

CHAPTER I INTRODUCTION

A. Research Background

The rapid development of digital technology has revolutionized human interaction, creating opportunities for global communication and relationship building. The rise of social media platforms, online dating applications, and instant messaging has reshaped how individuals connect across borders. However, this progress also brings new risks, particularly in the form of cybercrime. Among these, *love scams* or *romance scams* have emerged as one of the most widespread and damaging types of online fraud.¹ Love scams occur when perpetrators create false identities to deceive victims into emotional involvement, which is subsequently exploited for financial gain or personal benefit. Unlike conventional fraud, love scams target not only victims economic resources but also their psychological and emotional well-being. Victims are often manipulated into sharing private information, intimate conversations, and personal photographs, which may later be misused for blackmail or harassment.² This dual harm economic and privacy related makes love scams a unique category of cybercrime requiring closer examination.

At the international level, the right to privacy is acknowledged as a fundamental aspect of human rights. Article 17 of the International Covenant on Civil and Political Rights (ICCPR) explicitly affirms that every individual has the right to be protected from any arbitrary or unlawful interference with their privacy, family, home, or correspondence.³ Although this provision was formulated in the mid-20th century, its significance has become even more pronounced in the digital era, where personal data can be easily accessed, manipulated, and exploited by cybercriminals. The main challenge lies in how states, as parties to the ICCPR, can uphold their obligations to protect victims of

¹ Monica T. Whitty dan Tom Buchanan, 2012, "The Online Romance Scam: A Serious Cybercrime", *Cyberpsychology, Behavior, and Social Networking*, Volume 15 Nomor 3, Mary Ann Liebert Inc., New Rochelle, hlm. 181–183.

² Cassandra Cross, Molly Dragiewicz, dan Kelly Richards, 2018, "Understanding Romance Fraud: Insights from Domestic Violence Research", *The British Journal of Criminology*, Volume 58 Nomor 6, Oxford University Press, Oxford, hlm. 1303–1322.

³ United Nations, 1966, "International Covenant on Civil and Political Rights Article 17", *Human Rights Instruments*, United Nations, New York.

love scams from privacy violations within an increasingly borderless cyberspace.

The phenomenon of love scams also represents a violation of fundamental human rights, especially individual rights, privacy rights, and the rights of victims as articulated in the Universal Declaration of Human Rights (UDHR).⁴ Love scams undermine the personal dignity and privacy of victims by deceitfully manipulating emotional bonds and misusing sensitive personal information, which directly conflicts with the protections provided under Article 12 of the UDHR that guards against arbitrary interference with privacy, family life, and correspondence.⁵ Beyond privacy violations, love scams violate the inherent dignity and equality enshrined in Article 1, affirming that all human beings are born free and equal in rights and dignity.⁶ The right to security of person in Article 3 is also compromised, as victims face psychological harm and threats to their safety through fraudulent and coercive means.⁷ Furthermore, the UDHR highlights the right to an effective remedy in Article 8 and the right to a fair hearing in Article 10, reinforcing the obligation of states to ensure justice and protection for victims of such crimes.⁸ These articles collectively form the foundation for recognizing love scams as not only criminal fraud but as violations of international human rights requiring comprehensive legal protection and victim support across jurisdictions.⁹

The Universal Declaration of Human Rights Article 3 which guarantees “the right to life, liberty and security of person” provides a foundational human rights rationale for conceiving privacy harms from love-scams as not only economic or reputational injuries but as direct threats to a victims personal security and dignity. Thus, protecting victims privacy is an integral element of securing their personal safety and liberty in the digital sphere.¹⁰ From this perspective, states obligations under Article 3 require regulatory and remedial measures that prevent and respond to online deception, trafficking into scam centres, and the

⁴ United Nations, “Hundreds of Thousands Trafficked into Online Criminality across SE Asia,” UN News, 2023.

⁵ United Nations, 1948, “Universal Declaration of Human Rights”, *United Nations*, New York.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Maulidia Mulyani, 2025, “Love Scam as a Manifestation of Online Gender-Based Violence: Aligning Legislation to Ensure Victim Protection”, *Istinbath: Jurnal Hukum*, Volume 22 Nomor 1, IAIN Metro, Lampung, hlm. 107–138.

