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## **Looking for Justice in the Black Cloud: Providing Justice for Victims of Sexual Harassment in Indonesia**

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**ABSTRACT.** According to Komnas Perempuan, sexual harassment is a sexual act through physical or non-physical touch that targets the sexual organs or sexuality of the victim. This includes using whistles, flirting, sexually suggestive speech, displaying pornographic material and sexual

desires, touching or touching body parts, gestures or gestures of a sexual nature that cause discomfort, be offended, feel humiliated, and possibly cause health problems. and safety. The law also has its own interpretation of sexual harassment. In the Criminal Code (KUHP) there is no term sexual harassment, but in Article 289 to Article 296 of the Criminal Code it is called obscenity. R. Soesilo in the book "KUHP and its comments", sexual harassment includes acts that violate a sense of decency, or other vile acts, and all of them are in an environment of sexual lust. For example, kissing, groping the genitals, groping the breasts and so on. The term sexual harassment, according to Ratna, refers to sexual harassment which is defined as unwelcome attention or legally defined as an imposition of unwelcome sexual demands or creation of sexually offensive environments. This study aims to analyze and describe the legal protection for victims of sexual harassment in Indonesia. This study compares some laws and regulation concerning to the victim protection, child protection, women protection, and human rights law itself.

**KEYWORDS.** *Justice, Victim's Protections, Women's Protection, Sexual Harrasment*

## I. INTRODUCTION

It is explained in the Big Indonesian Dictionary (KBBI) that to insult is to look down on (not valuable); humiliating; ignore (KBBI, 2020). Meanwhile, sexual in the Big Indonesian Dictionary (KBBI) is related to sex (gender); regarding sexual intercourse between a man and a woman (KBBI, 2020). If interpreted literally from the KBBI that sexual harassment is any unwanted

sexual act, a request to perform a sexual act, a verbal or physical act or gesture of a sexual nature, or any other behavior of a sexual nature, which makes a person feel offended, humiliated and/or or intimidated where such a reaction is reasonable in the circumstances, and the act interferes with work, is made a condition of employment or creates an intimidating, hostile or disrespectful work environment.

According to Komnas Perempuan, sexual harassment is a sexual act through physical or non-physical touch that targets the sexual organs or sexuality of the victim. This includes using whistles, flirting, sexually suggestive speech, displaying pornographic material and sexual desires, touching or touching body parts, gestures or gestures of a sexual nature that cause discomfort, be offended, feel humiliated, and possibly cause health problems. and safety (Komnas Perempuan, 2019). The law also has its own interpretation of sexual harassment. In the Criminal Code (KUHP) there is no term sexual harassment, but in Article 289 to Article 296 of the Criminal Code it is called obscenity. R. Soesilo in the book "KUHP and its comments", sexual harassment includes acts that violate a sense of decency, or other vile acts, and all of them are in an environment of sexual lust. For example, kissing, groping the genitals, groping the breasts and so on (HukumOnline, 2020; Ningsih, 2018; Yusyanti, 2020). The term sexual harassment, according to Ratna, refers to sexual harassment which is defined as unwelcome attention or legally defined as an imposition of unwelcome sexual demands or creation of sexually offensive environments.

The law is basically a reflection of the cultural values of sexuality that prevail in society. Through law, these cultural values are legalized, confirmed, and perpetuated. The law, insofar as it relates to the relationship between men and women, only legitimizes what is already in

effect in society. On the other hand, the law is used by the state as a tool to regulate and control the sexuality of its people. This is because the state has an interest in using the regulation of sexuality for "justified" socio-political-economic goals. For example, in controlling women's fertility through family planning policies for population and economic purposes. Cases of sexual harassment are very common in Indonesia. The victims are not only women but also men. Sexual harassment does not look at age, sexual harassment occurs even to children under five. It's a terrible fact that happened in Indonesia (Purwanti & Hardiyanti, 2018; Jardianti, et. al, 2021; Purbararas, 2018).

