

Criminological Analysis of the Crime of Sexual Harassment in the City of Makassar (Case Study at Makassar Police Station)

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Abstract: This research moves from the anxiety over the rampant cases of sexual harassment in the city of Makassar, so the author is interested in further researching and analyzing the factors that cause criminal acts of sexual harassment in Makassar City, as well as seeing the efforts made by the Makassar Police in preventing and overcoming these criminal acts. This research uses empirical legal research method, which aims to observe and analyze the implementation of law in society. The results showed an increase in sexual harassment cases from year to year, namely in 2020, 2021, and 2022. The factors that cause sexual harassment involve internal and external factors. In an effort to prevent and overcome sexual harassment in the family, there are two approaches. First, through non-punitive countermeasures, involving pre-emptive and preventive measures that must be taken by individuals, communities, and the police. Second, through penal countermeasures, which include repressive measures taken by law enforcement officials such as the police, prosecutors, courts, and correctional institutions

Keywords: *Criminology, Sexual Harassment*

1. Introduction

Sexual harassment is not something new to the ears of Indonesians. Sexual harassment can be defined as behavior characterized by unwanted and inappropriate sexual comments, or sexually oriented physical approaches made in work, professional, or other social settings.

Sexual harassment is a criminal act with unwanted sexual elements by individuals or groups against others, which can cause harm and trauma to the victim. Currently, cases of sexual harassment are increasing, especially against women and children, and can occur in various places such as public areas such as shops, streets, or public transportation. In addition, sexual harassment can occur in ordinary places where the victim carries out activities, such as workplaces, offices, campuses, home environments, or schools, even by perpetrators who are well known to the victim.

Many women have experienced sexual harassment, and almost all of them know their harassers. Most perpetrators of sexual harassment are known to the victim, but there are also cases where the victim does not know the perpetrator. From that, it can be concluded that this phenomenon does not only occur due to the actions of strangers, but is also prone to occur in social circles known by the victim. Sexual harassment cases are generally triggered by the desire of the perpetrator, the opportunity to commit harassment, and the assumption that the victim can be easily conquered and provoke the perpetrator to carry out the act.

In Indonesia, cases of sexual harassment are becoming increasingly urgent and continue to increase every year. This is because sexual harassment is one of the serious crimes, comparable to other major crimes, which has an impact on the destruction of the social fabric of the Indonesian nation. Of course, this jeopardizes the future of Indonesia's young generation, who are expected to be the successors of the nation's noble ideals. This young generation has a role as future leaders of the nation and is a source of hope for the previous generation. Therefore, they need to get as many opportunities as possible to grow and develop naturally, both spiritually, physically and socially.

The presence of religion elevates the status of women despite recent cases of sexual harassment. Any religion emphasizes the importance of mutual respect as a way to avoid deviant sexual behavior. Respecting others is one of the principles taught in Islam, helping people to understand the boundaries of sharia and preventing sexual misconduct.

In any religion, such behavior is considered a despicable act because religions teach their adherents to respect each other regardless of one's position or position¹. The meaning of sexual harassment has been understood, meanwhile, in the context of sexual activity, Islam stipulates that such activities can only be carried out through legal marriage. Marriage must comply with the terms and conditions set by God, who created humans with the element of lust². In short, humans cannot be separated from this lustful urge because through it, humans can continue and multiply their offspring. However, this does not mean that humans are allowed to engage in sexual activity as they wish. If sexual activity is done outside the prescribed channels, such as those done by people who only follow their lust and personal desires, then the sexual relationship is referred to as zina. Adultery is a problem that is always present in every era. In terminology, adultery can be defined as intercourse between a man and a woman without being bound by a legal marriage according to religious teachings³. Adultery can occur when a person, both men and women, has a strong sexual desire and wants to fulfill it without going through the bonds of marriage. The consequences of allowing this lust can have a dangerous impact on life, including cases of sexual violence or harassment and transmission of venereal diseases⁴.

Religion has set rules to prevent sexual harassment. One way to avoid sexual harassment is to stay away from anything that can arouse lust. For men, this can be done by bowing the head, while for women, the precaution involves covering the veil so as not to arouse lust in men. Nevertheless, sexual harassment still occurs because the perpetrators are generally driven by desire and see an opportunity. Often, sexual harassment does not look at the physicality or age of the victim; what matters is how the perpetrator vents lust through obscene acts. This is in accordance with Article 289 of the Criminal Code which states that:

“Any person who by force forces someone to commit or allows someone to commit an obscene act on him, shall, being guilty of outraging the modesty, be punished by a maximum imprisonment of nine years”

¹ Ramadyan, Y. (2010). *Pelecehan seksual (dilihat dari kacamata hukum Islam dan KUHP)*.

