

## Implementation of Legal Protection for Victims of Revenge Porn Crimes Based on Law Number 31 of 2014 Concerning Protection of Witnesses and Victims from a Victimology Perspective

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**ABSTRACT** : This research is presented as a response to the rampant phenomenon of *revenge porn*, a cruel act that takes away privacy and causes deep trauma for its victims. This research seeks to examine more deeply about how the implementation of legal protection for individuals who are victims of *revenge porn* in Indonesia, especially within the framework of Law Number 31 of 2014 concerning Protection of Witnesses and Victims. Through the lens of victimology, this dissertation not only sees victims as passive objects in the justice system, but as individuals who have the right to comprehensive recovery and protection. This research explores further how legal protection for witnesses and victims can truly be felt by survivors of *revenge porn*, considering the unique characteristics of this crime that often leave deep psychological wounds and severe social stigma. To understand the reality of implementation in the field, this research uses empirical legal methods. This approach involves an in-depth analysis of relevant laws and regulations, combined with direct data collection from various related parties. In-depth interviews with victims of *revenge porn*, law enforcement officers, victim service institutions, and experts in the fields of law and psychology provide a window to understanding the challenges, obstacles and hopes in realizing effective legal protection for victims. The results of this study are expected to provide a complete picture of the extent to which Law Number 31 of 2014 has answered the protection needs of *revenge porn victims*. Moreover, this dissertation aims to identify gaps in implementation and formulate constructive recommendations. It is hoped that the findings of this study can contribute to collective efforts to create a legal system that is more empathetic and responsive to the suffering of *revenge porn victims*, as well as encourage the realization of true justice and recovery for them.

**Keywords:** Revenge Porn, Victimology, and Criminal.



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## INTRODUCTION

In 2020, the National Commission Against Violence against Women (National Commission on Violence Against Women) noted as many as 299,911 cases violence to women in Indonesia. Cases the covering Violence to Wife (KTI), Violence in Dating, Violence towards Girls, as well Violence committed by ex- boyfriends, ex - husbands, and against Household Assistant. Form violence experienced covers violence physical, sexual, psychological, and economic. This data show that Woman is highly vulnerable groups become victims of violence (Kang, 2021).

Progress technology in the 21st century, in one side bring impact positive with convenience interact through social media, but on the other hand it also gives rise to threat new to safety women. One of them form threat the is distribution content pornography, which is increasingly rampant along with increasing number crime cyber in Indonesia from year to year (Dharmawan, 2022). One of the type crime disturbing cyber is crime decency in the form of pornography reply feud or *revenge porn* (Anneke Putri Willihardi and Eko Wahyudi, 2020).

*Revenge porn* refers to the spread content intimate without agreement, which is usually done by couples, exes couple, or other parties who have a motive to retaliate revenge. This action aiming damage image and dignity of the victim, defaming the good name, and pressuring the victim to obey will perpetrators. Women become the most affected parties Because system objectifying social body women and position them as symbol sexuality.

Culture patriarchy that still exists take root to worsen position women, making victims instead blamed on the crimes that befell him. In various case, life the victim's personal data was dug up in a way open and become consumption public, even though matter This should protected. Mass media and society often judge the morals of the victim, as if He proper accept consequence from the crime that occurred to him (Sugiyanto, 2021). In view of part society, women victims of *revenge porn* considered No worthy get protection Because considered has "ruined" himself himself (Abdussalam, 2003).

In fact, the victim needs system sensitive law towards gender and able answer change form violence, including violence based on technology. The law must capable finish problem This in a way complete and fair, not precisely add burden victim psychology (Mansur & Gultom, 2003).

According to Constitution Number 31 of 2014 concerning Protection of Witnesses and Victims, Article 5 states various the rights that should be given to the victim. The right covering protection personal and family, participation in the legal process, granting information in a way free, guarantee confidentiality identity, help law, and assistance life temporary.

However, in in practice, fulfillment rights This Still often neglected. Many victims and families of victims whose reports No get act carry on Serious from apparatus enforcer law or institution related, so that create gap Serious between protection the laws needed and the realities faced by victims of *revenge porn*.

Based on background behind said, research This limit discussion on two formulations problem main:

1. How law protection against victims of crime criminal *revenge porn* based on Constitution

Number 31 of 2014 in perspective victimology?

