

RESEARCH ARTICLE

Critical Analysis of Victims of Sexual Harassment in Criminal Law

Halda Purwinarto ^{1✉}, Ismunarno ², Ferry Irawan Febriansyah ³

¹ Faculty Of Law, Sebelas Maret University

² Faculty Of Law, Sebelas Maret University

³ Faculty of Law, Muhammadiyah Ponorogo University

✉ haldapurwinarto@gmail.com

ABSTRACT

Sexual harassment is a deviant behavior in society, where the perpetrator does something that is indecent, unethical, detrimental, and traumatizing to the victim. Sexual harassment is also known as an act of exploitation, intimidation, and coercion against its victims, both men and women. There are many things that lead to sexual harassment, such as the habit of the public to wear open clothes, especially women, so that this becomes a widespread accusation in society that causes deep trauma for the victims. This study aims to analyze victims of sexual harassment in criminal law, including the causes, impacts, and efforts to reduce this case. Overcoming sexual harassment requires various struggles from various parties. The existence of comprehensive and directed sex education must be regulated by the community from an early age and given knowledge about awareness, understanding, and respect for individual rights. A strong legitimacy system must also be implemented to deal decisively with perpetrators of sexual harassment and provide adequate support and an approach to victims. Acts of sexual harassment have been regulated in the Criminal Code Number 1 of 2023, articles 414 to 422.

Keywords: Harassment, Sexual, Criminal, Analysis.

INTRODUCTION

Sexual harassment is an act that violates human rights. This includes violating a person's privacy or integrity and can have a serious psychological and emotional impact on the victim. Criminal law tries to protect victims of sexual harassment by sanctioning perpetrators for justice for victims.

Violations of human rights, such as the right to freedom, honor, and personal dignity. Criminal law aims to protect these rights and uphold justice. Sexual abuse can cause severe psychological and emotional damage to the victim, including stress, trauma, anxiety disorders, depression, and sleep disturbances.

The existence of criminal law prevention and protection plays a role in preventing sexual harassment by providing a threat of strict sanctions for perpetrators. Sexual

harassment often occurs against the background of a misunderstanding of gender equality, where women are more vulnerable to becoming victims. In addition, the existence of social responsibility of the community can convey the message that sexual harassment is an unacceptable act and receives heavy sanctions.

In an effort to provide justice for victims of sexual harassment, criminal law involves a fair investigation process, a neutral trial, and the provision of appropriate punishment to the perpetrator. Other approaches such as education, public awareness, and victim support are also important in addressing this issue. From the explanation above, this study raises the formulation of the problem: 1. What is the reality of sexual harassment cases in criminal law? 2. What are the cases of sexual harassment according to Law Number 1 of 2023 concerning the Criminal Code?

METHODS

Normative research on sexual harassment in Law Number 1 of 2023 concerning the Criminal Code involves legal analysis of existing laws, related regulations, and court decisions related to the issue. In addition, the author also uses a conceptual approach method. Using secondary data taken indirectly through data collection from literature sources, normative research that can be used to explain sexual harassment in Law Number 1 of 2023 concerning the Criminal Code:

1. Topic identification, in this case, identifying cases of sexual harassment in Law Number 1 of 2023 concerning the Criminal Code.
2. The formulation of the research question, in this case, conducts research on sexual harassment cases regulated in Law Number 1 of 2023 concerning the Criminal Code and observes significant changes in regulations.
3. Collection of legal materials, in this case, collecting and analyzing relevant legal materials, including Law Number 1 of 2023 concerning the Criminal Code, related amendments, decisions of the Constitutional Court or other courts related to sexual harassment.
4. Legal analysis, with activities to carefully analyze the legal provisions in Law Number 1 of 2023 concerning the Criminal Code related to sexual harassment. So that it produces a comparison with the previous version.
5. Interpretation and evaluation, in this case, can interpret the existence of existing legal provisions and evaluate their implications and effectiveness in protecting victims of sexual harassment.
6. Writing, after conducting research, a research report is written which includes a summary of findings, analysis, and recommendations for further improvement. (Undang - Undang Nomor 12 Tahun 2021 Tentang Perubahan KUHP, 2021)

So, with the data that has been obtained, the author can conduct an analysis by paying attention to the main focus on victims of sexual harassment in criminal law.

