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Legal Review of Tiktok Content Containing Photos and Videos of Sexual Harassment in Live Format (Perspective of ITE Law)

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Abstract

A legal review of TikTok's content of live open photos and videos from the perspective of the Electronic Information and Transaction Law (ITE) is one important aspect of efforts to regulate and protect internet users, especially children and adolescents, from harmful content. The ITE Law provides a relevant legal basis for responding to online safety violations, including the dissemination of sexualised content. The problems in the research are first, how is content containing sexual harassment in live format on TikTok created and disseminated? Second, how does TikTok content containing photos or videos of sexual harassment in live format affect users, especially teenagers in their psychology and behaviour? Third, how is the application of the law to Tiktok content containing sexual harassment? The purpose of this research is to answer the problems of this research. This research method is normative juridical research which focuses on secondary data in the form of primary, secondary, and tertiary data. The results of this discussion, among others, focus on content containing sexual harassment in live format on TikTok made and distributed can be charged with the ITE Law as Lex Specialist in conjunction with the Pornography Law, and the Criminal Code as the lex generalist. Tiktok content containing photos or videos of sexual harassment in live format against users, especially teenagers in psychology and behaviour.

INTRODUCTION

The digital age, characterized by advances in information and communication technology, has changed the way we live, work and interact. One of the most striking aspects of the digital age is the adoption of digital technologies in almost all aspects of daily life, from online shopping and digital entertainment to distance education and flexible work. Digital technologies have enabled greater connectivity across the globe, shortening the distance between individuals and facilitating the exchange of information in a matter of seconds.

One of the most striking impacts of the digital age is the revolution in communication and information exchange. Social media, messaging apps, and video-sharing platforms have enabled individuals to connect with others around the world easily and quickly. This has changed social, cultural, and political dynamics, allowing individuals to participate in global dialog and advocate for social change.

The digital age has also opened the door to revolutionary technological innovations, including artificial intelligence, cloud computing and virtual reality.¹ These technologies have changed the way we work, play and learn, opening up new opportunities in various industries and accelerating the pace of innovation. In addition, the digital age has enabled the emergence of a thriving digital economy, with electronic commerce, digital advertising and online services becoming an integral part of modern life.

However, with all the advancements and advantages offered by the digital age, there are also challenges and risks that need to be addressed. One of the main challenges is the issue of privacy and data security, where personal information leaks and cyberattacks can threaten the security of individuals and organizations. In addition, the digital age is also creating a digital divide between those with digital access and skills and those without, causing inequality in access to opportunities and resources. Thus, while the digital age brings great potential for positive transformation, we must also be wary of its negative impacts and strive to overcome the challenges associated with the development of digital technology. In the increasingly advanced digital era, social media platforms such as TikTok have become an integral part of people's daily lives, especially among the younger generation. However, along with its popularity, TikTok is also faced with serious challenges related to inappropriate content, including content containing sexual harassment. This phenomenon highlights the importance of studying and enforcing appropriate laws to protect users from harmful and illegal content.

With respect to the Indonesian context, the Legal Review of TikTok Content Containing Photos and Videos of Sexual Harassment in Live Format is important within the framework of the Electronic Information and Transaction Law (ITE).² The ITE Law is the primary legal instrument governing digital activities in Indonesia, including the dissemination

¹ Sibro Mulisi, *Argumentasi Hukum Kedudukan Kecerdasan Buatan Di Indoneisa*, (Surabaya: Universitas 17 Agustus 1945 Surabaya, 2018).

² Rafi Septia Budianto Pansariadi and Noenik Soekorini, "Tindak Pidana Cyber Crime Dan Penegakan Hukumnya," *Binamulia Hukum* 12, no. 2 (2023): 287–298, <https://doi.org/10.37893/jbh.v12i2.605>.

of content on platforms such as TikTok. Under the ITE Law, there are express provisions prohibiting the dissemination and production of pornographic content and sexual violence.

In the context of live streaming, where content is uploaded and broadcast in real-time, the legal challenges become more complex. The use of live streaming technology provides the possibility for perpetrators to directly broadcast scenes of sexual harassment without any filters. Therefore, the Legal Review of TikTok Content Containing Photos and Videos of Sexual Harassment in Live Format must pay attention to the technical aspects and legality of this format.

Against this backdrop, it is important for governments, regulators, and social media platforms to work together to implement strict and effective rules to protect users from harmful and unlawful content on TikTok. Careful Legal Review that is responsive to technological developments and digital trends will help ensure that the safety and well-being of TikTok users are maintained, while being mindful of their legitimate rights and freedom of expression.

The crime of sexual harassment through social media is an act related to immoral acts through the means of information media and electronic transactions that can cause physical and psychological trauma. Acts of sexual harassment that often occur on social media can be in the form of seduction, temptation, or other unpleasant actions that can be carried out by chatting, commenting, Direct Message, sending photos, videos with sexual or pornographic content through social media, such as WhatsApp, Instagram, Twitter, YouTube, Facebook and so on. Actions that are categorized as sexual harassment include making sexual jokes, a statement that denigrates a person's sexual orientation, a request to perform a sexual act, a speech or action that has a sexual connotation in it, up to coercion to perform a sexual activity either directly or indirectly. Sexual violence is gender-based violence that is often experienced by women.³ Juridically, the laws and regulations have regulated the acts of sexual harassment through social media and violation of personal data protection as prohibited acts that have binding legal consequences. The perpetrators can be punished on the basis of legislation, namely the ITE Law, the Pornography Law, and the Criminal Code.⁴

³ Kathryn Kirsten Voges, Toar Neman Palilingan, and Tommy F Sumakul, "Penegakan Hukum Kepada Pelaku Pelecehan Seksual Terhadap Perempuan Yang Dilakukan Secara Online," *Lex Crimen* 11, no. 4 (2022): 3.

⁴ Jonathan S.P Mintje, Vonny A.Wongkar, and Reymen M.Rewah, "Kajian Yuridis Terhadap Tindak Pidana Pelecehan Seksual Yang Dilakukan Melalui Media Sosial," *Lex Privatum*, 2023, <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/45603%0Ahttps://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/45603/40978>.

