



Copyright for Digital Error, Overcoming Revenge Porn on X application through the Lens of Policy and Laws

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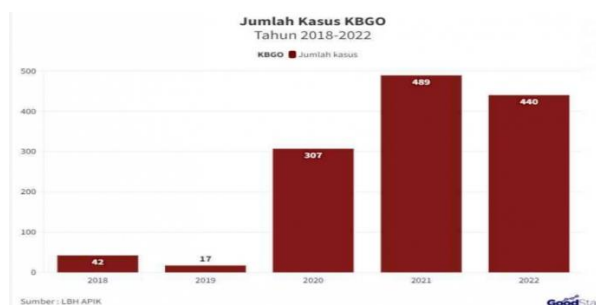
Abstract—The advancement of digital technology and social media platforms has brought big changes in communication and information sharing. However, this digital transformation also brought a new type of sexual assault, including revenge pornography. This article analyzed the challenges of laws and policy procedures for revenge porn, with a focus on how international law can overcome this digital copyright infringement. By analyzing the existing legal framework and proposing a comprehensive policy, this article aimed to give a strong response to combat revenge porn effectively, secure privacy, and preserve individual dignity in a digital era. The methodology used in this study was the approach of the juridical, normative, and comprehensive analysis of the law principles and the regulations related to revenge porn. The methodology covered identification methods, of the laws, doctrine, and existing regulations aiming at showing the exact weaknesses, suggesting law modification, and giving effective perspective to increase the law enforcement in overcoming revenge porn in the digital era. Besides, this study used literature reviews and applied the perspectives of juridical normative to evaluate the legal framework in handling revenge porn on social media platforms. Overcoming revenge porn in Indonesia required a dedicated approach and multi-perspectives. By highlighting certain laws, increasing the penalties, giving support to the victims, improving society awareness, and increasing training for the law enforcers. Indonesia could protect the copyrights for individuals better and make sure that they would be in charge of committing a digital error.

Keywords—Copyright, Revenge Porn, Social Media, Victim Protection.

I. INTRODUCTION

People have lived in an era of technological advancement that has revolutionized communications and information by exchanging them in a flash and easily. However, this has also facilitated the misuse of personal information such as identity hijacking and many more that lead to the unexpected phenomenon of revenge porn. Revenge porn or commonly known as sharing private pictures of body parts with no consent has happened and keeps happening to significantly infringe copyright digitally and it caused psychological damage and a bad reputation for the victims because they were terrorized by the perpetrators with their private pictures or videos to make them viral over the internet. They were also blackmailed by the perpetrators as a warrant for their private things.[1]

In Indonesia, revenge porn has been the center of attention along with widespread digital communication. Although the issue was extremely crucial to discuss, the legal framework to combat the wrong action was not enough.



Picture 1. Graphic of KGBO (“Kekerasan Gender Berbasis Online”) Gender-based Sexual Violence

Essentially, there was a law that regulated sexual violence which was through The Law of Electronic Transactions and Information and it has regulated some cybercrimes but did not have the specific regulation for revenge porn. This problem has created gaps so that the victims were not processed fairly and were ambiguous because there were no comprehensive laws that could cover the complex problem of non-consent communication.[2]

Based on the definition, revenge porn or commonly called non-consensual pornography refers to sexual pictures or videos distribution by someone without prior agreement, and the perpetrators usually have a bad intention such as blackmailing, violating, exploiting, or embarrassing someone without understanding first the consequences, except the shame feeling.[3] These digital abuses were usually about someone’s privacy and sexual pictures coming from that would be spread to the public without any consent and the consequences could not be avoided.[4] The scope of revenge porn is wide enough and can happen to anyone, even every individual in every area and the highest rate of victims is from women.[5] Consequently, the psychological harm could be so frustrating and damaging consisting of anxiety, depression, and the feeling of being betrayed by someone they trusted for what they did.[5] The social stigma of revenge porn consequences can harm personal mental health as well as significantly change professionalism and it shows the need for effective legal protection.