RESULTS AND DISCUSSION

Hasil harus jelas dan ringkas. Diskusi harus mengeksplorasi signifikansi dari hasil pekerjaan. Subhasil dan pembahasan memuat hasil analisis dan pembahasan tujuan penelitian.

3.1 Sexual Harassment in the Reality of Criminal Law

Sexual harassment is an act of coercion related to sexual behavior. As is the case, a person's actions without the consent or will of the victim. This act can occur in various forms and environments, including at work, at home, in educational institutions, in public places, or through digital media. ((WHO), 2020)

Cases of sexual harassment can include several acts, such as: obscenity, coercion of sexual intercourse, unwanted or inappropriate touching that deters the victim. In addition, there is a prevalence of sexual ridicule, verbal or visual harassment, sexual blackmail, harassment via text messages or social media, or the unauthorized sharing of inappropriate photos or videos. Cases of sexual abuse like this often occur in adolescents.

Many cases of sexual harassment are committed by someone who has power or authority (H.R. Soepomo, 2021). For example: a boss at work, a teacher at school, a family member, or a person known to the victim who has greater power. The existence of sexual harassment cases can have detrimental effects on the victim, including psychological trauma, anxiety disorders, depression, low self-esteem, or social relationship disorders.

The Central Statistics Agency (BPS) as the organizer of the survey provides a report related to the number of immoral crimes that occur in Indonesia. The increase in rape and molestation cases in recent years occurred during the COVID-19 pandemic. In 2020 and 2021, the number of rape and molestation cases in Indonesia reached a figure above 5,900 cases per year. This number is higher than the period before the COVID-19 pandemic in 2017 to 2019.

In the last five years, the highest number of rape and molestation cases occurred in 2020 at 6,872 cases. Cases of molestation and rape in that year increased by 31.32% when compared to the previous year, which was 5,233 cases. Although it experienced a fairly sharp increase in 2020, while in 2021, rape and molestation cases began to decrease to 5,905 cases. In detail, there were 1,164 cases of rape crimes in Indonesia in 2021, while there were 4,741 cases of molestation crimes.

In fact, the number of rape and molestation cases from 2018 to 2023 was the least number of cases in 2019, at 5,233 cases. With the percentage of the North Sumatra region being the region with the most reported rape and molestation cases in 2021, which reached 904 cases. And followed by the provinces of Central Java and West Sumatra, with 420 cases and 340 cases of rape and obscenity, respectively. In contrast, North Kalimantan province was recorded as the area with the fewest immoral crimes in 2022, namely only 20 cases.

Both women and men can experience sexual violence. 2 years ago, in 2021, to be precise, the PPA Symphony (online information system for protection and children) recorded 21,753 cases of sexual violence against women, while 5,376 cases were for men. When viewed from this data, women are more vulnerable and at risk of becoming victims of sexual violence. Violence against women often occurs in places that are familiar to the

victims, such as where they study, work, or even in their own homes. Meanwhile, it cannot be denied that violence against women, such as harassment and sexual assault, also often occurs in public places.

In many cases, sexual harassment is carried out by someone who has power or authority over the victim, such as a supervisor at work, a teacher at school, a family member, or someone the victim knows. Sexual abuse can have detrimental effects on the victim, including psychological trauma, anxiety disorders, depression, low self-esteem, or social relationship disorders.

The problem of lack of understanding of sex early on is often the source of an individual's inability to understand and manage important aspects of their sexuality. Inadequate or taboo sex education in society can lead to a lack of accurate and comprehensive information about sex, sexual orientation, gender identity, self-protection, and consent in relationships.

