

RESEARCH ARTICLE

# Legal Protection for Child Perpetrators and Victims of Revenge Porn in Indonesia



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**Citation:**

Jennifer, G., Rumondor, J. A., & Desintha, P. K. N. (2022). The Legal Protection for Child Perpetrators and Victims of Revenge Porn in Indonesia. *Law Research Review Quarterly*, 8(1), 67-88.  
<https://doi.org/10.15294/lrrq.v8i1.53802>

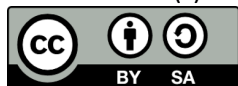
**Submitted :** July 29, 2021

**Revised :** October 22, 2021

**Accepted :** December 11, 2021

**Online since:** February 8, 2022

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ISSN 2716-3415

*Law Research Review Quarterly* published by Faculty of Law, Universitas Negeri Semarang, Indonesia. Published quarterly on February, May, August, and November.

**Abstract**

The development of the digital world brings so many benefits to human life, which includes all levels of people, from children to adults. For children, the digital world and social media will certainly support a more advanced and developing life. However, this progress also presents various potentials and challenges that are not in line with the fulfillment of children's growth and development rights. This is related to the threat of children's rights in criminal acts based on social media, both as perpetrators and as victims of the crime itself. One of these crimes is online gender-based violence that is rife in the form of cyberporn with revenge porn modus operandi, which is a crime by spreading vulgar content without the consent of the person in the content to take revenge. The research method used is a descriptive-analytical research method with a normative legal approach, where the author uses secondary data and a statutory approach to draw deductive conclusions. Therefore, the government needs to actively implement legal protection to protect the rights of children as victims and perpetrators. Such legal protection should be carried out in a preventative manner with the Virtual Police mechanism and the role of the Stakeholders, and repressively by carrying out the judiciary, instilling the concept of restorative justice in its implementation, both in

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the application of diversion for the perpetrator and the provision of restitution or compensation for victims.

**Keywords:** *Legal Protection, Restorative Justice, Right of Child, Child Protection, Human Right*

## 1. INTRODUCTION

The advancement of technology and information in the world, specifically Indonesia, brings benefits that simplifies human activities, human jobs, and social interaction through the use of social media. According to a report by Hootsuite, titled *Digital 2021: The Latest Insights Into The State of Digital* it is found that 170 million out of 274,9 million (61,8%) of Indonesians use social media. These users are divided into different age groups. 12.5% of users are aged 13-17, 30.7% are aged 18-24, 34.1% of users are aged 25-34 (Hootsuite, 2021).

Any form of social media (Facebook, Instagram, TikTok, Twitter) have benefits for socializing or associative social interaction. However, when abused, social media can also lead to cybercrime. This cybercrime based on social media is not free from its relation to the existing gender position, namely women and men which we often know as Online Gender Based Violence (hereinafter referred to as OGBV). According to data released by the National Commission on Violence Against Women, throughout 2019, OGBV rates increase significantly as high as 300%. This significant increase sees 281 reported cases which when compared to 2018 only sees 97 reported cases (Komnas Perempuan, 2020b). This of course does not take into account unreported and unknown cases that may also occur.

OGBV occurs mainly in everyday human interactions. In writing this research paper, the authors reviews OGBV in the form of cyberporn carried out by child perpetrators and child victims, as stated in the Child Protection Law that

defines children as those who are up to 18 years old. Cyberporn is an act that uses cyberspace in producing, displaying, presenting, uploading, or downloading pornography or vulgar content (Sugeng, 2020). With the current rapid development, cyberporn does not only involve adults, but also involves children, both as perpetrators and as victims of this criminal act.

Based on the facts published by National Committee on Violence Against Women, numerous high school students turn out to be perpetrators and victims of this crime, especially with revenge porn as its modus operandi, which resulted in 33% out of 97 cases in 2018 (Komnas Perempuan, 2020a). Revenge porn is a modus operandi in cyberporn that is carried out by spreading sexual, obscene, and explicit content without the consent of the recorded individual (Chandler & Munday, 2016). This distribution is carried out as a form of revenge towards individuals recorded in the content, which generally occurs within the scope of the premarital relationship between the perpetrator and the victim. From these sets of ideas, it can be interpreted that there are a lot of people under the age of 18 who are then related to the crime of revenge porn.