² Jalaluddin et al. “*pengantar ilmu jiwa agama*”. (Jakarta: Cv Pustaka, 1989) hlm. 11

³ Ridwan Hasbi, *Hamil Duluan Nikah Kemudian*, (Pekanbaru: Daulat Riau, 2014), hlm.54

⁴ Yahya Fathur Rozy, Andri Nirwana. AN. (2022). Penafsiran “La Taqrabu Al- Zina” Dalam Qs. Al-Isra’ Ayat 32 (Studi Komparatif Antara Tafsir Al-Azhar Karya Buya Hamka Dan Tafsir Al-Mishbah Karya M. Quraish Shihab). *Journal Of Qur’an dan tafseer studies*. Vol. 1. Nomor 1, hlm. 66

Obscene conduct refers to any act that violates norms of decency or is of a heinous nature, especially in the context of sexual arousal. Examples involve kissing, groping of the private parts, or groping of the breasts, all of which are prohibited by this article. This prohibition includes not only forcing another person to commit an obscene act, but also forcing a person to allow himself to be the victim of an obscene act. Article 290 of the Penal Code provides that a violation of this prohibition shall be punished by imprisonment for a term not exceeding seven years, as follows;

- a. Any person who commits any obscene act with a person, knowing that the person is unconscious or helpless;
- b. Any person who commits any obscene act with a person, knowing or reasonably believing that he has not yet reached the age of 15 years or, if it is not obvious how old he is, that he is not yet marriageable⁵;
- c. Any person who induces (seduces) a person, whom he knows or reasonably should realize that he has not yet reached the age of 15 years or, if it is not evident how old he is, that he is not yet marriageable, to commit or to allow to be committed on him obscene acts, or to have carnal knowledge of another person without marriage.

In article 291 of the Criminal Code, paragraph 1 explains that if one of the crimes described in articles 289 and 290 results in serious bodily harm, the perpetrator will be sentenced to imprisonment for a maximum duration of twelve years. Paragraph 2 states that if any of the crimes set out in articles 289 and 290 cause the death of a person, the punishment is imprisonment for a maximum duration of fifteen years.

With the increase in sexual harassment cases in Indonesia every year, the government has taken decisive steps by enacting laws that aim to prevent and deter perpetrators. The ultimate goal is to create a safe environment. The enactment of Law Number 12 of 2022 on the Crime of Sexual Violence (TPKS Law) reflects the state's commitment to providing comprehensive protection of human rights, especially against violence and discrimination. The TPKS Law, which has been passed by the House of Representatives (DPR), needs to be implemented seriously by stakeholders to ensure comprehensive protection for all citizens, especially women and children, from the threat of sexual violence⁶

Sexual harassment can occur in various places, both within the family and from individuals outside the family environment. These cases are increasingly diverse in the modes of crime used by the perpetrators, including in Makassar City, South Sulawesi Province. Based on data from the Makassar Police PPA Unit, there were 122 reports of sexual crimes against women and children during 2022. The reports show that most of the victims were children, with some also involving women⁷. In cases of sexual abuse, especially against children, most perpetrators come from the family environment, such as stepfathers or even their own uncles. Handling of this case has been carried out by the authorities. Cases of sexual abuse of women and children that occur in various regions emphasize the need for serious action from law enforcement officials. Along with the development of time and technology, the mode of crime can be very diverse. Therefore, law

⁵ R. Soesilo, *Kitab Undang-Undang Hukum Pidana KUHP* (Bogor: Politea, 1995), hal.212

⁶ <https://www.kemenkopmk.go.id/percepatan-penyusunan-aturan-turunan-uu-tpks%20diakses%20pada%20tanggal%2029%20Oktober%202022%20pukul%2023.40%20WITA>

⁷ DP3A Makassar Terus Berupaya Tekan Kekerasan Anak dan Perempuan diakses pada tanggal 18, November 2022 pukul 17.20 WITA

enforcement officials must continue to monitor and adjust to the times. Sexual abuse is generally committed solely to satisfy the lust of the perpetrator, at the expense of others, and sometimes seemingly without fear of the penalties he may face⁸

2. Method

The research used is empirical legal research. This research is conducted to see the law in a real sense or it can be said to see, examine, how the law works in society. Data collection techniques through interviews and literature related to the issues discussed in this study. As well as field research (Filed Research), namely collection by systematically observing the phenomena of several cases in various media, the population and samples are investigators of the PPA unit of the Makassar Police, victims and the community

3. Results and Discussion

A. Factors Causing the Occurrence of Sexual Harassment Crime in Makassar City

Sexual harassment is an unwanted sexual dimension crime by a person or group against another individual, with the potential to harm or even traumatize the victim. Cases of sexual harassment are now increasingly widespread, especially among women and minors. This incident can occur in various places, including in public spaces such as shops, streets, or public transportation. In addition, sexual harassment can occur in places where the victim is active, such as workplaces, offices, campuses, home environments, or schools, and is often carried out by perpetrators who are well known by the victim.

