



Criminal Liability for Online Gender-Based Sextortion Against Women Under Indonesian Criminal Law

Tanggung Jawab Pidana Pelaku Sextortion Berbasis Gender Online terhadap Perempuan di Indonesia

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Abstract

The development of digital technology has prompted an increase in Online Gender-Based Violence (OGBV) cases, particularly in the form of sextortion targeting women, which has not been specifically regulated under Indonesian criminal law. This study aims to analyze the criminal liability of sextortion perpetrators under Indonesian criminal law, using normative legal research methods with statutory and conceptual approaches. The findings indicate that the handling of sextortion in Indonesia remains fragmented across multiple regulations, namely the Criminal Code, the Electronic Information and Transactions Law, the Pornography Law, and the Sexual Violence Crimes Law. This regulatory fragmentation creates legal uncertainty, judicial inconsistency, and suboptimal protection for victims. Therefore, a specific sextortion criminal provision with a gender perspective is urgently needed to ensure legal certainty and substantive justice for female victims in the digital era.

Abstrak

Perkembangan teknologi digital telah memicu peningkatan kasus Kekerasan Berbasis Gender Online (KBGO), khususnya dalam bentuk sextortion yang menyoroti perempuan dan belum diatur secara khusus dalam hukum pidana Indonesia. Penelitian ini bertujuan menganalisis pertanggungjawaban pidana pelaku sextortion menurut hukum pidana Indonesia dengan menggunakan metode penelitian hukum normatif melalui pendekatan perundang-undangan dan pendekatan konseptual. Hasil penelitian menunjukkan bahwa penanganan sextortion di Indonesia masih bersifat parsial dan tersebar dalam berbagai regulasi, yakni KUHP, UU ITE, UU Pornografi, dan UU TPKS. Kondisi fragmentasi regulasi ini menimbulkan ketidakpastian hukum, inkonsistensi putusan pengadilan, serta belum optimalnya perlindungan terhadap korban. Oleh karena itu, diperlukan perumusan delik khusus sextortion yang berperspektif gender guna menjamin kepastian hukum dan keadilan substantif bagi perempuan korban di era digital.



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A. INTRODUCTION

1. Background

The development of information technology and the internet has brought significant changes to the patterns of interaction and communication in society.¹ Social media has become the main space for individuals to express themselves and build social relationships. However, behind these benefits, technological advancements also open up opportunities for the emergence of various forms of technology-based crimes, one of which is online gender-based violence (OGBV). KBGO is a form of violence carried out through digital technology based on gender or sexual orientation, aimed at degrading, intimidating, or controlling the victim.²

One of the forms of KBGO that is increasingly rising massively is sextortion, which is sexual extortion carried out by threatening the victim using sexually explicit images or videos as a means of pressure to obtain certain benefits, whether in the form of money, sexual favors, or compliance with the perpetrator's demands. The Annual Report of the National Commission on Violence Against Women (Komnas Perempuan) recorded 1,801 victims of digital gender-based violence (KBGO) in 2023, while SAFEnet reported 1,902 complaints in 2024, with the majority of the victims being women.³ Even based on a survey involving 20,000 respondents in 17 Asian countries, Indonesia ranks highest in sextortion cases with a percentage of 18%.

Although sextortion cases continue to rise, the Indonesian legal system has not yet specifically regulated sextortion as a standalone crime. Its handling still relies on various partial regulations, namely the Criminal Code (KUHP), Law Number 1 of 2024 on Electronic Information and Transactions (ITE Law), Law Number 44 of 2008 on Pornography, and Law Number 12 of 2022 on Sexual Violence Crimes (TPKS Law). The condition of regulatory fragmentation creates legal uncertainty and weakens efforts to protect victims.⁴

¹ Gitacitra Purnama Akbar, Fence M. Wantu, and Dian Ekawaty Ismail, "Peraturan Hukum Terkait Tanggung Jawab Pji Dalam Penyaringan Konten Pornografi Melalui Internet Di Indonesia," *The Juris* 7, no. 2 (December 10, 2023): 434–37, <https://doi.org/10.56301/juris.v7i2.1049>.

² Dian Ekawaty Ismail, "Cyber Crime Di Indonesia" 6, no. 3 (2009): 242–47, <https://ejurnal.ung.ac.id/index.php/JIN/article/view/815>.

