

# otoritas

**Jurnal Ilmu Pemerintahan**

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## Mainstreaming state auxiliary agency to handling revenge porn victims in Indonesia, 2020-2021

Pamela Setya Miliasari<sup>1\*)</sup>, Dede Sri Kartini<sup>2</sup>, Nandang Alamsah Delianoor<sup>3</sup>

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### Abstract

*The state responded to the issue of violence against women by establishing an independent state agency, namely National Commission on Violence against Women. However, National Commission on Violence against Women faced numerous obstacles in its handling of cases, particularly regarding gender-based violence online, which had become the most discussed topic, and the largest case was revenge porn type in Indonesia. The purpose of this study was to analyze the authority of National Commission on Violence against Women in handling victims of revenge porn in Indonesia from 2020-2021. This study utilized theories of authority, state auxiliary organs, government administration, and revenge porn. The method used in this study was qualitative with a descriptive qualitative approach because the researcher wanted to describe the phenomenon found regarding National Commission on Violence against Women handling of the surge in revenge porn cases. Data collection techniques included observation, interviews, documentation, and a literature review conducted at National Commission on Violence against Women. The results of this study, viewed from the theory of authority, could be reviewed in terms of regulation, management, and supervision, it indicating that National Commission on Violence against Women had implemented its mandate in accordance with applicable Presidential Decrees. However, the process still faced many challenges, such as regulations, budget allocation, and access. National Commission on Violence against Women implemented various programs to address these challenges, including annual reports, publication and documentation, learning forums, monitoring, campaigns, and advocacy, and these programs were carried out by enhancing cooperation among government institutions, NGOs, and the public.*

**Keywords:** authority, violence against women, revenge porn, state auxiliary agency

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### Introduction

The Covid-19 pandemic that hit Indonesia in 2020 along with government policies regarding Large-Scale Social Restrictions and Work from Home (WFH) resulted in restrictions on the movement of Indonesian residents (N. R. Aulia, Mustari, & Hartaman, 2021). In this era of rapidly developing digital technology, it has led human beings to a new civilization that has resulted in a displacement of the reality of life from real activities to virtual activities or activities that could originally be carried out directly such as teaching and learning activities, working, shopping and so on, have to be done online. Most of the day one spends more time at home. This leads to many people choosing to use social media to kill the time. Unfortunately, however, when many

people began to use social media, the report on Online Gender-Based Violence actually increased rapidly (Covarrubias Cabeza, 2020; Treuthart, 2019).

Nowadays, the discourse on Online Gender-Based Violence is a topic that has been widely discussed by all circles, from practitioners, academics, and the community to the mass media. This makes social media a new force in communication, accessing unlimited information indefinitely even to spread the act. The National Commission on the Elimination of Violence against Women (2022) defines online gender-based violence as any act of gender-based violence that is committed or supported by the use of technology, information, and communication. It means that this violence is one of the attacks carried out against a person's body and gender identity facilitated by digital technology, and the largest case of Online Based Gender Violence occurs in Indonesia is the revenge porn type, i.e. the use of social media with the motive of revenge to disseminate pornographic content in the form of photos and videos. According to Willihardi (2020), revenge porn is a term used to refer to cybercrimes committed by disseminating someone's sexual content without their consent by putting revenge or hatred towards the victim as the distribution motive (Graham, 2022; McMichael, 2021).

Several cases have emerged, such as the one experienced by a young woman in South Jakarta while in a romantic relationship with her boyfriend, initials RAP (27 years old). They recorded their illegal act in front of the camera, so that the photos and videos were stored. However, a problem arose, their relationship was shattered, and RAP felt hurt, so he spread the 7-minute video on Instagram and to the victim's family. The young woman was devastated, then reported her ex-boyfriend to the police, and finally, RAP was sentenced to 4 years in prison for proven distribution or accessibility of electronic information that contained indecent content. Also, during the Covid-19 pandemic, a woman with the initials AS (25 years old) in Palembang, South Sumatra, who became a victim, did not dare to report her ex-boyfriend with the initials A (25 years old) to the police because her ex-boyfriend threatened to distribute her nude video if his demands were not fulfilled. The victim became stressed and stayed in her room, which led her parents to report the case to the police. In response, the police followed up on the case, and the victim was asked to provide evidence, but the victim was hindered by fear because it could potentially damage her reputation. These cases explain that women victims of revenge porn are the most blamed and most affected party. The most significant factor driving this is the social construct that views women as sexual objects, and a woman's body is merely an ornament (West, Kraut, & Ei Chew, 2019; Zhou, Sinding, & Goellnicht, 2021).

Furthermore, To the Annual Report of the National Commission on the Elimination of Violence against Women (2022), before the covid-19 pandemic hit Indonesia, cases of revenge porn were relatively low until 2019, which increased to 241 cases coupled with the emergence of the covid-19 pandemic, even in 2020 it increased to around 940 cases and in 2021 it jumped to 1320 cases. Revenge porn cases in Indonesia have increased dramatically and it is the women who are always victimized and put in the spotlight to be harmed. The victims suffered psychological distress due to the dissemination of pornographic material on social media. The victims' reputations become bad in the eyes of the public, and they may even be discriminated against in terms of life and social environment (Covarrubias Cabeza, 2020; Macfarlane, 2021).

The state has a very important role to ensure the implementation of human rights enforcement and protection of its citizens through Presidential Decree No. 1 of 1998, i.e the National Commission on the Elimination of Violence against Women which

has been updated with the Presidential Regulation of the Republic of Indonesia No. 65 of 2005. Arliman S (2017) stated that the National Commission on Violence against Women is an independent institution, and a human rights institution established by the state to address women's issues and rights as a human beings. In its development, Indonesia has created to many new independent state institutions. This is inseparable from the fact that the country experiences a transition period and is useful as a support to help the transition process. Moreover, it is ideal to layer or improve existing institutions whose performance is unsatisfactory (Grugel, Barlow, Lines, Giraudo, & Omukuti, 2022b).

