

Cybertorture: Transformation of Humanitarian Crime and Development of Normative Construction in Indonesia

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Abstract

The development and social transformation of technology has had an impact on changes in the types and forms of violence and even torture aimed as an instrument of terror, punishment and even extermination. The practice of cybertorture has not become a popular narrative or discourse in Indonesia even though it has been realized about the serious impact, especially on psychological, mental and social aspects. Such actions are part of crimes against humanity and violations of human rights. This study aims to further examine the concepts, characteristics and efforts to develop law enforcement based on the perspective of human rights and civil and political rights. There are 2 problematic issues in this paper, namely 1. What are the concepts and characteristics of cybertorture; 2. What are the opportunities for the development of Cybertorture law enforcement in Indonesia? Literature study (library research) is used as a method to examine existing concepts and legal materials so that an analytical description can be produced that can answer the problems posed. The study concluded that Cybertorture is a new type of torture that is intentionally carried out in the cyber space to provide pain, in the form of threats to physical, psychological, bullying, sexual violence, or other inhumane acts of torture, causing severe mental, psychological, social and physical suffering. Cybertorture is a new form of torture that has the potential to continue to grow, but there is no serious and focused legal politics to tackle it. It is necessary to further develop strategies and approaches in law enforcement instruments in Indonesia with a human rights perspective and victim protection.

Keywords: *Cybertorture, Cyber Torture, Crimes Against Humanity, Normative Construction, Human Rights Perspective*

INTRODUCTION

The practice of torture against human beings has been part of a long history that accompanies the journey of human life itself. Torture is widely used as an instrument of terror, punishment, and even extermination. In this section, the massive practice of torture, for example, occurred in the inquisition courts of the Roman empire in medieval times, World War I in 1914, the Bolshevik revolution of 1918, the Chinese revolution of 1927, to the cruel torture carried out by the German Nazi government against the Jews in the era of World War II (1933-1945).

Based on the provisions of Article 1 of Law No. 5 of 1998 on the Ratification of the Convention Against Torture And Other Cruel, Inhuman Or Degrading Treatment Or Punishment, it is stated that torture is translated as:

...any intentional infliction of severe pain or suffering, whether physical or mental, on a person in order to obtain a confession or information from that person or from a third person, to punish him for an act which that person or a third person has committed or is suspected of having committed, or to threaten or coerce that person or a third person, or for a reason based on discrimination, if such pain or suffering is inflicted by, at the instigation of, with the consent of, or with the knowledge of a government official. It does not include pain or suffering arising solely from, inherent in, or resulting from applicable legal sanctions.

The provision is a follow-up to the international instrument for the protection of civil and political rights (ICCPR). Article 7 of the ICCPR states that "No one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected to medical or scientific experimentation without his or her freely given consent." The existence of the instrument is also inseparable from the attention and substance of anti-torture through the 1948 Declaration of Human Rights (UDHR).

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Based on these matters, efforts to tackle torture have become a concern as well as contained in various legal instruments. In its current development, there is an interesting phenomenon related to the context of torture which is referred to as a new type of torture. This type of torture does not only target physical conditions but also mental and psychological torture that has a serious impact. The media used is also not only in the form of direct media (direct medium) but using cyber technology that can be done in an almost unlimited range. The development and phenomenon is known as cybertorture. The term appeared officially in the report of Nilz Mezer in the Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in 2020.

Through cyber media, intimidation, harassment, surveillance, public shaming and slander are used as methods of terrorizing, punishing and character assassination. The practice of cybertorture has increased quantitatively since it was first introduced. The forms are increasingly diverse with the purpose of torture, ranging from doxing, hacking, stigma, discrimination and other forms. Some recent cases that have emerged as a form of cybertorture include the case of Raviro Patra, hacking case against CLS UGM seminar committee, hacking of the Narasi TV editorial team. There are similar patterns in these cybertorture cases, starting with intense and systematic hacking, as well as targeted digital attacks on personal identity, financial access, security, character assassination and so on. Kontras noted that in 2021 alone there were at least 20 cases of doxing and hacking against several activists..

