012.29-41>.

Criminal law policy, according to Ivo Lapenna²⁹, is understood as a component of broader societal efforts aimed at preventing criminal behavior. Crime prevention and punishment represent the two primary strategies in addressing criminal activity.

Among its key components, criminal law policy fundamentally encompasses two important aspects³⁰:

1. Efforts to create regulations that align with the context and situation at hand;
2. The government enacts policies through authorized institutions to regulate society and achieve desired outcomes. These regulations should align with societal values and goals.

The reason for the existence of a criminal provision, or its *ratio legis*, serves as the fundamental basis for criminal law policy. Each provision should ideally align with the needs of the time when the regulation was established. This is also the case with regulating electronic-based sexual violence offenses. The ways in which criminal acts, particularly sexual violence, are carried out evolve alongside ongoing advances in knowledge and technology. Media, electronic systems, or digital platforms offer one method to achieve this. Electronic information is prepared, collected, processed, analyzed, stored, displayed, announced, transmitted, and/or disseminated through a system consisting of electronic devices and procedures. Law Number 19 of 2016 on the Amendment to Law Number 11 of 2008 on Electronic Information and Transactions, further amended by Law Number 1 of 2024 as the Second Amendment to Law Number 11 of

²⁹ Maskun et al., "Empowering SDG 16: Electronics-Based Criminal Law Policy to Combat Sexual Violence in Indonesia."

³⁰ Daniel Epps, "Checks and Balances in the Criminal Law," *Vanderbilt Law Review* 74, no. 1 (2021).

2008 on Electronic Information and Transactions (hereinafter referred to as the ITE Law), provides the definition in Article 1, point 5.

In regards to regulating electronic-based sexual crimes, Indonesian legislation has established clear regulations. Electronic-based sexual violence offenses are specifically covered under Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (the TPKS Law). Explicit regulations on the matter are provided in Article 14, Paragraphs (1) through (5) of the TPKS Law:

- (1) Whoever acts without lawful authority:
 - a) Capturing, filming, or screenshotting sexually explicit images of someone without their consent or against their will;
 - b) Sending electronic data or documents with sexual content intended to arouse sexual desire, without the recipient's consent; and/or
 - c) A prison term of up to 4 (four) years and/or a fine of as much as IDR 200,000,000.00 (two hundred million rupiah) may be imposed as punishment for acts of stalking or monitoring a person through an electronic system to obtain electronic information or documents for sexual purposes, which are categorized as electronic-based sexual violence.
- (2) If the act described in paragraph (1) is carried out with the purpose of:
 - a) To threaten, coerce, or engage in extortion is to commit an offense
 - b) to deceive and/or lead astray,
Punishment of up to six (6) years' imprisonment and/or a fine of up to IDR 300,000,000.00 (three hundred million rupiah) shall be imposed on anyone who does, allows, or omits an act.
- (3) Unless the Victim is a Child or a Person with Disabilities, sexual violence conducted electronically, as mentioned in paragraph (1),

is considered a complaint-based offense.

- (4) Actions mentioned in paragraph (1), letters A and B, shall not incur penalties when performed for the public good or as a measure of self-protection against sexual assault.
- (5) If the victims of electronic-based sexual violence referred to in paragraph (1) letters a and b are children or individuals with disabilities, their stated agreement or consent does not remove criminal liability³¹.

The ITE Law essentially serves as the legal framework regulating access to electronic information and online media. Private criminal acts of committing sexual offenses through online communication tools are not specifically regulated by the ITE Law, which only governs public electronic transactions. Private matters, such as personal chats or messages, are not covered by the regulation of indecent acts, which under Law No. 1/1946 on Criminal Law Regulations (Criminal Code/KUHP), repealed by Law No. 1/2023 on the Criminal Code (National Criminal Code), applies only to the public sphere.

