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## Analysis of the Effectiveness of Women's Protection Laws in the Digital Era

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**Abstract:** This article analyzes the effectiveness of legal protections for women against online gender-based violence (OGBV) in Indonesia's digital era. The study uses a normative juridical method by reviewing key regulations, including the Electronic Information and Transactions Law (ITE Law) and the Sexual Violence Crime Law (TPKS Law). The findings reveal that while Indonesia has made significant progress in recognizing and addressing digital violence, various challenges persist. These include ambiguous legal interpretations, limited law enforcement capacity in handling digital evidence, and strong patriarchal cultural influences that hinder victims from seeking justice. Case studies demonstrate fluctuating trends in reported cases, indicating both increased awareness and ongoing systemic barriers. To enhance legal protection, it is crucial to strengthen cross-sector collaboration, improve the technical capabilities of law enforcement, establish specialized agencies, and intensify public education on digital safety. The study emphasizes that effective protection requires not only robust legal frameworks but also consistent implementation and societal support.

**Keyword:** Online Gender-Based Violence, Legal Protection, Digital Era, Indonesian Women's Rights.

### INTRODUCTION

The digital era has brought major changes to various aspects of human life, including in the field of law and human rights protection. The rapid development of information technology has opened up new spaces for communication, social interaction, and also the economy. However, behind the convenience and benefits offered, the digital era has also given rise to new challenges, especially related to gender-based violence which is now common in cyberspace. Women, as a vulnerable group, are often the targets of digital violence such as online harassment, the spread of intimate content without permission, cyberstalking, and bullying on social media. In Indonesia, the issue of protecting women in facing digital violence is receiving increasing attention along with the increasing number of reported cases. Data from the National Commission on Violence Against Women shows a significant increase in the number of complaints related to cyber gender-based violence (KBGS) in recent years. This condition raises questions about the extent to which current laws are able to provide effective protection for women in the digital era.

Legal protection for women in Indonesia is regulated in various regulations, including Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT), Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE), and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). However, the effectiveness of the implementation of these laws in the context of digital violence is still being debated, considering the challenges that exist ranging from aspects of law enforcement, understanding of the authorities, to public awareness. One form of digital violence that is rampant is the distribution of intimate content without consent (non-consensual intimate image distribution), which often makes women the main victims. This phenomenon not only has an impact on the dignity and privacy of the victim but can also cause deep psychological trauma. Cases like this show that violence against women is no longer limited to physical space but has spread to cyberspace which knows no geographical boundaries. According to Dr. Herlambang P. Wiratraman, a legal expert from Airlangga University, the biggest challenge in enforcing women's protection laws in the digital era is the speed of technological development that is not comparable to legal adaptation. "Our laws often lag behind practices in the field. For example, there are new modes of digital harassment that have not been explicitly regulated in regulations, so law enforcement officers have difficulty acting," he said in a seminar on cyber law.

In addition, the patriarchal cultural factor that is still strong in Indonesian society has worsened the situation. Many victims are reluctant to report because they are afraid of stigma or do not even know that what they are experiencing is included in the category of digital violence that can be prosecuted. This shows that legal protection is not only about the existence of regulations, but also related to the courage of victims to report and the readiness of the system to support them. In the context of law enforcement, law enforcement officers such as the police, prosecutors, and judges play an important role. However, the facts on the ground show that many officers still do not have an adequate understanding of digital violence. For example, in several reported cases, victims actually received treatment that was cornered or a complicated legal process that added to their psychological burden. Therefore, ongoing training for law enforcement officers is very important so that they are able to handle cases of digital violence sensitively and professionally. On the other hand, technological advances can also be used to strengthen legal protection. For example, through a safe and easily accessible online reporting platform, victims can more easily report the cases they experience. The government and related institutions can also use technology to conduct educational campaigns on women's rights and the dangers of digital violence, so that public awareness increases.

