



## **JLPH:** **Journal of Law, Politic and Humanities**

E-ISSN: 2962-2816  
P-ISSN: 2747-1985<https://dinastires.org/JLPH> ✉ [dinasti.info@gmail.com](mailto:dinasti.info@gmail.com) ☎ +62 811 7404 455DOI: <https://doi.org/10.38035/jlph.v5i2>  
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# **The Urgency of Law Enforcement Relating to Criminal Acts of Sexual Violence in Public Transportation Mode**

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**Abstract:** The objective of this paper is to inspect the lawful prosecution of sexual assault in public transportation and the application of the Sexual Violence Offenses Act to prosecute sexual assault in public transportation. The form of research is executed using normative juridical by applying the method of statutory and legal conceptual approach. The result reveals the enforcement of sexual assault law in the public transportation could be implemented by using the Criminal Code and the Sexual Violence Offenses Act. Nevertheless, the Sexual Violence Offenses Act will be able provide legal protection and eliminate the feeling of inequality experienced by victims of sexual assault inside the public transportation mode.

**Keyword:** Sexual Violence, Public Transportation, Sexual Violence Offences Act.

## **INTRODUCTION**

Human Rights are acquired by every human being from birth and are universal, meaning that they do not take into account the differences that exist between humans. All human beings have the same dignity and dignity from the moment they are born, the words of the General Declaration of Human Rights (DUHAM) Article 1 have provided certainty b in essence, equal rights can be had by anyone regardless of gender. However, these gender differences give rise to misconceptions in society which give rise to a gap in the dominant roles of men and women. there are men than women. As a result, these misconceptions form a view of women as creatures who are weak and vulnerable to experiencing violence.

Today, violence against women is still a topic of discussion among society. Violence against women occurs in various forms, one of which is sexual violence. In 2021, a report on the results of a survey conducted by the All-Party Parliamentary Groups (PPG) for UN Women showed that 71 percent of women in England experienced various forms of cancer sexual feelings in public spaces. This figure jumps to 86 percent for women aged 18 to 24 years. Meanwhile, the Australian Bureau of Statistics released data that 53 percent of women in Australia have experienced sexual violence in their lifetime. Similar problems also occurred in Indonesia, as reported in the 2023 Annual Notes (CATAHU) of the National Commission on Violence Against Women n Gender-based occurs in women and is dominated by cases of sexual

violence, namely 2,228 cases. This proves that this crime has become a global problem in various corners of the world. Through the Constitution of the Republic of Indonesia of 1945 through Article 28G paragraph (2) it is clearly explained that every person has the right to be free from abuse and insults h a person's self-esteem. In line with this, there is international regulation in the form of the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). the woman and becomes the basis for eradicating crimes that occur against women.

The problem of sexual violence is not limited to private spaces, but can occur in public spaces. The National Commission on Violence Against Women's 2023 report stated that 1,276 cases occurred in public spaces. This trend is increasing, the 2024 National Commission on Violence Against Women found that 1,451 cases of sexual violence occurred in public spaces. As a result, women have to be more vigilant when traveling alone, especially when they are in public transportation. One example of a case was experienced by EB, a female passenger who experienced sexual harassment while on the KRL public transportation mode. This act was carried out by a man by rubbing his genitals against the victim.

Before the enactment of regulations regarding sexual violence, there was a legal vacuum when dealing with sexual violence in public transportation. Existing regulations cannot yet accommodate law enforcement for acts of sexual violence itself. For this reason, the urgency of ratifying the Criminal Act on Sexual Violence is aimed at improving regulations related to acts of sexual violence. Apart from that, the provisions set out in it are of priority compared to using other general criminal provisions.

## **METHOD**

The form of research used in this study is normative juridical. Meanwhile, to be able to answer the problems raised, this is done by applying legal and conceptual legal approaches. The information used in this research is in the form of writings containing information obtained through various sources, namely in the form of legal regulations, scientific journals, research reports, and even mass media news portals. Meanwhile, data collection in this research uses library research.

## **RESULTS AND DISCUSSION**

### **Law Enforcement of Criminal Acts of Sexual Violence in Public Transport Modes**

The issue of violence against women is not something new. History has recorded many acts of violence against women, such as the formation of *jugun ianfu* during the Japanese population or the May 1998 riots then became the forerunner to the formation of the Commission on Anti-Violence Against Women. The patriarchal system of society, namely by placing men in a more dominant position compared to women, creates opportunities for violence experienced by women. an. As a result, the existence of women is categorized as second class citizens and is considered a weaker and inferior creature, which is the root of the problem acts of violence experienced by women.

