

The Relevance of the Concept of Cyberfeminism in a Policy Perspective Based on Digital Gender Equity in Indonesia

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Abstract

Efficiency in communicating and searching for information makes things easier for us in the current era of modern digitalization. This is directly proportional to the emergence of various forms of digital crime, such as online gender-based violence. The existence of a bias in terms of the meaning of technology by women which is influenced by the history and culture of construction makes it necessary to understand technology as part of a culture that expresses and consolidates relations between men and women. Technology with its sophistication seems to have a masculine nature. The feminine nature inherent in women is considered not in harmony with the way technology works. The focus of the discussion in this writing is to find how the concept of

cyberfeminism should be relevant to policy based on digital gender equity in Indonesia. The research method used is doctrinal with a statutory approach, a conceptual approach, and a historical approach. The results of the research show that in terms of normative legal policy in Indonesia, legal regulations have been created to make preventive efforts and overcome the problem of gender-based violence, especially against women. However, the phenomenon of gender-based violence continues to occur, especially in vulnerable groups, namely women and children. Of course, all existing policies must be responsive to digital-based gender equity, especially the Sexual Violence Crime Law and the Information and Electronic Transactions Law.

KEYWORDS *Cyberfeminism, Gender Equity, Policy*

Introduction

Over the last decade, technological developments in the world have become increasingly sophisticated, fast, rapid and limitless. The availability of internet networks supports various advances in digital technology, one of which is the existence of smartphones that seem to make everything in the palm of your hand with various sophisticated features and various supporting applications in it. The applications in smartphones provide convenience to their users with all their benefits, some applications that are currently often used such as online shopping applications (Shopee, Tokopedia, Lazada, Zalora, Tiktokshop, and other similar applications); applications related to transportation (Gojek, Grab, Maxim, and other similar applications); and social media applications (Youtube, Instagram, Tiktok, Facebook, Twitter, Facebook, and other similar applications; chat applications (Whatsapp, Line, Gmail, YahooMessenger, and other similar applications). Smartphones are currently used by various groups of various ages, both men and women. Current technological developments are bringing us towards the digitalization of the world, where now everything seems limitless to be connected to each other, especially for those who use social media with various features in it that are increasingly complete. This social media application not only provides features for sharing stories with words, but can also be with photos and videos, equipped with chat features and some also provide online shopping features.

Based on data up to May 2024, Indonesia's total number of social media users is 191 million (73.7% of the population) with 167 million active users

(64.3% of the population). Social media users are dominated by those aged 18 to 34 years with a total of 54.1%, with the number of users based on gender being 51.3% female and 54.1% male. There are a lot of people using social media. Some of the most popular platforms include YouTube, Instagram, Facebook, Whatsapp, and TikTok. YouTube has 139 million users, Instagram has 122 million, Facebook has 118 million, Whatsapp has 45.2% of the population, and TikTok has 34.7% of the population.¹

The advancement of digital-based technology has had many impacts on society, both good and bad. The good impacts felt by society with technological advances, especially the development of the digital world supported by sophisticated gadgets, namely the ease of carrying out several daily activities such as communicating long distances without limits, shopping can be done online, ordering transportation online and various other conveniences. Although many good impacts occur with the advancement of digital technology, of course it is accompanied by bad impacts, one of which is the birth of digital crime (cybercrime) in the digital space (cyber space). Cybercrime in cyberspace itself consists of various other crimes, such as: digital sexual violence, one of which is online gender violence.

The National Commission on Violence Against Women received reports of at least eight types of online gender-based violence in 2017: cyber grooming, cyber harassment, hacking, illegal content, invasion of privacy, threats to distribute personal photos and videos (malicious distribution), online defamation, and online recruitment. At the same time, the Internet Governance Forum outlined the many forms of cyberbullying, sexual harassment, intimidation, exploitation, defamation, and hate speech. When KBGO goes down, it may join the offline world of victims and survivors who have endured physical, sexual, and psychological abuse in addition to what happens online.² From January to July 2020, there were 2,556 reported cases of sexual violence, a 63% increase in gender-based violence, and an almost 300% increase in cases of online gender-based violence. This data is based on the Online Information System for the Protection of Women and Children (Simfoni PPA), which has been impacted by the COVID-19 pandemic and other digital technologies and supporting applications, particularly social media as a platform for interaction

¹ Andreas Daniel Panggabean, "Ini Data Statistik Pengguna Media Sosial Masyarakat Tahun 2024," accessed August 31, 2024, <https://www.rri.co.id/ipitek/721570/ini-data-statistik-penggunaan-media-sosial-masyarakat-indonesia-tahun-2024>.

² Southeast Asia Freedom Of Expression Network (SAFE Net), "Memahami dan Menyikapi Kekerasan Berbasis Gender Online Sebuah Panduan," accessed August 31, 2024, <https://awaskbgo.id/wp-content/uploads/2020/11/panduan-kbgo-v3.pdf>.

and communication. As of March 5, 2021, there were 940 reported incidents of gender-based violence occurring online, up from 281 in 2020, according to the National Commission on Violence Against Women's Annual Notes.³

Mary.E. Hawkesworth states in her book entitled "Globalization and feminist activism" that feminism is the whole social movement politics and ideology that have the same goal of describing, establishing, and achieving political, economic, personal, and social equality of the sexes.⁴ Feminism, whose figures are called feminists, does not have a specific definition that provides an explanation of feminism. Feminism is currently understood as a women's movement that demands equality, emancipation, and justice with men. Understanding related to feminism continues to develop, including in current technological developments known as cyberfeminism.

