

Love Scam as a Manifestation of Online Gender-Based Violence: Aligning Legislation to Ensure Victim Protection

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Abstract

Love scams, increasingly prevalent in Indonesia, represent a new form of gender-based violence in the digital world. This study aims to trace the history of love scams as a manifestation of online gender-based violence, identify the patterns of manipulation used, and assess the adequacy of legal protection for victims within the framework of applicable regulations. Using a legal-normative approach and qualitative content analysis, this research examines secondary data consisting of legal regulations, court rulings, and actual case studies involving victims. Findings show that love scams not only have financial consequences but also leave deep psychological trauma due to emotional manipulation in fictitious relationships. This pattern of violence is formed through five stages: creating an attractive identity, seduction, requests for money, online sexual harassment, and the revelation of lies. However, the three main legal instruments in Indonesia—the TPKS Law, the ITE Law, and the Penal Code—do not explicitly regulate love scams as digital gender-based violence, leaving legal loopholes that harm victims. This study emphasizes the importance of harmonizing regulations with the principle of responsive law, so that legal protection is more adaptive to technological developments and the complexity of gender-based violence in cyberspace.

Keywords: *Love Scam, Online Gender-Based Violence (OGBV), Legal Protection.*

Abstrak

Fenomena love scam merepresentasikan bentuk baru kekerasan berbasis gender di ranah digital yang kian marak di Indonesia. Studi ini bertujuan untuk menelusuri historisitas love scam sebagai manifestasi kekerasan gender berbasis online (KGBO), mengidentifikasi bentuk-bentuk manipulasi yang digunakan, serta menilai kecukupan perlindungan hukum bagi korban dalam kerangka peraturan yang berlaku. Dengan menggunakan metode yuridis-normatif dan analisis konten kualitatif, penelitian ini mengkaji data sekunder berupa regulasi hukum dan putusan pengadilan, serta studi kasus aktual yang melibatkan korban. Temuan menunjukkan bahwa love scam tidak hanya berdampak finansial, tetapi juga mengakibatkan luka psikologis yang mendalam akibat manipulasi emosional dalam relasi fiktif. Pola kekerasan ini dibentuk melalui lima tahap: penciptaan identitas menarik, rayuan, permintaan dana, pelecehan seksual daring, dan akhirnya, pengungkapan kebohongan. Namun, ketiga instrumen hukum utama di Indonesia—UU TPKS, UU ITE, dan KUHP—belum secara eksplisit mengatur love scam

sebagai bentuk kekerasan gender digital, sehingga menciptakan kekosongan hukum yang merugikan korban. Penelitian ini menekankan pentingnya harmonisasi regulasi dengan prinsip responsive law, agar perlindungan hukum lebih adaptif terhadap perkembangan teknologi dan kompleksitas kekerasan berbasis gender di dunia maya.

Kata kunci: *Love scam, Kekerasan Berbasis Gender Online, Perlindungan Hukum.*

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Introduction

Online gender-based violence (hereinafter referred to as OGBV) has occurred in several countries, including the United States,¹ the United Kingdom,² Australia,³ and Brazil.⁴ Social, cultural, and intricate regulatory factors contribute to the emergence of this phenomenon.⁵ The primary triggering factors encompass deeply rooted gender inequality, the normalization of misogyny, ineffective regulatory frameworks, and a general lack of awareness or tolerance of gender equality.⁶

The escalation of gender-based violence in cyberspace can be attributed to the shift of various activities to the digital realm, particularly during the COVID-19

¹ Jone Martínez-Bacaicoa et al., "Online Gendered Violence Victimization Among Adults: Prevalence, Predictors and Psychological Outcomes," *Psicothema* 36, no. 3 (2024): 247–56, <https://doi.org/10.7334/psicothema2023.315>.

² Kim Barker and Olga Jurasz, "Gender-Based Abuse Online: An Assessment of Law, Policy and Reform in England and Wales," *The Palgrave Handbook of Gendered Violence and Technology*, ahead of print, 2021, https://doi.org/10.1007/978-3-030-83734-1_26.

³ Molly Dragiewicz et al., "Digital Media and Domestic Violence in Australia: Essential Contexts," *Journal of Gender-Based Violence* 5, no. 3 (October 2021): 377–93, <https://doi.org/10.1332/239868021X16153782923978>.

⁴ Gisella Lopes Gomes Pinto Ferreira, "Mapping Digital Dating Abuse in Brasil and Australia: A Review on Victimization Experiences from the Global-South," *Ciência & Saúde Coletiva* 28, no. 11 (November 2023): 3259–72, <https://doi.org/10.1590/1413-812320232811.20492022>.

⁵ P.E. Zaltina and L.I. Nurtjahyo, "Right To Be Forgotten as a Legal Protection for The Victims of Electronic Sexual Violence Cases," *Indonesian Journal of Socio-Legal Studies* 3, no. 2 (2024), <https://doi.org/10.54828/ijsls.2024v3n2.4>.

⁶ N. Suzor et al., "Human Rights by Design: The Responsibilities of Social Media Platforms to Address Gender-Based Violence Online," *Policy and Internet* 11, no. 1 (2019): 84–103, <https://doi.org/10.1002/poi3.185>.

pandemic.⁷ The Internet-based digital space, which initially served as a supportive medium for numerous human activities during the pandemic,⁸ has also facilitated opportunities for some individuals to engage in OGBV.⁹

The pandemic limited human physical activities, significantly increasing screentime among people busy with apps on their smartphones¹⁰ to obtain information, even when they were on guard.¹¹ For ZA (23), a young woman, scrolling TikTok was her ideal pastime to escape boredom. However, this activity left ZA with an unpleasant experience. She received negative comments from several anonymous accounts after uploading a video. Most of the comments were demeaning to her physique and personal status, such as "Why are you getting fatter?", "You have so many pimples," and "You're not married yet?" These comments left ZA anxious and insecure. Then, she decided to deactivate her social media for a while. Indirectly, this experience reflects a form of OGBV in which women are usually subjected to sexist comments and dehumanizing body shaming in the digital space.¹²

Apart from ZA, a case of gender-based violence in the digital space was also experienced by AL (25), a young man. Out of curiosity, AL¹³ tried an online dating app and started a relationship with a woman he knew online. During the pandemic, they interacted virtually exclusively. However, the relationship turned out to be fake, and the woman was already married and used a fictitious identity for mischievous reasons,

⁷ A. Muthusamy and T. Kumar, "Cybersecurity for Preserving Mental Wellness and Preventing Abuse," in *Exploiting Machine Learning for Robust Security* (2025), 211–31, <https://doi.org/10.4018/979-8-3693-7758-1.ch010>.

⁸ R.B. de Simões et al., "Online Violence Against Women: Reports From the COVID-19 Pandemic Experience," *Comunicacao e Sociedade* 42 (2022): 179–203, [https://doi.org/10.17231/COMSOC.42\(2022\).3981](https://doi.org/10.17231/COMSOC.42(2022).3981).