The perpetrators are at the heart of the issue when it comes to sexual offenses committed through electronic communication devices. Imprisonment and fines, as forms of criminal sanctions, are explicitly governed by regulations. In Indonesia, no unified legal framework yet exists that imposes extra penalties on those who commit sexual crimes through electronic means. A closer look at the statutory provisions confirms this absence. Article 14 of the TPKS Law (Law No. 12 of 2022) regulates imprisonment and fines for electronic-based sexual violence but does not include additional sanctions such as revocation

³¹ Muhammad Mutawalli Mukhlis et al., "Status Anak Dalam Perkawinan Campuran: Kewajiban Negara Dan Implikasi Hukum Perlindungan Hak Anak," *LITIGASI* 25, no. 2 (2024): 101–29, <https://doi.org/10.23969/litigasi.v25i2.17914>.

of access to communication devices³². Similarly, the ITE Law (Law No. 11 of 2008³³ as amended by Law No. 19 of 2016³⁴ and Law No. 1 of 2024³⁵) focuses on offenses like illegal access, distribution of immoral content, and defamation, but it does not contain provisions for additional criminal sanctions beyond imprisonment and fines. This confirms a juridical gap: while both laws criminalize electronic-based sexual violence and misuse of information technology, neither provides mechanisms to revoke perpetrators' rights to use online communication devices. Many cases, in reality, may actually face specific extra criminal penalties when examined in practice.

Under Article 18 Paragraph (1) letter b of Law Number 31 of 1999 on the Eradication of the Crime of Corruption, a perpetrator of corruption may, for instance, receive an additional criminal sanction requiring payment of restitution equal to the property acquired through the corrupt act³⁶. Perpetrators of corruption crimes may also face further penalties, including the loss of their political rights³⁷.

To deter offenders, it is necessary to impose additional criminal sanctions. Acts of sexual abuse committed via online communication tools deeply infringe on victims' human rights and simultaneously breach societal standards of decency. An effective solution is required

³² “Undang-Undang (UU) Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual” (2022).

³³ “Undang-Undang (UU) Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik” (2008).

³⁴ Pemerintah Pusat Indonesia, “Undang-Undang Nomor 19 Tahun 2016 Tentang Perubahan Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik,” accessed October 26, 2024, <https://peraturan.bpk.go.id/Details/37582/uu-no-19-tahun-2016>.

³⁵ Pemerintah Pusat Indonesia, “Undang-Undang (UU) Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik,” accessed October 26, 2024, <https://peraturan.bpk.go.id/Details/274494/uu-no-1-tahun-2024>.

³⁶ Renghat Sinaga and Abdul Razak Nasution, “Application Of Additional Criminal Sanctions In The Form Of Restitution In Corruption Offences In Indonesia,” *International Journal of Law, Crime and Justice* 1, no. 3 (2024): 50–62, <https://doi.org/10.62951/ijlcj.v1i3.130>.

³⁷ Citra Januardi Cibro, “Penjatuhan Pidana Tambahan Pencabutan Hak Politik Terhadap Pelaku Tindak Pidana Korupsi Terkait Jabatan Publik,” *Locus Journal of Academic Literature Review* 1, no. 4 (2022): 191–97, <https://doi.org/10.56128/ljoalr.v1i4>.

to address the chaos and fear it generates. Recent scholarship emphasizes that sanctions in cases of technology-facilitated sexual violence must prioritize the restoration of victims' dignity and reinforce society's moral boundaries. For instance, Wall³⁸ highlights that criminalization in morality-related offenses is not merely punitive but serves as a safeguard for ethical order in society, echoing Devlin's view that law upholds societal morality.

Through decision No. 96/Pid.Sus/2023/PT BTN, the Banten High Court reviewed an appeal concerning a recent case that had first been decided by the Pandeglang District Court under No. 71/Pid.Sus/2023/PN Pdl. For a period of eight years, the defendant was prohibited from using or accessing Internet-based electronic communication devices, as imposed as an additional penalty by the Pandeglang District Court.

In other jurisdictions, some legal systems have begun exploring the concept of cyberbanishment—a sanction that prohibits an individual from accessing specific online spaces or platforms, rather than physical locations. While not yet widely codified, this concept is emerging in criminal law discourse as a modern alternative to traditional punishments. For instance, Mamak³⁹ discusses cyberbanishment as a way to bar offenders from participation in designated online communities or services as part of their sentence. A recent comparative study analyzing cybercrime penalties in Indonesia, Singapore, and Estonia⁴⁰ highlights that while Indonesia—under Law No. 11 of 2008 (ITE Law)—relies primarily on fines and imprisonment, Singapore and

³⁸ Steven Wall, "The Hart/Devlin Debate," in *Enforcing Morality* (Cambridge University Press, 2023), 44–63.

