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## GENDER-BASED CYBER VIOLENCE IN CIREBON REGENCY: A CRITICAL GENDER AND LEGAL ANALYSIS

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### ABSTRACT

The rapid expansion of digital technology and social media has facilitated the emergence of Gender-Based Cyber Violence (GBCV). In Cirebon Regency, reported cases increased sharply from three in 2023 to eight in 2024, reflecting a 166 percent rise and highlighting the growing risks faced by women in digital environments. This study aims to comprehensively examine GBCV in Cirebon Regency by integrating gender analysis, feminist legal theory, positive law, and Islamic law to evaluate existing legal protections and formulate a more responsive and victim-centered protection framework. This research employs a qualitative descriptive approach using primary data from victims of GBCV, local government officials, NGO, and experts in Islamic and positive law, complemented by secondary data derived from relevant legal regulations. Data were collected through interviews, document analysis, FGD, and questionnaires to support a comprehensive qualitative analysis. The results show that from 2020 to 2025 the dominant forms of GBCV in Cirebon Regency were sexting (6 cases), cyber grooming (5 cases), and impersonation (5 cases). Contributing factors include low digital literacy, patriarchal norms, victim blaming, and the absence of a dedicated cybercrime unit within the Cirebon Police Resort. The legal analysis reveals that the implementation of the Electronic Information and Transactions Law, the Sexual Violence Crime Law, and regional regulations remains insufficiently gender responsive, while the principles of maqasid shariah affirm that GBCV violates the protection of human dignity, honor, and life. This study contributes a gender informed and Islamic values-based integrative framework to enhance policies for protecting women in digital environments.

**Keywords:** Gender-Based Cyber Violence; Legal Feminism; Islamic law; *Maqashid Syariah*; Cyber Law Enforcement

## A. INTRODUCTION

The rapid development of digital technology and the expanding access to social media have given rise to Gender-Based Cyber Violence (GBCV) as a new, complex, and multidimensional form of violence.<sup>1</sup> GBCV includes the use of sexually explicit language, threats of rape and murder, gender-based offensive remarks, sexual innuendo, and derogatory mockery conveyed through text or images, which may target not only victims but also their families.<sup>2</sup> The United Nations defines GBCV as acts of violence driven by the victim's gender and capable of causing physical, sexual, or psychological harm, including sexual threats and exploitation.<sup>3</sup> In practice, GBCV manifests through sexual harassment on social media platforms, online threats and intimidation, the non-consensual dissemination of personal or intimate content, and various forms of digital exploitation. These acts generate consequences that extend beyond psychological harm, producing broader social, economic, and educational impacts on victims.<sup>4</sup>

In Cirebon Regency, cases of GBCV have increased in line with the growing public access to digital technology. Data from the Office of Population Control, Family Planning, Women's Empowerment, and Child Protection (DPPKBP3A) indicate a rise in reported incidents, from three cases in 2023 to eight cases in 2024 an increase of approximately 166 percent. Similar information obtained from the Women Crisis Center (WCC) Mawar Balqis shows that violence against women increased by 4 percent in 2024, including three cases of GBCV. However, according to Sa'adah, Director of WCC Mawar Balqis, these figures may not reflect the actual situation. Many women experience cyber harassment through social media and other digital platforms, yet numerous cases remain unreported due to social stigma, limited awareness of victims' rights, and persistent barriers in effective law enforcement. This situation

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<sup>1</sup> Kory Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence," *Anales de Psicología* 41, no. 3 (2025): 290-302, <https://doi.org/10.6018/analesps.664431>; Antik bintari, "Kekerasan Seksual Berbasis Elektronik: Permasalahan Dan Respons Terhadap Kasus," *Jurnal Perempuan* 29, no. 1 (2024): 17-29, <https://doi.org/10.34309/jp.v29i1.960>.

<sup>2</sup> Alex Fenton et al., "Women's Football Subculture of Misogyny: The Escalation to Online Gender-Based Violence," *European Sport Management Quarterly* 24, no. 6 (2024): 1215-37, <https://doi.org/10.1080/16184742.2023.2270566>.

<sup>3</sup> Gede Benny Setia Wirawan et al., "Anxiety and Prior Victimization Predict Online Gender-Based Violence Perpetration among Indonesian Young Adults during COVID-19 Pandemic: Cross-Sectional Study," *Egyptian Journal of Forensic Sciences* 12, no. 1 (2022), <https://doi.org/10.1186/s41935-022-00292-4>.

