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Civil Responsibility for Sexual Abuses by Public Services (Analysis of Sexual Harassment Cases by the Chief of KPU R.I)

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Abstract: The General Election Commission is a state institution that organizes General Elections in Indonesia. It consists of commissioners who have competence in their field of work. The selection of commissioners as public officials is based on the results of the selection committee selection which is then recommended to the President, for further suitability testing at Commission II of the Republic of Indonesia DPR. Commissioners who pass the suitability test will then be appointed by the President for a term of five years. As public officials, KPU commissioners are those who are believed to have very good personalities and have never been involved in any legal violations. They work based on applicable laws and the KPU code of ethics. The KPU commissioners will elect one of them to be appointed as Chairman of the KPU. The General Election Commission itself is headquartered in Jakarta. This research is normative juridical descriptive, a research method that seeks to describe and interpret the object of research according to what it is, aiming to provide data resulting from researching a situation or existing facts which will then be described clearly so that it can be accepted and understood as to the basis for imposition. The legal rules that apply to the Chairman of the KPU who commits a violation of the law, the legal consequences of the sexual harassment he commits and the form of accountability of the Chairman of the KPU for violations of the law both ethically and regarding the application of criminal law. The results of the research in this paper found that the Chairman of the KPU, based on the facts of the code of ethics trial held by the DKPP, was legally and clearly proven to have violated the KPU code of ethics as Chairman of the KPU for his actions of sexually harassing a female subordinate who served on the Overseas Election Committee in The Hague, Dutch. Confirming all acts of sexual harassment as stated in the DKPP decision Number 90/PKE-DKPP/V/2024, dated 3 July 2024. With responsibility, he was permanently dismissed as Chairman of the Indonesian KPU.

Keyword: KPU Chairman, Sexual Harassment, Violation of the KPU Code of Ethics.

INTRODUCTION

Sexual crime is a serious problem in this age of globalization. Sexual offences indicate the non-functioning of a norm in a person (actor) which results in the violation of the

rights and interests of another person who is the victim. Increasing and growing sexual crime, the Women's Chamber mentions several forms of sexual violence, including rape, sexual harassment, sexual exploitation, sexual torture, sexual slavery and intimidation/aggression with sexual nuances, including threats or attempts to rape.

According to Sumera (2013) the crime of sexual harassment has occurred everywhere and is not only a matter of national law of a country but is already a legal matter of all countries in the world and has become a global issue. Sexual harassment is a crime, and crime is a harmful, inappropriate, unacceptable anti-social act that can cause a riot in society.

The various forms of sexual violence mentioned above, sexual harassment is one of the most common form of sexual crime in Indonesia and even around the world. Keny, Samah and Yin Fah say "Sexual harassment is known as a global social phenomenon that affects all working class, regardless of age, color, ethnicity, social status or work category".

The perpetrators of sexual crimes today are not only from the middle to the bottom of society, but almost the entire layer of society is potentially the perpetrator of crimes of sexual abuse or sexual harassment. Between the groups the most frequent victims of sexual abuse are women, so that in almost every case, women are the most likely victims.

Recently, there are frequent cases of crimes involving sexual harassment. Sexual harassment can happen anywhere and anytime, one of them is like sexual abuse at work. The victim by the perpetrator is often accompanied by a promise of a job reward or a promotion, even threats, whether explicitly or not. Sexual harassment as an act of abuse of the honour of others Sexual abuse can also occur without any promises or threats, but it can make the workplace unrestful, hostile, and stressful, Whether done by an individual or a group to someone directly related to the sex of the party concerned.

Sumarni and Setyowati in Putriningsih add that sexual harassment can also be understood as all the attitudes and behaviors that lead to unpleasant sexual behavior, ranging from views, symbols, body movements, hands, ugly pissing, long-sighted views, cutting cakes, referring to porn images, stealing kisses, flattering, strangling certain parts of the body, even to rape.