Sexual harassment also does not happen to those who are scantily clad, but those who dress very discreetly can become victims of sexual harassment. In the findings of a survey by the Lantern Sintas Indonesia team, the majority of victims of sexual harassment in public spaces did not wear revealing clothes, but wore pants or long skirts (18%), hijabs (17%) and long sleeves (16%) (BBC Indonesia, 2019). Not only that, survey data from Komnas Perempuan noted that for 12 years (2001-2012), at least 35 women were victims of sexual violence every day. In 2012, at least 4,336 cases of sexual violence were recorded, of which 2,920 cases occurred in the public/community domain, with the majority of them being rape and sexual abuse (1620). Meanwhile, in 2013, cases of sexual violence increased to 5,629 cases. This means that in 3 hours at least 2 women experience sexual violence. The ages of the victims found were between 13-18 years old and 25-40 years old. The survey results also show that when the victims experienced harassment the majority occurred in the afternoon (35%) and in the afternoon (25%).

Of the many cases, what did the victims do after doing the treatment? It was revealed that the victim admitted that many witnesses ignored

(40%) and even blamed the victim (8%) when the harassment occurred. However, many also defended the victim (22%) and tried to calm the victim (15%) after the incident. as many as 92% of victims claimed to feel helped after being defended. The evidentiary system that applies to proving sexual harassment often fails to take the experience of the victim into account. Many cases of sexual harassment fail in the middle of the road before reaching the court level simply because they are considered not to meet the existing evidence system, which is basically not in accordance with the reality of sexual harassment against its victims.

Data on sexual harassment cases handled by LBH-APIK Jakarta, for example, shows that out of 25 cases of sexual harassment during 1997-1999, only seven cases were decided in court ([HukumOnline, 2020](#)). Ironically, of the seven cases, only two of them were considered cases of sexual harassment. The rest, decided as cases of confinement. The last five cases are not considered sexual harassment because they are considered not to meet the two main elements of sexual harassment that must be proven, namely elements of violence or threats of violence and signs of harassment, in accordance with the formulation of obscenity that has been defined by the Criminal Code.

Therefore, in this case the writing examines further the concepts and forms of criminal acts, reviews the victimization of sexual harassment and legal protection for victims of sexual harassment.

## **II. LEGAL PROTECTION FOR VICTIMS OF SEXUAL HARASSMENT IN INDONESIA**

Legal protection of the interests of victims of sexual violence, either through the judicial process or through social care facilities, is part of legal

policy. The legislation that has become a reference so far in handling cases of sexual violence actually makes it difficult for victims to access justice. Legal elasticity should be very adaptive to the dynamics of social change and the progress of the times. The multidimensional nature in the scope of law covers all aspects of human life. The purpose of the law is to create security and justice for the community. As well as recovery for victims of sexual violence, it is related to the mental and physical health of the individual victims ([Hilmi, 2019](#); [Handayani, 2018](#); [Indainanto, 2020](#)).

Based on the goals and responsibilities of the state to achieve equitable distribution of justice for the general welfare, the rights of victims of sexual violence to be protected are an integral part of human rights in the field of social security. Attention to women's human rights is increasing, with increasing attention to women's problems at the national, regional and international levels. However, in the case of sexual harassment the victims are not only women, but men can also become victims of sexual harassment. However, attention and protection of the interests of victims of sexual violence either through the judicial process or through certain social care facilities is an absolute part that needs to be considered in criminal law policies and social policies ([Somaliagustina & Sari, 2018](#); [Handayani, 2018](#)).

Violence can happen to anyone, both men and women, from children to adults, but what attracts public attention is the violence that afflicts women (wives) and violence occurs within the household. Various laws governing legal protection in Indonesia include Law No. 35 of 2014 concerning Child Protection, Law No. 31 of 2014 concerning Protection of Witnesses and Victims, Law No. 39 of 1999, and Law No. Law No.23 of 2004 concerning the elimination of domestic violence, but there are still many violations and crimes that occur including crimes against life and

body and many acts of violence in society (Jamaludin, 2021; Siregara, Rakhmawaty, & Siregara, 2020; Bondestam & Lundqvist, 2020).

