

Formulation Of Regulations For The Criminal Act Of Verbal Catcalling Sexual Harassment Based On Justice Values

Buchari Taslim Tuasikal¹⁾ & Jawade Hafidz²⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: bucharitaslimtuasikal.std@unissula.ac.id

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,
E-mail: jawade@unissula.ac.id

Abstract. *As an act that violates decency, catcalling often escapes public attention because it commonly occurs spontaneously. Many people in Indonesia are unaware that they can become either victims or perpetrators of catcalling due to the lack of understanding of this phenomenon. An essential element in determining whether an action constitutes harassment is the presence or absence of consent. The purpose of this research is to examine and analyze the regulation of verbal sexual harassment (catcalling) in Indonesia's positive law, which has not yet reflected principles of justice, as well as to examine and analyze the ideal formulation of regulations on verbal sexual harassment based on the value of justice in future criminal law reforms. The research method used in this legal study is normative juridical. Normative juridical research focuses on analyzing the application of legal norms or rules within the existing legal framework. Catcalling is a form of verbal sexual harassment that undermines dignity and personal security, yet it has not been explicitly regulated in Indonesian law, resulting in weak and inconsistent enforcement. Various provisions in the Criminal Code, the Pornography Law, and the Sexual Violence Crime Law (UU TPKS) have yet to specifically encompass the non-physical but sexually charged nature of catcalling. Major obstacles arise in proving the offense, the absence of detailed examples, and the heavy burden of evidence placed on victims. Other countries such as France, Belgium, and the Philippines have explicitly regulated catcalling through clear definitions, graduated sanctions, and rapid enforcement mechanisms. Indonesia could adopt similar models by establishing detailed regulations, proportional sanctions, accessible reporting mechanisms, and victim support to achieve a fairer and more effective protection system.*

Keywords: *Catcalling; Harassment; Justice; Sexual.*

1. Introduction

The law has a function as a protector of human interests, so that human interests are protected, the law must be implemented professionally.¹ The implementation of the law can proceed normally, peacefully, and orderly. Legal protection is crucial and contributes to justice for all Indonesian citizens. Article 1, paragraph 3 of the 1945 Constitution of the Republic of Indonesia states that Indonesia is a state based on the rule of law. Therefore, all aspects of state life are always based on law.²

The existence of law in Indonesia is an effort to prevent or regulate all life where there is a possibility of human behavior that can exceed its limits. because the law is very important for every human role to carry out every daily activity and the law itself is a very important guideline as the foundation of human life in the future with the background of social life that is interconnected every day with other individuals and it cannot be denied that humans are social creatures who live side by side. The creation of a peaceful life must be guaranteed by the firmness of the law as the role of law enforcement or the government in dealing with various existing problems such as sexual harassment, but behind this guarantee the community must better understand the existing rules because it can affect the speed or slowness of law enforcement in resolving cases.³

Sexual harassment is a deliberate and intentional act intended to intimidate, demean, humiliate, or sexually assault a victim. It is also characterized by unwanted and inappropriate sexual comments or physical advances in the workplace or other professional or social settings. The fundamental difference between sexual harassment and other behaviors is the willingness of the individuals involved, known as consent. In this era of disruption, this is revealed to the public through media reports and social media platforms, although many cases end without a clear resolution. Victims of sexual harassment, including those in their immediate social circles, often view the incident as a disgrace. This can sometimes trigger post-traumatic stress disorder when victims do not receive appropriate treatment.⁴

¹Hadibah Zachra Wadjo and Judy Marria Saimima, Legal Protection for Victims of Sexual Violence in the Context of Realizing Restorative Justice, *Jurnal Belo*, Vol. 6, No. 2, 2020, pp. 48–59,

²M. Chaerul Risal, Legal Protection for Victims of Sexual Violence Following the Enactment of the Sexual Violence Crime Law: Implementation and Effectiveness, *Al Daulah: Journal of Criminal and Constitutional Law*, Vol. 11, No. 1, 2022, pp. 75-93

³Labib Musthofa Kemal and Ifadah Pratama Hapsari, "Accountability of Perpetrators of Non-Physical Harassment from the Perspective of Positive Law in Indonesia," *Unes Law Review*, Vol. 6, No. 1, 2023, pp. 2437-2443

⁴ SitiNurbayani et. al., Utilizing Library Repository For Sexual Harassment Study In Indonesia: A Systematic Literature Review, *Science Direct*, Volume 8, Issue 8, 2022, p. 245-255

According to data from the National Commission on Violence Against Women (Komnas Perempuan) in 2024, 445,502 cases of violence against women were reported to Komnas Perempuan and its CATAHU partners, an increase of 43,527 cases, or approximately 9.77%, compared to 401,975 cases in 2023. The number of direct complaints received by Komnas Perempuan reached 4,178 cases, a decrease of 4.48% from the previous year, with an average of 16 complaints per day. Based on the form of violence, CATAHU 2024 data shows that sexual violence and psychological violence both dominate (26.94% each), followed by physical violence (26.78%) and economic violence (9.84%). There is a shift in data compared to 2023, where psychological violence previously ranked highest. Among CATAHU partners, sexual violence was recorded the most, with 17,305 cases, followed by physical violence (12,626), psychological violence (11,475), and economic violence (4,565). Meanwhile, data from the National Commission on Violence Against Women (Komnas Perempuan) shows that psychological violence remains dominant (3,660 cases), followed by sexual violence (3,166), physical violence (2,418), and economic violence (966).⁵

