



Legal Protection for Women Victims of Verbal Sexual Harassment in Public Environments (Catcalling)

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ARTICLE INFO	ABSTRACT
<p>Keywords: Legal protection; Catcalling; Woman</p> <p>How to cite: Riatati, A. (2024). Legal Protection for Women Victims of Verbal Sexual Harassment in Public Environments (Catcalling). <i>Veteran Law Review</i>. 7(1). 60-72.</p> <p>Received: 2023-09-18</p> <p>Revised: 2024-04-10</p> <p>Accepted: 2024-05-31</p>	<p>Verbal sexual harassment or commonly called catcalling is verbal sexual harassment behavior that occurs in public by uttering indecent, sensitive remarks or words at the victim, causing feelings of fear, discomfort and threat. Usually the form of catcalling is in the form of whistling, harsh words containing pornographic elements, innuendo, shouting, and comments aimed at women's physical characteristics. Generally, catcalling often occurs in public places. This harassment is often considered normal by society because people think it is just an ordinary joke. The normative research method used in this research is research based on legal materials by studying written regulations, theories, concepts and secondary data. This research aims to find out what form of legal protection is provided by the Indonesian State against catcalling harassment, to find out the causes and impacts of catcalling on women. Women are subjected to harassment on the streets, but there are no specific regulations regarding this case. Therefore, there needs to be an emphasis on eradicating this harassment to the wider community through regulations related to decency, namely Articles 281 and 289 of the Criminal Code, Law 12/2022 concerning TPKS, and Law 44/2008 concerning Pornography.</p>

1. Introduction

Indonesia as a legal state upholds the principles of justice based on Pancasila and the 1945 Constitution, so Indonesia prioritizes the fulfillment of the rights of every citizen. This is proven by the creation of various legal regulations that regulate the rights of every citizen as well as sanctions for violators (Andrianto, 2015). Every individual has the right to protection with a feeling of peace, security, comfort and peace from various forms of intimidation/threats. Regulations regarding this matter have been created in Article 30 of Law Number 39 of 1999 concerning Human Rights. The right to obtain prosperity and a sense of security is regulated by the Constitution of the Republic of Indonesia, namely in the 1945 Constitution of the Republic of Indonesia, the Human Rights Law, the Universal Declaration of Human Rights (UDHR), and other provisions.

In this era of globalization, various forms of verbal and non-verbal sexual harassment have emerged. Verbal harassment is now rampant everywhere, both in the local environment and outside. Women are the objects of this harassment which often takes place in public places. This verbal harassment is known as catcalling. Catcalling is verbal sexual harassment behavior that takes place in public by making indecent remarks or sensitive words at the victim which causes feelings of fear, discomfort and threat. Usually, catcalling takes the form of whistling, harsh words containing pornographic elements, teasing, shouting, and comments aimed at women's physical appearance. Victims of catcalling feel that their honor has been undermined and feel insulted even though this harassment does not involve direct physical contact.

Verbal sexual harassment is still considered normal by ordinary people. In his view, this is just a joke or joke, therefore this harassment is not considered too serious. Along with the rapid progress of technology, catcalling does not only occur in public spaces but through social media such as Twitter, Tiktok, Whatsapp, Instagram and other social media (Sanjaya & Wirasila, 2021). Catcalling perpetrators commit acts of mental abuse and lower women's self-esteem. Catcalling includes harassment that is carried out intentionally or unintentionally, usually the perpetrator does not realize that his actions constitute harassment. This is because his actions were just a joke. This harassment does not result in physical violence, but does result in psychological violence. As a result, it causes feelings of anxiety, fear, insecurity, shame, hatred, revenge, aggression, sensitivity, depression, and even madness (Wijayanti & Djokowidodo, 2019).

