

The Responsibility of Digital Platforms in Preventing Online Gender-Based Sexual Violence through a Gender-Responsive Approach

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Abstract

Online Gender-Based Sexual Violence (GVS) continues to increase as digital technologies facilitate interaction through social media and other online platforms. This situation requires a clearer model of accountability for digital platform providers in protecting users, particularly in preventing harmful content, responding to reported violation, and mitigating the continuing digital harm experienced by victims. However, clear and binding legal obligations requiring digital platforms to prevent and address online gender-based sexual violence remain inadequate. This study analyzes efforts to strengthen the accountability of digital platforms through gender-responsive regulations. The purpose of this study is to evaluate how gender-sensitive protection standards should be integrated into the legal framework governing digital platforms and the technical mechanisms for addressing harmful content. The study employs a normative-empirical approach through an analysis of laws and regulations, limited comparative studies with other countries, and case studies concerning the handling of online gender-based sexual violence. The findings indicate that the existing regulatory framework does not clearly define the roles and responsibilities of digital platforms in protecting users, providing accessible reporting mechanisms, and preventing further harm to victims. Based on the comparative analysis, this study recommends establishing clearer legal responsibilities for digital platform, including obligations to adopt proactive and proportionate measures against harmful content to sufferers and to provide accessible complaint and response mechanisms for victims of online gender-based sexual violence. Such measures are necessary to strengthen users protection and promote a safer digital ecosystem.

Keywords: *Digital Platform; Gender; Responsiveness; Technology Online Gender-Based Sexual Violence;*

1. INTRODUCTION

The advancement of the digital era has increasingly enabled social media users to interact in cyberspace without the constraints of time and space. These interactions are not limited by the age, geographical location, or even the true identity of social media users. In other words, technology facilitates virtual interactions regardless of age or distance and, in some cases, without disclosure of a person's real identity. Friendships may even develop into more intimate forms of online communication without users revealing their real faces and identities.¹Such increasingly sophisticated patterns of social interaction in

¹ Danielle Deep, "Role of the Internet in the Sexual Exploitation of Children" (Utica College, 2016).

cyberspace have become widespread and continue to evolve. However, these developments are not without negative consequences, as users may encounter various risks when using technology to form friendships for specific interests.²

Notwithstanding these advancements, cyberspace also functions as an arena that exposes women to heightened vulnerabilities. Sexual violence fundamentally undermines human dignity; therefore, eradicating its various manifestations is essential to protecting the fundamental right to freedom from degrading treatment.³ A significant number of female users experience Online Gender-Based Violence (OGBV), including the non-consensual distribution of pornography dissemination, cyberstalking, doxxing, and various forms of sexual harassment. This complex paradox, where digital empowerment coexist with online threats, demands a critical evaluation of the existing legal frameworks governing gender-based violence in the digital sphere.⁴

The National Commission on Violence against Women (Komnas Perempuan) recorded a total of 1,846 online gender-based violence cases in its 2025 Annual National Report (Catahu 2025), with OGBV remaining one of the dominant forms of violence against women in the public sphere. More importantly, of the 1,091 OGBV cases directly reported to Komnas Perempuan in 2025, 977 cases approximately 90 % were explicitly sexual in nature, including the non-consensual distribution of intimate images, cybersexual harassment, and technology-facilitated sexual exploitation. These statistics demonstrate that digital environments may intensify existing vulnerabilities faced by women and highlight the urgent necessity for clearer and more binding legal frameworks governing the accountability of digital platforms.⁵

Crime patterns that previously occurred through in-person activities or encounters have now shifted into digital spaces, allowing crimes to be committed without direct physical. The growing sophistication communication technologies have also given rise to new forms of digital crime. One increasingly concerning category of crime in the digital era is online gender-based sexual violence.⁶ One study found that women account for 51 % of active social media users.⁷ This is unsurprising given that people now spend substantial amounts of time in digital spaces for various purposes, including work, education, communication, and other social needs. Given the substantial participation of women in online environments, women may face a heightened risk of becoming targets of online gender-based violence. National data also indicate a gendered pattern of digital abuse in Indonesia. The Ministry of Women's Empowerment and Child Protection's Symphony system recorded 16,672 male perpetrators compared to only 2,121 female perpetrators in January 2025.⁸ This structural vulnerability is further reflected in global data from the World Wide Web Foundation, which reported that 52 % of women globally

² Fani Moses Radebe and Kennedy Njenga, "Bibliometric Mapping of Scientific Production and Conceptual Structure of Cyber Sextortion in Cybersecurity," *Social Sciences* 14, no. 1 (2025), <https://doi.org/10.3390/socsci14010012>.

³ Nur Azisa et al., "Victims of Criminal Acts of Physical and Non- Physical Sexual Violence at a University," *Jurnal IUS Kajian Hukum Dan Keadilan* 12, no. 3 (2024): 543–556.

⁴ Imroatul Azizah et al., "Digitalization and Cyberfeminism : Reinterpreting Islamic Criminal Law for Gender Equality and Women 's Rights," *Volksgeist* IX, no. 1 (2026): 127–43, <https://doi.org/10.24090/volksgeist.v9i1.15378>.

⁵ Komnas Perempuan, "Siaran Pers Komnas Perempuan Tentang Penyelesaian Dugaan Pelecehan Seksual Berbasis Online Di Lingkungan Kampus," 2026, <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-tentang-penyelesaian-dugaan-pelecehan-seksual-berbasis-online-di-lingkungan-kampus>. Accessed 12 August 2026

⁶ Intan Diah Permata Ayu and Budiarsih, "Penerapan Hukum Tindak Pidana Pelecehan Seksual Melalui Media Online Di Indonesia," *Jurnal Penelitian Hukum* 2, no. 4 (2022): 38–48, <https://doi.org/https://aksiologi.org/index.php/courtreview/article/download/433/298>.

⁷ Yovita Sabarina et al., "Literasi Media Internet Pada Perempuan," *Jurnal Jurnalisme* 7, no. 1 (2018): 1–21.

⁸ KemenPPPA, *Sistem Informasi Online Perlindungan Perempuan Dan Anak (SIMFONI PPA)* (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2025).p.1-3

had experienced online violence, while women in Indonesia also continue to encounter patriarchal patterns that extend into digital spaces.⁹ Furthermore, the occurrence of non-physical sexual violence against women through the internet is also closely associated to the patriarchal social culture in Indonesian society.¹⁰ Such patriarchal patterns may extend from physical into non-physical spaces, particularly where social norms continue to assume women as subordinate to men.¹¹ One manifestation of this women's vulnerability is exposure to sexually explicit or pornographic content that may easily accessed or disseminated through the digital platform.

The high proportion of female users raises concerns about whether the security protections offered by digital platforms adequately address gender-specific risks. Although digital platforms provide increasingly sophisticated features, these features are not always designed to detect potential harm or negative impacts experienced by users, particularly women who may be targeted by online sexual violence. This limitation may exacerbate women vulnerability in digital spaces, where women's bodies and sexuality are frequently objectified. Online gender-based sexual violence, as classified by the National Commission on Violence Against Women (2024), includes forms such as malicious distribution (the distribution of material for the purpose of damaging an image), cybersexual harassment, sexploitation, online threats, and privacy violations, particularly where sexual content involving women is disseminated without consent.¹² Objects containing pornographic material or representations of female sexuality tend to spread rapidly in digital environments, generating high levels of engagement and repeated clicks that ultimately benefit digital platforms economically. The commercialization and amplification of such gendered sexual content may not only produces significant profit streams for platform providers but also reinforces the positioning of women as objects of male consumption in online spaces.

