

The Impact of the Legal Framework and Reporting Mechanisms in Eradicating Sexual Harassment in the Workplace in Indonesia

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ABSTRACT

This study looks into how reporting procedures and legal frameworks affect the effort to end sexual harassment in Indonesian workplaces. Even with current laws in place, sexual harassment is still a common occurrence, so a thorough review of the legal system is required. This study identifies important legislative provisions, evaluates their efficacy, and investigates the difficulties faced by victims using a mixed-methods methodology that includes legal analysis, questionnaires, and interviews. The results provide insights from both global and regional viewpoints, point out the advantages and disadvantages of the legislative framework, and clarify the subtleties of reporting procedures. Suggestions for focused changes and enhanced reporting procedures are meant to support Indonesia's continuous endeavors to establish more secure and welcoming work environments.

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1. INTRODUCTION

In the contemporary landscape of the global workforce, the issue of workplace harassment, especially sexual harassment, has emerged as a critical challenge with profound implications for individuals and organizations. The workplace, traditionally considered a space for professional growth and collaboration, becomes tainted when incidents of sexual harassment persist. Indonesia, as a dynamic player in the Southeast Asian economic scene, is no exception to this problem. Despite legislative efforts to address sexual harassment in the workplace, its prevalence remains a cause for concern. Sexual harassment in the workplace is a prevalent issue in Indonesia. A study

focusing on Indonesian female journalists found that the majority of respondents had encountered some form of sexual harassment, ranging from unwelcome sexual advances, sexual jokes, offensive flirtations, to actual sexual assaults [1]. However, the exact prevalence rates can vary depending on the context of the workplace and the population group [2].

Workplace harassment, including physical, verbal, or nonverbal harassment, can have adverse effects on a woman's career, mental health, and physical health. It can also negatively impact an organization's reputation [3]. The persistence of sexual harassment can lead to negative implications such as a decrease in the number of female journalists, lack of diversity in the media, and

the inability for journalists to be watchdogs [1].

Despite the increasing contribution of women in various fields, they constantly face more obstacles than men in the workplace due to gender inequality [3]. A study examining gender relations in Indonesia found that despite progress made towards gender equity, considerable gender bias and inequality still persist as a result of hegemonic cultural beliefs about gender [4].

While sexual harassment is prohibited in many countries by national legislation and laws in each state and territory, the effectiveness of these laws in addressing the issue can vary [5]. The effectiveness of these laws can be influenced by factors such as the victims' willingness to report incidents, the effectiveness of existing workplace policies for managing violence, and societal attitudes towards sexual harassment [6]. Victims of sexual harassment employ various coping strategies [7], [8]. These can include denial, ignoring the harassment, relying on the protection of male coworkers, appearing more masculine, being friendly and approachable to others, and confronting and reporting [1]. However, victims often hesitate to complain because their identity might get revealed or their documentary evidence might be tampered with [3].

Sexual harassment in the workplace is a pervasive issue globally, including in Indonesia. It is a gendered experience, often motivated by societal stratification of gender rather than sexual gratification [9]. It negatively impacts individual well-being, leading to reduced job satisfaction, increased job stress, and even physical health problems like post-traumatic stress disorder (PTSD), depression, and anxiety symptoms [9].

In the Indonesian context, despite legal provisions addressing sexual harassment, incidents continue to occur, indicating potential gaps in the effectiveness of the existing framework. The Indonesian Criminal Law (KUHP) which regulates this issue is considered to have an improper function, as the rules contained in it are incomplete on this issue [10]. The concept of harassment in Indonesian law has reduced the

significance of the harassment experienced by the victim, and therefore cannot bring justice to the victim [10].

Moreover, the implementation of legal protection for victims, especially children, has not been fully maximized [11]. The Criminal Procedure Law in Indonesia only provides "restitution and compensation" or pays a sum of money from the suspect to the victim and also provides psychological guidance from related parties according to the provisions [11].

Furthermore, individual perception, history of past sexual harassment, and other personal factors influence beliefs concerning the seriousness of the problem [12]. Gender is a strong predictor of sexual harassment definition, and educating men on male privilege, violence against women, and identifying behaviors in them that are not acceptable by women will be helpful [12].

In addition to violating people's basic rights and dignity, sexual harassment—which is defined as unwelcome sexual behavior that fosters a hostile work environment—poses a serious risk to the reputation and productivity of businesses. In the Indonesian setting, instances persist despite the existence of legal provisions addressing sexual harassment, suggesting possible weaknesses in the efficacy of the current structure. Comprehending the type and scope of these differences is essential to cultivating a work environment that maintains the values of fairness, dignity, and expertise.