2. How role National Commission Against Violence towards Women of the Republic of Indonesia in fulfillment rights of victims of crime criminal *revenge porn* based on Constitution Number 31 of 2014?

In context victimology, victims of crime revenge porn crime experienced form victimization secondary, namely suffering addition consequence system justice criminal or reaction society. The victims did not only experience loss psychological and social, but also often hampered in look for justice due to stigma and complicated legal processes. Victimology emphasize importance confession to the suffering of the victims and the need for a restorative approach in give recovery, not just action to the perpetrator. Therefore that, approach more laws take sides to victims is very necessary so that they No become a victim of second time through a legal process that is not humane.

In addition, limitations digital literacy and lack thereof understanding law also becomes barrier main for female victims of revenge porn for report or look for assistance. Many victims feel afraid, ashamed, or No know must report to where. In some In this case, it is the victim who is blamed Because considered careless in guard digital privacy. This is to emphasize the need education equitable digital literacy and law, especially for women in various layer society, so that they own capacity For protect self at a time demand his rights moment become a victim of crime cyber.

On the other hand, responsibility the state answer is no only lies in the provision regulation, but also on implementation concrete impartial protection to the victims. The National Commission on Violence Against Women has role strategic as an independent state institution that advocates policy, providing assistance, as well as push change more social and cultural sensitive to experiences of female victims. Through documentation case, education public, as well as collaboration with institution enforcer law, the National Commission on Violence Against Women has the potential big in strengthen system protection revenge porn victim law more comprehensive.

In a broader framework broad, the handling of revenge porn must be seen as part from the big agenda eradication violence gender- based. The state, society, and media need to play a role active in to abolish culture blaming the victim as well grow a safe and fair environment for all citizens, in particular women. Enforcement law to perpetrator must accompanied with recovery victims' rights, including right on privacy, dignity, and justice. With Thus, the system law national can truly reflect values justice social and gender equality as mandated in constitution.

Although Constitution Number 31 of 2014 has give runway strong normative For protection witnesses and victims, including victims of crime based on technology like revenge porn, but its implementation Not yet fully effective. One of the factor inhibitor is lack of gender perspective in training and education apparatus enforcer law. Many of those who have not understand that victims of revenge porn experience suffering very complex psychological and social, as well as need an empathetic and humanistic approach. As a result, victims' reports are often ignored, belittled, or even trigger questions that corner the victim.

In context victimology, system justice criminal offences that are not take sides to the victim causing what is called as "secondaryization" "victimization"— that is conditions in which the victim

experiences suffering addition from the legal process That myself. Approach victimology demand change from a system that only focus on the perpetrator to a system that also takes into account victim recovery. This means, protection against victims of revenge porn must covers access to service psychological, counseling, recovery social, and recovery economy. This effort must also ensure that the victim did not experience judgment social during undergo legal process.

Apart from the authorities enforcer law, the role of mass media is also very significant in to form opinion public towards the victims. Unfortunately, the media often fails in guard ethics coverage, especially in cases concerning body and privacy women. The identity of the victim is sometimes still readable although has disguised, and the news more highlight side sensational rather than empathy. For that, it is necessary existence guidelines coverage gender- based that prioritizes protection to the dignity of the victim as well as push journalism that educates public will the dangers of revenge porn and its importance justice for the victims.

The National Commission on Violence Against Women can take position central in strengthen regulations and mechanisms protection for victims with method conduct an audit of effectiveness implementation Constitution Protection of Witnesses and Victims, and give recommendation data -based improvements. This institution can also push formation protocol Handling special for victims of revenge porn, which involves Work The same cross sectors — including police, prosecutors, psychologists, and organizations public civil. With approach multisector, efforts victim protection is not only become not quite enough answer formal law, but become movement collective going to transformative justice.

Finally, education public become key main in to cut off chain gender- based digital violence. Curriculum schools, digital literacy programs, and social media campaign must directed For to form awareness critical to importance honor privacy, consent, and integrity every individual. In an equal society, no There is room for blaming the victim. Every citizens, especially women, have the right feel safe good in the real world and digital. Enforcement law on one's side to victims of revenge porn, right? only moral demands, but embodiment from justice substantive that respects dignity man.

## **METHOD**

The research method used in this writing is the empirical legal research method, or what is called field research, namely studying the applicable legal provisions and what happens in reality in society (Arikunto, 2012).

