

Legal Protection Against Female Victims of Sexual Abuse on Commuter Line Rangkas Bitung – Tanah Abang Route

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ABSTRACT

Sexual harassment in Indonesia especially of women requires more serious attention. One of them often happens in the commuter line and many victims do not know their rights, but many of them are afraid to report it. Besides that it was also found that law enforcement also did not know their right possessed by the victims, so they were satisfied if they were able to uphold the rights of the perpetrators of crime. Passenger comfort also makes a factor of sexual harassment in the commuter line. Real comfort has been created when the train conditions are not full or occur during the day and night. Comfort is not felt when the train conditions are full. Concern among fellow commuter line passengers that is still lacking this can be seen that there are still many priority passengers, namely those who are elderly are not given a seat by those who are younger.

Keywords: *legal protection, sexual harassment, commuter line*

1. INTRODUCTION

The Indonesian government has provided Indonesia with electricity trains or offered to as Commuter Line making transportation the favourite for people of Jakarta to meet the needs of the community. Besides cheap and efficient, the passengers use commuter line to achieve goals faster than other transportation. But in reality the transport service still ignores the safety, morality and ethics of its passengers, including the avoids of sexual harassment.

The issue of sexual harassment in Indonesia especially towards women needs even more intense and serious attention. This is because there is a tendency that female victims are often overlooked by competent institutions in criminal justice systems that should provide adequate attention and protection under the law. This was not to be because after all the victims had the right to be treated fairly and protected by the rights. Specifically the violation of the rights of sexual harassment has been alluded in Act Number 39 in 1999 on Human Rights. Sexual harassment encroaches on the right to freedom and the right to freedom that one has. In addition, women who are victims of sexual harassment has the right to be treated fairly in reporting to trial stage.

The prevalence of sexual harassment in Indonesia can be from the annual report presented by Lembaga Komisi Nasional Perempuan (Komnas Perempuan). Data show that sexual harassment occurs in the public domain in 2018 as many as 394 cases from 3.616 cases of sexual abuse. The type of sexual abuse of women in the public or community of sexual harassment comes in third place after harloty and rape. In view of the surveys conducted by Koalisi Ruang

Publik Aman (KRPA) on November 25 until December 10 2018 involving 62.224 respondents to spread randomly across Indonesia. The results is 46.8% or equivalent to nearly 30.000 peoples who claim to had been sexual harassment. And 53.2% or equivalent to 32.224 peoples not sexually abused. There are 35 cases of sexual harassment on the public domain of commuter line from Rangkas Bitung to Tanah Abang Station because that route is the most user route with 207 times cross route data.

Sexual harassment in Indonesia has actually been set in Article 281-303 of The Penal Code (KUHP), but in practice law enforcement has convicted felons with lighter penalties so that the perpetrators had not real deterrent.

Legal protection for women victims of sexual abuse is a right that should be guaranteed by the state. The human right is a based right who are attached to man. Sexual harassment is clearly a violation of human rights, which is the women discomfort and the trauma of sexual abuse.

Based on the background outlined above, thus the writer limited further research into the above problems by focusing on them is factors contribute to sexual harassment in commuter line Rangkas Bitung – Tanah Abang and law enforcement practices against legal protection of female victims of sexual harassment are linked to human rights especially in commuter line. For this the writer will raise the title is **Legal Protection Against Female Victims Of Sexual Abuse On Commuter Line Rangkas Bitung – Tanah Abang Route.**

2. PROBLEM FORMULATION

Based on the background created by the author, than the writer formulates the problem that will be considered in this research is:

1. what factors are responsible for sexual harassment in Commuter Line Rangkas Bitung – Tanah Abang Route?
2. How does law enforcement practice against the protection of female victim sexual harassment in Commuter Line Rangkas Bitung – Tanah Abang route whe it comes to human rights?

