



Verbal Sexual Harassment Victim (Catcalling) Legal Protection in Human Rights Perspective in Indonesia

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Abstract: Sexual harassment provides a feeling of insecurity and comfort to the victim, even at a more severe level, the victim can experience trauma. The very broad scope of sexual harassment shows how complex the problem is. So widespread, verbal sexual harassment (indecent comments, sexually suggestive jokes and so on) or what is known as catcalling is an interesting issue to study. This is because verbal sexual harassment or catcalling often occurs in the community but is considered normal by the community, even though catcalling can create feelings of insecurity, comfort and even fear for the victim. The type of legal research in this research is normative legal research, which is a process to find a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced. The approach used in this research is a statutory approach, namely research on legal products. In this study the authors found that legal protection for victims of catcalling is still inadequate, judging from the lack of accommodation of repressive legal protection, this is because there are no specific rules governing the act of catcalling.

Keywords: Legal Protection; *Catcalling*; Violence Against Women

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1. Introduction

The protection of human rights is the responsibility of the state, as explained in Article 28I paragraph 4 of the 1945 Constitution which reads "protection, promotion, enforcement and fulfillment of human rights is the responsibility of the state, especially the government".¹ Perlindungan terhadap hak asasi manusia merupakan salah satu ciri fundamental sebuah negara hukum.² The government's responsibility is also the government's obligation, while the main basis of the government's obligation to protect human rights is the democratic principle that the government is entrusted with the power to protect the rights of citizens.³

Zainudin Ali stated that human rights have a broad scope and cover various aspects of life, namely as follows:⁴

1. Everyone has the right to the protection of his personal, family, honor, dignity, and property rights.
2. Everyone has the right to recognition before the law as an individual person wherever he/she is.
3. Everyone has the right to feel safe and secure and to be protected against the threat of fear of doing or not doing something.
4. Everyone has the right to feel safe and secure and to be protected against the threat of fear of doing or not doing something.
5. Everyone has the right to freedom and confidentiality in communication relations through electronic means, not to be disturbed, except by order of a judge or other legitimate authority in accordance with the law.
6. Everyone has the right to be free from torture, punishment or other cruel, inhuman or degrading treatment, enforced disappearances, or disappearances of life.
7. No one shall be arrested, pressured, tortured, exiled, exiled, or arbitrarily exiled.
8. Everyone has the right to live in a peaceful, safe, secure society and state, which respects, protects and fully implements human rights and basic human obligations as regulated by law.

¹ See 1945 Constitution

² Ahmad, Ahmad., & Nggilu, Novendri. M. (2020). *Denyut Nadi Amandemen Kelima UUD 1945 melalui Pelibatan Mahkamah Konstitusi sebagai Prinsip the Guardian of the Constitution*. *Jurnal Konstitusi*, 16(4), 785-808. p. 788

³ Waode Mustika, Nova Septiani Tomayahu, Mellisa Towadi. (2021). The State's Responsibility in Fulfilling Human Rights during the COVID-19 Pandemic. *2nd International Conference on Law and Human Rights 2021 (ICLHR 2021)*. Atlantis Press. p. 113

⁴ Lusiana Margareth Tijow. *Perlindungan Hukum Bagi Perempuan Korban Janji Kawin*. (Malang: Inteligencia Media, 2017). p. 17

The eighth point of the scope of human rights described above, becomes a crucial point in human rights according to the author, where a peaceful, safe and peaceful life is one of the important goals of human rights regulation. This is also in line with the purpose of the law which is to "promote safety, happiness, and order in society."⁵

Sexual harassment provides a feeling of insecurity and comfort to the victim, even at a more severe level, the victim can experience trauma. "The negative impacts experienced by victims of sexual harassment are depression, sadness, feeling dirty, fear, low self-confidence, difficulty controlling emotions, fear of marriage, depression, depression, and disgust with themselves."⁶

