



The Effectiveness of Legal Protection against Women and Minors Victims of Sexual Harassment in Cyberspace

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Abstract

With the enactment of the ITE Law, it cannot protect the whole community from the influence of pornography and cyber crime. Most of them make women and children as objects of sexual harassment. There are so many people who take advantage of technological advances to commit crimes as a money maker. For example, children who are weak individuals they use as sexual gratification and disseminate it on social media. Indonesia guarantees the growth of children with Law no. 35 of 2014 concerning Child Protection so that they can develop properly and optimally. The purpose of this research is to determine the effectiveness of the use, the factors of sexual harassment to children and women in Law.

Keywords: *Cyberspace; Sexual Harassment; Child Protection*

Introduction

With the issuance of Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions, it became the basis for efforts to protect victims of sexual harassment in cyberspace. The rapid development of technology is of course accompanied by the problems that arise from it. In this case, children and women become the object of research to be discussed.

The principle of legal protection as adopted by the Republic of Indonesia, it is absolutely necessary for the state and government to provide legal protection to their citizens. The rule of law in the digital era and information that is increasingly adapting to the lives of Indonesian people requires that there are rules that bind the virtual world which is the lifestyle of the people.

People's lives that are undergoing changes and the entry of the digital world into people's lives has made the flow of globalization and the role of technology in the joints of people's lives which tend to prioritize speed and the need for media that has a platform that is able to cover the wider world, making the existence of laws that have control over the rules that exist. the rules must be strong and become the basis for the state to have legal efforts to protect both all elements of society, especially women and children.

Formulation of the Problem

The use of the problem formulation to find out the questions that will be used in making the article entitled Effectiveness of Legal Protection Against Women and Minors Victims of Sexual Harassment in Cyberspace can be viewed from aspects that will be useful questions to make this article, these questions can be one of the benchmarks of the rules that will be used and the use of law as an effort to find out how far sexual violence experienced by women and also minors has a number that is so worrying that it is necessary to have materials and references both from the applicable law and optimal protection. to women and minors who often experience various problems to get justice in the eyes of the law.

The formulation of the problem that will help to align the framework in this research article applies questions that include problems related to issues of violence experienced by women and children so that they get alignment in order to get answers to the desired attention so that solutions that can occur are quickly found or get consideration, some questions This is one of the thoughts of the author to be included in this article, the questions are as follows:

1. How has protection for women and children in Indonesia been running properly and correctly?
2. what laws can be used to bind the protection of victims of sexual violence in cyberspace?
3. Has the implementation of the law related to the protection of victims of sexual violence been going well?

Method of Ideas

Research Design

The overall research and methods used in carrying out this research use the normative legal method. The meaning of normative law itself is to put various systems and components in law as clear rules and interpret law as a system and is a characteristic of a research that uses principles, norms as well as the rules in laws and regulations both in every decision, agreement and doctrine of the teachings of the experts (Fajar & Achmad, 2010).

Research Field

The use and part of the research in this article uses an approach method based on the rule of law and legislation that combines the closeness of concepts and research carried out normatively and an approach to the protection aspect to the community in using cyberspace comfortably, so this approach will use several rules. and refers to the field of research on technology and information as well as defense and security communications that are in harmony with Indonesian legal regulations which are used as material for discussion in this article.

Data Collection Technique

The data collection carried out in order to obtain the source of research material in this article using normative legal research methods, is divided into two parts, namely primary legal materials and secondary legal materials and the use of tertiary legal materials in which the use of legal materials contains the legislation used, expert opinion as well as official minutes and also the use of clear legal materials consisting of official state-owned documents used, the use of legal materials in this study using legislation that binds digital media, namely as follows:

1. Law Number 19 of 2016 concerning Amendments to Law Number 11 of 2008 concerning Information and Electronic Transactions.
2. Law of the Republic of Indonesia Number 47 of 2007 concerning Eradication of the Crime of Trafficking in Persons.
3. Law of the Republic of Indonesia No. 11 of 2008 concerning Information and Electronic Transactions.
4. Law of the Republic of Indonesia No. 35 of 2014 concerning Child Protection.
5. Law of the Republic of Indonesia No. 31 of 2014 concerning the Protection of Witnesses and Victims

The use of primary legal materials is a reinforcement in the research focus of this article where the relationship between the rule of law and the implementation of law in society as well as the use of secondary legal materials makes this research require opinions from books that explain the opinions of the best legal scholars to find journals. relating to the explanation of the rules and guidelines for using cyberspace, social media and electronic transactions so that the explanation of the existing material gains new insights that are easier to obtain.

Tertiary legal materials are a mixture of two legal materials used in this research by gaining new insights from legal scholars and experts Those who know the legal rules to provide legal protection make this tertiary legal material can be part of the data collection technique used.

The combination of 3 (three) legal materials that are incorporated in primary, secondary and tertiary legal entities makes this research will see how big the impact of legal protection for women and minors to get rights fairly in cyberspace and get aspects that are easily understood by the author. as well as readers understand the rules and limits of the rules that are allowed in using cyberspace wisely.

Data Analysis Technique

The research was carried out to find a descriptive analysis method that uses a quantitative approach, the use of this analysis uses processing and analyzed conclusions from the data, briefly the research uses this analytical technique where this study emphasizes the existence of numerical data (numbers) that can be seen with the use of analytical techniques in the relationship between the variables studied and the results to be obtained and get conclusions in detail.

The implementation of the analytical method used with descriptive techniques prioritizes data analysis with descriptions that describe data with existing data collection without the intention of manipulative an existing reality and applies to the public and is general (Sugiyono, 2014: 21).

The descriptive method aims to describe factually systematically about the facts that exist in the field and have a relationship with data variables and are one of the accesses to process and then analyze data in the test.

This method applies statistics that require data analysis in a way that is closer to the description of a picture or pattern of human life and also objects in condition and is a thought that exists in events in the present.

Discussion

Globalization has been the main driver behind the introduction of the data innovation advancement period. Data innovation is developing very fast and has spread to all regions of the world. Indeed, even in non-industrialized countries, it has added to the increase in data innovation in their respective networks, so that data innovation takes an important part in the progress of the nation. In addition to driving the needs of individuals around the world, data innovation is playing an important role today and in the future. It is accepted that innovation brings tremendous benefits and interests to countries around the world.

There are two things that make data innovation very important to support world monetary developments. As the most important thing, data innovation decides the interest for the data items themselves for example, PCs, modems, internet development tools, and so on. Second, it has to work with deals, especially monetary exchanges related to different exchanges. Furthermore, data innovation has found ways to encourage and amplify changes in people's social and financial needs that, incidentally, have recently been addressed or linked to traditional electronic exchange or socialization that are considered more attractive (Buddy Suharyanto, 2013:1).

The effects of increasing data innovation will gradually change the way people behave and innovation progresses around the world. The impact of the progress of data innovation has also driven a world without borders and critical social changes occur rapidly, so that today data innovation has become a two-sided agreement because it adds to the increase in abundance as well as for progress and progress. Individuals as well as methods that compel to make mistakes. Violations that were once mediocre are now innovative violations. Violations committed by utilizing innovation are known as cyber crimes. Cybercrime is one of the dim sides of innovative advances, which currently have far-reaching detrimental consequences in all areas of life today (Barda Navavi Arief, 2007: 1).