According to Dr. Maria Farida Indrati, an expert in constitutional law and one of the drafters of the 1945 Constitution, legal protection for women in the digital era must be based on the principles of gender justice and human rights. "The law must be adaptive and responsive to developments in the era, including digital technology. Without it, the law will only be a text that is unable to protect its citizens," she said in an interview with national media. By looking at these dynamics, it is important to conduct a comprehensive analysis of the effectiveness of women's protection laws in the digital era. This analysis does not only look at the regulatory aspect, but also includes aspects of implementation, the legal culture of society, and the readiness of supporting infrastructure. The results of the analysis are expected to provide useful recommendations for policy makers, law enforcement officers, and the wider community in realizing more optimal protection for women in the digital era.

## **METHOD**

This study uses a normative legal method with a conceptual and legislative approach. The normative legal method was chosen because this study aims to analyze the effectiveness of applicable laws in providing protection to women in the digital era, especially related to cyber gender-based violence (KBGS). The legislative approach is carried out by examining various relevant regulations, such as Law Number 19 of 2016 concerning Electronic Information and

Transactions (UU ITE), Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT), and several other regulations directly related to the protection of women from digital violence. The conceptual approach is also used to understand the basic concepts of legal protection, human rights, gender justice, and the effectiveness of the law in the context of the digital world. The data sources used in this study consist of primary data in the form of laws and regulations, court decisions, and other legal documents, as well as secondary data that includes legal literature such as scientific journals, textbooks, reports from institutions such as the National Commission on Violence Against Women, and relevant articles and news. The data collection technique was carried out through document studies by reviewing legal materials and related literature. In addition, the opinions of relevant legal experts were also quoted to strengthen the analysis, for example the opinions of Dr. Herlambang P. Wiratraman and Dr. Maria Farida Indrati which have been presented in the introduction.

Data analysis was carried out descriptively-analytically, namely describing and explaining the contents of applicable regulations, then analyzed based on legal theory and linked to social realities and cases of digital violence against women that occurred in Indonesia. To enrich the analysis, a comparison was also made with legal practices in other countries that are more advanced in dealing with digital violence. The validity of the data in this study was maintained through source triangulation, namely by comparing data from various regulations, theories, and case studies so that the research results are more accurate and comprehensive. Through this method, the research is expected to provide a comprehensive picture of the effectiveness of women's protection laws in the digital era, as well as present useful recommendations for the government, law enforcement officers, and the wider community in strengthening existing legal protection.

## RESULTS AND DISCUSSION

### 1. Legal Framework for the Protection of Women in the Digital Era

Protection of women from digital violence in Indonesia is regulated in several main regulations. First, Law Number 19 of 2016 concerning Electronic Information and Transactions (UU ITE), which contains articles related to defamation, distribution of illegal content, and protection of personal data. Article 27 paragraph (1) of the ITE Law prohibits the distribution of content that violates morality, which is the legal basis in many cases of the distribution of intimate content without permission. Second, Law Number 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS) explicitly covers electronic-based sexual violence, such as sexual harassment through digital messages, online stalking, and the distribution of sexual content without consent. Third, there is Law Number 23 of 2004 concerning the Elimination of Domestic Violence (UU PKDRT) which, although its focus is violence within the household, remains relevant to cases of digital-based psychological violence that occur in domestic relations.

In addition to these laws, several technical regulations such as the Regulation of the Minister of Communication and Information No. 5 of 2020 concerning Electronic System Organizers also plays a role in regulating the obligations of digital platforms to combat negative content. However, although the legal framework appears adequate on paper, its implementation still faces various obstacles.

### 2. Effectiveness of the ITE Law and the TPKS Law in Practice

The effectiveness of the law can be measured through several indicators: first, the clarity of legal norms; second, the ability of law enforcement officers to implement it; and third, the courage of victims to take advantage of the available protection. On the one hand, the TPKS Law provides significant progress with explicit recognition of digital violence. Cases such as revenge porn are now easier to process because they have been specifically regulated. However, many victims have difficulty proving because digital evidence is often quickly

deleted or modified. In addition, many victims complain that the response of the authorities is still not gender sensitive. Several reports from the National Commission on Violence Against Women indicate that during the examination process, victims actually feel judged or treated unprofessionally.

