

Research Article

Legal Sanction Application against Perpetrators of Verbal Sexual Harassment (Catcalling) in Indonesia

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Abstract: *Catcalling* or verbal sexual harassment is a social phenomenon that is rampant in Indonesia. It involves unwanted sexualized remarks that dehumanize the victim and can have a psychological impact. Although Law Number 12 of 2022 on Criminal Acts of Sexual Violence (UU TPKS) has regulated non-physical sexual harassment in Article 5, its application in the field still faces various obstacles. This study aims to determine the legal formulation of the application of sanctions against perpetrators of verbal sexual harassment (*catcalling*). This research uses an empirical normative approach. The results show that the legal formulation of the application of sanctions against perpetrators of verbal sexual harassment has progressed with explicit regulation in Article 5 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law). To realize substantive and effective justice, it is necessary to improve the formulation of sanctions, integrate non-criminal sanctions, increase the capacity of law enforcers, and strengthen public education.

Keywords: Legal Sanctions; Verbal Sexual Harassment (*catcalling*); Sexual Violence Crime

1. Introduction

Catcalling or verbal sexual harassment is a common social phenomenon in many countries, including Indonesia. It involves unwanted obscene, demeaning, or sexually charged remarks, either overtly or covertly[1]. Verbal harassment is a form of sexual violence that often occurs in public spaces and can be experienced by anyone, regardless of age, gender, or social status. It can come in the form of remarks, innuendos, comments, or other verbal actions that demean, insult, or exploit a person's sexual orientation or gender identity[2]. In many cases, victims feel uncomfortable, threatened, and can even experience psychological trauma as a result of these actions.

The phenomenon of *catcalling* is now getting more and more attention in society, but it is still often considered trivial or normal by some people, making victims feel ignored. Whereas legally, *catcalling* is a form of sexual harassment that should not be tolerated[3]. Catcalling violates a person's right to privacy and dignity, so it is important to examine the application of the law against perpetrators and protection for victims of verbal sexual harassment. According to data from Komnas Perempuan in 2023, there were 12,875 cases of sexual violence, with more than 30% of them involving verbal harassment in public and private spaces. However, only a few of these cases were followed up legally. This reflects the

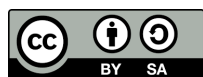
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ineffective application of the law against perpetrators and protection for victims of verbal harassment (*catcalling*), due to weak law enforcement . [4]

Although Law Number 12 of 2022 on Criminal Acts of Sexual Violence (TPKS), which came into force on May 9, 2022, covers verbal abuse, its implementation still faces various obstacles. Verbal harassment is difficult to prove legally because it depends on the perception of each party. In addition, victims are often reluctant to report due to lack of evidence or fear of social stigma . [5]

Legal proceedings against verbal sexual harassment are often hampered by the lack of tangible evidence, such as voice recordings or the presence of witnesses to support the victim's claim. Law enforcement against *catcalling* perpetrators is hampered by social and cultural norms that consider the act normal, as well as a lack of understanding of its psychological impact. As a result, authorities often consider it a trivial problem and do not take it seriously .[6]

Data from Gorontalo Police investigators in the last three years shows that in 2022, there were no public reports of verbal sexual harassment. However, in 2023, Polda Gorontalo received 5 reports without resolution, and the number of reports increased to 12 in 2024, with 7 cases resolved. At Gorontalo City Police, reports started coming in in 2023 with 4 cases and all were resolved, while in 2024 there were 8 reports with 4 cases resolved. Meanwhile, at Gorontalo Police, there were no reports in 2022, but in 2023 36 reports were received with 21 resolved, and increased to 44 reports in 2024 with 38 cases successfully resolved.

Many reports cannot be followed up by law enforcement officials due to differences in understanding of the definition of *catcalling*. In addition, catcalling generally occurs very quickly in a matter of seconds or minutes where the perpetrator spontaneously utters sexual comments or whistles and then immediately leaves, making it difficult to prove the case and making the authorities reluctant to continue handling the case . [7]

Verbal sexual harassment cases reported to Gorontalo Police are generally resolved through two channels: court or mediation. Mediation is chosen because victims often feel embarrassed or mentally worried if they have to go through the legal process. In addition, mediation is conducted when the perpetrator has apologized and promised not to repeat his actions. Many victims feel embarrassed and do not know the right way to report, especially if the verbal abuse occurs in the workplace or school, where there is often an imbalance of power between the victim and the perpetrator.