As a result, many adolescents have difficulty recognizing and dealing with the physical and emotional changes that occur during puberty, or in building healthy and respectful interpersonal relationships. In addition, the lack of understanding of sex from an early age can also contribute to the risk of spreading sexually transmitted diseases (STDs) and increasing the rate of teenage pregnancy.

The importance of comprehensive and inclusive sex education from an early age aims to provide correct understanding, remove stigma, encourage independence and knowledge-based decision-making, and promote healthy and safe relationships. ((UNFPA), 2019) Some of the factors that are known to play a role in increasing the risk of sexual harassment are as follows:

1. Power Inequality, in this case, sexual harassment often occurs in the context of power inequality where the perpetrator has a higher position or authority over the victim. For example, in the workplace, in the relationship between teacher and student or in family relationships. Inequality of power can occur in a variety of contexts, including in the workplace, educational institutions, personal relationships, and other social situations. Some examples of power imbalances that may occur in sexual harassment include:
 - a. Hierarchical power inequality, sexual harassment often occurs when there is a hierarchical power imbalance between the perpetrator and the victim. For example, a boss who takes advantage of his position to force a subordinate to perform unwanted sexual acts.
 - b. Gender power inequality, power inequality between men and women is also often a factor in sexual harassment cases. Patriarchal cultures and gender stereotypes reinforcing male dominance can create an environment where women are more vulnerable to sexual harassment by men.
 - c. The inequality of economic power causes an imbalance in power between perpetrators and victims. For example, a person who is financially dependent on the perpetrator may feel compelled to deal with sexual harassment in order not to lose their job or other source of income.
 - d. Inequality of power in social situations, in certain social situations, such as parties or events involving alcohol or drugs, inequality of power can increase. For

example, when a person is drunk or unconscious, they become more vulnerable to sexual abuse by others who take advantage of the situation.

It is important to recognize that sexual harassment is not about unbridled sexual desire, but about abuse of power and violation of personal boundaries. To address sexual harassment, it is important to pay attention to and reduce power inequality in various life contexts, as well as promote gender equality, better education, and a better understanding of individual rights.

2. Cultural Norms and Stigmas, namely, supporting gender inequality, justifying sexual harassment, or degrading victims can affect the occurrence of harassment. The stigma associated with reporting sexual harassment can also make victims reluctant to report the incident.

Cultural norms refer to unwritten rules, values, and social expectations that govern individual behavior and interactions between societies within a particular culture or social group. Cultural norms can play a role in shaping views and attitudes towards sexual harassment. A description of cultural norms associated with sexual harassment. (Fitriyanti, R., & Hasjim, 2019)

Taboo against talk about sexuality, Some cultures have norms that consider sexuality to be a taboo topic and should not be discussed openly. This can create silence and an inability to discuss sexual harassment, so victims often feel isolated and find it difficult to report the incident.

Victim-blaming In some cultures, there is a tendency to blame the victim of sexual abuse, rather than blaming the perpetrator. Cultural norms that emphasize the victim's responsibility to "protect herself" or assume that the victim "asked" for sexual harassment can reinforce stigma and make it difficult for victims to find support and justice.

Then there is a stigma that justifies or minimizes acts of sexual harassment. For example, the belief that "men can't hold back" or "women should be polite" can reduce the seriousness of sexual harassment and absolve the perpetrator of their responsibility.

Family honor and loyalty Some cultures have norms that highly value family honor and loyalty to a partner. These norms can result in stigma against victims of sexual harassment, where they are considered to "tarnish" the good name of their family or partner if they disclose or report the abuse.

The stigma of sexual harassment includes negative views and judgments attached to victims and perpetrators of sexual harassment. Some examples of stigma related to sexual harassment include: ((WHO), 2020)

Stigma Victims of sexual harassment often experience judgmental and degrading social conditions. They can be considered "weak", "begging", or "sinful" because they have experienced sexual abuse. This stigma can cause victims to feel shamed, guilty, or helpless.