³⁹ Mamak, "Cyber Banishment: An Old Sanction for Virtual Spaces."

⁴⁰ Ridho Duha, "Punishment for Cybercrime: A Major Challenge in Modern Legal Systems," *Verdict: Journal of Law Science* 3, no. 2 (2024): 86–93, <https://doi.org/https://doi.org/10.59011/vjlaws.3.2.2024.86-93>.

Estonia adopt more multifaceted frameworks. These include stricter sentencing, electronic monitoring, and integrated institutional coordination, enabling more timely and effective enforcement of cybercrime deterrents.

IAK, the victim, had their social and personal norms breached when AH, the perpetrator of revenge porn, uploaded a video. A victim's friend received the video via a direct message sent on Instagram⁴¹. The annulment of the additional punishment by the Banten High Court Panel of Judges was grounded in the fact that the ITE Law contains no explicit provisions regulating such sanctions, as previously imposed by the Pandeglang District Court. According to Article 103 of the Indonesian Criminal Code, the general provisions of Book I KUHP apply to other laws, unless otherwise regulated. In this matter, the absence of provisions in the ITE Law regarding supplementary penalties like the withdrawal of access rights makes the principle of *nullum delictum nulla poena sine praevia lege poenali* (no act is punishable without a pre-existing law) the determining consideration. Consequently, without clear legal grounds, the imposition of such an additional sanction cannot be justified.

As indicated by the points discussed above, there is no legal framework addressing the use of supplementary criminal measures through the revocation of online communication access rights. Clear regulation of it requires legislation. To guarantee justice as well as uphold legal certainty. The principle *lex iniusta non est lex* conveys that a law lacking justice cannot truly be considered law.

Based on the principle of *res judicata pro veritate habetur* (a judge's ruling must be deemed true), the decision issued by the

⁴¹ Bahtiar Rifa'i, "PT Banten Hapus Pencabutan Hak Akses Internet Alwi Terdakwa Revenge Porn," Detik News, 2023.

Pandeglang District Court should be regarded as valid. The judge's authority in *rechtsschepping* (law-making) also plays a role, not only the *ratio decidendi* (judicial consideration) underlying the decision. The requirements that judges must meet in forming law are, however⁴²:

- a. The applicable laws do not specify any legal requirements.
- b. The law contains provisions, yet their interpretation is ambiguous and open to multiple meanings.
- c. Present standards of fairness are not reflected in the current laws (Excluded).
- d. Through the opinion of a legal expert or rulings issued by the court.

Since regulations did not exist to authorize supplementary penalties by restricting the use of online communication platforms, the judges in the case were compelled to confront this limitation. No breach of the ITE Law occurred through the Pandeglang District Court Judge's decision to impose a *quo* supplementary punishment. It aimed instead at establishing law. This aligns with recent findings that legal certainty is fundamental to effective deterrence. Research by Mukhlis et al.⁴³ stresses that gaps in legal regulation—especially where sanctions are absent—erode public trust and weaken enforcement consistency. Hence, codifying additional sanctions such as revocation of digital access is essential to close normative loopholes. The ruling, at minimum, highlights the necessity of imposing these supplementary criminal penalties.

⁴² Paulina Konca, "Creating Law of Interpretation: A Risky or Fundamental Step?," *REVUS* 45 (2021), <https://doi.org/https://doi.org/10.4000/revus.7500>.

⁴³ Muhammad Mutawalli Mukhlis et al., "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyasah," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 2024): 505–26, <https://doi.org/10.29240/JHI.V9I2.9709>.