⁹ N.Z. Abidin et al., "Knowledge and Protective Practice towards Love Scam among Female Facebook Users in Malaysia," *Jurnal Komunikasi: Malaysian Journal of Communication* 34, no. 4 (2018): 113–33, Scopus, <https://doi.org/10.17576/JKMJC-2018-3404-07>.

¹⁰ W.O. Lasisi, "Utilitarian Perspectives on Curbing Online Abuse of Women During the COVID-19 Crisis," in *COVID-19 and Psychological Distress in Africa: Communitarian Perspectives* (2023), 166–79, <https://doi.org/10.4324/9781003425861-15>.

¹¹ Jakob Ohme et al., "Staying Informed and Bridging 'Social Distance': Smartphone News Use and Mobile Messaging Behaviors of Flemish Adults during the First Weeks of the COVID-19 Pandemic," *Socius: Sociological Research for a Dynamic World* 6 (January 2020), <https://doi.org/10.1177/2378023120950190>.

¹² V. Bansal et al., "Help-Seeking Behaviours of Those Experiencing Technology-Facilitated GBV in Asia: Implications for Policy and Programming," *Journal of Gender-Based Violence* 7, no. 2 (2023): 352–63, <https://doi.org/10.1332/239868021X16697232129517>.

¹³ Interview AL Kekerasan Berbasis Gender Online Dalam Love Scam (2022)..

making AL feel cheated and disrespected. AL's case reflects another example of digital violence, suggesting that love scams are not merely restricted to women as victims.

The cases experienced by ZA and AL illustrate only a few of the many cases of gender-based violence experienced by women and men during the pandemic. Before the outbreak, OGBV had become widespread in practice amid the rapid development of the Internet and social media platforms, allowing people to quickly respond with emoticons, contempt-laden sentences, or good messages, or to falsify identities to gain something or simply to scam victims.

Online love scams are among the most common and profitable (for criminals) scams that utilize cyber technology.¹⁴ The sophisticated technology of smartphones, with its comprehensive communication features, is increasingly driving innovation and differentiation. Connected to the Internet and social services, smartphones become multifunctional, sophisticated devices that we should use wisely. Such technology, supported by unlimited Internet access, however, enables more cybercrime to take place.¹⁵

The development of social media has opened new spaces for gender-based violence in the digital realm.¹⁶ This violence includes online harassment (cyber harassment), manipulative approaches (cyber grooming), hacking, invasion of privacy, threats of personal content distribution, revenge porn, impersonation, defamation, and misleading online recruitment.¹⁷ Unfortunately, the legal handling of these cases remains weak and favors the perpetrators. Law enforcement in cyberspace is often hampered by a lack of proper regulations, difficulty tracking perpetrators, and fears of reporting due to

¹⁴ C. Kopp et al., "Online Romance Scam: Expensive e-Living for Romantic Happiness," 2016, 175–89, <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85071974412&partnerID=40&md5=f55095d8053f9c45ad8821cb10ce56c4>.

¹⁵ Abidin et al., "Pengetahuan Dan Amalan Perlindungan Pengguna Facebook Wanita Terhadap Penipuan Cinta Di Malaysia."

¹⁶ S. Niman, T.S. Parulian, and T. Rothhaar, "Online Love Fraud and the Experiences of Indonesian Women: A Qualitative Study," *International Journal of Public Health Science* 12, no. 3 (2023): 1200–1208, <https://doi.org/10.11591/ijphs.v12i3.22617>.

¹⁷ Jihan Risya Cahyani Prameswari, Deassy Jacomina Anthoneta Hehanussa, and Yonna Beatrix Salamor, "Kekerasan Berbasis Gender Di Media Sosial," *PAMALI: Pattimura Magister Law Review* 1, no. 1 (February 2021): 55, <https://doi.org/10.47268/pamali.v1i1.484>.

shame or distrust of the system.¹⁸ Online gender-based violence (OGBV) can worsen without proper case handling.¹⁹

One of the more prevalent forms of OGBV is love scams. Perpetrators often create fake profiles on dating sites or social media platforms such as Facebook, Skype, and LinkedIn, using stolen photos —often of models or military officers —to construct an attractive, fictional identity. The goal is to emotionally manipulate the victim into believing in the relationship built through that identity and then trick them into giving money or other favors.²⁰ This phenomenon causes financial loss and leaves deep psychological trauma on the victim. Love scams illustrate how the digital space can be used to exploit trust and emotional vulnerability, especially when regulations and protections for victims are weak.²¹

This research is among several studies that analyze the phenomenon of love scams related to OGBV. Frans, using a criminal law approach, concluded that existing laws, including the Sexual Violence Crimes Law (UU TPKS), the Electronic Information and Transactions Law (UU ITE), and the Penal Code, contain loopholes in cases of OGBV. In his research, he also explains that policies that are adaptive to technological developments involve strengthening digital forensic capacity and cross-sector collaboration.²² Then, Mahayu, using the case of High Court Decision Number 150/PID/2020/PT BDG, provided analysis results implying that the court decision has not provided maximum protection to victims due to overlapping arrangements that lead to unclear legal protection and the existence of ambiguous articles in UU ITE, which become an instrument to criminalize victims of OGBV.²³

¹⁸ Bansal et al., “Help-Seeking Behaviours of Those Experiencing Technology-Facilitated GBV in Asia: Implications for Policy and Programming.”

¹⁹ Neri Widya Ramailis, “CYBER CRIME DAN POTENSI MUNCULNYA VIKTIMISASI PEREMPUAN DI ERA TEKNOLOGI INDUSTRI 4.0,” *SISI LAIN REALITA* 5, no. 01 (June 2020): 1–20, [https://doi.org/10.25299/sisilainrealita.2020.vol5\(01\).6381](https://doi.org/10.25299/sisilainrealita.2020.vol5(01).6381).

²⁰ A.B. Duche-Pérez et al., “Silenced Voices on the Net: A Systematic Literature Review on Gender-Based in Social Media Networks,” *Journal of Ecohumanism* 3, no. 3 (2024): 642–55, <https://doi.org/10.62754/joe.v3i3.3386>.

²¹ Monica T. Whitty, “Who Can Spot an Online Romance Scam?,” *Journal of Financial Crime* 26, no. 2 (April 2019): 623–33, <https://doi.org/10.1108/JFC-06-2018-0053>.

²² Frans Reumi et al., “Online Gender-Based Violence(GBV) Crime In The Perspective Of Indonesian Criminal Law,” *Journal of Strafvingering Indonesian* 1, no. 6 (January 2025): 1–13, <https://doi.org/10.62872/xez31j88>.

²³ Mahayu Rinta Ariania and Wahyu Widodob, “Juridicial Review of Legal Protection Victims of Cyber Gender-Based Violence (Case Study of High Court Decision Number 150/PID/2020/PT BDG),” *Widya Pranata Hukum : Jurnal Kajian Dan Penelitian Hukum* 5, no. 150 (2023): 62–70.

Alip shows that Law Number 12 of 2022 concerning Sexual Violence Crime provides a strong legal basis for protecting victims, while revealing that UU TPKS faces challenges in its enforcement and in raising public awareness of the law.²⁴ Sorrel²⁵ and Fangzhou²⁶ identify the psychological consequences and risk and protection factors for scam perpetrators, how they survive in the relationship, and understand the social interaction and behavior between victims and perpetrators during love scams, to ensure that preventive measures are properly set.