<sup>4</sup> Michele Battisti, Ilpo Kauppinen, and Britta Rude, "Breaking the Silence: The Effects of Online Social Movements on Gender-Based Violence," *European Journal of Political Economy* 85, no. August (2024): 102598, <https://doi.org/10.1016/j.ejpoleco.2024.102598>; Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence."

underscores weaknesses in the legal protection system and in local level efforts to prevent GBCV.<sup>5</sup>

Previous studies have examined Gender-Based Cyber Violence (GBCV) from sociological perspectives<sup>6</sup>, technological dimensions<sup>7</sup>, and psychological approaches<sup>8</sup>. Other studies have also discussed aspects of positive law, particularly in relation to the ITE Law and the Sexual Violence Crimes Law.<sup>9</sup> However, there remains a significant gap in the literature, as few studies have provided an integrated analysis of legal protection for GBCV victims that incorporates gender analysis, legal feminism, Islamic law, and positive law, particularly within localized socio-cultural settings such as Cirebon Regency.

At the same time, existing academic studies on Gender-Based Cyber Violence (GBCV) remain largely concentrated on national contexts or major urban areas. For instance, Wirawan (2022)<sup>10</sup> examines anxiety and prior victimization as predictors of GBCV perpetration in Indonesia during the COVID-19 period, while Niehaus (2025)<sup>11</sup>

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<sup>5</sup> Mediacionline.id, "Kekerasan Terhadap Perempuan Di Cirebon Tahun 2024 Meningkat," mediacionline.id, December 12, 2024, <https://mediacionline.id/kekerasan-terhadap-perempuan-di-cirebon-tahun-2024-meningkat/>.

<sup>6</sup> Andi Mascunra Amir, "Tanggapan Mahasiswa Terhadap Pemahaman Mengenai Kekerasan Seksual Di Media Sosial ( Studi Kuantitatif Pada Mahasiswa Program Studi Sosiologi Universitas Tadulako )," *Jurnal Dharma Agung*, no. November 2023 (2024): 112-18; Marinda Agesthia Monica, Muhammad Rizki Amrullah, and Sulaiman, "Kajian Sosiologi Hukum Upaya Pencegahan Dan Penggulangan Kekerasan Seksual Terhadap Perempuan," *Sosio Yustisia: Jurnal Hukum Dan Perubahan Sosial* 2, no. 1 (2022): 59-80, <https://doi.org/10.15642/sosyus.v2i1.151>; Okamaisya Sugiyanto, "Perempuan Dan Revenge Porn: Konstruksi Sosial Terhadap Perempuan Indonesia Dari Prespektif Viktimologi," *Jurnal Wanita Dan Keluarga* 2, no. 1 (2021): 22-31, <https://doi.org/10.22146/jwk.2240>.

<sup>7</sup> Ni Nyoman Muryatini, "Perlindungan Terhadap Perempuan Korban Kekerasan Berbasis Gender Online Dalam Era Digital Pendahuluan," *Jurnal Interpretasi Hukum* 5, no. 2 (2024): 969-76; Laksmi Rachmaria and Andy Susanto, "Potensi Kekerasan Gender Berbasis Online Pada Penyalahgunaan Teknologi Kecerdasan Buatan Bagi Perempuan Di Media," *Jurnal Netnografi Komunikasi* 2, no. 2 (2024): 51-63, <https://doi.org/10.59408/jnk.v2i2.25>.

<sup>8</sup> Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence"; Berru Amalianita et al., "Lentera Negeri Psikoedukasi Cyber Sexual Harassment Sebagai Pencegahan Tindak Kejahatan Seksual Pada Remaja Di Era Digital" 5, no. 1 (2024): 52-59; Wiwin Charolina Putri Basel, Fransisca Iriani Roesmala Dewi, and Riana Sahrani, "Psiko-Edukasi Pencegahan Kekekerasan Siber Remaja Perempuan Dalam Bermedia Sosial" 3, no. 1 (2025): 21-27; Lisa Sunaryo Putri and Inda Marlina, "Studi Kesadaran Dan Implikasi Psikologi Dalam Kekerasan Berbasis Gender Siber" 2, no. 4 (2025): 188-99.

<sup>9</sup> Gisela Rumuli Violin and Yvonne Kezia D. Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis," *Indonesian Journal of Socio-Legal Studies* 1, no. 2 (2022), <https://doi.org/10.54828/ijsls.2021v1n2.6>; Azza Fitrahul Faizah and Muhammad Rifqi Hariri, "Pelindungan Hukum Terhadap Korban Revenge Porn Sebagai Bentuk Kekerasan Berbasis Gender Online Ditinjau Dari Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Jurnal Hukum Lex Generalis* 3, no. 7 (2022): 520-41, <https://doi.org/10.56370/jhlg.v3i7.281>.

<sup>10</sup> Wirawan et al., "Anxiety and Prior Victimization Predict Online Gender-Based Violence Perpetration among Indonesian Young Adults during COVID-19 Pandemic: Cross-Sectional Study."

<sup>11</sup> Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence."

focuses on the psychosocial characteristics of GBCV perpetrators and victims. Other studies predominantly rely on normative legal analyses of the Law on Electronic Information and Transactions, the Pornography Law, and the Law on Sexual Violence Crimes. However, such approaches have not sufficiently explored the local social, cultural, and religious dynamics that strongly shape the lived realities of communities in Kabupaten Cirebon. A significant research gap lies in the limited examination of gender-based power relations in GBCV cases, the absence of an integrative framework combining positive law and Islamic law both of which possess strong social legitimacy in Cirebon and the minimal application of structural gender analysis and feminist legal theory to uncover the underlying inequalities that heighten women's vulnerability in digital spaces. These gaps underscore the urgent need for a more contextualized and comprehensive scholarly inquiry into GBCV at the local level.