As highlighted in the preceding points, the law does not provide a framework for implementing additional criminal sanctions by restricting access to online communication. Sociologically, the widespread harm caused by online sexual violence demands preventive interventions that address patterns of victimization and digital vulnerability. A study by Maskun et al.⁴⁴ confirms that strengthening cybercrime policies against sexual violence contributes directly to SDG 16 (Peace, Justice, and Strong Institutions) by centering the law on victims' security and social stability. Donald Black⁴⁵ notes that for every type of control, explanatory propositions can be formulated. Such as social controls, including etiquette and efforts to apprehend criminals. Roscoe Pound viewed law as an instrument for shaping society⁴⁶.

Within Indonesian criminal law, the process implemented when enforcing the supplementary punishment of withdrawing offenders' rights to use online communication media in acts of technology-based sexual violence is:

1. Imposing a supplementary punishment in the form of restricting access to digital communication platforms on those who commit electronic sexual violence is discretionary, applied solely when the law considers it necessary;
2. Supervising individuals subjected to these supplementary penalties demands the creation of a dedicated body within the Ministry of Communication and Information (Kominfo), operating jointly with Correctional Facilities (Lapas) and the National Commission on Human Rights (Komnas HAM);

⁴⁴ Maskun et al., "Empowering SDG 16: Electronics-Based Criminal Law Policy to Combat Sexual Violence in Indonesia."

⁴⁵ Donald Black, *The Behavior of Law* (Pelangi Cendekia, 2020).

⁴⁶ Sofia Mubarakah Sa'bana and Rusdiana Navlia, "PENERAPAN TEORI FUNGSI HUKUM ROSCOE POUND: SOCIAL ENGINEERING DI INDONESIA," *Jendela Hukum* 12, no. 1 (2025), <https://doi.org/https://doi.org/10.24929/jjh.v12i1.4217>.

3. The following conditions regulate the imposition of extra criminal penalties, namely the withdrawal of perpetrators' access to online communication tools in cases of electronic-based sexual violence:
 - a. Life imprisonment or the death penalty are not the primary criminal sanctions applied;
 - b. The duration of imprisonment should be shorter than that of the additional punishment;
 - c. A statement and report must be signed and submitted by the perpetrator;
 - d. A repeat offender is the perpetrator.
4. The implementation of additional legal penalties—such as blocking access to online communication services—should be guided by the National Commission on Human Rights and applied only to individuals who commit electronic sexual abuse. The tribunal responsible for the offender must first put forward a request, and these suggestions should only be provided once the Panel of Judges has carefully examined it;
5. For perpetrators of electronic-based sexual violence, a criminal penalty can involve the withdrawal of their access rights to online communication tools. This action is guided by the principle that prioritizes the well-being of victims, offenders, and society.

B. Obstacles in Enforcing Additional Legal Penalties by Restricting Access to Online Communication Services for Perpetrators of Cyber Sexual Violence

Of course, when forming any law, careful consideration must be given to numerous aspects. If a legal mechanism does not incorporate the needs of the community, the law may end up contravening the community's will. Moreover, the process of turning an act into

criminal law often overlooks the presence of human rights (HAM), despite it being a significant indicator⁴⁷.

The fulfillment of citizens' human rights is explicitly and clearly regulated under the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945)⁴⁸. Access to information is recognized as one of the fundamental rights under the 1945 Constitution. Every individual is entitled to access information, communicate, and cultivate both personal growth and their social surroundings, as outlined in Article 28F of the 1945 Constitution. Through various means of communication, they are entitled to access, acquire, possess, store, manage, and share information.

However, rights are not absolute as there are limits to their use, as stated in Article 28J Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In order to guarantee the recognition and respect of others' rights and freedoms, as well as to meet legitimate demands rooted in morality, religion, security, and public order, individuals exercising their own rights and freedoms are required to adhere to the limitations established by law. In line with this, Renggong and Ruslan⁴⁹ note that although human rights are fundamental, they can be limited by law when necessary to preserve the integrity of the nation and protect public decency. Legal constraints must be observed by individuals whenever they exercise their rights and freedoms. In a society founded on democratic principles, justice is ensured and the rights and freedoms of every individual are protected, taking into account ethical standards, religious values, security, and public order.

