

JURIDICAL REVIEW OF BODY SHAMING ACTION THROUGH SOCIAL MEDIA BASED ON POSITIVE LAW SYSTEM

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ABSTRACT

This study examines the juridical review of actions of body shaming through social media based on positive legal system. The purpose of this research was to examine in depth about the act of Body Shaming on social media as well as the legal consequences were reviewed from a Positive Law system in Indonesia. The method used in this research was a normative with statue approach. Legal sources used in this research include primary, secondary, and tertiary legal sources. Based on the results of this study, the regulation on the crime of body shaming on social media was stipulated in Article 27 paragraph (3) in the Law of The Republic of Indonesia Number 11 Of 2008 Concerning Electronic Information and Transactions with reference to the elements of contempt / defamation contained in Article 315 of the Criminal Code.

Keywords: *Social Media. Body Shaming. Positive Law.*

1. Introduction

Currently, social media is becoming internet content that are most frequently accessed by the public. This can be proved by the number of users of social media platforms such as Facebook, Instagram, Twitter, and other social media platforms. The ease in getting information from the various media which have an impact on the spread of the values and perspectives of peoples who then formed a standardization of the style of life in the community, including ideal appearance. Social Media has an important role in influencing the perspective of the community against the standards of the ideal appearance.

It cannot be denied that appearance becomes one of the important points that be an assessment of the individual since the ancient times. The ideal standard is mainly applied to women. The standard of ideal body is different, depending from the region and the culture of each nation and country. Even for the standards of beauty, women have the standards of beauty since ancient

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times. Time by time, standard of ideal body also becomes an important point for men. It creates a standard body in the society called as body image. Body Image is the attitude towards the body itself. With the standardization of the ideal body shape, there is rarely a person who is considered to not comply with these standards will become a victim of body shaming.

In Indonesia, criticizing one's physique is considered reasonable and ordinary. Because it is considered common, many people do not know that the act of denouncing someone related to the physical has included bullying. Ironically, precisely who does body shaming is the closest person.

Some years ago, body shaming was only used as a joke in society, but over time it changed in a more serious direction. Body shaming is not just material for joke now, but it is sometimes used to demonize and even to bring down others. This can of course cause discomfort from the person who becomes the object of body shaming. Although body shaming is considered harmless, but in fact if body shaming is done continuously it can cause mental disorder, trauma even depression. Even in the worst case, body shaming can cause self-harm to suicide. Irene Teo from the Health Psychology Research group, University of Houston, Texas, United States, confirmed this through her research. According to her, body shaming can affect the level of depression in a person.²

Body shaming is a new term from case of humiliation. Referring to Oxford Living Dictionaries, body shaming has 2 (two) definitions, i.e. in noun and adjective. In noun, Oxford Living Dictionaries defines body shaming as the action or practice of humiliating someone by making mocking or critical comments about their body shape or size. While in adjective, it defines body shaming as expressing mockery or criticism about a person's body shape or size.³ Body shaming itself refers to a form of criticizing or commenting on

² [Www.kompasiana.com](https://www.kompasiana.com/febynabila6596/5dfd9c53d541df51fb6664f2/ada-apa-dengan-body-shaming#:~:text=Body%20shaming%20adalah%20jenis%20bullyan,%2C%20kurus%2C%20pendek%20atau%20tinggi.&text=Nah%2C%20dari%20situ%20kita%20jangan.bisa%20membuat%20mental%20seseorang%20jatuh.), 'Ada Apa Dengan Body Shaming?', Feby Nabila <<https://www.kompasiana.com/febynabila6596/5dfd9c53d541df51fb6664f2/ada-apa-dengan-body-shaming#:~:text=Body%20shaming%20adalah%20jenis%20bullyan,%2C%20kurus%2C%20pendek%20atau%20tinggi.&text=Nah%2C%20dari%20situ%20kita%20jangan.bisa%20membuat%20mental%20seseorang%20jatuh.>> accessed on 25 Juli 2020 at 21.22 WIB

³https://www.lexico.com/definition/body_shaming, accessed on 27 Juli 2020 at 15.53 WIB

other people's physicalities in a negative connotation, sending insulting or mocking words to other people's body shapes. In simple terms, body shaming can be defined as the act of mocking or criticizing a person's body shape or size. Now body shaming is often found on social media or similar platforms.

