

Untangling the Tangle of Revenge Porn in the United States: A Comparative Study

Zico Junius Fernando^{1*}, Ana Tasia Pase²

¹Faculty of Law, Universitas Bengkulu, Indonesia

²Faculty of Law, Universitas Dehasen Bengkulu, Indonesia

*Corresponding Author: zjfernando@unib.ac.id

Doi: <http://dx.doi.org/10.18196/iclr.21064>

Abstract

This research examines the phenomenon of revenge porn in the legal context of the United States and identifies important lessons for Indonesia. Using a multifaceted approach, this research explores legal definitions, sentencing, and protections for victims in various US states, as well as exploring the psychosocial impact of revenge porn on victims. This research utilizes normative legal methods by adopting statutory, conceptual, comparative, and futuristic approaches. The nature of this research is descriptive-prescriptive. The data that has been collected is analyzed using the content analysis method. The study found that there is significant variation in laws and approaches to handling revenge porn among states, reflecting differences in social values and legal priorities. For example, states such as California, New York, and Texas feature different definitions and penalties, as well as varying levels of protection for victims. Indonesia can draw valuable lessons from formulating its own legal strategy for this phenomenon. This research suggests the importance of specific legislation that clearly defines revenge porn, a flexible sentencing system that considers the context of individual cases, and strong psychosocial support for victims.

Keywords: Comparative Study; Law Enforcement; Privacy; Revenge Porn; United States Law

1. Introduction

Revenge porn, also known as non-consensual pornography, has emerged as a significant issue in the digital age.¹ This phenomenon occurs when an individual intentionally disseminates explicit sexual content—be it photos or videos—without the consent of the person featured in the content, often as a form of revenge or harassment.² In an era where digital media can be easily shared and spread, the impact of such actions is profound and far-reaching. Victims of revenge porn often suffer severe emotional distress, damage to their reputation, and even professional setbacks.³ The content, once shared, can rapidly circulate on the internet, making it difficult to remove and exacerbating the trauma for the victim. This malicious act not only violates the privacy and dignity of the individual but also raises

¹ Melinda Sebastian, "Privacy and Consent: the Trouble with the Label of 'Revenge Porn,'" *Feminist Media Studies*, 17.6 (2017), 1107–11 <<https://doi.org/10.1080/14680777.2017.1380428>>.

² Zico Junius Fernando et al, "Revenge Porn: Digital Crimes and Implications for Victims," *Kosmik Hukum*, 23.2 (2023), 157–71 <<https://doi.org/10.30595/kosmikhukum.v23i2.18542>>.

³ Jonathan Brown, "'Revenge Porn' and the Actio Iniuriarum: Using 'Old Law' to Solve 'New Problems,'" *Legal Studies*, 38.3 (2018), 396–410 <<https://doi.org/DOI:10.1017/lst.2018.8>>.

complex legal and ethical challenges.⁴ As digital platforms continue to evolve, the issue of revenge porn remains a critical concern, highlighting the need for effective legal frameworks and societal awareness to combat this invasive and damaging behavior.

The implications of revenge porn extend beyond the immediate harm to the victims. It often leads to long-term psychological effects, including anxiety, depression, and a sense of violation that can profoundly impact an individual's well-being and quality of life.⁵ The pervasive nature of the internet means that once such content is released, it can become nearly impossible to fully eradicate, leaving victims in a state of continuous vulnerability and distress. Moreover, revenge porn poses significant challenges to legal systems worldwide. While some jurisdictions have begun to enact laws specifically targeting this issue, the legal landscape remains inconsistent.⁶ This inconsistency is partly due to the difficulty in balancing the rights to privacy and freedom of expression, as well as the cross-jurisdictional nature of the internet, which complicates legal enforcement. Effective legal responses require not only the creation of specific laws that recognize the severity of revenge porn but also international cooperation to address its borderless nature.⁷ In addition to legal responses, there is a growing recognition of the need for preventive measures and societal education. This includes increasing awareness about the consequences of sharing intimate images without consent, promoting respectful online behavior, and providing support systems for victims. Digital platforms and social media companies also play a critical role in combating revenge porn by implementing robust content moderation policies and providing tools for users to report and remove non-consensual explicit material.

With the rise of social media and digital platforms, the incidence of revenge porn has become increasingly frequent, leading to serious psychological impacts for the victims. According to a study by the Cyber Civil Rights Initiative in 2017, approximately 1 in 8 adults in the United States has been a victim of threats or the actual publication of revenge porn.⁸ This alarming statistic highlights the pervasive nature of this issue in the digital age. Victims of revenge porn often experience profound psychological distress, including anxiety, depression, and a sense of violation and betrayal.⁹ The ease with which digital content can be shared and the anonymity afforded by online platforms contribute to the rapid dissemination of such material, exacerbating the harm to victims. The long-lasting effects can extend to their social, professional, and personal lives, as the content can remain accessible on the internet indefinitely. The prevalence of revenge porn underscores the urgent need for effective legal measures, digital literacy, and a cultural shift in attitudes towards online behavior and consent. This issue not only calls for stronger legal protections and enforcement but also for a broader societal effort to recognize and address the damaging consequences of non-consensual sharing of intimate images.

⁴ Dwikari et al, "Layered Exploitation: Exploring the Relationship Between Revenge Porn And Poly-Victimization," *International Journal of Multidisciplinary Research and Analysis*, 06.10 (2023), 4850–57 <<https://doi.org/10.47191/ijmra/v6-i10-39>>.

