



## When Victims are Criminalized: Reflections on the Politics of Criminal Law from the Baiq Nuril Case

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**Abstract.** *The Baiq Nuril case is a clear reflection of the political problems of criminal law in Indonesia, especially in the context of protecting victims of sexual violence and the application of the Electronic Information and Transaction Law (ITE Law). Baiq Nuril, a victim of verbal harassment by her superior, was criminalized through Article 27 paragraph (1) of the ITE Law after she recorded an obscene conversation as a form of self-protection. This research uses a normative juridical approach by analyzing relevant legal instruments and their application in the Baiq Nuril case. The results show that the use of the article contains structural bias and shows an imbalance of perspectives in the criminal justice system, which tends to ignore the position of victims as well as the social context and power relations that surround them. In addition, the article's multiple interpretations open space for criminalization of victims, especially women, instead of providing protection. This case emphasizes the importance of criminal law reform oriented towards substantive justice and in favor of victims, as well as the need to revise the ITE Law so that it does not become a tool of repression against vulnerable groups. The amnesty granted by the President to Baiq Nuril is a political corrective step, but has not touched the root of systemic problems in law enforcement that have not been in favor of victims of gender-based violence.*

**Keywords:** *Baiq Nuril, criminalization of victims, ITE Law, substantive justice, criminal law politics*

### 1. BACKGROUND

More than a decade ago there was a viral case that was full of pros and cons, namely the case that befell Baiq Nuril Maknun. The case began in 2012, when she worked as an administrative staff at SMAN 7 Mataram, West Nusa Tenggara. At that time, Baiq Nuril was the victim of verbal harassment from her supervisor, the Principal named Muslim. According to Nuril, Muslim often called her and told her things that smelled pornographic and led to sexual harassment. This happened repeatedly and caused psychological pressure for Nuril, but at that time she did not dare to report it because of power relations and threats to her job. (Prihandini 2021)

Feeling disgusted, Nuril finally ventured to record one of the phone conversations with Muslim in 2014 and told her friend about it, which she actually used as a form of self-protection and evidence if needed at any time. Unfortunately, the recording was later spread to other parties, including coworkers and the Education Office, even though it was not Nuril who spread it. Of course, Muslim felt defamed and reported Nuril to the authorities on charges of violating Article 27 paragraph (1) of the ITE Law on the distribution and / or transmission of electronic information containing violations of decency. (Prihandini 2021)

Since then, investigations and legal proceedings have been ongoing, until in 2017, Nuril was found guilty by the Mataram District Court. However, on appeal she was acquitted by the NTB High Court. Unfortunately, the Supreme Court in cassation overturned the acquittal and sentenced Baiq Nuril to six months imprisonment and a fine of Rp500 million, with a subsidiary of 3 months imprisonment. This decision drew a wave of public protests because it was considered unfair and not in favor of the victim. (Luh and Sari, n.d.)

The case drew widespread attention from the public, human rights activists, and national and international media. Solidarity movements strengthened, including online petitions and legal advocacy from various institutions. President Joko Widodo even expressed his concern about the case. The public considered that Baiq Nuril was a victim of sexual harassment who was criminalized by the legal system.

Through a long struggle, Baiq Nuril finally received amnesty from President Jokowi in July 2019. The amnesty was granted after the House of Representatives approved the President's request, making it the first case in Indonesian history where a criminalized victim of sexual harassment received a state pardon. This amnesty marks the success of public advocacy and is an important momentum in promoting criminal law reform and the protection of victims of gender-based violence.

Baiq Nuril's case became a reflection of the problematic nature of Indonesia's criminal legal system, particularly in relation to the application of the ITE Law and the absence of a victim's perspective. It is not only a symbol of resistance to injustice, but also shows the need for change in the way the law handles cases of sexual harassment and treats victims. (Kata, n.d.) It is a starting point for greater public awareness of the importance of substantive justice, not just formal justice.

The Baiq Nuril case captured the attention of the Indonesian public because it showed the legal inequality that befell a woman victim of verbal sexual harassment. When Nuril was criminalized for saving and disseminating recordings of her harassment, the public reacted strongly. The public perceived that what happened was not only a form of injustice, but also a clear example of how the law is used without considering the context of the victim. This response grew rapidly through social media, mass media, and various public discussion forums.

