
Vol. 27 Issue 2: June - November 2024

Published Online: September 21, 2024

Article Title

The Crime of Body Shaming in Indonesia from the Perspective of Islamic Criminal Law

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How to cite:

Hakim, F. K., & Suparmin, S. (2024). The Crime of Body Shaming in Indonesia from the Perspective of Islamic Criminal Law. *Al-Ishlah: Jurnal Ilmiah Hukum*, 27(2), 304-319. <https://doi.org/10.56087/aijih.v27i2.504>



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ABSTRACT

This study aims to examine the crime of body shaming in Indonesia from the perspective of Islamic criminal law. This study uses a normative legal research method with a comparative approach. The collected legal material is then qualitatively analyzed to describe the problem and answer the study objectives. The results show that body shaming, both verbal and non-verbal, is a reprehensible act that contradicts human values and is strictly prohibited in Islam, as emphasized in Q.S. Al-Hujurat verse 11 which prohibits acts of ridicule, reproach, and calling others by bad nicknames, and emphasizes the importance of guarding one's tongue and using excellent and constructive words. In the legal context, body shaming falls into the category of jarimah ta'zir in Islamic criminal law and can be prosecuted under articles related to insult and defamation in positive law in Indonesia. This study recommends various preventive efforts, such as comprehensive public campaigns and education programs about the dangers of body shaming and the importance of respecting physical diversity, including integrating these values into the education curriculum and strict law enforcement. Collaboration between the government, judges, religious leaders, educators, and the community is expected to create a more inclusive environment that values everyone regardless of physical appearance.

Keywords: Body Shaming; Islamic Criminal Law; Jarimah Ta'zir.

INTRODUCTION

Body shaming, or the act of humiliating someone based on their physical appearance, has become an increasingly disturbing phenomenon in the digital age. This act, which can take the form of ridicule, insults, or adverse comments about a person's body shape, size, or appearance, can be carried out directly or through online platforms such as social media (Schlüter et al., 2023). The psychological impact caused by body shaming is very significant, including decreased self-esteem, depression, eating disorders, and even suicidal thoughts (Mustafa et al., 2022). One body shaming case that received widespread attention was the Dani Mathers case (Chavez, 2017). Mathers, a model and radio personality, secretly took a photo of a 70-year-old woman in the gym locker room and uploaded it to social media with humiliating comments. As a result of her actions, Mathers lost her job, was sentenced to probation, and was ordered to perform community service.

Body shaming not only violates social norms but also contradicts religious principles, including Islam. In the Indonesian context, where religious and cultural values play an essential role in people's lives (Rezah & Muzakkir, 2021), body shaming can be considered a violation of the basic principles upheld by society (Aradhana & Pangaribuan, 2022). Indonesian society, known for its friendliness and tolerance, should be where everyone feels safe and comfortable, without fear of being judged or humiliated because of their physical appearance.

Law Number 11 of 2008 and Article 315 of the Penal Code have categorized acts of attacking a person's honor, including body shaming, as a criminal act. It shows

the state's commitment to protecting individuals from the negative impacts of body shaming (Ibipurwo et al., 2024). With this legal umbrella, it is hoped that victims of body shaming can get justice and perpetrators can be held accountable for their actions. Several acts of body shaming in Indonesia have even been processed by the Police on suspicion of violating the provisions regarding the article on insult in Law Number 11 of 2008 and Article 315 of the Penal Code.

The phenomenon of body shaming requires analysis from the perspective of positive law and Islamic criminal law, which have a different basis of values and principles (Inayah & Nugroho, 2024). Based on the Quran and Hadith, Islamic law views humans as noble and dignified creatures, teaching that every individual, regardless of physical appearance, has the right to be respected and treated fairly. Body shaming, whether carried out directly or through social media, can cause deep emotional wounds to its victims. Therefore, Islam emphasizes the importance of guarding one's tongue and avoiding words that hurt others (Azhar & Yusuf, 2022).