Empirical legal studies are legal studies on the enforcement or implementation of normative legal provisions by following up on each specific legal event that occurs in society. Or in other words, it is a study conducted to condition the actual or condition the real things that occur in society with the intention of knowing and finding the facts and data needed. After the necessary data is collected, problem identification is carried out which ultimately leads to a solution to the problem. The focus of this problem is the problem that is studied based on theory or seen from the relationship between theory and practice. As a result, if there is a difference between what the law wants and what society wants, then there needs to be a change in what society wants to be in

accordance with the will of the law. Obtaining primary data is done through observation, interviews, or distributing questionnaires. This is in line with the opinion of Hs & Nurbani (2016) who emphasized that in legal research, theoretical and practical approaches must be integrated to understand law in a social context.

The research specification used by the author in this study is the empirical research method, according to Soerjono Soekanto, it is called the empirical legal research method or library research method. In empirical legal research, written law is studied from various aspects such as theoretical aspects, general explanations, and interviews, the language used is refined Indonesian. So that conclusions can be drawn in quantitative research. The stages of research carried out in this study include studies by going directly to law enforcement agencies, this study uses interviews, researching and reviewing primary data related to the research. The research specification is the focus of research on the problem that is the center of attention, in this study, the author's research specification is Legal Protection for Victims (revenge porn) in the Perspective of Victimology Case Study of the National Commission on Violence Against Women. Susanti & Efendi (2015) also explained that in legal research methods, normative and empirical approaches must go hand in hand to obtain complete results. Butarbutar (2018) emphasized that legal research methods must pay attention to aspects of substantive justice and protection of vulnerable groups, including victims of technology-based violence.

Approach empirical in study law This aiming for to reveal gap between written legal norms in regulation legislation and reality its implementation in the field, especially in matter protection of victims of crime revenge porn crime. This method give room for dig perception, experience, and the obstacles faced by victims in to obtain his rights as set up in Constitution Number 31 of 2014. With method observation and interview deep to parties related like investigators, victim advocates, and institution like National Commission on Violence Against Women, research This can give description real about effectiveness and weaknesses in implementation applicable law.

More far, use method This allow researcher for evaluate in a way direct effort National Commission on Violence Against Women in give protection, assistance and advocacy against victims of revenge porn, as well as evaluate to what extent the institution the capable bridge between regulation law and needs real victims in the field. With approach studies case, result study This expected can give contribution real for development more policies responsive to the needs of the victims, as well as become material evaluation for maker policies and apparatus enforcer law in formulate a more comprehensive protection strategy comprehensive and based perspective victimology.

## **RESULTS AND DISCUSSION**

### **Understanding Legal Protection**

Terms of protection law in Language English known as *Legal Protection*, and in Dutch is called *Rechtsbescherming*, this term consists of of two elements, namely "protection" and "law". Protection refers to the action guard, defend and protect individual, whereas law is a system of norms that reflects right basic human and demanding justice. Therefore that, law No only reflect power, but

also contains element protection to right basic every citizen.

Article 1 paragraph (8) Law no. 31 of 2014 which is change on Law No. 13 of 2006 concerning Protection of Witnesses and Victims, affirmed that protection covers all over effort fulfillment right and a sense of security for witnesses and/ or victims by LPSK or other authorized institutions. In the context of This, Arief (2014) interprets victim protection in two areas : first, protection law so as not to become a victim, and secondly, protection for to obtain change make a loss on suffering consequence crimes, including rehabilitation and restitution. This is become base that protection No just nature symbolic, but must present real and comprehensive in system law.

However Thus, the reality on the ground — especially in revenge porn cases— often show the gaping chasm between ideal norms in Law no. 31 of 2014 and true protection felt by the victim. There are still many victims who do not get a sense of security, instead blamed, and failed to obtain justice. Perspective victimology emphasize that the victim must positioned as subject active in law, not just object policy.

### **Legal Protection Form for Victims**

Protection law become matter essential Because every individual potential become a victim of crime. Protection for victims can in the form of testimony, help law, service medical, compensation, to recovery psychosocial. Such as described by , the form protection the covers compensation, restitution, and rehabilitation. Siregar & Silaban (2019) menyatakan bahwa hak-hak korban dalam penegakan hukum harus menjadi perhatian utama agar korban tidak menjadi objek semata dalam proses peradilan pidana.

