

Gender Justice in Workplace Sexual Harassment Law Enforcement

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Abstract: Despite the legal protections established by Law Number 12 of 2022 (UU TPKS), female employees remain highly susceptible to various forms of workplace sexual harassment, severely compromising their psychological health and career progression. This study evaluates the integration of gender justice principles within the enforcement of sexual violence laws. Utilizing a normative-empirical methodology, the research synthesizes legal doctrine with practical field data through statutory and socio-legal approaches. Primary insights were gathered from interviews with Legal Aid Institutions (LBH) and advocacy groups, supplemented by a comprehensive review of primary and secondary legal sources. Through qualitative normative analysis, the study concludes that systemic power imbalances, entrenched patriarchal norms, and insufficient legal literacy continue to hinder the effective implementation of current protective frameworks. This study contributes a socio-legal framework that maps the gap between normative mandates in the TPKS Law and ground-level enforcement practices, offering concrete recommendations for institutional reform in workplace sexual harassment handling.

1. Introduction

Industrial revolution in 18th century made women has have to adapt from home industry to modern manufacture.¹ Women in this modern era are still vulnerable to the threat of sexual harassment, which takes the form of not only physical harassment but also verbal and non-verbal harassment.² This certainly has an impact on women's well-being, psychology, and careers. Furthermore, the psychological burden experienced by victims is not light but triggers deep emotional suffering such as fear, acute anxiety, shame, depression, and a drastic erosion of self-confidence.³ Article 27 paragraph (2) of the 1945 Constitution states that every citizen has the right to work and a decent

¹ Surbakti, Tasha Amalia, and Fx Sugiyanto. "Implementasi Teori Subjective Expected Utility Studi Kasus: Pekerja Perempuan Korban Pelecehan Seksual." *Jurnal Wanita dan Keluarga*, 3, (2022): 121-130. doi:10.22146/jwk.3689.

² Petrus Hapi Witono Et Al., "Pemahaman Masyarakat Tentang Kekerasan Seksual Terhadap Perempuan Terkait Kontemporer Isu Dalam Agama Pemahaman Masyarakat Tentang Kekerasan Seksual Terhadap Perempuan Terkait Kontemporer Isu Dalam Agama." *Cerdika: Jurnal Ilmiah Indonesia*, 5, no. 12 (2025): 3328-35.

³ Felysitas Gayatri and Prajnowita, Disney. "Systematic Review: Dampak Psikologis Kesehatan Terhadap Korban Kekerasan Seksual Di Indonesia" *Socius: Jurnal Penelitian Sosial*, 3 (1), (2025): 1-5. <https://ojs.darulhuda.or.id/index.php/Socius/article/view/2108>.

living.⁴ Women fully have the right to work and receive protection, but there are still many cases of harassment against women that go unaddressed due to power relations, patriarchal culture, and weak oversight mechanisms in the workplace.⁵ This is often rooted in a patriarchal social structure that places women in a subordinate position to men. Forms of harassment such as whistling, sexual comments, and judgments about women's bodies are often considered commonplace in the workplace and are not responded to firmly. Due to their powerlessness, women are often afraid to report their experiences.⁶

Human rights, according to Article 1, number 1 of Law Number 39 of 1999 concerning Human Rights (HAM Law), state that human rights are a set of rights inherent in human existence as creatures of God Almighty and are His gifts that must be respected, upheld, and protected by the state, law, government, and every person for the sake of honor and protection of human dignity.⁷ The Unitary State of the Republic of Indonesia guarantees the welfare of each of its citizens, including the protection of human rights. Protecting human rights is an obligation for every state administrator to uphold justice and truth based on the law, Pancasila, and the 1945 Constitution of the Republic of Indonesia.⁸ In law number 12 of 2022 concerning the crime of sexual violence, there are rights to handling, protection rights and the right to recovery for victims.⁹