A wave of solidarity then spread from the grassroots to the elite. The emergence of an online petition on the Change.org platform urging forgiveness for Baiq Nuril managed to collect hundreds of thousands of signatures in a short time. In addition, women activists, community leaders, academics, and legal aid organizations also voiced support. Hashtags

such as #SaveIbuNuril and #BebaskanBaiqNuril became national and international trending topics, showing that the public widely rejects the criminalization of victims of gender-based violence.

Ultimately, this solidarity led to significant legal and political steps. President Joko Widodo finally publicly expressed his support and submitted an amnesty request to the House of Representatives. ("Dr. Mizaj Iskandar, Lc, LLM," n.d.) With the approval of the House of Representatives, Baiq Nuril was officially granted amnesty in 2019. This case is strong evidence that public pressure can influence state policy, and reflects the collective power of civil society in demanding justice and pushing for improvements in a more humane and pro- victim criminal justice system.

This case was highlighted because it questioned the application of the defamation article in the Electronic Information and Transaction Law (ITE Law), specifically Article 27 paragraph(1) (Rohmah and Rani Hendriana, n.d.). In this case, Nuril was criminalized for saving and disseminating her supervisor's voice recording containing verbal abuse, even though her original intention was to protect herself and provide evidence that she was under pressure. The application of the defamation article against victims of sexual harassment reflects legal rigidity that does not consider the context and position of the victim, and ignores the power relations between the perpetrator and the victim. This shows that defamation laws can be used to silence victims' self-defense efforts and voices, especially in cases of gender-based violence.

The relevance of this case also appears in the public discourse on the boundaries between the right to reputation and freedom of expression, especially in situations where recordings or digital evidence are used to expose immoral or criminal acts. ("PEREMPUAN HUMAN RIGHTS DEFENDERS IN ASSISTANCE OF VIOLENCE CASES," n.d.) In the context of

Baiq Nuril, the public views that what she did was not defamation, but a form of courage to reveal the harassment she experienced. This encourages the need for a review of the defamation norm in the ITE Law to be more contextual, not merely assessing the formal elements of information dissemination, but also paying attention to the motive, social position, and protection of victims. This case opens our eyes to the importance of the law siding with victims and not making the rule of law a repressive tool against weak parties.

The criminalization of Baiq Nuril is a clear portrait of how criminal law can work in a formalistic manner without considering substantive justice, especially for women victims of sexual violence. The ITE Law, which should function to maintain the ethics and order of

digital information, is instead used as a tool to silence victims. This shows the weakness of legal protection for women in the context of power relations and leaves a dark record in law enforcement in Indonesia. This case is an important point of reflection that political reform of criminal law must touch sensitive aspects such as gender justice and protection of victims.

Based on this background, the purpose of this research is first to describe how the Baiq Nuril case reflects the political problems of criminal law in the protection of victims of sexual violence. Second, to analyze the extent to which the application of Article 27 of the ITE Law in the Baiq Nuril case shows bias in the criminal justice system against women.

## **2. THEORETICAL REVIEW**

### **When Victims Are Criminalized – The Case of Baiq Nuril**

The case of Baiq Nuril offers a critical lens through which to examine the intersection of gender, criminal law, and state power in Indonesia. Theoretically, this case embodies the concept of criminalization of victims, where legal systems, instead of protecting the vulnerable, reinforce structural inequalities through the selective application of law. This phenomenon is grounded in critical legal theory, particularly feminist legal theory, which challenges the neutrality of law and exposes its embedded patriarchal biases. In feminist legal discourse, the law is not merely a system of rules, but a reflection of societal power relations. Baiq Nuril, a school employee who recorded evidence of sexual harassment by her superior, was prosecuted under Indonesia's Electronic Information and Transactions (ITE) Law for distributing obscene content. Her prosecution, despite being a clear victim of sexual violence, exemplifies structural victimization, where victims are re-traumatized by institutions meant to protect them.