This study offers significant scholarly novelty through a multidimensional approach that has rarely been applied in similar studies in Indonesia. By focusing on Kabupaten Cirebon as a semi-urban region with strong social and religious characteristics, this research departs from predominantly national-level analyses. It employs a dual approach that integrates Islamic law and positive law to examine the legal protection of victims of GBCV, while the Gender Analysis Framework (GAF) and feminist legal theory are utilized to reveal structural inequalities that heighten women's vulnerability to digital violence. Moreover, this study proposes a model of legal protection policies grounded in local and religious values, alongside gender-sensitive digital literacy strategies tailored to the Cirebon context. Through the integration of Islamic principles of justice (*Maqashid Syariah*) and human rights norms, this research makes a novel theoretical contribution to the development of a more equitable, contextual, and humanistic framework for gender and cyber law.

This research aims to comprehensively examine GBCV in Cirebon Regency by integrating gender analysis, feminist legal theory, positive law, and Islamic law to evaluate existing legal protections and formulate a more responsive and victim-centered protection framework. Academically, this research is urgent due to the significant rise in cases of Gender-Based Cyber Violence, which necessitates evidence-based policy reform and improvements in the quality of law enforcement that are more gender-responsive, integrated, and victim-oriented. This urgency underscores the need for legal frameworks that are not merely normative in nature, but also effective and equitable in practice, particularly in ensuring meaningful protection and recovery for victims.

## B. RESEARCH METHODS

This study employs a qualitative method with a normative descriptive approach aimed at collecting data related to social symptoms and phenomena associated with Gender-Based Cyber Violence (GBCV) in Cirebon Regency.<sup>12</sup> A qualitative normative approach combined with a field-based approach was chosen because the study of Gender-Based Cyber Violence requires an in-depth analysis of legal norms (both positive law and Islamic law) alongside an empirical understanding of social realities, victim experiences, and law enforcement practices at the local level. Only through the integration of these approaches can a comprehensive, contextual, and gender-sensitive perspective be achieved.

This research utilizes two types of data sources: primary and secondary data. Primary data were obtained from informants directly related to incidents of GBCV, including community members who have experienced GBCV, local government officials, non-governmental organizations, and experts in Islamic and positive law. These sources are complemented by secondary data from academic literature, positive law regulations and Islamic legal texts, scholarly articles, and relevant local government policies, providing a comprehensive basis for both empirical and normative analysis.

The research location refers to the site where the fieldwork was conducted<sup>13</sup>. This study was carried out in Cirebon Regency, which consists of 40 districts, from which five districts Arjawinangun, Susukan, Klangenan, Kapetakan, and Suranenggala. Were selected as the sample based on preliminary interviews indicating the presence of GBCV cases in these areas. The research was scheduled for six months, from July 2025 to November 2025. The subjects of this study consist of victims of Gender-Based Cyber Violence (GBCV) in Cirebon Regency as the primary informants, while local government officials, non-governmental organizations, law enforcement officers, and experts in Islamic and positive law serve as secondary informants.

Data collection employed four main techniques. First, in depth interviews were conducted with GBCV victims, local government representatives, the Mawar Balqis Women Crisis Center, law enforcement officials, and experts in Islamic and positive law to obtain a comprehensive understanding of victims' experiences, relevant legal perspectives, and possible solutions. Second, document analysis was conducted on regulations, judicial decisions, and literature related to GBCV to establish a solid normative and empirical foundation. Third, a Focus Group Discussion (FGD)

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<sup>12</sup> Endah Marendah Ratnatingtyas et al., *Metodologi Penelitian Kualitatif*, Rake Saras, 2023.

<sup>13</sup> Marinu Waruwu, "Pendekatan Penelitian Pendidikan: Metode Penelitian Kualitatif, Metode Penelitian Kuantitatif Dan Metode Penelitian Kombinasi (Mixed Method)," *Jurnal Pendidikan Tambusai* 7, no. 1 (2023): 2896–2910, <https://doi.org/10.36706/jpti.v9i2.18333>.

involving local government officials, academics, gender activists, religious leaders, community leaders, and GBCV victims was organized to gather collective insights regarding the dynamics and implications of the phenomenon. These techniques ensured strong data triangulation and yielded valid and reliable findings.

This study employed inductive analysis, meaning conclusions were drawn from patterns identified within the empirical data.<sup>14</sup> Primary data obtained through interviews were compiled, processed, and reduced to identify relationships among variables influencing the occurrence of GBCV. The stages of this research begin with formulating the problem related to GBCV in the Cirebon community, followed by collecting and analyzing empirical and normative data using a descriptive qualitative approach to identify patterns and determining factors. The findings are then synthesized into a conceptual framework, and their implications are critically discussed to formulate conclusions, policy recommendations, and a comprehensive research report.