The Declaration on the Elimination of Violence Against Women provides a definition of acts of violence experienced by women as acts of violence based on gender that can occur regardless of space ng and time which results in physical, sexual and psychological harm to women. This includes threats, coercion, and even deliberate denial of someone's freedom. Sexual violence has become one type of violence that can affect women's lives today. The polemic over sexual violence has become a global problem, which means that women all over the world experience the same risks.

The act of humiliating, humiliating, or torturing body parts as a result of sexual desire directed at someone who is contrary to one's desires n under duress is the definition of sexual violence. A total of 15 types of sexual violence have been categorized by the Commission on Violence

Against Women, including: sexual domination; dangerous sexual traditional practices and discrimination against women; forced contraception and sterilization; sexual intimidation; punishment with sexual nuances and inhumanity; forcing abortion; sexual torture; forced pregnancy; forced prostitution; trafficking of women for sexual purposes; forced marriage; sexual exploitation; sexual harassment; rape; and sexual slavery. Regardless of time and place, various forms of sexual violence can occur against women. According to the National Commission on Violence Against Women's 2023 CATAHU, the majority of cases of violence in communal spaces are sexual harassment and rape. This also shows that the location of crime can occur anywhere, thus causing a lack of safe space for women to be active.

Public transportation is one of the public facilities that is widely used by various groups of society. It is appropriate for public transportation users to receive safety and security when using these public facilities. However, the existing reality means that public transportation is also a place where sexual violence occurs. In 2022, the Safe Public Space Coalition (KPRA) released the results of opinion poll data, from 4,236 informants, 83.53 percent of female informants said they had experienced sexual harassment sexual feelings when in public spaces. Then 23 percent of sexual harassment occurred on public transportation. Furthermore, 3,539 cases of sexual harassment on public transportation have occurred throughout 2022 according to disclosures from the Witness and Victim Protection Agency (LPSK). The description of the data listed was experienced by EB, a female passenger who experienced sexual harassment while on the KRL public transportation mode. This act was carried out by a man by rubbing his genitals against the victim. The high number of cases of sexual harassment in public transportation means that women must be more careful when using public transportation. For this reason, law enforcement is needed to create safe spaces for women when they are in public spaces.

In the Criminal Code (KUHP WvS (Wetboek van Strafrecht)) there is no term sexual violence. However, sexual violence is interpreted as part of a crime against morality, namely in the form of an act related to the person sexual misconduct or behavior that is suspected of being an immoral act. Sexual violence in the WvS Criminal Code is only defined as rape (Article 285) and obscenity (Article 289). There are several elements that must be met to be able to decide whether the act is rape or not, namely: the use of violence or threats of violence; the existence of coercion; the victim is not the wife; with the aim of sexual intercourse, namely the meeting between the male and female genitals. However, if these elements cannot be fulfilled, the act cannot be categorized as rape, but rather as sexual abuse. Meanwhile, sexual violence is not limited to rape and molestation, but can take various forms, one of which is sexual harassment. Article 281 of the Criminal Code WvS can be the legal basis for law enforcement of criminal acts of sexual harassment. Article 281 of the WvS Criminal Code states that someone who intentionally violates decency in public is threatened with imprisonment and a fine. The article explains that the element "deliberately" is interpreted as an act that violates decency carried out in a conscious condition. Then you will not escape criminal responsibility for these actions

Legal action for acts of sexual violence cannot be executed optimally only armed with the WvS Criminal Code, concrete legal regulations are needed regarding the act of sexual violence itself. For this reason, it is necessary to ratify Law Number 12 of 2022 concerning Criminal Sexual Violence (TPKS Law). The purpose of ratifying this regulation is, among other things, as a preventive measure against all forms of sexual violence; providing legal treatment, protection and rehabilitation for victims; realization of the judicial process as well as self-improvement of the perpetrator; as well as guaranteeing the non-recurrence of sexual violence. The TPKS Law stipulates 9 of 15 types of sexual violence as criminal acts. Based on Article 4 of the TPKS Law, actions that can be categorized as sexual violence, namely in the form of forcing contraceptives; physical and non-physical sexual harassment; sexual slavery; sexual torture;

forced marriage; electronic sexual violence; sexual exploitation; forced sterilization. Even though it only regulates 9 types of sexual violence, the TPKS Law also opens up opportunities if in the future there are new regulations regarding sexual violence. will be carried out in accordance with the provisions of the TPKS Law based on Article 4 paragraph (2) letter j. This is interpreted as "Criminal Regulations that are still Vacant (Blanco Strafbepalingen)".