Meanwhile, the ITE Law, which is often used as a legal basis for cases of digital violence, has also received criticism because it is considered open to multiple interpretations and is often used inappropriately. For example, in some cases of revenge porn, the victim is actually reported back because they are considered to have violated morality by producing the content, even though the victim should have been protected. According to Dr. Herlambang P. Wiratraman, "The ITE Law was not originally designed to protect victims of digital violence, so its articles still need to be clarified so as not to criminalize victims." This strengthens the argument that even though the law already exists, its effectiveness is highly dependent on the interpretation and bias of law enforcement officers.

### 3. Case Study: Digital Violence in Indonesia

One of the most striking case studies is the case of "Vina Garut" which went viral in 2019. In this case, a woman became the victim of the distribution of an intimate video that eventually spread on social media. Instead of getting protection, the victim was actually made a suspect on charges of violating the ITE Law before there was public pressure to review her case. This case shows how unprepared the legal system is in understanding the context of victims of digital violence. Another interesting case is the reporting of online sexual harassment by female activists who received threats and intimidation on social media. Although they had reported it officially, the legal process was slow, and the perpetrators were difficult to prosecute because they were located abroad. This shows the jurisdictional challenges faced by authorities in dealing with cross-border digital violence.

### 4. Obstacles to Law Implementation

Some of the main obstacles identified in the implementation of women's protection laws in the digital era include:

- a. Lack of Understanding of Officials: Many law enforcement officers have not been adequately trained to handle cases of digital violence. Their understanding is still focused on conventional crimes so that cyber violence is looked down upon.
- b. Patriarchal Culture: The stigma against female victims is still strong. Many victims feel ashamed or afraid of being labeled negatively by society so they are reluctant to report the cases they have experienced.
- c. Limited Digital Infrastructure: The process of tracking and collecting digital evidence requires sophisticated technology that Indonesian officials do not yet fully possess, especially in areas far from city centers.
- d. Jurisdictional Aspect: Digital violence is often committed across countries, while Indonesian law has limited jurisdiction in reaching perpetrators who are abroad.

According to Dr. Maria Farida Indrati, effective legal protection must be equipped with an easy reporting mechanism, trained officers, and privacy protection for victims so that they dare to report without fear of retaliation or social stigma.

### 5. International Comparison

Some countries have been more advanced in dealing with digital violence. For example, Australia has an eSafety Commissioner who specifically handles reports of digital violence and can order platforms to immediately remove illegal content. In Europe, the GDPR (General Data Protection Regulation) provides strict protection for personal data, so that any misuse of data can be dealt with quickly. These countries show the importance of the existence of a special institution that focuses on digital security and close collaboration between the government and digital platforms.

### 6. The Role of Digital Platforms

Digital platforms such as Facebook, Instagram, and TikTok have a major role in efforts to protect women from digital violence. Some already have zero-tolerance policies against sexual harassment and fast reporting features. However, these policies are often not effective enough, especially in dealing with content that has spread widely. Closer cooperation between the government and platforms is needed to ensure that harmful content can be removed quickly and perpetrators are accurately identified.