Sexual abuse is usually committed by men and is directed at women in the sexual field who are not liked by women because they feel humiliated, but if they are rejected there is a chance that they will suffer other bad consequences. Sexual harassment is not just a form of violation of the rights of others that belongs to criminal acts but more than that. Sexual harassment is not always an act of rape or sexual violence.

As experienced by a woman named Cindra Aditi Tejakinkin, where she was a member of the Foreign Election Commission (PPLN) Indonesian elections in The Hague, Netherlands. Cindra acknowledged that she was forced to engage in sexual intercourse by Hasyim Asy'ari who is also known as the Chairman of the KPU for the period 2022-2027. The incident that Hasyim Asy'ari committed against Cindra Aditi Tejakinkin occurred exactly in March 2024, at the time of the arrival of the work visit of the President of the KPU in The Hague, the Netherlands.

From the time she experienced the sexual abuse, Cindra Aditi Tejakinkin felt depressed in doing her job and confused not knowing what to do, until in the end she told the abuse she experienced to Maria Dianita Prosperiani who was also under her legal authority. Where later, Maria Dianita Prosperiani, made and filed a complaint to the Honorary Council of Election Organizers (DKPP) on April 18, 2024. In the legal proceedings against the Ethical Chairman of the KPU, his current position has been decided to be permanently dismissed as the Chairperson of KPU by the DKPP (Honorary Council of the Organizers of Elections) on the decision of the meeting of DKPP on July 3, 2024. It is stated that the acts of asylum of the Chairman of the KPU are recognised and legally proven and violate the legal and ethical norms of KPU.

Based on the background of the above issues then the formula of the problem in this study is: How the legal consequences of public officials (Chairman KPU) who committed violations of the law and code of ethics, and how the legal responsibility of public officers (CEO KPU), on the sexual harassment of members of the PPLN.

METHOD

Methodology has several meanings, namely (a) the logic of scientific research, (b) the study of research procedures and techniques, and (c) a system of methods and techniques of research. Based on this, it can be said that research method is research aimed at revealing truth systematically, methodologically, and consistently. Through the research process, analysis and construction of the data has been collected and processed.

Descriptive research is a method of research that attempts to describe and interpret objects as they are, aims to provide data resulting from examining a situation or facts that are present in the society that will be clearly described so that it can be accepted and understood by the reader and can describe how sexual harassment is a part of sexual violence that can be classified as a crime to be held accountable by the perpetrator according to applicable law.

RESULTS AND DISCUSSION

As a result of the law of the Public Officer (Chairman of the KPU) who commits a violation of the Law and the Code of Ethics

Pursuant to article 1, paragraph 4, of the Regulations of the Honorary Council of Electoral Organizers No. 2 of 2017 on the Code of Ethics and Guidelines for the Conduct of Election Organizers, the code of ethics of electoral organizers (Regulations No. 2, of 2017), the ethics code is a unity of moral, ethical and philosophical foundations that are guidelines of conduct for the organizers of elections, which are obligations or prohibitions, actions and/or statements that should or should not be made by the organizer of the elections. Further Article 22 of the 2017 DKPP Regulation No. 2 mentions the sanctions that may be accepted when the organizers of the elections are involved in violations. The sanctions are divided into a suspension, a warning, and a temporary to permanent suspension.

A violation of the KPU code of ethics by the Chairman of KPU in connection with sexual harassment committed against a female member of the Foreign Election Commission (PPLN) in The Hague, the Netherlands. Getting a negative response from The Indonesian people, for being able to influence their partisan perception of the electoral process.

Based on that, public confidence in the KPU can deteriorate accumulatively. It's because violations of the code of ethics aren't the first to happen. The Chairman of the KPU was also severely sanctioned for violating ethics in several other legal cases, so motivating the creation of a women's alliance to protest against the position of Hasyim Asy'ari as Chairperson of the CPU, the Chair of the PCU was deemed to have defrauded the honour of the election organizer's agency with his relationship as the Chief General of CPU R.I. In the legal proceedings against the Ethical Chairman of the KPU, his current position has been decided to be permanently dismissed as the Chairperson of KPU by the DKPP (Honorary Council of the Organizers of Elections) on the decision of the meeting of DKPP on July 3, 2024. It is stated that the acts of asylum of the Chairman of the KPU are acknowledged and legitimately proved and violate the legal and ethical norms of KPU.

