

Legal Certainty and Legal Protection For Victims of Catcalling In Indonesia: A Critical Analysis of The Sexual Violence Crime Law And Maqāṣid Al-Sharī'ah

*Nurfadilah Djafar^a, Rusdiyanto Puluhulawa^a, Irlan Puluhulawa^a, Rasham Armab Saikh^b

^a Universitas Negeri Gorontalo, Indonesia

^b University of the Punjab, Lahore, Pakistan

*Correspondence authors: djafarnurfadilah@gmail.com

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Abstract

Catcalling is one of the most common forms of non-physical sexual harassment in public spaces, yet legal protection for victims in Indonesia still faces various obstacles. Although Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence recognizes non-physical sexual harassment as a crime, there is no regulation that explicitly defines catcalling, resulting in normative ambiguity, legal uncertainty, and differences in interpretation in its enforcement. This study aims to analyze the legal regulations regarding catcalling in Indonesian positive law, identify obstacles to legal protection for victims, and examine it from the perspective of *maqāṣid al-syarī'ah*. The study uses a normative legal research method with a statutory, conceptual, comparative, and Islamic legal approach. Primary, secondary, and tertiary legal materials are analyzed qualitatively through grammatical, systematic, and teleological interpretations. The results show that the absence of a clear legal definition of catcalling means that legal protection does not fully fulfill the principles of legal certainty, particularly *lex certa* and *lex stricta*, so that law enforcement still relies on the interpretation of officials. Furthermore, difficulties in proving, gender bias in law enforcement, a culture of victim blaming, and the normalization of verbal sexual harassment further weaken protection for victims. From the perspective of *maqāṣid al-syarī'ah*, catcalling contradicts the principles of *Hifz al-'Ird* (protection of honor), *Hifz al-Nafs* (protection of life), and *Hifz al-Karamah* (protection of human dignity). This study offers a normative reconstruction of the regulation of catcalling through harmonization between the TPKS Law and the Criminal Code, while integrating positive law with Islamic legal principles to strengthen legal certainty and increase the effectiveness of legal protection for victims of verbal sexual harassment.

Keywords: Catcalling; Law on Sexual Violence Crimes; Non-Physical Sexual Harassment; Legal Certainty; Victim Protection.

Abstrak

Catcalling merupakan salah satu bentuk pelecehan seksual nonfisik yang paling sering terjadi di ruang publik, namun perlindungan hukum bagi korbannya di Indonesia masih menghadapi berbagai kendala. Meskipun Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual telah mengakui pelecehan seksual nonfisik sebagai tindak pidana, belum terdapat pengaturan yang secara eksplisit mendefinisikan catcalling sehingga menimbulkan ambiguitas normatif, ketidakpastian hukum, dan perbedaan interpretasi dalam penegakannya. Penelitian ini bertujuan untuk menganalisis pengaturan hukum mengenai catcalling dalam hukum positif Indonesia, mengidentifikasi hambatan dalam perlindungan hukum bagi korban, serta mengkajinya dari perspektif *maqāṣid al-syarī'ah*. Penelitian menggunakan metode penelitian hukum normatif dengan pendekatan perundang-undangan, konseptual, komparatif, dan hukum



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Islam. Bahan hukum primer, sekunder, dan tersier dianalisis secara kualitatif melalui interpretasi gramatikal, sistematis, dan teleologis. Hasil penelitian menunjukkan bahwa belum adanya definisi hukum yang tegas mengenai catcalling menyebabkan perlindungan hukum belum sepenuhnya memenuhi prinsip kepastian hukum, khususnya *lex certa* dan *lex stricta*, sehingga penegakan hukum masih bergantung pada interpretasi aparat. Selain itu, kesulitan pembuktian, bias gender dalam penegakan hukum, budaya victim blaming, dan normalisasi pelecehan seksual verbal semakin memperlemah perlindungan terhadap korban. Dalam perspektif *maqāṣid al-syarī'ah*, catcalling bertentangan dengan prinsip *Hifz al-'Ird* (perlindungan kehormatan), *Hifz al-Nafs* (perlindungan jiwa), dan *Hifz al-Karamah* (perlindungan martabat manusia). Penelitian ini menawarkan rekonstruksi normatif terhadap pengaturan catcalling melalui harmonisasi antara UU TPKS dan KUHP, sekaligus mengintegrasikan hukum positif dengan prinsip-prinsip hukum Islam guna memperkuat kepastian hukum dan meningkatkan efektivitas perlindungan hukum bagi korban pelecehan seksual verbal.

Kata Kunci: *Catcalling*; Hukum Kejahatan Kekerasan Seksual; Pelecehan Seksual Non-Fisik; Kepastian Hukum; Perlindungan Korban.

INTRODUCTION

Sexual violence is a form of criminal act that not only causes physical suffering for the victim, but also causes prolonged psychological and social impacts. In many cases, the victim is in a vulnerable position so it is difficult to protect himself. In addition to experiencing trauma, victims also often face social stigma, are targeted by victim blaming, and experience doubts about the truth of their confessions or testimonies.¹ One form of sexual violence is sexual harassment which is generally differentiated into verbal and nonverbal sexual harassment. Nonverbal sexual harassment is carried out through physical acts or unwanted contact with the victim's body, while verbal sexual harassment is manifested through sexually charged speech or expressions, such as comments, whistling, praise, seduction, requests, and shouting. In practice, verbal sexual harassment is more common than nonverbal sexual harassment.²

One form of verbal sexual harassment that is widely found in public spaces is *catcalling*. The term refers to sexually charged behavior that is carried out through speech, whistling, certain gestures, shouting, or comments directed at someone without their consent, although not always explicitly conveyed. This behavior generally occurs when the victim is in a public space, such as walking on the street or in a public place. *Catcalling* cannot be seen as a joke or an ordinary compliment, but rather a form of sexual harassment that has the potential to cause fear, embarrassment, discomfort, and psychological distress for its victims, especially women. In practice, catcalling can be in the form of whistling, greetings such as "*Hey, beautiful, here first,*" comments about body shape such as "*Your body is so seductive,*" gazes that focus on certain parts of the body, to actions that develop into physical touch without the victim's consent.³

As a form of behavior that is contrary to the norms of politeness, catcalling is still often considered a common thing because it generally occurs spontaneously and lasts for a short time. The low public understanding of the concept of catcalling causes many people to not realize that they can be victims or perpetrators. In fact, legal developments

¹ Niken Fernanda et al., "Victim Protection in the Crime of Sexual Violence," *Al-Zayn : Journal of Social & Legal Sciences* 3, no. 2 (2025): 1041–50, <https://doi.org/10.61104/alz.v3i2.1268>.