This aligns with secondary victimization theory, which posits that the criminal justice process can exacerbate the harm experienced by victims, particularly when they belong to marginalized groups. Moreover, the Baiq Nuril case highlights the politics of criminal law—how laws are formulated, interpreted, and enforced in ways that reflect dominant power structures rather than impartial justice. The law's application in her case demonstrates a selective enforcement mechanism, where the powerful are shielded while the vulnerable face legal retaliation. This dynamic is informed by Michel Foucault's theory of power and discipline, in which legal mechanisms serve as tools of control that normalize certain behaviors while punishing deviations, often targeting those with the least social capital.

Theoretically, the case also invites reflection on the legal construction of morality. Indonesia's ITE Law, particularly regarding its morality clauses, has often been criticized

for its vague language and overbroad interpretation. In Baiq Nuril's situation, the legal focus on "distributing immoral content" overlooked the context and intent behind the recording—namely, documenting harassment. This echoes concerns within legal moralism, where the state imposes a narrow moral code through law, often to the detriment of justice and individual rights. Lastly, from a victimology perspective, the case demonstrates how the legal identity of "victim" can be unstable and politicized. Instead of being afforded protections, Baiq Nuril was treated as a perpetrator, raising questions about whose harm the legal system recognizes and whose voices are silenced. This case, therefore, becomes a powerful example of how the law can be weaponized against the very individuals it purports to safeguard, particularly in gender-based violence cases. In sum, the Baiq Nuril case serves as a compelling illustration of how legal frameworks, when devoid of gender sensitivity and social context, can reproduce injustice. It demands a re-examination of legal norms, the role of state institutions, and the urgent need for reform toward a more victim-centered justice system.

### **3. RESEARCH METHODS**

This research uses the normative juridical method, which is a method that relies on literature review and normative analysis of relevant laws and regulations. This approach is used to examine applicable legal principles, norms and principles related to the protection of victims of sexual violence, as well as law enforcement against perpetrators. In this context, the Baiq Nuril case is used as the object of study to reveal how legal norms are applied in practice and whether they are in line with the objectives of criminal justice.

The data in this study were obtained from primary legal materials such as Law Number 11/2008 on Electronic Information and Transactions (ITE Law), the 1945 Constitution, and other related laws and regulations. In addition, secondary legal materials in the form of law journals, scientific books, court decisions, media news, and the results of previous studies that discuss aspects of criminal law and protection of victims of sexual violence are also used. The analysis was conducted in a descriptive-qualitative manner by focusing on the interpretation of norms and their application in the cases studied.

The normative juridical method was chosen because it is able to provide a comprehensive picture of the applicable legal construction and allows the author to criticize the gap between legal norms and legal practices in the field. In the context of the Baiq Nuril case, this approach is useful to assess the extent to which the criminal law system has sided with substantive justice, and how legal politics should be directed so that it no longer

criminalizes victims, especially women who experience gender-based violence.

#### **4. RESULT AND DISCUSSION**

##### **How does the Baiq Nuril case reflect the political problems of criminal law in the protection of victims of sexual violence?**

The legal facts show that Baiq Nuril was charged with Article 27 paragraph (1) of the ITE Law, which regulates the distribution or dissemination of content containing decency through electronic media. (Rohmah and Rani Hendriana, n.d.) Although in the construction of criminal law, the element of dissemination should require proof of intent and the main perpetrator, Baiq Nuril was still found guilty. The Supreme Court decision at the cassation level overturned the High Court's acquittal and sentenced her to six months in prison and a fine of IDR 500 million. (Abdi and Radjab 2021) This decision caused a huge polemic in the community because it was considered to ignore the fact that she was a victim.

The position of victims in the criminal justice system in Indonesia is still very vulnerable, especially in cases of gender-based violence. (Akhmad and Arifin 2022) The criminal justice system often focuses more on formal evidence alone, and does not provide adequate space for the context or psychosocial background of victims. In Baiq Nuril's case, the perspective of law enforcement officials tended to ignore the fact that she was abused and was in a structurally weaker position. The lack of a victim-oriented approach has led to ineffective victim protection.

