

# Law Implementation of Body Shaming that Leads to Sexual Harassment Against Women in Social Media

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## ABSTRACT

Beauty is the main reason for someone, especially a woman, to look stunning. A woman who feels beautiful uploading a photo of herself often experiences body shaming in the form of hate speech and bad comments through social media. It leads to sexual harassment. The Indonesian government passes the Violence Crime Act on Sexual Harassment (TPKS) which is expected to be a brand-new breakthrough in the Indonesian legal system. As well as the existence of restorative justice, it is hoped that it will also be one of the breakthroughs in the legal world by seeking a solution by emphasizing re-election to its original state. Not many women are well-aware of this new regulation. It is hoped that more awareness of this regulation to be well-spread, and that it can create deterrent effects for perpetrators of sexual harassment against women on social media. Using normative juridical qualitative method in compiling this research, the writer explains how effective the new regulation is for Indonesian women.

## ABSTRAK

Kecantikan adalah alasan utama seseorang, terutama wanita, untuk tampil memukau. Seorang wanita yang merasa cantik mengunggah foto dirinya kerap mengalami body shaming berupa ujaran kebencian dan komentar buruk melalui media sosial. Ini mengarah pada pelecehan seksual. Pemerintah Indonesia mengesahkan Undang-Undang Tindak Pidana Kekerasan terhadap Pelecehan Seksual (TPKS) yang diharapkan menjadi terobosan baru dalam sistem hukum Indonesia. Serta adanya keadilan restoratif diharapkan juga menjadi salah satu terobosan dalam dunia hukum dengan mencari penyelesaian dengan menekankan pemilihan kembali pada keadaan semula. Tidak banyak wanita yang mengetahui peraturan baru ini. Diharapkan agar peraturan ini semakin tersosialisasi dengan baik, dan dapat menimbulkan efek jera bagi pelaku pelecehan seksual terhadap perempuan di media sosial. Dengan menggunakan metode kualitatif yuridis normatif dalam menyusun penelitian ini, penulis menjelaskan seberapa efektif peraturan baru tersebut bagi perempuan Indonesia.

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## I. INTRODUCTION

The human body cannot only be interpreted physically, but the human body also has a social meaning. In the social life of a person's body, especially in women, has its own influence on beauty. With the help of advanced technology, many companies use social media to present various kinds of beauty products aimed at women. Like the Citra's Lotion ad with the slogan "fresher skin, brighter blush" Fair and Lovely's ad with the slogan "skin looks naturally beautiful. These advertisements, when viewed from the slogans listed, tend to lead to connoisseurs of beauty media, specifically

women.

Changes in body shape during adolescence can lead to a lack of self-confidence(Rusminingsih et al., 2020), this can affect women who feel dissatisfied with their bodies and internalize their bodies as advertised in the media, not only through online media or print, but there are also many electronic media that display beauty advertisements with white and soft skin, straight body shape, straight and long hair, and teeth that look so neat and white.

A body shape that tends to be thin, curvy, strong and healthy is a description of the shape of a woman's body that is said to be attractive(Micheal & Azeharie, 2020). Whereas in men, an athletic body shape with a flat stomach or six pack, and a broad chest is the body shape that men desire. The number of advertisements that describe an assessment of a person's body encourages the audience of these advertisements to change themselves into a form that fits what they see.

The use of social media among adolescents regarding beauty and body care is one of the factors that is often used by adolescents to change their shape, according to Santrock in a journal written by Rahayu(Rahayu, 2019) adolescent age is a developmental phase between childhood and adulthood. mature, so that they can always follow the trend so they are not left behind. But many also follow the trend around a healthy lifestyle, thereby creating positivity in life.

With so many advertisements that present an assessment of a person's body, it triggers people to be dissatisfied with their body and judge that their body has an embarrassing shape. Someone will be dissatisfied if there are many judgments conveyed by the environment about the body. This condition is getting stronger when many mass media give a lot of opinions to the public to judge the appearance of a person's body according to the content of mass media advertisements, from the data obtained there are 90% of women who are unhappy with the condition of their bodies(Rusminingsih et al., 2020).