The impact of cybertorture is like torture in general such as anxiety, stress, isolation from the social environment prolonged depression and even increase the risk of suicide. The explosive use of cyberspace has increased the risk, impact and breadth of the medium which is increasingly difficult to anticipate. The result of the practice of cyber torture also makes an individual lose the security to convey his expression in the digital space. Based on the provisions of Article 1 of UNCAT, this type of torture is included in the main elements of torture, namely: the infliction of severe mental or physical pain or suffering; by or with the consent or knowledge of authorized state officials for a specific purpose, such as obtaining information, punishment or intimidation. Although the incidence of cyber torture is very potential in the midst of rapid digital transformation, there have not been many constructive responses to overcome this.

The emergence and increasing practice of cybertorture in Indonesia is interesting to be examined further, especially with regard to the basic concepts and reality of cyber torture as well as the commitment and responsibility of the state in overcoming it. This will be framed through 2 (two) problematic questions, namely: 1. What are the concepts and characteristics of cybertorture; 2. What are the opportunities for the development of Cybertorture law enforcement in Indonesia? This paper is entirely a library research using legal materials, both primary, secondary and tertiary. By basing on the two problematics proposed, the legal materials are then collected and analyzed qualitatively. The results of the analysis are analytical descriptions narrated deductively so as to produce conclusions to answer the problematic questions posed.

CYBERTORTURE: CONCEPTS AND CHARACTERISTICS

Cybertorture has become a growing practice along with the rapid penetration of the internet and cyber media in many aspects of human life. The internet as a medium is not only an intermediary for communication, but has developed exponentially into a medium of interaction in various fields, from personal interaction, finance, social security, education, entertainment, security, health, and state administration (government). The asymmetrical pattern of relations, unlimited space and reach makes the internet an instrument that greatly facilitates various affairs but is also vulnerable to various risks.

One of the risks of cyber activities using the internet media is security issues. Personal data, finances, even human dignity can be targeted. In this aspect of practice, actions that lead to violence and even cyber-based torture are found. Although for hundreds of years the concept of torture was only related to suffering caused by direct physical activity, it seems that now and in the future we must be open to the reality of the emergence of cyber torture. The increasingly complex mode and significant impact on the victim is an alarm to place the practice of cyber torture as a crucial issue that not only affects physical but also mental and psychological, virtual trauma. which is very serious.

The emergence of cybertorture as a normative and human rights discourse was pioneered in a report submitted by Nils Melzer related to torture and other cruel, inhuman or degrading treatment or punishment on February 28, 2020. The report includes a definition of cybertorture which is a crime against humanity with millions of victims targeted and attacked remotely in actions directed through computers or using supercomputers. The agenda also emphasizes that torture in both physical and psychological or mental forms should be given the proportions it deserves. With all its complexities, psychological or mental torture is very relevant to the development of cyber media whose use has led to torture activities.

Based on this, it should be something that countries should respond to as a positive national norm. Some important points produced by the Human Rights Council through (A/HRC/43/49) on Cyber Torture, namely:

Recognizes the possibility of the use of forms of information and communication technology for the purposes of torture, but does not appear to receive serious attention.

Torture has been understood as an instrument to block freedom of expression on the Internet. The Internet space has become a conducive medium to defuse such practices with its characteristic character as an asymmetrical entity, guaranteed anonymity, and perfect impunity. Authorities as powerful as the state, corporations as well as organized criminals have such open spaces to conduct cyber operations that can cause severe suffering to victims, including deciding for purposes of torture in any form, exploration efforts to build understanding and collective commitment against cyber torture.

With all its technical excellence and anonymity, cybersecurity is becoming a “possible” instrument in carrying out forms of torture, both physical and psychological. The methods can involve analysis, transmission, dissemination of data for surveillance purposes, sexual harassment, even live streaming of torture or sexual violence. With such conditions, technically, cyber instruments are also “enabled” to provide for severe mental suffering without physical contact through intimidation, abuse, public humiliation, pollution of good name, as well as information manipulation.

Electronic communications services, social media platforms and search engines enable a more supportive environment against threats, sexual harassment, anonymous blackmail, intimidating narrative, slander, humiliation, deceit and discrimination.

Without defence, fugitives, individuals or groups are subjected to helpless cyber torture and are highly vulnerable to risks of increased anxiety, stress, social isolation, high and prolonged depression, as well as a significant increase in suicide risk.

It is necessary to develop an adequate interpretation of cyber-torture along with new challenges in the development of artificial intelligence, robotics, nanotechnology, neuroscience, pharmaceutical and biomedical sciences, to what is meant by "human advancement". This is essential in identifying and ensuring the prohibition of cyber torture and establishing adequate laws for future repression.