The prevalence of patriarchal norms within digital ecosystems further exacerbates this dynamic by reinforcing the objectification and subordination of women through the circulation of sexualized imagery.¹³ This phenomenon demonstrates that technological advancement alone does not dismantle entrenched gender hierarchies but may instead reproduces and amplify structural inequalities that marginalize and objectify women.¹⁴ The circulation and treatment of sexualized content involving women in digital environments illustrates that gender inequality persists not only in physical spaces but also within virtual ones. Victim-blaming, deeply rooted in societal attitudes, has seamlessly migrated to online spaces through user comments and interactions, perpetuating stigma that further marginalizes women.¹⁵

⁹ World Wide Web Foundation, "Web's 31st Birthday: Free the Web for Women and Girls," *World Wide Web Foundation*, 2020.p.4-6

¹⁰ Anggi Ruslinia, et.al, "Analisis Aktor Non Negara Dan Ketahanan Psikologi : Studi Kasus Kekerasan Berbasis Gender Online (KBGO)," *Jurnal Ketahanan Nasional* 29, no. 2 (2023): 199–219, <https://doi.org/http://dx.doi.org/10.22146/jkn.86516>.

¹¹ Antik bintari, "Kekerasan Seksual Berbasis Elektronik: Permasalahan Dan Respons Terhadap Kasus," *Jurnal Perempuan* 29, no. 1 (2024): 17–29, <https://doi.org/10.34309/jp.v29i1.960>.

¹² Nuril Ashivah Misbah et al., "Online Gender-Based Violence Education for Teenagers at SMA 66 Jakarta Edukasi Kekerasan Berbasis Gender Online (KBGO) Pada Remaja Di SMA 66 Jakarta," *Jurnal Wiyata Madani* 2, no. 1 (2025): 10–19.

¹³ J. M. Muslimin et al., "Sextortion, Gender, and Digital Crime: A Socio-Legal Comparison between Positive and Islamic Law," *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial* 19, no. 2 (2024): 53–77, <https://doi.org/10.19105/al-ihkam.v19i1.8731>.

¹⁴ Rania Elly et al., "Kekerasan Berbasis Gender Online Melalui Whatsapp Group Di Kalangan Generasi Z Kota Denpasar: Perspektif Antropologi Virtual," *ULIL ALBAB: Jurnal Ilmiah Multidisiplin* 3, no. 6 (2024): 1–13, <https://doi.org/https://doi.org/10.56799/jim.v3i6.3485>.

¹⁵ Sarah E. Bahrenburg, "Cyber Sexual Abuse Victimization: A Mixed Methods Approach Through Existential Phenomenology," *Ayanq* (2024).

Conversely, perpetrators of online gender-based sexual violence benefit significantly from the anonymity afforded by digital technologies, which obscures their identities and complicates efforts to identify and prosecute them. The predominance of female victims in online sexual violence cases should not be taken to mean that perpetrators are exclusively male; given the nature of online interaction, individuals of any gender may commit such offenses. The affordances of digital platforms enable perpetrators from diverse backgrounds to engage freely in unlawful conduct ranging from distributing sexual content and committing extortion to manipulating sexual images or videos using technological tools while exploiting technological loopholes to evade accountability. Limitations in law-enforcement capacity, gaps in substantive legal provisions, and inadequate technological infrastructure further complicate efforts to address these crimes and may simultaneously expand the opportunities available to perpetrators.¹⁶

Although the Sexual Violence Crimes Act serves as a legal umbrella for online gender-based sexual violence, it remains insufficient to cover the full range of offenses occurring in cyberspace. Its prevention provision under Article 79 (2) (g) remains merely declaratory without regulating an enforcement or legal accountability regime for digital platforms. Weak enforcement mechanisms, coupled with the inherently anonymous and transnational nature of cybercrimes, hinder the effectiveness of legal interventions.¹⁷ Consequently, legal responses in the digital sphere must expand beyond the criminalization of individual perpetrators to address the responsibilities of facilitating actors, including digital platforms. Digital platforms play a crucial role in safeguarding users from harmful patterns of virtual interaction, and their active participation is essential for the success of efforts to combat technology-facilitated sexual violence.

Though aforementioned literature has documented cybercrime, sexual violence, and digital platform governance separately, most studies remain trapped in a conventional dichotomy that views cybercrime merely as individual criminal acts or simply as a data privacy issue. This research distinguishes itself from previous studies by framing Online Gender-Based Sexual Violence (OGBV) not merely as a typical cybercrime, but as an extension of patriarchal structural subordination commodified by the logic of platform capitalism. The existence of Law No. 12 of 2022 on Criminal Acts of Sexual Violence (TPKS Law) in Indonesia has proven to have fundamental substantive limitations. Although Article 79 (2) (g) of the TPKS Law identifies information technology as one of the fields through which prevention efforts must be undertaken, it does not expressly establish a legal accountability regime for digital platforms. The existing legal framework still focuses on retributive enforcement against individual perpetrators and overlooks the systemic role of platforms as algorithmic facilitators that profit economically from high engagement with content containing sexual exploitation. This study aims to address this research gap by formulating a legal accountability framework for digital platforms that is oriented toward victim protection.

The primary novelty of this study lies within a shift of the legal paradigm that integrates a gender-responsive approach into the legal accountability regime for digital platforms, rather than relying solely on the criminal prosecution of individual

¹⁶ Febby Mutiara Nelson and Topo Santoso, "Financial Service Provider and Online Sexual Exploitation of Children: A Lacunae in Indonesia Legal Framework?," *Journal of Law and Legal Reform* 6, no. 1 (2025): 391–420, <https://doi.org/10.15294/jllr.v6i1.14264>. data from the Ministry of Women's Empowerment and Child Protection (KemenP-PA)

¹⁷ Sahrul Hukumu et al., "Criminalization of Online Gender-Based Violence (OGBV): Challenges and Solutions in Indonesian Criminal Law," *HAKIM Jurnal Ilmu Hukum Dan Sosial* 3, no. 1 (2025), <https://doi.org/10.51903/hakim.v3i1.2297>.

perpetrators of Online Gender-Based Sexual Violence (KBGO). Unlike previous studies, which have tended to focus on retributive criminal law enforcement or gender-neutral platforms regulations, this article develops a conceptual and comparative framework of proactive legal obligations for platform providers, including risk-detection mechanisms, internal mitigation measures, and accessible complaint mechanisms linked to relevant enforcement authorities.

Australia and Germany were selected because their regulatory frameworks provide useful comparative models for proactive response platform regulation and legal accountability. Australia was chosen because it has a dedicated independent agency (the eSafety Commissioner) established under the Online Safety Act 2021, which pioneered the Image-Based Abuse Scheme and the Adult Cyber Abuse Scheme requiring platforms to remove non-consensual intimate content within a short timeframe and implement user identity verification. Meanwhile, Germany, through the Network Enforcement Act (NetzDG), offers a strict enforcement model (hard-law model) by requiring digital platforms to remove illegal content within 24 hours under the threat of administrative.¹⁸ Analyzing the regulatory approaches and operational mechanisms of these jurisdictions provides useful benchmarks for adapting relevant practices into a gender-responsive platform governance framework in Indonesia.