Stigma Sexual harassment reporters can also experience stigma and distrust from the public. They may be perceived as seeking attention, lying, or trying to destroy the perpetrator's reputation. This stigma can make the whistleblower reluctant to report harassment or continue the legal process.

The stigma against sexual abusers is not always harmful, they are often perceived as "sick" or "evil" individuals. This stigma can lead to social isolation and condemnation of the perpetrator, but it can also hinder them from acknowledging and taking responsibility for their actions.

The stigma and cultural norms associated with sexual harassment can create an environment that makes it difficult for victims to report the incident, gain support, and seek justice. It is important to champion change in culture and society to respect and support.

3. Lack of Comprehensive Sexual Education, lack of understanding of sex and lack of comprehensive sexual education can lead to a lack of knowledge about sexual boundaries, consent, and rights, thereby increasing the risk of sexual harassment.

The lack of comprehensive sexual education refers to a situation in which individuals do not acquire adequate knowledge, skills, and understanding of human sexuality, interpersonal relationships, and issues related to sexual and reproductive health. Some descriptions of the lack of comprehensive sexual education include: (Agustina, 2018)

- a. The lack of comprehensive sexual education often means that individuals are not provided with accurate, balanced, and complete information about various aspects of human sexuality. This can include reproductive anatomy, healthy relationships, contingency, contraception, protection against sexually transmitted diseases, and sexual rights and responsibilities.
- b. Less comprehensive sexual education often does not pay attention to issues of gender equality and gender roles in relationships and sexuality. This can create gender injustices and stereotypes that affect individuals' views and experiences related to sexuality.
- c. The limited field of sexual education often focuses only on the biological aspects of reproduction, while ignoring other important aspects, such as emotional health, interpersonal relationships, communication, self-awareness, and understanding of consent.
- d. Lack of discussion on sexual harassment, Approaches to sexual education that are not comprehensive often fail to adequately address sexual harassment issues. This can lead to ignorance, stigma, and an inability to identify, report, and prevent sexual harassment.
- e. The lack of comprehensive sexual education can also be caused by an inability to update materials and resources relevant to the latest developments in human sexuality, including technological developments and emerging new challenges. The lack of comprehensive sexual education has serious consequences. (Setyawan, D., & Hadiyati, 2021) Individuals who do not receive adequate sexual education may be more vulnerable to sexual and reproductive health risks, sexual abuse, violence in relationships, as well as having incorrect or inaccurate knowledge that can influence their decisions.

Therefore, it is important to encourage comprehensive, evidence-based sexual education to promote individual sexual health and well-being.

4. Growing ignorance about sexual harassment, such as "responsible victims" or "harassment only happens to women," can influence perceptions and misconceptions

about sexual harassment, as well as hinder its prevention and treatment. Ignorance about sexual harassment refers to a lack of accurate knowledge and understanding of what sexual harassment is, how to identify it, and the impact it has on the victim. (Utami, R. D & Fariza, 2019) This can lead to the spread of myths and misconceptions surrounding sexual harassment. Here are some descriptions of the ignorance and beliefs associated with sexual harassment:

- a. Loss of understanding of the definition of sexual harassment Ignorance often occurs when a person does not clearly understand what is included in the definition of sexual harassment. This could mean assuming that sexual harassment only occurs in the form of physical coercion or persecution, while other forms of harassment, such as verbal abuse or molestation, are ignored.
- b. The belief about victims of sexual harassment that victims of sexual harassment is always associated with women while perpetrators are always men. However, sexual harassment can happen to anyone, regardless of gender or sexual orientation. In addition, there is often a misconception that victims of sexual harassment "ask" or "evoke" harassment with their behavior or appearance.
- c. Ignorance often leads to minimizing or underestimating the psychological impact experienced by victims of sexual abuse. For example, myths that state that "they just need to forget and move on" or "they are exaggerated in feeling distracted." In fact, sexual abuse can have long-term impacts such as trauma, post-traumatic stress disorder, depression, anxiety, and other mental health issues.
- d. Ignorance often leads to abuse of the causes of sexual harassment. For example, some people still believe that clothing that is considered "provocative" or certain behavior of the victim is the cause of sexual harassment, ignoring the fact that sexual harassment is an act committed by the perpetrator who is solely responsible for their own actions.
- e. Ignorance is also linked to ignorance of the prevalence of sexual harassment. Some people may consider sexual harassment to be a rare occurrence, even though sexual harassment is a fairly common problem around the world.

