

The Urgency of Public Policy in Combating Deepfake Pornography: A Comparative Analysis of Indonesia, South Korea, Colombia

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Abstract. The rapid advancement of generative artificial intelligence (AI) presents a grave threat through the proliferation of deepfake pornography, known as non-consensual synthetic intimate imagery (NSII). Indonesia's current positive legal framework (EIT Law, Pornography Law, TPKS Law, PDP Law, and the new Criminal Code) remains generic and unequipped to address the unique characteristics of AI-based biometric identity manipulation. This normative legal research aims to diagnose the weaknesses in Indonesian law and formulate a responsive policy design using statutory, conceptual, and comparative approaches. Analyzing secondary legal materials through Lawrence M. Friedman's tripartite legal system model and John W. Kingdon's policy window theory, this study compares the dynamics of legal reform in Indonesia, South Korea, and Colombia. The findings reveal a comprehensive legal vacuum in Indonesia across three dimensions: the absence of explicit criminal norms (substance), the lack of specialized institutional units with rapid takedown and digital forensic capabilities (structure), and the failure to transform viral cases into organized public advocacy (legal culture). Comparative analysis demonstrates that South Korea's swift legal reform succeeded due to the convergence of problem, policy, and political streams fostered by policy entrepreneurs, whereas Colombia suffered regulatory stagnation due to immature policy streams despite strong public outcry. Consequently, Indonesia is advised to adopt the functional equivalence principle by criminalizing the creation of NSII content on the substantive level, establish rapid-action units and digital forensic standards structurally, and consolidate civil society advocacy to effectively leverage the policy window culturally.

Keywords: *Deepfake Pornography, Public Policy, Friedman's Legal System, Policy Window, Comparative Analysis.*

A. INTRODUCTION

The rapid advancement of generative artificial intelligence (AI) over the past decade has fundamentally transformed the landscape of digital content production and distribution. One of the most consequential byproducts of AI is deepfake technology (Chairani et al., 2024). Deepfakes are deep learning-based audiovisual manipulation techniques that enable a person's face and voice to be synthetically altered, creating the illusion that the individual performed actions or made statements that never actually occurred (Utara & Widyawati, 2025). The most prevalent misuse of this technology involves non-consensual pornography. A cross-national survey of more than 16,000 respondents across ten countries found that 2.2% reported having been victims, while 1.8% admitted to having perpetrated non-consensual synthetic intimate imagery (NSII) (Umbach et al., 2024).

Deepfake pornography has emerged as a transnational legal challenge, with governments adopting markedly different policy responses. In the United States, the enactment of the *Take It Down Act* in 2025 followed the widely publicized Taylor Swift deepfake incident in January 2024. In South Korea, a major policy turning point occurred in August 2024 when authorities uncovered several Telegram chatrooms, including one with more than 220,000 members that had long been used to produce and distribute deepfake pornographic content targeting secondary school and university students. The exposure of this network triggered a

dramatic increase in police reports, rising from 156 cases in 2021 to 812 cases between January and September 2024, prompting the South Korean government to adopt a more immediate and comprehensive legislative response than many other jurisdictions (Jung & Noh, 2025). By contrast, Colombia's legal framework remains fragmented and has yet to effectively address the proliferation of non-consensual deepfake pornography despite growing public demand for legislative reform (Guerrero-Sierra et al., 2025).

A comparable situation has also emerged in Indonesia. One notable example is the AI-generated pornographic content case in Semarang, where the perpetrator manipulated the facial images of female students and teachers without their consent (Putriani et al., 2026). This case exhibits structural similarities to those reported in South Korea, as it occurred within an educational setting and involved power imbalances between perpetrators and victims who were personally acquainted. Nevertheless, unlike the South Korean experience, the incident did not trigger equivalent legislative reform. Indonesia currently relies on several general legal instruments, including the Law on Electronic Information and Transactions (ITE Law), the Pornography Law, the Law on Sexual Violence Crimes (TPKS Law), the Personal Data Protection Law (PDP Law), and the Indonesian Criminal Code (KUHP). However, these statutes were not specifically designed to address the distinctive characteristics of AI-generated manipulative content.