The beginning of body shaming was for a trend or just a joke, but the joke gradually turned into something serious to insult, bring down and the worst thing now is sexual harassment of other people, and this causes inconvenience to people who become the object of body shaming. When receiving body shaming treatment for the first time, there is not much that can be done by the victim, in fact, many victims ultimately choose to be silent, keep it to themselves, and have no intention of retaliating, and even tend to surrender to body shaming words addressed to them(Tri & Ratri, 2019). The feeling of shame and fear experienced by the victim is the reason for the victim to remain silent and keep her mouth shut.

According to the American Psychiatry Association in the journal Psychology suggests that as a result of body shaming can experience anorexia nervosa disorder, which means that it is an error in seeing the shape or weight one has(Sari & Rosyidah, 2020), so that someone who gets body shaming too often can get disturbed mental or soul like this. Gilbert & Miles argue that body shaming is an embarrassing experience that can turn the victim from within into traumatic memories of himself or his body shape(Sari & Rosyidah, 2020), so that the impact of body shaming perpetrators does not only create a feeling of trust themselves, but also a traumatic sense of body shape. Freedom of expression is one of the rights of every citizen that is regulated and protected in the Universal Declaration of Human Rights (DUHAM) which states that everyone is free to express themselves, including how to dress (Bernadika & Kavita, 2021). However, in this case, you still have to comply with the rules and norms that apply in society, such as not wearing open clothes when not in a swimming pool or beach.

According to Anggaraini(Anggaraini & Gunawan, 2019) Body shaming can be classified into two categories of harassment, namely: non-verbal harassment and verbal harassment. Harassment in the form of both verbal and non-verbal can be punished with criminal sanctions, mostly there are still many people who still have less knowledge that the perpetrators of body shaming can be subject

to rather severe criminal sanctions. So that there are still many of them who casually give malicious comments without knowing the consequences behind their behavior.

One example of a case that occurred when YouTuber Pablo Benua and his wife Rey Utami uploaded a video on their Youtube channel alluding to Galih Ginanjar's ex-wife, Fairuz A Rafiq, Galih in the video said that his ex-wife's genitals smelled like salted fish, then the police named the three perpetrators as suspects in a defamation case according to ITE Law Article 27 Paragraph 1, Paragraph 3, and Criminal Code Articles 310 and Article 311 (Gultom et al., 2021), in the Electronic and Transaction Information Law (Indonesia, 2016) (UU ITE) Number 19 of 2016 in Article 27 Paragraph 3 states that "everyone intentionally and without rights distributes funds/or Electronic Documents that contain insults and/or defamation can be subject to imprisonment for a maximum of 4 (four) years and/or a fine maximum IDR 750,000,000".

Perpetrators of body shaming is also punishable with sanctions as stated on Criminal Code Article 310 Paragraph 2 with a penalty of 1 (one) year and 4 (four) months in prison or a maximum fine of IDR 4500 (four thousand five hundred Indonesian Rupiah). And when body shaming is carried out in writing or in pictures, if the perpetrator cannot prove that it is the truth, then the perpetrator can be subject to Article 311 of Criminal Code with penalty of four years in prison. Based on Law Number 12 of 2022 regarding Crimes of Sexual Violence, threats of body shaming perpetrators by leading to sexual harassment are included in Article 5:

"One who commits non-physical sexual acts directed against the body, sexual desire, and/or reproductive organs with the intention of demeaning a person's dignity based on their sexuality and/or sexuality shall be punished for non-physical sexual harassment, with a maximum imprisonment of 9 (nine) months and/or a maximum fine of IDR 10,000,000 (ten million Indonesian Rupiah)".

Stated by Gultom (Gultom et al., 2021) in his journal, he also agrees that the legal instruments used to protect victims of body shaming treatment are still unclear about the norms or forms of regulation in law which lead to many interpretations in the rules related to the crime of humiliating body shaming.