¹⁰ United Nations, *Op.Cit.*

psychological and physical harms that follow such abuses.¹¹ International instruments and practice (including UNODC analyses of organized online fraud and OHCHR reporting on trafficking into scam operations) show that romance/love scams often produce cascading risks financial loss, emotional trauma, coercion and forced criminality which implicate the Article 3 interest in security of person and therefore call for privacy-sensitive victim protection (safe reporting, evidence preservation, trauma-informed procedures) as part of states duty to protect.¹² Moreover, law-enforcement cooperation (such as INTERPOL's operational guidance and public advisories) must be calibrated to protect victims security and privacy simultaneously avoiding stigmatizing labels and ensuring information-sharing safeguards so that investigative effectiveness does not undermine victims Article 3 rights.¹³

Love scams are often carried out through online platforms, especially dating sites and social media. The perpetrators usually create appealing fake profiles, build trust with their targets over a period of weeks or months, and then gradually deceive them into sending money or revealing personal information.¹⁴ According to Whitty and Buchanan, perpetrators often use psychological strategies such as expressing affection, creating a sense of urgency, and making promises of marriage to manipulate and gain compliance from their victims.¹⁵

The impacts of love scams are multifaceted. Financially, victims can suffer substantial losses, even to the extent of losing their entire savings. Psychologically, they often endure feelings of shame, depression, and anxiety, which in severe cases may lead to suicidal thoughts.¹⁶ Socially, victims often experience stigma and hesitate to report the crime due to feelings of shame. From a human rights standpoint, the most urgent concern is the violation of privacy. Victims personal data, communications, and in some cases, intimate

¹¹ The Office of the High Commissioner for Human Rights, 2023, "Hundreds of Thousands Trafficked to Work as Online Scammers in SE Asia, Says UN Report", *OHCHR*, Geneva.

¹² United Nations, 2024, "UNODC Launches New 'Issue Paper on Organized Fraud' at COP12", *United Nations: Office on Drugs and Crime*, Vienna.

¹³ Interpol, 2025, "USD 439 Million Recovered in Global Financial Crime Operation", *Interpol*, Lyon.

¹⁴ Monica T. Whitty dan Tom Buchanan, *Loc.Cit.*

¹⁵ *Ibid.*

¹⁶ Cassandra Cross, Molly Dragiewicz, dan Kelly Richards, *Loc.Cit.*

images are unlawfully accessed and exploited against them, undermining their autonomy and dignity.

The right to privacy is protected under various international legal instruments, including Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights (ICCPR).¹⁷ Privacy includes the protection of personal data, family life, correspondence, and reputation. In its General Comment No. 16, the Human Rights Committee (HRC) emphasized that states are obligated to implement both legislative and practical measures to prevent violations of privacy, not only by governmental authorities but also by private individuals.¹⁸

The interrelation between Articles 8 and 12 of the Universal Declaration of Human Rights (UDHR) forms a crucial legal foundation for protecting the privacy rights of love scam victims under international law. Article 12 explicitly prohibits “arbitrary interference with privacy, family, home or correspondence” and guarantees the right to legal protection against such interference, while Article 8 ensures that everyone has the right to an effective remedy by competent national tribunals for acts violating fundamental rights.¹⁹ In the context of love scams, where perpetrators misuse personal data, deceive victims through digital communication, and cause emotional and financial harm, these provisions collectively impose on states the duty to safeguard individual privacy and provide accessible legal remedies for those whose rights have been violated.²⁰ As highlighted by Shelton (2015), the right to an effective remedy under international human rights law demands not only the recognition of harm but also the establishment of procedural mechanisms that allow victims to seek redress.²¹ international cooperation through INTERPOL’s initiatives on cyber-enabled fraud underscores the operational realization of Articles 8 and 12 by facilitating cross-border investigations and victim support frameworks, ensuring that the right to privacy and remedy is upheld beyond domestic

¹⁷ United Nations, *Op.Cit*

¹⁸ United Nations High Commissioner for Refugees, 1988, “ICCPR General Comment No. 16: Article 17 (Right to Privacy), the Right to Respect of Privacy, Family, Home and Correspondence, and Protection of Honour and Reputation”, *UNHCR*, Geneva.

¹⁹ United Nations, *Op.Cit*.

²⁰ United Nations High Commissioner for Refugees, 2014, “OHCHR and Privacy in the Digital Age”, *OHCHR*, Geneva.

²¹ Dinah L. Shelton, 2005, *Remedies in International Human Rights Law*, Cet. II, Oxford: Oxford University Press.

boundaries. Hence, the correlation between these two provisions and the protection of love scam victims lies in their combined function, Article 12 upholds the substantive right to privacy, while Article 8 guarantees the procedural right to remedy, together forming a comprehensive international legal basis for victim protection.²²

Nowak emphasizes that the scope of Article 17 of the ICCPR extends beyond state actions, requiring states to regulate private actors whose conduct interferes with the right to privacy.²³ This means governments have a duty to protect individuals from scams, fraud, and cyber exploitation, even when such acts are carried out by non-state actors in cyberspace. In the case of love scams, this obligation includes creating legal remedies, strengthening data protection frameworks, and fostering international cooperation to ensure victims safety and justice. Similarly, the Universal Declaration of Human Rights (UDHR) reinforces this protection, as Article 12 recognizes the right to privacy while Article 8 guarantees the right to an effective remedy through competent national tribunals. Together, these provisions affirm that when fundamental rights such as privacy, dignity, and security are violated, states are responsible for ensuring access to justice and adequate legal protection for victims.