Most women have experienced sexual harassment, and almost all of them know their harassers. This suggests that such acts are often perpetrated by people close to the victim, perhaps even from within the family. In many cases, sexual abuse of children is more common in their neighborhoods and within the family

Why do individuals engage in criminal behavior? Also, why is crime a phenomenon in society? Criminology seeks to provide answers to these questions. It should be recognized that there are various approaches to explaining why people commit crimes. One of the main explanations is based on psychological theories that focus on the relationship between intelligence, personality, learning, and criminal behavior. For example, a person may commit a crime because their personality puts them at risk of doing so, and their social circumstances may shape that personality disorder⁹

In this analysis, the author will evaluate the factors that lead to sexual harassment. The author hypothesizes that the causes of sexual harassment, especially those that occur in the neighborhood and family, are influenced by various factors both external and internal to the perpetrator. For example, the development of sophisticated technology can make it easier for a person to get information, such as on social media which becomes a place of communication and

⁸ Suzie Sugijokanto, *Cegah Kekerasan Pada Anak*, (Jakarta: PT Alex Media komputindo, 2017) hal, 51-52

⁹ Nurfadhilah, *Op.Cit*, hlm 95

sharing daily photos. This can trigger verbal sexual harassment, where the perpetrator begins to make sexual comments to the victim through photos uploaded by the victim on social media. In addition, the lack of communication between parents and children in the family environment is also identified as a factor that can lead to sexual harassment. The victim's own role, especially in terms of dressing inappropriately, is also considered as one of the factors that can trigger sexual desire in bystanders.

Before investigating further, the author will present data regarding sexual harassment that occurred from 2020 to 2022. The author has collected information through research conducted at the PPA Unit of the Makassar Police Criminal Investigation Unit, the details of which can be found in the following appendix.

Table 1. Number of Sexual Harassment Cases against Women and Children in 2020-2022

Year	Case
2020	20 Case
2021	53 Case
2022	122 Case
Total	195 Case

Data source: PPA Unit of the Makassar Police Criminal Investigation Unit 2021-2022.

From the data above, it can be seen that there is a very significant number of cases affecting women and children. During the three-year period, 195 cases involving women and children were recorded, with an increase in cases from 2020 to 2022. The results of the author's interview with Iptu Syahuddin Rahman SH., MH, PPA investigator of the Makassar Police Criminal Investigation Unit on December 22, 2022 at 13.35 WITA, confirmed this finding, he said that:

“Victims of sexual harassment are increasing and most of the victims are children, departing from covid there is a phenomenon that occurs which then increases after covid ends, where children during the covid-19 pandemic are confined to their homes then this makes things like sexual harassment less likely to occur whether children are victims or perpetrators. However, in 2021 to 2022 cases like this increased again and again most of the victims were children who were abused in the family environment, namely usually the victim's own stepfather or uncle”¹⁰

This shows that sexual abuse tends to happen more easily to children due to their physical weakness which makes it difficult to offer resistance to the perpetrator. Children are also susceptible to being easily influenced, and some of them may not even fully understand what is happening to them due to a lack of understanding of the act and that it is wrong and should not be accepted.

For adult women who experience sexual harassment, it often occurs in public spaces, including the workplace. In this context, harassment can involve the coercion of sexual activity or other sexual behaviors with the threat of punishment, such as adverse job evaluations, revocation of promotions, and even death threats.

¹⁰ Interview with iptu syahuddin R, date 22 December 2022,13.35 WITA

Given the increase in the number of cases affecting children and women, uncovering a sexual crime case, especially if it occurs within the family, is not an easy task. Although not a recent event, the issue has remained relevant over time and even increased. Uncovering such cases is not an easy task and is often a complex challenge. Many cases of sexual abuse are deliberately hidden due to fear for the family's reputation. Therefore, there are still many cases of sexual abuse in the family environment that have not been publicly disclosed.

In addition to the research data above, the author also obtained information about a case of sexual harassment that occurred in 2022, where the suspect was the stepfather of the victim. The report has the number LP/1083/VI/2022/Polda Sulsel/Restabes Mks/20-06-2022, and the incident occurred at the victim's house which is located at Jl. Melati block 1/12, Komp. Pesona Barombong Indah, Mks. The victim, a 19-year-old woman, was abused by her 38-year-old stepfather when the victim's mother was not at home. The perpetrator often abused the victim, even reaching the stage of intercourse at a guesthouse. The perpetrator admitted to the victim's mother that he would take the victim back to the boarding school, but before that, the perpetrator took the victim to a guesthouse and then took the victim to the boarding school. The victim was afraid to report the incident because of threats and pressure from the perpetrator. On the other hand, the perpetrator gave the excuse that his actions were only due to a mistake at the time of the incident and felt that the victim was only a stepdaughter.