## C. RESULTS AND DISCUSSION

### 1. The Influence of Socio-Demographic Conditions on the Emergence of Gender-Based Cyber Violence (GBCV) in Cirebon Regency

The phenomenon of Gender-Based Cyber Violence (GBCV) in Cirebon Regency cannot be separated from the geographic, demographic, socioeconomic, and digital infrastructure conditions that shape the contours of public interaction. The region spans 107,029 hectares and consists of 40 districts and 412 villages/urban wards, creating heterogeneous patterns of vulnerability.<sup>15</sup> Highly populated districts such as Sumber, Palimanan, Plumpon, and Weru each with densities ranging from 4,000 to 8,000 people per km<sup>2</sup> constitute spaces that are physically crowded and digitally intensive, thereby heightening the likelihood of risky online interactions. These include the circulation of non-consensual intimate images, online harassment, and gender based fraud. High population density correlates strongly with increased gadget use and digital connectivity, which previous studies show are positively associated with the prevalence of GBCV.<sup>16</sup>

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<sup>14</sup> Andry Al-Alif Nasution, Dtm Mhd Imam Al-Haq, and Nazwa Al-fira Hasibuan, "Logika Dalam Metodologi Ilmiah" 5, no. 2 (2025): 2242-49, <https://doi.org/10.37680/almikraj.v5i2.6776>.

<sup>15</sup> Badan Pusat Statistik Kabupaten Cirebon, "Kabupaten Cirebon Dalam Angka 2025," February 28, 2025, <https://cirebonkab.bps.go.id/id/publication/2025/02/28/176ad4df12d0fb2eb3d3a8b1/kabupaten-cirebon-dalam-angka-2025.html>.

<sup>16</sup> Wahyu Agung Budi Alamsyah et al., "Penggunaan Smartphone Dengan Frekuensi Akses Pornografi Dan Dampaknya Terhadap Perilaku Seks Bebas Pada Remaja," *Journal of Telenursing (JOTING)* 5, no. 1 (2023): 996-1003; Nurwati Rettob and Murtiningsih, "Hubungan Penggunaan Media Sosial Whatsapp Berkonten Pornografi Dengan Perilaku Seksual Berisiko Pada Remaja Di SMKN X Jakarta Timur," *Jurnal Akademika Baiturrahim Jambi (JABJ)* 10, no. 1 (2021): 145-55, <https://doi.org/10.36565/jab.v10i1.293>.

Beyond territorial characteristics, the demographic structure of Cirebon Regency also exacerbates the risk of GBCV. With a total population of 2,387,961 and an annual growth rate of 1.42%<sup>17</sup>, the region has seen a steady rise in young digital users, particularly adolescent and young adult women groups most vulnerable to digital exploitation, including grooming, sextortion, and impersonation. The concentration of large populations in local activity centers (PKLs) such as Arjawinangun, Susukan, Klangenan, Suranenggala, and Kapetakan creates complex digital ecosystems involving online commerce, ride hailing services, local digital communities, and highly active social media networks. These ecosystems provide vast digital avenues for perpetrators, who often exploit social proximity and the anonymity afforded by digital platforms.

The Human Development Index (HDI)<sup>18</sup>, categorized as medium with a score of 72.30 in 2024, reflects persistent gaps in literacy particularly digital literacy and cybersecurity awareness. The average length of schooling (7.65 years) demonstrates that a considerable portion of the population lacks sufficient digital competence to identify cyber threats such as phishing, social engineering, or gender based emotional manipulation. Vulnerability is heightened in rural and peripheral districts, where limited digital literacy intersects with patriarchal cultural norms, restricting women's understanding of digital rights and discouraging them from reporting violations.

From an economic perspective, the significant increase in Gross Regional Domestic Product (GRDP) to 5.83% in 2024 led by the Information and Communication sector with a 20.23% growth rate indicates rapid but uneven digitalization.<sup>19</sup> This sector has accelerated internet penetration, expanded online applications, and transformed women's economic activities toward digital based work such as online trading, content creation, and platform based services. However, this shift is not always accompanied by improved digital security awareness, leaving women disproportionately vulnerable to relational fraud, account breaches, and the misuse of digital identities to coerce or damage reputation.

Poverty which remains at 11%<sup>20</sup>, further contributes to GBCV vulnerability. Economic pressure often drives women into digital spaces without sufficient safeguards, particularly in informal online work. Perpetrators frequently exploit victims' economic precarity through threats, blackmail, and digital coercion. Digital poverty manifested in limited device access, insecure internet connections, and

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<sup>17</sup> Badan Pusat Statistik Kabupaten Cirebon, "Kabupaten Cirebon Dalam Angka 2025."

<sup>18</sup> Badan Pusat Statistik Kabupaten Cirebon.