The legal problems and policies of revenge porn can vary and be fragmented. Internationally, it was found that there was no integrated legal framework that specifically handled revenge porn,[6] and it caused inconsistent legal protection and law enforcement in every juridic. Some countries have implemented specific laws targeting for revenge porn, while others solved the revenge porn through the criminal laws and civil laws. For example, the laws of the criminal court and the court in the year of 2015 in England criminalize private sexual pictures and films revealing with the motive of creating misery or even the laws of Australia's Enhancing Online Safety Act, in the year of 2015 elected e-Safety commissioner office to handle online security, including revenge porn. Although the impacts could be seen, there were still some gaps and inconsistencies.[7] Some juridic did have comprehensive laws and others faced some obstacles and resistances in enforcing the laws due to juridical problems and anonymous identity on the internet. Besides, the high digital technology evolution often goes beyond the legislative efforts, so that the victims were left unprotected.

One of the most crucial or popular challenges in solving revenge porn was the multilayered internet that makes juridical authority and law enforcers difficult because of the complicated layers. For example, application X (Ex: Twitter) has various features such as Direct Messages, Tweets, Spaces, Videos (1-3 hours for premium members), pictures, and many more that may cause complex and uncontrollable violence.[8] Because internet use and utilization are not required in one place even country, everything can be done online and it worsens the impacts.

The spread has badly complicated the law implementation nationally and generally because it requires a law background to commit criminal acts across the country. In Indonesia, the problem was critical due to the limited sources and legal framework that are intended to balance the speed and spread of digital content. Balancing privacy right and freedom of expression is an issue that keeps going on in the context of revenge porn. Although it is necessary to keep individual privacy and dignity, freedom of speech also needs to be protected to some extent and prevent some regulations that limit and resist valid opinions. Creating laws that are balanced and do not infringe on individual rights is not an easy job. The challenge in reducing revenge porn seems to be complicated. The anonymity provided by the internet has made the perpetrators easy to spread sexual content without being traced by manipulating their IP address.[9]

Understanding these challenges can be extremely vital to develop effective responses as well as legal and regulations that can handle the complexity of revenge porn in this digital era. There were some cases on application 9 (Ex: Twitter) showing the need for a multilayered approach that combines the strategy of technology, law, and education to protect the victims and enforce digital copyrights. Reflecting on the vital case on application X, a victim reported an illegal spread of a picture of sexual activity without consent on that platform. Application X responded by applying a strong reporting system so that the user could mark the content efficiently. However, the steps’ effectiveness was questioned because the illegal content often returned to another account or platform. In another case involving application X and law enforcers, [10] in which the victim’s private part was exposed without consent it prompted a coordinated attempt to identify and arrest the perpetrators. Although the collaborations only earned in deleting the contents and sentence to the perpetrators, this has shown the challenges of law enforcement across juridic and the need for a more efficient process.

With the issue in mind, application X has offered policy reform aiming to prevent the same case of revenge porn. The policy covered strict penalties for the perpetrators and it can also be an education to improve the community’s awareness of the impact of sexual pictures without consent. Besides, continuous supervision and policy adaptation are needed to solve the digital infringement that keeps growing significantly.

II. LITERATURE REVIEW

A. *The Rise and Impacts of Revenge Porn*

Revenge porn is an immoral action of doing non-consensual pornography in which the perpetrators can illegally spread and publish the content.[11] Due to the extreme rise, revenge porn has become an issue both in society and law in this digital era.[12] Henry & Powell[13] defined revenge porn as the exposure of private and explicit parts sexually without consent intending to harm the victims by harassing, stealing, and distributing illegally the pictures or videos.[14] The victims are commonly women which damages their psychology, society, and economy.[15] These phenomena were caused by the availability of social media platforms and the supporting features to share and distribute.

