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RESEARCH

Disruption of Women's Human Rights Protection in the Digital Ecosystem: A Normative Juridical Analysis of Online Gender-Based Violence

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Abstract

Rapid digital transformation has intensified Online Gender-Based Violence (OGBV) against women in Indonesia, with 376,529 recorded cases in 2025, while legal protection remains fragmented between the general human rights framework and sexual violence legislation. This study examines the adequacy of legal protection for women victims of OGBV under Law No. 39 of 1999 on Human Rights, Law No. 12 of 2022 on Sexual Violence Crimes, and Government Regulation No. 30 of 2025, and formulates legal arguments for strengthening such protection. This study employed doctrinal legal research using a statutory approach, drawing on primary, secondary, and tertiary legal materials collected through library and document research. The findings indicate that legal protection has evolved from normative recognition toward more operational enforcement and prevention mechanisms. However, complaint-based prosecution requirements, jurisdictional limitations, and the absence of specific criminal regulation for non-sexual forms of OGBV continue to create protection gaps. The novelty of this study lies in integrating the three legal instruments into a unified legal framework linking human rights guarantees, criminal protection, and preventive regulation, assessed against the anonymous, cross-border, rapidly evolving, and repetitive nature of OGBV. The study contributes to the lex generalis and lex specialis discourse on digital rights protection and offers recommendations for broader interpretation of human rights provisions and stronger cross-jurisdictional enforcement mechanisms.

Keywords*:* Online Gender-Based Violence, Human Rights, Sexual Violence Crimes, and Digital Rights.

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INTRODUCTION

Rapid digital transformation over the past decade has reshaped the ways in which society interacts, accesses information, and engages in social and economic activities. From a theoretical perspective, this development raises fundamental issues within the legal framework of human rights. The central issue concerns the extent to which human rights norms formulated in the pre-digital era are capable of addressing new forms of violations emerging in cyberspace. This transformation demonstrates that technological development not only facilitates various aspects of social life but also presents new challenges to the protection of human rights, particularly in relation to privacy, data security, and freedom of expression (Ginanjar et al., 2022).

The foregoing theoretical issue has become increasingly significant because Online Gender-Based Violence (OGBV), internationally referred to in the literature as *Technology-Facilitated Gender-Based Violence (TFGBV)*, possesses characteristics that distinguish it from conventional forms of violence. Perpetrators may use anonymous identities, violence may occur across jurisdictions, while digital content can be replicated and disseminated rapidly. Its impacts remain tangible for victims, including psychological, social, and economic consequences (UNFPA, 2025). Technology-facilitated violence may encompass various forms, including harassment, stalking, the dissemination of personal information, image-based violence, and other forms of digital violence that may restrict women's participation in public life (SVRI et al., 2024).

These characteristics give rise to a theoretical issue concerning the capacity of the human rights protection framework to respond to changes in the settings in which violence occurs. The rights of women that must be protected in offline spaces fundamentally remain applicable when women engage in digital spaces, as affirmed by the principle that the same rights that people enjoy offline must also be protected online (UNHRC, 2021). However, the characteristics of technology have altered the forms of violations, the ways in which violence occurs, and its impacts on victims. Accordingly, the protection of women's rights within the digital ecosystem requires a legal interpretation capable of keeping pace with technological developments without diminishing the fundamental principles of human rights protection.

Empirically, this issue is reflected in the high incidence of Gender-Based Violence Against Women (GBVAW) in Indonesia. Throughout 2025, 376,529 cases of gender-based violence against women were recorded, representing a 14.07% increase compared with the previous year (Komnas Perempuan, 2026). These data demonstrate that violence against women remains a serious concern. As the spaces in which people interact have evolved, such violence has also occurred in digital spaces through various forms and methods. In 2025, documented cases of OGBV were dominated by sexual forms of OGBV compared with non-sexual forms. The documentation of OGBV cases indicates that several sexual forms of OGBV possess characteristics that overlap with Electronic-Based Sexual Violence (EBSV) as regulated under the Law on Sexual Violence Crimes (UU TPKS), particularly malicious distribution*,* cyber sexual harassment*,* sexploitation*, and* online threats*.*

Table 1. Data on Forms of OGBV Based on Komnas Perempuan Data and Reported Cases in 2025

No.	Forms of OGBV	Sexual OGBV	Non-Sexual OGBV	Total
1	Online Threats	1.643	202	1.845
2	Cyber Sexual Harassment	737	0	737
3	Malicious Distribution (Dissemination of Content Without Consent/Damaging Reputation)	736	28	764
4	Infringement of Privacy	189	99	288
5	Sexploitation	108	0	108
6	Fraud	0	1	1

Source: (Komnas Perempuan, 2026)

Based on the 2025 Annual Report of Komnas Perempuan, online gender-based violence against women continues to occur in various forms, including online threats, cyber sexual harassment, dissemination of content without consent (*malicious distribution*), infringement of privacy, sexploitation, and fraud. These data demonstrate that the use of digital spaces has generated diverse forms of violence that may target women in relation to their sexuality, privacy, security, and reputation.

The diversity of these forms demonstrates that OGBV is not solely associated with sexual violence but also implicates women's rights to security, privacy, dignity, and personal protection. This condition indicates that the legal protection of women in digital spaces requires a legal framework capable of responding to the characteristics of violence developing within the digital ecosystem, including by distinguishing electronic sexual violence from other forms of OGBV.

This phenomenon has also attracted international attention. UN Women and UNFPA regard TFGBV as an emerging concern accompanying the increasing use of information and communication technologies. Such violence may produce physical, sexual, psychological, social, and economic impacts and may potentially restrict women's freedom to participate in public life (SVRI et al., 2024; UNFPA, 2025). Persistent gaps in the definitions, data, and understanding of technology-facilitated violence may affect the capacity of states to develop responsive policies and legal protection mechanisms (UN Women & WHO, 2021).