In Indonesia, the regulations regarding body shaming are still vague. Because body shaming is a relatively new phenomenon, it is still unclear about the qualifications or categories that can be define as an act of body shaming. Moreover, the term body shaming is also not contained in the laws. In this case, there is no legal certainty for victims of body shaming. Whereas one of the principles of law is legal certainty.

To enforce laws related to body shaming, law enforcers in Indonesia use Article 315 of the Criminal Code of Indonesia regarding defamation. However in the Criminal Code, the definition of defamation is not explained in detail. Even ITE Law also does not provide the definition of body shaming. Article 45 paragraph (3) of the ITE Law only contains a general defamation clause that causes multiple interpretations. Defamation itself is not actually a type of criminal act. Defamation is simply a qualification for a group of crimes that have the same nature.⁴ Although the definition of defamation is not clearly contained in the Criminal Code or in the ITE Law, it can formulate the meaning of defamation based on the elements outlined in the Criminal Code.

However, the indecision and multi-interpretation articles will cause various pros and cons in society. Because if law enforcers deal and implement these articles consistently, then it can imagine how many people will go to prison because of the ambiguous articles of the ITE Law. Moreover, there is no law that explicitly regulate the actions of body shaming. While law enforcer must adhere to the principle of legality. Therefore, it is necessary to be assertive in solving this body shaming case.

Seeing this problem and also the increasing body shaming on social media and there are still many people who think that body shaming is a

⁴Rizky Fadhila, Skripsi : "Tinjauan Terhadap Pelaku Body Shaming Berdasarkan Undang-undang Nomor 19 Tahun 2016 perubahan atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik" (Samarinda : Universitas 17 Agustus 1945 Samarinda, 2019) p. 18

common thing, it is necessary, it is necessary to have a legal product that can guarantee protection for victims from body shaming. Therefore, this research discussed the issue of body shaming, how the regulation in Indonesia was, and how the legal consequences of this issue based on the positive law system was. The purpose of this paper is also to ensure protection and maintain justice for all Indonesian people and for law enforcers to be careful about cases of body shaming that still have multiple interpretations.

2. Reseach Methods

Based on the background above, the legal issues in this journal are: (a). How is the regulation regarding the crime of body image humiliation (Body Shaming) through social media based on the Positive Law system in Indonesia. (b). How is the legal consequences of the Body Shaming through social media based on the Positive Law system in Indonesia.

The type of research used is Normative, i.e., research that examines a document, namely by using a variety of secondary data such as laws and regulations, court decisions, legal theory, and it can be in the form of the opinion of the scholars. This research used qualitative analysis, i.e. by explaining data with the words, not the statement by the numbers. The approach used in this research was statue approach. In normative research, research used literature materials which could be in the form of documents, books, reports, archives and literature related to research. Legal sources was used in this research include primary, secondary, and tertiary legal sources.

3. Result and Discussion

3.1. The Regulation of Body Shaming in Indonesia

The physical humiliation continue to increase. Throughout 2018, there were 966 cases of physical humiliation handled by the police throughout Indonesia. There were 374 cases resolved. Along with the development of information technology, physical humiliation has now shifted to social media. From January to August 2019, there were 22 cases related to SARA (ethnicity, religion, race and intergroup) insults

handled by the Directorate of Cyber Crime, Bareskrim Polri and the ranks of the Regional Police. As for the skin and face shape are objects that are often insulted. This number has increased since 2015. Whereas before 2015, there was no single report of bullying in cyberspace.

Body shaming is a phenomenon that considered new, despite the fact that the act of criticizing or commenting on a person's physique or body size has been widely practiced for a long time. Body shaming is included in bullying. However, both bullying and body shaming are not clearly stated in the law. That's because both are new terms in society. The act of body shaming on social media also not strictly regulated through several formulations in the article of defamation. Both in the Criminal Code and in the ITE Law, there is no definition of the act of body shaming itself.

Body shaming is categorized as a light defamation. Although categorized as a light defamation, but in fact in the Criminal Code is not explained clearly about the definition of defamation (*behedging*) itself. In addition, body shaming performed on social media can be categorized as cybercrime. This is because body shaming actors take advantage of the development of computer technology, especially by using the internet. Therefore, the act of body shaming carried out on social media is included in a special crime.

Defamation itself in general sense is an act of attacking the honor of someone's reputation. However, in the Indonesia law there is no clear definition of defamation. Another term used to describe a criminal act of defamation is a crime against honor. But according to jurisprudence, this crime against honor consists of 4 (four) forms, namely:

- 3.1.1. Verbal Defamation
- 3.1.2. Written Defamation
- 3.1.3. Slander or Libel
- 3.1.4. Simple Defamation.