As a branch of feminism, cyberfeminism seeks to understand how gender, technology, and society interact through the lens of modern technological advancement. Cyberfeminism highlights how the role of women is changing with respect to cutting-edge technology. According to several groups, including feminists, cyberfeminism is a form of women's resistance to a rampant patriarchal culture and seeks to change the way women interact with each other, with computers, and with the communication networks that support them.⁵ The emphasis of Cyberfeminism is on the main role of gender in social relations in society as a result of the oppression of women. The main highlight of cyberfeminism is the realm of cyberspace, which spreads information and raises the belief that everyone has rights and obligations and is on the same level. The phenomenon of cyberfeminism challenges the virtual world to go beyond gender categories.⁶

Based on the data mentioned in the previous section, women as a gender are more active on social media. The reality that is happening now is that social media is not only a medium for entertainment or communication, but more than that. Social media can now be used as a medium for self-expression and a place to earn income in the form of material goods. Social media provides a

³ Yayasan Kesehatan Perempuan, "Meningkatnya Kekerasan Berbasis Gender Online Setelah Satu Tahun Pandemi di Indonesia," accessed August 31, 2024, <https://ykp.or.id/meningkatnya-kekerasan-basis-gender-online-setelah-satu-tahun-pandemi-di-indonesia/>.

⁴ Mary E Hawkesworth, "*Globalization and Feminist Activism*," accessed August 31, 2024, <https://www.cambridge.org/core/journals/politics-and-gender>.

⁵ Dedi Wahyudi and Novita Kurniasih, "Cyberfeminism Dan Isu Gender Dalam Arus Teknopolitik Modern," *SETARA: Jurnal Studi Gender Dan Anak* 04, no. 01 (2022): 25–40.

⁶ Wahyudi and Kurniasih.

significant opportunity to encourage women to achieve empowerment. It becomes an opportunity to use social media for positive activities such as getting information, changing lifestyles, and getting socio-economic and political support, as stated in the objectives of the gender empowerment index for Indonesian women. However, the negative impacts are also a challenge that must be solved, the way out, women are not trapped as objects of social media, falling into an impulsive lifestyle.⁷ Currently, many social media users with the number of followers many of whom are usually called celebgrams (for the social media Instagram) or celebrity (for social media Tiktok) or often called Influencer, most of whom are women. As Influencers, they usually create various content such as daily vlog content, beauty product reviews, food reviews, and various other content, and even accept endorsements (a kind of online advertising on social media). The use of social media can be one way to make money, which is mostly done by women. Someone's activity in social media which is part of cyber space certainly makes them vulnerable to cybercrime, especially online sexual violence. Women and children are part of the vulnerable group who experience various acts of sexual violence or online gender-based violence.

The condition of women who are active in cyber space when associated with the understanding of feminism that there needs to be equality in the use of the digital world, of course, currently equality can be felt in terms of access to use, but the problem is how safe a woman is in cyber space, especially in this discussion, women in Indonesia. Based on the 2023 National Commission on Violence Against Women's End of Year Notes, there were 838 cases of sexual violence in the digital space. Meanwhile, from the perpetrators' side, the majority were social media friends, amounting to 447 perpetrators. The Indonesian feminist movement still faces many complex challenges and struggles, for example, the problem with religious law, so hard work and patience are needed in an effort to strengthen the change in the mindset and actions of Indonesian society, who still consider women as weak and inferior creatures.⁸ The feminist movement in Indonesia faces challenges in fighting for gender equality in the midst of a strong and conservative patriarchal culture. Some of the issues that are the focus of the feminist movement in Indonesia

⁷ Suharnanik, Suharnanik, "Cyberfeminism: The Opportunity and Challenges Of Social Media For Indonesian Women Empowerment," *Jurnal Komunikasi Korporasi Dan Media (JASIMA)* 3, no. 2 (2022): 118-1136.

⁸ Bayu Ananta Wibowo, "Feminisme Indonesia," *Karmawibangga: Historical Studies Journal* 4 no. 2 (2022): 127.

include sexual violence, discrimination in education and employment, and protection of women's reproductive rights.⁹

Seeing this phenomenon, of course, a responsive legal policy is needed that can overcome the phenomena of online gender-based violence. The role of the government is needed to create safe conditions in digital media for women.

Previous research from Yuni Lasari¹ and Sulih Indra Dewi¹⁰ in 2023 entitled "Cyberfeminism Activities of Jakarta Feminists as an Effort to Create a Safe Space for the Society". According to the study's findings, the cyberfeminism practiced by feminists in Jakarta stems from cross-platform, collaborative efforts that make use of new media.

Another research by Giusi Antonia Toto and Alessia Scarinci¹¹ with the title "*Cyberfeminism: A Relationship between Cyberspace, Technology, and the Internet*" in 2021. The media's adoption of ideals that are socially and culturally created is the focus of this article's analysis. What D. Haraway calls "*control grids*" are redefining identity and making it harder for people to freely participate in online life. Previous research also exists from Camila Lamartine and Carla Cerqueira¹² in 2023 with the title "*Communicating through Cyberfeminism: Communication Strategies for the Construction of the International Feminist Strike in Portugal*". This study examines the three facets of Rede 8 de Marco's communication platforms: (1) internal and institutional communication; (2) content production for online dissemination on digital platforms; and (3) mobilisation strategies and action repertoires. Rede 8 de Marco is organising the strike in Portugal.

Some previous studies are different from this author's research, where based on the current reality related to the use of digital media used by women which when associated with the discussion of cyber feminism which has equality in terms of opportunities, use and benefits of digital media but it cannot be denied that women are a vulnerable group experiencing online gender-based violence, especially sexual violence, so further discussion is needed on this matter. The focus of the discussion in this study is to determine how relevant

⁹ Wibowo.

¹⁰ Yuni Lasari and Sulih Indra Dewi, "Cyberfeminism Activities of Jakarta Feminists as an Effort to Create a Safe Space for the Society," *The SARPASS* 03, no. 01 (2023): 18–32.

