

THE REALITY OF MULTIPLE VICTIMS IN CASEREVENGE PORN

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ABSTRACT

This paper describes the suffering experienced by a woman as a double victim of revenge porn. Indeed, revenge porn is a crime in the Pornography Law which has criminal sanctions in accordance with Article 4 paragraph (1) jo. Article 29, with the threat of imprisonment for a minimum of 6 months and a maximum of 12 years and a fine of between 250 million and/or 1 billion. By using an exploratory qualitative approach to the main subject, Bunga (21 years old) is not her real name, as a student at one of the universities in Pekanbaru, this study also uses the Feminism and Victim theory approach as the analytical knife. From the research findings, it can be concluded that the victim experiences multiple and varied sufferings from the revenge porn she experienced. Personally, the victim experienced sexual violence and extortion. In other cases, the legal process as a victim's right which can actually be taken to ensnare the perpetrator is not supported by the family with the aim that the perpetrator and victim can be united in the marriage bond. Meanwhile, socially, the victim gets a negative image and stigma in the form of reproach (cheap and immoral women) from the circle of friends and the environment where the victim lives, regardless of the perpetrator as the main actor in the revenge porn case.

Keywords: *Revenge Porn, Sexual Exploitation, Victims, Feminism.*

INTRODUCTION

In the era of technological globalization, which is marked by the birth of the current 4.0 industrial concept, it has given its own sophistication and color regarding social interaction relationships, both among individuals, groups and the opposite sex in establishing communication with each other through internet network devices. In that context, in many countries including Indonesia, the interaction process through general social media uses applications such as Instagram, Line, Facebook, Whats App, Twitter, etc. The application facilities are at least used by

almost all Smartphone users to find new friends to the point of choosing a partner or girlfriend, especially for young people.

The use of the internet is without restrictions so that anyone can access it, in certain cases it becomes a problem in itself against the vulnerability of everyone involved as a perpetrator, especially as a victim when they are not wise and responsible for using it. One of the most common forms of internet abuse is pornography. Pornography is prohibited because it violates the rules of decency in society. Everyone can be a victim of pornography, the victims of pornography can be children, women, or men.

Pornography through cyberspace is nothing new in Indonesia. Since the advent of the internet, vulgar content has become public consumption so that it cannot be released anymore even though the internet usage policy has been regulated in the Information and Electronic Transactions Law (UU ITE) and the Pornography Law. Through this law, Indonesia prohibits all forms of pornography.

Prohibited acts as regulated in Article 4 paragraph (1) of the Pornography Law, everyone is prohibited from producing, creating, reproducing, duplicating, distributing, broadcasting, importing, exporting, offering, trading, renting, or providing pornography that explicitly contains:

- a. intercourse, including deviant intercourse;
- b. sexual violence;
- c. masturbating or masturbating;
- d. nudity or an impressive display of nudity;
- e. genitals; or
- f. child porn

Furthermore, in Article 4 paragraph (1) jo. Article 29 of the Pornography Law provides a threat of imprisonment for a minimum of 6 months and a maximum of 12 years and/or a minimum fine of Rp. 250 million and a maximum of Rp. 6 billion. Among the many cases of pornography, there is also a pornographic phenomenon that is complicated at this time, namely pornography from a close relationship between men and women among young people in dating relationships, such as Revenge porn. Revenge porn itself is mostly done by ex-boyfriends who try to bring down the image of women through the distribution of pornographic photos and videos. Through videos or photos that are actually secret documents for them to other people, the perpetrators can misuse them to force women to do something for the interests of the perpetrators.

In general, the motivation of the perpetrators to use private documents (porn content) regarding the victim, is as a form of revenge for the feelings experienced because they feel jealous, disappointed, jealous and so on. Revenge porn as a new phenomenon in the case of pornography, generally occurs in a close relationship between men and women. In that context, women are the most vulnerable parties to experience the risk of multiple victims.