As the crime numbers of revenge porn increases, it is important that the Indonesian government takes active action in administering justice and providing legal protection for children who incidentally have the right to proper growth and development, as stated in Article 6 Section 2 of The United Nations Convention on the Right of the Children (United Nations, 1989), which reads : *“State Parties shall ensure to the maximum extent possible the survival dan development of the child.”* This is also in line with Article 28B paragraph (2) of the 1945 Constitution, which emphasizes that every child has the right to proper survival, appropriate growth and development, and to obtain protection in order to be free from violence and discrimination. The fulfillment of this right should also be endeavored by the state in realizing its goals in educating

the nation as stated in the fourth paragraph of the Preamble to the 1945 Constitution, given that children are the future of Indonesia and will determine the path and survivability of the NKRI.

The legal protection given to children as perpetrators is closely related to the provision of penalties and settlement of existing cases, which should always prioritize the child's "best interest". Meanwhile, when viewed from the perspective of children as victims, the law needs to ensure legal protection and fulfillment of justice.

Hence, the following Research Questions are raised: a) How will legal protection for perpetrators of child revenge porn be implemented? and b) How will legal protection for victims of child revenge porn be implemented? The purpose of this paper is to provide an understanding of how the Indonesian legal system should provide legal protection for children, both children who are perpetrators and victims of social media-based and gender-based crimes in the form of revenge porn that occur in the scope of premarital relations, especially the age of children.

## **2. METHOD**

This research was conducted in an analytical descriptive manner and is based on the statute approach, namely the approach through legislation, including: a) Primary legal materials, which are positive legal materials consisting of the 1945 Constitution of Indonesia, Acts and Government Regulations; and b) Secondary legal materials, namely legal materials obtained from books, scientific articles, scientific articles, national or foreign journals relating to legal protection for child victims and perpetrators of revenge porn. The author processes the primary and secondary data that have been collected and then draws a deductively comprehensive conclusion, therefore the results are departed from the fundamental and practical legal norms that apply in the life of Indonesian society.

### 3. RESULT AND DISCUSSION

#### A. *Legal Protection for Children Perpetrators of Social Media-Based Crimes in the Perspective of Restorative Justice*

The enforcement of laws and eradication of OGBV require all levels of the Indonesian nation to play a role in order to obtain justice for all concerned parties. May it be the government, OGBV victims and/or OGBV perpetrators, law enforcement officers, NGOs, along with various communities who are stakeholders will influence the legal transformation of OGBV in the community.

Based on the authors' analysis, OGBV revenge porn, whether the perpetrator is a child or an adult, could be processed through: a. the Criminal Code (KUHP); b. Law No. 44 of 2008 concerning Pornography (Pornography Law); c. and Law No. 19 of 2016 concerning Amendments to Law No. 11 of 2008 concerning Information and Electronic Transactions (ITE Law).

The increase of OGBV cases that occurred in 2019 in the 2020 Komnas Perempuan CATAHU recorded '114 cases' in the public space which occupied the first position in the crime report that was reported to Komnas Perempuan. In the graph reported directly to the National Commission on Violence Against Women, the number of children in conflict with the law or perpetrators of KBGO in 2019 did not reach 50 children. Although reports of the number of children in conflict with the law or KBGO actors are minimal, this must not be underestimated. This is due to allegations that even though many of the perpetrators of KBGO are children, they are not reported to the respective authorities, thus no records could be found.

From the data compiled by Komnas Perempuan and according to the authors' analysis, it can be concluded that Indonesian society is still influenced by a stigma that rules cyberporn as taboo. This causes very few reports of revenge porn cases that are carried out by children. The phenomenon of revenge porn committed by children often occurs, but instead of reporting the act, the related family members

decide against reporting, and the victims are afraid because they are threatened by the perpetrator.

