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Law Enforcement Efforts against the Crime of Body Shaming Through Mediation

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Abstract

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This study aims to analyze the forms of action that are categorized as body shaming crimes and criminal law enforcement against body shaming crimes on social media. This study uses a normative juridical approach. The data used is in the form of secondary data consisting of primary and secondary legal materials. The data collection method uses literature study and descriptive qualitative analysis. The results of this study indicate that, the forms of action that are categorized as body shaming crimes, namely: the words uttered contain elements of physical insult and have humiliated and lowered one's self-esteem because they can be seen/witnessed by many people, making them feel sad and depressed. Perpetrators of body shaming can be charged under Article 315 of the Criminal Code, with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand and five hundred rupiahs. And if it is done on social media, the perpetrator can be charged under Article 27 paragraph (3) jo. Article 45 paragraph (3) of the ITE Law with a maximum imprisonment of four years and/or a maximum fine of seven hundred and fifty



million rupiah. The police also offer a settlement process in a non-litigation context, namely by maximizing penal mediation to reduce the build up of cases in court.

A. Introduction

Crime according to the Indonesian dictionary is a behavior that is contrary to the prevailing values and norms that have been legalized by written law (criminal law).¹ From a criminological point of view, any particular action that is not approved by society is defined as a crime. It can be observed that every crime does not have to be formulated in advance in a criminal law regulation. If the act committed has harmed, endangered, and is disliked by the community or is even annoying, then the action is said to be a crime. Thus an anti-social act is also considered a crime.²

The development of modern society has led to crime development that relies on technology which includes various types or dimensions that previously did not exist. The more modern a society is the more modern the methods, techniques or actions of a crime are committed by the perpetrators.³ Currently, crime does not only occur in the real world but can also occur in cyberspace, especially in the modern era when information and communication technology is increasingly advanced and developing. This becomes an effective media for someone to commit illegal acts. One of the current examples of illegal action is body shaming on social media.

The widespread use of social media has further expanded the social reach of each user. On social media, we can find, meet and interact with strangers easily. This convenience makes everyone free (almost without limit) to share information and argument with each other. However, this freedom of opinion is exploited negatively by irresponsible people. Hiding behind a computer screen or cell phone, social media is often used as a medium to criticize, judge, insult and even bully someone.⁴ Cases regarding body shaming in Indonesia in 2018 were recorded by the police as many as 966 cases. Cases related to contempt that focuses on physical insult were very massive, based those cases, there were 347 cases that could be resolved on a third and non-litigation basis (mediation).⁵ One of the cases that can be exemplified by the behavior and behavior of body shaming is the case experienced by Nurul Arifin. The case of Nurul Arifin who is a model and actress experienced online body shaming. Internet user claimed her nose is large which represents bad luck. Body shaming is on of the action that seems simple but really affects the victim, which is the focus of body shaming action.⁶

¹Deni Ahmad dan Firdanefi, *Pengantar Kriminologi & viktimologi*, Bandar Lampung: Justice Publisher, 2016, pg. 20.

²Made Darma Weda, 1996, *Kriminologi*, Jakarta: PT Raja Grafindo Persada, pg. 12.

³Eddy Rifai, "MODEL PELAKSANAAN PEMOLISIAN MASYARAKAT (POLMAS) OLEH FKPM DALAM MENCIPTAKAN KAMTIBMAS DI KOTA BANDAR LAMPUNG THE COMMUNITY POLICING IMPLEMENTATION MODEL (POLMAS) BY THE POLICE AND COMMUNITY PARTNERSHIP FORUM (FKPM) IN CREATING SECURITY AND ORDER IN BANDAR LAMPUNG," *Cepalo* 2, no. 1 (September 12, 2019): 43–54, <https://doi.org/10.25041/cepalo.v2no1.1761>.