The Criminal Code also contains other criminal acts related to honor and reputation, including:

- 3.1.1. Slander notification
- 3.1.2. False suspicions
- 3.1.3. Blasphemy of the deceased

3.2. Qualification of the body shaming as crime in Indonesia

As for body shaming, it is a reproach. However, 'reproach' itself is not necessarily a crime because it can constitute as a statement, opinion, or criticism. For this reason, a formulation is needed to qualify whether the act is a criminal act or not.

Regarding the act of body shaming, the elements of defamation can be described according Article 315 which reads:

“A defamation committed with deliberate intent which does not bear the character of slander or libel, against a person either in public orally or in writing, or in his presence orally or by battery, or by a writing delivered or handed over, shall as simple defamation, be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred rupiahs.”

If we look at these provisions, the core offense or elements that can be related to body shaming through social media include:

3.2.1. The elements of every defamation

Because body shaming is a new phenomenon, the act of body shaming must be analyzed first, so it is necessary to have a legal interpretation to qualify body shaming as a criminal act. In this case, the object of body shaming is a reproach against the body, be it the size or the shape. For example, commenting on the shape of a person's nose or the size of a person's body on that person's personal account with an inappropriate reproach that hurts the feelings of the victim.

3.2.2. Elements of Deliberate (Dolus)

Regarding the case of body shaming, the person who committed the crime of body shaming did the act on his will

and he knew what he was doing. Although many formulations of criminal acts include a deliberate element, in fact, in the law there is no further information regarding the definition of deliberate action itself. Information regarding deliberate action is contained in *Memorie van Toelichting* (MvT) WvS Netherlands, which states that in general the punishment should be imposed only on those who have committed an act which is prohibited, with the will (willens) and is known (wetens).⁵ In other words, deliberation is the mental attitude of someone who wills and someone who knows.

3.2.3. Element of not bear the character of slander or libel

This type of body shaming is in the form of reproach someone who is not slander or libel. However, it is more directed to humiliating someone or by denouncing someone physically.

3.2.4. Elements in public orally

When it is related to body shaming, this element is not fulfilled because this action is not done verbally even though it is done on social media as public media.

3.2.5. Element of public writing

Because social media is a public media that is accessed by many people, this element has been fulfilled. But the use of writing is different by using the social media features provided, such as comment fields or digital messages.

3.2.6. Element of in his presence orally

Regarding body shaming, this element cannot be fulfilled because the action is done by writing it in the comments column or the like. Not by face-to-face with the victim.

3.2.7. Element of in his presence by battery

⁵Adami CHazawi, 2020, *Hukum Pidana Positif Penghinaan edisi revisi* Media Nusa Kreatif, Malang, p. 41

This element is not fulfilled because the act was not carried out directly in front of the victim.

3.2.8. Element of by a writing delivered or handed over

If it is related to body shaming on social media, this element is not fulfilled because it leads to data transmission, not through letters.

Based on the description above, it can be found that the element of humiliation as body shaming can be fulfilled.

Regarding body shaming on social media, body shaming requires a special approach using the ITE Law based on the *lex specialis derogat legi generalis* principle.⁶ Body Shaming on social media is a cybercrime. This is because the perpetrators of Body Shaming use the internet, so it is included in a special criminal realm. The reference basis for body shaming (insulting body image) on social media is article 45 paragraph (3) of the ITE Law which regulates content-related offenses, namely criminal acts that contain criminal acts regulated in the Criminal Code, about crimes of decency (Article 282 and Article 283 Criminal Code), gambling (Article 303 Criminal Code), insult or defamation (Articles 310, 311 and 315 Criminal Code), and extortion or threats (Article 368 and Article 369 Criminal Code).⁷

The analysis of body shaming acts using the ITE Law approach, still based on the meaning of defamation that implied in Article 315 of the Criminal Code. Article 27 Paragraph (3) ITE Law stated:

“Any Person who knowingly and without authority distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Documents with contents of affronts and/or defamation.”