Sexual harassment doesn't just occur through physical contact. It can also occur verbally. It takes various forms, from catcalling, which involves teasing women by shouting sexually, to whistling at them.⁶ Cases of verbal sexual harassment (catcalling) are sometimes not recorded by the National Commission on Violence Against Women, because there are no norms governing such acts, especially since no women report or complain about them. However, verbal sexual harassment (catcalling) occurs frequently in society and is considered normal, even considered normal behavior and not harassment. In fact, it is sexual harassment that degrades women's dignity, because it places women in a lower position than men.⁷

In Indonesia, the phenomenon of catcalling still receives little serious attention from both the public and law enforcement. This behavior is often considered normal or even a form of praise, making it difficult for victims to obtain adequate protection and justice. In fact, catcalling is an act that demeans human dignity and violates human rights, particularly the right to feel safe and free from violence.

Awareness of the harmful effects of catcalling is growing in various countries, including Indonesia. Catcalling not only disrupts a person's comfort and safety but can also negatively impact the victim's mental health. However, in practice, this act is often considered trivial or normal in certain cultures, resulting in perpetrators rarely receiving appropriate sanctions. This raises questions about

⁵ <https://komnasperempuan.go.id/catatan-tahunan> accessed on June 20, 2025

⁶ Fara Novanda Fatura, "A Study of the Criminal Act of Verbal Sexual Harassment in Indonesian Criminal Law," *Recidive*, Vol. 8, No. 3, 2019, pp. 132-144

⁷ Siti Nurahlin, Legal Protection for Victims of Verbal Sexual Harassment (Catcalling) in the Law on Sexual Violence, *Jatiswara*, Vol. 37, No. 3, 2022, pp. 314-323

the extent to which criminal law can protect individuals from this form of verbal harassment.⁸

Catcalling This includes sexual harassment in public spaces, involving whistling, derogatory names, or comments about the physical appearance of unknown women with sexual overtones and visual appeal. Catcalling is not just whistling or shouting; it also involves symbols and gestures used to harass the victim. These symbols are intended to tease, annoy, and demean the victim, creating unequal communication and fraught with negative meanings. Phrases such as "beautiful," "darling," "sexy," "alone? Want some company?" and similar phrases are often used as forms of harassment and a perceived entitlement to women's presence in public spaces.

As an act contrary to morality, catcalling often goes unnoticed because it often occurs spontaneously. Many people in Indonesia are unaware that they can be victims or perpetrators of catcalling due to a lack of understanding regarding this phenomenon. A crucial element in determining whether an act is harassment is consent. The prevalence of catcalling has a devastating impact on victims, yet many choose to remain silent out of fear. The lack of courage to defend victims and weak law enforcement exacerbate the situation. In the digital era, the phenomenon of catcalling is becoming increasingly widespread, necessitating a study of its regulation within the Indonesian legal system and regulatory reforms to impose strict sanctions on this behavior.

In the perspective of Criminology and Criminal Law, verbal sexual harassment (catcalling) involves a number of regulations that regulate such behavior. The perspective of criminology and criminal law has a central role in analyzing the impact and legal regulation of this action. The Indonesian Criminal Code (KUHP) does not recognize the term deviant acts this is because Part XIV of the Criminal Code contains Criminal Acts Against Differences in which there is the term rebellious actions directed at Articles 289 to 296.

Article 281 of the Criminal Code of Offenders, Part XIV concerning Violations of Morality, states that the person concerned is threatened with imprisonment, a fine of IDR 4,000,500 or a maximum sentence of two years and eight months:

- 1) Whoever deliberately and openly abuses tolerance.
- 2) Whoever intentionally and in the presence of others who are there even though he wishes otherwise, abuses conventionality.

Article 281 paragraph (2) of the Criminal Code explains that "if a person intentionally commits an immoral act in front of another person without their

⁸Astuti Nur Fadillah, Catcalling as Verbal Sexual Harassment from a Criminal Law Perspective. Belo Journal, Vol. 7, No. 2, 2021, pp. 146-155.

consent, he can be punished with imprisonment or a fine." Acts committed in public spaces and the morality referred to in this article are the same. This provides a protective perspective for individuals who need a sense of security, both from words directed at activities that ignore morality.

Article 315 of the Criminal Code states that "any intentional insult committed against a person in writing or verbally in front of that person or through a letter can be categorized as a minor insult that can be punished with imprisonment or a fine." Because the act of catcalling is not considered an insult but rather a compliment that makes the object or victim feel uncomfortable, the application of Article 315 of the Criminal Code as a basis for resolving catcalling cases is still inappropriate.

