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Legal Protection for Women Victims of Verbal Sexual Harassment (Catcalling) in Pohuwato Regency

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ABSTRACT

Verbal sexual harassment, or catcalling, is a form of non-physical sexual harassment that frequently occurs in public spaces, but is often considered a joke, compliment, or normal behavior. This situation places women as a vulnerable group because victims often experience fear, shame, insecurity, trauma, and reluctance to report it. This study aims to analyze legal protection for female victims of verbal sexual harassment in Pohuwato Regency and the obstacles faced by law enforcement officers in resolving these cases. The study used a juridical-empirical method with a legislative approach, a sociological approach to law, and a victimological approach. Data were obtained through literature review, documentation, and interviews at the Women and Children Protection Unit of the Pohuwato Police. The results show that legal protection for victims has a normative basis in the Law on Sexual Violence Crimes, particularly non-physical sexual harassment, and can be implemented through reporting mechanisms, victim-friendly examinations, assistance, recovery, and law enforcement against perpetrators. However, this protection has not been optimally implemented due to minimal reporting, low legal awareness, a strong patriarchal culture, stigma against victims, and obstacles to proving non-physical harassment. This article emphasizes the need for strengthened reporting, public education, and increased capacity of law enforcement officials to ensure more effective protection for catcalling victims.

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1. Introduction

Protection of women from sexual violence is part of the constitutional guarantee of a sense of security, honor, dignity, and freedom from degrading treatment. Article 28G of the 1945 Constitution of the Republic of Indonesia affirms that everyone has the right to personal protection, honor, dignity, and a sense of security from the threat of fear [1]. In this context, verbal sexual harassment or catcalling cannot be seen as normal behavior, because actions such as whistling, sexually suggestive comments, demeaning remarks, or other verbal expressions that are not desired by the victim can disrupt women's sense of security in public spaces.

Verbal sexual harassment gained a clearer regulatory basis following the enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Article 5 of the law stipulates that any person who engages in non-physical sexual acts directed at the body, sexual desires, and/or reproductive organs with the intention of degrading a person's dignity and worth based on their sexuality and/or morality can be punished as non-physical sexual harassment [2]. This provision is important because previously verbal harassment was often only approached through general moral norms, so that victims faced difficulties in obtaining concrete legal protection.

Socially, catcalling is still often normalized as a joke, a compliment, or a form of intimacy. This normalization raises legal issues because it blurs the line between normal social interactions and actions that demean the victim. For women, catcalling can cause shame, fear, discomfort, loss of safety, and psychological trauma. In the long term, this act can also limit women's freedom of movement in public spaces, as victims feel compelled to avoid certain places, times, or situations to prevent recurrence of harassment.

National data shows that gender-based violence against women remains a serious problem. The National Commission on Violence Against Women's Annual Report noted an increase in cases of gender-based violence in 2021, and sexual violence remains one of the dominant forms of violence experienced by women [3]. At the local level, this thesis records data from the Pohuwato Police regarding verbal violence, namely 2 cases in 2021, 7 cases in 2022, 10 cases in 2023, and 3 cases until May 2024. However, the results of an interview with the Head of the Women and Child Protection Unit of the Pohuwato Police, Bripka Muh. Faisal, showed that specific reports regarding verbal sexual harassment are still rarely received by the Women and Child Protection Unit, even though such actions are recognized as frequently occurring in the community [4].

This situation highlights the gap between law in norms and law in practice. From a normative perspective, the TPKS Law provides a legal basis for addressing non-physical sexual harassment. However, in practice, legal protection for victims has not been optimal because the enforcement of the law depends heavily on the victim's courage to report, public understanding of catcalling, the readiness of authorities to receive reports, and the legal system's ability to prove harassment that does not leave physical wounds. This gap is a crucial point for research, especially since catcalling victims often choose to remain silent due to shame, fear of being blamed, or the belief that their reports will not be processed.

Previous studies have discussed sexual harassment and catcalling from a criminal law perspective. Anggraeni and Humaeroh highlighted the problematic regulation of sexual violence crimes in the Indonesian legal system [5]. Kartika and Najemi examined legal policies regarding catcalling from a criminal law perspective [6]. Qila, Rahmadina, and Azizah emphasized that catcalling can have a traumatic impact on victims [7]. However, these studies have not specifically positioned the practice of legal protection for female victims of catcalling in Pohuwato Regency as an empirical object, especially in relation to obstacles faced by law enforcement officials at the local level.