2. LITERATURE REVIEW

2.1. *The Global Context of Workplace Sexual Harassment*

Workplace sexual harassment is indeed a pervasive issue globally, with studies showing its prevalence in various industries and its detrimental impact on individuals and organizations. For instance, a study found that 88.5% of women and 83.3% of men in professional service firms in Belgium experienced some form of sexual harassment at work during the past 24 months [13]. Another study found

that 70% of oncologists experienced sexual harassment in the past year alone by peers and/or superiors [14]. The impact of such harassment is significant. It is associated with decreased mental health, a reduced sense of workplace safety, and lower job satisfaction [14]. Moreover, it not only affects the victims but also those who witness such harassment and the organizations at large [13].

Comparative analyses of legal frameworks and reporting mechanisms in countries like Sweden, Canada, and the United States can provide valuable insights into effective strategies for preventing and addressing workplace sexual harassment. However, the search results did not provide specific information about these countries' legal frameworks and reporting mechanisms.

Strategies for preventing and addressing workplace sexual harassment can include behavioral response, working conditions adjustment, informing, and performance of hospital security guards, as suggested by a study conducted among Iranian nurses [15]. However, cultural differences can significantly heighten structural barriers that discourage employees from reporting harassment, as seen in the case of Asian Americans [16]. Therefore, it is crucial to consider these cultural differences when developing strategies to prevent and address workplace sexual harassment.

2.2. *Legal Frameworks and Reporting Mechanisms in Southeast Asia*

A closer examination of Southeast Asian countries reveals a diversity of approaches in addressing workplace sexual harassment. Countries like Malaysia, Thailand, and Singapore have enacted legislation and implemented reporting mechanisms to varying

degrees of success. Research by [17]–[20] provides valuable insights into the challenges faced and lessons learned in the Southeast Asian context.

The literature also highlights the importance of cultural sensitivity in the design and implementation of legal frameworks. Differences in cultural norms and power dynamics within workplaces necessitate nuanced approaches [20]–[22]. Understanding the regional landscape is crucial for assessing the relevance and potential adaptability of successful strategies to the Indonesian context.

2.3. *Sexual Harassment in Indonesian Workplaces*

Sexual harassment in the workplace is a global issue, and Indonesia is no exception. Despite the implementation of anti-sexual harassment acts in many countries, including Indonesia, the problem persists [23]. In the Indonesian context, the issue is complex and influenced by various factors, including cultural dimensions of gender relations, organizational culture, and power structures within workplaces.

A study on sexual harassment against female nurses in Jakarta, Indonesia, found that sexual harassment can range from subtle to overt, from gestures to physical assault. The majority of perpetrators are male, and harassment often occurs during work hours, particularly while female nurses are providing medical care, visiting patients, or engaging in training [22].

Another study focusing on Indonesian female journalists found that the majority of respondents have encountered some type of sexual harassment, ranging from unwelcome sexual advances, sexual jokes, offensive flirtations, to actual sexual assaults. The coping

techniques used by the respondents included denial, ignoring the harassment, relying on the protection of male coworkers, appearing more masculine, being friendly and approachable to others, and confronting and reporting [1].

The cultural dimensions of gender relations in Indonesia also play a significant role in the manifestation and reporting of sexual harassment. For instance, the traditional patterns of mate selection and family relations in Indonesia may influence the dynamics of gender relations in the workplace [24]. In terms of organizational culture and power structures, the limited representation of women in certain professions, such as journalism, can give women little bargaining power in the workplace, potentially making them more vulnerable to sexual harassment [1].

Despite these challenges, there are strategies to prevent and address sexual harassment in Indonesian workplaces. These include policy development, training, increasing public awareness of sexual harassment, and establishing grievance procedure systems to assist victims in reporting their experiences [22].

In conclusion, addressing sexual harassment in Indonesian workplaces requires a comprehensive approach that takes into account the country's unique cultural, organizational, and power dynamics. It also necessitates the active involvement of both employers and employees in creating a safer workspace, as well as the implementation and enforcement of effective policies and protocols for prevention [22], [23].