Verbal sexual harassment (*catcalling*) is a form of violence that should receive serious attention because it violates individual rights to safety and comfort in public spaces. To reduce these cases, it is necessary to enforce strict legal sanctions for the perpetrators. Without strict and consistent sanctions, verbal harassment will continue to occur and cause insecurity, especially for women. Therefore, the application of penalties such as fines or imprisonment is important as a deterrent and affirmation that catcalling is a serious offense .[8]

Based on the description of the problem above, it can be formulated the problem of how the legal formulation of the application of sanctions against perpetrators of verbal sexual harassment (*catcalling*)?

2. Method

This research uses a normative-empirical legal research method with a qualitative approach, to deeply understand the application of the law to perpetrators and victims of verbal sexual harassment (*catcalling*) [9]. This research combines a normative approach that studies written legal norms and an empirical approach that focuses on the application of the law through interviews with the Head of the Gorontalo Province Women's Empowerment and Child Protection Office, police, victims, and perpetrators, as well as direct observation at Gorontalo City Police, Polda, and Polres. The main data sources are observations, interviews and relevant legal documentation, while data analysis techniques include descriptive qualitative, normative juridical, and comparative analysis to explore the application of law in Indonesia and its comparison with other countries in handling cases of verbal sexual violence.

3. Results and Discussion

Verbal sexual harassment (*catcalling*) is a form of gender-based violence that often occurs in public spaces, such as whistling, sexual comments, and derogatory calls based on gender [10]. Although it does not involve physical violence, this harassment has serious psychological impacts, such as excessive anxiety and discomfort that makes victims avoid public places or even stop social, educational, or work activities. Legal provisions related to verbal sexual harassment have not been expressly regulated in the Criminal Code (KUHP), as a result catcalling is still difficult to be processed through legal mechanisms, even though it clearly causes psychological harm to victims. This condition reflects that the Criminal Code has not undergone adequate updates to address the increasingly complex dynamics of non-physical gender-based violence in the current social development of society. [11]

Verbal sexual harassment (*catcalling*) is a form of gender-based violence that has not been clearly regulated in the Criminal Code, although it often occurs in public spaces and affects women and vulnerable groups, the Criminal Code only includes several articles such as articles 281 and 315 which are less appropriate to deal with verbal harassment without physical contact [12]. Therefore, it is important to review these articles to determine whether they can be used as a legal basis to take action against catcalling perpetrators, as well as to analyze whether the Criminal Code has sufficiently regulated this form of crime explicitly. The following is the researcher's analysis of the articles:

a. Article 281 paragraph (2) of the Criminal Code (KUHP)

The legal concept of verbal sexual harassment (*catcalling*) requires an understanding of the construction of offenses in Indonesian criminal law. Article 281 of the Criminal Code is one of the important provisions to be studied because it regulates acts that violate decency in public spaces. Article 281 paragraph (2) of the Criminal Code (KUHP) states: "Any person who intentionally and publicly violates decency, or in the presence of another person who is there against his will, shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred Rupiahs." Understanding Article 281 paragraph (2) of the Criminal Code requires an in-depth analysis of the elements of the offense contained therein and its explanation:

1). Fulfillment of the Element "Violating Decency in Public"

The concept of "decency" in criminal law refers to the moral and ethical norms prevailing in society, especially regarding sexual behavior and propriety in public spaces. Traditionally, the offense of decency in article 281 of the Criminal Code is narrowly understood, covering only vulgar physical or visual acts, such as displaying genitals or excessive kissing. In the case of *catcalling*, which is verbal or non-verbal harassment such as sexual whistles and gestures, the question arises whether this act is a breach of decency according to the traditional interpretation of the Criminal Code. If "decency" is broadly understood as a norm of propriety in social interactions in public spaces, then *catcalling* that contains sexual and degrading comments could be considered a violation of this norm because it creates an uncomfortable atmosphere and disturbs the victim and the community. A narrow interpretation of Article 281 of the Criminal Code, "violating decency" usually requires a clear and physical act of lewdness. Words or whistles, while harassing, are often not considered obscene acts under this article. This is a major obstacle in cracking down on catcalling using the provisions of the Criminal Code.

2). Conformity of Catcalling with the Element of "In Public"

The element of "in public" requires the act to occur in a place or situation that can be seen or heard by many people. In the case of verbal sexual harassment (*catcalling*) this element is clearly fulfilled because it usually occurs in public spaces such as roads, public transportation, or markets, where many people can witness or hear it. This distinguishes catcalling from harassment that occurs in private spaces.

