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# **Implementation of Law Number 12 Of 2022 Concerning Criminal Acts of Sexual Violence in Public Transportation**

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**Abstract:** This study examines the implementation of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence in the context of public transportation in Indonesia. The background to this research is based on the high number of cases of sexual violence in public spaces, particularly public transportation, which creates a sense of insecurity for women and vulnerable groups. This study aims to analyze the application of the provisions of the TPKS Law to criminal acts of sexual violence in public transportation and identify obstacles faced in its implementation. The research method used is normative juridical with a legislative, conceptual, and case-based approach. The results show that although the TPKS Law provides a comprehensive legal basis and guarantees victim-based protection, its implementation remains limited in effectiveness. The main obstacles include difficulties in providing evidence, incomplete implementing regulations, limited understanding of the substance of the law by officials, and the strong patriarchal culture and practices of victim blaming in society. Therefore, synergy is needed between the government, law enforcement officials, transportation operators, and the community to strengthen the implementation of the TPKS Law so that the law's main objective of creating a safe public space free from sexual violence can be realized.

Keyword: Public Transportation, Sexual Violence, Legal Protection.

#### INTRODUCTION

Sexual violence is one of criminal offense that has serious physical, psychological, and social consequences for victims. In recent years, cases of sexual violence in Indonesia have shown alarming results, including those occurring in public spaces such as public transportation.

According to data obtained from a website, the author states that public transportation is the second-highest location for sexual harassment. A National Survey by the Safe Public Space Coalition, released on November 27, 2021, found that one in two women has experienced sexual harassment. The breakdown is as follows: 62,224 people of various ages and educational

levels across all provinces in Indonesia showed that 48.9% of women had experienced sexual harassment on public transportation (Baihaqi, 2023). The high number of sexual violence cases in Indonesia based on the 2023 annual records (CATAHU) of the National Commission on Violence Against Women recorded 289,111 in public spaces, especially in public transportation, recorded during the period 2020 to 2024. The National Commission on Violence Against Women received 19 complaints of sexual violence in the realm of public transportation, which included physical harassment, non-physical harassment, to rape (Esti Utami, 2025). The 2019 Safe Public Space Coalition survey revealed that one in two women had experienced sexual harassment on public transportation, with the highest incidents occurring on buses, followed by public transportation.

These facts demonstrate the importance of serious and systematic handling of sexual violence in public transportation as part of efforts to create safe and inclusive public spaces. This situation creates a sense of insecurity, especially for women and other vulnerable groups who use mass transportation in their daily activities. Women often experience sexual crimes such as sexual harassment and rape. Generally, sexual violence is defined as any act that degrades, insults, attacks, and/or otherwise affects a person's body, sexual desires, and/or reproductive functions by force, against their will, and/or causes a person to be unable to give informed consent due to unequal power relations and/or other reasons. Sexual crimes can be committed by anyone, including men, women, children, and the elderly. Sexual harassment is a form of sex discrimination and a violation of human rights. Rape, sexual harassment, and other forms of violence motivated by sexual desire pose a real threat to women, and crimes against women's morality continue to occur. In reality, adequate legal protection for victims of crime has now become a global issue. Victims, who are the ones who suffer the most in crime cases, often do not receive adequate protection compared to the protection given to perpetrators.

This is where the importance of recognizing Human Rights (HAM) for every person lies, so that their existence must always be respected, acknowledged, and protected through various established regulations. Recognition of the existence of human rights certainly implies the need for efforts to protect these rights from the possibility of actions that are detrimental to individuals, whether perpetrated by others or by the government itself (Ramdhani, 2017). The limited legal protection available is not commensurate with the complexity of sexual violence cases, leading to impunity, recurrence, and frustration for victims in demanding their rights to justice, truth, and reparation. The rapid development of society cannot keep pace with new legal paradigms, resulting in the law becoming unresponsive to women's issues (Tantri, 2021). From a sociological perspective, cases of sexual harassment on public transportation occur in public spaces that daily bring together people from various social, economic, and cultural backgrounds. In this social space, interactions between individuals occur temporarily and often without mutual recognition.

