

Sexual Harassment Without Legal Recourse: The Dilemma Between Culture and Justice

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Abstract

Sexual harassment refers to any act or behavior of a sexual nature that is carried out without consent and causes discomfort, humiliation, or threat to the victim. The goal of this research is to analyze legal solutions to sexual harassment cases from a social cultural and legal perspective. This study implemented a qualitative descriptive research method using a Systematic Literature Review approach. Researchers collected data by gathering various literature, both from books and scientific articles from national and international journals related to the research objectives. The data analysis used in this study involves evaluating data feasibility. The results show that the presence of the TPKS Law (Law Number 12 of 2022) and the New Criminal Code (Law Number 1 of 2023) plays a very important function in preventing sexual harassment. TPKS Law underscores the importance of integrating legal principles with social values, guaranteeing that statutory provisions are in accordance with human rights standards and gender equality. On the other hand, the Code establishes clearer definitions and broader categories of sexual misconduct, guaranteeing that harassment acts are explicitly acknowledged as criminal offenses. The implementation of the TPKS Law and the New Criminal Code must be firm in the field in protecting victims and providing a deterrent effect on perpetrators of sexual violence crimes. Therefore, there is a need for integration of normative legal and socio-cultural solutions to sexual violence with open public dialogue and cross-sector collaboration among stakeholders.

Keywords: Culture, Justice, Legal, Recourse, Sexual Harassment.

1. Introduction

Indonesia has strived to take firm action against perpetrators of sexual harassment while protecting victims. This effort was realized through the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS). The TPKS Law covers various forms of sexual violence, such as harassment, exploitation, forced sexual intercourse, and violence through electronic media. The main advantage of this regulation is its victim-centered approach, emphasizing safety, respect for dignity, and the recovery process (Hairi & Latifah, 2023). Furthermore, the TPKS Law broadens the scope of the definition of sexual violence, including acts not previously explicitly regulated in the Criminal Code. Sexual harassment refers to any act or behavior of a sexual nature that is carried out without consent and causes discomfort, humiliation, or threat to the individual experiencing it. This form of harassment can be physical, verbal, or non-verbal, and can occur in various environments such as public spaces, workplaces, educational institutions, and even within the family (Sirait, 2024). Physical contact is not the only indicator; sexualized remarks, intimidating stares, or the unauthorized distribution of sexual material are also considered sexual harassment (Zahir & Saputra, 2024).



Ironically, sexual harassment remains rampant. Nitha et al. (2024) noted that more than 370 million women and children worldwide have been victims of rape or sexual violence. UNICEF estimates that one in eight women experience sexual harassment before the age of 18. In Indonesia, the rate of sexual violence is also high. The National Commission on Violence Against Women reported an average annual increase in cases of 19.6%, with the majority of victims being women and children. Throughout 2024, 25,330 cases were recorded, with the number of female victims reaching 21,952.

Sexual harassment has serious consequences for victims. Wigunawati et al. (2024) explain that sexual harassment in low- and middle-income countries, particularly among adolescents aged 16-24, has a significant impact on mental health. These impacts include the emergence of common mental disorders such as depression, anxiety disorders, and somatoform disorders. Victims often experience emotional wounds in the form of shame, fear, depression, and prolonged anxiety. These conditions not only disrupt emotional well-being but also hinder adolescents' mental development, potentially hindering their future. The trauma experienced can be long-term and affect social relationships, academic achievement, and adaptability in the workplace and community.

The increasing number of unreported cases of sexual harassment is also very worrying. Many victims choose to remain silent due to fear of social stigma, psychological pressure, or threats from perpetrators who often hold more powerful economic, social, or institutional positions (Masriah et al., 2024). Fear of being blamed, disbelieved, or humiliated in public spaces makes victims reluctant to report, especially if the legal process is perceived as complicated, slow, and impartial. The lack of education about victims' rights and limited access to legal and psychological services exacerbate the situation. In a sociocultural context, sexual harassment is often considered trivial or even joked about, despite its serious impact on victims' mental and emotional health (Ismaidar et al., 2025). When harassment goes untreated, the social environment becomes unsafe for vulnerable groups, especially women and children.

Efforts to seek justice for victims of sexual harassment are also hampered by the persistent patriarchal culture in society. Pitaloka and Putri (2021) emphasized that patriarchal culture in Indonesia tends to marginalize women, both within the family and the broader social structure. Women are perceived as incapable of living independently, always dependent on men, and viewed as physically and mentally weaker. Rabbaniyah and Salsabila (2022) added that this deeply rooted patriarchal culture triggers various problems in gender relations, including the high number of cases of sexual violence on campus, which often go unreported because victims are reluctant to speak out.

Legal issues in sexual harassment cases primarily relate to limited regulation, implementation, and victim protection. Prior to the enactment of the TPKS Law, the definition of sexual harassment in the Criminal Code was narrow, leaving many forms of non-physical harassment unprocessed (Suryantoro, 2024). This created a legal vacuum that weakened victims' access to justice (Zuhra, 2020). From a human rights perspective, sexual harassment clearly violates the rights to security, dignity, and freedom from violence, requiring the state to provide effective legal instruments. However, in practice, law enforcement often faces obstacles such as bias among officials, complicated and slow legal processes, and social stigma that discourages victims from reporting. Patriarchal cultural barriers also exacerbate the situation, as victims are often blamed or disbelieved, resulting in suboptimal legal protection. Thus, the legal issues that arise are not only about regulations, but also about the effectiveness of their implementation, harmonization of regulations, and the legal system's bias toward victims.

