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Non-Consensual Intimate Image as Relation-Based Violence After A Breakup

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Abstract

Nonconsensual intimate image (NCII) abuse constitutes a form of technology-facilitated violence that may persist after an intimate relationship ends, particularly when a former partner uses intimate images or videos to threaten, intimidate, or exert control over a victim. This study examines legal protections for victims of NCII abuse, particularly women, in the context of post-breakup relationship-based violence. It employs normative legal research using statutory, conceptual, and limited comparative approaches, with Australia serving as the comparative jurisdiction. Legal materials are analyzed qualitatively and prescriptively using Philippe Nonet and Philip Selznick's theory of responsive law and a gender-sensitive victim protection perspective. The normative analysis identifies relevant legal protections under Indonesia's Law on Sexual Violence Crimes, the Electronic Information and Transactions (ITE) Law, as amended by Law No. 1 of 2024, and related regulations. Article 27(1) of the amended ITE Law may apply to the distribution, transmission, or provision of access to electronic information or documents containing material that violates public decency, provided that the statutory elements are satisfied and the circumstances of the individual case support its application. A comparative examination of Australia's Online Safety Act 2021 identifies a dedicated regulatory framework addressing the nonconsensual sharing of intimate images and threats to share such material, including mechanisms for issuing removal notices. The study concludes that effective legal protection for victims requires an integrated framework encompassing preventive safeguards, enforcement measures, the removal of nonconsensually shared intimate content, and victim recovery. Such a framework should prioritize victims' rights, needs, and safety while ensuring compliance with the principle of legality.

INTRODUCTION

The development of digital technology has transformed how individuals establish, maintain, and express intimate relationships (Parsakia & Rostami, 2023). Digital technologies facilitate the creation, storage, and exchange of personal visual content, including sexually explicit images and videos. However, these technological conveniences raise significant legal concerns when intimate content originally created or shared in private is subsequently obtained, used, transmitted, or disseminated without the consent of the person depicted. This phenomenon is commonly discussed in academic literature as nonconsensual intimate image (NCII) abuse, which encompasses the creation, use, sharing, or threatened dissemination of intimate images without the consent of the person depicted (McGlynn & Rackley, 2017;

McGlynn et al., 2017). In the Indonesian legal context, not all forms of NCII abuse automatically constitute the same criminal offense. However, certain acts may qualify as electronic-based sexual violence under Article 14 of Law No. 12 of 2022 concerning Sexual Violence Crimes (the TPKS Law), particularly when they involve the nonconsensual recording or capture of sexually explicit images or the transmission of sexually explicit electronic information or documents against the recipient's will, provided that the relevant statutory elements are satisfied (Fauzah et al., 2024; Nasrun et al., 2026).

The term nonconsensual intimate image abuse (NCII abuse) was adopted in this study instead of revenge porn because the latter implies a retaliatory motive and does not adequately capture the diverse circumstances and motivations underlying the misuse of intimate content. NCII abuse provides a broader and more neutral conceptual framework encompassing acts committed without consent, regardless of whether the perpetrator is motivated by revenge, coercive control, intimidation, threats, exploitation, or other objectives. Accordingly, this terminology shifts the analytical focus from the perpetrator's presumed motives to the absence of consent and the use of intimate content as an instrument of violence, particularly when such acts are committed by former intimate partners after a relationship has ended. From this perspective, NCII abuse extends beyond violations of privacy or conventional moral considerations and reflects power imbalances and victim vulnerabilities arising from previous intimate relationships (Dardis & Richards, 2022; Henry, Gavey, & Johnson, 2023).

Recent empirical data further demonstrate the significance of technology-facilitated gender-based violence in Indonesia. The 2025 Annual Records of Violence Against Women (Catatan Tahunan, CATAHU) published by the National Commission on Violence Against Women (Komisi Nasional Anti Kekerasan terhadap Perempuan, Komnas Perempuan) recorded 1,091 cases of online gender-based violence (Kekerasan Berbasis Gender Online, KBGO), of which 977 cases, or approximately 90%, involved sexual forms of online gender-based violence (National Commission on Violence Against Women [Komnas Perempuan], 2026a). These figures indicate that sexual violence constitutes a substantial proportion of reported gender-based violence in digital environments. The issue becomes increasingly complex when the dissemination of intimate content involves digital services and platforms operating across national jurisdictions. Research on image-based sexual abuse has highlighted how the cross-border operations of digital platforms and service providers may complicate enforcement, content removal, and efforts to mitigate the consequences of nonconsensual intimate image dissemination (Beyens & Lievens, 2016; Huber & Ward, 2025).

These findings should also be examined in relation to the interpersonal relationships between perpetrators and victims. The 2024 CATAHU report published by Komnas Perempuan recorded 1,791 cases of online gender-based violence reported to the institution, representing a 40.8% increase compared with 2023 (Komnas Perempuan, 2025). Of these cases, 810, or 45.23%, occurred within the personal sphere. Within this category, former boyfriends were identified as alleged perpetrators or reported individuals in 554 cases, while current boyfriends were identified in 230 cases. These figures demonstrate that technology-facilitated violence occurs not only between individuals without prior personal relationships but also within existing or former intimate relationships. The substantial number of cases involving former boyfriends is particularly relevant to understanding post-breakup NCII abuse because previous intimate relationships may provide perpetrators with access to private images,

personal information, and knowledge of victims' vulnerabilities, which can subsequently be exploited after the relationship ends.

