



REVENGE PORN IN INDONESIA HIGHER EDUCATION: GENDER-BASED PERSPECTIVE

Nurdin¹

¹Universitas Pembangunan Nasional "Veteran" Jakarta

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ABSTRACT

Advances in information and communication technology provide many benefits for everyone in everyday life. The use of the internet to search for information by university students is very high. This convenience has harmed them as internet users in the form of online sexual violence. Along with the massive spread of COVID-19 from 2020 to 2021, this negative impact has transformed into the form of online gender-based sexual violence on various Indonesian campuses. Revenge porn is the distribution of sexual information displayed in the form of images, photos, or videos without the knowledge of the victims. Revenge porn is a case of gender-based sexual violence in which the victims are not only women but also men. Many of the perpetrators' actions were carried out to humiliate and degrade the victims' dignity psychologically and physically. This research method was carried out qualitatively with a social phenomenon approach based on cases of online sexual violence which were studied and analyzed through literature studies in the form of online news, documents, and similar research with a gender perspective. The research results found that the high number of revenge porn cases in Indonesia universities has caused polemics due to the state's unpreparedness in protecting victims comprehensively based on legal, social, cultural, and political approaches.

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*Corresponding author email: nurdin.fisip@upnvj.ac.id

INTRODUCTION

Gender-based sexual violence in higher education institutions, especially against women, is a problem in various countries in the world. Gender-based sexual violence in some universities often occur in both developed and developing countries (Anitha and Lewis 2018; Jones, Cassandra 2013; Palermo, Bleck, and Peterman 2014). Advances in information and communication technology have increased cases of online gender-based sexual violence in the higher education community in various countries. The use of social media such as Facebook, YouTube, WhatsApp, Instagram, WeChat, and TikTok has created gaps in online gender-based sexual violence among college students. (Cripps and Stermac 2018; Garrido V 2022; Jones, Cassandra 2013). The COVID-19 pandemic that spread in early 2020 to 2021 has strengthened the phenomenon of online gender-based sexual violence in society and the campus community (Bennett et al. 2021; Hayati 2021; Jatmiko, Syukron, and Mekarsari 2020).

Indonesia is still a country with a high rate of cases of gender-based sexual violence. Sexual violence is still a hot topic of discussion and includes forms of crime that are more towards sexuality for both women and men. The existence of unequal gender power relations makes cases of sexual violence still a problem that requires more attention from agents of change such as the government and institutions that have the authority to regulate and prevent all forms of sexual violence. The government plays an important role in overcoming cases of violence and sexual harassment in society and universities. The high number of cases of sexual violence in Indonesia can be analyzed from the Annual Records report of the National Commission on Violence Against Women which is announced every year. Based on the 2022 Komisi Nasional Perempuan (National Commission for Women) Annual Records, it is noted that cases of gender-based violence are increasing every year. In 2021, there were 338,496 cases recorded. An increase of 50% compared to cases that occurred in 2021. Meanwhile, cases of online gender-based violence also experienced an increase of 83%. This data refers to online-gender-based sexual violence cases of 940 cases in 2020 increasing to 1,721 cases in 2021 (Perempuan 2022).

In 2021 The Ministry of Education, Culture, Research and Technology recorded 2,500 sexual violence in Indonesia higher education institutions. Several cases of sexual violence that occurred in higher education institutions have become a debate and even controversy between various parties, both internal and external to the campus. Cases of sexual harassment in higher education institutions usually happen to female students who are harassed both by lecturers and students (Times 2021). The high rate of sexual violence in higher education institutions has prompted the Ministry of Education and Culture to enact Peraturan Menteri Pendidikan dan Kebudayaan, Riset dan Teknologi (Regulation of the Minister of Education and Culture, Research and Technology) Number 30 of 2021 concerning Prevention and Handling of Sexual Violence in Higher Education Environments (Lestari 2021). This policy has generated controversy and polemic from various groups, both the academic community and the society. There are several provisions that have caused controversy including Article 1 (paragraph 14) concerning the Obligation to Establish a Task Force, Article 3 concerning the Principles of Prevention and Handling of Sexual Violence, and Article 5 relating to forms of Sexual Violence. (Detik.com 2021). The implementation of this policy has led to polemics among the public who state that this policy will have an impact on the legalization of adultery in universities. (Hadyan 2021).