⁵ Clare McGlynn, Erika Rackley, dan Ruth Houghton, "Beyond 'Revenge Porn': The Continuum of Image-Based Sexual Abuse," *Feminist Legal Studies*, 25.1 (2017), 25–46 <<https://doi.org/10.1007/s10691-017-9343-2>>.

⁶ Jason Haynes, "Judicial Approaches to Combating 'Revenge Porn': a MultiJurisdictional Perspective," *Commonwealth Law Bulletin*, 44.3 (2018), 400–428 <<https://doi.org/10.1080/03050718.2019.1635034>>.

⁷ Sarai Chisala-Tempelhoff dan Monica Twesiime Kirya, "Gender, Law and Revenge Porn in Sub-Saharan Africa: a Review of Malawi and Uganda," *Palgrave Communications*, 2.1 (2016), 1–9 <<https://doi.org/10.1057/palcomms.2016.69>>.

⁸ Kristen Zaleski, "The Long Trauma of Revenge Porn," *OUPBlog*, 2019 <<https://blog.oup.com/2019/09/the-long-trauma-of-revenge-porn/>> [diakses 28 Desember 2023].

⁹ Sarah Bothamley dan Ruth J Tully, "Understanding Revenge Pornography: Public Perceptions of Revenge Pornography and Victim Blaming," *Journal of Aggression, Conflict and Peace Research*, 10.1 (2018), 1–10 <<https://doi.org/10.1108/JACPR-09-2016-0253>>.

In the United States, the absence of a specific federal law regulating revenge porn has led each state to develop its own policies. As of 2023, over 40 states have enacted laws addressing this issue, though there is significant variation in terms of definitions, penalties, and protections. This diversity in state-level legislation in the U.S. could offer significant insights for countries like Indonesia, which may be exploring ways to address the issue of revenge porn. Learning from the American experience, it's clear that a nuanced approach, considering both the legal and emotional aspects of revenge porn, is crucial. The varying degrees of penalties and definitions across states like California, New York, and Texas highlight the importance of tailoring laws to address the specific dynamics of this digital-era problem. Additionally, the emphasis on both punishment and victim support in these laws can be instructive for developing comprehensive policies that effectively deter perpetrators while providing adequate resources and protections for victims.

2. Method

Researchers use normative legal research methods to understand this research topic or research focusing on books and other data sources. This research adopts a multifaceted approach to understanding and evaluating the issue of revenge porn in the legal context of the United States. Firstly, the statutory approach allows for an in-depth analysis of existing laws in different states in the US, identifying how they define and punish the crime of revenge porn. This includes an examination of the statutory text, amendments, and relevant juridical interpretations. Second, a conceptual approach is used to understand and define key terminology and concepts related to revenge porn, including its implications for privacy, free speech, and social justice. Thirdly, through a comparative approach, this research compares legislative and policy approaches from different states, revealing differences and similarities in addressing the issue as well as identifying best practices and shortcomings in the current legal system. Finally, a futuristic approach was used to explore potential solutions and future policy directions, anticipating developments in technology and social media, as well as changing social dynamics. This approach aims to provide holistic and progressive recommendations that can help address the issue of revenge porn more effectively in the future. This research is descriptive-prescriptive in nature, which signifies two main aspects of its approach.¹⁰ The descriptive part of the research focuses on describing and explaining in detail the legal status quo of revenge porn in various United States. This involves collecting, presenting, and analyzing data relating to existing laws, court cases, and law enforcement practices related to revenge porn. The aim is to provide a clear and objective picture of how revenge porn is currently regulated and managed in the United States. Meanwhile, the prescriptive aspect of the research aims to provide recommendations and suggestions based on the analysis that has been conducted. This involves a critical evaluation of the effectiveness of existing laws, the identification of gaps and weaknesses in the legal system, and the development of suggestions for policy improvements and innovations. The recommendations aim to improve legal protection for victims of revenge porn while ensuring that basic rights such as freedom of speech are maintained. The content analysis method was used to process the data collected. It involves a systematic examination of legal documents, literature, case reports, and media sources to identify patterns, themes, and trends. Through content analysis, the research was able to unravel the various legal and social aspects of revenge porn, including the ways in which the law is conveyed, the legal implications of court decisions, and the

¹⁰ Erdianto Effendi et al., "Trading in influence (Indonesia): A critical study," *Cogent Social Sciences*, 9.1 (2023) <<https://doi.org/10.1080/23311886.2023.2231621>>.

public's perceptions and responses to the issue.¹¹ This method allowed the research to dig deeper into the material, resulting in a richer and more nuanced understanding of the issue of revenge porn in the legal context of the United States.

3. Discussion and Analysis

3.1. Social and Psychological Impact of Revenge Porn on Victims

The alarming statistics revealed by the National Commission on Violence Against Women (*Komnas Perempuan*) in 2022 regarding revenge porn, a predominant form of gender-based cyber violence (KSBG), highlight a distressing aspect of digital-era crimes. The recorded 21 and 81 cases by the Institute of Services and *Komnas Perempuan*, respectively, underscore the gravity of the issue, yet they barely scratch the surface, as many more incidents likely remain unreported. This underreporting contributes to the "dark number" of unrecorded crimes, obscuring the true scale of the problem.¹²