The victims of revenge porn often suffered from damaged psychology, anxiety, depression, and post-traumatic stress disorder.[16] The social impact also badly harmed the victims because they got stigmatized and badly reputed which influenced their personal relationships and professional opportunity.[17] The broader impacts of revenge porn highlighted the real need for law intervention and effective regulations to protect the victims and stop the perpetrators. Revenge porn is not always a personal problem among individuals, it is gender-based violence and possibly affects women and marginal society. Sometimes, those things break the existing stereotypes and strengthen the power gap in a culture that is full of misogyny and objectivity toward women.[17]

B. *The Legal Perspectives to Revenge Porn*

The law landscape that handles revenge porn is various and improving. The legal perspective to reduce revenge porn refers to the action of legal frameworks to solve a condition where there is an explicit picture in a video and a sexual photo.[18] Some juridic have adopted various approaches to stop this sexual violence at certain levels. This response usually involves the mechanism of law procedure to adjudicate and ask for responsibility from the persons who are involved in the content distribution without consent. These could be criminal law and civil law depending on the juridical and the specific condition of the cases.[19]

The criminal response may include charging the perpetrators based on the laws of defamation, privacy infringement, sexual assault, or specific laws targeting cybercrimes. For example, in Indonesia, the law of Electronic Transaction and Information (UU ITE) or stipulation on the Indonesian Criminal Code (KUHP) could be used to adjudicate an individual who involves in revenge porn.[20] In contrast, civil response often comprises an attempt to get compensation through lawsuits proposed by the victims for the perpetrators. The compensation may include the cost of emotional pressure, bad reputation, or any damage due to the illegal spread of non-consensual pictures and videos.[21] Besides, the legal perspectives to revenge porn could involve prevention steps such as advocacy for stricter laws, educational campaigns to raise awareness of this problem, promotion of consensual culture, and development of supporting systems for the victims including counseling and victim advocacy services.

C. *The Challenges in Enforcing the Laws*

The literature identifies some challenges in enforcing the law for revenge porn. The juridical problems occurred due to the global characteristics of the internet which complicates the attempts to adjudicate the perpetrators from another country.[22] Besides, the anonymity provided by the digital platform also complicates the attempts to identify and arrest the perpetrators.[23] Balancing privacy rights and freedom of expression has produced another big challenge. The legal framework should be more careful in navigating this rivalry business to avoid an act that limits legal freedom of speech.[18] The advancement of technology has created difficulties, the fast spread and digitally replicated content also complicated the attempts to fully remove the dangerous materials from the internet.[24]

The challenges in enforcing the laws were the complexity faced by the authorities and the law systems in enforcing the regulations effectively, especially in the context of handling revenge porn issues. One of the main challenges was the characteristics of the internet that keep improving, and make it the law enforcers hard to follow the methods being used in distributing revenge porn. The perpetrators could exploit the encrypt, anonymity, and the global internet networks to avoid detection and charges so the attempt to identify and arrest them would be difficult.

Another challenge was the lack of specific laws targeting revenge porn in many juridic including the inconsistency of legal consequences and the behavior classifications. Without clear and comprehensive laws which explicitly handle revenge porn, the law enforcers were difficulty identifying and adjudicating the cases correctly, which caused gaps in the accountability and legal protection for the victims.

D. *The Recommendations of Policy and Best Practice*

The experts suggested a multi-faceted approach to handle revenge porn effectively.[25] It was highly recommended to implement clear laws and comprehensive particularly targeting non-consensual pornography, and make sure to give consistent protection in all juridic. They also emphasized the importance of supporting services for the victims, including legal aid and mental health sources. Technology solutions such as highly

advanced content detection and report mechanism were necessary to prevent the illegal spread of revenge porn. Powell and Henry (2017) highlighted the use of artificial intelligence and the algorithm of machine learning to identify and remove explicit content quickly. The collaborations among policymakers, technology companies, and community organizations are important to develop and implement the technology effectively.