Against this background, this study examines the legal responsibilities of digital platforms in preventing online gender-based sexual violence through a gender-responsive approach aimed at creating safer digital spaces grounded in victims protection. Gender-responsive regulation is expected to encourage digital platforms to adopt both preventive and repressive measures to reduce incidences of online gender-based violence in Indonesia. This research employs a normative empirical legal method, incorporating comparative analyses, regulatory reviews, evaluations of digital platforms policies, interviews with victims, and a comprehensive literature review. Primary and secondary data are analyzed qualitatively and presented descriptively to assess the extent to which digital platforms have fulfilled their legal obligations in preventing and addressing online gender-based violence.

This study conceptualizes technology-facilitated sexual violence not merely as a cybercrime but as a manifestation of gender inequality that extends into digital realms and disproportionately affects women. Accordingly, a gender-responsive approach is adopted as a key analytical lens for evaluating platform accountability and victim protection. The research framework integrates a legislative approach examining national laws, including law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law) and Law No. 1 of 2024 amending the Law on Information and Electronic Transactions (ITE Law) as well as comparative regulatory framework such as Australian's Online Safety Act 2021 and Germany's Network Enforcement Act (NetzDG). A comparative approach is also employed to assess how other jurisdictions implement platform liability, identifying best practices and insights applicable to the Indonesian context.

The legal materials used in this study comprise three categories: primary materials, including laws, regulations, and policies relevant to digital platform liability in cases of technology-facilitated sexual violence; secondary materials, including books, scholarly articles, and peer-reviewed journals on digital law, platform accountability, and gender-responsive governance; and tertiary materials, including legal encyclopedias, dictionaries, and indexes used to clarify relevant terminology. Data collection was conducted through

¹⁸ Marcus Smith et al., "Online Safety and Social Media Regulation in Australia: ESafety Commissioner v X Corp," *Griffith Law Review* 33, no. 1 (2024): 2–18, <https://doi.org/10.1080/10383441.2024.2405760>.

library research and document analysis. The data were examined using qualitative, descriptive, and evaluative methods to identify patterns, gaps, and relationships among legal norms, theoretical constructs, and practical implementation in platform regulation

2. ANALYSIS AND DISCUSSION

2.1. Characteristics of Online Gender-Based Sexual Violence and Its Impact on Victims

According to the Indonesian Cyber Media Association, the terminology used to describe Online Gender-Based Violence (OGBV) has undergone several developments. The conceptual evolution of OGBV from isolated cybercrimes to systemic harms by asymmetric power relations reframes digital platforms not merely as neutral conduits, but as actors embedded in the broader cycle of abuse. Accordingly, recognizing OGBV as a structural and technology-amplified phenomenon strengthens the legal basis for imposing proactive statutory duties on platform providers to mitigate algorithmic risks, prevent harm, and safeguard victims. Initially, the phenomenon was referred to as Online Violence Against Women, which later evolved into Technology-Based Violence Against Women to reflect the increasingly sophisticated technological mechanisms enabling such harm.¹⁹ The term currently most widely adopted, Online Gender-Based Violence (OGBV), emphasizes the power relations embedded in these forms of violence, highlighting how gendered asymmetries shape both the nature of the harm and its disproportionate impact on victims.²⁰ The definition of Online Gender-Based Violence (OGBV) aligns with the formulation provided by SAFEnet (Southeast Asia Freedom of Expression Network), which conceptualizes online gender-based violence as violence rooted in gendered power relations between victims and perpetrators occurring within digital environments or facilitated through digital technologies. Similar to gender-based violence in the offline realm, such acts must involve an intention to harass, harm, or target individuals based on their gender or sexuality.²¹ According to the Association for Progressive Communications (APC), Online Gender-Based Sexual Violence refers to forms of gender-based violence that are perpetrated, enabled, supported, or amplified either wholly or partially through the use of information and communication technologies (ICT), including mobile phones, the internet, social media platforms, and email.²²

Crimes facilitated through internet-based media, commonly referred to as cybercrimes, share certain characteristics with technology-facilitated sexual violence, as both involve the use of electronic devices and digital platforms in the commission of harmful or unlawful acts.²³ However, Online Gender-Based Violence (OGBV) encompasses a broader scope. It includes not only acts of sexual violence but also various forms of

¹⁹ María José Rubio-Martín and Ángel Gordo, "Digital Gender Violence. A Proposal from the Architecture of Digital Environments and Forensic Linguistics," *Revista Española de Investigaciones Sociológicas*, no. 187 (2024): 129–46, <https://doi.org/10.5477/cis/reis.187.129-146>.

²⁰ Asosiasi Media Siber Indonesia (AMSI), "Modul Pencegahan Dan Penanganan Kekerasan Berbasis Gender Online (KBGO)," 2024, <https://cms.amsi.or.id/uploads/dokumen/5/3/53.pdf>, Diakses pada tanggal 29 Oktober 2025.

²¹ Laura Pérez de la Varga et al., "Intervention with Women Victims of Gender-Based Violence: A Comparative Study on the Perception of Personal Well-Being in Burgos (Spain)," *Social Sciences* 13, no. 12 (2024), <https://doi.org/10.3390/socsci13120652>.

²² Association for Progressive Communications, "Online Gender-Based Violence: A Submission from the Association for Progressive Communications to the United Nations Special Rapporteur on Violence against Women, Its Causes and Consequences," 2017, https://www.apc.org/sites/default/files/APCSubmission_UNSR_VAW_GBV_0_0.pdf.

²³ Putri Zaltina and Lidwina Inge Nurtjahyo, "Right to Be Forgotten as a Legal Protection for The Victims of Electronic Sexual Violence Cases," *Indonesian Journal of Socio-Legal Studies* 3, no. 2 (2024): 1–30, <https://doi.org/10.54828/ijsls.2024v3n2.4>.

offenses directed at individuals of a particular gender who are rendered vulnerable due to unequal power relations and entrenched gender hierarchies. SAFEnet has developed a comprehensive guide for identifying and responding to Online Gender-Based Violence, in which several activities are classified as falling within the category of Online Gender-Based Violence, including the following:²⁴

1. Violation of privacy
 - a. Accessing, using, manipulating, and distributing personal data, photos, or videos, as well as personal information and content, without knowledge or consent.
 - b. Doxing involves obtaining and disseminating an individual's personal information without consent, sometimes for malicious purposes such as facilitating harassment or intimidation online or offline.
2. Supervision and monitoring
 - a. Monitor, track, and supervise online or offline activities
 - b. Using spyware or other technology without consent
 - c. Using GPS or other geo-locators to track the target's movements
 - d. Stalking or stalking
3. Damage to reputation/credibility
 - a. Creating and sharing false personal data (e.g., social media accounts) with the aim of damaging the user's reputation.
 - b. Manipulating or creating fake content
 - c. Identity theft and impersonation (e.g., pretending to be the person and creating potentially damaging images or posts and sharing them publicly)
 - d. Disseminating personal information to damage someone's reputation
 - e. Making comments or posts that are offensive, disparaging, or otherwise false with the intent to tarnish someone's reputation (including defamation)
4. Harassment (which may be accompanied by offline harassment)
 - a. Online harassment, repeated harassment through unwanted messages, attention, and/or contact
 - b. Immediate threat of sexual or physical violence
 - c. Rude comments
 - d. Hate speech and posts on social media targeting a specific gender or sexuality.
 - e. Incitement to physical violence
 - f. Online content that depicts women as sexual objects
 - g. Use of indecent images to degrade women
 - h. Abusing, shaming women for expressing non-normative views, Threats, and direct violence
5. Direct threats and violence
 - a. Trafficking of women through the use of technology, including victim selection and preparation (premeditated sexual violence)
 - b. Sexual blackmail
 - c. Theft of identity, money, or property
 - d. Impersonation or impersonation resulting in physical assault.
6. Targeted attacks on specific communities
 - a. Hacking websites, social media, or emails of organizations and communities with malicious intent
 - b. Supervision and monitoring of community/organization member activities

²⁴ Ellen Kusuma and Nenden Sekar Arum, "Memahami Dan Menyikapi Kekerasan Berbasis Gender Online," 2019, <https://awaskbgo.id/wp-content/uploads/2020/11/panduan-kbgo-v3.pdf>.