The 1945 Constitution of the Republic of Indonesia states that "independence is the right of all nations, and therefore, colonialism must be abolished throughout the world, as it is inconsistent with humanity and justice." Nearly every country faces challenges in upholding human rights, and Indonesia is no exception. The issue of upholding human rights is always accompanied by issues with law enforcement, a crucial issue frequently complained about by citizens today. Interference in the judicial process, overlapping jurisdictions, and legal ambiguity have led to a legal crisis in Indonesia.¹⁰ This legal situation has resulted in a concerning situation regarding the protection and respect of human rights in Indonesia, as evidenced by various human rights violations, including acts of violence, discrimination, and arbitrary detention.¹¹

Violence against women is a crime with broad dimensions and can occur in both public and private spaces. According to the 2024 Annual Report of the National Commission on Violence Against Women (Komnas Perempuan), 330,097 cases of gender-based violence against women were recorded, an increase of approximately 14.17% compared to the previous year, with sexual violence accounting for the highest number of cases, at 17,305.¹² This data aligns with a report by

⁴ Gupta Parahitadewi, Purwono Sungkowo Raharjo, And Rosita Candrakirana, "Perlindungan Hukum Terhadap Hak Khusus Pekerja Perempuan Di Rumah Sakit Indriati Solo Baru" *Indonesian Journal of Social Sciences and Humanities*, 5, No. 1 (2025): 92-98. <https://journal.publication-center.com/index.php/ijssh/article/view/1776>.

⁵ Reno Efendi et al., "Urgensi Percepatan Pengesahan Rancangan Undang-Undang Penghapusan Kekerasan Seksual," *Jurnal Lex Renaissance* 6, No. 1 (2021): 27. <https://doi.org/10.20885/jlr.vol6.iss1.art3>.

⁶ Luz S Marin et al., "Workplace Sexual Harassment And Vulnerabilities Among Low-Wage Hispanic Women" *Occupational health science*, 5, No. 3 (2023): 391-414. <https://doi.org/10.1007/S41542-021-00093-6.Workplace>.

⁷ Murthada And Seri Mughni Sulubara, "Implementasi Hak Asasi Manusia Di Indonesia Berdasarkan Undang-Undang Dasar 1945," *Jurnal Pendidikan Sosial Humaniora* Vol.1, No. (2022): 111-21.

⁸ Mohd. Yusuf DM et al., "Pengadilan Hak Asasi Manusia Di Indonesia Dalam Perspektif Hukum Pidana Khusus (Peranan Dan Kedudukan)," *Jurnal Pendidikan Dan Konseling* Volume 5 N (2023): 254-59.

⁹ Nurhayati, Indah, Sartika Dewi, and Muhamad Abas. "Perlindungan Hukum Bagi Pekerja Perempuan Yang Mengalami Kekerasan Seksual." *The Juris* 8, (2024): 705-711. [doi:10.56301/juris.v8i2.1302](https://doi.org/10.56301/juris.v8i2.1302).

¹⁰ Triwahyuningsih, Susani. "Perlindungan Dan Penegakan Hak Asasi Manusia (Ham) Di Indonesia". *Legal Standing: Jurnal Ilmu Hukum* 2 (2), (2018): 113-21. <https://doi.org/10.24269/ls.v2i2.1242>.

¹¹ Walton Reynaldi And Ammar Aziz Baskoro, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Di Indonesia," *Jurnal Hukum Dan Hak Asasi Manusia* 1, No. 1 (2023): 62. <https://doi.org/10.51933/jhh.v1i1.987>.

¹² Komnas Perempuan, "Catahu 2024: Menata Data, Menajamkan Arah: Refleksi Pendokumentasian Dan Tren Kasus Kekerasan Terhadap Perempuan," <https://komnasperempuan.go.id/Catatan-Tahunan-Detail/Catahu-2024-Menata-Data-Menajamkan-Arah-Refleksi-Pendokumentasian-Dan-Tren-Kasus-Kekerasan-Terhadap-Perempuan>. 2025.

the International Labour Organization (ILO), which states that more than 70% of workers in Indonesia have experienced violence or harassment in the workplace, and approximately 50% of this is sexual harassment.¹³ In response to this high figure, international standards, through ILO Convention No. 190, have urged countries and companies to adopt a holistic approach that integrates criminal sanctions and workers' rights restoration.¹⁴