Based on these things, cyber-torture by nature and the impact of its acts can be categorized as one of the forms of torture that leads (but is not limited to) psychological and mental. The question then is, if associated with international norms and instruments, whether forms of cybertorture fall within the qualification of human rights violations in general or specifically violations of civil and political rights to be free from torture. It is important to formulate and construct so that it can be a foundation in the development of legal instruments that are more responsive to cybertorture practices.

Based on terminology, torture has become a normative clause, in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. (UN Convention Against Torture, UNCAT). During its periodic history, UNCAT can be categorized as a more specific instrument than the majority of rights contained in the International Covenant on Civil and Political Rights (ICCPR) or the human rights framework in DUHAM. Article 1 of the UNCAT refers to the definition of torture:

Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or

intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions

There are at least 3 (three) elements that can be identified as forming the concept of "torture": first, there is a deliberate act to inflict pain so as to cause severe mental or physical suffering; second, committed by or with the consent or knowledge or presumably with the knowledge of state authorities; third, has a specific purpose such as obtaining information, as an instrument of punishment or intimidation. The concept of torture has a specific meaning that distinguishes it from other acts committed arbitrarily. The fundamental meaning that cannot be separated from torture is the existence of a natural and inherent element, namely as an act that has a severe level of suffering both physically, mentally and socially. This element can be attached to the character of cybertorture even though it is carried out through cyberspace, with severe mental, psychological, and social suffering.

In addition, if we examine carefully, then torture with all its secondary attributes in the form of punishment, cruel, inhuman treatment, or corporal punishment is not only a legal issue, but ethical and moral. In the context of ethics and morals, the UN has explicitly stated that torture is the most reprehensible, inhumane act committed by humans against other humans. This is because it is part of the denial of their dignity as human beings and destroys the physical, mental, psychological and social of helpless victims. The placement of this moral aspect is important and significant to provide broad legitimacy on the basis of *ius gentium* for torture throughout the world. In a more technical instrument, the legal, moral and ethical aspects of torture have gained a more concrete and operational form through the Rome Statute (1998) which determines 4 international crimes namely genocide, crimes against humanity, war crimes, and aggression. In the construction of these crimes, acts of torture become part of the qualifications of international crimes that can be committed in a structured, systematic and massive manner. However, the formulation of cybertorture as an act that can be widespread, anonymous and massive has not received serious attention. Existing international instruments are still too conventional to see this new type of torture. Systemic accommodation of the substance and procedures of international law enforcement is an important thing that deserves to be presented.

Cybertorture in its complex reality is a new form of torture that has the potential to continue to grow in the future. However, there has been no special attention both globally and nationally to position it as a violation of human rights through cyber media. The attention and discourse that has developed is only limited to placing it as a tool of torture, especially as an instrument to prevent the exercise of the right to expression on the Internet. The perspective in viewing cybertorture must be developed not only as a tool but also as a form of violation of human rights, civil rights, political rights through the use of cyber technology. Otherwise, with the advantages of asymmetrical power, anonymity, and impunity that have been preserved, the autocratic power, the perpetrators of organized crime will have greater space and power to use cybertorture for the purpose of more massive torture, with more severe mental and physical suffering and with perfect impunity.

CYBERTORTURE: HUMAN RIGHTS PERSPECTIVES AND LIMITATIONS OF NORM CONSTRUCTION

The most basic conception of the prohibition of torture in its various variants is because the act is a form of degradation of basic human rights. In the context of human rights, torture is a violation of human rights and crimes against humanity as well as being an indirect form of elimination of civil and political rights as per the Convention on Civil and Political Rights (ICCPR). Formulating this basic concept into a normative construction is important to ensure the similarity of collective commitment to the prohibition of torture and legal obligations of cybertortured in the present and future by re-interpreting both the concept and legal construction. This is needed considering the rapid development of cyber technology including its increasingly complex systems in artificial intelligence, cyber robots, nano technology and so on.

Ensuring the criteria of "severe" physical, mental and psychological impact is a challenge in law enforcement. Although UNCAT has explicitly mentioned that the suffering of torture can be physical or mental, but what remains a problem is to ensure the relationship of the impact of torture as an integral part of what is done in

cyber activities (cyber torture). In this case it is important to agree that the method of torture, especially non-physical (virtual) is regulated in legal norms so that it can be linked to the severe consequences that occur. as for the basic principle that should be the basis is that torture with all methods and reasons is intentionally discriminatory.

