

Cyber Harassment and Exploitation of Women on Social Media: Perspective of Positive Law and Islamic Law

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ABSTRACT: This study investigates the regulation and application of Indonesia's positive law alongside Islamic legal perspectives on cyber harassment and women's exploitation on social media. In the fast-changing digital landscape, gender-based violence online, including sexual harassment and unauthorized sharing of personal data, has become a pressing issue requiring increased legal focus. Indonesia has implemented various regulations such as the Electronic Information and Transaction Law (UU ITE), the Pornography Law, and the Sexual Violence Crime Law (TPKS Law) to tackle these challenges. Nevertheless, the study indicates that law enforcement still faces significant hurdles, specifically in terms of effective implementation and sufficient victim protection. From the view of Islamic law, both cyber harassment and the exploitation of women are breaches of personal dignity and honor, which must be protected. Islamic tenets, especially those associated with *maqāṣid al-sharī'ah* (objectives of sharia), highlight the crucial need to preserve life, honour, and property, thus categorizing cyber harassment as a punishable act. Although classical Islamic jurisprudence does not specifically address cyber harassment, its principles can be applied to protect women from violence and digital misuse.

In conclusion, this study reveals parallels between Indonesian positive law and Islamic law in their approaches to protecting women, despite their distinct methodologies. Indonesia's positive law provides a more organized legal framework for handling cyberspace cases, while Islamic law stresses broader ethical and moral values. Therefore, combining these two legal systems is vital to strengthen the safeguarding of women on social media and in the digital realm whole

KEYWORDS: Cyber harassment, exploitation of women, positive law of Indonesia, Islamic law, protection of women, social media

I. INTRODUCTION

The rapid development of information technology, especially social media, has had a significant impact on various aspects of life, including in social relationships and interactions between individuals. On the one hand, social media has become a platform that provides space for expression and freedom, but on the other hand, it has also given rise to various forms of abuse, such as *cyber harassment* and exploitation of women. Social media allows users to connect with others without geographical restrictions, as well as being an important tool in information dissemination and advocacy. According to a report by **the Pew Research Center**¹, More than 70% of adults in the United States use social media as their primary source of news and information, demonstrating the importance of social media in supporting freedom of expression and access to information. However, even though social media provides freedom of expression, it is also a medium used to commit *cyber harassment*. *Cyber harassment* is a form of digital violence that includes verbal harassment, threats, or the unauthorized dissemination of personal information, which is very detrimental to victims, especially women. *Cyber harassment* is increasing as social media platforms develop. **Cyberbullying Research Center**² It found that about 30% of adolescent girls experience cyber harassment, including online insults and harassment. Women, especially those who are active on social media, are more vulnerable to this type of digital violence³.

Sexual exploitation or the use of women for economic, political, or social benefits is also increasingly prevalent on social media. These forms of exploitation include the unauthorized dissemination of private images or videos, extortion (such as "*revenge*

¹ 'Social Media Use 2018: Demographics and Statistics | Pew Research Center' <<https://www.pewresearch.org/internet/2018/03/01/social-media-use-in-2018/>> [accessed 13 December 2024].

² ("Cyberbullying Research Center - How to Identify, Prevent, and Respond," 2019)

³ 'Correction to Bullying in the Digital Age: A Critical Review and Meta-Analysis of Cyberbullying Research Among Youth [Psychological Bulletin (2014)] DOI: 10.1037/A0035618', *Psychological Bulletin*, 140.4 (2014), p. 1137, doi:10.1037/A0036634.

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porn"), as well as sexual objectification exposed in the public space of social media. According to **The Cyber Civil Rights Initiative**⁴, about 1 in 25 female social media users in the US report that they have been victims of *revenge porn* or extortion of intimate images. In fact, in some countries, this phenomenon is becoming more widespread, with many women falling victim to ignorance about how to protect their privacy online. Research shows that women, especially young ones, are more often targeted for harassment and exploitation on social media, due to gender inequality and social norms that dominate the platform. A report from **UN Women** (2015) shows that 73% of women worldwide experience gender-based violence in cyberspace, including *cyber bullying*, sexual harassment, and exploitation of personal images. The report highlights how women are often the main targets of violence on social media, and often this violence is carried out anonymously or without obvious consequences⁵. In Indonesia, the phenomenon of *cyber harassment* and *exploitation of women* on social media is increasing, especially among young women. Women are often subjected to verbal harassment, threats, sexual exploitation, and the dissemination of inappropriate personal images/videos. This is closely related to social norms that tend to normalize the objectification of women's bodies, both in the real world and cyberspace. Based on a report from the **National Commission on Anti-Violence Against Women (Komnas Perempuan)**, the number of online gender-based violence in Indonesia continues to increase. In 2020, Komnas Perempuan reported that it received more than 1,200 complaints related to gender-based violence in cyberspace, most of the victims being young women, who experienced sexual harassment, *cyberbullying*, and digital exploitation^{6 7}.