From a normative perspective, the protection of women's rights is grounded in Law Number 39 of 1999 concerning Human Rights. The Law affirms that everyone is entitled to recognition, guarantees, protection, and fair legal certainty, as well as freedom from discrimination. More specifically, Articles 45 to 51 recognize women's rights as an inseparable part of human rights. This framework provides an important basis for positioning the protection of women from OGBV as part of the state's obligation to guarantee human rights.

Protection for victims is further strengthened through Law Number 12 of 2022 concerning Sexual Violence Crimes. This Law regulates the prevention, handling, protection, and recovery of victims of sexual violence. The enactment of this regulation provides a more specific legal basis for victim protection, including protection against violence involving a sexual dimension in digital spaces.

Accordingly, both regulations occupy an important position in establishing a framework for the protection of women from OGBV.

In 2025, the Government enacted Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes, as an implementing regulation pursuant to the preventive mandate under Law Number 12 of 2022. The phenomenon of online gender-based violence on social media demonstrates that victims are often unaware of the risks of exposure before an incident occurs, making preventive measures important to be implemented before victim-handling mechanisms become necessary (Julian & Asmawati, 2024).

However, the existence of legal norms does not automatically demonstrate that protection for women who are victims of OGBV is adequate. The characteristics of OGBV, which may occur anonymously, across borders, rapidly, and repeatedly, raise questions concerning the capacity of the existing legal norms to protect victims' rights (Putri et al., 2026). The gap between the evolving forms of digital violence and the capacity of law to respond to these characteristics indicates a normative issue that requires further analysis.

Based on these conditions, this research argues that the protection of women from OGBV cannot be understood solely through the existence of provisions prohibiting particular conduct. Legal protection must be capable of guaranteeing security, privacy, dignity, as well as victims' rights to protection and recovery. Therefore, a normative juridical analysis is required to assess the extent to which the existing legal framework is capable of providing protection to women who are victims of OGBV.

Research on the legal protection of women who are victims of OGBV demonstrates divergent views regarding the adequacy of the legal framework in protecting victims. The first group argues that the existing legal instruments remain incapable of providing comprehensive protection to OGBV victims because regulatory gaps and limitations persist (Arawinda, 2021). Meanwhile, the second group maintains that following the enactment of Law Number 12 of 2022 concerning Sexual Violence Crimes, the legal protection framework for victims of sexual violence has become more comprehensive, including through provisions concerning victim protection, handling, and recovery (Fernanda et al., 2025). This development demonstrates a shift in the focus of research from criticism of regulatory limitations toward evaluating the effectiveness of the implementation of the Law on Sexual Violence Crimes (UU TPKS).

Although previous studies have examined the adequacy of regulations and the effectiveness of the UU TPKS, a research gap remains insufficiently explored. Previous studies, whether assessing the existing regulations as inadequate or considering the UU TPKS to be comprehensive, have not specifically connected the guarantees of women's rights under Law Number 39 of 1999 concerning Human Rights with victim protection mechanisms under Law Number 12 of 2022 concerning Sexual Violence Crimes, specifically in relation to the characteristics of OGBV. This issue is significant because the development of OGBV presents distinct characteristics of violence, as it may occur anonymously, across borders, rapidly, and repeatedly.

The novelty of this research lies in its analysis of the relationship between norms concerning women's human rights and victim protection mechanisms in addressing the characteristics of OGBV. This research does not merely question the existence of a legal basis for addressing OGBV but analyzes whether the existing protection framework is capable of guaranteeing women's rights to security, privacy, dignity, protection, and recovery as victims. Accordingly, this research is directed toward developing an argument for the need for legal protection that is more responsive to the development of gender-based violence within the digital ecosystem.

This research aims to analyze the legal protection of women who are victims of Online Gender-Based Violence (OGBV) from a human rights perspective. Specifically, this research aims to analyze the characteristics of OGBV as a form of violence developing within the digital ecosystem and to examine the adequacy of the protection of women's rights under Law Number 39 of 1999 concerning Human Rights, Law Number 12 of 2022 concerning Sexual Violence Crimes, and Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes.

This research also aims to formulate arguments for strengthening the legal protection of women who are victims of OGBV. Such strengthening is directed toward ensuring that the law not only provides a basis for prosecuting perpetrators but also guarantees victims' security, privacy, dignity, protection, and recovery through the strengthening of substantive norms, law enforcement mechanisms, and the implementation of policies concerning victim prevention and recovery.

This research begins by analyzing the characteristics of OGBV as a form of gender-based violence within the digital ecosystem. It then examines the relationship between the guarantees of women's rights under Law Number 39 of 1999 concerning Human Rights and victim protection mechanisms under Law Number 12 of 2022 concerning Sexual Violence Crimes and Government Regulation Number 30 of 2025. Finally, the research formulates arguments for strengthening the legal protection of women who are victims of OGBV so that such protection is more responsive to the development of gender-based violence in digital spaces.

Through this approach, the research is expected to contribute to the development of human rights law scholarship in responding to technological developments. It is also expected to strengthen a victim-centered protection perspective in developing a legal framework capable of protecting women from various forms of Online Gender-Based Violence through the integrated strengthening of prevention, handling, protection, and recovery measures for victims.

RESEARCH METHODS

This research employs a normative juridical legal research method. This type of research was selected because the research aims to analyze the adequacy of legal norms in providing protection to women who are victims of Online Gender-Based Violence (OGBV) through an assessment of the conformity and synchronization between norms, making the issue under examination a normative issue that does not require the collection of field data. The selection of this type of research is based on the nature of the issue under examination, namely the conformity between the norms concerning women's rights under Law Number 39 of 1999 concerning Human Rights and victim protection mechanisms under Law Number 12 of 2022 concerning Sexual Violence Crimes, in relation to the characteristics of Online

Gender-Based Violence (OGBV) and Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes. The issue concerns the conformity and adequacy of legal norms, rather than social behavior requiring field examination. Normative legal research views law as an autonomous norm, and therefore the research is directed toward legal principles, legal systematics, and the degree of vertical and horizontal synchronization among laws and regulations (Soekanto & Mamudji, 2015).

