# LEGAL PROTECTION OF VICTIMS OF REVENGE PORN: AN ANALYSIS OF LEGAL SAFEGUARDS AND CHALLENGES

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**ABSTRACT**
The present study aims to analyze revenge pornography, a form of digital violence characterized by the non-consensual dissemination of intimate material on the *internet*, with the purpose of retaliation or humiliation, usually after the end of a relationship. This phenomenon, intensified by technological advances and the spread of social networks, shows insufficiencies in legislation and the need for adaptations to deal with the new dynamics of the digital environment. In Brazil, Law No. 13,718/2018 was a milestone in the specific typification of this crime, promoting a more complete protection of personality rights and strengthening the protection of privacy and sexual dignity in the virtual environment. The study explores the social and psychological implications of this practice, highlighting the profound damage suffered by victims, such as social isolation, stigmatization, and emotional breakdown. The analysis emphasizes the relevance of public policies that promote a comprehensive approach to support victims, including legal, psychological, and social assistance. In addition, the work discusses the legal complexity of revenge pornography, addressing the interaction between the fundamental rights provided for in the 1988 Constitution and other Brazilian legislation, such as the Civil Rights Framework for the Internet and the General Data Protection Law (LGPD), which aim to ensure an effective and comprehensive legal response in cases of digital crimes.

**Keywords:** Revenge Porn. Victim. Violence.

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## INTRODUCTION

Revenge porn, also known as "revenge porn", is a criminal practice that consists of the non-consensual dissemination of intimate images or videos of a person to humiliate, punish or manipulate them. This phenomenon has grown alarmingly with the spread of social networks and easy access to digital platforms, where victims, mostly women, are exposed to severe psychological and social violence (Nascimento, 2022).

The consequences of revenge porn are not limited to immediate damage to the victim's image and privacy, but also compromise their psychological integrity, dignity and interpersonal relationships. Often, victims face a cycle of humiliation and emotional suffering, which can lead to disorders such as anxiety, depression, and even suicidal thoughts. The stigma associated with the nonconsensual disclosure of intimate images can also result in social isolation, discrimination, and marginalization, further harming the mental health and well-being of victims (Maldonado, 2024).

Given this scenario, the research problem that guides this study is: How can Brazilian legislation effectively guarantee the rights of victims of revenge pornography, providing adequate protection and effective mechanisms of reparation and justice?

The general objective of this work is to analyze, from a legal perspective, the guarantees offered to the victims of this practice in Brazil, with emphasis on the current legislation, the judicial decisions, and the difficulties faced to repair the damage caused. As specific objectives, it is intended to understand this violation of privacy and image in the light of the Brazilian legal system, highlighting the changes introduced by Law 13.772/2018; analyze concrete cases involving the non-consensual dissemination of intimate content; and to examine how laws and public policies have been applied in practice to protect victims, identifying challenges in the judicial process and failures in defense mechanisms.

The rationale for conducting this research is related to the growing incidence of revenge pornography cases in Brazil and worldwide and to the urgency of a legal system that can adequately protect victims and hold aggressors accountable. The analysis of Brazilian legislation is essential to verify whether the existing rules are effective or if there is a need for changes, both in legislation and in judicial practices. In addition, the social and psychological impact that revenge pornography has on victims is an urgent issue, and an in-depth legal study can contribute to the strengthening of public policies and protection strategies.

The methodology adopted in the present research was bibliographic, based mainly on secondary sources, reading of cases and other means of information, formal and informal sources of law, such as books, scientific articles, monographs in the legal field, and

news related to the theme published on the internet, but without compromising the seriousness of the work. The approach of this research is qualitative; that is, this research analyzes through doctrine the historical evolution of the theme, the conceptual aspects, and particularities.

## REVENGE PORN: THE EXPOSURE OF FEMALE SEXUALITY AS GENDER VIOLENCE
### HISTORICAL CONTEXTUALIZATION

Violence against women, resulting from a historical construction, is closely linked to discussions about gender, power relations, social classes, and ethnicities. Over the years, this violence has adapted to social transformations, reflecting the experiences lived by each generation (Alves, 2017).