- c. Direct threats of violence against members of a community/organization
- d. Mobbing, especially when a group of people chooses a target for intimidation or harassment, rather than an individual.
- e. Disclosure of anonymized information, such as shelter addresses

The diverse modes of online gender-based violence described above demonstrate that technology-facilitated OGBV encompasses a wide and complex spectrum of behaviors, ranging from invasions of personal privacy to coordinated and organized group attacks. Data released by the Southeast Asia Freedom of Expression Network (SAFE-net), an organization advocating for digital rights, internet access, freedom of expression, and safe online spaces, in its 2024 Indonesian Digital Rights Situation Report indicates a significant escalation in reported cases. In 2024, SAFE-net received 1,902 reports of OGBV, a substantial increase compared to the 1,052 cases recorded in 2023.²⁵ Legally, the sharp increase in OGBV cases suggests that the existing framework relies heavily on a reactive, individual-focused approach that may be insufficient to deter digital offenses or address systemic online abuse. This increase highlights structural weakness in the current platform regulations framework and suggests the need for clearer, enforceable obligations concerning proactive moderation, content removal, and the mitigation of technology-amplified harms.

Given the characteristics of online gender-based violence, addressing this issue cannot be regarded merely as a private matter; rather, it constitutes a broader need for protection that affects women's participation and presence across multiple sectors. The pervasive nature of OGBV necessitates active state involvement to regulate and mitigate its development. Weak state intervention and inadequate response to the proliferation of online gender-based harm risk undermining women's participation in social, economic, political, and cultural spheres. When women perceive digital environments as unsafe and hostile spaces that disproportionately target them, they are more likely to withdraw, limit their expression, or avoid participation altogether. Such systemic constraints on women's engagement may generate broader societal consequences, including reduced civic participation and weakened democratic values, as women may be discouraged from expressing themselves and participating fully in economic, social, and political life.

Online gender-based violence cannot be divorced from the underlying power relations that shape digital interactions. Drawing on Michel Foucault's analysis in *Discipline and Punish*, the human body and, by extension, the self are regulated, constrained, and disciplined through mechanisms of power that operate across social contexts.²⁶ In Foucault's view, power is not possessed exclusively by specific entities such as the state or formal institutions; rather, it is a dispersed, productive phenomenon that circulates through broader social networks and cultural structures. In this context, algorithms function as agents of power operating within an expansive digital landscape, not only controlling access to information but also shaping how we understand, respond to, and interact with the digital world.²⁷ By conceptualizing algorithms as Foucault's "agents of power," digital platforms do not merely serve as neutral channels, but actively regulate, discipline, and commodify user behavior by amplifying sexualized content through

²⁵ SAFE-net, "Laporan Situasi Hak-Hak Digital Indonesia 2024," SAFE-net, 2025 <https://cms.amsi.or.id/uploads/dokumen/5/3/53.pdf>, Diakses pada tanggal 29 Oktober 2025.

²⁶ Ruslan Aditya Sanjani, "Kekerasan Dan Pemerasan Perempuan Pekerja Seks Komersial Dalam Aplikasi MiChat : Suatu Analisis Foucaultian," *Mukadimah* 9, no. N0.1 (2025): 200–212, <https://doi.org/https://doi.org/10.30743/mkd.v9i1.10546>.

²⁷ Fahmi Faujar Syam, "Efek Polarisasi Algoritma Media : Analisis Teori Power Dan Knowledge Michel Foucault," *Journal of Artificial Intelligence and Digital Business (RIGGS)* 4, no. 2 (2025): 3524–3531, <https://doi.org/https://doi.org/10.31004/riggs.v4i2.1070>.

profit-driven engagement metrics. Consequently, because algorithmic systems may exercise diffuse and pervasive influence over users, legal responses should extend beyond individual criminalization to include enforceable statutory duties requiring platforms to strengthen their algorithmic governance.

Michel Foucault theoretical propositions, when applied to the power dynamics underlying contemporary forms of online gender-based violence, suggest that the problem does not lie solely in the individual actions of those who disseminate, threaten, intimidate, or exploit women's bodies. Rather, the power relations at play are deeply embedded and internalized within broader social, cultural, and technological structures. In the context of Online Gender-Based Violence, power operates as a strategic mechanism reflected through platform algorithms systems, the logic of digital capitalism, and cultural norms that positioned women's bodies as objects of consumption. These structural configurations showed how technological systems and societal discourses collectively reinforce gendered subordination in digital spaces.²⁸ Online Gender-Based Violence also aligns with Foucault's conception of power, which posits that power is diffuse, cannot be localized, and circulates throughout the social body. In digital environments, this diffusion manifests in netizens' comments, inadequate platform policies, unauthorized content distribution, and virality patterns that expose and commodify women's humiliation for public consumption. Power may be exercised through every click, shares, and other forms of engagement that collectively shape social judgments, such that the harm experienced by victims stem not only from individual perpetrators but also from a broader digital environment that reinforces shame, fear, and silence.

In the digital ecosystem, algorithms do not merely function as neutral technical infrastructure, but rather as "agents of power" that monitor, predict, and regulate user behavior through data categorization and engagement optimization. The logic of platform capitalism, which prioritizes engagement and virality, may indirectly shape the visibility of women's bodies and expressions; as content involving sexual exploitation or harassment can be amplified by recommendation systems when it generates high levels of interaction (clicks and engagement). Consequently, algorithmically amplified public scrutiny may increase the risks virality and public shaming, leading victims to engage in self-censorship or withdraw from the digital public sphere. Thus, algorithms function as normative instruments that reproduce patriarchal subordination and discipline women to conform to intangible moral norms (diffuse power).

Foucault's third dimension of power is also reflected in the experiences of victims of Online Gender-Based Violence. Women become controlled by dominant public discourses that construct moral narratives inclined toward victim-blaming. Under such normative pressure, internalized as acceptable or natural, victims often submit without explicit coercion. The reproductive nature of power, as described by Foucault, is evident in the ways OGBV perpetuates and reinforces gender inequality in digital spaces. Technological systems may reproduce gendered perception that portray women as weak or passive and men as strong or dominant, thereby reinforcing gender hierarchies in both online and offline contexts.