Departing from the above studies, this paper explains the historicity of OGBV in Indonesia, the forms of crime and the influence of OGBV on victims, identify the weaknesses of existing legal regulations in dealing with cases of digital violence, and the need for harmonization of the UU TPKS, UU ITE, and Penal Code, which should be more adaptive to technological developments and victim protection needs.

Methods

This research employs a qualitative approach with descriptive methods to analyze the phenomenon of OGBV, particularly in the context of love scams. The research subjects included case documentation, court decisions, relevant literature, and laws. Research procedures with literature studies discuss OGBV and victim protection. The materials and instruments used included legal documents such as the UU TPKS, UU ITE, and the Penal Code, as well as the results of prior research. Data collection was performed through a literature review and published case documentation. The data obtained were analyzed qualitatively using a content analysis approach²⁷ to identify patterns, regulatory flaws, and social and psychological impacts on victims in the context of providing protection.

²⁴ Alip Rahman et al., "Legal Protection for Victims of Online Gender-Based Violence (Cyber-Based Violence)," *Edunity Kajian Ilmu Sosial Dan Pendidikan* 3, no. 12 (December 2024): 1210–20, <https://doi.org/10.57096/edunity.v3i12.350>.

²⁵ Tom Sorell and Monica Whitty, "Online Romance Scams and Victimhood," *Security Journal* 32, no. 3 (September 2019): 342–61, <https://doi.org/10.1057/s41284-019-00166-w>.

²⁶ Fangzhou Wang and Volkan Topalli, "Understanding Romance Scammers Through the Lens of Their Victims: Qualitative Modeling of Risk and Protective Factors in the Online Context," *American Journal of Criminal Justice* 49, no. 1 (February 2024): 145–81, <https://doi.org/10.1007/s12103-022-09706-4>.

²⁷ Maryam Salehijam, "The Value of Systematic Content Analysis in Legal Research," *Tilburg Law Review* 23 (September 2018): 34, <https://doi.org/10.5334/tlrl.5>.

Results and Discussion

The Historicity of Love Scam Practices as a Form of Online Gender-Based Violence (OGBV) in Indonesia

The Internet began to enter Indonesia in the 1990s. This technology underwent a massive transformation, connecting people with others without boundaries. The emergence of the Internet also led to the growing social networking sites, built to connect people worldwide.²⁸ Social media varies, ranging from Twitter, Instagram, Telegram, and WhatsApp to online dating applications such as Tinder, allowing people to spend most of their activities online.²⁹

The increasing use of social media has also changed the way people establish relationships. Social media has introduced new ways to connect, communicate, and present oneself. This emerging social media trend has combined the stages of relating and increased opportunities for relationships while affecting perceptions and satisfaction in romantic relationships. The convenience offered by social media can be used to summarize the stages of a relationship, enabling users to gather information in no time, initiate or avoid interactions, and manage online relationships.³⁰

However, this transformation did not seem to suggest that it would lead to something else. On the positive side, social media helps improve relationships by making it easier for people to stay in touch.³¹ On the negative side, social media leaves room for OGBV, especially against women. Platforms intended to form connections and empowerment can facilitate harassment, threats, and violence in the digital realm.³²

Meanwhile, in Indonesia, OGBV is not a new form of violence, as evident in the reports filed by victims, the majority of whom were women, to Komnas Perempuan

²⁸Ghobadi Alcianno, "Sejarah Dan Perkembangan Internet Di Indonesia," *Jurnal Mitra Manajemen* 5 (2020): 68–71.

²⁹S. Mas'udah et al., "Gender-Based Cyber Violence: Forms, Impacts, and Strategies to Protect Women Victims," *Journal of International Women's Studies* 26, no. 4 (2024), <https://www.scopus.com/inward/record.uri?eid=2-s2.0-85200839518&partnerID=40&md5=558818c868f187a097aedddeff1f9a2c>.

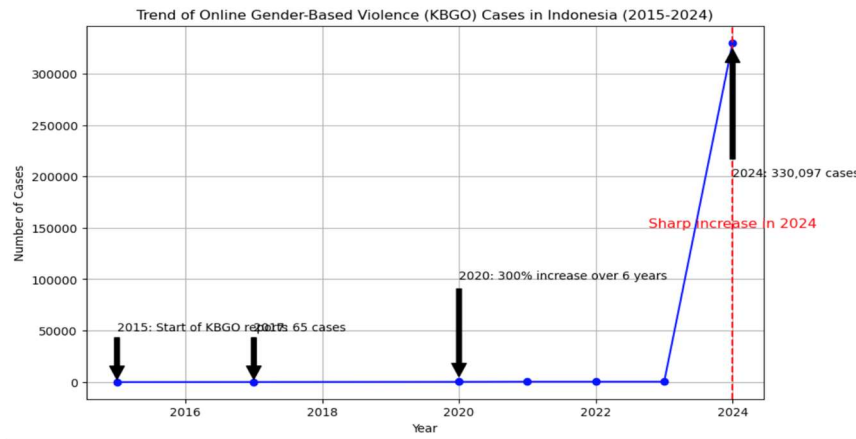
³⁰Sharon Goldberg, Daphna Yeshua-Katz, and Avi Marciano, "Online Construction of Romantic Relationships on Social Media," *Journal of Social and Personal Relationships* 39, no. 6 (June 2022): 1839–62, <https://doi.org/10.1177/02654075211067814>.

³¹Shipan Yu, "The Influence of Social Media on Interpersonal Relationships," *Communications in Humanities Research* 9, no. 1 (October 2023): 90–97, <https://doi.org/10.54254/2753-7064/9/20231126>.

³²Adelia Octavia Siswoyo and Ahmad Gimmy P. Siswadi, "Social Media as a Digital Space for Online Gender-Based Violence (GBV)," *Journal of Feminism and Gender Studies* 4, no. 1 (January 2024): 96, <https://doi.org/10.19184/jfgs.v4i1.46480>.

(National Commission on Violence Against Women). The annual increase in Internet users and new users has set the stage for Komnas Perempuan to convey that OGBV constitutes a serious offence that warrants attention.³³

Figure 1: Increase in the number of OGBV cases



Source: data processed by the author

This timeline reveals that the beginning of the emergence of OGBV in Indonesia was marked by an influx of reports received by Komnas Perempuan (National Commission on Violence Against Women) since 2015. Komnas Perempuan has provided records on women related to the cyber world and underlined that violence and cybercrime have increasingly complicated case patterns. The emergence of this increasing violence is marked by reports of violence against women in cyberspace that happened again in 2017, with 65 cases.³⁴ Furthermore, in 2020, Komnas Perempuan noted that the number of violence cases had increased by 300% over the past six years, compared with 2019.³⁵ Then, from 2021 to 2023, this trend gradually increased to 330 cases. Finally, in 2024, the annual report of the commission reported 330.097 cases as a remarkable increase, including all forms of violence against women, with dominance in the personal sphere.³⁶

³³Andriany dkk Illene, "Perancangan Kampanye Sosial Mengenai Kekerasan Berbasis Gender Online," *Jurnal DKV Adiwarna* 1, no. 14 (2019): 1–10.