¹¹ Giusi Antonia Toto and Alessia Scarinci, "Cyberfeminism: A Relationship between Cyberspace, Technology, and the Internet," *Elementa. Intersections between Philosophy, Epistemology and Empirical Perspectives* 1, no. 2 (2021): 135–151.

¹² Camila Lamartine and Carla Cerqueira, "Communicating through Cyberfeminism: Communication Strategies for the Construction of the International Feminist Strike in Portugal," *Social Sciences* 12, no. 9 (2023): 1–12.

the concept of cyber feminism is based on policies based on digital gender equality in Indonesia.

Using a statutory, conceptual, and historical perspective, this study employs a normative juridical research technique. Legal study using just secondary sources or library resources is known as the normative juridical research approach. The purpose of this research was to collect relevant information, such as subject-matter ideas, concepts, legal principles, and regulations.¹³ Literature reviews and document analyses were used to gather secondary data for this study. Books, scholarly articles, and legal documents were reviewed, including laws pertaining to cyberfeminism in Indonesian digital media, such as Law 12 of 2022 on Criminal Acts of Sexual Violence and Law 19 of 2016 on Amendments to Law Number 11 of 2008 on Information and Electronic Transactions.

History and Concept of Cyberfeminism

A. History of Cyberfeminism

At the end of the 20th century, technology developed rapidly to the point of being able to create virtual reality and *cyberspace*.¹⁴ At this time, events can occur regardless of physical location or the passage of time. This digital tool produces three-dimensional shapes using computer graphics. The ability of this technology to create human profiles with the ability to change their appearance and even take on new identities—all while expressing a variety of social values—is a major advancement.

The emergence of virtual reality and cyberspace *in* the late 20th century also opened up new opportunities for feminist movements, in this case, cyberfeminism emerged as a response to technological advances and social change.¹⁵ The development of digital technology and the internet combined feminist ideas, creating new spaces for women to express themselves and challenge the existing patriarchal system. This concept also describes a group of international female thinkers, coders, and media artists who focus on the theory, critique, exploration, and re-creation of Internet technology, cyberspace, and new media that are free from social construction.

¹³ Tuggul Ansari Setia Negara, "Normative Legal Research in Indonesia: Its Origins and Approaches," *Audito Comparative Law Journal (ACLJ)* 4, no. 1 (2023): 1–9.

¹⁴ Maha Tazi, "Cyberfeminism in the Arab World," accessed September 6, 2024, <https://onlinelibrary.wiley.com/doi/abs/10.1002/9781119429128.iegmc279>.

¹⁵ Sophie Raine, "What is Cyberfeminism?" accessed September 6, 2024, <https://www.perlego.com/knowledge/study-guides/what-is-cyberfeminism/>

Cyberfeminism is rooted in the belief that technology, especially the internet and cyberspace, can be a tool of liberation for women, allowing them to transform their identities, roles, and voices in society. The movement also focuses on how technology can be used to combat the discrimination and subordination that women experience in various aspects of life.

In the concept that technology can empower women, cyberfeminism combines feminism with digital technology, specifically the Internet and cyberspace. The "*Cyborg Manifesto*" (1991) by Donna Haraway, in which the cyborg was portrayed as a symbol of the dissolution of conventional gender, race, and class lines, became the basis of the movement in the early 1990s. This thinking paved the way for cyberfeminism to explore how technology can be used to challenge patriarchal structures.¹⁶

Sadie Plant, a British academic and director of the Cybernetic Culture Research Unit at the University of Warwick, first used the term "*cyberfeminism*" in 1994 to characterise the research and practice of feminists who study and make use of cyberspace, the Internet, and other forms of new media.¹⁷ The word and movement originated in the third wave of feminism, which occurred in the 1970s and was a continuation of the previous two waves, the former of which had an emphasis on women's suffrage in the early 20th century and the latter on equal rights for women.

B. The Concept of Cyberfeminism

Cyberfeminism is the result of the application of feminism from the women's liberation movement, which seeks to fight women's subordination, which stems from technological developments that have created new media. Milford explains that cyber feminists explore various theories with the assumption that women are naturally better suited to using the internet due to fundamental similarities. In addition, women are considered more effective in empowering themselves to master technology and communicate online. Lastly, feminists hold the belief that women are uniquely positioned to comprehend the ways in which technology systems produce knowledge and power, and that by doing so, they can alter and disrupt these practices for the welfare of society

¹⁶ MEGHASIFT FISIPOL UGM, "Cyber-feminism and the Islamic Feminist Movement in Digital Media," accessed September 5, 2024, <https://megashift.fisipol.ugm.ac.id/2023/02/06/cyber-feminism-and-the-islamic-feminist-movement-in-digital-media/>.

¹⁷ Agnes Ferenczi, "Cyberfemnims," accessed September 5, 2024, <https://www.katevassgalerie.com/blog/cyberfeminism>

at large.¹⁸ Cyberfeminism is a movement pioneered by women who utilized advances in information and communication media technology. Feminists argue that aspects of the dissemination and distribution of information media are often related to patriarchal structures, which raises questions about women's position, whether they are located between women and computers, computers and communication, or between various connections and networks. The term "cyberfeminism" now denotes a cultural and social movement that makes use of the Internet and related technology. The goal is to facilitate online learning and work production for women while also giving them chances to engage with one another. Specifically, cyberfeminism aims to overcome isolation in cyber culture and assert women's rights as creators and users of information and communication technologies. This movement is important to form an active group that can facilitate the development of the feminist movement at the global and cross-cultural level.¹⁹

There are two primary areas of study that must be considered when discussing cyberfeminism in relation to Europeans' use of social media. As a first step, we must comprehend the nature of the political discourse in Europe around the online violence against women, non-binary people, the agender community, and others who identify as gender-diverse. Inclusive participation in political conversations is frequently impeded by such violence. The second point is that studies need to look at how this violence has affected open and participatory democratic discussions about European politics, as well as the possibilities and limitations of using social media to resist. While recognising the difficulties in combating gendered and racialised forms of violence in online environments, cyberfeminism investigates the ways in which social media may be a weapon for gender resistance and empowerment. Social network analysis and quantitative content analysis both give useful insights, but they fall short when it comes to comprehending subaltern counter-publics' resistance and misuse. Private messaging, email, and the "dark web" facilitate the dissemination of hate speech and other information that is not readily visible to the public. Therefore, while these methods are useful, they have limitations in

¹⁸ Julie Millford, "Cyberfeminism and the Internet: Empowerment and Inequality in the Digital Space," *Feminist Theory Review* 29, no. 1 (2015).

