



RECONSTRUCTING GENDER-RESPONSIVE LEGAL PROTECTION FOR WOMEN JOURNALISTS IN POST-REFORM INDONESIA

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Received: 07/06/2026 | Revised: 07/20/2026 | Accepted: 09/08/2026 | Published: 12/10/2026

Abstract

Press freedom is a prerequisite for democracy, yet the legal guarantee of press freedom does not automatically ensure the safety of every journalist. Women journalists face layered vulnerabilities because occupational risks intersect with gender-based violence, newsroom discrimination, sexual harassment, and digital attacks. This article examines the legal framework protecting women journalists in post-Reform Indonesia, identifies barriers to enforcement, and formulates a gender-responsive legal protection model. This normative legal research applies statutory, conceptual, and limited case approaches. Legal materials are analyzed qualitatively using descriptive and prescriptive methods, supported by Lawrence M. Friedman's legal system theory and feminist legal theory. The analysis indicates that Indonesia's legal framework has evolved from general protection under the Press Law toward more specific protection through the Sexual Violence Crime Law and Press Council Regulation Number 02/Peraturan-DP/IV/2024 on the Prevention and Handling of Sexual Violence in the Press Environment. Nevertheless, gaps remain between legal norms, institutional capacity, internal newsroom mechanisms, and legal culture. The proposed reconstruction includes stronger protection within the press ecosystem, safe and victim-centered internal mechanisms, high-risk reporting protocols, digital protection, assistance and recovery, and inter-agency coordination. Gender-responsive protection should therefore be treated as an integral component of press freedom.

Keywords: women journalists; legal protection; gender-based violence; press freedom; gender responsiveness.

1. INTRODUCTION

The 1998 Reformasi transformed the legal and political configuration of the Indonesian press. The end of the New Order regime opened broader space for the media to perform its functions of providing information, exercising social control, criticizing, and overseeing the exercise of power. This change was given an important legal foundation through Law Number 40 of 1999 on the Press, which affirms press freedom and provides legal protection for journalists in carrying out their profession. Article 8 of the Press Law states that journalists are entitled to legal protection in performing their professional duties. The elucidation of the article broadens the meaning of protection as a guarantee provided by the government and/or the public to journalists when carrying out their functions, rights, obligations, and roles in accordance with laws and regulations (Republic of Indonesia, 1999).

Normatively, this provision constitutes an important foundation. However, protection for journalists cannot be separated from the nature of journalistic work, which directly encounters conflicts of interest, political pressure, economic interests, and developments in information technology. Journalists may experience intimidation, physical violence, criminalization, access restrictions, and digital attacks. For women journalists, these risks are compounded by gender-based power relations. Violence may take the form of sexual harassment, body shaming, catcalling, sexual threats, objectification, discriminatory assignments, career barriers, and dissemination of personal information (AJI Indonesia & PR2Media, 2022).

The urgency of this issue is reflected in data cited by the National Commission on Violence Against Women (Komnas Perempuan). A collaborative study by AJI and PR2Media involving 852 women journalists in 34 provinces found that 82.6% of respondents had experienced sexual violence. The Press Council also recorded that a substantial proportion of respondents experienced violence in both online and offline settings, while 57.2% of the 852 respondents stated that their workplaces did not yet have standard operating procedures (SOPs) for handling sexual violence (Press Council, 2023). These data indicate that the protection problem is not merely a lack of norms, but also a matter of implementation and institutional governance. Legal developments after Reformasi have in fact provided increasingly comprehensive instruments. Law Number 12 of 2022 on Sexual Violence Crimes regulates prevention, handling, protection, and recovery of victims' rights and emphasizes inter-agency coordination (Republic of Indonesia, 2022). Within the press ecosystem, the Press Council subsequently issued Regulation Number 02/Peraturan-DP/IV/2024 on Guidelines for the Prevention and Handling of Sexual Violence in the Press Environment. The regulation affirms journalists' right to feel safe and free from violence, including sexual violence, as well as the responsibility of press companies and press organizations to undertake prevention and handling measures (Press Council, 2024). This development is important because it demonstrates a shift from general protection toward more specific protection. Nevertheless, the existence of new regulations does not automatically eliminate protection gaps. Law may fail to provide effective protection when victims lack safe complaint channels, authorities do not understand gender-based violence, press companies do not have clear procedures, or organizational culture continues to normalize harassment. Therefore, the central issue of this research is how to connect press freedom with the individual safety of women journalists.