Gender inequality in Indonesian society is often carried over into the digital space. Patriarchal and objectifying social norms against women that occur in the real world are often exacerbated on social media. Social media tends to provide an anonymous space that makes it easier for people to harass and exploit without obvious consequences. In a survey conducted by **Perludem (Association for Elections and Democracy)** in 2021, it was found that around 60% of women in Indonesia experienced online sexual harassment, including sexist comments, verbal intimidation, and threats of violence. Most of the victims are young women, especially those active on platforms such as Instagram, Twitter, and Facebook. This reflects how deep gender inequality in society is reflected in behavior in cyberspace.⁸ Based on this background, the formulation of the problem that will be discussed in this study is as follows:

1. How is the regulation and application of Indonesia's positive laws in handling cases of cyber harassment and exploitation of women on social media?
2. What is the view of Islamic law related to cyber harassment and exploitation of women in the context of social media?
3. What are the differences and similarities between Indonesian positive law and Islamic law in protecting women from cyber harassment and exploitation on social media?

II. SIGNIFICANT AND METHODS

In analyzing the problems raised, this study uses two theoretical approaches. First, the **theory of human rights protection** emphasizes the importance of protecting individual rights, especially women's rights, in the context of information technology. This theory is used to understand how Indonesia's positive legal regulations, such as the ITE (Information and Electronic Transactions) Law, function in protecting victims⁹ *cyber harassment* and exploitation.¹⁰

⁴ ("Home - Cyber Civil Rights Initiative," 2018).

⁵ 'Facts and Figures: Ending Violence against Women | UN Women – Headquarters' <<https://www.unwomen.org/en/articles/facts-and-figures/facts-and-figures-ending-violence-against-women>> [accessed 13 December 2024].

⁶ 'Komnas Perempuan' <<https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2020-kekerasan-terhadap-perempuan-meningkat-kebijakan-penghapusan-kekerasan-seksual-menciptakan-ruang-aman-bagi-perempuan-dan-anak-perempuan-catatan-kekerasan-terhadap-perempuan-tahun-2019>> [accessed 13 December 2024].

⁷ Lyn. Parker, Laura. Dales, and Chie. Ikeya, 'Problematic Conjugations: Women's Agency, Marriage and Domestic Violence in Indonesia', 2017, pp. 42–60, doi:10.4324/9781315695334-4.

⁸ ("Kekerasan Berbasis Gender Di Dunia Maya Targetkan Kaum Hawa - UII," 2020).

⁹ 'Gender-Based Violence in Cyberspace Targets Women - UII'.

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Second, the **theory of maqāsid al-sharī'ah** (sharia goals) in Islamic law focuses on achieving welfare and protecting basic human rights, including the protection of women from acts of violence and exploitation. This theory will be used to explore how Islamic law provides protection for women in the digital world and provide guidance on the application of Sharia principles in the context of gender-based violence that occurs in cyberspace¹¹. This study aims to provide a comprehensive overview of the phenomenon of cyber harassment and exploitation of women on social media, both from the perspective of positive Indonesian law and Islamic law. By combining human rights protection theories and *maqasid-sharia* theory, it is hoped that this research can offer solutions and recommendations that can be implemented in a more effective and fair legal framework, to protect women in cyberspace. This study uses a qualitative approach with a type of descriptive research that aims to describe the phenomenon of *cyber harassment* and exploitation of women on social media and analyse it in the context of positive Indonesian law and Islamic law. The research seeks to understand the social, legal, and cultural contexts that surround the phenomenon.