The psychological distress that revenge porn victims go through can be severe and last a long time, seriously affecting their mental health and wellbeing.¹³ The non-consensual distribution of intimate images or videos can lead to a profound sense of violation, as it involves a breach of trust and privacy in the most personal and intimate aspects of one's life.¹⁴ This violation often results in intense feelings of shame, humiliation, and isolation as victims grapple with the knowledge that their most private moments have been exposed to others without their consent. Anxiety and depression are common among victims of revenge porn. They may constantly worry about who has seen the images or videos and how this exposure might affect their personal and professional lives. This can lead to a state of hyper-vigilance, where the victim feels constantly on edge, fearful of being judged, harassed, or discriminated against because of the exposure. The stigma associated with sexual content can exacerbate these feelings, leading to withdrawal from social interactions and activities they once enjoyed. Post-Traumatic Stress Disorder (PTSD) is another potential consequence.¹⁵ The traumatic experience of having one's intimate images shared non-consensually can trigger symptoms like flashbacks, severe anxiety, and uncontrollable thoughts about the incident.¹⁶ This can significantly impair a person's ability to function in daily life. In extreme cases, the despair and hopelessness that arise from this situation can lead to suicidal thoughts or actions. The feeling of losing control over one's body and personal narrative, combined with the fear that the images might never be completely erased from the digital world, can be overwhelming. The permanence of digital content adds to this trauma, as victims often live with the constant fear

¹¹ Panca Sarjana Putra et al., "Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System," *Kosmik Hukum*, 23.3 (2023), 233–47 <<https://doi.org/10.30595/kosmikhukum.v23i3.18711>>.

¹² M. Irfan Dwi Putra, "Revenge Porn dan Victim Blaming: Rumitnya Penanganan KGBO di Indonesia," *The Columnist*, 2023 <<https://thecolumnist.id/artikel/revenge-porn-dan-victim-blaming-rumitnya-penanganan-kgbo-di-indonesia-2407>> [diakses 28 Desember 2023].

¹³ Samantha Bates, "Revenge Porn and Mental Health: A Qualitative Analysis of the Mental Health Effects of Revenge Porn on Female Survivors," *Feminist Criminology*, 12.1 (2017), 22–42 <<https://doi.org/10.1177/1557085116654565>>.

¹⁴ Ari Ezra Waldman, "A Breach of Trust: Fighting 'Revenge Porn,'" *SSRN Electronic Journal*, 2015, 1–25 <<https://doi.org/10.2139/SSRN.2698722>>.

¹⁵ Angela J Cathey dan Chad T Wetterneck, "Stigma and Disclosure of Intrusive Thoughts About Sexual Themes," *Journal of Obsessive-Compulsive and Related Disorders*, 2.4 (2013), 439–43 <<https://doi.org/https://doi.org/10.1016/j.jocrd.2013.09.001>>.

¹⁶ Felipa Schmidt et al., "The Mental Health and Social Implications of Nonconsensual Sharing of Intimate Images on Youth: A Systematic Review," *Trauma, Violence, & Abuse*, 2023, 1–15 <<https://doi.org/10.1177/15248380231207896>>.

of the images resurfacing, potentially reigniting the cycle of distress.¹⁷ Moreover, the impact of revenge porn is not just limited to the immediate aftermath of the exposure but can also have long-term implications for the victim's mental health, relationships, and career prospects. The digital nature of the content means that it can resurface at any time, leading to ongoing psychological distress and a persistent sense of insecurity and vulnerability.¹⁸ This underscores the need for comprehensive support systems, including legal, psychological, and social support, to help victims of revenge porn navigate the complex and painful journey towards healing and recovery.

The social stigma associated with revenge porn has a very detrimental impact on victims, both in terms of their personal relationships and social status.¹⁹ In many societies, including Indonesia, there is a strong stigma associated with sexual intimacy and the sharing of pornographic content, which often leads to victim-blaming rather than a focus on the actions of the perpetrator.²⁰ Victims of revenge porn often face social isolation. Friends and family who don't understand or are uncomfortable with the situation might leave them. Shame and fear of judgment can make victims reluctant to share their experiences or seek help, leaving them trapped in solitude and despair.²¹ Judgment from the community can be especially hurtful. Victims may face negative comments, gossip, or even social rejection. In some cases, victims may feel compelled to move or change their social environment to avoid stigma. This, of course, adds to the already heavy emotional burden. The impact of this stigma also extends to the professional realm. If the content of the pornography becomes public, victims may experience discrimination at work, including rejection from coworkers, lost job opportunities, or even dismissal. This is not only financially detrimental but also affects the victim's professional identity and self-esteem. In a career context, the stigma and judgment associated with revenge porn can lead to career setbacks or even ruin. Even if victims do not face direct discrimination from superiors or coworkers, the fear of judgment or further disclosure often limits their ability to fully participate or advance in their careers. This situation highlights the need for a more inclusive and empathetic approach in society towards victims of revenge porn. It is important to promote awareness that victims are suffering and need support, not stigma or judgment. This includes creating safe environments at work, school, and in social settings that allow victims to speak up and get support without fear of stigma or discrimination.

The repercussions of being a victim of revenge porn extend far beyond the initial trauma of the privacy breach. The impact can profoundly affect both personal and professional aspects of a victim's life, often in ways that are far-reaching and long-lasting.²² In their personal life, victims often experience heightened fear and anxiety, which can severely hinder their ability to form new relationships. Trust, a fundamental component of any relationship, becomes significantly compromised. Victims might find themselves constantly wary and doubtful, fearing that new or existing intimate partners could also betray their trust. This mistrust can

¹⁷ Alexa Dodge, "Digitizing Rape Culture: Online Sexual Violence and the Power of the Digital Photograph," *Crime, Media, Culture*, 12.1 (2015), 65–82 <<https://doi.org/10.1177/1741659015601173>>.