2. RESEARCH QUESTIONS

First, how is legal protection for women journalists regulated in Indonesia after Reformasi? Second, what are the barriers to enforcing legal protection for women journalists? Third, how should a gender-responsive legal protection framework for women journalists in Indonesia be formulated for the future?

3. RESEARCH OBJECTIVES

This article aims to analyze the development of legal protection for women journalists, examine barriers at the levels of legal substance, structure, and culture, and formulate a reconstruction of legal protection that integrates press freedom, journalist safety, a gender perspective, and victims' rights.

4. RESEARCH METHOD

This research is normative legal research. This methodological choice is based on the nature of the issue, which focuses on the adequacy and coherence of legal norms in protecting women journalists. The research did not conduct interviews or field observations as primary data sources. The materials consist of primary legal materials, secondary legal materials, and relevant non-legal materials. The research framework follows the design set out in the research proposal underlying this article (Suniaprily *et al.*, 2026).

The first approach is the statutory approach, used to examine Law Number 40 of 1999 on the Press, Law Number 12 of 2022 on Sexual Violence Crimes, Law Number 1 of 2024 on the Second Amendment to the Electronic Information and Transactions Law, as well as relevant Press Council regulations and policies. The second is the conceptual approach, used to examine the concepts of legal protection, press freedom, gender justice, gender-based violence, and victim protection. The third is a limited case approach, primarily to identify patterns of vulnerability among women journalists based on reports from press institutions and women's rights institutions.

Primary legal materials are analyzed to identify obligations, rights, protection mechanisms, and the distribution of authority among relevant actors. Secondary materials, including books, scholarly articles, institutional reports, and policy documents, are used to enrich the argument. The analysis is descriptive-analytical by first describing the applicable legal conditions and then proceeding with prescriptive analysis to formulate an ideal legal model. The evaluation framework applies Friedman's legal system theory, which distinguishes among legal substance, legal structure, and legal culture (Friedman, 2009).

5. THEORETICAL FRAMEWORK

5.1 Legal System Theory

Friedman explains that law consists of more than written rules. A legal system encompasses legal substance, legal structure, and legal culture. Substance includes norms and policies; structure includes the institutions and officials that implement the law; while culture includes people's attitudes, values, and habits toward law (Friedman, 2009). This framework is relevant because protecting women journalists cannot be assessed merely by the existence of Article 8 of the Press Law or the Sexual Violence Crime Law. Its effectiveness depends on the institutions receiving reports, the press companies providing internal mechanisms, the authorities handling cases, and the culture that determines whether victims feel safe enough to report.

5.2 Feminist Legal Theory

Feminist legal theory begins with a critique of the assumption that norms that are textually neutral necessarily produce substantively neutral justice. Differences in experience arising from power relations, division of labor, social constructions, and gender-based violence may cause equal treatment to produce different impacts (Savitri, 2020). In the context of women journalists, formal protection identical to that provided to male journalists may be inadequate because the types of threats, forms of attack, and social consequences may differ. Using these two theories, the research assesses three layers of the problem. First, whether the legal substance identifies the forms of violence experienced by women journalists. Second, whether the enforcement structure provides mechanisms that are prompt, safe, and coordinated. Third, whether the legal culture within press companies and society rejects victim blaming, normalization of harassment, and silencing of victims. The assessment of these three layers provides the basis for reconstruction.

6. RESULTS AND DISCUSSION

6.1 Evolution of Legal Protection for Journalists after Reformasi

Law Number 40 of 1999 marked an important turning point in the development of Indonesian press law. The law places press freedom within the democratic system and recognizes journalists as professionals performing a public function. Article 8 explicitly provides legal protection for journalists. Such protection must be read together with journalists' rights to seek, obtain, and disseminate ideas and information, as well as the press function of fulfilling the public's right to know (Republic of Indonesia, 1999). Accordingly, journalist protection has both individual and institutional dimensions.