This case shows that there is an imbalance in criminal law enforcement, where the victim can easily be transferred to the role of a suspect or defendant. In fact, the criminal law system should protect people from injustice, including providing protection for victims of violence. With a weak legal position, victims like Baiq Nuril must face a double burden: trauma as a victim and pressure as a defendant. This is an important reflection for the renewal of criminal law politics that is more in favor of victims and based on substantive justice. (Muhshi, n.d.)

The Electronic Information and Transaction Law (ITE Law) was initially drafted in response to the rapid development of information technology in Indonesia. In the context of legal politics, ITE Law is present to regulate people's behavior in the digital space and provide a legal basis for law enforcement against cybercrime. However, in its formulation, there are articles that raise controversy because they have the potential for multiple interpretations and do not have clear parameters. Two of them are Article 27 paragraphs (1) and (3), which respectively regulate the distribution of content containing decency and

defamation.

Article 27 paragraph (1) regulates the prohibition of distribution, transmission, or creation of content containing violations of decency through electronic systems. Meanwhile, Article 27 paragraph (3) regulates the prohibition of distributing information that attacks a person's honor or good name. These two articles are often the basis for criminalization in cases that are actually private, such as the Baiq Nuril case. In practice, the elements of "decency" and "good name" in these articles are very subjective, thus opening up space for criminalization of individuals who are actually defending their rights or voicing the truth.

Article 27 paragraph (3) in particular has been widely criticized by legal experts, activists, and non-governmental organizations for being a "rubber article". This term arises because the normative formulation in the article is too general and flexible, so it can be interpreted broadly and used repressively. Many defamation cases are not public offenses, but are processed criminally due to personal reports. This is contrary to the principle of criminal law, which adheres to the *ultimum remedium* principle, that is, punishment should be the last resort, not the first.

In the Indonesian criminal justice system, the application of this article often does not consider the social context and position of the victim, as experienced by Baiq Nuril. The ITE Law, which was originally expected to protect the public from the misuse of technology, is often used to ensnare those who speak the truth or experience injustice. Therefore, a political legal review of these problematic articles is important as part of legal reform that favors substantive justice and the protection of human rights.

One of the fundamental weaknesses in Indonesia's law enforcement system is the lack of integration of a *victim-oriented* approach, which focuses on the protection and restoration of victims' rights. The Indonesian criminal justice system is still dominated by a perpetrator-centric approach, where the legal process is more directed at proving the guilt of the perpetrator without seriously considering the conditions and needs of the victim. As a result, victims often do not receive proper remedies, and in some cases, such as Baiq Nuril, are even criminalized.

This pro-victim approach to law has resulted in victims' lack of access to true justice. Victims are left to face a legal process that is rigid and intimidating, without psychological, legal or protection support from further threats. In cases of sexual violence for example, victims often have to experience revictimization due to insensitive examination processes, cornering questions, and social stigma. This shows that the legal system has not provided a safe space for victims to convey their experiences fairly.

For this reason, legal and institutional reforms need to be carried out by integrating the principles of *victim-centered justice* into every stage of the criminal justice process. Law enforcers need to receive adequate training on the victim-centered approach, as well as the need for derivative regulations that explicitly regulate the rights of victims in every legal process. Criminal law should not only serve to punish perpetrators, but also provide appropriate remedies for victims as part of substantive justice. Without this, the law will continue to be a tool of power, not protection.

President Joko Widodo's granting of amnesty to Baiq Nuril in 2019 was the state's response to a massive wave of public protest.(Diniyanto and Kamalludin 2021) This decision was an important political step to correct the injustice experienced by Nuril, who had been legally convicted of disseminating recordings of her abuse. The granting of amnesty symbolizes that the state is finally on the side of victims, as well as opening a space for discussion about legal protection for women and victims of gender-based violence.

However, this amnesty measure is only curative and does not address the systemic root causes of the criminalization of victims. The regulation used to punish Baiq Nuril, Article 27 of the ITE Law, still applies with a problematic formulation. Without changes in both the normative framework and law enforcement approach, the potential for similar cases to recur remains high. This means that amnesty is only a momentary solution for one individual, not a comprehensive solution to structural legal problems.