From this case it can be concluded that the occurrence of these incidents is largely due to the lack of family role and the pressure from the perpetrator on the victim. The act of having sexual intercourse with a child for the sole purpose of obtaining pleasure violates social norms in community life.

In responding to these cases, according to Mr. Iptu Syahuddin Rahman SH, MH, the factors that cause sexual harassment, both in the public sphere and within the family, involve several things, namely:

- a. Low economic factors.
- b. Environmental factors, especially promiscuity.
- c. Family factors, especially broken homes.
- d. Lack of knowledge of the law¹¹

Disclosing cases of sexual harassment is not easy, as previously described. There are several obstacles that arise in the process of disclosing sexual abuse cases, among others: The victim is often a child, so may not know how to act. The victim may face threats from the perpetrator, either not to inform others about the incident or not to report it to the authorities. The victim may feel ashamed to report the incident. Shame may also arise because the victim fears bringing dishonour to the family if they report the case. The victim and family may be worried about the social sanctions received from the local community after reporting the case.

Based on the summary of the entire discussion above, it can be concluded that the factors that influence the occurrence of sexual harassment are as follows:

¹¹ Interview with iptu syahuddin R, pada tanggal 22 Desember 2022 pukul 13.35 WITA

a. Internal Factors

One of the internal factors that refer to the perpetrator in committing a crime of sexual harassment that comes from the perpetrator's self, namely:

1. family factors

Sexual harassment in the family environment reflects a great influence in the formation of a child's personality. The family environment is an internal factor that has a major role in personality development, while the school environment and society play a supporting role. Early education, values and parenting in the family have a significant impact on the child's personality. The results show that not only social environmental factors, but also living arrangements, such as broken homes, can contribute to child sexual abuse. Parents' busy work can lead to child neglect, increase the risk of abuse, and cause emotional distress in children¹².

2. Individual Factors

This factor has a significant role in influencing a person's mental state and behaviour. The role or demeanour of the victim becomes an important determinant that may encourage someone to commit a crime against them. For example, interviews with perpetrators of abuse revealed that the victim, with a choice of dress that is considered immodest in everyday life, may trigger the perpetrator's lust to commit acts of sexual abuse¹³

These individual factors arise from the nature of the child's personality, both internal and external aspects. The cause may be rooted in inadequate family conditions or an unhealthy community environment. Internal factors include situations where the child has special needs, a high degree of innocence, impressionability, or excessive dependence on adults, and so on. The discussion of this factor relates to:

a) Weak self-control

The inability to control oneself is caused by one's lack of understanding in distinguishing acceptable and unacceptable behaviour. The consequence of this lack of self-control is a person's ability to be easily influenced by negative invitations, and also the inability to regulate themselves in committing sexual acts¹⁴

b) Performer Morale

Ethics is a very important element because it involves the concept of goodness and moral norms. It plays a major role in shaping one's behaviour, and non-compliance with ethics can lead to negative behaviour. In the context of child sexual abuse in the family environment, the incident can be caused by a loss of morality in the perpetrator. In

¹² Nurfadhilah mappaseleng Op.Cit, hlm 103

¹³ Limbong, N. F. (2017). R. Tinjauan Kriminologis Kejahatan Seksual Terhadap Anak Dalam Lingkungan Keluarga. 1-78

¹⁴ Wirawan, K. H., Landrawan, I. W., & Ardhya, S. N. (2022). Tinjauan Kriminologi Tindak Pidana Kekerasan Seksual Terhadap Anak Di Kabupaten Buleleng. Jurnal Media Komunikasi Pendidikan Pancasila dan Kewarganegaraan, 4(1), 86-96

other words, the act may occur because the perpetrator loses understanding and sensitivity to the moral values that should guide his or her behaviour.¹⁵

c) Psychological Factors

Perpetrators of sexual abuse tend to have psychopathic traits, exhibiting dominance, lack of empathy, exploitation, manipulative and impulsive-aggressive behaviour. They often abuse power or authority, although may try to convince themselves that their actions are sexually or romantically motivated. At the heart of this behaviour is the perpetrator's attempt to sexually degrade another person, seeking "value" or meaningfulness, which may not be conscious or expressed in words. The satisfaction after committing sexual abuse reflects this sense of "worth". This psychological factor is closely related to one's mental state. The adolescent phase, with its emotional, cognitive and psychological changes, is a critical period in the journey from childhood to adulthood. These changes can negatively impact social norms, disrupt family and community life, and affect the psychological well-being of the victim.