To quote Rebeca, revenge porn is revenge porn or in everyday language as sextortion, involving the distribution of sexually explicit images or videos, without the consent of the individual concerned (Paulina: 2019). Meanwhile, sextortion is a form of online gender-based

violence that is carried out by extorting the victim by using pornographic photos or videos belonging to the victim that were obtained either by hacking, or given directly by the victim on the basis of trust in a relationship (Christian: 2020). Sextortion and Non-Consensual Pornography (revenge porn) do have similarities, the absolute difference between the two is that in the crime of sextortion there is an element of extortion by the perpetrator.

Based on Law no. 21 of 2007 Eradication of Trafficking in Persons, sexual exploitation is stated as an act with or without the consent of the victim including but not limited to prostitution, forced labor or services, slavery or practices similar to slavery, oppression, extortion, physical, sexual use, reproductive organs, or against the law of transferring or transplanting organs and/or body tissues or utilizing one's energy or ability by another party to obtain material or immaterial benefits.

In general, victims are defined as those who experience suffering or pain both physically and mentally as a result of the actions of other people, groups, or institutions seeking to fulfill their needs that are contrary to the interests and rights of those who experience such suffering or pain (Masdiana: 2005). Nowadays, the study of victims of crime has experienced developments that do not only stop at studies of conventional victims who only look at the elements of loss from the physical, mental and material side. The development of victimology studies on victims has reached

out and been included in studies concerning human rights called New Victimology. New Victimology is a concept of assessing victims due to abuse of power and human rights (Elias: 1986).

According to Mardjono Reksodiputro, the development of the study of victims is a new horizon after the development of critical criminology which sees victims as a result of the prevailing structures in society (Sahetapy: 1987). So that victimization is no longer only focused on victims of conventional crimes, but non-violent crimes in the form of abuse of power or the work of unfair legal institutions and institutions (Sahetapy: 1987).

Feminism is an ideology that empowers women. Women can also become subjects in all fields by using their experiences as women and using women's perspectives that are separated from the mainstream of patriarchal culture which always moves from the point of view of men. Represented by the perception of the unequal position of women compared to men that occurs in society. As a result of this perception, various efforts have arisen to examine this inequality and find ways to align women and men according to their potential as human beings. Feminists recognize that the feminist movement is a movement rooted in the consciousness of women. Women are often in a state of being oppressed and exploited so that the oppression and exploitation of women must end.

Feminism theory focuses on the importance of awareness about equal rights between women and men in all fields. This theory developed as a reaction to the facts that occur in society, namely the existence of class conflicts, races, and especially gender conflicts. Feminists themselves are very diverse and the struggle that is being carried out is a long process that arises from various pains and bitterness, as well as bitterness over the ongoing inequality that occurs in society, both in the public sphere, domestic sphere, and in the private sphere (Ratna: 2007).

Burgess-Proctor (2006) views patriarchy (male domination), as the root cause of the oppression of women, so that women experience discrimination because of social relations and

social interactions formed by male power (in Mustafa: 2003). The position of Feminism Theory in this paper is as the main theory that explains why revenge porn cases often target women. In addition, this theory will also describe and explain why women are always the ones who are easily oppressed by men and are often considered as weak creatures, so that various cases of violence both physically and psychologically often afflict women, especially in Indonesia.

RESEARCH METHODS

This research is a case study with a qualitative approach. Through a qualitative approach, it is expected to be able to explore the true meaning (vershen) of the direct subject being studied. Meanwhile, the type of qualitative approach used is descriptive-explanative. Descriptive research aims to accurately describe the characteristics of individuals, the circumstances of certain groups, or determine the frequency of certain relationships between a phenomenon and other phenomena in society. While explanatory research is intended to find and develop theories so that the results or research products can explain why a certain symptom or social reality can occur (Koentjaraningrat, et al: 1997).

The main subject in this study was initialed as Bunga (21 years old), a student at one of the universities in Pekanbaru. The name of the subject and the campus where the subject studied was deliberately hidden in order to uphold ethical values in a research. The interview data which was conducted in depth were then categorized based on the need for analysis according to the theoretical approach used.