The most recent case occurred on April 2, 2025, on the Bogor-Jakarta Commuter Line train, precisely in the Tanah Abang Station area, Central Jakarta. In the incident, a man with the initials HU (29 years old) committed an indecent act by masturbating on a crowded train, resulting in ejaculation that landed on a female passenger's clothing. The victim realized that she had been harassed after exiting the train and recounted the experience to the online transportation driver she was riding in. Based on the victim's report, KAI Commuter immediately followed up by examining analytical CCTV footage installed in the station area. The perpetrator was finally arrested by officers and handed over to the police. During the investigation, the police named HU as a suspect with suspicion of Article 5 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS) in conjunction with Article 281 of the Criminal Code concerning indecent acts in public. The criminal threat imposed on the suspect is a maximum prison sentence of 2 (two) years. According to investigators, the perpetrator admitted that his actions were motivated by sexual desire after seeing the victim. However, developments in this case demonstrate that the legal process does not always proceed

as intended. On April 15, 2025, the victim decided to withdraw the report, citing busy schedules and personal considerations. This withdrawal resulted in the police halting the investigation, and the perpetrator was ultimately released (Maulani Mulianingsih, 2025).

This case confirms that sexual harassment in public spaces, particularly on public transportation, remains a serious problem, causing psychological trauma for victims and highlighting obstacles to law enforcement. While law enforcement officials have attempted to prosecute the perpetrators on a clear legal basis, the victim's withdrawal of the complaint has paved the way for the criminal justice process to stall. This highlights the importance of further study on the effectiveness of law enforcement against sexual harassment crimes and adequate legal protection for victims. This situation underscores the importance of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Sociologically, law, in this case, functions not only as a criminal code but also as a vehicle for social change. Therefore, although Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence has been passed, studies on its implementation in specific spaces such as public transportation remain limited, particularly regarding the challenges of filing complaints and obtaining evidence.

This research seeks to address this gap. This study aims to further analyze the application of legal provisions regarding sexual violence on public transportation, based on Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. This study seeks to examine how the applicable legal framework regulates sexual violence occurring on public transportation and identify obstacles encountered in its implementation. By gaining a deeper understanding of the application of the law and the obstacles in the field, this research is expected to provide ideas for improving the effectiveness of law enforcement and protection for victims in public transportation.

Based on the background outlined above, the author is interested in conducting a study entitled: "Implementation of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence on Public Transportation," with the following research questions:

- a. How is Law Number 12 of 2022 concerning criminal acts of sexual violence on public transportation implemented?
- b. What are the obstacles faced in implementing Law Number 12 of 2022 regarding criminal acts of sexual violence on public transportation?

#### **METHOD**

This research uses a normative juridical method, a legal research method that emphasizes the study of legal materials as the primary basis for analyzing problems. This approach focuses on the study of applicable positive legal norms, both in the form of statutory regulations and legal doctrines related to the resolution of sexual violence crimes. In this research, the author uses several approaches, namely the statute approach, the conceptual approach, and the case approach. The statutory approach is carried out by examining various regulations relevant to the legal issue under study, specifically Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence and other regulations related to the protection of victims of sexual violence. The conceptual approach is used to examine the theories, doctrines, and views of legal experts related to legal protection for victims of sexual violence, particularly in the context of public transportation. Through this approach, the author seeks to understand the legal concepts underlying the application of these regulations in practice.

Furthermore, a case-based approach was conducted by examining concrete examples in the form of court decisions related to sexual violence on public transportation. Through analysis of these decisions, the author can understand the legal considerations used by judges, how the articles in Law Number 12 of 2022 and the Criminal Code (KUHP) are applied, and assess the effectiveness of applicable legal provisions in providing protection to victims. This approach also allows the author to compare applicable legal norms with the conditions of law enforcement in the field, resulting in a more comprehensive understanding of legal protection

for victims. This study uses secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, particularly Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Secondary legal materials include research results and scientific works in the legal field, such as legal journals, books, and scholarly articles discussing the issue of sexual violence and legal protection for victims. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources that provide additional explanations to the primary and secondary legal materials. The data collection technique was conducted through library research, which examined and collected various relevant legal sources to support the analysis of the research problem. Furthermore, the obtained data was analyzed normatively and qualitatively by interpreting the provisions of applicable laws and regulations, supported by legal doctrines and scientific research findings. Through this analysis, the author attempts to systematically explain the application of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence in cases of sexual violence on public transportation and to construct a logical legal argument based on relevant regulations and legal theories.

#### RESULTS AND DISCUSSION

## How is Law Number 12 of 2022 concerning criminal acts of sexual violence on public transportation implemented?

Enforcing the law on sexual violence on public transportation is a crucial part of efforts to protect human rights, particularly for women and vulnerable groups. Law Number 12 of 2022 concerning Sexual Violence (the TPKS Law) serves as a legal basis that provides comprehensive recognition, protection, and redress for victims of sexual violence. Through this law, the state affirms its commitment to preventing, addressing, and prosecuting all forms of sexual violence, including those occurring in public spaces such as public transportation. In the context of public transportation, the implementation of the TPKS Law is relevant because these areas are often the sites of sexual harassment and violence. The process of enforcing this law involves not only law enforcement officials but also transportation operators and the public as part of an integrated protection system.