TikTok is currently a very popular application on social media. Despite the increasing interaction of social media users, it turns out that TikTok is also one of the platforms that is a place of sexual harassment. Therefore, the interactions carried out by the community using internet technology have an impact on those who are less responsible and isolate themselves from interacting with the community.

Nowadays we often encounter TikTok content that contains sexual harassment. For example, some time ago a video went viral on TikTok in which a female nurse was accused of sexually harassing a male patient who was being hospitalized at the hospital. This is really concerning, where those who commit sexual harassment are not just ordinary people, but people who have honourable professions can actually do these things. This is a concerning phenomenon for all of us because it is very often known through news and social media.

The use of videos in TikTok is quite common because it is quite easy to use. However, this convenience is then misused by irresponsible people so that they use videos containing elements of sexual harassment in their TikTok accounts to earn money and fame. This can actually be classified as a violation of the law.⁵

Sexual harassment can have an impact on the psychology and mental development of the victim. The psychological impact on victims can lead to prolonged trauma which can then lead to unhealthy attitudes, such as inferiority, excessive fear, disrupted mental development and mental retardation. In order for sexual harassment to be minimized, there needs to be strict sanctions for this, namely taking legal action against the perpetrators of sexual harassment, both directly and indirectly (for example uploading videos related to acts of sexual harassment). To that end, below are some definitions related to the law.

Sexual harassment is a crime that violates human rights and can cause serious impacts, especially on the psychology and mental development of the victim. When someone is a victim of sexual abuse, it is not only their body that is injured, but also their mind, emotions, and soul that suffer. Psychologically, victims of sexual abuse often experience deep and lasting trauma. They may experience feelings of shame, fear and emotional devastation. This trauma can result in post-traumatic stress symptoms, such as panic attacks, excessive anxiety, and sleep disturbances. In fact, some victims may experience severe post-traumatic stress disorder, which affects their ability to lead a normal daily life.

⁵ Muhammad Anthony Aldriano and Mas Agus Priyambodo, "Cyber Crime Dalam Sudut Pandang Hukum Pidana," *Jurnal Kewarganegaraan* 6, no. 1 (2022): 2169–2175.

In addition, victims of sexual abuse often experience changes in their perception of themselves and the world around them. They may feel guilty, worthless, and doubt their own values and identity. This can lead to decreased self-esteem, depression, and even self-defeating thoughts.

The impact of sexual abuse can also be felt in the mental development of victims, especially if they are young. Children and adolescents who are victims of sexual abuse often experience impairments in their emotional, social and cognitive development. They may have difficulties in building healthy and meaningful relationships with others, as well as in regulating their emotions appropriately.

In addition, victims of sexual abuse often experience changes in their behavior. They may become more introverted or withdraw from social interactions, or conversely, they may become aggressive or impulsive. Some victims may try to escape their pain by using drugs or alcohol, which can lead to addiction and more serious mental health issues.

Sexual abuse can also cause victims to have difficulty in trusting others and building healthy relationships in the future. They may find it difficult to open up and share their experiences with others, for fear of judgement or rejection. This can isolate them socially and increase their risk of further emotional and psychological misery.⁶

Previous research that has discussions related to law enforcement against sexual harassment is entitled sexual harassment through social media reviewed from Article 27 Paragraph 1 of the Law on Electronic Information and Transactions written by Dela Khoirunisa at the Postgraduate Faculty of Law, Islamic University of Indonesia Yogyakarta.⁷ This research only discusses aspects of sexual harassment through social media and has not thoroughly discussed aspects of sexual harassment based on information and electronic transactions that are currently rife, namely Live streaming on various social media platforms, one of which is TikTok. Therefore, this research raises the idea of research novelty, namely that this research strongly emphasises system reform and strengthening law enforcement to protect social media users from being contaminated with negative content in each broadcast. This is because TikTok today is a social media application that is very popular with all human beings across age and

⁶ Sofiatun Nisa, Nelyahardi Gutji, and Fellicia Ayu Sekonda, "Pengaruh Penggunaan Media Sosial Tiktok Terhadap Tingkat Interaksi Sosial Siswa Kelas VII Di SMP Negeri 17 Kota Jambi," *Journal on Education* 5, no. 2 (2023): 2947–2954, <https://doi.org/10.31004/joe.v5i2.945>.

⁷ Dela Khoirunisa, "Pelecehan Seksual Melalui Media Sosial Ditinjau Dari Pasal 27 Ayat (1) Undang-Undang Tentang Informasi Transaksi Elektronik," *Lex Renaissance* 7, no. 2 (2022): 372–383, file:///C:/Users/User/Downloads/23986-Article Text-72689-79076-10-20221118.pdf.

social status. This is the purpose of a juridical review to strengthen the law enforcement system against violators of the ITE law in Indonesia.

Overall, sexual abuse has a very damaging impact on the psychology and mental development of victims.⁸ It is important for society to support victims, listen to their experiences with empathy, and provide the support needed for their recovery. In addition, prevention of sexual harassment and better education on the issue are also important to protect individuals from becoming victims in the future. With joint efforts, we can create a safer and more supportive environment for everyone. The problem formulation in this research is as follows are the first, how is content containing sexual harassment in live format on tiktok created and disseminated? The second, how does TikTok content containing photos or videos of sexual harassment in live format affect users, especially teenagers, in their psychology and behavior? And the third How is the application of the law to Tiktok content containing sexual harassment?

The type of research in this study is normative law, which is research that is focused on examining the application of rules or norms in positive law. The research was conducted using a normative juridical research approach, namely doctrine legal research, where the law is conceptualized as what is written in legislation, and research into legal systematics can be carried out on certain legislation or written law. As a normative science, legal science contributes spectacular findings for humans, for example findings in the field of civil rights giving birth to legal entities, and others.⁹ The nature of the research used is descriptive analytical, through descriptive research, research tries to describe events and events that are the centre of attention without giving special treatment to these events. Legal research is a process of thinking and acting logically and systematically about juridical symptoms of legal events or empirical facts that occur or exist around us in order to reveal truths that are beneficial to life.