Hasyim Asy'ari for his sexual abuse of his subordinate, namely a woman named Cindra Aditi Tejakinkin, who works as a member of the Foreign Election Commission (PPLN) in The Hague, Netherlands, Cindra ADITI TJAKINKIN herself can proceed her legal case to the area of criminal law by strapping Asyari with asusila articles related to sexual harassment (Articles 281, 289, and 294 KUHP) with the threat of a prison sentence of up to 9 years.

Legal Responsibility of Public Officers (Chairman of the KPU) for Acts of Sexual Harassment of Members of the PPLN

A female PPLN member Hasyim to the DKPP on April 18, 2024 on alleged violation of the code of ethics of the electoral organizer Approaching, begging, and acting asusila. "The act was done to our client member of the PPLN who has a working relationship with the Chairman of the KPU. However, Chairperson has been bound in a legitimate marriage," said the representative of the LKBH FHUI, Aristo Pangaribuan, on April 18, 2024.

Hasyim's asylum was allegedly carried out between September 2023 and March 2024. The two met several times when Hasyim was on duty visits to Europe and the victims visited Indonesia. Besides, there is an active attempt by Hasyim to beg and approach the victims as long as they do not meet.

It was revealed in the facts at the DKPP crossroads Hasyim "forced Cindra Aditi Tejakinkin to make physical contact" which made the victim have physical health problems. Initially, the victim refused, but Hasyim forced the complainant to make physical contact so that the truth happened. The event took place on October 3, 2023 in the Netherlands. Cindra Aditi Tejakinkin claimed to have called Hasyim in the evening to come to his hotel room.

In other facts, Hasyim Asy'ari proved to have abused his office by using various facilities of intimidation and associating himself with power. Hasyim also gave promises and manipulated information to curse the victim in order to fulfill his personal desires. The Hasyim act uses a power relationship against the victim, but does not threaten work-related matters.

The Honorary Council of the Organizers of Elections or DKPP read the judgment of the case asylum case No. 90/PKE-DKPP/V/2024 violation of ethics Chief of KPU Hasyim Asy'ari was convicted of sexual harassment. DKPP fired Hasyim who allegedly sexually abused a PPLN member named Cindra Aditi Tejakinkin in The Hague, the Netherlands.

Admitted the complainant's complaint in its entirety. To impose a permanent suspension sanction on the opposing Hasyim Asy'ari as the chairman of the General Election Commission has arrested members counted since this ruling was read," DKPP Assembly Chairman Hedy Lugito said on July 3, 2024. This decision marks the end of Hasyim Asy'ari's career as Chairman of the KPU.

CONCLUSION

1. As a result of the law under Law No. 12 of 2022 on the Criminal Procedure for Sexual Violence, with the threat of a sentence of nine years in prison. Whoever commits a violation of the law and the code of ethics of the KPU, he is subject to an ethical trial organized by the DKPP (Honorary Council of Electoral Organizers) on his resignation from his office as the Chairman of the CPP, and after this decision the victim of sexual harassment can then proceed to the area of criminal law in order to give effect to the perpetrator and learning for others.
2. During the DKPP trial against the Chairman of the KPU, the facts of the trial have proved the truth of the acts of Hasyim Asy'ari as the Chief of KPU committing sexual harassment to a member of the PPLN named Cindra Aditi Tejakinkin in The Hague, Netherlands. As the result of the DKPP decision in its trial No. 90/PKE DKPP/V/2024. Hasyim Asy'ari was found guilty and had to resign as Chairman of the KPU as a form of responsibility.

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