Acts of torture using the method of threatening them and their families to be killed, kidnapped, persecuted, or their property will be damaged have a severe effect and cause both physical and psychological pain. This mode allows the perpetrators to use it with physical and non-physical approaches through the internet media. Even through this media, the perpetrators are more free to do so and with the potential for wider actions such as blocking financial access, and hacking other very important personal data. The severe direct and indirect effects of cyber interactions should be the focus of cybertorture.

In addition, new possibilities of cybertorture should be opened up that are not purely cyber-interactions but a combination of cyber-physical. This can happen with the option of Internet of Things or Internet Nanothings devices that can provide remote smart instruments that can be implanted in the human body. In the normative aspect of UNCAT, although the limits of torture have been comprehensively mentioned, there are potential difficulties in proof. This can be observed in the phrase: "by or at the instigation of or with the consent or knowledge of a public official or other person acting in an official capacity". In short, those who can be ensnared are those who have official legal authority while data shows that cyberbullying, cyber-based sexual violence, hacking and other acts of cyber torture can be carried out outside the capacity of official state authorities. In this aspect, there is a need for comprehensive adjustments related to anonymous cybertorture actors who are difficult to detect..

The development of technology in the virtual area makes all activities including torture very relevant and has great potential to grow. In terms of concepts, international norms and instruments affirm that cybertorture is a violation of human rights as well as civil and political rights. On the other hand, there are demands to change perspectives and approaches so that the concept of cybertorture is accepted as a torture activity as well as physical torture activities (perpetrators and victims are close together). Anonymity in cybertorture allows impunity for perpetrators, and is more perfect when the perpetrator is or involves a power authority. Increasingly widespread cyber media has the potential to expand the reach and impunity for perpetrators. It is important to respond through collective and state commitment so that cybertorture in all its forms can be addressed thoroughly and in line with efforts to promote, protect and respect human rights.

The basis for the promotion, protection and respect of human rights refers to the constitutional commitment of the 1945 Constitution of the Republic of Indonesia (UUD N RI Tahun 1945), especially Article 28, namely:

Article 28G

Every person shall have the right to the protection of his or her person, family, honor, dignity, and property under his or her control, and shall have the right to security and protection from threats of fear to do or not to do something which is a human right.**)

Everyone has the right to be free from torture or degrading treatment and to seek political asylum from another country.**)

Article 28 affirms that the right to be free from torture is a human right that must be promoted, protected and respected. There are 2 (two) consequences of this norm construction, namely: First, that everyone has a constitutional right to protection from all forms of torture. Second, there is a state responsibility to ensure the protection and guarantee every person to be free from torture that degrades human dignity that can be carried out in abstracto and in concreto. In abstracto means ensuring protection against torture in the content of the construction of legal norms legislation. While in concreto through prevention efforts and legal handling of torture.

Eradication and prevention of cybertorture requires a political commitment of law that involves elements of the state and the people dialectically. In addition to using constitutional instruments (1945 Constitution of the Republic of Indonesia), ratification of UNCAT through Law No. 5 of 1998 is an opportunity for further

regulation of the prohibition of all forms of torture. It seems that this commitment must be examined further. It should be mentioned that the ratification of UNCAT by Indonesia is a ratification with reservations. In addition to making a declaration against the provisions of Article 20 of UNCAT, in the context of Indonesia also applies a reservation to Article 30 paragraph (1) of UNCAT: "Ratify the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by Declaration to Article 20 and Reservation to Article 30 paragraph (1) of UNCAT".

A reservation is made to Article 30 (1) which provides for dispute resolution through the International Court of Justice. This is a consequence that Indonesia does not recognize the International Court of Justice automatically (Compulsory Jurisdiction). The non-recognition of Article 30(1) does not remove the obligation or responsibility of the state to implement the convention. In this case, the validity of the contents of the convention other than Article 30 paragraph (1) is legally-binding. The consequence of this condition is to adjust positive law to fit the normative construction of the convention. This is regulated in Article 2 of UNCAT that: each state party shall take legislative, administrative, judicial, or other measures to prevent the occurrence of acts of torture within its jurisdiction. The same report states that the current state of norms relating to torture is inadequate. This is due to:

1. The definition of torture is still sporadic;
2. It has not been regulated how the mechanism to defend the right to be free from torture;
3. There are no clear sanctions that can be given to perpetrators if they violate; and
4. This inadequate normative condition is contradictory to the increasingly diverse types and forms of torture including cyber torture.