SPREAD OF SEXUAL HARASSMENT CONTENT IN LIVE FORMAT ON TIKTOK

Law is difficult to find a definition that can truly suffice reality. Legal scholars provide a definition of law there are different views, and according to their respective tastes according to the object of research. This is because each legal scholar is fixated on his own views. Legal

⁸ Byba Melda Suhita, Nofita Ratih, and Kurniawan Edi Priyanto, "Psychological Impact on Victims of Sexual Violence: Literature Review," *STRADA Jurnal Ilmiah Kesehatan* 10, no. 1 (2021): 1412–1423, <https://doi.org/10.30994/sjik.v10i1.825>.

⁹ Margie Gladies et.al Deassy J.A. Hehanussa, *Metode Penelitian Hukum*, ed. Elan Jaelani, *Jurnal Widina Bhakti Persada* 4, (Bandung: Widina Bhakti Persada Bandung, 2023), <https://medium.com/@arifwicaksanaa/pengertian-use-case-a7e576e1b6bf%0Ahttps://doi.org/10.1016/j.biteb.2021.100642>.

theory serves to provide an explanation in determining the choice of legal doctrine. Reference is needed to apply practical law in solving daily legal problems.¹⁰ Legal theory serves to provide an explanation in determining the choice of legal doctrine. It is needed as a reference to apply practical law in solving daily legal problems.¹¹ The science of law only sees legal symptoms as observable by the human senses regarding human actions and community customs.¹² Positive law guarantees certainty of life, but only becomes complete when it is compiled in accordance with the principles of justice.¹³ Meanwhile, legal norms require that the community should obey them, and if there are members of the community who do not obey, then criminal sanctions (or actions) can be imposed on them.¹⁴ Content is information available through electronic media or products. This term generally refers to the content of Facebook status, Instagram, Twitter, TikTok, Youtube, and various other social media platforms. Delivery of various mediums such as the internet, television, audio CDs, and even stage-like events. Tiktok is a service hosting user-submitted videos, which can range in length from 3 seconds to 10 minutes. Criminal law is the branch of law that regulates criminal acts and establishes sanctions for the violation of such laws.¹⁵ The main purpose of criminal law is to protect society from harmful acts, maintain public order, and ensure justice within a country.¹⁶ It covers a wide range of offences, from minor crimes such as theft to serious crimes such as murder. The criminal law process begins with an investigation by authorities, such as the police, to gather evidence and establish suspects.¹⁷ Once the investigation is complete, the prosecutor will decide if the case is worthy of being tried in court. If it is, then the court process begins where a judge will listen to the evidence presented and determine whether the suspect is guilty or not.

¹⁰ I Dewa Gede Atmadja, *Teori-Teori Hukum* (Malang: Setara Press, 2018).

¹¹ Serlika Aprita, *Filsafat Hukum* (Depok: Rajawali Press, 2020), 9.

¹² Kamarusdiana, *Filsafat Hukum* (Jakarta: UIN Jakarta Press, 2018).

¹³ Sukarno Aburaera, *Filsafat Hukum: Teori Dan Praktik* (Jakarta: Kencana, 2017).

¹⁴ Sudaryono, *Dasar-Dasar Hukum Pidana Berdasarkan KUP Dan RUU KUHP* (Surakarta: Muhammadiyah University Press, 2017).

¹⁵ Syarif Saddam Rivanie et al., “Perkembangan Teori-Teori Tujuan Pemidanaan,” *Halu Oleo Law Review* 6, no. 2 (2022): 176–188, <https://doi.org/10.33561/holrev.v6i2.4>.

¹⁶ Fahrizal S Siagian, Susilawati, dan Syarifuddin “Penyidikan Terhadap Tindak Pidana Jual Beli Vaksin Secara Ilegal Dalam Penanggulangan Pandemi Covid-19 (Studi Pada Kepolisian Daerah Sumatera Utara)” *Jurnal Hukum Dan Kemasyarakatan Al-Hikmah* 3, no. 2 (2022): 417–445.

¹⁷ Setiyono et al., “Rekonstruksi Kebijakan Terhadap Penetapan Saksi Pelaku Yang Bekerjasama Pada Perkara Tindak Pidana Korupsi Ditinjau Dari Aspek Kepastian Hukum Dan Aspek Kemanfaatan Dalam Sistem Peradilan Pidana Terpadu,” *Jurnal De Lege Ferenda Trisakti* 2, no. 2 September (2023): 87–114, <https://doi.org/10.25105/ferenda.v1i2.18280>.

Criminal law involves important concepts such as the principle of legality, the principle of guilt, and the principle of proportionality.¹⁸ The principle of legality demands that a person can only be punished if their actions violate a pre-established law. The principle of fault requires that a person can only be punished if they are fully responsible for the criminal act they committed. Meanwhile, the principle of proportionality stipulates that the sanction given should be proportional to the seriousness of the offence committed.

Criminal law also includes various types of sanctions, ranging from imprisonment, fines, death penalty, to rehabilitation. The purpose of these sanctions is to provide a deterrent effect to criminals, prevent the recurrence of criminal acts, and restore justice to victims. In addition, the criminal law system also emphasises the importance of rehabilitation and social reintegration for offenders so that they can return to the community to be productive members of society. In many countries, criminal law is also constantly evolving and adapting to changing times, technology and social values. This ensures that the criminal law remains relevant and effective in addressing the challenges of crime that arise in modern society, as well as meeting universal standards of justice and human rights.¹⁹

Sexual harassment is an act that involves the misuse of power or control to force another individual to perform or accept sexual behaviour without their consent. It can include a wide range of actions, from indecent comments and unwanted touching to sexual coercion and rape. Sexual harassment not only violates personal and moral boundaries, but is also a serious legal offence.²⁰ In this increasingly advanced digital era, technology has influenced many aspects of our lives, including the way we interact and communicate. One of the most popular social media platforms today is TikTok, which has become a place for millions of users to share short video content. However, just like other social media platforms, TikTok is also not immune to the troubling issue of sexual harassment.