Although revenge porn appears as a recent phenomenon, its roots are old and have been repeated on several occasions over time. From childhood, individuals are socialized around opposing cultural values: Boys are encouraged to value physical strength, aggressiveness, and domination and are encouraged to experience sexuality at an early age. On the other hand, girls are directed to submission, passivity, and sentimentality, with their valorization linked to femininity, dependence, and the ability to seduce (Alves, 2017).

In the sexual sphere, women and men also present significant differences, reflecting a social construction that imposes different norms on each gender. Women, despite experiencing desires, thoughts, and feelings related to sexuality, are socially conditioned to repress any manifestation of sexual interest. In this context, virginity and modesty become unquestionable impositions. Thus, a young woman who chooses an active sexual life often faces devaluation and stigmatization, including by the boys themselves (Giddens, 1993).

The practice of revenge porn, although it does not have an exact start date, began to gain notoriety in the mid-2000s, when Italian researcher Sergio Messina observed, among users of *Usenet* – one of the oldest computer communication networks – the emergence of a new pornographic genre called "*realcorepornography*"". This type of pornography differs from traditional categories, consisting predominantly of photos and videos of ex-girlfriends shared among the members of the network themselves (Buzzi, 2015).

The relevance of this phenomenon was corroborated in 2007, when the term "*Revenge Porn*" was included in *the UrbanDictionary,* indicating the growing acceptance and social visibility of this practice, which raises significant questions about consent, privacy, and the violation of personality rights, reflecting the intersection between digital culture and human rights (Buzzi, 2015).

It is understood that the practice of revenge pornography has roots that predate the advent of the *Internet*. Before the *internet* became widely spread in the 1980s, the American magazine *Hustler*" launched a section called *Beaver Hunt*, which allowed readers to submit intimate photos of their partners for publication in the magazine (Lima et al., 2023).

However, in the face of the brief historical events mentioned, although the essence of this practice is rooted in social behaviors of disrespect and violation, technological evolution and the expansion of digital platforms have provided an environment conducive to its dissemination on an alarming scale (Maldonado, 2024).

## A CONCEPTUAL APPROACH

Revenge porn, also known as "*revenge porn*", consists of the unauthorized dissemination of intimate images of a person, to expose, humiliating or harm the victim, usually in retaliation after the end of personal relationships (Cavalcante, 2016).

Revenge porn is a form of digital violence that involves the non-consensual dissemination of intimate images of a person, to cause emotional, psychological, and social harm. Although the practice has intensified with the advancement of social networks and technology, it dates back to an older human behavior: the use of someone's intimacy as a weapon to cause suffering or retaliation. The impact of this type of exposure goes beyond the moment of disclosure, affecting the victim's life in profound and lasting ways. (Cobetti et al., 2019).

The phenomenon of revenge porn usually occurs after the breakdown of a relationship, in which one of the parties decides to expose the other as a form of punishment. This behavior, in addition to being morally reprehensible, constitutes an abuse of trust and privacy since the intimate images were shared consensually during the relationship. From the moment these images are disseminated without the consent of the person portrayed, the violation of privacy and the right to image, fundamental principles protected by the Constitution and Brazilian legislation, becomes evident (Padilha, 2019).

The dissemination of such images can have devastating effects for victims, including social stigmatization, reputational damage, and profound psychological impacts such as depression, anxiety, and feelings of powerlessness. Victims are often forced to deal with public humiliation and, in many cases, exclusion from social circles, both in the physical environment and on social media. The stigma associated with this type of abuse hinders emotional recovery and can lead to serious consequences, such as suicide or self-harm (Carvalho, 2019).

Brazilian legislation has advanced in the fight against revenge pornography. In 2018, Law No. 13,718 was enacted, which typifies the practice as a crime, with penalties of imprisonment for those who disclose or share intimate images without the person's consent. The law also provides for the possibility for the victim to request the removal of images from digital platforms, ensuring a faster response to this type of violation. However, despite these legal measures, many victims still face difficulties in accessing justice and effectively punishing those responsible (Cobetti et al., 2019).

In addition to legislation, digital platforms have also been pressured to adopt more effective measures to prevent and combat revenge porn. Social networks and image-sharing sites have implemented policies for removing non-consensual content and developed more accessible reporting tools. However, enforcement of these policies is not always effective, and many victims face difficulties in having images removed quickly, perpetuating the suffering caused by exposure (Cruz, 2020).

