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Legal Protection For Women as Victims of Sexual Morphing From the Perspective of Islamic Criminal Law

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ABSTRACT

This paper highlights the contemporary issue of gender-based violence that occurs in the digital space, especially in the form of a crime known as morphing. Morphing is actually a technique in the field of digital technology that initially did not have a criminal connotation, but was used legally in industries such as film to create certain visual effects - namely by changing the character or shape of an image from one form to another. However, the development of this technology has also opened up opportunities for misuse by irresponsible parties. The morphing technique is now often used for actions that are detrimental and demeaning to the dignity of victims, especially women. The perpetrators usually edit or manipulate the victim's personal images or videos without their knowledge and consent, and combine them into pornographic visual content. This modification is then distributed with the intention of blackmailing, intimidating, or destroying the victim's reputation in the public eye. The main focus of this study is how forms of legal protection can be applied to women as victims of morphing crimes, especially based on the regulations contained in Law Number 12 of 2022. This study aims to provide an analysis of these legal provisions within the framework of creating a fair and socially just justice system, as well as making related articles a strong legal basis.

Sexual Morphing, Legal Protection, Islamic Criminal Law.

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INTRODUCTION

Globalization has had a significant impact on the growth of information technology, making it one of the key elements in the dynamics of modern society. Even developing countries are encouraged to utilize this technology to accelerate the progress of their nation. Over time, information technology has played a vital role not only in strengthening the global economy, but also in supporting the social transformation of society. Two things that make information technology very crucial are, first, its drive for the demand for technology products such as computers, modems, and internet networks. Second, its ability to accelerate and facilitate business transactions, especially in

the financial sector. However, this progress does not only bring benefits. Its ambivalent impact makes information technology a "double-edged sword": besides bringing progress, it also opens up space for the emergence of various new forms of crime that were previously unimaginable.

One of the new forms of crime that has developed in this digital era is cybercrime, including online gender-based violence (KBGO). With the widespread use of the internet and social media, many parties misuse technology to commit harassment, spread unauthorized sexual content, and even fake identities in the form of morphing. In this context, this study formulates a problem formulation that includes three main aspects: first, how the practice and concept of sexual morphing takes place; second, what form of legal protection can be given to women as victims of morphing from the perspective of Islamic criminal law; and third, what are the factors behind the perpetrators committing the crime of morphing. The purpose of this study is to answer these three problems systematically and scientifically.

RESEARCH METHODE

This study uses a qualitative approach that focuses on exploring secondary data, especially written sources that are relevant to legal and Islamic issues. Therefore, this study is included in the category of library research, where legal materials such as legislation, the Qur'an, hadith, and other academic literature are the main basis for analysis. The author collects various sources of positive law applicable in Indonesia, and examines the teachings of Islamic criminal law in order to form a holistic perspective on the issue of sexual morphing. To complete the analysis, an empirical approach is also used by conducting interviews with experts, including clerics, Islamic law experts, and law enforcement officers such as the police, prosecutors, and judges. The purpose of using this method is to gain a comprehensive understanding of the normative and sociological dimensions of the crime of morphing, and to identify how social roles and the legal system can provide maximum protection for women as victims. This approach is not only descriptive, but also analytical and reflective of the social reality that occurs.

RESULT AND DISCUSSION

Normative Study of Legal Protection for Victims of Sexual Morphing in Islamic Criminal Law

Definition and Characteristics of Sexual Morphing as a Contemporary Crime
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Sexual morphing is a form of technological crime that manipulates

images or videos by combining the victim's face with another body to produce pornographic content. In the context of information technology, this crime is included in the category of "crimes against morality" which harm the dignity and honor of the victim (Fitriana, 2021). Normatively, there are no specific regulations regarding sexual morphing in classical Islamic Criminal Law, but it can be analogous to the crimes of qadzf (accusation of adultery) and ta'zîr (violations that harm others) based on the principle of sad al-dzarî'ah (closing the door to evil).