Sexual harassment on TikTok and other social media platforms has become a serious concern around the world. Inappropriate or harmful content is often widespread on these

¹⁸ Khoirunisa, "Pelecehan Seksual Melalui Media Sosial Ditinjau Dari Pasal 27 Ayat (1) Undang-Undang Tentang Informasi Transaksi Elektronik."

¹⁹ Frefy Sugiarto dan Datir Siregar, "Pembuktian Hukum Dalam Kejahatan Dunia Maya Berdasarkan Hukum Pidana," *Jurnal Ilmiah Publika* 10, no. 1 (2022): 216–223, <http://jurnal.ugj.ac.id/index.php/Publika/article/view/8070%0Ahttp://jurnal.ugj.ac.id/index.php/Publika/article/download/8070/3168>.

²⁰ Fransisco Luis Soares and Nathanael Bagas Setyawan, "Protection of Victims of Sexual Harassment in Indonesia: A Legal and Victimological Aspect," *Semarang State University Undergraduate Law and Society Review* 3, no. 1 (2023): 27–46, <https://doi.org/10.15294/lsr.v3i1.53761>.

platforms, with a barrage of comments, direct messages, and other acts of harassment occurring online.²¹ Victims, who are often vulnerable teenagers or children, often feel isolated and helpless in the face of such harassment. To address this issue, decisive and effective measures are needed. First of all, tech companies such as TikTok managers should take proactive measures in policing and moderating the content posted on their platforms. This includes the use of artificial intelligence algorithms to detect and remove content that violates the platform's policies on sexual harassment.

In addition, criminal laws should also be strictly applied against perpetrators of sexual harassment on social media platforms. Strict sanctions must be enforced against those who commit such acts, with serious legal consequences including prosecution and punishment in accordance with applicable laws.²²

However, law enforcement alone is not enough. Education and awareness are also an important part of sexual harassment prevention efforts. Schools and educational institutions should provide training and information to students about the risks of online sexual harassment and how to protect themselves. Parents also need to be actively involved in supervising and assisting their children in using social media.²³

Overall, sexual harassment on social media platforms like TikTok is a problem that requires serious attention and collective action from various parties. By combining strict law enforcement, effective platform moderation efforts, proper education, and broad public awareness, we can move towards a safer and more secure online environment for all users.

In many jurisdictions, sexual harassment is defined as an act that violates criminal law. Criminal laws often have provisions that specifically address sexual harassment and provide severe sanctions for perpetrators. Such sanctions may include imprisonment, fines, or the obligation to undergo a rehabilitation programme. One important aspect of sexual harassment is that it is not limited to physical acts, but can also occur in verbal or non-verbal forms. This could include indecent conversations, inappropriate jokes, or the dissemination of sexual content without the individual's permission. Therefore, it is important for the public to

²¹ Munawwarah and Eko Sopyono, "Sexual Harassment Criminal Law Policy In Criminal Law Revision Of Indonesian," *Jurnal Daulat Hukum* 2, no. 3 (2019): 421–428.

²² Genocide Network Secretariat, "Expert Report – Prosecution of Sanctions (Restrictive Measures) Violations in National Jurisdictions: A Comparative Analysis," November (2021): 74, www.genocidenetwork.eurojust.europa.eu.

²³ Devon Greyson et al., "Social Media and Online Safety Practices of Young Parents," *Journal of Information Science* 49, no. 5 (2023): 1344–1357, <https://doi.org/10.1177/01655515211053808>.

understand that sexual harassment can occur in various forms and contexts. Legal protection against sexual harassment also includes efforts to create a safe and supportive environment for victims. This includes providing access to a fair and effective legal system, as well as providing psychological and medical support services for victims.

Public education is also important to raise awareness about sexual harassment and encourage behavioural changes that respect the rights and dignity of individuals. When examining Lawrence Meir Friedman's Legal System theory, the elements that must be strengthened are the legal culture and its substance.²⁴ Efforts to prevent sexual harassment are more effective through cultural and religious approaches. However, despite efforts to address sexual harassment through laws and prevention programmes, there are still many challenges faced in dealing with this issue. Some victims may be reluctant to report abuse due to shame, fear, or distrust of the legal system. Therefore, it is important for society to continue to work together in overcoming stigma and creating a culture that supports victims of sexual harassment to speak up and get help.

Legal aid for victims of sexual harassment is important to ensure that they get access to justice and get proper legal protection. First of all, legal aid can assist victims in the legal process to bring the perpetrator to justice.²⁵ This involves providing information about their legal rights, helping them understand the legal process, and providing support throughout the investigation and court process.

In addition, legal aid can help victims to bring civil claims against perpetrators of sexual abuse. This includes helping them gather evidence and draft strong legal arguments, as well as representing them in judicial proceedings to ensure that their rights are recognised and respected.

Legal aid can also facilitate sexual abuse victims' access to the health and psychological services they need. This includes helping them obtain necessary medical care, including testing and treatment of sexually transmitted infections (STIs), as well as providing psychological support and counselling to help them cope with the trauma and stress caused by the abuse.

²⁴ Priyo Hutomo and Markus Marselinus Soge, "Perspektif Teori Sistem Hukum Dalam Pembaharuan Pengaturan Sistem Pemasarakatan Militer," *Legacy: Jurnal Hukum Dan Perundang-Undangan* 1, no. 1 (2021): 46–68, <https://doi.org/10.21274/legacy.2021.1.1.46-68>.

²⁵ Soares and Setyawan, "Protection of Victims of Sexual Harassment in Indonesia: A Legal and Victimological Aspect."

In addition, legal aid can help victims of sexual harassment to obtain compensation or damages for the losses they have incurred as a result of the harassment. This could include compensation for medical and therapy costs, financial losses, and compensation for the emotional and psychological suffering they have endured.