In this study, data will be collected through several techniques relevant to the research objectives. Some of the techniques used are as follows, Literature and Documentation Studies. A literature study will be conducted to collect and analyse various references related to *cyber harassment*, and exploitation of women, as well as relevant legal regulations both from the perspective of positive Indonesian law and Islamic law. This literature includes books, scientific articles, laws and regulations, as well as previous studies related to this topic (Creswell, 2014). By using literature studies, authors can build a strong theoretical foundation and gain insight into the various policies and approaches that have been implemented related to women's protection on social media. Documentation techniques are used to collect data from relevant written or archival sources, such as legal regulations (ITE Law, Islamic law related to the protection of women), court decisions, reports of human rights institutions, and mass media that discuss cases of *cyber harassment* and exploitation of women. This documentation is important to provide concrete evidence and analysis related to policies implemented by the relevant state or institution.

The data collected through literature and documentation studies were analysed using qualitative data analysis with a thematic approach and content analysis. The data analysis process will be carried out with the following steps: Data Transcription; Coding; Thematic Analysis; Content Analysis; and Comparison of Legal Systems. Furthermore, this study makes a comparison between Indonesia's positive law and Islamic law, especially in terms of the protection of women and cyber harassment countermeasures. This comparison aims to find out how effective each legal system is in dealing with problems faced by women in cyberspace.

III. DISCUSSION

A. Views of Islamic Law Related to Cyber Harassment and Exploitation of Women in the Context of Social Media

In the context of Islamic law, cyber harassment, and exploitation of women on social media is seen as a form of serious violation of human dignity and human rights, especially women's rights. Islam emphasizes the importance of protecting individual honor, maintaining privacy, and preventing all forms of violence and abuse, both physical and digital.

1. Islamic Law on the Protection of Women

In Islam, women are seen as creatures that must be respected, protected, and appreciated, both in daily life and in cyberspace. The protection of women is one of the core teachings of Islam, and any form of exploitation that degrades women's dignity is considered a **violation of women's human rights**. In the context of Islamic law, maintaining the honor and dignity of a person,

¹¹ ("Maqasid Al-Shari'ah: The Objectives of Islamic Law | Karamah," 2010)

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especially women, is very important. **Surah An-Nisa' (4:19)** teaches that each individual respects the rights of spouses and families, and maintains their honor. Harassment or exploitation of women, both in the real world and in cyberspace, is contrary to this principle, the Prophet PBUH said:

خَيْرُكُمْ خَيْرُكُمْ لِأَهْلِهِ وَأَنَا خَيْرُكُمْ لِأَهْلِي

"You are the best to his family, and I am the best among you to my family." (IN HR. Tirmidzi, no. 3895; Ibnu Majah, no. 1977).

This Hadith ¹² It comes from the teachings of the Prophet PBUH to his companions about the importance of good morals in daily life, especially in the family sphere. The Prophet PBUH gave his own example of how he was full of love, tenderness, and justice towards his wives, children, and family members. This hadith emphasizes that a Muslim's virtue is measured by his kindness to his family. Good behaviour towards the family is the main benchmark of a person's morals before he does good to the wider community. Kindness to the family includes staying away from all forms of violence, both physical, verbal, and emotional. The Prophet PBUH never behaved rudely to his family, even in difficult conditions.

Islam expressly prohibits all forms of violence, including **verbal harassment** and **emotional persecution** that often occur in *cyber harassment*. In the **Hadith of the Prophet PBUH** he said:

الْمُسْلِمُ مَنْ سَلِمَ الْمُسْلِمُونَ مِنْ لِسَانِهِ وَيَدِهِ

"A Muslim is a person who keeps his mouth and hands from hurting others" (HR. Bukhari, no. 10; Muslim, no. 41).

This hadith was narrated by Abdullah bin Amr bin Ash RA and is listed in the book *Saheeh Bukhari* and *Saheeh Muslim*. In *Saheeh Bukhari*, this hadith is mentioned in *the Book of Al-Iman*, Chapter "Who are the Real Muslims?" This hadith is part of the Prophet PBUH's explanation of the nature of a true Muslim. The Prophet PBUH described a Muslim not only by his identity of faith or ritual worship, but also by his attitude towards others. Avoid hate speech, insults, or words that can hurt the feelings of others. Do not use physical violence or commit acts that harm others. In a social context, this includes prohibitions against *bullying*, harassment, and any form of oppression. This hadith emphasizes the importance of creating a peaceful social environment, where each individual feels safe from the bad words and actions of others. This also applies in the context of cyberspace, where harassment and insults against women are considered forms of verbal violence that are prohibited in Islam.