The public needs to understand education about forms of sexual harassment. Because so many cases of sexual harassment have occurred, not many people are aware that this treatment is a form of sexual harassment. Not only that, some cases of sexual harassment are often ignored and considered trivial by the perpetrators. In fact, this behavior certainly cannot be tolerated. Not a few victims of sexual harassment who experience prolonged trauma (Dobbin & Kalev, 2019; Narindrani, 2021; Choirunnisa, 2021). The following are forms of sexual harassment that are often experienced by victims and perpetrated by perpetrators:

1. *Seductive Behavior*

Seductive behavior is characterized by sexual behavior that is offensive, inappropriate, and unwanted by the victim. For example, teasing someone to make them uncomfortable, forcing someone to do something they don't like, and other invitations that someone doesn't deserve or want.

2. *Sexual Offense*

This behavior is in the form of serious sexual offenses such as touching, feeling, or forcibly reaching, as well as sexual assault that is not appropriate or desired by a person.

3. *Gender Harassment*

This behavior is in the form of sexist statements that insult or demean someone because of their gender. For example, derogatory comments, derogatory pictures or writings, obscene jokes or jokes about sex.

4. *Sexual Coercion*

This behavior is related to sex which is accompanied by the threat of punishment. That is, a person is forced to do behavior that he does not want. Otherwise, he was given the threat of certain punishments. It can be in the form of revocation of job promotions, negative job evaluations, threats to personal or family safety, to threats of terror and murder.

5. *Sexual Bribery*

This behavior is in the form of a request for sexual activity with an open promise of reward. For example, a woman/man invites a child to have sex with the lure of money, as long as he does not tell other people about it.

Sexual harassment can also be distinguished according to its behavior. Launching from the Rainn Organization, the forms of sexual harassment according to their behavior are:

1. Sexual comments and jokes about one's body;
2. Whistling others in public;
3. Invitations to have sex or other sexual acts;
4. Spreading rumors about other people's sexual activity;
5. Touching oneself sexually in front of others;
6. Talking about one's own sexual activity in front of others;
7. Sexual touch, which is touching someone's body parts without permission;
8. Showing other people sexual images, videos, stories, or objects (Halodoc, 2020).

Still reported by Halodoc.com, due to sexual harassment, the victim's mental was disturbed due to this treatment. In psychology, victims of sexual harassment can experience depression to suicide. Furthermore,



it is also emphasized that the psychological effects to the victim of sexual harassment may express in the forms of depression, panic attack, anxiety, sleeping disturbance, self blaming, headache, loss of motivation, forgetfulness, the feeling of being deserted, anger, violence to the harasser the feeling of powerless and helpless, and suicidal (Triwijati, 2014; Handayani, Prasetyo, & Rahmat, 2019; Huda, 2021).

Sexual violence does not only happen to women, but also men. This behavior certainly cannot be tolerated, because most victims will experience prolonged trauma. That's why victims of sexual violence need special assistance to recover from the trauma they experienced (Wibowo, 2020; Prastyawan, 2020). Here are six traumas caused by sexual violence that you need to know, reported by Halodoc:

1. *Depression*

Depression is a common trauma experienced by victims of sexual violence. This trauma appears in the form of self-blame and negative feelings such as sad, angry, unhappy, and hopeless). For example, the victim may feel that this incident could have been avoided if he had fought back or fled immediately. If left unchecked, self-pity can lead to depression.

2. *Eating Disorder*

Sexual violence can also affect the victim's perception of her body. This can cause victims of sexual violence to experience eating disorders. For example, making eating activities as an outlet for the trauma experienced. Eating disorders can include anorexia nervosa, bulimia, and binge eating.

3. *Rape Trauma Syndrome*

This syndrome is also known as Rape Trauma Syndrome (RTS). This is not a mental disorder or illness, but a natural response of a

psychologically and physically healthy person to the trauma of rape. Symptoms experienced are usually mental confusion, easily startled, feeling afraid and anxious, as well as physical disorders such as insomnia, headaches, nausea, and vomiting. Not infrequently, rape victims also experience a fear of sex, feel that rape never happened (rejection), and lose sexual desire and interest.