This relational context highlights the importance of incorporating the history and dynamics of intimate relationships into legal analyses of technology-facilitated violence, particularly when the alleged perpetrator is a former partner. This perspective is consistent with Komnas Perempuan's recognition that perpetrators of online gender-based violence may include current or former intimate partners and that effective responses require integrated mechanisms encompassing prevention, law enforcement, content removal, and victim recovery (Komnas Perempuan, 2026b). Consequently, post-breakup NCII abuse should not be examined exclusively through the act of disseminating intimate content. Legal analysis must also consider the prior relationship that enabled the perpetrator to obtain the material and potentially exploit it as a means of maintaining coercive control over the victim.

Furthermore, once intimate content has been disseminated through digital platforms, preventing its continued circulation and facilitating victim recovery may require measures extending beyond legal action against the original perpetrator. Digital content can be copied, redistributed, and uploaded to multiple platforms, creating additional challenges for content removal and enforcement. These circumstances may prolong the harm experienced by victims, including social stigmatization, psychological distress, diminished personal security, and disruptions to their social relationships, education, employment, and professional activities (Henry, Gavey, McGlynn, & Rackley, 2023; McLocklin et al., 2025; Paradiso et al., 2024).

From a legal perspective, NCII abuse may fall within several overlapping regulatory and criminal law frameworks, including offenses involving public decency, electronic-based sexual violence, personal data protection violations, unlawful electronic information dissemination, threats, and extortion. The applicability of these legal provisions depends on the specific conduct and the statutory elements of each offense. This diversity of legal classifications raises a fundamental question: To what extent does Indonesia's existing legal framework adequately recognize and address the relational dimensions of violence occurring after an intimate relationship has ended? This question is particularly important because different legal classifications may determine the elements that must be established, the forms of protection and remedies available to victims, and the legal significance of the perpetrator's status as a former intimate partner.

Indonesia has established several legal instruments relevant to addressing NCII abuse, including Law No. 12 of 2022 concerning Sexual Violence Crimes (the TPKS Law), Law No. 1 of 2023 concerning the Criminal Code (the National Criminal Code), Law No. 27 of 2022 concerning Personal Data Protection (the PDP Law), and the Electronic Information and Transactions Law (the ITE Law), as amended by Law No. 1 of 2024. Additional regulatory provisions include Government Regulation No. 71 of 2019 concerning the Implementation of Electronic Systems and Transactions and Minister of Communication and Information Technology Regulation No. 5 of 2020 concerning Private Electronic System Operators, as amended by Ministerial Regulation No. 10 of 2021. Regarding victim protection, Law No. 31 of 2014, amending Law No. 13 of 2006 concerning Witness and Victim Protection, also provides a relevant legal framework. Law No. 23 of 2004 concerning the Elimination of Domestic Violence (the PKDRT Law) may additionally apply when the circumstances fall within its legally defined domestic scope. Among these instruments, Article 14 of the TPKS

Law is particularly significant because it specifically addresses electronic-based sexual violence, including certain forms of nonconsensual recording or capture of sexually explicit images and the transmission of sexually explicit electronic information or documents. The provision also addresses specified conduct involving extortion, threats, coercion, or deception, subject to the statutory requirements governing the relevant offenses.

Unlike previous research that has primarily examined the regulation of nonconsensual intimate image dissemination, victims' experiences of image-based sexual abuse, or the misuse of intimate content within personal relationships, this study specifically investigates the relationship between victims and former intimate partners as a contextual factor shaping post-breakup NCII abuse. This focus is important because former partners may possess intimate content, personal information, and knowledge of victims' vulnerabilities acquired during the relationship. Under these circumstances, the dissemination or threatened dissemination of intimate images may constitute more than an isolated privacy violation; it may function as a mechanism of coercive control that persists after the relationship has ended. Existing scholarship on NCII abuse has developed across several areas, including criminal regulation, victim protection, image-based sexual violence, and coercive behavior within intimate relationships (Farrell et al., 2023; Said & McNealey, 2023). Examining these research directions provides a basis for identifying gaps in existing legal scholarship and clarifying the contribution of the present study, particularly its emphasis on the relational dynamics of post-breakup violence and their implications for victim-centered legal protection.

METHOD

This study employed a normative legal research approach (Marzuki, 2025) to examine legal norms, principles, and doctrines concerning the protection of victims of nonconsensual intimate image (NCII) abuse perpetrated by former intimate partners following the termination of a relationship. Rather than empirically measuring public behavior or the effectiveness of legal enforcement, the study assessed the adequacy of existing legal protections through an examination of primary and secondary legal materials.