¹⁸ Manoj K Sharma et al., "Digital Resilience Mediates Healthy Use of Technology," *Medico-Legal Journal*, 90.4 (2021), 195–99 <<https://doi.org/10.1177/00258172211018337>>.

¹⁹ Joanne Sweeny, "Gendered Violence and Victim-Blaming," *International Journal of Technoethics*, 8.1 (2017), 18–29 <<https://doi.org/10.4018/IJT.2017010102>>.

²⁰ Laura Bellows, "The Aroused Public in Search of the Pornographic in Indonesia," *Ethnos*, 76.2 (2011), 209–32 <<https://doi.org/10.1080/00141844.2011.552731>>.

²¹ Jeff Gavin dan Adrian J. Scott, "Attributions of Victim Responsibility in Revenge Pornography," *Journal of Aggression, Conflict and Peace Research*, 11.4 (2019), 263–72 <<https://doi.org/10.1108/JACPR-03-2019-0408/FULL/XML>>.

²² Tegan S. Starr dan Tiffany Lavis, "Perceptions of Revenge Pornography and Victim Blame," *International Journal of Cyber Criminology*, 12.2 (2019), 427–38 <<https://doi.org/10.5281/ZENODO.3366179>>.

lead to a withdrawal from social interactions and relationships, as the victim might prefer to avoid the vulnerability that comes with intimacy. This isolation not only exacerbates feelings of loneliness and depression but also impedes the victim's ability to seek and receive support from friends and family. Social interactions in general, even outside of intimate relationships, can become fraught with anxiety. Victims may be plagued by concerns about judgement or gossip, particularly in environments where the incident has become known. This can lead to a decrease in social engagement and participation in community activities, further isolating the victim. Professionally, the impact can be equally devastating. In many professions, especially those that require a high degree of public trust or visibility, such as teaching, politics, or public service, the repercussions can be career-altering. Victims may face judgement or mistrust from colleagues and superiors, which can hinder their professional relationships and growth. In some cases, the fear of public scrutiny or the stigma associated with the incident might compel victims to leave their jobs or change their career paths. Moreover, the ongoing nature of digital content means that victims might be in a constant state of apprehension about the possibility of the images or videos resurfacing. This can impact their work performance and concentration, as they may be preoccupied with monitoring their online presence and safeguarding against further exposure. In extreme cases, victims might avoid opportunities that would increase their visibility or public profile, limiting their professional advancement.

The comprehensive challenges faced by victims of revenge porn necessitate a holistic support system that addresses their needs across multiple dimensions. Firstly, legal recourse is essential, not just in enforcing existing laws but in shaping specific legislation that directly addresses the unique violation of privacy inherent in revenge porn. Such legal support empowers victims to seek justice and serves as a deterrent against such acts. Secondly, the deep psychological trauma inflicted requires professional counseling and therapy. This support helps victims manage the aftermath of their experience, including issues like anxiety, depression, and PTSD, and aids in rebuilding trust in personal relationships. Furthermore, societal awareness and the reduction of stigma are critical. Educational campaigns and public discourse can shift societal attitudes, moving away from victim-blaming and towards empathy and understanding. This shift is vital to alleviating the social isolation and shame that victims often endure. In the professional realm, employers and organizations must foster a safe and non-discriminatory workplace. They should implement policies that protect victims from workplace harassment and discrimination and promote a culture of respect and confidentiality. Finally, broader policy initiatives and advocacy are needed to comprehensively tackle revenge porn. This involves not only lobbying for stronger and more effective laws but also promoting research and understanding of the phenomenon's impact. Collaboration among government bodies, non-profits, and community groups is crucial in this endeavor. By integrating legal, psychological, societal, and professional support, a more effective and compassionate response to revenge porn can be developed, offering victims the comprehensive support they need while working towards preventing such incidents in the future.

3.2. Variability of Revenge Porn Laws in the United States

In the context of the United States, revenge porn is a complex and multifaceted legal issue.²³ Differences in laws and legal approaches across states create a non-uniform legislative landscape, affecting how the phenomenon is combated and how justice is delivered to victims.

²³ Debarati Halder dan K Jaishankar, "Revenge Porn by Teens in the United States and India: A Socio-Legal Analysis," *International Annals of Criminology*, 51.1–2 (2013), 85–111 <<https://doi.org/DOI:10.1017/S0003445200000076>>.

This sub-issue explores that diversity, focusing on differences in legal definitions, penalties imposed, and protections for victims, with the aim of understanding how this variability affects the effectiveness of combating revenge porn. First, there is significant variation in how states define revenge porn. Some states, such as California, define revenge porn specifically as the dissemination of intimate images without consent with the intention of causing emotional stress to the victim. Meanwhile, other states may have a broader or more limited definition. This distinction is important because it determines the scope of behavior that is considered a violation of the law and, therefore, what can be charged in the justice system. Second, the penalties imposed for revenge porn offenses vary dramatically between states. For example, in New York, revenge porn offenders can be sentenced to up to a year in prison, whereas in other states, the punishment may be lighter or more severe, depending on various factors such as the severity of the case and whether the offender has a prior criminal record. These differences not only reflect how local communities and policymakers view the severity of these crimes, but also impact the effectiveness of sentences in deterring similar behavior in the future. Third, the protections afforded to victims of revenge porn also vary. In some states, victims have access to more extensive legal resources and psychosocial support, while in others, this kind of support may be limited. These protections are important not only in terms of providing justice after a crime has occurred but also in preventing crimes from occurring. States that offer stronger support to victims may see a decrease in the incidence of revenge porn because victims are more likely to report cases and perpetrators are more likely to be punished. The influence of this legal variability on the eradication of revenge porn should not be overlooked. States with stricter laws and clearer definitions of what revenge porn is may see lower offense rates and better justice for victims. Conversely, in states with weaker or less clear laws, victims may face barriers to seeking justice, and perpetrators may not feel deterred from carrying out their actions. To elaborate in detail on the laws concerning revenge porn across various states in the United States, it is essential to consider three main components: the legal definition of revenge porn, the penalties imposed, and the protection offered to victims.