4. *Dissociation*

Dissociation is detachment from reality (reality). This is a form of defense that the brain uses to deal with the trauma of sexual assault. This trauma usually occurs in the form of partial amnesia, moving from place to place and having a new identity, to multiple personalities.

5. *Hypoactive Sexual Desire Disorder*

This trauma is abbreviated as IDD/HSDD, which is a condition characterized by decreased sexual desire or reluctance to have sex. This condition occurs because sexual activity can remind the victim of a bad event that has happened to him.

6. *Dyspareunia*

Dyspareunia is pain that is felt during or after sexual intercourse. This condition is most experienced by women, although men are also at risk for experiencing it. Symptoms experienced in the form of pain in the Miss V, and will be felt when penetration occurs (Mr P enters the Miss V). This condition is called vaginismus, which is a disorder in which the muscles around the vagina tighten by itself during sexual penetration.

Many factors underlie why victims find it difficult to identify and accept the sexual harassment that they have experienced, namely: confusion (not knowing how to describe what happened to themselves),

shame, blaming the victim by others, and positioning the victim as a victim. victims become “guilty” as attributions of dress, lifestyle and personal life come to the fore, instead of being investigated for abuse; guilt over what happened, self-blame, humiliation (unable to accept the idea that one is a victim, or feeling that he should have stopped the abuse), denial (not wanting to believe that it really happened), minimizing or defense mechanism ([Adizza, 2020](#)).

The victim behaves this way because other people say he has to, is afraid (of the perpetrator's revenge), is afraid of being alienated or disliked by the environment, afraid that the perpetrator will face problems when what he wants is simply to stop the behavior or feel responsible for the consequences. from the behavior of the perpetrator, adaptation to this treatment because it may have happened repeatedly and for a long time, so that he feels there is nothing that can be done--or he is a person who learns from his life/others that "I will indeed experience this" and “should be able to handle it” in silence, numbness (when the victim wants to disconnect himself emotionally from the experience, he may also avoid people or places that remind him of the very painful event), re-triggered (the memory that comes up when talking about it again gives too heavy a burden or anxiety/pain), disclaimer (feeling that no one believes the report), slander (the motive or character of the victim may be attacked by the perpetrator or his friends with say things that discredit the victim), same-sex harassment (worried about being questioned about their sexual orientation), masculinity (for men as victims, perhaps afraid that people will question their masculinity or not enjoy the sexual attention given, and sexual orientation.slander (the motive or character of the victim may be attacked by the perpetrator or his friends by saying things that discredit the victim), same-sex

harassment (worried about having his sexual orientation questioned), masculinity (for men as victims, maybe afraid that people will questioning masculinity or not enjoying the sexual attention given, and sexual orientation.slander (the motive or character of the victim may be attacked by the perpetrator or his friends by saying things that discredit the victim), same-sex harassment (worried about having his sexual orientation questioned), masculinity (for men as victims, maybe afraid that people will questioning masculinity or not enjoying the sexual attention given, and sexual orientation ([Rusyidi, Bintari, & Wibowo, 2019](#); [Elbandri & Chan, 2018](#)).

Unfortunately, after the victim gets the effects of the sexual harassment, the law in Indonesia is still not fair in dealing with cases of sexual harassment. In legal theory, according to Locke, legal theory starts from two things, namely individual freedom and the primacy of ratio. Locke also taught the social contract. According to him, humans who carry out Social Contracts are people who are orderly and respect freedom, the right to life and property ownership as human innate rights. According to Locke, the ideal society is a society that does not violate basic human rights. According to Locke, these rights are not handed over to the authorities when the social contract is executed.