Pros and cons of the provisions of Article 5 paragraph (2) which states the phrase consent of victims of sexual violence has caused conflict with religious norms. This article has raised a debate that if a woman agrees or gives consent to a sexual act against herself by another person then it is not considered as sexual violence. According to various groups, this article has legalized the act of adultery in the university environment (Rahmasari 2022; Suherman, Aryani, and Yulyana 2021; Utama 2022). In addition, other polemics are also being debated regarding the effectiveness of this policy in reducing and preventing gender-based sexual violence in higher education institutions (Pangestu 2022). There are several challenges in implementing this policy, one of which is related to functionalization in law enforcement (Hartono 2022) and the image of higher education as an educational institution that should adhere to morality and ethics. In reality, many victims of sexual violence on campus find it difficult to get justice because there are many inhibiting factors, one of which is for the good name of the campus (Nikmatullah 2020).

One of the phenomena of online gender-based violence that occurs in the university environment is a sexual crime known as revenge porn. Revenge porn is an act of revenge in the form of spreading sexual content privately owned by individuals. The videos and photos were made with or without the knowledge of the victims who appeared in the videos. The victims usually often received threatening messages from the perpetrators of sexual violence. There are still many parties who do not know the dangers posed by information and communication technology developments for women students in higher education environment. Persuasion and seduction accompanied by continuous coercion to their partners is also one of the violence that is often encountered and felt by women students. In this situation they are weak and unable to fight back and make report to the authority of the university. The coercion continued until the moment of spreading sexual content of women students by perpetrators in social media. Actions of revenge porn are often hampered by relationships, positions, and power domination of men in social structure even in the campus.

Cases of revenge porn that occur in the university environment are not a new phenomenon, but they occur repeatedly. Several cases of revenge porn have occurred in developed and developing countries. Cases of revenge porn in the United States are mostly experienced by women, college students aged 18 years where their private pictures are sent by their boyfriends or ex-boyfriends to other people (Branch et al. 2017; Johnstonbaugh 2022). Cases of revenge porn also occur in other developed countries such as Australia and the UK. A similar phenomenon also occurs in developing countries such as the Philippines, Brazil and Thailand where the level of social media use is very high among the students of the universities. (Nurse 2019).

Cases of revenge porn in Indonesia have increased since the Covid-19 pandemic outbreak. Of course, this is the impact of the increasingly high use of social media which has resulted in acts of sexual crime regardless of the age or social status of the victim. Actions of revenge porn on campus need to be considered by various parties from the government and the academic community. This is because student life is often associated with individual problems. The lives of university students who are often involved in romance are vulnerable to abuse of sexual acts that will make them victims. The helplessness of victims, especially female students when their photos or videos are spread on social media has become a tool for perpetrators to be able to control and suppress victims both physically and psychologically.

METHODS

This study uses qualitative research methods that focus on scientific references which are carried out by observing and then describing the problems that occur and are carried out by the researcher. The research approach using descriptive methods can be in the form of written or verbal sentences from the object that the researcher is observing. On the other hand, the descriptive method can provide an overview of events that are arranged systematically, factually, and are accurate by connecting all the facts that occur in the field that are connected with the phenomena and conditions that will be carried out by research (Moleong 2014, 14–19).

Based on the problems mentioned above, this research will answer the question of how revenge porn that occurs in higher education institutions generates polemics and debates within society and the academic community. While the hypothesis of this research is that the high cases of revenge porn in universities are due to socio-cultural, political, and law enforcement factors that have not supported and protected the interests of victims. This research shows that high cases of revenge porn on campus due to social, political, and legal problems that have not been able to provide a comprehensive solution to minimize cases of online gender-based sexual violence, especially revenge porn that befell female students.