When crimes against women occur, their rights are often neglected and not properly enforced. Yet, the human rights of every individual must always be recognized, respected, and protected, particularly through applicable laws and regulations. Recognition of human rights requires guarantees of protection of these rights from potential violations, whether by the state or by fellow citizens. The lack of adequate legal protection for victims of crime, who are the most vulnerable, has drawn international attention. In practice, perpetrators often receive greater legal protection than victims. Therefore, the existence of regulations specifically addressing sexual violence is crucial as a legal umbrella to ensure justice for victims. In addition to providing a clear legal basis, the TPKS Law also guarantees victims' rights to protection and recovery, as stipulated in Articles 66 to 70. This protection includes legal assistance, medical and psychological services, and protection of the victim's identity. However, in practice, many victims in public spaces, such as on public transportation, do not have access to these facilities due to a lack of coordination between authorities and victim service agencies such as the LPSK (Lembaga Penita Satpol PP) or P2TP2A (P2TP2A).

Therefore, it is important to examine the extent to which the provisions of the TPKS Law have been effectively implemented in addressing cases of sexual violence on public transportation. Several reports indicate that although the TPKS Law has been passed and contains comprehensive regulatory content, its implementation on the ground remains ineffective. For example, the National Commission on Human Rights (Komnas HAM) concluded that the TPKS Law, which is more than two years old, remains ineffective in terms of law enforcement, victim protection, and prevention (Patriarchy and Stigma: Challenges in the Implementation of the TPKS Law, 2024).

According to Article 5 of the TPKS Law, non-physical sexual harassment occurring on public transportation is categorized as a crime, with a maximum prison sentence of nine years (Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, 2022). In its implementation, the application of this article still faces evidentiary obstacles because many cases lack direct witnesses or adequate digital evidence. In the case I took on the Tanah Abang commuter train in 2025, police charged the perpetrator with Article 5 of the TPKS Law in conjunction with Article 281 of the Criminal Code. However, the legal process did not continue because the victim withdrew the report (Maulani Mulianingsih, 2025). This shows that even though legal instruments are available, enforcement in the field still depends on the courage and persistence of the victim to continue the legal process. This shows that law enforcement depends not only on normative aspects, but also on social and cultural factors. Patriarchal culture and societal attitudes that tend to blame the victim make many victims feel ashamed or afraid to report. This condition shows that the implementation of the TPKS Law still focuses only on the legal aspects and has not addressed the social and cultural issues that are the main obstacles to the effectiveness of law enforcement. In fact, a shift in social paradigm is urgently needed so that society no longer blames the victim, but instead supports a legal process that supports restorative justice.

The effectiveness of the implementation of the TPKS Law in the field still faces challenges. According to Soerjono Soekanto's law enforcement theory, legal effectiveness is influenced by five factors: legal substance, law enforcement officers, facilities, society, and legal culture. In the context of the implementation of the TPKS Law, obstacles arise primarily from the apparatus and legal culture. Many officers do not yet fully understand the substance of the TPKS Law, while the patriarchal culture of society prevents victims from reporting. Therefore, a comprehensive approach is needed that emphasizes not only regulatory aspects but also changes in social paradigms and increases the capacity of law enforcement (Trisna Wulandari, 2022). Many law enforcement officers do not yet understand the difference between criminal harassment in the Criminal Code and the TPKS Law, resulting in inconsistent enforcement processes. Furthermore, the lack of a regular evaluation mechanism from the government means that the implementation of this law has not been able to reduce the number of sexual violence in public spaces. Research also shows that although most people are aware of the TPKS Law, most still do not understand how it is implemented (Nihayah & Sukmana, 2024). This situation demonstrates that the effectiveness of law enforcement depends not only on the availability of regulations, but also on the level of public understanding of the substance and mechanisms of applicable law.

In this context, Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (the TPKS Law) holds a strategic position as a legal instrument that provides comprehensive protection, as affirmed in Article 1 paragraph (1), which states that any act that meets the elements of a crime as regulated in this law falls into the category of sexual violence (Legal and Civic Education Study et al., 2023). This provision strengthens the TPKS Law's position as a legal framework that affirms the principle of victim-based justice. With this approach, law enforcement focuses not only on punishing perpetrators but also on ensuring victim recovery through integrated legal, social, and psychological mechanisms. Therefore, the TPKS Law itself functions not only as a repressive tool but also as a means of social and cultural reconstruction in an effort to create a safe and gender-equitable public space.