3. METHODS

A scientific study is done to address an inquiring desire that has reached a scientific level coupled with a belief that each symptom will be studied and sought for links as a result of the trends that develop. This type of research is:

1. **Research Types**
this type research is empirical legal research. Empirical legal research is primary data oriented, which is direct research. For support this empirical research, it also used normative research with approach The Penal Code, Act Number 39/1999 of Human Rights, Draft bill Penghapusan Kekerasan Seksual. So this empirical research is correctly in this research.
2. **Research Specification**
Research specification is analytic descriptive research, which is the research to describe the legislation that is applicable in Indonesia is associated with legal theories and the problematic practice of executing positive enforcement practices that address the issues in this matter explain law enforcement practice in providing protection to women who have been sexually abused.
3. **Data Collection Techniques**
The type research in this research is primer data that is directly from the main source. Besides primer data, secondary legal material, and law breaking material. This research use non legal material.
 - a. **Primary Law Material** is autorative, in meaning has authority:
 - 1) The Penal Code;
 - 2) Act Number 39/1999 of Human Rights;
 - 3) Draft bill Rancangan Undang-Undang Hukum Penghapusan Kekerasan Seksual;

- b. secondary legal material is all publications about the law which are unofficial documents. Publications in question are publications regarding law including texts, legal dictionaries and scholar opinion. Secondary legal materials that provide an explanation of primary legal materials. Furthermore, in this research the secondary materials to be used are text books, legal dictionaries, articles from the internet, legal journals, which are related to the Human Rights Act Number 39 of 1999.
- c. Tertiary legal materials, namely materials that will provide instructions or explanations for primary legal materials and secondary legal material in the form of dictionary.
- d. Non-legal materials namely materials that support primary and secondary legal materials by providing understanding and understanding of other legal materials. Non-legal materials can be in the form of books on political science, economics, anthropology, sociology, philosophy, culture or non-legal research reports, and non-legal journals as long they have relevance to the research topic which is then limited as a complement.

4. Data Collections Technique

The data collection technique in this research uses the Sampling Technique is a technique by taking or selecting a small number of all research objects or in other words as a procedure used to be able to collect the characteristics of a population even though only a few are interviewed. In general, there are 2 (two) types of sampling techniques namely random sampling or random sampling/probability sampling and non-random sampling/nonprobability sampling. Random sampling states that every human or unit in the population has an equal chance of being selected as an element in the sample. Meanwhile, the sample is not random or non-random sampling uses logic or common sense. So it does not provide equal opportunities for every element or member of the populations to be selected as samples. In this research used non-random sampling.

5. Data Analysis Technique

Analysis is the process of simplifying data into a form that is easier to read and easy to interpret. In this case, the analysis used by the researcher is descriptive qualitative, that is, an analysis that describes the state or status of a phenomenon with words or sentences, then separated according to the category to get a conclusion. In processing the data

or the analysis process, the researcher first presents the data obtained from the field or from quantitative interviews, then interpreted and interpreted the data by referring to theoretical references that are related to or related to problems regarding legal protection provided by law enforcers to victims. sexual harassment women in Commuter Line Rangkas Bitung – Tanah Abang Route.

4. CONCLUSIONS

ANALYSIS OF THE FACTORS CAUSING THE OCCURRENCE OF SEXUAL HARASSMENT ON THE COMMUTER LINE RANGKAS BITUNG – TANAH ABANG ROUTE

One of the cases of sexual harassment on public transportation in the Commuter Line series, Rangkas Bitung-Tanah Abang, becomes very complex for public transportation problems in Jakarta. Whereas the Commuter Line is a facility provided by the government to serve the public in the field of land transportation. In addition, the commuter line is a favorite transportation for most residents of the capital city of Jakarta to support meeting the needs of the community.

Sexual harassment on the commuter line is generally difficult to prove, usually only victims can feel that they are being harassed or not. Based on the results of research conducted by Komnas Perempuan, sexual harassment that occurred in the public domain from 2017 to 2019 consecutively, namely in 2017 there were 708 cases, in 2018 it decreased to 394 cases of sexual harassment. Meanwhile, in 2019, the number of cases of sexual harassment increased again as many as 520 cases.

The causes for sexual harassment vary widely. From the results of the research on the questionnaire distributed by the author online, generally the perpetrators target women who are passive and less assertive, so they are easily tricked. Usually harassment occurs against women who are attractive to the offender. Harassment can occur in several ways, namely: visually, physically, and verbally.