¹⁹ Mulyaningrum, "Cyberfeminisme: Mengubah Ketidaksetaraan Gender melalui Teknologi Informasi dan Komunikasi", Paper presented at Seminar Nasional: "Jaringan dan Kolaborasi untuk Mencapai Keadilan Gender; Memastikan Peran Maksimal Kajian Gender, Masyarakat Sipil, dan Negara," Pusat Kajian Jepang, Kampus Depok - Universitas Indonesia, February 2015, accessed September 8, 2024, <https://www.researchgate.net/publication/312328703>.

capturing the full complexity of online violence and the dynamics of gendered resistance. Cyberfeminism proposes a more holistic approach to understanding and addressing these issues, focusing on experiences and perspectives that are often marginalized in discussions of digital politics.²⁰

Cyberphenism, according to Nicholas Stevenson's *Understanding Culture*, is the most important intellectual and political trend of the digital era.²¹ The term "cyberfeminism" is defined as "the study of how new technologies affect women's issues" in the *Dictionary of Media Studies*.²² According to Sarah Kember, the rise of cyberfeminism can be traced back to feminist thought and action throughout the IT revolution of the late 1980s and early 1990s.²³ Cyberfeminism was born as a response to the anarchist politics of cyberpunk and later became an important stream in Cyberculture Studies and feminism. The main focus of this movement includes issues of body/mind separation as well as social identity and community. In the 1990s, cyberfeminism developed into a very active political strategy and artistic method.

Donna Haraway argues that, rather than reinforcing gender divisions, identities should be demystified and freed from gender categorization. Her idea of the cyborg represents the removal of these limitations, and depicts the struggle of women in the late 20th century as a struggle for life itself. Haraway suggests that the boundary between science fiction and social reality is merely an optical illusion, reflecting her view of gender and social identity as mutable constructs.²⁴

Richard and Gray continued Haraway's work in 1997 by noting that in the 1990s, cyberfeminism began to emerge and gain international influence. At this period, Haraway popularised the concept of "cyborg feminism," a subset of feminism that advocated for women to combat patriarchy via the strategic use of technological advancements. Like Karl Marx's "Communist Manifesto" from

²⁰ Charlotte Galpin, "At the Digital Margins? A Theoretical Examination of Social Media Engagement Using Intersectional Feminism," *Politics and Governance* 10, no. 1 (2022): 161–71.

²¹ Nicholas Stevenson, " *Understanding Culture: A Critical Review of Cyberfeminism as the Most Significant Academic and Political Movement of the Information Age*," (New York: Routledge, 2016).

²² David M. Finkelstein and Alistair MM Hirst, "Cyberfeminism," *Dictionary of Media Studies* (London: Routledge, 2018).

²³ Sarah Kember, " *Cyberfeminism: Connectivity, Critique, and Creativity*," (New York: Palgrave Macmillan, 2014).

²⁴ Haraway, DJ (1991). *A Cyborg Manifesto: Science, Technology, and Socialist-Feminism in the Late Twentieth Century*.

1847, Haraway's "A Cyborg Manifesto" integrates science, socialism, and feminism with technology. Instead of identifying with second-wave feminism, Haraway advocates for affinity. Haraway urges feminists to participate in a politics that transcends essentialism and naturalism by using the cyborg as a metaphor. According to Haraway's manifesto, which she calls the "Informatics of Domination," feminists are hesitant to acknowledge their predicament. Circuits and wires, rather than flesh, are becoming more prevalent throughout this time, as pointed out by Haraway. According to Haraway, it is time to appreciate the cyborgization that is rooted in various fields of emerging technology. Haraway argues that cyborgs represent a postmodern utopia of a genderless world that has no beginning.²⁵

Cyberfeminists, according to Wajcman, claim that the Internet lays the technical groundwork for the creation of new societies and inventive subjectivities. Users of digital technology have the flexibility to choose, hide, and adopt various identities; this blurs the lines between people and robots as well as between men and women. This exploration of identity then challenges understandings of subjectivity and undermines dominant masculine fantasies.²⁶

C. The Development of Cyberfeminism in Indonesia

Cyberfeminism in Indonesia has developed along with the advancement of the internet and technology, opening up new spaces for feminist movements to study issues related to technology and gender. This movement began to be known in Indonesia in the early 2000s, along with the increase in internet access and social media. Indonesian feminist activists began to use technology on digital platforms such as blogs, social media, and online forums to fight for women's rights, fight gender stereotypes, and speak out about reproductive rights, gender inequality, and sexual violence.

The development of cyberfeminism in Indonesia has a different context, especially because of the integration of technology, culture, and gender issues that exist in society. Initially, feminism in Indonesia was more influenced by social and political struggles that focused on women's rights in the fields of

²⁵ Richard, Dan, and Michael Gray, "Cyberfeminism: Origins and Impact," *Journal of Digital Feminism Studies* 12, no. 3 (2018).