Existing normative legal scholarship in Indonesia concerning deepfake pornography demonstrates three recurring limitations. First, most studies are confined to article-by-article statutory analysis and conclude with generalized recommendations advocating the enactment of new legislation, without proposing an operational public policy framework (Iradat & Hariyanto, 2023; Andira & Susila, 2024; Utara & Widyawati, 2025). Second, although comparative legal analyses are occasionally undertaken, they rarely employ an analytical framework capable of explaining why legal reforms succeed in some jurisdictions while failing in others. Such comparisons tend to be descriptive and text-oriented—focusing primarily on statutory provisions—rather than diagnostic analyses of the structural, substantive, and cultural factors that facilitate or impede legal reform. Third, the existing Indonesian literature has yet to integrate recent international empirical evidence regarding the prevalence and victimization patterns of NSII, as well as the broader scholarship on image-based sexual abuse (McGlynn & Rackley, 2017; Umbach et al., 2024).

This study adopts Lawrence M. Friedman's (1975) tripartite model of the legal system as its principal analytical framework for three reasons. First, the model provides a comprehensive and multidimensional diagnostic framework for examining both the absence and inadequacy of Indonesia's legal framework governing deepfake pornography. By analyzing the interrelated dimensions of legal substance, legal structure, and legal culture, the study extends beyond evaluating the limitations of existing statutory provisions to assess institutional preparedness among law enforcement agencies and the evolving social values and public perceptions surrounding AI-generated sexual abuse. Second, the application of Friedman's model introduces analytical novelty to the Indonesian normative legal literature. To date, this diagnostic framework has been applied to deepfake pornography primarily within the context of Colombian law (Guerrero-Sierra et al., 2025), but has not been systematically utilized in Indonesian legal scholarship. Third, the tripartite legal system model is sufficiently flexible to be integrated with Kingdon's (2011) policy window theory in a comparative analytical framework. The combination of these two theoretical perspectives enables the study not only to identify the internal weaknesses of Indonesia's legal system but also to explain the enabling factors that facilitate rapid legal reform, as demonstrated in South Korea, or contribute to regulatory stagnation, as observed in Colombia.

This study aims to analyze the weaknesses and challenges of Indonesia's existing legal framework in addressing deepfake pornography through the perspective of Lawrence M. Friedman's legal system theory. Furthermore, this study seeks to formulate a responsive and contextually appropriate legal policy framework for addressing deepfake pornography in Indonesia by drawing on a comparative analysis of legal reform dynamics in South Korea and Colombia.

B. LITERATURE REVIEW

Conceptually, deepfakes refer to synthetic audiovisual content generated through deep learning techniques, particularly Generative Adversarial Networks (GANs), which enable highly realistic face-swapping and voice-cloning manipulations. In the contemporary scholarly literature, the term non-consensual synthetic intimate imagery (NSII) is used specifically to describe synthetic intimate content created without the consent of the depicted individual, whether through complete or partial manipulation (Dunn, 2024; Umbach et al., 2024). This conceptual distinction is significant because legal definitions of intimate imagery across many jurisdictions continue to rely on the assumption that visual recordings are authentic representations of real events. Consequently, a substantial legal gap emerges when intimate images are generated entirely through algorithmic manipulation rather than derived from actual occurrences (Dunn, 2024).

To better understand the harms associated with this phenomenon, McGlynn and Rackley (2017) introduced the concept of image-based sexual abuse as a broader alternative to the term revenge porn, which they argued was overly restrictive. This framework conceptualizes all forms of non-consensual creation, acquisition, or dissemination of sexual imagery—including deepfake pornography—as part of a continuum of image-based sexual abuse. A study involving 75 survivors from the United Kingdom, Australia, and New Zealand found that the psychological consequences of image-based sexual abuse are comparable to those experienced by victims of physical sexual violence. These consequences include a profound loss of bodily autonomy, chronic anxiety, and long-term deterioration of social relationships (McGlynn et al., 2021). This situation is further compounded by the findings of Henry et al. (2021), who demonstrated that legal responses across jurisdictions remain fragmented and inconsistent, leaving many survivors without adequate legal remedies or meaningful avenues for recovery.