³⁴Eny Ratnasari, Suwandi Sumartias, and Rosnandar Romli, "Penggunaan Message Appeals Dalam Strategi Pesan Kampanye Anti Kekerasan Berbasis Gender Online," *Jurnal Ilmu Komunikasi* 18, no. 3 (December 2020): 352, <https://doi.org/10.31315/jik.v18i3.3844>.

³⁵Prameswari, Hehanussa, and Salamor, "Kekerasan Berbasis Gender Di Media Sosial."

³⁶ Komnas Perempuan, "CATAHU 2024: MENATA DATA, MENAJAMKAN ARAH: REFLEKSI PENDOKUMENTASIAN DAN TREN KASUS KEKERASAN TERHADAP

The scam motif typically involves a fraudulent act masquerading as love.³⁷ The emergence itself can be seen in the development of online violence. As described earlier, social media affects the way humans interact with others. These interactions occur to establish relationships, and the way humans build such relationships has now changed, particularly in dating.³⁸ The shift from physical encounters to online dating is one factor contributing to the growing phenomenon of love scams. During the pandemic, a few online dating apps saw significant increases in users. Tinder usage in Indonesia increased by an average of 23 percent.³⁹ The shifting dating trends arise for a variety of reasons. For example, introverted people tend to feel more comfortable using video platforms to communicate with others when dating online. Some feel that it is more practical because they do not have to dress up. The COVID-19 outbreak is another factor that restricted physical activities, prompting many to turn to online dating.⁴⁰

Other studies also argue that OGBV is a form of violence facilitated by digital technology and targets individuals based on their gender or sexuality.⁴¹ Social media, in this case, helps sexual or material extortion with the threat of spreading the intimate content of the victim. In contrast, social media gives enough space for OGBV, coupled with weak regulations and anonymity of perpetrators.⁴²

Apart from social media, the phenomenon of love scam tactics generally aims to commit fraud, such as sexual exploitation, seeking material gain, stealing, or retrieving specific data.⁴³ This is done by manipulating the helplessness and expectations of women

PEREMPUAN,” 2024, <https://komnasperempuan.go.id/catatan-tahunan-detail/catahu-2024-menata-data-menajamkan-arrah-refleksi-pendokumentasian-dan-tren-kasus-kekerasan-terhadap-perempuan>.

³⁷ Sri Wiyanti Eddyono, *Webinar Series: Love Scam 30 Tahun Pusat Studi Wanita* (Yogyakarta, 2021).

³⁸ Mas’udah et al., “Gender-Based Cyber Violence: Forms, Impacts, and Strategies to Protect Women Victims.”

³⁹ CNN Indonesia, “Wabah Corona Bikin Aplikasi Kencan Online Laris Manis,” accessed April 2, 2025, <https://www.cnnindonesia.com/teknologi/20200402144747-185-489624/wabah-corona-bikin-aplikasi-kencan-online-laris-manis>.

⁴⁰ Shamira Priyanka N, “8 Orang Ungkapkan Alasan Mengapa Kencan Virtual Lebih Baik,” *Cosmopolitan*, 2020, <https://www.cosmopolitan.co.id/article/read/5/2020/19635/8-orang-ungkap-alasan-mengapa-kencan-virtual-lebih-baik>.

⁴¹ Jordy Herry Christian, “Sekstorsi: Kekerasan Berbasis Gender Online Dalam Paradigma Hukum Indonesia,” *Binamulia Hukum* 9, no. 1 (2023): 83–92, <https://doi.org/10.37893/jbh.v9i1.364>.

⁴² Rendika Azhar Musyaffa and Sofyan Effendi, “Kekerasan Berbasis Gender Online Dalam Interaksi Di Media Sosial,” *Komunikologi : Jurnal Ilmiah Ilmu Komunikasi* 19 (2022): 85–95.

⁴³ Niman, Parulian, and Rothhaar, “Online Love Fraud and the Experiences of Indonesian Women: A Qualitative Study.”

under certain conditions. Because love scams involve coercion, manipulation, and exploitation, the victims often suffer from anxiety disorders, stress, and even depression.⁴⁴

Practically speaking, this scam exploits emotional vulnerability, targets women, and is rooted in patriarchal and misogynistic patterns of behavior that are more prevalent in the digital space. If observed, online dating that leads to love scams involves five distinct stages: an attractive profile, seduction, a request for funds, cyber sex harassment, and disclosure.⁴⁵ In Sternberg's Love Triangle theory, these stages fulfill the basic elements of love: intimacy, passion, and commitment. Intimacy is a form of closeness and a bond of affection that involves sharing emotions, feelings, and ideas.⁴⁶

The emergence of romanticization patterns that often occur in women sometimes weakens women's position, making them low in self-esteem, submissive, willing to provide unconditional service, and dependent on the partner.⁴⁷ This tendency lures women toward romantic male figures they believe will make them feel more loved, protected, and respected.⁴⁸ Meanwhile, another source mentions that this romance scam has targeted single female victims by exploiting them through romantic relationships. The tactics used reflect and reinforce gender stereotypes and power imbalances, thus forming an OGBV pattern.⁴⁹ Thus, understanding the social and behavioral interactions between victims and perpetrators in a love scam is essential to identifying risk and protective factors to inform preventive measures.⁵⁰

For example, how can one observe abuse occurring in a love scam? The first observable signs of abuse begin early in the love relationship in the form of restrictive behavior, control, and psychological abuse that minimize the woman's position. These

⁴⁴ Eddyono, *Webinar Series: Love Scam 30 Tahun Pusat Studi Wanita*.

⁴⁵ Monica T Whitty, "Anatomy of the Online Dating Romance Scam," *Security Journal* 28, no. 4 (October 2015): 443–55, <https://doi.org/10.1057/sj.2012.57>.

⁴⁶ Margaret S. Clark and Judson Mills, "Interpersonal Attraction in Exchange and Communal Relationships," *Close Relationships: Key Readings* 93, no. 2 (2004): 295–310, <https://doi.org/10.4324/9780203311851>.

⁴⁷ S. Sediri et al., "Women's Mental Health: Acute Impact of COVID-19 Pandemic on Domestic Violence," *Archives of Women's Mental Health* 23, no. 6 (2020): 749–56, <https://doi.org/10.1007/s00737-020-01082-4>.

⁴⁸ & Ferrer-Pérez Bosch-Fiol, E., "New Map of the Myths about Gender Violence in XXI Century.," *Psicothema* 4, no. 24 (2012): 548–54.

⁴⁹ Sharen Thumboo and Sudeshna Mukherjee, "Digital Romance Fraud Targeting Unmarried Women," *Discover Global Society* 2, no. 1 (December 2024): 105, <https://doi.org/10.1007/s44282-024-00132-x>.