3). Fulfillment of the Element "Contrary to the Will of the Person"

This element is the second option in Article 281 paragraph (2) of the Criminal Code, which is an act committed in front of another person without the victim's consent. In the context of catcalling, this element is always fulfilled because the act occurs without the permission or against the will of the victim, this can be seen from:

- a) No Consent. The victim of *catcalling* never consented or gave permission for the act of teasing, whistling, or verbal abuse she experienced. The perpetrator does so unilaterally without the victim's consent, thus marking the core of the harassment.
- b) Against the Will of the Victim. *Catcalling* is clearly against the wishes of the victim who wants to feel safe and comfortable in public spaces, resulting in psychological impacts such as shame, anxiety, helplessness, and loss of security.

Thus, although Article 281 of the Criminal Code generally regulates acts of violating decency in public, the substance of this article is still considered too general and does not explicitly cover verbal sexual harassment. As a result, the legal protection available is still not optimal for victims of catcalling, because the formulation of norms in the article does not reflect the development of modern understanding of gender-based violence, especially in the form of non-physical sexual violence.

b. Article 315 of the Criminal Code

Article 315 of the Criminal Code states: "Any intentional insult which does not amount to libel or defamation, committed against a person in a public place, or in the presence of a large number of people, or in the presence of the person concerned, either orally or

in writing, or by conduct, shall be punished by a maximum imprisonment of four months and two weeks or a maximum fine of three hundred Rupiahs." *Catcalling* is categorized as "swear words" or "indecent acts" of an insulting nature. Article 315 of the Criminal Code regulates mild insult, which is a form of insult that has not reached the level of defamation or libel. This article emphasizes the element of "intentional insult" which can be done through words, writings, or actions as described below:

- 1). "Swear words" in the context of *catcalling*. Swear words usually mean abusive or demeaning remarks about a person. In *catcalling*, perpetrators often use offensive or sexual comments without the victim's permission. If the words are clearly insulting and degrading, such as a rude nickname, then it can be considered as cursing aimed at humiliating the victim but there are some forms of *catcalling* that use words that sound like compliments, such as "beautiful" or "sexy," but are delivered in a harassing way. In these cases, it is difficult to consider it as *catcalling* so the judgment must look at the impact and intention of the perpetrator.
- 2) "Indecent acts" that are insulting in the context of *catcalling*. "Indecent acts" in Article 315 of the Criminal Code refer to non-verbal actions that are considered inappropriate and can be insulting. *Catcalling* often involves gestures such as whistles, winks, or body movements that are harassing and make the victim feel uncomfortable, so it falls under this category. However, it is difficult to prosecute if the act is too vague or does not clearly indicate an element of "indecenty," such as a brief stare without supporting gestures or words, as the interpretation becomes less certain.

Analysis of Challenges in Proving the Elements of Insult and the Nature of the Offense. Although *catcalling* may meet the criteria of Article 315 of the Criminal Code, its application faces various difficulties in terms of proof as well as the nature of the offense which can only be processed if there is a complaint report. The main element of Article 315 of the Criminal Code is intentional insult and proving this element in *catcalling* cases is quite complex due to:

- a). Insults are subjective, depending on the victim's perception and the social context. Perpetrators of *catcalling* often argue that they are just "flirting," so the prosecution must prove that the act is indeed objectively insulting based on social norms.
 - b). Article 315 of the Criminal Code requires deliberate intention to insult, but it is difficult to prove because *catcalling* is usually spontaneous and without physical evidence, so the intention of the perpetrator is difficult to ascertain.
 - c). Since *catcalling* is generally verbal or non-verbal without physical contact, concrete evidence such as recordings or strong witnesses is often difficult to obtain.
- 3). Nature of Complaint of Article 315 of the Criminal Code
- Article 315 of the Criminal Code is an absolute complaint offense, meaning that the legal process can only begin if the victim reports, without a complaint the authorities cannot investigate or prosecute. In the context of *catcalling*, this is an obstacle because victims are often reluctant to report.

- a). Victims are Reluctant to Report: Many victims of *catcalling* are unwilling to report the incident, generally for the following reasons:
 - (1). Shame and Social Stigma: Victims often feel embarrassed or worried about being negatively labeled by society when reporting harassment, even if it is only a mild insult.
 - (2). Lack of Trust in the Law: Many victims doubt that law enforcement officials will take reports of catcalling seriously because it is considered a trivial matter.
 - (3). The Tiring Legal Process: Facing the legal process takes time, energy, and courage, even for minor cases.
 - (4). Fear of Retaliation: The victim may fear that the perpetrator or others will retaliate after a report is made.
- b). Lack of Legal Understanding: Victims and the public are often unaware that *catcalling* is a minor insult that can be reported under Article 315 of the Criminal Code. Juridically, *catcalling* can be categorized as an insulting "slur" or "indecent act" under Article 315 of the Criminal Code, especially if the words or gestures clearly demean the victim. The elements of "in a public place" or "in the presence of the victim" are usually also met. However, the application of this article to *catcalling* is constrained in certain aspects:

Although Article 315 can be used, its application is limited because it requires a specific attack on honor, whereas *catcalling* is often general and does not name the victim. The Criminal Code also does not recognize the term "verbal sexual harassment," making it difficult for law enforcement to take appropriate action against catcalling. This legal vacuum harms victims, both in terms of protection and justice.

