

# CHAPTER I

## INTRODUCTION

### A. Background of Research

Sexual harassment is not a contemporary phenomenon but rather a behavior that has been present between men and women throughout history. It has been considered a regular aspect of social norms and has seldom been questioned. Women who reported instances of harmful sexual activity were regarded as extraordinary, provocative, and untrustworthy. Women began to discuss a variety of sexual phenomena during the 1960s and 1970s, as part of the second phase of the feminist awareness in the United States, Canada, and England. It was clear that the acquisition of knowledge had a significant negative impact on women as a result of these dangerous behaviors.<sup>1</sup>

Sexual harassment is any form of inappropriate sexual activity that is perceived as causing offense or embarrassment to another individual. Misbehavior may manifest as verbal, nonverbal, or physical harm, as well as textual or electronic harassment. Sexual harassment is more prevalent among women, who are frequently at a social disadvantage in an environment that is dominated by men. Nevertheless, it is possible for men to be affected as well.<sup>2</sup>

Although psychology researchers have focused mostly on the workplace, sexual harassment also happens in homes, at social gatherings, on public transportation, in other public spaces, in educational and sporting contexts, and

---

<sup>1</sup> Golan Luzon, "Criminalising Sexual Harassment", *The Journal of Criminal Law*, Vol. 81, No. 5, (October, 2017), p. 361.

<sup>2</sup> Jiashu Xu, Chunni Zhang, "Sexual harassment experiences and their consequences for the private lives of Chinese women", *Chinese Journal of Sociology*, Vol. 8, No. 3, (June, 2022), p. 1.

online communities. It can be expressed in a variety of ways, such as in person conversations, over the phone, through text, social media, or email; by displaying things or materials; or by interfering with someone else's personal space and sense of belonging.<sup>3</sup>

It is crucial to realize that sexual harassment may have serious detrimental repercussions on women's social, emotional, and academic well-being, even if men may not be aware that their unwanted sexual attention or conduct is bothersome. Negative body image, depression, eating disorders, and thoughts of self-harm are a few examples of these impacts. There is still a great deal of societal acceptability of sexual harassment and assault directed at women and children, considering the increasing public awareness of the negative impact of sexual harassment on the long-term physical, mental, and emotional well-being of minors. Additionally, the majority of children expressed their apprehension regarding the reactions of others toward them if they complain about sexual harassment.<sup>4</sup>

Lately, there have been many cases of sexual harassment, intentional and unintentional, as well as planned and unplanned. Globalization has led to not just adults engaging in sexual harassment, but also minors becoming perpetrators of such behavior. Safeguarding minors involved in criminal activities is crucial to guarantee the ongoing provision of their well-being. The criminal justice system implemented legislation specifically for handling

---

<sup>3</sup> Shawn Meghan Burn, 2019, *The Psychology of Sexual Harassment*, *Teaching of Psychology*, Vol. 46, No. 1, (December, 2019), p. 96.

<sup>4</sup> Christia Spears Brown, Sharla Biefeld, "The Development of Perpetration and Tolerance of Sexual Harassment", *Association for Psychological Science*, Vol. 32, No. 1, (February, 2023), p. 10.

juvenile offenders, which aids in prosecuting committed crimes by minors.<sup>5</sup>

In situations in which children are frequently in conflict with the law, such as those who commit criminal acts, legal instruments are employed to prevent them from becoming serious by prioritizing the wellbeing of the child.<sup>6</sup> The minor's imprisonment is entirely unjustifiable, as it will eliminate his prospects for the future. The restorative justice model is the most suitable legal framework for juvenile delinquency, as it maintains the balance of life by reestablishing and improving the relationship between the perpetrator and the victim.<sup>7</sup>

According to data from Police Reports (LP) sexual harassment is the most frequently committed offense in Kampar from 2021 to 2023, and it is also committed by minors. In the past three years, there have been seven incidents involving minors, and there were 20 cases in 2021, 21 cases in 2022, and 24 cases in 2023 committed by adults. Based on data presented regarding children who have committed criminal acts of sexual harassment, there hasn't been much sexual activity in Kampar in the last three years. However, this incident still requires special attention because the perpetrators of sexual harassment are children.

Naturally, this has a substantial impact on the lives of the children in question. Children's personalities are unique in that they can express their emotions, desires, and beliefs through their behavior. It is inevitable that the

---

<sup>5</sup> Alfian Mahendra, Beniharmoni Harefa, "Perlindungan Hukum Terhadap Identitas Anak sebagai Pelaku Tindak Pidana Dalam Proses Peradilan Pidana", *Jurnal Kertha Semaya*, Vol. 8, No. 10, (November, 2020), p. 1630.