This research is prescriptive in nature, namely research that does not stop at describing facts but is directed toward providing prescriptions concerning what should be regulated in addressing the legal issue under examination (Marzuki, 2013). Accordingly, this research does not merely inventory existing provisions but assesses whether such provisions are conceptually sufficiently responsive to the characteristics of OGBV, which are anonymous, cross-border, rapid, and repetitive, and formulates arguments concerning the direction of their strengthening. Through this approach, this research is directed toward answering the research question concerning the adequacy of the legal framework in protecting women who are victims of OGBV by assessing the conformity between human rights norms, victim protection mechanisms, and the specific characteristics of OGBV as a form of technology-facilitated violence.

This research utilizes official databases of laws and regulations, databases of court decisions, accredited scientific journals, and official reports of relevant state institutions and international organizations concerning the protection of women from OGBV as the primary sources of legal materials. Based on this, the research site in this research is determined as centers of legal data and documentation, including official databases of laws and regulations, databases of court decisions, databases of accredited legal journals, and official reports of state institutions and international organizations relevant to the protection of women from OGBV. The determination of these research sites is intended to ensure that the legal materials used originate from authoritative and accountable sources.

The legal materials in this research were collected through library research or document study, namely a technique for collecting legal materials by tracing, reading, and citing legal materials relevant to the issue under examination (Soekanto & Mamudji, 2015). The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials consist of the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights, Law Number 12 of 2022 concerning Sexual Violence Crimes, and Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes. Secondary legal materials consist of 42 source, including books, scientific journal articles, previous research, and official institutional documents relevant to OGBV and the protection of women's rights. Tertiary legal materials consist of legal dictionaries and legal encyclopedias used to support the interpretation of technical legal terms contained in the primary and secondary legal materials (Marzuki, 2013).

The rationale for using these three types of legal materials lies in the need for the research not only to read the text of legal norms textually but also to understand the legal issues that the norms are intended to address. Statistical data and documentation on OGBV from Komnas Perempuan are used as supporting materials to identify the forms and development of OGBV that constitute the subject

matter of the legal issue. The use of these materials does not change the nature of the research into empirical research because the data are not collected through field research and are not analyzed to measure behavior or relationships between variables, but are used as supporting materials in analyzing the adequacy of legal norms from a normative juridical perspective.

The collected legal materials are analyzed through qualitative juridical analysis using the statutory approach and the conceptual approach. The statutory approach is used to examine the conformity between norms in the 1945 Constitution of the Republic of Indonesia, Law Number 39 of 1999, Law Number 12 of 2022, and Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes, while the conceptual approach is used to develop arguments concerning the concept of protection of women's rights that is responsive to the characteristics of OGBV (Marzuki, 2013).

The analysis is conducted through the stages of identifying legal issues, inventorying and classifying legal materials, examining the conformity between norms, analyzing the adequacy of norms in addressing the characteristics of OGBV, and drawing prescriptive conclusions (Marzuki, 2013). The rationale behind these stages is that normative legal analysis should not stop at identifying the applicable provisions but must proceed to a critical assessment of the adequacy of such norms and propose directions for their strengthening, so that the research findings are not merely descriptive but also argumentative.

The validity of legal materials in normative research is examined through verification of the validity and enforceability of the legal materials used (Efendi & Ibrahim, 2018). Validation is conducted by ensuring that the laws and regulations referred to are the versions currently in force and have not been repealed or amended, and that they originate from official state databases.

Validation is also conducted through an examination of the consistency among legal materials, namely by comparing the norms in one regulation with the norms in another regulation governing the same subject matter, to ensure that no contradiction arises in their interpretation (Ibrahim, 2016). Such validation is conducted to ensure that all legal materials analyzed possess validity, currency, and consistency, so that they can be used as a basis for addressing the legal issue under examination.

RESULTS AND DISCUSSION

Results

A review of Law Number 39 of 1999 concerning Human Rights shows that guarantees of women's rights to security, privacy, and dignity are substantively available, although they were formulated before the digital era. Article 29 paragraph (1) guarantees everyone protection of their personal self, family, honor, and dignity. Article 30 guarantees the right to security and tranquility as well as protection from threats that cause fear. Article 32 even explicitly affirms that the confidentiality of communications, including communications through electronic means, must not be interfered with. The provision of Article 32 is important because it demonstrates that lawmakers in 1999 had anticipated the extension of the right to privacy to electronic communications, although online gender-based violence was not yet recognized as a phenomenon at that time. Specifically, Articles 45 to 51 affirm that women's rights to equality of status and opportunity constitute an inseparable part

of human rights (Sopacua & Sakharina, 2018; Yuliartini et al., 2025) The right to privacy in the digital era can essentially be traced to Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia; therefore, the right to digital privacy is not a new concept but rather an extension of an existing constitutional right (Suari & Sarjana, 2023). The protection of personal data privacy in the digital era is also part of a human rights perspective, rather than merely a matter of technical sectoral regulation (Muzairoh et al., 2024).

An examination of Law Number 39 of 1999 concerning Human Rights shows that there are three provisions directly relevant to the forms of OGBV recorded in Komnas Perempuan's data. Article 29 paragraph (1) guarantees everyone's right to protection of their personal self, family, honor, and dignity, which is relevant to forms of OGBV such as cyber sexual harassment and sexploitation. Article 30 guarantees the right to security and tranquility as well as protection from threats, which is relevant to online threats. Article 32 specifically guarantees the confidentiality of communications through electronic means, which is relevant to infringement of privacy and the dissemination of content without consent.