The study adopted statutory, conceptual, and limited comparative approaches. The statutory approach examined Law No. 12 of 2022 concerning Sexual Violence Crimes (the TPKS Law), Law No. 11 of 2008 concerning Electronic Information and Transactions (the ITE Law), as amended by Law No. 1 of 2024, Law No. 27 of 2022 concerning Personal Data Protection, Law No. 1 of 2023 concerning the Criminal Code, and relevant implementing regulations. Particular attention was given to Article 27(1) of the amended ITE Law, concerning the intentional and unauthorized distribution, transmission, or provision of access to electronic information or documents containing material that violates public decency and is intended to become publicly known, together with the corresponding criminal provisions under Article 45. The analysis considered the applicable statutory elements, including intent, lack of legal authorization, the nature of the content, its intended public accessibility, and the relationship between the ITE Law and the specific provisions governing electronic-based sexual violence under the TPKS Law.

The conceptual approach examined NCII abuse, consent to the creation and dissemination of intimate content, relationship-based violence, coercive control, and gender-sensitive victim protection. Philippe Nonet and Philip Selznick's theory of responsive law

(Nonet & Selznick, 1978) was applied to assess whether existing legal frameworks adequately addressed victims' needs while maintaining legal certainty and adherence to the principle of legality. The analysis also incorporated principles of gender equality and state obligations to prevent discrimination and gender-based violence, particularly under the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), ratified by Indonesia through Law No. 7 of 1984, and the TPKS Law. A victim-centered analytical framework was applied across four dimensions: preventive protection, criminal enforcement, content removal, and victim recovery. Responsive law theory provided the basis for evaluating the adequacy and integration of these protective mechanisms.

The primary legal materials comprised Indonesian legislation and regulations governing electronic-based sexual violence, victim protection, personal data protection, content removal, and criminal liability. The comparative analysis was limited to Australia, specifically Part 6 of the Online Safety Act 2021 (Cth), which regulates the nonconsensual sharing of intimate images and related threats, including the authority of the eSafety Commissioner to issue removal notices. Australia was selected because its regulatory framework expressly addresses image-based abuse and provides dedicated mechanisms for removing nonconsensually shared intimate content. Secondary legal materials included academic books, peer-reviewed journal articles, previous research, and relevant institutional publications.

Legal materials were collected through library research involving searches of official government legal databases, academic publications, and institutional sources. The materials were analyzed using a qualitative-prescriptive approach involving legal material identification, statutory interpretation, and systematic examination of relationships among relevant legal provisions. The analysis assessed the adequacy of existing legal protections for victims of post-breakup NCII abuse, particularly in cases involving threats, coercive control, nonconsensual dissemination, repeated circulation of intimate content, and the need for sustained victim recovery. The findings were used to formulate legal arguments and recommendations concerning the adequacy and integration of victim protection mechanisms. Because the study did not involve field data collection, it did not draw empirical conclusions regarding the effectiveness of legal implementation.

RESULTS AND DISCUSSION

Theoretical Framework for Legal Protection of Victims and Women

This study uses responsive legal theory (responsive law) which Philippe Nonet and Philip Selznick put forward as the main theoretical foundation. Nonet and Selznick (1978) distinguish three types of law based on their relationship to power and society, namely repressive law, autonomous law, and responsive law. Repressive law places law as an instrument of power; autonomous law separates law from politics and emphasizes adherence to rules and procedural justice; while responsive law seeks to maintain legal integrity while remaining open to social needs and pressures.

In the responsive type of law, rules are not understood as the ultimate goal, but rather as a means to achieve the social goals that the law wants to protect. Objectives (Purpose) is a benchmark to assess whether the implementation of rules really answers the problems faced by the community, as well as limits discretion so that it does not run without direction. Responsive law also requires institutional competence to recognize real problems, open access for affected

parties, and treat social pressure as a source of knowledge to improve oneself without abandoning legal integrity. Therefore, this theory does not reject the principle of legality and proving the element of delicacy; this theory assesses whether compliance with the rules remains oriented to the needs of the party to be protected.

This theory is relevant for NCII after the breakup because factual data shows that the problem does not stop at the existence or absence of norms. CATAHU Komnas Perempuan 2024 (Komnas Perempuan, 2025) recorded 1,791 cases of Online Gender-Based Violence (KBGO), an increase of 40.8% compared to 2023. A total of 810 cases (45.23%) occurred in the personal realm, with ex-girlfriends as perpetrators/reported in 554 cases and girlfriends in 230 cases. CATAHU Komnas Perempuan 2025 (Komnas Perempuan, 2026a) recorded 1,091 cases of KBGO, with 977 cases or around 90% of them being sexual KBGO. The data shows that technology-based violence often takes place in relationships that were once close, so that intimate content obtained during the relationship can be reused after the relationship ends. On the other hand, the dissemination of content through services and platforms that operate across jurisdictions makes action against the first perpetrator not always enough to stop the circulation of content. Under these conditions, the question posed by responsive law shifts from "whether norms are available" to "whether the norms available address the needs of the victim in its entirety".