RESULT AND DISCUSSION

Online Gender-Based Violence

A comprehensive explanation of the concept of gender-based violence is an important strategy for the United Nations Organization in preventing all forms of violence against women. Article 1 of the Declaration on the Elimination of All Forms of Violence Against Women defines gender-based violence as any form of violence that causes, or is likely to result in, physical, sexual or psychological misery or suffering of women, including threats of certain actions, coercion or arbitrary deprivation of liberty, whether happening in public or in private life. Forms of gender-based violence based on Article 2 lead to acts such as sexual violence, abuse and exploitation, sexual harassment and bullying, stalking, human trafficking, violence and domestic violence and abuse, coercive and controlling behavior, female genital mutilation, forced marriage, and crimes committed in the name of honor (Nations 1993).

In the era of advances in information and communication technology, sexual violence is transformed along with human behavior in utilizing gadgets connected to the internet and social media. The high use of social media such as WhatsApp, Facebook, YouTube, Instagram, twitter, WeChat, TikTok as a necessity in socialization and communication has led to online gender-based sexual violence. The concept of online gender-based violence focuses on sexual violence by utilizing information and communication technology. The purpose of sexual violence is to harm someone based on their gender. In practice, online sexual violence is more directed at women's sexuality as targets and exploitation of violence. The forms of this violence vary, such as sharing pictures or videos without consent, online stalking, and cyber-crimes such as identity theft, theft of personal data, (financial data, images, videos, personal communications, etc.), spreading false information for the purpose of defamation, and doxing (public sharing of personal information), verbally harassing someone online or threatening

someone online, creating fake pictures/videos of someone without consent, and facilitating sex trafficking (Brudvig, Chair, and van der Wilk 2020, 3–4).

Online-based sexual violence in Indonesia shows a tendency to increase every year. Based on data and information recorded by the National Commission on Women (Komnas Perempuan), stated that online-based sexual violence cases in Indonesia occurred in 13 types. These cases were experienced by victims both in the public and private spheres. In 2021 Komnas Perempuan recorded several cases experienced by many victims. Cyber harassment cases recorded 18 cases consisting of 498 cases in the public domain and 277 cases in the private domain. This case became the most case experienced by victims in the public domain. Cases of malicious distribution with the aim of damaging women's reputations by spreading content are one of the most cases of online sexual violence consisting of 158 cases in the public domain and 279 cases in the private sphere. Next are cases of sextortion or blackmail using photos or videos consisting of 472 cases in the public domain and 683 cases in the private sphere. This case is the most cases experienced by victims in the personal sphere. Revenge porn is a case that is also often experienced by victims of online sexual violence. There were 81 reported cases of revenge porn consisting of 2 cases in the public domain and 79 cases in the private sphere (see table 1).

Table 1. Online-Based Sexual Violence Cases in Indonesia in 2021

No.	Categorization	Service	Komnas Perempuan	
		Agency	Public	Private
1	cyber grooming	5	0	0
2	cyber hacking	13	17	58
3	cyber harassment	18	489	277
4	cyber recruitment	1	0	11
5	cyber surveillance	4	47	32
6	illegal content	21	40	47
7	malicious distribution	98	158	279
8	morphing	6	14	6
9	online defamation	8	18	23
10	revenge porn	21	2	79
11	sexting	4	0	22
12	sextortion	11	472	683
13	voyeurism	1	114	141
Total amount		211	1.371	1.658

Source: Komnas Perempuan, 2021

Gender Power Relations

The theory of gender power relations describes the power gap between men and women in various social, economic, cultural, political and legal lives. The domination of

men over women in social life is due to the inequality of rights and obligations between men and women. In reality, male domination is due to the condition of society which is still dominated by patriarchal mindsets (Rokhimah 2014, 132–33). One form of patriarchy is stereotyped thinking that is still firmly rooted in society and in the family. The consequences of this condition are detrimental to the position of women in the social and economic order in society. Society still considers the position of men to be higher than women. The hegemony of male power over women's lives psychologically has led to violence against women. Violence against women caused by gender relations is even carried out through social media (Drianus, Oktarizal and Dinata 2019, 40–41).

In terms of the prevalence of gender-based sexual violence, gender power relations refer to attitudes and behaviors that are supported by an imbalance of power between men and women in an unfair relationship. Even these relationships are hurtful, threatening or debilitating to people because of their gender or sexuality. In practice, women as victims of sexual violence are always placed as parties who are treated unfairly. Sexual violence experienced by women is due to the hierarchical construction of gender and sexuality (Anitha and Lewis 2018, 1).