1. Normative Basis for Victim Protection in Islamic Criminal Law

Islamic Criminal Law provides protection for human honor and dignity. The Qur'an (QS. An-Nur [24]: 4) firmly threatens perpetrators of qadzf with severe sanctions, namely eighty lashes for anyone who accuses another person of adultery without valid evidence. Analogously, perpetrators of sexual morphing can also be subject to ta'zir sanctions, considering that this act can be categorized as a form of defamation, harassment, and insult to the victim's dignity. Islamic law also recognizes the principle of hifzh al-'irdh (protection of honor), which emphasizes that every form of violation of human honor must be sanctioned and rehabilitated for the victim (Auda, 2008). In this context, victims of sexual morphing have the right to protection and compensation in accordance with the principle of al-dharar yuzâl (harm must be eliminated).

2. Classification of Sexual Morphing in the Perspective of Islamic Jurisprudence

In Islamic Jurisprudence (Islamic criminal law) literature, sexual morphing can be analogized with criminal acts of insult and violation of morality. Although not yet known literally in classical jurisprudence, this criminal act can be categorized as: Ta'zir punishment: Violations that are not included in hudud or qishash but can be sanctioned by a judge based on considerations of maqâshid al-syarî'ah, especially to protect religion, soul, mind, descendants, and property. Contemporary qadzf punishment: If the morphed image or video is used to degrade or accuse the victim of adultery, then it can be analogized with the crime of qadzf, which carries the consequence of criminal sanctions.

3. Protection of the Rights of Victims of Sexual Morphing in Islamic Criminal Law

Islamic law guarantees the protection of victims by prioritizing restorative justice and prevention. Victims have the right to: Rehabilitation of good name and psyche, in accordance with the principle of hifzh al-'irdh. Compensation (dhamân) from the perpetrator based on the fiqhiyah

principle “la dharar wa la dhirâr” (neither giving nor receiving harm). Imposition of ta’zir sanctions on the perpetrator according to the level of error and the impact of the act, which can be in the form of lashing, fines, or even imprisonment.

Analysis of Islamic Criminal Law on the Phenomenon of Sexual Morphing and Efforts to Protect Victims

Sexual morphing is a form of cybercrime that uses digital technology to manipulate a person’s image or video typically their face into another person’s body, making it appear as if the individual is involved in immoral acts. In many cases, these manipulated images are shared on social media or adult websites without the victim’s consent. This act violates the right to privacy and constitutes a form of digital sexual violence, capable of damaging reputations, causing psychological trauma, and disrupting the victim’s social life.

In Islamic criminal law, crimes are evaluated not only based on physical consequences but also on their impact on honor (*al-‘irdh*), life (*al-nafs*), and human dignity (*karamah insaniyyah*). Sexual morphing is closely tied to the concept of honor, as it attacks an individual’s image and the sanctity of their good name particularly that of women.

Islam places great value on personal honor. The Qur’an considers accusing someone of adultery without evidence a major sin, known as *qadza’f*. Although sexual morphing does not involve real adultery, its effects are comparable to such an accusation.

As stated in the Qur’an, Surah An-Nur verse 4: “And those who accuse chaste women (of adultery) and do not bring four witnesses – lash them with eighty lashes and never accept their testimony again.” Based on this verse, actions like sexual morphing that mimic indecent content can be equated to serious slander (*fitnah*) and may be punished under *ta’zir* by the state.

Since this crime is not explicitly mentioned in the Qur’an or Hadith as part of the *hudud* (fixed punishments), it falls under the category of *ta’zir*, which refers to discretionary punishments determined by the government or *qadhi* (judge) for the public good. Offenders of sexual morphing may face severe penalties, including imprisonment, fines, or social sanctions, as a deterrent and to protect society from digital slander.

Victims of sexual morphing often experience psychological distress, loss of self-confidence, or even suicidal ideation. The principle of life protection in *maqashid shariah* obliges both the state and society to take preventive, protective, and rehabilitative measures. These may include:

- Faith-based counseling

- Psychological and social rehabilitation
- Legal and public restoration of the victim's reputation

Implementation of Sharia Principles in the Modern Legal System
In Muslim-majority countries such as Indonesia, integrating Sharia values into the development of laws especially those related to personal data protection and digital sexual violence can be significantly beneficial. Laws such as the Electronic Information and Transactions Law (ITE Law) and the Personal Data Protection Law can be strengthened by incorporating *maqashid shariah* (the objectives of Islamic law), thus making them more responsive to society's moral and religious values.