Revenge porn also reveals broader questions about consent and respect for privacy in the digital environment. In a world where the boundaries between private and public life are becoming increasingly blurred, it is essential to establish clear rules for the protection of intimacy, as well as for the accountability of those who violate this right. Digital education, in this sense, plays an important role in promoting a culture of respect for privacy and consent in all spheres of society (Nunes, 2020).

## LEGAL AND DOCTRINAL DEFINITIONS

Concern for the privacy and protection of the dignity of victims of digital crimes has led the Brazilian legislator to create specific rules to deal with practices such as the improper disclosure of intimate images. In this context, Law 13,718/2018 introduced the crime of non-consensual exposure of intimate content into the Penal Code, filling an existing legal gap to deal with these situations, especially in the digital environment. This legislation represents a significant advance in protecting the privacy and dignity of victims of digital crimes, directly addressing the violation of intimacy through the non-consensual disclosure of intimate images (Pinheiro, 2018).

This law seeks not only to penalize these conducts but also to bring an effective response to the emotional and social suffering of victims, who often face serious consequences after the undue exposure of their intimacy (Brasil, 2018). Article 218-C, caput, was included in the Penal Code:

> **Article 218-C.** Offering, exchanging, making available, transmitting, selling or exposing for sale, distributing, publishing or disseminating, by any means - including

using mass communication or computer or telematic system -, photography, video or other audiovisual record that contains a scene of rape or rape of a vulnerable person or that advocates or induces its practice, or, without the consent of the victim, Sex scene, nudity or pornography:

**Penalty** - imprisonment, from 1 (one) to 5 (five) years, if the fact does not constitute a more serious crime.

**Paragraph 1** - The penalty is increased from 1/3 (one third) to 2/3 (two thirds) if the crime is committed by an agent who maintains or has maintained an intimate relationship of affection with the victim or for revenge or humiliation.

It is important to note that article 218-C of the Penal Code, introduced by Law No. 13,718/18, falls into the category of crimes against sexual dignity, specifically addressing this form of aggression.

In addition to this rule, other laws also play an important role in protecting privacy, such as the Civil Rights Framework for the *Internet* (Law 12.965/2014), which establishes rights and duties for the use of the *internet* in Brazil. This law is essential for a safer and more respectful digital environment, ensuring users' rights and establishing responsibilities for internet service providers. By regulating the use of the *internet*, the rule seeks to protect the privacy of individuals and guarantee free expression, in addition to allowing liability in cases of violation of these rights (Brasil, 2014).

Law 12.965/14 seeks to establish the rights and duties related to the use of the *internet* in Brazil, as well as the civil responsibilities of application providers. "Application providers", as defined by law, are entities that offer services on the internet, such as social networks, video platforms, and *e-commerce*, among others (Passos, 2018).

It is observed, therefore, that these providers are not limited to the simple connection or network infrastructure but have an active role in facilitating users' access to the desired content. This distinction is crucial, as it implies that these providers have specific responsibilities regarding the content they host and the protection of their users' data (Lima et al., 2023).

In addition, Law 12,965/14 imposes obligations on these providers, such as the need to store access logs and ensure the security of user data. The civil responsibilities of application providers are established in a way that ensures that they act ethically and responsibly, promoting a safe and reliable digital environment. This legislation represents an important milestone in the regulation of the virtual environment, seeking to balance the rights of users with the responsibilities of companies operating on the internet (Maldonado, 2024).

The General Data Protection Law (Law 13.709/2018) makes it clear that, to use personal information, such as photos, the person's consent is required. This not only

safeguards privacy but also allows everyone to have control over their data. Article 1 of the General Law for the Protection of Damage of the Penal Code ensures:

> **Article 1** This Law provides for the processing of personal data, including in digital media, by an individual or by a legal entity governed by public or private law, to protect the fundamental rights of freedom and privacy and the free development of the personality of the natural person.

These legal instruments show the evolution of laws in response to new technological realities and the effort to combat abuses in this field. The issue is extremely relevant today, mainly due to the breadth it has gained with the use of the internet. The accelerated advancement of technologies and the spread of social media have made the task of controlling the dissemination of information increasingly complex, given its expansive nature and the universalization of access to its content (Pinheiro, 2018).

