

GOVERNMENT EFFORTS TO TACKLE SEXUAL HARASSMENT IN INDONESIA

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Abstract

The problem of sexual harassment is a form of crime that marks the dignity of humanity and is categorized as a type of crime against humanitarian law. Based on the background of the problems that have been stated above, there are several impacts that arise for victims, namely physical and psychological impacts. In this regard, the formulation of the problem raised in this study is the government's efforts to tackle sexual harassment in Indonesia. The type of data used in this research is quantitative with a case study approach. The purpose of using this method is to be able to see more, analyze and understand in describing the government's role in tackling cases of sexual harassment in Indonesia

Based on the research results, it can be concluded that the steps that must be taken by the government in an effort to overcome sexual harassment. First, the government needs to carry out a policy of criminalizing new forms of sexual violence either through the new Criminal Code Bill or in the Sexual Violence Draft Law. Second, the government needs to increase non-penal efforts through activities such as sponsorship and social education in the context of developing community social responsibility, cultivating community mental health through moral and religious education.

Keywords: *Sexual Harassment, Government, Indonesia*

Introduction

The problem of sexual harassment is one form of crime that marks the dignity of humanity and stones are categorized as types of crimes that are against humanitarian law. Based on the background of the problems that have been stated above, there are several impacts that arise for victims, namely physical and psychological impacts. In relation to this, the formulation of the problem proposed in this study is the government's efforts in tackling sexual harassment in Indonesia. The type of data used in this study is quantitative with a case study approach. The

purpose of using this method is to be able to see, analyze and understand in describing the role of the government in tackling sexual harassment cases in Indonesia

Based on the results of the study, it was concluded that the steps that must be taken by the government in efforts to overcome sexual harassment First, the government needs to carry out a policy of criminalization of new forms of sexual violence either through the new Criminal Code Bill or in the Sexual Violence Bill. Second, the government needs to increase non-penal efforts through activities such as chanting and social education in order to develop community social responsibility, cultivating community mental health through moral and religious education.

Child sexual abuse is unwanted behavior that leads to sexual activity towards children, both verbally and non-verbally. Sexual violence is a form of non-verbal sexual abuse, namely sexual abuse in the form of physical actions or contact that make children the object of satisfying sexual needs. The phenomenon of sexual violence against children is increasingly rife. The victims are not only limited to girls, but also boys. Boys and girls are all potential victims. Sadly, most of these sex offenders are from the family environment, the closest people or the environment around the child is located.

The criminal act of sexual harassment is a very serious problem in public life, because in addition to being a heavy burden both physically and psychologically by the victim, this criminal act of sexual harassment is a problem that burdens the State. Often we read and hear both from print and electronic media about the occurrence of sexual harassment crimes. Even the occurrence of sexual harassment crimes is not only in big cities that are relatively more advanced in culture and legal awareness or knowledge, but also occurs in remote or rural areas that still hold the value of local traditions and customs, especially among people who are economically weak (Pratiwi 2012).

Based on the background stated and discussed above, there are several factors that cause sexual harassment incidents in Indonesia. The government has tried but there are still many incidents of sexual harassment occurring. Therefore, it is necessary to know what factors most influence the occurrence of sexual harassment events, and these factors can be chosen as alternative solutions to the problem. In this regard, the formulation of the problem proposed in this study is the Government's efforts in tackling sexual harassment in Indonesia.

Methods

This type of research uses qualitative methods with a case study approach. Qualitative research is research that uses methods to explore and understand an individual or group of people. Qualitative Research is research carried out as a whole object under study whose research results are in the form of words containing explanations obtained through valid sources. Research using Case Studies is research used to analyze and understand an event that occurs by obtaining information through research informants and then processing data so as to provide a solution so that the problem under study can be solved. The purpose of using this method is to be able to see, analyze and understand in describing the role of the government in tackling sexual harassment cases in Indonesia.

Result and Discussion

The main problem with sexual harassment is the lack of law enforcement for its victims. This is due to first, the unequal interpretations that are used as sources of law. There are also those caused by the influence of globalization so that people have a perspective of always comparing values, always comparing what he receives from the outside world. This causes law enforcement in the field of immorality to be hampered.

Second, it becomes a complaint in the matter of immorality. This gives an understanding to the public that immoral issues are privacy issues, consequently law enforcement in the field of decency does not depend on the interests of the aggrieved party. The separation between the rights of the husband or the rights of the wife, as stipulated in Article 284 of the Criminal Code, is only limited to rights in the civil field, such as divorce.

Third, the position of women in society. Women have a weaker position than men. Therefore, cases of sexual harassment often take advantage of women's weaknesses, therefore many cases of sexual training often occur in women.