Prior studies on sexual harassment in Indonesian workplaces have largely focused on three areas: (1) normative analysis of legal protection under UU TPKS (Fernanda et al., 2025; Rahmadani et al., 2025; Nurhayati et al., 2024); (2) power-relation and patriarchal-culture factors as barriers to reporting (Rahmat et al., 2025; Heymann et al., 2023); and (3) the role of legal aid institutions in victim advocacy (Benazir et al., 2024). However, these studies predominantly adopt either a purely normative or a purely sociological lens, and few integrate both dimensions through direct empirical data from frontline advocacy institutions. Furthermore, existing literature has not systematically evaluated the implementation of gender justice principles – substantive, structural, and cultural – as an integrated analytical framework in the context of the TPKS Law enforcement. This study fills that gap by combining normative legal analysis with primary field data from LBH APIK and SPEK HAM, generating a three-dimensional diagnostic of enforcement failures under the TPKS Law.

The novelty of this study lies in its empirical grounding of gender justice analysis at the pre-litigation and litigation stages of TPKS Law enforcement, using primary data from frontline advocacy institutions. Unlike normative studies that assess the law on paper, this research identifies specific enforcement gaps – including unlawful mediation practices under Article 23, victimization during investigation under Article 22, and institutional barriers to reporting – and proposes a three-pillar reform framework (substantive, structural, cultural) as a concrete policy contribution.

Indonesia is facing a state of emergency due to sexual harassment, which threatens society. This has become a global problem, particularly for women. This harassment often occurs against women, encompassing both verbal and non-verbal forms. Various forms of harassment, including inappropriate verbal and physical behavior, constitute a problem and even violate human rights. This often occurs in public, on the streets, in malls, on public transportation, in markets, and even within the community, including verbal harassment. This behavior disrupts the victims' comfort and violates their human rights.

This prompted Indonesia+ to enact Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) as a form of protection for victims of sexual violence, one of which is sexual harassment, both physical and non-physical. However, the implementation of this protection has not been fully effective due to a lack of technical regulations and low legal awareness at the company and employee levels.¹⁵ The problem with implementing this law stems from the power dynamics and gender inequality that remain deeply embedded in the workplace. Although the Sexual Violence Crimes Law (UU TPKS) provides a strong legal framework for protection, victims, mostly women, often feel trapped in vulnerable and powerless situations. Hesitation to speak up or report

¹³ International Labour Organization, *Laporan Hasil Survei Kekerasan Dan Pelecehan Di Dunia Kerja Indonesia 2022 - Jakarta*, 2022.
¹⁴ Andi Diandra Garnis Pamusu. "Ratifikasi Konvensi Ilo 190: Benteng Hukum Melawan Kekerasan Seksual Di Tempat Kerja". *Journal of Innovative and Creativity*, 6 (1), (2026): 14342-51. <https://doi.org/10.31004/joecy.v6i1.7689>.
¹⁵ Siti Amalia Rahmadani, Rollys Suriani, And Nuraliah Ali, "Pelecehan Seksual Menurut Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual Di Lingkungan Kampus Universitas Palangka Raya," *Jurnal Hukum Tambun Bunai* 8, No. 1 (2025): 260, <https://doi.org/10.35724/jhtb.v8i1.6231>.

the situation stems from real risks such as psychological pressure from intimidation, threats of detrimental job transfers, or even forced job loss.¹⁶ This fear is further exacerbated by a culture of victim blaming within companies, which often blames victims' clothing or friendly demeanor for triggering harassment.¹⁷ Regulations intended to protect women's safety feel out of reach for those who need them most. This significant gap between the legal provisions on paper and the reality on the ground is the root of the problem, as it continues to hinder efforts to eradicate sexual violence in the workplace.¹⁸

2. Method

This study uses an empirical normative legal research method, an approach that combines the study of written legal norms with empirical data in the field.¹⁹ This method aims to analyze the consistency between the provisions of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law) and their implementation in law enforcement regarding sexual harassment cases in the workplace. The approach used includes a statute approach to examine relevant regulations, as well as a socio-legal approach to understand social factors such as power relations and patriarchal culture that influence the effectiveness of law enforcement.²⁰ Data sources consist of primary data obtained through interviews with legal aid institutions and victim advocacy organizations, as well as secondary data in the form of primary, secondary, and tertiary legal materials.