Children who are victims of revenge porn must be protected; their psychological condition must be restored. Perpetrators who are still in the category of children must also be given penalties in accordance with the laws and regulations. Based on the author's analysis, the following laws and regulations below can be applied to realize restorative justice for children and perpetrators, these regulations are: first, Law No. 4 of 1979 concerning Child Welfare (KA Law (Republik Indonesia, 1979)); Second, Law No. 23 of 2002 concerning Child Protection as amended and the latest amendment, namely Law No. 35 of 2014 (Child Protection Law (Republik Indonesia, 2014c)); Third, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law (Republik Indonesia, 2012)); Fourth, Government Regulation No. 65 of 2015 concerning Guidelines for Implementing Diversion and Handling of Children Below 12 Years Old (PP No. 65/2015 (Republik Indonesia, 2015)); Fifth, the Regulation of the Supreme Court of the Republic of Indonesia No. 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System (PERMA 4/2014 (Republik Indonesia, 2014a)).

The process of a child in conflict with the law/perpetrator must be carried out keeping in mind the 'best interests' of the child in accordance with the mandate of Law No. 4 of 1979 about Child Welfare. The guarantee of protection is in the form of restorative justice implementations in order to restore the good name of children perpetrators in OGBV cases so that they can rejoin society and be directly involved in the dispute resolution process in accordance with the principles of restorative justice (Ness & Strong, 2010). During this law enforcement process, the Prosecutor in charge of prosecuting cases with the aim of imposing the heaviest criminal charges on children in conflict with the law must prioritize the concept

of restorative justice in finding a resolution to suit the child's condition and 'children's best interests' (Ristina, 2018).

In the book *Restoring Justice: An Introduction to Restorative Justice* by Daniel W. Van Ness, it is stated that there are four main values of restorative justice, namely: first, Inclusion, the direct involvement of parties in carrying out the restorative process as a response to criminal acts; second, Encounter, where the parties are given the opportunity to meet by the other party in a safe place to negotiate regarding attacks, violence and inappropriate responses; Amends, the responsibility for the violence committed by the suspect and the responsibility to correct it as far as possible; fourth, Reintegration, in which the parties are given the means and opportunity to rejoin the society as a whole, contributing as part of the community rather than continuing the stigma about violence and perpetrators of violence (Ness & Strong, 2010).

According to the authors' analysis, the four values of restorative justice can be implemented through protection for children in conflict with the law or OGBV actors as regulated in the SPPA Law. Imprisonment is the last alternative if the conditions for granting the two forms of legal protection are not met.

#### *a. Terms of Diversion for Revenge Porn Perpetrators*

Diversion is a form of legal protection for children in conflict with the law (perpetrators) who are faced with imprisonment under 7 years and isn't a recidivist. Diversion in general is in CHAPTER II and specifically at the level of investigation (Article 29), prosecution (Article 42) and case examination (Article 52). Then the implementation of these articles is embodied through PP (Government Regulation) No. 65/2015 and PERMA (Supreme Court Regulation) No. 4/2014. The authors will discuss the procedure for giving diversion for children who are perpetrators of revenge porn based on the age classification of children according to the laws and regulations.



1. Children aged 12 years and over: Supreme Court Regulation of Republic of Indonesia No. 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System (PERMA 4/2014). The provision of diversion to children in PERMA 4/2014 describes the diversion procedure into: the preparation stage (Article 4 PERMA 4/2014), the diversion consultation stage (Article 5 PERMA 4/2014) and the diversion agreement (Articles 6 and 7 PERMA 4/2014).

**Preparation Phase:** Preparation can begin after receiving the decision from Head of the Court regarding diversion efforts for criminal cases, then the Judge can determine the Day of the Diversion Deliberation by stating the day, date, time and place of the Diversion Deliberation. The Judge's ruling contains orders for the Public Prosecutor to participate in presenting children and their parents/guardians, victims and/or parents/guardians, community advisors, professional social workers, community representatives, and related parties.

**Diversion Deliberation Stage:** The Diversion Facilitator explains the summary of the charges, together with the Community Counselor and/or Professional Social Worker who provides information about the behavior and social situation of the Child and makes suggestions for obtaining a resolution. May it be the children (perpetrators), parents/guardians, and victims have the opportunity to provide information and the expected form of settlement.