Throughout the process, experiences, and learning that The National Commission on Violence Against Women has gone through as an independent institution or supporter, it has realized that there are still many major obstacles that stem from several factors, causing many to question The National Commission on Violence Against Women's authority as given the mandate to provide protection for women, especially revenge porn victims, as in the case of regulation, The National Commission on Violence Against Women's authority cannot be separated from institutional issues that still contain weaknesses, such as the legal basis for the establishment of The National Commission on Violence Against Women, which is based solely on the policy set by the President, namely Presidential Decree No. 65 of 2005, which shows the fragility of The National Commission on Violence Against Women's legal basis. Furthermore, the existence of The National Commission on Violence Against Women as an institution must be made clear again regarding its authority in carrying out its duties and functions, budget allocation, access, and supervision, as the number of revenge porn victims is still high and has not decreased. Therefore, researchers intend to conduct research on the Mainstreaming State Auxiliary Agency to Handling of Revenge Porn Victims In Indonesia, 2020-2021.

### **Research Method**

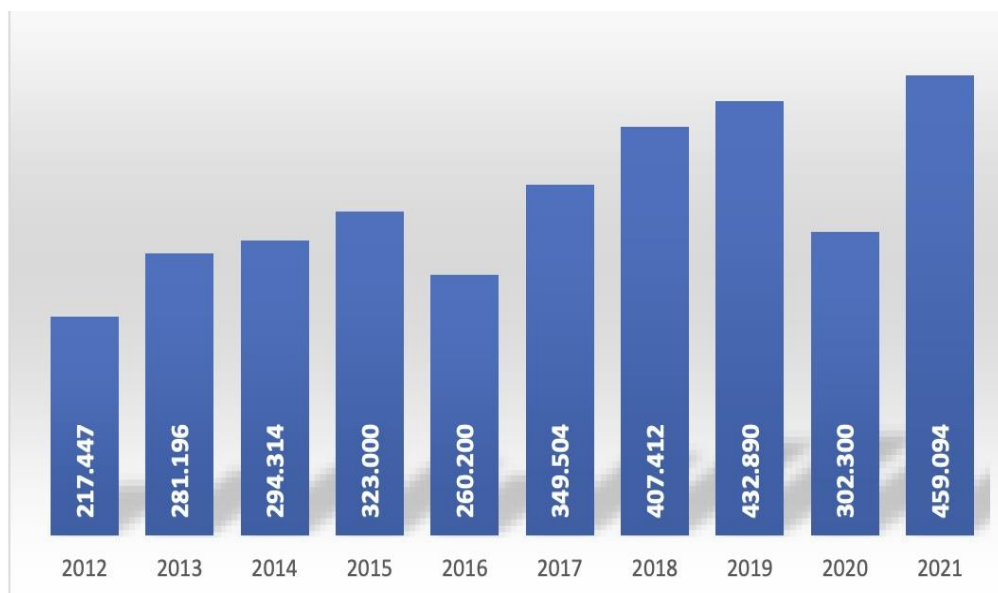
The research method used was a qualitative method according to Creswell, which aimed to explore and understand the meaning among a number of individuals or groups of people who came from social or humanitarian problems (Rijali, 2019). This made this research focus on the analysis of the Mainstreaming State Auxiliary Agency to Handling of Revenge Porn Victims In Indonesia, 2020-2021, namely The National Commission on Violence Against Women. Furthermore, this research used a qualitative descriptive approach analysis, which is a form of research that defines research procedures using descriptive data in the form of written sources and oral statements from interviewees (Siyanto dan Sodik, 2015). The research used qualitative descriptive analysis because the researcher wanted to describe the phenomenon found regarding the authority of The National Commission on Violence Against Women as a supporting institution that still had several problems in handling revenge porn cases that were increasingly high from 2020-2021.

The type of data used was obtained from primary data in the form of oral statements from interviewees, namely The National Commission on Violence Against Women, and secondary data from reference books, journals, literature, previous research, and so on (Darmalaksana, 2020). At an advanced stage, data processing was carried out to be displayed as research findings such as the authority of The National Commission on Violence Against Women in handling victims of revenge porn in Indonesia. Furthermore, it was abstracted to obtain complete information such as the authority of The National Commission on Violence Against Women in terms of

regulation, management, and supervision which was then interpreted to produce knowledge to be studied and reach a conclusion which was the answer to the problem in this study.

### Result and Discussion

Documentation from The National Commission on Violence Against Women and other partner service organizations showed a spike in cases of gender-based violence against women every year.



**Figure 1.** Cases of violence against women in Indonesia

Source: Annual Report of The National Commission on Violence Against Women 2022

The data received by The National Commission on Violence Against Women, when viewed in more detail, showed an increase in data that came from Religious Court and The National Commission on Violence Against Women Complaints. Meanwhile, the data received by state service institutions decreased. Since 2012, the upward trend in gender-based violence against women had been more frequent than the downward trend. 2021 was the year with the highest number of cases in the last 10 years, and a year of particular concern was the increase in cases of violence against women in cyberspace. The following were the number of cases of violence against women in Online Based Gender violence in Indonesia:

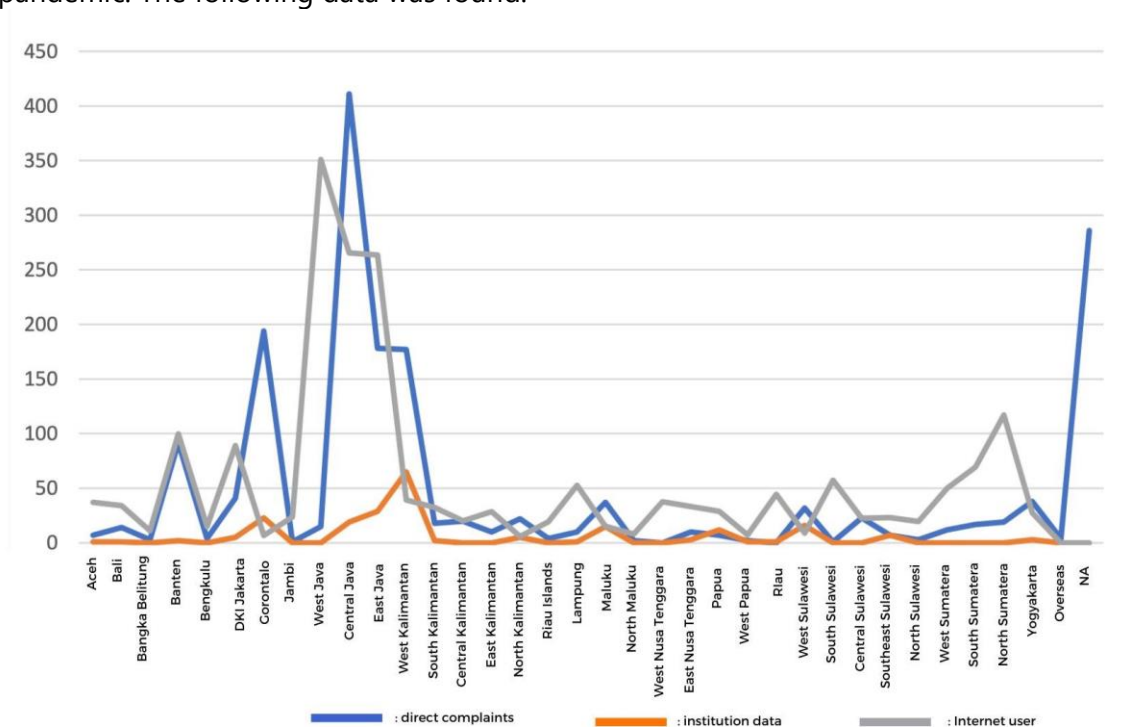
**Table 1.** Cases Of Online-Based Gender Violence in Indonesia 2018-2021