2. Research Methods

Research methods are essentially a function of the research problem and objectives. Therefore, they are closely related to the research problem and objectives. The research methods are presented systematically. The approach used in this legal research is normative juridical. Normative juridical research focuses on examining the application of rules or norms in positive law.⁹ This research is concerned with the Ideal Formulation of Regulations for the Crime of Verbal Catcalling Sexual Harassment Based on Justice Values. The research specification used is descriptive analysis, which is a descriptive data collection technique that aims to obtain a complete picture of the legal situation in a particular place. Analysis means analyzing the problems in the research that can be drawn into general conclusions.

3. Results and Discussion

3.1. The Provision of Verbal Sexual Harassment and Catcalling Based on Positive Law in Indonesia is Not Yet Justice-Based

Sexual harassment is indecent and unlawful behavior that involves forcing sexual contact on someone without their consent. This behavior can include words, touching, or other actions of a sexual nature. Sexual harassment often occurs in public spaces, especially against women, and can make them feel intimidated and unsafe. Everyone has the right to feel safe and protected from the threat of fear, as stipulated in Article 30 of Law Number 39 of 1999 concerning Human Rights, which states, "everyone has the right to feel safe and secure and to be protected from the threat of fear."¹⁰ Although numerous policies exist to guarantee a sense

⁹Jhonny Ibrahim, Theory and Methodology of Normative Legal Research, Bayumedia Malang, 2011, p. 295.

¹⁰Dzakiyah Noor Mughni and Hana Faridah, „Legal Policy on Sexual Harassment (Catcalling) from a Criminal Law Perspective in Karawang Regency“, Wahana Pendidikan Scientific Journal, 9.1 (2023), pp. 118–27.

of security, in reality, this security is often not felt in everyday life. Public places like public transportation, sports venues, supermarkets, and even places that should provide a sense of security like schools, workplaces, and places of worship are often places where discomfort can be felt.¹¹

Behavior that disturbs and makes people feel unsafe, as mentioned previously, falls under the category of "street harassment." Street harassment is often considered a form of sexual harassment in public places, typically experienced by women, although men can also be victims. This phenomenon of harassment is increasingly concerning. Harassment occurs not only in private spaces, but now many cases of harassment experienced by women occur in public places. The lack of strict enforcement of human rights opens up opportunities for various criminal acts. One example is the difficulty in prosecuting perpetrators of sexual violence in public spaces due to the lack of specific regulations. Catcalling, a common form of harassment, also escapes firm action and clear regulation.

Sexual harassment has become a global issue that requires serious attention from various parties. Sexual harassment can occur in various forms, both physical and verbal. One form of sexual harassment that is common but often overlooked is catcalling. Catcalling, or the use of sexualized whistles and comments directed at someone, usually in public, is a phenomenon that involves unwanted interactions that demean and objectify the victim.

In Indonesia, the issue of catcalling has not received adequate attention from either the public or law enforcement. This behavior is often considered normal or even a form of praise, making it difficult for victims to obtain protection or justice. In fact, catcalling can be categorized as an act that demeans human dignity and violates human rights, particularly the right to feel safe and free from violence.

In various countries, including Indonesia, awareness of the negative impacts of catcalling is growing. Catcalling not only disrupts a person's comfort and safety but can also affect the victim's mental health. Despite this, this act is often considered trivial or even normal in certain cultures, so perpetrators rarely face appropriate punishment. This raises questions about the extent to which criminal law can protect individuals from this form of verbal harassment.

Catcalling is a form of sexual harassment in public spaces that involves whistling, teasing with derogatory names, or comments about the physical appearance of unknown women, which tend to be sexually oriented and visually arousing. Catcalling is not just shouting or whistling, but also includes symbols and gestures used to harass the victim. These symbols are intended to tease or annoy, and demean the victim. This creates an unbalanced communication pattern full of negative meanings. Insulting terms in catcalling such as "beautiful," "darling,"

¹¹Anang Dony Irawan, "Sexual Harassment of Victims Reviewed from the Minister of Education and Culture Regulation Number 30 of 2021," *Media of Law and Sharia*, 3.2 (2022), pp. 107–23.

"sexy," "alone huh? Want some company?" and similar are often used as a tool to harass and feel ownership over women's presence in public spaces.

Currently, perpetrators of catcalling can be prosecuted. The enactment of the Sexual Violence Crimes Act, also known as the TPKS Law, on April 12, 2022, is considered capable of protecting the rights of victims of sexual harassment. This law, consisting of 93 articles and 58 pages, is expected to provide an umbrella for firm law enforcement against all forms of sexual harassment, both physical and non-physical. In addition to the TPKS Law, the Criminal Code (KUHP) itself also contains articles that can ensnare victims, namely Articles 289-296 concerning indecency. Although using the term obscene, these articles are considered still relevant to the phenomenon of catcalling, which contains sexual elements. In line with this regulation, Law No. 44 of 2008 concerning Pornography also emphasizes the criminalization of catcalling. Specifically, Articles 34-35 explicitly outline sanctions for perpetrators of catcalling.