The principle of legal protection against government actions rests on and originates from the concept of recognition and protection of human rights because it adheres to history from the west, the birth of the concepts of recognition and protection of human rights is directed at restrictions and laying down community obligations. and Government. The dominant aspect in the western concept of human rights emphasizes the existence of rights and freedoms inherent in human nature and its status as individuals, these rights are above the state and above all political

organizations and are absolute so they cannot be contested. Because of this concept, criticism is often made that the Western concept of Human Rights is an individualistic concept (Hasibuan, 2018| Putri & Adhari, 2021). Then with the inclusion of social rights and economic rights as well as cultural rights, there is a tendency to begin to diminish the individualistic nature of the Western concept (Gunawan, Sardi, & Khairunnisa, 2020).

Satjipto Rahardjo argued that legal protection is an effort to protect a person's interests by allocating a power to him to act in his interests. Furthermore, it was also stated that one of the characteristics and at the same time the purpose of the law is to provide protection to the community. Therefore, legal protection for the community must be realized in the form of legal certainty (Rahardjo, 1983; Munawwarah & Soponyono, 2019).

Article 315 of KUHP directly stated that: *Tiap-tiap penghinaan dengan sengaja yang tidak bersifat pencemaran atau pencemaran tertulis yang dilakukan terhadap seseorang, baik di muka umum dengan lisan atau tulisan, maupun di muka orang itu sendiri dengan lisan atau perbuatan, atau dengan surat yang dikirimkan atau diterimakan kepadanya, diancam karena penghinaan ringan dengan pidana penjara paling lama empat bulan dua minggu atau pidana denda paling banyak empat ribu lima ratus rupiah.* [Every intentional insult that is not defamatory or written defamation that is committed against a person, either in public orally or in writing, or in front of the person himself by word of mouth or deed, or by a letter sent or received to him, is threatened with humiliation. light imprisonment with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiah].

Article 281 KUHP also stated that: *Diancam dengan pidana penjara paling lama dua tahun delapan bulan atau pidana denda paling banyak empat ribu lima ratus rupiah: (1) barang siapa dengan sengaja dan terbuka melanggar kesusilaan; (2) barang siapa dengan sengaja dan di depan orang lain yang ada di situ bertentangan dengan kehendaknya, melanggar kesusilaan.* [Threatened with a maximum imprisonment of two years and eight months or a maximum fine of four thousand and five hundred rupiah: (1) whoever intentionally and openly violates decency; (2) whoever intentionally and in front of other people who are there against his will, violates decency].

In the Criminal Code (KUHP) only the term "*obscene*" is known which is regulated in Articles 289-296 of the Criminal Code. The term Sexual Harassment refers to sexual harassment which is defined as unwelcome attention or legally defined as the imposition of unwelcome sexual demands or creation of sexually offensive environments. An important element of Sexual Harassment is an unwillingness or resistance to any form of attention of a sexual nature. So that actions such as whistles, words, comments according to local culture or manners are natural. However, if it is not desired by the recipient of the act then the act can be categorized as Sexual Harassment. Victims can report sexual harassment perpetrators on the basis of articles 281 of the Criminal Code and 315 of the Criminal Code.

There are several cases of sexual harassment that do not get legal justice in Indonesia. In fact, the effects of victims who experience harassment are very risky to the victim's mentality. For example, the case of sexual harassment experienced by Baiq Nuril. For Justice Baiq Nuril expressed their concern over the alleged sexual harassment case that befell Baiq Nuril. They said that Nuril's case could set a bad precedent for similar cases.

Nuril, who was a victim of sexual harassment, was found guilty and charged under the ITE Law because it was deemed proven that he had spread his conversation with the Principal of SMA 7 Mataram, who was also mentioned as the perpetrator of the abuse. The case of Baiq Nuril, is considered to be mentally shrinking other victims for sexual harassment that befell them to the authorities. Furthermore, Baiq Nuril's Women's Coalition for Justice made 6 demands to a number of parties, so that Nuril would get justice. Here are the contents of the six demands:

1. The government and relevant state institutions must immediately fulfill Nuril's right to receive psychological, social and economic rehabilitation as well as a legal process that favors victims of sexual violence.
2. Law enforcement officers to have a perspective on the rights of women victims of sexual violence.
3. The Supreme Court to implement PERMA NO 3 of 2017 concerning women in conflict with the law.
4. The Judicial Commission and the Supreme Court are to provide guidance and capacity building for judges who conduct examinations in cases of women dealing with the law, to carry out trials and examinations in accordance with the mandate of PERMA Number 3 of 2017.
5. Law Enforcement Officials, to include the condition of the victim of sexual violence as one of the mitigating reasons in the event that the victim becomes a suspect in a crime that is directly related to the sexual violence he experienced.
6. The government and the DPR RI will immediately discuss and ratify the Abolition Bill ([Sulistyan, 2018](#); [Ramli, Dhiarafah, & Merrita, 2019](#); [Manthovani & Tejomurti, 2019](#); [Sari, 2019](#)).

Baiq Nuril is a former honorary employee of the administrative division of SMA 7 Mataram, NTB. The Mataram City District Court found Nuril not guilty in the case of distributing immoral phone recordings from his school principal. The public prosecutor then filed an appeal to the Supreme Court. Apparently, the Supreme Court found him guilty of imprisonment for six months and a fine of IDR 500 million.

From the Baiq Nuril case, it is explained that cases of sexual harassment in obtaining justice in Indonesia have not been fully provided for by Indonesian law.

### **III. VICTIMOLOGY STUDY OF VICTIMS OF SEXUAL HARASSMENT IN INDONESIA**

Victimology with its various views expands the theories of criminal etiology that are needed to understand the existence of crime as a structural and non-structural victimization in a better way, in addition to the views in Victimology, it encourages people to pay attention to and serve every party who can become a mental, physical victim. and social. The benefits of Victimology according to Arief Gosita are as follows:

1. Victimology studies the nature of who is the victim and who causes the victim, what Victimization means and the Victimization process for those who are involved in the Victimization process.
2. Victimology contributes to a better understanding of victims as a result of human actions that cause mental, physical and social suffering. The aim is not to flatter the victim, but only to provide some explanation regarding the position and role of the victim and their relationship with the perpetrator and other parties. This clarity is very important in order to seek prevention activities against various kinds



of Victimization, in order to uphold Justice and improve their welfare which is seen directly in the existence of a Victimization.

3. Victimology provides the belief that every individual has the right and obligation to know about the dangers they face in relation to their work life. Especially in the field of counseling and coaching not to become structural or non-structural victims. The goal is to provide a good understanding and to be more alert.
4. Victimology also pays attention to the issue of indirect victimization, for example, political effects on the population of the “third world” due to bribery by an international corporation, social consequences for everyone, due to industrial pollution, economic, political and social victimization whenever an official abuses his position. in Government.
5. Victimology provides the rationale for the problem of solving Criminal Victimization. Victimology opinions are used in criminal justice decisions and court reactions to criminals studying victims of and in the criminal justice process, as well as the study of human rights and obligations (Gosita, 1993).

JE Sahetapy defines Victimization as suffering both physical and psychological or mental related to the actions of other parties. Acts committed by individuals, a certain group, a certain community, even the government, so that the victim is not only an individual, but a group of people or a particular community or part of the people who suffer, not only physically but inclusively in the financial, economic, and social sense. social, religious and in a broad psychological sense. JE Sehatapy argues that thus the victimization paradigm includes:

1. Political Victimization, can include aspects of abuse of power, rape, human rights, TNI intervention outside its function, terrorism, intervention and war locally or on an international scale.
2. Economic Victimization, especially those that occur because of collusion between the government and conglomerates, the production of goods of inferior quality or that damage health, including environmental aspects.
3. Family Victimization, such as rape, torture of wife and children and neglect of elderly people or their own parents.
4. Media victimization, in this case can be called drug abuse, alcoholism, malpractice in the field of medicine and others.
5. Juridical Victimization, this dimension is quite broad, both concerning aspects of the judiciary and correctional institutions as well as those concerning the dimensions of statutory discrimination, including applying the law of power and stigmatization of detention, the judicial aspect has already been completed.