Forms of sexual harassment that often occur and can be categorized as immoral acts include, behavior and comments related to female sex roles (gender harassment), invitations for unwanted and coercive sexual pleasure but do not have any sanctions (seductive behavior), requests to engage in sexual activities or things related to accompanied by certain promises or rewards (sexual bribery), coercion to have sexual intercourse accompanied by threats of punishment (sexual coercion) and sexual crimes and violations of the law committed blatantly (sexual assault).

The reaction of victims of sexual harassment is usually more silent. A Western researcher named Johnson (1982) found and grouped five kinds of reactions displayed by women victims of sexual harassment, namely:

1. Go along (obey or approve)
2. Go along out of fear of retaliation
3. Took formal action against the harasser: e.g. reporting to superiors, expressing direct rejection to the perpetrator
4. Avoiding the harasser
5. Ignore or did nothing

Of the five reactions, the reaction often displayed by the victim is to avoid the perpetrator and ignore him, this is caused by the victim feeling ashamed, nothing can be done, and feeling afraid. If we look at cases of sexual violence today, the formation of the Sexual Violence Bill should also consider the scope of victims of sexual violence, because sexual violence now occurs not only in women and children, men are also not spared from being victims. The lack of record of case reports with male victims is due to many factors, including shame and the paradigm of male masculinity in society. Like sexual violence against women, sexual violence against men can take many forms, and occur in different contexts, including at home or work, in prisons and police detention, during wartime and in the military. Various forms of sexual violence were

perpetrated against men, including rape, forced sterilization, forced nudity, forced masturbation, violence against the genitals, and rape under duress. Sexual violence against men includes acts of emasculation, which can occur through a "feminization" or "homosexualization" of the victim, and the prevention of circumstances to produce offspring.

Combating sexual violence also includes the issue of victim protection. The policy of juridical protection of victims of sexual violence in the Draft Law on Sexual Violence is very important. The criminal procedural process is expected to pay more attention to the rights of victims of sexual violence. This includes infrastructure that supports the effectiveness of the law enforcement process, as well as the special ability of law enforcement or experts to assist the recovery of victims and their families which includes physical and psychological health, including the rehabilitation of the perpetrator. Regarding the rights of crime victims, Arif Gosita in his book "The Problem of Crime Victims" describes the forms of rights of crime victims. 44 In relation to sexual violence, the rights of the victim that can be pursued include: the right to compensation for their suffering, in accordance with the ability to compensate the victim maker and the level of involvement / participation / role of the victim in the commission of the crime, delinquency and deviation; the right to coaching and rehabilitation; and has the right to refuse to be a witness if this would endanger him. Still according to Arif Gosita, law enforcement agencies should not neglect to fight for the rights of the victim. If this is not done, then this is wrong because it makes a victim, with possible consequences. Judges and Police must guard against people's ingenuity. The socio-economic issues of compensation and damages have a close relationship with it. The most important thing about criminological practice is to help the victim-maker, but also not to forget the victim. They also need coaching and help, both are justice seekers. It is also necessary to provide psychological or psychiatric assistance to victims. 44 Arif Gosita, *The Problem of Victims of Crime in Kumpulan Karangan*, Jakarta: Akademika Pressindo, 1983, p. 52. Help the victim not to become a victim again and protect him and nurture him, not to be hurt / dissatisfied with the rewards that have been sought and then become a victim maker himself. For this, the meeting with each other, the claimant of the victim and the victim is of paramount importance, both at the time of trial and the determination of the gravity of the victimization. This can be useful especially in the formation of sexual offenders by confronting the victim maker and the victim, or perhaps her husband or wife, or in the case of young victims with their parents. Sex offenders are usually lonely people and thus the encounter may help them get out of their loneliness.

Conclusion

The government in this case has indeed made various efforts in tackling sexual violence, both penally and non-penally. But in reality it is still not effective. Therefore, in the future, an increase in policy measures must be taken by the government is needed. First, the government needs to carry out a policy of criminalizing new forms of sexual violence either through the new Criminal Code Bill or in the Sexual Violence Bill. From the discussion, it is also known that the subject matter in the Draft Law on Sexual Violence has described the concept of community protection against sexual violence more broadly, including the existence of a paradigm of protection for victims of sexual violence. Second, the government needs to increase non-penal efforts through activities such as

chanting and social education in order to develop community social responsibility, cultivating community mental health through moral and religious education. This includes activities to improve child and adolescent welfare efforts, continuous monitoring activities by police and security forces in places prone to sexual crimes such as factories and schools.