The novelty of this article lies in its normative-empirical analysis of legal protection for catcalling victims, connecting the TPKS Law, the concept of victim protection, local data from the Pohuwato Police, and socio-cultural barriers that contribute to low reporting rates. This article not only examines the legal norms governing non-physical sexual harassment but also assesses how these norms operate in reality when victims face stigma, patriarchal culture, a lack of courage to report, and obstacles to evidence. Thus, this article positions catcalling as a legal issue, a victim protection issue, and an issue of societal legal culture.

Based on this background, the problem formulation in this research is:

1. What is the legal protection for victims of verbal sexual harassment (catcalling) in Pohuwato Regency?
2. What are the obstacles for law enforcement officers in resolving the crime of verbal sexual harassment (catcalling) in Pohuwato Regency?

In line with the above problem formulation, this article aims to analyze the forms of legal protection for female victims of catcalling and identify the obstacles faced by law enforcement officials in resolving the issue. Theoretically, this article contributes to the development of criminal law and victimology studies. Practically, this article is expected to provide input for law enforcement officials, local governments, educational institutions, and the community in strengthening protection for female victims of verbal sexual harassment.

2. Research Methods

This research uses a juridical-empirical method. The juridical-empirical method was chosen because the research object is not only related to legal norms regarding non-physical sexual harassment, but also related to the implementation of legal protection in social and institutional practices in Pohuwato Regency. Empirical legal research positions law as both a norm and a social phenomenon that works through the behavior of officials, victims, and the community [8].

The approaches used include a legislative approach, a legal sociology approach, and a victimological approach. The legislative approach is used to examine the 1945 Constitution, the TPKS Law, the Witness and Victim Protection Law, the Human Rights Law, the Criminal Code, the Criminal Procedure Code, and regulations related to services for women and children. The legal sociology approach is used to examine the relationship between legal norms, public awareness, patriarchal culture, stigma against victims, and law enforcement practices. The victimological approach is used to understand the status of women as victims of catcalling, the impact experienced by victims, and victims' rights in the legal process.

The object of this research is legal protection for female victims of verbal sexual harassment (catcalling) in Pohuwato Regency. The research location was conducted at the Pohuwato Police Resort, specifically the unit that handles the protection of women and children. Data sources consist of primary data and secondary data. Primary data were obtained

through interviews with police officers, particularly the Head of the Women and Child Protection Unit of the Pohuwato Police. Secondary data were obtained from laws and regulations, books, journals, official documents, case data, and other relevant library sources [9].

Data collection techniques included interviews, literature review, and documentation. Interviews were used to obtain information regarding legal protection mechanisms, reporting conditions, and obstacles to handling catcalling cases. Literature review was used to examine theories of legal protection, criminal law, victimology, sexual violence, and law enforcement. Documentation was used to examine case data, research documents, research statements, and other supporting documents related to the protection of female victims of verbal sexual harassment.

The data were analyzed descriptively and qualitatively through data reduction, data presentation, and conclusion drawing. The analysis was conducted by connecting legal norms, legal protection theory, victim theory, Pohuwato Police data, and interview results. The analysis was descriptive-prescriptive, not only describing legal protection and obstacles to law enforcement but also providing arguments regarding the need to strengthen reporting mechanisms, victim assistance, public education, and capacity building of law enforcement officers so that protection for catcalling victims can be more effective.

3. Results and Discussion

The discussion in this section is directed at answering two main problem formulations: the form of legal protection for female victims of verbal sexual harassment in Pohuwato Regency and the obstacles faced by law enforcement officers in resolving this crime. The issue of catcalling cannot be analyzed solely as a matter of politeness or social behavior, but must be positioned as a form of non-physical sexual harassment related to the right to a sense of security, human dignity, victim protection, and the effectiveness of law enforcement. Therefore, the discussion connects legal norms, empirical data, interview results, legal protection theory, victim theory, and community legal culture.

The analysis in the first subsection examines how legal protection can be provided to victims through the normative basis of the TPKS Law, reporting mechanisms, the investigation process, assistance, rehabilitation, and law enforcement against perpetrators. Meanwhile, the second subsection examines the obstacles that cause such protection to be less than optimal, both internal obstacles from the authorities and external obstacles originating from the community, victims, patriarchal culture, social stigma, and issues of evidence. With this structure, the discussion does not simply transfer the content of the thesis, but also emphasizes the legal position and research findings regarding the protection of female victims of catcalling.