Despite the existence of consolidated legal provisions and judicial precedents that ensure compensation for damage to image, it is imperative to develop new legal instruments and create specialized bodies that can act effectively in preventing and containing the abuses that are becoming increasingly recurrent (Passos, 2018).

## LAW 13.718/2018 AND ITS EFFECTS ON COMBATING REVENGE PORNOGRAPHY: CHALLENGES AND ADVANCES IN BRAZILIAN LAW

### MAIN LEGISLATIVE CHANGES: CASE LAW

Law No. 13,718, of September 24, 2018, introduced substantial changes to the Brazilian Penal Code, aiming at a stricter response to sexual crimes in the country. This legislation typifies new crimes, such as sexual harassment and the disclosure of rape scenes or rape of a vulnerable person, in addition to making criminal action public and unconditional for crimes against sexual freedom and against vulnerable people. The law also institutes causes for increasing the penalty for cases of collective and corrective rape, while repealing provisions previously provided for in the Criminal Misdemeanor Law (Decree-Law No. 3,688, of October 3, 1941) (Lima et al., 2023).

Article 218-C, as mentioned above, was inserted into the Penal Code by this legislation, typifies the conduct of unauthorized disclosure of rape, sex or pornography scenes. The law also provides for specific causes for increasing penalties for crimes of collective and corrective rape, reinforcing the protection of victims and seeking to curb practices that seriously threaten sexual dignity. By promoting the intensification of penalties, Law No. 13,718/2018 reaffirms the commitment of the Brazilian legal system to the full protection of personality rights in the criminal sphere (Maldonado, 2024).

Article 218-C of the Penal Code establishes a penalty of 1 to 5 years of imprisonment for the crime of dissemination of rape, sex or pornography scenes, with an increase in the penalty from 1/3 to 2/3 when the crime is committed by an agent who has or had an intimate relationship of affection with the victim, or when the motivation is revenge or humiliation (Passos, 2018).

The legal provision covers the liability of any person, both in the role of active and passive subject, except in cases of "revenge pornography", in which the increase in sentence applies automatically, given the existence of a previous affective bond, regardless of the intention demonstrated by the agent (Rosa, 2024).

It is important to note that the causes for increasing the sentence provided for in paragraph 1 of the article are classified into two situations: the first refers to the intimate relationship of affection between the perpetrator and the victim, being objective, that is, the mere existence of the affective bond aggravates the penalty, regardless of the purpose of the disclosure (Guimarães; Dresch, 2021).

This hypothesis is often associated with revenge porn crimes involving ex-partners, where frustration or the desire to get attention triggers the conduct. The second hypothesis focuses on when the crime is committed with the purpose of revenge or humiliation, without there being an affective bond, covering professional, friendly, or academic relationships, where the disclosure is intended to harm the victim (Nascimento, 2022).

Paragraph 2 of article 218-C defines two situations of exclusion of illegality. The first occurs when the dissemination of images or videos is carried out for journalistic, scientific, cultural, or academic purposes without identifying the victim; the second allows disclosure with identification, as long as the victim is over 18 years old and has given express consent. On the other hand, the law is exhaustive in prohibiting the identification of victims under 18 years of age, nullifying any consent given by them or their legal representatives, ensuring absolute protection for minors in this context (Nascimento, 2022).

In addition to the inclusion of article 218-C, Law No. 13,718/18 also promoted a significant change in article 225 of the Penal Code, determining that all sexual crimes are now prosecuted through unconditional public criminal action. This modification allows the Public Prosecutor's Office to initiate and conduct the criminal process without the need for an express statement by the victim. Previously, most of these crimes required the presentation of a formal representation by the victim so that the State could act, configuring a public criminal action conditioned to the representation. (Brazil, 2018).

# THE EFFECTIVENESS OF BRAZILIAN LEGISLATION IN COMBATING REVENGE PORNOGRAPHY

As previously emphasized, Brazilian legislation has taken important steps in combating revenge pornography, especially after the introduction of article 218-C in the Penal Code by Law No. 13,718/2018, which typifies the unauthorized disclosure of intimate images as a crime. This inclusion represented a significant advance since it recognized the seriousness of the violation of the victims' privacy, with prison sentences of 1 to 5 years, in addition to a fine (Pinheiro, 2018).