So, although the TPKS Law itself provides a clear legal basis for cases of sexual violence in public spaces, in reality, public transportation still faces challenges, including a lack of evidence, a culture of victim blaming, inadequate education for officers, and suboptimal collaboration between institutions. Based on the discussion above, it can be concluded that the implementation of the TPKS Law in public transportation has a strong and progressive legal basis. However, its effectiveness is still limited by obstacles to evidence, low public awareness, and suboptimal synergy between law enforcement agencies. Therefore, strengthening aspects

of implementation, public education, and victim protection are needed so that the TPKS Law's goal of creating a safe and sexual violence-free public space can be effectively achieved.

### What are the obstacles faced in implementing Law Number 12 of 2022 regarding criminal acts of sexual violence on public transportation?

Although Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (the TPKS Law) provides a comprehensive legal framework for handling sexual violence cases, its implementation, particularly in the public transportation sector, still faces various obstacles. These problems relate not only to law enforcement but also to cultural, structural, and technical barriers that hinder the achievement of optimal victim protection. Therefore, it is important to identify and analyze the factors that contribute to the ineffective implementation of the TPKS Law in this public space. Based on Soerjono Soekanto's theory of legal effectiveness (Badri, 2021), the obstacles to implementing the TPKS Law in public transportation can be further elaborated. From a legal substance perspective, the lack of implementing regulations makes it difficult for authorities to consistently apply the articles. From a law enforcement perspective, understanding of the victim-based approach remains minimal. Meanwhile, in terms of facilities and infrastructure, reporting facilities on public transportation are inadequate. From a societal and legal culture perspective, the persistence of a strong patriarchal culture hinders victims from reporting.

Since the enactment of the TPKS Law on May 9, 2022, the Indonesian nation has had a specific legal regulation to eradicate all forms of sexual violence in Indonesia. The TPKS Law consists of 12 chapters and 92 articles, containing several legal breakthroughs and adopting six key elements for the elimination of sexual violence: criminal acts of sexual violence, criminalization, special procedural law for reporting, investigation, prosecution, and court proceedings, including ensuring restitution and victim assistance funds, victims' rights to treatment, protection, and recovery, prevention, community and family participation, and monitoring by the minister, the National Human Rights Institution, and the community. All of these breakthroughs in the TPKS Law guarantee the prevention and handling of sexual violence cases in Indonesia. Before the TPKS Law was passed, sexual violence was viewed solely as a crime against morality and a moral issue. Therefore, its resolution was limited to a moral approach. Furthermore, its moral standards were limited to those of certain community groups. Therefore, the existence of the TPKS Law is very meaningful and crucial for its immediate implementation (Ratna Batara Munti, 2023).

However, the implementation of the TPKS Law still faces various obstacles. Legally, the main obstacle to the implementation of the TPKS Law is the incompleteness of several implementing regulations or technical guidelines that serve as the operational basis for law enforcement officers. In fact, the existence of these derivative regulations is crucial to ensure uniformity of interpretation and law enforcement mechanisms in the field. The absence of technical regulations means that officers still rely on the Criminal Code or outdated regulations, leading to overlapping norms and legal uncertainty (Komnas Perempuan, 2023). One reason is the incompleteness of several implementing regulations or derivative regulations that serve as the operational basis in the field. Therefore, although the ratification of the TPKS Law demonstrates the state's commitment to protecting victims of sexual violence and firmly prosecuting perpetrators, its implementation has not been optimal. Furthermore, structurally, law enforcement against cases of sexual violence on public transportation is also hampered by the low capacity of law enforcement officers to understand the substance of the TPKS Law. Most officers still use a morality and ethical approach in handling cases of sexual violence, rather than a victim-based approach. This often results in the investigation process being insensitive to the victims' experiences and circumstances, leading many victims to be reluctant to file reports (Ayun et al., 2024).