Catcalling is a criminal act that falls under the category of sexual harassment. A criminal act is a prohibited act that violates the law and carries the threat of sanctions against those who violate it. The prohibition is directed towards the act. The term "criminal act" itself has various other terms, including criminal incident and criminal offense.

a. "Any intentional defamation or written defamation committed against a person, whether in public orally or in writing, or in front of the person himself or herself orally or by means of a letter sent or received by him or her, is threatened as a minor insult with a maximum imprisonment of four months and two weeks or a maximum fine of four thousand five hundred rupiah" (Criminal Code). If associated with catcalling, Article 315 of the Criminal Code can be used to ensnare the perpetrator for several reasons that can be elements of a criminal act, namely intentional insult, catcalling often takes the form of words or actions that are demeaning, insulting, or harassing. This action is carried out intentionally by the perpetrator. The next element is that it is not defamatory or written defamation, so catcalling is not always in the form of written defamation, but more often in the form of direct words or actions. In addition, there is an element of being done against a person, catcalling is aimed directly at a specific victim, either in public or directly in front of the victim. And the last element is in public or in front of the person himself, so catcalling usually occurs in a public place or directly in front of the victim, fulfilling the criteria of "in public orally or act" or "in front of the person himself or herself verbally or by act". This article threatens the perpetrator of catcalling with imprisonment or a fine because their actions fulfill the elements of minor insults mentioned in the article. The perpetrator of catcalling, through their words or actions, makes an intentional insult and is not in the form of written defamation, which occurs in public or directly towards the victim. Catcalling that people say often contains words such as "hey girl, hey beautiful, where are you

darling?", which is basically not an insult considering that insults are not far from blasphemy or insults. Defamation can be in the form of belittling and insults can be in the form of criticism, while the words in catcalling are more directed towards praise or just a greeting. If analyzed, the use of Article 315 of the Criminal Code in resolving this catcalling case is less appropriate because catcalling is not an insult but rather a compliment that makes a feeling of discomfort because it is given by another person who is not known.

b. Article 335 paragraph (1) "Anyone who intentionally commits an unpleasant act in front of another person, shall be subject to a maximum imprisonment of one month or a maximum fine of four hundred and fifty rupiah" (Criminal Code). Article 335 paragraph (1) of the Criminal Code regulates unpleasant acts. An unpleasant act is defined as an act that is intentionally carried out to cause irritation, anger, fear, or discomfort in another person. Catcalling can be categorized as an unpleasant act because it can cause irritation, anger, fear, or discomfort in the victim. Article 335 paragraph (1) of the Criminal Code only regulates unpleasant acts that are carried out directly. Unpleasant acts carried out via social media, such as comments of a sexual nature, cannot be prosecuted under this article. Therefore, the enforcement of Article 335 paragraph (1) of the Criminal Code in catcalling cases is often hampered by a lack of evidence. Victims of catcalling often do not have strong evidence, such as voice or video recordings, to prove the perpetrator's actions.¹²

1) Law Number 44 of 2008 concerning pornography

a. Article 1 Paragraph (1) of Law Number 44 of 2008 concerning Pornography "Pornography is a picture, sketch, illustration, photo, writing, voice, sound, moving picture, animation, cartoon, conversation, body movement, or other form of message through various forms of communication media and/or public performances, which contain obscenity or sexual exploitation that violates moral norms in society" (Law Number 44 of 2008, 2008). If it is related to catcalling, Article 1 Paragraph (1) of Law Number 44 of 2008 concerning Pornography can be used to explain how catcalling can be considered a form of pornography for several reasons, namely first, the form of message through communication media and/or public performances means that catcalling often occurs in public places and is conveyed through voice or body movement. This is in accordance with the description in this article that pornography can be in the form of voice, sound, or body movement in public. Second, containing obscenity or sexual exploitation means that catcalling often contains obscene remarks or actions or exploits the victim sexually. These remarks often contain obscene language or actions that demean the victim. Third, catcalling clearly violates societal moral norms. This act is not only impolite but also violates the ethics and morals held by society. Overall, this article can be used to categorize catcalling as a form of pornography because

¹²Ibid

it involves communication containing elements of obscenity or sexual exploitation and violates public moral norms. Therefore, catcallers can be subject to sanctions under this article if their actions meet the criteria mentioned in the definition of pornography.