In the midst of the development of web access, the smoother turn of events, the spread of data innovation, and the well-known use of virtual entertainment, new types of violations have emerged, including orientation-based brutality (KBG) that must be perpetrated in this country. In fact, cyberbullying is currently polished in what is referred to as a web-based brutality-based orientation, hereinafter referred to as OGBV. Orientation-based brutality on the internet is like original orientation-based brutality where the demonstration of cruelty must have a purpose or purpose to cause an orientation that harms the victim itself and benefits the parties of the perpetrator, including activities that cause physical, mental, or sexual harm. Or on the other hand endure, the dangers of such activities, pressure and suspension of autonomy. Starting around 2015, Komnas Perempuan, hereinafter referred to as Komnas Perempuan, has carried out guidance on the savagery of women who have provided guidance to women who are connected to the web-based world and emphasized that crimes and cyber crimes have more confusing cases. In 2017, Komnas Perempuan received 65 reports of cases of cyberbullying against women (Ellen Kusuma and Nenden Sekar Arumi, SAFEnet Guide, 2019:4)

The types of legal insurance for victims of OGBV are regulated by the Trafficking in Persons Act and the Pornography Act. The types of legal insurance provided by the regulations are compensation

(Article 48), clinical recovery, social recovery, bringing home, and social reintegration (Article 51). Similarly, what is regulated in the Pornography Law, in particular the preparation, guidance and social recovery, physical and emotional health for children who are victims or perpetrators of pornography (Article 16).

The guarantees for victims of OGBV are different which are indicated by errors and the consequences of mistakes, but actually the regulation on legal guarantees for survivors of wrongdoing in the Witness and Victim Protection Act directs fair victims who can have legal security, especially for victims. Survivors of gross violations of public liberties, psychological wrongdoing of militants, victims of dealing with individuals, victims of criminal demonstrations of torture, victims of criminal demonstrations of sexual outrage and victims of violent persecution.

The creator's idea builds on the consequences of the examination and discussion of the above issues, in particular the need to audit regulations and guidelines that do not reasonably provide for legal guarantees for survivors of wrongdoing. In particular, the Law of the Republic of Indonesia Number 31 of 2014 Article 6 concerning the Protection of Witnesses and Victims, states that "people who survive violations of public rights, victims of crime sellers fear, victims deal with people. victims of criminal demonstrations of torture, survivors of crimes of wrongdoing. Demonstrations of sexual outrage and survivors of extreme violence. Clinical assistance and psychosocial and mental recovery assistance." So there is no misunderstanding and strict reasoning in its use, with the aim that all victims of errors receive clinical and psychosocial assistance.

With the data that can be presented, it becomes a problem that can be a form of reference that will show a form of existing problems with a settlement context that will display existing data and facts related to sexual violence that occurred in Indonesia which impacted the victims, namely women and children. so that the alignment of the data needs to be in accurate detail, the following data are the reference for sexual violence in Indonesia:

Rates of Violence against Women and Children	YEAR
293,220	2014
321,752	2015
259,150	2016
348,446	2017
486,178	2018
431.471	2019

Source: Annual Records (CATAHU) of Violence Against Women, National Commission for Women's Protection in 2020.

The table shows that violence against women has increased from year to year. This proves that there is still a lack of safe spaces for women and children. This should be a concern of the relevant parties, especially the government in handling and suppressing cases of violence against women.

Violence against women and children every year the number and growth tends to increase with the presence of social media and cyberspace which is growing so rapidly while awareness of the

protection of witnesses and victims tends to be neglected, lack of respect and neglect of sexual and verbal violence against women and children makes a very strong problem and becomes one of the cultures that tends to lead in a negative direction making sexual violence tends to grow more rapidly, especially in cyberspace and social media so that protection in the form of Preventive prevention needs to be implemented by the existing police so as to reduce the number of violence against victims, namely women and children in the future and create a sense of comfort and security so as to create the presence of law in the form of rules that can bind in the use of cyberspace.

Closing

With population growth, people are starting to adapt to advances in digital technology and information that is already available massively and easily. So that it makes it easy to get information and also a lifestyle that is easily accessible by the community so that in addition to people who have to adapt to law enforcement, they must also adapt to technological advances in the creation of the era of globalization that occurs in human life.

The synergy that can be created with the awareness that exists in the community so as to reduce crime rates and protect access to personal information and data to avoid crime rates and sexual violence committed via online will be easily avoided

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