The very broad scope of sexual harassment shows how complex the problem is. So widespread, verbal sexual harassment (indecent comments, sexually suggestive jokes and so on) or what is known as catcalling is an interesting issue to study. This is because verbal sexual harassment or catcalling often occurs in the community but is considered normal by the community, even though catcalling can create feelings of insecurity, comfort and even fear for the victim. Here are some examples of Catcalling that often occurs in the community:⁷

".... . impolite whistling, teasing sentences and absurd greetings such as "Hey, beautiful, where are you going?", "Girls, are you alone? Do you want to be with me, don't you?", or in the form of excessive attention that doesn't make sense and calls out with teasing sentences like "Why don't you frown, Grandma? Are you sad again?", "I think that's okay too". Usually if the victim of a catcalling does not respond or is indifferent to the perpetrator, then the catcalling will continue to become comments with sentences such as "Ugh, really arrogant, huh?", "Don't be shy, please," and other sentences that are harassing."

Based on the example above, it can be seen that the sentences spoken by the perpetrator of sexual harassment orally are sentences that are often heard in society and are even considered normal, but these sentences can make the victim feel uncomfortable. In addition to happening on the streets, verbal sexual harassment can also occur in cyberspace, namely social media, this can be seen from research conducted by the American Association of University Women in

⁵ Ibid. p. 109

⁶ Annisa Trihastuti & Fathul Lubabin Nuqul. (2020). *Menelaah pengambilan keputusan korban pelecehan seksual dalam melaporkan kasus pelecehan seksual. Personifikasi: Jurnal Ilmu Psikologi*, 11(1), 1-15. p. 3

⁷ Tauratiya Tauratiya. (2020). *Perbuatan catcalling dalam perspektif hukum positif. Ekspose: Jurnal Penelitian Hukum dan Pendidikan*, 19(1), 1019-1025. p. 1021

2006 which showed that 72 percent of women admitted to experiencing catcalling in cyberspace.⁸

The existence of discomfort from victims of these sentences, of course, violates the victim's human rights to get a sense of security and peace as regulated in Article 30 of Law Number 39 of 1999 concerning Human Rights, namely "everyone has the right to a sense of security and peace as well as protection against the threat of fear to do or not do something." While the Criminal Code does not recognize the term sexual harassment, it does recognize the term 'obscene acts' which are mentioned in Articles 289 to 296 of the Criminal Code. R. Soesilo in his book 'The Criminal Code and its Commentaries' states that the term 'obscene act' is defined as an act that violates a sense of decency, or other vile acts, and all of them are in an environment of lust. Like, kissing, touching, and so on. So that all actions are considered to violate decency and decency which is then referred to as obscene acts.⁹

Sexual harassment is defined as the act of making unwanted sexual advances or demands or creating a sexually offensive environment. Thus, reluctance or rejection of sexual behavior becomes an important element in the occurrence of sexual harassment. So, it could be actions such as whistling, words, comments that according to the culture and norms that apply in a place if it becomes a natural but undesirable thing, can be categorized as sexual harassment.¹⁰

Sexual harassment has a very broad scope. But unfortunately, there are no rules that explicitly regulate the criminal act of verbal sexual harassment, this creates a legal vacuum related to the criminal act of verbal sexual harassment.¹¹

There are several articles that are explained to be able to ensnare perpetrators of verbal sexual harassment, including Article 281 and Article 315 of the Criminal Code:

Article 281 of Criminal Code:

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

1. Whoever intentionally and openly violates decency;

⁸ Tiara Syifa. (2020). *Catcalling Bisa Terjadi di Media Sosial, Begini Cara Mengatasinya*. <http://www.google.com/amp/s/lifestyle.okezone.com/amp/2020/02/22/612/2172517/catcalling-bisa-terjadi-di-media-sosial> Accessed at August 22, 2022, at 19.05 Indonesian Central Time.

⁹ Fara Novanda Fatura. (2019). *Telaah Tindak Pidana Pelecehan Seksual Secara Verbal Dalam Hukum Pidana Indonesia*. *Jurnal Hukum Pidana dan penanggulangan Kejahatan*, 8(3), 238-244. p. 242

¹⁰ Ibid.