<sup>19</sup> Badan Pusat Statistik Kabupaten Cirebon.

<sup>20</sup> Badan Pusat Statistik Kabupaten Cirebon.

inadequate literacy makes it even harder for women in coastal and inland villages to protect themselves against gender based online crimes.

Furthermore, the labor structure shows that 58.78% of the population works in the service sector<sup>21</sup>, where activities rely heavily on digitally mediated social interactions. The service sector is particularly prone to gender based online harassment, including sexualized comments, customer exploitation, digital stalking, and reputational attacks. With 84,993 unemployed individuals<sup>22</sup>, job competition pushes many women into high risk digital environments, where unequal power and economic relations increase exposure to GBCV.

Collectively, these demographic and socioeconomic indicators demonstrate that GBCV in Cirebon Regency is a multidimensional phenomenon shaped by (1) rising digital penetration, (2) limited educational and digital literacy levels, (3) economic pressures and gender inequality, (4) dense and youthful populations, and (5) weak local protection mechanisms. These complexities hamper the practical enforcement of the ITE Law, the Criminal Code, and regional policies due to difficulties in digital evidence collection, low reporting rates, and limited victim support services particularly for rural women.<sup>23</sup> Thus, the contextual analysis confirms that GBCV is not merely a cybercrime but a modern manifestation of gender inequality amplified by the rapid evolution of digital infrastructure in Cirebon Regency.

## 2. Forms of Gender-Based Cyber Violence (GBCV) Experienced in Cirebon Regency

Gender-Based Cyber Violence (GBCV) refers to gender driven harmful acts carried out through digital means such as social media, instant messaging, online forums, or content sharing platforms that result in physical, psychological, social, or economic harm to women, girls, or marginalized gender groups.<sup>24</sup> These forms include gender based cyberbullying, cyber grooming, cyber hacking, cyber harassment, cyber recruitment, impersonation, revenge porn or Non-Consensual Intimate Images (NCII), sexting, and sextortion.<sup>25</sup>

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<sup>21</sup> Badan Pusat Statistik Kabupaten Cirebon.

<sup>22</sup> Badan Pusat Statistik Kabupaten Cirebon.

<sup>23</sup> Violin and Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis."

<sup>24</sup> Sitti Munawwarah, "Kekerasan Berbasis Di Era Digital : Tantangan Baru Bagi Perempuan Sitti," *Jurnal Tana Mana* 6, no. 1 (2025), <https://ojs.staialfurqan.ac.id/jtm/article/view/984/647>.

<sup>25</sup> P. Triano, E. Morales-Marente, and M.S. Palacios-Gálvez, "Tolerance of Online Harassment in Romantic Relationships: Analyzing Its Relationship With Gender-Based Violence | Tolerancia Hacia El Ciberacoso En El Noviazgo: Analizando Su Relación Con La Violencia De Género," *Health and Addictions / Salud y Drogas* 21, no. 2 (2021): 71–92; María José Rubio Hurtado, Ruth Vilà Baños, and Trinidad Donoso Vazquez, "Evaluation of a Training Program Aimed At Young Lawbreakers to Prevent Gender-Based Cyber Violence," *Revista de Cercetare Si Interventie Sociala* 88 (2025): 7–22, <https://doi.org/10.33788/rcis.88.1>; Núria

Field observations, social media monitoring, and online news reports indicate that GBCV cases in Cirebon Regency have shown an upward trend between 2020 and 2025. In 2020, only two cases were recorded; the number increased to six in 2021, declined to four in both 2022 and 2023, but rose again to six in 2024 and reached eight in 2025. This pattern suggests that gender based digital violence is becoming more frequent alongside increased internet and social media use. Rising public awareness and improved monitoring by women's and children's protection agencies may also contribute to higher reporting rates.

In terms of case types, sexting is the most prevalent form with six recorded cases, followed by cyber grooming and impersonation with approximately five cases each. Other forms include revenge porn or NCII, cyber harassment, cyber hacking, and sextortion. Cyber recruitment and gender based cyberbullying appear less frequent. These findings indicate that the most dominant forms of GBCV in Cirebon involve digital sexual exploitation, where perpetrators manipulate victims' trust or vulnerabilities to obtain images, videos, or personal gains.

### **3. Factors Influencing Gender-Based Cyber Violence (GBCV) in Cirebon Regency**

Several social, cultural, economic, technological, and psychological factors shape the prevalence of GBCV in Cirebon Regency:

- a. A strong patriarchal culture and persistent victim blaming reinforce gendered power imbalances, making it easier for perpetrators to engage in online violence.<sup>26</sup>
- b. Low awareness and limited education about GBCV hinder the identification of harmful behaviors and reduce reporting.<sup>27</sup>
- c. Economic vulnerability intensifies exposure to digital exploitation, especially among women facing financial pressure.<sup>28</sup>
- d. The expanding influence of technology and social media creates vast digital spaces where GBCV can occur without geographic constraints.<sup>29</sup>

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Vergés Bosch and Adriana Gil-Juarez, "A Situated Approach to Online Gender-Based Violence and Ways to Counter Them," *Revista Estudios Feministas* 29, no. 3 (2021): 1-15, <https://doi.org/10.1590/1806-9584-2021V29N374588>.