In practice, the compensation is regulated in the Criminal Procedure Code in Article 99 only focus on losses material. Even though in revenge porn case, losses immaterial — such as torn honor and prolonged trauma — precisely more dominant. Restitution as form not quite enough answer perpetrator on victim losses often difficult accessed Because position social weak victims. While compensation from the country often No running optimally because limitations complicated mechanisms and bureaucracy.(Atikah Rahmi, 2019)

Victims of revenge porn who have disadvantaged in a way psychological and social often difficulty in access third form protection this. LPSK in the practice also faces limitations budget, resources power, and gender sensitivity within the institution, so that approach protection often No inclusive and failed fulfil right victim basis. Views victimology encourage the approach against the victim not just legalistic, but also humane and just restorative.

### **Revenge Pornography Crimes in Indonesia**

Revenge porn as form digital crime often No understood in a way intact by the authorities enforcer law and society. Definition put forward by Prodjodikoro (2012) that pornography is expression that can touch on feeling someone, not yet covers aspect contemporary like violation Privacy.

Revenge porn happens moment a person, usually ex- couple, spread content intimate without victim's consent as form revenge or blackmail.

Victims often become target main from bullying social. Society and mass media precisely judging the victim, especially women, with logic patriarchal blaming they on existence content This is. show inequality between protection law in a way normative and reality social which is precisely perpetuate revictimization.

Even though Law No. 31 of 2014 demands existence protection comprehensive. However in revenge porn context, implementation Constitution This often No touch more dimensions in, like recovery victim psychology or protection to his privacy in the legal process. The lack of service psychological and lack of training gender sensitive for apparatus become challenge the main thing that makes protection law feel Far from victim's hopes. (Purba, 2023) said that laws and regulations in Indonesia still do not explicitly target forms of cyber-based violence such as revenge porn, so victims often have difficulty getting justice.

### **Making Pornography**

Making content pornography with agreement together No necessarily illegal. However, when done without agreement, okay in a way hidden and with Meaning spread as reply revenge, action the clear violate law. Article 4 paragraph (1) of the Pornography Law confirm that taking picture or sexual videos without agreement is action criminal.

Agreement become element important in differentiate between relation legitimate person with action criminal. In the practice of revenge porn, the perpetrator ignore element this and use content as tool extortion or destruction reputation. Unfortunately, understanding apparatus enforcer law to principle This often weak, causing perpetrator No prosecuted in a way firmly, while the victim continues experience suffering. (Santoso, 2017) menambahkan bahwa pengambilan gambar atau video seksual tanpa persetujuan adalah bagian dari tindakan kriminal dalam perspektif hukum pidana dan merusak martabat korban.

Absence explicit guidance about protection special for victims of revenge porn in Law No. 31 of 2014 makes it difficult for victims to demand justice. In fact, the theory victimology push confession full towards the victim as eligible individual on justice and restoration, both in a way law and social.

### **The Role of Female Victims of Revenge Pornography**

Revenge porn is often done by the ex partner as form control or revenge emotional. The perpetrator's motive No only Because Sick heart, but also as tool for pressuring the victim to submit, hand over money, or even Keep going to weave relation. Form crime This has evolve become crime gender- based with complex modus operandi.

Women are the most affected group, because burden social culture and morals in a way No fair charged to they. In many case, female victim No only experience loss psychological, but also loss

access work, education and life social. Distribution content personal cause isolation, fear, and in Lots case, desire for end life.

However, protection law Not yet take sides optimally to they. Perspective victimology emphasize that in Handling case like this, the victim did not may positioned as object passive. The state must ensure recovery comprehensive — psychological, social, and legal — with treat the victim as subject active and dignified law.

### **Victim Member**

Victimology as science that originates from criminology give base important in looking at the victim not only from side loss, but also as center from system justice responsive criminal law. Scope victimology place the victim in broad context — both from aspect roles, relationships, and condition social.

Benefits of victimology covering protection victim rights, understanding to dynamics the role of the victim in crime, and prevention to criminalization re-enactment. In revenge porn, victimology demand approach interdisciplinary : law, psychology, and socio-culture. Apparatus enforcer law must make principle victimology as guide in handle case — start from stage reporting, investigation, to recovery post verdict.

