

Online-Based Sexual Harassment

*Safaruddin Harefa

Universitas Islam Negeri Sunan Ampel Surabaya, Indonesia

Article Info

Article history:

Received October, 2022

Revised October, 2022

Accepted October, 2022

Keywords:

Sexual, Online Media,
Considering

ABSTRACT

Social media interactions with other people's different behaviors can include sexual harassment, intimidation, fraud, and more. The rapid development of technology is like a double-edged sword, which not only has a positive impact but also a number of negative impacts. The easiest way for today's perpetrators to meet a child or teenager and plunge them into sexual harassment, pornography, or prostitution is through the Internet. Its form can be in the form of speech, writing, symbols, search, and semantic movement. The type of research in this study is normative juridical which means . Meanwhile, the concept of sexual harassment is any form of unwanted sexual behavior, sexual harassment that can occur or be experienced by all women who receive treatment. Sexual harassment is the unwanted nature of sexual behavior or gender-based actions that offend the recipient. Types of sexual harassment, technology-based sexual violence, dissemination of sexual content, gender-based violence (KBG) and sexual blackmail.

This is an open access article under the [CC BY-SA](#) license.



Corresponding Author:

Name: Safaruddin Harefa

Institution Address: Universitas Islam Negeri Sunan Ampel Surabaya

e-mail: safaruddinharefa1993@gmail.com

1. INTRODUCTION

The widespread use of social media then forms a new social interaction in the form of a Social Network, which is a social structure formed by individuals or groups related to one or more related factors such as friendship, brotherhood, common interests, trade, hatred, knowledge, shared beliefs, knowledge, and values. Interactions on social media are similar to face-to-face interactions, where rules and norms are identified and enforced

Social media interactions with other people's different behaviors can include sexual harassment, intimidation, fraud, and more. The rapid development of technology is like a double-edged sword, which not only has a positive impact but also a number of negative impacts. According to Dowdell (2011), the easiest way for today's perpetrators to meet a child or teenager and plunge them into sexual harassment, pornography, or prostitution is through the Internet.

Sexual harassment is not limited to rape and physical violence perpetrated by a person, but some acts committed and unwanted sexual advances can be declared as sexual harassment. According to a survey conducted by UNICEF Indonesia in various regions in 2011-2013 [1], as many as 42% of respondents experienced cyberbullying when using social media.

2. LITERATURE REVIEW

2.1 Definition Of Sexual Harassment

Rusyidi et al explained that sexual harassment refers to behavior characterized by sexual comments unwanted and inappropriate or sexually oriented physical approaches taken in work place/situation, professional or other social. Sexual harassment in Gelfand's conception, defined it as unwanted sexual connotations done by a

person or group people against other people. Furthermore, Gelfand et al classifying sexual harassment on three dimensions namely gender harassment, unwanted sexual attention and sexual coercion [2].¹

According to Triwijati, a clearer picture of The definition of sexual harassment, among others, can be obtained from: a description that sexual harassment includes, but not limited to--: sexual payments when someone want something, compulsion to do sexual activity, derogatory statements about sexuality or sexual orientation, requests to do sexual acts that the perpetrator likes, or the words and behavior that has sexual connotations, either directly or implicitly [3].²

2.2 Online Media

Along with its development, media and technology can't separated. Technology with its rapid progress has an impact which is very large in the development of media that exists in the midst of humans. Like the internet technology that was developed in the era of the 60's today [4].³

Even this we can enjoy it as the development of the media that we know with the term online media Online media (online media) is a product of online journalism or online journalism cyber journalism which is defined as "reporting of facts or events that produced and distributed via the internet" Online media is a communication medium that uses using internet devices. Therefore, online media is classified as media distinctive. The peculiarity of this media lies in the necessity to have information technology network using computer equipment, in addition to knowledge of computer programs to access information or news [5].⁴

According to Asep Samsul M. Romli in his book entitled journalism online, online media are telecommunications and multimedia-based media (computer and

¹ Rusyidi, Bina Hayati, Antik Bintari, dan Hery Wibowo. (2019). Pengalaman & Pengetahuan Tentang Pelecehan Sesual: Studi Awal di Kalangan Mahasiswa Perguruan Tinggi. Jurnal SHARE Social Work 9 (1): h. 76.