²⁶ Wajcman Judy, "The Gender Politics of Technology," In *The Oxford Handbook of Contextual Political Analysis*, edited by Robert E. Goodin and Charles Tilly, New York: Oxford University Press, 2006.

economy, education, and reproductive rights. However, cyberfeminism emerged as a response to social changes caused by the internet.²⁷

Feminist activists are using online platforms to voice gender issues and challenge traditional stereotypes, using online forums and social media to discuss and mobilize support. Awareness campaigns and digital projects such as “Digital Women” have encouraged women’s empowerment through technology training and digital skills. However, challenges such as the digital access gap and online harassment remain. Governments are beginning to respond with policies related to digital security and the protection of women’s rights, while cyberfeminism continues to adapt to technological innovations to promote gender equality in the digital space.²⁸

Emerging media and communication technologies have both immense promise and grave danger for women’s empowerment, and this has had an impact on the growth of cyberfeminism in Indonesia. In an effort to challenge male-dominated fields like technology, cyberfeminism arose with the goal of erasing distinctions between humans and computers. Thanks to technological advancements, women in Indonesia are now able to participate in formerly male-dominated industries, such as internet transportation. However, although cyberfeminism offers opportunities for exploration of identity and freedom through anonymity, challenges remain. Research shows that internet access in Indonesia is still low among women compared to men, and internet use is often limited to lifestyle and entertainment, rather than productive activities. In addition, women still face threats in cyberspace, including violence and marginalization, which hinder their full participation.²⁹

Cyberfeminism in Indonesia focuses on empowerment through social media and technology, but also has to face critiques regarding access and inclusion. There is a need to consider the material conditions of women and how technology can be used critically to advance feminist ideas, not just as an idealized space of liberation. Thus, cyberfeminism in Indonesia shows significant potential but also requires attention to the challenges it presents.

²⁷ Suharnanik, “Cyberfeminism: The Opportunities and Challenges Of Social Media For Indonesian Women Empowerment.”

²⁸ Wahyudi and Kurniasih, “Cyberfeminism and Gender Issues in Modern Technopolitical Currents.”

²⁹ Salim Alatas dan Vinnawaty Sutanto, “Cyberfeminisme Dan Pemberdayaan Perempuan Melalui Media Baru,” *Jurnal Komunikasi Pembangunan* 17, no. 2 (2019): 165–176.

D. The Relevance of the Concept of Cyberfeminism in a Policy Perspective Based on Digital Gender Equity in Indonesia

Gender is something that is formed or constructed socially in society between women and men,³⁰ such as masculine traits, being brave, courageous, and not crying easily, which are characteristics of men. Meanwhile, women are depicted as being gentle, sensitive, fearful and feminine. Such differences are labeled in the family environment, friends, society, culture, school, workplace, even social or digital media sometimes become a place where these social constructions are formed. As an example, in the vast majority of nations, males are expected to serve in the military, while women are expected to take care of children.³¹

The social construction of gender refers to the systematic and institutional processes by which societies assign attributes, roles, responsibilities and beliefs to men and women in a cultural context.³² In its social relations, gender is divided into 5 characteristics, namely relational, hierarchical, dynamic, diversity, and institutional. The five characteristics in social relations will form the social construction of gender in society.³³

Gender issues are not only related to the female or male sex, but also related to the existence of justice and equal rights between men and women. Although by nature men are stronger than women so they are considered people who protect women, women can also provide tenderness to men and also to children. However, this is one of the triggers for gender inequality because women are considered weaker than men.³⁴

Gender equality is one of the concepts contained in human rights. Equal rights between women and men are also one of the basic principles contained in the Charter of the United Nations (UN) and were later adopted by world

³⁰ Nur Afif, Asep Ubaidillah, and Muhammad Sulhan, "Konsep Kesenjangan Gender Perspektif Fatima Mernissi Dan Implikasinya Dalam Pendidikan Islam," *IQ (Ilmu Al-Qur'an): Jurnal Pendidikan Islam* 3, no. 02 (2021): 229–242.

³¹ Kayus Kayowuan Lewo Leba and Yuliana Yuli Wahyuni, "Perempuan Korban Kekerasan Berbasis Gender Online Dan Perlindungan Hukumnya," *UNES LAW REVIEW* 6, no. 2 (2023): 7082–7096.

³² Nurdin Nurdin, "Memahami Isu Gender Dan Ketidaksetaraan Gender Di Indonesia Pasca Era Reformasi: Perspektif Pembangunan," *Jurnal Ilmiah Global Education* 5, no. 1 (2024): 332–343.

³³ Nurdin.

³⁴ Cindy Shira Riyanto et al., "Kesenjangan Gender," *Humantech Jurnal Ilmiah Multi Disiplin Indonesia* 2, no. 8 (2023): 1767–1773.

leaders in 1945.³⁵ With the help of Presidential Regulation Number 59 of 2017, which aims to achieve the Sustainable Development Goals, Indonesia has joined the other UN member states in signing a program called Transforming Our World: The 2030 Agenda for Sustainable Development, also known as the Sustainable Development Goals. One of these goals is to improve the welfare of humanity worldwide. The fifth goal of the SDG agenda is "Achieving Gender Equality and Empowerment of Women and Girls".³⁶

Another international document that addresses gender inequality is the 1979 Convention on the Elimination of All Forms of Discrimination against Women, better known as CEDAW. With exceptions in the political, economic, social, and other fields, the convention emphasizes the importance of equal rights, opportunities, and treatment for women and men in all aspects of life and in all efforts involving equality.³⁷ Indonesia has experienced improvements in narrowing the gender gap in various key sectors, but challenges remain in national priority development indicators related to gender equality and women's emancipation including education, health, employment, violence against women and discrimination and the rights of vulnerable groups.³⁸

Both sexes are not helpless victims of societal norms and expectations; they may and do actively reject these patterns. Gender constructs are always shaped by the social structures in which they were formed, but being cognisant of them helps us learn more and be more critical about our choices.³⁹ Many factors come together to form gender oppression. These include racial identification, ability/disability, nationality, socioeconomic status, age, religion, culture, politics, and location.⁴⁰

Gender equality is certainly important in the era of technological and digital development today. In fact, gender discrimination does not only occur

³⁵ Dhea Januastasya Audina, "Kesetaraan Gender Dalam Perspektif Hak Asasi Manusia," *Nomos: Jurnal Penelitian Ilmu Hukum* 2, no. 4 (2022): 148–154.