³ Combine Resource Institution, "Hari Perempuan Internasional 2025: Menyuarakan Kerentanan Dan Kekerasan Berbasis Gender Online," March 2025, <https://www.combine.or.id/2025/03/08/hari-perempuan-internasional-2025-menyuarakan-kerentanan-dan-kekerasan-berbasis-gender-online/>.

⁴ Juan Augusto Tatimu, "Analisis Yuridis Undang-Undang Tindak Pidana Kekerasan Seksual Berbasis Gender," *LEX ADMINISTRATUM* Vol. 12 No (2024).

The fragmentation of regulations in addressing sextortion reflects a systemic delay in the responsiveness of criminal law to the continuously evolving phenomenon of cybercrime. Although there are several legal instruments that can be applied, ranging from the Criminal Code, the Electronic Information and Transactions Law, the Pornography Law, to the Sexual Violence Crime Law, each of these regulations is designed with different focuses and objectives without considering the unique characteristics of sextortion as a hybrid crime that combines elements of extortion, threats, and sexual exploitation simultaneously.⁵ Previous studies generally analyze sextortion through a partial lens, viewing it as an information and electronic transaction crime or merely conventional sexual violence mediated by technology. This approach overlooks the integral dimensions that differentiate sextortion from offline sexual violence or other generic cybercrimes, making the analysis of criminal liability incomplete and less capable of capturing the factual complexities of the perpetrators, victims, and the mechanisms of this crime.⁶

There is a need to develop a criminal liability framework based on perpetrator-victim typology, thereby strengthening and mapping the multidimensional criminal liability that occurs. This theoretical framework is built on the synthesis of three main pillars: (1) the theory of criminal responsibility from the perspective of gradualization and the elimination of the acceleration of mens rea, (2) the theory of victim protection with an emphasis on the asymmetry of harm and the victimological approach, and (3) the theory of adaptive regulation that emphasizes the cohesion of legal instruments in addressing technological crime.⁷ Unlike conventional approaches that mechanically apply existing articles, the developed framework allows for the identification of gaps in criminal responsibility based on variations in sextortion patterns (sextortion with financial motives, relational sextortion, and transactional sextortion); perpetrator characteristics (individual actors, organized crime, and state-sponsored); and the dynamics of victim-perpetrator relationships (intimate partner violence, stranger-initiated, and extortionist network). Thus, this research not only identifies regulatory inconsistencies but also offers

⁵ Roberta Liggett O'Malley and Karen M. Holt, "Cyber Sextortion: An Exploratory Analysis of Different Perpetrators Engaging in a Similar Crime," *Journal of Interpersonal Violence* 37, no. 1-2 (January 9, 2022): 258-83, <https://doi.org/10.1177/0886260520909186>.

⁶ Aqila Shafiq Aryaputri and Handar Subhandi Bakhtiar, "Women as Victims of Online Gender-Based Violence in a Victimology Perspective" 12, no. 2 (May 2026): 177-96, <https://doi.org/10.33751/palar.v12i2.95>.

⁷ Ian Ayres and John Braithwaite, *Responsive Regulation: Transcending the Deregulation Debate* (New York: Oxford University Press, 1992).

a new methodology for evaluating criminal liability in the context of segmented cybercrime.

Based on the aforementioned description, this research focuses on one problem formulation, namely, how is criminal liability for perpetrators of Online Gender-Based Violence (OGBV) in the form of sextortion according to Indonesian criminal law? This research aims to analyze the applied criminal liability mechanisms, assess the adequacy of existing regulations, and identify obstacles in law enforcement to provide recommendations for more effective and gender-just regulatory updates.

2. Problem Formulation

Despite the increasing incidence of online gender-based sextortion against women, Indonesian criminal law has not yet specifically regulated this offence, resulting in fragmented legal provisions and inconsistencies in law enforcement. This condition raises fundamental legal issues concerning the application of criminal liability and the adequacy of the existing legal framework in addressing sextortion as a form of Online Gender-Based Violence (OGBV). Accordingly, this study addresses the following research questions: (1) How is criminal liability for perpetrators of online gender-based sextortion regulated under Indonesian criminal law? (2) To what extent does the existing Indonesian criminal law framework provide adequate legal certainty and protection for women who are victims of online gender-based sextortion?