Criminologically, the Criminal Code focuses more on public order and traditional moral norms, rather than protection against gender-based violence, including the psychological impact of *catcalling*[13]. The Criminal Code inherited from the colonial legal system was not designed to provide protection to vulnerable groups, especially women, so acts of verbal harassment such as *catcalling* have never been explicitly positioned as a serious form of violence within the criminal law framework. This imbalance reflects a structural negligence in guaranteeing the right to feel safe in public spaces for citizens. Article 315 regulates insults, however, in the context of *catcalling*, the elements of insult in this article tend to focus more on honor or self-esteem in general, rather than on sexual or gender dimensions. Therefore, the application of Article 315 tends not to fulfill a sense of justice for victims of verbal sexual violence, who experience gender-specific psychological losses. In this context, an understanding of justice becomes very important. Justice has two main meanings: formally it means that the law must be generally applicable, and materially it means that the law must reflect the values of justice in society. [14]

In line with this understanding from the perspective of procedural justice, the application of Article 315 of the Criminal Code to cases of verbal sexual harassment (*catcalling*) also faces various obstacles. The process of proving the element of insult in this article tends to be subjective, because it depends on the interpretation of law enforcement officers on whether a speech or action can be considered as an insult to the honor or dignity of the victim[15]. In practice, this often causes obstacles for victims, who have to face a legal

process that is long, complicated, and not yet sensitive to the gender dimension. In addition, the absence of procedures specifically regulated for the handling of victims of gender-based sexual violence in the context of Article 315 of the Criminal Code leads to low access of victims to justice that is fast, safe, and impartial. Thus, the law enforcement process on catcalling cases through Article 315 of the Criminal Code is considered not to reflect the principle of procedural justice, because it does not guarantee equal treatment, the participation of victims in the judicial process, and effective protection of victims' rights[16] . This is in line with the findings in the field, where based on the results of the researcher's interview with the PPA investigator of Gorontalo City Police, it is known that although law enforcement officials try to rely on Article 315 and Article 281 of the Criminal Code to ensnare catcalling perpetrators, the absence of an explicit and comprehensive legal basis causes the ineffectiveness of the law against the reality of verbal violence so that the process of reporting and resolving cases becomes very limited, while victims do not receive adequate protection from the psychological impact caused. This situation shows the importance of criminal law reform that is more responsive to the dynamics of gender-based violence and the needs of social justice in modern society.

Currently the Criminal Code (KUHP) is considered no longer adequate to answer the challenges of modern sexual crimes such as *catcalling*, therefore there is a need for legal reform that is more responsive to gender issues and based on the principles of Human Rights (HAM) in order to strengthen protection for victims and increase the effectiveness of law enforcement[17] . *Structurally* and substantively, the Criminal Code still has a number of weaknesses, especially because it does not explicitly regulate verbal harassment such as *catcalling*. The absence of explicit rules, narrow definition of offense, and lack of gender perspective make legal protection for victims has not been effective. When analyzed in the context of verbal sexual harassment (*catcalling*), the effectiveness of the application of sanctions based on the provisions of Article 281 and Article 315 is still relatively low, this is due to various factors including:

1. Lack of specific offense formulation. The Criminal Code does not explicitly regulate verbal sexual harassment. As a result, law enforcement officers face obstacles in translating the elements of the offense into the context of *catcalling*, making it difficult to realize the preventive function of the law.
2. Heavy evidentiary aspects. Offenses with subjective elements such as "insult" or "intent to outrage decency" demand a high burden of proof. In catcalling cases, where there is often no physical evidence or strong witnesses, the application of this article becomes less effective.
3. Discrepancy between the type of sanction and the impact of the act. Sanctions in Articles 281 and 315 of the Criminal Code in the form of minor punishment or fines, are not proportional to the psychological and social impacts experienced by victims, thus not fulfilling the function of retributive justice which should pay attention to the suffering of victims.