III. METHODS

The research methodology used in his research was the normative juridical approach, analyzing comprehensively the law principles and the regulations about revenge porn. The methodology covered the methodical identification of the laws, doctrine, and existing regulations intended to spot the weaknesses, suggest legal modification, and give meaningful perspectives in solving revenge porn in this digital era. Besides, this research also applied literature reviews and normative juridical perspectives to evaluate the legal framework for solving revenge porn on social media platforms. The analysis included the related regulations with a focus on requirements, implementation, and effectiveness. This study comprehended all of the legal frameworks and policies of revenge porn, by considering the victims' protection, digital copyrights, juridical challenges, and the balance of privacy and freedom of speech. The qualitative comprehensive analysis aimed to give recommendations that could be followed up by policymakers and legal practitioners to improve individual protection in the digital era.

IV. FINDINGS AND DISCUSSION

A. The Analysis of Indonesia's Legal Frame

The legal Landscape in Indonesia regarding privacy infringement, especially in some cases of revenge porn is regulated and protected by three main laws, the Criminal Code (KUHP), the Laws of Electronic Transactions and Information (UU ITE), and the Laws of Child Protection (UU Anak). Besides the three laws, the victims also got a criminal code (KUHP) which discusses various privacy infringements but specifically does not include revenge porn and it caused the criminal code (KUHP) unclear. Although the criminal code could give protection to various privacy infringements, the protection for revenge porn is not included and it is a big weakness. So, the implementation for solving modern digital infringement such as revenge porn became limited and needed amendments to handle the challenges in the digital era.

Another law in this country protecting the victims is the laws of Electronic Transaction and Information (UU ITE), Article 27(1) and 45 (1). This law is usually applied to cases related to the illegal spread of sexual pictures. However, the implementation was limited only in written form due to the lack of incompetent law enforcers and the misuse. Some critics argued that the language use was unclear and expansive.

The range of freedom of speech may limit the freedom of expression unintentionally and produce unproportioned sentences for the wrongdoers. In some cases of underage revenge porn that include children as victims, the law of child protection has given additional sentences to protect their rights and sentence the perpetrators.[25] This law admitted the child's fragility in online rooms and offered special stipulations to solve the underage infringement of a child including privacy and digital exploitation.

B. The Effectiveness of Legal Regulations in Indonesia

The result of the analysis showed that even though Indonesia has laws to apply for some revenge porn cases, there was no specific law targeting this problem. UU ITE has given a framework to prosecute the sexual picture distribution, but the broad implementation can cause inconsistency and abuse potency. The criminal code (KUHP) and the law of child protection (UU Perlindungan Anak) offered a chance for additional prosecution but in limited scope and effectiveness. The current laws in Indonesia did not comprehensively regulate the unique characteristics of revenge porn. The victims often faced big obstacles in finding justice, including proving the real intention of the perpetrators and the online picture distribution of an anonym.[26] It required specific laws to criminalize revenge porn and give clear guidelines to prosecute the wrongdoers and protect the victims.

C. Juridic Problems

Based on these characteristics, revenge porn often appeared in the spectrum of country borders, so that it made a big challenge for juridical law. In Indonesia, where the distribution of pictures can be done across the nations, solving the complexity of juridic is a definite thing to conduct. To effectively decrease the transnational characteristics of revenge porn, the legal frameworks need to adapt and set clear protocols for international collaborations and evidence exchange.

The first step to consider by this country as well as the policymakers is the urgent need for specific laws built to handle revenge porn comprehensively. The laws should elaborate on the infringements clearly, a clear explanation of an action, intention, and consequences. Clarity is important and becomes the main interpretation also law enforcement, to make sure that the criminal law can reach the infringement layers. Second, asking for additional sentences for the perpetrators of revenge porn is necessary.