In terms of norms, Indonesia already has a relevant legal basis. The TPKS Law regulates electronic-based sexual violence in Article 14 and the victim's right to handling, protection, and recovery in Articles 66–70, including the right to the removal of sexually charged content (Article 68 letter g) and protection from repeated threats or violence (Article 69 letter c). Termination of access to electronic information that violates the provisions also has a basis in Article 40 of the ITE Law as amended by Law Number 1 of 2024. The responsive legal perspective is not used to declare a legal vacuum, but rather to test whether the scattered norms can work in an integrated manner and be accessible to victims.

Responsive legal theory is operationalized through four dimensions of analysis. First, the preventive dimension assesses the legal ability to recognize and anticipate risks before losses spread, as a form of orientation to the goals and competencies of the institution. Second, the repressive dimension assesses the accuracy of enforcement of acts that meet the elements of delicacy, which reflects the integrity and certainty of the law that is still maintained. Third, the dimension of deletion or termination of access to content assesses the openness and ability of the law to adapt to the character of the rapid and cross-service circulation of digital content. Fourth, the recovery dimension assesses the victim's access to services and rights that suit their needs.

Women's protection is an important dimension because NCII can function as gender-based violence when sexual content is used to shame, control, restrict freedom, or prevent women from seeking help. A study of the experiences of 29 women and one individual with diverse gender identities shows that the creation, dissemination, or threat of the dissemination of intimate images can be used to maintain power, intimidation, and degradation of victims. This perspective is in line with the principles of equality and the elimination of discrimination against women in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which Indonesia ratified through Law Number 7 of 1984, as well as the orientation of victim protection in the TPKS Law. The use of a women's protection perspective

does not mean assuming only women can be victims of NCII; the focus highlights the relevant gender-based vulnerabilities and impacts in the analysis.

Victim-based protection is used as an operational framework for research, not as an established legal theory. The starting point is the victim's needs, safety, dignity, and recovery, while the context of the relationship between the former spouse helps explain how content is obtained and used as a means of control. This framework is operationalized through four dimensions: (1) preventive protection; (2) repressive action; (3) removal or termination of access to content; and (4) victim recovery. Nonet and Selznick's responsive legal theory is used to assess the integration and responsiveness of the legal system in these four dimensions, so that the analysis does not stop at the availability of norms, but assesses the adequacy and integration of protection for victims.

NCII as Post-Breakup Relationship-Based Violence.

Consent in the Creation and Dissemination of Intimate Content

Intimate relationships allow the parties to build a private space in which there is an exchange of information, communication, and documentation that is personal and intimate. In the development of digital technology, such documentation can be in the form of sexually charged photos or videos that are created and stored with the consent of the parties. However, the existence of consent at the time of creation or taking of images cannot in itself be interpreted as consent to use, show, send, or disseminate the content to other parties. Thus, it is necessary to make a clear distinction between consensual creation and consensual distribution, because consent to one action does not automatically include another action that has different purposes and consequences. The literature on image-based sexual abuse shows that sexual content can be obtained consensually in a relationship but then distributed without the consent of the person who is the subject of the image.

This distinction is becoming increasingly relevant in relationships between spouses or ex-partners. Intimate content obtained in a relationship is essentially within a private space that is limited by the context and purpose in which the content is created or provided. When one of the parties then uses the content outside of the initial context without the consent of the subject contained in it, the act transforms the content function from a private documentation into an instrument that can cause harm to the victim. Research on image-based sexual abuse shows that the abuse of sexual images is not only a form of dissemination, but can also include threats to disseminate the content. In fact, in the context of intimate relationships, the abuse of images can be part of a pattern of coercive control that is used to maintain influence over the victim.

Therefore, the term revenge porn, which is conventionally associated with the dissemination of sexual content by an ex-partner after the end of the relationship, needs to be placed more carefully. The motive for revenge is not the only reason for the dissemination of intimate content without consent. Empirical studies show that NCII can occur in a variety of contexts and motives, whereas the term revenge porn describes only one of its forms, particularly when the dissemination is carried out in the context of the end of a romantic or sexual relationship.

From the perspective of Indonesian law, the distinction between consent to making and consent to dissemination is relevant because Law No. 12 of 2022 concerning the Crime of Sexual Violence has placed certain acts committed without consent as electronic-based sexual violence. Article 14 paragraph (1) letter a regulates the act of recording and/or taking pictures

or capturing sexually charged oman against the will or without the consent of the person who is the object, while letter b regulates the transmission of electronic information and/or electronic documents with sexual content against the will of the recipient. This provision shows that the elements of will and consent have an important position in determining the character of acts as electronic-based sexual violence.

Thus, consent given when an intimate photo or video is made in a relationship cannot be understood as a permanent and unrestricted consent. The consent must be placed in the context of a use that is indeed consented to by the subject. When the content is then used for different purposes, in particular transmitted or disseminated to other parties without consent, there is a change in the context of the use that raises its own legal problems. This perspective is also in line with the development of the NCII study which places the lack of consent to the act of dissemination as an important point in determining the occurrence of abuse of intimate content.

In addition to the electronic-based aspect of sexual violence, intimate content related to a person's identity can also intersect with the personal data protection regime. Law No. 27 of 2022 regulates the rights of personal data subjects, personal data processing, the obligations of data controllers and processors, as well as criminal prohibitions and provisions related to the protection of personal data. Thus, the use and processing of information related to a person can not only be analyzed from the perspective of sexual crime, but also from the perspective of protecting the private interests of data subjects.