The absence of adequate legal protection ultimately reflects a broader problem of legal inadequacy. In the context of deepfake pornography, legal inadequacy does not imply the complete absence of legislation but rather the absence of specific legal norms capable of addressing the distinctive characteristics of AI-enabled crimes. As a result, law enforcement authorities are often compelled to rely on extensive statutory interpretation or legal analogy, both of which are strictly constrained in criminal law by the principle of legality. To examine this issue, the present study adopts Lawrence M. Friedman's (1975) tripartite legal system model, which conceptualizes the legal system as comprising three interdependent components: legal substance (written rules and legal norms), legal structure (institutions and enforcement mechanisms), and legal culture (societal attitudes and values toward the law). Guerrero-Sierra et al. (2025) argue that regulatory failure stems not only from inadequate statutory provisions but also from weaknesses in oversight institutions and victims' limited confidence in reporting offenses. Beyond diagnosing deficiencies within the legal framework, understanding the legislative process also requires an examination of public policy dynamics through Kingdon's policy window theory. According to this theory, substantial policy change becomes possible when three independent streams—the problem stream, the policy stream, and the political stream—converge at a critical moment.

South Korea's deepfake crisis in 2024 provides a compelling illustration of how public pressure and grassroots advocacy accelerated the opening of a policy window, ultimately leading to significant legal reform (Jung & Noh, 2025). By contrast, developments in Colombia demonstrate that public pressure alone is insufficient to generate regulatory change in the absence of responsive institutional structures and a supportive legal culture (Guerrero-Sierra et al., 2025). Against this backdrop, the present study positions itself within the existing body of scholarship. Previous normative legal studies in Indonesia have consistently identified the absence of specific legal provisions governing deepfake pornography (Andira & Susila, 2024; Iradat & Hariyanto, 2023; Utara & Widyawati, 2025). However, these studies generally conclude with broad recommendations for legislative reform without employing a diagnostic framework capable of explaining the underlying causes of the legal gap or proposing a systematic approach for addressing it. This study seeks to fill that gap by integrating Friedman's tripartite legal system model with Kingdon's policy window theory, enriched through a comparative analysis of South Korea's successful legal reform and Colombia's regulatory stagnation. By doing so, the study offers contextually grounded insights for the formulation of responsive legal policies to address deepfake pornography in Indonesia.

C. METHOD

This study employs a normative juridical research method using three complementary approaches applied simultaneously: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach examines Indonesia's principal legal instruments governing the issue, including the Law on Electronic Information and Transactions (ITE Law), the Pornography Law, the Law on Sexual Violence Crimes (TPKS Law), the Personal Data Protection Law (PDP Law), and the new Indonesian Criminal Code (New Criminal Code). The conceptual approach draws upon the concepts of legal vacuum (*rechtsvacuum*), non-consensual synthetic intimate imagery (NSII), and the policy window. The comparative approach analyzes Indonesia's legal framework in relation to those of South Korea and Colombia. Secondary legal materials were analyzed using Friedman's (1975) tripartite legal system model to diagnose the legal inadequacies within Indonesia's regulatory framework. In addition, Kingdon's (2011) policy window theory was employed to explain the dynamics underlying the success or failure of opening policy windows in the selected comparative jurisdictions.

D. RESULT AND DISCUSSION

1. Weaknesses and Challenges of Indonesia's Positive Legal Framework through Friedman's Tripartite Model

Based on the analysis using Friedman's (1975) tripartite legal system model, the weaknesses and challenges of Indonesia's existing legal framework in addressing deepfake pornography can be examined through three principal dimensions. First, from the perspective of legal substance, Indonesia's normative legal framework does not yet contain any provision that specifically and explicitly regulates AI-generated deepfake pornography. Article 27(1) of the Law on Electronic Information and Transactions (ITE Law) was formulated to address content derived from authentic recordings and therefore does not adequately encompass the creation of content generated entirely through artificial intelligence. Although the Pornography Law and the Law on Sexual Violence Crimes (TPKS Law) may potentially be invoked, neither statute specifically addresses the distinctive *modus operandi* of deepfake offenses, namely the unauthorized exploitation of an individual's biometric identity. Meanwhile, the Personal Data Protection Law (PDP Law) is primarily designed to safeguard personal data rather than to criminalize the creation of synthetic sexual content. The absence of a dedicated legal

framework gives rise to a specific legal vacuum, whereby existing legal instruments must be stretched through extensive interpretation, an approach fundamentally constrained by the criminal law principle of legality.