By applying the penalty and stricter regulations, it is a relevant and logical thing to believe that the level of criminal severity can be reduced so that it can give a deterrent effect for the wrongdoers and fit the sentence based on the significant damage to the victims. Strengthening the sentence did not only function as a punitive action but

also as a warning for the community about revenge porn crime. Third, it is prohibited to not give services to the victims that need help recovering and the attempts to enforce the laws for those who got revenge porn, physically and mentally.

Comprehensive support, discussion or sharing space, psychological counseling, and advocacy were necessary to empower the victims to navigate the infringement effect and access the available source for justice. Besides, giving the community awareness campaign was also important to educate them about the legal implication and personal consequences of revenge porn.

Through the targeted initiative, an individual can get information about prevention and motivation to find legal aid if they face or witness the revenge porn. So, to educate one community and create an awareness culture and well accountability, the campaigns play a vital role in preventing an incident and supporting the victims. Lastly, special training for the law enforcers is important to equip them with special ability and sensitivity in handling revenge porn effectively. By increasing their capacity to support the victims and criminalizing perpetrators, the law enforcement agency contributes significantly to removing any digital infringement and ensuring accountability in the court system.

V. CONCLUSION

Solving the case of revenge porn in Indonesia needs a dedicated and multi-perspectives approach. By highlighting specific laws, increasing the penalty, giving support to the victims, raising the community's awareness, and improving the training for law enforcers, Indonesia could protect the digital copyrights of an individual better and make sure that the wrongdoers could be charged. Comprehensive legal reform and solid mechanisms of law enforcement are necessary to protect individual privacy and justice enforcement in this digital era.

REFERENCES

- [1] The Koons Family Institute, "Studies in Child Protection: Sexual Extortion and Nonconsensual Pornography ICMEC.org Building a Safer World for Children The Koons Family Institute on International Law & Policy.," p. 1, 2018.
- [2] J. Hearn and M. Hall, "The transnationalisation of online sexual violation: the case of 'revenge pornography' as a theoretical and political problematic.," 2020.
- [3] K. Walker and E. Sleath, "A systematic review of the current knowledge regarding revenge pornography and non-consensual sharing of sexually explicit media. *Aggression and Violent Behavior*," vol. 36, no. 1, pp. 9–24, 2017.
- [4] T. Mckinlay and T. Lavis, "Why did she send it in the first place? Victim blame in the context of 'revenge porn.' *Psychiatry, Psychology and Law*," 2020.
- [5] T. Reichert, "Sex in Advertising Research: A Review of Content, Effects, and Functions of Sexual Information in Consumer Advertising. *Annual Review of Sex Research*," vol. 13, no. 1, pp. 241–273, 2002.
- [6] Riemer, H. and H. Noel, "The effect of emotionally-arousing ad appeals on memory: time and fit matter.," *Int. J. Advert.*, vol. 40, no. 7, pp. 1024–1046, 2021.
- [7] Y. Liang, Y. Wu, X., Su, and L. Jin, "Consumer Response toward Sexual Advertisements in the Context of Access-Based Consumption.," *J. Advert.*, vol. 52, no. 3, pp. 423–438, 2023.
- [8] C. McGlynn and E. Rackley, "Image-Based Sexual Abuse," *Oxf. J. Leg. Stud.*, vol. 37, no. 3, pp. 534–561, 2017.
- [9] International Association of Chiefs of Police, "Twitter and Violent Extremism," no. February, 2014.
- [10] A. Powell, "Configuring Consent: Emerging Technologies, Unauthorized Sexual Images and Sexual Assault.," *Aust. N. Z. J. Criminol.*, vol. 43, no. 1, pp. 76–90, 2010.
- [11] N. Henry and A. Powell, "Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research. *Trauma, Violence, & Abuse*," *Aust. N. Z. J. Criminol.*, vol. 19, no. 2, pp. 195–208, 2014.
- [12] M. Šepec, "Revenge pornography or non-consensual dissemination of sexually explicit material as a sexual offence or as a privacy violation offence," *Int. J. Cyber Criminol.*, vol. 13, no. 2, pp. 418–438, 2019, doi: 10.5281/zenodo.3707562.
- [13] R. E. Helmus, L., Hanson, R. K., Babchishin, K. M., & Mann, "Attitudes Supportive of Sexual Offending Predict Recidivism. *Trauma, Violence, & Abuse*," *Aust. N. Z. J. Criminol.*, vol. 14, no. 1, pp. 34–53, 2012.
- [14] R. A. Aborisade, "Image-Based Sexual Abuse in a Culturally Conservative Nigerian Society: Female Victims' Narratives of Psychosocial Costs," *Sex. Res. Soc. Policy*, 2021.
- [15] L. Maiano, I. Amerini, L. Ricciardi Celsi, and A. Anagnostopoulos, "Identification of social-media platform of videos through the use of shared features," *J. Imaging*, vol. 7, no. 8, 2021, doi: 10.3390/jimaging7080140.