Thus, a new and more comprehensive legal formulation is needed, both through the process of revising laws and regulations and through the application of progressive legal interpretation approaches. This effort is needed so that the national legal system is able to effectively respond to the complexity of verbal sexual crimes, such as catcalling, and provide

more adequate protection for victims in accordance with the principles of justice and human rights.

c. Law No. 12 of 2022 on the Crime of Sexual Violence (UU TPKS)

Law Number 12 of 2022 on the Crime of Sexual Violence (UU TPKS) was created to provide comprehensive protection for victims of sexual violence and fill a void in previous legislation. The explicit inclusion of "non-physical sexual harassment" in Article 5 of the law marks an important advancement in legislation, demonstrating lawmakers' intention to close normative gaps and provide a clear legal framework for sexual violence that previously received little attention. The law formalizes types of harm that were previously considered minor or unpunishable, and recognizes and criminalizes non-physical forms of violence such as verbal harassment (*catcalling*). This phenomenon shows that people are now increasingly aware and demanding justice, not only for physical violence, but also for other forms of violence, such as Verbal violence. *Catcalling* is now seen not only as a criminal offense, but also as a form of gender discrimination and a violation of human rights, including the rights to dignity, privacy, and security, which are contrary to divine and human values.

Article 5 of the Law on Sexual Violence states: "Every person who commits non-physical sexual acts directed against the body, sexual desires, and/or reproductive organs with the intention of degrading a person's dignity based on his/her sexuality and/or morality, shall be punished for non-physical sexual harassment, with a maximum imprisonment of 9 (nine) months and/or a maximum fine of Rp10,000,000.00 (ten million rupiah)". Furthermore, in this provision, the first element that can be identified is:

1). The element of "any person"

The element of "any person" in Article 5 of the TPKS Law covers both individuals and corporations, both legal and non-legal entities, who can be held criminally liable if they violate the provisions of the law. In the case of *catcalling*, the perpetrators are usually individuals, but this coverage also allows corporations to be held legally responsible. While *catcalling* is usually committed by individuals in public spaces, including "corporations" in the definition of "any person" adds an important dimension of liability. If *catcalling* occurs systemically in an organization such as a workplace, school, or public institution or if the organization condones or fails to prevent it, then the corporation can be legally liable. This approach encourages organizations to actively create a safe environment with effective policies, training, and reporting mechanisms. As such, institutions are not just bystanders, but have a legal obligation to prevent and address *catcalling*, and can face sanctions if they fail to do so.

2). The element of "committing non-physical sexual acts"

Non-physical sexual conduct is defined as "inappropriate and sexually related expressions, gestures, or actions," without direct physical contact with the victim. This distinguishes it from physical sexual abuse which involves direct touching. Article 5 of the Sexual Violence Crime Law describes examples of such acts, such as whistling, winking, sexually charged speech, invitations to sexual intercourse, showing pornographic material, or showing off genitals and sexual activities such as masturbation. The forms can be verbal, such as sexual jokes, or non-verbal, such as showing off genitals, peeping, or performing sexual activities in front of others.

Forms of *catcalling* such as whistling, teasing, sexually charged calls (e.g., "neng", "cantik", "sayang"), physical comments, advances, jokes, and flirtatious gestures fit the definition of "inappropriate statements, gestures, or activities that are sexually suggestive" and fall into the nonphysical category as they do not involve direct contact. The phrase "including but not limited to" in Article 5 of the Sexual Violence Crime Law provides flexible legal space to accommodate other forms of catcalling and non-physical harassment that may emerge over time, preventing the law from becoming obsolete. However, this flexibility also demands careful judicial interpretation to avoid over-application or ambiguity, so that the "inappropriate and sexually suggestive" criteria remain consistent and fair. This open-ended adaptability strengthens the adaptability of the law, but also requires ongoing legal review, training for law enforcement, and public education so that its application is effective and fair, and allows the legal understanding of catcalling to evolve with social change.

- 3). The element "Aimed at the Body, Sexual Desire, and/or Reproductive Organs" demands that the non-physical sexual harassment must specifically target one or a combination of the three aspects. If any one is met, this element is considered complete. In *catcalling*, this is often seen through comments or actions directed towards the body, such as commenting on physical shape or staring in a sexual way. To sexual desires, catcalling can take the form of advances or invitations that use the victim as an object of lust of the perpetrator, even though the victim herself does not want it. For reproductive organs, gestures or comments that refer implicitly are also included.

Based on the researcher's interview with the perpetrator of verbal sexual harassment, information about the chronology of the incident was obtained as follows: The perpetrator is an employee who works at a business owned by the victim's parents. In his daily life in the work environment, the perpetrator admitted that almost every time he passed the victim, he uttered words of seduction and jokes to the victim, including by saying: "Uh, you're so pretty, nou", where the term "nou" is a common greeting used to call young girls in the Gorontalo area. The perpetrator also often directed other verbal comments at the victim, such as: "Don't like to be alone, nou", which the perpetrator claimed was "just a joke" with no derogatory intent. However, further testimony from the perpetrator revealed that this verbal behavior was repeated over a long period of time, gradually creating an uncomfortable atmosphere for the victim.