2. External factors

a. Environmental Factors

Poor environmental factors can trigger sexual abuse, especially in environments influenced by negative associations. Children involved in the wrong company often commit acts beyond their control, perhaps due to peer pressure. The neighbourhood, including the neighbourhood and teenage associations, can play a role in influencing a child's emotional development. Some areas even have neighbourhoods where sexual behaviour is considered normal, and there are even open commercial sex workers (CSWs). The school environment can also contribute if low formal education triggers a lack of legal knowledge. Lack of formal education is often linked to low economic levels, which can be a contributing factor to breaking the law. Adolescents living in this environment may be exposed to prostitution and inappropriate sexual behaviour, increasing the risk of sexual abuse. Therefore, the environment plays a crucial role in shaping adolescents' behaviour in relation to sexual abuse¹⁶

b. Social Media Factors

In the era of globalisation, easy access to pornographic content through social media can be a risk factor for sexual abuse. The influence of pornographic content can create addiction, equivalent to the effects of cocaine on the brain. Modern technology makes it easy to access sexual content, especially through the internet, which can have a devastating effect on adolescents who become addicted to it. Exposure of children to pornography, coupled with a lack of supervision and communication within the family, can cause serious impacts on a child's developing brain. Pornography addiction can alter perceptions of sexuality, increase risky sexual behaviour, and result in negative outcomes such as decreased self-esteem, depression, anxiety, and impaired education. Therefore, there is a need for good supervision and communication within the family to prevent the adverse effects of free access to pornographic content.

¹⁵ Ibid hlm.91

¹⁶ Amaluddin, A., & Tianingrum, N. A. (2019). Keterpaparan lingkungan terhadap perilaku pelecehan seksual pada siswa sekolah wilayah kerja puskesmas harapan

c. Promiscuity Factors

The term promiscuity has now become commonplace in society, and is often associated with adolescence into adulthood. Promiscuity encompasses actions that fall outside the boundaries of prevailing social norms. In society's view, promiscuity is often identified with juvenile delinquent behaviour that can undermine societal values. According to Kartono, a sociologist, promiscuity is considered a social pathological symptom in adolescents caused by neglect of social norms, which then leads to deviant behaviour. Santrock, as cited by Hamzah, describes promiscuity as a collection of adolescent behaviours that are not socially acceptable and can reach the level of criminal acts. From this definition, it can be concluded that promiscuity involves interactions between individuals or community groups that are contrary to the prevailing norms, so as to damage the personal image or the environment in which the event occurs. Promiscuity is often associated with adolescents in the context of moving towards adulthood and is a common problem in Indonesian society. Many things are the result of teenage promiscuity today, including:

- 1) Narcotics
- 2) Drinking alcoholic beverages
- 3) Prone to sex abuse
- 4) Gambling
- 5) Free sex¹⁷

B. Efforts of Makassar Police in Preventing and Overcoming the Crime of Sexual Harassment in Makassar City

Sexual harassment is a crime with unwanted sexual connotations by a person or group of people against another person, which can cause harm or even trauma to the victim. Therefore, prevention and control of sexual harassment needs to be done as early as possible to avoid wider impacts. These crime countermeasures aim to create order and tranquillity in society. In implementing countermeasures, it is necessary to pay attention to the factors that influence the causes of crime so that the efforts made can be right on target.

Crime prevention is a better approach than trying to educate criminals to change. Preventing and tackling crime, such as sexual harassment, is not easy and may not be completely eliminated, but it can at least be minimised. Criminality, including sexual harassment, will continue to occur in various places and times as long as humans exist on this earth. Criminal behaviour is diverse and evolves with technological advances, which can have a negative impact if misused, especially in the context of pornography which can encourage individuals to commit unlawful acts¹⁸.

In the following, the author will explain the prevention and control efforts based on the results of an interview with Mr Syahuddin Rahman, SH, MH, conducted on Thursday, 22 December 2022, at 13.56 WITA. He gave his views on efforts to prevent sexual harassment, as described below:

“For prevention efforts we also often go out in the field to conduct counselling in junior high schools (SMP), high schools (SMA) and mobile phone inspection operations, and on Saturdays

¹⁷ Setyawan, Sendy Agus, et al. Pergaulan Bebas di Kalangan Mahasiswa dalam Tinjauan Kriminologi dan Hukum. In: Seminar Nasional Hukum Universitas Negeri Semarang. 2019. p. 163-186