² Nurma Ningsi et al., "Catcalling as a Form of Verbal Sexual Harassment at Halu Oleo University, Kendari City," *Welvaart: Journal of Social Welfare Sciences* 5, no. 2 (2024): 282–89, <https://doi.org/10.52423/welvaart.v5i2.26>.

³ *Ibid.* Pages 283-284.

in Indonesia have provided a clearer legal basis for taking action against perpetrators of verbal sexual harassment. The enactment of Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) is an important milestone in expanding legal protection for victims, because the law recognizes that sexual violence is not only in the form of physical acts, but also includes non-physical acts committed through speech, gestures, or other sexually charged behaviors.⁴

However, the regulation regarding verbal sexual harassment in Indonesia's positive law still leaves various problems. Until now, there has been no provision that explicitly qualifies verbal harassment as a separate criminal act. As a result, the law enforcement process against perpetrators is more based on the interpretation of the norms contained in Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) and other provisions of laws and regulations. This condition creates legal uncertainty, both regarding the limits of acts that can be categorized as verbal harassment and regarding the form of legal accountability that can be imposed on the perpetrator.

Efforts to provide legal protection to victims of verbal abuse also still face various obstacles. The characteristics of verbal abuse, which generally occur spontaneously, last for a short time, and are often not witnessed by others, make the process of proving it more difficult. In addition, there is still a growing assumption in society that verbal harassment is not a serious form of sexual violence, so many victims choose not to report the events they experienced. The low understanding of law enforcement officials and the public regarding verbal harassment as a form of non-physical sexual violence further increases the obstacles in realizing effective legal protection for victims.⁵

The above description shows that catcalling as a form of verbal sexual harassment still raises various problems, both in terms of legal regulation and the implementation of protection for victims. Although Law Number 12 of 2022 concerning the Crime of Sexual Violence has provided a legal basis for handling non-physical sexual violence, there are still issues regarding legal certainty, clarity of norm limits, and the effectiveness of legal protection for catcalling victims. The novelty of this research lies in the reconstruction of legal norms regarding the regulation of catcalling as a form of non-physical sexual harassment that has not been expressly regulated in Indonesian positive law. The reconstruction was carried out through an analysis of the norms spread in Law Number 12 of 2022 concerning the Crime of Sexual Violence and the Criminal Code, resulting in a more systematic legal construction as a basis for strengthening legal certainty and legal protection for victims. Therefore, this study is important to analyze the regulation of catcalling in Indonesian positive law as well as examine various issues related to legal protection for victims of verbal sexual harassment.

RESEARCH METHODS

This research uses normative legal research methods, which are research that focuses on the study of legal norms contained in various laws and regulations and other legal sources. Normative legal research or *doctrinal legal research* aims to examine law as a system of norms through the analysis of authoritative legal materials, such as laws

⁴ Mar 'atul Khumairok and Noenik Soekorini, "Catcalling as Verbal Sexual Harassment Behavior Reviewed from a Criminal Law Perspective," *UNES Law Review* 7, no. 1 (2024): 114–27, <https://doi.org/10.31933/unesrev.v7i1.2228>.

⁵ Sinaga, Gustavo Hasiholan., "Verbal Sexual Harassment (Catcalling): A Review of Criminal Law and Its Implications in Society.," *Tambusai Education Journal* 9, no. 1 (2024).

and regulations, court decisions, doctrines, and relevant legal literature.⁶ The approaches applied in this study include a statutory approach *and a* conceptual approach. The legislative approach is carried out by examining various legal provisions that regulate the protection of victims of verbal sexual harassment, including Law Number 12 of 2022 concerning the Crime of Sexual Violence, the Criminal Code, and other laws and regulations that are related to the object of research. Meanwhile, a conceptual approach is used to examine relevant legal concepts, such as verbal harassment, verbal sexual harassment, legal protection, and legal theories that are the basis for analyzing victim protection.⁷

The legal materials used consist of primary, secondary, and tertiary legal materials. Primary legal materials include Law Number 12 of 2022 concerning the Crime of Sexual Violence, the Criminal Code, Law Number 39 of 1999 concerning Human Rights, and various other laws and regulations related to research problems. The secondary legal materials were obtained from books, scientific articles, research results, and the opinions of experts who discuss verbal sexual harassment, legal protection, and criminal law. Furthermore, tertiary legal materials in the form of legal dictionaries, language dictionaries, legal encyclopedias, and various other references are used to clarify the meaning of legal terms and concepts used in research.

The technique of collecting legal materials is carried out through literature studies with the stages of inventory, identification, classification, and review of various legal materials relevant to the issue being studied. All legal materials are then analyzed qualitatively using grammatical, systematic, and teleological interpretation methods.⁸ Grammatical interpretation is used to understand the meaning of norms based on language formulations in the provisions governing non-physical sexual harassment. Systematic interpretation is applied by linking the provisions in Law Number 12 of 2022 concerning the Crime of Sexual Violence with the Criminal Code and other related laws and regulations so that a complete understanding of the applicable legal system is obtained. Meanwhile, teleological interpretation is used to interpret the purpose of establishing legal norms in providing protection to victims of verbal abuse. All the results of the analysis were then arranged argumentatively to build a legal construction regarding the regulation of verbal harassment in Indonesia's positive law and provide an analysis of legal protection for victims.

RESULTS AND DISCUSSION

The Concept of Catcalling as a Form of Verbal Sexual Harassment

Catcalling is a term that is not fully understood by the public, although the practice is widely found in various countries. This phenomenon often occurs in public spaces, but there are still many people who do not know its meaning or characteristics. In general, catcalling is understood as a form of harassment that occurs in public spaces and is included in the category of verbal sexual harassment because it is generally carried out by unknown people against the victim. According to Chun, catcalling is an action carried out in public places, such as roads, sidewalks, or bus stops, through the use of sexually

⁶ Erman Rahim, *Legal Research Methods. Types and Approaches to Legal Research* (CV. Gita Lantera, 2025).

⁷ Fence M Wantu and Fenty Puluholawa. 2025, *Legal Theory, Dynamics of a Debate* (UII Press, 2025).