Finally, legal aid can also assist victims of sexual abuse in taking preventive measures to protect themselves from further abuse. This involves providing advice on ways to increase their personal safety, reporting suspicious situations to the authorities, and seeking legal protection if needed. As such, legal aid plays an important role in supporting victims of sexual abuse to get the justice, remedy, and protection they need.

TikTok content containing sexual abuse photos and videos, especially in live format, has serious legal implications under Indonesia's Electronic Information and Transaction (ITE) Law. The ITE Law strictly prohibits the dissemination of content containing pornography or sexual violence. In this context, the live broadcasting of such content on TikTok may be considered as dissemination and production of pornographic content, which may be subject to criminal sanctions pursuant to Article 27 paragraph (1) of the ITE Law which regulates the dissemination of electronic information containing pornography.

The Electronic Information and Transaction Law (UU ITE) is an important legal regulation in regulating activities in the digital realm in Indonesia.²⁶ Enacted in 2008, ITE Law has undergone several revisions to accommodate technological developments and the needs of society. ITE Law provides a legal foundation for the regulation of various aspects, including information security, privacy protection, and law enforcement in the digital environment.

One important aspect of the ITE Law is the effort to protect the public from technology abuse and cybercrime. It includes provisions governing the dissemination of illegal or harmful information, including the dissemination of pornographic content, online fraud, and cyber harassment. As such, ITE Law serves as an instrument to combat criminal acts in the digital world and provide protection to the public.

However, the ITE Law has also generated controversy, especially in relation to the interpretation and application of articles that are considered to limit freedom of expression and potentially lead to abuse of power. Some articles, such as Article 27 and Article 28, have been the subject of debate as they are considered to give authorities broad powers to arrest and

²⁶ Citranu, "Tindak Pidana Narkotika Berdasarkan hukum Pidana Adat Dayak Ngaju," *Morality: Jurnal Ilmu Hukum* 6, no. 1 (2020): 1–14.

prosecute individuals on the basis of misuse of information or electronic communication. Therefore, the implementation of the ITE Law also requires a balance between the protection of security and individual rights as well as freedom of speech and expression.

The ITE Law also prohibits actions that harm or defame others. Thus, TikTok content featuring photos and videos of sexual harassment may be considered as defamation of the individual who is the subject of the harassment. This can lead to lawsuits against the content creators and those involved in disseminating the content.

It should be noted that the Indonesian government has affirmed its commitment to address negative content on digital platforms including TikTok. Within that framework, regulatory and law enforcement bodies such as the Ministry of Communication and Information (Kominfo) and the Indonesian National Police (Polri) have the authority to monitor and take action against violations of the ITE Law regarding content that violates moral and legal norms in Indonesia. Thus, the dissemination of TikTok content containing sexual harassment in a live format may face strict action from the authorities. Therefore, it is important for TikTok users to understand and comply with applicable regulations in the context of using the platform, and to avoid creating or sharing content that violates the law.

TikTok content containing sexual harassment photos and videos, especially in live format, raises serious concerns in legal review, particularly from the perspective of Indonesia's Electronic Information and Transaction (ITE) Law. First of all, the ITE Law expressly prohibits the dissemination of pornographic or sexually violent material in an electronic context. In this case, TikTok content containing scenes of sexual harassment can be considered a violation of the articles governing the dissemination of pornographic material, which can have serious legal consequences for the perpetrators.

Indonesian law also protects individuals from defamation. TikTok content featuring photos and videos of sexual harassment may harm the individual who is the object of such harassment.²⁷ As such, such content may also be subject to legal sanctions under the defamation provisions of the ITE Law. This underscores the importance of respecting the privacy and dignity of individuals in the digital space. The Indonesian government has affirmed its commitment to addressing negative content on digital platforms, including TikTok. Through

²⁷ Richard Sirait, August Silaen, and Lesson Sitohang, "Penegakan Hukum Pelaku Delik Pencemaran Nama Baik (Studi Putusan Nomor: 4/Pid.C/2020/PN.TLK)," *Jurnal Hukum PATIK* 9, no. 3 (2020): 215–226, <https://doi.org/10.51622/patik.v9i3.250>.

the Ministry of Communication and Information (Kominfo) and other law enforcement agencies, such as the Indonesian National Police (Polri), the government has the authority to monitor and take action against violations of the ITE Law related to content that violates moral and legal norms. Thus, the spread of TikTok content containing sexual harassment in live format may face strict action from the authorities.

TikTok users also have a responsibility to comply with applicable regulations and take responsibility for the content they share. In this context, awareness of the legal implications of posted content is important. Users should avoid creating or sharing content that violates the law, including content that contains sexual harassment. Thus, legal awareness is an important aspect of using social media platforms such as TikTok.

The spread of sexually harassing content in a live format on TikTok is an urgent issue and requires serious attention from all relevant parties. This phenomenon raises concerns about its impact on users, especially vulnerable adolescents and children. This kind of content not only undermines morality and social norms, but can also have a serious psychological impact on victims and exposed viewers.

The spread of live sexual harassment content on TikTok poses a risk to the safety and well-being of users, especially those who are minors. Viewers may be exposed to inappropriate situations and language, which may affect their perception of sexuality and trigger trauma or anxiety. Therefore, effective preventive and protective measures are essential to address this issue.

Platforms like TikTok must take active responsibility in tackling the spread of sexually harassing content. This includes strict enforcement of policies against offending content, stricter supervision of live broadcasts, and increased investment in detection and moderation technologies. In addition, TikTok should also increase education and awareness about responsible use of the platform.

The role of users is also critical in combating the spread of sexually harassing content on TikTok. They should be active in reporting content that violates the policy, educating fellow users about the importance of safe and appropriate behaviour, and supporting efforts to create a more positive, and safe online environment.²⁸

²⁸ Rifka Nadila Damayanti, Sigit Surahman, and Annisarizki Annisarizki, "Video Pelecehan Seksual Dokter Kevin Samuel Di Akun Tiktok Berita: Studi Etnografi Virtual," *Rekam* 19, no. 1 (2023): 83–92, <https://doi.org/10.24821/rekam.v19i1.6895>.