³⁶ Sonny Dewi Judiasih, "Implementasi Kesetaraan Gender Dalam Beberapa Aspek Kehidupan Bermasyarakat Di Indonesia," *Acta Diurnal Jurnal Ilmu Hukum Kenotariatan Dan Ke-PPAT-An* 5, no. 2 (2022): 284–302.

³⁷ Novia Puspa Ayu Larasati, "Gender Inequality in Indonesia: Facts and Legal Analysis," *Law Research Review Quarterly* 7, no. 4 (2021): 445–458.

³⁸ Supriyatiningsih Wenang et al., "The Understanding of Gender Equality in Indonesia by Indonesian Women's Diaspora in Germany," in *Proceedings of the 5th International Conference on Sustainable Innovation 2022*, vol. 3, 2022, 25–26.

³⁹ Giulia Nanni, *Measuring Gender Equality (A Multidisciplinary Analysis of Some EU Countries)*, vol. 148, 2023.

⁴⁰ Cathryne L. Schmitz and Shirley Gatenio Gabel, "Women, Human Rights, and Gender Equality," *Journal of Human Rights and Social Work* 8, no. 4 (2023): 359–360.

in the real world, but in cyberspace or cyberspace is also a place where gender discrimination occurs. Cyberspace as a public space can reconstruct a person's identity. Everyone is free to express and share their feelings in cyberspace or social media.⁴¹

There are a lot of societal norms that assume women value their social lives more than men do, which makes them more inclined to conform and utilise social media. When it comes to mobility, friendships across the sexes, and love partnerships, gender preconceptions and conventions favour males over women.⁴² Gender prejudice is complex and has several causes, one of which is media portrayals of women and girls. Ads and photographs show women in a variety of dependent tasks, from childcare to the job, reinforcing gender norms and behaviours; males, meanwhile, are seen as more autonomous and emotionally distant. Thus, while the internet allows us to express ourselves via our online personas, in actuality, online environments just serve to perpetuate the gender norms and cultural practices that already exist in the physical world.⁴³

Perceptions of women's body image are also impacted by gender prejudice and social media. Certain ideals of female beauty and role models are perpetuated in the media. This causes them to internalise the culturally stereotyped and internet-presented modern norms of female beauty. In addition, gender stereotypes contribute to the problem of cyberbullying, in which women face unwarranted criticism of their looks and online content. Digital public places provide women with more chances than ever before to voice their opinions and share their stories. A place to do this and share opinions on delicate topics is in the presence of online public places. In addition to providing a safe space for women to share their opinions, it also encourages them to engage in thoughtful conversations with one another.⁴⁴

⁴¹ Wahyudi and Kurniasih, "Cyberfeminism Dan Isu Gender Dalam Arus Teknopolitik Modern."

⁴² Vivian Angela and Jonathan Bertrand, "Understanding Role of Gender and Social Media towards Social Impact: An Initial Review," *International Conference of Psychology Universitas Ahmad Dahlan*, vol. 2, 2022, 64–69.

⁴³ Eavi Media Literacy for Citizenship, "Social Media and Gender: A Tricky Combination," accessed August 20, 2024, <https://eavi.eu/social-media-and-gender-a-tricky-combination/>.

⁴⁴ Roseline; Lasmerly and RM Girsang, "Cyberfeminism Issues in Digital Platforms," *International Journal of Multicultural and Multireligious Understanding* 10, no. 9 (2023): 267–276.

Online, on an equal footing. Providing a platform for individuals to speak up for their rights, exchange stories, and rally around social change.⁴⁵ Digital gender equity is certainly important today, where in fact in the digital space women are often victims of online gender-based violence. Starting from bullying about body shape to things related to online sexual harassment. This at least illustrates that digital space is not friendly towards women and their right to express themselves.

In terms of motivation and mental elements, access to resources regarding device and internet ownership, and skills and mastery, there are a number of obstacles that women face while trying to use the internet on an equal footing.⁴⁶ Victimization of women by males in the context of online gender violence is one facet of gender inequality in this age of rapid technological advancement. There have been several incidents of gender-based violence in cyberspace throughout the Covid Era. There has been a dramatic increase in the number of incidents of online gender-based violence during the pandemic, with some reports indicating a surge of 300% (940 cases). This alarming trend is detailed in the 2021 SAFEnet Press Release Document. This is because in the previous years, 2018 and 2019, according to Komnas Perempuan records, there were 97 cases (2018) and 241 cases (2019) of online gender-based violence.⁴⁷

Throughout 2022, data on complaints of Gender-Based Cyber Violence (KSBG) at the National Commission on Violence Against Women was 1.4% lower than before. The number of cyber cases in the personal realm was 821 cases, dominated by sexual violence and mostly committed by ex-boyfriends (549 cases) and boyfriends (230 cases). Meanwhile, the most cyber cases in the public domain were committed by “social media friends” with 383 cases. This year, online loan cases increased by 225% (13 cases) compared to the previous year (4 cases). Meanwhile, the cyber data reported by the service institutions was mostly in NGOs and WCCs with 103 cases, this data decreased by 67 cases compared to the previous year. However, the number of cyber cases reported

⁴⁵ Maci Morin and Michell Morto, “The Impact of Women Breaking Digital Access Barriers,” accessed August 15, 2024, <https://www.ntia.gov/blog/2024/impact-women-breaking-digital-access-barriers>.