Online Gender Based Violence	Year			
	2018	2019	2020	2021
<i>Revenge Porn</i>	97 cases	281 cases	940 cases	1320 cases
<i>Cyber grooming</i>	17 cases	50 cases	120 cases	321 cases
<i>Cyber Harrasment</i>	42 cases	113 cases	254 cases	540 cases
<i>Hacking</i>	25 cases	87 cases	214 cases	378 cases
<i>Illegal Content</i>	30 cases	131 cases	240 cases	329 cases

<i>Infringement of privacy</i>	10 cases	40 cases	126 cases	225 cases
<i>Mallicious Distribuiton</i>	46 cases	215 cases	368 cases	425 cases
<i>Online Defamation</i>	20 cases	57 cases	93 cases	163 cases
<i>Online Recruitment</i>	14 cases	46 cases	85 cases	107 cases
<b>Total</b>	<b>301 cases</b>	<b>920 cases</b>	<b>2440 cases</b>	<b>3808 cases</b>

Source: Annual Report The National Commission on Violence Against Women 2018-2021

Table 1. was the result of collaboration between The National Commission on Violence Against Women and its partners and showed that the largest case of Online-Based Gender Violence occurred in the form of revenge porn in Indonesia, specifically the use of social media to spread pornographic content such as photos and videos as a form of revenge. In 2021, there was a high spike in cases of Online-Based Gender Violence and revenge porn, which was related to the very high internet usage during the Covid-19 pandemic. The following data was found:



**Figure 2.** Distribution Pattern of Online Gender Based Violence Cases Per Province in 2021 Associated with the Number of Internet Users in 2020

Source : Annual Report of The National Commission on Violence Against Women 2021

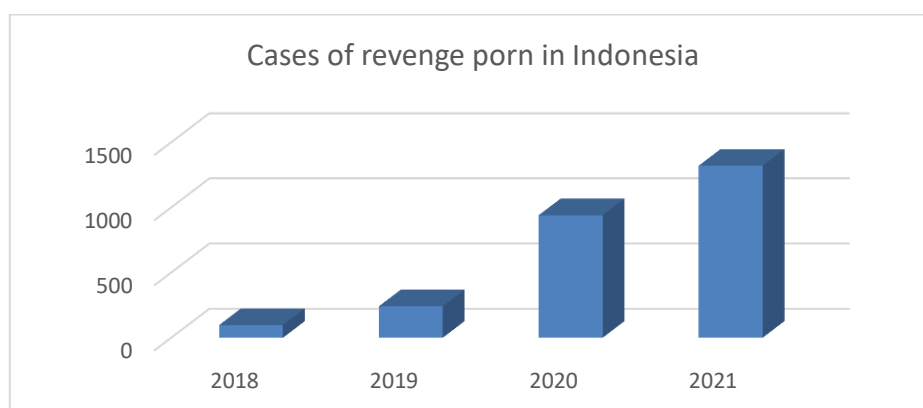
Figure 2 showed the distribution of cases of Online-Based Gender Violence complaints to The National Commission on Violence Against Women based on provincial and service institution data and the pattern of the number of internet users in 2020. The five provinces with the most cases were West Java (411 cases), NA (286 cases), DKI Jakarta (194 cases), Central Java (178 cases), and East Java (177 cases). The distribution of cases per province of complaint data to The National Commission on Violence Against Women had a pattern in line with the data of service institutions where the five highest provinces were East Java, Central Java, DKI Jakarta, West Java, and Riau. This meant that the high surge in cases coincided with the very high use of technology and made women very vulnerable to violence.



This made the government have to try to handle the case with the authority of The National Commission on Violence Against Women. In accordance with the definition of authority according to Ferrazi (Agussalim Andi Gadjong, 2018), as the right to carry out one or more management functions which include regulation, management, and supervision of a particular matter, the National Commission on Violence Against Women has a mandate for its duties and authority while handling victims of revenge porn in Indonesia in 2020-2021.

### Law Enforcement

Since its establishment, the National Commission on Violence Against Women is an institution based on the demands of the community to realize the state's responsibility in responding to and handling the issue of violence against women. During its management, The National Commission on Violence Against Women has monitored the number of violence against women. The case that is currently one of the focuses of The National Commission on Violence Against Women's handling is revenge porn, which is a high case in Indonesia.



**Figure 3.** Number of Revenge Porn cases in Indonesia

Source. Annual Report of the National Commission on Violence Against Women 2018-2021

From the figure 3, Annual Report The National Commission on Violence Against Women (Henshaw, 2023), which was an Annual Report of the number of victims of revenge porn cases in Indonesia in collaboration with other service institutions, explained that before the covid-19 pandemic hit Indonesia, cases of revenge pornography (revenge porn) were still low until 2019 when they increased to 241 cases. This was coupled with the emergence of the covid-19 pandemic and in 2020, it rose to around 940 cases. In 2021, it jumped to 1320 cases.

