

**PELINDUNGAN HUKUM TERHADAP PEREMPUAN KORBAN
GENDER-BASED CYBER VIOLENCE BERDASARKAN UNDANG-
UNDANG NOMOR 12 TAHUN 2022 DAN UNDANG-UNDANG NOMOR
11 TAHUN 2008 DALAM PERSPEKTIF CONVENTION ON
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN (CEDAW)**

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INTISARI

Penulisan hukum ini disusun dengan tujuan untuk memahami bagaimana hukum nasional Indonesia, khususnya dalam Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS) dan Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE), memberikan perlindungan hukum terhadap perempuan korban *gender-based cyber violence* berdasarkan perspektif *Convention on Elimination of All Forms of Discrimination Against Women (CEDAW)*. Penulisan hukum ini dalam analisisnya mengidentifikasi bagaimana CEDAW Committee memberikan rekomendasi bagi Negara Pihak dalam mengatasi permasalahan *gender-based cyber violence*, dan bagaimana kompatibilitas UU TPKS dan UU ITE dengan rekomendasi tersebut.

Metode penelitian yang digunakan dalam penulisan hukum ini adalah yuridis-normatif. Penyusunan penulisan hukum ini dilakukan dengan cara *literature review* (studi kepustakaan) untuk mengumpulkan data sekunder berupa bahan hukum primer, bahan hukum sekunder, dan bahan hukum tersier. Metode analisis data yang digunakan dalam penulisan hukum ini adalah analisis kualitatif dengan cara penafsiran berbagai bahan hukum dan data penelitian yang diperoleh dengan tujuan untuk mengkaji bagaimana UU TPKS dan UU ITE dalam melindungi perempuan korban *gender-based cyber violence* dan bagaimana kompatibilitasnya dengan rekomendasi CEDAW Committee.

Penulisan hukum ini memperoleh dua kesimpulan, yaitu: *Pertama*, bahwa UU TPKS dan UU ITE telah memuat beberapa ketentuan yang memberikan perlindungan hukum terhadap perempuan korban *gender-based cyber violence*, namun ketentuan perlindungan hukum tersebut masih memiliki berbagai kekurangan baik di level regulasi kebijakan maupun implementasi kebijakan. *Kedua*, CEDAW Committee telah memberikan rekomendasi yang memuat mengenai perlindungan perempuan korban kekerasan berbasis *gender*, termasuk *gender-based cyber violence*, melalui CEDAW GR. 33 dan CEDAW GR. 35, dimana kedua rekomendasi tersebut menunjukkan bahwa kekurangan UU ITE dan UU TPKS dalam melindungi perempuan korban *gender-based cyber violence* menunjukkan bahwa terdapat ketidaksesuaian antara UU ITE dan UU TPKS dengan rekomendasi CEDAW Committee.

Kata kunci: *Convention on Elimination of All Forms of Discrimination Against Women, gender-based cyber violence, Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik, Hak Asasi Manusia Internasional*

**THE LEGAL PROTECTION FOR WOMEN VICTIMS OF GENDER-BASED
CYBER VIOLENCE UNDER LAW NUMBER 12 OF 2022 LAW NUMBER 11
OF 2008 IN THE PERSPECTIVE OF THE CONVENTION ON THE
ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST
WOMEN (CEDAW)**

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ABSTRACT

This legal writing is prepared with the aim of understanding how Indonesia's national law, particularly Law Number 12 of 2022 on Sexual Violence (UU TPKS) and Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE), provides legal protection for women victims of gender-based cyber violence from the perspective of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). The writing identifies how the CEDAW Committee provides recommendations to State Parties in addressing issues of gender-based cyber violence, and the compatibility of UU TPKS and UU ITE with these recommendations.

The research method used in this legal writing is juridical-normative. The writing process involves literature review to gather secondary data including primary legal materials, secondary legal materials, and tertiary legal materials. The data analysis method employed in this legal writing is qualitative analysis by interpreting various legal materials and research data to examine how UU TPKS and UU ITE protect women victims of gender-based cyber violence and their compatibility with the recommendations of the CEDAW Committee.

This legal writing draws two conclusions: First, that UU TPKS and UU ITE have incorporated provisions that provide legal protection for women victims of gender-based cyber violence, but these protective provisions still have various shortcomings in terms of regulatory policy and policy implementation. Second, the CEDAW Committee has issued recommendations concerning the protection of women victims of gender-based violence, including gender-based cyber violence, through CEDAW General Recommendations No. 33 and No. 35. Both recommendations indicate that the shortcomings of UU ITE and UU TPKS in protecting women victims of gender-based cyber violence demonstrate a lack of alignment between UU ITE and UU TPKS and the recommendations of the CEDAW Committee.

Keywords: *Convention on the Elimination of All Forms of Discrimination Against Women, gender-based cyber violence, Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 11 of 2008 on Electronic Information and Transactions, International Human Rights*