3.1. Legal Protection for Victims of Verbal Sexual Harassment (Catcalling) in Pohuwato Regency

Legal protection is essentially a legal function to provide protection for human rights that are harmed by the actions of others. Satjipto Rahardjo views legal protection as an effort to provide protection to the community so that they can enjoy the rights granted by law [10]. Philipus M. Hadjon places legal protection as protection of the dignity, honor, and recognition of the human rights of legal subjects based on legal provisions [11]. In the context of catcalling, legal protection means that the state does not only wait for physical consequences to occur, but also recognizes that non-physical words and actions that demean women's sexuality can violate the victim's dignity.

Normatively, legal protection for catcalling victims stems from several layers of regulations. First, the 1945 Constitution guarantees the right to a sense of security, honor, and protection from treatment that degrades human dignity [1]. Second, the TPKS Law provides a specific basis because it includes non-physical sexual harassment as a crime and provides victims with the right to treatment, protection, and recovery [2]. Third, the Witness and Victim Protection Law provides the basis for protection of personal security, the provision of testimony without pressure, information on case developments, and assistance for victims [12]. Fourth, the Human Rights Law affirms the state's obligation to respect, protect, and fulfill the human rights of every person without discrimination [13].

In practice in Pohuwato Regency, the results of interviews with the Head of the Women and Child Protection Unit of the Pohuwato Police indicate that legal protection for victims can only be processed concretely if there is a report from the victim. After the report is received, the case is processed according to legal procedures, starting from receiving the report, investigation, inquiry, to the judicial process according to the Criminal Procedure Code. This statement shows that repressive legal protection still depends heavily on the victim's courage to report. Without a report, authorities find it difficult to carry out legal proceedings because verbal sexual harassment in the TPKS Law is in principle closely related to the victim's willingness to report the actions they experienced [4].

Legal protection available to victims of catcalling includes preventive and repressive measures. Preventive measures include public awareness of the TPKS Law, gender equality education, raising awareness that catcalling is not a joke, and strengthening safe public spaces for women. In their thesis, the Pohuwato Police Women and Children Protection (PPA) officers stated that outreach is an important step in informing the public that verbal sexual harassment is a form of sexual violence and should not be taken lightly. This prevention is crucial because many potential perpetrators are unaware that sexual comments, whistling, or verbal remarks about a woman's body can lead to legal consequences and psychological trauma.

Repressive protection is implemented after the victim reports. Within the framework of the TPKS Law, victims have the right to receive treatment that does not blame the victim, an examination that respects the victim's dignity, assistance, information regarding the legal process, health services, psychological services, protection from threats, and rehabilitation [2]. In this regard, victim protection must not stop at punishing the perpetrator. The concept of victim protection requires rehabilitation that includes psychological, social, and legal aspects because victims of verbal sexual harassment can experience fear, trauma, reduced self-esteem, and restrictions on social activities [14].

From a victimology perspective, female victims of catcalling should be positioned as the ones who experience harm, not as the ones blamed for their clothing, time spent in public spaces, or how they respond to the perpetrator. Waluyo emphasizes the importance of protecting victims and witnesses in the criminal justice system so that victims are not only positioned as evidence, but also as subjects with rights [15]. Siregar and Silaban also emphasize that victims' rights in criminal law enforcement must be considered, including the

right to information, protection, and recovery [16]. Thus, law enforcement officers must avoid questions that corner victims or attitudes that make victims re-victimized.

Local data shows that cases of verbal violence recorded by the Pohuwato Police have increased from 2 cases in 2021, 7 cases in 2022, 10 cases in 2023, and 3 cases as of May 2024. However, this data must be read with caution because low reporting can significantly underestimate the actual number of incidents. This is also supported by the statement by the Head of the Women and Child Protection Unit of the Pohuwato Police that reports specifically about catcalling rarely reach the PPA Unit [4]. This means that legal protection for victims faces not only legal substance issues, but also issues of victims' access to reporting and victims' trust in the authorities.

This study strengthens the study of Kartika and Najemi who position catcalling as an act that can be qualified from a criminal law perspective [6], while complementing the study of Qila, Rahmadina, and Azizah who emphasize the traumatic impact of catcalling on victims [7]. The difference in this article lies in the empirical focus in Pohuwato Regency. The findings of this article indicate that the existence of the TPKS Law does not automatically guarantee effective protection if the community still considers catcalling as a joke and victims are still afraid to report it. Therefore, legal protection must be built through a combination of law enforcement, victim assistance, public education, and changes in legal culture.