In accordance with the mandate of The National Commission on Violence Against Women listed in the Presidential Regulation No. 65/2005 in article 4, preventive and repressive protection was provided to victims of revenge porn. The following were the efforts made by The National Commission on Violence Against Women as an independent institution in accordance with the mandate:

#### **1. Provided insights and understanding regarding all forms and elimination of violence against women in Indonesia.**

There were still many people who did not understand the issue of Online Gender-Based Violence as a form of revenge porn crime, as a form of violence against women by coercion, threats of perpetrators (boyfriends, ex-boyfriends, or people who could not be identified) against someone to disseminate pornographic content in the form of

intimate photos or videos with the aim of humiliating, ostracizing, and destroying the victim's life. According to an interview with Siti Aminah Tardi (Commissioner of the National Commission on Violence against Women), as a form of handling efforts, the National Commission on Violence Against Women uses its role as a resource center by providing knowledge through public campaigns to the community and service institutions.

In addition, the National Commission on Violence Against Women also presented the issue to discussion rooms such as the "*16 Hari Anti Kekerasan Terhadap Perempuan*" or 16 Days of Anti-Violence Against Women campaign in 2020-2021 which revealed that social media interactions during the pandemic were more intense, making women more vulnerable to violence. The forms are increasingly varied, and there are also many women who lack literacy regarding digital access to protect personal data. Thus, society and service institutions must help prevent and respond wisely.

## **2. Carried out studies and research on various applicable laws and regulations**

In 2020, an assessment and research related to the issue of revenge porn was conducted by the National Commission on Violence against Women, which reviewed various laws and regulations currently in force. The results of the assessment and research revealed several key findings, which are presented in the following discussion.

### a. The Indonesian Criminal Code

The Indonesian Criminal Code only regulated real, conventional criminal acts of sexual violence. There was no regulation on criminal acts of sexual violence in the online sphere.

### b. The Indonesian Civil Code

The Indonesian Civil Code did not regulate the rights of victims of revenge porn, such as the right to remove digital traces, evidence, destruction of evidence, confiscation of evidence, and if evidence was leaked when seized by the police, or even re-uploaded, and protection as evidence in a trial that would not embarrass the victim.

### c. Law No. 19 of 2016 regarding Electronic Information and Transactions The Electronic Information and Transactions Law did not regulate violent revenge porn in the scope of cyberspace. The law only described the following:

- Article 27 section (1) focused on any person who knowingly and without authority distributed and/or transmitted and/or caused to be accessible Electronic Information and/or Electronic Documents with contents that violated decency. However, this article did not provide a clear understanding of the provisions of distribution and transmission of decency content, which had an impact on the victims.
- The context of the violation of decency in Indonesian law could be seen from two aspects in the past, namely if the content was intended for the public and for the private sphere where one party did not willingly agree. This concept of unwillingness was not regulated in the article in the Electronic Information and Transactions Law in the past, where the orientation was only on moral content. As a result, this law was unable to protect unwanted online gender-based victims in the past.
- The Electronic Information and Transactions Law did not adopt the privacy protection boundaries contained in the Pornography Law. This created a risk (of reporting) for people who have legal spouses involved in personal intimate content.

d. Law No. 44 of 2008 on Pornography

The Pornography Law was used to handle the crime of revenge porn, which considered the victims as suspects, specifically Article 4 of the Pornography Law. The article stated that "Every person is prohibited from producing, making, reproducing, duplicating, disseminating, broadcasting, importing, exporting, offering, selling, renting, or providing pornography...." The explanation stated explicitly that "making" was not included for itself and its own interests." where in the explanation expressly stated that "making" is not included for itself and its own interests.

From these regulations, it could be concluded that the legislation at that time was unable to provide appropriate legal protection to victims of revenge porn in cyberspace. It only focused on the offender, and even the victims could become offenders because of the content.

**3. Conducted monitoring, documented violence against women, and disseminated the results of such monitoring to the public.**

In carrying out monitoring and fact-finding activities related to victims of revenge porn, The National Commission on Violence Against Women obtained data from direct complaints received by The National Commission on Violence Against Women through the Referral Reception Unit or The National Commission on Violence Against Women's official email. In addition, The National Commission on Violence Against Women also cooperated with various partners, namely community organizations and government institutions spread almost throughout Indonesia by sending questionnaire forms to The National Commission on Violence Against Women partner institutions throughout Indonesia, as follows:

**Table 2.** Delivery and Receipt of Annual Report 2021 Partner Institution Data Forms

Category	District Court	Service Center for Women and Children Empowerment	Woman Empowerment, Children Protection, Population Control	NGOs	Woman Crisis Center	Women's and children's service unit	Hospital
<b>Send</b>	294	81	68	189	14	134	52
<b>Accept</b>	48	15	3	32	10	14	7
<b>Percentage</b>	16%	19%	4%	17%	71%	10%	13%

*Source: Annual Report of he National Commission on Violence Against Women 2021*

As observed in Table 2, the highest response rate for sending and receiving The National Commission on Violence Against Women's data collection forms was Woman Crisis Centre (71%), followed by Integrated Service Center for Women and Children Empowerment (19%), NGOs (17%), District Courts (16%) and so on. Furthermore, the facts from the results of this monitoring were also disseminated in the annual report of the National Commission on Violence Against Women to be known by the public.

#### **4. *Provided advice and consideration to the Government, Legislative and Judicial Institutions, and community organizations.***

Indonesia did not have legal protection for victims of revenge porn, and the regulations were only used to refer to the Indonesian Criminal Code, The Electronic Information and Transactions Law, and Pornography Law. According to the National Commission on Violence Against Women, these three regulations actually did not specifically guarantee protection for victims because of their very general formulations. In 2020-2021, the National Commission on Violence Against Women successfully brought the issue of pornographic revenge victims into the formulation stage, namely drafting the Sexual Violence Crime Bill as legal protection to eliminate sexual violence in the private and public areas of revenge porn victims.

From the results of an interview with Siti Aminah Tardi, a Commissioner of the National Commission on Violence Against Women, there was the part handled by The National Commission on Violence Against Women as efforts at that time which provided advice for the improvement of Sexual Violence Crime Bill, namely regarding the problem of criminal acts against victims committed by online media or related to sexuality, investigating officer, prosecutors, and judges who did not include or copy related images, illustrations, and/or photos of victims or containing the victims' data or that indicate the private organs, activities, and/or social objects in the police investigation report by the examination of indictments and decree.