b. Article 8 and Article 34 of Law Number 44 of 2008 "Everyone is prohibited from intentionally or with his/her consent to become an object or model containing pornographic content" (Law Number 44 of 2008, 2008). In general, this article provides protection to individuals from being made an object or model containing pornographic content, either intentionally or with his/her consent, but often there is no consent from the victim, and the act is carried out unilaterally by the perpetrator, making it a violation of this principle. Overall, this article emphasizes that no one may be made an object or model containing pornographic content. In the context of catcalling, the perpetrator's actions that sexually exploit the victim and make the victim feel like a sexual object can be considered a violation of this article, because the act contains pornographic content and is carried out without consent. The statement of Article 8 is related to the statement of Article 34, namely "any person who intentionally or with his/her consent becomes an object or model containing pornographic content as referred to in Article 8 shall be punished with a maximum imprisonment of 10 (ten) years and/or a maximum fine of IDR 5,000,000,000.00 (five billion rupiah)". This article determines the criminal sanctions that a person who commits an act formulated in Article 8 will receive. So Article 8 and Article 34 of Law Number 44 of 2008 together provide a clear legal basis for prohibiting and punishing acts of sexual exploitation through media containing pornographic content. These two articles provide a legal framework that protects individuals from becoming objects of pornographic exploitation, with severe sanctions to prevent and prosecute such violations.

c. Article 9 and Article 35 of Law Number 44 of 2008. Article 9 states, "Everyone is prohibited from making another person an object or model containing pornographic content" (Law Number 44 of 2008, 2008). This article prohibits making another person an object or model containing pornographic content. In the context of catcalling, this action can be considered a form of violation if the perpetrator's speech or behavior contains pornographic or obscene elements. This article can be used to protect individuals from sexual exploitation and treating them as sexual objects verbally or physically, providing a legal basis for taking action against catcallers who violate moral norms and involve pornographic elements. The statement of Article 9 is related to the statement of Article 35 which states "Any person who makes another person an object or model containing pornographic content as referred to in Article 9 shall be punished with imprisonment of at least 1 (one) year and a maximum of 12 (twelve) years and/or a fine of at least IDR 500,000,000.00 (five hundred million rupiah) and a maximum of IDR 6,000,000,000.00 (six billion rupiah)". This article determines the criminal sanctions that a person who commits an act formulated in Article 9 (Law Number

44 of 2008, 2008). Article 9 and Article 35 of Law Number 44 of 2008 concerning Pornography work together to prohibit and provide severe sanctions for acts that make another person an object or model containing pornographic content. In the context of catcalling, if the act involves explicit and obscene sexual exploitation, then these articles can be used to prosecute the perpetrator, providing a strong legal basis to protect individuals from acts that demean and sexually exploit them.¹³ The Sexual Violence Crimes Law (UU TPKS) has made significant progress by including non-physical sexual harassment as a form of sexual violence, but this regulation still leaves gaps in implementation. The formulation of the element "acts with sexual connotations" is not accompanied by a more detailed list of examples, making it difficult for law enforcement officials to assess whether certain remarks meet the elements of a criminal offense. Furthermore, many cases of catcalling occur in public spaces with minimal witnesses, placing a heavy burden of proof on the victim. This situation has the potential to deter victims from reporting the incident due to concerns that their report will be deemed legally insufficient.

From a justice perspective, the lack of clarity regarding catcalling norms prevents society and law enforcement from viewing it as a serious violation that undermines victims' rights to safety, dignity, and freedom of movement. When the law fails to provide clear protection, a culture of victim blaming and the normalization of verbal harassment becomes stronger. Yet, catcalling is a form of gender-based violence that can cause psychological trauma, fear, and restrictions on women's freedom of movement. The absence of strong norms makes legal responses incapable of changing this detrimental culture.

The limitations of the current legal framework also demonstrate that the regulation of catcalling is not yet oriented towards restorative justice for victims. In many cases, victims require psychological recovery, recognition of the violation of their dignity, and assurance that the perpetrator will not repeat their actions. However, protection and reparation mechanisms for verbal harassment cases remain minimal and have not been properly integrated into criminal procedural law. Indonesian positive law still places verbal harassment on the margins, while its impact on victims is very real. Consequently, criminalization and protection efforts do not reflect comprehensive, victim-centered justice.

3.2. Ideal Formulation of Regulation of the Criminal Act of Verbal Sexual Harassment and Catcalling Based on Justice Values in the Upcoming Criminal Law Reform

Regulations regarding catcalling in various countries show varying legal developments, depending on how the country views verbal sexual harassment as a violation of the dignity and sense of security of its citizens. Some countries have

¹³*Ibid*

established very strict regulations, while others are only just beginning to formulate administrative or educational approaches.

France was one of the pioneering countries to explicitly criminalize catcalling through the 2018 Loi Schiappa. This law defines outrage sexiste as demeaning, insulting, or sexually suggestive verbal acts in public spaces. This definition directly includes whistling, sexual comments, or gestures that make the victim feel intimidated. This law was born out of a surge in reports of street harassment that had gone unaddressed for years.¹⁴

In practice, France grants police the authority to impose fines on the spot on offenders. Fines can be imposed without waiting for a court hearing, provided the police directly witness the act or are based on other strong evidence. This mechanism is designed to ensure swift law enforcement and provide a real deterrent effect on offenders.

The amount of the fine in France ranges from 90 to 750 euros, and can increase if there are aggravating elements such as threats, intimidation or actions directed at minors. Thus, catcalling is not considered just rude speech, but as a violation of the law that disrupts public order and women's freedom of movement.