⁸ Irpan Suriadiata and Habibul Umam Taquiuddin, *The Rationality Behind the Decision: Examining the Legal Considerations of Judges in Trial*, 4, no. 2 (2026): p. 88, <https://doi.org/https://doi.org/10.69503/retorika.v4i2.1539>.

charged words as well as verbal and nonverbal expressions. The verbal form of catcalling can be in the form of whistling, comments about appearance, or sexual remarks, while nonverbal forms can be realized through gazes that have sexual connotations or body gestures that objectify the victim.⁹

Sexual harassment, whether verbal or nonverbal, is an act that contains sexual elements and is carried out without the consent of the victim so that it has the potential to cause discomfort, humiliation, fear, or threats. Verbal sexual harassment is carried out through verbal communication, for example in the form of whistling, comments on physical appearance, sarcasm or jokes with sexual content, and unwanted sexual invitations. Meanwhile, nonverbal sexual harassment is manifested through actions or body language without using words, such as sexual gazes, indecent body movements, showing sexually charged images or materials, sending symbols or *emojis* with sexual connotations, and following or approaching someone with sexual intentions.¹⁰

The grouping of sexual harassment into verbal and nonverbal forms is not intended to indicate the seriousness of an act, but only as a classification based on the way the perpetrator performs his or her actions. In practice, the two forms often appear at the same time. For example, the perpetrator whistles while staring at the victim's body or accompanied by gestures that contain sexual meaning. The assessment of an act as sexual harassment cannot be based solely on the form of its behavior, but must also consider the existence of elements without the victim's consent, the impact caused, and violations of the victim's dignity and security as the main elements in sexual harassment.

Verbal sexual harassment is an act characterized by the use of speech, voices, gestures, or other forms of communication that are sexually charged and directed at a person without their consent. These actions can cause various psychological impacts for the victim, such as embarrassment, anger, fear, anxiety, and loss of security. In practice, victims of verbal sexual abuse often face social stigma and are targeted by *victim blaming*, where the environment blames the victim's way of dressing or behavior, while the perpetrator does not receive the appropriate condemnation. This condition further worsens the psychological impact experienced by victims and causes many victims to choose not to report the events they experienced. In fact, the choice of clothing and behavior of a person cannot be used as an excuse to justify the occurrence of a criminal act. Therefore, the state has an obligation to provide legal protection to victims while eliminating the social stigma that develops in society.¹¹

The main problem in verbal sexual harassment does not only lie in the actions of the perpetrator, but also in the culture of society that still considers this behavior as a joke, a form of attention, or praise for women. Such views encourage the normalization of catcalling and other forms of verbal sexual harassment so that victims often feel afraid, embarrassed, or worried that they will not be trusted if they report their experiences. This condition shows that legal protection is not enough to be realized through the formation of laws and regulations alone, but also requires a change in the legal culture of society so

⁹ Salsa Putri Diandra and Sofa Laela, "Law Enforcement of Catcalling Sexual Harassment in the Perspective of Indonesian Criminal Law," *Journal of Educational Multidisciplinary Research* 2, no. 3 (2025): 37–55, <https://doi.org/10.71282/jurmie.v2i3.173>.

¹⁰ Aena Linda Mustika et al., "Criminal Liability for Verbal Harassment Crimes Through Social Media," *Bhirawa Law Journal* 2, no. 1 (2021): 67–72, <https://doi.org/10.26905/blj.v2i1.5856>.

¹¹ Ferdianicko Maulana Hardiman and Yusuf Saefudin, "ACCOUNTABILITY OF PERPETRATORS OF VERBAL SEXUAL HARASSMENT OF WOMEN IN PUBLIC," *Amerta Journal of Social Sciences and Humanities* 3, no. 1 (2023): 33–40.

that every form of sexual harassment, including verbal harassment, is understood as a violation of the rights, dignity, and integrity of every individual.

Protection of victims of verbal sexual harassment is also part of the fulfillment of human rights guaranteed in the 1945 Constitution of the Republic of Indonesia and various other national legal instruments. The right to security, freedom, equality before the law, and protection from treatment that degrades human dignity are fundamental rights that must be guaranteed by the state. Therefore, verbal sexual harassment can be seen as a form of human rights violation if it results in a violation of a person's basic rights, including the right to security, liberty, and protection from inhuman or degrading treatment. In the international context, alleged human rights violations related to sexual harassment can be brought through the competent human rights justice mechanism if they meet the legal requirements and are supported by adequate evidence.¹²

Viewed from a philosophical perspective, verbal harassment can be understood not only as behavior that is contrary to the norms of decency, but also as an act that violates the right of every individual to gain a sense of security and respect for his or her dignity in public spaces. According to H.L.A. Hart, law is a system of rules that not only imposes obligations on society, but also binds lawmakers in drafting and implementing legal norms. In addition, the law functions as an instrument for regulating social behavior to create order and provide protection for the interests of each individual. Based on this view, legal regulation regarding verbal harassment is a form of state responsibility in guaranteeing the right of the community to be free from actions that degrade dignity and disturb a sense of security.¹³

This view is in line with the feminist legal theory put forward by Catharine MacKinnon, who views sexual harassment as a manifestation of power relations inequality rooted in gender constructions. According to MacKinnon, sexual harassment cannot be understood solely as a violation of moral norms, but also as a form of discrimination that places women as objects and limits their freedom to use public spaces safely and equally. Thus, verbal harassment must be positioned as a form of non-physical sexual violence that not only contradicts the norms of decency, but also violates human rights, degrades human dignity, and hinders the realization of gender equality. Therefore, a clearer and more comprehensive arrangement is needed in Indonesia's positive law to provide legal certainty and effective protection for victims.¹⁴

The recognition of verbal abuse as a form of human rights violation shows that the protection of victims is not enough to be realized through the provision of sanctions to the perpetrators alone. The state is also obliged to ensure the fulfillment of victims' rights to security, legal protection, and access to justice. This responsibility must be realized through the establishment of regulations that provide legal certainty, effective law enforcement, and legal education to the public so that verbal harassment is no longer seen as normal or tolerable behavior. Thus, protection for victims needs to be carried out comprehensively through preventive, repressive, and rehabilitative approaches as part of the fulfillment of human rights.

¹² Mochammad Alfin Ramdhan et al., "The Rise of Catcalling (Verbal Harassment) Reviewed from the Perspective of Criminal Law and Human Rights," *Proceedings of the Actual Law Seminar of the Faculty of Law, Islamic University of Indonesia*, July 26, 2024, 158–66.

¹³ Abdil Azizul Furqon et al., "Constitutional Court Decision No. 90/PUU-XUI/2023 in the Perspective of the Legal Philosophy of H.L.A Hart and Ronald Dworkin," *Iblam Law Review* 4, No. 1 (2024): p. 420, <https://doi.org/10.52249/Ilr.V4i1.296>.

¹⁴ Elizabeth Anderson, "Recent Thinking about Sexual Harassment: A Review Essay," *Philosophy & Public Affairs* 34, no. 3 (2006): 284–312, <https://doi.org/10.1111/j.1088-4963.2006.0069.x>.

