

PERAN POLISI SIBER DALAM PENEGAKAN HUKUM KEKERASAN BERBASIS GENDER ONLINE MELALUI PENDEKATAN HUKUM BERPERSPEKTIF ADIL GENDER

INTISARI

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Adanya kesenjangan antara perkembangan TI dengan substansi, struktur, dan budaya hukum membuat Kekerasan Berbasis Gender Online (KBGO) meningkat tiap tahunnya. Oleh karena itu, Penulisan Hukum ini bertujuan untuk menganalisis peran polisi siber dalam penegakan hukum KBGO sebagai pintu gerbang kerja simultan aparat penegak hukum sistem peradilan pidana, serta melihat kesiapan dan kendala yang dihadapi oleh aparat penegak hukum dalam menangani kasus KBGO yang ditinjau berdasarkan substansi hukum, struktur hukum, dan budaya hukum yang berjalan saat ini.

Penulisan Hukum ini menggunakan gabungan antara metode penelitian hukum normatif dan penelitian hukum empiris. Data penelitian diperoleh dari penelusuran bahan hukum primer, sekunder, dan tersier dengan melakukan penelitian kepustakaan dan penelitian lapangan melalui wawancara. Hasil penelitian selanjutnya diolah secara deskriptif kualitatif dengan pendekatan hukum berperspektif adil gender (PHBAG).

Hasil penelitian yang didapatkan yakni, pertama, penegakan hukum oleh polisi siber dilakukan melalui 2 (dua) cara yaitu upaya pencegahan dengan membentuk satuan tugas polisi virtual dan upaya penegakan hukum setelah terjadinya kejahatan dibantu oleh bantuan teknis teknologi dalam melakukan analisis digital forensik di laboratorium forensik. Kedua, penanganan KBGO oleh polisi siber mengalami berbagai kendala baik dari aspek substansi hukum, struktur hukum, maupun budaya hukum. Berberapa bentuk KBGO masih belum diatur dalam hukum pidana Indonesia, sarana dan prasarana yang belum memadai, serta kompetensi penyidik dalam menangani kasus KBGO dan penanganan perempuan dan anak yang belum berperspektif gender sehingga korban rentan mengalami viktimisasi. Upaya kepolisian RI dalam menanggulangi KBGO sudah cukup tepat namun masih terdapat beberapa aspek yang perlu dievaluasi guna menciptakan penegakan hukum yang berperspektif adil gender.

Kata Kunci: Polisi Siber, Kekerasan Berbasis Gender Online (KBGO), pendekatan hukum berperspektif adil gender.

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THE ROLE OF THE CYBER POLICE IN ONLINE GENDER-BASED VIOLENCE LAW ENFORCEMENT THROUGH LEGAL APPROACH WITH A GENDER PERSPECTIVE

ABSTRACT

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The discrepancy between the fast-paced IT development with legal substance, structure, and made Online Gender-Based Violence (OGBV) increase every year. Therefore, this legal research aims to analyse the role of cyber police in OGBV's law enforcement as a gateway to the simultaneous work of Integrated Criminal Justice System (ICJS) law enforcer, as well as find out the readiness and obstacles faced by law enforcer in handling OGBV which studied based on legal substance, structure, culture.

This legal research is a combination between normative-juridical research and empiric-juridical research. The data utilized in this research are obtained from primary, secondary, and tertiary legal material searches by conducting library research³ and field research through interviews. The result of the research will then be analysed by using descriptive-qualitative research design with a gender perspective legal approach.

This legal research finds, first, law enforcement by the cyber police is carried out in 2 (two) ways, that is preventive actions by forming a virtual police task force and law enforcement actions after a crime occurred assisted by technical-technological assistance in conducting digital forensic analysis in forensic laboratories. Second, the handling of OGBV by the cyber police had various obstacles from the aspect of legal substance, legal structure, and legal culture. Several types of online gender-based violence are still unknown in Indonesian criminal law, inadequate facilities and infrastructure, and the competence of investigators in handling OGBV cases and handling women and children who do not have a gender perspective, therefore, victims are vulnerable to victimization. The efforts of the Indonesian police in handling OGBV are quite appropriate, but there are still several aspects that need to be evaluated in order to create law enforcement with a gender perspective.

Keywords: Cyber Police, Online Gender-Based Violence (OGBV), Gender Perspective Legal Approach.

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