Based on the description above, this study aims to examine the crime of body shaming in Indonesia from the perspective of Islamic criminal law. Understanding the legal basis and Islamic principles related to body shaming is hoped to contribute to efforts to prevent and handle cases of body shaming in Indonesia. In addition, this study is also expected to increase public awareness of the importance of respecting the dignity of every individual and avoiding behavior that humiliates others based on their physical appearance to create a more inclusive social environment that values diversity.

METHOD

This study uses a normative legal research method with statute and comparative approaches (Qamar & Rezah, 2020). The legal materials used in this study include legislation, court decisions, legal books, scholarly articles, and online materials that discuss the crime of body shaming. The collection of these legal materials is done through a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer the study objectives (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

A. The Concept of the Crime of Body Shaming and Law Enforcement in Indonesia

According to the Oxford English Dictionary, body shaming is mocking or commenting negatively on a person's body shape or size. In general, body shaming

is a form of harassment that can be done verbally or non-verbally (Mayer & Vanderheiden, 2021). This action involves ridicule or negative comments about a person's body shape or size. The purpose of body shaming is to embarrass or humiliate someone because of their physical attributes (Butar-Butar & Isman, 2023), such as weight, body shape, skin color, or facial features. In the legal context, body shaming can be categorized as an insult or defamation (Erdianti et al., 2022), depending on its severity and impact on the victim.

The concept of body shaming as a criminal act is a relatively new development in the legal landscape, driven by increasing awareness of the severe psychological and emotional impacts, as well as the role of social media in expanding its reach. Historically, body shaming has often been seen as a social or ethical issue, not a legal one (Saipudin et al., 2021). However, a paradigm shift occurred along with a better understanding of mental health, the role of social media, the anti-bullying movement, and the expansion of anti-discrimination laws.

Increasingly in-depth research in the field of mental health has revealed the very detrimental effects of body shaming (Merino et al., 2024). This practice not only hurts the victim's feelings but can also increase the risk of severe mental health disorders, such as depression, anxiety, and eating disorders. In fact, in some cases, body shaming has been linked to an increased risk of suicide (Mustafa et al., 2022). The growing awareness of the link between body shaming and mental health has driven significant changes in the way we view this issue. Body shaming is no longer considered a trivial personal matter but rather a severe public health problem that requires appropriate legal intervention.

In addition, technological developments and the popularity of social media platforms have exacerbated the problem of body shaming. Social media has become a powerful tool for body-shaming perpetrators to spread hurtful comments and images (Mondol, 2024), reaching a much larger audience than ever before. The anonymous nature and global reach of these platforms allow perpetrators to carry out harassment without immediate consequences (Willson et al., 2023), making victims feel increasingly isolated and vulnerable. Therefore, the need for legal protection against online harassment, including body shaming, is becoming increasingly urgent.

The increasingly widespread anti-bullying movement has also played an essential role in raising awareness about body shaming and encouraging efforts to criminalize it (Nickerson et al., 2023). Body shaming is often seen as a form of bullying that can have serious consequences, especially for children and adolescents who are still in the stage of developing their self-identity. This movement has succeeded in highlighting the negative impacts of body shaming

and encouraging the public to understand better that this action is not just light teasing but rather a form of harassment that can damage an individual's mental health and well-being.

In addition, the expansion of anti-discrimination laws in several countries has opened new opportunities to prosecute perpetrators of body shaming (Fuente, 2023). Although the definition and scope of this law still vary from country to country, this development shows increasing recognition of body shaming as a detrimental form of discrimination. By extending legal protections to include discrimination based on physical appearance or other personal characteristics, individuals who are victims of body shaming have more options to seek justice and hold perpetrators accountable for their actions.

The phenomenon of body shaming in Indonesia has taken root and manifested itself in various actions. Unfortunately, verbal body shaming often occurs in the school environment, including during the Student Orientation Period (Ayu et al., 2022). In activities that are supposed to aim to welcome new students, some senior individuals actually use this opportunity to body shame their juniors. For example, new students who are overweight may be ridiculed with calls such as "pig" or "elephant," while thin students may be called "stick" or "electric pole." These acts of body shaming not only create an uncomfortable atmosphere for new students but can also leave deep emotional scars.