⁴IMELDA YOHANA ULU RASTRA LINGGA, "PEMODELAN DETEKSI BODY SHAMING DI MEDIA SOSIAL TWITTER MENGGUNAKAN ALGORITMA NAÏVE BAYES," *Jurnal Teknosains: The Journal of Science and Technology Universitas Mercu Buana*, August 20, 2019, <https://repository.mercubuana.ac.id/id/eprint/50509>.

⁵ Audrey Santoso, "Polisi Tangani 966 Kasus Body Shaming Selama 2018" accessed <https://news.detik.com/berita/d-4321990/polisi-tangani-966-kasus-body-shaming-selama-2018>. 25 Oktober 2020.

⁶ Arie Lukihardianti, "Nurul Arifin Mengaku Pernah Jadi Korban Body Shaming", accessed <https://nasional.republika.co.id/berita/nasional/umum/19/02/16/pn0ro5396-nurul-arifin-mengaku-pernah-jadi-korban-body-shaming>. pada 25 Oktober 2020.

Body shaming, apart from being done verbally and directly spontaneous to the victim, can also be done orally and indirectly. For example, when on social media such as Facebook, Twitter, or Instagram someone sees a photo of another person who thinks the person's body is "strange". Then, the perpetrator makes verbal insults in the social media comment column. Such body shaming is also categorized as a cybercrime.⁷ Negative comments about a person's body or physical shape (body shaming) on social media are often made by the further consideration on the consequences. Perhaps, some of us feel that mocking other people physics is a normal thing or merely banter. Who would have thought that physical ridicule of other people who often becomes the material of banter can be brought into the criminal realm since it is included in the Article of insult in the criminal law.

The impact of body shaming should not be underestimated because not only does it hurts feelings, but it also affect a person's psychology, especially if body shaming attacks pre-adolescents to underage teenagers who are mentally unstable. In addition, body shaming actions carried out on social media can reduce a person's dignity because they are known to the general public and are bullied. In the end, victims who receive body shaming on social media continuously will feel pressured and depressed; it even causes implication of committing suicide.

Body shaming is included in the complaint offense (*klacht delicten*). Complaint offense is an offense which prosecution happens if there is a complaint from the affected party. Regulations or instruments regarding of body shaming or insulting the body image are not explicitly regulated in the Criminal Code or in other regulations outside the Criminal Code. Therefore, this creates confusion which leads to multiple interpretations of the rules related to body shaming in social media. It is not impossible that the development of information technology and its various social networks will enable body shaming widespread as a habit in our society.

Currently, overcoming crime by using criminal law is still a complicated issue, because criminal law itself has a limited ability to create public justice in tackling crimes.⁸ Based on the background above, authors are intrigued and feel the necessity examine more deeply on the "Analysis of Criminal Law Enforcement against the Crime of Body Shaming in Social Media". Therefore, problems in this research are: (1) How are the forms of action that are categorized as body shaming crimes? How is criminal law enforcement against body shaming crimes on social media? This study uses a normative and empirical juridical approach. The data used are primary data and secondary data. The data collection method uses literature study and field studies. The data analysis used is qualitative analysis.

B. Discussion

1. Types of Actions that are Categorized as Body Shaming Crime

Body shaming consists of two syllables consisting of body and shaming. Body in Indonesian means body and shaming means to humiliate. Body shaming is a term that refers to the act of mocking/insulting by commenting on one's physique (body shape or body size) and appearance.⁹ Body shaming is closely related to body image, namely regarding the formation of perceptions of the ideal body according to society, so that a standard of beauty emerges that makes a person feel inferior if he cannot reach that standard.¹⁰ Based on these

⁷Budi Suhariyanto, *Tindak Pidana Teknologi Informasi (Cybercrime)*, Jakarta: Raja Grafindo Persada, 2012, pg. 5.

⁸Sunarto DM, *Keterpaduan Dalam Penanggulangan Kejahatan*, Aura, Bandar Lampung, 2016, pg. 65.