The position of women in Islam is also emphasized in the Hadith of the Prophet PBUH which is narrated by Bukhari, no. 5186; Muslim, no. 1468:

إِنِّي أَوْصِيكُمْ بِالنِّسَاءِ خَيْرًا، فَإِنَّهُنَّ خُلِقْنَ مِنْ ضَلْعٍ، وَإِنَّ أَعْوَجَ شَيْءٍ فِي الضِّلَعِ أَعْلَاهُ، فَإِنْ ذَهَبَتْ تُقِيمُهُ كَسَرْتَهُ، وَإِنْ تَرَكْتَهُ لَمْ يَزَلْ أَعْوَجَ، فَاسْتَوْصُوا بِالنِّسَاءِ خَيْرًا

"Indeed, I bequeath to you to do good to women, for they are created from ribs. The most bent rib is the top. If you try to straighten it out, it will break. If you let it, then it will remain crooked. Therefore, do good to women."

This hadith was narrated by Abu Hurairah RA and is contained in *Saheeh Bukhari* (Kitab An-Nikah, Chapter of the Testament to Women) and *Saheeh Muslim* (Kitab Ar-Ridha', Chapter of the Testament of the Prophet PBUH to Do Good to Women). This hadith is a form of advice from the Prophet PBUH in guiding his people to treat women well. This hadith was conveyed by the Prophet PBUH in order to remind his people to treat women well. At that time, women were often oppressed and disrespected, both in domestic life and in general society. The Prophet PBUH came with teachings that protected women's rights and put them in a noble position.

Doing good to women is the will of the Prophet PBUH who emphasizes the importance of noble morals in treating women, as wives, mothers, children, and other members of society. In society, women must be respected and protected from any form of violence, exploitation, or discrimination. The exploitation of women, whether in the form of forced labour, harassment, or injustice, is a form of tyranny that is forbidden in Islam. Islam's view of **cyber harassment** and **exploitation of women** can be seen through the perspective of **maqāṣid al-sharī'ah** (sharia goals), which aims to protect religion, soul, intellect, descendants, and property. Actions such as *cyber harassment* and exploitation of women on social media not only damage the honour and dignity

¹² ("Surah An-Nisa - 19 - Quran.Com," 2024).

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of individuals but can also damage the integrity of society. In the concept of *maqāṣid al-sharī'ah*, the protection of the soul and honour are the main principles. *Cyber harassment* and sexual exploitation are contrary to this goal, as they damage women's psychology and honour. Islam prohibits any form of harassment that can threaten the psychological stability of individuals, such as what happens in *cyber harassment*¹³. *Maqāṣid al-sharī'ah* It also emphasizes the importance of protecting family structures from damage, including in terms of interaction between men and women in cyberspace. Exploitation of women on social media, both in the form of verbal harassment, and dissemination of images without permission.

2. Cyber Harassment in the Perspective of Islamic Law

Islam prohibits all forms of actions that can harm others, both in physical and psychological forms. *Cyber harassment*, which involves harassment through digital platforms such as social media, falls under the category of **criminal acts** in Islamic law, especially if the act causes significant harm to the victim, whether physically, emotionally, or socially. The act of extorting, threatening, or harassing women in cyberspace can be seen as a violation of the principle of justice (*al-'adl*) in Islam. **Surah Al-Baqarah (2:188)** teaches not to take the rights of others in the wrong way, which includes using social media to harm others. Online sexual harassment, unauthorized dissemination of personal material, and virtual bullying are forms of injustice that are strictly forbidden in Islam¹⁴. Islam obliges its people to protect the weak, including women. Every individual has the right to be protected from acts of violence, both physical and psychological, including those that occur in cyberspace. This is in line with Islamic teachings that emphasize the importance of maintaining women's honour and preventing exploitation.

3. Enforcement of Islamic Law against Cyber Harassment

In the context of Islamic law enforcement, although there is no formal regulation governing *cyber harassment* in classical Islamic law, Islamic legal principles remain applicable in dealing with such acts. In this case, law **enforcement** can be carried out by applying **al-hisbah** (enforcement of goodness by the authorities) and **ta'zir** (punishment determined by the government for actions that are not explicitly regulated in religious texts). Although there is no specific sanction in Islam for *cyber harassment* cases, scholars agree that such acts should be punished under **the law of ta'zir**, to provide a deterrent effect and prevent the recurrence of such acts. Punishment can be in the form of fines, imprisonment, or rehabilitation measures for the offender¹⁵.