DISCUSSION

Relationship in courtship between victim and perpetrator

As a student at one of the universities in Pekanbaru, Bunga (21) never expected that her courtship with her own classmate (the perpetrator) would lead to a very deep suffering for her. The love, which was originally the basis of trust in the perpetrator, made the relationship between the two very close, even without boundaries to the point of touching on socially sensitive issues. The level of trust that is so deep in the couple, convinces Bunga (21) to be willing to document through their cellphones the moments of making out for the sake of the two of them.

As an educated generation, Bunga (21) realized from the start that what she had done with her boyfriend (the perpetrator) in a courtship relationship, was an act of social deviation. Social deviance itself is a violation of norms that have become important standards, as to what can and should not be thought, said, or done in certain situations (Blake & Davis: 1996).

The practice of violence to the impact of the spread of pornographic content (revenge porn)

Having fallen down the stairs, maybe that is the right language for Bunga (21) after breaking up with the perpetrator as an ex-boyfriend. The courtship relationship between Bunga (21) and her ex-boyfriend lasted for 1 year since they started as students in 2018. The problem of the principalego of each of them makes their dating relationship have to be cut off, even though according to

Bunga (21) the breakup was not wanted by her ex-boyfriend. It is in this context that what Bunga (21) had previously thought about revenge porn happened to her.

Revenge porn experienced by Bunga (21) for the first time stems from the jealousy of her ex-boyfriend (perpetrator), knowing that Bunga (21) is close to another man who is still her college colleague from another major. Since then, the perpetrators have often intervened with Bunga (21) in a loud and threatening tone by posting pictures and video documents that they had when they were together. In several cases, these threats succeeded in forcing Bunga (21) to comply with the wishes of the perpetrators. Among them serve to have sex according to the place and time the perpetrator wants. Not only that, Bunga (21) also experienced other forms of extortion, such as being forced to fill in the cost of the perpetrator's cellphone data package and other requested costs.

The domination of the perpetrator against Bunga (21) concerns coercion of sexual relations and extortion from the perspective of Feminism, citing Burgess-Proctor (2006), that the root of the problem of oppression against women is social relations and social interactions formed by male power so that women are easily exposed to the risk of discrimination. (in Mustafa, 2003: 256).

Being under pressure and being exploited both sexually and materially, finally made Bunga (21) feel uncomfortable and constrained until she finally decided to refuse to fulfill further requests from the perpetrator. The fact that the request for service from the perpetrator had been refused for 2 months has finally culminated in a bitter story in the next life of Bunga (21), when personal pictures and videos concerning her circulated among her classmates on campus.

Precisely at the end of 2019 when Bunga (21) was in semester 3, talk and excitement about pornographic content concerning her in her campus circle of friends and the environment she lived in surfaced which made her bullied. A negative image and stigma, considered as a cheap woman, immoral and so on, emerges and spreads from her social environment, which seems to be anti-pathetic to the actions that have been carried out together with her ex-boyfriend. As a result, Bunga (21) was even more devastated and experienced severe depression until she finally decided to no longer continue her studies at her campus.

The negative stigma associated with being labeled as a cheap woman, immoral and ostracized by some of her friends on campus and in the neighborhood where she lives is felt by Bunga (21) as a painful scourge, as if this case was her sole sin. In fact, according to Bunga (21) she is nothing more than the party who was harmed by the man she originally trusted and loved with all her heart. In this situation Bunga (21) feels that the environment does not want to care about what happened to her that Bunga (21) is harmed, humiliated, tortured and so on by the perpetrator. According to Bunga (21), the perpetrator almost did not feel what he felt, did not get any reaction from his social environment which seemed as if the perpetrator was completely innocent. In fact, according to Bunga (21) this case would not have arisen if there had been no malicious and malicious intent from the perpetrator against him.