⁵⁰ Wang and Topalli, "Understanding Romance Scammers Through the Lens of Their Victims: Qualitative Modeling of Risk and Protective Factors in the Online Context."

forms of treatment increase over time, possibly inhibiting the breakup of toxic relationships.⁵¹ However, in the context of love scams, these signs are often difficult to detect because, in practice, scammers use romantic means to attract victims.⁵²

The key to success in love scams lies in the perpetrator's ability to build trust and strong emotional bonds through intense personal communication. Scammers utilize persuasive techniques, such as excessive praise, dramatic expressions of love, and fabricated life stories, to manipulate victims' emotions. These strategies often resemble the patterns of domestic violence, including attempts to isolate victims and create emotional dependency.⁵³ Once trust is established, the abuser begins to make requests for money, usually citing an emergency or an urgent opportunity that requires financial assistance. If the victim complies, requests may be repeated and become more urgent over time.⁵⁴

Some scams involve sexual manipulation or blackmail through cybersex activities. These scams are run systematically, with perpetrators carefully tailoring their language and strategies to maintain the illusion of a seemingly genuine romantic relationship for maximum financial gain.⁵⁵ Victims are generally selected based on specific psychological characteristics such as high trustworthiness, impulsivity, and belief in an idealized romance, making them more vulnerable to manipulation. The psychological and financial impacts on victims are severe. Many victims experience feelings of shame, self-blaming, and significant and prolonged economic losses.⁵⁶

The interview results yield two descriptions of love scam patterns that lead to acts of violence, showing that these patterns can be detrimental to both physical and mental

⁵¹ Nerea Jiménez-Picón et al., "Internalization of the Romantic Love Myths as a Risk Factor for Gender Violence: A Systematic Review and Meta-Analysis," *Sexuality Research and Social Policy* 20, no. 3 (September 2023): 837–54, <https://doi.org/10.1007/s13178-022-00747-2>.

⁵² C.M. Roy et al., "Impact of COVID-19 on Gender-Based Violence Prevention and Response Services in Kenya, Uganda, Nigeria, and South Africa: A Cross-Sectional Survey," *Frontiers in Global Women's Health* 2 (2021), <https://doi.org/10.3389/fgwh.2021.780771>.

⁵³ N. Qushua et al., "Danger Zone or Newfound Freedoms: Exploring Women and Girls' Experiences in the Virtual Space during COVID-19 in Iraq," *International Journal of Environmental Research and Public Health* 20, no. 4 (2023), <https://doi.org/10.3390/ijerph20043400>.

⁵⁴ Pamela Faber, "The Frames of Romance Scamming," *Research in Language* 22, no. 1 (December 2024): 1–23, <https://doi.org/10.18778/1731-7533.22.1.01>.

⁵⁵ Niman, Parulian, and Rothhaar, "Online Love Fraud and the Experiences of Indonesian Women: A Qualitative Study."

⁵⁶ M. T. Whitty, "The Scammers Persuasive Techniques Model: Development of a Stage Model to Explain the Online Dating Romance Scam," *British Journal of Criminology* 53, no. 4 (July 2013): 665–84, <https://doi.org/10.1093/bjc/azt009>.

state. For example, a young man named AL (25) downloaded a dating app on his smartphone out of curiosity. Later, he met a woman online, but a physical encounter between the two was impossible during the pandemic.

AL was deeply in love, not knowing that he was dating another man's wife. AL felt their relationship was serious until he received a message: "Don't contact my wife again." AL was perplexed about who sent the message until the woman confessed that she was married and had a child. The woman covered up her identity by pretending to be someone else, also out of curiosity. What AL experienced can also be categorized as a love scam, in which he was deceived and made to feel disrespected.⁵⁷ If observed, the pattern in AL's case encompasses the three-stage motif: an attractive profile, seduction, and cyber harassment, which, in a sense, are not intended for a serious relationship. Although the violence was not physical, the relationship was manipulative by creating a fake profile and claiming to be single.⁵⁸

A university student, SV (25), shared that she was initially interested in dating apps after hearing that some of her friends had established successful love relationships online. SV then tried her luck by activating the application around campus, hoping it would connect her with a man of her type. SV said that the application provides male profiles she could choose from. After choosing, SV was connected with a man on the app. SV was assured by the profile that looked convincing for a serious relationship.

After being acquainted for several weeks, the man offered SV to start a relationship. During the relationship, the man often owed SV money. She also figured out that the profile was much fabricated, in contrast with reality. Every time SV asked him to pay what he owed, the man looked for excuses while seducing and praising SV, persuading her not to bother with money on the grounds of love. Feeling that SV could no longer bear the situation, SV decided to end the relationship when she realized that borrowing money was becoming more frequent. The man agreed with her decision. Following the breakup, the man demonized SV by spreading information on social media platforms, claiming that SV was a "homewrecker" and posting photos of SV without a hijab. SV was depressed by this situation, and the money the man owed was never

⁵⁷ Interview AL Kekerasan Berbasis Gender Online dalam Love Scam.

⁵⁸ P. Osváth et al., "Online Romance Scams - Report on an Old Victim with Mental Disorder," *Orvosi Hetilap* 165, no. 5 (2024): 192–96, <https://doi.org/10.1556/650.2024.32971>.

returned; then defamation followed.⁵⁹ In the case of SV, the pattern of violence experienced refers to a form of financial fraud, given that SV suffered financial losses due to a fake romance.

In the two cases above, the established fraud patterns involve creating a fake profile to build an emotional connection with the victim, leading to financial and psychological losses.⁶⁰ In technical terms, perpetrators commit fraud by crafting an inviting narrative, using AI, chatbots, and deepfakes to create a convincing persona for illegal monetization or the spread of sensitive information.⁶¹

Some emerging patterns align with the ideas of Berger and Luckmann in *The Social Construction of Reality*. They explain that power in society does not just appear without reason, but it is formed and maintained through social processes. This theory discusses how apparent social structures (objective) and personal experiences (subjective) are interrelated. In this context, social relationships are part of a larger system, and individual perceptions of these relationships show how power can be embedded in society and accepted naturally by individuals.⁶²

The phenomenon of love scams targeting women exemplifies the social construction of power dynamics and gender-based violence. As articulated by Berger and Luckmann in "The Social Construction of Reality," social reality is not inherent but is shaped through repeated and institutionalized social interactions.⁶³ The societal construction of women as emotionally vulnerable and men as dominant facilitates the occurrence of love scams. The perpetrator's use of emotional manipulation through romantic language and social engineering not only mirrors personal relationships but also perpetuates gender power structures entrenched in society.⁶⁴ Thus, the phenomenon of

⁵⁹ Interview SV Dalam Kekerasan Basis Gender Online Love Scam (2025).

⁶⁰ A. Coluccia et al., "Online Romance Scams: Relational Dynamics and Psychological Characteristics of the Victims and Scammers. A Scoping Review," *Clinical Practice and Epidemiology in Mental Health* 16, no. 1 (2020): 24–35, <https://doi.org/10.2174/1745017902016010024>.

⁶¹ Rachel Fletcher, Calli Tzani, and Maria Ioannou, "The Dark Side of Artificial Intelligence – Risks Arising in Dating Applications," *Assessment and Development Matters* 16, no. 1 (February 2024): 17–23, <https://doi.org/10.53841/bpsadm.2024.16.1.17>.