**Diversion Agreement:** The Diversion Deliberation is recorded in the Minutes of Diversion and signed by the Diversion facilitator, Registrar, and the parties. The form of the agreement between all parties participating in the Diversion Deliberation can be in the form of (Article 6 PERMA 4/2014): a) Reconciliation with or



without compensation; b) Handing over back to parents/guardians; c) Participation in education or training in educational institutions or LPKS for a maximum of 3 months; or d) Community service.

2. Children aged 12 years and under: Government Regulation of the Republic of Indonesia No. 65 of 2015 about Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years. In PP No. 65/2015 describes the diversion procedure for children who are not yet 12 years old into: decision-making requirements and decision-making procedures; as well as education, coaching and mentoring programs.

**Decision Making Requirements:** Investigators, Community Counselors and Workers make a decision to hand the children back to their parents/guardians or to include them in education, coaching, and mentoring programs at government agencies/LPKS. Decision making must be based on sociological, psychological, and pedagogical considerations. The return of the child to the parents must meet several requirements, namely:

- a) Willingness of parents/guardians to educate, care for, foster, and guide the child;
- b) Willingness of the child to be returned to the parent/guardian;
- c) There is no threat from the victim; and
- d) Recommendations from Community Counselors.

Meanwhile, involving children in education, coaching and mentoring programs must meet the following requirements:

- a) Recommendation of Community Advisor; and
- b) Standardization of educational institutions, coaching and mentoring

**Decision Making Procedures:** During this process, the Investigator is obliged to ensure important documents regarding Children below 12 years old. Investigators are assisted by Community Counselors and Professional

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Social Workers, each of whom explores information on Children in order to prepare Diversion Decisions that are most appropriate to their conditions. Then a coordination meeting between related agencies regarding decision making is held, where the results of the meeting are determined by the Investigator's superiors. After being determined, the Diversion decision is submitted to the Head of the local District Court to issue a court order.

**Education, Guidance and Mentoring Program:** This program is mandatory for children who commit criminal acts which are handed over to Government agencies or LPKS. Education programs can be carried out by LPKS themselves or by teachers called by the LPKS or by assigning the child to the nearest school with guidance to provide skills.

In the author's opinion, although the form of a Diversion agreement can be decided based on Article 10 paragraph (2) of the SPPA Law jo. Article 6 PP No. 65/2015, the urgency of a Diversion for children is the improvement of the children's attitudes. This improvement can be achieved through involving children who are perpetrators of revenge porn in education, coaching and mentoring programs. In the form of a diversion agreement, it is decided that the child who commits revenge porn must pay compensation or be returned to the parent/guardian or perform community services, and must also be included in education, coaching and mentoring programs. These efforts can prevent recidivist actions of children who do revenge porn in the future. This is also the legitimacy of the concept of punishment, namely punishment that is repressive and preventive.

***b. Imprisonment Threat if Diversion Fails***

Based on the authors' analysis, if diversion efforts fail to be carried out at every level, the child who becomes the perpetrator can be threatened with the following penalties:

1. Regarding the violation of ethics in the Criminal Code, for example: Article 281 of the Criminal Code (Republik Indonesia, 1915), with a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah.
2. Regarding acts that arouse the lust of teenagers, which are threatened with Article 533 of the Criminal Code with a maximum imprisonment of two months or a maximum fine of three thousand rupiah.
3. Regarding the distribution of electronic or printed content containing pornography as regulated in Article 4 paragraph (1) jo. Article 29 of the Pornography Law (Republik Indonesia, 2008) with the threat of imprisonment for a minimum of 6 (six) months and a maximum of 12 (twelve) years and/or a fine of at least Rp. 250,000,000.00 (two hundred and fifty million rupiah) and a maximum of Rp. 6,000,000,000.00 (six billion rupiah);
4. Regarding the distribution of electronic content that violates decency as regulated in Article 27 paragraph (1) jo. Article 45 paragraph (1) of the Electronic Information and Transaction Law (ITE Law (Republik Indonesia, 2016)) with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp. 1,000,000,000.00 (one billion rupiah).