Overall, the spread of live sexual harassment content on TikTok is a complex issue that requires the co-operation of the platform, users, government, and society at large to combat and prevent. Only with proper preventive measures and strong awareness can we create a safer and more positive online environment for everyone, especially the younger generation who are the main users of the platform.

The issue of the spread of live sexual abuse content on TikTok also highlights the need for increased awareness of the importance of child and youth protection in the digital space. Parents and caregivers need to be actively involved in monitoring and supervising their children's online activities as well as providing education on the safe use of social media platforms. In addition, educational institutions and community organizations can also play an important role in providing information and training to the younger generation on how to identify inappropriate content and how to deal with it.

Keep in mind that the spread of sexual harassment content is not only detrimental to the direct victim, but also damages TikTok's image and reputation as a safe and user-friendly platform. Therefore, social responsibility and business ethics should also be key considerations for tech companies like TikTok. This includes transparency in content moderation policies, active involvement in combating harmful content, and co-operation with government and non-government agencies to create higher industry standards.

In the face of these challenges, cross-sectoral and global collaboration is key. Governments, law enforcement agencies, technology companies, community organizations, and individuals all have different but interrelated roles in the effort to protect users from harmful content online. Only with strong cooperation and shared commitment can we build a safer, more inclusive, and beneficial digital environment for everyone, without exception.

THE IMPACT OF TIKTOK CONTENT CONTAINING PHOTOS OR VIDEOS OF SEXUAL HARASSMENT IN LIVE FORMAT ON USERS ESPECIALLY TEENAGERS IN THEIR PSYCHOLOGY AND BEHAVIOR

The impact of TikTok content containing live sexual abuse photos or videos can have serious consequences on the psychological and behavioral well-being of exposed adolescents. First of all, the experience of witnessing or being a victim of such content can cause deep psychological trauma in adolescents. They may experience significant shame, guilt or anxiety due to exposure to sexually harmful content.

In addition, adolescents exposed to live sexual harassment content on TikTok may experience prolonged emotional distress. This could include depression, anxiety, or even affect their self-esteem. Emotionally vulnerable teens may find it difficult to cope with the negative impact of sexually harmful content, and this may affect their overall quality of life.

In terms of behavior, exposure to live sexual harassment content on TikTok may change adolescents' mindset and behavior. They may become more inclined to mimic the behavior they see, especially if the content is presented in a way that is glamorous or popular among other TikTok users. This may increase the risk of engaging in unhealthy or even criminal sexual behavior.

In addition, repeated exposure to sexually harassing content on TikTok may also affect how adolescents view relationships and social interactions. They may develop distorted views of sexuality and healthy social norms, which may affect their ability to build respectful and consensual relationships.

TikTok content containing sexual harassment photos or videos has a very detrimental impact, not only on the individual who is the object of harassment, but also on society at large. Firstly, such content can cause serious psychological trauma and stress to individuals who are victims of abuse. Seeing themselves indecently exposed on a vast platform like TikTok can disrupt their mental well-being and interfere with their daily lives.

Secondly, sexual harassment content on TikTok can also trigger a wide domino effect. A viral sexual harassment video or photo can quickly spread widely on the platform, creating an unsafe and destructive environment on social media. This can make the situation worse for the victim, as well as negatively impact society as a whole by increasing tolerance for harassing behavior.

Third, sexual harassment content on TikTok also creates harmful norms, especially among the younger generation who are the main users of the platform. If such content is allowed to circulate without strict action, it could signal that sexual harassment is something that is acceptable or even considered entertainment, changing society's perception of this sensitive and serious issue.

Fourth, the impact of sexual harassment content on TikTok could also damage the reputation of the platform itself. If TikTok is seen as a place where sexually harassing content is often found or even encouraged, it could reduce public trust in the platform and increase demand for stricter regulatory measures.

Fifth, from a legal perspective, sexual harassment content on TikTok can face serious legal consequences. In addition to violations of the ITE Law, content creators and content disseminators involved in the dissemination of sexually harassing content may be subject to civil and criminal prosecution, facing sanctions appropriate to the legal offences committed.²⁹

Finally, more broadly, the impact of sexually harassing content on TikTok reflects the larger challenges of managing digital content in the social media age. Companies and regulators should work together to develop policies and technologies that can identify, prevent, and respond to sexually harassing content quickly and effectively to protect platform users and society as a whole.

Overall, the impact of TikTok content containing live sexual abuse photos or videos on users, especially teenagers, is serious and should not be ignored. Appropriate safeguards and education are needed to protect adolescents from sexually harmful content and help them cope with the psychological and behavioral impacts that may result from such exposure.

In addition to the psychological and behavioral impacts already mentioned, exposure to TikTok content containing sexual harassment in a live format may also interfere with adolescents' emotional and social development. Adolescents exposed to such content may have difficulty in building healthy interpersonal relationships and having strong self-confidence. They may feel isolated or tend to avoid social interaction because of the embarrassment or discomfort that may be felt as a result of the exposure of such harmful content. In addition, constant exposure to sexually-harassed content on TikTok can affect adolescent perceptions of relationships and sexuality as a whole. They may internalize a wrong or unhealthy view of sexuality, which in turn can affect their decisions in terms of future relationships and sexual behavior. This can increase the risk of engaging in risky or unsafe behaviour that can have a long-term impact on their health and well-being. It is important to remember that the impact of sexual harassment content in a live format on TikTok not only affects individuals directly, but can also affect group and cultural dynamics among adolescents. This kind of content can be a source of talk that is detrimental to or supports unhealthy norms in their social environment. Therefore, it is important to pay attention to the role of popular culture, including social media, in shaping youth norms and values.