Originally designed for unidirectional information dissemination, the internet has transformed into an interactive medium that facilitates commercial transactions. Furthermore, open network architecture enables cross-border information exchange

²⁸ Okamaisya Sugiyanto, "Perempuan Dan Revenge Porn : Konstruksi Sosial Terhadap Perempuan Indonesia Dari Prespektif Viktimologi," *Jurnal Wanita Dan Keluarga* 2, no. 1 (2021): 22–31, <https://doi.org/https://doi.org/10.22146/jwk.2240>.

that transcends national jurisdictions.²⁹ Interactions within digital environments further regulate individuals' thoughts and behaviors, creating disciplinary patterns that operate subconsciously. Legal subjects perceive themselves as monitored and judged, even in the absence of direct coercion, due to the fear of virality, public shaming, and uncontrollable online opinions. These power relations embedded in digital interactions may exert significant psychological pressure on victims. Accordingly, the model of power in OGBV extends beyond the actions of individual perpetrators to include broader societal participation enabled by internet technologies.³⁰ This underscores the urgency of establishing preventive regulatory measures. The consequences of online gender-based violence for sufferers are diverse and deeply concerning. Victims may experience trauma and persistent psychological distress that affect their personal and social lives and increase their vulnerability to their mental health disorders.³¹ Common impacts include loss of self-confidence, feelings of insecurity, persistent fear, stress, and depression.

Victims of online gender-based violence face not only perpetrators who use technology to commit crimes, but also broader power structures embedded within digital systems. Beyond the power relations arising from perpetrator's access to victims' personal content, such as photos or videos, the harm experienced by victims may be compounded by broader social and technological forces that shape digital interactions.³² These forces operate within a wider user ecosystem, influenced directly and indirectly by patriarchal norms that have migrated from offline contexts into digital spaces. Such norms manifest as moral discourses and digital public stigma, producing standardized judgments that scrutinize and blame victims whose images or identities are exposed through the perpetrator's actions.

Fundamentally, conventional gender-based violence and its online equivalent share similar characteristics, and both have severe consequences for objects' personal and social well-being. However, closer examination reveals that the impact of technology-facilitated sexual violence can be even more devastating than traditional forms of sexual violence. Empirical studies indicate that online gender-based sexual violence may cause severe and prolonged psychological and social harm because of the borderless reach, rapid dissemination, and persistent digital traceability of shared intimate content.³³ Perpetrators may inflict serious harm without physical contact by relying on digital mechanisms, while is resulting psychological trauma that can substantially diminish victims' quality of life.³⁴ One study identified five major impacts of online Gender-Based Sexual Violence (GBV) on victims; Psychological harm, social alienation, economic harm, restricted mobility, and self-censorship.³⁵ First, psychological harm includes anxiety, fear, and depression, which in severe cases may escalate to suicidal ideation.

²⁹ Rudi Natamiharja and Ikhsan Setiawan, "Guarding Privacy in the Digital Age : A Comparative Analysis of Data Protection Strategies in Indonesia and France," *Jambe Law Journal* 7, no. 1 (2024): 233–51, <https://doi.org/10.22437/home.v7i1.349>.

³⁰ Virginia Ferreira Basurto et al., "Cyberviolence Against Women and Girls in Spanish Adolescents : Experiences of Cyberaggression and Cybervictimization," *Behavioral Sciences* 9, no. 35 (2025), <https://doi.org/10.3390/bs15091165>.

³¹ Suyeon Hong et al., "Digital Sextortion: Internet Predators and Pediatric Interventions," *Current Opinion in Pediatrics* 32, no. 1 (2020): 192–197, <https://doi.org/10.1097/MOP.0000000000000854>.

³² Vagia Polyzoidou, "Digital Violence Against Women: Is There a Real Need for Special Criminalization?," *International Journal for the Semiotics of Law* 37, no. 6 (2024): 1777–1797, <https://doi.org/https://doi.org/10.1007/s11196-024-10179-3>.

³³ Carlotta Rigotti et al., "Image-Based Sexual Abuse and EU Law: A Critical Analysis," *German Law Journal* 25, no. 8 (2024): 1475–1480.

³⁴ Siti Mulyani, "Penggunaan Alter Account (Akun Anonim) Sebagai Pemicu Kekerasan Berbasis Gender Online (KBGO) Di Media Sosial Twitter I" (Universitas Pendidikan Indonesia, 2021).

³⁵ Lili Anggraini et al., "Edukasi Kekerasan Berbasis Gender Online (Kbgo) Pada Remaja Di Smu 30 Rawasari Jakarta Periode Mei 2025," *Jurnal Pengabdian Masyarakat Dalam Kebidanan* 3, no. 1 (2025): 1–12.

Second, social alienation arises when fatalities withdraw from their environment and social life, commonly experienced by losses whose sexual content (photos or videos) is distributed without consent. Third, economic harm may occur when fatalities face unemployment or loss of income due to psychological distress or an inability to manage their social circumstances, forcing them to leave their previous employment. Fourth, losses experience limited mobility, losing the ability to participate freely in online and offline spaces. Fifth, self-censorship emerges when fear of re-victimization causes victims to withdraw from digital technologies, which further disadvantages them by limiting access to information essential for education, work, and daily activities.

The impact of Online Gender-Based Violence on sufferers is not only psychological but also social, economic, and cultural. Women experience a more complex form of gendered harm than men, as this crime involves stigma, shame, and moral judgment attached to the female body. Victims are often reluctant to report OGBV, not because they lack awareness of their rights but because they fear being blamed or viewed as a source of “shame” by their families or communities.³⁶ The persistence of digital traces may intensify victims’ trauma by creating a sense of lost control over their bodies, identities, and personal content. During legal processes, women often experience re-victimization when officials ask questions that marginalize them or imply partial responsibility. As a result, women may bear a double burden as both victims of violence and subjects of social judgment, making OGBV not merely a criminal issue but also a form of structural injustice that may impede access to substantive justice.

2.2. Urgency Efforts to Prevent Online Gender-Based Violence through Gender-Responsive Digital Platform Regulation

2.2.1. The Urgency of Gender-Responsive Regulation in the Digital Age

Major changes in various aspects of human life resulting from technological advancement have shifted activities from the physical world to cyberspace. Continuous interactions allow users to seek social connections, economic opportunities, and information, while simultaneously giving rise to new forms of digital crime that are difficult to control. All aspects of human life, social, economic, educational, and cultural, are increasingly transformed within digital environments. Human interaction is undergoing a significant transition from conventional to technology-mediated forms, with social practices and perspectives increasingly adapting to demands of digital environments.. In social life, authority was traditionally understood through hierarchies of power, position, and physical control, whereas in the digital era, power manifests in the control of data, images, and reputations in cyberspace.³⁷ Given the complexity of contemporary reality, digital media applications serve as an irreplaceable tool for addressing a wide range of challenges. Furthermore, their adaptive design enables users to navigate the complexities of daily life.³⁸ Power relations in the digital era cannot be understood solely through the actions of individual perpetrators but must also account for the digital systems that facilitate those actions. Acts such as the dissemination of immoral content, online harassment, cyberbullying, and blackmail involving threats

³⁶ Maria Giuseppina Pacilli et al., “Bystanders’ Reactions to a Woman Victim of Sextortion : Moral Outrage , Victim Blaming and Reputational Damage,” *European Journal of Social Psychology*, 2025, 532–46, <https://doi.org/10.1002/ejsp.3123>.