The rights outlined above are regarded as fundamental when the concept of human rights is being analyzed. Based on their citizenship within a country, individuals are granted basic rights—referred to in

⁴⁷ Muhammad Mutawalli Mukhlis, "Implementasi Prinsip Konvensi Internasional Dalam Mengurai Pelanggaran HAM Di Indonesia," *Jurnal Arajang* 6, no. 1 (2023): 1–21, <https://doi.org/10.31605/arajang.v6i1.2829>.

⁴⁸ Muhammad Mutawalli Mukhlis et al., "Regional Government Autonomy in Indonesia: The Ambiguity of the Federalism or Republic Model," *Malaysian Journal of Syariah and Law* 13, no. 1 (2025): 35–57, <https://doi.org/10.33102/mjssl.vol13no1.760>.

⁴⁹ Ruslan Renggong and Dyah Aulia Rachma Ruslan, *Hak Asasi Manusia Dalam Perspektif Hukum Nasional* (Jakarta: Kencana Prenada Media Group, 2021).

translation as *Grondrechten*—according to D. F. Scheltens⁵⁰. Rights that the state may limit under certain conditions, because they are not absolute, are called derogable civil and political rights. The rights encompass the ability to express oneself—freely seeking, receiving, and sharing all types of information and ideas without any restriction, whether spoken or written; the freedom to form associations and join trade unions; and the right to assemble peacefully⁵¹.

The state may revoke access to online communication tools, which is considered a basic right, if it is deemed necessary, as explained above. Recent scholarship highlights that restricting digital access as a criminal sanction creates a tension between protecting victims' rights and potentially infringing on perpetrators' constitutional rights, especially when proportionality and necessity tests are not clearly defined in Indonesian law⁵². This shows the challenge of reconciling the sanction with constitutional guarantees. Imposing a criminal penalty that suspends access to online communication platforms for individuals who engage in electronic sexual abuse aligns with constitutional provisions.

Victims, in particular, suffer when electronic-based sexual violence is committed, as it undermines both the sense of justice and the standards of public decency. To ensure recognition and respect for human rights, the basic freedoms of others, decency, public order, and the interests of the nation, the rights and freedoms stipulated in Article 73 of the Human Rights Law exist, as noted by Ruslan Renggong and Dyah Aula Rachma Ruslan. Essentially, basic freedoms and human rights are inviolable, as emphasized by Ruslan Renggong and Dyah Aula Rachma Ruslan. The restrictions can only be imposed by law, although in some instances, they may be limited. Certain aspects

⁵⁰ Yogi Prabowo, Wicipto Setiadi, and Ahmad Ahsin Thohari, "Fulfillment Of Citizenship Rights For The Children Of Indonesian Migrant Workers Who Are Working Illegally In Malaysia," *Journal of Social Science (JoSS)* 3, no. 4 (2024): 1350–61, <https://doi.org/10.57185/joss.v3i4.301>.

⁵¹ Ana Rita Gil, "Derogation Clauses of International Human Rights Instruments: Protecting Rights at the Maximum Possible Extent in Times of Crisis," *Catolica Law Review* 5, no. 1 (2021): 11–42, <https://doi.org/https://doi.org/10.34632/catolicallawreview.2021.9740>.

⁵² Budi Haritjahjono and Sodikin, "Implementation of the Lex Certa Principle towards the Ambiguity of Digital Law's in Indonesia," *Amnesti: Jurnal Hukum* 7, no. 1 (2025): 1–14, <https://doi.org/https://doi.org/10.37729/amnesti.v7i1.5873>.

concerning national and state integrity and the dignity of life are subject to this limitation, rather than being unrestricted⁵³.

The offense of sexual violence conducted through electronic means is addressed by the aforementioned opinion. Indonesian society's moral and ethical values are violated by sexual violence, which is both abhorrent and unacceptable. Upholding society's morality and ethical standards is, according to Lord Devlin⁵⁴, the primary purpose of criminal law.

Widespread and uncontrolled criminal activity in society is another factor that may make imposing additional criminal penalties necessary. Particularly alarming are crimes that remain concealed, calling for stronger measures to stop them from happening again. Because both the perpetrator and the victim strive to hide the act from public view, many of these crimes remain undiscovered⁵⁵. The fear of violence or other threats is one of several reasons why perpetrators' demands are complied with by victims. The fear of having their private data revealed often forces victims to follow the demands of the offender.