On the other hand, Law Number 12 of 2022 concerning Sexual Violence Crimes specifically regulates electronic-based sexual violence in Article 14. The provision defines three prohibited acts, namely recording or taking sexually explicit screenshots without consent, transmitting sexually explicit electronic documents without the recipient's consent, and stalking or tracking through an electronic system for sexual purposes. Article 14 provides a clear legal basis for imposing criminal liability on perpetrators, with a maximum imprisonment of four years, which increases to six years when the act is accompanied by an element of extortion or coercion (Rompah, 2024). Legal protection of privacy and personal data from a human rights perspective should ideally be both preventive and repressive, so that criminal provisions such as Article 14 need to be supported by prevention mechanisms based on the right to privacy itself, rather than relying solely on the threat of sanctions (Argiansyah & Prawira, 2024).

An examination of Law Number 12 of 2022 concerning Sexual Violence Crimes shows that electronic-based sexual violence is classified under Article 4 paragraph (1) as one of the nine types of sexual violence subject to criminal regulation. A more detailed formulation is provided in Article 14 paragraph (1), which covers recording or taking sexually explicit images without consent, transmitting sexually explicit information or electronic documents against the recipient's will, and stalking or tracking using an electronic system for sexual purposes. In addition, Articles 66 to 70 regulate victims' rights to handling, protection, and recovery, including the specific right to the removal of sexually explicit content under Article 68 and the right to confidentiality of the victim's identity under Article 69.

The findings also show that victims' rights are regulated in detail in Articles 66 to 70 of Law Number 12 of 2022, covering the rights to handling, protection, and recovery. These provisions expand the scope of victim protection compared with previous regulations, including protection for victims of the dissemination of content without consent (Hertini et al., 2022). More specifically, Article 68 grants victims of electronic-based sexual violence the right to the removal of sexually explicit content, while Article 70 grants the rights to medical rehabilitation, mental and social rehabilitation, restitution, and social reintegration.

The strengthening of victim protection is not only carried out through the regulation of offenses and victims' rights under Law Number 12 of 2022, but also through Government Regulation Number 30 of

2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes. Article 6 of this Government Regulation regulates the implementation of prevention across nine areas, namely education, public facilities and infrastructure, government and institutional governance, economy and employment, social welfare, culture, information technology, religion, and family. The specific regulation of the information technology sector demonstrates normative recognition that the digital space is one of the arenas requiring a specific prevention strategy, in line with the characteristics of OGBV, which develops through social media and various other digital platforms (Julian & Asmawati, 2024).

The enactment of Government Regulation Number 30 of 2025 should be understood as a response to the absence of technical regulations that had previously been identified in studies on the implementation of the Law on Sexual Violence Crimes during the early years of its effectiveness. The optimization of victim protection during that period remained constrained by the absence of several implementing regulations, resulting in several provisions of the Law on Sexual Violence Crimes, including the mandate concerning the implementation of prevention under Article 46 paragraph (2), lacking adequate operational guidelines because the relevant regulations were only issued in mid-2025 (Nitha et al., 2024).

This cross-sectoral approach is relevant to the characteristics of OGBV, which do not remain confined to a single sphere of life. Victims of OGBV on social media are often unaware of the risk of exposure before an incident occurs; therefore, prevention should ideally be implemented proactively rather than merely responsively after violence has occurred. This argument reinforces the position of the information technology sector as one of the nine areas of prevention under Article 6 of Government Regulation Number 30 of 2025, because the digital space constitutes a point of risk exposure that is developing most rapidly. Strengthening digital literacy functions as an instrument for OGBV prevention by enabling individuals to recognize and avoid patterns of cyber-based violence at an early stage, a finding consistent with the obligation to provide information concerning prevention services in the digital space as regulated under Government Regulation Number 30 of 2025 (Saragih et al., 2024).

Legal protection efforts for women who are victims of OGBV in Indonesia still require strengthening in terms of structural prevention, rather than relying solely on post-incident enforcement mechanisms. This need is consistent with the design of Government Regulation Number 30 of 2025, which distinguishes the implementation of prevention according to areas, specific situations, and settings, so that prevention efforts are expected to reach more diverse contexts than the generic prevention approach previously applied.

Nevertheless, challenges in implementing policies on the prevention of sexual violence through implementing regulations are not new in the national literature. In a comparable context, the prevention and handling of sexual violence in higher education institutions based on a ministerial regulation as an implementing regulation demonstrate that the formal existence of prevention regulations does not automatically result in effectiveness in practice; implementation remains hindered by low legal awareness among the target community, limited institutional resources of implementing bodies, and entrenched patriarchal culture (Bustaman & Machmud, 2025). This similarity in patterns provides grounds for caution that Government Regulation Number 30 of 2025, as a prevention regulation that also relies on cross-institutional implementation, may encounter

similar implementation barriers if it is not accompanied by strengthened capacity among implementing bodies at the operational level.

Government Regulation Number 30 of 2025 also regulates various prevention measures, including strengthening curricula containing the values of consent, gender equality, and prevention of cyber-based violence, as well as training for educators, public officials, and workers. In addition, the provision of information concerning prevention services in the digital space constitutes part of the obligations that must be fulfilled. These provisions reflect a shift in prevention policy from sectoral programs toward a more structured cross-sectoral institutional approach, while simultaneously strengthening digital literacy as an instrument for OGBV prevention (Nazar et al., 2025; Saragih et al., 2024).

Furthermore, Government Regulation Number 30 of 2025 distinguishes the implementation of prevention into prevention based on areas, specific situations, and settings. Although this demonstrates a contextual approach, the regulation does not yet explicitly accommodate characteristics of the digital space, such as perpetrator anonymity and the cross-border nature that constitute the main characteristics of OGBV. On the other hand, because this Government Regulation has only been in force since June 18, 2025, as an implementation of the mandates under Article 46 paragraph (2), Article 66 paragraph (3), and Article 80 of Law Number 12 of 2022, its implementation in addressing OGBV remains relatively recent and has not been extensively discussed in legal literature (Muryatini, 2024). This condition demonstrates that the effectiveness of this regulation in responding to the characteristics of OGBV requires further examination.