In the context of this study, the problem becomes more significant when the relationship has ended. The end of the relationship does not erase the fact that the former partner may still have access to intimate content obtained during the relationship. This condition creates the possibility that content that was previously in the private space of the relationship can be reused as a means to maintain influence over the former partner. Research on image-based sexual abuse in the context of intimate partners shows that the creation, distribution, and threat of distribution of intimate images can be part of a pattern of coercive control.

Thus, post-breakup NCII is not properly understood solely as a matter of distribution of sexual material without consent, but needs to be seen in the context of the relationship behind the acquisition of the content. The status of the ex-partner becomes relevant because the perpetrator has knowledge of the victim's personal life and can use the content obtained during the relationship as a means to maintain control after the relationship ends. On this basis, NCII in this study is placed as a form of relationship-based violence that can continue beyond the end of the relationship.

Disconnection and Change in Content Function

In intimate relationships, sexual content created or exchanged consensually is essentially in a private context formed by the trust and consent of the parties. Consent to the creation or exchange of such content cannot automatically be understood as consent to use or disseminate it outside the context of the relationship. Studies on image-based sexual abuse show that intimate content can be created in consensual conditions, but then used or disseminated without the consent of the subject contained in it.

The end of a relationship can change the context and function of that content. Content that previously served as part of intimate communication or expression can turn into a means to maintain influence over an ex-partner. The change occurs when the perpetrator uses control

over intimate content acquired during the relationship to threaten, intimidate, or influence the victim's behavior after the relationship ends. Henry, Gavey, and Johnson's (2023) research shows that image-based sexual abuse in intimate relationships can serve as a form of coercive control, including when intimate images are used to maintain power and influence over the victim.

Thus, changes in the function of content are not solely determined by the nature or content of the material in question, but by changes in the context of use and the relationship between the perpetrator and the victim. Content that is initially in a private space can acquire a new function when used as a tool to control the behavior of an ex-partner. In this perspective, intimate content is a form of relational leverage, which is a resource that can be used by the perpetrator because of access to personal information and material obtained through the dynamics of intimate relationships.

Limitations of Legal Protection for Victims of Non-Consensual Intimate Images by Ex-Spouses in the Indonesian Legal System.

Table 1. Legal protection

Dimensions	Available norms	Affordable	Loopholes for ex-spouse cases
Prevention	TPKS Law Article 14 paragraph (2); Articles 42–43 (temporary protection of 1×24 hours, up to 14 days; request for protection to LPSK); Article 69 (protection from the threat of perpetrators)	Threats/coercion accompanied by acts of Article 14 paragraph (1); restriction of the perpetrator's movement after the report	All mechanisms depend on reports; it is not clear whether the threat of spreading without the act of paragraph (1) can be processed; repeated control patterns are not caught
Enforcement	Article 14 paragraph (1) letters a, b (max. 4 years and/or Rp200 million); paragraph (2) (max. 6 years and/or Rp300 million); paragraph (3) complaint complaint; paragraph (4) exception	Recording without will; transmission of sexual content against the consent of the recipient; aggravation due to extortion/threats	Consensually created content in the relationship; the focus of the letter b on the will of the recipient, not the subject of the image; the status of the former spouse is not an element or a weighting factor
Content removal	Article 46 (deletion/termination of access by the central government); Article 68 (deletion of content as part of the right to handle); Permenkominfo 5/2020 jo. 10/2021; PDP Law	Downgrade of content on platforms subject to Indonesian jurisdiction	The implementing rules of Article 46 paragraph (2) are in the form of PP; content can be re-uploaded and cross-jurisdictional; there is no proactive obligation on the platform
Recovery	Article 30 (restitution and recovery); Article 35 (state compensation through the Victim Assistance Fund); Articles 67–70; PP 27/2024; Presidential Decree 55/2024 (UPTD PPA); Presidential Decree 98/2024 (integrated services); Law 31/2014 (LPSK)	Restitution of judgments; medical, psychological, legal, social reintegration services	The Victim Assistance Fund is still RPP (as of June 2025); recovery is generally triggered by criminal proceedings; the long-term impact (circulating content) is not insurable

Legal protection for victims of non-consensual intimate images (NCII) needs to be assessed not only on the existence of criminal provisions, but also on the ability of the legal system to prevent threats, take action against perpetrators, stop the circulation of content, and recover victims. In intimate relationships that have ended, abuse of sexual content can take place through threats of dissemination, coercion to re-establish relationships, intimidation to prevent victims from reporting, or dissemination of content as a form of retaliation. Thus, the end of the relationship does not necessarily end the power relationship between the victim and the perpetrator. Mastery of intimate content can be a means of maintaining control over the victim even though the two no longer have a personal relationship.

These issues need to be distinguished from the act of recording or disseminating sexual content that is carried out in the first place without consent. In the case of NCII, content can be created while the relationship is still ongoing with the consent of both parties, but then used or disseminated without the consent of the person who is the subject of the content. Consent to create or store content cannot simply be interpreted as consent to disseminate it. Nevertheless, the determination of criminal liability must still be based on the act, elements of the crime, and relevant evidence, not solely on the existence of a previous intimate relationship.