***B. Legal Protection Guarantees for Children as Victims of Crimes on Social Media***

In addition to being perpetrators, children are also very vulnerable to becoming victims in relation to revenge porn which contains gender-based cyberporn violence (OGBV). Based on child complaint cases data received by the Indonesian Child Protection Commission (KPAI), there has

been a decrease in the number of complaints in the field of pornography and cybercrime, where in 2018 there were 679 complaints, in 2019 there were 653 complaints, and in 2020 there were 651 complaints. In addition, regarding complaints about children in conflict with the law (ABDH) where from 2018 to 2020, the number of complaints against ABDH has decreased. In 2018 there were 1434 complaints, in 2019 there were 1251 complaints, and in 2020 there were 1098 complaints. KPAI did not specify that the ABDH consisted of perpetrators, victims, or witnesses (KPAI, 2020).

Based on the results of research conducted by the Plan International Indonesia Foundation with as many as 500 Indonesian girls (aged 15-20 years) as respondents. OGBV that occurs in the form of harassment on social media at the age of 15-20 years, and at the age of 8-14 years, occurs most on the Facebook platform (KPAI, 2020). Regarding the motive for revenge and revenge porn, one of the many cases of revenge porn that happened to children in 2021 reported by BBC.com, namely Bunga (a pseudonym), a survivor of revenge porn sexual violence by her ex-boyfriend, who claimed to have experienced verbal and physical violence and the distribution of sexual content on social media. She received various threats to spread intimate videos and photos of herself. This leaves an impact, not only on her physical welfare, where bruises resulting from violence are evident but also on her psychological state, where her depression causes inability of speech, blank stares, shame which causes the feeling of vulnerability for a long time, until suicidal thoughts. Bunga is reluctant to report her case to the police because she thinks the legal process is long and is discriminates against women, the potential for criminal threats which could also charge her in the Law on Pornography and the ITE Law also makes her feel hopeless, as she thinks that she herself is could be prosecuted (Lumbanrau, 2021).

Drawing a common thread from the examples of cases and the presented data, the authors also analyses that

the case experienced by Bunga as a representation of adults who experience revenge porn alone can experience severe depression to a prolonged sense of shame that leads to suicidal thoughts, imagine the damages of revenge porn towards children's victims. According to data from Komnas Perempuan in 2019, among cases of violence against women in the form of revenge porn are built up of, 33% spreading and damaging the victim's reputation (malicious distribution), 15% threatening and disturbing the victim (cyber harassment/bullying/spamming). 8% spreading the identity of the victim (impersonation), where the perpetrators of cyber violence are 39% friends, acquaintances or people who are not known to the perpetrators and 61% are their closest people or lovers who attack adult women and children. In the case of revenge porn, the victim experiences more psychological suffering such as shame. If the amount of compensation is only determined based on material losses, of course this will be detrimental to the victims. This is because the victims' suffering cannot be calculated materially, so it is also necessary to consider the immaterial aspect. In the case of a child victim, revenge porn can affect the health condition of the victim, which is supported by the social anxiety disorder theory, a condition that occurs on the basis of trauma of events that have been experienced by someone, shame, fear and anxiety of misjudgement, underestimated, or not casted out of various social situations (Campbell, Poage, Godley, & Rothman, 2020). The impact created by this violence is contrary to the child's right to proper growth and development as stated in Article 4 of the Child Protection Law, which reads: "Every child has the right to live, grow, develop, and participate properly, in accordance with the dignity and worth of humanity, and receive protection from violence and discrimination." There needs to be legal protection from the perspective of pre-emptive and preventive efforts, as well as the perspective of repressive efforts.

In the authors' opinion, pre-emptive and preventive legal protection can be implemented through strict supervision of the running of the social media system in Indonesia. This supervision must be actively and efficiently carried out by the Government. So, what is the proper monitoring mechanism? The supervision is specifically carried out in the operation of the Indonesian cyber system, namely the Virtual Police which has been operating since February 2021 based on the Circular Letter of the Chief of Police No. SE/2/11/2021 (Republik Indonesia, 2021) concerning Ethical Culture Awareness to Create a Clean, Healthy and Productive Indonesian Digital Space. It is stated that in carrying out its duties, the Virtual Police will monitor activities carried out on social media and report any activities that violate the ITE Law, including the dissemination of revenge porn as described previously, namely violating Article 27 paragraph (3) of the ITE Law.