Islamic law's view of **cyber harassment** and **exploitation of women** on social media reflects the principles of justice, protection of women's honor, and human rights. Islam teaches that any form of harassment, both physical and psychological, including those that occur in cyberspace, is a form of violation of the basic rights of individuals. In the context of *maqāṣid al-sharī'ah*, this kind of act is contrary to the main purpose of *shari'ah*, which is to protect religion, soul, intellect, heredity, and property. Therefore, Islam provides strong protection for women and emphasizes the importance of law enforcement to fight all forms of gender-based violence, including those that occur in cyberspace.

B. Regulation and Application of Indonesia's Positive Law in Handling Cases of Cyber Harassment and Exploitation of Women on Social Media

In recent years, the phenomenon of **cyber harassment** and **exploitation of women** on social media has become a serious concern in Indonesia. These cases not only target women as victims, but also threaten their privacy, dignity, and human rights. Although Indonesia has several regulations related to this issue, the implementation and positive legal arrangements in handling these cases still face significant challenges. This study explores how Indonesia's positive laws, including existing regulations, regulate and respond to cases of cyber harassment and exploitation of women on social media.

1. Indonesia's Positive Legal Arrangements

In Indonesia, some several laws and regulations regulate the issue of gender-based violence in cyberspace, including cyber harassment and sexual exploitation. Some of the key regulations relevant to this issue include:

- a. **ITE Law (Information and Electronic Transactions) No. 19 of 2016**: One of the laws that regulates the misuse of information technology, including criminal acts related to insults, defamation, and *online* threats. Article 27 paragraphs (1) to (4) regulates **insults and defamation** that can be carried out with electronic media, which are often used by cyber harassment perpetrators against female victims¹⁶;

¹³ AHMAD AL-RAYSUNI, 'Imam Al Shatibi's Theory of the Higher Objectives and Intents of Islamic Law', *Imam Al Shatibi's Theory of the Higher Objectives and Intents of Islamic Law*, 2019, doi:10.2307/J.CTVKJB1W9; AHMAD AL-RAYSUNI, 'Author's Preface On the Meaning of Maqāṣid and the Theory of Higher Objectives', *Imam Al Shatibi's Theory of the Higher Objectives and Intents of Islamic Law*, 2019, pp. xxi-xxxvi, doi:10.2307/J.CTVKJB1W9.5.

¹⁴ ("Qur'an Kemenag," 2024.-b)

¹⁵ 'Qur'an Kemenag'.

¹⁶ 'Kementerian Komunikasi Dan Digital' <<https://www.komdigi.go.id/>> [accessed 13 December 2024].

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- b. **Law No. 44 of 2008 on Pornography:** Regulates all forms of dissemination of pornographic material, which is often used to exploit women digitally through the dissemination of private images or videos without permission (*revenge porn*)¹⁷.
- c. **Law No. 12 of 2022 concerning the Crime of Sexual Violence (TPKS):** Although this law has just been passed, the TPKS Law covers various forms of violence against women, including online-based sexual violence. The law includes regulations on **sexual exploitation** in cyberspace and efforts to protect victims of online sexual violence, as is often the case with young women¹⁸.

2. Challenges in Law Application

Although Indonesia already has several regulations regulating cyber harassment and exploitation of women, the implementation of the law still encounters various obstacles. Some of the key challenges identified in the study include **Lack of Consistent Law Enforcement:** Often cases involving online harassment and exploitation of women are not taken seriously by the authorities. This is due to the limited knowledge of law enforcement officials in handling digital cases, as well as the lack of reporting and evidence in these cases. The court also does not fully understand the nuances of cases involving digital technology¹⁹. **Anonymity and Global Platforms:** Social media often provides an anonymous space for harassers to act without fear of being sanctioned. Since most social media platforms are global companies that are not fully subject to Indonesian law, enforcement against perpetrators is often complicated. For example, many anonymous or fake accounts are used by perpetrators to spread material that harms victims without being traced²⁰.