The concept of sexist outrage also includes subjective elements, such as feelings of discomfort or fear experienced by the victim, making the victim's perspective a crucial part of the assessment. This approach emphasizes substantive justice, not just formal justice, as the law recognizes the often invisible yet highly significant psychological impact.¹⁵

Belgium enacted the Sexism Act in 2014, which was further strengthened in legal reforms in 2018 and 2022. This law explicitly prohibits verbal sexual acts that objectify a person in public spaces. Belgium defines such acts as behavior intended to degrade or harm a person's dignity based on gender.¹⁶

Regulations in Belgium extend beyond sexual comments and catcalling to other verbal acts that convey a sense of male dominance over women. The government views catcalling as part of a cycle of gender-based violence, so its handling is not only criminal but also educational.

Penalties for catcalling in Belgium are quite severe, with fines of up to 1,000 euros and up to one year in prison if the behavior is aggressive or repeated. Therefore,

¹⁴Zadeyeh, Sandra. "After#metoo: France ignites its fight against sexual and domestic violence." *Tul. J. Int'l & Comp. L.* 29 (2021): p. 197.

¹⁵Windsberger, Alexandra. "Should catcalling be punishable?" *Neue Criminalpolitik* 34, no. 3 (2022): p. 342-358.

¹⁶Flouli, Anastasia, and Christina Athanasiades. "Spoken sexism as a subject of debate in the discourse of men." *Hellenic Journal of Psychology* 20, no. 3 (2023): p. 280-297.

Belgium considers verbal harassment a serious behavior with widespread social consequences.

One interesting aspect of Belgian law is the recognition that verbal acts can restrict victims' freedom of use in public spaces. The state asserts that women have an equal right to feel safe on the streets and in public spaces without being subjected to verbal harassment. This principle strengthens the legitimacy of criminalizing catcalling as a protective instrument consistent with human rights.

Belgium also gives anti-discrimination institutions a crucial role in law enforcement. Victims can report not only to the police but also to human rights protection institutions, which provide legal, psychological, and administrative assistance. This model broadens access to justice for victims who often hesitate to confront law enforcement directly.

The Philippines enacted the Safe Spaces Act, also known as the Bawal Bastos Law, in 2019. This law was enacted in response to high rates of verbal sexual harassment, particularly in urban areas, public transportation, and educational settings. The Philippines explicitly classifies catcalling as an act of gender-based sexual harassment in public spaces.¹⁷

The law provides a detailed definition of catcalling, including whistling, sexually suggestive comments, derogatory names, and other verbal remarks directed at a person's body. This formulation is considered highly progressive because it eliminates the gray area often found in other countries' laws.

Penalties for catcalling in the Philippines are tailored to the severity of the offense. For a first offense, the perpetrator can be subject to an administrative fine and required to undergo gender sensitivity training. More serious or repeated offenses can result in higher fines and imprisonment. This tiered approach emphasizes social education as part of the legal process.

The Philippines also involves local governments, public transportation operators, and educational institutions as responsible parties in preventing catcalling. This obligation is structured within a framework of shared responsibility, so that handling verbal harassment is not solely the responsibility of the police.

One of the strengths of Philippine law is its integration of a reporting system that is easily accessible to the public, including through hotlines, social media, and reporting apps. This makes it easier for victims to report without having to navigate complicated bureaucratic processes. This model has been praised for

¹⁷Pagurayan, Mary Grace, Phoebe Bayta, Daizz Antoinette Reyes, Zhaera Mae Carido, Mark Apigo, Julianne Catapang, Suya Francisco et al. "Dangers of catcalling: Exploring the lived experiences of women catcalled in Quezon City." (2023). Pg 21

raising public awareness and reducing the psychological barriers often faced by victims of verbal abuse.

When compared, the three countries show a similar pattern: recognizing catcalling as a violation of human dignity and the right to feel safe in public spaces. However, each country has developed a different approach, ranging from direct fines, as in France, to harsh penalties and a gender perspective, as in Belgium, to a combination of sanctions and education, as in the Philippines.

Indonesia can adopt several models for enforcing catcalling laws from countries that are more advanced in regulating verbal sexual harassment. The first approach is to explicitly and specifically define what constitutes catcalling. Many provisions in Indonesian law are still general, such as the definition of "non-physical harassment" in the TPKS Law. Indonesia could follow the example of the Philippines, which has formulated a clear list of behaviors—whistling, sexual comments, derogatory nicknames, sexual teasing, and gestures that objectify the victim. A detailed formulation would provide legal certainty for victims, facilitate authorities in establishing evidence, and eliminate the possibility of multiple interpretations that often lead to reports not being processed.