A more proportionate approach must be used to address this unethical behavior. Punishment is suggested as the preferred method, with the incapacitation theory being among the most well-known theories of punishment. By restricting an offender's freedom for a designated time, society as a whole is protected under this theory of punishment⁵⁶. Criminal acts that endanger society, particularly electronic-based sexual offenses and other unsettling behaviors, are the focus of this theory.

Within the criminal justice framework, rules that prevent individuals who commit sexual offenses from using electronic

⁵³ Renggong and Ruslan, *Hak Asasi Manusia Dalam Perspektif Hukum Nasional*.

⁵⁴ Nicola Lacey, "Patrick Devlin's The Enforcement of Morals Revisited: Absolutism and Ambivalence," 2022.

⁵⁵ I Gusti Ngurah Erman Triardana, Ni Putu Rai Yulianti, and Dewa Gede Sudika Mangku, "Tinjauan Kriminologis Terhadap Tindak Pidana Kekerasan Dalam Rumah Tangga Di Kabupaten Buleleng," *E-Journal Komunitas Yustisia Universitas Pendidikan Ganesha* 4, no. 2 (2021), <https://doi.org/10.23887/jatayu.v4i2.38111>.

⁵⁶ Ognjen Arandjelović, "Crime and Punishment: A Rethink," *Philosophies* 8, no. 3 (2023), <https://doi.org/10.3390/philosophies8030047>.

communication tools play a crucial role in crime control. According to Mardjono⁵⁷, society relies on the criminal justice system as a means to tackle criminal behavior. Achieving control over criminal behavior, so that it stays within society's limits of acceptance, is what defines the process of overcoming crime. To fulfill its purpose, the criminal justice system seeks to: first, protect society from falling victim to crime; second, resolve criminal acts in a way that satisfies the public by ensuring justice is delivered and offenders face appropriate consequences; and third, deter individuals who have committed crimes from reoffending.

The necessity of managing sexual crimes committed via online electronic media becomes clear when considering the information presented, highlighting the importance of implementing sanctions. Human dignity will remain unharmed, provided that the regulations are consistent with the fundamental principles established earlier.

For instance, when imposing additional criminal penalties, law enforcement officials will, in principle, encounter numerous challenges:

- a. The law and its connection to the principles of human rights;
- b. When sanctions are enforced, the professionalism of law enforcement officers is evident;
- c. The systems and resources for overseeing sanction enforcement require additional enhancement;
- d. Since this sanction is still new and may not have been implemented anywhere, adapting to community habits is required.

Research by McQueen et al.⁵⁸ emphasizes that many victims of sexual violence have little trust in law enforcement due to inconsistent application of laws and secondary victimization. This suggests that if

⁵⁷ I Nengah Budha Mahayasa and I Dewa Gede Dana Sugama, "A LEMBAGA KEPOLISIAN SEBAGAI SUB-UNSUR SISTEM PERADILAN PIDANA DAN HUBUNGANNYA DENGAN INTEGRATED CRIMINAL JUSTICE SYSTEM," *Jurnal Harian Regional*, 2023.

⁵⁸ Karen McQueen et al., "Sexual Assault: Women's Voices on the Health Impacts of Not Being Believed by Police," *BMC Women's Health* 21, no. 217 (2021), <https://doi.org/https://doi.org/10.1186/s12905-021-01358-6>.

additional sanctions like revocation of digital access are to be enforced, law enforcement must first overcome credibility and capacity gaps. According to Ahmad and Smith⁵⁹, Indonesia's monitoring infrastructure for digital behavior is still weak, with most cases of online gender-based violence going underreported or undetected until they reach viral status. This lack of technological readiness makes enforcement of access-revocation sanctions particularly problematic. Reflecting Indonesia's dedication to honoring the norms of propriety as articulated in Pancasila and the 1945 Constitution, the country should consider implementing this rule, even though, as noted earlier, no other nation currently enforces such sanctions. Scholars note that because no other jurisdiction has adopted revocation of digital access as a formal criminal sanction, Indonesia faces a challenge of legal transplantation without precedent⁶⁰. This raises uncertainty about compatibility with international human rights standards. Comparatively, international studies on technology-facilitated sexual violence (TFSV) show that some jurisdictions explore restrictions on offenders' internet access as part of probationary measures. Hendry & Powell⁶¹ underline that limiting technological means of offending is crucial for prevention, even though few systems have yet institutionalized permanent revocations. Consistent with the principle of *lex prospicit, non respicit* (law governs future actions, not past ones), the law ought to give precedence to future interests.