However, the wording of Article 8 does not distinguish protection needs based on gender. From the perspective of equality before the law, the provision may be understood as a general guarantee. From the perspective of substantive justice, the same provision needs to be supplemented when particular groups face distinctive risks. The issue is not that the Press Law discriminates against women journalists, but that the general norm was not explicitly designed to address sexual violence, workplace power relations, digital sexual attacks, or particular impacts on women's career continuity. Subsequent legal developments demonstrate differentiated protection. The Sexual Violence Crime Law provides a more comprehensive framework because it is not oriented solely toward punishment, but also toward prevention, handling, protection, and victim recovery (Republic of Indonesia, 2022). For women journalists, this framework can be used when the violence experienced fulfills the elements of a sexual violence crime. However, not all forms of vulnerability in the newsroom directly become criminal cases. Assignment discrimination, degrading workplace culture, or failure to provide complaint mechanisms require institutional and employment-related interventions in addition to criminal enforcement.

6.2 Important Changes in Press Council Policy

Press Council Regulation Number 02/Peraturan-DP/IV/2024 is an important development because it specifically regulates the prevention and handling of sexual violence in the press environment. The regulation demonstrates that journalist safety is the responsibility of the press ecosystem, rather than solely a matter concerning the victim. Press companies and press organizations are positioned as actors with preventive and responsive responsibilities (Press Council, 2024). Conceptually, this approach shifts the protection paradigm from reactive to preventive. Reactive protection begins to operate only after a victim has suffered harm. Preventive protection requires companies to identify risks, establish procedures, provide education, and offer complaint channels before violence

occurs. This shift is consistent with the principle that journalist safety is a prerequisite for journalism to function independently. The Press Council has also developed broader mechanisms for press safety, including arrangements for handling violence against the press and protection coordination. These institutional developments show that journalist protection is increasingly understood as an ecosystem issue. However, policy effectiveness still depends on implementation at the company level and victims' access to available mechanisms.

6.3 Multiple Vulnerabilities of Women Journalists

The vulnerabilities of women journalists can be examined across three main domains: reporting assignments, the newsroom, and the digital sphere. During reporting assignments, women journalists may face verbal harassment, unwanted touching, intimidation, access restrictions, sexual threats, or attacks that use their bodies and gender identities as means of pressuring their journalistic work. In the newsroom, vulnerabilities may include assignment bias, stereotypes regarding women's abilities, promotion barriers, exploitation of working time, and the absence of complaint procedures. In the digital sphere, attacks may include doxxing, sexual threats, dissemination of intimate content, photo manipulation, and reputational attacks. Empirical data support these conceptual findings. Komnas Perempuan recorded that 82.6% of the 852 women journalists who participated in the AJI and PR2Media study had experienced sexual violence. This figure is important not to generalize the experiences of all women journalists, but to demonstrate the scale of the problem and the need for systematic protection mechanisms (Komnas Perempuan, 2023). The Press Council also reported that common forms of violence included body shaming, catcalling, online body shaming, and receipt of sexually explicit text or audiovisual messages (Press Council, 2023).

The nature of these attacks demonstrates that protection cannot be limited to physical security when journalists are in the field. Digital threats may continue after reporting has ended and can spread rapidly. In this context, Law Number 1 of 2024 on the Second Amendment to the Electronic Information and Transactions Law is one of the instruments that must be read together with the Sexual Violence Crime Law and press regulations. However, the use of digital law must remain attentive to the precise elements of criminal offenses and must not transform journalist protection into a disproportionate restriction on freedom of expression (Republic of Indonesia, 2024). Multiple vulnerabilities also produce broader silencing effects. When women journalists fear that reporting will lead to stigma, reputational damage, career disruption, or inaction, violence can produce self-censorship. From a democratic perspective, the impact does not stop with the individual victim. If journalists avoid certain issues because they fear gender-based attacks, the public may lose access to important information. Therefore, protecting women journalists is also a means of protecting the quality of public information.