Furthermore, Indonesia could adopt an on-the-spot fine mechanism, similar to that implemented in France. This mechanism allows authorities, such as the Public Order Agency (Satpol PP) or the police, to immediately impose administrative fines upon witnessing catcalling. This scheme is important because catcalling often occurs briefly, without recording, and is difficult to prove through standard criminal procedures. Immediate sanctions are not only more effective but also provide a deterrent effect and send a strong message that verbal harassment will not be tolerated. Indonesia could also adopt a graduated sanction model, similar to the Philippines, which focuses not only on criminal penalties but also on social education. For a first offense, the perpetrator can be subject to a small fine, mandatory gender sensitivity training, or behavioral counseling. Repeat offenders are subject to more severe criminal sanctions. This system is well-suited to the character of Indonesian law, which prioritizes development and behavioral change, rather than simply imprisonment.

Beyond sanctions, Indonesia can emulate Belgium in strengthening victim advocacy and easy reporting mechanisms, including hotlines, reporting apps, and the integration of gender-based services at the regional level. Many victims of catcalling do not report the incident because they perceive the remarks as trivial or fear that action will not be taken. A fast, easy, and secure reporting system will increase victims' courage to report and improve the quality of data on verbal harassment cases, which are currently underreported.

4. Conclusion

Verbal sexual harassment such as catcalling is a form of sexual violence in public spaces that degrades dignity, disrupts the sense of security, and violates human rights, especially the right to protection and a sense of security as guaranteed by the 1945 Constitution and the Human Rights Law. In practice, catcalling in Indonesia is still often considered normal or even a "compliment," making it difficult for victims to obtain protection and justice. Normatively, the handling of catcalling is still scattered across various regulations such as the Criminal Code (Articles 281, 315, 335), the Pornography Law (Articles 1, 8–9, 34–35), and especially the TPKS Law which recognizes non-physical sexual harassment, but there is no clear and specific formulation that mentions catcalling. Catcalling actually fulfills the elements of a criminal act according to the doctrine of criminal acts (human acts, punishable by law, against the law, there is fault, and the perpetrator is capable of being responsible), but the lack and ambiguity of norms make law enforcement weak and inconsistent. The old Criminal Code did not specifically regulate verbal harassment, and the articles on morality and insults were deemed inadequate to address the non-physical yet sexually charged phenomenon of catcalling. The TPKS Law has expanded protection by categorizing non-physical sexual harassment, but still leaves behind evidentiary challenges, a lack of detailed examples, a lack of witnesses, and a heavy burden of proof on the victim. Overall, the regulation of catcalling in Indonesian positive law is not fully based on justice because it does not provide legal certainty, effective protection, and victim-centered redress.

5. References

Journals:

Agustini, Ika, Rofiqur Rachman, and Ruly Haryandra. "Perlindungan Hukum Terhadap Korban Kekerasan Seksual: Kajian Kebijakan Hukum Pidana Indonesia dan Hukum Pidana Islam." *Rechtenstudent* 2, no. 3 (2021):

Anang Dony Irawan, „Pelecehan Seksual Terhadap Korban Ditinjau Dari Permendikbud Nomor 30 Tahun 2021“, *Media of Law and Sharia*, 3.2 (2022),

Andika Legesan, Korban Kejahatan Sebagai Salah Satu Faktor Terjadinya Tindak Pidana Pemerkosaan. *Lex Crimen*, Vol. 1, No. 4, 2012,

Angeline Hidayat and Yugih Setyanto, "Fenomena *Catcalling* Sebagai Bentuk Pelecehan Seksual Secara Verbal Terhadap Perempuan Di Jakarta," *Koneksi* 3, no. 2 (2020):

Astuti Nur Fadillah, *Catcalling* Sebagai Perilaku Pelecehan Seksual Secara Verbal Ditinjau Dari Perspektif Hukum Pidana. *Jurnal Belo*, Vol. 7, No. 2, 2021,

Dian Novitasari et. al., Medicolegal Handling Strategy For Sexual Violence Against Women at Sultan Agung Islamic Hospital Semarang, *Jurnal Ilmiah Multidisiplin Indonesia* (JIM-ID), Volume 4, Number 06, 2025,

Dzakiyah Noor Mughni and Hana Faridah, „Kebijakan Hukum Pelecehan Seksual (*Catcalling*) Dalam Persektif Hukum Pidana Di Kabupaten Karawang“, *Jurnal Ilmiah Wahana Pendidikan*, 9.1 (2023),

Fadli, Muhammad, and I. Gusti Ayu Stefani Ratna Maharani. "Urgensi Perlindungan dan Penegakan Hukum dalam Mengatasi Problematika Sexual Hardness Terhadap Laki-Laki di Indonesia." *Ethics and Law Journal: Business and Notary* 2, no. 3 (2024):

Fara Novanda Fatura, Telaah Tindak Pidana Pelecehan Seksual Secara Verbal Dalam Hukum Pidana Indonesia, *Recidive*, Vol. 8, No. 3, 2019,

Ferna Grachiella Pinasang, Pelecehan Seksual Nonfisik Sebagai Suatu Tindak Pidana Kekerasan Seksual Menurut Pasal 5 Undang-Undang Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual. *Lex Privatum*, Vol. 11, No. 2, 2023