In California, according to the California Penal Code 647(j)(4), revenge porn is defined as the intentional distribution of photos or videos depicting someone in an intimate state without their consent, with the intent to cause emotional stress. The images must have been taken in a context where the victim had an expectation of privacy. In New York, the Revenge Porn Law, adopted in 2019, defines the offense as the dissemination or publication of sexual images or videos without the proper consent of the person depicted. This law is incorporated under Penal Law §245.15. It addresses the increasing concerns about non-consensual distribution of intimate images, focusing on the consent aspect and the privacy rights of individuals. In Texas, the Texas Penal Code 21.16(b), known as the 'Unlawful Disclosure or Promotion of Intimate Visual Material', criminalizes the distribution of visual material that depicts a person without clothing or engaged in sexual activity without their consent. This law reflects Texas's approach to protecting individuals' privacy and dignity, recognizing the harm caused by non-consensual sharing of intimate images. These varying definitions across states highlight the complexity of addressing revenge porn in the U.S. legal system. Each state's approach reflects its societal values and legal priorities, ranging from focusing on the intent to harm and the expectation of privacy in California to emphasizing consent in New York and the protection of individual dignity in Texas. These differences underscore the challenges in creating a uniform legal response to revenge porn across the country, and the need for nuanced understanding of each state's legal framework to effectively combat this issue.

Regarding the penalties for revenge porn across different states in the United States, there is a significant variation that reflects the severity with which each state views this crime. In California, offenders of revenge porn can face up to six months in jail and/or a maximum

fine of \$1,000 for the first violation. Subsequent offenses may result in harsher penalties. This approach indicates California's stance on treating revenge porn as a serious but often first-time offense, offering a balance between punishment and the potential for rehabilitation. Moving to New York, the state classifies revenge porn as a Class A misdemeanor. Convicted individuals can be sentenced to up to one year in jail and/or be fined up to \$1,000. This reflects New York's position on the gravity of revenge porn, considering it a significant criminal offense that warrants a substantial punitive response. The law aims to deter individuals from engaging in this invasive and damaging behavior by imposing a strict penalty. In Texas, revenge porn is treated as a state jail felony, with possible punishments including imprisonment for up to a year and/or fines of up to \$4,000. This demonstrates Texas's stringent approach to combating revenge porn, recognizing the severe impact such actions can have on victims. By categorizing it as a state jail felony, Texas underscores the serious nature of the offense and its commitment to protecting individuals' privacy and dignity. These varying penalties across states like California, New York, and Texas highlight the diverse legal landscapes in the U.S. concerning revenge porn. Each state's penalization reflects its legal perspective and commitment to addressing the harm caused by the non-consensual sharing of intimate images. This diversity presents challenges in standardizing the legal response to revenge porn across the nation but also allows each state to tailor its laws to its societal values and priorities.

In terms of victim protection in the context of revenge porn across various states in the United States, there is a notable diversity in the legal provisions offered, reflecting each state's approach to supporting victims of this invasive crime.²⁴ In California, additional protections are provided through restraining orders and civil legal avenues for victims seeking to sue perpetrators for emotional damages and reputational loss. This dual approach signifies California's commitment to offering comprehensive support to victims. The availability of restraining orders aims to provide immediate and ongoing protection, while the option for civil lawsuits offers a path for victims to seek compensation for the broader impacts of revenge porn, such as emotional trauma and damage to reputation. In New York, the law provides mechanisms for victims to obtain protection orders and seek civil damages from the perpetrator. This aspect of New York's legal framework highlights the state's focus on empowering victims by providing them with tools to safeguard their well-being and seek restitution. Protection orders serve as a deterrent to further harassment or abuse, and the possibility of civil remedies underscores the recognition of the significant harm that revenge porn can inflict. In Texas, victims of revenge porn have the right to request protection orders and also have the option to pursue civil lawsuits against the perpetrator for damages. Texas's approach reflects a robust support system for victims, acknowledging the need for both immediate protection and the opportunity for longer-term redress through civil litigation. The state's regulations aim to address the complex nature of the harm that revenge porn causes by giving victims a way to regain some control and seek justice. This variation in definitions, penalties, and protections across states like California, New York, and Texas illustrates the differing strategies employed to tackle the issue of revenge porn. While some states impose stricter penalties to deter such behavior, others focus more on providing support and legal options to victims. This diversity poses challenges in creating a consistent and effective response to the phenomenon of revenge porn across the U.S. However, it also reflects the nuanced and tailored approaches necessary to address the unique needs of victims in different legal and social contexts.

²⁴ Tessa Cole et al., "Freedom to Post or Invasion of Privacy? Analysis of U.S. Revenge Porn State Statutes," *Victims & Offenders*, 15.4 (2020), 483–98 <<https://doi.org/10.1080/15564886.2020.1712567>>.