Addressing the ignorance surrounding sexual harassment involves efforts to increase accurate understanding and knowledge through comprehensive sexual education, awareness campaigns, and easily accessible resources. It is important to promote a culture that respects and supports victims of sexual harassment and encourages changes in attitudes and behaviors to prevent and address sexual harassment. (Herliana, 2019)

5. Environmental Factors: Unsafe environments, such as areas with high crime rates or where legal protections are inadequate, can facilitate the occurrence of sexual harassment. Environmental factors can affect the occurrence of sexual harassment in society. Here are some descriptions of environmental factors that can affect sexual harassment:
 - a. A culture that justifies and minimizes sexual harassment, A culture that views sexual harassment as normal, or even justifies or minimizes such acts, can provide an environment that supports the occurrence of sexual harassment. Social norms that downplay the seriousness of sexual harassment or blame the victim can also hinder efforts to address and prevent sexual harassment.

- b. Inequality of power that exists in an environment, such as hierarchies within an organization or social and economic differences, can create conditions in which sexual abusers can exploit and abuse their power over victims. The imbalance of power makes it difficult for victims to resist or report acts of sexual harassment.
 - c. An environment filled with silence and distrust of victims of sexual abuse can make it difficult for victims to report incidents or seek support. Mistrust can occur both from the general public and from institutions that are supposed to provide protection, such as the legal system or workplace organizations.
 - d. An environment that does not provide adequate social support to victims of sexual abuse can leave victims feeling isolated and unsafe to talk about their experiences. The lack of support can come from family, friends, or the wider community, who may not trust, blame, or belittle the victim.
 - e. The existence of rape refers to an environment that promotes or allows acts of rape and sexual harassment. Factors such as violence in the media, degrading gender stereotypes, sexual objectification, or injustice in the legal system can contribute to a culture that facilitates sexual harassment.
6. Individual factors, such as violent tendencies, mental health issues, lack of empathy, or previous experiences of sexual harassment, can also contribute to the risk of sexual harassment. Individual factors can influence the occurrence of sexual harassment. Here are some descriptions of individual factors that can affect sexual harassment:
- a. The attitudes and behaviors of individuals who affect sexual harassment have an important role in the occurrence of these acts. Factors such as low self-confidence, lack of empathy, impulsivity, tendency to dominance or control, and a low understanding of personal boundaries can increase a person's likelihood of becoming a sexual abuser.
 - b. Psychiatric disorders or sexual disorders can affect a person's behavior and increase the risk of sexual harassment. For example, antisocial or paedophilic personality disorder can affect self-control and increase the tendency to commit acts of sexual abuse.
 - c. Ignorance or limited understanding of sexuality, personal contemplation, and boundaries can influence an individual's behavior related to sexual harassment. A lack of understanding of clear consent or a lack of knowledge about the legal consequences of sexual harassment can affect a person's perception and actions.
 - d. Poor past experiences, such as experiences of sexual abuse or violence in previous relationships, can have an impact on an individual's behavior. Some people may become sexual harassers because they themselves have been victims of abuse in the past and repeat the patterns they experienced.
 - e. Involvement in a culture or subculture that belittles or justifies sexual harassment in a culture or subculture that justifies or minimizes sexual harassment can be influenced by the views and norms that exist in their environment. This can affect an individual's perception of sexual harassment and encourage them to engage in the act.
 - f. The influence of alcohol or the use of certain drugs can affect an individual's judgment and self-control. The influence of substances can reduce barriers and

increase the risk of engaging in sexually abusive behaviors that would otherwise not occur under normal conscious conditions.