However, despite being an important legal framework, the legislation still has limitations in its effectiveness, especially when it comes to its practical application. It should be noted that the typification of the crime is relevant, but the definition of criminal conduct, the punishment mechanisms, and the protective measures for victims, such as the rapid removal of content from the internet, need to be better structured to ensure the effectiveness of sanctions and greater protection for victims. (Meinero; Dalzotto; 2021).

In this regard, Campos (2024) highlights the lack of clarity regarding the responsibility of digital platforms in combating revenge pornography. Brazilian legislation does not establish enough what the obligations of social media companies and content-sharing sites are in cases like this.

While the General Data Protection Law (LGPD) imposes restrictions on the collection and use of personal data, it does not directly address the responsibility of platforms to remove revenge porn content. In practice, victims often have to appeal to the Judiciary to have the content removed, and this process can be lengthy and bureaucratic, aggravating the victim's psychological and emotional suffering, in addition to making it difficult to hold offenders accountable (Alves, 2022).

In addition, the effectiveness of the typification of revenge pornography in the Penal Code is compromised by the need for greater training of authorities to deal with digital crimes. The investigation of crimes of this nature requires specific technical knowledge on how to track and identify the aggressors, who often act through the anonymity provided by the internet. (Costa et al., 2023).

The lack of resources and specialized training in the police forces compromises the speed and quality of investigations. In many cases, those responsible for the dissemination of intimate images escape punishment due to the difficulty of locating the aggressors, especially when they use anonymization tools, such as VPNs or social networks with fake profiles (Ferreira; Barbosa, 2023).

The difficulty of articulation between the bodies responsible for law enforcement is also a significant obstacle. Often, victims face a real bureaucratic battle to ensure the punishment of offenders and the removal of content (Cruz, 2020).

The judicial process is slow and, in many cases, victims end up revictimized by having to deal with the public exposure of their intimacy, even when they seek protective measures in the Judiciary. In addition, the lack of efficient coordination between the courts, the public prosecutor's office, and the security forces hinders the swift resolution of cases. This bureaucratic tangle not only harms victims but also makes it difficult to enforce the law fairly and effectively (Alves, 2022).

In this line of reasoning, Maldonado (2024) teaches that another critical point concerns the difficulty of applying laws in a globalized digital scenario. Often, criminals who practice revenge pornography operate outside Brazil, which makes it difficult for Brazilian authorities to act. The internet allows content to be disseminated transnationally, and Brazilian laws have little jurisdiction over servers and platforms hosted in other countries.

It is worth noting that this creates a real legal gap because, although the act of disclosure without consent is illegal in Brazil, the application of this legislation at the international level is complex and often ineffective (Costa et al., 2023). In this context, victims end up unprotected, as national laws do not always have the necessary reach to remove the content or punish those responsible, especially when the criminals operate from other countries (Canheu; Reus, 2024).

In the past, the legislation did not provide for quick and effective mechanisms to ensure the removal of offensive content, which resulted in an immediate protection vacuum for victims. Digital platforms, in turn, often limit themselves to complying with the General Data Protection Law but fail to act with the necessary urgency when it comes to removing intimate and unauthorized material. (Ferreira; Barbosa, 2023).

Although some laws deal with the removal of content, such as the Civil Rights Framework for the Internet, its application is still very slow, and victims face difficulties in getting a quick response from the platforms. This delay in the removal process can prolong the emotional distress of victims and intensify the violation of their privacy (Maldonado, 2024).

Another point that deserves to be highlighted is the difficulty in ensuring that the punishment of offenders is adequate and proportional to the seriousness of the crime. Article 218-C of the Penal Code provides for penalties of 1 to 5 years in prison, but many lawyers and experts say that the penalties provided may be insufficient, especially when the

crimes involve not only the dissemination of images but also extortion or blackmail (Nunes, 2020).

Harsh punishment, combined with preventive measures and faster action by the authorities, could have a greater impact on reducing revenge porn cases, while ensuring a greater sense of justice for victims. (Canheu; Reus, 2024).