This context is important in assessing the adequacy of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law), especially Article 14 which regulates electronic-based sexual violence, as well as provisions for victim protection and recovery. The assessment in this study is carried out through four dimensions of victim-based protection, namely preventive protection, repressive action, content removal, and victim recovery. These four dimensions are used as an analytical framework to assess whether the legal system has responded to the character of violence that continues after the relationship ends. Furthermore, the adequacy of the response was tested through the responsive legal theory of Philippe Nonet and Philip Selznick, especially from the perspective of the legal ability to understand the needs of victims and adjust their implementation to the social problems faced.

Limitations of Preventive Protection against the Threat of Dissemination of Intimate Content.

Preventive protection for victims of post-breakup non-consensual intimate images (NCII) must be available from the moment a threat arises, not only after content is disseminated, because a former partner can use the threat to control the victim and deter them from seeking help. Normatively, Article 69 of the TPKS Law (Law No. 12 of 2022) guarantees victims' right to protection from threats and from the recurrence of violence, while Article 42 empowers the police to provide temporary protection within 1 × 24 hours of receiving a report, for up to 14 days, including restricting the perpetrator's movement. Article 43 requires the police to request protection from the Witness and Victim Protection Institution (LPSK) within the same timeframe. However, this mechanism is tied to the receipt of a report and therefore does not operate automatically when a threat is made, even though victims may not yet know the reporting route or may still be weighing the social risks of reporting.

Presidential Regulation No. 55 of 2024 adds an institutional layer through the UPTD PPA, which can receive reports directly or indirectly, inform victims of their rights, facilitate health, psychological and legal services, and identify the need for temporary shelter. Even so, the existence of these rights, services and mechanisms does not prove that threats of dissemination can be effectively prevented, since victim safety protection is not the same as

technical measures to stop content from being uploaded or re-uploaded on digital platforms. The adequacy of preventive protection should therefore be assessed by looking at how report handling, victim risk assessment, protection from the perpetrator's threats and content-removal mechanisms work together, without concluding that Indonesian law offers no protection at all.

Normative findings on the preventive dimension suggest that protection for NCII victims after disengagement needs to be assessed through the linkages between protection from threats, risk assessment of repeated violence, and electronic content handling mechanisms. Article 69 and the temporary protection mechanisms in Article 42 and Article 43 of the TPKS Law provide a basis for protection for victims in accordance with their respective scopes and procedures. However, protection against threats is not synonymous with technical prevention of the dissemination of content. Therefore, the contribution of the victim-based protection framework to this dimension lies in testing the interconnectedness between the risks arising from the mastery of content by a former spouse and the available protection mechanisms, without concluding that there is a legal vacuum simply because the mechanism has an application requirement.

Limitations of Repressive Enforcement of NCII as a Form of Post-Termination Control.

Repressive action against post-breakup non-consensual intimate images (NCII) should be analysed by distinguishing between the perpetrator's acts, the form of consent the victim gave, and the purpose for which the content is used. Intimate content may be created consensually within a relationship, but consent to its creation does not automatically extend to every later use. The former-partner relationship serves only as analytical context, while criminal liability still depends on the elements of the offence. Article 14(1) of the TPKS Law (Law No. 12 of 2022) covers electronic-based sexual violence in three forms: recording or capturing sexual content without consent (letter a), transmitting sexual electronic information beyond the recipient's will for sexual desire (letter b), and stalking or tracking through electronic systems for sexual purposes (letter c), punishable by up to four years' imprisonment and/or a fine of up to Rp200,000,000. These distinctions matter: if the content was made consensually, the legal issue lies not in the recording but in what happened afterwards, and the element "beyond the will of the recipient" in letter b cannot simply be equated with the absence of consent from the person depicted.

Where the act is committed with the intent to extort, threaten, coerce or deceive, Article 14(2) raises the penalty to up to six years and/or a fine of up to Rp300,000,000, but it does not automatically criminalise every statement threatening to spread intimate content and must still be linked to paragraph (1), the perpetrator's intent and other provable elements. Outside the TPKS Law, the new Criminal Code (Law No. 1 of 2023), in force since 2 January 2026, is also relevant: Article 172 defines pornography and Article 407 regulates producing through to providing pornography, so it must first be tested whether the content meets that definition. Article 483 addresses threats of defamation or disclosure of secrets to force someone to hand over goods or write off a debt, and requires proof of the aim of unlawful gain, the form of threat and the coerced act. The limits of repressive action should therefore not be concluded to be an absence of criminal basis. The normative issue lies in accurately mapping offence elements onto different forms of NCII, especially where content was created consensually but later used to threaten or control an ex-partner. An analysis focused solely on dissemination risks overlooking the threat's function as a means of control, while recognising that control function

must not replace proof of the offence's elements.