¹⁸ Musaddiq, N. W. (2019). Tinjauan Kriminologi Eksploitasi Seksual Pada Anak. *Bilancia: Jurnal Studi Ilmu Syariah dan Hukum*, 13(2), 305-330

and Sundays conduct checks in every boarding house, hotel, guesthouse, then every night there are special members for prevention patrols¹⁹”

Then he also said that if it had happened, the countermeasures were:

“When this kind of case has occurred, we take repressive action or legal action, such as reports from parents, or what we get directly in the field we make a report then see what article is in accordance with the offence they committed. As for the victims, we work with the UPTD PPA under the auspices of DP3A and the Social Service, and they are assisted in handling the victims, where we assess the victims and bring them to a "safe house" located on Jl. Nickel²⁰”

Law No.2 of 2002 on the National Police explicitly stipulates the main duties of the National Police. Article 13 of the law details the main duties of Polri, which involve law enforcement, maintaining public security and order, and providing protection, protection and services to the public. These tasks are the basic principles on which the Tribrata and Catur Prasetya of Polri are based. As such, Polri has a responsibility as a law enforcer, protector, protector, and guide of the community, particularly in an effort to maintain compliance and obedience to applicable laws.

From the police responsibilities that have been explained, it can be concluded that there are two main main tasks that the police must carry out. Firstly, preventive duties involve the maintenance of security, order, as well as the protection and maintenance of the safety of the state, individuals, goods, and society. The purpose of this preventive duty is to prevent offences against the rules of the state and society. Secondly, repressive duties which include taking action against anything that could threaten the security of the community, nation, and state²¹.

According to Barda Nawawi Arif, crime prevention can be divided into two paths, namely the penal path (criminal law) and the non-penal path (outside of criminal law). The penal route emphasises repressive measures taken after a crime has occurred, while the non-penal route emphasises pre-emptive and preventive approaches. In the context of Polri, countermeasures are defined as efforts, actions, and activities to prevent and take action against crimes and offences, as well as to maintain and improve the development of security and public order. Countermeasures include prevention, guidance, and enforcement measures, with the aim of eliminating disturbances to public security and order.

The police carry out crime prevention through two approaches, namely preventive and repressive approaches. Preventive measures aim to prevent crimes from occurring, often through counselling and other preventive measures. On the other hand, repressive actions are carried out by taking action against the perpetrators of crimes, involving the process of investigation and investigation to uncover and follow up on criminal cases.

Based on the previous discussion, it can be concluded that crime prevention and control, including sexual harassment, is the responsibility of the Indonesian National Police in accordance with Law No. 2 of 2002. The police have the authority to prevent and overcome the growth of community diseases. The efforts made in this context include several steps such as preventive measures, counselling, as well as repressive measures such as investigations and investigations of

¹⁹ Interview with iptu syahuddin R, pada tanggal 22 Desember 2022 pukul 13.56 WITA

²⁰ Interview with iptu syahuddin R, pada tanggal 22 Desember 2022 pukul 13.35 WITA

²¹ Undang-Undang No.2 Tahun 2002 Tentang Polri pasal 13

criminals, to prevent and overcome the growth of this community disease, the following efforts are made:

a. Non-penal Countermeasures

Non-punitive countermeasures, or what can be referred to as prevention efforts before the occurrence of criminal offences, have a main focus on preventive or pre-emptive and preventive measures. This action is carried out before a criminal offence occurs, with the aim of preventing crime. Crime prevention policy through non-punitive means focuses more on crime prevention measures. The main target of this effort is to deal with the factors that cause crime, which are related to social problems or conditions that can directly or indirectly trigger crime. Thus, non-punitive measures play a strategic role in crime prevention policy, and intensification in this regard is considered important. Non-punitive crime prevention efforts to prevent the criminal offence of sexual harassment can be carried out through the following steps²².

1) Pre-emptive Efforts

Pre-emptive efforts are steps taken early on before an offence occurs, such as instilling values and norms. Makassar Police has made pre-emptive efforts by providing counselling on criminal offences, especially sexual harassment which often affects women and children. Through this counselling, the community is expected to understand the dangers of criminal offences and their negative impact on them²³.

2) Preventive Efforts

Preventive efforts are the next step from pre-emptive efforts, which focus more on efforts to reduce or eliminate opportunities for crime to occur²⁴

a. Individual

Every individual needs to endeavour to protect themselves and not provide opportunities for others or perpetrators to commit the crime of sexual harassment, namely by:

- 1) Choosing clothes that do not trigger or cause sexual stimulation from the opposite sex.
- 2) Avoiding promiscuity with members of the opposite sex.
- 3) Avoid sleeping together with adult members of the opposite sex to prevent sexual harassment by family members.
- 4) Keeping the changing of clothes in a closed room and not just anywhere.