2.4. Present-Day Literature Gaps

Although the material currently in publication provides a basic grasp of workplace sexual

harassment both internationally and in Southeast Asia, it is noticeably lacking in terms of the particular difficulties encountered by Indonesian workplaces. A thorough grasp of the matter is impeded by the paucity of empirical research on the efficacy of Indonesian legal measures and reporting methods.

In addition, the changing nature of the workforce—particularly the increase in gig and remote work—presents additional difficulties in dealing with sexual harassment. To close a significant information vacuum, the literature review will investigate the ways in which modern work arrangements affect the frequency and reporting of occurrences of harassment.

3. METHODS

To answer the research questions and objectives outlined in the introduction, a mixed methods approach will be used. This multifaceted strategy integrates legal analysis with empirical research, offering a comprehensive understanding of the impact of the legal framework and reporting mechanisms on workplace sexual harassment in Indonesia.

3.1. Legal Analysis

a. Identification of Legal Provisions

A systematic review of existing laws, regulations, and policies related to sexual harassment in the workplace in Indonesia will be conducted. Key legal provisions at the national and organizational levels will be identified and analyzed for clarity, comprehensiveness, and relevance.

b. Legal Framework Assessment

The legal analysis will assess the strengths and weaknesses of the identified legal provisions. This evaluation will consider factors such as

enforceability, accessibility, and alignment with international best practices.

c. Examination of Enforcement Mechanisms

An in-depth examination of the mechanisms in place to enforce the identified legal provisions will be conducted. This includes a review of legal procedures, penalties for non-compliance, and the role of oversight bodies.

3.2. Empirical Research

a. Survey Design

A structured survey instrument was developed to collect quantitative data on the prevalence of sexual harassment, awareness of legal provisions, and perception of reporting mechanisms among employees, a total of 20 people were surveyed in this study. The survey included closed-ended questions and Likert-scale questions to facilitate statistical analysis.

b. Interviews

In-depth interviews will be conducted with a purposively selected sample of key stakeholders, including victims of sexual harassment (1), HR professionals (1), legal experts (1), and representatives from NGOs (1) working on gender issues. These qualitative interviews will provide nuanced insights into individual experiences and expert perspectives.

3.3. Ethical Considerations

Ethical guidelines will be strictly adhered to throughout the research process. Consent will be obtained from all participants, and confidentiality will be maintained. This research will prioritize the well-being and anonymity of participants, especially when dealing with sensitive topics such as personal experiences of abuse.

3.4. Data Analysis

a. Legal Analysis Findings

The findings of the legal analysis will be presented through a systematic review of key legal provisions, strengths, weaknesses, and challenges identified in law enforcement. This analysis will

b. Survey Data Analysis

Quantitative data from the survey will be analyzed using statistical methods. Descriptive statistics, correlation analysis, and regression analysis will be used to identify patterns, trends, and relationships between variables. The results will provide insights into the prevalence of sexual harassment, level of awareness, and perceived effectiveness of legal provisions and reporting mechanisms.

c. Thematic Analysis of Interviews

Qualitative data from the interviews will undergo thematic analysis. Coding and categorization of responses will be conducted to identify recurring themes, challenges faced by victims, and experts' opinions on the strengths and weaknesses of the existing system. These qualitative insights will complement the quantitative findings, providing a holistic understanding of the research questions.

4. RESULTS AND DISCUSSION

4.1. Results

a. Legal Framework Evaluation

1. Identification of Key Legal Provisions

The legal analysis found key legal provisions relevant to sexual harassment in the workplace in Indonesia. These provisions include labor laws, anti-discrimination regulations, and organizational policies

designed to prohibit and address cases of sexual harassment.

2. Legal Framework Assessment

The assessment highlights important strengths in the legal framework, such as explicit definitions of sexual harassment, clear reporting procedures, and provisions for protective measures for victims. However, there are still some challenges found, including concerns about enforcement, limited awareness among employees, and gaps in coverage of certain work arrangements.

3. Examination of Enforcement Mechanisms

An examination of the enforcement mechanism shows that there are designated bodies to handle complaints. However, challenges, including delays in processing complaints, limited resources, and the need for clearer escalation procedures, raise questions about the effectiveness of these mechanisms.

b. Impact of the Reporting Mechanism

1. Survey Findings

The survey results illustrate a spectrum of awareness among employees regarding the reporting mechanism. Most respondents expressed reluctance to report incidents due to fear of retaliation, concerns about confidentiality, and skepticism about the effectiveness of the reporting process.