<sup>26</sup> Battisti, Kauppinen, and Rude, "Breaking the Silence: The Effects of Online Social Movements on Gender-Based Violence"; Violin and Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis."

<sup>27</sup> Andrea Gracia-Zomeño et al., "Preventing Harassment and Gender-Based Violence in Online Videogames Through Education," *Social Sciences* 14, no. 5 (2025): 1-18, <https://doi.org/10.3390/socsci14050297>.

<sup>28</sup> A'im Matun Nadhiroh et al., "Multi-Dimensional Impact of Cyber Gender-Based Violence: Examining Physical, Mental, Social, Cultural, and Economic Consequences," *Gaceta Medica de Caracas* 131, no. Supl 4 (2023): S591-98, <https://doi.org/10.47307/GMC.2023.131.s4.14>.

<sup>29</sup> Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence."

- e. Psychological factors such as shame and fear of stigma cause many victims to avoid reporting due to concerns about social repercussions.<sup>30</sup>
- f. Weak law enforcement mechanisms and limited victim protection services perpetuate recurring cases.<sup>31</sup>
- g. The absence of a Cyber Crime Unit at the Police Resort (Polres) level in Cirebon City makes it difficult to investigate and identify perpetrators, as cybercrime units currently exist only at the provincial police level.

#### 4. Gender Analysis and the Legal Feminism Approach

Gender analysis is essential for understanding the dynamics of Gender-Based Cyber Violence (GBCV) in Cirebon Regency, as digital violence is not neutral but rooted in unequal power relations between men and women.<sup>32</sup> This analytical framework helps identify the specific experiences and vulnerabilities of women particularly young women as they navigate digital spaces and legal systems. Data from WCC Mawar Balqis show that most victims are between 18 and 25 years old, a group particularly susceptible to threats of content dissemination, online harassment, and sexual extortion. These findings underscore that GBCV reflects persistent patriarchal structures that reinforce gender stereotypes, marginalization, social pressure, and stigma, all of which intensify revictimization.<sup>33</sup>

The legal feminism approach further evaluates how Indonesia's positive law and Islamic law respond to GBCV. Legal feminism posits that law is never neutral; instead, it often reproduces patriarchal norms.<sup>34</sup> This pattern is evident in the implementation of the ITE Law and the Pornography Law, where victims are sometimes blamed for the dissemination of their own content.<sup>35</sup> While the Sexual Violence Crime Law (UU TPKS) marks significant progress, its implementation at the local level such as in Cirebon faces challenges due to limited law enforcement capacity and low public awareness.

In Islamic legal discourse, cyber violence contradicts the principles of *maqashid al-shariah*, particularly the protection of dignity (*hifz al-ird*) and life (*hifz al-*

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<sup>30</sup> Niehaus et al.

<sup>31</sup> Violin and Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis."

<sup>32</sup> Desintha Dwi Asriani, "Perempuan Muda Di Internet: Pengalaman Menghadapi Dan Melawan Kekerasan Berbasis Gender Online," *Jurnal Analisa Sosiologi* 13, no. 1 (2024): 153-71, <https://doi.org/10.20961/jas.v13i1.77432>.

<sup>33</sup> Violin and Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis."

<sup>34</sup> Yanika Helena Sitanggang, Esra Labora Suriyani Br Nainggolan, and Abdul Rahman Maulana Siregar, "Teori Hukum Feminisme Dan Perlindungan Hukum Bagi Perempuan Di Indonesia" 05, no. 04 (2024): 10-18.

<sup>35</sup> Violin and Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis."

*nafs*). Yet conservative interpretations often place the burden of moral responsibility on women, necessitating feminist Islamic legal approaches that emphasize equitable and contextual interpretations of syariah.

Integrating gender analysis with legal feminism demonstrates the need to shift from normative to transformative approaches in addressing GBCV. Legal reform should prioritize gender sensitive investigation procedures, privacy protection, psychological support, and the effective implementation of Regional Regulation No. 4/2023 on Women's Empowerment and Protection.<sup>36</sup> Additionally, progressive Islamic legal values must be revitalized to promote justice and uphold human dignity in the digital era. Strengthening digital literacy both in formal education and religious institutions is vital, given Cirebon's strong religious traditions. Engaging ulama, academics, and community leaders is crucial for promoting gender responsive legal and moral interpretations. Thus, this integrated approach provides a comprehensive analytical framework and supports the development of gender just GBCV protection policies.