Gender power relations refer to the theory put forward by Foucault. According to Foucault, gender is a product of power relations. The unequal power relations between men and women result in male domination. Gender relations are a reflection of gender subjectivity which in turn is formed through power relations. Male domination over all aspects of life has created gender inequality. The system of male domination can be changed by the way women gain knowledge which affects radical changes in gender relations (Radtko 1995, 29). The consequence of the theory of gender power relations has made women in a position of subordination to male domination. So, with the support of society still holding strong patriarchal culture, power is often associated with men and masculinity.

Revenge Porn Concept

Basically, revenge porn refers to concepts that lead to the spread of pornographic content via the internet. The term revenge porn is usually used to describe digital and print publications distributed by an individual naked without their consent. However, the term revenge porn has various terms and refers to several things related to the use of information and communication technology to spread pornographic and sexual content through social media.

First, this term refers to non-consensual pornography which aims to take revenge or other reasons and motivations from the perpetrator against the victim. This term can be framed through cyber exploitation, hate speech, and hate crimes. The concept of revenge porn is an integral part of the visual culture of gender-sexual offense which, for many people and in many parts of the world, surrounds and permeates people and social relationships (Hall, Matthew and Hearn 2018). The term revenge porn is also known as image-based sexual abuse as a form of series of gendered forms of sexual harassment which have general characteristics and form a continuum of image-based sexual harassment in both photos and videos (McGlynn, Rackley, and Houghton 2017). Because revenge porn is related to spreading images, there is the term sexting, which is sending sexually explicit images and/or videos via cell phones, email, or social media (Henry and Powell 2015, 105). Finally, this concept can also be referred to as sextortion. It is the threat of spreading explicit, intimate, or embarrassing images of a sexual nature

without consent, usually for the purpose of obtaining additional images, sexual acts, money, or other things (Patchin and Hinduja 2020, 30).

Revenge porn from a legal perspective is an act of cybercrime. Actions of revenge porn can be classified as a cybercrime because it will have a negative psychological impact on the victim. Revenge porn is a form of sexual harassment that is carried out online (online harassment). Actions of revenge porn are carried out by individuals, especially ex-partners or girlfriends by posting or uploading photos or videos to social media without the victim's consent. The purpose of the perpetrator is to humiliate, insult and demean the victim (Nurse 2019, 1–5).

Revenge Porn Actions in Higher Education

Cases of sexual violence, sexual harassment and revenge porn that have occurred in several universities in Indonesia generally involve lecturers and students as the main perpetrators and female students as victims. These cases do not decrease and even increase every year. In general, sexual violence and sexual harassment occurs due to the weak position of the victims towards the perpetrators. Lecturers usually take advantage of the power of their positions at the university to commit sexual violence and sexual harassment against victims. There are several acts of sexual violence and sexual harassment that are usually perpetrated by perpetrators against victims. These actions range from forced sexual intercourse, attempted rape, pornographic chatter, masturbation, kissing and touching the victim's body and extortion. Whereas in the case of revenge porn, the perpetrators consciously and deliberately intended to hurt and defame the victim in society and the campus community by spreading pornographic photos and videos. Actions of revenge porn carried out by perpetrators against victims are usually in the form of threats and extortion with the intention of embarrassing and defaming the victim's reputation (see table 2).

Table 2. Sexual Violence and Sexual Harassment in Indonesia Universities, 2019-2023