The interview results show that over time, the perpetrator began to increase the intensity of verbal communication that was seductive in nature, until at one point the perpetrator dared to invite the victim to have intercourse. This fact shows the development of a pattern of behavior that initially appeared as a light verbal joke, but then escalated into a more serious form of harassment. Based on all the information obtained, it can be said that the actions committed by the perpetrator have fulfilled the elements of verbal sexual harassment as referred to in the provisions of Article 5 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, which regulates non-physical sexual acts committed with the intention of degrading a person's dignity based on their sexuality.

4). Element "With the Intent to Degrade the Honor and Dignity of a Person Based on His/her Sexuality and/or Decency"

The element of "intent" (*mens rea* or intention) is an important subjective element in Article 5 of the Sexual Violence Crime Law. Catcalling must be committed with the intention of the perpetrator to dehumanize the victim. The elucidation of Article 5 states that this intention is apparent when the act creates intimidation, conflict, or circumstances that humiliate and offend the victim. *Catcalling* is intentionally indecent speech or behavior intended to harass, often accompanied by a teasing tone that suggests an intimate element. To dehumanize a victim is to treat them as a sexual object, rather than as an individual entitled to their own will, and can even make the victim feel guilty. While intent is difficult to prove directly, the serious and repeated impact on the victim is strong evidence of intent. These impacts include insecurity, discomfort, restriction of freedom in public spaces, shame, decreased self-confidence, mental health disorders such as anxiety and fear, and negative emotions such as anger and resentment. Victims also often feel sexually objectified. Catcalling clearly violates norms of decency, which are social and moral rules that govern appropriate behavior in society. This act is contrary to divine and human values and disrupts social order and justice. Proving intent (*mens rea*) in criminal law is often difficult as it requires exploring the mental state of the perpetrator. However, the consistent and documented psychological and social impact of catcalling on victims is strong circumstantial evidence of degrading intent.

The law's focus on the consequences of actions (such as intimidation, embarrassment, or humiliation) marks an important shift in the burden of proof, where the victim's experience becomes central to assessing the perpetrator's intent. This approach is more victim-oriented and consequential, empowering victims by recognizing that their feelings of insecurity, shame, fear, objectification and restriction of movement are relevant in the legal process. It recognizes that in non-physical abuse, the impact on the victim is the clearest evidence of the perpetrator's intent. This paradigm shift is crucial for the prosecution of catcalling cases, as it reduces the reliance on direct admissions of perpetrator intent which is rare .[18]

Furthermore, researchers will examine the legal impact for perpetrators as well as the rights and protections given to victims under the Sexual Violence Crime Act.

1). Status of *Catcalling* as a Complaint Delict

Non-physical sexual harassment as stipulated in Article 5 of Law Number 12 Year 2022 on Criminal Acts of Sexual Violence is qualified as a complaint offense. Thus, the prosecution process can only be carried out if there is a complaint or report from the victim or the party directly harmed. Although this provision aims to respect the rights and autonomy of victims in determining the course of the legal process, in practice its implementation often raises various juridical and sociological obstacles. One of the main obstacles found is the strong public perception that *catcalling* is a common thing and not a form of sexual violence. Based on the results of the researcher's interview with the Head of the Women's Empowerment and Child Protection Office, it is known that many victims are reluctant to report due to shame or fear of social stigma. In addition, most people do not have an adequate understanding of verbal sexual harassment as a form of violence, considering that such actions are often considered normal in daily social interactions. Habit and social acceptance

of such sexualized remarks also reinforce the misconception that catcalling is not an unlawful act.

2). Criminal Sanctions and Fines for Offenders

Perpetrators of non-physical sexual harassment as regulated in Article 5 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), are subject to a maximum imprisonment of 9 (nine) months and/or a maximum fine of Rp10,000,000.00 (ten million rupiah). Based on the results of the researcher's interview with the investigator at the Gorontalo Police Women and Children Service Unit (PPA), in the practice of handling cases of verbal sexual violence (*catcalling*), police officers apply the provisions of the TPKS Law if the victim is an adult and is legally considered capable. However, if the victim is still under the age of 18 (eighteen) years, the legal provisions used are Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law.