Second, from the perspective of legal structure, Indonesia faces significant institutional challenges due to the absence of specialized agencies or dedicated units equipped with rapid takedown authority and adequate digital forensic capabilities to address crimes involving generative AI. Unlike South Korea, which operates the Korea Communications Standards Commission (KCSC) with specialized regulatory authority, Indonesia's Ministry of Communication and Digital Affairs primarily exercises general website-blocking powers, while criminal investigations continue to rely on general cybercrime investigators. Third, from the perspective of legal culture, the most significant obstacle lies in the failure of high-profile incidents circulated on social media—such as the AI-generated pornographic content case involving a school alumnus in Semarang—to evolve into organized public advocacy movements. The absence of structured grassroots advocacy, coupled with victims' limited trust in existing reporting mechanisms, has slowed the emergence of a meaningful policy window for legal reform in Indonesia.

The problem of inadequate legal substance in Indonesia is not unique but reflects a broader pattern of regulatory lag observed across multiple jurisdictions. Dunn (2024) notes that legal definitions of intimate imagery in Canadian law were originally developed on the assumption that the regulated material consisted of authentic visual recordings of real events. Consequently, synthetic images generated through generative AI frequently fall into a legal grey area. This definitional gap has become increasingly significant as the scale of the problem continues to expand. A multinational survey involving more than 16,000 respondents across ten countries found that 2.2% reported having been victims of deepfake pornography, while 1.8% admitted to having perpetrated such conduct. At the same time, public familiarity with the concept remained remarkably low, averaging only 28.1% across the surveyed countries (Umbach et al., 2024). This limited public awareness is directly associated with a weak legal culture, a pattern that is likewise evident in Indonesia, where many victims and members of the public have yet to recognize that AI-generated facial manipulation constitutes a form of sexual violence rather than merely a violation of privacy (Putriani et al., 2026).

The inadequacy of legal substance also has important implications for the legal structure, particularly with respect to evidentiary standards. Putriani et al. (2026) emphasize that digital forensic techniques—including deepfake detection, digital watermarking, and metadata analysis—have not yet been institutionalized as standard investigative procedures in Indonesia. As a result, law enforcement authorities encounter substantial difficulties in establishing criminal liability when the manipulated image does not depict the victim's actual body. Ultimately, these deficiencies in legal substance, legal structure, and legal culture are mutually reinforcing and create a reinforcing cycle. The absence of explicit legal norms weakens the institutional authority of law enforcement agencies to respond swiftly, while the limited number of successful prosecutions further undermines public confidence and discourages the development of a legal culture that supports reporting. This mutually reinforcing dynamic provides the principal justification for developing a responsive and context-sensitive legal policy framework, as further elaborated through the comparative analysis of South Korea and Colombia in the following subsection.

2. Responsive and Contextual Legal Policy Design for Indonesia Based on a Comparative Analysis of South Korea and Colombia

This study formulates a responsive and contextual legal policy design for Indonesia using a comparative analysis of the dynamics of legal reform in South Korea and Colombia.

South Korea represents a country that has successfully implemented rapid and comprehensive legal reform, while Colombia represents a country experiencing regulatory stagnation amidst high social pressure. Both cases are analyzed through a combination of Friedman's (1975) tripartite model, which examines the readiness of legal substance, structure, and culture, and Kingdon's (2011) policy window theory, which explains the confluence of problem streams, policy streams, and political streams as a prerequisite for significant policy change. The results of the comparative analysis of Indonesia, South Korea, and Colombia are presented in Table 1.

Table 1. Comparison of Three Jurisdictions Based on Friedman's Tripartite Model

Friedman's Dimension	Indonesia	South Korea	Colombia
Legal Substance	General legal provisions that do not explicitly address AI-generated offenses	Explicit criminal provisions since 2020, further strengthened in 2024	Fragmented legal provisions that do not explicitly regulate AI-generated offenses
Legal Structure	No specialized institution or dedicated enforcement unit	The Korea Communications Standards Commission (KCSC) has a strong statutory mandate, supported by responsive cybercrime units	Weak oversight institutions and limited enforcement capacity
Legal Culture	High-profile cases have not evolved into organized public advocacy	Extensive grassroots advocacy supported by sustained investigative media coverage	Public concern exists but lacks structured advocacy movements
Policy Outcome	Regulatory stagnation with no significant legislative reform	Rapid and comprehensive legal reform (2024–2025)	Regulatory stagnation with a persistently fragmented legal framework