## II. RESEARCH METHOD

The purpose of the writer conducting this research is to find out the impacts caused by body shaming against women, how to reduce these cases and how the sanctions that ensnare these perpetrators. Therefore, this study uses a juridical-normative type of research, in research the researcher will look at issues from a normative perspective in accordance with the legal basis such as laws and other applicable legal sources, regulations, journals and literature as additions to it. This research is qualitative in nature to investigate, find, describe, and explain the qualities and features of social influence that cannot be explained, measured or described through a quantitative approach. This research also aims to understand and explore the incidents of body shaming that occurred, based on previous research from Endah Paramita Rahayu (Rahayu, 2019) entitled *The Impact of Receiving Messages Containing "Body shaming" on "Self Confidence" of Young Girls on Instagram Social Media*.

## III. RESULTS AND DISCUSSIONS

### 1. The Effect of Sexual Harassment in the From of Body Shaming on Social Media

Body shaming is when someone makes a physical judgment about another person. It is frequently classified as verbal or written bullying, but as society has advanced, it has evolved into mostly non-verbal or written communication that is widely shared (Fitriana, 2019). So, to put it simply, "body shaming" is when someone is treated poorly or made fun of for their weight, body type, or appearance using joking or derisive language or expressions.

Information technology that is currently developing has an impact on human life, the internet is a tool to facilitate crimes in information technology, such as cybercrime, cyberbullying, defamation and even pornography and others (Achmad, 2021). Cybercrime is a criminal activity that takes place in cyberspace and makes use of the internet and computer networks as media. The term "cybercrime" broadly refers to any criminal activity done to another person using computer networks or the internet (Shafa et al., 2020).

Women who experience body shaming in the category of sexual harassment often feel down or feel uncomfortable when they talk to their friends because they feel it is a disgrace that they have to cover up, even though such thoughts are wrong thoughts for all victims of body shaming, especially in the category of sexual harassment. This is what the public should know, that body shaming or bullying can frustrate victims and can also become perpetrators in the future.

According to Rahayu (Rahayu, 2019) someone who is exposed to body shaming has low self-confidence, so that the form of the victim's self-confidence becomes small or completely lost. Frustration caused by body shaming can make the victim not want to hang out with other friends and even the worst effect of body shaming can make the victim take the short route, namely suicide due to being unable to bear the shame and even disgust with his body according to Gani and Jalal (Gani & Jalal, 2021) Condition and psychology of the victim body shaming one of which is the victim experiencing anxiety (anxiety).

Most of the impacts or effects that occur on victims will experience frustration due to pressure on the victim's mental and personality, this encourages the government to carry out or ratify regulations or laws that can solve problems in terms of body shaming.

## **2. Legal Arrangements For The Protection Of Women's Bodily Autonomy In The Legal System In Indonesia**

The body is a private domain that must be guarded and cared for, without anyone having the right to do something without the consent of the owner of the body. Based on the 1945 Constitution of the Republic of Indonesia (UUD 1945) in Article 28G Paragraph 1, it reads: "that every person has the right to the protection of themselves, family, honor, dignity and property under his control, and is entitled to a sense of security and protection from the threat of fear to do or not to do something that is a human right." So based on the formulation of the article it is clear that the protection of personal rights over a person's privacy has been guaranteed by the state.

Law Number 39 year 1999 regarding Human Rights Article 9 paragraph 2 states that "everyone has the right to live in peace, security, happiness, physical and spiritual prosperity." In the formulation of the article that every person, whoever it is, has the right to live safely and comfortably without any pressure or coercion as long as that person lives. Article 29 Paragraph 1 also states that "everyone has the right to the protection of oneself, family, honor, dignity, and their rights."