The criminal sanctions stipulated in the TPKS Law for the crime of non-physical sexual harassment are the lightest compared to other types of sexual violence, such as physical harassment which can be punished with imprisonment of up to 12 (twelve) years and a fine of up to Rp300,000,000.00 (three hundred million rupiah), the existence of these criminal sanctions provides a firm legal basis in law enforcement efforts against catcalling. In addition to the main criminal provisions, the TPKS Law also contains provisions on additional penalties and recovery efforts for victims, including restitution payments as compensation for suffering, medical treatment costs, and/or psychological recovery. The relatively lenient punishment for non-physical sexual harassment (9 months' imprisonment and Rp10 million fine) compared to physical sexual harassment may reflect the nature of the act which does not involve direct contact. However, given the severe and often long-lasting psychological, emotional, and social impact on victims, questions arise as to whether the penalties are sufficiently deterrent and proportionate to the harm experienced.

Although the law provides a clear legal basis, these seemingly light penalties may reinforce the public's perception that catcalling is a minor offense, thus reducing the deterrent effect and obscuring the seriousness of the act in the eyes of the public. This situation calls for a deeper discussion on the proportionality of punishment. While the legal framework is in place, there needs to be continuous monitoring of case outcomes, public perceptions, and the actual impact of the penalties to assess whether the sanctions are effective in deterring perpetrators and reflecting the harm suffered by victims. Law enforcement may have to shift not only on the magnitude of punishment, but also on the certainty of punishment. Legal certainty means that the law is applied consistently and firmly without different treatment for any reason, so that the law applies clearly and fairly. In addition to legal certainty, aspects of *restorative* justice for victims also need serious attention . [19]

The Sexual Violence Law thoroughly ensures protection for every individual from all forms of violence, including sexual violence, and guarantees the right to be free from torture or degrading treatment. Legal protection for victims of catcalling, as part of human rights, includes the right to personal safety, individual freedom and security, and protection against all forms of violence[20] . The protection stipulated in the Law on Sexual Violence (UU TPKS) is very diverse and focuses on the needs of victims, including the provision of

information about protection rights and facilities, access to information on the implementation of protection, protection from threats or violence from both the perpetrator and other parties, maintaining the confidentiality of the victim's identity, as well as protection from degrading treatment from law enforcement officials and from the risk of losing employment, mutation, education, or political access. The Witness and Victim Protection Agency (LPSK) and related institutions have an important role in providing security and support to victims in accordance with applicable legal provisions. Forms of Protection and Victims' Rights

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The TPKS Law adopts a broad and comprehensive approach to victim protection, rather than focusing solely on punishing perpetrators. It expressly provides for a comprehensive range of rights and protections for victims, including psychological support, confidentiality protection, and protection from re-victimization, even from the justice system itself. This approach marks a significant shift towards a more holistic understanding of justice in sexual violence cases, recognizing that the legal process is incomplete without strong victim support, recovery, and prevention of further harm which is particularly important for victims of catcalling, as the impacts experienced are more psychological and social than physical.

The successful implementation of the TPKS Law in handling cases of verbal sexual harassment (catcalling) depends not only on the legal process in the form of prosecution and sentencing, but also on the effectiveness of implementation and the availability of protection mechanisms for victims. Based on an interview with the Head of the Women's Empowerment and Child Protection Office, it is known that the Office actively partners with the police in providing assistance to victims. If the perpetrator is a minor, the Office is also obliged to provide assistance to the perpetrator in accordance with child protection principles. In addition, assistance to victims includes psychological support and the provision of temporary shelter, especially for victims who experience harassment in the family or residential environment, to ensure the safety and recovery of the victim's condition.

Effective inter-agency cooperation, involving law enforcement officials, social services, psychological support providers, and civil society organizations, supported by adequate funding, is an urgent need in efforts to handle cases of verbal sexual harassment (catcalling)[23] . This shows that although the existence of a legal framework has a crucial role, the real impact of its implementation can only be achieved if it is supported by a holistic system that is oriented towards fulfilling the rights and welfare of victims. In evaluating the effectiveness of legal regulations related to non-physical sexual harassment, especially catcalling, one important aspect is the comprehensive provisions in Article 5 of Law Number 12 Year 2022 on Criminal Acts of Sexual Violence (UU TPKS). This shows that the TPKS Law not only closes the legal loopholes that exist in the Criminal Code, but also presents a broader and progressive approach in dealing with the problem.

A Comparison of Handling and Prevention of Verbal Sexual Harassment (*catcalling*) between Indonesia, France and the Philippines. The protection of women's rights and vulnerable groups in public spaces has become a global concern along with the increasing awareness of the dangers of verbal sexual harassment, including *catcalling*. Countries around the world are implementing various legal and policy strategies in an effort to create safe public spaces. Comparison with other countries that have advanced in this setting is important to provide a perspective for strengthening the law in Indonesia. Therefore, the following discussion will outline a comparison of the handling and prevention of verbal sexual harassment between Indonesia, France and the Philippines, with the aim of identifying best practices that can be adopted into the national legal framework.