The mapping results show that, formally, there is a normative connection between the guarantees of women's rights under Law Number 39 of 1999 and the victim protection mechanisms under Law Number 12 of 2022, particularly with respect to OGBV involving sexual elements. However, there is a gap in scope. Komnas Perempuan's data in Table 2 show the existence of non-sexual forms of OGBV, such as 202 cases of non-sexual online threats and 99 cases of non-sexual infringement of privacy. Meanwhile, Article 14 of the Law on Sexual Violence Crimes textually regulates acts involving sexual content, meaning that these non-sexual forms of OGBV are not covered by the specific criminal mechanism, although they remain related to the rights to security and privacy as guaranteed under Articles 30 and 32 of Law Number 39 of 1999.

Limitations are also found in addressing the development of OGBV modalities. The scope of electronic-based sexual violence regulated under Article 14 remains limited compared with the various modalities of OGBV developing in practice, including facial manipulation through artificial intelligence or deepfake, which is not explicitly mentioned in the formulation of the provision (ICJ, 2023). The trend of pornographic deepfakes has itself been recorded as one of the forms of OGBV whose use is increasing (Kasita, 2022). The element of stalking or electronic tracking under Article 14 paragraph (1) letter c is also closely related to the phenomenon of cyberstalking, which is multidimensional and difficult to prosecute under a single provision because it may overlap with other offenses such as threats and infringement of privacy (Wahyuningsih, 2025).

Article 14 paragraph (3) establishes electronic-based sexual violence as a complaint-based offense, except where the victim is a child or a person with a disability. This provision creates an issue when perpetrators act anonymously or across jurisdictions, because the complaint mechanism presupposes that victims are able to identify the perpetrator in order to initiate legal proceedings. Cybercrime

enforcement in Indonesia remains hindered by the borderless nature of such offenses, meaning that the application of the territorial jurisdiction principle under the Criminal Code and the Electronic Information and Transactions Law has not been fully capable of reaching perpetrators operating outside Indonesia's jurisdiction (Bahtiar et al., 2026). The same issue potentially arises in the enforcement of Article 14 of the Law on Sexual Violence Crimes when OGBV perpetrators operate across national borders. In addition, Article 16 limits the obligation of judges to order restitution to criminal offenses punishable by imprisonment of four years or more, placing victims of EBSV in its basic form under Article 14 paragraph (1) at a threshold susceptible to differences in judicial interpretation.

Based on these findings, this research argues that the relationship between Law Number 39 of 1999 and Law Number 12 of 2022 is essentially complementary. Law Number 39 of 1999 provides the substantive rights framework concerning security, privacy, and dignity as regulated under Articles 29, 30, and 32, while Law Number 12 of 2022 provides more operational enforcement and recovery mechanisms through Articles 14 and 66 to 70.

These findings demonstrate that the relationship between Law Number 39 of 1999 and Law Number 12 of 2022 is partially congruent rather than fully congruent. The legal argument that can be developed from this finding is that Article 14 of the Law on Sexual Violence Crimes functions as a lex specialis that elaborates the rights to security and privacy specifically in relation to acts involving sexual content, while protection against non-sexual OGBV remains dependent on the general norms under Articles 30 and 32 of Law Number 39 of 1999, which are not supplemented by equally specific criminal enforcement mechanisms. This gap reinforces the finding that the human rights legal framework is not yet fully prepared to respond to new forms of violations in the digital space, even though specific legal instruments such as the Law on Sexual Violence Crimes have been enacted.

The interpretation of this research changes when the legal framework is specifically examined against the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition. The requirement of a complaint-based offense under Article 14 paragraph (3) structurally presupposes a legal relationship between a victim and a perpetrator who can be identified, making it less responsive to OGBV modalities that are frequently carried out through anonymous accounts or across national borders (Putri et al., 2026). The cross-border nature of technology-facilitated violence requires harmonization with international law, because domestic law enforcement alone is insufficient to reach perpetrators operating outside a state's jurisdiction (Rigotti et al., 2024). International cooperation through mechanisms such as Interpol and the Budapest Convention on Cybercrime may provide one avenue for addressing the limitations of territorial jurisdiction, although their specific application to OGBV cases remains rarely discussed in law enforcement practice in Indonesia (Fadhillah et al., 2023).

This gap also cannot be separated from the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition. Even though Article 14 of the Law on Sexual Violence Crimes has formulated the prohibited acts in detail, its application in practice continues to face difficulties in establishing the identities of anonymous perpetrators and addressing cross-border jurisdiction, neither of which is explicitly regulated in the provision. Similar difficulties are also found at the international level. Law enforcement authorities in G7 countries, which have relatively advanced legal frameworks concerning TFGBV, continue to experience difficulties in determining the threshold for criminal liability due to the anonymous nature and rapid dissemination of technology-

facilitated violence (OECD, 2025). The similarity of these findings demonstrates that the enforcement gap concerning OGBV is not merely a national issue but rather a global pattern that requires continuous adjustment of legal norms.

This long-term trend is also reflected in the trend in the number of OGBV cases recorded in Komnas Perempuan's data since 2016, as presented in Figure 1.