⁹Lisya - Chairani, "Body Shame Dan Gangguan Makan Kajian Meta-Analisis," *Buletin Psikologi* 26, no. 1 (June 6, 2018): 12–27, <https://doi.org/10.22146/buletinpsikologi.27084>.

¹⁰Brigitta Anggraeni Stevany Putri, Aristarchus Pranayama Kuntjara, and Ryan Pratama Sutanto, "Perancangan Kampanye 'Sizter's Project' Sebagai Upaya Pencegahan Body Shaming," *Jurnal DKV Adiwarna* 1, no. 12 (July 18, 2018): 9, <http://publication.petra.ac.id/index.php/dkv/article/view/7275>.

two definitions, Body Shaming is defined as an act of bullying the physical or body image of another person who is considered not ideal and or not like in general.

The case of body shaming is currently increasing aligned with the high number of social media users in Indonesia. On average, children and women experience body shaming victims, while the objects of body shaming are as follows:

- 1) A person's body type and weight.
- 2) Face and/or image different from the familiar beauty standards.
- 3) Physic deformity due to an incident or genetics issue.

The form of body shaming that is experienced is divided into two categories: speech and a combination of direct speech with direct action. Body shaming in the form of speech can be in the form of taunts by making terms, equating to certain objects or certain figures and even animals, etc. Not only spoken directly, body shaming is also done via Instagram which is written in the comments section. The body shaming them experience not only makes a person lose confidence and gain insecurity, but they are also willing to do anything to get their ideal body.¹¹ Verbal bullying spreads through electronic devices which is more popular on social media. The act of bullying has a psychological and physical impact on the victim.¹² Based on body shaming concept, it can be seen that the Nurul Arifin case fulfills the category of body shaming. The reason is *firstly*, the person who insulted Nurul (victim) revealed that the victim had a large nose that represents bad luck. *Secondly*, the form of bullying towards the victim was through verbal action, not assisted by direct action against the victim's body.

According to Irsan¹³, actions that are categorized as body shaming are qualified as follow:

- 1) Disqualified as body shaming: firstly, if the insult aims toward a person's physical image or physical flaws.
- 2) Secondly, if the insult is deliberately purposed to harm and humiliate a person publicly and/or in platforms that could be accessed publicly; and.
- 3) Thirdly, if the insult towards a person's physical flaw is mentioned repetitively this pressures the person and eventually triggers the person to act dangerously or against the law.

Between criticism and insult must be distinguished. Government criticism someone (including criticism to the President) and insulting have different meanings. Therefore, criticism is not the same as insulting. Insulting is a criminal act, because insult is deliberate to attack someone's integrity of a person which begins with a malicious intent or criminal intent. If this happens, an act of criticism which is preceded, accompanied, and followed by an offensive act. What is punished according to the criminal law is not the act of criticism, but the act of insulting it. As well as criticism and ethics, the criticism submitted must not violate ethics (ethically appropriate), if the criticism violates ethics or is unethical, then the act violates ethical norms, not the criticism. Ethical violation is an embryo of being an inappropriate/immoral or despicable act which can shift into an act against criminal law.

Body shaming is an unpleasant act that is categorized as a form of minor insult and is clearly regulated by law. Anyone who has come into contact with a legal problem is considered to commit a crime. Even though the victim of body shaming did not make a legal complaint, the act of body shaming has attacked a person psychologically and can trigger other legal actions, one of which is an attempted suicide.

¹¹Sakinah, "‘Ini Bukan Lelucon’: Body Shaming, Citra Tubuh, Dampak Dan Cara Mengatasinya," *Jurnal Emik* 1, no. 1 (2018): 53–67, <https://ejournals.umma.ac.id/index.php/emik/article/view/41>.

¹²I G A Ayu et al., "Pengaturan Cyber Bullying Dalam Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi Dan Transaksi Elektronik," *Jurnal Kertha Wicara* 3, No.2, 2014, <https://ojs.unud.ac.id/index.php/kerthawicara/article/download/9110/6870>.