Types of Sexual Violence	Power Relations	Acts of Sexual Violence and Harassment	Several Cases at the Universities that appeared to the public
Sexual Violence	Lecturers take advantage of their power over female students to commit sexual violence and sexual harassment	<ul style="list-style-type: none"> - Coercive intercourse - Attempted rape - Chatting / chat pornography - Masturbation - Seduction and flirting text messages - Kissing and touching body parts - Blackmail 	<ul style="list-style-type: none"> - UNJ (2021) - Unsri (2021) - Unsoed (2021) - UNM (2022) - IAIN Metro (2022) - Gunadarma (2022) - Umul (2022) - Unand (2022) - UHO (2022) - Stikes Buleleng (2023) - Unri (2023) - Unsil (2023)
Revenge Porn	Lecturers or students take advantage of the victim's weakness by spreading	<ul style="list-style-type: none"> - Distribution of pornographic photos and videos between perpetrators and victims on social media - Extortion with threats to spread pornographic photos 	<ul style="list-style-type: none"> - UGM (2019) - Untirta (2023) - Unand (2023)

pornographic content without consent with the aim of revenge	or videos of perpetrators and victims
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The use of the internet which is unlimited and can be accessed by anyone at any time is vulnerable to being a place to commit crimes including online sexual crimes. The case of revenge porn, which has begun to ensnare students in higher education in Indonesia, has become a serious concern for educators, women's institutions, and the Indonesian government. (Mansur 2007). Revenge porn action takes advantage of the victim's weaknesses in the financial, family, ethnic, and social status of the victim as a form of revenge by the perpetrator. The National Commission on Violence Against Women has analyzed an increase in revenge pornography cases classified as gender-based online violence. This is a form of sexual crime that takes advantage of technological advances to reduce the victim's value to financial extortion for the victim. (Indrawati 2017, 39).

There are many forms of sexual violence cases that have occurred in Indonesia, ranging from cases of cyber grooming, cyber harassment, hacking, illegal content, violations of privacy, and defamation, to cases of revenge porn which often haunt all forms of human activity today. The Indonesian government established Act number 12 of 2022 concerning Crimes of Sexual Violence, which condemns anyone who creates and disseminates immoral content that can be prosecuted and subject to punishment that has been regulated by law which aims to deter perpetrators of immoral content (Istibsyaroh 2004, 3–4). Gender-based violence is violence that instills thoughts of patriarchy which makes women's position lower compared to the position of men who can control women in terms of sexuality and women's identity.

Universities are no longer safe and comfortable places for students to study. This happens because universities are places used to commit acts of crime and sexual violence by both lecturers and students. Permendikbudristek Number 3 of 2021 concerning Prevention and Handling of Sexual Violence in the Higher Education Environment is intended to overcome this problem. This regulation was enforced considering that acts of sexual harassment still often occur in universities. The imbalance of position relations between lecturers and students as well as between male students and female students has had an impact on the high increase in sexual crimes in Indonesian universities. (Kebudayaan 2021).

Actions of revenge porn that occur in universities are intended to make victims feel isolated and afraid. In the early stages, the perpetrators will usually control the victims and urge them to have sexual intercourse either by force or seduction. However, they are not aware that the perpetrators will document their sexual activities in the form of videos and photos. Of course, these are not realized by the victims because they do not think reasonably until the perpetrators threaten the victims to spread pornographic acts through social media which can harm them. (Kartini and Maulana 2019, 217–20).

Law Enforcement of Revenge Porn Actions in Higher Education

Every effort has been made by the Women National Commission, the Ministry of Women's Empowerment and Child Protection, and the Ministry of Education and Culture to the Ministry of Research and Technology to address cases of revenge porn at universities. In addition, various parties such as lecturers and students are jointly struggling to defend victims of revenge porn in Indonesian universities (Andryanto 2021).

Based on this problem, the Minister of Education and Culture Regulation Number 30 of 2021 concerning the Prevention and Handling of Sexual Violence is enacted. This regulation regulates a number of types of acts that can be grouped into sexual violence (Indonesia 2021).

Responding to various pressures and demands from various groups as well as support from legal aid organizations, the Indonesian Parliament passed the Law on Crimes of Sexual Violence on April 13, 2022. Article (4) Paragraph (1) of this law states nine forms of criminal acts of sexual violence in this law: non-physical sexual harassment, physical sexual harassment, forced contraception, forced sterilization, forced marriage, sexual torture, sexual exploitation, sexual slavery, and electronically based sexual violence. In addition, law enforcement against acts of revenge porn has been regulated in Law Number 44 of 2008 concerning Pornography. Article 29 in conjunction with Article 4 paragraph (1) of the law explains that everyone is prohibited from producing, making, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting, and providing pornographic content that displays intercourse, sexual violence, masturbation, nudity and showing genitals. Then there is a penalty imposed on the perpetrators of spreading sexual content, which is explained in Article 5 and Article 31 of the pornography law in the form of threats of punishment for those who download sexual content as much as a maximum criminal law of 4 years with a maximum fine of 2 billion rupiah (Ayuningtyas 2022, 164–71).