Meanwhile, non-verbal body shaming is a more subtle but still painful form of body shaming (Bächle, 2023). This action is carried out without words but through facial expressions, body gestures, or specific actions that show disapproval or contempt for a person's physical appearance. Even though it is not said directly, the negative message conveyed can still be received and understood by the victim, causing feelings of discomfort, shame, and inferiority. Examples of non-verbal body shaming include disgusted or condescending looks when seeing someone who is overweight, pointing or laughing at someone with a physical disability, or ostracizing someone from social interaction because they are considered physically unattractive. These actions, although seemingly trivial, can have a significant psychological impact on the victim.

From a legal perspective, Indonesia possesses a legal framework that can be utilized to address cases of body shaming. In this regard, Article 315 of the Penal Code governs "minor insults" that can be imposed on individuals who deliberately insult others, either directly or indirectly (Equatora et al., 2022). Although the Penal Code does not explicitly mention the term "body shaming," this act can be categorized as a minor insult if it fulfills the elements stipulated in the article. In order for body shaming to be prosecuted under Article 315 of

the Penal Code, several elements must be met. *First*, an act of insult must be committed intentionally. This means that the perpetrator must have the intention or awareness to demean or humiliate the victim through their statements or actions. *Second*, the insult must not be in defamation or written defamation. It means that the insult must not contain accusations or slander that could damage the victim's reputation or good name. *Third*, the insult can be committed in public and front of the victim, either verbally, in writing, or through actions. *Finally*, the criminal threat for perpetrators of body shaming under Article 315 of the Penal Code is imprisonment for a maximum of four months and two weeks or a fine of a maximum of four thousand five hundred rupiah.

Law Number 11 of 2008 also provides a legal umbrella to prosecute body-shaming perpetrators, especially those in the digital realm (Thomas, 2023). Article 27A of Law Number 1 of 2024 explicitly prohibits disseminating electronic information containing insults and/or defamation. For body shaming on social media to be prosecuted under Article 27A of Law Number 1 of 2024, several elements must be met. *First*, there must be a deliberate act by the perpetrator to attack the honor or good name of the victim through electronic information. *Second*, the electronic information must contain elements of insult or defamation directed at the victim. *Third*, the electronic information must be disseminated through an electronic system, such as social media, instant messaging applications, or websites. If these elements are fulfilled, perpetrators of body shaming can be charged under Article 45 section (4) of Law Number 1 of 2024 with the threat of imprisonment for a maximum of 2 (two) years and a fine of a maximum of IDR 400,000,000.00 (four hundred million rupiah).

In its legal application, a case of body shaming on the social media platform Facebook garnered public attention on August 16, 2019. This case involved a Jakarta International Container Terminal (JICT) employee with the initials RW who insulted a JICT security guard named Yaser Arafat through the platform (Wildansyah, 2019). The issue between RW and Arafat had been ongoing for a long time, even before this body-shaming incident occurred. However, the culmination of the conflict was when RW openly hurled insults attacking Arafat's physique, including mocking his bald head. The insults were posted on Facebook, making them visible to many people. Yaser Arafat, feeling profoundly offended and hurt by RW's actions, decided to take legal action by reporting the incident to the authorities. The police then followed up this report by detaining RW. In this case, RW was charged under Article 45 section (3) juncto Article 27 section (3) of Law Number 19 of 2016. The penalty for violators of this article is imprisonment for a maximum of 4 years and/or a maximum fine of IDR 750,000,000.00 (seven hundred and fifty million rupiah).

A similar case also occurred on July 2, 2022, involving a body-shaming incident between a GrabCar driver and their passenger (Aida & Kurniawan, 2022). The driver verbally attacked the passenger's physique, a woman, by making derogatory comments about her appearance, calling her "short" and "dirty black." This incident went viral after the victim shared her unpleasant experience on social media, particularly on Twitter. In her post, the victim explained the chronology of the incident and the emotional impact she experienced due to the comments. Although the driver tried to defend themselves by saying their words were merely intended as a joke, the victim felt extraordinarily distressed and even contemplated the incident. In particular, the phrase "memangnya laku" (like you'd find someone) uttered by the driver deeply hurt the victim's feelings. In response to the virality of this case, Grab immediately took action. They facilitated a direct meeting between the victim and the driver to resolve the issue. Through the mediation conducted, both parties finally reached a peaceful agreement. The driver admitted their mistake and expressed a sincere apology. Meanwhile, the victim graciously forgave the driver and hoped that similar incidents would not happen again in the future. Not stopping there, Grab, on July 3, 2022, also took firm action by deactivating the driver. Grab also advised the driver to undergo retraining focused on excellent and effective communication with passengers.