As shown in Table 1, Indonesia's current position more closely resembles the Colombian model than the South Korean model across all three dimensions of Friedman's legal system. The most critical vulnerability lies within legal culture, where high-profile cases that gain widespread attention on social media have yet to evolve into organized advocacy capable of opening a policy window, as occurred in South Korea. Consequently, policy recommendations for Indonesia should extend beyond merely strengthening legal substance through statutory amendments. They must also encompass institutional reform and sustained investment in a legal culture that encourages victim reporting and fosters long-term public advocacy.

The South Korean experience illustrates the convergence of Kingdon's three streams during the middle of 2024. The problem stream emerged when the public learned of several Telegram chatrooms—one of which had more than 220,000 members—that had been systematically used to produce and distribute deepfake pornographic content targeting secondary school students, university students, and even teachers. The Korea Communications Standards Commission (KCSC) reported a dramatic increase in the number of deepfake materials under review, rising from approximately 1,900 cases in 2021 to more than 15,800

cases during January–July 2024, ultimately exceeding 23,000 cases by the end of the year. More than 80% of the identified offenders were adolescents. The policy stream had already been established through previously developed institutional initiatives, including the Seoul Metropolitan Government's automated detection system, which reduced the time required to identify and remove illicit content from two hours to only three minutes. Meanwhile, the political stream was driven by overwhelming public pressure and extensive grassroots advocacy initiated directly by victims and young activists rather than by policymakers or academics (Jung & Noh, 2025). The convergence of these three streams accelerated the opening of a policy window, which simultaneously strengthened all three pillars of Friedman's legal system. Legal substance was expanded through enhanced criminal provisions that also criminalized the viewing and possession of sexually explicit deepfake content. Legal structure was reinforced through the expansion of the KCSC's regulatory authority and the establishment of more responsive digital reporting mechanisms. At the same time, legal culture shifted from an individualized and largely private approach to victimization toward an organized collective advocacy movement focused on achieving policy reform (Jung & Noh, 2025).

A markedly different pattern can be observed in Colombia. Guerrero-Sierra et al. (2025), who likewise employed Friedman's tripartite legal system model to analyze the Colombian context, found that the problem stream had in fact become sufficiently developed. Microsoft's 2024 report indicated that 67% of Colombian internet users expressed concern about deepfakes, while the production and dissemination of deepfake pornography increased by 20% throughout 2024, representing the second-highest growth rate worldwide after India. The political stream was also evident through the jurisprudence of the Colombian Constitutional Court. Decisions such as Judgment C-355/2018 and Judgment T-479/2017 recognized digital gender-based violence as a form of psychological violence and a violation of privacy requiring state protection (Hernández Flórez et al., 2025). However, the policy stream never fully matured. Law No. 1257 of 2008 remained a general legislative instrument that did not explicitly regulate AI-enabled digital sexual violence, while enforcement institutions continued to suffer from limited resources, inadequate capacity, and poor interagency coordination (Guerrero-Sierra et al., 2025; Hernández Flórez et al., 2025). Consequently, although both the problem stream and elements of the political stream were present, the absence of a sufficiently developed policy stream resulted in a coupling failure, preventing the effective opening of a policy window and leaving Colombia's legal reforms fragmented to the present day.

The comparison between these two jurisdictions reinforces a central proposition of Friedman's framework: public pressure and legal culture alone—or the political stream in Kingdon's terminology—are insufficient to produce legal reform unless accompanied by explicit legal provisions and responsive institutional structures. Colombia demonstrates that widespread public concern and judicial recognition do not necessarily translate into legislative reform when substantive law and institutional capacity remain inadequate. Conversely, South Korea illustrates that all three pillars of Friedman's legal system can be strengthened rapidly and simultaneously when policy entrepreneurs have prepared institutional and legislative instruments before a public crisis emerges. As a result, once the political stream materializes, the policy window can be utilized immediately to achieve swift and comprehensive policy closure.

Drawing upon these comparative findings, a responsive and context-sensitive legal policy framework for Indonesia should be developed simultaneously across Friedman's three dimensions while taking advantage of the policy window that has begun to emerge through highly publicized cases such as those involving Udayana University and Semarang.