Revenge Porn Polemic in Indonesian Universities

Actions of revenge porn that occur in universities have caused polemics both internally and externally on campus. The polemics are debated on social media, both the pros and cons. In general, polemics includes several aspects related to acts of revenge porn, whether carried out by lecturers against students or female students or male students against female students. The pros and cons of revenge porn in society are related to legal action, morality and the state's role in protecting victims (see table 3).

Table 3. Pro and Cons of Revenge Porn in Higher Education

Pro	Cons
Victims cannot be criminally prosecuted on the basis of spreading pornographic content on social media because it was done without the consent and knowledge of the victims.	Only perpetrators who are guilty and deserve to be subject to punishment in accordance with the Criminal Code Article 282 paragraph 1, Law No. 44/2008 concerning Pornography and Law no. 19/2016 concerning Information and Electronic Transactions, and Article 14 paragraph (1) of the Law on Sexual Violence.
Advances in communication and communication technology provide opportunities for men and women to express freedom, including visualizing romantic relationships with the consent of the victims.	From a social perspective, especially religion, the act of adultery is not justified before there is an official bond as husband and wife, even if it is done with the consent of the victims.
The state needs to intervene to prevent sexual violence against	The Sexual Violence Law is not a solution to stop acts of revenge pornography because

women, especially by implementing the Law on Criminal Acts of Sexual Violence strictly to protect victims.	adultery is committed out of mutual love and awareness so there is no guarantee that this will not happen again in the future.
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One of the polemics of revenge porn in universities that are often debated is the normalization of this action and is considered normal in the campus environment (Indainanto 2020, 109; Rochimah, Tri Hastuti Nur and Rahmawati 2022, 160). Actions of sexual crimes by spreading photos and videos containing pornographic elements on campus are often constrained by permissive attitudes and behavior within the academic community. So, these have an impact on victims who are mentally harmed and reduce the punishment for perpetrators.

The next polemic is related to the image or good name of universities that want to resolve revenge porn cases amicably without criminal prosecution (Nikmatullah 2020, 47). Of course, this condition raises debates in higher education, both the bureaucratic apparatus and the highest leadership of universities. The settlement of revenge porn cases is ultimately resolved amicably without causing prolonged polemics that spread to the mass media and the society (Pangestu 2022, 20).

In addition, law enforcement against online sex offenders is still complicated and bureaucratic in the aspect of victim protection. Article 29 of Law Number 19 of 2016 concerning Information and Electronic Transactions is also debated. In article 29 the victim must ask the internet service provider to block and delete the victim's pornographic content after receiving a court order (Christianto 2020, 178–79).

CONCLUSION

Sexual crimes originate from circumstances that occur in the environment closest to the victim. The use of the internet as a result of technological advances is vulnerable to online-based acts of sexual violence. Revenge porn is a form of sexual violence that often occurs and affects male students and female students in higher education. In addition, acts of revenge porn have increased in higher education because law enforcements are still weak and do not support and take sides with victims of sexual violence. Actions of revenge porn in universities should be thoroughly resolved both from a legal, sociocultural, and political perspective. Revenge porn with its negative impact on victims needs to be seriously addressed by the Government (Ministry of Education, Culture, Research, and Technology) and the academic community. Revenge porn should be considered a sexual crime no longer a misdemeanor and can be compromised or resolved amicably to protect the good name of the universities.

The formation and institutionalization of the Task Force for the Prevention and Handling of Sexual Violence is a government policy to protect students from acts of sexual violence, especially revenge pornography. However, the government through universities must make gender equality guidelines and sexual violence prevention training in universities from a gender perspective. Thus, the prevention of sexual violence in higher education is intended to build a culture of gender equality in the academic community.

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