Catcalling Regulation in Indonesia's Positive Law

Verbal harassment (*catcalling*) as a form of verbal sexual harassment is not only contrary to the norms of decency, but is also a violation of human rights principles that have been recognized in various international legal instruments. Legal protection of victims of sexual harassment is part of the state's obligation to ensure respect for human dignity, equality before the law, and protection from all forms of discrimination and violence. In this context, various international human rights instruments have become the normative basis that strengthens the development and implementation of regulations on verbal abuse in the national legal system.

One of the international instruments that has relevance to the protection of victims of verbal abuse is the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), which has been ratified by Indonesia through Law Number 7 of 1984. The Convention obliges each State Party to take effective measures to eliminate all forms of discrimination against women, whether by state officials or by individuals.¹⁵ Although it does not explicitly mention the term catcalling, CEDAW places sexual harassment as a form of discrimination that can hinder women from enjoying the full right to security, dignity, freedom, and equality with men. Thus, the provisions in CEDAW provide a normative basis for states to form policies and regulations that are able to prevent and provide effective protection for victims of verbal sexual harassment.

The interpretation of the provisions of CEDAW was clarified by the CEDAW Committee through General Recommendation No. 19, which affirmed that gender-based violence is a form of discrimination against women as referred to in the convention. Furthermore, General Recommendation No. 35 expands the scope of protection by affirming the state's obligation to carry out preventive measures, investigations, prosecutions, sanctions, and remedies for all forms of gender-based violence, including sexual harassment that occurs in public spaces. Verbal harassment (*catcalling*) as a form of verbal sexual harassment can be seen as part of gender-based violence that must obtain legal protection from the state.

The protection of victims of verbal abuse also has a legal basis in the *International Covenant on Civil and Political Rights* (ICCPR) which has been ratified by Indonesia through Law Number 12 of 2005.¹⁶ The Covenant guarantees everyone's right to personal security, equality before the law, and protection from treatment that degrades human dignity. Therefore, acts of verbal harassment that cause fear, intimidation, or discomfort when a person is in a public space is an act that is contrary to the guarantees of civil rights recognized in the ICCPR.

In addition, the *Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment* (CAT) also affirms the right of every individual to be protected from torture or cruel, inhuman, or degrading treatment or punishment.¹⁷ Although verbal abuse is not essentially categorized as a form of torture, it can be seen as

¹⁵ Khaerul Umam Noer, Titiek Kartika, Lidwina Inge Nurtjahyo, Varinia Pura Damaiyanti, *Dismantling Sexual Violence in Higher Education: Early Thinking* (Yayasan Pustaka Obor Indonesia, 2022), p. 11.

¹⁶ Rines Prameswari and Ridarson Galinggng, *Recognition and Protection of the Auyu and Moi Tribes According to the Perspective of Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights*, (2025) 16, No. 1 (N.D.), <https://doi.org/10.33476/Ajl.V16i1.5611>.

¹⁷ Ahmad Adi Fitriyadi, Fikry Latukau, *The Importance of Implementing Legislation of the 1984 Convention Against Torture into Indonesian National Law*, 5, no. 2 (2020), <https://doi.org/10.30598/belobelovol5issue2page97-114>.

degrading treatment if it is repeated, intimidating, or causes serious psychological distress to the victim. Thus, the principles contained in CAT also provide a normative basis for the protection of victims of verbal sexual harassment as part of respect for human dignity.

In addition to these various international human rights instruments, the Yogyakarta Principles also affirm that everyone has the right to be protected from all forms of violence, discrimination, and harassment regardless of gender or other identities.¹⁸ These principles place the state as the responsible party to ensure the safety of every individual in the public space through the establishment of effective policies, laws and regulations, and law enforcement mechanisms. The regulation of verbal harassment in Indonesia's positive law is not only the implementation of the country's constitutional obligations, but also a form of implementation of Indonesia's commitment to implementing various international human rights instruments that have been ratified.

Verbal harassment or catcalling is a form of verbal sexual harassment that is degrading, unwanted, and disturbs the dignity of the victim, which in practice is more experienced by women. This phenomenon cannot be separated from the inequality of gender relations influenced by patriarchal culture, where women are often positioned as sexual objects. In fact, women have the same rights as men to enjoy public spaces and express themselves, including in determining how to dress. The assumption that clothes worn by women are the cause of verbal harassment is basically a form of stereotype and victim blaming that is used to justify the behavior of the perpetrator, so it cannot be used as a valid reason to reduce accountability for these acts.¹⁹

In Indonesia's positive law, the regulation regarding non-physical sexual harassment has been accommodated in Law Number 12 of 2022 concerning the Crime of Sexual Violence. Article 1 number 1 defines sexual violence as any act that meets the elements of a criminal act as regulated in the law as well as other forms of sexual violence specified in the provisions of laws and regulations. Furthermore, Article 4 paragraph (1) letter a stipulates that non-physical sexual harassment is a form of sexual violence. This provision is then emphasized in Article 5 which stipulates that every person who commits non-physical sexual acts against a person's body, sexual desire, and/or reproductive organs with the aim of degrading his dignity, dignity, or decency because of his sexuality and/or decency can be subject to imprisonment for a maximum of nine months or a maximum fine of Rp.10,000,000.00 (ten million rupiah).²⁰ The explanation of Article 5 also provides a limitation that what is meant by non-physical sexual acts includes speech, gestures, body movements, and other forms of behavior that are oriented towards sexuality and are carried out with the intention of humiliating or degrading a person's dignity.

Catcalling is a form of behavior that is manifested through speech, sound, and nonverbal gestures that are sexual in nuances and addressed to someone without their consent. These behaviors can be in the form of whistling, kissing or kissing sounds from a distance, comments about physical appearance, greetings conveyed with sexual connotations, to vulgar expressions or words that demean the victim. In addition, staring

¹⁸ Morgan Carpenter, "Intersex Human Rights, Sexual Orientation, Gender Identity, Sex Characteristics and the Yogyakarta Principles plus 10," *Culture, Health & Sexuality* 23, no. 4 (2021): 516–32, <https://doi.org/10.1080/13691058.2020.1781262>.

¹⁹ Antory Royan Adyan, "Socialization of Catcalling in Law Number 12 of 2022 concerning the Crime of Sexual Violence," *Kutei Scientific Journal* 23, no. 2 (2024), <https://doi.org/https://doi.org/10.33369/jik.v23i2.37139>.