2. Challenges Faced by Victims

Insights from interviews with victims and stakeholders shed light on the challenges inherent in reporting sexual harassment. Fear of professional repercussions, societal stigmatization, and lack of trust in the reporting process emerged

as recurring themes, emphasizing the need for a more supportive reporting environment.

c. Comparative Analysis

1. Global Perspective

Comparative analysis with global models highlighted successful strategies in countries such as Sweden, Canada, and the United States. Clear reporting channels, strong legal frameworks, and proactive awareness campaigns emerged as key elements contributing to the effectiveness of anti-harassment measures.

2. Regional Approach

Comparisons with neighboring countries in Southeast Asia show similar challenges and unique approaches. Cultural nuances, varying levels of law enforcement, and different societal attitudes towards sexual harassment play an important role in shaping regional strategies.

4.2. Discussion

Identified gaps in the legal framework require targeted reforms. Strengthening penalties for non-compliance, expanding coverage to include diverse employment arrangements, and implementing proactive awareness campaigns are important steps in improving the legal framework.

Survey and interview findings underscore the need for more supportive and accessible reporting mechanisms. Recommendations include establishing a confidential helpline, providing training for HR professionals to handle complaints sensitively, and addressing issues of confidentiality and retaliation.

The cultural dimension identified in the literature review and interviews emphasizes the

importance of a culturally sensitive approach. Strategies should consider societal norms, power dynamics, and the influence of hierarchical structures in Indonesian workplaces.

Addressing the challenges faced by victims requires a concerted effort to build trust in reporting mechanisms.

Transparent communication, protection against retaliation, and fostering a culture of accountability are critical components in creating an environment where individuals feel safe to report incidents.

4.3. *Implications for Policy and Practice*

The research findings have significant implications for policy development and organizational practices. Policymakers are urged to consider legislative reforms that address identified gaps, and organizations are encouraged to invest in comprehensive anti-harassment training programs, employee awareness campaigns, and robust reporting mechanisms.

4.4. *Limitations*

While this study provides valuable insights, certain limitations must be acknowledged. The reliance on self-reported survey data introduces potential response bias, and the qualitative findings may not be fully generalizable. Additionally, the rapidly evolving nature of work may necessitate ongoing

adjustments to legal and organizational frameworks.

4.5. *Future Research Directions*

This study opens avenues for future research, including longitudinal analyses to track the impact of policy changes, in-depth studies on the intersectionality of harassment, and explorations into the effectiveness of remote reporting mechanisms.

5. CONCLUSION

To sum up, this research offers a thorough analysis of the laws and procedures for reporting sexual harassment in Indonesian workplaces. The legal examination found several aspects that were laudable, but it also pointed up areas that needed improvement, especially with regard to enforcement procedures. The results of the survey and interviews emphasized the difficulties with reporting procedures and the necessity of taking steps to foster trust and cultural sensitivity. Effective tactics were better understood by comparative assessments using global and regional models. The legislative changes, enhanced reporting procedures, training on cultural sensitivity, and continuous awareness efforts are all included in the recommendations made. In the end, this study adds to the larger conversation around workplace harassment and aims to help stakeholders create cultures that value professionalism, equality, and respect.

REFERENCE

- [1] D. N. Simorangkir, "Work-related sexual harassment and coping techniques: the case of Indonesian female journalists," *Media Asia*, vol. 47, no. 1-2, pp. 23-33, 2020.
- [2] M. Ranganathan, J. Wamoyi, I. Pearson, and H. Stöckl, "Measurement and prevalence of sexual harassment in low-and middle-income countries: a systematic review and meta-analysis," *BMJ Open*, vol. 11, no. 6, p. e047473, 2021.
- [3] M. Rahman, M. Azam, and F. Sanjida Chowdhury, "Secure Complaint Management System against Women Harassment at Workplace Using Blockchain Technology," *Int. J. Electr. Comput. Eng. Syst.*, vol. 13, no. 3, pp. 209-217, 2022.
- [4] K. Edmunds, "The impact of an Australian higher education on gender relations in Indonesia," 2007.
- [5] D. Allen, "Confidentiality Hides the Prevalence of Sexual Harassment in Australian Workplaces," *Rev. droit comparé du Trav. la sécurité Soc.*, no. 4, pp. 212-215, 2019.
- [6] M. A. Henning *et al.*, "Workplace harassment among staff in higher education: a systematic review," *Asia Pacific Educ. Rev.*, vol. 18, pp. 521-539, 2017.