Flouli, Anastasia, and Christina Athanasiades. "Spoken sexism as a subject of debate in the discourse of men." *Hellenic Journal of Psychology* 20, no. 3 (2023):

Hadibah Zachra Wadjo dan Judy Marria Saimima, Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Rangka Mewujudkan Keadilan Restoratif, *Jurnal Belo*, Vol. 6, No. 2, 2020,

Hibrizi, Arjun Rojolio, Ahmad Rizaldi Sutomo, Cindi Indriani, Rahma Salsa Nabila, Yemima Priscila Barutu, and Rijal Abdillah. "Intervensi Sosial *Catcalling* Sebagai Bentuk Pelecehan Seksual." *HUMANITIS: Jurnal Homaniora, Sosial dan Bisnis* 3, no. 1 (2025):

Hisyam, Ciek Julyati, Benedictus Raditya, Hernan Solari, Ilham Danu Prasetyo, Muhammad Fauzil Adhim, Nasrani Nofati Waruwu, and Roberto Dowansiba. "The Faktor Determinan Terjadinya Pencabulan dan Pelecehan terhadap Perempuan." *Jurnal Ilmiah Research Student* 2, no. 1 (2025):

Karlivon Meta, et. al., Formulasi Kebijakan Peraturan Desa di Desa Bataka Kecamatan Ibu Selatan Kabupaten Halmahera Barat, *Jurnal Administrasi Publik*, Vol. 4 No. 54, 2018,

Khumairok, Mar'atul, and Noenik Soekorini. "*Catcalling* Sebagai Perilaku Pelecehan Seksual Secara Verbal Ditinjau dari Perspektif Hukum Pidana." *UNES Law Review* 7, no. 1 (2024):

Labib Musthofa Kemal dan Ifadah Pratama Hapsari, Pertanggung Jawaban Pelaku Pelecehan Non Fisik Dilihat dari Hukum Positif di Indonesia, *Unes Law Review*, Vol. 6, No. 1, 2023,

M. Chaerul Risal, Perlindungan Hukum Terhadap Korban Kekerasan Seksual Pasca Pengesahan Undang-Undang Tindak Pidana Kekerasan Seksual: Penerapan dan Efektivitas, *Al Daulah: Jurnal Hukum Pidana dan Ketatanegaraan*, Vol. 11, No 1, 2022,

Masitho, Mudzalifah Sri Dewi. "Faktor Pemicu dan Konsekuensi Pelecehan Seksual di Lingkungan Perguruan Tinggi." *Innovative: Journal Of Social Science Research* 3, no. 6 (2023):

Books:

Abdullah, 2008, *Pertimbangan Hukum Putusan Pengadilan*, Cetakan Pertama, Program Pascasarjana Universitas Sunan Giri, Sidoarjo,

Achmad Ali. 2009, *Menguak Teori Hukum (Legal Theory) dan Teori Peradilan (Judicial Prudence): Termasuk Interpretasi Undang-Undang (Legisprudence)*. Jakarta: Kencana Prenada Group,

Achmad Sanusi. dan Sobry Sutikno. 2010. *Kepemimpinan Sekarang Dan Masa Depan dalam membentuk Budaya Organisasi Yang Efektif*. Prospect, Jakarta,

Amelia Putri, 2022, *Bunga Rampai Isu-Isu Krusial Tentang Perkembangan Hukum Dan Masyarakat*, Penerbit Lakeisha, Klaten,

Bahder Johan Nasution, 2008, *Metode Penelitian Ilmu Hukum*, Mandar Maju, Bandung,

Barda Nawawi Arief, 2008, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*, Kencana Prenada Media Group, Jakarta,

Barda Nawawi Arief, 2008, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*, Kencana, Jakarta,

Burhanuddin Salam, 1997, *Etika Sosial, Asas Moral Dalam Kehidupan Manusia*, Rineka Cipta, Jakarta,

H.L.A Hart. 2010, *The Concept Of Law (Konsep Hukum)*. Nusa Media, Bandung,

Jhonny Ibrahim, 2011, *Teori dan Metodologi Penelitian Hukum Normatif*, Bayumedia Malang,

R. Collier, 1998. *Pelecehan Seksual. Hubungan Dominasi Mayoritas dan Minoritas.* Tiara Wacana. Yogyakarta,

Ranidar Darwis, 2003, *Pendidikan Hukum dalam Konteks Sosial Budaya bagi Pembinaan Kesadaran Hukum Warga Negara*, Bandung: Departemen Pendidikan Indonesia UPI, Bandung,

Regulation:

The 1945 Constitution of the Republic of Indonesia

Law Number 1 of 1946 concerning the Criminal Code;

Law Number 8 of 1981 concerning the Criminal Procedure Code;

Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence;

Internet:

<https://komnasperempuan.go.id/catatan-tahunan>

Catcalling: Fenomena Pelecehan Jalanan yang Perlu Dihentikan,
<https://teknikelektrik.ft.unesa.ac.id/post/catcalling-fenomena-pelecehan-jalanan-yang-perlu-dihentikan>