

Serangan Maya, Konsekuensi Nyata: Efektivitas Pelindungan Korban Deepfake Pornography = Virtual Attacks, Real Consequences: The Effectivity of The Protection of Deepfake Pornography Victim

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Abstrak

Deepfake pornography adalah konten foto, video, atau audio yang memiliki muatan pornografi. 90-95% konten deepfake di internet adalah konten deepfake pornography. Faktanya, 90% korban adalah perempuan. Penelitian ini menggunakan metode sosio-legal dan etnografi digital yang berperspektif feminist legal theory untuk mengetahui apakah regulasi dan upaya yang ada telah mengakomodir kebutuhan korban perempuan. Regulasi yang dianalisis adalah UU Pornografi, UU ITE, UU TPKS, dan UU PDP. Hasil penelitian ini adalah regulasi yang ada belum cukup efektif dalam melindungi korban deepfake pornography. Kemudian, upaya yang dilakukan dalam pelindungan korban adalah literasi artificial intelligence, penghapusan jejak digital korban (right to be forgotten), pendampingan hukum dan psikologis, dan upaya mewujudkan peraturan pendukung. Tantangan yang dihadapi adalah seperti kurangnya edukasi deepfake pornography, kurangnya kesadaran aparat penegak hukum, kurangnya kualitas dan kuantitas fasilitas pengada layanan, belum adanya peraturan khusus deepfake pornography, dan platform digital yang belum berpartisipasi maksimal dalam upaya pelindungan. Lalu, meskipun peraturan dan hukuman Indonesia lebih banyak dan lebih tinggi dari Thailand, ternyata kualitas penanganan Indonesia masih kurang. Kemudian, refleksi dari pengalaman korban adalah bahwa budaya patriarki menjadi faktor perbuatan pelaku. Terakhir, delik aduan yang ada di UU TPKS menghambat korban melaporkan kasusnya ke jalur hukum. Karena, dari perspektif feminist legal theory, sistem hukum ini tidak sensitif terhadap korban perempuan yang seringkali merasa takut, malu, atau terintimidasi untuk melapor. Lalu, aparat penegak hukum kurang aktif menangani kasus dengan membebankan pembuktian kepada korban. Hal ini menghambat pelaksanaan right to be forgotten sebagai hak atas pemulihan korban.

.....Deepfake pornography is photo, video or audio content that has pornographic content. 90-95% of deepfake content on the internet is deepfake pornography content. In fact, 90% of victims are women. This research uses socio-legal methods and digital ethnography with a feminist legal theory perspective to find out whether existing regulations and efforts have accommodated the needs of female victims. The regulations analyzed are the Pornography Law, the ITE Law, the TPKS Law, and the PDP Law. The results of this research are that existing regulations are not effective enough in protecting victims of deepfake pornography. Then, the efforts made to protect victims are artificial intelligence literacy, erasing digital traces of victims (right to be forgotten), legal and psychological assistance, and efforts to create supporting regulations. The challenges faced include a lack of education on deepfake pornography, a lack of awareness by law enforcement officials, a lack of quality and quantity of service provision facilities, the absence of specific regulations on deepfake pornography, and digital platforms that have not participated optimally in protection efforts. Then, even though Indonesia's regulations and penalties are more numerous and higher than Thailand's, it turns out that Indonesia's handling quality is still lacking. Then, a reflection of the victim's experience is that patriarchal culture was a factor in the perpetrator's actions. Lastly, the complaint offense contained in the TPKS Law prevents victims from reporting their cases to legal channels. Because, from the

perspective of feminist legal theory, this legal system is not sensitive to female victims who often feel afraid, embarrassed or intimidated to report. Then, law enforcement officials are less active in handling cases by placing the burden of proof on the victim. This hampers the implementation of the right to be forgotten as a right to recovery for victims.