## 5. Implementation and Effectiveness of Indonesia's Positive Law in Providing Legal Protection and Justice for GBCV Victims in Cirebon Regency

Technological advancements have created new interaction spaces while simultaneously generating forms of digital violence with serious impacts, including Gender-Based Cyber Violence (GBCV).<sup>37</sup> Although Indonesia provides a legal basis through the ITE Law, implementation challenges persist.<sup>38</sup> This research examines two decisions from the Sumber District Court Decision No. 274/Pid.Sus/2024/PN Sbr and Decision No. 31/Pid.Sus/2021/PN Sbr – to assess the effectiveness of positive law in addressing GBCV in Cirebon Regency.

Decision No. 274/Pid.Sus/2024/PN Sbr involved HP, who was found guilty of violating Article 29 in conjunction with Article 45B of the ITE Law for sending threatening messages via WhatsApp, causing fear and psychological distress to the victim. Although the court correctly applied the legal provisions and imposed imprisonment and fines, the case revealed limitations such as the absence of psychological assessment evidence and the lack of digital forensic capacity at the local police level.

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<sup>36</sup> Ardan et al., "Reformasi Hukum Indonesia Melalui Lensa Feminist Legal Theory: Menyusun Keadilan Gender," *Jurnal Yustitia* 11, no. 1 (2025): 54–69.

<sup>37</sup> Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence"; Ardan et al., "Reformasi Hukum Indonesia Melalui Lensa Feminist Legal Theory: Menyusun Keadilan Gender."

<sup>38</sup> Violin and Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis."

Decision No. 31/Pid.Sus/2021/PN Sbr concerned a more complex form of GBCV involving fake accounts and the manipulation of the victim's identity through the MiChat application. The defendant fabricated electronic data and disseminated sexualized content, damaging the victim's dignity and causing social and economic harm. The court found the defendant guilty of violating Articles 35 and 51(1) as well as Article 27(3) and 45(3) of the ITE Law. Although the legal reasoning was substantively correct, the decision still lacked gender sensitive considerations, particularly in relation to victim recovery.

Structurally, both cases show that courts can effectively utilize electronic evidence. However, they also highlight the absence of psychological support, victim impact statements, and comprehensive recovery mechanisms. This indicates that law enforcement remains formalistic and insufficiently responsive to the vulnerabilities of GBCV victims.<sup>39</sup>

At the local governance level, Cirebon Regency has established regulatory frameworks, including Regional Regulation No. 4/2023 on Women's Empowerment and Protection, Regulation No. 4/2025 on Child Friendly District Implementation, Regulation No. 8/2025 on Gender Mainstreaming, and Regent Decree No. 100.3.3.2/Kep.617-DPPKBP3A/2024 regarding digital era parenting models. While these frameworks demonstrate normative commitment, their effectiveness is hindered by fragmented authority, limited resources, inadequate digital literacy, and insufficient cyber forensic capacity. Moreover, the absence of specific operational guidelines for GBCV at the local level leaves implementation dependent on sectoral initiatives.

Thus, despite the existence of adequate legal frameworks, protection for GBCV victims remains suboptimal. Strengthening implementation including capacity building for law enforcement, victim recovery services, secure reporting systems, operational technical guidelines, and coordinated multisectoral responses is essential. Without such measures, legal instruments risk becoming symbolic. Comprehensive protection will only materialize when positive law, institutional arrangements, and legal culture operate cohesively to address the evolving dynamics of digital violence.

## **6. Islamic Legal Perspectives on Gender-Based Cyber Violence (GBCV) Against Victims in Cirebon Regency**

The rise of Gender-Based Cyber Violence (GBCV) in Cirebon Regency represents a modern form of digital abuse that threatens victims' dignity, honor, and psychological security, particularly women. Field research alongside reports

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<sup>39</sup> Niehaus et al., "Characteristics and Correlates of Cyber-Control in Spanish Cases of Gender-Based Violence."

from WCC Mawar Balqis and DPPKBP3A show increasing cases of digital threats, revenge porn, non-consensual content dissemination, online sexual harassment, doxing, sextortion, impersonation, and cyber recruitment. In a religiously oriented society, responses to GBCV require not only positive law but also Islamic legal perspectives to create comprehensive and value based protection for victims.

Islamic law emphasizes the protection of honor (*ird*), life (*nafs*), and intellect (*aql*) as components of *al-daruriyyat al-khamsah*.<sup>40</sup> Hence, all forms of cyber violence fall under prohibited acts in syariah. Violations of dignity such as disseminating private content or digital defamation – are categorized as breaches of *hifz al-ird*, in accordance with QS. An-Nur [24]:19, and may be analogized to *jarimah qadhf*, *ghibah*, or *ta'zir* depending on the severity of harm. Similarly, digital threats and intimidation that induce psychological trauma constitute violations of *hifz al-nafs*, as reflected in the Prophet's prohibition against harming others, including through digital means. Moreover, sexualized content, online exploitation, and emotional manipulation are viewed as damaging to intellect (*aql*) and public morality, aligning with the warning in QS. Al-Isra' [17]:32. Thus, perpetrators of GBCV are not only violating the law but also undermining moral and social order.