This study also records several cases that reflect difficulties in dealing with the problem of cyber harassment and exploitation of women in Indonesia. One of the cases that emerged was the "**revenge porn**" case which involved the unauthorized dissemination of private photos and videos by ex-partners. Although Indonesian law has a foundation to deal with this problem, as stated in the ITE Law and the Pornography Law, its implementation is still limited. This is reflected in the low level of trust of victims to report this case because they are afraid of being blamed or even ignored²¹. As a step to improve this arrangement, the Indonesian government has begun to develop a **protection mechanism** for victims of cyber harassment and exploitation of women in cyberspace. One of the solutions that has begun to be implemented is the formation of a **cyber crime task force** in collaboration with internet service providers to overcome gender-based violence in cyberspace. The government also encourages social media platforms to be more responsible in preventing harassment and exploitation, by implementing stricter policies against users who violate social norms and the law²².

Indonesia's positive legal arrangements against cyber harassment and exploitation of women on social media have begun to exist, but they still need improvement in terms of implementation. Although the ITE Law, the Pornography Law, and the TPKS Law provide a legal basis for dealing with these issues, the challenges in the implementation of the law remain great, especially related to effective law enforcement and the resolution of digital cases that are often difficult to track. Therefore, there is a need for strengthening the capacity of law enforcement, better collaboration between the government and social media platforms, and a better understanding of digital technologies in order to provide better protection for women in Indonesia.

C. Differences and Similarities Between Indonesian Positive Law and Islamic Law in Protecting Women from Cyber Harassment and Exploitation on Social Media

Cyber harassment and exploitation of women on social media is a global issue that is increasing in line with the rapid development of information and communication technology. In Indonesia, although there are legal regulations that regulate the protection of

¹⁷ 'Database Peraturan | JDIH BPK' <<https://peraturan.bpk.go.id/>> [accessed 13 December 2024].

¹⁸ ("Dewan Perwakilan Rakyat," 2024)

¹⁹ Madinah Mokobombang, Zulfikri Darwis, and Sabil Mokodenseho, 'Pemberantasan Tindak Pidana Cyber Di Provinsi Jawa Barat: Peran Hukum Dan Tantangan Dalam Penegakan Hukum Terhadap Kejahatan Digital', *Jurnal Hukum Dan HAM Wara Sains*, 2.06 (2023), pp. 517–25, doi:10.58812/JHHWS.V2I6.447; Ni Putu Lina Sudiawati and I Ketut Mertha, 'KEJAHATAN SIBER (CYBERCRIME) DALAM KONTEKS KEKERASAN SEKSUAL BERBASIS GENDER ONLINE DI INDONESIA', *Kertha Semaya: Journal Ilmu Hukum*, 10.4 (2022), p. 850, doi:10.24843/KS.2022.V10.I04.P11.

²⁰ Mokobombang, Darwis, and Mokodenseho, 'Pemberantasan Tindak Pidana Cyber Di Provinsi Jawa Barat: Peran Hukum Dan Tantangan Dalam Penegakan Hukum Terhadap Kejahatan Digital'.

²¹ Cindy Kang, 'Urgensi Pengesahan RUU PKS Sebagai Upaya Perlindungan Hukum Bagi Korban Revenge Porn', *JURNAL YUSTIKA: MEDIA HUKUM DAN KEADILAN*, 24.01 (2021), pp. 49–62, doi:10.24123/YUSTIKA.V24I01.4601; Sumanta Bhattacharya and others, 'IMPACT OF CYBER LAW IN MODERN ERA WITH ADVANCEMENT IN TECHNOLOGY AND PROTECTION FROM RISING THREATS OF CYBER CRIMES IN OUR SOCIO ECONOMIC SECTOR', *International Journal of Advanced Research*, 9.09 (2021), pp. 274–79, doi:10.21474/IJAR01/13404.

²² W. F. (Wenggedes) Frensh and others, 'Kebijakan Kriminal Penanggulangan Cyber Bullying Terhadap Anak Sebagai Korban', *USU Law Journal*, 5.2 (2017), p. 164999 <<https://www.neliti.com/publications/164999/>> [accessed 12 December 2024].

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women in cyberspace, positive law, and Islamic law have different approaches to protecting women from various forms of harassment and exploitation on social media. This study identifies **the differences and similarities** between Indonesian positive law and Islamic law in dealing with this problem, as well as to understand how each legal system provides protection for women.