¹¹ Andi Sri Ratu Aryani. (2021). *Analisis Polemik Pengesahan RUU Tindak Pidana Kekerasan Seksual (TPKS)*. *Najwa: Jurnal Muslimah dan Studi Gender*, 1(1), 30-49. p. 31

2. Whoever intentionally and in front of other people who are there against his will, violates decency."

Article 315 of Criminal Code:

"Every deliberate insult of the nature of defamation or written defamation committed against a person, either in public orally or in writing, or in front of the person himself by word of mouth or deed, or by a letter sent or received to him, is threatened with humiliation. light imprisonment for a maximum of four months and two weeks or a maximum sentence of four thousand five hundred thousand rupiahs.

In addition to the articles above, there are several articles that are considered to be able to ensnare perpetrators of verbal sexual harassment, including articles on obscene acts contained in Articles 289 to 296 of the Criminal Code, Article 310 of the Criminal Code on defamation. However, these rules do not directly regulate catcalling and with the differences in the use of the terms in the articles described above, in the end they can limit the use of these articles to cases of sexual harassment, especially catcalling.

The use of the articles above, in the settlement of catcalling cases, is not appropriate because actually catcalling is not an insult but a compliment that gives a feeling of discomfort given that it is given by other people who are not known. catcalling is basically not an insult considering that insult is not far from blasphemy or reproach. Blasphemy can be in the form of condescending and criticism can be in the form of criticism, while the words in catcalling are more directed to praise or just greetings.

In addition, Law Number 44 of 2008 concerning Pornography, also explains that it can be used as a legal basis for the settlement of cases of catcalling, this is based on the provisions of Article 1 number 1 of the General Provisions stating:

"Pornography is pictures, sketches, illustrations, photographs, writings, sounds, sounds, moving images, animations, cartoons, conversations, gestures, or other forms of messages, through various forms of communication media and/or public performances, which contain obscenity. or sexual exploitation that violates the norms of decency in society."

In Article 8, it is further explained which in outline states that a person is prohibited from using another person as an object or model of content containing

pornographic content even with his consent. Article 9 states that everyone is prohibited from using other people as models or objects containing pornography.

The use of Article 8 and Article 9 of the law on pornography above cannot guarantee legal certainty for catcalling because the emphasis in this article is only that it is prohibited to make other people as models or objects of pornography, while what actions are prohibited are not yet clearly regulated.

2. Research Method

The type of legal research in this study is normative legal research, which is "a process to find a rule of law, legal principles, and legal doctrines in order to answer the legal issues faced."¹² The approach used in this research is the statute approach, "that is, research on legal products."¹³ This approach is carried out by examining the laws and regulations related to the legal issues raised and using them to examine the legal issues.

3. Verbal Sexual Harassment (Catcalling) in the Perspective of Human Rights in Indonesia

In general, human rights are defined as the rights of a very basic human being that cannot be intervened by humans outside of himself or by any group or by any institutions to negate it. Human rights in essence have existed since a human being is still in his mother's womb until he is born and throughout his life until one day he dies. John Locke gives the understanding that human rights are rights that are innate from birth which are naturally inherent in humans and cannot be contested or are absolute in nature.¹⁴

The view of human rights above illustrates that human rights are so important that they cannot be contested and are absolute. Its absolute and inviolable nature makes it different from other rights such as political rights which are not absolute. Human rights are also an appreciation of every human being as a creation of God Almighty, so the consequence is that only God has the authority over these human rights.

While DF. Scheltens argues that human rights are rights that every human being gets as a consequence of being born as a human. Scheltens' opinion illustrates

¹² P. Joko Subagyo. *Metode Penelitian dalam Teori dan Prektek*. (Jakarta : PT. Rineka Cipta, 2011), p. 91.

¹³ Peter Mahmud Marzuki. *Penelitian Hukum-Edisi Revisi*. (Jakarta: Kencana, 2014), p. 35.