² Triwijati, Endah N.K. (2007). Pelecehan Seksual: Tinjauan Psikologis. Jurnal Masyarakat, Kebudayaan, dan Politik, Tahun XX, (4): h.303-306.

³ Asep Syamsul M. Romli, Jurnalistik Online, (Bandung : Nuansa Cendikia, 2014), h. 30

⁴ Indah Suryawati, Jurnalistik Suatu Pengantar, (Bogor : Ghalia Indonesia, 2014), h. 46

internet). Included in the online media category are portals, websites (websites, including blogs and social media such as Facebook and Twitter), online radio, online tv and email [4].⁵

3. METHODS

The type of research in this study is normative juridical which means: approach that is carried out by examining the theoretical approach, concepts, review in the relevant laws and regulations with this research or statutory approach. Juridical research normative is legal research that puts the law as a norm system building. The system of norms in question is about principles, norms, rules of laws and regulations, agreements and doctrines (teachings). This normative research is a research on legal systematics, namely research whose main objective is to identify understanding or basis in law [6].⁶

4. RESULTS AND DISCUSSION

Sexual behavior is any type of behavior that involves unilateral dissolution rather than sexual activity such as victimization. The form can be in the form of speech, writing, symbols, searches, and semantic movements. An activity that has a sexual connotation can be said to be sexual if it involves the following factors, namely the one-sided coercion of the perpetrator, determined by the persuasion of the perpetrator, the incident that the patient did not want, and the cause of the victim's suffering.

The concept of sexual harassment is any kind of unwanted sexual behavior and sexual harassment that can occur or be experienced by all women receiving treatment. Meanwhile, according to Rubinstein, sexual harassment is the unwanted nature of sexual behavior or gender-based actions that offend the

recipient. What does have an impact is that someone is sexually harassing in a way that usually occurs through negligence, which makes it commonplace if it happens frequently. If the temptation in the outside world is quickly resolved with incoming words, harassment has now moved through the Internet.

Sexual harassment is categorized into two (two) documents, namely: physical or non-verbal harassment and verbal sexual harassment. Sexual harassment, both physical and non-verbal, can touch body parts and touch and protect the victim's limbs and the victim feels humiliated and intimidated by these actions. This sexual harassment is then followed by kissing or even raping the victim. Verbal sexual harassment, with sentences or phrases directed at the victim in a way that humiliates and intimidates the victim. In addition to the above, sexual harassment also protects the whistle of a man or woman who is not recognized by a woman passing in public places and various verbal expressions/gestures [7].⁷

The concept of violence in accordance with the Criminal Code as referred to in Article 289 of the Criminal Code, is described as making people faint or helpless/lost consciousness. The definition in the Criminal Code describes the use of physical violence in more detail, despite the fact that documents/methods of sexual harassment through mental violence still exist.

Verbal harassment is a form of sexual harassment and sexual harassment is a subset of sexual harassment. Therefore, before explaining verbal harassment, it must first be defined as sexual assault and sexual harassment. Sexual harassment is part of violence in the form of sexual activity, because sexual harassment is an act that causes an unnatural sexual attraction to a woman, either verbally, physically, or in writing, if it is not always in the mind of the woman.

⁵ Asep Syamsul M. Romli, *Jurnalistik Online*, (Bandung : Nuansa Cendikia, 2014), h. 31

⁶ Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2016), h. 93.

⁷ Nahdiya Mustika, Aena; Setiyono; Santoso, Muhari; Sabrina, "Pertanggungjawaban Pidana Atas Tindak Pidana Pelecehan Verbal Melalui Media Sosial," *Bhirawa Law Journal* 2, no. 1 (2021): h. 163–168.

From the various definitions of sexual harassment above, it can be concluded that sexual harassment is a painful, stressful, and uninvited act or behavior from a close person that is resolved unilaterally and involves unwanted sexual connotations. from victims both personally and in cyberspace.