## CONCRETE CASES OF REVENGE PORN IN BRAZIL: ANALYSIS OF THE APPLICATION OF LAW 13.718/2018

### ROSE LEONEL CASE

Rose Leonel, a journalist from Maringá (PR), became one of the first victims in Brazil to obtain the conviction of her attacker in a revenge pornography case. After a four-year relationship, which ended in 2005, her ex-fiancé, Eduardo Gonçalves Dias, did not accept the separation and began a series of threats, promising to destroy Rose's life if she did not get back together. Eduardo then released intimate photos of her on social media as a form of retaliation, which generated devastating consequences for Rose in different aspects of her life (Campos, 2024)

The unauthorized exposure of the images was accompanied by a defamatory narrative in which Eduardo created photographic montages and attributed to Rose untrue and degrading behavior, including insinuations that she was a call girl. The images were widely distributed, reaching co-workers, family members, and even strangers, leading Rose to face an intense moral and social lynching (Ferreira; Barbosa, 2023).

The impacts were profound: Rose lost her job, was marginalized by friends and colleagues, and saw her social life disintegrate. She describes the episode as a "psychological, moral, and professional murder," emphasizing that the continuous dissemination of images on the internet prolongs the suffering indefinitely since the content remains available online (Campos, 2024).

In response to the violence she suffered, Rose founded the NGO Marias da Internet, aimed at supporting other women victims of revenge pornography, to promote awareness and combat this type of crime. In 2012, Eduardo was sentenced to one year and eleven months in prison, in addition to being required to pay compensation of R$ 30,000.00 for moral damages, setting a relevant legal precedent in the fight against revenge pornography in Brazil (Campos, 2024).

It is relevant to mention that, in 2012, when Eduardo was convicted of the crimes committed against Rose Leonel, there was still no specific legislation that dealt with *revenge porn*. This legislative gap was partially addressed in 2013, with the proposition of

Bill No. 5,555/13, known as the "Rose Leonel Law" or "Maria da Penha Virtual". The bill was conceived to properly regulate and typify the unauthorized disclosure of intimate content, creating a more appropriate legal mechanism for the protection of victims of virtual crimes (Andrade; Araújo, 2020)

This legislative proposal evolved and was sanctioned as Ordinary Law No. 13,772/2018, marking an important advance in the Brazilian legal system by establishing the specific criminalization of the exposure of intimate images without consent, in addition to reinforcing the protection of the privacy, dignity, and moral integrity of victims (Ferreira; Barbosa, 2023).

## JÚLIA REBECA DOS SANTOS CASE

The case of Júlia Rebeca dos Santos, which took place in 2013 in Parnaíba, state of Piauí, is widely recognized as a milestone in the Brazilian debate on revenge pornography and its devastating consequences for victims. Júlia Rebeca, then 17 years old, was the victim of a serious violation of privacy when an intimate video, recorded in a private context, was disseminated on the *internet* without her consent. The material quickly went viral in *WhatsApp groups* and on social networks, generating an avalanche of public humiliation, verbal attacks, and intense blaming of the young woman, who began to be held responsible for what happened (Cruz, 2020).

The social repercussion was brutal, both in traditional media and on social networks, where Júlia was widely criticized and exposed in an abusive way. The moral and social pressure resulting from this exposure proved to be unsustainable for the adolescent, who, in a last outburst on her social networks on November 10, 2013, announced her suffering (Guimarães; Dresch, 2021). Days later, Júlia committed suicide in her room, using the strand of a hair straightener. It should be noted that the impact of this episode was not limited to the tragic death of Júlia; the other young woman who also appeared in the video attempted suicide five days later but was rescued in time (Andrade; Araújo, 2020)

The case highlighted not only the vulnerability of victims of digital crimes but also the legal and investigative difficulties faced in holding the perpetrators of unauthorized exposures accountable. The seriousness of the case was intensified by the sale of the video on a *website*, where it was sold for R$4.90 (four reais and ninety cents), which caused the opening of an investigation by the Federal Police. Despite the efforts of the family and the authorities, by the end of 2018, no significant results had been obtained in identifying and punishing those responsible, reflecting the limitations of the legal apparatus in force at the time in adequately dealing with revenge pornography (Cruz, 2020).

This emblematic case has spurred broader discussions on the need for stricter and more comprehensive laws to protect victims of digital crimes, highlighting the urgency of a more effective legal system in terms of prevention, protection, and accountability. He also reinforced the demand for public policies that promote awareness of the risks associated with the unauthorized exposure of intimate content in the digital age. The tragedy of Júlia Rebeca represents a painful example of the psychological, social, and family damage caused by this type of violence, and emphasizes the need for a more robust and efficient legal framework to protect the dignity and integrity of victims of revenge porn in Brazil (Cruz, 2020).