After the ratification of the TPKS Law, legal reforms were carried out in the WvS Criminal Code as a legacy of the Dutch colonial government, which then gave birth to Law Number 1 of 2023 regarding the Criminal Law Book (National Criminal Code). One of the points of legal reform in the National Criminal Code is that rape, molestation and abortion are no longer only interpreted as sexual violence, but it has been stated directly to be a crime of sexual violence in line with Article 4 of the TPKS Law.

Sexual harassment in public transportation is like an iceberg phenomenon, it happens a lot but only a few dare to report it. One example is a case that occurred on a Transjakarta bus. A bus that is crowded with passengers becomes an opportunity for the perpetrator to carry out sexual harassment by rubbing his genitals against the victim's body. The perpetrator was also arrested by law enforcement officers for the perpetrator's actions. However, the case ended without any judicial process. Even though there are legal regulations governing sexual violence, in reality the judicial process has not been able to run optimally.

Meanwhile, victims were given protection with the presence of Law Number 13 of 2006 which was then amended to become Law Number 31 of 2014 concerning Protection of Witnesses and Victims (UU PSK). The presence of this law is intended to fulfill security for victims and during litigation. Furthermore, witnesses and victims receive all the privileges outlined in Article 5 paragraph (2) of Law Number 13 of 2006. However, these privileges are given for special criminal cases such as narcotics, corruption and terrorism. After changes to the PSK Law, these rights do not extend to victims of sexual violence. In essence, victims of sexual violence also have the right to obtain legal protection even though regulations regarding criminal acts of sexual violence have been obtained, but if they are not supported with the community and the indecisiveness of law enforcement officials, the law enforcement process cannot be achieved.

An analysis of the current legal framework indicates a deficiency in providing adequate legal certainty in the handling of sexual violence cases and the protection of victims' rights. A lack of comprehensive understanding of the various manifestations of sexual violence results in a mismatch between existing regulations and the realities faced by victims. Therefore, it can be concluded that to effectively eradicate sexual offenses, legal reform is needed that emphasizes strict law enforcement and the imposition of deterrent penalties on perpetrators. Given the significant impact of sexual offenses on the interests of the state and society, the imposition of criminal penalties is the most relevant legal measure and consistent with the principles of criminal law.

### **The Urgency of Enacting the Criminal Act of Sexual Violence in Handling Cases of Criminal Acts of Sexual Violence in Public Transportation**

Not knowing time and space, sexual harassment is a form of sexual violence that often occurs in various places. In general, sexual harassment is divided into physical and non-physical. Physical sexual harassment is carried out through unwanted actions, while non-physical sexual harassment is carried out through sexual harassment make comments or body gestures with sexual overtones.

The act of sexual harassment in public transportation is not just a rumor, but it has long been a problem in society. It is no longer a secret that women often become victims of sexual harassment in public transportation. This causes women to be more alert when in public transportation to avoid these actions. This situation was strengthened by the release of the

results of an opinion poll conducted by KPR which found that 19 forms of sexual violence occurred in public transportation. Some forms of these actions include teasing whistling, comments on body parts, sexist comments, taking pictures secretly, touching, rubbing the genitals, and even sexual intercourse show masturbation publicly. The crowded conditions of passengers eliminate the distance between people of the opposite sex, which is the cause of sexual harassment in public transportation according to research findings that have been conducted. This condition was taken advantage of by the perpetrator in carrying out the action. The effects of the perpetrator's actions not only impact the victim's physical condition, but can also affect the victim's psychological condition. There is a possibility that the victim may experience Post Traumatic Stress Disorder (PTSD), namely feelings of anxiety resulting from excessive stress and worry. Trauma experienced as a result of acts of sexual violence that befell the victim. Of course, the consequences of sexual harassment leave a bad experience for women, especially when these actions occur in public facilities that have equal rights. Women do not feel comfortable to be owned by both women and men.