During a visit (pen-) at his residence, Bunga (21) explained that he was unable to interact socially in the environment where he lived so he often spent his days confining himself in his room because of the feeling of shame that was quite heavy. According to this fact, in the research of Calhoun, et al (1981), explaining, victims who experience rape or sexual violence, will find it difficult

to adjust to their life activities, such as at school or campus, in the community, and in their own family environment.

Viewed from the perspective of feminism in criminology, patriarchal manifestations of crimes against women, such as domestic violence, rape, sexual harassment, and pornography, and recognizing that violations by women will be followed by victimization, by men (Mustafa: 2003). This means that once a woman commits a violation, she positions herself to continuously accept victimization (suffering) from both the perpetrator and the social environment as a consequence of patriarchal values. In this case, women as subjects and objects are very bad compared to men when they make mistakes even though the value of their actions is the same. The violation of norms that was carried out jointly between Bunga (21) and the perpetrators, in the context of patriarchy, socially gave the weight of guilt to Bunga (21) regardless of and open to the perpetrators who should be held accountable and blamed. So as Burgess-Proctor (2006) views patriarchy (male domination) is the root of the problem of oppression against women, where women experience discrimination because of social relations and social interactions formed by male power as if it becomes necessary (in Mustafa: 2003).

The reaction of the victim's family in responding to the revege porn case

Not only Bunga (21) feelings of shame were also experienced by parents and family). Ibu Bunga (21) explained that she and her extended family bear a heavy burden as a result of this case. In the explanation of Bunga's mother (21), the chaotic feelings in the minds of herself and her family seemed to be indescribable. On the one hand, do not accept the circulation of issues in the community about their children, but it is a fact that cannot be denied. Meanwhile, in other respects, he and his family are also concerned about the condition of Bunga (21) who was in severe shock due to the case that happened to her. For the family, the future life of Bunga (21) is more important to consider. Even though the family realizes that Bunga (21) has a bad name, the family can't have much hope for her future life partner, except for the perpetrator of Bunga's ex-boyfriend (21), because the issue about Bunga (21) has already been circulating.

From the explanation of Mrs. Bunga (21), the family does not want this problem to be brought to the realm of law, considering that it will make the issue of Bunga (21) more widespread which in turn can increase the frustration of Bunga (21) and her family. Until the end of this research, the option that will be carried out by Bunga (21) and her family is trying to unite the perpetrator and Bunga (21) in a marriage bond.

From the efforts taken by the family to respond to the case that happened to Bunga (21), it can be seen that the legal process against the perpetrator as the party to blame seems to be protected. The reason for the good name of Bunga (21) and her family is the main problem compared to ensnaring the perpetrators in the legal arena. From the process of approaching the family, in her statement Bunga (21) personally felt compelled to follow the family's wishes. The reason that the perpetrator is a man who has hurt and destroyed his life again must be accepted without being prosecuted as a criminal by the family.

CONCLUSION

The results of this study can be concluded that revenge porn or pornography as revenge for the perpetrators is really a crime against women. What happened to Bunga (21) in the revenge porn case has made her a double victim.

Personally, the victim received sexual violence (coercion) treatment from the perpetrator as well as material extortion. In other cases, the lecture process that the victim is currently undergoing is forced to stop in the middle of the road due to the act of humiliation (revenge porn) by the perpetrator. Furthermore, the victim is forced to accept the perpetrator to be married to him as an option from the family on the grounds that the good name of the victim has been polluted in the social environment. In this case the legal process as a victim's right which can actually be taken to ensnare the perpetrator is not supported by the family.

Socially, in addition to the personal losses suffered by the victim, a negative image and stigma in the form of reproach (cheap and immoral women) from the friend's environment and the environment where the victim lives, regardless of the perpetrator as the main actor in the revenge porn case.

Revenge porn is a crime against women, so wisdom and social justice are needed in viewing it. Labeling or stigmatizing women who incidentally are victims without caring about demanding the perpetrators as the main actors of revenge porn (publishing and spreading pornographic content concerning women) is a form of social injustice.

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