Factor causing sexual harassment on commuter line Rangkas Bitung – Tanah Abang Route are:

1. Legal

Based on the author's observations there is no clear warning from the PT. KCI against calls for sexual harassment on the train circuit. Besides that, the officers on duty in each carriage were uneven, which resulted in the perpetrators being free to carry out these actions. For perpetrators of sexual harassment, a punishment will be imposed based on KUHP Pasal 281 ayat (1) yang berbunyi “diancam dengan pidana penjara paling lama dua tahun delapan bulan atau denda paling banyak empat ribu lima ratus rupiah”

Based on the results of the author's interviews with respondents, it can be concluded that several preventive efforts can be made to reduce sexual harassment on the commuter line, namely

- a. Provision and maintenance of facilities and security equipment in the commuter line train;
- b. Implementing comprehensive outreach at each station in order to increase legal and ethical awareness of the community in using commuter line services;
- c. Assessment of safety problems in the commuter line;
- d. Commuter line security management;
- e. Arranging, guarding, escorting, and / or patrolling each carriage;

The obstacles faced in law enforcement in order to reduce cases of sexual harassment, namely;

- a. Lack of quantity and quality of commuter line transportation facilities;
- b. Lack of knowledge of officers about handling procedures for traumatized victims;
- c. It is difficult to find sufficient evidence to handle cases of sexual harassment;
- d. The victim is severely depressed, making it difficult to do visum et repertum;
- e. The authorities did not evenly carry out raids;
- f. The unavailability of 24-hour service for complaints of sexual harassment cases at stations.

2. Psychology

Based on the results of the questionnaire from the author to the respondents, it is known that victims of sexual harassment do not make complaints because:

- a. Do not know where to make a complaint whether to the station or the police;
- b. Victims feel that their complaints will not be followed up and are only considered winds of day;
- c. The victim experienced severe depression for the case that she experienced;
- d. The trauma victim did not report it to the officer.

Here can be seen the form of public distrust of the police. In addition, a supportive atmosphere is also a cause for sexual harassment to occur. This can be seen from the majority of cases of sexual harassment that occur when the victim is alone and the commuter line is crowded and crowded.

3. Social

Social factors in society also influence the prevalence of sexual harassment that occurs on commuter lines. Actions of physical and sexual violence against women around the world, including in Indonesia, are a reflection of social norms that are constructed in socially acceptable behavior because of gender discrimination that considers women as second citizens, regarding acts of sexual violence against women. At this time, society is also more indifferent, and does not care when they see other people experiencing sexual harassment. The sexual harassment that

occurs illustrates the low level of moral and legal norms in society.

Sexual harassment that often occurs in society can be classified into five types: physical, verbal, non-verbal, visual and psychological or emotional harassment. The mode of sexual harassment also has a lot to do with the circumstances of the situation and the attitude of the victim, including how to dress. The environment and situation in a busy train series is an opportunity for sexual harassment to occur because the perpetrator who already has the intention and desire to harass him takes advantage of the situation. The mode of most sexual harassment, namely, the lack of strict guarding by the station for employees on duty on each train series, the lack of train fleet facilities so that passengers using train services at certain hours become congested, overcrowded.

The causes of sexual harassment are at least as follows:) The influence of cultural development, lifestyle modes of association between men and women who are increasingly free, lack of experience and appreciation of religious norms that occur in society. In addition, the level of social control (community control) is low, judges' decisions that feel unfair, such as fairly light decisions handed down to the perpetrators. Another thing is the inability of the perpetrator to control his emotions and sexual desires and the desire of the perpetrator to take revenge or revenge on the victim's refusal attitude and the victim's behavior which is considered to be hurtful and detrimental to him.

The potential for sexual harassment in other commuter lines in this study uses the theory of practice from Pierre Bourdieu. The practice is the result of the habitus and capital of female passengers in the commuter line arena. This can be explained as follows:

a. Commuter Line Passenger habits

Habitus is a pattern of behavior that has been carried out for a long time and repeatedly. This behavior is generated by social values that a person understands, created based on the socialization of values that lasts for a long time, so that it is embedded into a person's mindset and behavior pattern. In this study, passengers have a habit that is usually done while waiting for the commuter line to arrive. Female passengers who use the commuter line by themselves choose to play on their cellphones and use earphones. Their goal of playing mobile phones is to open social media, reply to messages, watch movies and also listen to music. When they are alone and their cellphones are turned off, they will carry out delusional activities. Female passengers who use the commuter line together with their friends will choose to chat. The reason for using earphones is so as not to disturb other