¹⁴ Johan Jasin. *Penegakan Hukum dan Hak Asasi Manusia di Era Otonomi Daerah*. (Yogyakarta : Deepublish, 2019), p. 83-84.

that human rights are a gift from God Almighty to his creation, namely humans, so that human rights as gifts from the creator cannot be contested by humans, and only the creator has the power to do so.¹⁵

Human rights themselves have special characteristics that can distinguish them from other rights, namely:¹⁶

- a. Absolut, Which means that human rights exist in being as a creature of God.
- b. Universal, meaning that the right applies to all people everywhere, regardless of race, status, dignity, gender or other differences.
- c. Permanent and cannot be revoked, meaning that the right meaning that the right remains as long as the human being lives and cannot be abolished by anyone.
- d. Indivisible, meaning that everyone is entitled to all rights, whether civil rights or political, economic, social and cultural rights.

Human rights have a philosophy of freedom based on respect for the freedom of others. This means that the freedom of human rights is unlimited, in other words, that human rights are limited. These limitations arise when entering the territory of other people's freedom, namely in the sense that human rights are limited by the rights of others.

Prof Aswanto stated that the essence of human rights is freedom, but that freedom ends when it begins to penetrate the territory of other people's freedom.¹⁷ The scope of human rights above is contained in the Human Rights instrument in Indonesia, which is contained in several rules, including:¹⁸

- The opening of the 1945 Constitution of the Republic of Indonesia, which states: "Indeed that independence is the right of all nations and therefore, colonialism over the world must be abolished, because it is not in accordance with humanity and justice" further stated in the preamble to the Constitution. 1945 that: "... the composition of the unitary state of the Republic of Indonesia which is sovereign by the people based on: Belief in the One and Only God, just and civilized humanity, Indonesian Unity and Democracy led by wisdom in deliberation/representation by realizing social justice for all people. Indonesia
- Decree of the People's Consultative Assembly of the Republic of Indonesia Number XVII/MPR/1998 concerning Human Rights whose

¹⁵ Nurul Qamar. *Hak Asasi Manusia dalam Negara Hukum Demokrasi*. (Jakarta : SinarGrafika 2013), 16.

¹⁶ Johan Jasin. *Op.Cit*, p. 85.

¹⁷ *Ibid.* p. 17

¹⁸ Lusiana Margareth Tijow. *Op.Cit*, p. 17

attachments contain “the views and attitudes of the Indonesian people towards human rights.

- Chapter XA on Human Rights which includes Article 28A-28J of the 1945 Constitution of the Republic of Indonesia.
- Law of the Republic of Indonesia Number 7 of 1984, concerning the ratification of the convention regarding the elimination of all forms of discrimination against women.
- Law Number 39 of 1999 concerning Human Rights .

The human rights instrument, according to the researcher, has been able to guarantee the protection of human rights in Indonesia, where the 1945 Constitution has clearly and unequivocally guaranteed the preservation, promotion, enforcement and fulfillment of the human rights of its people, and its implementation must be recognized and guaranteed by the state. and certain organizations. The implementation of the recognition and guarantee of these human rights by the state is in line with the state's responsibility to protect its citizens at all times.

The establishment of Indonesian human rights based on the 1945 constitution places human rights as universal for all citizens.¹⁹ Human rights in article 1 paragraph 1 of Law Number 39 of 1999 are defined as a set of rights that are inherent in the nature and existence of humans as creatures of God Almighty and are gifts that must be respected, upheld and protected by the state, law, government and everyone. people for the honor and protection of human dignity.

The above definition clearly explains that the state, law, government and everyone are required to respect and uphold human rights, this is none other than the nature of human existence as creatures created by God Almighty. Such protection can at least provide a sense of security and peace for every human rights holder.

Article 30 of Law Number 39 of 1999 concerning Human Rights explains that "everyone has the right to a sense of security and peace as well as protection against the threat of fear to do or not do something", then further in Article 35 it is explained that "Everyone has the right to live in a peaceful, secure and peaceful society and state order that respects, protects and fully implements human rights and basic human obligations as regulated in this law”.