As for the types of online-based sexual harassment [8]:

1. *Technology-facilitated sexual violence*, In this example, the perpetrator sexually assaulted (indecent, sexual assault, rape, physical assault) against another person online in real time. This interaction is encouraged and privileged. One case occurred in Aceh. The student group was framed by using the writer's community to post nudes on social media. Then she is sexually exploited online and forced to become a real world prostitute. In Bojonegoro, East Java, a teacher took pictures of naked people and then sold them online. Then the victims are also forced to have sex online and face to face.
2. *Dissemination of sexual content material*, It does this by sharing pixels, videos and screenshots of conversations between perpetrators and victims. The content provided contains intimate and pornographic elements for the victim. One example is the distribution of nude photos of 14 teenage girls in South Lampung. They met the author on social media, after which they were threatened and persuaded to take nude pictures. Threats and actions are taken to gain sexual and financial gain from the patient.
3. *Revenge with pornography*, This type of violence involves closely related events. Perpetrators share intimate content with victims to defend the victim, seek revenge, or achieve financial gain. One example is the distribution of intimate photos of ex-girlfriends with the help of students in Banyumas, Central Java
4. *Sextortion*, Sextortion is a form of cybercrime committed by extorting or physically and sexually exploiting victims. Usually, the saxophone exploits and deceives its victims by sending

pornographic material containing nude images or videos to its creators. Article 44 (1) of Law no. 2008 regulates the definition of pornography as pictures, sketches, drawings, pictures, writings, sounds, sounds, modified images, animations, animations, conversations, gestures or other. message. Through various forms of verbal exchange media and/or public manifestations, in the form of immoral acts or sexual exploitation that violates decency standards in society. When the perpetrator betrays a patient and posts a photo or video, he uses the object and exploits it to blackmail him.

5. *Thorn's definition of sextortion* is "Threats to expose a sexual image in order to make a person do something". Sextortion is an increasing form of criminal revenge. Differences in the way the perpetrator treats the victim before distributing the film containing clips or pornographic material belonging to the victim, mainly because the perpetrator extorts money to exploit the victim.

When it comes to sexual crimes through social media or internet pornography in cyberspace, Indonesia has a criminal umbrella that dominates this material, consisting of: First, the Criminal Code (KUHP). Act. No. 44. Regarding Pornography 2008. Third, Law no. 19/2016 amending Decree No. 11/2008 on digital data and events.

The Criminal Code (KUHP) classifies sexual harassment as a crime against public decency because it contains elements of pornography and decency. Provisions relating to sexual or moral crimes are contained in Article 282 (1) and (2) Chapter 142 of the Criminal Code, which explains the prohibition of sending, displaying, or pasting pixels, text, and goods. . containing deceptive content in a public place with the intention of displaying or publishing it in a public place or creating and downloading images, writings or tools that contain moral insults. In the United States of America, the territorial or substantive publication thereof and the publication of a bold, honest letter, without question, delivery or advice, is punishable by

imprisonment for a term not less than nine months and not more than twelve months and six months. month. Or not more than four thousand five hundred rupiah.[9]

Articles of the ITE Law, in particular Article 27(1) of the ITE Regulation, which regulates the crime of internet pornography. Article 27(1) of the ITE Law as a whole states: "Every person intentionally and without rights, distributes, sends and/or accesses digital information and/or electronic documents which are clearly a moral violation. ".

There are many facts about Internet pornography. First, the ITE regulation can become private law because it refers to the six indicators above (similarity of perpetrators, tendencies and forms of crime). It is clear that the volume of crime is optional and special in the bureaucracy, the subject is widespread and in private business its elements are widespread and include certain forms of criminal entertainment, prison resources under civil law, norms and individual legal rules) [10].

It is quite clear that the crime elements of pornography here are statistics and/or digital documents, and that according to Article 1 (1) of the ITE, digital statistics are one or more digital facts, including but not limited to genres or audio pixel maps, graphics, photos, Electronic Statistics Interchange (EDI), electronic mail (e-mail), telegram, telex, telephone, the like, letters, letters, numbers, obtain symbols, symbols, or openings that are associated or can be understood by anyone who can recognize them.