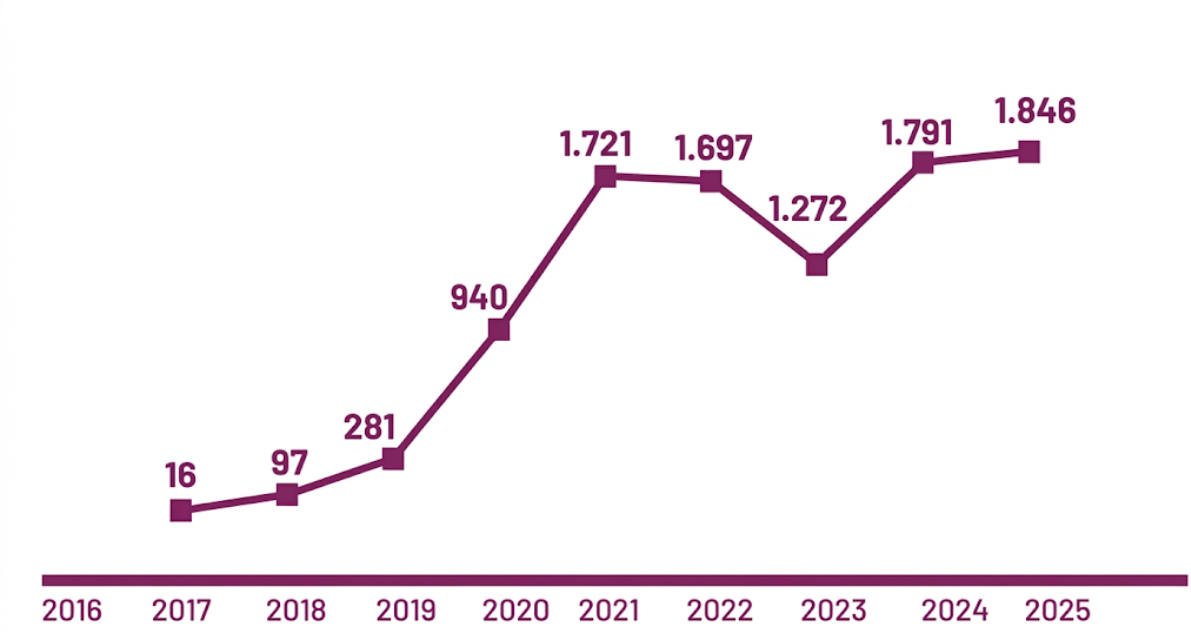


Figure 1. Trend in the Number of OGBV Cases Based on Komnas Perempuan Data, 2016–2025
Source: (Komnas Perempuan, 2026)

The graph shows a sharp increase beginning in 2020 and a continuing upward trend through 2025, although there was a decline in 2023. This consistent upward pattern strengthens the argument of this research that OGBV is not a temporary phenomenon but rather a structural trend that requires the continuous strengthening of protection norms, in line with the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition, as previously discussed.

Comparison with regulations in various countries further strengthens this interpretation. European Union regulations concerning the dissemination of sexually explicit images without consent continue to face cross-border enforcement difficulties among Member States, despite being regulated through a regionally binding Directive (Rigotti et al., 2024). The graph shows a sharp increase beginning in 2020 and a continuing upward trend through 2025, although there was a decline in 2023. This consistent upward pattern strengthens the argument of this research that OGBV is not a temporary phenomenon but rather a structural trend that requires the continuous strengthening of protection norms, in line with the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition, as previously discussed.

Comparison with regulations in various countries further strengthens this interpretation. European Union regulations concerning the dissemination of sexually explicit images without consent continue to face cross-border enforcement difficulties among Member States, despite being regulated through a regionally binding Directive (Mania, 2022). Technology-facilitated harassment against women is also

frequently driven by perpetrators' perception of a low risk of apprehension due to online anonymity (Khan et al., 2023). hese findings strengthen the argument of this research that issues concerning definitions and jurisdiction are not merely matters of Indonesian law but constitute global challenges in responding to electronic sexual violence, and that complaint-based mechanisms premised on the identification of perpetrators are inadequate to address such patterns of violence.

Another aspect relevant to the enforcement of Article 14 is the role of digital platforms in disseminating OGBV content. The legal responsibility of social media platforms for illegal content, including sexually explicit content uploaded without consent, in Indonesia still relies on a notice-and-takedown mechanism through implementing regulations of the Electronic Information and Transactions Law, without proactive obligations equivalent to those imposed on perpetrators (Harsya, 2025). ustralia's experience through the reporting and content removal scheme administered by the eSafety Commissioner demonstrates that a specialized regulator with the authority to order the rapid removal of content can serve as an important complement to criminal mechanisms, particularly in cases involving image-based abuse through artificial intelligence or *deepfake abuse*, the volume of which continues to increase (Martin, 2025). This experience also demonstrates that effective platform regulation requires clear enforcement powers that can be exercised independently of criminal proceedings, which tend to be slower (Smith et al., 2024). This comparison is relevant to Indonesia because it demonstrates that strengthening Article 14 of the Law on Sexual Violence Crimes should not stand alone but should be accompanied by strengthened administrative mechanisms capable of responding more rapidly to the dissemination of OGBV content than criminal judicial proceedings.

This interpretation is also reinforced by the principle that the rights enjoyed by people offline must be equally protected online (UNHRC, 2021). This principle requires that the interpretation of Articles 29, 30, and 32 of Law Number 39 of 1999 not be restricted literally to the physical context but be interpreted extensively to encompass the digital space, including recognition of the right to request the removal of digital traces that adversely affect a person's dignity (Ramadhani et al., 2025). Under such an interpretation, the state's failure to provide effective protection against OGBV may be regarded as a failure to fulfill the state's obligations under Articles 29 and 30, even though Law Number 12 of 2022 formally regulates the relevant offense and victims' rights to recovery.

The protection of women's rights against OGBV cannot be measured solely by the existence of provisions regulating acts involving sexual content. Responsive protection requires the expansion of the scope of specific criminal norms to encompass non-sexual forms of OGBV that have thus far relied only on the general guarantees under Articles 30 and 32 of Law Number 39 of 1999, as well as the strengthening of enforcement mechanisms capable of addressing the anonymous and cross-border characteristics of such violence, in line with the need also identified by UN Women (2023) concerning the importance of definitions and policies that are more responsive to technology-facilitated violence.