Not a few female victims feel that the act of sexual harassment that happened to them made them feel like they had lost their self-confidence and felt that it was a shame must be stored forever. This thinking was created as a result of the existence of moral thinking in society. Women are seen as representing purity and honor. As a result of the development of this idea, women who experience sexual harassment are seen as a disgrace. This is what causes many cases of sexual harassment to not be resolved because they feel embarrassed to admit that the victim has just experienced a crime a sexual harassment. Meanwhile, there is research that shows the results that 94 percent of victims do not report the sexual harassment they experience. There are several kinds of considerations that ultimately make them decide not to report the act of sexual harassment, namely feeling embarrassed, unwilling to take action. with law enforcement officials because the legal process will take time and prove difficult, so that the act of sexual harassment does not leave physical injuries.

This situation is made worse by the existence of victim blaming in society when victims report sexual harassment that has happened to them. Dressing openly and looking invitingly is often the cause of sexual harassment experienced by women. When carrying out values and norms in society, there is a limitation of space for expression between men and women, thus creating gender identity in society. The definition of gender identity is a socio-cultural interpretation of a series of roles formed by society regarding the differences in behavior between men and women. These role differences include appearance, behavior in society, and responsibilities family. Inequities that arise between women and men are a result of the formation of gender identities, thus creating disparities in the roles of women and men in the social system society. Women are placed in a subordinate position, making women weak creatures, this is one of the basic causes of victim blaming towards victims of sexual harassment.

The obstacles to legal action against sexual harassment in public transportation are increasingly prolonged due to a lack of evidence. Referring to the Criminal Procedure Code (KUHP) Article 184 paragraph (1), the legal evidence when used in court is information that comes from witnesses, experts, to the defendant, then letters and instructions. However, through Article 185 paragraph (2) of the Criminal Code, it is in harmony with the principle of *unus testis nullus testis*, which stipulates that the testimony is only from one witness insufficient as evidence. Then it is explained through Article 183 of the Criminal Code which provides that a judge cannot carry out a criminal sentence unless there are two pieces of evidence valid, such as the testimony of someone who heard or saw and witnessed the criminal act taking place. However, if you only get testimony from one person, then other forms of evidence that are valid under the law are needed to prove it. It is considered by the judge in a trial. This is what is aggravating about sexual harassment cases, that this action usually occurs when

transportation is crowded with passengers and there is a minimal number of CCTVs attached to public transportation, making it difficult to collect other evidence, except for statements from witnesses who experienced the act of sexual harassment themselves. The complexity of proof in this sexual harassment case is made worse by the uncooperative attitude of the defendant who tries to escape and does not want to give testimony because he does not want to give evidence or take responsibility for what he did.

Various efforts are made by transportation service providers to break the chain of sexual harassment, both preventively and repressively. The efforts made by PT KAI Commuter took the form of carrying out anti-harassment and sexual violence actions with the topic of discussion regarding preventive measures for sexual harassment traffic in public transportation, response when being a victim of sexual harassment, to punishment for various actions that have been carried out by PT KAI Commuter as a member is it preventive? acts of sexual harassment that occurred both at KRL and stations. Regarding steps that can be taken for victims who experience sexual harassment on KRL, PT KAI Commuter recommends not making reports via posts on media on social media, but rather to do reporting on the official KAI Commuter channel so that it doesn't backfire in the future. Not only that, to prevent reoccurrence of sexual harassment during the KRL series, KAI Commuter has used Analytical Recognition (CCTV Analytic) techniques, namely CCTV which may be able to identify the type of perpetrator of sexual harassment or other crimes based on the information in the system. Apart from that, by carrying out campaign activities, KAI Commuter facilitates special women's carriages in every KRL series in operation. However, this effort is still felt to be inappropriate because there are still opportunities for sexual harassment to occur in women-only groups due to actual sexual harassment. Sexual intercourse can only be done with the same gender. Not only that, PT KAI Commuter has increased security facilities to provide increased comfort and prevention of sexual harassment from occurring on the premises support the KRL by installing CCTV on every train of the KRL. This makes it possible that the act of sexual harassment could be recorded and become evidence for the victim of sexual harassment. Apart from that, PT KAI Commuter has also added security personnel who are placed within the KRL chain. The aim of this additional personnel is that it is hoped that the perpetrators will give up their intention to carry out acts of sexual harassment because they feel they are being watched. Therefore, it is hoped that the addition of these personnel will make KRL passengers not hesitate to report to the officers on guard if they experience anything undesirable.