In terms of victim protection, Islamic law prioritizes justice and restoration (*islāh*), requiring that measures against GBCV include psychological recovery, privacy protection, and the removal of harmful content. This principle aligns with the Qur'anic mandate to uphold justice (QS. An-Nisa' [4]:135) and can be operationalized through institutions such as the Religious Court, MUI, and DPPKBP3A under the principles of *ḥisbah*. The state, as *ulil amri*, is mandated to establish policies and sanctions through *ta'zīr* to ensure public welfare, consistent with al-Ghazali's assertion that preserving religion and managing societal affairs constitute central duties of governance.<sup>41</sup>

According to Al-Syathibi, the *maqashid syariah* (objectives of Islamic law) can be understood from two perspectives: that of the legislator (*shar'i*) and that of the obliged individual (*mukallaf*). From the *shar'i* perspective, the *maqashid syariah* encompass four aspects: (1) ensuring human welfare in both this world and the hereafter as the primary goal; (2) emphasizing that the *shari'ah* must be comprehended; (3) establishing the *shari'ah* as a binding legal framework to be implemented; and (4) ensuring that humans remain under the guidance and protection of the *shari'ah*. Meanwhile, Ibn 'Ashur asserts that preserving human

<sup>40</sup> R Arif Muljohadi, "Analisis Yuridis Kejahatan Online Berbasis Gender Dalam Perspektif Hukum Positif Dan Hukum Pidana Islam," *The Jure: Journal of Islamic Law* 1, no. 2 (2024): 47–63.

<sup>41</sup> Nurma Isfira Maharani, Ahmad Muzakki, and Saiful Islam, "Kriteria Pemimpin Perspektif Imam Al-Ghazali Dalam Kitab *Ihya' Ulumuddin*," *Jurnal Keislaman* 7, no. 1 (2024): 149–69.

nature (fitrah) is central to the *maqashid syariah*, meaning that Islamic law will never contradict human reason in its normal, sound state.<sup>42</sup>

From the *maqaṣid al-shariah* perspective, GBCV violates all six dimensions of protection: religion (*din*), life (*nafs*), intellect (*aql*), lineage (*nasl*), property (*mal*), and honor (*ird*).<sup>43</sup> Digital violence undermines morality, threatens safety, exploits victims sexually, facilitates economic extortion, and tarnishes reputation thereby obligating the state to enforce legal protections vigorously. The application of the ITE Law, in this context, represents a form of *siyasah shar'iyyah* aimed at preventing digital injustice. Thus, integrating Islamic law and positive law is crucial for building a protective, just, and contextually grounded system for GBCV victims in Cirebon Regency.

## D. CONCLUSION

The phenomenon of Gender-Based Cyber Violence (GBCV) in Cirebon Regency demonstrates a significant increase that aligns with national trends, particularly in cases of sexting, cyber grooming, impersonation, and the non-consensual dissemination of intimate content. This escalation is strongly influenced by patriarchal power relations, victim blaming, low levels of digital literacy, economic and psychological vulnerabilities, as well as weak law enforcement and the absence of a specialized cybercrime unit in the region. Gender analysis and legal feminism further underscore that unequal social structures and offender oriented legal frameworks have resulted in predominantly female victims receiving inadequate protection and limited access to meaningful recovery. Although the positive legal framework such as the Electronic Information and Transactions Law, the Pornography Law, the Sexual Violence Crimes Law, and several regional regulations is already in place, its implementation remains limited due to insufficient institutional capacity, inadequate training for victim handling, and ineffective interagency coordination. From the perspective of Islamic law, GBCV constitutes a *jarimah ta'zir* that violates the principles of *maqashid al-shariah*, particularly the protection of dignity, life, lineage, and property. Therefore, Islamic law can complement positive law by offering an ethical foundation that reinforces the importance of justice, the safeguarding of human dignity, and comprehensive victim recovery in the digital sphere.

This study, however, has limitations, including its focus on only five sub-districts, the conceptual rather than practical synthesis of Islamic and positive law, and

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<sup>42</sup> Paryadi, "Maqashid Syariah: Definisi Dan Pendapat Para Ulama," *Cross-Border* 4, no. 2 (2021): 201–16.

<sup>43</sup> Muljohadi, "Analisis Yuridis Kejahanan Online Berbasis Gender Dalam Perspektif Hukum Positif Dan Hukum Pidana Islam."

the short research duration, which limits the depth of analysis and monitoring of social changes. Therefore, the findings should serve as a foundation for further interdisciplinary, contextual, and longitudinal research. The research also recommends an integrative approach between positive law and Islamic law from a gender perspective, emphasizing institutional reform through officer training and cross-agency collaboration, as well as a social paradigm shift grounded in digital ethics, gender equality, and local wisdom. These efforts can inform the formulation of policies, strategies for addressing GBCV, enhancement of digital literacy, establishment of secure reporting mechanisms, and provision of gender-sensitive legal assistance.

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