Verbal sexual harassment in public spaces, often known as catcalling, is a form of gender-based violence that can threaten the safety and comfort of the community, especially women. This phenomenon has become a global concern, prompting countries to adopt effective regulations and prevention strategies. Indonesia, France and the Philippines show different approaches in addressing this issue, reflecting the level of maturity of the legal system, legal culture and social dynamics in each country.

In Indonesia, the regulation of verbal sexual harassment is currently regulated in Law Number 12 Year 2022 on the Crime of Sexual Violence (UU TPKS). Although catcalling is not explicitly mentioned, the act has been included in the category of non-physical sexual harassment, so it has a legal basis for enforcement. The advantages lie in the progressive legal recognition of forms of gender-based violence in public spaces, as well as increased public awareness through various educational campaigns. However, there are weaknesses in the

aspects of law enforcement that are still weak, the lack of sensitivity of the authorities, and social norms that still view catcalling as normal behavior.

France has established more specific regulations through Article 22233-2-2 of the French Criminal Code, the result of a legal reform through Loi Schiappa in 2018. This regulation explicitly categorizes verbal abuse in public spaces as a criminal offense, with the application of fines that can be imposed on the spot by specially trained officers. The successful implementation of this law is evident through an increased number of prosecutions and higher public awareness, although cultural challenges such as structural sexism remain an obstacle.

The Philippines through its *Safe Spaces Act* (RA No. 11313 of 2019) also adopts a comprehensive approach by explicitly prohibiting various forms of verbal harassment in public spaces, including catcalling. Philippine law provides for progressive sanctions, ranging from administrative fines, gender *sensitivity* training, to imprisonment for repeat offenders. The Philippine government has also shown serious commitment with massive public campaigns and the provision of easily accessible reporting mechanisms. However, challenges in implementation remain, especially in remote areas and the lack of knowledge of their rights.

Overall, good practices from France and the Philippines show that the formulation of specific laws and the application of strict sanctions, accompanied by institutional strengthening and community education, are key in creating safer public spaces from verbal sexual harassment. The lessons learned from these two countries can serve as a foundation for Indonesia to strengthen national regulations through the addition of articles or implementing regulations that explicitly regulate catcalling as a criminal offense, while improving the effectiveness of law enforcement and social norm change.

Based on the above comparison, it appears that specific legal arrangements, effective law enforcement, as well as institutional support and public education are key factors in successfully addressing verbal sexual harassment in public spaces. The experiences of France and the Philippines show that a strict and comprehensive approach can have a positive impact on both prevention and protection of victims. Thus, Indonesia needs to consider strengthening more detailed regulations and more optimal implementation, as part of harmonization with international best practices in an effort to realize substantive justice and security for all citizens.

Based on these comparative findings, a strategic step that should be considered is to strengthen legal arrangements in more detail, including by including provisions that explicitly regulate *catcalling* into the TPKE Law, but efforts to add this special article are certainly not free from various challenges and consequences that must be considered carefully, as described below:

- a. The legislative process of adding articles requires strong political support and intensive discussion in the House of Representatives and the government.
- b. Article definitions must be carefully formulated so as not to be too broad or narrow, so as to remain on target.
- c. Proving *catcalling* is difficult because it often happens quickly and without witnesses, although Article 5 of the TPKE Law partially addresses this issue.

- d. Implementation of sanctions non-criminal need resources resources for programs, supervision, and experts such as psychologists and social workers.

Considering these challenges, it is important to ensure that the process of legislating and implementing specific articles on *catcalling* is done carefully, based on empirical studies, and involves various stakeholders. While obstacles remain, the long-term benefits of strengthening legal protection for victims as well as changing social norms in a more egalitarian manner are clearly goals that should be pursued. Therefore, the addition of specific articles in the TPKS Law is a strategic step that not only strengthens the national legal system, but also reflects the state's commitment to realizing gender justice and safe public spaces for all citizens.

4. Conclusions

Based on the results of research and analysis that has been carried out regarding the legal formulation of the application of sanctions against perpetrators of verbal sexual harassment (*catcalling*), it can be concluded that the legal formulation of the application of sanctions against perpetrators of verbal sexual harassment (*catcalling*) has progressed through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), which explicitly regulates non-physical sexual harassment in Article 5, however, its implementation is still constrained by the difficulty of proof, the nature of the complaint offense, and the limited understanding of law enforcement officials. To realize substantive and effective justice, it is necessary to improve the formulation of sanctions, integrate non-criminal sanctions, increase the capacity of law enforcers, and strengthen public education.

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