²⁰ Article 1 paragraph (1), 4 paragraph 1 letter a, Article 5 of Law Number 12 of 2022 concerning the Crime of Sexual Violence

that is carried out continuously or excessively so that it causes discomfort can also be categorized as a form of non-physical sexual harassment. Catcalling is an action carried out consciously by the perpetrator through verbal and non-verbal communication that has the potential to degrade dignity, disrupt the sense of security, and cause discomfort for the victim.²¹

From Indonesia's positive legal perspective, catcalling can be qualified as non-physical sexual harassment as long as it meets the elements stipulated in Article 5 of Law Number 12 of 2022 concerning the Crime of Sexual Violence. The provision stipulates that any sexual act that is carried out non-physically against a person's body, sexual desire, and/or reproductive organs with the aim of degrading his dignity, dignity, or decency because of his sexuality and/or decency is a criminal offense. Thus, catcalling cannot be seen as a joke, praise, or a form of attention, but is a form of non-physical sexual violence that can cause psychological impacts in the form of shame, fear, anxiety, and insecurity for the victim. If all elements of the criminal act are met, the perpetrator can be held criminally liable in accordance with the provisions of the applicable laws and regulations.

Regulations regarding acts that violate morality are also found in the new Criminal Code. Article 414 paragraph (1) stipulates that every person who commits an act that violates the morality of another person in public can be subject to imprisonment for a maximum of one year and six months or a category III fine. The provision also provides a heavier criminal threat if the act is carried out using violence or threats of violence, or if the act is related to the dissemination of pornographic material. Furthermore, Article 414 paragraph (2) emphasizes that any person who forces another person to commit acts that violate morality with violence or threats of violence can be sentenced to a maximum of nine years in prison. The regulation shows that Indonesia's criminal law provides protection for everyone from various forms of acts that attack morality, including acts that can qualify as sexual harassment if they meet the elements that have been determined by law.²²

The previous points show that there is a difference in regulation between the Criminal Code (KUHP) and Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law) in regulating acts related to sexual harassment. Both the old Criminal Code and the new Criminal Code still use the concept of acts that violate morality or norms of decency, without expressly regulating verbal sexual harassment. On the contrary, the TPKS Law provides a more progressive arrangement by recognizing non-physical sexual harassment as a form of sexual violence. These differences show that the TPKS Law provides a more specific legal basis in providing protection for victims of verbal sexual harassment, while the provisions in the Criminal Code are still general so that they have the potential to give rise to various interpretations in law enforcement practices.²³

Although the TPKS Law has provided a clearer legal basis regarding non-physical sexual harassment, its application to cases of verbal harassment in public spaces still faces various obstacles. One of the main obstacles is the lack of a limit that explicitly defines the term "verbal harassment", thus opening up the opportunity for differences in interpretations of what can be qualified as verbal sexual harassment. In addition, the

²¹ Antory Royan Adyan, Op.Cit. Page 156.

²² Article 414 of Law Number 1 of 2023 concerning the Criminal Code.

²³ Ricky Ardian Pramufianto et al., "Comparison of Verbal Sexual Harassment Crimes in the Old Criminal Code with the New Criminal Code," *Borobudur Law and Society Journal* 2, no. 6 (2023): 271–78, <https://doi.org/10.31603/10010>.

characteristic of catcalling, which generally occurs spontaneously, lasts for a short time, and is often not witnessed by others, making the proving process more difficult. This condition shows that the effectiveness of legal protection for victims does not only depend on the clarity of legal norms, but also requires a law enforcement system that is able to support the evidentiary process and handle cases optimally.

These differences in regulation indicate the importance of a more comprehensive analysis to determine whether verbal abuse can qualify as a criminal offense. Although often seen as mild behavior, catcalling has the potential to be an entry or escalation to more serious forms of sexual violence, including physical sexual abuse and rape. To assess whether an act qualifies as a criminal act, the analysis can be carried out using the elements of the criminal act put forward by Simons, which include:²⁴

First, catcalling fulfills the element of an act committed by the perpetrator. These actions are carried out consciously through the delivery of comments, whistles, expressions, or other forms of communication that are sexually charged and aimed at the victim. This act makes the victim a sexual object so that it causes discomfort, shame, intimidation, and harassment. For example, the perpetrator makes comments about the victim's physical appearance or utters words that contain sexual or pornographic content.

Second, catcalling can be qualified as an act that has legal consequences if it meets the elements of a criminal act as stipulated in applicable laws and regulations, especially Law Number 12 of 2022 concerning the Crime of Sexual Violence. This act cannot be seen as a joke or reasonable behavior because it has the potential to degrade the dignity of the victim and cause psychological impacts. In addition, catcalling is often an early form that can develop into sexual harassment on a more serious level. Therefore, law enforcement and preventive measures are needed to prevent the escalation of other forms of sexual violence.

Third, catcalling is an act that is contrary to the law because it violates everyone's right to a sense of security, self-protection, and respect for human dignity. This principle is in line with the provisions of Article 30 of Law Number 39 of 1999 concerning Human Rights which guarantees everyone's right to a sense of security and protection from threats against him. Thus, verbal sexual harassment cannot be seen as tolerable behavior, but as an act that has an unlawful nature if it meets the elements specified in laws and regulations.

Fourth, the element of guilt is also fulfilled because in general, the perpetrator does catcalling with his own awareness and will. This action shows an element of intentionality (*dolus*), considering that the perpetrator understands and wants his sexually charged act to be directed at the victim. In addition, there is no justification or excuse that can remove the perpetrator's unlawful nature or criminal responsibility. Therefore, if all elements of the criminal act are met, the perpetrator can still be held accountable according to the criminal law.

Fifth, criminal liability is a consequence of the fulfillment of all elements of criminal acts committed by a person who has the ability to be responsible. In the context of catcalling as a form of verbal sexual harassment, the perpetrator can in principle be held criminally liable if it is proven that they committed the act intentionally and met the elements of the criminal act regulated in the laws and regulations. These acts not only disturb the victim's sense of security, freedom, and dignity, but also cause fear in the

²⁴ Murakaba Murakaba and Mohamad Rafi'ie, "Juridical Review of Catcalling (Verbal Sexual Harassment): Based on Law No. 12 of 2022 concerning the Crime of Sexual Violence in Indonesia," *Justicia Journal* 12, no. 2 (2023): 223–39, <https://doi.org/10.32492/jj.v12i2.12206>.

public in using public spaces. Therefore, handling catcalling requires consistent law enforcement accompanied by preventive efforts through education and increasing public legal awareness so that this behavior does not develop into a more severe form of sexual violence

Legal Protection Issues for Catcalling Victims

One of the fundamental problems in legal protection for victims of verbal harassment (catcalling) is that there is no regulation that expressly defines the term in laws and regulations. Although Law Number 12 of 2022 concerning the Crime of Sexual Violence has recognized the existence of non-physical sexual harassment as a criminal act, its application to catcalling cases still faces various obstacles. One of the causes is the characteristic of verbal abuse which generally occurs spontaneously, lasts a short time, and often does not leave an adequate piece of evidence. This condition causes the proof in the law enforcement process to be more complex and opens up the opportunity for differences in interpretation regarding whether an act can qualify as verbal sexual harassment. As a result, not all catcalling incidents can be effectively processed through the available legal mechanisms.