In the victim-based protection framework, ex-spouse status is used to understand the context of access to intimate content, relationship history, and the possible use of content as a pressure tool after the relationship ends. This context can help explain the pattern of actions and risks faced by the victim, but it does not in itself become a criminal element or a criminal aggravating factor if it is not determined by the applicable regulations. Therefore, the assessment of the adequacy of repressive action must combine a strict reading of the elements of the criminal act with an understanding of the relational context behind the act. This approach allows the study to assess legal protection in a more targeted manner without equating all forms of NCII or concluding that there is a legal vacuum before all relevant provisions are analyzed.

The normative findings on the repressive dimension show that the NCII issue after the breakdown of the relationship needs to be analyzed based on the difference between the consent of the image subject, the will of the transmitter, and the purpose of the content use by the perpetrator. The three cannot be treated as one identical issue. When the content is made consensually but then sent to another party without the consent of the image subject, the assessment of Article 14 paragraph (1) letter b of the TPKS Law must still pay attention to the formulation of elements beyond the will of the recipient and other elements specified in the article. Thus, the context of the former spouse's relationship helps to explain how the content is obtained and used as a means of control, but does not in itself solve the problem of the qualification of a criminal act. The contribution of this analysis lies in the identification of the problem of the application of norms to the difference in position between the subject of the image and the recipient of the transmission, as well as the affirmation that the assessment of the threat of dissemination must be carried out based on the relevant elements of the criminal act.

Content Removal and Redistribution Prevention.

Acting against the perpetrator does not automatically stop intimate content already uploaded from circulating, so content removal is a key part of protecting NCII victims. The amended ITE Law (Law No. 1 of 2024, Article 40(2a)-(2c)) empowers the government to prevent the spread of prohibited content, terminate access and order Electronic System Operators (PSEs) to do so. Ministerial Regulation No. 5 of 2020, as amended by No. 10 of 2021, requires private-scope PSEs to terminate access on request from the public or authorities, generally within 1 × 24 hours, or four hours for urgent requests. Government Regulation No. 71 of 2019 provides a separate route for deleting irrelevant information (right to erasure) and delisting from search results (by court determination). Although these instruments exist, none guarantees complete removal or prevents re-uploading across platforms. The adequacy of protection should therefore be judged by how the mechanisms connect and the scope of each party's obligations, not merely by whether a legal basis exists.

In the victim-based protection framework, content removal is understood as part of a protection that considers the sustainability of the risk to the victim after the relationship ends. Former spouses who still control intimate content may remain a source of threat, while re-uploading by another party may prolong the harm even if the original perpetrator has been acted upon. However, the relationship between the perpetrator and the victim does not replace the legal requirement to remove or terminate access to a content. The framework is used to assess whether the available mechanisms are capable of responding to the victim's needs on an

ongoing basis, including the need to identify uploads, apply for termination of access, and follow up on recirculation. Thus, the contribution of this analysis lies in testing the integration between content handling and victim protection, not in the assumption that Indonesian law has not governed the removal of electronic content at all.

In the content removal dimension, the victim-based protection framework directs the analysis to the difference between the availability of a termination mechanism and the guaranteed termination of the continuous circulation of content. The termination mechanism of a content does not by itself prove that copies uploaded through other accounts or platforms have also been removed. In the context of post-termination NCII, this distinction is important because the threat can continue through content that is still controlled by the former spouse, while recirculation can prolong the victim's losses. Therefore, the adequacy of protection needs to be tested based on the scope of each party's obligations, the content handling procedures, and the scope of actions that can be taken against re-uploads. This analysis is not intended to state that Indonesian law does not regulate content removal, but rather to identify the limits of protection that need to be assessed when the mechanisms of removal and victim protection work through different channels.

Limitations of Protection and Recovery of NCII Victims After Termination of Relationship.

The impact of post-breakup non-consensual intimate images (NCII) does not end when content is removed or the perpetrator is prosecuted, because victims still face threats of re-dissemination, psychological distress, social loss, and disruption to education and work. Legal protection should therefore be judged by whether victims' rights to handling, protection and recovery are fulfilled, not only by the justice system's ability to prosecute the perpetrator. The TPKS Law (Law No. 12 of 2022) recognises these rights: Articles 66 and 67 affirm the right to handling, protection and recovery from the moment the crime occurs; Article 68 covers legal services, psychological support, health services and removal of sexually charged content in electronic sexual violence cases; Article 69 covers protection from threats, prevention of recurrence, identity confidentiality and protection from demeaning conduct by officials; Article 70 covers medical, mental and social rehabilitation, social empowerment, restitution or compensation, and social reintegration; and Articles 30 and 31 govern restitution for provable losses. Institutionally, Presidential Regulation No. 55 of 2024 (through the UPTD PPA) and No. 98 of 2024 (integrated central-level services) provide a coordination framework that is not limited to reporting to law enforcement.

However, the existence of these rights and instruments does not automatically prove that all victims' needs are met, nor may it be concluded without evidence that services do not work. The normative issue is whether these rights and mechanisms can respond to victims' needs as a whole, especially when threats continue and content recirculates. The right to recovery is also not a guarantee that every impact can be restored, and restitution still requires a legal basis and proof of loss. In a victim-based protection framework, relationship history explains how the perpetrator obtained access to the content and why threats can keep being used, but it does not replace the legal requirements for obtaining services or restitution. The contribution of the analysis lies in assessing how victims' rights, content removal, protection from repeated threats and recovery services work together.

