

## Discrimination of Men as Victims of Sexual Harassment from the Perspective of Law Number 12 Of 2022 and Gender

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| <p><b>Article History</b><br/>Received : 2018-07-03<br/>Revised: 2018-07-11<br/>Published: 2018-07-30</p> <p><b>Keywords:</b><br/><i>Discrimination; Sexual Violence; Gender Equality.</i></p> | <p>Sexual violence is commonly associated with female victims, while cases involving male victims often receive limited attention due to social stigma, gender stereotypes, and perceptions of masculinity. This study aims to analyze discrimination against male victims of sexual violence from a gender equality perspective and examine legal protection mechanisms available under Indonesian law. The research applies a normative qualitative method through literature studies by reviewing books, journals, legal regulations, government reports, and media publications related to gender theory and sexual violence. Data validity was ensured through comparison and analysis of multiple sources. The findings indicate that male victims of sexual violence continue to experience discrimination in reporting processes, access to legal protection, and social acceptance. Gender stereotypes positioning men as strong and dominant contribute to the underreporting of cases and inadequate support systems. Although Law Number 12 of 2022 concerning Sexual Violence Crimes provides legal protection and recognizes victims' rights to assistance, rehabilitation, and justice, implementation remains insufficiently inclusive toward male victims. Existing complaint services and legal mechanisms also tend to prioritize women and children. Therefore, strengthening gender-responsive legal frameworks, increasing public awareness, improving law enforcement sensitivity, and expanding psychological and social support systems are necessary to ensure equal protection for all victims regardless of gender. The study concludes that achieving gender equality in handling sexual violence requires inclusive legal reform and the elimination of discriminatory perceptions toward male victims to create a more equitable justice system in Indonesia.</p> |

### I. INTRODUCTION

Sexual violence is a crime that occurs all around us. It makes people feel afraid and unsafe. Sexual violence is often discussed in the news and on social media. Many cases of sexual violence go unreported, like the tip of an iceberg barely visible from the surface. Sexual violence is an unwelcome act, whether physical or non-physical, perpetrated by someone in a position of power over the victim. According to the World Health Organization (WHO), sexual violence is not limited to rape or other physical acts such as touching a woman's genitals or anus with a penis or other body part, but also includes assault and

forced contact between the mouth and the penis, female genitals, or anus.

Sexual violence against men is actually more common than we think. This is because the violence is widespread, largely unknown, and not well-documented. As a result, cases of sexual violence against men often go unheard and receive little attention. In 2020, the world was shocked by the sexual assault of Reynhard Sinaga, an Indonesian student in the UK.

He was involved in 159 cases of rape and sexual crimes against 48 male victims. According to the 2020 Gender Welfare Barometer Quantitative Research Report by the Indonesian

Legal Research Society (IJRS) and the International NGO Forum (INFID), 33.3 percent of men have experienced sexual violence. Another study conducted in 2019 by the Safe Public Space Coalition (KRPA) found that one in ten boys has experienced bullying in public spaces.

The Ministry of Women's Empowerment and Child Protection's findings in 2017 also revealed that the percentage of sexual violence in the 13-17 age group was 8.3 percent male and 4.1 percent female, indicating that sexual violence was experienced by twice as many men as women.

The above data shows that law enforcement and handling of sexual violence cases against male victims remain weak in Indonesia. This is because men are viewed as more masculine, strong, and dominant in society, making them less likely to become victims of sexual violence. This situation is further complicated by low public awareness of sexual violence against men.

## II. RESEARCH METHODS

This research was conducted by reading books, magazines, government reports, and media reports on gender-based violence against men and gender theory. The researchers then analyzed the material, examining, analyzing, interpreting, and explaining sexual violence against men from a gender perspective.

Researchers also check data accuracy by comparing data from various sources. The information obtained is more comprehensive and complementary. After collecting the data, researchers analyze it and verify its accuracy. Researchers do this by comparing data from various sources. This way, researchers can ensure that the information obtained is accurate and reliable.

## III. RESULTS AND DISCUSSION

### 1. Discrimination Against Male Victims of Sexual Violence

The concept of gender refers to equality

between men and women. Gender equality means that men and women receive the same rights, responsibilities, opportunities, treatment, and evaluation. This means that men and women have equal opportunities to participate in politics, economics, law, education, socio-cultural affairs, defense, and national security, and to enjoy the fruits of development. This equality can be achieved through various means, based on a strong commitment to lifting women out of poverty.

According to some experts, gender is a term used to identify differences between men and women from a sociocultural, not biological, perspective. Gender also shapes male and female characteristics that are influenced by social and cultural factors. Differences between men and women can give rise to gender differences.

These gender differences often lead to injustice. This gender injustice is seen in various forms, for example, the government does not pay attention to the interests of all genders because one gender is more important than the other, giving negative labels to one gender, physical and mental violence, and workloads. . it is greater. difficult for one sex. The principle of gender equality has four indicators, namely equal access to development resources, participation in development programs, control over legal regulations, and equal benefits of rights and obligations.

Society often fails to recognize or understand that men can also be victims of sexual violence. The media often portrays women as victims and men as perpetrators, making it difficult for men to share their experiences. Furthermore, society often questions their masculinity and wonders why victims don't fight back against sexual violence. This makes victims reluctant to speak out for fear of negative reactions from society.