¹³Hasil wawancara dengan Irsan, Kabid Pengelolaan dan Layanan Informasi Publik Dinas Komunikasi, Informatika dan Statistik Provinsi Lampung, Pada Tanggal 19 Maret 2020.

Body shaming is a form of emotional verbal abuse that perpetrators often do not realize because it is generally considered normal.¹⁴ There are 4 (four) causes of body shaming according to Devie Rahmawati (Head of the UI Communication Vocational Study Program), namely:¹⁵

- 1) Client Patron Culture Factor
- 2) Patriarchy Factor
- 3) Knowledge Factor
- 4) Post-Colonial Factor

Roni Azhari explained that body shaming¹⁶ is a crime if someone reports the act of body shaming. If it is proven, body shaming crime can receive criminal sanctions so that it can harm the community itself, especially if body shaming is carried out in media that can be accessed or seen by many people, such as on social media. For example, Facebook, Instagram, Twitter, and others. If body shaming is carried out in online media, it will be easier to reach by many people so that victims of this body shaming act feel harmed or humiliated and may have a more severe impact on the victim's psyche. For example, the words "those hands are like feet, gigantic" or "how come your skin is so burnt black?" Due to simple comments, victims of body shaming can lose self-confidence, stress and even do negative things that are against the norm or the law.

2. Criminal Law Enforcement towards Body Shaming Crime on Social Media

Current technological advances have a very large effect on the lives of society. Hateful comments are often seen through social media. In the realm of social media, from celebrity to commoners can be targets of body shaming actions. Social media, which was supposed to be a place to share information, turned into a medium to ridicule one's physical appearance.¹⁷ Indonesian society consider body shaming as a common thing. It is not uncommon for body shaming victims to prefer silence when they experience body shaming, maybe that is the reason for the increasing number of body shaming on social media. As a result, there is no deterrent effect for the perpetrator and the potential for further body shaming to emerge. One of the cases of body shaming that occurred in Indonesia was the case of Celebrity Ussy Sulistiawaty's daughter. Ussy Sulistiawaty reported dozens of Instagram accounts that bullied her children to Metro Jaya Police Department. This body shaming is bad for the child's psychology. The Constitutional Court through Decision Number 14/PUU-VI/2008 which concludes: a person's name, dignity, or honor is one of the legal interests protected by criminal law because it is part of the constitutional rights of citizens guaranteed by the 1945 Constitution or international law. Therefore, if the criminal law regulates sanctions against an act that harms person's reputation, dignity, or honor, that is not against the 1945 Constitution.

According to Ahmad Irzal¹⁸, enforcement of criminal law against acts of body shaming on social media must be differentiated based on the intention of the action. If intentions to humiliate other people or insult are not proven, then there is punishment. However, if the intention of insulting or degrading another person's dignity is proven, then the act can be punished. It needs to be underlined that this criminal act (body shaming) is included in the

¹⁴*Op.Cit.*, Brigitta Anggraeni, pg 2.

¹⁵Ayuhan Nafsul Mutmainnah, "Analisis Yuridis Terhadap Pelaku Penghinaan Citra Tubuh (Body Shaming) Dalam Hukum Pidana Di Indonesia," *Jurnal Ilmiah Ilmu Hukum* 26, no. 8 (2020): 975–87, <http://www.riset.unisma.ac.id/index.php/jdh/article/view/5864>.

¹⁶Hasil wawancara dengan Ipda Roni Azhari, Panit Subdit V Ditreskrimsus Polda Lampung, Pada Tanggal 26 Maret 2020.

¹⁷Micheal Micheal and Suzy S. Azeharie, "Perlawanan Penyintas Body Shaming Melalui Media Sosial," *Koneksi* 4, no. 1 (March 22, 2020): 138, <https://doi.org/10.24912/kn.v4i1.6642>.