b. Society

Society is a community of people with diverse characters and behaviours, which plays an important role in determining whether a crime will occur or not. Communities can prevent crimes by establishing friendships between community members, paying attention to children's socialising, and limiting factors that can cause or trigger sexual harassment

c. Police

The police, as one of the law enforcement agencies, considers its role very important to create a safe and secure life. The results of the interview with the investigator of the PPA Unit of the

²² Wirawan, K. H., Landrawan, I. W., & Ardhya, S. N. (2022). Tinjauan Kriminologi Tindak Pidana Kekerasan Seksual Terhadap Anak Di Kabupaten Buleleng. *Jurnal Media Komunikasi Pendidikan Pancasila dan Kewarganegaraan*, 4(1), 86-96

²³ Wirawan et al, Op. Cit. hlm.93

²⁴ Op.Cit, hlm.93

Makassar Police Station, Iptu Syahuddin Rahman SH., MH, stated that the efforts made by the police included²⁵:

- 1) Conducting routine patrols to improve security and public order.
- 2) Conducting checks at lodging places, hotels and boarding houses to prevent the presence of unmarried couples.
- 3) Organising counselling in schools with the aim of increasing students' understanding of the crime of sexual harassment from an early age.
- 4) Conducting checks on students in every school, including checking students' mobile phones to prevent sexual harassment.
- 5) Conducting legal counselling to the community²⁶

In the event of sexual abuse, mediation measures can be taken given the current condition of correctional institutions that are experiencing overcapacity or land that has reached its limit in providing a decent life for humans. In this context, mediation becomes an involved stage, given the increasing cases of sexual crimes that cause such overcapacity. This mediation process involves victims, perpetrators, social service agencies, and the police, while still following applicable legal procedures²⁷.

b. Penal Countermeasures

Penal remedies, also known as remedies through criminal law, emphasise the repressive aspect or action after a crime has occurred. This approach involves law enforcement and punishment of offences that have occurred. Penal policy is often repressive, but also has a preventive element because it involves the threat and application of punishment to prevent crime (deterrent effect). Nevertheless, penal policy remains important in crime prevention, as criminal law is considered a means of social policy to express social disapproval or resentment, while also functioning as a means of social defence. Thus, penal policy is considered an integral part of social defence policy.

This effort is carried out after the occurrence of a criminal offence or crime, where emphasis is placed on law enforcement through the provision of punishment or criminal sanctions to the perpetrators of the crime. This process involves agencies such as the police, prosecutors, courts, and penitentiaries.

In policing, repressive actions must be carried out in accordance with established procedures and on the orders of superiors. Such actions require direction from superiors because procedural errors can cause harm to the public, and superiors are responsible for this. Therefore, field officers should not be reckless in making arrests, investigations, and other actions²⁸.

Repressive action or surveillance in this context refers to any action taken by law enforcement officials after a crime or criminal offence has occurred. This involves the investigation process, case closure, up to the execution of the criminal offence²⁹

²⁵ Interview with iptu syahuddin R, pada tanggal 22 Desember 2022 pukul 13.40 WITA

²⁶ Ibid

²⁷ Ibid

²⁸ Ibid

²⁹ Sabar slamet, "hukum pidana" (Surakarta: universitas sebelas maret, 1998) hlm. 106

In the context of handling criminal offences by the police, the task of the repressive field involves two main components, namely investigation and investigation. To start the process of investigating a criminal offence, an Investigation Order is required, which is then carried out by investigators or assistant investigators. In the framework of the investigation, legal actions are taken against individuals, objects, or goods that have a connection with the criminal offence that occurred. Actions in the investigation include:

- 1) Arrest
- 2) Detention
- 3) Examination
- 4) Shakedown
- 5) Foreclosure³⁰

For prosecutors, their role involves continuing investigations conducted by the police and conducting prosecutions before a panel of district court judges. Meanwhile, for judges, the main focus is to give maximum punishment to offenders, aiming to make offenders and potential offenders reflect on their actions, feel afraid, and get a deterrent effect so that they do not repeat the crime. On the correctional institution side, the role involves the process of coaching the inmates after the legal process has been completed. This coaching is not only focused on the correctional system, but also on efforts to make individuals who make mistakes become better individuals. Correctional institutions will provide guidance on the physical and spiritual aspects of individuals, as well as organising useful activities, such as skills development according to the talents and abilities of each prisoner.

3. Author's Analysis

In a criminological perspective, the concept of crime has a broader scope than the criminal law or juridical view. In the criminal law framework, crime is defined as any act that violates the law and is punishable under criminal law regulations, even narrowed down in the Criminal Code (KUHP) as part of a criminal offence. However, criminology sees crime more holistically, not only limited to the legal aspect, but also involving actions that are contrary to the social norms of society (a-social). In the perspective of criminology, crime also includes acts that are considered social problems that can trigger crime (social pathology). In other words, criminology as a science studies the factors underlying crime and views it more broadly. In this context, the author argues that the criminal offence of sexual harassment that occurred in Makassar City must get attention, considering that this kind of case continues to increase every year.