In contrast to the provisions as in UNCAT which includes the act of giving severe suffering to a person with a specific purpose by and/or with the knowledge or consent of the authority of power (state officials), in the offense of persecution and crime of office (KUHP) is only related to giving suffering / discomfort to others. In addition, the element of power authority (state officials) is also absent in the definition of the offense, whether they are directly involved (commission) or indirectly (ommission), thus reducing the crime to a criminal offense between ordinary civilians. Although the author agrees that conceptually, the elements of perpetrators in UNCAT must also be expanded, but in cybertorture eliminating the element of perpetrators who have the authority of state power (officials) is also not a constructive choice..

CYBERTORTURE: OPPORTUNITIES FOR THE DEVELOPMENT OF LAW ENFORCEMENT NORMS IN INDONESIA

Some of the provisions in the law relating to torture in Indonesia include:

1. Law No. 1/1946 on the Criminal Code.
2. Law No. 1 of 2023 on the (New) Criminal Code.
3. Law No. 39/1999 on Human Rights.
4. Law No. 35 of 2014 on the Amendment to Law No. 23 of 2002 on Child Protection.
5. Law No. 21 of 2007 Concerning the Restriction of the Crime of Trafficking in Persons.
6. Law No. 23 of 2004 on the Elimination of Domestic Violence. 7. Law No. 12 of 2022 on the Crime of Sexual Violence.

The development of the types and forms of crimes, Law No. 1 Year 2023 (the National Criminal Code) has expressly adopted a number of international conventions including through Law No. 5 Year 1998 on the Ratification of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). However, it can be said that the regulation of torture in the law has not been accommodating.

Further regulation of torture is included in the serious crimes against human rights. The qualification of the crime is a special crime in addition to the crime of terrorism, corruption, money laundering and narcotics crime. The placement of torture in the serious crimes against human rights as a special criminal offense is motivated by:

1. The victimization impact is large;
2. Often transnational organized crime;
3. The criminal procedure arrangements are special;
4. Often deviates from the general principles of material criminal law;
5. The existence of supporting institutions for law enforcement that have special powers (for example, the Corruption Eradication Commission, the National Narcotics Agency, and the National Human Rights Commission);
6. Supported by various international conventions, both ratified and unratified; and
7. Is an act that is considered very evil, despicable and strongly condemned by the community (strong people ardemnation).

In relation to torture as a form of crime against humanity Article 599 letter b of the National Criminal Code stipulates that:

"Punishable for crimes against humanity, any person who commits one of the acts as part of a widespread or systematic attack, knowing that the attack is directed against a civilian population, in the form of: slavery, torture, or other inhumane acts of a similar nature intended to cause severe suffering or serious injury to body or physical and mental health, with a minimum sentence of 5 (five) years and a maximum sentence of 15 (fifteen) years."

In addition to being included in criminal offenses against human rights, torture is also regulated in the offense of official crime. This is a form of accommodation when torture involves the authority of power/public officials. The new Criminal Code is regulated in 2 articles, namely Article 529 and Article 530.

Article 529

Officials who in a criminal case force someone to confess or give information, shall be punished with a maximum imprisonment of 4 (four) years.

Article 530

Any official or any other person acting in an official capacity, or any person acting under the direction or knowledge of a public official, who inflicts physical or mental suffering on a person for the purpose of obtaining information or a confession from such person or a third person, punishing him for an act committed or alleged to have been committed by him or a third person, or intimidating or coercing such person or a third person on the basis of any grounds of discrimination in all its forms, shall be punished by a maximum imprisonment of 7 (seven) years.

This provision is more refined than Article 422 of the Criminal Code (Law No. 1 Year 1946). Article 422 of the Criminal Code has recognized the role of state officials in cases of torture, but the article has limitations that make it unable to be used in many cases of torture. The formulation of this article only covers public officials, while torture can be committed by ordinary people who commit torture, under orders or with the knowledge or approval of a public official. Thus the two articles above, whether viewed from the elements of the subject, act and purpose are close to the norms set out in UNCAT. Even explicitly in the explanation section, the new Criminal Code has adopted and/or adapted the provisions of the norms set out in UNCAT. Although it has advanced a little in the regulation related to torture, meanwhile the absence of provisions on torture other than physical torture (cyber torture) makes the norms in the Criminal Code still need to be improved.