¹⁸Hasil wawancara dengan Ahmad Irzal Fardiansyah, Dosen Pascasarjana Fakultas Hukum Universitas Lampung, Pada Tanggal 26 Maret 2020.

offense of complaint which cannot be considered a criminal act if there is no complaint from the victim.

The Constitutional Court through Decision Number 14/PUU-VI/2008 concludes: That a person's good name, dignity or honor is one of the legal interests protected by criminal law because it is part of the constitutional rights of citizens guaranteed by the 1945 Constitution or international law, and therefore if the criminal law provides the threat of certain criminal sanctions against an act that attacks a person's reputation, dignity, or honor, that is not against the 1945 Constitution.

The Indonesian Criminal Code only regulates acts of insult in the context of everyday life and is not carried out through social media,¹⁹ although in use it is done by writing the insulting sentence through social media. In the Criminal Code, it is not clearly stated that there are articles that regulate the crime of body shaming, but there are grounds that can be used as a basis for reference to acts of insulting body image (body shaming), namely Article 310, Article 311 and Article 315 of the Criminal Code. However, in the meantime, the most suitable legal basis for the crime of body shaming is Article 315 of the Criminal Code.

Body Shaming is considered a minor insult and is an offense for complaint. The word minor insult is regulated in Article 315 of the Criminal Code. Article 315 of the Criminal Code reads: "Every deliberate insult that is not (written) defilement is committed against someone, either publicly both orally and written, or directly to the person, or by letter sent or admitted to them, is threatened with minor insult with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand and five hundred rupiahs".

The elements of Article 315 of the Criminal Code correlated with Body Shaming in social media are as follow:

1) Elements of insult.

In the act of body shaming, the object here is body features consisting size, growth, and shape. In this action, every element of insult is fulfilled.

2) Element on Purpose (*dolus*)

This element is an act which is carried out deliberately according to criminal law. The element of deliberate action is a subjective element that is attached to a criminal act. This means that the person is well aware of what they have written in posts in social media. Therefore, they have considered the words before writing it.

3) Element is not (written) defamatory

The actions of body shaming here are in the form of hateful comments which are not defamation, which fulfills this element.

4) Element orally in public

The element by word of mouth in public means that the action is carried out by saying a sentence or words directly in front of a crowd or in public.²⁰ The act of body shaming that is carried out directly in public, this element can be fulfilled, but if the action is done in the comments column belonging to someone's personal account on social media this element cannot be fulfilled. Social media is a public media that can and is easily accessed by many people. However, the way he did it was not verbally but in writing.

5) Elements by writing in public

Posts containing body shaming comments on social media, not using paper or banners but using electronic media transmitted on social media. Where social media is *n het*

¹⁹Mana Kebenaran Ndruru, Ismail Ismail, and Suriani Suriani, "PENGATURAN HUKUM TENTANG TINDAKAN PENGHINAAN CITRA TUBUH (BODY SHAMING)," *JURNAL TECTUM* 1, no. 2 (May 28, 2020), <http://jurnal.una.ac.id/index.php/jt/article/view/1284>.

²⁰Adami Chazawi. 2016, *Hukum Pidana Penghinaan*, Malang: Media Nusa Creative, pg. 119.

openbaar (in public). This means that the use of social media can be accessed and seen by anyone. So the act of body shaming on social media has fulfilled the elements of writing in public, but using a different writing medium.

6) Element Directly by Oral

If it is related to the act of body shaming on social media, this element cannot be fulfilled, because the action is written in the comments column on social media, but if it is done in front of the victim, this element can be fulfilled immediately.

7) Element Directly in Action

If it is related to the act of body shaming on social media, that the element of being up front itself is not correct. Because the act of body shaming here is done in writing. Unless the body shaming act is carried out directly in front of the victim.

8) Element by Letter sent or receive

If we relate to the act of body shaming here, the element with the letter sent or received to it, cannot be fulfilled by the means of this element. Due to the act of body shaming on social media, it is more directed towards transmission, which means sending via social media, not manually, which is like postal letters.

