

ABSTRAK

Kemajuan teknologi informasi dan komunikasi dalam beberapa dekade terakhir telah mengubah tatanan kehidupan manusia modern secara fundamental, mencakup dimensi sosial, ekonomi, budaya, dan hukum. Di satu sisi, revolusi digital membuka akses dan kemudahan yang luar biasa bagi masyarakat. Namun di sisi lain, perkembangan tersebut turut melahirkan modus-modus kejahatan baru yang mengeksploitasi ruang siber sebagai wahana pelaksanaannya. Salah satu bentuk kejahatan siber yang paling mengkhawatirkan adalah kekerasan seksual digital, yang secara tidak proporsional menyasar perempuan sebagai kelompok paling rentan.

Kekerasan seksual digital terhadap perempuan merupakan fenomena yang terus berkembang seiring pesatnya kemajuan teknologi informasi dan komunikasi. Fenomena ini meliputi penyebaran konten intim tanpa persetujuan korban (non-consensual pornography), ancaman berbasis gambar seksual (sextortion), pelecehan seksual daring (cyber sexual harassment), penguntitan siber dengan motif seksual (sexual cyberstalking), serta manipulasi konten digital yang mengeksploitasi identitas korban (deepfake pornography). Seluruh bentuk kekerasan ini menimbulkan kerugian nyata dan serius bagi korban, baik secara materiel maupun imateriel.

Meskipun hukum pidana telah memberikan respons melalui Undang-Undang Nomor 11 Tahun 2008 tentang Informasi dan Transaksi Elektronik (UU ITE) beserta perubahannya dan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (UU TPKS), mekanisme ganti rugi perdata bagi korban belum diimplementasikan secara optimal. Penelitian ini menggunakan metode penelitian hukum normatif-kualitatif dengan pendekatan perundang-undangan dan konseptual, bersifat deskriptif-perspektif, dengan teknik pengumpulan data melalui studi kepustakaan.

Hasil penelitian menunjukkan: Pertama, hukum perdata Indonesia melalui Pasal 1365 KUHPerdata tentang perbuatan melawan hukum (*onrechtmatige daad*) memberikan landasan hukum bagi korban untuk mengajukan gugatan ganti rugi perdata terhadap pelaku. UU TPKS Tahun 2022 secara eksplisit mengatur hak restitusi korban yang meliputi ganti kerugian materiel dan imateriel. Kedua, tanggung jawab perdata pelaku didasarkan pada terpenuhinya empat unsur perbuatan melawan hukum secara kumulatif: adanya perbuatan melawan hukum, adanya kesalahan, adanya kerugian nyata, dan adanya hubungan kausalitas. Korban berhak atas ganti rugi materiel berupa biaya pemulihan psikologis dan kehilangan pendapatan, serta ganti rugi imateriel berupa kompensasi atas harkat, martabat, dan penderitaan batin.

Kata Kunci: *Ganti Rugi Perdata, Kekerasan Seksual Digital, Perbuatan Melawan Hukum, Perempuan, Restitusi, UU TPKS*

ABSTRACT

The rapid advancement of information and communication technology over the past few decades has fundamentally transformed modern human life, encompassing social, economic, cultural, and legal dimensions. While the digital revolution has opened extraordinary opportunities and conveniences for society, it has simultaneously given rise to new forms of criminal activity that exploit cyberspace as a medium for their execution. Among the most alarming forms of cybercrime is digital sexual violence, which disproportionately targets women as the most vulnerable group.

Digital sexual violence against women is a continuously evolving phenomenon driven by rapid technological advancement. It encompasses various forms, including the non-consensual distribution of intimate content (non-consensual pornography), image-based sexual extortion (sextortion), online sexual harassment (cyber sexual harassment), sexually motivated cyberstalking (sexual cyberstalking), and the manipulation of digital content to create false sexual material exploiting the victim's identity without consent (deepfake pornography). All of these forms inflict real and serious harm upon victims, both materially and immaterially.

Although criminal law has responded through Law Number 11 of 2008 on Electronic Information and Transactions (UU ITE) and its amendments, as well as Law Number 12 of 2022 on Sexual Violence Crimes (UU TPKS), civil compensation mechanisms for victims have not been implemented optimally. This research employs a normative-qualitative legal research method with a statutory and conceptual approach, descriptive-perspective in nature, and data collection through library research.

The research findings indicate: First, Indonesian civil law through Article 1365 of the Civil Code (KUHPperdata) concerning unlawful acts (*onrechtmatige daad*) provides a legal basis for

victims to file civil compensation claims against perpetrators. The UU TPKS of 2022 explicitly regulates victims' right to restitution, encompassing both material and immaterial compensation. Second, the civil liability of perpetrators is based on the cumulative fulfillment of four elements of unlawful conduct: the existence of an unlawful act, the presence of fault, the existence of actual harm, and a causal relationship. Victims are entitled to material compensation covering psychological recovery costs and loss of income, as well as immaterial compensation for violations of dignity, honor, and psychological suffering.

Keywords: *Civil Compensation, Digital Sexual Violence, Unlawful Act, Women, Restitution, UU TPKS*