First, with respect to legal substance, Indonesia should enact an explicit and autonomous criminal offense specifically addressing deepfake pornography rather than continuing to rely on expansive interpretations of Article 27 of the ITE Law, the Pornography Law, or the TPKS Law. Such legislation should adopt the principle of functional equivalence, under which synthetic images that reasonably and convincingly depict an identifiable individual in a state of nudity or engaging in sexual activity are treated as legally equivalent to authentic intimate images, without requiring the existence of an original photograph as the basis for manipulation (Dunn, 2024). The offense should be formulated as a formal offense, criminalizing the creation of non-consensual synthetic sexual content from the outset without requiring proof of its subsequent dissemination. This approach is consistent with the proposed category of synthetic sexual violence advanced by Putriani et al. (2026), while also extending liability to individuals who knowingly redistribute such content and to digital platforms that fail to remove it after acquiring actual knowledge of its existence.

Second, regarding legal structure, Indonesia requires institutional reforms inspired in part by the South Korean model, including the establishment of a specialized unit empowered to conduct rapid takedown procedures integrated with advanced digital forensic capabilities, rather than relying solely on the general blocking authority of the Ministry of Communication and Digital Affairs or ordinary cybercrime investigators within the national police. Medium-term priorities should include investment in AI-powered automated detection systems modeled on the Seoul Metropolitan Government's platform, which reduced content removal times from two hours to three minutes, together with standardized digital forensic protocols for the authentication and evidentiary examination of deepfake materials in judicial proceedings. These institutional reforms should also incorporate integrated psychosocial support and victim recovery services, ensuring that victims are not forced to rely exclusively on informal institutional resolutions, as occurred in the Udayana University case, where the perpetrator received only internal university sanctions without subsequent criminal prosecution (Putriani et al., 2026).

Third, with respect to legal culture, Indonesia should transform the public sympathy that sporadically follows viral incidents into sustained and organized advocacy, similar to the role played by youth activists in documenting victims' testimonies during South Korea's deepfake crisis (Jung & Noh, 2025). Within Kingdon's (2011) framework, the Udayana University and Semarang cases possess the potential to function as focusing events, provided that policy entrepreneurs—including legal scholars, women's rights organizations, and legislators—prepare academic policy papers and draft legislation well before public attention subsides, rather than responding only after media interest has diminished. This strategy is particularly important in light of Colombia's experience, which demonstrates that intense public pressure without a sufficiently developed policy stream merely produces symbolic judicial recognition without generating meaningful legislative reform.

Accordingly, a responsive and contextually appropriate legal policy framework for Indonesia should not simply replicate South Korea's statutory provisions. Rather, it should focus on strengthening all three pillars of Friedman's legal system in parallel while preparing legislative and institutional instruments in advance. Such preparedness would enable Indonesia to capitalize on future policy windows as soon as the next political opportunity arises, thereby emulating South Korea's successful reform trajectory and avoiding the prolonged regulatory stagnation experienced by Colombia.

E. CONCLUSION

Based on Friedman's tripartite model analysis and Kingdon's policy window theory, Indonesia's current positive legal framework faces fundamental obstacles in addressing

pornographic deepfakes due to limited written norms that do not yet cover AI biometric manipulation (substance), the absence of a dedicated institution or unit with rapid takedown authority and digital forensic standards (structure), and the lack of a public response that has yet to evolve from a purely emotional viral response to a structured advocacy movement (legal culture). Comparative studies indicate that Indonesia's current situation is approaching the Colombian stagnation pattern, where heightened public concern has failed to drive legal reform due to a lack of preparedness in the policy stream and the inability to achieve the responsiveness of South Korea, which successfully utilized the crisis to quickly and comprehensively integrate criminal law strengthening, institutional technological authority, and grassroots advocacy.

This study recommends that Indonesian policymakers immediately initiate discussions on *lex specialis* deepfakes, contextually adapting South Korea's best practices, while also considering lessons learned from the Colombian failure. Strengthening legal culture through support for victim advocacy organizations and digital literacy needs to be prioritized on a par with substantive and structural reforms. Further empirical research involving interviews with law enforcement officials, victims, and digital platform operators is needed to enrich the evidence base for formulating more targeted policies.

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