Article 315 of the Criminal Code does not explain in detail what constitutes part of the criminal act of minor humiliation. However, based on the characteristics of body shaming that have been explained, it can be said that body shaming has fulfilled the objective and subjective elements of Article 315 of the Criminal Code. Therefore, body shaming is part of the criminal act of light humiliation committed against one's body image. Thus Article 315 of the Criminal Code can be used to ensnare netizens who write body shaming either in the comments column or in private messages (direct messages), because it is written and done in public or can be accessed by many people.

As for the act of body shaming carried out through social media the perpetrator can be charged under Law Number 11 of 2008 concerning Electronic Information and Transactions (UU ITE) as amended by Law Number 19 of 2016 concerning Amendments to Law Number 11 Year 2008 concerning Electronic Information and Transactions. The legal provisions for the crime of insulting body image in the Law on Electronic Information and Transactions are regulated in Article 27 paragraph (3) and the criminal provisions are regulated in Article 45 paragraph (3) of the latest ITE Law.

Article 27 paragraph (3) reads: "Anyone who knowingly and without right distributes and/or transmits and/or makes accessible Electronic Information and/or Electronic Documents that contain defamatory and/or defamation". Article 45 paragraph (3) reads: "Every person who fulfills the elements referred to in Article 27 paragraph (3) shall be sentenced to imprisonment of 4 (four) years and/or a maximum fine of Rp 750.000.000.00 (seven hundred and fifty million rupiah)". This Article contains several elements, namely the existence of an element of error, an element of unlawfulness and an element of behavior. If it is related to the criminal act of body image humiliation (body shaming), this form of crime has fulfilled the element of offense in ensnaring the perpetrator.²¹

Article 27 Paragraph (3) of the ITE Law, if examined actually also does not have a sentence in the regulation that states the criminal act of insulting body image or body shaming explicitly, only a general insult/defamation clause which often causes multiple interpretations of the article. Against the addition of new elements in the form of "Deliberately and without right to distribute and / or transmit and / or make Electronic Information and / or Electronic

²¹Mana Kebenaran Ndruru, Ismail Ismail, and Suriani Suriani, "PENGATURAN HUKUM TENTANG TINDAKAN PENGHINAAN CITRA TUBUH (BODY SHAMING)," *JURNAL TECTUM* 1, no. 2 (May 28, 2020), <http://jurnal.una.ac.id/index.php/jt/article/view/1284>.

Documents accessible ...” which is contained in Article 27 paragraph (3) of the ITE Law as an adjustment / response to developments in the field information technology (cyber technology) and such provisions are needed as a means of closing the weaknesses of written law in order to keep up with the development of society or the development of information technology, if it is not sufficient/answer the legal problems faced by the method of legal interpretation. The term “distributing, transmitting and making accessible electronic information or electronic documents” is essentially the dissemination of defamatory material using new methods or new modus operandi (sometimes calling it a new form of crime or cyber crime) by utilizing electronic media (cyber). Thus Article 27 Paragraph (3) of the ITE Law is currently still of relevance if it is used to resolve criminal cases of body image humiliation (body shaming) if the act is committed via computer or electronic media, then it can be convicted if it meets the qualifications of a criminal act.

Based on the facts on the ground, it turns out those cases of body shaming rarely end up in prison, because in the end the two parties who become victims and the perpetrator make peace with non-litigation channels. The process of imposing criminal decisions on perpetrators of criminal acts of body shaming is the same as criminal cases in general which are complicated and take a long time where it is not in accordance with the principles of the judicial trilogy.