Another mechanism that can be utilized is restitution. Restitution is a legal remedy available to victims of crime to seek compensation for the harm they have suffered. Although it has been normatively regulated in the Law on the Protection of Witnesses and Victims, the implementation of restitution in practice still faces several challenges. The complexity of the procedures and legal uncertainty serve as obstacles for victims to file a claim for restitution. Furthermore, the low awareness and commitment of law enforcement officials, particularly in cases of violence against women, exacerbate the situation. The refusal of public prosecutors to include a claim for restitution in the indictment or plea, as well as the lack of coordination with witness and victim protection agencies, are clear examples of these problems.

The TPKS Law explicitly mandates the right to restitution for every victim of sexual violence crimes. This restitution mechanism is designed to provide fair compensation to victims for both material and immaterial losses suffered as a result of the crime they have experienced. The TPKS Law also integrates a restorative justice approach by obligating perpetrators to take responsibility for their actions through the payment of restitution. To ensure the effectiveness of restitution implementation, the TPKS Law establishes a Victim Assistance Fund as a financing instrument. Perpetrators of sexual violence crimes who are sentenced to at least four years' imprisonment are required to pay restitution to the victim. The amount of restitution is

determined by the court based on a comprehensive assessment of the losses suffered by the victim.

The principle of *lex specialistis derogat lex generali* means that specific legal rules take precedence over other legal rules. In line with this, the WvS Criminal Code states in Article 63 paragraph (2), that when an action is threatened with general criminal provisions, the However, there are special criminal provisions that regulate these actions, so what is used is the special criminal provisions. The TPKS Law exists as a legal novelty to address the emptiness of criminal law on matters of sexual violence. The ratification of the TPKS Law also established a new legal system in the form of an Integrated Criminal Justice System for Handling Cases of Violence Against Women (SPPT-PKKTP), which is a feature of the TPKS Law. This system can be used to see the process of handling cases of sexual violence which involves the authorities and services for each stage of the judicial process. Therefore, there is great hope for SPPT-PKKTP to become a process that can facilitate access to justice in criminal acts of sexual violence, minimizing the legal process between law enforcers, as well as avoiding revictimization of victims who defend themselves. So through this system, victims are given legal protection when following the criminal justice process.

Satjipto Raharjo explained that law was born based on the formulation of legislative regulations that contain certain interests that originate from decisions or decisions political aspirations. Legal regulations exist to regulate the order of life in society, so society needs to obey them. However, to be accepted by society, these legal regulations must be in line with the principles of justice in society. For this reason, it is necessary to guarantee legal certainty that is based on justice. The purpose of law itself consists of three elements that cannot be separated, namely justice (*gerechtigheit*), legal certainty (*rechtssicherheit*), and benefit (*zweckmasigkeit*). Basically, these three elements are needed in law enforcement. Justice will only be a false dream if society is in a chaotic and disorderly condition, but it can be created In this order, legal certainty is required, while legal certainty is meaningless if the existing legal regulations do not provide a sense of justice and are useful for humans society.

Before the enactment of the TPKS Law, existing regulations were not yet able to ensure legal protection guarantees for victims of sexual violence in public transportation. As a result, victims of sexual violence choose to remain silent about the events that happened to them. Apart from that, the absence of detailed regulations and a lack of evidence is one of the obstacles faced by victims of sexual violence in trans people public porta- tion. Through the TPKS Law, sexual violence in public transportation is defined as an act of sexual harassment, even though it is regulated implicitly through a specific form of sexual violence so. Meanwhile, resolving cases of sexual violence is not permitted using restorative justice as has been confirmed in Article 23 of the TPKS Law. So if an act of sexual violence occurs, the case will not be resolved outside the court process. Of course, this is a form of strictness in the TPKS Law in order to prevent perpetrators from committing the same act again in the future. Therefore, the enactment of the TPKS Law also provides legal certainty and guarantees of legal protection to victims of sexual violence in public transportation, as well as providing road protection the victim's self-esteem