The difficulty in seeking justice and the cultural stigma surrounding sexual harassment create a dilemma. On the one hand, victims hope the perpetrator will be punished according to the law. However, on the other, they face a patriarchal culture that provides minimal advocacy. This research exists because there is still a research gap between the existence of the law and its effectiveness or implementation challenges. The goal of this research is to analyze legal solutions to sexual harassment cases from a social cultural and legal perspective. The benefit of this research is that it can serve as a reference for all parties in addressing the increasing number of sexual harassment cases in recent years. Thus, This research enriches legal discourse by identifying the need for harmonization of laws, victim-centered approaches, and culturally sensitive legal reforms. It also provides a framework for analyzing sexual harassment not only as a criminal act but as a violation of human rights. Thus, the study advances legal scholarship by bridging normative theory with practical justice challenges.

2. Literature Review

2.1. Definition of Sexual Harassment

Sexual harassment refers to an act or series of acts that are less physical in nature, in other words, unwanted physical contact with sensitive body parts by the perpetrator. Sexual harassment can occur verbally through inappropriate comments, inappropriate sexual name-calling, sexual jokes, or harassing looks. Sexual harassment often occurs in workplaces, educational settings, and public facilities. When sexual harassment occurs, the perpetrator takes advantage of certain situations, opportunities when the victim is weak and helpless, thus making the victim feel threatened. The impact of sexual harassment on victims is very complex, including anxiety, worry, shame, and lack of confidence (Damarani et al , 2024).

Sexual harassment can also be defined as any sexually suggestive action by a perpetrator toward a victim. Women can experience sexual harassment anywhere, and these actions are offensive to the victim. Sexual harassment includes coercion, demeaning remarks, and hidden physical contact such as touching or grabbing certain parts of the victim's body. As time goes by, sexual harassment extends beyond verbal and physical forms to psychological harassment. Psychological harassment can include unwanted and persistent invitations to engage in sexual acts through seduction or teasing (Nurmawati & Kurniawati, 2023).

2.2. Definition of Culture in Social Life

Culture in social life can be interpreted as a material object. Culture as a material object is produced, generated, and utilized by humans to facilitate daily activities. Examples of culture as a material object are household appliances, work equipment, equipment to support development activities, and so on. Humans produce culture not only to facilitate daily activities, but also as a form of existence that humans exist and are active in social life. Culture is a form of human awareness to create and become a symbol of productive humans. Thus, members of society as part of culture always strive to innovate and improve their knowledge, insight, and skills so that these cultural products are used to maintain human existence. Culture also means the way humans live their lives (Liliweri, 2003; Rosana, 2017).

Furthermore, Kusumastuti et al. (2025) explain that culture is an object that produces a society's culture. Culture is all aspects of complex human life, starting from values, traditions, norms, customs, and the results of human creativity. Culture cannot be interpreted simply as a legacy of previous generations, but rather continues to develop according to the times and the dynamics of human life. Culture is a form of human interaction with the environment, whether in the form of systems, beliefs, social structures, art, technology, and science. In reality, the components of culture include: 1) belief system, 2) symbols, 3) norms, 4) art, 5) technology, and

6) language.

2.3. Definition of Justice in the Context of Legal Science

Justice is a core principle of national life in the context of law enforcement. American political philosopher John Rawls proposed a theoretical framework for justice called A Theory of Justice. Rawls proposed the idea of the veil of ignorance, in which people do not know their social status, skills, or fortunes within society. Only rules that are agreed upon will be those designed without bias. Thus, Rawls characterizes justice as fairness—specifically, a justice that is genuinely equitable for all involved. Rawls posits that there are two primary principles of justice. First, each individual is entitled to the greatest basic freedoms that are compatible with the same freedoms for others. Secondly, social and economic inequalities should be managed in a manner that maximizes benefits for those who are least advantaged (the difference principle). Moreover, in terms of filling and fulfilling positions, these must be conducted openly and equitably for all, under conditions of fair equality (Gališanka, 2019).

The law is a structured framework of ethical and legal standards that influence and direct the process of making legal decisions. Because Dworkin (1971) rejects the definition of law as a collection of rules established by a competent authority, this perspective clearly leads us to conclude that he is not a positivist. The interpretation of law must take into account the principles of justice and equality. He believes that law should encompass not just explicitly stated rules, but also ethical principles. The law always incorporates these principles. Hence, when judges encounter challenging cases, they must take into account not only the legal text but also the foundational principles of justice that underpin the law. Law serves the purpose of realizing justice and maintaining individual rights in a consistent manner within a coherent legal framework. Dworkin (1971) always linked justice with individual rights. His argument was that justice and individual rights should not be separated. Individual rights should indeed be prioritized over policies that benefit the majority.

3. Methods

3.1. Types of Research

This study implemented a qualitative descriptive research method using a Systematic Literature Review approach. Referring to the study presented by Larasati et al. (2021), a Systematic Literature Review is an approach used to identify, evaluate, and describe all research findings related to a research question, a specific topic, or a phenomenon deemed important. In this review process, researchers are required to thoroughly understand various relevant studies as part of the main requirements for compiling a comprehensive analysis. This method is closely related to a literature review focused on the research question to be answered, and is carried out systematically through the process of collecting, selecting, and evaluating literature relevant to the study's focus. This approach aims to produce a deep and structured understanding of the issue being studied, by referring to verified scientific sources.

For future preparedness and to encourage scholarly engagement, conducting a systematic literature review (SLR) is important to critically examine and synthesize existing legal expert systems. Accordingly, this study proposes the development of an SLR standard designed to explore the current body of work on legal expert systems. This protocol will serve as a structured guideline in carrying out the review process. The anticipated result of implementing this SLR is a comprehensive and critical evaluation of the legal expert systems that have been established to date (Daniyal et al., 2017). The implementation of systematic review procedures within the legal field appears both feasible and beneficial. In addition,

systematic reviews serve as a valuable tool for identifying and selecting the most appropriate measurement methods. The articles identified through the database search were imported into Mendeley (v1.18). After duplicate entries were removed, a two-stage screening process, comprising abstract review and full-text evaluation, was conducted to eliminate irrelevant studies. In the initial stage, the titles, abstracts, and keywords of each article were examined (Horák et al, 2021).