The UDHR also emphasizes the right to effective remedies and justice for victims of rights violations. Article 8 ensures that victims have access to effective remedies through competent tribunals, urging states to provide legal avenues for redress in cases such as love scams where human rights are violated.²⁴ Article 10 guarantees the right to a fair and public hearing by an independent tribunal to uphold justice and fairness for victims.²⁵ These provisions collectively regulate the protections afforded to love scam victims under international human rights law, mandating states to enact responsive legal frameworks and victim-centered protections aimed at addressing the harms resulting from these violations.²⁶

²² Interpol, *Loc.Cit*

²³ I. Boerefijn, 2007, "UN Covenant on Civil and Political Rights. CCPR Commentary the Procedures before the UN Human Rights Treaty Bodies. Divergence or Convergence? Non-Discrimination and Equality in the View of the UN Human Rights Treaty Bodies", *European Journal of International Law*, Volume 18 Nomor 1, Oxford University Press, Oxford, hlm. 220–224.

²⁴ United Nations, *Op.Cit*.

²⁵ *Ibid*.

²⁶ Maulidia Mulyani, *Loc.Cit*.

In addition, the Human Rights Committee (HRC) has interpreted the right to privacy in a broad sense, recognizing it as essential for the realization of other fundamental rights, such as human dignity, freedom of expression, and family life.²⁷ Thus, violations committed through love scams undermine not only privacy but also the interconnected web of human rights.

A central difficulty in protecting victims of love scams lies in the transnational nature of these crimes. Scammers often operate across jurisdictions, taking advantage of weak legal systems or lack of international cooperation. Victims, meanwhile, may reside in states with stronger protections but are unable to enforce rights against perpetrators located abroad.²⁸

This creates significant jurisdictional gaps. As Cross, Dragiewicz, and Richards observe, victims often find themselves with limited recourse, as domestic legal frameworks are ill-equipped to address crimes committed beyond national borders. International instruments such as the Budapest Convention on Cybercrime aim to harmonize legal approaches and promote cooperation, yet many states, including several in Asia and Africa, are not parties.²⁹

The ICCPR and UDHR provides a normative framework that transcends borders, but its enforcement still depends on national implementation. Thus, while Article 17 establishes privacy as a universal right, the challenge remains ensuring that states translate this into effective laws and remedies applicable in cyberspace.³⁰

The ICCPR mandates states to respect, protect, and fulfill the right to privacy. To respect means refraining from any interference by state authorities; to protect involves safeguarding individuals from violations committed by third parties; and to fulfill entails ensuring effective remedies and redress for victims.³¹ Applied to love scams, this framework demands that states adopt cybercrime legislation, provide victim support services, and cooperate internationally to combat transnational fraud.

²⁷ Sarah Joseph, Jenny Schultz, dan Melissa Castan, 2000, *The International Covenant on Civil and Political Rights: Cases, Materials, and Commentary*, Oxford: Oxford University Press.

²⁸ Cassandra Cross, Molly Dragiewicz, dan Kelly Richards, *Loc.Cit.*

²⁹ Council of Europe, 2001, "Convention on Cybercrime", Budapest.

³⁰ Sarah Joseph, Jenny Schultz, dan Melissa Castan, *Op.Cit.*

³¹ United Nations, 2004, "General Comment No. 31 [80] the Nature of the General Legal Obligation Imposed on States Parties to the Covenant", *International Covenant on Civil and Political Rights*, Geneva.

Joseph and Castan contend that Article 2 of the ICCPR reinforces these obligations by mandating states to ensure effective remedies for any violations of Covenant rights, including those resulting from private actions.³² For love scam victims, this means states must ensure access to justice, compensation, and rehabilitation. Moreover, non-discrimination principles embedded in the ICCPR ensure that victims should not be denied protection due to gender, age, or nationality.³³

Therefore, framing love scams as violations of privacy rights under the ICCPR shifts the focus from merely criminal aspects to a human rights perspective. This approach highlights the importance of protecting victims, providing remedies, and ensuring international accountability, rather than concentrating exclusively on prosecuting offenders.

Despite the prevalence of love scams worldwide, much of the existing scholarship emphasizes criminological and sociological aspects, such as offender tactics and victim vulnerability.³⁴ Legal scholarship has predominantly examined cybercrime in general, with relatively little attention given to the specific human rights implications of love scams. In particular, the issue of privacy violations has not been adequately explored within the framework of the ICCPR, despite its clear relevance.

Based on data from Interpol Indonesia, the number of love scam cases has shown a significant increase over the past two years. In 2023, Interpol Indonesia handled 27 reported cases of love scams, while in 2024, the number rose sharply to 53 cases. For instance, in June 2025, the Bali Regional Police uncovered an international love scam syndicate involving 38 suspects operating across Indonesia and Cambodia. The perpetrators posed as attractive women using falsified photos and social media profiles to deceive victims, many of whom were foreign nationals.