The law is regulated in Article 289 of the Criminal Code as follows:

"Any person who by force forces someone to commit or allows an obscene act to be committed on him, shall, being guilty of outraging the modesty, be punished by a maximum imprisonment of nine years."

"Obscene conduct" refers to any act that violates decency or norms of modesty, especially in the context of sexual impulses. Examples include kissing, groping intimate parts, groping breasts, and so on. In the context of the rule of law, the prohibition not only includes forcing someone to commit obscene acts, but also forcing someone to allow obscene acts to be committed against them. And Article 290 of the Criminal Code states: "Sentenced to imprisonment for a maximum of seven years."

³⁰ Masrizal Afrialdo, "Pelaksanaan Penyelidikan Dan Penyidikan Perkara Pidana Oleh Kepolisian Terhadap Laporan

1. Any person who commits any obscene act with a person of whom he knows that the person is unconscious or helpless.
2. Any person who commits any obscene act with a person, knowing or reasonably suspecting that he has not yet reached the age of 15 years or, if it is not obvious how old he is, that he is not yet marriageable.
3. Any person who induces (seduces) a person, of whom he knows or reasonably should presume that he has not yet reached the age of 15 years or, if it is not obvious how old he is, that he is not yet marriageable, to commit or to allow to be committed on his person any obscene act, or to have carnal knowledge of another person without marriage

And outlined in Article 291 of the Criminal Code Paragraph 1 states that if one of the crimes described in Articles 289 and 290 results in serious bodily harm, a person may be sentenced to imprisonment for a maximum period of twelve years. Paragraph 2 states that if one of the crimes described in Articles 289 and 290 results in the death of a person, a prison sentence may be imposed for a maximum period of fifteen years.

Nonetheless, with the enactment of the Sexual Violence Law No.12 of 2022, it can be considered that this law provides further firmness in the prosecution of sexual harassment or sexual violence. As explained in Article 5, that:

"Every person who commits non-physical sexual acts aimed at 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 Rp. 10,000,000.00 (ten million rupiahs)."

In handling acts of sexual harassment (cyber harassment) through information and communication technology and cyberspace, Indonesia has regulated the prohibition of such acts indirectly. Article 27 Paragraph 1 of the Electronic Information and Transaction Law (UU ITE) regulates this as follows, "Every person intentionally and without the right to distribute and/or transmit and/or make accessible Electronic Information and/or Electronic Documents that have content that violates decency.

Criminal sanctions for individuals who violate the provisions of Article 27 Paragraph 1 of the ITE Law are further emphasized in Article 45 Paragraph 1 of the ITE Law. The article states, "Any person who fulfills the elements as referred to in Article 27 paragraph (1), paragraph (2), paragraph (3), or paragraph (4) shall be punished with a maximum imprisonment of 6 (six) years and/or a maximum fine of Rp1,000,000,000.00 (one billion rupiah)." Sexual harassment is a crime that can traumatize victims and is highly undesirable. Therefore, police officers need to take firm steps in handling cases like this. This involves attention to the triggering factors of sexual harassment as well as the implementation of prevention and countermeasures after the occurrence of sexual harassment crimes. For the community, it is important to raise awareness of the surrounding environment, especially of children and their social interactions. Keeping in touch with each other is also an important factor in increasing community awareness and solidarity to prevent and overcome sexual harassment cases.

4. Conclusion

The occurrence of sexual harassment in Makassar City can be caused by internal factors and external factors. The efforts to prevent and overcome sexual harassment in Makassar City

involve non-penal measures, consisting of pre-emptive and preventive measures, as well as penal or repressive measures taken after the crime. These measures involve the role of individuals, communities, and the police, prosecutors, courts, and correctional institutions.

Suggestions from the author to avoid sexual harassment against women and children, it is very important to educate children as early as possible about the importance of protecting themselves from situations that can trigger sexual harassment. The police should also conduct more frequent legal counseling in schools and various areas that have not been covered. Efforts to increase anticipatory socialization also need to be increased. Community cooperation, through direct reporting to the police when cases of harassment occur, is also needed. In this case, the active role of religious shops can provide an understanding of the impact of sexual harassment from a religious, moral and other perspective. Parents, as well as other family members such as siblings, grandparents, uncles, aunts, and other family members, are also expected to always pay attention to their children. Providing attention, guidance and education to children is very important. If there are signs of someone trying to touch private parts of the body, immediate distancing measures need to be taken to prevent abuse from occurring.

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