From the legal context of revenge porn in various states in the United States, there are some important lessons that Indonesia can draw from to improve legal protection and support for victims:

a. The Importance of Specialized Legislation

The importance of specific legislation to address revenge porn in Indonesia can be drawn from the examples of states such as California and New York in the United States. Such legislation needs to explicitly define what revenge porn is, including critical elements such as the distribution of intimate images or videos without consent and with the intent to cause stress or embarrassment to the victim. This clear and comprehensive definition is important to ensure that all forms of revenge porn-related behavior can be identified and legally addressed. This specific law also helps in providing legal clarity for law enforcement, prosecutors, and courts in pursuing and processing such cases. In addition, with a specific law in place, a strong message will be sent to the public that the government is serious about addressing this issue and demonstrates commitment to protecting the privacy rights and dignity of individuals. Specialized legislation also allows for the adjustment of penalties according to the severity of the act and provides space for victims to obtain justice and protection. By adopting a structured and focused legal approach, Indonesia will not only increase legal remedies against perpetrators but also provide better support for victims of revenge porn, who are often deeply traumatized by the act.

b. Sentencing Variability

The variability in sentencing of revenge porn offenders, as seen in the examples from New York and Texas, offers valuable insights for Indonesia in formulating its own legal approach. In the Indonesian context, it is important to adopt a flexible sentencing system where sentences can be adjusted based on several key factors. First, the severity of the case should be a key consideration. This includes considering the psychological and emotional impact on the victim, such as prolonged trauma or stress, as well as the social and professional impact the victim may face. The greater the impact, the more severe the sentence should be, to emphasize the severity of the act and provide justice for the victim. Secondly, whether the offender has a previous criminal record should also be taken into account. Offenders who repeatedly commit similar acts or have other criminal histories should face harsher penalties than first-time offenders. This approach aims to deter repeat behavior and demonstrate a firm stance against repeat offenders. Third, the context and motives behind the distribution of revenge porn material also need to be considered. Cases where distribution is done with the intention to cause serious harm or as part of domestic violence or other abuse may require a stricter legal approach. By adopting an approach that takes these factors into consideration, Indonesia will not only punish perpetrators according to the severity of their actions but also provide room for recovery and rehabilitation, especially for those who may commit these acts without fully realizing the consequences. Such an approach would be more effective in deterring these crimes and providing more fair and balanced justice.

c. Protection and Support for Victims

In providing protection and support for victims of revenge pornography, Indonesia can draw inspiration from practices that have been implemented in several states in the United States. The first important step is to provide easy access for victims to obtain protection orders. This is crucial to ensuring the safety of victims from further threats and providing them with the necessary sense of security. Furthermore, providing the option for victims to file a civil suit against the perpetrator can provide them with a

pathway to be compensated for their losses, be they emotional or financial. This not only helps in the recovery of the victim but also sends a strong message to the perpetrator about the serious consequences of their actions. In addition, easily accessible psychological support is crucial. Victims are often deeply traumatized, and services such as counseling and therapy can greatly assist in their recovery process. These services should include professional support that is sensitive to the issues faced by revenge porn victims, ensuring that they receive the help they need to cope with the psychological impact of their experiences. By combining legal resources and psychosocial support, Indonesia can provide a stronger foundation for victims of revenge porn, supporting them not only in coping with the immediate consequences of the perpetrator's actions but also in their long-term recovery process.

d. Education and Social Awareness

In order to eliminate the stigma that victims frequently experience, education and raising social awareness about the effects of revenge porn are essential steps. Social stigma can cause shame and isolation for victims, making them reluctant to report incidents or seek help. Therefore, public education campaigns are essential to changing people's perceptions on this issue. These campaigns can include information on what revenge porn is, the legal consequences for perpetrators, and the psychological and emotional toll it takes on victims. This education should also target an understanding of the importance of privacy and consent in interpersonal relationships. This awareness-raising can be done through various media, including television, radio, social media, and educational programs in schools and universities. Messages should prioritize empathy and support for victims and encourage zero tolerance for revenge porn. This can include providing information on where and how victims can seek help, including counseling services and legal support. In addition, involving various stakeholders, such as NGOs, digital rights activists, and the government, in this campaign will increase its reach and effectiveness. They can play a role in spreading the right messages and educating the wider community on how to support victims and participate in preventing revenge porn. As a result, this approach to raising social awareness and focusing on education will not only help victims feel less stigmatized but will also help Indonesian society become more sympathetic and supportive of victims.

e. Inter-Agency Coordination

Inter-agency coordination is a key factor in addressing the issue of revenge porn in Indonesia, given the diverse approaches adopted in different US states. To achieve a comprehensive and effective response, it is important for Indonesia to ensure close cooperation between various agencies, including law enforcement, social agencies, and civil society organizations. Law enforcement plays a vital role in identifying and prosecuting perpetrators, while social agencies can provide necessary support for victims, including counseling services and legal aid. Civil society organizations also have an important role in raising public awareness, advocating for policies, and providing direct support to victims. This coordination allows for an efficient exchange of information and resources, ensuring that all parties are working towards the same goal: protecting victims, punishing perpetrators, and preventing similar incidents in the future. By building a strong network of inter-agency cooperation, Indonesia can develop a more integrated and effective strategy for addressing the issue of revenge porn, which is not only limited to handling cases after they occur but also includes prevention and education.

f. Flexibility in Law Implementation

When implementing laws relating to revenge porn in Indonesia, it is important to consider the social and cultural diversity that exists in the country. Flexibility in the application of the law is key, as each region in Indonesia may have different social and cultural nuances, which may affect the way cases are handled and perceived by the community. A flexible approach allows for customization of the application of the law according to the local context, ensuring that legal interventions are relevant and effective in various situations. It is important to ensure that the law is not only accepted by the wider community but also effective in protecting the rights of victims. For example, in more conservative societies, a more sensitive approach may be needed to address stigma and support victims without causing more shame or social isolation. However, this flexibility must be balanced with the maintenance of high standards of protection for victims. This means that while law enforcement methods may vary, the end goal—that of providing justice and adequate support for victims—must remain consistent. This includes access to legal services and psychosocial support, as well as assurances that perpetrators are brought to justice and victims are protected from further harm. As such, the flexible yet consistent application of laws to protect victims can help Indonesia address the unique challenges presented by revenge porn cases while ensuring that victims in every part of the country receive the protection and support they need. This approach also encourages community participation in the law enforcement process, builds better understanding and support for victims, and ultimately shapes a more sensitive and inclusive legal response.