#### **5. *Develop Regional and International Cooperation***

In order to provide assistance to victims of revenge porn, the National Commission on Violence Against Women cooperated with institutions such as the Cyber Crime Unit to uncover the roots of the evil of revenge porn, as mandated by its regulations. Furthermore, the National Commission on Violence against Women did not directly handle victims of pornographic revenge (revenge porn) as done by the victim's companion organizations, but monitored and cooperated to find out how cases of revenge porn occurred, and ensured that service providers institutions in the Government and the community fulfilled the rights of victims.

Based on the five mandates described above and in accordance with Presidential Decree No. 181 of 1998 which was strengthened by Presidential Regulation No. 65 of 2005, the National Commission on Violence Against Women has exercised its authority in handling revenge porn cases well. However, The National Commission on Violence Against Women as an independent institution and mandated to create conducive conditions, uphold human rights against women, and improve efforts to prevent and handle all forms of violence against women in Indonesia, is still not strong in terms of regulations. The National Commission on Violence Against Women only seems to be an independent institution that is sufficient to provide recommendations but cannot impose their implementation (Febriani & Wibowo, 2022). This meant that The National Commission on Violence Against Women did not have quasi-jurisdiction to investigate and examine incidents of violence against women, especially victims of revenge porn.

If there was a potential for serious violence in an area on a massive scale, then what The National Commission on Violence Against Women did was develop case documentation tools and establish a special reporting mechanism. According to (Lysandra, 2021), this mechanism worked with independent principles and a victim's perspective, working with various parties to provide effective protection and fulfillment of victims' rights.

However, without such jurisdictional quasi-authority, the validity of the monitoring results cannot be guaranteed, which has an impact on the lacking strength of opinions, suggestions, or considerations presented to the government (E. Aulia, Djusfi, & Ath Thariq, 2020; Lamadju, 2019). Thus, considering that the limited authority is only at the Presidential Decree level, it limits the scope of the duties and authority of The National Commission on Violence Against Women, which is more concerned with the area of giving advice and recommendations in victim-handling, rather than directly participating to provide protection and handling of victims of revenge porn.

### **Service Performance**

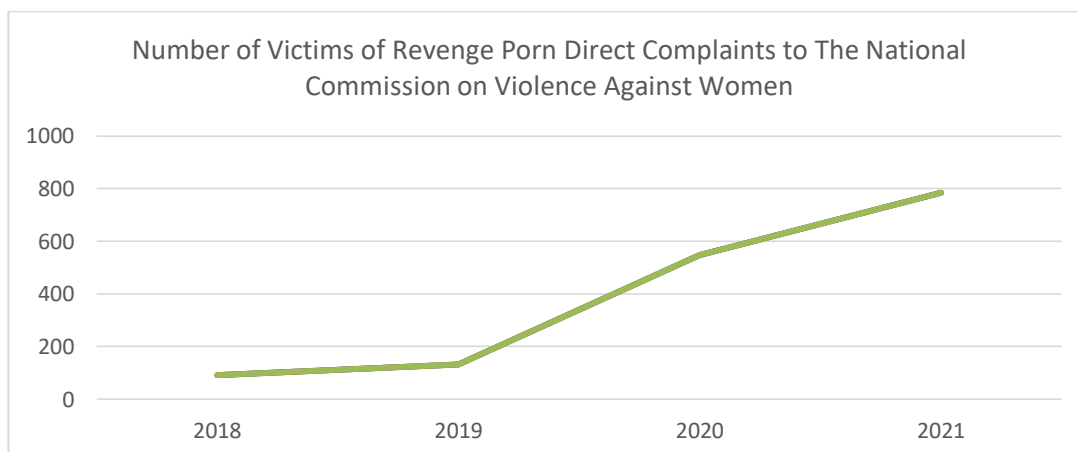
In handling victims of violence against women, one of which is victims of revenge porn, according to an interview with Fadillah Adkiras as assistant coordinator of the Monitoring Division of The National Commission on Violence Against Women (2020), The National Commission on Violence Against Women developed five main work areas in its management, which were carried out jointly starting from the receipt of cases at the Referral Reception Unit. Because of the large number of cases, the Referral Reception Unit asked for help from the Resource Center division to make research on the case until findings were found regarding the lack of a legal system to provide protection to victims of revenge porn. Subsequently, the Division of Legal and Policy Reform pushed for a policy to be issued to deal with the case so that it was included in the Sexual Violence Crime Bill in Article 14, which regulated online-based gender violence. The Legal and Policy Reform Division worked with the Public Education Division to campaign on the issue through discussions, webinars, and socialization through various The National Commission on Violence Against Women social media. The public was educated and more courageous to report until the Recovery Division also helped encourage the growth of service institutions and work together to handle cases of revenge porn victims in fulfilling their rights. Furthermore, the Monitoring Division then monitored the development of cases of victims of revenge porn during the Covid-19 Pandemic by collaborating with other service institutions in fulfilling their rights and empowering victims as well.

Specifically, the most important thing in handling victims of revenge porn was the five divisions and The National Commission on Violence Against Women developing an active work mechanism by increasing management, such as a fast-response fact-finding mechanism in the form of a direct visit by the The National Commission on Violence Against Women team to the location of human rights violations, a mechanism for providing letters of support for cases of violence against women who experienced obstacles in the process of seeking justice aimed at related institutions, for example for law enforcement officials, government institution, and other parties relevant to the fulfillment of victims' rights. In addition, a mechanism for raising and managing community funds to support service providers or women's advocacy organizations throughout Indonesia was also developed. It had been running in such a way, it's just that the number of victims of revenge porn (revenge porn) from 2020-2021 was also increasing.