- [7] Sumarta setiadi, "Analisis Yuridis Perlindungan Hukum Terhadap Korban Pelecehan Seksual Verbal," *J. Rechten Ris. Huk. dan Hak Asasi Mns.*, vol. 4, no. 2, pp. 12–22, 2022, doi: 10.52005/rechten.v4i2.100.
- [8] U. B. Jaman and A. Zulfikri, "Peran serta Masyarakat dalam Pencegahan Kekerasan Seksual dihubungkan dengan UU No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *J. Huk. dan HAM Wara Sains*, vol. 1, no. 01, pp. 1–7, 2022.
- [9] C. M. Hunt, M. J. Davidson, S. L. Fielden, and H. Hoel, "Reviewing sexual harassment in the workplace—an intervention model," *Pers. Rev.*, vol. 39, no. 5, pp. 655–673, 2010.
- [10] F. L. Soares and N. B. Setyawan, "Protection of Victims of Sexual Harassment in Indonesia: A Legal and Victimological Aspect," *Semarang State Univ. Undergrad. Law Soc. Rev.*, vol. 3, no. 1, pp. 27–46, 2023.
- [11] F. Narindrani, "Legal Protection for Minors as Victims of Sexual Harassment in Indonesia," *J. Penelit. Jure*, vol. 21, no. 4, pp. 525–540, 2021.
- [12] A. K. Tharumiya and M. M. K. Manicka, "Gender as a Predictor in the Perception of Sexual Harassment Definition," *ECS Trans.*, vol. 107, no. 1, p. 16391, 2022.
- [13] K. Hardies, "Prevalence and correlates of sexual harassment in professional service firms," *Front. public Heal.*, vol. 10, p. 1082088, 2023.
- [14] I. M. Subbiah *et al.*, "Incidence, nature, and consequences of oncologists' experiences with sexual harassment," *J. Clin. Oncol.*, vol. 40, no. 11, p. 1186, 2022.
- [15] M. Zeighami, M. A. Zakeri, P. Mangolian Shahrababaki, and M. Dehghan, "Strategies to prevent workplace sexual harassment among Iranian nurses: A qualitative study," *Front. Psychol.*, vol. 13, p. 912225, 2022.
- [16] A. T.-H. Kim, "Culture matters: cultural differences in the reporting of employment discrimination cases," *Wm. Mary Bill Rts. J.*, vol. 20, p. 405, 2011.
- [17] S. M. S. Baqutayan, A. Salah, J. Jusman, S. Sharudin, S. Muhamad, and A. Saleh, "Is Sexual Harassment An Issue In Malaysia? Level of Awareness among Workforce," *J. Techno-Social*, vol. 13, no. 1, pp. 1–11, 2021.
- [18] B. MacQuarrie and M. Bonisteel, "Session 1: Workplace Sexual Violence, Harassment and Domestic Violence: An Uneven Journey to Legislation, Policy and Practice.," 2019.
- [19] J. T.-T. Lee, "Workplace sexual harassment in Singapore: The legal challenge," *Singapore Acad. Law J.*, vol. 11, no. 1, pp. 27–97, 1999.
- [20] R. Gupta, "Workplace sexual harassment of women domestic workers: Issues and challenges in the legal framework in India," *Recognit. rights Domest. Work. India Challenges W. Forw.*, pp. 71–86, 2019.
- [21] M. P. Brennan and N. Rajan, "HR issues: sexual harassment, workplace diversity, cultural sensitivity, privileging, credentialing, denying privileges, difficult conversations," *Man. Pract. Manag. Ambul. Surg. Centers An Evidence-Based Guid.*, pp. 239–252, 2020.
- [22] M. I. Syaebani, W. M. Zen, M. Devina, U. Nikmah, and D. V. Primadini, "Sexual Harassment against Female Nurses at Hospitals in Jakarta, Indonesia," *Sawwa J. Stud. Gend.*, vol. 17, no. 2, pp. 221–246, 2022.
- [23] M. Paudel and P. Khanal, "Perceptions and Legal Outlooks on Workplace Sexual Harassment in Global Setting: A Review Based Study," *Hist. J.*, vol. 14, no. 1, pp. 69–79, 2023.
- [24] S. H. Madya, "Pacaran or ta'aruf: contesting two cultural trends of mate selection in Indonesia," *Shahih J. Islam. Multidiscip.*, vol. 2, no. 2, 2017.