In corners of cities with diverse social contexts, and regardless of age or status, many individuals, especially women, experience the unwanted experience known as "catcalling". The factors that cause catcalling to occur are very complicated because there is no main factor behind it, there must be values and norms in society that need to be implemented. Overall, there are two factors that cause catcalling harassment, namely biological factors and socio-cultural factors. Biological factors occur when men have greater sexual desire than women, therefore the majority of catcalling perpetrators are men. Socio-cultural factors state that sexual harassment is a form of a patriarchal system that has grown in people's minds. Apart from that, verbal sexual harassment (catcalling) is seen as a patriarchal culture which is the main trigger for women's oppression, namely sexuality and the gender system. Catcalling is indicated by the emergence of problems in social relationships between men and women. In social life, there is a view that men have a higher position than women. Women are judged as weak creatures,

while men are judged as being more powerful and strong. In this case it can be judged that there is a difference in power between men and women.

With the rapid progress of technology and the times, the problem of street harassment is starting to become disturbing, because more and more victims are starting to dare to raise their voices regarding this issue in public, even though it is not accompanied by strict legal protection and is sometimes considered a trivial matter, while Several foreign countries have established legal protections regarding catcalling harassment. So there is a need for firm and clear legal provisions regarding this catcalling case. One of the resistance efforts that the victim can make in dealing with this harassment is by giving resistance to the perpetrator in the form of shouting or throwing something at the perpetrator. To be able to enjoy peaceful activities, the right to feel comfortable in life, the right to feel safe in life with physical and spiritual joy, the presence of catcalling must be eliminated. However, until now someone who carries out this harassment seems difficult if it is brought to justice as long as the perpetrator does not physically emphasize the victim, even though it is important to provide confirmation in order to eradicate street harassment and punish and provide a deterrent effect to the perpetrators, as well as by educating the perpetrators about the rules of the law. street harassment towards the wider community, especially towards victims, can drag this problem to obtain justice for the victim's human rights (Tauratiya, 2020).

It is important to remember that catcalling is an inappropriate behavior that is very disturbing and degrading to the victim. The creation of educational publicity and awareness has been born to address this problem and change the degrading culture. This aims to provide education about the importance of respecting others, understanding consent, and creating a safe and respectful environment for all people, especially women, regardless of their gender or appearance. Based on the description above, there are several points of discussion that will be studied in this article as follows: (1) What is the legal protection for women who are victims of verbal harassment (catcalling)? and (2) What are the factors that cause catcalling?

2. Method

The normative research method used in this research is research based on legal materials by studying written regulations, theories, concepts and secondary data. In this research, the author uses the provisions of applicable laws and regulations as a basis for guiding analysis to answer related problems. The types of data sources applied in this research are primary legal materials, namely the Criminal Code (KUHP), Law Number 12 of 2022

concerning Crimes of Sexual Violence, and Law Number 44 of 2008 concerning Pornography. Then the author uses secondary legal material references to support this article, such as journals, books by legal experts, and legal articles, scientific books written by legal experts and legal journals or articles related to this article. Apart from that, the author also uses other relevant references from the internet to support this article.

3. Results & Analysis

3.1. Legal Protection for Women Victims of Verbal Sexual Harassment (Catcalling)

Catcalling harassment is an act that shows the object of dirty/indecent behavior that is unacceptable to either party. The emergence of a sense of disturbance and danger felt by the injured party (victim). So there is a main component of sexual harassment, namely daring to refuse in any form that is unwanted. Thus, actions that are considered impolite include whistling as if flirting, whistling, and saying inappropriate words and these actions are not desired by the victim, so this treatment can be classified as an act of catcalling harassment. Catcalling is classified as a criminal act because the harassment completes all the components of a criminal act and this harassment is categorized as a prohibited act and is very inappropriate for someone who suffers this act, especially women as victims (Sibarani, 2019).

In 2022, the top recorded cases of sexual violence were 6 cases of violence in the health environment, TKW, etc., 37 cases of violence in the school environment, 101 cases of violence in public, 115 cases of violence in the work environment, 136 cases of violence in the home environment. cases, and cyber cases with a total of 869. The most common form of violence that occurs in the public sphere is sexual violence. As catcalling continues to occur day by day, this will have a negative impact on the victims. There are still several victims of verbal harassment who still do not dare to report this case and decide to keep their mouths shut. Sometimes a number of people who witness the incident directly are afraid to help or protect victims of verbal sexual harassment for fear of causing chaos. Problems related to street harassment, especially catcalling, if not prevented, will increase due to the development of technology which will result in a transformation of citizens' behavior.