¹⁹ Jufriyanto Puluhulawa, Moh. Rusdiyanto U. Puluhulawa, Vifi Swarianata, & Mohamad Rivaldi Moha. (2022). Rejection of the Implementation of the Covid-19 Protocol on Patients who Died: A Discourse between Human Rights and Health Law in Indonesia. *American Journal of Multidisciplinary Research & Development (AJMRD)*, 4(02), 53-59. p. 58

The protection of a sense of security for everyone as described in Law Number 39 of 1999 concerning Human Rights above is in line with the mandate of Article 28G paragraph 1 of the 1945 Constitution which explains that "everyone has the right to protect himself, his family, honor, dignity and property under his control, and has the right to a sense of security and protection from the threat of fear to do or not do something which is a human right.

Based on the norms regulated in Article 28G paragraph 1 of the 1945 Constitution and Article 30 of Law Number 39 of 1999 above, it can be seen that the concept of the right to security is related to personal and family self-protection, both in the context of physical and psychological integrity, including controlled property.

Although they already have a number of policies that guarantee a sense of security, they cannot be felt in everyday life. Public places such as public transportation facilities, sports facilities, supermarkets, even places that should provide a sense of security such as schools, workplaces and places of worship, are often places where feelings of insecurity can be felt. One of the actions that cause insecurity in the victim is catcalling.

Catcalling is basically a verbal sexual harassment in which the perpetrator gives unwanted attention to another person, by giving whistles, comments and remarks that are sexually nuanced and other sexual nuanced actions that are not physically related to the victim. Focusing on unwanted actions, it can be seen that catcalling is a complaint offense, because it is possible that catcalling according to the culture and manners of the local area is a natural thing. It becomes a problem when this catcalling action is not desired by the person who is the victim of catcalling, so it can be categorized as a sexual harassment.²⁰

When viewed from the perspective of human rights, catcalling is an act that violates human rights because it can have a negative impact on victims who experience it, such as depression, depression, sadness, and so on that involve the victim's psyche. This is in line with what Zainudin Ali said, namely that one of the scopes of human rights is that everyone has the right to live in a society and state order that is peaceful, safe, peaceful, which respects, protects and fully implements human rights and obligations. basic human.

The right to a sense of security and peace is also regulated in Article 9 paragraph 2 of Law Number 39 of 1999 concerning Human Rights which states that "everyone has the right to peace, security, peace, happiness, prosperity and well-being". Then the protection of the right to security is explained again in Article

²⁰ Ida Ayu Adnyawasri Dewi. (2019). Catcalling: *Candaan, pujian atau pelecehan seksual*. *Acta Comitas: Jurnal Hukum Kenotariatan*, 4(2), 198-212, p. 199

30 of Law Number 39 of 1999 concerning Human Rights which explains that "Everyone has the right to a sense of security and peace and protection against the threat of fear to do or not do something".

This certainly strengthens the protection of a person's right to get a sense of security in doing something, including a sense of security from catcalling which can have a negative impact on the victim as described above in the form of depression, sadness, feeling dirty, fear, low self-confidence. , difficulty controlling emotions, fear of marriage, depression, depression, and disgust with himself.

The regulation of human rights to obtain a sense of security is in line with the regulation of the obligation for everyone to respect the human rights of others. In the act of catcalling, the perpetrators of catcalling should respect the rights of everyone so that they do not violate the human rights of others, one of which is by doing catcalling. The obligation for everyone to respect the rights of others is regulated in Article 28J paragraph 1 of the 1945 Constitution which reads:

"Everyone is obliged to respect the human rights of others in the orderly life of society, nation and state"

In addition to being regulated in the 1945 Constitution, the obligation of everyone to respect the human rights of others is also regulated in Law Number 39 of 1999 concerning Human Rights, which is contained in article 69 which reads:

- 1) Everyone is obliged to respect the human rights of others, morals, ethics, and the order of life in society, nation and state.
- 2) Every human rights of a person creates a basic obligation and responsibility to respect the human rights of others in a reciprocal manner and it is the duty of the government to respect, protect, uphold and promote them.