Data collection techniques include literature review and interviews. The data obtained were analyzed using a normative qualitative analysis method by systematically interpreting legal norms and empirical findings to draw conclusions regarding the implementation of gender justice principles in law enforcement against sexual harassment in the workplace.²¹ LBH APIK and SPEK HAM were purposively selected as interview sources due to their direct experience handling workplace sexual harassment cases under the TPKS Law framework and their documented institutional roles in victim advocacy in Indonesia. Semi-structured interviews were conducted to allow for in-depth exploration of institutional practices and enforcement challenges. Primary legal materials examined include Law Number 12 of 2022 (UU TPKS), Law Number 39 of 1999 on Human Rights, Article 27(2) of the 1945 Constitution, and ILO Convention No. 190. Secondary legal materials comprise peer-reviewed legal journals, legal commentaries, and official reports from Komnas Perempuan and the ILO.

¹⁶ Jody Heymann et al., "Progress Towards Ending Sexual Harassment At Work/ ? A Comparison Of Sexual Harassment Policy In 192 Countries Progress Towards Ending Sexual Harassment At Work/ ? A Comparison Of Sexual Harassment Policy In 192 Countries," *Journal Of Comparative Policy Analysis: Research And Practice* 25, No. 2 (2023): 172–93, <https://doi.org/10.1080/13876988.2022.2100698>.

¹⁷ R Robert T. Hitlan, "Sexual And Bystander Harassment Among Part-Time Employees: Effects On Work Attitudes, Stress, And Withdrawal," *Journal Of Workplace Behavioral Health* 41, No. 1 (2026): 45, <https://doi.org/10.1080/15357019.2025.2481111>.

¹⁸ Hanif Maulana Rahmat, Marcello Rinaldi Sinaga, And Gabriel Iwan Fatar Silaen, "Analisis Yuridis Terhadap Penegakan Hukum Atas Pelecehan Seksual Di Tempat Kerja Terhadap Perempuan," *Jurnal Kajian Hukum Dan Kebijakan Publik* 3, No. 1 (2025): 310, <https://doi.org/10.30659/jkhkp.v3i1.1234>.

¹⁹ Sidi Ahyar Wiraguna, "Metode Normatif Dan Empiris Dalam Penelitian Hukum/ : Studi Eksploratif Di Indonesia" 3, No. 3 (2024), <https://doi.org/10.59818/jps.v3i3.1390>.

²⁰ Parman Komarudin And Hendra Hadi, Metode Penelitian Hukum/ : Analisis Problematika Hukum Dengan Metode Penelitian Normatif dan Empiris." *Badamai Law Journal*, 8, no. 2 (2023): 394–408. DOI: <http://dx.doi.org/10.32801/damai.v8i2.17423>.

²¹ Muhammad Surya Gemilang and Irma Idris. "Pendekatan Socio-Legal terhadap Perlindungan Hak-Hak Anak Korban Kekerasan Seksual," *Jurnal Legislatif* Vol. 8 No.1 (2024): 58–69. DOI: <https://doi.org/10.20956/jl.v8i1.42076>.

3. Results and Discussion

The most common form of harassment experienced by female workers is sexual harassment in the workplace. According to Budi Wahyuni, one of the cases handled by LBH APIK involved sexual harassment in the workplace. The incidents occurred repeatedly, impacting the victim’s psychological well-being and causing stress. The case was then reported to the company’s human resources (HR) department, and after going through an internal process, the company took action by dismissing the perpetrator. According to Budi Wahyuni, this action is an example of a company’s relatively good response to cases of sexual harassment in the workplace. However, this type of corporate response is not always found in every case of sexual harassment in the workplace.²²

Table 1. Interview Sources

Source Person	Position	Time
Budi Wahyuni	Pendiri & Pengawas Yayasan LBH APIK	05 March 2026
Atik Tri Wahyuni	Staf Pendamping SPEK HAM	02 March 2026