Evaluation of Legal Protection of NCII Post-Termination Based on Responsive Legal Theory

Using Nonet and Selznick's responsive legal theory, the adequacy of protection for victims of post-breakup non-consensual intimate images (NCII) should be judged not by whether criminal provisions exist, but by the law's ability to prevent threats, prosecute acts that meet the elements of an offence, stop the circulation of content, and ensure victim recovery. Normatively, Indonesia already has a sound legal basis, for example Articles 66-70 of the TPKS Law (including the right to content removal in Article 68(g) and protection from threats in Article 69(c)), Article 14 of the TPKS Law on electronic-based sexual violence, Article 40 of the ITE Law as amended by Law No. 1 of 2024, and recovery rights under Article 70. The problem lies in how these mechanisms connect, not in a legal vacuum. On prevention, a threat should be understood by its function as a tool of control, though not every threat automatically meets the elements of an offence. On enforcement, consent to create content is not consent to disseminate it, and ex-partner status neither replaces the elements of the offence nor the need for proof.

On content removal, deleting content on one service does not prove all copies are gone, so continuity is needed between reporting, takedown handling and responses to re-uploading. On recovery, victims' needs must be assessed individually. The study uses victim-based protection as an operational analytical framework rather than a stand-alone legal theory, and conclusions about the effectiveness of implementation still require empirical research. As a comparison, Australia (Online Safety Act 2021, Part 6) prohibits both posting and threatening to post intimate images without consent, with removal notices issued by the eSafety Commissioner and objection mechanisms for the person depicted. This model shows a more explicit link between prohibitions on perpetrator conduct and administrative content removal, but it cannot simply be equated with Article 14 of the TPKS Law or Article 27(1) of the ITE Law. Article 27(1) of the ITE Law (read with Article 45) and Article 14 of the TPKS Law are not automatically interchangeable, so the form of the act, the elements met, the context of distribution and the victim's consent must still be analysed.

CONCLUSION

Nonconsensual intimate image (NCII) abuse perpetrated by former intimate partners following the termination of a relationship can be understood as a form of relationship-based violence when intimate content is used to threaten, intimidate, coerce, or maintain control over victims. These characteristics demonstrate that the termination of an intimate relationship does not necessarily eliminate the risk of continued abuse, as perpetrators may exploit their possession of intimate content to exert ongoing psychological pressure and coercive control. Consent to the creation or storage of intimate content does not constitute consent to its subsequent dissemination or unauthorized use. However, the history and dynamics of the former intimate relationship should be considered when assessing the nature of the abuse and the harm experienced by victims, while criminal liability must remain grounded in the applicable statutory elements and supporting evidence.

Legal protection for victims of NCII abuse in Indonesia is supported by existing provisions addressing electronic-based sexual violence, victim protection, the restriction of access to or removal of unlawful electronic content, and victim recovery. Nevertheless, the

normative analysis indicated that the adequacy of legal protection should be assessed not merely through the existence of individual legal provisions but also through the integration of four essential dimensions: preventive protection, criminal enforcement, content removal, and victim recovery. Within the preventive dimension, the principal concern involved the relationship between protection against threats and measures to prevent the unauthorized dissemination of intimate content. Within the enforcement dimension, the application of criminal provisions required careful consideration of the specific conduct and the constituent elements of the relevant offenses. Regarding content removal, the availability of mechanisms for restricting access to unlawful material did not necessarily ensure the effective removal of subsequently redistributed or reuploaded content. Within the recovery dimension, the recognition of victims' rights needed to be supported by coordinated legal assistance, protective measures, and recovery services tailored to their circumstances and needs.

Drawing on Philippe Nonet and Philip Selznick's theory of responsive law, this study conceptualized the adequacy of legal protection in terms of the legal system's capacity to respond comprehensively to victims' needs rather than focusing exclusively on the prosecution and punishment of perpetrators. Accordingly, the principal contribution of the proposed victim-centered protection framework lies in its normative assessment of the relationship between post-breakup abuse and the four interconnected dimensions of legal protection. The framework was not intended to replace the statutory elements required to establish criminal liability or to suggest that Indonesian law lacks provisions addressing NCII abuse. Instead, it provided an analytical basis for evaluating the integration of legal protection mechanisms in responding to threats, nonconsensual dissemination, repeated circulation of intimate content, and victims' ongoing protection and recovery needs.

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CONFLICT OF INTEREST

The authors declare that there are no conflicts of interest related to the conduct of the research, preparation, or publication of this article.

AUTHOR'S CONTRIBUTION

All authors contributed to the preparation of this article. The first author, Aulia Khoirunnisa, was responsible for the conceptualization of the study, data collection and analysis, interpretation of the results, and manuscript preparation. The other authors contributed to the review, editing, and final approval of the manuscript.

GENERATIVE ARTIFICIAL INTELLIGENCE USAGE STATEMENT

The authors declare that no generative artificial intelligence was used in the preparation of this article

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