<sup>6</sup> Sudirman, "Hak dan Perlindungan Hukum Terhadap Anak sebagai Pelaku Tindak Pidana Pencabulan", *Dinamika Hukum*, Vol. 14, No. 2, (July, 2023), p. 285.

<sup>7</sup> Hardanti Widya Khansa, "Criminal Enforcement for Children in Progressive Studies", *Indonesian Journal of Criminal Law Studies*, Vol. 3, No. 1, (May, 2018), p. 54.

child's immediate environment will also influence his or her development. All groups must devote their entire attention to this matter. Based on the description above, the research focuses on “**The Law Enforcement of Sexual Harassment by Minors in Kampar Regency.**”

#### **B. Research Problems**

1. How is the implementation of law enforcement of sexual harassment by minors in Kampar Regency?
2. What are the obstacles in carrying out the law enforcement of sexual harassment by minors in Kampar Regency?

#### **C. Objectives of Research**

1. To analyze the law enforcement of sexual harassment by minors in Kampar Regency.
2. To identify the obstacles carrying out the law enforcement of sexual harassment by minors in Kampar Regency.

#### **D. Benefits of Research**

Benefits of this research, namely:

1. Theoretical Benefits

It is hoped that contribution to the development of legal science theory, especially in involved comprehend the pervasive instances of sexual harassment and violence against minors, where the perpetrators are also minors. In addition, it describes the criminal liability of children who abuse

others sexually.

## 2. Practical Benefits

It is hoped this study serve as a resource and contribute to the development of the Police as an effort aimed at increasing a much deeper understanding of the law enforcement of sexual harassment by minors in Kampar Regency.

## **E. Research Method**

### 1. Type of Research

The type of research is normative empirical legal research, in which the author examined relevant legal provisions and conducted field work to address the issue of law enforcement of sexual harassment.

### 2. Type of Data

This normative empirical legal research uses both primary secondary data in the form of legal material that consist of primary and secondary legal material. The primary legal materials consist of the Indonesian 1945 Constitution, Law Number 4 of 1979 on Child Welfare, Law Number 11 of 2012 on the Juvenile Criminal Justice System, Law Number 13 of 2006 on Child Protection, Penal Code, and the United Nations Convention on the Rights of the Child. Furthermore, the secondary legal material consist variety of library related to the topic, including books, scholarly journals, Article from the internet sites, other legal documents, and non-legal documents relevant to the inquiry.

### 3. Data collection

The author collected data related to the issue through direct interviews with several institutions and library research.

#### 4. Research Location

The research was conducted in Kampar Regency. The author has conducted interviews with relevant expert from the following offices:

- a. Kampar Resort Police Office;
- b. Kampar District Prosecutor's Office;
- c. Bangkinang District Court;
- d. Regional Technical Implementation Unit for the Protection of Women and Children (UPTD PPA).

#### 5. Data Analysis

In this research, the data analysis that the author used is a qualitative descriptive method, namely analyzing by describing the problem in detail based on data that is in accordance with the object of research. Meanwhile, qualitative analysis is the grouping of data according to the explanation so that it can answer problems in the form of a conclusion.

### **F. Systematic of Undergraduate Thesis**

This undergraduate thesis consists of five chapters as follows:

Chapter One is the introduction. This chapter describes the background of the research, the research problem, the objectives and benefits of the research, the research methods, and the systematics of the undergraduate thesis.

Chapter Two discusses law enforcement. This chapter explains law enforcement encompasses the application and implementation of laws,

regulations, and policies within a society to maintain order, ensure public safety, and uphold justice.

Chapter Three is about Sexual harassment by minors. Within this chapter, the meaning of sexual harassment is thoroughly examined and contextualized within the broader framework of child protection and welfare. Sexual harassment, in the context of child abuse, encompasses a range of behaviors and actions that are inappropriate, unwanted, and often coercive, targeting children and adolescents in various settings. The chapter also provides a comprehensive definition of children, acknowledging the diverse legal.

Chapter Four delves into the critical process of finding and analyzing instances of sexual harassment perpetrated by minors, focusing primarily on the role of law enforcement agencies in addressing these complex and sensitive cases. This chapter is pivotal in understanding the challenges, methodologies, and best practices involved in investigating and prosecuting cases of sexual harassment involving minors.

Chapter Five is the conclusion and recommendation. This chapter is the last section which contains conclusions and recommendations regarding the problems described above.