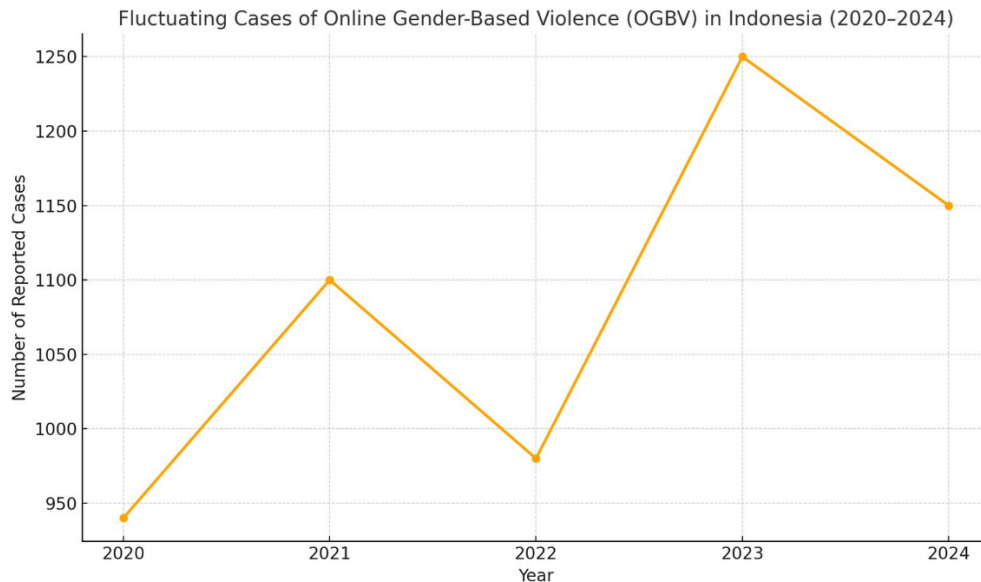
#### 7. Public Education and Awareness

The effectiveness of the law depends not only on regulations and their enforcement, but also on public awareness. Digital literacy campaigns to recognize forms of digital violence and the legal rights of victims are very important. Without adequate awareness, many victims are unaware that they are experiencing violence or do not know how to report it.

#### 8. Recommendations

Based on the discussion above, several recommendations to improve the effectiveness of women's protection laws in the digital era include:

- a. Officer Training: Conduct routine training for law enforcement officers so that they understand the issue of digital violence and have a perspective that sides with victims.
- b. Revision of the ITE Law: Harmonize the ITE Law with the TPKS Law to more clearly protect victims of digital violence and avoid multiple interpretations that are detrimental.
- c. Special Institution: Form a special institution or unit to handle digital violence, as Australia has done.
- d. Collaboration with Platforms: Strengthening cooperation between the government and digital platforms to accelerate the process of taking down harmful content.
- e. Public Education: Increasing digital literacy of the community to be more sensitive to the issue of digital violence and dare to report if they become victims.



*Source: National commission for woman annual report (2020-2024)*

The graph titled “Fluctuating Cases of Online Gender-Based Violence (OGBV) in Indonesia (2020–2024)” illustrates the changing number of reported cases over a five-year period. In 2020, there were 940 reported cases, marking the baseline for this observation. The number increased to 1,100 cases in 2021, showing heightened reporting and perhaps greater awareness of digital violence issues. However, in 2022, there was a slight decline to 980 cases, which could indicate either a temporary improvement in digital safety or, conversely, underreporting. By 2023, the numbers rose again to 1,250 cases, reflecting the persistent nature



of online gender-based violence and possibly the impact of increasing digital connectivity. In 2024, a slight dip to 1,150 cases was observed, suggesting ongoing challenges in fully addressing the issue despite various legal and social interventions. This fluctuating trend highlights the complex dynamics of online violence: while legal protections and public awareness are improving, structural and technological challenges remain. The data suggest the need for consistent monitoring, better victim support systems, and stronger enforcement of digital safety regulations.

## CONCLUSION

Based on the results of the research and discussion that have been described, it can be concluded that the law on the protection of women in the digital era in Indonesia has experienced significant development, especially with the presence of the TPKS Law which explicitly regulates electronic-based sexual violence. However, the effectiveness of this law still faces various challenges, ranging from multiple interpretations in the implementation of the ITE Law, the lack of capacity of law enforcement officers in handling digital evidence, to the patriarchal culture that is still strong in society. Cases of digital violence that continue to increase from year to year, although fluctuating, reflect that the existing legal protection is not yet optimal in providing a sense of security and justice for victims. In addition, cooperation between the government and digital platforms still needs to be strengthened so that the process of removing harmful content can run faster and more responsively. Public education is also an important factor in increasing legal awareness and the courage of victims to report. Therefore, efforts to protect women in the digital era require a comprehensive approach, not only in terms of regulation, but also in terms of law enforcement, increasing technical capacity, public education, and the establishment of special institutions that handle digital violence in a more focused manner.

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