References

- Afifah, Revi, and Nanda Ratri Fadilah. "Implementation of Pancasila Values in Students in Everyday Life." *The Easta Journal Law and Human Rights* 1.02 (2023): 51-57.
- Annisa, Miftia Nur, Rika Maryani, and Aris Prio Agus Santoso. "Employment Legal System for TKI in Legal Protection." *Proceedings International Conference Restructuring and Transforming Law*. 2022.
- Aryono, and Rina Arum Prastyanti. "Criminal Liability in Withdrawing Fiduciary Collateral to Leasing Parties by Debt Collectors Based on Law Number 42 Year 1999 on Fiduciary Guarantee." *History: Educational Journal of History and Humanities* 6.2 (2023).
- Astari, Zuri, Amrazi Zakso, and Supriadi Supriadi. "HANDLING SEXUAL ABUSE OF MINORS IN PONTIANAK CITY." *Journal of Equatorial Education and Learning (JPPK)* 8.10
- Firdaus, Muhammad Ihsan. "The Legalization of Interfaith Marriage in Indonesia (Between Universalism and Cultural Relativism)." *The Easta Journal Law and Human Rights* 1.02 (2023): 64-72.
- Hairi, Prianter Jaya. "Sexual Violence Problems: Analyzing The Direction Of Government Policy In Handling The Problems." *The State of Law: Building Laws for Justice and Welfare* 6.1 (2016): 1-15.
- Hapsari, Ajeng Maulana, and Allia Amanda Febri Wahyuningtiyas. "Student Action in Defending the Country Upholding Pancasila Values." *The Easta Journal Law and Human Rights* 1.02 (2023): 58-63.
- Julita, M., & Meilani, N. L. (2023). The Role of Local Government in Handling Cases of Sexual Violence against Minors in Kuantan Singingi Regency. *Tambusai Journal of Education*, 7(1), 4063-4071.
- Kamiliya, Sauda, and Shinta Selvianika. "The Decline of the Function of Pancasila as the Moral of the Nation and the Basis of the State." *The Easta Journal Law and Human Rights* 1.02 (2023): 72-77.
- Kenjiro, Jordan, Arda Tri Angga, and Aris Prio Agus Santoso. "Human rights are reviewed from the point of view of justice (Munir's case study)." *Proceedings of HUBISINTEK* 1 (2020): 113-113.
- Kusuma, Erska. "Freedom of Opinion and Its Relation to Human Rights." *Sanskara Law and Human Rights* 1.03 (2023): 97-101.
- Prasetya, Ajie, Aris Prio Agus Santoso, and Yulia Emma Sigalingging. "Sanctions Of Castrated For Children Viators Reviewing From Human Rights." *International Journal Law and Legal Ethics (IJLLE)* 3.2 (2022): 61-73.
- Rezi, et al. *Law Enforcement of Environmental Disputes of PT Rayon Utama Makmur in Sukoharjo Regency, Central Java*. Diss. University of Muhammadiyah Surakarta, 2020.
- Rohsawati, Mawardhany, et al. "The Sharpness of the Sword of Office Can Behead Justice." *Proceedings of the National Seminar on Law, Business, Science and Technology*. Vol. 3. No. 1. 2023.

- Santoso, Aris Prio Agus Santoso. "Civic Education". Jakarta: Trans Info Media. 2022.
- Santoso, Aris Prio Agus, et al. "The emergence of a new religion in Indonesia from the point of view of human rights and religious harmony." *JISIP (Journal of Social Sciences and Education)* 5.1 (2021).
- Santoso, Aris Prio Agus, et al. "Reproductive Rights in HIV/AIDS Sufferers from a Legal and Religious Point of View." *JISIP (Journal of Social Sciences and Education)* 7.3 (2023).
- Sarwanto, Agus. "The Phenomenon of Juvenile Delinquency that Occurs in the Era of Globalization." *The Easta Journal Law and Human Rights* 1.02 (2023): 45-50.
- Susila, Jaka. "Monodualistic Handling of Sexual Harassment Crimes: Perspectives on Indonesian Criminal Procedure Law Reform." *Al-Ahkam, Journal of Shari'ah and Law* 4.2 (2019).
- Vinkasari, Elriza, et al. "Interreligious Tolerance in Indonesia to Maintain Harmony." *Proceedings of Hubisintek* 1 (2020): 67-67.
- Wurnasari, Annissha Azzahra, et al. "The Impact of Inmate Assimilation on the Rise of Crime in the Middle of the Covid-19 Pandemic." *Proceedings of HUBISINTEK* 1 (2020): 20-20.