Researchers collected data by gathering various literature, both from books and scientific articles from national and international journals related to the research objectives. Literature collection focused on the internet, using Google Scholar and Artificial Intelligence. After that, researchers conducted a selection process by collecting literature relevant to the research objectives and specifically discussing the causes of sexual harassment from a criminal and cultural perspective. Researchers only selected articles published between 2023 and 2025 to obtain detailed discussions. The number of scientific articles from national and international journals obtained in accordance with the research objectives was 125 articles. After the selection process, the number of scientific journal articles specifically discussing the discussion topic was 35 articles.

3.2. Data Analysis

The data analysis used in this study involves evaluating data feasibility. According to Rachmadhani and Kamalia (2023), information from various studies that meet the criteria for topic relevance will be systematically collected and recorded. Next, a data feasibility evaluation process is conducted to ensure the accuracy and validity of the information used in the literature review. The next stage is analyzing and interpreting relevant data, with the aim of identifying key findings and formulating answers to the proposed research questions. Afterward, the analyzed data will be organized and presented in a structured and easily understood manner, making it easier for readers to grasp the content and meaning of the information presented.

Within legal research, synthesis is conducted through a doctrinal approach that focuses on combining statutory rules, judicial rulings, and academic commentary into a structured analytical framework (Lindseth, 2019). This process entails a careful examination of laws and case outcomes, highlighting similarities and differences, tracing recurring judicial reasoning, and resolving divergent interpretations to build a comprehensive view of the legal matter being explored. By interlinking normative foundations with practical applications, this method ensures that the resulting conclusions are firmly rooted in theory while remaining consistent with established legal norms and practices.

4. Results and Discussion

4.1. Norms Analysis of TPKS Law (Law Number 12 of 2022) in Preventing Sexual Harassment

The TPKS Law (Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence) provides a comprehensive framework for addressing sexual harassment, particularly through Article 4 which categorizes various forms of sexual violence. This includes non-physical sexual harassment, like catcalling or suggestive comments, as well as physical sexual harassment, which is defined as any sexual act that degrades, humiliates, or insults the victim and occurs without their consent. Criminal penalties for these offenses are detailed in subsequent articles such as Article 6 (physical harassment) and Article 10 (non-physical harassment). Victim Accompaniment is regulated under Article 26 of the TPKS Law (Law Number 12 of 2022

concerning Criminal Acts of Sexual Violence), which asserts that victims are entitled to professional companions, such as LPSK officers, UPTD PPA, psychologists, and legal advisors, at all levels of examination. These companions should have the necessary qualifications to assist victims in a manner that respects human rights and gender considerations, ideally being of the same gender as the victim. They cannot be held legally liable unless they act in bad faith.

As it explicitly designates sexual violence as a crime and establishes clear mechanisms for prevention, protection, and victim recovery, the TPKS Law marks an important normative advancement in Indonesia's legal system. Viewed through the lens of norms analysis, the law underscores the importance of integrating legal principles with social values, guaranteeing that statutory provisions are in accordance with human rights standards and gender equality. It requires collaboration among central and regional governments, law enforcement agencies, and civil society to establish a comprehensive prevention strategy. Significantly, the law acknowledges the importance of community involvement by promoting awareness initiatives and educational programs aimed at creating environments devoid of sexual violence. The TPKS Law aims to change societal attitudes and strengthen accountability by incorporating these preventive measures into the normative framework.

Moreover, the law's normative framework fills gaps in earlier legislation by enhancing protections focused on victims and making sure that survivors' rights come first. It obliges law enforcement to deal with cases sensitively and equitably, while also requiring rehabilitation and reintegration programs for victims. This embodies a wider normative commitment to justice that transcends punishment, centering on the restoration of dignity and the prevention of recurrence. By incorporating provisions for international cooperation, Indonesia further illustrates its conformity with global benchmarks in the fight against sexual violence. Moreover, the TPKS Law integrates legal principles and societal needs, with the dual objectives of penalizing sexual violence and fostering a preventive culture based on respect, equality, and human rights protection.

The law establishes a clear legal route for dealing with sexual violence, but cultural obstacles like victim-blaming, patriarchal norms, and hesitance to report cases often weaken its effectiveness. The discord between entrenched social attitudes and legal justice creates a void in which victims may hesitate to pursue recourse due to fears of retaliation or stigma. The analysis of norms surrounding the TPKS Law shows that legal provisions by themselves are not enough; they need to be paired with cultural change and ongoing public education in order to dismantle harmful stereotypes. The law can only fulfill its preventive and protective mandate—ensuring that victims of sexual harassment have meaningful legal remedies—by bridging the gap between statutory justice and societal acceptance.

The implementation of the TPKS Law has faced criticism despite its robust normative framework, as gaps, inconsistencies, and regulatory weaknesses impede its effectiveness. Certain provisions lack clarity, resulting in different interpretations by law enforcement and judicial actors. This situation compromises legal certainty and consistency in case management. Jurisdiction and enforcement become muddled due to overlaps with other regulations, like the New Criminal Code, resulting in victims being exposed to delays in procedure. Moreover, the lack of comprehensive technical guidelines for victim protection, reporting mechanisms, and rehabilitation programs undermines the law's aims of prevention and restoration. These challenges are worsened by limited institutional capacity, lack of consistent enforcement across different areas, and inadequate training for law enforcement personnel, leading to disparities in justice access.

4.2. Norms Analysis of The New Criminal Code (Law Number 1 of 2023) in Preventing Sexual Harassment

Article 473 of the New Criminal Code (Law No. 1 of 2023) broadens the definition of rape to include anyone who coerces another individual into sexual intercourse through force or threats of violence, expanding its scope beyond the previous limitation to just "women" as stated in the old Criminal Code. This article broadens the scope to encompass sexual intercourse with minors, extramarital sexual relations (regardless of whether the victim perceives the perpetrator as a spouse), and additional acts like penetrating another individual's mouth or anus with one's genitals. The maximum prison sentence for the crime is 12 years, with the penalty increasing if it leads to death or is directed at a biological or stepchild or guardian. If the act occurs in dangerous circumstances, conflict, or disaster, the punishment increases by one-third.