Based on an interview with Budi Wahyuni, founder and supervisor of the LBH APIK Foundation, researchers obtained an understanding that the implementation of gender justice principles in handling cases of sexual harassment against female workers is realized through several stages of assistance. The first is the development of a chronology to identify the victim’s needs, both in the form of psychological support and legal resolution. If legal action is necessary, LBH APIK provides assistance in the form of mentoring and coordination with in-house lawyers.²³

This statement is also supported by an interview with SPEK HAM’s advisory staff member, Atik Tri Wahyuni. She explained that the implementation of gender justice principles is realized through a victim-centered approach. If the victim is indicated to have experienced severe trauma, SPEK HAM will refer the victim to the Integrated Technical Implementation Unit (UPTT) or a mental hospital for professional treatment. Furthermore, if the victim chooses to pursue legal action, SPEK HAM will assist the victim from the initial stages through to the resolution of the case²⁴.

Furthermore, the forms of sexual harassment and violence experienced by women vary considerably. According to Atik Tri Wahyuni, cases handled by SPEK HAM encompass various forms of sexual violence that occur across various age groups, from children and adolescents to adult women. These include physical violence such as beatings, indecent acts, and rape. Furthermore, there are cases of sexual harassment in the form of groping, non-consensual embracing, and other forms of harassment, such as technology-based harassment, such as the misuse of the victim’s photo using artificial intelligence (AI) technology for the purpose of blackmailing or threatening the victim (Atik Tri Wahyuni, SPEK HAM, March 2, 2026).

The enactment of the TPKE Law does not automatically guarantee that female workers who experience sexual harassment will win in court. This aligns with Budi Wahyuni’s explanation that in practice, there are still various difficulties in convincing law enforcement officials in cases of sexual violence. This situation makes the likelihood of victims successfully winning their cases

²² Idem. Interview results Atik Tri Wahyuni

²³ Interview results LBH APIK, March 5, 2026).

²⁴ Interview results Atik Tri Wahyuni, SPEK HAM, March 2, 2026

in court relatively small, even though LBH APIK has provided support and facilitated victims in the case process. Budi Wahyuni also explained that in recent years, LBH APIK has increasingly intensified its handling of sexual violence cases, which were previously dominated by domestic violence (KDRT). LBH APIK currently has several offices across Indonesia to accommodate these reports. However, in practice, the law enforcement process for sexual violence cases still faces various obstacles.

Furthermore, several factors contribute to the difficulty of obtaining justice in cases of sexual violence. First, the lengthy and complicated legal process often leads to physical and mental exhaustion for victims, leaving many feeling unable to continue fighting for justice. Second, strong gender bias persists both in society and among law enforcement. Negative stigma against women persists, such as the assumption that women are the ones who tease or question the victim's behavior during the incident, often placing the victim in the wrong position. Furthermore, the strong power relationship between perpetrators and victims also contributes to the perpetration of sexual violence. In some cases, even though an institution has a Task Force (Satgas), case handling is often directed at mediation between the victim and perpetrator to maintain the institution's reputation. In fact, based on the provisions of the TPKS Law, sexual violence cases are not permitted to be resolved through mediation (Budi Wahyuni, LBH APIK, March 5, 2026).

Obstacles to providing evidence and the low chance of winning in court often influence victims' decisions regarding the direction of their cases. In some situations, victims do not always choose to pursue criminal proceedings due to the lengthy process and the uncertainty of the outcome. This situation leads some victims to consider resolving their cases through other mechanisms, which they perceive as providing a greater sense of security.

This aligns with Atik Tri Wahyuni's statement, explaining that in some cases, victims tend to choose internal organizational resolution rather than pursuing criminal legal proceedings under the TPKS Law. According to her, there are cases where attempts to use the TPKS Law are not pursued because the victim feels that internal organizational resolution is sufficient, for example, when the perpetrator has been expelled from the organization or workplace. In other situations, victims also prefer that the perpetrator be dismissed from their job or transferred to another location so that they no longer have direct interaction with the victim. This choice is often made as a form of self-protection by victims to prevent them from encountering the perpetrator again in the same workplace (Atik Tri Wahyuni, SPEK HAM, March 2, 2026).