According to the Circular Letter of the National Police Chief, the authors think the mechanism of the Virtual Police essentially provides supervision through warnings based on the reports received. This Virtual Police will also work not only as a warning for those who commit revenge porn, but also for supervision to carry out cyber patrols on social media. In this patrol, if an account is found conducting revenge porn, the patrol will give a warning. Furthermore, if the account contains the name of the victim, in the authors' opinion, the police on duty in the patrol should immediately follow up, for example by coordinating with the KPAI, or related agencies, so that the victim can be quickly recovered, given trauma healing. Reflecting India and China, China has also implemented a Virtual Police mechanism which can also be considered child-friendly in its implementation, where the Virtual Police, which is named the Virtual Beijing Police, operated through the official website of the Beijing Police, equipped with two animated police pictures. Jingjing and Chacha which can be clicked to ask for help and report what happened to the victim (Gharbia, 2007). Meanwhile,

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India has implemented an online system that makes it easier for victims to report when a crime has occurred, namely by going through a Virtual Police Station which looks like a police station in general with an interactive display and 360° illustrations, then the victim can complete the report file with an interactive outline and accessible file, for example a report registration letter will be symbolized by an easily identifiable image, so that even child victims can easily access it (India Today, 2015).

Next, preventive efforts are also not limited to Government actions, which in this case is the Virtual Police mechanism. Basically, preventive efforts can also come from the role of private stakeholders. The realization of this role will emerge through coordination and synergy with the Government in overcoming the problem of revenge porn, for example, Non-Governmental Organizations, Child Rights Organizations, Academics, Schools or Educational Institutions, and other Child Observers. In this effort, the role of Stakeholders can be divided into 5 forms (Ulum & Anggaini, 2020), namely: a) Policy creator, meaning that Stakeholders should take part in making policies and regulations that regulate revenge porn; b) Coordinator, meaning that Stakeholders can play a role in coordinating fellow Stakeholders to become jointly involved in reforming the policies that have been made; c) Facilitator, meaning that stakeholders play a role in providing facilities and infrastructure needed by the child perpetrators and victims of revenge porn, so that their rights to grow and develop can be fulfilled; d) Implementor, meaning that Stakeholders are able to carry out and implement the policies that have been prepared and carry out the facilities they have provided for the benefit of fulfilling the rights of children's growth and development; and e) Accelerator, in which stakeholders play a role in contributing to the acceleration of the program to fulfill children's rights to grow and develop in achieving justice for children as perpetrators and victims of revenge porn. Therefore, the awareness of these stakeholders must



exist first to become the basis for implementing the roles stakeholders possess.

In addition to preventive protection measures, according to the author, legal means that can be used as a solution to the problem of revenge porn for child victims are repressive legal remedies by enforcing the protection of the right to restitution and compensation. The idea or discourse on the inclusion of alternative solutions is also supported by the 9/1995 UN Congress document relating to criminal justice management (United Nations, 1995), the A/CONF.169/6 document which explains that it is necessary for all countries to consider the existence of "privatizing some law enforcement and justice functions." and alternative dispute resolution (ADR) in the form of mediation, conciliation, restitution and compensation in the justice system (Yulia, 2021). As stated in the United Nations Convention on the Rights of the Child (The Convention on the Rights of the Child) in Article 34 which states that "States parties seek to protect children from all forms of sexual exploitation and sexual abuse" where this also covers the prohibition of allowing children to take part in in sexual activity, prostitution, and exploitation in pornography.

The first legal protection is the right of restitution. Restitution itself has been issued and regulated by the government in:

- a) Article 71D of the Child Protection Law jo. Government Regulation nNo. 43 of 2017 concerning the Implementation of Restitution for Children Who Become Victims of Crime (Republik Indonesia, 2017);
- b) Articles 7 and 8 of Law No. 31 of 2014 concerning Amendments to Law No. 13 of 2006 concerning Protection of Witnesses and Victims (Law on Protection of Witness and Victim (Republik Indonesia, 2014b)) jo. Chapter II of Government Regulation No. 35 of 2020 concerning Amendments to Government Regulation No. 7 of 2018 concerning the Provision of Compensation, Restitution and Assistance to Witnesses

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and Victims (PP No. 35/2020 (Republik Indonesia, 2020)).