Based on the article, it can be seen that there is a mutually influencing relationship between the rights and obligations of every human being. Human rights that are owned by everyone are the fulfillment of the obligations of others, and vice versa, one's obligations are the fulfillment of the human rights of others.

Human rights that are violated due to catcalling can at least be seen from several indicators that are interconnected with each other, these indicators are taken from the formulation of Article 9 paragraph 2 of Law Number 39 of 1999, which generally explains that everyone has the right to peace, safe, peaceful, happy.²¹

²¹ Abdul Hamid. (2022). *Perspektif Hukum Terhadap Upaya Antisipasi Dan Penyelesaian Kekerasan Seksual Di Perguruan Tinggi. Al-Adl: Jurnal Hukum*, 14(1), 42-64. p. 50

The meaning of each of these indicators are:²² (a) serenity, is peace of heart and mind; (b) security, is a state of security or tranquility; (c) peace, is a life and so on that are safe and secure; and (d) happiness, which is the pleasure and tranquility of life (outward and inner).

Based on the understanding of some of the indicators above, it can be seen that these indicators are not met due to catcalling. Catcalling causes the victim to feel uneasy because they feel uncomfortable and make the victim think of inappropriate words that come out of the catcaller's words, one example of which is "you are sexy" or "your breasts are big". As a result, the victim feels insecure and does not feel at peace which automatically makes the victim unhappy.

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

Indonesia as a country that ratified the Universal Declaration of Human Rights (UDHR) has an obligation to accommodate the human rights of the community.²³ Law can be seen as a tool of society to create order and order in people's lives. Therefore, the law works by providing instructions about behavior and therefore the law is in the form of norms.

Law is basically a reflection of human rights, so that the law contains justice or not, is determined by the human rights contained and regulated or guaranteed by the law itself. The law is no longer seen as a mere reflection of power, but must also reflect the protection of the rights of citizens. Laws based on human values reflect norms that respect human dignity and recognize human rights themselves. Norms that contain noble values that uphold human dignity and guarantee human rights are tools to enable citizens to freely develop their talents to fulfill their duties properly.²⁴

Law is a tool to realize an orderly social order and provide welfare in people's lives. This is of course in line with the legal purpose put forward by Roscou Pound which says that "the purpose of law is to protect human interests."²⁵

According to the author, Roscou Pound's statement is correct, where there are so many conflicts of interest that occur in society and lead to various kinds of

²² <https://kbbi.kemdikbud.go.id/> accessed at august 23, 2022

²³ Melisa Towadi, Nur Mohamad Kasim, R. Rumawi, & Siti Asifa Tahir. (2021). An Indication of China's Policy towards Uighurs and its Implications by International Law Aspects. *Jambura Law Review*, 3(1), 55-71. p. 60

²⁴ Anggun Lestari Suryamizon. (2017). *Perlindungan hukum preventif terhadap kekerasan perempuan dan anak dalam perspektif hukum hak asasi manusia*. Marwah: *Jurnal Perempuan, Agama dan Jender*, 16(2), 112-126. p. 120

²⁵ Lusiana Margareth Tijow. *Op.Cit.* p. 109

problems that arise as a result of this, the regulatory law has a role in overcoming these conflicts of interest by setting boundaries in the form of rights. and obligations for everyone in acting so that their actions do not interfere with the interests of others, this is in line with the function of law as protection.

The function of law as protection is an effort to protect the rights of legal subjects so that they are not violated or not fulfilled by other legal subjects. Legal protection also means that every person and even the state has a responsibility or obligation to respect and fulfill the rights of others.

Legal protection does not only mean protecting the rights of legal subjects, but more than that. Legal protection also includes protecting human rights that have been harmed by others to providing assistance to legal subjects whose human rights have been violated by others by using existing legal instruments.