⁶Sandy Arista Putra, Erma Rusdiana, “Kualifikasi Tindak Pidana Atas Perbuatan Body Shaming Oleh Netizen” (Universitas Trunojoyo Madura : 2019), p.7

⁷Rizky Fadhila, Skripsi : “Tinjauan Terhadap Pelaku Body Shaming Berdasarkan Undang-undang Nomor 19 Tahun 2016 perubahan atas Undang-Undang Nomor 11 Tahun 2008 Tentang Informasi dan Transaksi Elektronik” (Samarinda : Universitas 17 Agustus 1945 Samarinda, 2019)

Based on the Article above, the elements for analyzing the actions of body shaming are:

3.2.1. The element of any person

The element of any person refers to the perpetrator who commits the criminal act of defamation. The word everyone is synonymous with whoever. Any person's word limits are explained in Article 2 of the ITE Law. In the general provisions of Article 1 paragraph (21) of the ITE Law, what is meant by Person is an individual, whether an Indonesian citizen, a foreign citizen, or a legal entity. Regarding body shaming through social media, who act as everyone are the netizens that insult someone's physical condition, size or shape.

3.2.2. The element of who knowingly

Regarding body shaming, what is meant is an act that is carried out with awareness with the aim of transmitting and distributing derogatory comments.

3.2.3. The element of without authority

Every person is prohibited or not allowed to do an act that contains insulting or defamation that can hurt the other's heart. If someone violate one of these actions, it mean that person is against the law. Both in the ITE Law and the Criminal Code do not explain the term against the law. However, Satochid Kartanegara argues that the term against the law in criminal law can be divided into 2 (two), namely against formal law and against material law. If this theory is related to the actions of body shaming, then the actions of body shaming will enter the realm of against material law. This is because body shaming is a relatively new phenomenon and there are no specific rules that regulate it, both in the ITE Law and the Criminal Code.

3.2.4. The element of distributes and/or transmits and/or causes to be accessible Electronic Information and/or Electronic Documents

According to KBBI, distributing means distributing (distributing, sending) to several people or to several places (such as markets, shops).⁸ Meanwhile, transmitting means sending or forwarding messages from someone (object) to another (other object).⁹ in this case, the media is electronic media. Computers, cellphones and similar devices are electronic agents and social media is part of an electronic agent as a means of information and communication. One example of body shaming in social media is by transmitting (sending) inappropriate comments through social media. This is because social media is an electronic agent that utilizes internet networks as a means of connecting one social media account with another. Unfortunately, the act of body shaming on social media such as Twitter, Instagram, Facebook and similar applications has not been accommodated in the Criminal Code.

3.2.5. The element of the contents of affronts and/or defamation

In the application of this element, it is difficult to interpret the act of body shaming because the meaning of defamation in the normative concept does not exist. There are two kinds of defamation, namely general defamation as regulated in chapter XVI book II and specific defamation that are spread outside chapter XVI book II. In the ITE Law, the definition of defamation is by approaching Article 315 of the Criminal Code, because body shaming is not slander or libel. That means body

⁸<https://kbbi.web.id/distribusi> accessed on 7 September 2020 pukul at 10.38 WIB.

⁹<https://kbbi.web.id/transmisi> accessed on 7 September 2020 at 10.42 WIB).

shaming is not an act of accusing, but rather an act of cursing or criticizing. In addition, body shaming was considered a simple defamation.

Judging from the description above, body shaming can qualify as a criminal offense in accordance with Article 27 paragraph (3) of the ITE Law. That's because body shaming has fulfilled all the elements in the Article. This is in line with the *Lex Specialis Derogat Lex Generali* principle.

The objective nature of defamation itself is the extent to which the person's reputation becomes bad in the eyes of the general public as a result of the act of defamation, and it becomes a polemic. Because the form of offending someone else's honor and feeling is basically a subjective nature, it should be considered whether the act will offend someone. Meanwhile, the feeling of offense at each person is different. This shows that the sense of self-worth in the person being attacked is very vague. Therefore, offense cannot be used as a yardstick with questions of attacking form, but there is an important role in how to issue this criticism and in the choice of certain words. For example by saying stupid or the like and this method is influenced by the intent of the critic.¹⁰

In the article 319 Criminal Code, defamation is divided into two, namely complaint offence and general offence. Stated in the article 319 Criminal Code:

“Defamation, punishable under this chapter, shall not be prosecuted except upon complaint by the person against whom the crime has been committed, except in the case of article 316.”