In Indonesian criminal law, there are no specific legal regulations that have been made clearly regarding this harassment because catcalling was initially considered a normal act. However, in its development, this act can be considered a criminal act. The act of catcalling can be subject to criminal law

if it completes the criminal elements in Article 281 of the Criminal Code (KUHP), namely:

Threatened with a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah:

- 1) anyone who intentionally and openly violates morality;
- 2) any person who intentionally and in front of other people is there against his will, violates decency.

Based on Article 281 Number 2 of the Criminal Code, if anyone commits immoral behavior without the consent of one of the parties in the presence of other people, the perpetrator will be subject to imprisonment or a fine. If in a case of catcalling harassment, the victim receives treatment in the form of coercion which indicates sexual abuse or physically touching/touching the victim, they can be subject to prison sanctions as stated in Article 289 of the Criminal Code (KUHP) which states that anyone who threatens/forces someone to do something/allowing obscene behavior, is subject to a maximum prison sentence of 9 years because the act is considered to attack the dignity of morality.

It is important to have legal protection for female victims of catcalling because catcalling is increasing in Indonesia. This problem is a new obligation for the state to protect the right to feel safe, comfortable and peaceful for Indonesian people. Until now, this issue is still considered a taboo matter, it is important to create awareness for law enforcement officials and the public regarding this issue. So the state, law enforcement officials and society must provide maximum care to victims of catcalling, both physically and non-physically (Juliantara, Thofly, & others, 2021). The implementation of criminal politics plays a role in eradicating this act through programs and the formulation of statutory provisions. Apart from Article 281 and Article 289 of the Criminal Code, Law 12/2022 concerning TPKS was created to provide legal protection for victims of harassment provided by the state so that a sense of justice is fulfilled without discrimination.

Philosophically, in the preamble to the TPKS Law, Article 1 Paragraph 18, it is stated that protection is all ways to fulfill rights and provide a sense of security for victims and witnesses which must be carried out by witness and victim protection institutions or other institutions that are equivalent to statutory regulations. Victims' rights are rights based on the protection, settlement and renewal obtained by the victim. If the victim receives sexual harassment, the victim can immediately report it to the authorities within 1 x 24 hours to get temporary protection for a maximum of 14 days as regulated in Article 42 of Law 12/2022 concerning TPKS. The police have the authority to limit the perpetrator's actions in order to maintain a distance/avoid the

victim from the perpetrator both by distance and time as a form of temporary protection and to limit the perpetrator's rights as stated in a temporary protection order. Then in Article 45, if the perpetrator is not detained and there is concern that he will repeat the TPKS act or threaten the victim or comply with the wishes of the victim, relatives or the authorities to distance the victim and the perpetrator within certain restrictions on rights, distance and time. Victims of sexual harassment or violence have the right to receive protection from the moment the violence occurs. Furthermore, it explains the rights of victims contained in Article 67 of Law 12/2022, namely the right to protection, treatment and recovery including victims' rights and fulfillment of rights is an obligatory task of the state and is carried out by adapting to the needs and circumstances of victims.

The TPKS Law regulates institutions that have the authority to provide reporting services for acts of harassment for victims, such as LPSK, psychologists, social welfare workers, legal assistants, UPTD PPA officers, health workers and other authorized institutions. With the existence of these legal bodies, they act as protectors of victims of catcalling harassment which gives victims the courage to report the incidents they have suffered.

Catcalling harassment can be considered pornography if it fulfills the elements contained in Article 1 Paragraph 1 of Law 44/2008 concerning Pornography which explains that pornography is a picture, illustration, writing, sound/voice, body movement or other forms in various forms in the media and in public places that violate decency norms such as sexual abuse/exploitation in the community. Then, Article 9 of Law No. 44/2008 states that it everyone is prohibited from using other people as objects or models that contain pornographic content. Furthermore, regarding sanctions in Article 9 of Law 44/2008, Article 35 of Law 44/2008 states:

Every person who uses another person as an object or models that contain pornographic content such as referred to in Article 9 shall be punished with imprisonment minimum 1 (one) year and maximum 12 (twelve) years and/or a minimum fine IDR 500,000,000.00 (five hundred million rupiah) and a maximum Rp. 6,000,000,000.00 (six billion rupiah).