The adequacy of norms protecting the rights of women who are victims of OGBV cannot be assessed solely on the basis of the existence of Articles 14 and 66 to 70 of Law Number 12 of 2022. Such adequacy must be assessed against the capacity of the norms to reach anonymous and cross-border perpetrators, provide a proportionate restitution threshold for all forms of EBSV, and guarantee recovery without depending on the state's discretionary interpretation of the phrase "the conditions and needs of the victim." Accordingly, strengthening the legal protection of women who are victims

of OGBV should be directed toward an extensive interpretation of Articles 29, 30, and 32 of Law Number 39 of 1999, accompanied by strengthened cross-border enforcement mechanisms and greater clarity concerning the recovery threshold in the implementation of Law Number 12 of 2022.

Discussion

Overall, the findings of this study synthesize the results concerning the normative connection between Law Number 39 of 1999 concerning Human Rights and Law Number 12 of 2022 concerning Sexual Violence Crimes into one main proposition, namely that the legal protection of women who are victims of OGBV in Indonesia has moved from merely recognizing normative rights toward providing more operational enforcement mechanisms, but has not yet achieved full adequacy in responding to the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition. This synthesis confirms that Articles 29, 30, and 32 of Law Number 39 of 1999 function as *lex generalis* umbrella norms concerning security, privacy, and dignity (Mutmainnah & Murdiono, 2026), while Article 14 and Articles 66 to 70 of Law Number 12 of 2022 function as *lex specialis* elaborating norms that only cover forms of OGBV involving sexual content. The gap in coverage of non-sexual forms of OGBV, as reflected in the data on online threats and non-sexual infringement of privacy in Table 2, constitutes the central point distinguishing the findings of this research from a merely normative description toward a critical argument concerning legal adequacy.

The finding concerning the inadequacy of legal protection is consistent with the research of (Arawinda, 2021), which concluded that the legal instruments available prior to the enactment of Law Number 12 of 2022 remained inadequate to address OGBV comprehensively. This similarity demonstrates that the issue of normative adequacy identified during the pre-Law on Sexual Violence Crimes period essentially continues, albeit in a different form, namely no longer as the absence of legal instruments but as limitations in the scope of the existing instruments. A similar finding is also identified in the research of (Putri et al., 2026) concerning the difficulties of legal norms in addressing the anonymous and cross-border characteristics of OGBV, while (Syahriana et al., 2022), through the perspective of legal system theory, emphasizes that legal protection for victims of electronic-based sexual violence can only function effectively when legal substance, structure, and culture operate coherently. This perspective of legal system theory strengthens the argument of this research that legal adequacy cannot be assessed solely on the basis of the existence of provisions, but also on the capacity of the law enforcement structure to implement such provisions consistently.

Conversely, the findings of this research differ from the conclusion of (Fernanda et al., 2025) which considers that Law Number 12 of 2022 has provided comprehensive legal protection for victims of sexual violence. This research demonstrates that such assessment of comprehensiveness has not been fully tested against the distinctive characteristics of OGBV, particularly the coverage of non-sexual forms, the complaint-based offense requirement under Article 14 paragraph (3), and the restitution threshold under Article 16, which instead leaves gaps in protection. This divergence is further supported by the research of (Nitha et al., 2024), which, through an examination of the implementation of Law Number 12 of 2022, found that the optimization of victim protection remained constrained by the absence of several implementing regulations during the early years of the Law's effectiveness. The need for such implementing regulations was subsequently addressed by the Government through Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes. This

fact demonstrates that the conclusion concerning the adequacy of the Law on Sexual Violence Crimes in the aforementioned previous research was premature, as it was reached during a period when its technical implementation framework was not yet complete, so that the argument of this research concerning the need for further strengthening remains relevant even though implementing regulations have now been issued.

The differences in the findings of this research demonstrate that the evaluation of the adequacy of legal protection under Law Number 12 of 2022 cannot be based solely on the existence of criminal provisions and victims' rights. This research expands the perspective of previous studies by assessing the adequacy of legal norms against the distinctive characteristics of OGBV, namely perpetrator anonymity, its cross-border nature, the development of technology-based modalities such as *deepfakes*, and the existence of non-sexual forms of OGBV that have not yet received specific criminal regulation. Accordingly, this research argues that the comprehensiveness of legal protection must encompass substantive, procedural, and implementation adequacy simultaneously, so that the assessment of the effectiveness of the Law on Sexual Violence Crimes does not focus solely on the existence of regulation but also on its capacity to address all characteristics of OGBV.

The presence of Government Regulation Number 30 of 2025 may be positioned as a third layer within the *lex generalis–lex specialis* framework synthesized in this section. If Articles 29, 30, and 32 of the 1999 Human Rights Law function as umbrella norms and Article 14 and Articles 66 to 70 of the Law on Sexual Violence Crimes function as elaborating norms with a repressive and restorative character, Government Regulation Number 30 of 2025 complements this framework as an operational norm in the area of prevention, as mandated by Article 46 paragraph (2) of the Law on Sexual Violence Crimes. Nevertheless, the addition of this operational layer does not in itself alter the main proposition of this research concerning the gap in coverage of non-sexual forms of OGBV.

Accordingly, Government Regulation Number 30 of 2025 may contribute to strengthening the procedural adequacy of the Law on Sexual Violence Crimes but does not yet address the substantive adequacy that constitutes the central point of this study, because the scope of prevention under Government Regulation Number 30 of 2025 continues to refer to offenses regulated under the Law on Sexual Violence Crimes, meaning that non-sexual forms of OGBV that are not specifically criminalized also remain not explicitly covered within its prevention framework. This synthesis reinforces the proposition that the legal protection of women who are victims of OGBV has moved from the recognition of normative rights toward more operational mechanisms in two areas, namely enforcement and prevention, but this movement at the operational level has not been accompanied by an equivalent expansion of substantive coverage, meaning that the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition, remain potentially not fully addressed.