From the perspective of the principle of legality, the absence of regulations that explicitly regulate catcalling also raises questions about legal certainty. Although Article 5 of Law Number 12 of 2022 regulates non-physical sexual harassment, this provision does not provide strict limits on the elements of catcalling as a form of verbal sexual harassment. This situation has implications for the unfulfilled principle of *lex certa*, which requires the formulation of criminal norms to be clearly drafted, as well as the principle of *lex stricta*, which prohibits the expansion of the meaning of criminal norms through excessive interpretation. The application of these provisions in practice still depends heavily on the interpretation of law enforcement officials, so that legal certainty for victims and law enforcement is not fully guaranteed.

Legal protection is essentially the state's effort to ensure the fulfillment of everyone's right to justice, security, and equality before the law. According to Philipus M. Hadjon, legal protection consists of two forms, namely preventive protection and repressive protection. Preventive protection is realized through the establishment of legal norms that provide certainty and prevent violations from occurring, while repressive protection is implemented through law enforcement mechanisms for violations that have occurred. In the context of catcalling, the absence of a regulation that specifically regulates verbal harassment shows that the aspect of preventive legal protection is still not optimal. As a result, the settlement of cases depends more on the interpretation of law enforcement officials on existing provisions, so that it has the potential to cause legal uncertainty and reduce the effectiveness of protection for victims.²⁵

In addition to the issue of legal regulation, proof in *catcalling* cases is also a fairly complex challenge in the judicial process. As a form of non-physical sexual harassment, catcalling has different characteristics from conventional criminal acts because it generally does not leave physical evidence. These acts usually occur spontaneously, last for a short time, and are carried out in public spaces, so victims often have difficulty obtaining adequate evidence, either in the form of recordings, documents, or witness statements. This condition causes the evidentiary process to be more difficult and can

²⁵ Kornelis Bediona et al., "Analysis of Legal Protection Theory According to Philipus M Hadjon in Relation to the Imposition of Castal Punishment for Sexual Offenders," *Das Sollen: Journal of Contemporary Studies of Law and Society* 2, no. 01 (2024), <https://journal.forikami.com/index.php/dassollen/article/view/557>.

ultimately hinder the effectiveness of law enforcement and criminal liability for the perpetrator.²⁶

Another challenge that is still often encountered is the perspective of blaming the victim, both in the community and in law enforcement practices. Victims are often considered to trigger harassment because of the way they dress, the time of activity, or the lifestyle they live. This view not only reinforces the stigma against victims, but also hinders their access to justice. As a result, many victims choose not to report their experiences for fear of not being trusted, blamed, or not getting adequate legal protection. This condition shows that the low understanding of verbal sexual harassment is still one of the factors that hinders the effectiveness of legal protection for victims.²⁷

From the perspective of Islamic law, the practice of blaming the victim is not in line with the principle of justice taught in the Qur'an. Allah Swt. Daffirmed in Surah An-Nur verses 30–31 which reads : *"Say to the believing men that they should guard their eyes and guard their genitals. Thus it is more sacred to them. Indeed, Allah is Thorough in what they do."* The order shows that the responsibility to maintain honor, control oneself, and prevent sexual harassment is an obligation imposed on men and women proportionately. The victim's clothing, appearance, or activities cannot be used as an excuse to justify verbal sexual harassment or shift the blame to the victim. The practice of victim blaming is contrary not only to the principles of human rights protection, but also to the values of justice and responsibility taught in Islamic law.

In addition to normative and evidentiary constraints, social factors also weaken the effectiveness of legal protection for victims of verbal sexual harassment. In practice, people still show a tendency to blame the victim (victim blaming) while providing justification for the behavior of the perpetrator. Victims of sexual violence often do not receive adequate empathy, and are often the target of scorn, discriminatory treatment, or exclusion, including from the family environment who consider the event as a disgrace that must be covered. This condition shows that verbal sexual harassment is still often normalized in people's lives so that it is not seen as an act that has criminal consequences. As a result, victims experience social stigma, repeated victimization, and rejection from the surrounding environment, which ultimately makes them reluctant to report the events they experienced because they are worried about facing a negative response from the community.²⁸

The prohibition of doing actions that hurt others is affirmed in the hadith of the Prophet PBUH which states that

"Having narrated to us Bakr Ibn Abdul Wahhab, he said: He has narrated to us Abdullah bin Nafi' and Yunus bin Yahyā, both from Dawud bin Qais, from Abu Sa'id, from Abu Hurairah, that the Messenger of Allah (peace and blessings of Allaah be upon him) said: Every Muslim against another Muslim is haram (his rights should not be violated): his blood (his soul), his property, and his honour."

²⁶ Putri Oktavia et al., "Catcalling As A Form Of Verbal Abuse: Psychological Impact On Women In Public Spaces From The Perspective Of Law And Human Rights," *JURNAL HUKUM SEHASSEN* 11, no. 2 (2025): 407–12, <https://doi.org/10.37676/jhs.v11i2.9510>.

²⁷ Ibid, p. 408.

²⁸ Nengah Selandin Tyas Pangesti Latra Wijayanti and Luh Made Karisma Sukmayanti Suarya, "The Phenomenon of Victim Blaming in Victims of Sexual Violence: A Literature Review," *Psychopolytan : Journal of Psychology* 7, no. 1 (2023): 12–20, <https://doi.org/10.36341/psi.v7i1.3072>.

Viewed through a hermeneutic approach, the hadith is not only understood as a provision that applied during the time of the Prophet (peace be upon him), but also contains universal values regarding respect for human dignity and the protection of the human rights of every individual. A contextual interpretation of the hadith shows that respect for one's honor is an ethical principle that must be realized in social life. Any form of action that degrades, humiliates, or attacks the dignity of a person, including verbal sexual harassment, is contrary to the values of justice, respect for human rights, and the principle of the protection of honor taught in Islamic law.²⁹

The impact caused by verbal sexual abuse is not only felt in the social life of the victim, but also has a significant effect on their psychological state. Victims often experience trauma, discomfort, anxiety, and decreased confidence after experiencing these actions. In many cases, the experience also causes the victim to limit activities in public spaces, such as avoiding traveling alone or using public transportation because they no longer feel safe. This situation suggests that verbal sexual harassment not only harms individuals personally, but also has implications for reduced participation, especially women, in social life.³⁰

The negative stigma that develops in society further aggravates the condition of victims. Fears of rejection, judgment, or disbelief in their experiences cause many victims to choose not to seek help or report the events that happened to them. As a result, the psychological recovery process becomes increasingly difficult, while the risk of mental health disorders also increases.³¹ These conditions show that verbal sexual harassment not only causes psychological suffering, but is also an act that harms the honor, dignity, and basic rights of the victim. From an Islamic perspective, the protection of human dignity is a fundamental principle that must be maintained in every aspect of life. Allah SWT says in QS. Al-Isra verse 70:

"Verily, We have glorified the descendants of Adam and We have carried them on land and in the sea. We have also bestowed upon them sustenance from the good, and We have made them superior to many creatures whom We have created with perfect advantages."