With the implementation of Indonesia's New Criminal Code (Law Number 1 of 2023), a significant normative shift has occurred in the handling of sexual harassment and violence. From the perspective of norms analysis, the Code establishes clearer definitions and broader categories of sexual misconduct, guaranteeing that harassment acts are explicitly acknowledged as criminal offenses. This clarity in norms is essential, as past legal frameworks frequently contained interpretive gaps that resulted in inconsistent enforcement. The law reinforces the principle of legal certainty and aligns national legislation with international human rights standards by establishing sexual harassment as a punishable act. The Code incorporates preventive measures, which include requirements for institutions to raise awareness, foster reporting, and shield victims from retaliation.

Furthermore, the New Criminal Code stresses the importance of aligning legal norms with social values, acknowledging that effective prevention necessitates both the enforcement of laws and a cultural shift. The law requires educational efforts and community programs to break down patriarchal norms and lessen stigma against victims, thus tackling the cultural origins of harassment. The Code's preventive orientation is illustrated by this dual approach, which combines legal sanction with normative social change. Its aim is not just to make harmful actions criminal but also to transform societal attitudes toward respect and gender equality. Indonesia promotes a comprehensive approach to preventing sexual harassment by incorporating these principles into the Criminal Code's normative structure, thereby making justice more accessible and gradually dismantling cultural barriers.

Individuals may be deterred from reporting harassment due to deeply ingrained patriarchal values, fear of social stigma, and community pressure, resulting in underutilization of legal protections. The gap between the preventive framework of the law and the realities of society highlights the dilemma: while justice exists in principle, it is obstructed in practice by cultural resistance. Consequently, the analysis of norms reveals that it is imperative to work in concert: legal enforcement must be paired with a cultural transformation achieved through education, advocacy, and community involvement. The New Criminal Code can only live up to its pledge of preventing sexual harassment and ensuring that victims have meaningful legal recourse by closing this gap.

Even though the New Criminal Code has normative strength, its implementation in preventing sexual harassment has been criticized for gaps, inconsistencies, and regulatory weaknesses. A significant worry is the vagueness of some provisions, which can result in different interpretations by law enforcement and the courts, thus compromising legal certainty. Moreover, the existence of overlapping regulations between the New Criminal Code and other laws, like the TPKS Law, can lead to confusion about jurisdiction and enforcement mechanisms. Critics point out that the absence of clear guidelines for victim protection and

reporting procedures undermines the preventive and restorative aspects of the law. Moreover, the restricted institutional capacity and inconsistent application across different areas cast doubt on the reliability of enforcement, putting victims at risk of unequal justice access.

4.3. Factors of Sexual Harassment from the Legal Aspect

Based on the research conducted, five factors identified as causes of sexual harassment from a legal aspect, as gleaned from various literature sources. The results of these factors can be seen in the table 1 below.

Table 1. Summary of Results of Articles Related to Factors Causing Sexual Harassment from the legal aspect

No	Causal Factors	Researchers and Years	Number of Articles
1	Abuse of power or position by the perpetrator against the victim	Sarwar (2023) Lundgren and Wieslander (2025) Syamsurrijal et al. (2025)	3
2	Unsafe place for victims	Setiadi et al (2023) Santoso and Wibowo (2024) Kena and Al Attas (2025) Zarkasi and Siregar (2024) Hia (2024)	5
3	Advances in information technology and social media	Sari (2024) Anggraini et al. (2025) Pratama et al. (2025) Nursaidah and Afrizal (2025) Sitohang et al. (2025)	5
4	Sexual deviation committed by the perpetrator against the victim	Safar et al. (2024) Amri (2024) Aulia et al. (2025) Napitupulu and Julio (2023) Rachman and Katili (2025)	5
5	Lack of law enforcement against perpetrators of sexual harassment	Jafar and Wahyudi (2025) Thalia et al. (2024)	2
Total			20 articles

Source: Data analysis by researchers (2025)

Table 1 presents a systematic analysis of various factors causing sexual harassment based on a literature review by a number of researchers in the period 2023 to 2025. This table groups five main factors that contribute to the occurrence of sexual harassment as a crime. The first factor is the abuse of power or position by the perpetrator against the victim. This factor indicates that structural domination in social relations is a strong trigger for harassment, especially in the workplace or formal institutions. From a legal perspective, sexual harassment involving power or position abuse is classified as a breach of basic rights and a misuse of authority. Legislation like the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023) makes it clear that harassment arising from hierarchical domination in workplaces or institutions is acknowledged as a criminal act. Because it creates legal accountability for those who misuse their power to intimidate or pressure their subordinates, this acknowledgment is important.

The second factor is unsafe spaces for victims, which is also supported by three articles highlighting the importance of public and private spaces free from sexual threats. Unsafe

spaces for victims are a significant factor triggering sexual harassment. The presence of unsafe spaces, regardless of whether they are public or private, represents a breach of the state's duty to ensure that all citizens are safe and treated with dignity from a legal perspective. According to the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023), sexual harassment in workplaces, educational institutions, or public areas is regarded as not merely a personal offense but also a violation of institutional and governmental obligations. Legal norms mandate that these spaces be governed by preventive measures, including surveillance, reporting mechanisms, and stringent penalties for offenders.

The third factor, advancements in information technology and social media, noted in four articles, indicates that harassment has now expanded into the digital realm through the unauthorized distribution of sexual content or obscene messages. From a legal perspective, the emergence of harassment in the digital domain highlights the pressing necessity for thorough cyber regulations that clearly define online sexual violence as a crime. Digital harassment, which encompasses the unauthorized sharing of sexual content and obscene messages, is acknowledged as a punishable offense under both the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023). This legal recognition is crucial because it creates accountability for those who exploit technological platforms to harm victims. When digital harassment is framed as a crime, the law guarantees that victims can pursue justice through a clear legal route. This also reinforces the idea that online spaces should adhere to the same standards of dignity and respect as physical environments.