Taking lessons from the example of various states in the United States, Indonesia has the opportunity to develop a more effective and empathetic approach to addressing the issue of revenge porn while offering stronger protection and more comprehensive support for victims. From this experience, Indonesia can develop clear and comprehensive specialized legislation that not only defines what revenge porn is but also takes into account the unique cultural and social aspects of Indonesia. By adopting a flexible and victim-focused legal model, Indonesia can ensure that victims get access to the legal protection and psychosocial support they need. This includes easy access to protection orders, legal support to file civil suits, and psychological support services. In addition, Indonesia can also raise public awareness about the serious impact of revenge porn, which will help reduce stigma and promote a more supportive and empathetic culture towards victims. Inter-agency coordination is also important in achieving an integrated approach. With close cooperation between law enforcement, social agencies, and civil society organizations, Indonesia can build a strong support network for victims while ensuring that perpetrators receive appropriate punishment. By incorporating lessons from the US and adapting them to the local Indonesian context, the country can make significant progress in protecting its citizens from the dangers of revenge porn. This holistic and empathy-based approach will not only help victims in their recovery but also work towards effective prevention and countermeasures against this phenomenon in the future.

4. Conclusion

In responding to the challenges posed by revenge porn, Indonesia can draw important lessons from the variety of legal approaches adopted in different states in the United States. A key conclusion from this analysis is the need for specific legislation that clearly defines what revenge porn is, including elements such as distribution without consent and intent to cause stress or embarrassment to the victim. These specific laws not only ease law enforcement and

court processes but also send a strong message to the public about the seriousness of the act. In addition, a flexible legal system that allows for the adjustment of penalties based on the severity of the case and the background of the offender is important to ensure the fairness and effectiveness of punishment. A focus on psychosocial support for victims, including access to counseling and therapy services as well as the possibility of filing civil suits, is also vital in supporting victims' recovery processes. Educating and raising public awareness about the impact and seriousness of revenge porn cases will help reduce stigma and create a more supportive environment for victims. Strong coordination between law enforcement, social agencies, and civil society organizations is needed to address this issue comprehensively, ensuring that perpetrators are punished while victims receive the support they need. Facing the challenges generated by the spread of revenge porn in the digital age, Indonesia can take progressive steps by learning from the US experience. Effective and victim-sensitive law implementation, accompanied by strong social support, will be key to addressing this phenomenon. The legal approach should be balanced between providing adequate punishment to perpetrators and ensuring protection and support for victims. This approach should also include preventive aspects, such as digital education and awareness-raising on the importance of online consent and privacy. By focusing on victim protection and prevention, Indonesia can not only deal with existing cases more effectively but also work to reduce the incidence of revenge porn in the future. The active engagement of digital and social media platforms, through strong content moderation policies and effective reporting tools, will also be an important part of the overall solution. Through these efforts, Indonesia can build a more responsive and holistic response to the challenges presented by revenge porn, affirming the country's commitment to the protection of individual rights and personal integrity in the digital space.

Acknowledgments

In developing this work, we have endeavored to utilize a variety of scholarly sources that can provide a deeper understanding and new perspectives on legal issues in society. We are very grateful to the authors of books, journals, and other sources who have made important contributions to enriching the scientific content of this article. However, we realize that this work still has shortcomings, and we are open to constructive suggestions and input from all parties. Despite the limitations, we hope that this article can be a useful reference source for academics, practitioners, and the wider community in understanding and studying case law. Our aim is to provide comprehensive and reliable insights that can help advance the understanding and handling of legal issues related to revenge porn, both at the national and international levels.

References

- Bates, Samantha, "Revenge Porn and Mental Health: A Qualitative Analysis of the Mental Health Effects of Revenge Porn on Female Survivors," *Feminist Criminology*, 12.1 (2017), 22-42 <<https://doi.org/10.1177/1557085116654565>>
- Bellows, Laura, "The Aroused Public in Search of the Pornographic in Indonesia," *Ethnos*, 76.2 (2011), 209-32 <<https://doi.org/10.1080/00141844.2011.552731>>
- Bothamley, Sarah, dan Ruth J Tully, "Understanding Revenge Pornography: Public Perceptions of Revenge Pornography and Victim Blaming," *Journal of Aggression, Conflict and Peace Research*, 10.1 (2018), 1-10 <<https://doi.org/10.1108/JACPR-09-2016-0253>>
- Brown, Jonathan, "'Revenge Porn' and the Actio Iniuriarum: Using 'Old Law' to Solve 'New