Complaints were regulated in chapter VIII, Article 72, Article 73, Article 74, and Article 75 of the Criminal Code. However, these articles do not contain the meaning of the Complaint itself. It leaves the perception of the word Complaint itself still vague. Because defamation

¹⁰ Prof. Dr. Wirjono Prodjodikoro, *tindak-tindak pidana tertentu di Indonesia cetakan edisi ketiga*, (Bandung : Refika Aditama, 2010), p.2

crime are included in the offense of complaint and the existence of Article 75 of the Criminal Code which states that complaints can be withdrawn, sometimes investigators wait for three months after a complaint is filed to start an investigation. It can cause losses because there is a possibility that the evidence will be difficult to obtain within the three-month period. However, on the other hand, an investigation will be useless if in the middle of an investigation, the Reporting Party withdraws their complaint.

3.3. Legal Consequences of Body Shaming Through Social Media Based on the Positive Legal System in Indonesia

Regarding online defamation or defamation, countries in the world generally look to malicious intentions to attack, which is to humiliate a person. In the process of drafting the ITE Law, experts referred to the offense of defamation contained in the Criminal Code at that time and the provisions contained in Article 1372 and Article 1374 of the Civil Law, if there is a data settlement mechanism it is sufficient to resolve it this way. Unless the losses felt by the victim are not balanced. This is in accordance with the basic principle of punishment as *ultimum remedium* (last resort), so law enforcers should see the case contextually.

However, experts have a different opinion. Teguh Arifiyadi, founder and chairman of the Indonesia Cyber Law Community (ICLC), he believed that the act of body shaming on social media cannot be prosecuted for Article 27 paragraph (3) of the ITE Law. This is because the principles and philosophy of the imposition of criminal acts, including the criminal act of Article 27 paragraph (3) of the ITE Law relating to defamation are the last step of a legal remedy. He argued that if it was possible, the case was resolved through a peace route between the parties. Then, it would be preferred.

Furthermore, the contents of insulting and / or defamation in article 27 paragraph (3) of the ITE Law should refer to the arguments or opinions of the government, academics, and the DPR which are used as a

basis for weighing the Constitutional Court (MK) Decision Number 50 / PUU-VI / 2008. The decision emphasized that the constitutional implementation of Article 27 paragraph (3) of the ITE Law should be linked and could not be separated from the norms of Article 310 and Article 311 of the Criminal Code related to criminal acts accusing an act and slander. Meanwhile, body shaming is an act of reproach as we call the word "stupid", "idiot", "bastard" to other people.

According to him, criticizing is not a criminal act of "accusing an act" as referred to in Articles 310 and 311 of the Criminal Code which are the references to Article 27 paragraph (3) of the ITE Law. According to the law, perpetrators of body shaming can be charged under Article 315 of the Criminal Code. Because Article 315 of the Criminal Code is not included in the consideration of the Constitutional Court's decision, Teguh believed body shaming on social media could not be charged under Article 27 paragraph (3) of the ITE Law. Teguh also added that if the insult was carried out online, then digital evidence in the form of screenshots, URL, accounts, and others could still be used as long as it meets the rules of electronic evidence in Article 5 and Article 6 of the ITE Law. Meanwhile, if body shaming carried out via online is intended for bullying, it can use Article 29 of the ITE Law to charge the doer. This is because bullying can result in physical violence against the victim of bullying.¹¹

Regarding differences of opinion by experts, according to Brigadier General Dedi Prasetyo, body shaming is divided into two, they are:

3.3.1. The act of a person transmitting a narrative in the form of insults, ridicule of the shape, face, skin color, posture of someone using social media can be categorized in the ITE Law Article 45 paragraph 1 and Article 27 paragraph 3 and can be punished with a 6 year sentence.

¹¹<https://www.hukumonline.com/berita/baca/lt5c1249a906436/benarkah-body-shaming-melanggar-uu-ite-simak-pendapat-para-ahli?page=3> accessed on 26 October at 11.38 WIB

3.3.2. If the perpetrator who does body shaming verbally, directly addressed to someone is subject to Article 310 of the Criminal Code with a penalty of 9 months, while body shaming which is directly addressed to the victim is done in writing in narrative form, through transmission on social media, subject to Article 311 of the Criminal Code with sentence of 4 years.¹²

Referring to the explanation of the Criminal Code by R. Soesilo, there are 6 (six) forms of defamation, they are insulting (Article 310 paragraph 1 of the Criminal Code), insulting with a letter (Article 310 paragraph 2 of the Criminal Code), slander (Article 311 of the Criminal Code), simple defamation (Article 315 Criminal Code), complained in defamatory (Article 317 Criminal Code), and accused slanderous (Article 318 Criminal Code). Body shaming can be basically recognized as a form of defamation which is recognized by Article 27 paragraph (3) of the ITE Law based on Article 310 of the Criminal Code, Article 311 of the Criminal Code, and Article 315 of the Criminal Code.