The next factor is social influences such as peer pressure or intimidation by the perpetrator, emphasizing the role of the social environment in shaping deviant behavior. Social influences like peer pressure or intimidation are acknowledged as aggravating factors that can increase the severity of sexual harassment cases from a legal standpoint. According to the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023), harassment in social settings is recognized as both a structural issue that erodes justice and equality and an individual offense. The law categorizes acts by offenders that take advantage of peer dynamics or group intimidation to silence victims as breaches of fundamental rights and misuses of collective power. This legal framework guarantees that harassment driven by social pressure is regarded with increased gravity, bolstering the tenet that coercion—irrespective of its form (physical, psychological, or social)—is a criminal offense that demands accountability.

The fifth factor is the lack of law enforcement regarding sexual harassment. Viewed through a legal lens, the absence of law enforcement in sexual harassment cases demonstrates a significant flaw in the justice system. Even though legislation like the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023) offers well-defined normative frameworks for criminalizing harassment, their effectiveness diminishes when enforcement agencies do not take decisive action. Due to weak institutional capacity, limited training for law enforcement officers, and inconsistent application of legal provisions, victims are often denied justice. This disparity between legal standards and enforcement actions underscores the necessity of bolstering institutional accountability, making sure that police, prosecutors, and courts meet their legal responsibilities to safeguard victims and penalize offenders.

4.4. Cultural Factors of Sexual Harassment from the Legal Aspect

Based on the research conducted, three cultural factors contributing to sexual harassment were identified, as gleaned from various literature sources. The results of these factors are presented in the following table

Table 2. Summary of Results of Articles Related to Factors Causing Sexual Harassment from a Cultural Perspective

No	Causal Factors	Researchers and Years	Number of Articles
1	The patriarchal culture is very strong in Indonesia	Emilia and Susianti (2024) Fauz (2023) Hesti et al. (2024) Nabila et al. (2023) Rony and Yusuf (2024) Surya (2024) Harahap and Jailani (2024) Maulida and Romdoni (2024) Azizah et al. (2025)	9
2	Normalizing sexual harassment as entertainment	Shalihah <i>et al</i> (2025) Yasmine and Gusnita (2024)	2
3	Victim Blaming or Blaming Victims of Sexual Harassment	Azizah et al. (2025) Ubino and Astuti (2025) Fitri et al. (2025) Kusuma et al. (2025)	4
Total			15 articles

Source: Data analysis by researchers (2025)

Table 2 presents a thematic analysis of various cultural factors contributing to sexual harassment, based on a literature review of 15 articles written by a number of researchers between 2022 and 2025. There are three main factors identified in this table.

First, a deeply rooted patriarchal culture is a dominant factor, supported by nine articles. Patriarchal culture is viewed as a structural barrier that diminishes the effectiveness of laws aimed at preventing sexual harassment, from a legal standpoint. Although the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023) criminalize sexual violence explicitly, patriarchal norms often result in biased interpretations and selective enforcement. Cases may be reported, investigated, and adjudicated in ways that are affected by attitudes that blame victims, unequal power dynamics, and the acceptance of male authority as normal. This highlights a significant discrepancy between the legal norms and their real-world implementation, as cultural dominance undermines the law's intended protective purpose.

Second, the normalization of sexual harassment as a form of entertainment, reflected in two articles. This factor reveals how media and popular culture often portray harassment as part of humor, entertainment, or ordinary interactions, thus blurring the line between violence and social expression. From a legal standpoint, the media and popular culture's normalization of sexual harassment significantly complicates the enforcement of protective laws. When harassment is depicted as comedy or amusement, it weakens the normative framework set by the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023), which both explicitly make such acts a crime. By trivializing or normalizing harassment, this cultural framing can render audiences less sensitive to it and diminish the impact of legal penalties as a deterrent. From a legal standpoint, such representations obscure the line between unlawful conduct and social engagement, making it more difficult to inform the public about the severity of harassment.

Third, the practice of *victim blaming*, or blaming victims of sexual harassment, is supported by four articles. This factor shows that in many cultural contexts, victims are often perceived as the ones who provoked or caused the harassment, whether because of their dress, behavior, or presence in certain spaces. Victim blaming is viewed as a significant barrier to

justice from a legal standpoint, as it diverts responsibility from offenders and compromises the protective aims of legislation like the TPKS Law (Law No. 12 of 2022) and the New Criminal Code (Law No. 1 of 2023). These legal frameworks make it clear that sexual harassment constitutes a criminal act, irrespective of the victim's appearance, behavior, or presence in specific environments, thus rejecting cultural narratives that place blame on victims. The law aims to eliminate discriminatory practices and keep investigations and prosecutions centered on the perpetrator's accountability by making harassment a crime, regardless of the victim's conduct.

4.5. Legal Settlement of Sexual Harassment Cases from the Legal Case Examples

A prominent instance of legal resolution in Indonesia involved Baiq Nuril Maknun, a school staff member in Lombok who faced criminal charges after revealing that her superior had sexually harassed her. Despite her conviction under the Electronic Information and Transactions Law for recording and sharing evidence, public pressure and advocacy underscored the injustice of punishing a victim instead of the perpetrator. In 2019, she was granted amnesty by President Joko Widodo, a decision that was subsequently approved by the House of Representatives, leading to the restoration of her legal rights and the clearing of her record. This case exemplifies the challenges and advancements within Indonesia's legal system: although victims suffered due to enforcement and interpretation gaps, corrective actions via amnesty and public advocacy highlighted the significance of victim-centered justice and the growing dedication to tackling sexual harassment. The case of Baiq Nuril illustrates an initial discrepancy between legal standards and their application. The victim was initially treated as a criminal, which clearly denied her justice. Nonetheless, while the protracted process caused trauma and uncertainty, amnesty came to be seen as a means of legally rectifying the situation and restoring the rights of victims.