Every child who is a victim of revenge porn has the right to apply restitution to the court as it is the responsibility of the crime perpetrator. Government Regulation No. 43 of 2017 regulates the procedure for the application and granting of restitution. Children who are victims of criminal acts in this case can and have the right to obtain legal protection in the form of restitution. The type of restitution for children who become victims is regulated in Article 3 Government Regulation No. 43 of 2017, which include: a) Compensation for loss of wealth; b) Compensation for suffering as a result of a crime; and/or c) Reimbursement of medical and/or psychological treatment costs.

As for Government Regulation No. 35/2020 regulates that this request for restitution is submitted by the victim, which are the parent(s) or guardian of the child who is the victim of a crime, the heirs of the child who is the victim of a crime, an authorized person by the parent, guardian or heir of the child who is the victim of the crime criminal case with a special power of attorney letter. For perpetrators who are children, the public prosecutor can notify the rights of children who are victims of criminal acts to obtain restitution in the ongoing diversion process.

The second legal protection measure is the provision of compensation by the State. Compensation is a form of remuneration provided by the state because the perpetrator is unable to provide compensation to the Victim and/or the Victim's Family which is fully the responsibility of the Perpetrator. Provision of protection in the form of compensation to child victims comes in the form of legal regulations and norms that guarantees protection through Article 6 paragraph (1) and Article 7 paragraph (2) and paragraph (3) of the SK Protection Law regulates and provides guarantees that victims of violent sexual crimes have the right to receive medical assistance and

psychosocial and psychological rehabilitation assistance which are submitted by the victim, family or attorney to the Human Rights Court through the LPSK. The implementation of compensation payments is given by LPSK based on court decisions that are permanent in nature to ensure justice and legal certainty for children as victims.

#### **4. CONCLUSION**

Based on the discussion above, the conclusions obtained are as follows. *First*, the embodiment of legal protection for perpetrators of child revenge porn should be given in the form of diversion as the implementation of restorative justice in every level of the case (investigation, prosecution, and judicial process). On the other hand, legal protection for children who become victims is also important, which is held through the enforcement of Virtual Police and Restitution or Compensation to realize the 'best interests of the child', namely, to grow and develop as mandated by the 1945 Constitution of Indonesia. Legal protection guarantees for children using social media in Indonesia must be sought and provided by the Government and other stakeholders. This guarantee should be given to every child who conflicts with the law without exception, whether they are the perpetrator or the victim of revenge porn. In the perspective of the child as the perpetrator of the crime of revenge porn, the perpetrator should be given a punishment that aims to prevent the perpetrator from repeating the crime, but before getting into the punishment, the first thing to do in juvenile crime is practicing the diversion mentioned above, as in accordance with the SPPA Law and in practicing the concept of restorative justice which will be the foremost process of administering justice for all levels of the Indonesian community.

#### **5. DECLARATION OF CONFLICTING INTERESTS**

This research was compiled by 3 authors who both contributed to presenting the title idea and description of the

writing discussion. This writing is based on using the IRAC (Issue, Regulation, Argument, Conclusion) basis as a writing benchmark. Graceyana is in charge for collecting empirical and quantitative data to strengthen the facts in writing and conclusions. Jenaya is responsible for writing the background and collecting research materials and methods. Natalia is also responsible for collecting and sorting all law regulations. Natalia is also responsible for writing abstracts. In terms of problem formulation, discussion, divided equally between each author. Regarding the formatting of the entire writing, the three writers did it as a form of cross-checking and controlling the writing language used. Henceforth, there is no potential competition and no conflict of interest reported by the authors.

## 6. ACKNOWLEDGEMENT

The authors thank Mr. Rizky P. P. Karo Karo (Lecturer at the Faculty of Law, Pelita Harapan University) as the supervisor of this paper and for providing legal opinion and assistance for the authors to write this paper rightfully and deeply in line with the criminal law basis and acts that are used in Indonesia. Therefore, the authors can complete this paper as a form of knowledge and practical deepening for the future development of law in Indonesia.

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Children are the world's  
most valuable resource and  
its best hope for the future.

**John F. Kennedy**