The fulfillment of justice for female workers who experience sexual harassment in the workplace depends not only on the existence of legal regulations but is also influenced by various other interrelated aspects. Budi Wahyuni argues that there are three crucial aspects that must be considered in efforts to achieve justice for victims: substantive, structural, and cultural. These three aspects are interrelated in determining the effectiveness of handling cases of sexual violence.

In terms of substance, Indonesia already has a fairly progressive legal framework in place through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which recognizes the role of victims and the role of counselors and advocates as a crucial part of the evidentiary process. However, this regulation does not fully guarantee protection for victims in practice. In some cases, victims experience unfair treatment in the workplace, such as being dismissed from their jobs after reporting sexual harassment. Structurally, the effectiveness of law enforcement depends heavily on the understanding and sensitivity of law enforcement officials to cases of sexual violence. Therefore, capacity building and understanding among law enforcement

officials are needed to ensure the proper implementation of the TPKS Law and support victims. Meanwhile, culturally, the persistent stigma and negative perceptions of victims of sexual violence in society are a major obstacle to achieving justice. Sexual violence is often viewed as a disgrace, leading victims to delay reporting their experiences. This situation is further exacerbated by the lack of education on reproductive health and sexuality in the community. In line with this, Atik Tri Wahyuni also emphasized the importance of outreach and education efforts for the community as part of a cultural shift in handling sexual violence. According to her, outreach activities conducted in various community settings, such as the neighborhood association (RT/RW), schools, and organizations, aim to raise public awareness of various forms of sexual harassment, including acts often considered trivial, such as catcalling. Through this outreach, it is hoped that the community will have a better understanding of sexual violence and be able to provide support to victims to report their experiences.²⁵

The application of gender justice principles in law enforcement is a crucial foundation for ensuring that victims' rights are not neglected in the law enforcement process.²⁶ Gender justice is not limited to imposing sanctions on perpetrators but also encompasses meeting victims' needs to minimize profound psychological impacts. If these principles are not understood and implemented appropriately, the legal process has the potential to ignore the specific vulnerabilities experienced by female workers, resulting in a lack of tangible justice.

The research found that the implementation of gender justice principles in law enforcement against sexual harassment in the workplace has not been fully optimal. This occurs despite Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, which has normatively strengthened victim protection, including recognition of victims' rights to protection, assistance, and recovery. Based on interviews with two sources, it was discovered that the effective implementation of the law still faces various obstacles, including limited evidence of sexual violence, low victim courage in reporting, strong gender bias in society that creates stigma against women, and the existence of power relations between superiors and subordinates in the workplace that often place perpetrators in a more dominant position. There was also evidence of intervention from companies, which tend to encourage case resolution through mediation, citing concerns about maintaining the company's reputation.

These findings align with Fernanda et al. Which states that although Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence comprehensively regulates various forms of sexual violence and legal protection mechanisms for victims, both preventive and repressive, in practice, victims still face various obstacles in accessing justice.²⁷ Many victims choose not to report due to fear of social stigma, pressure from powerful perpetrators, and fear of losing their jobs. Furthermore, not all companies have mechanisms for reporting and handling sexual violence that favor victims.

The gap between legal regulations and actual practice can also be seen in the provisions of Article 22 of the TPKS Law. This article expressly requires investigators, public prosecutors, and judges to conduct investigations while upholding the human rights and dignity of victims, with-

²⁵ Interview results Atik Tri Wahyuni Marach, 2

²⁶ Eva Achjani Zulfa Rahmah Atika Suri, "Tinjauan Yuridis Pedoman Hakim Dalam Mengadili Perempuan Berhadapan Dengan Hukum Di Indonesia," *Jurnal Ilmu Hukum*, Volume 10 (2025), <https://doi.org/10.24967/jcs.V10i2.4107>.