Explicitly, it relates to cyber-based violent activities regulated in Law No. 12 of 2022 on the Crime of Sexual Violence. The law regulates electronic-based sexual violence. Electronic media is used by the perpetrator to record, transmit and even stalk/track the person who is the object of electronic information/documents with sexual purposes. It may be done with the intention to blackmail or threaten, coerce or mislead or deceive the victim. Although it does not specifically mention the purpose of torture a range of purposes are common as a precursor to more intense torture. Victims of electronic-based sexual violence have similar impacts to psychological torture in terms of depression and even prolonged trauma.

Another focus on cyber-based violence provisions is as stipulated in the Child Protection Law with the term cyber bullying. This method is a non-physical instrument that can cause children to experience mental deformation and even end up committing suicide. Although there is no terminology about torture, cyber bullying is a massive activity that has a serious impact along with the rapid development of electronic media for children in Indonesia.

Some of the laws that the author describes above have actually more or less provided opportunities for law enforcement against cyber torture. Although it still has challenges in enforcement, the inclusion of issues about cybercrime activities in several laws is worthy of further development. Normative diversification in several specialized laws and the absence of an understanding of cyber torture make this issue less attention. In addition to the complex evidentiary aspects as the author describes above, the absence of specific norms on cyber-based torture is also a challenge for law enforcement officials in qualifying the act into which offense. Therefore, according to the author, in its development, normative provisions on cyber torture must at least fulfill the following requirements:

First, cyber torture is a complex psychological torture, with this reality, it is important to have a collective understanding and strengthening that there are no different forms of torture either physically or psychologically. There is a need for a more adaptive and accommodating definition of psychological torture in national legal politics on a more specific anti-torture law. The provision also regulates preventive measures, institutional strengthening of human rights enforcement and the establishment of a special unit that can investigate and prosecute acts of cyber torture.

Second, a strict limitation and vigilance is needed regarding the classification of differences between permissible non-coercive investigative techniques and prohibited forced interrogation as a method to prevent the occurrence of torture both physical and psychological. The context is to follow up the emergence of the phenomenon of cyber torture as a new act with all its complexities that can occur under the pretext of legal mechanisms.

Third, in the normative provisions need to emphasize the support for victims of torture both physically and cyber. This is because the impact of cyber torture is no less dangerous than direct torture. Therefore, in the framework of law enforcement of cyber torture, the victim protection approach must get attention.

Fourth, the state must immediately emphasize that cyber torture with all its impacts is a form of crime (legal definition of crime) against human dignity as well as a form of violation of human rights. This narrative is in line with international support that has included cyber-based torture as one of the global issues that must be responded to. The narrative of cyber torture must continue to be amplified and become a public discourse so that it becomes a common concern and responsibility in terms of prevention.

Ultimately, an understanding of the ways in which torture can and must keep pace with cyberspace so that successful efforts can be made to keep cyber space free of torture. In a world that is heavily based on information and communication technology, cyber technology is being used to inflict severe mental and physical suffering. Several characteristics of cyberspace make it a highly conducive environment for abuse and exploitation, notably the large asymmetry of power, guaranteed anonymity, and near-perfect impunity. The thought and commitment to develop normative instruments of law enforcement from a human rights perspective in tackling cybertorture in Indonesia is urgent and important.

CONCLUSION

Cybertorture can be defined as acts intentionally committed in cyberspace to inflict pain, such acts may include threats of physical harm, bullying, sexual violence, or other inhumane acts, resulting in severe mental or physical suffering. Cybertorture can also be carried out by or with the consent or presumed knowledge of state authorities, and has specific purposes such as, to obtain information, as an instrument of punishment or intimidation. Cybertorture is a new form of torture that has the potential to continue to grow, but there has been no special attention both globally and nationally that makes cyber torture a violation of human rights, civil rights and political rights through cyber media.

Currently, there are no specific regulations governing Cybertorture in Indonesia, although there are laws relating to torture and have more or less provided scope for the enforcement of cyber torture, but it still has challenges in enforcement, the inclusion of issues about cybercrime activities in several laws is worthy of further development. Therefore, the goal is clear legal recognition of cybertorture as a form of human rights violation. Cybertorture regulation must ensure protection for victims, strict law enforcement against perpetrators, mechanisms to report and address cybertorture cases, and also related to the development of technology to detect and prevent cybertorture.

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