Acts of sexual violence on public transportation modes can be prosecuted using two articles in the TPKS Law, namely Article 5 concerning non-physical sexual harassment and Pas article 6 regarding physical sexual harassment. Article 5 of the TPKS Law carries the threat of imprisonment with a maximum of nine months in prison and a fine of up to ten million rupiah. Meanwhile, physical sexual harassment in more detail can use Article 6 letter a of the TPKS Law with a prison sentence of 4 years and a fine of up to fifty million rupiah. The threat of imprisonment and fines is a form of responsibility that must be carried out by perpetrators of sexual violence. In addition to providing legal certainty regarding acts of sexual violence that occur, victims are also given the right to recovery, namely in the form of restitution. Even

though Government Regulation Number 7 of 2018 concerning Providing Compensation, Restitution and Assistance to Witnesses and Victims has been amended to Government Regulation Number 35 of 2020 has stated that victims of sexual violence have the right to receive assistance, but this regulation does not yet cover compensation for sufferers of sexual violence. So, the TPKS Law regulates requests for restitution in order to realize the fulfillment of the right to recovery for losses suffered by victims. It is hoped that this arrangement can create awareness for perpetrators of sexual violence so that they do not repeat the acts they have committed.

The next problem that arises is the proof of sexual violence. There have been many cases of sexual violence that could not be handled due to constraints on the evidence held by the victim, including acts of sexual violence on public transportation. Meanwhile, the Criminal Procedure Code states that at least two pieces of valid evidence are required during the judicial process. Referring to Article 24 of the TPKS Law, valid evidence has undergone updates, not only those contained in Article 184 of the Criminal Procedure Code, but valid evidence can be in the form of electronic data determined throughout the legislation, apart from that it can be used as evidence used in criminal acts, the proceeds of a criminal act, or items related to the criminal act. It is hoped that this expansion regarding the type of evidence will make it easier for both victims and law enforcement officers to prove sexual violence. However, sexual violence in public transportation occurs when transportation is crowded with passengers which causes absences. evidence other than the victim's statement. The problem of lack of evidence in cases of sexual violence can be resolved with the TPKS Law. If you look at Article 25 paragraph (1) of the TPKS Law, it states that evidence can only be carried out if it is accompanied by only one piece of valid evidence. Even though the Indonesian criminal justice system uses a negative evidence system, override of the evidence system can be carried out using the principle of *lex specialist derogate legi generalis*. This is what is special about the TPKS Law because it makes the evidentiary system in general criminal provisions no longer valid due to the existence of exclusive provisions relating to acts k sexual violence.

After the enactment of the TPKS Law, new hopes grew to carry out the judicial process for acts of sexual violence that occurred in public transportation. Even though various prevention efforts have been made, sexual violence still occurs in public transportation. The presence of the TPKS Law answers the anxiety that exists regarding acts of sexual violence in public transportation. However, regulations alone are not enough if they do not receive support from the community. In social reality, many people still look down on sexual victims and blame them for the events that happen to them. Therefore, to realize legal enforcement of sexual violence, cooperation between law enforcement and the public is needed so that violence is met reason will only be an illusion.

## CONCLUSION

Women are often considered second class citizens who are vulnerable to experiencing violence, one of which is sexual violence. This action can occur anywhere, such as in public transportation. Legal action regarding acts of sexual violence has been regulated in a number of legal regulations starting from the WvS Criminal Code, the National Criminal Code, to the TPKS Law. Even though it does not explicitly mention criminal acts of sexual violence in public transportation, legal enforcement of these acts can still be carried out right by using the existing rules as long as the elements of the criminal act have been fulfilled. Nevertheless, law enforcement regarding sexual violence in public transportation is still not carried out optimally due to various obstacles such as, lack of existing evidence. For this reason, the implementation of the TPKS Law is necessary to regulate and become a legal basis when taking action against cases of sexual violence, thereby creating legal certainty and protection, as well as fulfilling rights. b as a victim of sexual violence. However, this crackdown effort also requires the



support of the public to have the courage to report acts of sexual violence in public transportation and bias against Kor tirs first. Therefore, handling sexual violence in transportation modes can be implemented and create a safe space for women in transportation public and public spaces.