Sociocultural factors also pose a major challenge to the implementation of the TPKS Law. A persistent patriarchal culture and the widespread practice of victim blaming make victims feel ashamed or afraid to report. In many cases on public transportation, victims choose to remain silent for fear of being blamed or disbelieved. This demonstrates that the effectiveness of the law depends not only on existing regulations but also on public awareness and a shift in social paradigms regarding the issue of sexual violence (Nihayah & Sukmana, 2024). Furthermore, a major obstacle is proving sexual violence in public spaces such as public transportation. Many cases lack direct witnesses, digital evidence, or clear CCTV footage. Furthermore, authorities often struggle to prove the element of "coercion" or "victim's dislike" in non-physical harassment, and coordination between law enforcement and public transportation operators remains suboptimal. For example, not all stations, bus stops, or terminals have a rapid reporting mechanism for victims of sexual violence. As a result, many cases are not handled promptly, making it difficult to gather evidence and prosecute perpetrators. Furthermore, institutions like the LPSK (Lembaga Penita Satpol PP) and P2TP2A (Community Service for Victims of Violence) still have limited coverage and resources, so not all victims receive adequate legal or psychological support.

This situation causes many cases to stop at the investigation stage due to a perceived lack of evidence. In addition to evidentiary constraints, the Indonesian legal system also faces issues related to the nature of the complaint-based offense in certain sexual violence crimes. This means that legal proceedings can only proceed if the victim files the report themselves (Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, 2022). In practice, this poses a serious obstacle because many victims are reluctant to report due to psychological pressure, shame, or concerns about social stigma. This complaint-based offense provision is often exploited by perpetrators to pressure victims to withdraw their reports, as has occurred in several cases of sexual violence on public transportation. As a result, justice for victims is difficult to achieve because the legal process can be halted before further investigation. The TPKS Law actually adopts a victim-centered approach by guaranteeing victims' rights to protection, treatment, and recovery. However, in its implementation, the paradigm of law enforcement officials is still oriented towards criminal evidence, rather than victim recovery. As a result, many victims feel uncomfortable in the legal process and choose to withdraw their reports. This indicates that the implementation of the TPKS Law has not fully supported the interests of victims (Widya Sistha et al., n.d.).

Therefore, after reviewing the various obstacles mentioned above, concrete steps are needed to ensure the effective implementation of the TPKS Law in public transportation. The government needs to expedite the issuance of implementing regulations for the TPKS Law to prevent a legal vacuum in the field. Furthermore, ongoing training for law enforcement officers on a victim-centered approach is necessary to ensure that investigations and prosecutions are more sensitive to victims' experiences. Furthermore, public transportation operators also have a crucial role to play in creating a fast and safe reporting system, such as by providing emergency buttons, trained security personnel, and installing CCTV in strategic areas. Public awareness campaigns on victims' rights and anti-victim blaming campaigns must also be strengthened through cross-sectoral collaboration between the government, victim service agencies, and civil society organizations. Thus, the implementation of the TPKS Law in public spaces such as public transportation will not only be repressive, but also preventive and educational. Based on Soerjono Soekanto's theory of legal effectiveness (Bukhary et al., n.d.), law enforcement will be effective if there is harmony between legal elements, law enforcement, facilities, society, and legal culture. In the case of harassment on the Tanah Abang commuter line, it is clear that the legal substance of the TPKS Law is sufficient, but the apparatus and legal culture remain major obstacles. Therefore, increasing the capacity of the apparatus and changing social culture are the main keys to realizing the effectiveness of the TPKS Law in public transportation.

#### **CONCLUSION**

Based on the discussion, it can be concluded that the implementation of Law Number 12 of 2022 concerning Sexual Violence (TPKS Law) in public transportation plays a crucial role in providing legal protection for victims of sexual violence. The TPKS Law represents a significant step forward in the Indonesian legal system, providing a clear and comprehensive legal basis and emphasizing a victim-centered approach as the primary principle in case handling. However, its implementation remains suboptimal. The main obstacles arise from the need for evidence, a lack of understanding of the substance of the TPKS Law among law enforcement officials, a lack of reporting facilities on public transportation, and the persistence of patriarchal culture and victim-blaming practices in society.

Based on the various obstacles identified, concrete steps are needed from various parties to optimize the implementation of the TPKS Law in public transportation. The government needs to expedite the issuance of implementing regulations and strengthen the capacity of law enforcement officers with a victim-centered approach. Public transportation operators need to improve security measures, such as CCTV, rapid reporting channels, and officer training to be more responsive to victims. Meanwhile, the community must be empowered through legal education and anti-victim blaming campaigns. With synergy between institutions such as the National Commission on Violence Against Women (Komnas Perempuan), the LPSK (Lembaga Perempuan), and the P2TP2A (Community Protection Agency), it is hoped that a comprehensive and gender-equitable protection system for victims of sexual violence on public transportation can be implemented.

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