Therefore, to address the increasingly alarming issue of body shaming, collective efforts from all levels of society are necessary. Public education becomes the key to changing perceptions and behaviors related to body shaming (Papaioannou, 2021). Through comprehensive education, the public can understand the negative impacts caused by body shaming on individuals' mental and emotional health. It is crucial to instill values of appreciation for physical diversity from an early age so that every individual feels comfortable and confident with their appearance (Achmad et al., 2021). Furthermore, firm and consistent law enforcement against perpetrators of body shaming must also be upheld. It is undeniable that body shaming is an act that violates human rights and can be categorized as a crime. With strict sanctions in place, it is hoped that they will create a deterrent effect for perpetrators and prevent similar cases from occurring in the future (Nasrullah, 2023). The law must serve as a protector for individuals from all forms of actions that demean their dignity based on physical appearance.

Combining public education and firm law enforcement will create a strong synergy in combating body shaming. Education will shape awareness and change societal behavior, while law enforcement will provide protection and justice for victims. Thus, it is expected to create a more inclusive social environment where everyone feels valued and accepted regardless of physical appearance.

B. Islamic Criminal Law Perspective on the Crime of Body Shaming

In Islamic teachings, humans are placed in a position of utmost importance. Without exception, everyone is regarded as a noble and dignified being. This concept is rooted in the belief that humans are Allah's most perfect creation, endowed with reason and the potential to achieve goodness (Saiin & Karuok, 2023). This nobility and dignity cannot be earned or lost but is inherent in every person from birth. Islam teaches that differences in social, economic, or even physical backgrounds do not diminish a person's human value. Every individual has the right to respect and good treatment from others.

One form of respect for human dignity emphasized in Islam is through the use of good language and speech. Muslims are taught always to guard their tongues and avoid words that can hurt, humiliate, or injure the feelings of others (Qadoos & Şimşek, 2020). Harsh words, insults, slander, and all forms of hate speech are strictly prohibited in Islam. Instead, Islam encourages its followers to speak politely, gently, and compassionately. This principle applies to direct interactions and communication through social media or other digital platforms.

These Islamic teachings on respect for human dignity have significant relevance in Indonesia's multicultural society (Amanah & Suparmin, 2024). By upholding these values, society can build harmonious and mutually respectful relationships, regardless of ethnicity, religion, race, or social group differences (Oktana et al., 2023). This principle can also serve as a bulwark to prevent conflict and discrimination, including body shaming, which can disrupt the social order and threaten interfaith harmony.

The prohibition of body shaming in Islam is explicitly stated in the Quran. Islam not only forbids the act of mocking or ridiculing others directly but also encompasses various forms of behavior that can demean a person's dignity, including body shaming (Mundzir et al., 2021). Although the term "body shaming" is not explicitly mentioned, its essence is highly relevant to such actions, as body shaming is fundamentally a form of insult and mockery directed at a person's physical appearance. In this regard, Q.S. Al-Hujurat verse 11 states:

يَا أَيُّهَا الَّذِينَ آمَنُوا لَا يَسْخَرُ قَوْمٌ مِّنْ قَوْمٍ عَسَىٰ أَن يَكُونُوا خَيْرًا مِّنْهُمْ وَلَا نِسَاءٌ مِّنْ نِّسَاءٍ
عَسَىٰ أَن يَكُنَّ خَيْرًا مِّنْهُنَّ وَلَا تَلْمِزُوا أَنفُسَكُمْ وَلَا تَنَابَزُوا بِالْأَلْقَابِ بِئْسَ الْأِسْمُ الْفُسُوقُ
بَعْدَ الْإِيمَانِ وَمَنْ لَّمْ يَتُبْ فَأُولَٰئِكَ هُمُ الظَّالِمُونَ ﴿١١﴾

“O you who have believed, let not a people ridicule [another] people; perhaps they may be better than them; nor let women ridicule [other] women; perhaps they may be better than them. And do not insult one another and do not call each other by [offensive] nicknames. Wretched is the name of disobedience after [one’s] faith. And whoever does not repent - then it is those who are the wrongdoers.”