In another incident, a lecturer from the Faculty of Education and Psychology at Universitas Negeri Semarang (Unnes) was reported for sexually harassing four female students. The university's response involved taking him out of his administrative role in early 2025, after investigations that commenced in late 2024. After students expressed their frustration on social media regarding the slow management of the allegations, the case attracted public attention. The disciplinary measure highlighted the significance of institutional accountability and the increasing call for transparent application of sexual harassment legislation in higher education.

At Universitas Katolik Indonesia Santo Paulus Ruteng in NTT, a lecturer known by the initials ILS was dismissed following allegations of harassing a female student. The victim's search for psychological counseling via campus services brought the case to light, leading to a formal meeting of the university foundation board and the termination of the lecturer's employment. The announcement of this decision in November 2025 demonstrated the institution's dedication to safeguarding students and maintaining ethical standards. The instances of lecturers at Unnes and Ruteng illustrate the institutional actions implemented to prosecute offenders by means of termination or displacement from their roles. Viewed through the lens of the TPKS Law, this action corresponds with the principle of victim protection. However, it does not fully fulfill the sense of justice, as criminal proceedings are frequently halted, leaving victims with merely administrative justice instead of a robust criminal law.

5. Conclusion

Legal solutions to sexual harassment can be viewed both from a legal aspect and cultural perspective. The presence of the TPKS Law (Law Number 12 of 2022) and the New Criminal Code (Law Number 1 of 2023) plays a very important function in preventing sexual harassment. Viewed through the lens of norms analysis, TPKS Law underscores the importance of integrating legal principles with social values, guaranteeing that statutory provisions are in accordance with human rights standards. On the other hand, the Code establishes clearer definitions and broader categories of sexual misconduct, guaranteeing that harassment acts are explicitly acknowledged as criminal offenses. However, there are still social barriers, namely the existence of a patriarchal culture, the normalization of sexual harassment as a form of entertainment, and blaming victims of sexual harassment which makes it difficult for victims to report perpetrators of sexual harassment. The implementation of the TPKS Law and the New Criminal Code must be firm in the field in protecting victims of sexual violence and providing a deterrent effect on perpetrators of sexual violence crimes. Therefore, there is a need for integration of normative legal and socio-cultural solutions to sexual violence with open public dialogue and cross-sector collaboration among stakeholders.

6. References

- Amri, S. (2024). Pedophilia and Sexual Violence Against Children: Punishment Services and Protection. *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam*, 5(1), 8-17.
- Angraini, L., Fatwa, D. M., Widyastuti, W., Mayunita, A., Haque, B. R., & Trisna, E. (2025). Edukasi Kekerasan Berbasis Gender Online (Kbgo) Pada Remaja Di Smu 30 Rawasari Jakarta Periode Mei 2025. *Journal Nusantara Public Health*, 2(1).
- Aulia, M., Al Ghiffary, A. M. S., Rangkuti, R. F., & Maqfirah, N. (2025). Berkaitannya Tindak Pidana Kejahatan Pedofilia Dengan Besarnya Angka Kejahatan Seksual Di Indonesia. *Jurnal Cendikia ISNU SU*, 2(1), 127-132.
- Azizah, S. N., Alia, M. N., & Mujayapura, M. R. R. (2025). Fenomena Victim Blaming Dalam Kasus Pelecehan: Kebiasaan Buruk Yang Terus Dinormalisasi. *Nusantara: Jurnal Ilmu Pengetahuan Sosial*, 12(6), 2361-2368.
- Damarani, Z. N., Nur, M., Rini, R. Y., Sari, N., Christiani, L. C., Rahmawati, B., Fahmi, A., Dewi, S.R., Talindong, A & Rozi, F. (2024). *Gender, Kekerasan Seksual dan Anak*. CV. Duta Sains Indonesia.
- Daniyal, H., Yasin, A., & Omar, M. (2017). Protocol for systematic literature review in legal expert system. *Advanced Science Letters*, 23(5), 4291-4294.
- Dworkin, R. (1971). Social rules and legal theory. *Yale. LJ*, 81, 855.
- Emilia, S. H., & Susiyanti, A. (2024). Peranan Hukum Dalam Menangani Pengaruh Budaya Masyarakat Patriarki. *Jurnal Ilmiah Wahana Pendidikan*, 10(24), 671-681.
- Fauz, R. A. (2023). Kekerasan Seksual di Pesantren Perspektif Gender. *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum*, 4(5), 464-484.
- Fitri, P. P. D., Fathonah, R., & Tamza, F. B. (2025). Law Enforcement Against Children as Perpetrators of Victim Blaming in Sexual Violence Cases. *Istinbath: Jurnal Hukum*, 22(01), 193-213.
- Gališanka, A. (2019). John Rawls: The path to a theory of justice. Harvard University Press.
- Hairi, P. J., & Latifah, M. (2023). Implementasi undang-undang Nomor 12 Tahun 2022 tentang