## "JÉSSICA" CASE AND THE PIONEERING SENTENCE IN 2019

Jéssica's case, which took place in 2019, became a significant milestone in the fight against revenge pornography in Brazil, highlighting the importance of the application of Law 13.718/2018 for the protection of victims and the punishment of aggressors. Jessica, a young woman, was a victim of her ex-boyfriend, who, after the relationship ended, released intimate photos of her on social networks without her consent. (Ferreira; Barbosa, 2023).

The release of the images had a devastating impact, not only on the emotional and psychological aspect of the victim, but also on her social and professional life. The situation of public humiliation and revictimization was intensified by the spread of images on digital platforms, where the content was available for a long period (Lima et al., 2023).

Faced with this situation, Jessica decided to seek justice and took the case to the courts. The complaint involved the violation of her privacy and dignity, constituting an act of gender violence with the clear intention of humiliation. The aggressor, who initially refused to recognize the act as criminal, was prosecuted based on article 218-C of the Penal Code, which was introduced by Law 13.718/2018, criminalizing the dissemination of intimate images without consent. This legislation was a significant step forward in protecting victims of revenge porn, providing a more effective legal response to a growing problem in the digital age.

The court case faced challenges, especially due to the behavior of the defendant, who tried to minimize the impact of his actions and dodge accountability. However, the justice system was sensitive to the seriousness of the crime and, in a pioneering decision, applied Law 13,718/2018 in an exemplary manner. The attacker was sentenced to prison time, setting an important precedent for similar cases. This sentence represented one of the first applications of the new legislation in a revenge porn case, and the conviction was

considered a milestone in protecting victims' rights and effectively punishing offenders (Maldonado, 2024).

In addition to the aggressor's conviction, the court ordered additional protection measures for Jéssica, including the immediate removal of the intimate images from all platforms where they had been published. The court decision also included the granting of compensation for moral damages, which, although not capable of erasing the suffering caused, sought to compensate the victim for the emotional and social damage suffered due to the non-consensual exposure of their intimacy. The compensation measure, in addition to being punitive, had a reparative character, highlighting the recognition of the right to privacy and respect for the dignity of the human person (Rosa, 2024).

## FINAL CONSIDERATIONS

It is concluded that revenge pornography represents a contemporary form of digital violence, exposing significant challenges to victims' right to privacy, dignity, and honor. The study showed that Brazilian legislation, through Law No. 13,718/2018, although it represents an important advance in the protection of victims, still needs more effective complements to encompass the complexity of this practice, considering its social, psychological, and legal dimensions.

Legal protection must go beyond criminal classification, encompassing measures that ensure full reparation for the damages suffered by victims, as well as the implementation of preventive public policies and awareness of the risks of non-consensual digital exposure. In addition, the legal system must consider the specificities of the virtual environment, such as the speed of dissemination and the permanence of the content, factors that aggravate the existential damage of the victims.

Given the difficulties inherent in the complete removal of intimate content from the internet, the justice system must ensure speed in the granting of protective measures, ensuring the rapid interruption of the violation and the minimization of the impact suffered. The articulation between the General Data Protection Law (LGPD), the Civil Rights Framework for the Internet, and the Penal Code must be improved to ensure an effective legal response, which includes not only the punishment of aggressors but also the full protection of victims.

The social and psychological impact of victims of revenge porn is profound and often irreparable, reflecting in emotional damage, social isolation, and stigmatization. In addition, the rapid spread of intimate content in the digital environment makes complete repair practically unfeasible, because, once published, the data is almost impossible to be

completely removed from the internet. Thus, the right to compensation for damages must be rigorously applied, ensuring victims not only compensation for material and moral damages but also continuous support for the restructuring of their personal and social lives.

Finally, this study highlights the need for a multidisciplinary approach to confronting revenge pornography, involving professionals in law, psychology, social work, and technology. This integrated approach aims not only at the proper accountability of offenders but also at the promotion of a safer digital environment where people's dignity and privacy are preserved, reflecting the true spirit of the Democratic Rule of Law.

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