Body shaming or physical insults on social media or in public spaces can be charged under Article 27 paragraph 3 Juncto Article 45 paragraph 3 of the ITE Law concerning defamation / insult (complaint offense) and Article 315 of the Criminal Code regarding minor insults. Based on 27 paragraph (3), the threat of imprisonment for a maximum of 4 (four) years and / or a maximum fine of 750 million. Meanwhile, if referring to the Criminal Code Article 315, then the threat of imprisonment for a maximum of 4 (four) months and 2 (two) weeks and / or a maximum fine of four thousand and five hundred rupiah.

¹²<https://news.detik.com/berita/d-4321990/polisi-tangani-966-kasus-body-shaming-selama-2018> accessed on 26 October 2020 at 11.49 WIB

4. Conclusion

In Indonesia, the legal regulation used to ensnare perpetrators of body shaming or body image insults on social media is Article 45 paragraph (3) in the Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transaction (ITE Law), although it was not specifically mentioned in the ITE Law about body shaming itself. Article 45 paragraph (3) is Lex specialist of the Criminal Code because it regulates the new legal rules, namely regulating defamation with internet media, so Article 45 paragraph (3) refers to the elements of contempt / defamation in the Criminal Code with the addition of internet facilities as its media. However, the clause contained in the ITE Law was only an insult or defamation clause. Body shaming is a minor offence of contempt. Until now, Article 45 paragraph (3) of Law of the Republic of Indonesia Number 11 of 2008 concerning Electronic Information and Transaction (ITE Law) is used to ensnare perpetrators of body shaming crimes on social media.

There are two categories of body shaming or humiliation of body image. If body shaming is done verbally or directly aimed at the person. Then, it can be charged with Article 310 of the Criminal Code with a penalty which is 9 months. While, the body shaming that is directly addressed to the victim who is made in writing with the narrative form and transmitted on social media, it will be charged under article 311 of the Criminal Code with penalty around 4 years. The next category, the action is carried out by someone with way transmits narrative in the form of insults, mockery of the shape of the face, the color of the skin, the posture of someone using social media, get in on the Law Of The Republic Of Indonesia Number 11 Of 2008 Concerning Electronic Information And Transactions Article 45, paragraph 1 and Article 27, paragraph 3, and the actors can be punished criminal penalties around 6 years. Ensnaring the perpetrators of body shaming on social media, law enforcement using Article 45 paragraph (3) of Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions (ITE Law). Unfortunately, in applying the Law of the Republic of Indonesia Number 11 of 2008 concerning Information and Electronic Transactions (UU ITE), still

pose multi interpretation by the experts of the law due to the absence of clarity and the absence of an understanding of specific criminal acts of body shaming. In addition, the absence of restrictions on the actions of body shaming is potential to curb freedom of expression in social media.

Therefore, to ensure legal certainty for the people of Indonesia, we recommend the government and law enforcement agencies to make Laws specifically about body shaming. This is to avoid the existence of multiple interpretations of the articles of the reference body shaming in the law. It is also needed to include limitations more specific. Law enforcement is also needed to be wiser in the face of the case body shaming or any cases similar without having to breaking one of the parties, so it can ensure the rights and legal certainty for Indonesia citizens. Avoiding discrimination, law enforcement agencies should also strive to be careful in deciding this case. In accordance with the principle of *ultimum remidium* if there is a similar case submitted to the court. Law enforcement agencies can analyze the feasibility of punishment for the perpetrators of criminal acts of body shaming. In addition, law enforcement and policy makers of the law for the affirmation of the mechanism of settlement of the case body shaming outside of criminal threats.

Lawmakers need to create a concept or provide a clear understanding of insult or libel, so it will not be occurred multiple interpretations as not to complicate the application of the law. It is also necessary to affirm the articles regarding body shaming. This is to prevent a legal loophole in law, so it will not to be used by persons who are not responsible. In addition, this is also to ensure the rights of the Indonesian people fairly. Clear rules will also simplify the proof of the crime when the crime occurred deeds of the body shaming, so it can be given the fair sanctions. It is hoped that it can provide a deterrent effect for online media users and reduce this body shaming crime. It is also advisable for the public to be educated about body shaming, so social media users can be wiser and more careful in utilizing online media. Thus, they can avoid being caught up in the ITE Law because many people at large

community do not understand and still unfamiliar about body shaming, its impacts and the consequences.

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