Efforts to combat pornography crime (cyberporn) What is being done with the assistance of the Republic of Indonesia through the legislative framework is to establish a cyberporn policy. Various laws 11 of 2008 (UU ITE) became the first laws in Indonesia to specifically regulate cybercrime. Likewise with Presidential Decree no. 44 of 2008 (the Pornography Law), which is broader, specifically regulates pornography within the country [11].

Article 2 describes the nature of the ITE Regulation, as it respects the principle of

extraterritorial jurisdiction. ITE regulations apply to everyone, both Indonesian citizens (WNI) and foreigners (WNA). With this provision, of course the state can enforce the law outside the will of Indonesian regulations. However, the ITE Law has several weaknesses, namely:

5. Criminalization of acts that may be included in cyber crimes in the 2001 Cyber Crimes convention in Article 10 concerning copyright infringement and Article eleven concerning participation and conspiracy to be tried in the ITE Law;
6. Jurisdiction uses regulations that are regularly issued in determining which countries to persecute and persecute;
7. Regarding global cooperation in tackling cybercrime, together with cyberporn.

Therefore, new regulations are needed to regulate cybercrime as a whole based on the 2001 Cybercrime Convention. Indonesia will further ensure that everyone is certified by the US and capable of committing cyber crimes that are not covered by the ITE rules.

Of course eliminating Cyber porno as a crime requires unique reporting methods, this trend requires adequate knowledge of pornography and cyberporn, in criminal research and victims are called non-victim crimes. Therefore, an extraordinary criminal policy is needed to eliminate them. Cyberporn's knowledge in evaluating victimless crimes can also provide answers in responding to it, so it does not have to rely on repressive efforts.

Crimes classified as moral offenses are regulated in Articles 281-303 of the Criminal Code and crimes classified as moral offenses are regulated in Articles 532-547 of the Criminal Code. In essence, based on the contents of the two sets of public decency offenses, it is stated that public decency offenses in the Criminal Code are mostly limited to a sexual context, although in reality there is no common ground between the definitions of public morality.

In Articles 282 and 283 of the Criminal Code can be found violations related to

pornography, such as sending, displaying, making, showing, and others. Code. Symbols that reveal or display something that violates decency. In fact, gender ethics does not have clear boundaries, as shown above, even ethics itself has a large enough space where the law itself has a minimum value, so that in principle every crime is a moral violation.

Crimes of public decency and violations of decency aim to maintain the internal balance of decency between people in each other's lives in society so that they are personal and ubiquitous. In essence, this decency reflects the ever-changing nature and character of society. The form of pornography crime is contained in Article 282 and Article 283 of the Criminal Code which does not mention the crime of pornography because it is understood in terms of pornography, so there are not many differences in interpretation. For pornographic objects as referred to in the Criminal Code and which contain pictures or writing affixed to paper, such as newspapers, magazines, or evening books, other objects of the crime of pornography are objects, but according to the law they are not designated as pornographic. Pornography No. 44 of 2008 (UUP).

The Pornography Regulations are *lex specialis* (special rules) of the Digital Transaction Facts Act and the Criminal Code in criminal acts of verbal harassment over the internet. Verbal harassment is one part of the content material that violates decency as referred to in Article 27 paragraph (1) of the ITE Law and the Criminal Code. This law regulates all pornography as an alternative to verbal sexual harassment, so it can be concluded that violators can comply with this provision if they commit acts of verbal sexual harassment as required by law.

Regulation no. Law Number 19 of 2016 concerning Amendments to Law Number 11 concerning Information and Electronic Transactions in 2008 is one of the preparations for non-criminal criminal law that regulates all forms of criminal acts on social media, and one of them is of course one of them. Crimes of sexual harassment through social media or electronic photography. The provisions for

criminal acts of sexual harassment on social media are regulated in Article 27 (1), which applies to "Any person who knowingly and without rights distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents containing violating decency as referred to in Article 27 paragraph (1) shall be punished with imprisonment for a maximum of 6 (six) years and/or a fine of a maximum of Rp. 1,000,000,000.00 (one billion rupiah).