Their scheme involved emotional manipulation and false promises of romantic commitment, eventually leading victims to share personal data and transfer money under deceptive pretenses. Some suspects were identified as having previously worked within similar networks in Cambodia, with one earning

³² Sarah Joseph, Jenny Schultz, dan Melissa Castan, *Op.Cit.*

³³ United Nations, 1966, "International Covenant on Civil and Political Rights Article 2", *Human Rights Instruments*, United Nations, New York.

³⁴ Monica T. Whitty dan Tom Buchanan, *Op.Cit.*, hlm. 181–183.

up to IDR 12 million per month from the fraudulent activity. This case highlights not only the financial exploitation but also the deep emotional trauma experienced by victims who were led to believe in genuine affection and trust demonstrating the human cost of cyber-enabled romance fraud in Indonesia³⁵

This study therefore fills an important gap by examining the protection of privacy rights of love scam victims through an international human rights perspective. By anchoring the discussion in the Article 17 of ICCPR and Article 3, Article 12, and Article 8 of UDHR, this research emphasizes the binding obligations of states and underscores the importance of enhanced global cooperation. Moreover, the study contributes to policy debates on how international law can be effectively implemented within domestic legal frameworks to tackle the specific challenges posed by online fraud.

Ultimately, this thesis argues that protecting the privacy rights of love scam victims is not only a matter of criminal justice but also a fundamental human rights imperative. It calls for a holistic approach that integrates cybercrime enforcement with human rights protection, guided by the international legal perspective especially in ICCPR and UDHR as the central legal framework.

B. Research Questions

Based on the background outlined above, it was determined that the scope of this study needed to be narrowed in order to ensure it is more focused, targeted, and systematic. Therefore, the author has defined the subject matter of this study as follows:

1. What are the legal regulations regarding the rights and protection of love scam victims based on international law?
2. What legal efforts are being undertaken by Interpol in enforcing the law and dealing with Love Scam perpetrators from the perspective of legal protection for victims?

C. Research Purposes and Objectives

- 1) The Purposes of the Research

³⁵ Ahmad Firizqi Irwan, 2025, "Polda Bali Tangkap 38 Tersangka Sindikat Love Scam", *Detik Bali*.

Based on the problem statement above, the objectives of this study are as follows:

1. To identify and describe the legal regulations regarding the rights and protection of love scam victims based on the international law perspective, focusing on Article 17 of ICCPR and Article 3, Article 12, and Article 8 of UDHR.

Furthermore, this study aims to analyze how these legal provisions are translated into practical and tangible forms of protection for victims. This includes an evaluation of the scope of state obligations in preventing, investigating, and providing effective remedies for love scam victims within the context of transnational cybercrime

2. This study aims to analyze and elaborate on the legal measures undertaken by Interpol in law enforcement and efforts to combat perpetrators of Love Scams. This includes identifying strategies, mechanisms of international cooperation, and specific operational actions implemented by Interpol to address this transnational crime.

Furthermore, this research examines how Interpol various efforts are analyzed from the perspective of legal protection for victims. The objective is to evaluate the effectiveness of these measures in ensuring that victims rights such as asset recovery, privacy protection, and access to justice are fulfilled within the framework of cross-border law enforcement.

2) The Objectives of the Research

Based on the research objectives outlined above, the author hopes that this study will offer the following benefits:

1. Academic Significance

Theoretically, this study contributes to the expanding discourse on the intersection between international human rights law and cybercrime. By examining love scams through the lens of international legal perspective.

2. Practical Significance

Practically, this thesis can serve as a valuable reference for victims, legal practitioners, and scholars seeking to understand the

protection of privacy rights under international law. It also highlights how states should design or improve their domestic laws to make sure victims of love scams are not only seen as targets of fraud but also as rights holders whose privacy and dignity must be protected.

3. Policy Significance

From a policy perspective, the findings of this research can provide recommendations for governments and international organizations in developing stronger cooperation in handling cross-border cases of online fraud. Since love scams often involve perpetrators and victims from different countries, international cooperation guided by the ICCPR and UDHR is essential. This thesis, therefore, hopes to contribute insights for policymakers who are working to strengthen international legal frameworks and ensure better protection for victims.