From the related article it can be concluded that acts of verbal sexual harassment (catcalling) can be punished because they violate the provisions of the law.

Legal protection is provided explicitly through these regulations, as in the explanation in the relevant article, legal sanctions are imposed in proportion to the perpetrator's actions which can have a deterrent effect on perpetrators of harassment. The public is advised to always protect themselves from all

these actions and educate the public to be wise in doing things, especially catcalling behavior because this behavior can be subject to legal sanctions.

3.2. Factors that cause verbal sexual harassment (catcalling)

The background of verbal sexual harassment behavior is related to various social, cultural and psychological factors, although each situation can have a different context. Several factors that cause catcalling include:

- (1) Cultural Factors Patriarchy: a social system in which men are considered to have greater power and control than women. In this culture, women are often viewed as sexual objects or as objects that can be sexually ridiculed/inappropriate by men. The factors underlying patriarchal culture are as follows:
 - Women's physical and reproductive characteristics make it easier for them to become victims of harassment, especially sexual violence
 - In relation to men, the social meaning of biological differences leads to emphasizing myths, stereotypes, rules, practices that demean women and facilitate violence (Jauhariyah, 2016).
- (2) Psychological Factors: Some perpetrators of catcalling carry out this act to express power, false self-confidence, or because of the need to gain appreciation from their peers.
- (3) Educational Factor: The lack of education regarding sex education, resulting in a lack of understanding about respecting every living creature, especially women, so that the general public's understanding of gender balance, respect for individual rights, and respect for one's privacy can contribute to catcalling behavior.
- (4) Social Indifference: A number of individuals/groups who do not understand or care about how catcalling behavior can make someone feel uncomfortable or disturbed. Acts of catcalling are often ignored and not subject to sanctions. Social indifference towards catcallers can give them a sense of impunity, so they feel free to carry out such acts without consequences.
- (5) Sexual Objectification: Based on the perspective that women can be considered solely sexual objects. Sexual objectification is an assessment that reduces individuals to objects that can be enjoyed sexually, rather than as individuals who have equal dignity and rights. Some media often promote sexuality in media, entertainment and advertising, so that perpetrators of harassment feel that behavior such as catcalling is normal. There are also some perpetrators' views that catcalling behavior is an alternative way to show their masculinity or to get attention from their colleagues.

Based on the Zetizen article, according to the perpetrators of Street Harassment are (Hasna, 2016):

- The Influence of the Sexual Desire of the Perpetrator

Sexual desire that gives rise to the perpetrator's intention to commit harassment. Especially when they are teenagers, especially boys. Even influenced by deviant friendships and pornography. So it is important to provide education regarding sexual education, religious norms and manners.

- High Curiosity and Lack of Sex Education

Aspects of women's appearance are often blamed in cases of harassment, especially tight and sexy clothing. However, appearance is a symbol of how a person expresses themselves. The actual occurrence of harassment is due to knowledge about sexual matters which is still common and taboo. Moreover, excessive censorship in information media invites teenagers' curiosity.

- The Influence of Trauma and Revenge

Several perpetrators of street harassment have been victims of the same harassment, this provokes victims to become perpetrators due to the influence of the past and trauma. For example, if a man has experienced this and is then bullied by other friends. Finally he became traumatized and wanted revenge. Then the perpetrator carries out the same harassment on other people as a form of revenge.

Several efforts have been made in the form of education/socialization regarding efforts to overcome catcalling for citizens. However, it has not been completely successful, there are still several women who protest about this harassment. The factor causing this harassment is the environment of the catcalling perpetrators. The impacts experienced by victims of verbal sexual harassment (catcalling) are as follows:

- Impact on Mental Health

The impact of sexual harassment on women varies according to the form of the case. The impact on mental health is divided into 2, namely:

- The short-term impact, over a short period of time, experienced by victims of verbal sexual harassment (catcalling), namely changes in mood (mood) at intervals of time or several days later after the sexual harassment occurs. Victims of catcalling usually become suddenly angry, more sensitive, feel afraid, threatened, humiliated, and even don't want to leave the house and socialize due to the harassment. Not only that, the victim will usually experience sleep disorders or insomnia and a decrease in the victim's appetite.