Therefore, amnesty should not be a substitute for legal reform. The state must conduct a comprehensive evaluation of legal instruments that have the potential to become tools of criminalization, especially against vulnerable groups such as women victims of violence. Revision of the ITE Law, strengthening victims' perspectives in law enforcement and training law enforcement officials on gender-based justice are urgent steps so that there are no more victims like Baiq Nuril in the future. The state not only needs to provide forgiveness, but also ensure that justice does not need to be sought through public screams.

**To what extent does the application of Article 27 of the ITE Law in the Baiq Nuril case show bias in the criminal justice system against women?**

Article 27 paragraph (1) of Law Number 11/2008 on Electronic Information and Transactions (ITE Law), which was later amended into Law Number 19/2016, states that: "*Every person intentionally and without right distributes, transmits, and/or makes accessible Electronic Information and/or Electronic Documents that have content that violates decency.*" This provision is strengthened by Article 45 paragraph ( COPY OF THE PRESIDENT OF THE REPUBLIC OF INDONESIA," n.d.) which stipulates the criminal

penalty for any violation of Article 27 paragraph (1), namely imprisonment for a maximum of 6 years and/or a maximum fine of Rp1 billion.

In the context of Baiq Nuril's case, the public prosecutor used this article under the pretext that the recording of a conversation containing indecent content had been disseminated and violated the norms of decency. Although Baiq Nuril was not the one who directly disseminated the recording, she was still held responsible for making it available and accessible to others. This is where the juridical debate arises: can the act of storing or securing personal recordings for self-protection be considered as "distributing" or "transmitting" information?

The use of this article against Baiq Nuril shows the lack of clarity in the limitation of criminal elements, especially the phrase "violating decency" which is very subjective and can be interpreted broadly. In practice, this article is often used without considering the intention of the perpetrator, the social context, or the power relationship between the parties involved. In fact, in criminal law, the basic principle that must be considered is the element of intent and evil intent (*mens rea*) in a criminal act. Baiq Nuril did not intend to disseminate indecent content for public consumption, but merely to preserve evidence of the harassment she experienced.

By not considering Baiq Nuril's position as a victim, the application of Article 27 paragraph (1) in conjunction with Article 45 paragraph (1) actually shows that criminal law can be used wrongly and to the detriment of victims of violence. In an ideal juridical approach, the proof of criminal elements should consider the substance of justice, not merely the formal aspects of the act. Baiq Nuril's case is an important lesson that the law must side with the weak and not be used to criminalize those who need protection.

Law enforcement in Indonesia still shows significant gender inequality, especially in cases involving women as victims. In many situations, women not only face criminal acts that harm them physically and psychologically, but are also faced with an impartial legal system. The legal process often puts women in a vulnerable position, both due to social stigma, unequal power relations, and the lack of gender perspective among law enforcement officials. This inequality not only has an impact on the outcome of the decision, but also on the legal process that the victim goes through from reporting to trial.

The Baiq Nuril case is a concrete illustration of this inequality. As a victim of verbal harassment, Nuril was criminalized for allegedly spreading decency content, while the harasser was not prosecuted. This shows how the law tends to assess the victim's actions textually without considering the psychological, social, and power relations context

she experiences. (Muhshi, n.d.) Law enforcement that is supposed to protect victims instead becomes a tool to silence and humiliate them, showing that the legal system is not yet inclusive of women's experiences.

This inequality also reflects the lack of integration of the principles of *justice for victims* and *gender* sensitivity in the criminal justice process. Without specialized training for legal officers on gender issues and without regulatory reforms that favor victims, the law will continue to operate within a biased patriarchal framework. Therefore, legal system reform must include both structural and cultural dimensions so that women are no longer the second victims of an unjust legal system.

The criminal law system in Indonesia has tended to use a formal approach, which focuses on the fulfillment of normative elements in a criminal offense based on applicable positive law. This approach is indeed important to maintain legal certainty, but often ignores aspects of substantive justice. In many cases, such as Baiq Nuril, the formal approach turns a blind eye to the social, psychological context and the victim's position in unequal power relations. When the law is only seen from the side of the text without considering the reality behind the event, then justice becomes false.