3. Research Methodology

This research uses the normative legal research method, which is a study that considers law as a norm or rule applicable in society, focusing on analyzing legislation, legal principles, doctrines, and legal concepts related to the issue being studied. The approaches used are the statute approach and the conceptual approach to understand the relevant legal principles, doctrines, and theories.

Sources of legal materials consist of three types. First, primary legal materials include the Criminal Code (Articles 368 and 369), the ITE Law (Article 27 paragraph (1) and Article 27B), the Pornography Law (Article 4 paragraph (1) and Article 29), and the TPKS Law (Article 4 paragraph (1) letter i and Article 14). Second, secondary legal materials include textbooks, scientific journals, and previous research on sextortion and KBGO. Third, tertiary legal materials include legal dictionaries and legal encyclopedias. The technique for collecting legal materials was conducted through library research, and the analysis was carried out qualitatively and descriptively.

B. DISCUSSION

1. Qualification of Sextortion as a Crime in the Perspective of Indonesian Criminal Law

Sextortion, etymologically, is a combination of two words, namely, "sexual" and "extortion," which means extortion related to sexual aspects. In its development, sextortion cannot be viewed merely as a common extortion crime but rather can be classified as a crime with specific characteristics because it involves elements of electronic-based sexual violence, threats, and coercion against the victim.⁸

In the perspective of criminal law, the series of sextortion actions includes four planned and sequential stages. The first stage is grooming, where the perpetrator builds false trust through manipulative approaches. At this stage, the perpetrator fulfills both *actus reus* and *mens rea* by intending to exploit the victim. The second stage is deception, where the perpetrator uses a false identity (catfishing) or psychological manipulation to obtain the victim's intimate content. The third stage is threat, where the intimate content is used as a tool for psychological pressure against the victim. The fourth stage is extortion, which involves forcing the victim to fulfill the perpetrator's demands for money, additional content, or sexual acts.⁹

The characteristics of sextortion, which combine elements of threat, coercion, and technology-based sexual exploitation, directly affect the honor, privacy, and dignity of the victim. In the perspective of legal feminism, sextortion is a form of domination and exploitation that reflects gender injustice, as the majority of female victims often experience heavier social stigma compared to the perpetrators.

2. The Suitability of Criminal Law Regulations to the Characteristics of Sextortion

Within the framework of Indonesian criminal law, sextortion has not yet been regulated as a separate offense. Its handling still relies on several legal instruments that have different approaches. The Criminal Code (Article 368 on extortion and Article 369 on threats) only covers material threats and has not yet addressed the aspect of sexual content abuse as a tool for digital extortion.¹⁰

⁸ Farah Diba, "Korban Sekstorsi," 2025.

⁹ Fikri Chandra Permana, "Pertanggungjawaban Pidana Pelaku 'Sekstorsi' Dalam Kekerasan Berbasis Gender Online (KBGO)" 5, no. 3 (May 2022): 883–98, <https://doi.org/10.20473/jd.v5i3.35776>.

¹⁰ Jordy Herry Christian, "Sekstorsi: Kekerasan Berbasis Gender Online Dalam Paradigma Hukum Indonesia" 9, no. 1 (April 2023): 83–92, <https://doi.org/10.37893/jbh.v9i1.364>.

The Electronic Information and Transactions Law (Article 27, paragraph (1)) prohibits the dissemination of electronic information that violates moral norms, but this term is multi-interpretive and risks criminalizing victims. Article 27B of the Electronic Information and Transactions Law, which regulates threats through electronic media, is more relevant, but it still does not explicitly recognize sextortion as a gender-based crime.¹¹ The Sexual Violence Crime Law (Article 4 paragraph (1) letter i and Article 14) provides more comprehensive regulations on electronic-based sexual violence, but its implementation in the field is still hindered by the low understanding of law enforcement officers regarding the specific characteristics of sextortion.¹²