⁶² Jochen Dreher, "The Social Construction of Power: Reflections Beyond Berger/Luckmann and Bourdieu," *Cultural Sociology* 10, no. 1 (March 2016): 53–68, <https://doi.org/10.1177/1749975515615623>.

⁶³ Hubert Knoblauch and René Wilke, "The Common Denominator: The Reception and Impact of Berger and Luckmann's *The Social Construction of Reality*," *Human Studies* 39, no. 1 (March 2016): 51–69, <https://doi.org/10.1007/s10746-016-9387-3>.

⁶⁴ Debora de Souza Santos et al., "Domestic Violence Against Women During the Covid-19 Pandemic: A Scoping Review," *Forensic Science International: Reports* 5, no. 100276 (2022), <https://doi.org/10.1016/j.fsir.2022.100276>.

love scams is not isolated but is embedded within the social system where gender power dynamics are established, sustained, and internalized by individuals.

The impact of OGBV is legal, social, and psychological. Several studies have shown that OGBV victims, especially women and children, suffer from mental distress, shame, and prolonged trauma.⁶⁵ Why do women then become victims? This context has to do with what Bell Hooks said in the feminist theory of gender-based violence: violence against women is not merely a matter of individual bad behavior; it is related to the imbalance of power in society and the cultural norms that support it. The root of this violence is the patriarchal system, which places men as more powerful parties.⁶⁶ From this perspective, love scams cannot be seen as isolated incidents but rather as part of a pattern of violence against women that continues to occur because society is reluctant to question or challenge entrenched patriarchal values.⁶⁷

The above description implies that the emergence of the Internet in 1990 marked the beginning of social media. A report by Komnas Perempuan in 2015 showed that the pattern of crimes against gender, with the impacts caused, was becoming increasingly widespread in the digital realm. Online dating on applications has also become a new trend of establishing relationships, although this trend also triggers violence that can cause physical and psychological harm to the victims.⁶⁸ Many elements are formed, increasing the possibility of such gender-based violence crimes emerging as love scams.

Regulatory Updates in Handling Gender-Based Violence in the Virtual World

Legal protection for victims of love scams is increasingly necessary, given the rising number of such cases in Indonesia. Data from the Financial Services Authority (OJK) reveal that over the past three months, digital fraud has caused losses of Rp700 billion, based on more than 42,000 complaints through the Indonesia Anti-Scam Center (IASC).⁶⁹ The complexity of this case is exacerbated by deepfake technology and fake

⁶⁵ Amanda R. Champion et al., "Examining the Gendered Impacts of Technology-Facilitated Sexual Violence: A Mixed Methods Approach," *Archives of Sexual Behavior* 51, no. 3 (April 2022): 1607–24, <https://doi.org/10.1007/s10508-021-02226-y>.

⁶⁶ Bell Hooks, *Feminist Theory From Margin To Center* (United State of America: South End Press, 1984).

⁶⁷ Suzor et al., "Human Rights by Design: The Responsibilities of Social Media Platforms to Address Gender-Based Violence Online."

⁶⁸ G. Gualtieri et al., "Online Romance Scams. Relational Dynamics and Personality Profile of the Victims and Perpetrators: A Scoping Review," *Rassegna Italiana Di Criminologia* 14, no. 2 (2020): 110–19, <https://doi.org/10.7347/RIC-022020-p110>.

⁶⁹ Ade Hapsari Lestarin, "Awat Love Scam! 1 Dari 4 Orang Pernah Tergoda AI," Metro TV News, 2025.

identities, making it increasingly difficult for victims to distinguish genuine love from fraud. Thus, in addressing the issue, three laws and regulations are used: the Electronic Information and Transactions Law (UU ITE), the Sexual Violence Crime Law (UU TPKS), and the Penal Code, as the primary legal basis.⁷⁰ These three regulatory instruments determine the extent to which each responds to and accommodates the phenomenon of gender violent crimes that occur in the digital space.

UU ITE currently has limitations in handling love scam cases because, in terms of content, this law specifically emphasizes aspects related to technical and electronic transactions. Although the UU ITE regulates electronic fraud, it has not specifically accommodated the gender and psychological dimensions as one of the main characteristics of love scams as part of the OGBV. For instance, the UU ITE, Article 28, paragraph (1), sets out a legal basis for ensnaring perpetrators who spread false or misleading information that harms consumers in electronic transactions. In love scams, perpetrators often spread false information about their identities, professions, or personal circumstances to build trust with victims. However, the application of this study is limited because it does not explicitly target forms of fraud based on emotional relationships. In addition, Article 27, paragraph (1) of the UU ITE can also be used if perpetrators make extortions or threats, for example, by spreading the victims' content.⁷¹

One of the significant challenges in addressing OGBV, such as love scams, lies in how to legally prove it as a crime. Many perpetrators' actions, such as identity fraud or the spread of false information, are not regulated by law. This gap has often left legal authorities perplexed about under which article to charge perpetrators. In addition, proving that the perpetrator had malicious intent and acted without authorization is a challenge, as not all laws explicitly include the element of malicious intent. In love scam cases, for example, perpetrators usually use fake identities and emotionally manipulate

⁷⁰ Zaltina and Nurtjahyo, "Right To Be Forgotten as a Legal Protection for The Victims of Electronic Sexual Violence Cases."

⁷¹ Soleha Liliani Malik and Fakhris Lutfianto Hapsoro, "Love Scamming Di Era Digital Perlindungan Hukum Dan Tantangan Dalam Penanganan Kasus Love Scam Di Aplikasi Kencan Di Indonesia," *AT-TAKLIM: Jurnal Pendidikan Multidisiplin* 2, no. 4 (April 2025): 110–24, <https://doi.org/10.71282/at-taklim.v2i4.230>.

victims; therefore, evidence is often scattered, incomplete, or difficult to prove. This complicates the legal process and makes it difficult for victims to obtain justice.⁷²

On the other hand, the ITE Law does not explicitly regulate the use of advanced technologies, such as deepfakes and artificial intelligence (AI), which are increasingly used in romantic scams to create the illusion of digital emotional closeness. The sophistication of these technologies complicates victims' ability to distinguish between authentic human interactions and algorithmic manipulation.⁷³ The absence of regulations addressing this phenomenon creates legal uncertainty and weakens protections for victims. Therefore, it is necessary to establish a more comprehensive and adaptable legal framework to address the dynamics and complexities of contemporary cybercrime.⁷⁴

In 2022, Indonesia enacted Law Number 12 of 2022 concerning Sexual Violence Crimes (UU TPKS) to regulate prevention, protection, and recovery efforts for victims of sexual violence. The violence regulated explicitly under Articles 14 (1) and (2) is concerning electronic-based sexual violence. These articles indicate that the existence of sexual violence, in this case revenge porn or extortion, threatening, among others, is punishable by a maximum imprisonment of six years and/or a maximum fine of Rp. 300 million.⁷⁵

However, although UU TPKS covers matters regarding electronic-based sexual violence in Article 14, no provision explicitly mentions or regulates love scam practices. Love scams involve fraud through online emotional relationships, often accompanied by elements of extortion or sexual manipulation. This phenomenon is categorized into the general scope of electronic-based sexual violence or OGBV. As a consequence, a legal vacuum arises because the complexity of love scams involving fraud, emotional distress, and sexual violence has not been fully accommodated in one specific and comprehensive regulation. The absence of a specific article impedes the provision of optimal legal protection for victims. Many victims experience psychological pressure but have

⁷² Syafirah Khansa Aribah Milansari, "Pertanggungjawaban Pidana Terhadap Pelaku Perbuatan Kekerasan Berbasis Gender Online Dengan Tipe Morphing," *Jurist-Diction* 7, no. 1 (2024): 145–64, <https://doi.org/10.20473/jd.v7i1.54841>.