⁴⁶ Aditiana Dewi Eridani Sugeng Bahagijo, Yanu Endar Prasetyo, Denisa Kawuryan, Bona Tua, “Closing The Digital Gender Gap In Indonesia Through The Roles And Initiatives Of Civil Society Organizations,” *Jurnal Ilmu Sosial* 21, no. 1 (2022): 14–38.

⁴⁷ Kholil Lur Rochman Kholil and Wahyu Budiantoro, “Cyberfeminisme: Pembebasan Psikologi Perempuan Di Ruang Digital,” *KURIOSITAS: Media Komunikasi Sosial Dan Keagamaan* 15, no. 1 (2022): 97–121.

by service institutions as a whole has increased by 112 cases, where most of the perpetrators of these cyber cases are strangers, boyfriends or ex-boyfriends.⁴⁸

Following its initial proposal in 2012 and subsequent deliberation in the House of Representatives in 2016, the National Commission on the Elimination of Violence against Women (Komnas Perempuan) ultimately succeeded in having the Draft Law on the Elimination of Sexual Violence passed by Indonesia in April 2022. The law establishes procedures for the protection and recovery of victims and a legal framework for victims to get justice. Additionally, it aims to eradicate sexual assault by involving the community, state, families, and businesses.⁴⁹ Preventing sexual assault, protecting victims, enforcing laws against it, making communities safer, and ensuring that such abuse does not happen again are the five pillars upon which the TPKS Law rests.⁵⁰

The implementation of Law No. 12 of 2022 on Criminal Acts of Sexual abuse (UU TPKS) provides victims of sexual abuse with further legal backing to seek help in both offline and online settings. The foundational principles of victim protection laid out by the TPKS Law are as follows: the right to be present and heard; the right to apply for victim compensation; the right to proceedings free from unreasonable delay; the right to confer; and the right to standing and remedies. One may argue that the protection of victims is already an inherent priority in these six basic rights.⁵¹

This Law on Sexual Violence Crimes provides the spirit to protect anyone against victims of sexual violence, be it women, children, or men, their protection is accommodated in the law. The spirit contained in this TPKS Law is the spirit of victim protection, as contained in Article 1 Paragraph (12) of the TPKS Law, what is meant by "victim rights" is "the right to treatment, protection, and recovery obtained, used, and enjoyed by victims with the intention of changing the victim's condition to be better, dignified, and

⁴⁸ Komisi Nasional Anti Kekerasan terhadap Perempuan (National Commission on Violence Against Women), Catatan Tahunan Komnas Perempuan Tahun 2023 Kekerasan terhadap Perempuan di Ranah Publik dan Negara: Minimnya Pelindungan dan Pemulihan. Jakarta (2023).

⁴⁹ Lisa Cameron, "Gender Equality and Development: Indonesia in a Global Context," *Bulletin of Indonesian Economic Studies* 59, no. 2 (2023): 179–207.

⁵⁰ A. Dardiri Hasyim, Mufrod Teguh Mulyo, and Darsinah, "Harmonization of Cairo's Declaration of Human Rights in the Criminal Act of Sexual Violence Law," *International Journal of Criminal Justice Sciences* 16, no. 2 (2021): 402–414.

⁵¹ Mega Fitri Hertini et al., "Implikasi Undang-Undang Tindak Pidana Kekerasan Seksual Terhadap Aspek Perlindungan Korban," *Litigasi* 23, no. 2 (2022): 135–170.

prosperous" which is multidimensional, sustainable, and participatory, and centered on the needs and interests of the victim.

As far as sexual violence prevention and protection laws go, the TPKS Law covers a lot of ground. Along with physical forms of sexual assault, acts of sexual violence that are tolerated also include sexual violence that occurs in cyberspace. Not only are the types and forms of sexual violence regulated, but also the qualifications of law enforcers in handling cases of sexual violence are regulated. From a gender perspective, the TPKS Law has several important aspects, *the first*, Focus on Victim Protection. The TPKS Law places victims of sexual violence at the center of attention. The law recognizes various forms of sexual violence and provides specific rights to victims, including the right to protection, rehabilitation and restitution. This reflects an effort to address the gender injustices that women and other vulnerable groups often face.

The Second, The TPKS Law has a comprehensive definition of sexual violence, including sexual violence in the form of coercion, sexual harassment, and sexual exploitation. This definition is more inclusive and gender-sensitive compared to previous laws, which often did not cover various forms of sexual violence experienced by female victims and other vulnerable groups. *Third, increasing access to justice*. The TPKS Law regulates the reporting and handling mechanisms for cases of sexual violence to facilitate access to justice for victims.. This includes protecting victims' identities and providing better support services, which are essential to addressing gender inequalities in the justice system.

The Fourth, Obligations of Education and Socialization. The law also includes an obligation to provide education and outreach on sexual violence and victims' rights. This has the potential to change society's view on gender and sexual violence, as well as reduce the stigma and bias that often burden victims, especially women. *The Fifth*, Protection for Vulnerable Groups. The TPKS Law includes special protections for vulnerable groups such as children, women, and groups with non-binary gender identities. This shows attention to gender issues and seeks to provide more holistic protection.

The Sixth, Sanctions for Perpetrators. The TPKS Law stipulates heavier sanctions for perpetrators of sexual violence, including prison sentences and fines. This aims to provide a deterrent effect and uphold justice, as well as demonstrate a commitment to combating gender-based violence.