Table 1. Comparison of International Regulations on Sextortion

Country	Specific Sextortion Offence	Main Legal Instruments	Regulatory Approach	Maximum Penalty
Indonesia	No specific offence; regulation remains fragmented across several criminal provisions	Indonesian Criminal Code Articles 368–369; Electronic Information and Transactions Law Articles 27 and 27B; Sexual Violence Crimes Law Articles 4 and 14	Multi-offence approach, covering extortion, threats, and sexual exploitation	12 years imprisonment and/or a fine of IDR 100 million
Australia	No specific sextortion offence, but revenge porn is specifically regulated	<i>Crimes Act</i> ; revenge porn provisions; <i>Telecommunications Act</i> ; cyberstalking provisions	Multi-offence approach, covering blackmail, revenge porn, and cyberstalking	Up to 5 years imprisonment per offence
United States	No specific sextortion offence, but enforcement is among the strongest globally	18 U.S.C. § 875 on extortion; communications legislation; federal child exploitation laws	Multi-offence approach; the Department of Justice actively prosecutes numerous cases	Extortion: up to 20 years imprisonment

¹¹ Kementerian Komunikasi dan Digital Republik Indonesia, “Undang-Undang Nomor 1 Tahun 2024 Tentang Perubahan Kedua Atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik,” 2024, https://jdih.komdigi.go.id/produk_hukum/view/id/884/t/undangundang+nomor+1+tahun+2024.

¹² JDIH BPK, “Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual,” 2022, <http://peraturan.bpk.go.id/Details/207944/uu-no-12-tahun-2022>.

Canada	In the process of specific legislation in 2025	<i>Criminal Code</i> Section 346 on extortion; Section 162.1 on intimate images; child protection provisions	Multi-offence approach; strengthening laws on online sextortion	Extortion: life imprisonment; distribution of intimate images: 5 years imprisonment
England and Wales	No specific sextortion offence, but blackmail is specifically regulated	<i>Theft Act 1968</i> Section 21 on blackmail; <i>Sexual Offences Act 2003</i> ; <i>Online Safety Act 2023</i>	Multi-offence approach, covering blackmail and gender-based harassment	Blackmail: up to 14 years imprisonment
Kenya	In the process of regulation through a proposed amendment to the <i>Sexual Offences Act</i>	<i>Sexual Offences Act</i> through proposed amendment; <i>Computer Misuse and Cybercrimes Act</i>	Legal reform toward a gender-based specific offence	Not yet determined; still under consultation
Norway	No specific sextortion offence, but enforcement exists	<i>Sexual Offences Act</i> ; <i>General Criminal Code</i> on extortion and sexual harassment	Multi-offence approach, focusing on sexual violence involving power imbalance	Example from a 2019 case: 5 years imprisonment for sexual abuse
India	In the process of specific legislation in several states	<i>Indian Penal Code</i> ; <i>Information Technology Act</i> ; state-level cyber laws	Varies across states; legal reform is ongoing	Varies and has not been nationally standardized

Source: Processed from a comparative analysis of international criminal law regulations.

The approach to regulating sextortion in various jurisdictions reveals three main models. The multi-offense model, applied in Indonesia, Australia, the UK, and Canada, integrates sextortion into existing offenses, providing flexibility but risking inconsistency and victim criminalization. The integrated sexual offenses approach implemented in Kenya recognizes its dimension as gender-based sexual violence, but faces implementation challenges. The specialized cybercrime model developing in the United States and proposed in Canada in 2025 designates sextortion as a specific online offense, offering clarity and consistency but requiring better forensic capacity. Comparative legal analysis notes that sextortion, as a form of coercion, combines abuse of power and sexual exploitation, often falling between anti-corruption laws and sexual

violence laws. Countries like Indonesia, Australia, the UK, and India use a multi-offense approach, with Indonesia experiencing higher regulatory fragmentation without specific legislation related to content-based extortion. Meanwhile, Australia and the UK are more adaptive with laws regarding revenge pornography and blackmail. The United States and Canada are showing progress in enforcement, with the United States using federal criminal law instruments to address sextortion and Canada designing specific legislation for 2025. Norway frames sextortion in the context of sexual violence, while Kenya and India update regulations to integrate sextortion into the Sexual Offenses Act, emphasizing its close connection to gender-based sexual violence.¹³