passengers and also not to want to be disturbed by other passengers. In addition, female passengers often enter mixed carriages because the wagon for women is full, another reason is because they are in a hurry and do not have time to go to the special car for women or also female passengers who ride in mixed cars have a reason because the exit is in accordance with the gate out ticket gate. This is consistent with interviews with eleven victims

b. Commuter Line Passenger Capital

Passengers who have been sexually harassed on the commuter line begin to improve the capital they have while riding this transportation. They make preparations such as paying attention to train schedules so they do not force them to ride when conditions are full. Wearing clothes that are as comfortable and polite as possible because you will be worried when using public transportation but wearing inappropriate clothes will invite sexual harassment. Knowing which position is safe when using a mixed carriage, namely on the side of the distance between the bench and the door where passengers can lean back and avoid sexual harassment which is usually carried out by the perpetrator on the back of a woman. Using the application provided by the operator to find out the schedule, namely by using KRL Access, to find out about any disturbances, you can use KCI Twitter social media. PT. KCI has also provided an offline schedule that can be downloaded via the KCI website in Excel.

c. Passenger Arena Commuter Line

Arena is a social position system that defines the real situation. Arena is a place where habitus and capital meet. If you have the right habitus and capital, you will succeed in the arena. In this research, the arena in question is the conditions and situations in the commuter line which are a factor in the potential for sexual harassment against female passengers. The arena where female passengers meet and even touch accidentally because the train is very full. Most of the goals of commuter line passengers are to work, study, so that in the morning, 06.00 - 09.00 and in the afternoon, 16.00 - 21.00 conditions on the commuter line are very crowded and crowded. During rush hour like this, conditions on the commuter line can no longer be controlled. Conditions that make each individual to move because space is very full. This causes a person to become less alert, as they are busy defending their place to stand. With conditions on the

commuter line like that, it provides space for someone to commit acts of sexual harassment

ANALYSIS OF LAW ENFORCEMENT PRACTICES AGAINST PROTECTION OF VICTIMS OF SEXUAL HARASSMENT ON THE COMMUTER LINE, MAJORING IN RANGKAS BITUNG-TANAH ABANG, RELATION TO HUMAN RIGHTS

In this incident, the victim, who should have received protection, was even ridiculed by law enforcement and named the victim who lured the perpetrator to take the action. The perpetrator who should have received a harsher sentence in accordance with the law actually looks unfair to the victim. This can also discourage other actors as well as other men from committing the same act.

One of the aspects that are being challenged or questioned by community observers and advocacy organizations is the juridical aspect in this case is the Criminal Code, which is considered to have fundamental weaknesses so that it is difficult to hope that it can be implemented optimally to overcome and appropriate punishment for perpetrators of sexual harassment so as not to repeat their actions. . Victims in this juridical side do not get special protection. The drafters of the new Criminal Code have sought to clarify the concept of punishment for perpetrators of sexual harassment so that perpetrators of sexual harassment are not lightly punished. This concept is a step forward compared to the existence of the formulation in the old KUHP articles which tended not to be able to accommodate the development of social and national life. The concept of decency crime or decency crime as stated in the Draft Criminal Code has started to progress, especially in terms of the threat of legal sanctions to be imposed by the perpetrator.

Sexual harassment includes acts of violence against women that need to be sued because it is a manifestation of injustice in relation to gender roles and differences. Sexual harassment as a form of violence against women is not a solely individual problem, but rather a crime problem that is rooted in cultural, social, economic and political values in that society. Violence against women hinders their progress and prevents them from enjoying human rights and freedoms, which also hinders the achievement of gender equality between women and men. Violence against women is considered a violation of human rights and was agreed upon at the World Conference on Human Rights in Vienna 1993. However, not many people know that acts of violence, including sexual harassment, are violations of human rights.

From the results of the author's research on victims who have experienced sexual harassment on the commuter line, it is not only that many victims do not know their rights, but many of them are afraid to report them. In addition, it is also found that law enforcers also do not know the rights of victims, so they are satisfied when they are able to enforce

the rights of the perpetrators of crimes. Victims of acts of sexual harassment have obligations besides rights.

1. Receive physical assistance;
2. Receive assistance in completing both from the initial level such as reporting and subsequent processes, for example assistance by lawyers and so on;
3. Received rehabilitation and coaching, among others asked not to be exposed in the media on a large and open scale;
4. Protected from possible threats from the perpetrator and using legal remedies.

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