This verse affirms that every human being has an honor that must be respected and protected. Therefore, any form of desecration of a person's dignity, honor, and decency, including verbal sexual harassment, is contrary to the values taught in Islam. Protection of victims is not only interpreted as the fulfillment of legal guarantees, but also as a form of respect for the dignity, dignity, and glory of human beings as the creation of Allah SWT.

Basically, the problem of verbal sexual harassment cannot be separated from the inequality of gender relations that is still deeply rooted in people's lives. This inequality arises when one gender is in a more dominant position than the other. In Indonesia, this condition is reflected in the still strong patriarchal culture that places women as objects, as well as attaching stereotypes as weak and dependent. In contrast, men are often

²⁹ Noril and Huril Aini, "A Study of Hadith on Humanity in the Perspective of Hans-Georg Gadamer's Hermeneutics," *Al-Furqan : Journal of Religion, Social, and Culture* 5, no. 3 (2026): 2272–81. <https://publisherqu.com/index.php/Al-Furqan/article/view/4658>

³⁰ Dhea Salsa Fadhila et al., "Criminal Law Analysis of Catcalling: Efforts to Eradicate Sexual Harassment Culture in Public Spaces," *Activism: Indonesian Journal of Educational, Political and Social Sciences* 2, no. 1 (2025): 145–53, <https://doi.org/10.62383/aktivisme.v2i1.724>.

³¹ Laura C. Wilson et al., "The Impact of Victim Blaming and Locus of Control on Mental Health Outcomes Among Female Sexual Assault Survivors," *Violence Against Women* 28, nos. 15–16 (2022): 3785–800, <https://doi.org/10.1177/10778012221088304>.

positioned as the party with authority, power, and dominance due to the social constructs that associate them with masculine traits. This unbalanced relationship pattern is one of the factors that encourages the normalization of various forms of verbal sexual harassment.³²

This view can be analyzed through Roscoe Pound's legal theory of *law as a tool of social engineering*. According to Pound, the law not only functions as a means of social control, but also as an instrument that is able to encourage social change in a more just direction through the formation of people's behavior. In the context of verbal sexual harassment, the legal function is not enough to be realized only through the provision of sanctions to the perpetrators, but must also be directed to change the culture of society that still tolerates the practice of catcalling and the tendency to blame the victim (*victim blaming*). Efforts to strengthen legal protection need to be accompanied by improving regulations, improving legal education, and building public awareness in order to create a culture that respects the dignity, equality, and right of every individual to gain a sense of security in public spaces.³³

According to Islamic teachings that place women as individuals who have the honor and right to obtain protection from all forms of violence and harassment. The principle of protection of women is also affirmed in QS. Al-Ahzab verse 59 which reads:

"O Prophet (Muhammad), tell your wives, your daughters and the wives of the believers that they should stretch their veils all over their bodies. This is so that they are easier to recognize so that they are not disturbed. God is Forgiving and Merciful."

The essence of this verse is not intended to justify the occurrence of harassment if women do not meet certain standards, but to affirm that Islam wants the creation of a public space that is safe, dignified, and free from all forms of harassment against women. The responsibility to prevent harassment lies with all members of the community, especially those who commit the act, not on the victim. Thus, verbal sexual harassment (*catcalling*) is behavior that is contrary to the principles of Islamic sharia because it is not in line with the purpose of sharia in providing protection to every individual.

Referring to the discussion above, it can be understood that the effectiveness of legal protection for victims of verbal sexual harassment is not only determined by the existence of legal norms, but also influenced by the performance of the law enforcement system and the social conditions of the community. The lack of an explicit regulation governing catcalling, coupled with a limited understanding of verbal sexual harassment, has resulted in legal certainty not being optimally realized. As a result, the handling of cases still depends heavily on the interpretation of law enforcement officials. In addition, the characteristic of catcalling, which generally does not leave physical evidence, also causes difficulties in the evidentiary process, thus further hindering the provision of effective legal protection to victims.

If analyzed using the perspective of *maqāṣid al-syarī'ah*, legal protection for catcalling victims is part of the purpose of sharia in realizing human benefits. Verbal

³² Eugenia Prasmadena Tapianauli Rahayu Pitaloka and Addin Kurnia Putri, "The Meaning of Symbolic Violence in Verbal Sexual Harassment (Catcalling)," *Journal of Development and Social Change* 4, no. 1 (2021): 90–114, <https://doi.org/10.20961/jodasc.v4i1.52498>.

³³ Yeni Triana et al., "The Role of Roscoe Pound's Social Engineering Theory in Realizing Social Justice through Legal Discovery in Indonesia," *Journal of Social Science and Education Research* 1, no. 2 (2024): 58–71, <https://doi.org/10.59613/rape7j02>.

sexual harassment is not only contrary to the provisions of positive law, but also contrary to the purpose of the sharia which requires the maintenance of honor, safety of life, and human dignity.