- tindak pidana kekerasan seksual. *Jurnal Negara Hukum*, 14(2), 163-179.
- Hamid, A. (2022). Perspektif Hukum Terhadap Upaya Antisipasi Dan Penyelesaian Kekerasan Seksual Di Perguruan Tinggi. *Al-Adl: Jurnal Hukum*, 14(1), 42-64.
- Harahap, N., & Jailani, M. (2024). Eksistensi perempuan dalam budaya patriarki pada masyarakat muslim. *Education and Social Sciences Review*, 5(2), 80-88.
- Hesti, Y., Salsabila, R. F., & Agnestika, A. (2024). Penyebab Utama Terjadinya Tindak Pidana Pelecehan Seksual Inses (Hubungan Sedarah). *Birokrasi: Jurnal Ilmu Hukum Dan Tata Negara*, 2(1), 139-150.
- Hia, A. M. (2024). *Perlindungan Korban Pelecehan Seksual Secara Verbal (Catcalling) Di Polres Metro Jakarta Timur*. (Doctoral dissertation, Universitas Kristen Indonesia).
- Horák, F., Lacko, D., & Kloczek, A. (2021). Legal consciousness: A systematic review of its conceptualization and measurement methods. *Anuario de Psicología Jurídica*, 31(1), 9-34.
- Ismaidar, I., Pakpahan, A. K. F., Sitorus, D. R., Amartila, L. K., & Silaen, R. M. L. (2025). Peran Lembaga Bantuan Hukum dalam Menjamin Akses Keadilan bagi Korban Pelecehan Seksual. *PESHUM: Jurnal Pendidikan, Sosial dan Humaniora*, 4(4), 5722-5727.
- Jafar, S. M., & Wahyudi, W. (2025). Analisis Yuridis Terhadap Penegakan Hukum Kasus Pelecehan Seksual Oleh Tenaga Medis Di Indonesia. *Dialog Legal: Jurnal Syariah, Jurisprudensi Dan Tata Negara*, 1(2), 60-67.
- Kena, G. P., & Al Attas, S. M. (2025). Kekerasan Seksual Oleh Pns Ditinjau Dari Undang-Undang Nomor 12 Tahun 2023 (Studi Kasus Putusan NomoR 9/PID. SUS/2024/PN MJN). *Jurnal Hukum Unsulbar*, 8(2), 62-74.
- Kusuma, F. A., Savana, E. A., Devi, S., & Agustine, Y. F. (2025). Analisis Studi Kasus Dampak Sosiologis Terhadap Korban Pelecehan Seksual Di Indonesia. *Sosmaniora: Jurnal Ilmu Sosial Dan Humaniora*, 4(1), 77-88.
- Kusumastuti, B., Budi Juliardi, S. H., Sumilih, D. A., Andriani, N., Lubis, S. H., Novra, E., Oktaviani, E., Thahura, F., Jubaeli, A., Milia, J., Masluddin., Laksono, R.D., Taukhid & Syafitra, V. (2025). *Ilmu Sosial dan Budaya Dasar*. Sumedang : Mega Press Nusantara.
- Larasati, I., Yusril, A. N., & Al Zukri, P. (2021). Systematic literature review analisis metode agile dalam pengembangan aplikasi mobile. *Sistemasi*, 10(2), 369-380.
- Liliweri, A. (2003). Makna budaya dalam komunikasi antarbudaya. Yogyakarta : Lkis Pelangi Aksara.
- Lindseth, P. (2019). Judicial review in administrative governance: A theoretical framework for comparative analysis. In *Judicial review of administrative discretion in the administrative state* (pp. 175-194). The Hague: TMC Asser Press.
- Lundgren, S., & Wieslander, M. (2025). Holding the harasser responsible: Implications of identifying sexual harassment that includes abuse of power and quid pro quo elements as sexual corruption. *Gender, Work & Organization*, 32(1), 181-201.
- Masriah, M., Triadhari, I., & Rahmawati, F. (2024). Dampak Psikologis Pada Korban Kekerasan Seksual di Lingkungan Kampus. *Equalita: Jurnal Studi Gender dan Anak*, 6(2), 188-205.
- Maulida, G., & Romdoni, M. (2024). Perlindungan hukum terhadap korban pelecehan seksual yang mengalami viktimisasi sekunder di media sosial. *Southeast Asian Journal of Victimology*, 2(1), 59-79.
- Nabila, N. A., Baroroh, U., & Mashis, B. M. (2023). Fakta Kekerasan Seksual di Pesantren Kabupaten Pati. *Al-I'timad: Jurnal Dakwah dan Pengembangan Masyarakat Islam*, 1(1), 90-109.

- Napitupulu, Y. R., & Julio, B. A. (2023). Pelecehan seksual anak di bawah umur pada anak indonesia. *Jurnal Multidisiplin Indonesia*, 2(10), 3088-3095.
- Nitha, F. A. L., Masyhar, A., Cholidin, A., Ilahi, M. R., & Bahriyah, A. Z. (2024). Optimalisasi Implementasi UU TPKS: Tantangan Dan Solusi Dalam Upaya Penghapusan Kekerasan Seksual Di Indonesia. *Masalah-Masalah Hukum*, 53(1), 91-101.
- Nuralifia, N., Azahra, D. P., Pramana, A., & Syifa, S. N. (2022). Perlindungan Hukum Korban Kekerasan Seksual Dihubungkan Dengan Penyelesaian Restorative Justice. *Cross-border*, 5(2), 1122-1132.
- Nurmawati & Kurniawati, D. (2023). Pelecehan Seksual dari Aspek Mekanisme Pertahanan Diri. Pasuruan : CV. Penerbit Qiara Media.
- Nursaidah, S., & Afrizal, S. (2025). Fenomena Pelecehan Seksual pada Mahasiswa di Media Sosial. *Jurnal sosial dan sains*, 5(3), 660-669.
- Pitaloka, E. P. T. R., & Putri, A. K. (2021). Pemaknaan Kekerasan Simbolik Dalam Pelecehan Seksual Secara Verbal (Catcalling). *Journal of Development and Social Change*, 4(1), 90-114.
- Pratama, A. R., Hasyim, S., & Wahab, M. (2025). Tinjauan Hukum Pidana dalam Kasus Kekerasan dan Pelecehan Seksual Melalui Platform Aplikasi MI-Chat di Wilayah Kota Makassar. *LEGAL DIALOGICA*, 1(1), 33-44.
- Rabbaniyah, S., & Salsabila, S. (2022). Patriarki dalam budaya jawa; membangun perilaku pembungkaman diri pada perempuan korban seksual dalam kampus. *Community: Pengawas Dinamika Sosial*, 8(1), 113-124.
- Rachmadhani, S.A.D & Kamalia, P. U. (2023). Analisis strategi pembelajaran berdiferensiasi terhadap hasil belajar peserta didik: Systematic literature review. *Asatiza: Jurnal Pendidikan*, 4(3), 178-192.
- Rachman, S. N., & Katili, A. Y. (2025). Melawan Kejahatan: Mengungkap Kasus Kekerasan Seksual Terhadap Anak di Bawah Umur. *Jurnal Pendidikan, Hukum, Komunikasi (J-DIKUMSI)*, 1(1), 48-56.
- Rony, Y., & Yusuf, H. (2024). Tinjauan Kriminologis Terhadap Kekerasan Seksual Pada Perempuan. *Jurnal Intelek dan Cendikiawan Nusantara*, 1(2), 1868-1877.
- Rosana, E. (2017). Dinamisasi kebudayaan dalam realitas sosial. *Al-Adyan: Jurnal Studi Lintas Agama*, 12(1), 16-30.
- Safar, M., Saragih, Y. M., Sumarno, S., Siregar, T. H., & Utami, S. (2024). Penegakan Hukum Pidana Bagi Pelaku Pedofilia Atas Kejahatan Seksual Terhadap Anak. *Innovative: Journal Of Social Science Research*, 4(3), 7422-7433.
- Santoso, A. R., & Wibowo, A. (2024, May). Tinjauan Kriminologi Dan Perlindungan Hukum Korban Kekerasan Seksual Terhadap Perempuan Dalam Rumah Tangga. In *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia* (Vol. 2, No. 2, pp. 171-190).
- Sari, N. E. (2024). Perlindungan Hukum Terhadap Korban Tindak Pidana Pelecehan Secara Verbal Di Lingkungan Kerja Melalui Whatsapp. *Lex LATA*, 6(3).
- Sarwar, N. (2023). Abuse of power influencing sexual harassment behaviour in Pakistani sports. *Social Responsibility Journal*, 20(3), 485-502. <https://doi.org/10.1108/srj-02-2023-0065>
- Setiadi, M. P., Rasji, R., & Limanto, M. F. (2023). Penanganan Pelecehan Seksual di KRL Oleh Penumpang KRL Berdasarkan UU No. 12 Tahun 2022. *Jurnal Ilmiah Wahana Pendidikan*, 9(19), 651-656.