1. Legal Concepts and Sources

In Indonesia, the protection of women from **cyber harassment** and **exploitation** is regulated by several laws and regulations. **Law of the Republic of Indonesia No. 19 of 2016 concerning Information and Electronic Transactions (ITE)**, especially Articles 27, 28, and 29, regulates the prohibition of the dissemination of content that degrades, insults, or exploits individuals through electronic media. In addition, there is also **Law No. 23 of 2004** concerning the Elimination of Domestic Violence (PKDRT), which protects women from physical, psychological, and sexual violence, including those that occur in cyberspace²³.

In Islamic law, **cyber harassment** and **exploitation of women** are seen as violations of **women's human rights** that must be respected and protected. Although classical Islamic law does not directly regulate the problem **of cyber harassment** that occurs in cyberspace, the principles in **the Qur'an** and **Hadith** can be applied to address this problem. **The protection of women's honour** is strongly emphasized in Islamic teachings, as stated in **Surah An-Nisa' (4:19)** which prohibits unfair treatment of women. In addition, Islam also teaches the prohibition of any form of verbal and physical violence that can damage the psychology and dignity of the individual.

2. Law Enforcement

Law enforcement in Indonesia related to cyber harassment and exploitation of women on social media generally involves law enforcement officials such as the police and prosecutor's office, who can process the case based on the provisions of the **ITE Law** and **the PKDRT Law**. Law enforcement in Indonesia tends to use **criminal sanctions** for cyber harassment perpetrators, such as imprisonment or fines, depending on the level of the crime committed.

Islamic law affirms that any form of humiliation, violence, or exploitation of women must be punished. **Sanctions in Islamic law** can be **ta'zir** (punishments that are not explicitly specified in Sharia texts, given by the authorities), and can be physical punishment or fines, depending on the type of crime and the context. Although there are no explicit sanctions regarding cyber harassment in Islamic law, the principles of protection of women's dignity and honour contained in Islamic law remain valid.

Both Indonesian positive law and Islamic law agree that **women** must be respected and protected from all forms of exploitation, violence, and harassment. Both legal systems emphasize the need to **protect the honour** of individuals, especially women, who are often victims of cyber-harassment cases. In Islamic law, respect for women is reflected in the teachings to maintain the honour of the family and individuals (Surah An-Nisa: 19), while in Indonesian positive law, this is reflected in the provisions regarding **sexual harassment** regulated in the ITE Law.

Both legal systems, although different in terms of procedures and applications, agree that actions that harm women through social media, be it **cyber-harassment** or **exploitation**, should be punished. In Indonesia's positive law, such actions can be subject to **criminal sanctions**, such as imprisonment or fines, under the ITE Law. Similarly, in Islamic law, the act is considered a **crime** that must be punished through the legal process, be it ta'zir punishment or rehabilitation for the perpetrator.

In Indonesia, the protection of women in cyberspace is more focused on **electronic crimes**, including the spread of negative content, digital extortion, and online bullying. In this case, **the ITE Law** provides a strong legal basis for prosecuting the perpetrator in court. In Islamic law, although there are no specific provisions for **cyber harassment**, Islamic moral and ethical principles such as the prohibition **of ghibah** (gossiping) and **fitnah** (spreading lies) can be applied to address the exploitation of women in cyberspace.

IV. CONCLUSION

Although there are fundamental differences in the approach between Indonesian positive law and Islamic law in dealing with **cyber harassment** and **exploitation of women**, they agree on the basic principles of protection of women's **dignity** and **honour**. Indonesia's positive law provides **stricter** and systematic sanctions in terms of **cyber harassment** through the ITE Law, while Islamic law prioritizes **moral principles** that can be applied in the context of social interactions. However, **cooperation between these two legal systems** can strengthen the protection of women in cyberspace and ensure that women can live safely and with dignity in the digital space.

To strengthen the protection of women from **cyber harassment** and exploitation, the two legal systems can complement each other. Indonesia's positive law needs to improve the ability of law enforcement officials to deal with technology-based crime and strengthen cooperation with digital platforms. Meanwhile, moral principles in Islamic law can be an ethical foundation that

²³ ("JDIH Kemkominfo - Undang-Undang Nomor 19 Tahun 2016," 2016)

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strengthens the protection of women in the digital space. The combination of clear law enforcement with moral values can create a safer and more dignified environment for women in cyberspace.

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