Every year, direct complaint data was recorded separately in the Annual Report of the National Commission on Violence Against Women to avoid double counting with data collected from service institutions. It was noted that complaints received by the National Commission on Violence Against Women could come from victims or companions who were affiliated with service institutions. In such cases, these complaints could be referred to the relevant service institution based on the victim's



needs. Direct complaints to the National Commission on Violence Against Women were handled by the Monitoring Sub-Commission, specifically the Referral Reception Unit, and victims could file such complaints for assistance, support, and protection. The following were the numbers of direct complaints received by the National Commission on Violence Against Women:



**Figure 4.** Number of Revenge Porn Victims Complained Directly to The National Commission on Violence Against Women

*Source: Annual Report of the National Commission on Violence Against Women 2018-2021*

The figure indicated that there were 92 cases of complaints in 2018, which increased to 132 cases in 2019, and rose sharply to 548 cases during the COVID-19 pandemic. In 2021, the number of revenge porn victims in Indonesia reached 785 cases, reflecting a 40% increase compared to 2020. This increase was attributed to The National Commission on Violence Against Women's provision of online complaint media through a Google form, which was implemented to accommodate the pandemic situation.

During the covid-19 pandemic, the chain of violence against women remained unbroken. The increase in reported cases indicates that public awareness of violence in their environment is increasing and adapting to technological developments. The need for the community to have their violations and crimes heard and responded to is high, but the high number of complaints does not correspond to the readiness of service institutions. According to Fadillah Adkiras, the assistant coordinator of the Monitoring Division of The National Commission on Violence Against (Nasution, 2022), this is due to problems with institutional independence, access, and budget during the management of The National Commission on Violence Against Women.

### **1. Access**

The management of the National Commission on Violence Against Women, which only had a regional office in Jakarta, was a matter of access for victims of revenge porn, especially if the victims lived in the regions. It had become ineffective to reach out to those cases, even though those in the area were often victims of violence and were vulnerable because they were often not accessible. Efforts to overcome this access began with the dissemination of information related to the existence of The National Commission on Violence Against Women, namely conducting a number of activities and cooperation with a number of partners through several programs such as

Annual Report, Publishing and Documentation, Learning Forums, Monitoring, and Advocacy and Legislation Programs. These activities were carried out by The National Commission on Violence Against Women through a number of collaborations with its partners, such as Apik Legal Aid Institution, Legal Research Center for Gender Justice and Human Rights Central Java, Rifka Annisa Yogyakarta, Harapan Ibu Papua Foundation, Integrated Service Center for Women and Children Provincial, Regency/City in Indonesia, NGOs, Woman Crisis Center, Women and Children Protection Unit, and Hospitals, Press Network. Meanwhile, at the International level, The National Commission on Violence Against Women cooperated with a number of funder institutions and participated in International meetings such as the United Nations and others.

## **2. *Independency***

Having had a number of duties and functions in providing protection of women's human rights, the National Commission on Violence Against Women had to effectively carry out its mandate, especially showing its independence as a national human rights institution. However, the fact that the independent nature possessed by the National Commission on Violence Against Women was not based on good institutional design was vulnerable due to the legal status of the Women's National Commission which was based only on the Presidential Decree. This was very vulnerable because at times the President considered the existence of the National Commission on Violence Against Women no longer needed, then easily the Presidential Decree could be revoked by the President. The legal basis for the establishment of national human rights institutions such as the National Commission on Violence Against Women should have strong legal force with the regulation of the law and was not sufficient if only by Presidential Decree or Presidential Regulation. This was still a problem for The National Commission on Violence Against Women and The National Commission on Violence Against Women continued to exercise its authority in accordance with the Presidential Decree.

## **3. *Budget***

The vulnerability of The National Commission on Violence Against Women's independence was related to budget issues. The National Commission on Violence Against Women regarding budget allocation through the state budget was still joined by the National Commission on Human Rights. As an independent institution, The National Commission on Violence Against Women should have independence in accessing funding sources and this made The National Commission on Violence Against Women during its use must comply with financial administrative rules that applied to its operational funding. Fulfillment of these rules was often unable to meet the needs of The National Commission on Violence Against Women which had to act quickly and required funds, without being able to wait for the release of state budget funds which generally took a long time to disburse. The National Commission on Violence Against Women should have been supported by an adequate budget allocation where the state was responsible for the fulfillment because it could affect the obstruction of the duties and authority of The National Commission on Violence Against Women in handling the issue of revenge porn. Furthermore, the efforts made by The National Commission on Violence Against Women to establish cooperation with a number of international donor institutions.

In the management of its activities and programs to handle cases of victims of revenge pornography during the Covid-19 pandemic in 2020-2021, The National Commission on Violence Against Women carried out its duties effectively, despite encountering several obstacles related to independence, access, and budget. These

issues have hindered the authority of The National Commission on Violence Against Women. However, various efforts have been made to address these challenges, including establishing cooperation with inter-agency, NGOs, and the community, as well as receiving international donor fund assistance. As a result, the implementation of handling victims of revenge porn has been able to progress, despite the persistently high number of cases from 2020-2021.

### **Supervisory Action**

In line with the various efforts that were made by The National Commission on Violence Against Women, The National Commission on Violence Against Women also conducted supervision, which according to Rahman (2021) was a process to ensure that all activities had been carried out in accordance with what was previously planned. According to an interview with Siti Aminah Tardi, one of the Commissioners of The National Commission on Violence Against Women, she said that based on the experience of handling cases of sexual violence against women, The National Commission on Violence Against Women noted cases of victims of online-based gender violence in the type of revenge porn violence, there were several things that became obstacles in providing justice and recovery to victims. Among the complaints of revenge porn cases, there were two cases monitored by The National Commission on Violence Against Women in 2020-2021 since the Police investigation stage, namely as follows:

1. The National Commission of Violence against Women (The National Commission on Violence Against Women) received a complaint from a victim and the case was examined. Then, the perpetrator was legally found guilty of committing the crime under Article 27 section (1) of the Electronic Information and Transactions Law, and the Panel of Judges imposed a sentence of 2 (two) years imprisonment and a fine of Rp. 800,000,000,- subsidized by 3 (three) months based on the judgment of the District Court of Central Java. That actually revictimized the victim and placed them as a party who experienced multiple violence from the actual perpetrator and from the court because the sexual content could be accessed by the public. The National Commission on Violence Against Women finally gave an important note regarding this case and asked the Chief Justice of the Supreme Court to have the information officer obscure the victim's verdict by blackening the victim's information with a marker until it cannot be read. In this case, the blurring was carried out on the printed text (hardcopy) or by replacing the information in question with other terms in the electronic text (softcopy).
2. In 2020, a case occurred in Garut where the victim experienced gender injustice and was accused of being a perpetrator of pornography in the verdict. The victim was subjected to violence and threats if she did not comply with the perpetrator's demands until she finally managed to escape. Unexpectedly, due to a feeling of abandonment, the perpetrator uploaded the victim's sexual content as a form of revenge for being abandoned. The victim was later found guilty as an object of pornography by the Panel of Judges and became a suspect in a violation of the Pornography Law. In this case, the National Commission on Violence Against Women assessed that law enforcement officers neglected to consider the victim's vulnerabilities, particularly the position of the victim who experienced sexual, psychological, and physical violence. Although the perpetrator also received punishment under the Electronic Information Technology Law and the Pornography Law, the victim was also implicated in the violation of the

Pornography Law and did not receive leniency. This case is considered a critical note in handling victims of Online Gender-Based Violence in the form of revenge porn due to their susceptibility to be criminalized with the suspicion of violating the Pornography Law.