Overall, the TPKS Law shows significant progress in handling sexual violence and reflects a more sensitive and inclusive gender perspective compared to previous regulations. The TPKS Law, which focuses more on direct sexual violence, is also relevant in the digital world, especially in terms of

cyberfeminism. When viewed from the concept of cyberfeminism, it can be said that the TPKS Law contains Recognition of Digital Sexual Violence. Cyberfeminism recognizes that sexual violence does not only occur physically, but also in the digital space. The TPKS Law is expected to be able to protect victims of sexual violence that occurs through technology, such as sexual harassment through messages, images, or videos.

The TPKS Law covers sexual exploitation, harassment, and gender-based violence that occurs in digital media, so theoretically, this law is in line with the principles of cyberfeminism which seeks to eliminate all forms of violence against women, both offline and online. In addition, the TPKS Law also shows an increase in gender awareness in the digital space. The TPKS Law promotes education and outreach on sexual violence, which can also be applied in an online context. From a cyberfeminist perspective, this education is important to raise awareness about how technology can be used to reinforce or combat sexual violence. The TPKS Law also shows that there is bias towards victims in cases of online violence.

Cyberfeminism emphasizes the need for a legal system that favors victims, especially in the context of online violence. The TPKS Law is expected to be a solution to these problems, by providing protection to victims of digital-based sexual violence and ensuring that the legal process does not criminalize victims. The TPKS Law also shows Intersectionality, namely how women's experiences in digital spaces differ based on their identities (race, class, sexual orientation, and others). The TPKS Law has begun to recognize the importance of protection for vulnerable groups, such as women, children, and minorities, but its practical implementation must pay more attention to this intersectional aspect, especially in cyberspace where marginalization is often reinforced by technology.

Law 19 of 2016 about Amendments to Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) is another set of rules pertaining to electronic information and transactions in Indonesia, alongside the TPKS Law. The Electronic Information and Transaction Law (UU ITE) is a regulation designed to govern and control the use of and transactions conducted through electronic systems in Indonesia.⁵²

The ITE Law generally does not mention or contain articles that explicitly relate to gender. However, the ITE Law is often associated with gender issues

⁵² Loso Judijanto, Melyana R Pugu, and Yuarini Wahyu Pertiwi, "Indonesian Criminal Law Reform in the Face of Cybercrime," *International Journal of Society Reviews (INJOSER)* 2, no. 6 (2024): 1548–1561.

because of its use in cases involving gender-based violence, such as online harassment, revenge porn, or defamation that often impact women.

There are several gender perspectives in the ITE Law, namely, the first, Gender-Based Harassment Cases. Women are often victims of online harassment, such as the unauthorized distribution of personal content or sexist comments. The ITE Law can be used to prosecute perpetrators of online harassment, but in practice, many victims feel they are not fully protected due to lengthy or complex legal procedures.

The Second, the use of defamation articles. Article 27 paragraph 3 of the ITE Law on defamation is often used in the context of social relations that cause conflict, including those involving gender issues. There are many cases where women who report sexual violence are reported back with the article on defamation, thus raising concerns about injustice in legal protection.

The third, Pornographic Content and Sexual Violence. The ITE Law is also used to try cases related to the distribution of pornographic content or online sexual violence. In some cases, women become victims of the dissemination of personal content involving violations of privacy and honor. Fourth, Lack of Gender Perspective in Legal Policy. In its application, the ITE Law is often considered not to take into account a fair gender perspective. This law focuses more on information technology violations without considering the specific impacts that are more often experienced by women, such as online gender-based violence.

Overall, although the ITE Law can be used to protect victims of online harassment or violence, including gender-based violence, several community groups and activists feel that the implementation and utilization of this law needs to pay more attention to a fair gender perspective so as not to harm certain parties, especially women. Law also plays an important role in regulating the digital world, but from a cyberfeminism perspective, there are several challenges, namely Control and Empowerment. Cyberfeminism supports women using technology as a tool to empower themselves, speak out, and share experiences, especially related to gender issues.

Then there is Control, the ITE Law is sometimes considered more as an instrument of control that limits women's expression, especially in cases of defamation or insults. This has the potential to pressure women not to report cases of sexual violence or online harassment for fear of being reported back on the basis of defamation (Article 27 paragraph 3). Furthermore, it regulates Online Gender-Based Violence. Cyber Harassment: Cyberfeminism recognizes that women are often the targets of online sexual harassment, such as body shaming, doxing, or the distribution of personal content (revenge porn).

Although the ITE Law can be used to address this, its implementation is often not in favor of the victim, as there is still gender bias in law enforcement. Anonymity and Violence. Cyberspace allows for anonymity, which is often used to carry out gender-based violence, such as verbal attacks or sexual threats. From a cyberfeminist perspective, the ITE Law needs to be more assertive in dealing with these violations to protect women in the digital space.

In addition, Privacy and Autonomy of the Digital Body. The ITE Law has not fully accommodated the need for women's digital privacy. The use of technology such as revenge porn or the distribution of personal content is a major problem that often does not receive serious attention. Cyberfeminism pushes for stronger protection of women's bodies in digital spaces.

Conclusion

From a cyberfeminism of concept perspective, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and Law Number 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (UU ITE) can actually complement each other. The TPKS Law focuses on protecting victims of sexual violence, while the ITE Law provides a legal basis for regulating the digital world. However, both need to be viewed more holistically, so that law enforcement not only protects perpetrators of digital violence (for example, through articles on defamation), but also sides with victims of digital sexual violence. Protection and privacy of victims of online violence are strengthened, by ensuring that digital spaces are safe and non-discriminatory for women. Public awareness of the impact of gender in digital spaces is increased, through more inclusive education campaigns, as mandated by the Law on Criminal Acts of Sexual Violence. In the context of cyberfeminism, these two laws have the potential to become important instruments in overcoming gender-based violence in the digital world if implemented fairly and in favor of victims.

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