Empowerment of Religious Leaders and Scholars
The role of religious scholars (*ulama*) is vital in:

- Delivering digital sermons on ethical use of social media
- Educating the public on the dangers of spreading indecent content or digital slander
- Providing moral and spiritual support for victims

In certain situations, victims may choose not to pursue formal legal action. Islam allows for *islah* (reconciliation or peaceful resolution), as long as justice for the victim remains a priority. Offenders should still receive corrective and educational sanctions, such as:

- Public apology
- Removal of harmful content from the internet
- Education and rehabilitation for the offender

Implementation of Sharia Principles in Protecting Victims of Sexual Morphing as a Form of Cybercrime

In the context of Indonesian law, this criminal act is generally prosecuted under Law No. 44 of 2008 on Pornography and/or the Electronic Information and Transactions Law (UU ITE). However, in many cases—such as reflected in the District Court Decision of Atambua No. 77/Pid.Sus/2020/PN Atb the enforcement of the law has yet to provide a sense of justice and maximum protection for victims.

From the perspective of Islamic criminal law, the act of morphing is categorized as *jarimah ta'zir*—a type of crime for which no fixed punishment (such as *hudud* or *qisas*) is stipulated in the scriptural texts. Therefore, the determination of the type and severity of the punishment is left to the *ijtihad* (independent reasoning) of the judge, based on considerations of public interest (*maṣlaḥah*) and the extent of harm caused.

Islamic law views such acts not only as violations of public norms, but also as serious offenses against the personal honor of the victim (*al-'ird*), a

breach of privacy (sitr), and a denial of human dignity (karāmah al-insān). The objectives of punishment in Islam include:

- a. Al-Jazā' (proportionate retribution),
- b. Az-Zajr (deterrence against future crimes),
- c. Al-Iṣlāḥ (moral reform of the offender), and
- d. Al-Istī'ādah (restoration of the victim's rights and honor).

In cases of morphing, perpetrators may be subjected to punishments that go beyond fines and imprisonment, including psychological and social rehabilitation as a form of accountability for the damage inflicted upon the victim's reputation. Islam also places significant emphasis on the recovery of victims, which includes psychological support, the restoration of their good name, and access to legal assistance. This approach aligns with the objectives of maqāṣid al-sharī'ah, which aim to safeguard religion, life, intellect, lineage, and property.

From the perspective of legal protection, academic journals such as *Causa* and *Shautuna* highlight that victims of morphing—particularly women and adolescents—constitute vulnerable groups that require stronger and more explicit protection from the state. Digital illiteracy, limited legal support, and social stigma further complicate efforts to address this phenomenon.

Therefore, a comprehensive approach is needed, which includes:

- a. Enforcement of positive law that is more responsive to digital crimes,
- b. Public education on gender-based violence in online spaces,
- c. Integration of Islamic criminal law principles that prioritize justice and victim recovery.

Overall, Islamic criminal law can offer both a normative and transformative solution in addressing the phenomenon of sexual morphing. It not only emphasizes fair punishment for perpetrators, but also provides a comprehensive framework for the protection and recovery of victims. With the application of an adaptive sharī'ah-based approach and the strengthening of the national legal system, the protection of human dignity in the digital era can be upheld in a more dignified and humane manner.

CONCLUSION

Sexual morphing, as a form of contemporary digital crime, constitutes a serious violation that damages personal honor (al-'ird), human dignity (karāmah al-insān), and harms victims psychologically, socially, and spiritually. Although not explicitly mentioned in classical nash (Islamic legal texts), Islamic criminal law provides a normative foundation for the protection of victims and the punishment of perpetrators through the application of the concept of ta'zīr

as a sanction mechanism, as well as the principles of *maqāṣid al-sharī'ah* to ensure justice and collective well-being (*maṣlaḥah*).

This approach enables the imposition of sanctions that serve not only as deterrents for perpetrators (*al-jazā'*), but also as preventive measures (*az-zajr*), means of moral reform for the offender (*al-iṣlāḥ*), and comprehensive recovery for the victim (*al-isti'ādah*). The integration of Sharia values with the national legal system can also strengthen victim protection—particularly in terms of psychological recovery, restoration of reputation, and protection from social stigma.

Ultimately, the presence of clear legal provisions and the application of Islamic values that uphold human dignity position Islamic criminal law as both a normative and transformative model in addressing various forms of contemporary digital crime, including sexual morphing. Through strong collaboration among policymakers, law enforcement agencies, and society, the aspiration to protect human dignity and achieve justice for victims can be fully and honorably realized.

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