In light of the two cases mentioned, it was apparent that most law enforcement officials lacked knowledge, understanding, and a fair perspective towards women and other vulnerable groups. Sexual violence against women was not solely impacted by the Information and Electronic Transactions Law, but rather was facilitated by electronics, requiring handling that prioritized victim protection and gender justice. However, not all law enforcement officers, including judges, shared this perspective. This highlights the inadequacy of the National Commission on Violence against Women's mandate to provide insight into understanding all forms of violence against Indonesian women and eliminate such violence, up to the level of law enforcement officers.

The supervisory process carried out by The National Commission on Violence Against Women was closely linked to the role of monitoring in handling victims of revenge pornography (revenge porn). The National Commission on Violence Against Women utilized an approach consisting of three main parts, which were developing a monitoring network in the regions with the community as the first monitor in their respective environments, collecting and reporting data on victims of revenge pornography (revenge porn) regularly every year from institutions that handle these cases, and conducting fact-finding directly at the location on the basis of public complaints Sihombing (2016). This was implemented so that The National Commission on Violence Against Women could document the number of victims of revenge porn and monitor their recovery progress.

In 2021, The National Commission on Violence Against Women developed a mechanism for responding to complaints of violence against women, which resulted in an increase in the number of responses compared to the previous year. The response included 723 referral letters, 74 Report Confirmation Letter, 24 clarification letters, 92 recommendation letters, 90 monitoring letters, and 1025 email case responses. Table 1.2 below provides a detailed comparison between the responses given by The National Commission on Violence Against Women in 2020 and 2021.

**Table 3.** The National Commission on Violence Against Women's Response Mechanism

<b>No</b>	<b>Form of response</b>	<b>2020</b>	<b>2021</b>
1.	Referral Letter	1.197	723
2.	Report Confirmation Letter	27	74
3.	Clarification Letter	13	24
4.	Recommendation Letter	83	92
5.	Monitoring Letter	21	90
6.	Email Case Response	616	1025
7.	Expert Testimony in Court	4	5
8.	Amicus Curiae	0	3
<b>Total</b>		<b>1.961</b>	<b>2.036</b>

*Source: Annual Report of the National Commission on Violence Against Women 2022*

Furthermore, The National Commission on Violence Against Women has also created various programs such as the Annual Report, Publication and Documentation, Learning Forums, Monitoring, campaigns on various social media platforms, as well as advocacy and legislative programs. In implementing these programs, The National

Commission on Violence Against Women always reports to the President for accountability, especially the results of the Annual Report, and releases reports to the public every 8th of March. However, behind the transparent reporting, there are still obstacles that have caused the number of violence cases against victims of revenge porn to not decrease. Several obstacles were found by Fadillah Adkiras, as Assistant Coordinator of the Monitoring Division of The National Commission on Violence Against Women (2023), during the monitoring process and were used as an evaluation for the institution. They are as follows:

### **1. Resources Support**

Resources support and clear institutional accountability are crucial for the efficient functioning of a national human rights institution, such as the National Commission on Violence Against Women. As far as human resources are concerned, the number of Plenary Commission members serving as commissioners of The National Commission on Violence Against Women for the 2020-2024 period was 15 people with a five-year term. With the sufficient budget allocation available, the number of commissioners can be regarded as relatively large. To date, the operational costs of the institution and programs run by The National Commission on Violence Against Women have been funded by three primary sources of funds: the government through the state budget ceiling of The National Commission on Human Rights (Komnas HAM), international foreign funders, and the private sector.

The funding source for the National Commission on Violence Against Women from the state budget did not significantly increase each year due to the enactment of Law Number 17 of 2003 on State Finance and Law Number 1 of 2004 on State Treasury (Lysandra, 2021). These laws' implementation has not been beneficial for The National Commission on Violence Against Women because they require a work unit structure with civil servant status in managing state finances. As none of the The National Commission on Violence Against Women's commissioners and working units have civil servant status, The National Commission on Violence Against Women cannot manage its allocation of funds from the state budget (Maula, 2021).

Due to the very bureaucratic mechanism of managing state finances derived from the state budget, the National Commission on Violence Against Women experienced some obstacles in the human resources of its workers, such as the honorarium of a number of staff below the Regional Minimum Wage of Jakarta Province, lack of health welfare, no career prospects and almost certainly unable to meet the needs of an adequate standard of living. Many staff members in and out The National Commission on Violence Against Women because they could not cope with the salary they received. This became a bit of a constraint on the implementation of programs in handling victims of revenge porn in 2020-2021 during the COVID-19 pandemic, whose activities were responsive and dynamic.

The efforts made by The National Commission on Violence Against Women was to propose a budget to increase the funds received. This would have helped the workers of The National Commission on Violence Against Women in implementing their programs. However, the proposal was still in the process of being realized, and as a result, The National Commission on Violence Against Women continued to depend on donor assistance from international institutions.