D. Research Originality

To ensure the authenticity of a study and avoid plagiarism, it is necessary to compare it with previous studies in order to assess its level of originality. Using a recent case study, this research examines cybercrime, particularly love scams and the use of international legal perspective. In this study, the author analyzed several previous scientific works with subjects that were directly or indirectly related, and then used these studies as references and comparisons. The comparison between this study and previous studies is outlined in the following table:

Author	Nurul Aisyah	
Title	MASYARAKAT SIPIL DAN HAK SIPIL STUDI ATAS PEMBUBARAN FPI (FRONT PEMBELA ISLAM) DARI PERSPEKTIF LEMBAGA SWADAYA MASYARAKAT KONTRAS DAN THE INTERNATIONAL CONVENANT ON CIVIL AND POLITICAL RIGHTS (ICCPR)	
Type	Undergraduate Thesis	
Year	2024	
University	UIN Jakarta	
Description	Previous Research	Planned Research

Issues and Problems	1. How is the dissolution of the Islamic Defenders Front (Front Pembela Islam) conducted by the government viewed from the perspective of NGOs as part of civil society? 2. How is the dissolution of the Islamic Defenders Front conducted by the government viewed from the perspective of the ICCPR as a rule of civil rights?	1. What are the legal regulations regarding the rights and protection of love scam victims based on international law? 2. What legal efforts are being undertaken by Interpol in enforcing the law and dealing with Love Scam perpetrators from the perspective of legal protection for victims?
Research Methode	Qualitative	Normative
Results and Discussion	The thesis concludes that the dissolution of the Islamic Defenders Front (FPI) by the Indonesian government violated principles of civil rights and democratic governance. KontraS regarded the action as unlawful and detrimental to civic space, as it was carried out through a ministerial decree without judicial review. From the perspective of the ICCPR, the dissolution conflicted with the rights to peaceful assembly and	

	association, since any restrictions must be lawful, necessary, and proportionate. Overall, the study demonstrates that the governments approach undermined both domestic rule of law and its obligations under international human rights law.	
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Author	Dheanda Maurizka	
Title	TINJAUAN KRIMINOLOGIS KEJAHATAN LOVE SCAM TERHADAP PEREMPUAN DALAM SITUS KENCAN ONLINE DI INDONESIA	
Type	Undergraduate Thesis	
Year	2022	
University	Brawijaya University	
Description	Previous Research	Planned Research
Issues and Problems	2. What factors cause love scams against women on online dating sites in Indonesia? 2. How does the Central Jakarta Police Resort combat love scams against women on online dating sites in Indonesia?	1. What are the legal regulations regarding the rights and protection of love scam victims based on international law? 2. What legal efforts are being undertaken by Interpol in enforcing the law and dealing with Love Scam perpetrators from

		the perspective of legal protection for victims?
Methode	Normative juridical	Normative
Results and Discussion	The thesis finds that love scam crimes against women in Indonesia are driven mainly by economic motives, with perpetrators exploiting emotions like love and trust for financial gain. The Central Jakarta Metro Police address these cases through preventive efforts such as public awareness campaigns and repressive measures like investigations and arrests. However, challenges remain, including victims reluctance to report, cross-border elements, and limited law enforcement resources. The study concludes that love scams are both legal and social issues, requiring integrated prevention and protection strategies.	

E. Research Theory/Concept

1. Legal Protection Theory

Legal protection is a fundamental concept in legal studies, as it embodies the role of law in safeguarding human rights and preventing arbitrary actions. Essentially, it guarantees that every individual can fully enjoy the rights granted to them by law, and ensures that these rights are upheld not only by state authorities but also by private actors.

According to Satjipto Rahardjo, legal protection is an effort to safeguard human rights that have been violated by others, as well as the protection

provided by the state to ensure that individuals can fully enjoy all rights guaranteed by law.³⁶ His view emphasizes the role of law as an instrument to protect the weak and vulnerable, so that justice and legal certainty can be achieved.

Similarly, Philipus M. Hadjon defines legal protection as the safeguarding of human dignity and the acknowledgment of the human rights possessed by legal subjects.³⁷ He stresses that the existence of legal norms is meant to prevent arbitrariness, ensuring that individuals are treated fairly under the law. From a more detailed perspective, Moch. Isnaeni distinguishes between two forms of legal protection: internal and external. Internal legal protection arises from agreements made between parties, while external protection is provided by the authorities through laws and regulations to safeguard the public, especially the weaker party.

At the international level, the theory of legal protection is also well established. Walter Kälin and Jörg Künzli explain that human rights constitute legal entitlements that impose obligations on states.³⁸ Protection therefore requires not only moral recognition but also legal mechanisms such as courts, treaty bodies, and monitoring systems to ensure compliance. Similarly, Christian Tomuschat emphasizes that states have both negative obligations, which require them to refrain from violating rights, and positive obligations, which compel them to actively protect and ensure the fulfillment of rights.³⁹

Furthermore, Marc Bossuyt underlines that rights must be understood as legally protected interests.⁴⁰ In this sense, not every moral claim qualifies as a right; it becomes a right only when recognized and guaranteed by law. The Council of Europe also stresses that effective legal protection requires

³⁶ Yuhelson, 2017, *Pengantar Ilmu Hukum*, Cet. I, Gorontalo: Ideas Publishing.

³⁷ Philipus M. Hadjon, 1987, *Perlindungan Hukum Bagi Rakyat di Indonesia*, Cet. I, Surabaya: PT Bina Ilmu.