²⁹ Merry Ch. N. Adilang, Asep Rahman, and B. H. Ralph Kairupan, "Gambaran Pelecehan Seksual Di Media Sosial Pada Remaja Jemaat KGPM Mesias Ranomuut Kota Manado," *Jurnal Lentera - Penelitian Dan Pengabdian Masyarakat* 3, no. 1 (2022): 11–15, <https://doi.org/10.57207/lentera.v3i1.10>.

Solving this problem requires a holistic approach that involves collaboration between parents, schools, communities, and social media platforms like TikTok. Strong education on healthy sexuality, responsible use of social media, and empowering teenagers to develop critical and critical thinking are important steps in protecting and helping them cope with the negative impact of sexually harmful content on TikTok. However, behind the creative and entertaining content offered by TikTok, there is also a worrying dark side. One of the problems that has emerged is content that contains photos or videos of sexual harassment, especially when broadcast in live format. The impact of this kind of content on users, especially adolescents, can be highly detrimental psychologically and behavioral. Psychologically, exposure to TikTok content that contains sexual harassment can cause trauma, stress, and anxiety in teenagers. Watching or experiencing content that degrades or sexually insults can make teenagers feel distracted, afraid, and insecure. They may have difficulty coping with negative emotions such as shame, anger, or loss of self-confidence.

In addition, continuous exposure to such content can also affect the development of adolescent sexual identity and self-esteem. They may begin to question healthy social values and norms, as well as possibly internalize the humiliating view of their own bodies and sexuality. It can lead to mental health problems such as depression, eating disorders, or even self-inflicting thoughts.

In terms of behavior, exposure to sexual harassment content on TikTok can also affect social interactions and interpersonal relationships among teenagers. They may experience difficulties in building a healthy and meaningful relationship, because they feel insecure or afraid of being the victim of harassment. Moreover, such content can also affect their perceptions of sex and relationships, and may lead to unhealthy or sexually unsafe behaviour. In addition, excessive use of TikTok to consume sexual harassment content can also disrupt the balance of life and time. Teenagers may spend too much time on these platforms, ignoring school duties, physical activity, and direct social interactions that are important for their development.

Efforts to address this problem are important for parents, educators, and policymakers to take the right steps. Parents need to monitor their children's online activities more closely, provide the necessary support and support, and be open to talking about sensitive issues such as sexual harassment. Educators also need to provide relevant education on healthy use of social media and awareness of the risks of online harassment.

In addition, policymakers need to take stronger action in dealing with sexual harassment content on social media platforms. They need to work with platform providers to strengthen content moderation mechanisms, impose strong sanctions on harassers, and raise public awareness about the risks and consequences of exposure to such content.

Overall, TikTok content that contains sexual harassment in a live format has a serious impact on users, especially teenagers, both psychologically and behaviorally. It is important for all parties to work together to address this problem and create a safe and positive online environment for all users, especially the vulnerable young generation.

LEGAL APPLICATION OF TIKTOK CONTENT THAT CONTAINS SEXUAL HARASSMENT

Enforcing laws against TikTok content containing sexual harassment is an important aspect of maintaining the integrity and safety of users on the platform. First and foremost, the government and law enforcement agencies have a primary role in enforcing laws governing online content and the protection of victims of sexual harassment. Legal measures should be strictly applied against content creators who commit acts of sexual harassment, including legal prosecution and appropriate sanctions.³⁰

In addition, cooperation between social media platforms such as TikTok and legal authorities is crucial in facilitating law enforcement against offending content. This includes the provision of data and information required by law enforcement agencies to investigate and prosecute perpetrators of sexual harassment. Effective cooperation between authorities and social media platforms can speed up the process of identifying and addressing harmful content. Furthermore, there is a need for clear and firm laws in regulating online content, including TikTok content containing sexual harassment. Strong laws can provide a clear legal basis for the prosecution of online criminals, as well as provide a clear signal to the public that such offenses will not be tolerated and will be dealt with firmly.

Not only that, the role of individuals in reporting offending content is also important in supporting the implementation of laws against TikTok content containing sexual harassment. Platform users should be empowered to report content that violates community policies quickly

³⁰ Sutiani Choirunnisa, "Legal Protection Against Women Victims of Sexual Harassment Through Social Media (Cyberporn)," *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 367–380, <https://doi.org/10.15294/ijicle.v3i3.48266>.

and efficiently. This allows the platform and authorities to act more responsively in response to reported violations. In conclusion, effective implementation of the law against TikTok content containing sexual harassment requires close collaboration between the government, law enforcement agencies, and social media platforms. Clear laws, strong cooperation, and active participation from the public are key in ensuring that such offenses are dealt with firmly and provide adequate protection for users of such platforms. Effective enforcement of laws against TikTok content containing sexual harassment requires a comprehensive approach based on cooperation between the government, social media platforms, and the public. The government needs to strengthen regulation and supervision of digital content, including TikTok content, by enforcing the Electronic Information and Transaction Law (ITE) and other relevant regulations. This includes strict enforcement against lawbreakers, including creators and disseminators of sexual harassment content.

Strict sanctions against perpetrators of sexual harassment are very important in providing justice for victims and also as a prevention effort. First of all, severe criminal sanctions can have a deterrent effect on perpetrators and warn the public of the seriousness of the offense. Long prison sentences and hefty fines can be an effective deterrent for individuals thinking of committing sexual harassment.

In addition to criminal penalties, perpetrators of sexual abuse should also be required to undergo rehabilitation or counseling programs so that they can understand the impact of their actions and prevent future relapses. Such programs can help offenders address the mental or behavioral issues underlying the sexual abuse and improve their relationship with society.

Administrative sanctions such as prohibitions on working with children or access to positions that involve power or control over other individuals are also important to deter sexual abusers from opportunities to commit similar acts in the future. Close supervision of their activities and restrictions on certain rights can help protect society from the risks posed by identified sexual abusers. In addition, it is important for the law to provide strong protections for victims of sexual harassment. This includes giving victims access to medical, psychological, and legal assistance, as well as adopting policies that ensure that victims are not subjected to secondary harassment or abuse during the legal process.