³⁷ Khusnul Fadilah, “Pemulihan Trauma Psikososial Pada Perempuan Korban Kekerasan Seksual Di Yayasan Puli,” *Empati: Jurnal Ilmu Kesejahteraan Sosial* 7, no. 2 (2020): 145–56, <https://doi.org/10.15408/empati.v7i2.11423>.

³⁸ Fatkhurohman et al., “Facing Digital Age : Should the Regional Regulation Be Made Digitally ?,” *Jambura Journal of Community Empowerment* 7, no. 01 (2025): 1–29.

using victims' intimate images are made possible through the support of digital infrastructures.³⁹ Perpetrators may exploit access to data and digital features to inflict harm, while existing patriarchal culture may further shape unequal relational patterns within digital environments.

Digital users' interest in sexualized content involving women, as reflected in the rapid virality of pornographic or vulgar material, illustrates that women continue to be positioned as objects of desire and sexuality for men.⁴⁰ This pattern reinforces the reality that digital space functions as an extension of patriarchal culture that devalues women.⁴¹ Rather than functioning solely as spaces for freedom of expression, digital spaces may also reproduce gender inequality, with women and other vulnerable groups facing harassment, intimidation, blackmail, and other forms of technology-based sexual violence.⁴²

The predominance of male perpetrators recorded in the Ministry of Women's Empowerment and Child Protection's Symphony system as of January 1, 2025, does not by itself establish that most victims are women, although it may indicate a strongly gendered pattern of violence. Similarly, global data from the World Wide Web Foundation shows that approximately 52 % of women worldwide experience various forms of online violence, affecting their psychological and physical well-being.⁴³ However, The limitation of Law No. 12 of 2022 (TPKS Law) arise from the absence of specific provisions in Articles 14 and 79 establishing enforceable legal obligations or administrative sanctions for digital platform providers, despite regulating electronic sexual violence and information-technology-based prevention. Consequently, this normative gap leaves the legal framework overly reliant on retributive criminal justice against individual offenders while completely exempting platform algorithms and intermediaries from mandatory content moderation, proactive filtering, or victim-centered digital footprint removal.

Regulations in Indonesia and in many other jurisdictions remain gender-neutral, failing to fully address the gendered dynamics that contribute to women's vulnerability to digital violence.⁴⁴ As a result, the protection provided remains formalistic. Both Indonesian and international legal provisions prioritize the prosecution of perpetrators. The presumption of innocence requires that accused individuals be treated as innocent until a final and binding court decision is issued. Legal processes, therefore, prioritize safeguarding the rights of perpetrators, including mandatory legal counsel for those facing a minimum sentence of five years. Meanwhile, victims who directly suffer losses from gender-based violence are marginalized under the assumption that public prosecutors adequately represent their interests. This situation leaves fatalities to navigate legal consequences alone, often resulting in secondary victimization and psychological distress during their pursuit of justice.

³⁹ Elly et al., "Kekerasan Berbasis Gender Online Melalui Whatsapp Group Di Kalangan Generasi Z Kota Denpasar: Perspektif Antropologi Virtual."

⁴⁰ Kristel Anciones Anguita and Mirian Checa Romero, "Making Money on OnlyFans ? A Study on the Promotion of Erotic Content Platforms on Social Media and Their Influence on Adolescents," *Sexuality & Culture* 29, no. 6 (2025): 2727–51, <https://doi.org/10.1007/s12119-025-10389-2>.

⁴¹ Carlotta Rigotti et al., "Image-Based Sexual Abuse and EU Law: A Critical Analysis," *German Law Journal*, no. May (2024): 1472–93, <https://doi.org/10.1017/glj.2024.49>.

⁴² Ruslinia et al., "Analisis Aktor Non Negara Dan Ketahanan Psikologi : Studi Kasus Kekerasan Berbasis Gender Online (KBGO)."

⁴³ Hukumu et al., "Criminalization of Online Gender-Based Violence (OGBV): Challenges and Solutions in Indonesian Criminal Law."

⁴⁴ Sarah Rockowitz et al., "A Systematic Review of Criminal Justice Initiatives to Strengthen the Criminal Investigation and Prosecution of Sexual Violence in East Africa," *Trauma, Violence, and Abuse* 25, no. 1 (2024): 813–27, <https://doi.org/10.1177/15248380231165694>.

The principle of the presumption of innocence should not justify a legal framework that prioritizes access to legal counsel for perpetrators while marginalizing victims who may be experiencing psychological trauma. Although the Law on Sexual Violence Crimes stipulates that fatalities must be accompanied by psychologists and provided with legal assistance, in practice, these rights are not effectively implemented. Victims are often asked whether they object to proceeding with the trial in the absence of support personnel, may leave those who are unaware of their substantive rights feeling compelled to navigate an unfamiliar legal process without adequate assistance.

Women frequently face significant barriers in accessing justice as victims of crime, most notably in instances of sexual violence.⁴⁵ In addition to weaknesses in the implementation of the Sexual Violence Crimes Law, external factors such as media reporting further exacerbate the psychological pressure experienced by wounded.⁴⁶ Media reporting often perpetuates negative stigma against fatalities. In practice, news narratives intended for public consumption are framed in ways that leave interpretation to the reader. Even evaluations of victims are shaped by digital systems. For example, when a female public figure becomes a victim of sexual violence, her digital footprint is scrutinized to construct judgments about her conduct or character, including assumptions based on clothing choices displayed on her social media accounts.

These facts demonstrate that women continue to be subjected to judgment within digital spaces. Patriarchal culture still profoundly influences how society, the law, and digital media treat victims of sexual violence. Gender-based regulations are urgently required not only to prosecute perpetrators but also to address deeply embedded patriarchal social structures and legal cultures. When women's bodies and appearances become moral benchmarks, the law loses its capacity to uphold justice. Gender-responsive regulations are necessary to ensure that victims' experiences and needs are adequately recognized while addressing patriarchal structures that are reproduced within digital environment.

2.2.2. Legal Responsibility of Digital Platforms and Comparison in Other Countries.

A digital platform is a system or infrastructure that functions as a medium for connecting individuals, groups, and organizations online through the internet or a computer network.⁴⁷ Two or more individuals interacting on the same platform create a digital form of social networking. Within the digital ecosystem, responsibility for user protection cannot rest solely with the state; digital platform providers must also bear legal obligations to maintain a safe and secure online environment. As various aspects of life shift into digital spaces, digital platforms are required to provide adequate security and facilitate safe interactions. Theories of State Responsibility and Corporate Social Responsibility offer a conceptual basis for understanding that digital platforms, as providers of social services, not only function as forums and facilitators of digital interaction but also act as entities possessing the authority and obligation to regulate social conduct within digital spaces. The state holds the authority to ensure that digital

⁴⁵ Yusrizal Hasbi et al., "Criminalising Women , Silencing Victims : Human Rights and Sharia Enforcement in Aceh," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (2025): 175–203.

⁴⁶ Yusuf Saefudin et al., "Tindak Pidana Kekerasan Seksual Dan Perlindungan Hukum Bagi Korban Kekerasan Seksual Di Indonesia," *Kosmik Hukum* 23, no. 1 (2023): 24, <https://doi.org/10.30595/kosmikhukum.v23i1.17320>.