The formal approach also has the potential to perpetuate structural injustice, as it lacks the flexibility to understand the context of victims, especially those from vulnerable groups such as women, children, or marginalized communities. In practice, law enforcement officials only focus on proving the technical elements of the crime, while the voices and experiences of victims are often ignored. This is contrary to the spirit of modern criminal law, which should be corrective and protect human values.

Therefore, there needs to be a reorientation in the practice of criminal law enforcement, from being formally oriented to being more substantive. This means that the law is not only enforced based on the formulation of articles, but must also be able to answer the overall sense of justice of the community. The integration of restorative justice and gender justice-based approaches in the criminal justice process is needed so that the law is truly present to protect, not rigidly punish. Without this paradigm shift, criminal law will continue to create new victims of its own system.

The Supreme Court's verdict in Baiq Nuril's case in 2018 was in the national spotlight because it reflected the rigidity of the justice system in reading the social context and the position of the victim. The Supreme Court granted the public prosecutor's appeal and overturned the acquittal of the Mataram High Court, sentencing Baiq Nuril to six months' imprisonment and a fine of Rp500 million. This decision indicates that juridical

considerations are still very normative and textual, without holistically considering the psychological conditions, power relations, and the true intentions of Baiq Nuril's actions. In fact, in criminal law, intention (*mens rea*) is one of the important elements that must be proven carefully.

The judicial dynamics in this case also reflect the tension between procedural justice and substantive justice. On the one hand, the Supreme Court prioritized formal legal logic based on the elements in Article 27 paragraph (1) of the ITE Law; on the other hand, the public demanded justice based on context and human values. When the court of first instance gave an acquittal verdict, the public saw hope in a progressive judge who dared to consider the human side. However, when the Supreme Court overturned the verdict, disappointment arose because the law was again considered rigid and not in favor of victims.

This case reflects that Indonesia's judicial system is still in the process of finding a balance between legal certainty and justice. Reform is needed in the orientation of judges and judicial apparatus to be able to reach a broader social dimension and value of justice, not just interpreting the law literally. The study of the Supreme Court's decision in this case shows that judicial reform is not enough at the regulatory level, but must also touch on the way of thinking and social sensitivity of the law enforcers themselves.

The urgency to revise the Electronic Information and Transaction Law (UU ITE) is getting stronger as there are many cases of criminalization against victims, activists, and vulnerable groups. One of the most highlighted articles is Article 27 paragraphs (1) and (3), which is often considered a "rubber article" because it has elements that have multiple interpretations and are used arbitrarily. Baiq Nuril's case is concrete evidence that this article can be applied unfairly against women who are the victims. When the law favors text over context, the justice that should be protected is neglected.

Furthermore, the revision of the ITE Law needs to be part of gender justice-based criminal law reform. The law cannot be pseudo-neutral - it must be able to recognize the social inequality experienced by women and marginalized groups. Law enforcement that favors gender justice requires a deep understanding of the dynamics of power, stigma, and vulnerability inherent in female victims. If the legal system still places women in a position of suspicion and burden of proof, then justice will only belong to a few people.

Therefore, criminal law reform should include the establishment of norms that are not only repressive towards perpetrators, but also restorative and protective towards victims. This includes training for law enforcement officials on gender perspectives, changes to reporting mechanisms that are safer for victims, and recovery-oriented legal approaches.

The revision of the ITE Law and criminal law reform are strategic steps to create a legal system that is fair, responsive, and no longer a tool of discrimination against those who should be protected.

## **5. CONCLUSION**

The Baiq Nuril case is a clear illustration that the Indonesian criminal law system still has big gaps in protecting victims, especially women who experience verbal and sexual violence. When victims are criminalized with articles that are supposed to protect public morals, substantive justice becomes difficult to achieve. A rigid formal approach in interpreting criminal elements often ignores the social context and power relations between perpetrators and victims.

The lack of a victim-oriented approach and the lack of a comprehensive understanding of gender-based justice among law enforcers has led to inequality in the criminal justice process. The Baiq Nuril case is a reflection of the lack of legal sensitivity to the realities faced by victims. When the justice system is unable to distinguish self-defense from criminal acts, revictimization by the system that is supposed to protect occurs.