7. Family factors can affect the occurrence of sexual harassment. Here are some descriptions of family factors that can affect sexual abuse:
 - a. Instability in the family, such as divorce, frequent family conflicts, domestic violence, or a lack of emotional support, can create an unsafe environment for children. This instability can increase the risk of sexual abuse, as children may feel isolated, unprotected, or have no safe place to report abuse.
 - b. Domestic violence that occurs between parents can create a dangerous environment for children. Children who grow up in violent families often experience serious psychological effects, such as traumatization and low self-esteem, which can make them more vulnerable to sexual abuse.
 - c. A lack of open and honest communication about sexuality and sexual education in the family can lead to ignorance or limited understanding of personal boundaries, consensuality, and sexual harassment. This can make children more vulnerable to acts of sexual abuse, as well as make it difficult for them to report or seek help in case of abuse.
 - d. Unhealthy sexual behavior or abuse in the family: When there is a case of sexual abuse or unhealthy sexual behavior occurring within the family, the risk of sexual abuse of other family members, especially children, may increase. This pattern of behavior can be a model for other family members, creating an unsafe environment and perpetuating the cycle of sexual abuse.
 - e. Lack of control over their duties in properly supervising and protecting children, the risk of sexual abuse can increase. Lack of supervision can provide opportunities for perpetrators to commit acts of harassment without being detected or accounted for.
 - f. Ignorance or closure about the issue of sexual abuse: Lack of understanding of sexual abuse or closure within the family to the issue can hinder efforts to protect children and deal with suspicious situations. Lack of knowledge of the signs of abuse or the inability to recognize and address the problem can prolong the sustainability of abuse. (Susilaningsih, 2021)

Tackling sexual harassment involves a variety of actions that include education, awareness, support, and legal action. Here are some steps you can take to combat sexual harassment: (Sari D. P, 2020)

1. Provide comprehensive sexual education from an early age, both at school and at home, to increase understanding of sexual rights, consent, personal boundaries, and recognize signs of sexual harassment.
2. Build awareness and promote a culture that supports reporting sexual harassment. Provide information about safe reporting channels and make efforts to protect victims so that they feel safe reporting incidents of harassment.
3. Supporting victims by providing emotional support, counseling, and legal assistance to victims of sexual harassment. Build a support network that can help victims recover and overcome the trauma experienced.

4. Provide a strengthening of laws and policies that protect victims of sexual harassment, tighten sanctions against perpetrators, and ensure a fair and effective law enforcement process.
5. Conduct public awareness campaigns to change cultural norms that degrade or justify sexual harassment. Educate the public on the importance of respecting personal boundaries and promoting healthy and respectful relationships.
6. Build partnerships with government agencies, non-governmental organizations, and civil society to make joint efforts to prevent and address sexual harassment.

3.2 Sexual Harassment According to Law Number 1 of 2023 concerning the Criminal Code

The role of the House of Representatives institutions has full power over the making and implementation of sexual harassment laws in Indonesia. In the Criminal Code which has just been passed, it contains various articles that ensnare perpetrators of sexual harassment crimes; this criminal act is also regulated in Criminal Code No. 1 of 2023 concerning sexual harassment in articles 414 to 422 which have various elements of their respective criminal acts. (Kitab Undang - Undang Hukum Pidana No. 01 Tahun 2023, 2023) In article 414 number 1 of 2023 explains:

1. Any person who commits an obscene act against another person of a different or same sex:
 - a. in public, punished with a maximum prison sentence of 1 year and 6 months or a maximum fine of category III.
 - b. forcibly with violence or threats of violence, punishable by imprisonment for a maximum of 9 years.
 - c. published as pornographic content is punishable by imprisonment for a maximum of 9 years.
2. Every person with violence or threat of violence forces others to commit obscene acts against him/herself, is sentenced to a maximum of 9 years in prison.