⁴⁷ Ratna Patria, "Platform Digital Adalah: Pahami Jenis-Jenis Platform Digital!," *domainesia*, 2023, <https://www.domainesia.com/berita/platform-digital-adalah/>. Diakses pada tanggal 31 Oktober 2025

platforms are not solely profit-oriented but also uphold social responsibility by preventing harmful impacts arising from their operations, including ensuring user safety.

The Law on Sexual Violence Crimes stipulates in Article 79, paragraph (2) (g) that efforts to prevent sexual violence must be carried out through information technology. However, this provision has not yet been operationalized. The provision remains limited in its effectiveness because it functions as a broad policy mandate (*lex generalis*) without specific technical guidelines, enforcement mechanisms, or administrative penalties for non-compliant digital tech providers. Furthermore, while Minister of Communication and Information Regulation No. 5 of 2020 (Permenkominfo 5/2020) imposes general content-take-down obligations on Private Electronic System Operators (ESOs), its gender-neutral scope focuses primarily on state security and public order rather than establishing a proactive, victim-centered duty of care for digital platforms to prevent online gender-based sexual violence. Ensuring security and protection for users in the digital realm is crucial for preventing cybercrime, particularly for vulnerable groups such as women and children who are increasingly active on social media. Effective regulation for addressing online gender-based sexual violence is urgently needed, given the widespread and uncontrolled use of digital technologies and social media across demographic groups. The rapid development of technology, coupled with the increasing sophistication of technology-based crime, poses serious risks if not accompanied by regulatory reform and strengthened coordination among government bodies such as Komdigi, law enforcement agencies, and community organizations to build effective law enforcement and responsive prevention mechanisms. Responsive prevention is attainable when preventive efforts are supported by enhanced institutional synergy, as demonstrated by countries that are fully committed to protecting their citizens from the evolving landscape of cybercrime.⁴⁸ Effective digital platforms governance cannot be achieved by the state acting in isolation; rather, it requires a multi-stakeholder governance framework. Civil society organizations (CSOs), digital rights advocacy networks such as SAFEnet, and victim support organizations may play a crucial role as trusted flaggers with access to an expedited channel for reporting high-risk KBGO cases directly to the platform's moderation systems. In addition, law enforcement officials including police and prosecutors need to be positioned within a formal collaborative framework with platforms to expedite the process of obtaining court orders regarding the disclosure of perpetrators' identity data without compromising victims' privacy. This synergy ensures a mechanism for public scrutiny of the transparency of the platform's content moderation reports, while also ensuring that the handling of cases by law enforcement is grounded in a victim-centered approach.

Several countries have demonstrated good practices in establishing gender-sensitive digital regulations through strict oversight of media platforms to ensure a safe digital ecosystem.⁴⁹ Examples include Australia's eSafety Commissioner and Germany's NetzDG, both of which incorporate policies requiring the rapid removal of non-consensual sexually exploitative content. The Australian government has shown a strong commitment to protecting social media users. Since the enactment of the Online Safety Act 2021, the eSafety Commissioner has been authorized to order online platforms to remove prohibited content, require compliance reporting, and oversee industry codes

⁴⁸ Beatriz Kira, "Inter-Agency Coordination and Digital Platform Regulation: Lessons from the Whatsapp Case in Brazil," *International Review of Law, Computers and Technology* 39, no. 1 (2024): 6–29, <https://doi.org/10.1080/13600869.2024.2351671>.

⁴⁹ Lisa Maria Neudert, "Regulatory Capacity Capture: The United Kingdom's Online Safety Regime," *Internet Policy Review* 12, no. 4 (2023), <https://doi.org/10.14763/2023.4.1730>.

and standards for managing prohibited material.⁵⁰ This law also strengthens adult online safety by providing mechanisms for the removal of intimate images or videos shared without consent and by enabling regulatory action against non-compliant users or service providers. The main provisions regulated under the Australian Digital Safety Act include:⁵¹

1. Creates a world-first Adult Cyber Abuse Scheme for Australians 18 years and older
2. Broadens the Cyberbullying Scheme for children to capture harms that occur on services other than social media.
3. Updates the Image-Based Abuse Scheme that allows eSafety to seek the removal of intimate images or videos shared online without the consent of the person shown
4. Gives eSafety new powers to require internet service providers to block access to material showing abhorrent violent conduct, such as terrorist acts.
5. Gives the existing Online Content Scheme new powers to regulate illegal and restricted content, no matter where it's hosted.
6. Brings app distribution services and search engines into the remit of the new Online Content Scheme.
7. Introduces Basic Online Safety Expectations for online service providers
8. Halves the time that online service providers have to respond to an eSafety removal notice, though eSafety can extend the new 24 hour period.

The Australian government's ambitious policy aims to create a safe digital ecosystem. This policy includes not only compliance obligations for media platforms but also user requirements designed to reduce vulnerabilities in cyberspace. One such requirement is identity verification for users before account registration to prevent anonymous users from engaging in cyber bullying and technology facilitated crimes.⁵² Under Australia's current Online Safety framework, certain age-restricted social media platforms must take reasonable steps to prevent users under 16 from holding accounts, but law does not generally require identity verification for all users. Legally, age-assurance requirements are primarily directed at restricting underage access to certain social media platforms and should not be characterized as a general mechanism for eliminating anonymity and preventing all forms of online gender-based sexual violence. Consequently, by converting platform access from an unregulated privilege to an accountable digital identity framework, Australian law shifts the burden of deterrence from vulnerable victims onto tech intermediaries. The Australian government's policy also extends to child users by imposing restrictions on their access to digital platforms. Beginning in December 2025, children under the age of 16 will be prohibited from accessing the YouTube application in Australia.⁵³ This Australian government policy was implemented after determining that YouTube exposes children to harmful content.

⁵⁰ Jacqueline Rowe, "Globalising Platform Regulation: The Impact of Online Platform Regulations from the European Union, the United Kingdom and Australia on Platform Regulation in Global Majority Countries," Global Partners Digital, 2025, <https://www.gp-digital.org/publication/globalising-platform-regulation-the-impact-of-online-platform-regulations-from-the-european-union-the-united-kingdom-and-australia-on-platform-regulation-in-global-majority-countries/>. Diakses pada tanggal 5 November 2025

⁵¹ eSafety Commissioner, "eSafety Uses Its World-Leading Regulatory Powers to Implement and Enforce Australia's Online Safety Laws.," eSafety Commissioner, 2025. Diakses pada tanggal 05 November 2025

⁵² Marcus Smith et al., "Online Safety and Social Media Regulation in Australia : eSafety Commissioner v X Corp Online Safety and Social Media Regulation in Australia.," *Griffith Law Review* 33, no. NO. 1 (2024): 2–18, <https://doi.org/10.1080/10383441.2024.2405760>.

⁵³ Albertus Adit, "Australia Larang Anak Di Bawah 16 Tahun Punya Akun YouTube Mulai Desember," Kompas, 2025, <https://www.kompas.com/global/read/2025/08/01/154238570/australia-larang-anak-di-bawah-16-tahun-punya-akun-youtube-mulai-desember?page=all>. Diakses pada tanggal 05 November 2025

Furthermore, the German Network Enforcement Act (NetzDG) established strict obligations for social media platforms concerning the handling and removal of illegal content reported by users. The Act obligates media platforms to comply with blocking and removal orders for content deemed “manifestly unlawful” within 24 hours of receiving a complaint. It imposes substantial fines of up to 50 million euros on platforms that fail to comply. The categories of illegal content identified under NetzDG are including child and youth pornography, pornography, political extremism, violence, self-harm, cyberbullying, sexual harassment, apps/games, and advertising or cost traps.⁵⁴ The German government offers a hotline for the public to report content deemed unlawful, allowing reports or complaints to be submitted anonymously. The hotline processes complaints rapidly and in a well-coordinated mechanisms, enabling swift identification of illegal content and facilitating the tracing of responsible parties at both national and international levels.