## REFERENCE

- Adika, Nyoman, Surata, I Nyoman, dan Ardana, Putu Sugi. (2023). Peranan Penyidik Dalam Pemberian Restitusi Bagi Korban Tindak Pidana Kekerasan Seksual Berdasarkan Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual di Kepolisian Resor Buleleng. *Kertha Widya Jurnal Hukum* 11(2).
- Adinda, Permata. "Bersama Menghapuskan Pelecehan Seksual Di Transportasi Umum." *Asumsi*, 4 Maret 2021. <https://asumsi.co/post/58634/bersama-menghapuskan-pelecehan-seksual-di-transportasi-umum/>.
- Alfanada, Esty, Hidayat, Syamsul, Saipudin, Lalu. (2023). Urgensi Undang-Undang Tindak Pidana Kekerasan Seksual (Tpks) Dalam Penanganan Kekerasan Seksual. *Jurisdische: Jurnal Penelitian Hukum* 1(1), 14-30.
- Alizzah, Nur, Gunadi. (2021). Analisis Yuridis Pasal 281 KUHP Terhadap Kasus Tindakan Asusila Di Muka Umum. *Muhammadiyah Law Review* 5(2).
- Anggoman, Eliza. (2019). Penegakan Hukum Pidana Bagi Pelaku Kekerasan/Pelecehan Seksual Terhadap Perempuan. *Lex Crimen* 8(3).
- APPG for UN Women. (2021) Prevalence and reporting of sexual harassment in UK Public Spaces. APPG for UN Women, United Kingdom.
- Arbi, Ivany Atina. "Bak Tiada Akhir, Ini Rentetan Kasus Pelecehan Seksual Yang Pernah Terjadi Di Bus Transjakarta." *Kompas.com*, 16 Mei 2023. <https://megapolitan.kompas.com/read/2023/05/16/17054891/bak-tiada-akhir-ini-rentetan-kasus-pelecehan-seksual-yang-pernah-terjadi?page=all>
- Australian Bureau of Statistics. "Sexual Harassment." *ABS*, 7 Desember 2021, <https://www.abs.gov.au/articles/sexual-harassment>
- Dewi, Anita Permata "KemenPPPA dukung kampanye lawan pelecehan seksual di transportasi umum." *Antara News*, 17 Maret 2023. <https://www.antaraneews.com/berita/3446445/kemenpppa-dukung-kampanye-lawan-pelecehan-seksual-di-transportasi-umum>
- Dian, Rusti. "CATAHU Komnas Perempuan 2024 Catat Adanya Peningkatan Aduan Kekerasan Seksual Di Ruang Publik." *Narasi Tv*, 9 Maret 2024. <https://narasi.tv/read/narasi-daily/catahu-komnas-perempuan?page=full>
- Edrisy, Ibrahim Fikna, Dewi, Ni Putu Paramita, dan Sumartini, Ni Wayan Eka. (2023). Memerangi Kekerasan Seksual dalam Sudut Pandang Perundang-Undangan. *Satya Dharma: Jurnal Ilmu Hukum* 6(2).
- Fitania, Silvia Eka, Wirasila, A.A. Ngurah. (2018). Analisis Yuridis Unsur Perbuatan Dalam Tindak Pidana Kesusilaan. *Kertha Wicara: Journal Ilmu Hukum* 8(1).
- Farisi, Baharudin Al, Sari, Nursita. "Penumpang KRL Jadi Korban Pelecehan Seksual, Pelaku Diduga Pakai Sarung Tanpa Celana Dalam." *Kompas.com*, 13 Januari 2024 <https://megapolitan.kompas.com/read/2024/01/13/14193081/penumpang-krl-jadi-korban-pelecehan-seksual-pelaku-diduga-pakai-sarung>
- Faustina, Bernadetta Melvina, Harefa, Beniharmoni. (2023). Problematika Pembuktian Pelecehan Seksual di Lingkungan Perguruan Tinggi Pasca Pengesahan Undang Undang Tindak Pidana Kekerasan Seksual." (Proceeding: 5TH NATIONAL CONFERENCE on Law Studies 2023, Universitas Pembangunan Nasional "Veteran" Jakarta).