- The long-term impact is that the victim will feel traumatized and even depressed. How to deal with depression in victims can be done by providing positive activities through worship, if left unchecked, the depression will continue and get worse. Apart from that, the impact has an impact on the relationships that the victim will have in the future because other consequences of trauma make it difficult for the victim to form new relationships. Apart from that, the victim feels inferior and lacks confidence because of what he has experienced. Not only that, the long-term impact on victims of sexual harassment also affects the victim's sexual desire, which is called Hypoactive Sexual Desire Disorder, this condition makes the victim remember the events he experienced. The people closest to them have an important role in accompanying victims of verbal sexual harassment (catcalling) so that their psychological health remains healthy.
- Impact on Fulfillment of Victims' Human Rights and Social Relations. Acts of sexual harassment, whether verbal or nonverbal and physical or nonphysical, really make the victim suffer. The community's reaction is often confused, they are caught in a situation that is awry which has the effect of making it difficult for the victim to carry out their social role which then results in the victim's existence in social relations in the community.
- Economic Impact
If the victim aims to follow up on the process of sexual harassment experienced by the victim through legal channels, the facts on the ground indicate that the victim must incur large costs for the follow-up process, at least for operational costs during the investigation process up to court. This is considered to make it very difficult for victims who are less fortunate to demand justice for them, and if victims who are well off also feel objections because various details require large costs.

The explanation above is the impact of verbal sexual harassment (catcalling), the impact experienced by the victim is quite serious and traumatic. So there needs to be efforts to overcome the trauma of the victims. The existence of applicable legal protection is considered sufficient for justice for the victims.

4. Conclusion

In essence, all Indonesian people have the same right to live in safety, peace, tranquility, comfort and to be protected from all forms of threats. However, as time goes by, more and more forms of crime, violence and even sexual

harassment are developing. This is a threat to society, especially women. Women are often the targets of verbal sexual harassment on the streets, which is usually known as catcalling. Catcalling is a threat to anyone, anytime, anywhere. Humans as living creatures who live in a community group certainly need social interaction to communicate with other humans. However, in social interactions, deviations often occur in the form of inappropriate behavior. Catcalling is verbal sexual harassment behavior that takes place in public by making indecent remarks or sensitive words at the victim which causes feelings of fear, discomfort and threat. Usually, catcalling takes the form of whistling, harsh words containing pornographic elements, teasing, shouting, and comments aimed at women's physical appearance. Victims of catcalling feel that their honor has been undermined and feel insulted even though this harassment does not involve direct physical contact. The law in force in Indonesia has provided protection for victims of verbal sexual harassment (catcalling) through articles related to morality contained in Article 281 and Article 289 of the Criminal Code, Article 1 Number 18, Article 42, Article 45, and Article 67 of the Law 12/2022 concerning the Crime of Sexual Violence, and Article 1, Article 9, and Article 35 of Law 44/2008 concerning Pornography explain that victims of verbal sexual harassment (catcalling) have the right to obtain protection from various threats of violence/harassment and have the right to be free from wrongful acts. lowers his dignity. This form of protection for victims of verbal sexual harassment (catcalling) is provided by the state to fulfill the right to provide a sense of security to victims which must be implemented by the LPSK and other legal authorities in accordance with the provisions of statutory regulations. Perpetrators of sexual harassment can be subject to fines and imprisonment in accordance with the relevant articles.

There are several factors that encourage catcalling, including psychological factors, education, patriarchal culture, social ignorance, sexual objectification, sexual desire as well as trauma and revenge. It is important to remember that catcalling is inappropriate behavior and can be very annoying and demeaning to the victim. Many education and awareness campaigns have been launched to address this problem and change the degrading culture. These efforts aim to teach the importance of respecting others, understanding consent, and creating an environment that is safe and respectful for all individuals, regardless of their gender or appearance. The impacts experienced by the victims are quite serious in the short and long term.

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