Overall, strict sanctions against perpetrators of sexual harassment are important to uphold justice, prevent similar crimes in the future, and provide protection to victims. By combining severe criminal penalties, rehabilitation programs, certain employment bans, and

strong victim protection, the law can be an effective tool in combating sexual harassment and ensuring the safety and well-being of society.

Cooperation between the government and social media platforms like TikTok is essential in dealing with sexual harassment content. Platforms should have clear policies and be proactive in moderating content that violates the rules, as well as providing transparent reports to the government on actions taken against such content. In addition, platforms should also strengthen their reporting systems for violating content and increase the use of technology to quickly detect and remove sexually harassing content. Effective implementation of the law also requires better public education and awareness about the consequences of sexually harassing content on TikTok. Education programs targeting youth and parents need to be improved to teach about safe and responsible online behavior, and provide information on how to report inappropriate content. Effective law enforcement against sexual harassment content on TikTok should also be complemented by rehabilitation and support for victims. The government and non-governmental organizations should provide counseling services and psychological support for individuals affected by sexually harassing content, as well as ensure that they have access to legal assistance if needed. With a holistic and sustainable approach, effective implementation of the law can help maintain the safety and well-being of TikTok users and prevent the spread of harassing content.

Effective application of the law is important in maintaining justice, order and security in a society. First of all, effective implementation of the law requires cooperation between various legal institutions, such as the police, prosecutors, courts and other law enforcement agencies. Good coordination between these agencies will ensure that criminal cases are dealt with quickly and efficiently, as well as ensuring that lawbreakers are prosecuted in accordance with applicable procedures.

In addition, effective law implementation also requires firmness and consistency in law enforcement. This includes applying appropriate and proportionate sanctions against lawbreakers, as well as providing fair and transparent enforcement for all parties involved. By demonstrating that lawbreakers will be held accountable for their actions, effective law enforcement can be a strong deterrent to lawlessness.

Furthermore, effective implementation of the law also requires public education and awareness about the law and its consequences. Education about the rule of law, rights and obligations, and legal procedures can help people understand the importance of compliance

with the law and encourage active participation in crime prevention. Through public education and awareness campaigns, effective implementation of the law can be backed by strong support from the community.

Finally, effective implementation of the law also requires legal reforms that keep pace with societal and technological developments. Refining existing laws and legal procedures, as well as adapting to social and technological changes, can improve the ability of the legal system to handle new challenges. Thus, the effective application of law can provide a strong foundation for justice, order and security in a society.

In addition to the direct application of the law against offending content creators, a preventive approach is also important in addressing TikTok content containing sexual harassment. Education on safe and responsible internet use should be strengthened, both in school and family settings. Teens need to be given a better understanding of the risks and consequences of sharing or consuming sexually harmful content. In addition, tech companies like TikTok should also take responsibility for strengthening policies and protection tools on their platforms. They should proactively update community policies, improve content moderation, and develop more sophisticated detection technologies to identify and remove offending content. Supporting initiatives such as awareness campaigns or online training can also help increase understanding of the importance of digital safety among users.

Last but not least, international cooperation in law enforcement against TikTok content containing sexual harassment should also be strengthened. Most social media platforms have users from different countries, so effective law enforcement requires cross-border cooperation. The exchange of information, resources, and best practices between countries can help strengthen law enforcement at the global level and pursue offenders effectively. With preventive measures, the active role of technology companies, and strong international cooperation, law enforcement against TikTok content containing sexual harassment can become more effective and responsive to users' needs and safety. Only with concerted efforts from various parties can we create a safer, healthier, and more sustainable online environment for everyone.

Equally important is the role of parents. The role of parents in the prevention of sexual abuse is very important and strategic. First of all, parents have the responsibility to establish a safe and supportive environment for their children. They should create open communication

channels that allow children to feel comfortable to talk about their experiences and ask for help if they feel unsafe or uncomfortable.

In addition, parents need to provide education about personal boundaries, privacy and their rights to children early on. This includes providing a clear understanding of what constitutes appropriate and inappropriate touching, as well as how to identify potentially dangerous situations. Parents should also teach children about the importance of respecting their own rights and bodies, as well as the rights of others. Parents also have a role in supervising their children's online activities, including the use of social media such as TikTok. They should ensure that children use such platforms wisely and safely, and are aware of the risks associated with online interactions. Parents should regularly supervise their children's online activities, checking who they talk to and what content they consume.

As such, parents play a key role in preventing sexual abuse by providing education, supervision, support and protection to their children. Collaboration between parents, schools and communities is also important to create a safe and supportive environment for children to deal with the risks of sexual abuse.

CONCLUSION

In the legal review of TikTok content containing live photos and videos of sexual harassment, the perspective of the Electronic Information and Transaction Law (ITE) is important. The ITE Law plays a role in regulating the use of the internet and protecting against harmful content online. In this context, the dissemination of sexual harassment content through the TikTok platform may violate the ITE Law, especially in terms of providing or disseminating pornographic content or sexually harmful content to minors.

From the perspective of the ITE Law, the act of spreading live sexual abuse content on TikTok can be considered a violation of the law protecting children from harmful content on the internet. The ITE Law provides the legal basis for the enforcement of such rules, stating that any person who disseminates or accesses pornographic content or sexually harmful content to minors may be subject to strict criminal sanctions.

In addition, the ITE Law also provides a legal basis for the government and law enforcement agencies to conduct law enforcement actions against offenses committed through social media platforms such as TikTok. This includes surveillance of offending content,

investigation of perpetrators, and criminal prosecution of those responsible for spreading sexually harassing content.

Thus, a legal review of TikTok content containing live sexual abuse photos and videos from the perspective of the ITE Law emphasizes the importance of protecting children from harmful content on the internet and the need for strict law enforcement against such violations. With a clear legal framework in place, it is hoped that efforts to prevent and prosecute sexual harassment content on TikTok can be improved to create a safer and more secure online environment for all users, especially children and adolescents.

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