In relation to verbal sexual harassment or catcalling, the legal protection that can be provided can be grouped into two groups, namely preventive legal protection and repressive legal protection, which can be described as follows:

1. Preventif Legal Protection

Protection provided by the government with the aim of preventing violations before they occur. This is contained in laws and regulations with the aim of preventing a violation and providing signs or limitations in carrying out an obligation.²⁶

2. Represif Legal Protection

Repressive legal protection has the aim of resolving disputes. The principle of legal protection against government actions rests and originates from the concept of recognition and protection of human rights because according to history from the west, the birth of the concept of the recognition and protection of human rights is directed at the limitations and laying down of community obligations and government.²⁷

With the impact of verbal sexual harassment or catcalling as described above, there should be rules to protect victims from catcalling acts. However, until now there has been no clear and firm legal basis for resolving catcalling cases, causing the absence of legal certainty for these actions or actions.

Verbal sexual harassment can be categorized as an act or act against the law with various impacts that can be caused to the victim, including the disruption of the

²⁶ Dyah Permata Budi Asri. (2018). *Perlindungan hukum preventif terhadap ekspresi budaya tradisional di Daerah Istimewa Yogyakarta berdasarkan undang-undang nomor 28 tahun 2014 tentang hak cipta*. *JIPRO: Journal of Intellectual Property*, 13-23. p. 18

²⁷ Wahyu Simon Tampubolon. (2016). *Upaya Perlindungan Hukum Bagi Konsumen Ditinjau Dari Undang Undang Perlindungan Konsumen*. *Jurnal Ilmiah Advokasi*, 4(1), 53-61. Hal. 54

safety and comfort of the victim of verbal sexual harassment when in a public space.²⁸

The act of verbal sexual harassment is also carried out by the perpetrator with an intentional element, this is due to the existence of a relationship between the inner mood of the perpetrator and the actions or deeds he did, so that the actions he took could result in an accountability.

The establishment of regulations or regulations specifically regarding acts of verbal sexual harassment (catcalling) is one of the efforts that can be given to victims of catcalling to protect their human rights while in public spaces. In terms of imposing sanctions for catcalling actions, it must be in accordance with the influence it has on the order of people's lives.²⁹

The establishment of regulations on verbal sexual harassment (catcalling) is not only a form of eliminating sexual violence in protecting victims, but this provision is the state's obligation to fulfill the human rights of citizens by providing a sense of security to its citizens from forms of sexual harassment, and it is hoped that in the future there will be a these regulations can provide and create public understanding of verbal sexual harassment (Catcalling).

5. Conclusion

Verbal sexual harassment or catcalling is an act that violates human rights. This is because the act of catcalling can give the victim a sense of insecurity, whereas if seen in Article 28G paragraph 1 of the 1945 Constitution, Article 9 paragraph 2, Article 30 and Article 35 of Law Number 39 of 1999 concerning Human Rights, everyone has the right to a sense of security in society, nation and state, which must also be respected by everyone. Legal protection for victims of verbal sexual harassment or catcalling can be measured from two forms of legal protection, namely preventive legal protection and repressive legal protection. In preventive legal protection, victims of sexual harassment have received recognition of their right to a sense of security as regulated in Article 28G paragraph 1 of the 1945 Constitution, Article 9 paragraph 2, Article 30 and Article 35 of Law Number 39 of 1999 concerning Human Rights. Humans, but this is certainly not enough to guarantee protection for catcalling victims, this of course must be balanced with repressive legal protection, but until now there is no repressive legal protection

²⁸ Quid Pro Quo. *Analisis Perbandingan Hukum Pelecehan Seksual Di Tempat Kerja "Quid Pro Quo" Di Indonesia Dan Malaysia*. p. 13

²⁹ Anak Agung Ayu Wulan Pramesti Puja, Anak Agung Sagung Laksmi Dewi, & Luh Putu Suryani. (2022). *Penghapusan Kekerasan Seksual malam Melindungi Korban Pelecehan Seksual Secara Verbal (Catcalling) di Indonesia*. *Jurnal Preferensi Hukum*, 3(1), 108-114. p. 113

for catcalling victims, this is because there are no specific rules governing the act. the catcalling.

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