To tackle sexual violence committed by offenders via electronic media, a legal remedy is necessary. Human dignity—the core principle of international human rights affirming that every person worldwide is entitled to basic rights—is not only undermined by this but also affronts the standards of decency. Respecting and recognizing the

⁵⁹ Ahmad and Smith, "Digital Safety for Women and Children: Legal and Policy Challenges Indonesia, Philippines, and Thailand."

⁶⁰ Eva N Christianty and KMS Herman, "The Urgency of Legal Reform in the Implementation of the Revocation of Political Rights as an Additional Sanction for Corruption Offenders in Indonesia," *GJLSS* 3, no. 2 (2025): 135–142, <https://doi.org/https://doi.org/10.38035/gjlss.v3i2.406>.

⁶¹ Nicola Hendry and Anastasia Powell, "Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research," *Trauma, Violence & Abuse* 19, no. 2 (2018): 1–5, <https://doi.org/10.1177/1524838016650189>.

rights of others is highlighted as essential by this concept⁶². For the benefit of its citizens, the state must fulfill its responsibilities under the human rights framework, which encompass⁶³:

- a. Respect: Citizens' rights must be fully upheld, and the government is obligated to avoid any actions that interfere with their exercise.
- b. Protect: It is the government's duty to ensure the protection of human rights and to implement actions that stop others from infringing upon them, taking deliberate and continuous steps to defend the well-being of its citizens.
- c. Fulfillment: Guaranteeing that human rights are fully realized depends on the government actively protecting its citizens through laws, regulations, legal frameworks, budget allocations, and other necessary actions.

The state's duty to safeguard its citizens becomes evident when examining the three described responsibilities. Preventing third parties from violating human rights is part of this responsibility. Because those who commit sexual assault breach the rights of others, it is reasonable to enforce additional legal punishments, such as limiting their access to internet-based communication tools. In addition to violating fundamental human rights, it also breaches the constitution and existing laws in Indonesia.

Revisions to the TPKS Law and the ITE Law are necessary if the sanction a quo is to be integrated into Indonesia's criminal law framework. The principle of *Systematische Specialiteit*, or systematic

⁶² Muhammad Yusuf Isa Pratama, Hanuring Ayu Ardhani Putri, and Yulian Dwi Nurwanti, "The Urgency of Regulatory Accountability for Protecting Victims of Sexual Violence in Cyberspace," *Jurnal Ilmu Hukum Kyadiren* 7, no. 1 (2025), <https://doi.org/https://doi.org/10.46924/jihk.v7i1.285>; Anis Widyawati et al., "Dynamics of the Penitentiary System, Transparent and Accountable Handling of Criminal Cases in Criminal Execution Law in Southeast Asia: Convergence and Divergence of International Perspectives," *Indonesia Law Review* 15, no. 1 (2025): 15–35, <https://doi.org/https://doi.org/10.15742/ilrev.v15n1.1>.

⁶³ Syarifatul Hidayah, "State Responsibility in Protecting Human Rights: An International Legal Perspective," *International Law Discourse in Southeast Asia* 2, no. 2 (2023): 279–304, <https://doi.org/https://doi.org/10.15294/ildisea.v2i2.77145>.