³⁸ Walter Kälin dan Jörg Künzli, 2019, *The Law of International Human Rights Protection*, Cet. II, Oxford: Oxford University Press.

³⁹ Christian Tomuschat, 2014, *Human Rights: Between Idealism and Realism*, Cet. III, Oxford: Oxford University Press.

⁴⁰ Marc Bossuyt, 2018, *The Concept of Human Rights*, Cambridge: Cambridge University Press.

accessible remedies, so that individuals can claim their rights when they are violated.⁴¹

Furthermore, victims of love scams are entitled to both preventive and repressive forms of protection:

- Preventive protection entails that both the state and private actors, such as online platforms, implement measures to avert harm for example, through stringent regulation of online dating platforms, public awareness campaigns, and enhanced digital security. This aligns with Hadjon perspective on safeguarding dignity before arbitrary harm takes place.⁴²
- Repressive protection applies after the violation has taken place, requiring law enforcement to investigate scams, prosecute offenders, and provide remedies such as restitution or privacy restoration. This echoes Raharjo principle that law must protect the weak and deliver justice.⁴³

From a structural perspective, love scams thrive because of gaps in regulation, weak law enforcement, and jurisdictional challenges in transnational cybercrime. Victims often face secondary victimisation when police dismiss their reports as personal mistakes. Applying Legal Protection Theory highlights that states have positive obligations not only to criminalise fraud but also to protect victims dignity, privacy, and access to justice. This is in accordance with foundational human rights instruments like Article 12 of the UDHR and Article 17 of the ICCPR, which ensure protection against unlawful interference with privacy and safeguard an individuals reputation.⁴⁴

In Indonesia, legal scholars argue that victims of cybercrime, including romance fraud, often lack adequate protection because regulations focus narrowly on financial losses, ignoring privacy and dignity harms. Legal Protection Theory thus provides the normative foundation for strengthening

⁴¹ Patricia Brander et al., 2020, *Compass: Manual for Human Rights Education with Young People*, Cet. II, Strasbourg: Council of Europe.

⁴² Philipus M. Hadjon, *Loc.Cit.*

⁴³ Satjipto Rahardjo, 2014, *Ilmu Hukum*, Cet. VIII, Bandung: PT Citra Aditya Bakti.

⁴⁴ United Nations High Commissioner for Refugees, *Op.Cit.* (Merujuk pada footnote nomor 18).

victim rights and shaping comprehensive responses under both national and international law.⁴⁵

2. Critical Victimology Theory

Victimology as a field of study focuses on understanding the position of victims, their experiences, and the responses provided by law and society. Over time, however, scholars began to see that traditional or “positivist” victimology was too narrow because it concentrated only on counting victims, assessing their risks, and providing individual assistance. This limitation gave rise to what is known as critical victimology, an approach that examines not only the victim but also the wider social, political, and institutional structures that shape victimisation.⁴⁶

The development of critical victimology can be traced to the work of Ezzat A. Fattah, especially his influential book *Towards a Critical Victimology* (1992).⁴⁷ He argued that the study of victims should not be reduced to statistics and services but should ask deeper questions: *who defines victimhood, why some harms are criminalised while others are ignored, and how power relations influence these processes*. His ideas were expanded by R. I. Mawby and Sandra Walklate, who in their edited volume *Critical Victimology: International Perspectives* (1994) emphasized the importance of structural, political, and cultural contexts in shaping both victimisation and societal responses.⁴⁸

One of the central ideas in critical victimology is the notion that victimhood is socially constructed. Nils Christie, in his classic essay on the “ideal victim,” explained that society tends to sympathise with victims who are weak, innocent, and harmed by a powerful offender in a public setting.⁴⁹ Victims who do not fit this “ideal” for example, those defrauded in private online interactions are often blamed or dismissed, even though their harms may be severe. This shows that being recognised as a victim is not

⁴⁵ Yudha Chandra Arwana, 2022, “Victims of Cyber Crimes in Indonesia: A Criminology and Victimology Perspective”, *Semarang State University Undergraduate Law and Society Review*, Volume 2 Nomor 2, UNNES, Semarang, hlm. 181–200.

⁴⁶ Sandra Walklate, 2017, *Handbook of Victims and Victimology*, Cet. II, London: Routledge.

⁴⁷ Ezzat A. Fattah, 1992, *Towards a Critical Victimology*, Cet. I, New York: St Martin’s Press.

⁴⁸ R.I. Mawby dan S. Walklate, 1994, *Critical Victimology: International Perspectives*, London: SAGE Publications Ltd.

⁴⁹ Nils Christie, 1986, *From Crime Policy to Victim Policy* (ed. Ezzat A. Fattah), London: Palgrave Macmillan UK.

automatic; it depends on cultural narratives, institutional priorities, and power dynamics.

