

CHAPTER I INTRODUCTION

A. Background

At beginning the development of technology did not go as fast as today, but along with the changes of times, technological developments followed the dynamics of human life.¹ Human civilization is developing in line with the rapid development of technology as well. Technology is made in order to facilitate human activities in their daily life. As we see today, changes continue to occur, especially in the field of communication. The field of communication starts from a very simple form of communication to electronic communication, especially in the 20th century.²

Bernard Cohen in his book entitled "Revolution in Science" argues that basically the scientific revolution is considered as "Their stages of development, evidential test for their occurrence and transformation of idea in the production of revolutionary innovations" which is understood as transitions or stages. in the construction of ideas as innovation and revolution.³ In the end, this scientific revolution increased the speed of change in the stages of development in terms of communication technology as it is currently the focal point of this discussion.

¹AG. Eka Wenats Wuryanta, "Digitalisasi Masyarakat: Menilik Kekuatan dan Kelemahan Dinamika Era Informasi Digital dan Masyarakat Informasi", *Jurnal Ilmu Komunikasi*, Vol. 1, No. 2, (Desember, 2004), p.9.

² Mohammad Zamroni, "Perkembangan Teknologi dan Dampaknya Terhadap Kehidupan", *Jurnal Dakwah*, Vol. 10, No. 2, (April, 2009), p.26.

³ Ibid.

As developments in the field of technology occur not only in communication science theories that are applied in society but also in communication technology. This communication technology is defined as the use of technology as social media in order to support communication between humans. Basically, all things will have an impact on humans themselves, both positive and negative impacts. The positive impact can be taken for example, communication becomes easier and more efficient, distance is no longer have meaning because sending a message no longer takes a long time. The negative impact is human dependence on technology that is already at a high level.⁴

The development of social media sites that are easily accessible to all levels of society finally had another impact. Social media such as Twitter, Facebook, Snapchat, and many more are used to express themselves. But in fact, in its use, there is a lot of sexual harassment, acts of sexual violence are also developing, not only directly in person but also through social media. In cases of Gender Onlie Based Violence (KGO), it was found in several popular social media platforms as many of them occurred on Facebook, namely 39% of cases, Instagram as much as 23%, Whatsapp 14%, Snapchat 10%, Twitter 9%, and TikTok 6%.⁵

According to National Commission on Violence Against Women, sexual harassment is any sexual act committed through physical or non-

⁴ Andrew Schrock, (2006), *Myspace Or Ourspace: A Media System Dependency View Of Myspace*, Florida, University Of Central Florida.

⁵ Uly Siregar, 2020, *Pelecehan Online Terhadap Perempuan Mendorong Mereka Keluar dari Medsos*, <https://www.dw.com/id/kasus-pelecehan-terhadap-perempuan-secara-online/a-55170629>, (accessed on 26 Februari 2021, 17.30).

physical contact with the victim's sexual organs or sexual acts.⁶ In fact, it cannot be tolerated because the impact is in the form of physical and psychological trauma.⁷ Sexual harassment is not only experienced by women, but many men experience this. Non-physical harassment can be interpreted as harassment that may be happening nowadays, namely Cyber-Sexual Harassment on the internet.⁸

One of the cases that attracted the author to analyze it was the viral case of “Gilang Bungkus”, namely the perpetrator with the name Gilang Aprilian Nugraha Pratama, who with the mode of making the victim follow his wishes by asking the victim through social media to wrap the victim in a cloth and ask the victims to record everything the scene he instructed. This is the reason to fulfill and make the research material. This case has risen to the public because the upload of the @m_fikris twitter account as this case was later resolved through court channels, the trial was held on January 26, 2021 with the prosecutor's demands as proven legally violating Article 335 paragraph (1) 1 of the Criminal Code, Article 82 paragraph (1) Jo Article 76E of the Child Protection Law, and Article 289 of the Criminal Code with a

⁶ Aroma Elmina Martha, (2003), *Perempuan Kekerasan dan Hukum*, Yogyakarta, UII Press.

⁷ Fadhli Rizal Makarim, 2021, *Bentuk Pelecehan yang perlu Diketahui*, <https://www.halodoc.com/artikel/bentuk-pelecehan-seksual-yang-perlu-diketahui>, (accessed on 26 Februari 2021, 18.10).

⁸ Fairuz Nadia, 2020, *Pelecehan Seksual yang Perlu Diketahui*, <http://yayasanpulih.org/2020/06/mengenal-kekerasan-cyber-pada-perempuan/>, (accessed on 26 Februari 2021, 18.23).

demand for 8 years imprisonment.⁹ This crime allegedly took place since 2015 and at least the number of victims is estimated at 25 people.¹⁰

As the author wishes to analyze the implementation of punishment for cyber harassment perpetrators through social media. Apart from that, it also analyzes the factors that influence the punishment of cyber-sexual harassment offenders as a determinant of the severity of the crime. And lastly, to analyze the “Gilang Bungkus” case related to the crime of cyber-sexual harassment in the perspective of criminal law. For that the author takes the title of the undergraduate thesis **CRIMINAL LIABILITY OF CYBER-SEXUAL HARASSMENT IN SOCIAL MEDIA: Gilang Bungkus Case.**

B. Problem Formulation

1. How is the implementation of punishment for the perpetrators of the crime of Cyber-Sexual Harassment that is carried out through Social Media?
2. What are the factors that influence the punishment of the perpetrators of cyber-sexual harassment as a determinant of the severity of the crime?
3. How does the case Gilang Aprilian Nugraha from perspective of criminal law?

⁹ Erandhi Hutomo Saputra, 2021, *Kasus Fetish Kain Jarik, Gilang Bungkus Dituntut 8 Tahun Penjara*, <https://kumparan.com/kumparannews/kasus-fetish-kain-jarik-gilang-bungkus-dituntut-8-tahun-penjara-1v5lmsktkOM/full>, (accessed on 26 Februari 2021, 19.19).

¹⁰ CNN Indonesia, 2020, *Gilang Bungkus Jarik Didakwa Tiga Pasal Saat Sidang Perdana*, <https://www.cnnindonesia.com/nasional/20201105062852-12-566082/gilang-bungkus-jarik-didakwa-tiga-pasal-saat-sidang-perdana>, (accessed on 26 Februari 2021, 20.30).

C. Objective of Research

1. To find out the implementation of punishment for the perpetrators of criminal acts of Cyber-Sexual Harassment which are carried out through Social Media.
2. To find out and analyze the factors that influence the punishment of the perpetrators of cyber-sexual harassment as a determinant of the severity of the crime.
3. To analysis related to Gilang Aprilian Nugraha case related to the Cyber-Sexual Harassment crime from a criminal law perspective.

D. Benefits of Research

1. Theoretical Benefits
 - a. This research is expected to be useful and can provide new insights related to legal concepts or theories on punishment for perpetrators of cyber-sexual harassment crimes that are carried out through social media.
 - b. This research is expected to provide an overview and input related to new thoughts on crime, as in particular regarding decency crimes committed through social media.
2. Practical Benefits
 - a. This research is expected to have a good impact on society in general and writers in particular to develop scientific reasoning and thinking as well as to find out the writer's ability to apply the knowledge that has been obtained.

- b. The results of this study are expected to be able to provide reinforcement of law enforcement cases related to Cyber-Sexual Harassment which is rife in society today.