Based on this analysis, legal protection for female victims of catcalling in Pohuwato Regency is normatively available, primarily through the TPKS Law and victim protection regulations. However, in practice, this protection is not optimal because legal mechanisms are not widely used by victims. The main finding of this subsection is that legal protection must be understood as a series of steps encompassing prevention, reporting, victim-friendly investigations, assistance, recovery, and prosecution of perpetrators. Without this series, the law remains present in texts, but not fully present in victims' experiences.

3.2. Obstacles faced by law enforcement officials in resolving cases of verbal sexual harassment (catcalling) in Pohuwato Regency

Obstacles in resolving verbal sexual harassment crimes cannot be separated from the workings of the legal system. Soerjono Soekanto stated that law enforcement is influenced by legal factors themselves, law enforcement factors, facilities, community factors, and cultural factors [17]. In the context of catcalling in Pohuwato Regency, these five factors are interrelated. Legal norms are available through the TPKS Law, but their effectiveness is largely determined by the readiness of officers, the courage of victims, support facilities, community understanding, and a culture that does not normalize verbal sexual harassment.

The first obstacle is low reporting. Research shows that although catcalling is common, not many victims report it to the Pohuwato Police. This is a fundamental obstacle because law enforcement against verbal sexual harassment requires a complaint or report from the victim so that authorities can carry out legal proceedings [4]. Many victims choose to remain silent because they feel embarrassed, afraid of not being believed, don't know where to report it, or are worried about being blamed by the community. This condition prevents legal protection from moving from the normative stage to the enforcement stage.

The second barrier is patriarchal culture and the normalization of catcalling. In society, sexual comments, catcalling, or jokes about women's bodies are still often considered commonplace. Some even view them as compliments, not harassment. This view is dangerous because it shifts responsibility from the perpetrator to the victim. Victims are often blamed for their dress, when they go out, or their behavior in public. This culture of victim-blaming makes victims even more reluctant to report and reinforces social impunity for perpetrators.

The third obstacle is the issue of proving non-physical harassment. Unlike physical violence, which can leave scars, verbal sexual harassment often leaves only psychological impacts and the victim's testimony. Therefore, authorities need to be sensitive in assessing the testimony of victims, witnesses, the context of the incident, recordings, screenshots, or other supporting evidence, if available. In certain cases, proving psychological impacts may also require the assistance of a psychologist or expert. If authorities continue to use evidentiary measures that focus solely on physical injuries, it will be increasingly difficult for victims of catcalling to obtain protection.

The fourth obstacle stems from institutional aspects and the capacity of officers. Handling sexual violence cases requires officers who understand the TPKS Law, the principles of victim protection, and a gender-sensitive approach. The National Police Chief's Regulation on Women and Children's Service Units emphasizes the importance of specialized units in providing services to women and children in conflict with the law. [18] However, in practice, service quality remains dependent on the number of personnel, training, service room facilities, coordination with advocates, and support from psychological and social service institutions.

The fifth obstacle relates to the legal culture of society. Lawrence M. Friedman explains that the legal system operates through three elements: legal substance, legal structure, and legal culture [19]. Legal substance relates to the rules, legal structure relates to the institutions and implementing officials, while legal culture relates to the public's attitude towards the law. In the case of catcalling, the legal substance has become clearer following the TPKS Law, but the legal structure and culture are not yet fully supportive. The public does not yet fully view catcalling as a criminal act, victims are not yet confident in reporting it, and officials still need capacity building to implement the law in a victim-friendly manner.

Another obstacle is weak coordination between law enforcement officials, local governments, educational institutions, families, and the community. Catcalling is not only a criminal law issue, but also a matter of values education, gender equality, and public space safety. Therefore, waiting for victims to report the incident is not sufficient. Local governments, police, schools, universities, women's organizations, and community leaders need to conduct legal education and campaigns that emphasize that sexual comments about women's bodies without consent are degrading.

This research is in line with Anggraeni and Humaeroh's study which shows that the problem of sexual violence lies not only in legal norms, but also in the implementation and courage of victims to access justice [5]. This finding also complements Taurayati's study which places catcalling as an act that must be read from a positive legal perspective [20]. The difference is, this article emphasizes that in Pohuwato Regency the most obvious obstacle is not merely the absence of regulations, but also low reporting, social

normalization, stigma against victims, and the weak mechanisms for proof and victim assistance.