This verse clearly outlines several elements related to body shaming. *Firstly*, the prohibition against mocking or ridiculing others demonstrates that Islam does not tolerate actions that demean a person’s dignity, whether based on physical appearance, social background, or other characteristics. Every individual possesses unique qualities and strengths; therefore, there is no justification for belittling or underestimating others. *Secondly*, the prohibition against insulting or reviling emphasizes that using hurtful or demeaning words to comment on someone’s physical appearance is unjustifiable. Islam teaches the importance of guarding one’s tongue and using kind and constructive words. *Thirdly*, the prohibition against calling others offensive nicknames highlights that assigning negative labels or nicknames based on physical appearance is a form of body shaming that must be avoided. Such actions can hurt feelings and damage a person’s self-esteem.

Furthermore, [Q.S. Al-Hujurat](#) verse 11 also warns sternly about the negative impacts of body shaming. Perpetrators of body shaming are not only considered unjust or oppressive but can also damage social relationships and create divisions among people. Meanwhile, victims of body shaming can experience deep emotional and psychological wounds, which can even impact their mental health. Therefore, this verse encourages Muslims always to be mindful of their words and behavior and to avoid any actions that could demean the dignity of others. In doing so, a harmonious society is created that is mutually respectful and upholds human values.

In Islamic criminal law, any act that violates Sharia provisions and is subject to sanctions is referred to as *jarimah* ([Mentari, 2020](#)). This concept of *jarimah* has a broad scope, encompassing various types of offenses, ranging from criminal acts that harm individuals, such as theft or murder, to acts that disrupt public order and welfare, such as spreading false news or engaging in indecent behavior in public. To achieve justice and ensure proper law enforcement, Islamic criminal law classifies *jarimah* into three main categories: *jarimah ta’zir*, *jarimah hudud*, and *jarimah qisas*.

The first category is jarimah ta’zir, which refers to offenses whose punishments are not explicitly defined in the Quran or Hadith ([Lestari, 2024](#)). In these cases, determining the type and severity of punishment is left to the discretion of the ruler or judge, taking into account various factors such as the severity of

the offense, its impact on society, and the circumstances of the perpetrator. This flexibility allows the legal system to adapt to the changing times and address various offenses that may not be covered in the established texts.

The second category is jarimah hudud. Unlike *jarimah ta'zir*, *jarimah hudud* encompasses offenses whose punishments are explicitly and precisely defined in the Quran and Hadith (Muslim et al., 2023). The punishments for *jarimah hudud* are fixed and cannot be altered or modified by the ruler or judge, as they are considered Allah's rights that must be upheld. Examples of *jarimah hudud* include adultery (*zina*), theft, robbery, alcohol consumption, and murder.

The last category is jarimah qisas. *Jarimah qisas* pertains to offenses that result in physical harm or death to the victim (Fattahillah & Azizah, 2024). In such cases, the victim's family has the right to demand commensurate punishment from the perpetrator, namely *qisas* (retaliation in kind) or *diyat* (financial compensation) (Fauzan, 2022). Nevertheless, Islam also strongly encourages the spirit of forgiveness and reconciliation, allowing the victim's family the option to forgive the perpetrator and accept *diyat* as a substitute for *qisas*.

From the outline of the Islamic criminal law framework above, body shaming can be categorized as a *jarimah ta'zir*. This is because the punishment for body shaming is not explicitly mentioned in the Quran or Hadith, although it remains a violation of fundamental Islamic principles, such as respect for human dignity and the prohibition against harming others, both physically and emotionally. Therefore, body shaming does not fall under *jarimah hudud*, which has fixed punishments, nor *jarimah qisas*, which involves compensation or retaliation.