specificity, is applied when deciding which special statutory provisions take precedence, as dictated by the *lex specialis systematis* principle. In cases of electronic-based sexual violence, the rules that are more applicable will be selected, since both the ITE Law and the TPKS Law are considered special regulations. Nevertheless, the inclusion of the additional criminal sanction in the TPKS Law would be more suitable when this principle-based approach is applied. Recent scholarship highlights that the TPKS Law embodies a victim-centered and comprehensive framework, which distinguishes it from the ITE Law that focuses narrowly on electronic information transactions. For instance, Poetri & Indraswari⁶⁴ argue that the TPKS Law integrates not only criminal sanctions but also preventive and restorative measures, making it more responsive to the complexities of technology-facilitated sexual violence. Similarly, Nurhayati et.al⁶⁵ emphasize that applying the *lex specialis* principle requires aligning the sanction with the substantive purpose of the law—in this case, protection from sexual violence, not merely regulation of digital transactions. Therefore, incorporating additional sanctions such as the revocation of online communication access into the TPKS Law is more consistent with its *ratio legis*, ensuring both deterrence and victim protection. The ITE Law, while special, lacks this explicit victim-oriented dimension and is thus less suitable as the primary framework for additional sanctions. Sexual violence is what the TPKS Law addresses, whereas other forms of violence remain unaddressed. Matters related to electronic transactions have been fundamentally and traditionally influenced by the ITE Law.

As indicated in the description, additional penalties ought to be imposed under Indonesian criminal law. An essential step in combating sexual violence on online electronic platforms is represented by this. In the modern era, society relies heavily on internet services, making their

⁶⁴ Ashila Aulia Poetri and Indraswari, "Content Analysis of Law Number 12/2022 on Sexual Violence Based on Due Diligence Framework," *Contemporary Public Administration Review (CoPAR)* 1, no. 2 (2024), <https://doi.org/https://doi.org/10.26593/copar.v1i2.7683.61-93>.

⁶⁵ Nurhayati, Ana Fauzia, and Fathul Hamdani, "Seeking Substantive Justice: The Progressive Spirit of Law on Sexual Violence Crimes," *Jurnal Dinamika Hukum* 23, no. 3 (2023): 556, <https://doi.org/10.20884/1.jdh.2023.23.3.3749>.

use a necessary aspect of this action. According to the author, enforcing stricter criminal sanctions is a way to protect human rights. Especially for those who might become victims, the human rights of many people will be protected through the implementation of these sanctions.

Conclusion

To address the issue of sexual violence, it is necessary to impose more stringent legal measures, such as mandating the removal of digital communication platforms. TPKS Law, which was passed in 2022, does not incorporate the additional criminal penalties mentioned in Law Number 12 of that year. This law still has some flaws. Law No. 19 of 2016, which modifies Law Number 11 (ITE Law) from 2008 concerning Electronic Information and Transactions, does not provide any specific instructions on how to revise the rights of individuals who commit sexual violence in a manner that is generally unacceptable. Nonetheless, treating the act as a criminal offense aligns with human rights and can be incorporated into Indonesian criminal legislation.

Further research must be carried out by applying knowledge of criminal procedure law and, when relevant, incorporating a broad human rights perspective. The appropriateness and correctness of these punishments in terms of their philosophical, legal, and social implications is dependent on this. Besides being in accordance with the principles that govern the formulation of relevant laws and ordinances. Mainly the implementation of technical measures, such as the elimination of access to online communication platforms for sexual violence perpetrators. Other experimental technical infrastructures include AI-powered chat-bots or avatars deployed to detect and identify potential offenders for the purpose of triggering access revocation or law-enforcement referral—for example, the ‘Sweetie’ avatar posed as a minor to identify online predators; similar systems relay offender data for enforcement action. Furthermore, in analogous contexts like vehicular networks, certificate-revocation schemes using distributed ledger technology (DLT) have been proposed that allow transparent, tamper-resistant revocation of access credentials—suggesting

potential models for communication tools in which access rights can be revoked and verifiably recorded.

Comprehensive studies are required on the available facilities and infrastructure, along with the legal tools that will be utilized. Other experimental technical infrastructures include AI-powered chat-bots or avatars deployed to detect and identify potential offenders for the purpose of triggering access revocation or law-enforcement referral—for example, the ‘Sweetie’ avatar posed as a minor to identify online predators; similar systems relay offender data for enforcement action. Furthermore, in analogous contexts like vehicular networks, certificate-revocation schemes using distributed ledger technology (DLT) have been proposed that allow transparent, tamper-resistant revocation of access credentials—suggesting potential models for communication tools in which access rights can be revoked and verifiably recorded

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