The two digital platform regulatory schemes mentioned above should serve as a reflection for the Indonesian government in establishing similar provisions and strengthening their enforcement to emerge a safe online environment, allowing all forms of Online Gender-Based Violence to be effectively addressed and anticipated. Australia and Germany constitute highly relevant reference points for Indonesia due to their proactive statutory regimes that make platforms accountable for online harms. Like Indonesia, both jurisdictions face challenges arising from the cross-border operation of major technology companies and the regulatory difficulties associated with platform governance. Consequently, adopting their legislative models characterized by mandatory duty-of-care requirements and strict reporting protocols presents Indonesia with a clear normative avenue to rectify the legal gaps in the TPKS Law while upholding fundamental freedoms. Given the current landscape of social media use in Indonesia, a clearer legal framework is needed to require digital platform providers to adopt gender-based protection policies, including early detection mechanisms of sexual violence content and appropriate support for victims, particularly women and girls who face heightened risks of online gender-based violence.⁵⁵ Media platforms should not be perceived as passive service providers, as the accessibility they offer significantly contributes to the ease of committing online crimes. The implementation of a platform regulatory model in Indonesia faces complex structural challenges that require in-depth critical analysis. Indonesia currently lacks an independent regulatory body with specific authority comparable to that of Australia’s eSafety Commissioner, while law enforcement by relevant ministries such as Komdigi remains largely reactive and focused on partially blocking websites without transparency in platform oversight. Limitations in digital forensic laboratory facilities and a lack of data interoperability between law enforcement agencies and foreign electronic system operators (ESOs) lead to delays in evidence-gathering procedures and content handling. Furthermore, the political will of the government and legislators poses a major normative challenge; digital regulatory policies in Indonesia are often trapped in a state-centric control approach or the criminalization of individuals, rather than enforcing strict legal measures and imposing significant financial fines on transnational tech giants that fail to comply with gender protection standards.

⁵⁴ Human Rights Watch, “German: Cacat Dalam Undang-Undang Media Sosial,” Human Rights Watch, 2018, <https://www.hrw.org/id/news/2018/02/14/314928>. Diakses pada tanggal 5 November 2025

⁵⁵ Wardah et.al Yuspin, “Bestuur,” *The Regulations of the Supervisory Officer Personal Data Protection-Based Accountability Principle* 12, no. 1 (2024): 49–68.

Indonesia should be able to learn from countries such as Australia and Germany, which have developed comprehensive regulatory frameworks by integrating international standards into their national legal systems while imposing strict obligations on technology companies as actors responsible for safeguarding digital security.⁵⁶ The regulatory model expected for Indonesia similarly requires a structured framework that encompasses risk identification, prevention, and enforcement in addressing gender-based violence online. The requisite regulatory standards take the form of a mandatory, gender-sensitive accountability regime for digital media platforms, consisting of three core components. First, platforms should implement an early-detection system capable of identifying various forms of gender-based violence, including sexual harassment, the dissemination of non-consensual intimate content, deepfake pornography, sexual threats, and misogynistic attacks. Such systems may incorporate technologies such as hashing tools and natural Language Processing (NLP) to detect harmful content and language before they are widely disseminated..⁵⁷ Second, platforms are required to undertake preventive measures by providing protective features such as auto-block mechanisms, enhanced user privacy settings, and user-education services related to digital security. In addition, prevention can also be achieved through the implementation of the safety-by -design principle, including features that automatically restrict screenshots of private messages, multi-layered identity verification for anonymous accounts (alter accounts), and strict default privacy settings for vulnerable groups. Third, platforms must implement an effective and rapid internal response mechanism, incorporating strict response timelines, proactive content-removal procedures, and the imposition of sanctions such as account suspension or freezing for perpetrators. In its operationalization, platforms are also obligated to cooperate with law enforcement authorities to ensure effective follow-up on severe cases. Thus, liability regulation serves not merely as a tool for punishing offenders but as a structural mechanism aimed at ensuring sustained protection and meaningful justice for women victims in digital environments. Legal obligations for platforms include providing a dedicated emergency reporting mechanism for KBGO, temporarily access to reported harmful content (takedown/quarantine) within a specified period, which may be maximum of 24 hours, and facilitating the removal of relevant digital content in accordance with applicable right-to-be-forgotten provisions and victim protection referral system.

3. CONCLUSION

Online Gender-Based Sexual Violence (OGBV) in Indonesia is not merely a collection of isolated cybercrimes but a structural phenomenon rooted in patriarchal power relations, which are exacerbated and commodified by the systemic logic of digital platform algorithms. The central legal problem identified is the regulatory vacuum regarding the non-physical, technology-facilitated dimensions of sexual violence, leaving victims without substantive protection and law enforcement agencies heavily reliant on reactive criminalization against individual perpetrators. The findings indicate that the current Indonesian legal framework, particularly Law No. 12 of 2022 (TPKS Law), remains inadequate due to the declaratory and unenforceable nature of its IT-based

⁵⁶ Max Römer-Pieretti et al., "Violence, Hate Speech, and Gender Bias: Challenges to an Inclusive Digital Environment," *Social Inclusion* 13 (2025): 1–5, <https://doi.org/10.17645/si.9941>.

⁵⁷ Isabel Vicario-molina and M Begoña Orgaz-baz, "Attachment, Power / Influence, Conflict Management Strategies, and Sexual Aggression in Emerging Adult Romantic Relationships," *Scandinavian Journal of Psychology Empirical*, 2025, 854–70, <https://doi.org/10.1111/sjop.13125>.

prevention provisions (Article 79), which completely exempt digital intermediaries from legal liability. Furthermore, the analysis suggests that platforms are not entirely neutral conduits, as their asymmetric algorithmic systems may prioritize user engagement over safety and reinforce gendered inequalities in digital spaces. However, digital platforms that facilitate these crimes are largely absent from efforts to address the issue. Indonesia must regulate and enforce provisions that require digital platforms to comply with national regulations, including providing an online complaint mechanism that is coordinated with law enforcement agencies to protect victims, as is practiced in Australia and Germany. Such a mechanism is feasible in Indonesia, provided that the government is committed to formulating regulations governing the roles and responsibilities of digital platforms regarding content circulating within their algorithmic systems, strengthening digital forensic capacity among law enforcement officers, and implementing integrated outreach programs on the risks of digitalization faced by social media users. Preventing Online Gender-Based Violence cannot rely solely on criminalization but also requires the active role and responsibility of digital platforms and the development of gender-sensitive policies to create a safe digital ecosystem and uphold justice for victims.

ACKNOWLEDGEMENTS (OPTIONAL)

The authors extend profound gratitude and sincere appreciation to:

1. Doctoral Program in Law, Universitas Jenderal Sudirman, Purwokerto, Indonesia
2. Faculty of Law, Universitas Mataram, Lombok, West Nusa Tenggara, Indonesia
3. Scholarship Recipient, Education and Training Agency, Attorney General's Office of the Republic of Indonesia

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