Article 415

Sentenced to 9 (nine) years of imprisonment, every person who:

- a. committing an obscene act with a person who is known to be unconscious or helpless, or
- b. committing an obscene act with someone who is known or suspected of being a child.

Article 416

1. If one of the criminal acts as referred to in Articles 414 and 415 results in serious injury, it shall be punished with a maximum prison sentence of 12 years.
2. If one of the criminal acts as referred to in articles 414 and 415 results in the death of a person, it is punishable by imprisonment for a maximum of 15 years.

Article 417

Any person who gives or promises to give a gift, abuses authority arising from a relationship, circumstances or misdirection, moves a person who is known or should

be suspected of being a child, to commit an obscene act or allows himself to commit an obscene act, shall be sentenced to imprisonment for a maximum of 9 years.

Article 418

1. Any person who commits fornication with his biological child, stepchild, adopted child, or child under his supervision entrusted to him or her to be cared for or educated, shall be sentenced to imprisonment for a maximum of 12 years
2. Sentenced to imprisonment for a maximum of 12 years:
 - a. An official who commits fornication with his subordinates or with a person entrusted or entrusted to him or placed in custody, or:
 - b. Doctors, teachers, employees, administrators, or officers in correctional institutions, state institutions, training grounds, hospitals, psychiatric or social institutions who commit obscene acts with people who are admitted to such institutions, homes, or orphanages.

Article 419

1. Any person who connects or facilitates others to commit obscenity or have sexual intercourse with a person who is known or suspected to be a child, shall be sentenced to imprisonment for a maximum of 7 years,
2. If the criminal act as intended in paragraph (1) is committed against a biological child, stepchild, adopted child, or child under his or her supervision who is entrusted to him or her to be cared for, he shall be sentenced to imprisonment for a maximum of 9 years.

Article 420

Any person who connects or facilitates others to commit obscene acts, shall be sentenced to imprisonment for a maximum of 2 years.

Article 421

If the criminal act as referred to in article 419 or article 420 is committed as a habit or to withdraw profits as a criminal livelihood, the penalty can be increased by 1/3.

Article 422

1. Any person who moves, brings, places, or hands over a child to another person to commit fornication, prostitution, or other acts that violate morals, shall be sentenced to a maximum of 9 years in prison.
2. If the criminal act as referred to in paragraph (1) is committed by promising the child to get a job or other promises, it shall be punished with imprisonment for a maximum of 10 years.

In the old Criminal Code regarding immoral acts, it was regulated in articles 281 to 303 which amounted to 23 articles, while in the newly passed Criminal Code it was contained in articles 414 to 422 which amounted to 9 articles. In the 2023 Criminal Code, there is a reduction or consolidation of the content of every article listed in the old Criminal Code. In addition, there are several reductions to the articles that existed in the old Criminal Code, such as in articles 281 – 283 concerning intentionality against immoral violations, disseminating, or displaying immoral acts to the general public both domestically and abroad, to sexual acts and related to them are also prohibited in the old Criminal Code.(Sjah, 2019)

In the old Criminal Code related to the immoral chapter, it does not only regulate immoral acts but more than that, in article 297 of the old Criminal Code it mentions and

explains related to criminal acts related to the sale of women and children or better known as the exploitation of women and children with a maximum prison sentence of 6 years, as well as the revocation of rights for the intended perpetrators of crimes.

It was also explained about the effort to give drugs to a pregnant woman which is feared that it can abort her pregnancy. in article 301 of the old Criminal Code it was regulated regarding the sale of children where it was previously known that the child would be intended for the exploitation of children such as being used as beggars and others, in article 302 it regulates acts of violence against animals, both animals, and in the last article regarding the immoral chapter of the old Criminal Code contains rules regarding gambling, either in the form of offering or participating in gambling games.(Hidayat, 2020)

There are several differences between the new and old Criminal Code, of course, this is to achieve legal justice that is as fair as possible.

