

ABSTRAK

Penyebaran konten intim tanpa persetujuan (*Non-Consensual Intimate Content*) merupakan bentuk kejahatan digital yang tidak hanya melanggar norma kesusilaan, tetapi juga menimbulkan pelanggaran terhadap privasi, martabat, serta kerugian psikologis, sosial, dan ekonomi bagi korban. Penelitian ini bertujuan untuk menganalisis penerapan dakwaan alternatif dalam Putusan Pengadilan Negeri Jakarta Selatan Nomor 616/Pid.Sus/2023/PN Jkt.Sel., khususnya terkait penerapan Pasal 27 ayat (1) Undang-Undang Informasi dan Transaksi Elektronik dibandingkan Pasal 4 ayat (1) jo. Pasal 29 Undang-Undang Pornografi, serta menelaah pertimbangan hakim dalam menilai kerugian korban dari perspektif viktimologi. Penelitian ini menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan (*statute approach*) dan pendekatan kasus (*case approach*).

Hasil penelitian menunjukkan bahwa penerapan Pasal 27 ayat (1) Undang-Undang Informasi dan Transaksi Elektronik lebih tepat karena karakter utama perbuatan Terdakwa terletak pada tindakan mendistribusikan dan membuat dapat diaksesnya dokumen elektronik bermuatan melanggar kesusilaan melalui media digital tanpa hak untuk tujuan komersial, bukan pada tindakan memproduksi materi pornografi sebagaimana diatur dalam Undang-Undang Pornografi. Selain itu, pertimbangan hakim telah menunjukkan pengakuan terhadap penderitaan korban akibat tindak pidana tersebut, namun perlindungan yang diberikan belum sepenuhnya optimal karena masih berfokus pada penghukuman pelaku tanpa disertai pemulihan konkret bagi korban. Oleh karena itu, penelitian ini menyimpulkan bahwa meskipun penerapan norma pidana terhadap pelaku telah sesuai dengan karakter perbuatan yang terbukti, perlindungan terhadap korban masih memerlukan penguatan agar tidak hanya menekankan pertanggungjawaban pidana pelaku, tetapi juga pemulihan hak-hak korban secara nyata.

Kata Kunci: Dakwaan Alternatif, UU ITE, Viktimologi, Perlindungan Korban, Restitusi.

ABSTRACT

The dissemination of intimate content without consent (Non-Consensual Intimate Content) constitutes a form of cybercrime that not only violates standards of decency but also infringes upon the victim's privacy, dignity, and causes psychological, social, and economic harm. This study aims to analyze the application of alternative charges in the Decision of the South Jakarta District Court Number 616/Pid.Sus/2023/PN Jkt.Sel., particularly regarding the application of Article 27 paragraph (1) of the Electronic Information and Transactions Law in comparison with Article 4 paragraph (1) in conjunction with Article 29 of the Pornography Law, as well as to examine the judge's legal reasoning in assessing the victim's losses from the perspective of victimology. This research employs normative legal research using a statutory approach and a case approach.

The findings indicate that the application of Article 27 paragraph (1) of the Electronic Information and Transactions Law was more appropriate because the defendant's primary conduct consisted of unlawfully distributing and making accessible electronic documents containing content that violated public decency through digital media for commercial purposes, rather than producing pornographic material as regulated under the Pornography Law. Furthermore, the court's reasoning demonstrated recognition of the victim's suffering resulting from the criminal act; however, the protection afforded to the victim has not been fully optimal, as it remained focused on punishing the offender without providing concrete measures for the victim's recovery. Therefore, this study concludes that although the application of criminal law to the offender was consistent with the proven nature of the offense, greater efforts are still required to strengthen victim protection by emphasizing not only the offender's criminal liability but also the effective restoration of the victim's rights.

Keywords: *Alternative Charges, Electronic Information and Transactions Law, Victimology, Victim Protection, Restitution.*