- Shalihat, D. F., Al Husain, A., Sinaga, K., & Kasih, A. (2025). Cyber Sexual Harassment sebagai Bentuk Kekerasan Simbolik Gender di Media Sosial. *SPECTRUM: Journal of Gender and Children Studies*, 5(1), 19-30.
- Sirait, R. K. (2024). *Perlindungan hukum terhadap korban pelecehan seksual secara verbal (catcalling)* (Doctoral dissertation, Universitas Malikussaleh).
- Sitohang, D. P., Montessori, M., & Zatalini, R. (2025). A, The Darurat Normalisasi Cyber Sexual Harassment terhadap Perempuan di Media Sosial Instagram Era Digital: Bentuk-Bentuk Cyber Sexual Harrasment Yang Terjadi di Media Sosial Instagram. *Journal of Practice Learning and Educational Development*, 5(1), 6-21.
- Surya, A. P. (2024). Perilaku Menyalahkan Diri dan Persepsi Budaya Patriarki Pada Perempuan Korban Pelecehan Seksual. *Motiva: Jurnal Psikologi*, 7(2), 152-163.
- Suryantoro, D. D. (2024). Efektivitas Perlindungan Hukum Terhadap Korban Pemerkosaan Dalam Undang-Undang Tindak Pidana Kekerasan Seksual (UU TPKS). *USRAH: Jurnal Hukum Keluarga Islam*, 5(2), 298-309.
- Syamsurrijal, S., Iswadi, M. K., & Arniati, F. (2025). Sexual Harassment in the Name of Religion and Heaven as Shown in Walid's Film: Symbolic and Feminist Critical Approach. *Humanitatis: Journal of Language and Literature*, 11(2), 245-254. <https://doi.org/10.30812/humanitatis.v11i2.5108>
- Thalia, P., Hutahaean, A., & Sitanggang, D. (2024). Efektivitas Hukum Pidana Dalam Penanganan Kasus Kekerasan Seksual Di Indonesia. *Journal of Social and Economics Research*, 6(2), 1250-1266.
- Ubino, S. N., & Astuti, K. (2025). The Impact of Victim Blaming on Social Media and Handling Efforts for Victims of Sexual Violence. *Research Horizon*, 5(4), 1623-1634.
- Wigunawati, E., Ernawati, R., Nugroho, A. R., Magdalena, O. M., & Nicolas, A. (2024). Berani Bicara, Berani Melawan: Edukasi dan Aksi Pencegahan Pelecehan Seksual Pada Remaja di Kampus Diakonia Modern. *Journal Of Human And Education (JAHE)*, 4(5), 638-649.
- Yasmine, A. F., & Gusnita, C. (2024). Fenomena Jokes Seksis Mahasiswa Sebagai Bentuk Normalisasi Pelecehan Seksual Secara Verbal. *Ranah Research: Journal of Multidisciplinary Research and Development*, 6(4), 528-536.
- Zahir, F. I., & Saputra, S. A. (2024). Upaya Pencegahan Tindak Kekerasan Seksual pada Perempuan Berbasis Buku Panduan. *Jurnal Ilmu Pendidikan dan Psikologi*, 1(2), 50-58.
- Zarkasi, A., & Siregar, E. (2024). Penanganan Korban Kekerasan Seksual Di Lingkungan Perguruan Tinggi. *PAMPAS: Journal of Criminal Law*, 5(3), 325-337.
- Zuhra, N. M. (2020). Penerapan Hukuman Cambuk Bagi Pelaku Pelecehan Seksual Dalam Perkara Jinayat Dihubungkan Dengan Jaminan Akan Hak Asasi Manusia Atas Rasa Aman Dan Perlindungan Bagi Korban. *DiH: Jurnal Ilmu Hukum*, 16, 259-70.