As a *jarimah ta'zir*, the determination of punishment for perpetrators of body shaming is left to the discretion of the government or waliyul amri based on *ijtihad* (independent legal reasoning) (Syarbaini, 2023). This provides flexibility for the legal system to tailor punishments to the various situations and conditions that may arise (Suparmin, 2016). For example, the punishment may differ depending on the severity of the body shaming committed, the impact felt by the victim, the social status of the perpetrator and victim, and other relevant factors. This flexibility in determining punishment is crucial to ensure justice and proportionality in each case of body shaming. Punishments that are too lenient may not provide a sufficient deterrent effect, while punishments that are too severe may be considered unjust. Therefore, it is necessary to consider all relevant aspects in determining the appropriate punishment for perpetrators of body shaming.

At the same time, the application of positive law in Indonesia to the crime of body shaming still leaves room for debate from the perspective of Islamic criminal law. In [the Penal Code](#) and [Law Number 11 of 2008](#), body shaming can be prosecuted under articles that regulate insult and defamation. However, the penalties imposed are often in the form of fines or imprisonment with relatively short sentences ([Mugiandono et al., 2022](#)), whereas the psychological impact experienced by victims can be profound and long-lasting. From the perspective of *jarimah ta'zir*, such sanctions may be considered not fully fulfilling the principles of justice and public interest (*maslahah*).

The main objectives of applying *jarimah ta'zir* punishments in cases of body shaming are threefold. *First*, it provides a deterrent effect to the perpetrator so that they do not repeat their actions ([Djalaluddin et al., 2023](#)). The punishment given is expected to make the perpetrator aware of their mistakes and encourage them to change. *Second*, to prevent similar crimes from occurring in the future ([Danial, 2023](#)). With strict punishments in place, it is hoped that people will be more careful in their speech and behavior, thereby minimizing cases of body shaming. *Third*, to protect society from the negative impacts of body shaming ([Ariyanti, 2023](#)). The punishment given to the perpetrator is expected to provide a sense of security and comfort to the community, especially for those who are vulnerable to becoming victims of body shaming. In addition, Islamic criminal law also emphasizes the importance of crime prevention through education and moral development. Thus, this approach can take the form of public awareness campaigns about the dangers of body shaming and character education that teaches the values of respect for human dignity.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that body shaming, whether committed verbally or non-verbally, is a reprehensible act that contradicts human values and is strictly prohibited in Islam. Islam upholds the dignity of every individual and teaches its followers to respect one another, making the act of body shaming, which demeans or insults someone's physique, highly contradictory to these principles. As emphasized in [Q.S. Al-Hujurat](#) verse 11, the acts of mocking, insulting, or calling others by bad nicknames are forms of body shaming that are strictly forbidden. Everyone possesses unique qualities and strengths, so there is no reason to demean or underestimate others based on their physical appearance, social background, or other characteristics. Islam teaches the importance of guarding one's speech and using kind and constructive words. In the legal context, body shaming falls under the category of *jarimah ta'zir* in Islamic criminal law and can be prosecuted under articles related to insult and defamation in positive law in Indonesia. Although there are differences

in legal approaches, both aim to protect individuals from actions that demean their dignity.

Based on the above conclusions, it is recommended that the Government continue to promote comprehensive public education campaigns and programs about the dangers of body shaming and the importance of appreciating physical diversity, including integrating these values into the educational curriculum. For Judges, it is hoped that they consider the profound psychological and social impacts of body shaming when handing down verdicts so that justice for victims can be upheld comprehensively. Religious Leaders have a crucial role in spreading positive messages about self-acceptance and respect for others, as well as reminding the community about the prohibition of body shaming in religious teachings. Educators need to create inclusive and body-shaming-free learning environments and provide support to students who become victims. Finally, the public is expected to raise awareness about the harmful effects of body shaming, avoid such behavior, and actively support victims. With collaboration from all parties, it is hoped to create a more inclusive, empathetic society that values every individual regardless of physical appearance.

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