⁷³ Rahman et al., "Legal Protection for Victims of Online Gender-Based Violence (Cyber-Based Violence)."

⁷⁴ Rizka Syafriana, *Analysis Of The Impact Of Love Scam Fraud In The Digital Business World*, 10 (2025): 131–38, <https://doi.org/10.30596/dll.v10i1.23961>.

⁷⁵ UU RI, "Undang-Undang Republik Indonesia Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Kementerian Sekretariat Negara Republik Indonesia* 1, no. 69 (2022): 1–84.

difficulty reporting due to the absence of legal certainty.⁷⁶ In addition, law enforcement officials face challenges in interpreting existing articles, especially since perpetrators often use fake identities and operate across borders.⁷⁷ Therefore, a regulatory update is needed to ensure that love scams are explicitly recognized as a form of gender-based sexual violence in the digital realm.

In addition to the UU TPKS, it is essential to review the role of the Penal Code in providing legal protection to victims of online-based gender violence, given that there are still no explicit regulations regulating love scams.⁷⁸ For example, Article 378 of the Penal Code, concerning fraud, can apply when the love scam perpetrator uses a false identity to obtain benefits from the victim. In contrast, Article 368 of the Penal Code, concerning extortion, may be applied if the perpetrator threatens to disclose the victim's personal information or intimate content. However,⁷⁹ both approaches to articles in the Penal Code remain inadequate for protecting victims due to their limited focus on the act of love scam. Furthermore, they do not encompass the dimensions of OGBV and the psychological impact that victims may suffer from.

Table 1. Comparison of Sexual Violence in Legislation

Aspect	Law concerning Sexual Violence Crimes (Law No.12 of 2022)	Law concerning Electronic Information and Transactions (Law No. 11 of 2008 jo. Law No. 19 of 2016)	The Penal Code 2023
Type of Violence	Recognizing OGBV as part of sexual violence, including non-physical abuse, sexual exploitation,	Prohibiting the distribution of content that violates decency (Article 27, paragraph 1)	Regulating extortion (Article 368), sexual abuse, and sexual harassment, but

⁷⁶ Istiqomah Yungsiana and Yayi Suryo Prabandari, "Dinamika Psikologis Korban Sekstorsi: Sebuah Kajian Literatur," *Jurnal Psikologi Forensik Indonesia* 4, no. 1 (2024): 279–90.

⁷⁷ Nabillah Rahmawati, Maidina. Saputri, *Jauh Panggang Dari Api: Menilik Kerangka Hukum Kekerasan Berbasis Gender Online Di Indonesia* (Jakarta, 2022).

⁷⁸ Y.B. Salamor, A. Purwanti, and N. Rochaeti, "CONFRONTING CULTURALLY-SANCTIONED SEXUAL VIOLENCE: REFORMULATING THE LAW TO ADDRESS FEMALE GENITAL MUTILATION IN INDONESIA," *Indonesia Law Review* 15, no. 1 (2025): 52–74, <https://doi.org/10.15742/ilrev.v15n1.4>.

⁷⁹ Yungsiana and Prabandari, "Dinamika Psikologis Korban Sekstorsi: Sebuah Kajian Literatur."

	and forced distribution of intimate content.	and extortion/threat (Article 27, paragraph 4).	does not explicitly mention OGBV.
Victim Protection	Guaranteeing victims' rights to recovery, assistance, rehabilitation, and restitution.	Giving victims the right to sue civilly for personal data breaches (Article 26).	Not specifically regulating victim protection, focusing more on perpetrators and general offenses.
Conviction of Perpetrators	Strict criminal penalties for perpetrators of sexual violence, including online-based.	The penalty is six years and/or a maximum fine of Rp1 billion for violation of Article 27.	The maximum penalty for extortion is nine years (Article 368), but it is not specific to OGBV.
Gender Perspective	Gender and human rights perspectives, recognizing unequal power relations.	Not explicitly gendered, multiple interpretations of the term "decency".	It is not a gender perspective, but it still refers to the classical legal approach.
Weakness	Not all forms of OGBV are explicitly regulated.	Prone to criminalization of victims, multiple interpretations, and gender insensitivity.	Not accommodating digital forms of violence and gender-based power relations.

Source: Data processed by the author

In response to the constraints imposed by the laws and regulations outlined in Table 2, the author identifies an urgent necessity to harmonize the three existing legal frameworks. At least three factors contribute to the misalignment of these regulations, hindering the realization of explicit protection for victims of love scams, as categorized under the OGBV section. Firstly, from a legal-political perspective, the enactment of the

UU TPKS was primarily triggered by the need to address instances of sexual violence that occur directly and physically. Although this legislation encompasses electronic-based sexual violence, its normative provisions do not comprehensively address forms of violence that manifest through digital emotional relationships, such as love scams. The legislative process of the UU TPKS was further influenced by political dynamics and divergent moral perspectives within society. The tensions between progressive factions advocating for victim protection and conservative groups opposing certain aspects of the bill led to compromises in the regulation's content. Consequently, more complex and less visible forms of OGBV have not been prioritized in the formulation of legal norms. This indicates that the legal-political framework underpinning the UU TPKS has not fully adapted to the evolving nature of sexual violence facilitated by digital technology.⁸⁰

Second, regarding limited legal knowledge, there is a substantial gap in understanding among policymakers and law enforcement officials of the characteristics of OGBV. This gap occasionally results in practices that tend to attribute blame to the victim. Love scams, which involve elements of deception, emotional manipulation, and sexual exploitation, are often not recognized as a form of sexual violence due to the absence of physical contact.⁸¹ Consequently, the legal approach remains partial and lacks comprehensiveness.

Third, concerning the legal framework, the absence of a robust coordinating mechanism between law enforcement and victim protection agencies exacerbates this disconnect. This lack of harmony results in suboptimal victim protection, particularly in cases that are cross-issue and cross-sector, such as electronic-based sexual violence. Furthermore, the UU TPKS and UU ITE operate within different sectoral frameworks, leading to a lack of integration in addressing cross-issue cases, such as love scams. As a result, victims often find themselves trapped in complex and impartial legal procedures.⁸²

The Indonesian Penal Code currently does not explicitly respond to the phenomenon of love scams as a form of OGBV. The form of sexual violence regulation

⁸⁰ Leony Sondang Suryani and Ahmad Ghazi, "Ketentuan TPKS Dalam KUHP Baru," *Jurnal Hukum & Pembangunan* 53, no. 2 (2023), <https://doi.org/10.21143/jhp.vol53.no2.1561>.