6.4 Analysis of Legal Substance, Structure, and Culture

a. Legal Substance

At the level of legal substance, Indonesia has several instruments that can be applied complementarily. The Press Law provides general protection for journalists; the Sexual Violence Crime Law provides a specific framework for sexual violence crimes; the updated Electronic Information and Transactions Law provides a legal regime for certain acts in electronic spaces; and Press Council Regulation Number 02/Peraturan-DP/IV/2024 provides guidelines for preventing and handling sexual violence in the press environment. The main problem is not the complete absence of norms, but fragmentation and the need to integrate these norms into a single protection mechanism that is accessible to victims.

Legal fragmentation may require victims to determine for themselves which institution they should contact. Victims of sexual violence in the workplace may encounter internal company mechanisms, professional organizations, the Press Council, law enforcement authorities, or support institutions. If these pathways do not have a clear referral system, victims may experience repeated administrative and psychological burdens. A victim-centered approach requires that victims not be forced to repeatedly recount traumatic experiences unnecessarily.

b. Legal Structure

At the structural level, the main issue is coordination. Protecting women journalists involves press companies, journalists' organizations, the Press Council, law enforcement authorities, victim protection institutions, and institutions with mandates concerning women's rights. Each institution has different authority. Therefore, the protection model must establish an entry point for complaints, referral procedures, documentation standards, identity protection, and follow-up mechanisms.

The Press Council's policy developments indicate increasingly strong coordination. The Press Council has noted the need for collaboration with institutions such as Komnas Perempuan and the Witness and Victim Protection Agency (LPSK) to build protection and recovery mechanisms for women journalists (Press Council, 2023). In 2025, the Press Council's JDIH also recorded a Joint Decision of the Press Council, LPSK, and Komnas Perempuan concerning the National Mechanism for Press Safety. This development can serve as a foundation for a more integrated national referral model.

c. Legal Culture

Legal culture is the most difficult aspect to reconstruct because it concerns values and habits. Patriarchal culture may cause harassment to be treated as a joke, victims to be questioned about their behavior, or reporting to be viewed as damaging the company's reputation. In media organizations that depend heavily on rapid news production, safety mechanisms may even be regarded as obstacles to work. Such patterns demonstrate that protection requires organizational change, not merely additional legal provisions.

A gender-responsive legal culture places safety among the indicators of professionalism. Women journalists should not be forced to choose between personal safety and career continuity. Likewise, press companies should not regard complaints as threats to their reputation. A credible complaint mechanism can instead strengthen the legitimacy and professionalism of a company.

6.5 Implementation Gaps and the SOP Problem

One of the most important findings in Press Council data is that 57.2% of the 852 respondents stated that their offices did not yet have SOPs for handling sexual violence. This finding indicates that external regulations have not been fully translated into internal governance (Press Council, 2023). SOPs are needed not only to regulate processes after a report is submitted, but also to determine prevention, complaint channels, temporary protection, examination, referral, recovery, and protection against retaliation.

The absence of SOPs creates excessive room for discretion. In organizations without standardized procedures, case handling may depend on the character of leadership, the victim's relationship with a supervisor, or reputational pressure. Consequently, two victims with relatively similar cases may receive different treatment. From the perspective of legal certainty, this is problematic because protection should not depend on a victim's luck.

A gender-responsive SOP should at least contain several principles. First, confidentiality of the victim's identity and information. Second, prohibition of retaliation. Third, separation of functions between complaint recipients and parties with conflicts of interest. Fourth, the victim's choice to obtain assistance. Fifth, clear time limits for handling cases. Sixth, referral mechanisms for legal, psychological, medical assistance, and witness protection where necessary. Seventh, documentation and preservation of digital evidence.

6.6 Digital Protection as a New Dimension

The digitalization of journalism changes the nature of risk. Journalists face attacks not only at reporting locations, but also while using social media, messaging applications, email, and digital platforms. Digital attacks may involve dissemination of personal data, sexual threats, impersonation, image manipulation, or coordinated campaigns. Their effects may continue indefinitely because digital content is easily copied and redistributed.