The complexity of law enforcement when viewed from various points of study has always corrected each other, because after all in law enforcement there are various factors that influence it. Meanwhile, the purpose of law enforcement is to create peace in society.²² The 4th value of Pancasila teaches us to make a choice through deliberation. Prioritizing deliberation is meant by making decisions for the common interest. Deliberation to reach consensus is filled with the spirit of kinship, so that if the breakdown of the philosophy of "deliberation" contains 5 (five) principles as follows. First, conferencing (meeting to hear each other and expressing wishes); second, search solutions (looking for a solution or a common ground for the problem at hand); third, reconciliation (to make peace with each other's responsibilities); fourth, repair (repairing all the consequences that arise); and fifth, circles (support each other).²³

In relation to body shaming, efforts can be made to put forward deliberation in the process of resolving it,²⁴ remembering that criminal acts related to body shaming are not included in serious crimes, so it is not necessary to prioritize third-party efforts, because they are the last remedy to solve a problem.²⁵ There are so many solutions that can be done in handling cases such as criminal acts of settlement such as body shaming; only there is a mediation that is in the concept of problem solving.²⁶ Penal mediation is one of the alternative forms of dispute resolution outside the court (commonly known as ADR or “alternative dispute resolution”, some also call it “appropriate dispute resolution”).²⁷ Therefore, the police

²²Gunawan Jatmiko, “Analisis Penegakan Hukum Dan Perlindungan Hak Asasi Manusia Oleh Polisi,” *Jurnal Hukum PRO JUSTITIA* 24, no. 2 (2016), <http://journal.unpar.ac.id/index.php/projustitia/article/view/1170>.

²³KuatPuji Prayitno, “RESTORATIVE JUSTICE UNTUK PERADILAN DI INDONESIA (Perspektif Yuridis Filosofis Dalam Penegakan Hukum In Concreto),” *Jurnal Dinamika Hukum* 12, no. 3 (September 15, 2015): 407–20, <https://doi.org/10.20884/1.jdh.2012.12.3.116>.

²⁴Septa Chandra, “POLITIK HUKUM PENGADOPSIAN RESTORATIVE JUSTICE DALAM PEMBAHARUAN HUKUM PIDANA,” *FIAT JUSTISIA* 8, no. 2 (August 13, 2015), <https://doi.org/10.25041/fiatjustisia.v8no2.301>.

²⁵Nikmah Rosidah, “PEMBAHARUAN IDE DEVERSI DALAM IMPLEMENTASI SISTEM PERADILAN ANAK DI INDONESIA,” *JURNAL KOMPILASI* 1, no. 1 (October 13, 2014), <https://jurnal.fh.unila.ac.id/index.php/kompilasi/article/view/228>.

²⁶Umi Rozah, “Membangun Konstruksi Politik Hukum Medias ! Penal Sebagai Alternatif Penyel,” *Masalah-Masalah Hukum* 29, no. 3 (2015): 281–96, ejournal.undip.ac.id.

²⁷Barda Nawawi Arief, 2008, *Mediasi Penal Penyelesaian Perkara Diluar Pengadilan*, Semarang: Pustaka Magister, pg. 2.

always offer other alternatives as an effort to resolve them. Reduce the buildup of cases in court.

C. Conclusion

There are three categories of actions or actions that are included in the actions of Body Shaming which are as follows:

- 1) First, if the words that are said are looting to ridicule / insult the body image or physical deficiencies of others
- 2) Second, if someone is physically insulting another person on purpose and with the aim of hurting or humiliating him directly in public or in media that can be accessed and seen by the general public; and
- 3) Furthermore, if the words that pertain to another person's physical deficiencies are said repeatedly so that the person feels depressed and eventually triggers that person to do dangerous things or things that violate the law.

Law enforcement against perpetrators of body shaming can be charged under Article 315 of the Criminal Code, which is punishable by a maximum imprisonment of four months and two weeks or a maximum fine of four thousand and five hundred rupiah. And if it is done on social media, the perpetrator can be charged under Article 27 paragraph (3) jo. Article 45 paragraph (3) of the ITE Law with a maximum imprisonment of four years and / or a maximum fine of seven hundred and fifty million rupiah. The police also offer a settlement process in a non-litigation context, namely through penal mediation to reduce the buildup of cases in court.

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