Table 2. International Practices in Law Enforcement Regarding Sextortion

Country	Reporting Level	Main Law Enforcement Practices	Main Challenges	Prosecution Success Rate
Indonesia	Very low; approximately 17% of victims report cases	Prosecution relies on multiple legal provisions; enforcement remains case-based, including decisions from the Pasir Pangaraian District Court and Bandung District Court	Fragmented regulation; limited digital forensic capacity; potential criminalization of victims under pornography laws	Low; cases remain sporadic and inconsistent
Australia	Increasing; around 80% of reports in several states	Multi-offence prosecution; active role of the eSafety Commissioner; specific regulation on revenge porn	Inter-jurisdictional coordination; complex digital forensics; psychological barriers faced by victims	Moderate and increasing; average penalties range from 2 to 5 years imprisonment
Canada	Increasing, especially in cases involving children	Active prosecution; 2025 amendments addressing online sextortion; multi-offence approach	Cross-border jurisdiction; high evidentiary standards; availability and reliability of digital evidence	High for extortion cases, estimated at above 80%; expected to improve further after the 2025

¹³ Rebecca Root, "Pressure Builds Worldwide for Legal Protection Against Sextortion," 2023, <https://www.ibanet.org/Pressure-builds-worldwide-for-legal-protection-against-sextortion>.

				legislative reforms
England and Wales	Moderate, approximately 40–60%	Blackmail prosecution; sentencing guidelines issued in April 2025 for blackmail, kidnapping, and false imprisonment	Social stigma faced by victims; complex electronic evidence; cross-border jurisdiction under data protection rules	Moderate; conviction rate for blackmail cases is above 60%
Kenya	Very low; estimated at 10–15% reporting rate	INTERPOL Operation Contender 3.0 in 2025; 260 arrests and more than 1,400 victims identified; focus on advocacy-driven cases ¹⁴	Undefined specific offence; lack of digital infrastructure; gender-based stigma; corruption in law enforcement	Very low; INTERPOL operations require external support
Uganda	Very low	INTERPOL Operation Contender 3.0; limited standalone prosecution capacity	Absence of a specific legal framework; limited technical capacity; lack of specialized units	Very low without international support
United States	Increasing, supported by active Department of Justice awareness campaigns	Department of Justice prosecutes dozens of cases annually; integrated federal approach; strong cybercrime unit capacity	Cross-border jurisdiction; federal–state coordination; victim-related barriers	Highest globally, with conviction rates estimated above 85%
Norway	Moderate; the 2019 case received international media attention	Prosecution based on the sexual offences framework; offender-centric approach focusing on corruption and abuse of power	Psychological barriers faced by victims; complexity of proving power imbalance; international dimension	Moderate; for example, a 2019 sexual abuse case resulted in 5 years imprisonment

Source: Processed from comparative international law enforcement practices on sextortion.

¹⁴ INTERPOL, “260 Suspected Scammers Arrested in Pan-African Cybercrime Operation,” 2025, <https://www.interpol.int/News-and-Events/News/2025/260-suspected-scammers-arrested-in-pan-african-cybercrime-operation>.

International practices show disparities in law enforcement related to sextortion, which is a phenomenon with high prevalence but rarely reported. Factors such as social stigma, imbalanced power relations, and fear of revictimization contribute to this issue, especially in Latin America, the Caribbean, and Africa. The low reporting rates in Indonesia highlight that the issue is not only related to the substance of the law but also to the effectiveness of victim protection mechanisms and access to justice. The INTERPOL Contender 3.0 operation in 2025 demonstrates that international cooperation can enhance enforcement effectiveness by identifying perpetrators and uncovering networks involved in sextortion cyber scams. The main challenges in combating sextortion include the lack of regulations, international coordination, digital forensic capacity, and legal resources.¹⁵

The fragmentation of regulations results in inconsistencies in law enforcement, where law enforcement officers do not have a single reference point that comprehensively defines sextortion as a standalone crime. As a result, the selection of articles used in prosecution heavily depends on the subjective judgment of the investigator regarding which elements are most prominent in a case.