The criminal responsibility system as referred to in Article 27 (1), as stated expressly in the context of a deviant lifestyle, is not far from "intentional". What is meant by intentional is a person who has a choice, preference, or willingness to perform a lawful act. So "no rights" is an act or movement that is carried out as a result of a crime. The term "distribution" refers to the transmission and distribution of statistics and digital documents to many people through a medium. The word "send" can be interpreted by sending information and digital documents to social media or electronic media that goes beyond decency. "Make it available" is a step that can make archives and electronic documents accessible and recognized by many people or the general public.

5. CONCLUSION

Its form can be in the form of speech, writing, symbols, search, and semantic movement. Meanwhile, according to Collier (1998), the concept of sexual harassment is any form of unwanted sexual behavior, sexual harassment that can occur or be experienced by all women who receive treatment. Meanwhile, according to Rubinstein (in Collier, 1998), sexual harassment is the unwanted nature of sexual behavior or gender-based actions that offend the recipient. Types of sexual harassment, technology-based sexual violence, dissemination of sexual content, gender-based violence (KBG) and sexual blackmail. The sexual harassment law is regulated in the Criminal Code, which violates public morality in articles 281, 283, adultery in article 284, rape in article 285, murder in article 338,

and immoral acts in article 284. 283 (1).), 294, 295 (1). Therefore, article 27(1) of the ITE law prohibits any posting or display of offensive information in electronic documents and can





result in a maximum imprisonment of 6 years and a maximum fine of Rp. Rp1,000,000,000.00 (one billion rupiah).

REFERENCES

- [1] R. Baiti and A. Razzaq, "Teori Dan Proses Islamisasi Di Indonesia," *Wardah*, vol. 15, no. 2, pp. 133–145, 2014.
- [2] Rusyidi, B. Hayati, A. Bintari, and H. Wibowo, "Pengalaman & Pengetahuan Tentang Pelecehan Sesual: Studi Awal di Kalangan Mahasiswa Perguruan Tinggi," *J. SHARE Soc. Work*, vol. 9, no. 1, 2019.
- [3] Triwijati and E. N.K., "Pelecehan Seksual: Tinjauan Psikologis. Jurnal Masyarakat, Kebudayaan, dan Politik Politik, Tahun XX," 2007.
- [4] A. S. M. Romli, *Jurnalistik Online*. Bandung: Nuansa Cendikia, 2014.
- [5] Indah and Suryawati, *Jurnalistik Suatu Pengantar*. Bogor: Ghalia Indonesia, 2014.
- [6] Bambang and Sunggono, *Metodologi Penelitian Hukum*. Jakarta: Raja Grafindo persada, 2016.
- [7] N. Mustika, Aena, Setiyono, Santoso, Muhari, and Sabrina, "Pertanggungjawaban Pidana Atas Tindak Pidana Pelecehan Verbal Melalui Media Sosial," *Bhirawa Law J.*, vol. 2, no. 1, 2021.
- [8] J. H. Christian, "ekstorsi: Kekerasan Berbasis Gender Online Dalam Paradigma Hukum Indonesia," *Binamulia Huk.*, vol. 9, no. 1, 2020.
- [9] N. A. R. F W Putri and P. Priyana, "Tinjauan Yuridis Terhadap Tindak Pidana Pelecehan Sexual Melalui Media Sosial (Cyber Porn)," *JUSTITIA J. Ilmu Huk.*, vol. 8, no. 4, pp. 785–794, 2021.
- [10] E. N. Putra, "Kejahatan Tanpa Korban Dalam Kejahatan Cyberporn," *Cakrawala Huk.*, vol. 6, no. 1, 2015.
- [11] H. A. Manurung, N. D. Warno, and J. Setiyono, "Analisis Yuridis Kejahatan Pornografi (Cyberporn) Sebagai Kejahatan Transnasional," *Diponegoro Law J.*, vol. 5, no. 3, 2016.

BIOGRAPHIES OF AUTHORS



Full Name     Safaruddin Harefa, S.H., M.H, Master of Law UGM graduate with a Criminal Law qualification. Has a number of posts published in [Google Scholar](#), and also in Sinta with ID 6784240. Email. Safaruddinharefa1993@gmail.com. No. Hp. +62 8132-4910-077