The definition of a crime (*delict*) is a general understanding of all acts that violate the law or legislation without distinguishing whether the violation is in the field of private law or public law, including criminal law. In this case, sexual abuse is an ordinary offense, because the crime can be prosecuted without a complaint (request) from the person affected by the crime to the investigator. There are several forms and types of terms about obscenity as emphasized by Kartono (1985) are:

1. *Exhibitionism* sexual i.e., deliberately showing genitals on.
2. *Voyeurism* that is, the adult kisses the child passionately.
3. *Foundation* that is, stroking/touching one's genitals.
4. *Fellatio* that is, adults force people to make mouth contact.

The crime of obscenity, ironically, does not only take place in the external environment or in certain places that provide opportunities for people of different sexes to communicate, but can also occur in the surrounding environment that should be a place of protection. Usually a crime can be revealed if there is a complaint made by the victim or the public, although there are also crimes that are revealed because the perpetrator is caught red-handed by the authorities. Thus, to be able to reveal the crimes that occurred, law enforcement officers, especially the police, really need the active role of victims.

From the formulation of criminal provisions (especially the Criminal Code), especially those relating to the types of criminal sanctions, it can be said that there is no single type of criminal sanction which is useful in order to restore the suffering of victims of crime. Almost all of the basic and additional penalties formulated in the Criminal Code are offender-oriented (only focused on the perpetrator). Even if there are other parties who take advantage of the formulation of criminal sanctions, it is the state or the general public who directly feel the benefits of the criminal sanctions, for example when a criminal is sentenced to prison, then for the time being the community is free from the crime of the perpetrator. In article 5 of the Criminal Procedure Code it is stated that "One of the duties and authorities of investigators is to receive reports or complaints from someone about a criminal act". However, so far, investigators have not carried out an investigation into cases of criminal acts of sexual abuse because none of the victims reported their cases to the authorities. The relationship between the two (police and victims) is not strictly regulated by legal regulations. In cases like this, victims of crime are generally faced with the criminal justice system in the current position, the victim is

actually preoccupied with dealing with the police and prosecutors rather than with criminal law violators ([Sari & Hadi, 2018](#)).

In some obscenity crimes that often occur, the role of the victim is very relative. The role of the victim is relative in the sense that the victim has the status of a passive or active participant in a criminal act of obscenity. an active role, namely the victim who often dresses immodestly or tightly so that it can stimulate, which can invite the perpetrator to commit the crime. Victims have a passive role, namely having a situation or condition of the victim's party that can stimulate the perpetrator to take an action, unwilling or willing to become a victim such as physical weakness, lack of knowledge about the obscene acts that occurred against him and some that occurred due to the negligence of the victim so that the situation and conditions that allow perpetrators to use them to commit crimes ([Sari & Hadi, 2018](#)).

Sexual harassment is basically any form of behavior that has a sexual content that is carried out by a person or a number of people but is not liked and not expected by the person being targeted so that it causes negative consequences, such as: shame, offence, humiliation, anger, loss of self-esteem, loss of holiness, and so on, in the person who is the victim. Another opinion states that sexual harassment is all forms of behavior that have sexual connotations that are carried out unilaterally and are not expected by the person who is the target so that it causes a negative reaction: shame, anger, offense and so on in the person who is the victim of harassment ([Sari & Hadi, 2018](#)).

## IV. CONCLUSION

This study highlighted and concluded that people generally demand that victims be able to voice or report incidents of sexual harassment. Victims can generally report when they believe that their actions will not hit back. Therefore, it takes a commitment from the institution to provide support to victims and provide deterrent sanctions as a form of accountability for the perpetrators. There are two modes of victimization of the victim of sexual abuse, the first being the victim being followed on a motorbike, then when the conditions and situations are according to the perpetrator, the perpetrator launches his action by harassing the victim. The second mode of the perpetrator against another victim, namely the perpetrator showing off his vital organs in public in front of the victim, then the perpetrator masturbates so that the victim is shocked and frightened. The impact of victimization on victims can include physical, emotional, and psychological trauma. The effects of the trauma include physical pain, panic attacks, avoidant behavior, feelings of distrust and isolation, and irritability. Victims of sexual harassment experience stress to varying degrees.

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