3. The Practice of Law Enforcement Against Sextortion in Indonesia

Two court rulings that can be categorized as handling sextortion cases reflect this in law enforcement practice. This section discusses two court rulings that address handling sextortion cases. First, the Pasir Pangaraian District Court Decision Number 229/Pid.Sus/2021/PN Prp, where the defendant Samsudin et al. Cak Udin was proven to have committed extortion and threats through electronic media by trapping the victim through an obscene video call, recording it, and then threatening to spread the recording if the victim did not hand over a certain amount of money. The judge sentenced the defendant to 1 (one) year and 3 (three) months in prison and a fine of Rp100,000,000.00 based on the ITE Law.¹⁶

In the Bandung District Court Decision Number 856/Pid.B/2019/PN.Bdg, the defendant was charged with extortion under the Criminal Code for using a similar

¹⁵ Bruhan Makong, "260 Suspected Cyber Scammers in 14 African Countries Including Kenya Arrested Over Sextortion," September 2025, <https://www.capitalfm.co.ke/news/2025/09/260-suspected-cyber-scammers-in-14-african-countries-including-kenya-arrested-over-sexortion/>.

¹⁶ "Putusan Pengadilan Negeri Pasir Pangaraian Nomor 229/Pid.Sus/2021/PN Prp," 2021.

method, specifically for blackmailing the victim with a recording of a sexual video call.¹⁷ The difference in the legal basis used in the two rulings, the ITE Law in the first ruling and the Criminal Code in the second ruling, clearly indicates a disparity in sentencing due to the absence of specific regulations on sextortion in Indonesian criminal law.

From the perspective of criminal liability theory, both rulings indicate that the judges have considered the fulfillment of the mens rea element in the form of intent and the actus reus element through digital conversation evidence. However, the sentence imposed can still be questioned from the perspective of proportionality, considering that the psychological and social impact experienced by sextortion victims is long-term and permanent.

4. Obstacles to Law Enforcement in Sextortion Cases

Law enforcement against sextortion in Indonesia faces several multidimensional challenges. From a normative aspect, the absence of a specific sextortion offense leads to regulatory overlaps between the Criminal Code, the Electronic Information and Transactions Law, the Pornography Law, and the Sexual Violence Crime Law, causing law enforcement to face uncertainty in determining the most appropriate legal basis.¹⁸

From a practical aspect, the low reporting rate poses a significant obstacle. Based on data from Thorn and the Crimes Against Children Research Center, only 17% of victims report sextortion cases to law enforcement, while the majority choose to remain silent due to feelings of shame, fear, and concern about social stigma.¹⁹ Additionally, not all law enforcement officers possess the technical skills necessary to conduct digital forensics professionally, resulting in often suboptimal quality of evidence in court.

Another structural constraint is that some existing provisions may actually harm the victims. Certain articles in the Pornography Law can penalize victims as if they created or possessed pornographic content, even if they were forced or targeted.

C. CONCLUSION

Based on the findings, criminal liability for sextortion perpetrators in Indonesia can currently be imposed through the Criminal Code, the Electronic Information and

¹⁷ Aliea Aqshalina Apriliani, "Analisis Putusan Pengadilan Negeri Bandung Nomor 856/Pid.B/2019/PN.Bdg Tentang Pelaku Pemerasan Dan Pengancaman Video Call Sex Dalam Aplikasi WhatsApp Perspektif Hukum Pidana Islam," 2023, <https://digilib.uinsgd.ac.id/81567/>.

¹⁸ Sherly Nur Hidayah and Fariz Farrih Izadi, "Perlindungan Hukum Korban Kejahatan Pemerasan Seksual (Sextortion) Di Media Sosial Ditinjau Dari UU No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual" 5, no. 1 (January 2025): 263–70, <https://doi.org/10.29313/bcsls.v5i1.16012>.

¹⁹ Hidayah and Izadi.

Transactions Law, the Pornography Law, and the Sexual Violence Crime Law, despite the absence of a specific sextortion offence. This fragmented legal framework creates legal uncertainty, inconsistent law enforcement, and inadequate protection for women victims of online gender-based violence. Existing provisions also fail to fully accommodate the distinctive characteristics of sextortion, particularly the misuse of intimate content, psychological coercion, and technology-facilitated abuse. Therefore, legal reform is urgently needed through the formulation of a specific sextortion offence, strengthened gender-responsive regulations, improved digital forensic capacity, and comprehensive victim protection to ensure legal certainty and substantive justice.

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