Another important principle of critical victimology is its attention to structural causes of victimisation. Many forms of harm are not simply the result of individual offenders but are rooted in broader systems corporate negligence, weak regulations, economic inequalities, patriarchal structures, or the design of digital platforms.⁵⁰ By highlighting these causes, critical victimology demands that governments and institutions address not only the symptoms but also the root conditions that allow victimisation to thrive.

Critical victimology also emphasises the role of power and politics in deciding which victims are given attention and which are silenced. As Sandra Walklate notes, crime and victimhood are not neutral categories; they are shaped by social and political choices about what counts as harm.⁵¹ For instance, state crimes or corporate harms may affect thousands of people but often escape recognition, while street-level offences receive disproportionate resources.

A further contribution of critical victimology is its concern with secondary victimisation, meaning the additional harm victims suffer when interacting with legal, social, or media institutions. Victims may be blamed, disbelieved, or treated insensitively, which compounds their trauma rather than alleviating it.⁵² This insight urges reforms to make institutions more victim-sensitive and rights-oriented.

Ultimately, critical victimology is closely aligned with the principles of human rights. It emphasizes that protecting victims is not simply an act of compassion but a legal responsibility. This is in accordance with international standards, such as Article 12 of the Universal Declaration of Human Rights (UDHR) and the International Covenant on Civil and Political Rights (ICCPR), particularly Article 17, which ensure protection against arbitrary or unlawful interference with an individual privacy, family life, or

⁵⁰ Steve Tombs dan David Whyte, 2015, *The Corporate Criminal: Why Corporations Must Be Abolished*, Cet. I, London: Routledge.

⁵¹ Sandra Walklate, 2007, *Imagining the Victim of Crime*, Cet. I, Maidenhead: Open University Press.

⁵² Cassandra Cross, 2013, "Nobody's Holding a Gun to Your Head... Examining Current Discourses Surrounding Victims of Online Fraud", *International Review of Victimology*, Volume 21 Nomor 1, SAGE Publications, hlm. 25–32.

reputation.⁵³ In this sense, critical victimology provides a bridge between victim studies and international law, ensuring that victims dignity and rights are central to legal and policy responses.

Thus, critical victimology challenges simplistic views of victims by showing that victimhood is socially constructed, shaped by structures and power, and often reinforced or denied by institutions. It underscores the importance of addressing not only the immediate harms but also the underlying systemic causes, in order to prevent secondary victimization and to ensure that victims are safeguarded under human rights law. This framework is particularly pertinent for analyzing contemporary crimes such as online romance scams, where victims encounter stigma, breaches of privacy, and structural barriers to justice.

3. Privacy Right

The right to privacy is a fundamental right protected under international human rights law, enshrined in Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the International Covenant on Civil and Political Rights (ICCPR). Article 17 of the ICCPR stipulates that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home, or correspondence, nor to unlawful attacks on their honor and reputation.⁵⁴ This provision makes clear that privacy is not only about secrecy, but about protecting the dignity and personal autonomy of every individual.

The UN Human Rights Committee, in General Comment No. 16, emphasizes that states have an obligation to implement both legal and practical measures to safeguard this right. Protection must apply not only against interference by governments but also against violations committed by private actors, such as companies or individuals.⁵⁵ This point is especially important in the digital age, where technology allows personal information to be misused by online scammers.

Scholars have long maintained that privacy is fundamental to human dignity and freedom. In his seminal work *Privacy and Freedom*, Alan Westin

⁵³ United Nations High Commissioner for Refugees, *Op.Cit.* (Merujuk pada footnote nomor 18).

⁵⁴ United Nations, *Op.Cit.*

⁵⁵ United Nations High Commissioner for Refugees, *Op.Cit.* (Merujuk pada footnote nomor 18).

defined privacy as an individual ability to control when, how, and to what extent information about themselves is disclosed to others.⁵⁶ His definition shows that privacy is not an end in itself, but a condition that allows people to build relationships, form their identity, and maintain a sense of security in social life.

Legal scholarship also advocates for a broad interpretation of privacy rights, a principle first articulated in Article 12 of the Universal Declaration of Human Rights (UDHR) and later codified in Article 17 of the ICCPR. In his renowned commentary on the ICCPR, Manfred Nowak emphasizes that this protection should extend beyond traditional forms of correspondence, such as letters and telephone calls, to include modern digital communications and online data.⁵⁷ This means that when personal data, messages, or intimate information are stolen or misused as happens in many love scam cases it is not just a personal loss but also a human rights violation.

Empirical research has shown how damaging these privacy violations can be. Monica Whitty and Tom Buchanan, who studied the experiences of romance scam victims, found that victims often suffered deep emotional distress, shame, and even social isolation after their private communications were manipulated and exposed.⁵⁸ This confirms that privacy violations are not abstract concerns but real harms that affect a persons dignity and mental well-being.