Verbal sexual harassment (catcalling) is an act that attacks a person's honor (*'ird*) through words, comments, or expressions that have sexual nuances, insults, or degrades the dignity of the victim, especially women. In the perspective of *maqāṣid al-syarī'ah*, the protection of honor (*hifẓ al-'ird*) is one of the main goals of the sharia which emphasizes the importance of maintaining the self-esteem, dignity, integrity of the body, and reputation of every human being regardless of gender. Violations of honor not only cause losses to the individual victims, but also have an impact on social, psychological, and even spiritual aspects. Therefore, the state has an obligation to ensure legal protection so that everyone avoids actions that degrade their dignity and dignity in the public space. Legal protection for catcalling victims is a form of implementation of *the principle of hifẓ al-'ird* as an effort to maintain human honor in accordance with the goals of Islamic law.³⁴

The psychological impact experienced by the victim, such as fear, trauma, anxiety, loss of security, and limited freedom in carrying out daily activities, shows that verbal sexual harassment is also contrary to the principle of *hifẓ al-nafs* (protection of the soul) in *maqāṣid al-syarī'ah*. This principle places the protection of the soul as one of the main goals of the Shari'ah which not only includes physical safety, but also includes the mental health, tranquility, and psychological well-being of each individual. Thus, every form of violence, whether physical, sexual, or psychological, including catcalling, is an act that is contrary to the purpose of sharia. In this regard, the state and society have the responsibility to build a system of legal protection, health services, and social mechanisms that are able to provide comprehensive protection for women from various forms of threats that endanger their safety and dignity.³⁵

In addition, verbal sexual harassment is also not in line with the principle of *hifẓ al-karāmah*, which is the protection of human dignity as one of the fundamental values in *maqāṣid al-syarī'ah*. The practice of objectification of women through sexual speech or behavior is a form of insult to human dignity that is contrary to Islamic values and human rights principles. These violations of dignity not only have an impact on individual victims, but also affect the perspective of the public and the effectiveness of the law enforcement system in handling cases of verbal sexual harassment. The protection of human dignity must be the main foundation in the formation of policies and the implementation of law enforcement against acts of verbal sexual harassment.

The existence of gender bias in law enforcement practices, reinforced by the culture of victim blaming in society, shows that verbal sexual harassment cannot be seen solely as a juridical problem, but also as a social and cultural problem. The normalization of this behavior causes the victim to feel afraid, embarrassed, or hesitant to report the events they experience because they are worried about stigma and negative judgments from the surrounding environment. As a result, victims' access to justice has become increasingly limited. The effectiveness of legal protection is not enough to be realized through the enforcement of criminal sanctions alone, but also requires a change in the public's

³⁴ Bambang Tri Bawono et al., "Human Trafficking and the Relevance of Hifz Al-Nafs and Hifz al-'ird in Contemporary Islamic Legal Ethics," *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 597–618, <https://doi.org/10.32332/milrev.v4i1.10694>.

³⁵ Chindya Puspa Devi and Aminuddin Aminuddin, "Maq?? Id Al-Syar?' ah as the basis for protecting women from violence," *SANGAJI: Journal of Sharia and Legal Thought* 9, no. 2 (2025): 185–95, <https://doi.org/10.52266/sangaji.v9i2.5357>.

perspective on verbal sexual harassment as a violation of the rights, dignity, and security of every individual.

When compared to several other countries, the regulation regarding verbal sexual harassment in Indonesia is still relatively incomprehensive. France, for example, has criminalized "street harassment" through "Law No. 2018-703 on Reinforcing the Fight Against Sexual and Gender-Based Violence", which gives law enforcement officials the authority to impose sanctions in the form of fines against perpetrators of sexual harassment in public spaces, including actions such as whistling, sexually suggestive comments, and other speech that degrades a person's dignity.³⁶ Meanwhile, the Philippines adopted a broader approach through *Republic Act No. 11313 or the Safe Spaces Act of 2019*, which expressly classifies catcalling as a form of gender-based violence in public spaces. In addition to establishing criminal and administrative sanctions, the regulation also imposes obligations on the government, educational institutions, and the work environment to implement preventive measures while providing protection to victims.³⁷

Unlike the two countries, Indonesia has indeed acknowledged the existence of non-physical sexual violence through Law Number 12 of 2022 concerning the Crime of Sexual Violence, but until now there has been no provision that explicitly regulates catcalling or verbal sexual harassment as a form of sexual harassment in public spaces. This condition causes the application of the law to still be highly dependent on the interpretation of the authorities on elements of non-physical sexual harassment, so that it has the potential to cause legal uncertainty and has not been able to provide optimal protection to victims. The comparison shows that more specific regulations, as applied in France and the Philippines, can be used as a reference in the development of the law in Indonesia, both through the improvement of the provisions in the Anti-Corruption Law and the establishment of implementing regulations that provide legal certainty, clarify normative boundaries, and strengthen protection mechanisms for victims of verbal sexual harassment.

CONCLUSION

This study shows that legal protection for victims of verbal sexual harassment (catcalling) in public spaces has gained a normative foundation through Law Number 12 of 2022 concerning the Crime of Sexual Violence which recognizes non-physical sexual harassment as a criminal act. However, the absence of a regulation that explicitly defines catcalling and its delicate elements causes the application of the law to still depend on the interpretation of law enforcement officials, thus causing legal uncertainty and evidentiary constraints. This finding confirms that the existence of legal norms alone is not enough to guarantee the effectiveness of legal protection if it is not supported by clear legal formulations and consistent implementation.

From the perspective of *maqāṣid al-syarī'ah*, the practice of catcalling is contrary to the principles of *ḥifẓ al-'ird* (protection of honor), *ḥifẓ al-nafs* (protection of the soul), and *ḥifẓ al-karāmah* (protection of human dignity), because it has a psychological impact,

³⁶ E. Lacroix et al., "New Measures Introduced by Law No. 2018-703 Relating to Sexual and Gender-Based Violence," *La Revue de Médecine Légale* 11, no. 3 (2020): 100–106, <https://doi.org/10.1016/j.medleg.2020.05.001>.

³⁷ Wendel A. Ragusta, *Awareness Of Ra 11313 (Safe Spaces Act) To Political Science Students*, 9, no. 4 (2025), https://www.researchgate.net/profile/Wendel-Ragusta-Jr/publication/391483905_Awareness_of_RA_11313_Safe_Spaces_Act_to_Political_Science_Students/links/681a0201bd3f1930dd6cec0d/Awareness-of-RA-11313-Safe-Spaces-Act-to-Political-Science-Students.pdf.

reduces the sense of security, and degrades the dignity of the victim. This study also shows that the effectiveness of legal protection is influenced by structural and cultural factors, including gender bias in law enforcement, victim blaming culture, and normalization of verbal sexual harassment in public spaces. The main contribution of this research lies in the integration of positive legal perspectives and *maqāṣid al-syarʿah* in evaluating the effectiveness of legal protection against victims, thus resulting in a more comprehensive analytical framework for the development of legal policies oriented towards victim protection.

Based on these findings, this study recommends regulatory reform through the improvement of Law Number 12 of 2022 and its implementing regulations by providing a clearer definition of catcalling, elements of criminal acts, and its proof mechanism. In addition, it is necessary to strengthen the capacity of law enforcement officials, implement a victim-centered approach, and increase public education to reduce victim blaming and build a culture that does not tolerate verbal sexual harassment. The next research is suggested to test the effectiveness of the implementation of the policy through empirical studies in various regions and explore comparative approaches with the legal systems of other countries to enrich the formulation of victim protection policies in Indonesia.

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