- Problems," *Legal Studies*, 38.3 (2018), 396-410 <<https://doi.org/DOI:10.1017/1st.2018.8>>
- Cathey, Angela J, dan Chad T Wetterneck, "Stigma and Disclosure of Intrusive Thoughts About Sexual Themes," *Journal of Obsessive-Compulsive and Related Disorders*, 2.4 (2013), 439-43 <<https://doi.org/https://doi.org/10.1016/j.jocrd.2013.09.001>>
- Chisala-Tempelhoff, Sarai, dan Monica Twesiime Kirya, "Gender, Law and Revenge Porn in Sub-Saharan Africa: a Review of Malawi and Uganda," *Palgrave Communications*, 2.1 (2016), 1-9 <<https://doi.org/10.1057/palcomms.2016.69>>
- Cole, Tessa, Christina Policastro, Courtney Crittenden, dan Karen McGuffee, "Freedom to Post or Invasion of Privacy? Analysis of U.S. Revenge Porn State Statutes," *Victims & Offenders*, 15.4 (2020), 483-98 <<https://doi.org/10.1080/15564886.2020.1712567>>
- Dodge, Alexa, "Digitizing Rape Culture: Online Sexual Violence and the Power of the Digital Photograph," *Crime, Media, Culture*, 12.1 (2015), 65-82 <<https://doi.org/10.1177/1741659015601173>>
- Dwikari et al, "Layered Exploitation: Exploring the Relationship Between Revenge Porn And Poly-Victimization," *International Journal of Multidisciplinary Research and Analysis*, 06.10 (2023), 4850-57 <<https://doi.org/10.47191/ijmra/v6-i10-39>>
- Effendi, Erdianto, Zico Junius Fernando, Ariesta Wibisono Anditya, dan M. Jeffri Arlinandes Chandra, "Trading in influence (Indonesia): A critical study," *Cogent Social Sciences*, 9.1 (2023) <<https://doi.org/10.1080/23311886.2023.2231621>>
- Gavin, Jeff, dan Adrian J. Scott, "Attributions of Victim Responsibility in Revenge Pornography," *Journal of Aggression, Conflict and Peace Research*, 11.4 (2019), 263-72 <<https://doi.org/10.1108/JACPR-03-2019-0408/FULL/XML>>
- Halder, Debarati, dan K Jaishankar, "Revenge Porn by Teens in the United States and India: A Socio-Legal Analysis," *International Annals of Criminology*, 51.1-2 (2013), 85-111 <<https://doi.org/DOI:10.1017/S0003445200000076>>
- Haynes, Jason, "Judicial Approaches to Combating 'Revenge Porn': a MultiJurisdictional Perspective," *Commonwealth Law Bulletin*, 44.3 (2018), 400-428 <<https://doi.org/10.1080/03050718.2019.1635034>>
- Kristen Zaleski, "The Long Trauma of Revenge Porn," *OUPBlog*, 2019 <<https://blog.oup.com/2019/09/the-long-trauma-of-revenge-porn/>> [diakses 28 Desember 2023]
- McGlynn, Clare, Erika Rackley, dan Ruth Houghton, "Beyond 'Revenge Porn': The Continuum of Image-Based Sexual Abuse," *Feminist Legal Studies*, 25.1 (2017), 25-46 <<https://doi.org/10.1007/s10691-017-9343-2>>
- Putra, M. Irfan Dwi, "Revenge Porn dan Victim Blaming: Rumitnya Penanganan KGBO di Indonesia," *The Columnist*, 2023 <<https://thecolumnist.id/artikel/revenge-porn-dan-victim-blaming-rumitnya-penanganan-kgbo-di-indonesia-2407>> [diakses 28 Desember 2023]
- Putra, Panca Sarjana, Zico Junius Fernando, Bhanu Prakash Nunna, dan Rizaldy Anggriawan, "Judicial Transformation: Integration of AI Judges in Innovating Indonesia's Criminal Justice System," *Kosmik Hukum*, 23.3 (2023), 233-47 <<https://doi.org/10.30595/kosmikhukum.v23i3.18711>>

- Schmidt, Felipa, Filippo Varese, Amanda Larkin, dan Sandra Bucci, "The Mental Health and Social Implications of Nonconsensual Sharing of Intimate Images on Youth: A Systematic Review," *Trauma, Violence, & Abuse*, 2023, 1-15 <<https://doi.org/10.1177/15248380231207896>>
- Sebastian, Melinda, "Privacy and Consent: the Trouble with the Label of 'Revenge Porn,'" *Feminist Media Studies*, 17.6 (2017), 1107-11 <<https://doi.org/10.1080/14680777.2017.1380428>>
- Sharma, Manoj K, Nitin Anand, Bangalore N Roopesh, dan Shweta Sunil, "Digital Resilience Mediates Healthy Use of Technology," *Medico-Legal Journal*, 90.4 (2021), 195-99 <<https://doi.org/10.1177/00258172211018337>>
- Starr, Tegan S., dan Tiffany Lavis, "Perceptions of Revenge Pornography and Victim Blame," *International Journal of Cyber Criminology*, 12.2 (2019), 427-38 <<https://doi.org/10.5281/ZENODO.3366179>>
- Sweeny, Joanne, "Gendered Violence and Victim-Blaming," *International Journal of Technoethics*, 8.1 (2017), 18-29 <<https://doi.org/10.4018/IJT.2017010102>>
- Waldman, Ari Ezra, "A Breach of Trust: Fighting 'Revenge Porn,'" *SSRN Electronic Journal*, 2015, 1-25 <<https://doi.org/10.2139/SSRN.2698722>>
- Zico Junius Fernando et al, "Revenge Porn: Digital Crimes and Implications for Victims," *Kosmik Hukum*, 23.2 (2023), 157-71 <<https://doi.org/10.30595/kosmikhukum.v23i2.18542>>