- [16] R. Fisico and L. Harkins, “Technology and Sexual Offending,” *Curr. Psychiatry Rep.*, vol. 23, no. 9, 2021.
- [17] Antonella Brighi, Amadori, A., Summerer, K. and D. Menin, “Prevalence and risk factors for nonconsensual distribution of intimate images among Italian young adults: Implications for prevention and intervention.,” *Int. J. Clin. Heal. Psychol.*, vol. 23, no. 4, pp. 100414–100414, 2023.
- [18] Döring, N., Krämer, N., Mikhailova, V., Brand, M., Krüger, T. H. C. and G. Vowe, “Sexual Interaction in Digital Contexts and Its Implications for Sexual Health: A Conceptual Analysis. *Frontiers in Psychology*,” p. 12, 2021.
- [19] N. Nurdin, “REVENGE PORN IN INDONESIA HIGHER EDUCATION : GENDER-,” *J. Ilm. Glob. Educ.*, vol. 4, no. 4, pp. 2227–2239, 2023.
- [20] A. Henry, N., & Powell, “Technology-Facilitated Sexual Violence: A Literature Review of Empirical Research. *Trauma, Violence, & Abuse*,” vol. 19, no. 2, pp. 195–208, 2018.
- [21] C. A. Harper, L. Smith, J. Leach, N. A. Daruwala, and D. Fido, “Development and Validation of the Beliefs About Revenge Pornography Questionnaire,” *Sex. Abus.*, vol. 35, no. 6, pp. 748–783, 2023, doi: 10.1177/10790632221082663.
- [22] T. Kirchengast and T. Crofts, “The legal and policy contexts of ‘revenge porn’ criminalisation: the need for multiple approaches.,” *Oxford Univ. Commonw. Law J.*, vol. 19, no. 1, pp. 1–29, 2019.
- [23] A. Henry, N., Flynn, A., Powell, “Policing image-based sexual abuse: stakeholder perspectives.,” *Police Pract. Res.*, vol. 19, no. 6, pp. 565–581, 2018.
- [24] A. Attrill-Smith, C. J. Wesson, M. L. Chater, and L. Weekes, “Gender differences in videoed accounts of victim blaming for revenge porn for self-taken and stealth-taken sexually explicit images and videos,” *Cyberpsychology*, vol. 15, no. 4, 2021, doi: 10.5817/CP2021-4-3.
- [25] A. Henry, N., & Powell, “Sexual Violence in the Digital Age,” *Soc. Leg. Stud.*, vol. 25, no. 4, pp. 397–418, 2016.
- [26] U. Patel and R. Roesch, “The Prevalence of Technology-Facilitated Sexual Violence: A Meta-Analysis and Systematic Review.,” *Trauma, Violence, Abus.*, vol. 23, no. 2, p. 15, 2020.

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