Thus, the obstacles faced by law enforcement officers in resolving catcalling can be grouped into internal and external barriers. Internal barriers include limited understanding, resources, professionalism, coordination, and evidentiary capabilities. External barriers include low reporting rates, a patriarchal culture, stigma against victims, limited public legal knowledge, and the perception that catcalling is merely a joke. The findings of this subsection emphasize that the effectiveness of the law is determined not only by the existence of the TPKS Law, but also by the courage of victims, the response of officials, institutional support, and changes in community culture.

4. Conclusion

Legal protection for female victims of harassment includes other provisions that recognize victims' rights to a sense of security, treatment, protection, and recovery. This protection can take the form of prevention through outreach and education, as well as repressive protection through receiving reports, investigating according to legal procedures, mentoring, psychological recovery, and taking action against perpetrators. However, this protection has not been optimally implemented because reports specifically about catcalling remain very low, and the law has not fully reflected victims' experiences on the ground.

Obstacles faced by law enforcement officers in resolving verbal sexual harassment crimes in Pohuwato Regency consist of internal and external obstacles. Internal obstacles include limited officer capacity, supporting facilities, coordination, and obstacles to proving non-physical harassment. External obstacles include low legal awareness among victims, shame and fear of reporting, patriarchal culture, the normalization of catcalling as a joke, stigma and victim blaming, and poor public understanding of the TPKS Law. Therefore, strengthening victim protection must be carried out through public education, increasing officer capacity, easy and safe reporting mechanisms, psychological and legal assistance, and cross-institutional collaboration to change the community's legal culture.

Bibliography

[1] The 1945 Constitution of the Republic of Indonesia.
[2] Republic of Indonesia, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence.
[3] National Commission on Violence Against Women, Annual Notes on Violence Against Women 2022. Jakarta: National Commission on Violence Against Women, 2022.
[4] Results of an interview with Bripka Muh. Faisal, Head of the PPA Unit of the Pohuwato Police, in Rezha Marshello Fardial's thesis research, 2024.
[5] N. Anggraeni and Humaeroh, "Problems of Sexual Violence Crimes in the Indonesian Legal System," Al-Ahkam, vol. 17, no. 2.
[6] Y. Kartika and A. Najemi, "Legal Policy on Sexual Harassment (Catcalling) from a Criminal Law Perspective," PAMPAS: Journal of Criminal Law, vol. 1, no. 2.
[7] SZ Qila, RN Rahmadina, and F. Azizah, "Catcalling as a Form of Traumatic Sexual Harassment," Journal of Communication Students Cantrik, vol. 1, no. 2, pp. 95-106.
[8] S. Soekanto and S. Mamudji, Normative Legal Research: A Brief Review. Jakarta: Raja Grafindo Persada, 2010.
[9] Salim HS and ES Nurbaini, Application of Legal Theory in Thesis and Dissertation Research. Jakarta: Raja Grafindo Persada, 2013.
[10] S. Rahardjo, Legal Science. Bandung: PT Citra Aditya Bakti, 2000.
[11] PM Hadjon, Legal Protection for the People in Indonesia. Surabaya: Bina Ilmu, 1987.
[12] Republic of Indonesia, Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006 concerning Protection of Witnesses and Victims.
[13] Republic of Indonesia, Law Number 39 of 1999 concerning Human Rights.
[14] C. Maya Indah S., Victim Protection: A Victimology and Criminology Perspective. Jakarta: Prenadamedia Group, 2019.
[15] B. Waluyo, Victimology: Protection of Victims and Witnesses. Jakarta: Sinar Grafika, 2014.
[16] GTP Siregar and R. Silaban, Victims' Rights in Criminal Law Enforcement. Medan: CV Manhaji, 2020.
[17] S. Soekanto, Factors Influencing Law Enforcement. Jakarta: Raja Grafindo Persada, 2008.
[18] Republic of Indonesia National Police, Regulation of the Chief of Police Number 10 of 2007 concerning the Organization and Work Procedures of the Women and Children's Service Unit.
[19] LM Friedman, The Legal System: A Social Science Perspective. New York: Russell Sage Foundation, 1975.
[20] Taurayati, "Catcalling Acts in a Positive Law Perspective," EKSPOSE: Journal of Legal and Educational Research, vol. 19, no. 1, pp. 1019-1025.
Criminal Procedure Code.
criminal justice system," Lex Specialis Journal, vol. 6, no. 1, pp. 33-47, 2024.
[20] N. Leskayanti and A. Dewi, "Barriers to law enforcement against child sexual violence," Jurnal Yustisia, vol. 12, no. 1, pp. 65-79, 2023.