²⁷ Fernanda et al., "Perlindungan Korban Dalam Tindak Pidana Kekerasan Seksual," *Jurnal Pendidikan Tambusai* 9, No. 1 (2025): 1042, <https://doi.org/10.31004/jptam.V9i1.13456>.

out intimidation, and strictly prohibits any justification for the perpetrator's actions or victimization based on their lifestyle or sexual experiences. This provision essentially aims to ensure that the handling of sexual violence cases is carried out with a victim-sensitive perspective. However, research results indicate that there is still a gap between the normative mandate in Article 22 and actual practice. Based on interviews with LBH APIK, the case handling process still faces difficulties in convincing law enforcement officials due to strong gender bias and negative stigma against women. In some cases, victims are confronted with inflammatory questions, such as regarding the victim's attitude, clothing, or behavior during the incident. This situation indicates that although Article 22 prohibits victim-blaming questions, the practice of victimization still occurs frequently.

The stigma that still positions women as the seducers demonstrates that patriarchal culture still influences the perspectives of some law enforcement officers in handling sexual violence case. As a result, the investigation process, which should provide protection for victims, has the potential to cause further trauma.²⁸ This situation demonstrates that, from a structural and cultural perspective, the success of regulations depends heavily on the awareness and sensitivity of law enforcement officers. Without gender sensitivity from law enforcement officers, the guarantee of protection for victims' dignity as stipulated in Article 22 of the TPKS Law risks remaining merely a normative provision that fails to fully achieve justice for female workers.

In addition to obstacles arising during the case investigation process, another obstacle frequently encountered is the case resolution stage.²⁹ This situation often contradicts the provisions of Article 23 of the Law on Sexual Violence Crimes, which expressly states that sexual violence cases cannot be resolved outside the judicial process, except in cases involving child perpetrators. This provision is intended to prevent peaceful settlement practices that have the potential to harm victims, especially in situations characterized by unequal power relations between victims and perpetrators. However, in practice, companies still tend to encourage mediation as a way to resolve cases, citing the need to protect the institution's reputation. Research findings based on interviews with LBH APIK indicate that although several institutions have established task forces for handling sexual violence, the case handling process is often directed toward mediation between victims and perpetrators.

This practice of mediation in the workplace not only contradicts Article 23 of the TPKS Law but also potentially disregards the principle of gender justice. This is because the mediation process often places victims under pressure to apologize or accept an internal resolution that does not fully reflect justice. This situation indicates that internal company policies in some cases actually hinder female workers from accessing legal justice, which should be guaranteed by the state through the TPKS Law. This practice also demonstrates that the implementation of the TPKS Law in handling cases of sexual harassment in the workplace has not been fully effective, as mandated by the law.

The research also found that needs-based assistance for victims significantly increased access to justice. This was evident in interviews, which revealed an increase in reports to SPEK HAM and

²⁸ Rolib Sitorus, Ricky Banke, Joy Zaman Felix Saragih, and Frederick Xaverius Tjipto. "Dinamika Pembentukan Hukum Nasional Indonesia". *PaKMas: Jurnal Pengabdian Kepada Masyarakat* 5 (2), (2025): 644-56. <https://doi.org/10.54259/pakmas.v5i2.4313>.

²⁹ Yuni Putri Dewantara And Ika Fransisca, "Restorative Justice Dalam Penyelesaian Sengketa Pelecehan Seksual Cyber Restorative Justice In Resolving Cyber Social Harassment Disputes." *Jurnal Hukum Mimbar Justitia (JHMJ)*, vol. 10, no. 2, Juni 2024, hlm. 223-251. ISSN 2477 5681 (cetak), ISSN 2580 0906. <https://doi.org/10.35194/jhmj.v10i2.4679>.

LBH APIK after the socialization. Victims gained the courage to report, received psychological counseling, and respected victims' decisions regarding the form of settlement for the perpetrator. This finding aligns with research by who examined the role of the Surakarta SPEK HAM Institute in providing legal aid to victims of sexual violence, including receiving complaints, engaging with victims, and providing legal consultations, mediation, and legal assistance.³⁰

Furthermore, the interviews also demonstrated that public education and outreach play a strategic role in encouraging victims of workplace harassment to report. This aligns with Friedman's (2002) legal culture theory, which explains that the success of legal action depends heavily on public attitudes and awareness of existing legal regulations.³¹ With increased legal literacy and understanding of sexual harassment, victims become more willing to access protection mechanisms.