Theoretically, these findings reinforce the argument that the principle of equality between online and offline rights (equivalency principle) (Article19, 2021) requires further elaboration through an extensive interpretive approach to constitutional rights formulated before the digital era. Globally, the gap between general human rights norms and specific criminal law mechanisms constitutes a recurring pattern across jurisdictions, as documented in a systematic review of technology-facilitated sexual violence in low- and middle-income countries (Sheikh & Rogers, 2024). Accordingly, this

research contributes to the development of a theoretical framework concerning the relationship between *lex generalis* and *lex specialis* in the protection of digital rights by demonstrating that partial congruence between the two types of norms is a condition that can theoretically be expected to occur in any legal system that regulates technology-facilitated violence incrementally rather than comprehensively.

Practically, these findings have direct implications for law enforcement authorities, victim service institutions, and assisting advocates. The complaint-based offense requirement under Article 14 paragraph (3) of Law Number 12 of 2022 needs to be interpreted flexibly by investigators and public prosecutors when dealing with anonymous perpetrators, for example, through the optimization of electronic evidence without waiting for the perpetrator to be directly identified. The understanding of justice for women who are victims of sexual violence, both in cyberspace and in the real world, essentially requires adjustments to law enforcement practices rather than merely adjustments to the text of regulations (Siddarta et al., 2023). Another practical implication is the need to strengthen the capacity of law enforcement authorities and integrated victim service institutions to identify non-sexual forms of OGBV as violations of the rights to security and privacy, so that handling does not stop at cases that textually fulfill the sexual elements under Article 14.

From a policy perspective, these findings recommend that legislators and the Government consider two principal measures. First, the scope of specific criminal norms should be expanded or technical guidelines for the implementation of Articles 30 and 32 of Law Number 39 of 1999 should be strengthened so that non-sexual OGBV also receives enforcement mechanisms equivalent to those applicable to electronic-based sexual violence. Second, the restitution threshold under Article 16 of Law Number 12 of 2022 should be adjusted so that victims of EBSV in its basic form do not depend entirely on the discretionary interpretation of judges. The enactment of Government Regulation Number 30 of 2025 concerning the Prevention of Sexual Violence Crimes and the Handling, Protection, and Recovery of Victims of Sexual Violence Crimes constitutes a policy measure relevant to these recommendations because it further regulates mechanisms for prevention and victim recovery. Further strengthening remains necessary through technical guidelines at the police and prosecution levels that explicitly regulate the handling of anonymous and cross-border OGBV, given that adjustments to the threshold of criminal liability at both the regional and global levels have also become a concern in the OECD's 2025 report on technology-facilitated violence.

CONCLUSION

This study addresses the objective formulated in the Introduction by demonstrating that the legal protection of women who are victims of Online Gender-Based Violence (OGBV) in Indonesia has moved from merely recognizing normative rights under Law Number 39 of 1999 concerning Human Rights toward more operational mechanisms, namely the criminalization of perpetrators and victim recovery through Law Number 12 of 2022 concerning Sexual Violence Crimes, as well as prevention mechanisms through Government Regulation Number 30 of 2025. Nevertheless, this shift toward operational mechanisms has not yet achieved full adequacy, because both the enforcement norms under Law Number 12 of 2022 concerning Sexual Violence Crimes and the prevention norms under Government Regulation Number 30 of 2025 remain limited to forms of OGBV involving sexual content, while non-sexual forms of OGBV, which according to Komnas Perempuan data constitute a significant

proportion of the total cases, rely solely on the general guarantees under Articles 30 and 32 of the 1999 Human Rights Law without equivalent enforcement and prevention mechanisms.

The novelty of this research lies in placing the three legal instruments within a single hierarchical framework: the 1999 Human Rights Law as the umbrella norm (*lex generalis*), Law Number 12 of 2022 concerning Sexual Violence Crimes as the repressive and restorative elaborating norm (*lex specialis*), and Government Regulation Number 30 of 2025 as the preventive operational norm, specifically assessed against the characteristics of OGBV, namely anonymity, cross-border occurrence, rapid dissemination, and repetition. This framework addresses a gap in previous research, which has thus far assessed the adequacy of the Law on Sexual Violence Crimes in general, both studies concluding that the regulation remains inadequate and those considering it comprehensive, without explicitly connecting it to the guarantees of women's human rights under the 1999 Human Rights Law or to the implementing regulation on prevention that was only issued in 2025. Accordingly, this research demonstrates that the adequacy of legal protection against OGBV needs to be assessed at multiple levels, namely the normative, enforcement, and prevention levels simultaneously, rather than through a single legal instrument in isolation.

Theoretically, these findings reinforce the understanding that the *lex generalis–lex specialis* relationship in the protection of digital rights is partially congruent, as a natural consequence of the gradual development of regulations addressing technology-facilitated violence. Practically, these findings emphasize the need for an extensive interpretation of Articles 29, 30, and 32 of the 1999 Human Rights Law, as well as the strengthening of technical guidelines for enforcement and prevention that explicitly address non-sexual OGBV. This research is limited to a normative legal study and has not empirically examined the effectiveness of the implementation of Government Regulation Number 30 of 2025 or the experiences of victims of non-sexual OGBV; this limitation provides an avenue for further socio-legal research to examine the extent to which this hierarchical framework operates at the implementation level.

DECLARATION OF COMPETING INTEREST

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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USE OF ARTIFICIAL INTELLIGENCE (AI)-ASSISTED TECHNOLOGY

The authors declare that no artificial intelligence (AI) tools were used in the preparation, analysis, or writing of this manuscript. All aspects of the research, including data collection, interpretation, and manuscript preparation, were carried out entirely by the authors without the assistance of AI-based technologies.

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