- Harefa, Safaruddin. (2019). Penegakan Hukum Terhadap Tindak Pidana di Indonesia Melalui Hukum Pidana Positif dan Hukum Pidana Islam. *UBELAJ* 4(1).
- Komisi Nasional Anti Kekerasan Terhadap Perempuan. (2014). 15 Bentuk Kekerasan Seksual. Komisi Nasional Anti Kekerasan Terhadap Perempuan, Jakarta.
- Komisi Nasional Anti Kekerasan Terhadap Perempuan. (2023). CATAHU: Catatan Tahunan Komnas Perempuan 2023. Komisi Nasional Anti Kekerasan Terhadap Perempuan, Jakarta.
- Krisnanto, Wahyu, Syaputri, Martika Dini. (2022). Kelemahan Perlindungan Hukum terhadap Perempuan Dari Kekerasan Seksual di Ruang Publik. *Jurnal Ilmiah Universitas Batanghari Jambi* 20(2).
- Karna, Ayu Mirah Iswari, Setiabudhi, I Ketut Rai. (2023). Quo Vadis Perlindungan Korban Tindak Pidana Kekerasan Seksual di Indonesia. *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 12(3).
- Lauwtania, Fellycia (2021). Perlindungan Hukum Terhadap Pengguna Jasa Perkeretaapian Terkait dengan Pelecehan Seksual Yang Terjadi di Atas Kereta Api Dikaji Oleh Undang Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen (Studi Kasus PT Kereta Api Indonesia). *Binamulia Hukum* 10(1), 69-78.
- Mahmudah, Siti. (2024). Terobosan Restitusi sebagai Kewajiban Pelaku dalam Undang Undang Tindak Pidana Kekerasan Seksual. *UNES LAW REVIEW* 6(4).
- Nurisman, Eko. (2022). Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022. *Jurnal Pembangunan Hukum Indonesia* 4(2), 170-196.
- Permatasari, Rikha, Suhariyanto, Didik, dan Ismail. (2023). Perlindungan Hukum Perempuan Korban Pelecehan Seksual di Kereta Commuter Indonesia (KCI, KAI Commuter). *SETARA: Jurnal Ilmu Hukum* 4(2).
- Pramufianto, Ricky Ardian, Krisnan, Johny, Basri, Hakim, Hari Abdul, dan Kurniaty, Yulia. (2023). Perbandingan Tindak Pidana Pelecehan Seksual Verbal di KUHP Lama dengan KUHP Baru. *Borobudur Law and Society Journal* 2(6).
- Palsari, Cahaya. (2021). Kajian Pengantar Ilmu Hukum: Tujuan dan Fungsi Ilmu Hukum Sebagai Dasar Fundamental Dalam Penjatuhan Putusan Pengadilan. *e-Journal Komunitas Yustisia Universitas Pendidikan Ganesha Program Studi Ilmu Hukum* 4(3).
- Rosnawati, Erny. (2022). Perlindungan Hukum bagi Perempuan Korban Pelecehan Seksual yang Dilakukan di Ruang Publik. *Jurnal Mercatoria* 15(2).
- Rasji, Limanto, Maria Franciska, Setiadi, Margaretha Putri. (2023). Penanganan Pelecehan Seksual di KRL Oleh Penumpang KRL Berdasarkan UU No. 12 Tahun 2022. *Jurnal Ilmiah Wahan Pendidikan* 9(19), 651-656.
- S, Aris, Rudiati, Endang. (2024). Respon Perempuan Terhadap Kekerasan Seksual (Studi Kasus di Kereta Rel Listrik Jabodetabek). *KHIDMAT SOSIAL: Journal of Social Work and Social Services* 3(2).
- Safitri, Shalima Siti, Ardiansyah, Mohammad Didi, & Prasetyo, Andrian. (2023). Quo Vadis Keadilan Restoratif pada Perkara Tindak Pidana Kekerasan Seksual Pasca Undang Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual (Studi Terhadap Pasal 23 UU TPKS). *Jurnal Hukum dan HAM Wara Sains* 2(1).
- Shopiani, Bunga Suci, Wilodati, dan Supriadi, Udin. (2021). Fenomena Victim Blaming pada Mahasiswa terhadap Korban Pelecehan Seksual. *Sosietas: Jurnal Pendidikan Sosiologi* 11(1)
- Wadjo, Hadibah Zachra, Saimima, Judy Maria. (2021). Perlindungan Hukum Terhadap Korban Kekerasan Seksual Dalam Rangka Mewujudkan Keadilan Restoratif. *Jurnal Belo* 6(1)
- Waluyo, Bambang. (2014). *Viktimologi: Perlindungan Korban & Saksi*. Sinar Grafika, Jakarta.