Overall, the findings of this study confirm that the TPKS Law has not yet optimally guaranteed gender equity in sexual harassment for women in the workplace. Effective implementation is determined by the victim's courage to report, the institution's readiness to provide safe and responsive protection mechanisms, and changes in society's legal culture, which is still influenced by power relations and stigma against victims. Therefore, it is necessary to consider many aspects to uphold gender justice, especially for women who experience harassment. This aspect can be realized through ongoing outreach, needs-based assistance for victims, and the establishment of an effective internal reporting system in the workplace to ensure the protection of female workers from sexual harassment in the workplace.

4. Conclusion

Based on the research findings, it can be concluded that the implementation of gender justice principles in law enforcement against sexual harassment in the workplace has not been fully optimal. Although Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (Law Number 12 of 2022 concerning Sexual Violence) normatively strengthens victim protection through recognition of the right to protection, assistance, and recovery, in practice, there is still a gap between legal provisions and their implementation. This is evident in the persistence of gender bias in the investigation process, the practice of victimization, and the tendency to resolve cases through mediation in the workplace, which contradicts Article 23 of the TPKS Law.

Furthermore, this research also shows that various factors hinder the fulfillment of gender justice principles for women in the workplace. These factors include limitations in proving sexual violence, victims' lack of courage to report due to social stigma, power relations between superiors and subordinates, and intervention from companies that encourage case resolution through mediation to maintain the institution's reputation. This situation demonstrates that the successful implementation of the TPKS Law depends not only on the existence of legal norms but also on the commitment of law enforcement officials and workplace institutions to implementing gender-sensitive and victim-friendly handling mechanisms.

³⁰ Ringgit Benazir Kartika, Triana Rejekiningsih, and Erna Yuliandari. "Peranan Lembaga Swadaya Masyarakat SPEK-HAM Surakarta Dalam Memberikan Layanan Bantuan Hukum Pada Perempuan Korban Kekerasan Seksual." *Academy of Education Journal*, 15, no. 2 (2024): 1250-1259. <https://doi.org/10.47200/aoej.v15i2.2408>.

³¹ Izzy Al Kautsar And Danang Wahyu Muhammad, "Sistem Hukum Modern Lawrence M. Friedman: Budaya Hukum Dan Perubahan Sosial Masyarakat Dari Industrial Ke Digital," *Privat Law* 7, No. 1 (Januari-Juni 2019): 85, <https://doi.org/10.20961/Privat.V7i1.30232>.

The existence of support institutions such as LBH APIK and SPEK HAM plays a crucial role in promoting access to justice for victims by providing legal assistance, psychological counseling, and outreach regarding sexual violence reporting mechanisms. This needs-based assistance is one effort to realize the implementation of gender justice principles in handling sexual harassment cases in the workplace.

Law enforcement regarding sexual harassment cases in the workplace needs to be accompanied by increased understanding of gender justice perspectives among law enforcement officials to ensure that the investigation process does not result in victimization. Furthermore, the government needs to strengthen the implementation of the Law on Sexual Violence by developing and enforcing implementing regulations that provide technical guidelines for handling sexual violence cases, particularly those occurring in the workplace. Every institution and company also needs to develop internal policies that clearly regulate the mechanisms for preventing, reporting, and handling sexual harassment cases in the workplace.

The policy must ensure a safe reporting system for victims, protection from repressive actions such as termination of employment, and a victim-friendly handling mechanism that aligns with the provisions of the TPKS Law. With clear regulations, both at the regulatory level and at the internal institutional policy level, it is hoped that efforts to prevent and address sexual harassment in the workplace can be more effective. This study contributes to the socio-legal literature on gender justice by demonstrating that enforcement failures under the TPKS Law are systemic, not incidental, and operate simultaneously at substantive, structural, and cultural levels. Accordingly, the study recommends that the government prioritize: (1) issuance of a Government Regulation (PP) or Minister of Manpower Regulation specifying the technical procedures for handling workplace sexual violence under the TPKS Law; (2) mandatory gender-sensitivity training for investigators, prosecutors, and judges handling sexual violence cases; and (3) national certification standards for internal workplace Sexual Harassment Task Forces (Satgas PPKS).

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