With Thus, perspective victimology become bridge between ideal legal norms and practice inclusive and humane protection. Protection law against victims of revenge porn no Enough only with articles and sanctions, but must also realized in policy real guarantee recovery and justice for victims.(Muhammad (2004)

Victimology as branch departing science from criminology own focus primary focus on crime victims, with objective for understand position, role and rights of victims in system justice criminal. In the context of this, victimology No just to study losses suffered by the victim, but also fight for shift paradigm law criminal acts that have been committed during This too perpetrator - oriented. In the case of revenge porn, victimology become very relevant Because He emphasize importance an approach that humanizes victims and places them in as active party in the legal process, not only as tool proof or complement administrative.

One of contribution victimology is idea about victims ' rights, including right for heard, rights on justice, rights on protection, and rights on recovery. In the case of revenge porn, the losses suffered by the victim are not only nature physique or material, but also touching aspect psychological, social, and existential. Therefore that, role victim expert is very important for bridge understanding law normative with condition real victims who often complex and emotional. With involving psychologist forensics, sociologists, and gender experts, officials enforcer law can more appropriate in formulate steps oriented towards victim recovery.

In Indonesia, although regulation Already start confess importance victim protection, but role victim experts are still very limited. This is due to the lack of understanding to approach victimology in practice justice as well as Not yet existence integration institutional between institution enforcer law and professions that study victim protection in holistic. In fact, the

presence of victim expert can give guide objective in determine forms appropriate protection with the needs of revenge porn victims, such as trauma healing, rehabilitation social, and protection identity.

With Thus, perspective victimology offer a framework thinking that places the victim as center in system just and inclusive law. The state, through apparatus enforcer laws and institutions related like LPSK, it should be No only focus on enforcement to the perpetrator, but also on strengthening victims ' rights as part from justice restorative. In the context of this, the victim expert has role strategic for ensure that the judicial process walk No only legalistic, but also recovery - oriented dignity and life of the victim. Approach This is prerequisite important for presence the real law protect and prosper citizens, especially those who have become a victim of digital crimes such as revenge porn.

## CONCLUSION

Based on results discussion, found that there is gap significant between protection law against victims of crime criminal *revenge porn* as set up in Constitution Number 31 of 2014 and the reality on the ground. In general normative, law has provide comprehensive rights for the victims, but in practice, rights the often not filled optimally.

Perspective victimology show that the victim of *revenge porn* often experience revictimization consequence insensitivity enforcer law and pressure social culture, especially in context culture patriarchy that blames the victim (Yulia, 2010). This is confirm importance approach enforcement more laws responsive and oriented towards victim recovery.

Enforcement reform law need done in a way systematic for ensure that the rights of victims are truly implemented. In addition, it is necessary improvement capacity apparatus enforcer law in understand violence gender based, formation synergy cross sector between institution protection women and officers law, and strengthening service support psychological, legal, and social for the victims.

In practice, the approach victimology Not yet fully internalized in Handling Revenge porn cases in Indonesia. Handling law Still tend oriented solely on legal-formal aspects, without notice dynamics psychosocial experienced by the victim. This is reflected from lack of mentoring psychological during the legal process, the lack of protection to the victim's identity, as well as often the authorities enforcer law No own sensitivity to the condition of the female victim who experienced pressure double — good from side law and social stigma. In fact, one of the principle victimology emphasize that system law must notice vulnerability of victims and provide treatment special for prevent revictimization. (Waluyo, 2011)

In addition, the role victim experts are also crucial in give understanding that revenge porn is not just violation law, but is crimes that have an impact in term long to integrity the victim's personal. The victim's expert can help map impact psychological and social experiences of the victims, as well as give recommendation steps comprehensive recovery. Involvement expert this can also strengthen proof in trial as well as balancing the victim's position during This often inferior in

front the perpetrator who has source Power more strong or network more social dominant. agustina & linda (2022)

Finally, through approach victimology and support from the victim experts, it is hoped happen change paradigm in system justice Indonesian criminal law. The law does not Again only focused on punishment to perpetrators, but also directed at recovery dignity and life of the victim. This is in line with Spirit Constitution Number 31 of 2014 concerning Protection of Witnesses and Victims which is explicit ensure the victim's right to a sense of security, justice and recovery. In the future, efforts This need reinforced through policy affirmative, training gender sensitive for apparatus, as well as involvement active public civil so that victims of revenge porn can to obtain protection real, comprehensive and dignified law.barda

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