⁸¹ M. Sjöholm, *International Human Rights Law and Protection Against Gender-Based Harassment on the Internet*, International Human Rights Law and Protection Against Gender-Based Harassment on the Internet (2022), 361, <https://doi.org/10.1007/978-3-031-15866-7>.

⁸² Suryani and Ghazi, "Ketentuan TPKS Dalam KUHP Baru."

is limited to rape, sexual abuse, and sexual intercourse.⁸³ Although Article 378 of the Penal Code regulates fraud, this article is general and does not cover the modes of crime that involve emotional manipulation in online relationships. Love scamming is regulated in Article 378 of the Penal Code in the context of "fraud." This context comprises the following provisions:⁸⁴

- a. To induce a person to give goods, incur debts, or cancel receivables.
- b. The purpose of inducement is to benefit oneself or another person against their right.
- c. The inducement is utilizing a false name or a false situation, trick (trickery), or fabricated falsehood.

The description in the article above illustrates that the Penal Code focuses more on traditional forms of fraud, and, if observed, each section of the article lacks explicit provisions regulating fraud based on emotional relationships in the digital space. As a result, victims who experience financial losses, psychological pressure, and other social impacts do not receive optimal legal protection.⁸⁵

The Penal Code applicable in Indonesia is the legacy of the Dutch colonial rule that has undergone a few adjustments. However, given that the current social and technological context has evolved significantly, the gap between the Penal Code's legal substance and contemporary society's reality is not surprising. The limitations of the Penal Code in protecting victims of love scams may stem from several factors. First, the Penal Code was drafted in a social and technological context that differs from current conditions; therefore, it does not account for the complexity of cross-border, technology-based cyber crimes.⁸⁶ For example, the perpetrator claims to be a successful professional to build an emotional connection with the victim and then gradually asks for financial assistance under the guise of a medical emergency, travel expenses, or legal issues.

⁸³ Sahat Maruli Tua Situmeang Ira Maulia Nurkusumah, "Kajian Hukum Kekerasan Berbasis Gender Online Dihubungkan Dengan Tujuan Pemidanaan Dalam Perspektif Negara Hukum Pancasila," *Res Nullius Law Journal* 3, no. 2 (July 2021): 162–77, <https://doi.org/10.34010/rnlj.v3i2.5100>.

⁸⁴ R. Soesilo, *Kitab Undang-Undang Hukum Acara Pidana Dengan Penjelasan Resmi Dan Komentar* (Bogor: Politeia, 1997).

⁸⁵ Ahmad Mamun Fikri, "Legal Policies for Eradicating Perpetrators of Online Romance Fraud in the Digital Sphere," *JCIC: Jurnal CIC Lembaga Riset Dan Konsultan Sosial* 6, no. 2 (2024): 137–48, <https://doi.org/10.51486/jbo.v6i2.219>.

⁸⁶ Mamun Fikri.

Second, the lack of a clear legal definition of emotional manipulation in online relationships impedes effective enforcement of the law.⁸⁷ For example, sexual harassment has very diverse forms compared to obscene acts, so the provisions of Article 289 of the Penal Code in this case do not provide legal certainty for the victims of OGBV.

Third, the Penal Code has not integrated a gender-based approach to responding to digital crimes, while love scams often target vulnerable groups, especially women.⁸⁸ Therefore, the Penal Code needs to be more responsive to the dynamics of digital crime and able to provide comprehensive legal protection for victims of OGBV.

In this context, harmonization among UU TPKS, UU ITE, and the Penal Code is significant for providing comprehensive legal protection for love scam victims, especially those who fall into the OGBV category.⁸⁹ Each existing regulation has a different focus and scope: the UU TPKS emphasizes the protection of victims of sexual and gender-based violence, the UU ITE regulates legal aspects of the digital space, and the Penal Code serves as the basis for general criminal law. Without harmonized integration, there is potential for overlap, legal gaps, or even ineffective law enforcement against perpetrators of love scams that exploit loopholes between these regulations.⁹⁰

Harmonization is needed so that the legal approach to love scams is repressive, preventive, and rehabilitative. According to the theory of responsive law formation, as expressed by Philippe Nonet and Philip Selznick, law should transcend its basic function as a tool of state power and respond to society's needs and dynamics.⁹¹ In this case, the phenomenon of love scams as a form of OGBV is a social reality that has emerged alongside advances in digital technology. However, the three existing regulations, the Penal Code, UU ITE, and UU TPKS, are still running partially and have not been

⁸⁷ Fadillah Adkiras, Fatma Reza Zubarita, and Zihan Tasha Maharani Fauzi, "Konstruksi Pengaturan Kekerasan Berbasis Gender Online Di Indonesia," *Jurnal Lex Renaissance* 6, no. 4 (2021): 781–98, <https://doi.org/10.20885/jlr.vol6.iss4.art10>.

⁸⁸ Puteri Hikmawati, "Pengaturan Kekerasan Berbasis Gender Online: Perspektif Ius Constitutum Dan Ius Constituendum," *Negara Hukum* 12, no. 1 (2021): 59–79.

⁸⁹ D.N.F. Ahmad and N.N. Smith, "Digital Safety for Women and Children: Legal and Policy Challenges Indonesia, Philippines, and Thailand," *Journal of Law and Legal Reform* 5, no. 4 (2024): 1673–96, <https://doi.org/10.15294/jllr.v5i4.16539>.

⁹⁰ Zaltina and Nurtjahyo, "Right To Be Forgotten as a Legal Protection for The Victims of Electronic Sexual Violence Cases."

⁹¹ Teja Sukmana, "Responsive Law and Progressive Law: Examining the Legal Ideas of Philip Nonet, Philip Selznick, and Sadjipto Raharjo," *Peradaban Journal of Law and Society* 2, no. 1 (June 2023): 92–105, <https://doi.org/10.59001/pjls.v2i1.82>.

integrated systemically to provide complete legal protection for victims. Thus, harmonizing the three is a legal response to urgent social needs.

Conclusion

This study found that romance scams are a form of gender-based violence that grows through the dynamics of digital relationships, supported by power imbalances in patriarchal societies. Various manipulative conduct, such as the use of false identities, emotional exploitation, and digital extortion, causes victims to suffer not only material losses but also long-term psychological trauma. These findings are supported by international literature, such as studies by Whitty (2015) and Coluccia et al. (2020), which show that manipulation strategies in romance scams mimic patterns of domestic violence based on emotional attachment and social dependence.

Legally, the analysis of UU TPKS, UU ITE, and the Penal Code shows that all three are not yet sufficiently responsive in addressing the complexity of love scams. The absence of explicit norms leads to weaknesses in law enforcement and insufficient protection for victims. From the perspective of responsive law, as articulated by Nonet and Selznick, law should ideally be adaptive to changing social dynamics, including new forms of technology-based violence. The main contribution of this research lies in the urgency of harmonizing regulations to integrate gender, technology, and victim justice perspectives. By promoting explicit recognition of love scams as digital gender-based violence, this research offers a conceptual and normative foundation for the reform of family and cyber criminal law in Indonesia.

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