The rules in the law implicitly explain that victims of body shaming are not only shown to women, but also to all humans in Indonesia, so that a sense of security and comfort is created to live freely, and when body shaming occurs on social media, especially leads to sexual harassment, Law Number 11 of 2008 regarding Information and Electronical Transactions Article 27 Paragraph 3 states that "everyone intentionally and without rights distributes and/or transmits and/or makes accessible electronic information and/or electronic documents that have content insult and/or defamation can be punished with imprisonment for a maximum of 6 (six) years and/or a fine of up to IDR. 1,000,000,000 (one billion Indonesian Rupiah)". In this paper it can be seen that all people who deliberately disseminate information that harms other people or in other words insults or body shaming and defamation depicted through social media or internet media can be fined with the Information and Electronical Transactions Law Number 11 year 2008.

The Criminal Code also regulates this matter in Article 310 paragraph 1 which regulates that if a

person accuses or attacks the honor of another person or a person's good name in a public place, they will be punished to a criminal sanction of 9 months and be fined maximum of IDR 4500, and Paragraph 2 explains if someone if it attacks another person's honor and fame through the form of pictures or writing that is broadcast or posted in public, it is punishable by jail for 4 months and fine of IDR 4500 (four thousand five hundred Indonesian Rupiah).

It's not enough to stop perpetrators from committing crimes that create a deterrent effect, that the Indonesian government has also passed the Law on Criminal Acts of Sexual Violence or the TPKS Law(UU TPKS, 2022) so that perpetrators of body shaming that lead to sexual harassment can also be subject to Law Number 12 year 2022 regarding Crimes of Sexual Violence Article 5 "everyone who commits non-physical sexual acts directed against the body, sexual desire, and/or reproductive organs with the intention of demeaning a person's dignity based on sexuality and/or decency shall be punished for sexual harassment physical body, with a maximum imprisonment of 9 months and/or a maximum fine of IDR 10,000,000 (ten million Indonesian Rupiah)".

However, if the perpetrator opens the body-shaming victim's data with the intention of making fun of the victim's home address or cellphone number, then the perpetrator can also be subject to the Personal Data Protection Act (Indonesia, 2022) Article 65 paragraph 2, which reads "everyone is prohibited from unlawfully disclosing personal data that does not belong to him." By imposing Article 65, the perpetrator can be subject to Article 67 paragraph 2, with a maximum imprisonment of 4 years and/or a maximum fine of IDR. 4,000,000,000 (four billion rupiah)

If the law is made for everyone to live and grow comfortably and safely without any disturbance, then if there is a violation by another person by committing a form of humiliation or sexual harassment on social media then there will be sanctions that will be received by the perpetrator. So with the ratification of the law that regulates the crime of body shaming which leads to sexual harassment, it will make the victims more confident by reporting the perpetrators and bringing evidence and witnesses that are used as initial evidence in the Police even though the police will also offer to do restorative justice. In 2018 there was a Chief of Police Circular No. SE/8/VII/2018(SE.Kapolri, 2018) concerning the Implementation of Restorative Justice issued by General Tito Karnavian, which shows that minor crimes with various formal and material requirements are fulfilled, so that restorative justice can be carried out, so that investigations and investigations can be terminated, of course with minutes of dismissal. However, if the community rejects Restorative Justice, then this is included in one of the unfulfilled material conditions, so complaints against perpetrators can continue. so that the perpetrators or potential perpetrators get the effect The deterrent that makes no body shaming in any form includes the direction of sexual harassment.

#### IV. CONCLUSION

Sexual harassment is a form of violence that results in psychological disturbance and the dignity of the victim, so that victims, especially women who experience body shaming, will feel inferior and uncomfortable with their body shape. An even more dangerous impact is to commit suicide because of the consequences. pressure or bullying carried out by perpetrators, social media should have a special function, namely by encouraging each other to share or seek good information, not to become a venue for committing crimes of sexual harassment and even other acts of crime.

With the newly passed Sexual Violence Crime Act, the authors hope to protect everyone from the crime of body shaming which leads to sexual harassment, and that the perpetrators should receive commensurate sanctions as a result of the actions that have been committed, so that the perpetrators do not arise. others, and can cut off new actors who can harm others.

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