CONCLUSION

Harassment is one of the criminal acts that often occurs. Sexual harassment can be interpreted as an act of coercion in relationships between the opposite sex. Cases of sexual harassment can include several actions, such as obscenity, forced sexual intercourse, unwanted or inappropriate touching that deters the victim. In addition, there is a prevalence of sexual ridicule, verbal or visual harassment, sexual blackmail, harassment via text messages or social media, or the unauthorized sharing of inappropriate photos or videos. Cases of sexual abuse like this often occur in adolescents.

The Central Statistics Agency (BPS) reports the number of immoral crimes in Indonesia. Cases of rape and molestation are rampant, especially during the COVID-19 pandemic. In 2020 and 2021, the number of rape and molestation cases in Indonesia reached a figure above 5,900 cases per year. Many adolescents have difficulty recognizing and dealing with physical and emotional changes that occur during puberty, or in building healthy and respectful interpersonal relationships. In addition, the lack of understanding of sex from an early age can also contribute to the risk of spreading sexually transmitted diseases (STDs) and an increase in the rate of early pregnancy.

The importance of comprehensive and inclusive sex education from an early age aims to provide correct understanding, remove stigma, encourage independence and knowledge-based decision-making, and promote healthy and safe relationships. In the Criminal Code that has just been passed, there are various articles that ensnare perpetrators of sexual harassment crimes. This criminal act is also regulated in Criminal Code no. 1 of 2023 concerning sexual harassment in articles 414 to 422 with all their respective criminal laws.

REFERENCES

- (UNFPA), U. N. P. F. (2019). *Comprehensive sexuality education: A global review*.
<https://www.unfpa.org/resources/comprehensive-sexuality-education-global-review>
(WHO), W. H. O. (2020). *Standards for sexuality education in Europe: A framework for policy makers, educational and health authorities and specialists*.

- Agustina, R. (2018). Pelecehan Seksual di Tempat Kerja: Studi tentang Pola dan Dampaknya pada Karyawan Perempuan di Jakarta. *Jurnal Ilmu Sosial Dan Ilmu Politik*, 21, No 2, 95–108.
- Fitriyanti, R., & Hasjim, M. (2019). Analisis Pelecehan Seksual Terhadap Perempuan dalam Film Indonesia. *Jurnal Kajian Komunikasi*, 7, No 2, 152–162.
- H.R. Soepomo. (2021). *Hukum Pidana: Pelecehan Seksual terhadap Anak*. Raja Grafindo Persada.
- Herliana, R. (2019). *Perlindungan Hukum Terhadap Korban Pelecehan Seksual di Indonesia*. CV Budi Utama.
- Hidayat, N. (2020). *Pelecehan Seksual terhadap Anak dalam Hukum Pidana Islam dan Positif*. Genta Publishing.
- Kitab Undang - Undang Hukum Pidana No. 01 Tahun 2023, (2023).
- Sari D. P, M. E. (2020). Fenomena Pelecehan Seksual di Media Sosial: Studi Kasus Instagram. *Jurnal Ilmu Komunikasi*, 17(2), 147–161.
- Setyawan, D., & Hadiyati, E. (2021). Faktor - faktor yang Mempengaruhi Pelecehan Seksual terhadap Remaja Perempuan. *Jurnal Psikologi*, 48(1), 36–47.
- Sjah, M. S. (2019). *Pelecehan Seksual dalam Perspektif Hukum Pidana Islam*. Kencana Prenada Media Group.
- Susilaningsih, D. (2021). *Pelecehan Seksual dalam Hukum Pidana Islam: Perlindungan Hukum terhadap Korban Pelecehan Seksual Berbasis Nilai - Nilai Humanistik*. PT Remaja Rosdakarya.
- Undang - Undang Nomor 12 Tahun 2021 tentang Perubahan KUHP, (2021).
- Utami, R. D & Fariza, N. (2019). Persepsi Mahasiswa terhadap Pelecehan Seksual di Lingkungan Kampus: Studi Kasus di Universitas X. *Jurnal Psikologi*, 46(2), 127–140.