Therefore, gender-responsive legal protection must integrate digital security into journalist safety. Press companies should provide training on account security, password management, multi-factor authentication, device security, evidence backup, and incident response procedures. Such protection is not merely a technological issue. It also concerns evidence law, data protection, privacy, and the handling of electronic sexual violence.

Digital measures must remain balanced with press freedom. Protection of journalists must not become a pretext for companies or the state to excessively control journalistic content. What is protected is the journalist's safety, dignity, privacy, and professional freedom, while news content remains subject to applicable journalistic standards and law.

6.7 Reconstruction of a Gender-Responsive Legal Protection Model

Reconstruction in this article does not mean merely amending legislation. Reconstruction encompasses reorganizing the relationship between norms, institutions, and culture so that existing protections can function effectively. The proposed model rests on six pillars.

Pillar 1: Integration of Protection Norms

Protection under the Press Law should be interpreted systematically together with the Sexual Violence Crime Law, digital regulations, employment law, and Press Council regulations. In the long term, policymakers may consider strengthening the Press Law so that it explicitly recognizes the need to protect journalists from gender-based violence and digital attacks. Such strengthening is not intended to assign different values to the rights of men and women, but to ensure that equality produces substantive protection.

Pillar 2: Mandatory SOPs and Safe Complaint Mechanisms

Every press company should have SOPs for preventing and handling sexual violence and gender-based violence. SOPs must be easily accessible, should not remain merely administrative documents, and should be supported by a unit or personnel with appropriate competence. Complaint channels should provide safe options, including channels that do not report directly to the accused person's supervisor. Victims should be informed of internal and external resolution options without pressure to choose one of them.

Pillar 3: High-Risk Reporting Protocols

Press companies should conduct risk assessments before particular assignments, especially reporting on demonstrations, conflicts, sexual violence, sensitive political issues, and areas with high security risks. Protocols may include a buddy system, emergency contacts, safe transportation, safety equipment, periodic check-ins, and evacuation procedures. For women journalists, the assessment should also consider gender-based risks rather than only general physical risks.

Pillar 4: Assistance, Recovery, and Protection from Retaliation

Protection does not end when a report is received. Victims need access to legal assistance, psychological support, and, where necessary, medical services and witness protection. The Sexual Violence Crime Law itself places protection and recovery of victims' rights within its handling framework (Republic of Indonesia, 2022). In the context of press companies, there must be guarantees that victims will not be demoted, adversely transferred, deprived of assignments, or dismissed as a consequence of reporting in good faith.

Pillar 5: Digital Security and Evidence Protection

Every press organization should have an incident response protocol for digital attacks. When a threat occurs, priorities should be the victim's safety, account and device security, preservation of evidence, chronological documentation, and referral to relevant institutions. Digital evidence should not be hastily deleted because it may be required for internal or legal proceedings.

Pillar 6: National Referral Mechanism

A coordination point is needed to allow victims to move from internal mechanisms to the Press Council, law enforcement authorities, victim protection institutions, or women's rights institutions without losing important information and without unnecessarily repeating procedures. A national referral model can also generate aggregate data useful for policy evaluation while maintaining the confidentiality of victims' identities.

6.8 Reconstruction Matrix for Protection

Problem	Existing Condition	Reconstruction	Main Actors
General norm	Article 8 of the Press Law is general	Strengthen interpretation and/or establish explicit norms concerning gender, safety, and digital protection	Legislature, Press Council
Internal SOPs	Some offices do not have SOPs	Mandatory SOPs, safe channels, time limits, anti-retaliation measures	Press companies
Handling	Referrals may be fragmented	Inter-institutional referral and case-management system	Press Council & partners
Reporting	Risk assessment is not uniform	High-risk assignment protocols and buddy system	Press companies