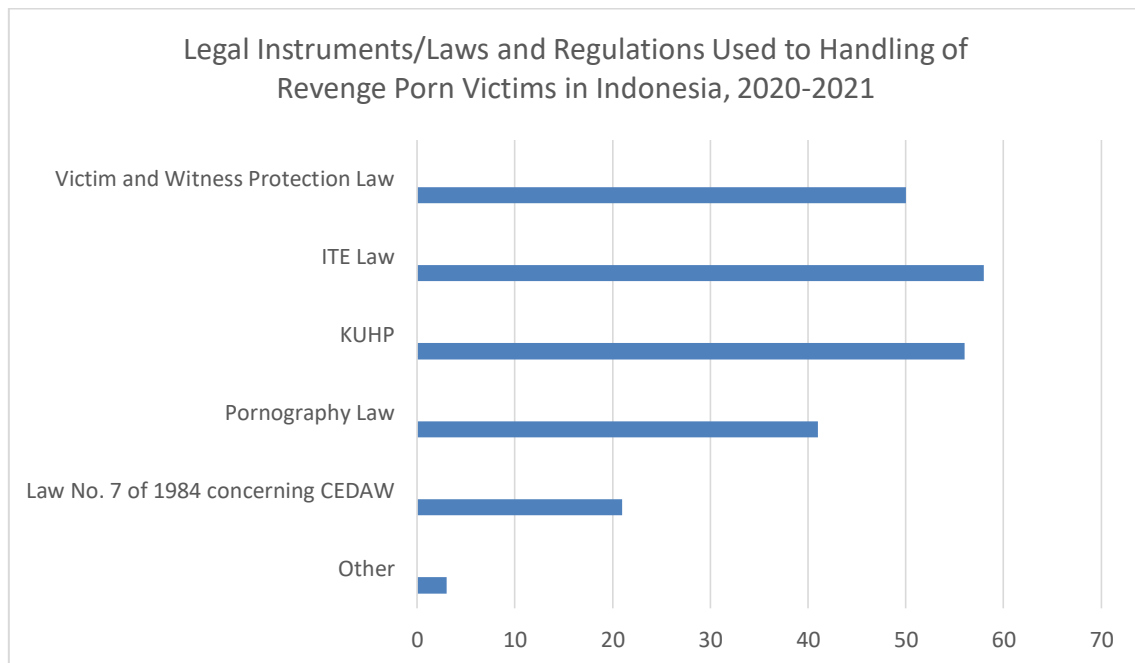
### **2. Office Access**

The existence of The National Commission on Violence Against Women solely in Jakarta office resulted in The National Commission on Violence Against Women having to rely on cooperation with several parties, such as service provider forums (Forum

Pengada Layanan), legal aid institutions, and women-focused NGOs throughout Indonesia to monitor victims who experience revenge porn. Unfortunately, The National Commission on Violence Against Women's partner records show that some regions, such as Maluku Island, do not have services for women. The National Commission on Violence Against Women overcame this problem by forming several task forces. However, it did not work well since ideally, an institution wanting to reach areas that have difficulty accessing should have office representatives in those regions. Due to limited authority and budget, it was not possible to do so.

### 3. Inadequate Substance of the Law

The substance of the laws that existed was inadequate and did not cover all forms of sexual violence. Furthermore, cases of sexual violence continued to grow, both in terms of quantity and quality. The National Commission on Violence Against Women and service organizations provided assistance to victims by utilizing legal instruments. The following data presents the legal instruments used by The National Commission on Violence Against Women and service organizations to provide assistance.



**Figure 5.** Legal Instruments/Regulations and Laws Used in Handling Revenge Porn Victim Cases in Indonesia in 2020-2021

Source: *Annual Report of the National Commission on Violence Against Women 2022*

Figure 1.4 illustrated that the most commonly used legal tool was the ITE Law, which was used 58 times. However, the law was not in favor of revenge porn victims and did not adopt the privacy protection boundaries contained in the Pornography Law. This posed a reporting risk for individuals who had legal partners involved in private intimate content. Additionally, the Criminal Code, which was used 56 times, only recognized a few forms of sexual violence, such as rape, sexual abuse, and sexual intercourse. The regulations with these terms and definitions were too narrow to address the challenges of handling other cases of violence against women that were increasingly developing with technology. Therefore, The National Commission on Violence Against Women made efforts to immediately enact the Sexual Violence Crime Law, which regulated online-based gender violence and revenge porn.

#### **4. Culture of Violence**

The culture of violence permeated and embedded the way society thought, spoke, and acted in everyday life. This resulted in inappropriate actions in the treatment of female victims, such as accusing the victims of desiring (sexual activities) or seducing, resulting in the victims being held responsible for the sexual violence that happened to them. The National Commission on Violence Against Women made efforts to hold advocacy and campaigns to stop all forms of violence through various media and public education on digital literacy, media ethics, gender equality, and body rights.

In conclusion, the monitoring process conducted by the National Commission on Violence Against Women had been running well in accordance with its mandate and authority, but it was constrained by several factors such as limited resource support, location, insufficient substance of the law, and a culture of violence that had permeated and embedded in society, which had always been a challenge for The National Commission on Violence Against Women. This resulted in an increasing number of revenge porn cases in 2020-2021.

#### **Conclusion**

The authority of The National Commission on Violence Against Women, in accordance with Ferrazi (Agussalim Andi Gadjong, 2018), which referred to the right to carry out one or more management functions, including regulation, management, and supervision in handling revenge porn victims in 2020-2021, proved that The National Commission on Violence Against Women's management had fulfilled its duties and mandate in accordance with the applicable Presidential Decree regulations. However, during the process, it still encountered many obstacles, such as independence, access, budget, resource support, inadequate substance of the law, and constitutional legislation that only existed at the Presidential Decree level. This resulted in The National Commission on Violence Against Women's authority being more concerned with advice and recommendations in handling rather than actual implementation.

The National Commission on Violence Against Women had made various efforts with several programs, namely Annual Report, Publishing and Documentation, Learning Forums, Monitoring, campaigns on revenge porn issues, and inviting the immediate enactment of the Sexual Violence Crime Law because it had regulations to provide protection for victims of revenge porn on various social media platforms as well as advocacy and legislation programs. This was accomplished by increasing cooperation between government agencies, NGOs, communities, and international donor funds to support The National Commission on Violence Against Women's programs. However, despite various efforts made in 2020-2021, the number of violent victims of revenge porn in Indonesia remained high and still not optimal.

The research findings of that study could have strengthened and added to the existing research on the limitations of The National Commission on Violence Against Women's authority in handling revenge porn victims in Indonesia. The researchers recommended providing training for law enforcement agencies in addressing gender-based violence reports, particularly revenge porn incidents in Indonesia. Additionally, stakeholders in policy-making and platform providers should have strengthened their commitment to providing complaint services and ensuring they are accessible and affordable for victims.



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