In conclusion, the right to privacy serves as both the legal and moral foundation for safeguarding victims of online scams. For love scam victims, whose trust and private lives are exploited for criminal gain, foundational instruments like Article 12 of the UDHR and Article 17 of the ICCPR offer an important framework. This international framework requires states to prevent these harms through regulation and awareness, and to provide effective remedies when violations occur. Protecting privacy in this way

⁵⁶ Alan F. Westin, 1968, "Privacy and Freedom", *Washington and Lee Law Review*, Volume 25 Nomor 1.

⁵⁷ Manfred Nowak, 2005, *U.N. Covenant on Civil and Political Rights: CCPR-Commentary*, Cet. II, Kehl: N.P. Engel.

⁵⁸ Monica T. Whitty dan Tom Buchanan, 2016, "The Online Dating Romance Scam: The Psychological Impact on Victims – Both Financial and Non-Financial", *Criminology and Criminal Justice*, Volume 16 Nomor 2, SAGE Publications, hlm. 176–194.

ensures that victims are not only defended against fraud but also supported in reclaiming their dignity.

4. Love Scam

Love scams, often called romance frauds, are a form of cyber-enabled crime where perpetrators create fake identities and emotional connections to deceive victims, usually with the goal of financial gain. According to criminologists, romance scams are among the most emotionally damaging types of online fraud because they exploit both financial trust and intimate personal relationships.⁵⁹ Unlike conventional fraud, which relies on quick deception, romance scams are carefully developed over time through strategies of emotional manipulation and social engineering.

Research has shown that scammers often operate through social media, online dating sites, or messaging platforms. They build a false sense of intimacy and then fabricate stories of personal crisis such as sudden illness, legal troubles, or travel emergencies to convince the victim to send money.⁶⁰ The Internet Crime Complaint Center (IC3) in its annual reports consistently lists romance fraud among the highest categories of financial losses from cybercrime worldwide, reaching billions of dollars annually.⁶¹ These figures highlight that love scams are not isolated cases but a major global criminal phenomenon.

Beyond the financial losses, the psychological and social consequences of love scams are profound. Monica Whitty and Tom Buchanan found in their study that victims often suffer depression, anxiety, shame, and even symptoms similar to post-traumatic stress disorder.⁶² Victims may also experience social isolation because they fear stigma or ridicule from family and friends. This combination of financial harm and psychological trauma makes romance scams particularly destructive compared to other online crimes.

⁵⁹ Monica T. Whitty, 2018, "Do You Love Me? Psychological Characteristics of Romance Scam Victims", *Cyberpsychology, Behavior, and Social Networking*, Volume 21 Nomor 2, Mary Ann Liebert Inc., hlm. 105–109.

⁶⁰ Monica Whitty, 2013, "The Scammers Persuasive Techniques Model: Development of a Stage Model to Explain the Online Dating Romance Scam", *British Journal of Criminology*, Volume 53 Nomor 4, Oxford University Press, hlm. 665–684.

⁶¹ Federal Bureau of Investigation, 2022, "2022 Internet Crime Report", *Internet Crime Complaint Center*, Washington D.C.

⁶² Monica T. Whitty dan Tom Buchanan, *Loc. Cit.*

From a victimological perspective, love scam victims often face secondary victimisation when they seek help. Police, media, or even family members may blame them for being “naïve” or “careless,” which only increases their sense of humiliation.⁶³ This victim-blaming discourages reporting, meaning many cases remain hidden and unaddressed by law enforcement. Scholars note that this reaction fits into Nils Christies theory of the “non-ideal victim,” where certain victims are not given full recognition because their victimisation does not fit common stereotypes.⁶⁴ Love scams also raise serious concerns about privacy rights. To carry out these crimes, scammers usually request personal information, intimate photographs, or private correspondence. Once shared, this information can be misused, leaked, or sold, causing long-lasting reputational harm⁶⁵ In many cases, victims privacy is not only invaded during the scam but continues to be threatened after, as scammers may blackmail victims or expose their personal data online. This shows why privacy protection, as guaranteed under key international instruments like Article 12 of the Universal Declaration of Human Rights (UDHR) and Article 17 of the ICCPR, is directly relevant to love scam cases.

In summary, love scams are a complex form of cybercrime that cause layered harms: financial losses, psychological trauma, reputational damage, and violations of privacy. Because victims are often stigmatised and overlooked, international human rights law, including the ICCPR, provides an important framework to argue that states must ensure stronger protections and remedies for these victims.

5. General Information about ICCPR

The International Covenant on Civil and Political Rights (ICCPR) is one of the most important treaties in the evolution of international human rights law. It was adopted by the United Nations General Assembly on 16 December 1966 and entered into force on 23 March 1976, after the required number of ratifications was achieved. The Covenant forms part of what is commonly known as the International Bill of Human Rights,

⁶³ Cassandra Cross, *Loc.Cit.*

⁶⁴ Nils Christie, *Loc.Cit.*

⁶⁵ Europol, 2021, “Internet Organised Crime Threat Assessment (IOCTA) 2020”, *Europol*, The Hague.