Digital	Responses are often reactive	Incident response, evidence preservation, account security	Press companies & journalists
Recovery	Dependent on victim access	Legal, psychological, medical assistance, and witness protection	LPSK/relevant institutions
Culture	Victim blaming and normalization of harassment	Training, leadership, sanctions, and cultural evaluation	Press companies & professional organizations

6.9 Parameters for Model Effectiveness

A protection model cannot be assessed merely by the number of regulations issued. Effectiveness should be measured through observable indicators. First, preventive indicators: the percentage of press companies with SOPs, the number of training programs, and the existence of risk assessments. Second, access indicators: ease of reporting, availability of assistance, and certainty of reporting channels. Third, response indicators: initial response time, clarity of referrals, temporary protection, and prevention of retaliation. Fourth, recovery indicators: access to legal, psychological, and medical assistance, as well as professional recovery. Fifth, cultural indicators: changes in media workers' perceptions of harassment and willingness to report. Such measurement must be accompanied by data-protection principles. Case statistics may be published in aggregate form without disclosing victims' identities. Data transparency is important for accountability, but transparency must not become disclosure of personal information that could create new harm. Thus, policy evaluation must balance the public interest, privacy, and victim safety.

6.10 Implications for Press Freedom

The reconstruction of gender-responsive legal protection has direct implications for the quality of democracy. Press freedom does not only mean that the state refrains from censorship or banning publications. Press freedom also requires conditions that enable journalists to perform their profession without violence and intimidation. If women journalists abandon particular issues because of sexual threats or digital attacks, press freedom becomes formal but not fully substantive. Accordingly, the safety of women journalists must be understood as a matter of public interest. Individual protection has consequences for the quality of information received by society. This approach also prevents a false dichotomy between press freedom and victim protection. The two reinforce each other: a press that is safe for its workers is better able to perform its social-control function independently. In institutional terms, press companies are highly important actors. The state can provide laws and institutions, but journalists' everyday experiences occur in the workplace and in the field. Therefore, the success of protection reform should not be measured only by changes in regulations, but also by changes in organizational practice. This is where Friedman's theory and feminist legal theory converge: substance must provide support, structure must be responsive, and culture must reject discrimination and violence.

7. CONCLUSION

7.1 Conclusion

First, the regulation of legal protection for women journalists in Indonesia after Reformasi has developed. Law Number 40 of 1999 provides a foundation of general protection for journalists, while Law Number 12 of 2022 strengthens protection for victims of sexual violence. Press Council Regulation Number 02/Peraturan-DP/IV/2024 is an important development because it specifically regulates the prevention and handling of sexual violence in the press environment. Nevertheless, this framework still needs to be integrated so that it can be accessed effectively by women journalists. Second, protection barriers arise across the three dimensions of the legal system. At the substantive level, protection norms are distributed across various instruments, making the mechanisms potentially fragmented. At the structural level, inter-agency coordination and the readiness of internal mechanisms within press companies still need strengthening. At the cultural level, patriarchy, victim blaming, normalization of harassment, and concerns about career consequences can hinder reporting. Press Council data concerning the uneven availability of SOPs and the high incidence of sexual violence demonstrate that implementation gaps remain substantial. Third, gender-responsive legal protection needs to be reconstructed as a system encompassing prevention, protection, handling, and recovery. The proposed reconstruction includes integration of norms, mandatory SOPs and safe

complaint channels, high-risk reporting protocols, digital protection, assistance and recovery, protection against retaliation, and a national referral mechanism. This model positions women journalists as legal subjects with rights to safety, dignity, privacy, and professional continuity.

7.2 Recommendations

First, the Press Council should strengthen implementation of Regulation Number 02/Peraturan-DP/IV/2024 through monitoring, evaluation, training, and easily accessible referral mechanisms. Second, press companies should make SOPs on sexual violence and journalist safety part of professional governance rather than merely administrative requirements. Third, professional organizations should strengthen education on physical and digital security and gender perspectives. Fourth, law enforcement authorities should improve their capacity to handle gender-based violence and understand the nature of journalistic work. Fifth, further empirical research involving women journalists, press companies, the Press Council, professional organizations, and victim protection institutions is needed to test the effectiveness of the proposed model.

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