However, appreciation should be given to the government for responding to various public criticisms by revising the ITE Law, including improving the wording of Article 27 through Law No. 1 of 2024. This step shows a commitment to improve legal instruments to be more accommodating to the rights of victims and reduce the potential for criminalization of citizens. Although there are still notes and room for improvement, this revision is an important first step towards a more just and pro-victim legal system.

In the future, criminal law reform is not enough only in the normative aspect, but also must touch the institutional aspects and legal culture. Gender perspective training is needed for law enforcement officials, strengthening victim protection mechanisms, and establishing a legal system that guarantees substantive justice. Law must be a tool of protection and recovery, not a tool of oppression. Baiq Nuril has become an important symbol to continue fighting for justice in favor of victims.

## **REFERENCES**

- Abdi, Z., & Radjab, S. (2021). Analysis of the decision of the cassation level judge in the Baiq Nuril Maknun case. *Alauddin Law Development Journal (ALDEV)*, 3.

- Akhmad, M. Z. S., & Arifin, R. (2022). Baiq Nuril case and discourse on freedom of expression. *Indonesia Media Law Review*, 1(2), 123–144. <https://doi.org/10.15294/imrev.v1i2.60586>
- Cipta, R. E., & Masyhar, A. (2021). Controversial criminal punishment for victim of the spread of immoral chat. *Unnes Law Journal*, 7(1), 23–46.
- Diniyanto, A., & Kamalludin, I. K. (2021). Saving victims from the snares of the ITE Law: Baiq Nuril Maknun's case study and its relevance for strengthening the government's role in protecting whistleblowers of indecent acts. *Supremasi Hukum: Journal of Legal Studies*, 10(1), 1–18. <https://doi.org/10.14421/sh.v10i1.2341>
- Fardy, R., & Kaprisma, H. (2019, December). The amnesty case of Baiq Nuril: A study of information technology and the virtue of news media within society. In *Proceedings of the 2nd International Conference on Social Sciences and Interdisciplinary Studies (ICCSIS 2019)*, 24–25 October 2019, Medan, North Sumatera, Indonesia.
- Feka, M., Sularto, R. B., & Pareke, J. T. (2025). Navigating the legal minefield: The impact of Articles 27A and 27B of Indonesia's EIT Law on freedom of expression and the path to legal reform. *Journal of Law and Legal Reform*, 6(1), 265–304.
- Hakim, L. (2019). The symptoms of over-criminalization on defamation through electronic media in Indonesia.
- Haritjahjono, B., & Sodikin, S. (2025). Implementation of the *lex certa* principle towards the ambiguity of digital law's in Indonesia. *Amnesti: Jurnal Hukum*, 7(1), 1–14.
- Luh, N., & Sari, A. (n.d.). Analysis of the decision of Mahkamah Agung No.574.K/Pid.Sus/2018 on the case of Baiq Nuril Maknun (reviewed from the concept of justice). <https://doi.org/10.31764/jmk>
- Mizaj Iskandar, L. (n.d.). [IP copy of the President of the Republic of Indonesia].
- Muhshi, A. (n.d.). Legal certainty for Baiq Nuril. <https://duta.co/kepastian-hukum-untuk-baiq-nuril>
- Pratama, H. Y., Dewantoro, C. R., Muhammad, R. N., Rachman, D. F., Mustofa, M. U., & Ab Hadi, S. N. I. (2024). Digital environmental activism and the challenges of criminalization: A case study of Daniel Frits in the Karimunjawa issue. *E-Journal of Media and Society (E-JOMS)*, 7(4), 38–59.
- Prihandini, M. A. (2021). Audience reception of sexual violence on the news of sexual harassment victim Baiq Nuril. *Journal of Audiences*, 2(1), 1–17. <https://doi.org/10.18196/jas.v2i1.8608>
- Rohmah, S., & Hendriana, R. (n.d.). Transactions against the dissemination of asusila charged content (Baiq Nuril case study).
- Tobing, C. N. (2020). Legal protection on female workers subject to harassment in work relations. *Jurnal Hukum dan Peradilan*, 9(3), 337–362.