### 2. Discrimination in the Treatment of Men

## as Victims of Sexual Violence

### a. Gender Equality Perspective

Everyone in Indonesia has equal rights before the law. This means that discrimination is prohibited to ensure justice for all, regardless of origin or gender. However, male victims of sexual violence often do not receive fair treatment. In resolving sexual violence cases, women are often prioritized, resulting in male victims often not receiving the help and support they need. This creates injustice for victims, and many are reluctant to share their experiences.

The unfair treatment of male victims of sexual violence requires equal assistance and support for both male and female victims. It is crucial for both genders to be treated fairly when they are victims of sexual violence. This injustice stems from social stigma, which often leads to male victims of sexual violence being overlooked. Therefore, it is crucial to ensure that all people, both men and women, have equal rights to participate in various activities and benefit from development. Furthermore, many regulations still favor one gender for victims of sexual violence, indicating that the principle of equality has not been fully implemented in Indonesia.

To ensure equal opportunities for women and men in the legal system, it is crucial to ensure equal access to legal protection. This includes handling cases of sexual violence. For example, in cases of sexual violence, police officers must conduct an initial investigation to assess whether the police report complies with applicable regulations.

Efforts to eliminate gender discrimination in the legal system are also important to protect women's economic property, physical integrity, voice and agency, so that equal legal protection for women and men is an important step in creating a just and equal legal system.

When someone reports an incident to

the police, the police must carefully examine whether the incident qualifies for reporting. If the incident does not qualify, the police must clearly and legally explain why it cannot be reported. It is crucial for the police to treat everyone fairly and respect their feelings. Therefore, it is crucial for all of us to ensure that the police respond seriously and fairly to all reports of sexual violence, regardless of the victim's gender.

Anyone who experiences sexual violence, whether male or female, deserves equal protection and justice. However, many people treat male victims unfairly. This is because society views men as strong, not victims. That's why we must work with the government and the media to ensure that cases of violence against men receive serious attention and are handled. We also need to understand that everyone, regardless of gender, deserves fair and respectful treatment.

Based on these facts, male victims of sexual violence are still treated unfairly. This is because society views men as strong, not victims. In reality, both men and women are victims of sexual violence. It is crucial to ensure that everyone has the right to fair and respectful treatment, regardless of gender. Therefore, we must ensure that all victims of sexual violence, regardless of gender, receive the same protection and justice as other victims of sexual violence.

Psychological distress affecting the mental health of victims of sexual violence is one of the short-term consequences experienced by victims. If not promptly addressed, it can have fatal consequences, such as severe depression, bipolar disorder, impaired self-esteem, and other negative consequences. Therefore, the initial steps that can be taken in treating male victims of sexual violence using the "lives" method are:

1. Listening (Listening): Listening to victims of

sexual violence without judging or blaming them for what they experienced.

2. Inquiring (Asking): Asking what the victim of sexual crime needs in terms of emotional and practical needs.
3. Validate (Ensure): Show the victim the right professional medical personnel, both doctors and nurses, to help victims of sexual violence and ensure that no one blames the victim for what she experienced.
4. Enhancing safety (Improving Security): Improving the safety of victims of sexual violence by creating concepts related to protection against losses and other consequences that may arise if the victim is exposed to sexual violence again.
5. Support (Support: Providing support to victims of sexual violence in various ways, including services, information, and moral and social support. These steps can be applied to victims of sexual violence in the early stages, minimizing the potential for worse outcomes for victims of sexual violence.

In the future, it is hoped that Indonesian society will become more sensitive to gender-based violence. Sexual violence does not only affect women but can also affect men. Therefore, researchers and social activists must be given a space to discuss solutions to address sexual violence against men. This is a highly sensitive issue, and victim reporting remains low due to the growing culture of masculinity in society. Men also have different needs than female victims and are often reluctant to discuss the violence and its impact.

It is important to remember that the unfair treatment of male victims of sexual violence requires equal assistance and support for both male and female victims of sexual violence. Therefore, it is crucial to place them on an equal footing with both victims. Gender equality is defined as the condition for men and

women to achieve their rights to participate in politics, law, economics, social affairs, culture, education, defense and national security, and to benefit from development outcomes.

The continued presence of numerous laws and regulations that are gender-biased against victims of sexual violence further clarifies that the principle of equality has not been fully implemented in Indonesia. There are at least four indicators that can be used to ensure that all laws and regulations are more gender-responsive:

1. Use inclusive language: create and use language that includes and acknowledges all people, without distinguishing between men and women.
2. Compliance with established policies: Ensure that established policies include and protect all parties, regardless of gender.
3. Identification and special treatment of victims of sexual violence: steps taken to handle victims of sexual violence must be individual for both male and female victims, without distinction.
4. Increasing awareness and understanding of the problem of sexual violence: Educational and understanding activities related to sexual violence are carried out so that the community and interest groups understand and support the position of gender equality in handling victims of sexual violence.

With these steps, it is hoped that the problem of gender equality in handling victims of sexual violence can be overcome and more gender-specific legislation can be obtained.

Several rights of victims of sexual violence must be protected. First, the right to care, which includes the right to receive information, medical records, legal aid, psychological assistance, medical assistance, and other services needed by the victim. Care for victims of sexual violence can be provided through government agencies or other social

services.

In Indonesia, there are already services aimed at submitting complaints for the rehabilitation of victims of sexual violence, such as SAPA 129 (Friends of Women and Children) launched by the Ministry of Women's Empowerment and Child Protection, the National Commission on Violence Against Women (Komnas Perempuan), the complaint service, and the Complaint Service of the Indonesian Child Protection Commission. In addition, the government has also introduced the SPPT PKKTP (Integrated Criminal Justice System for Handling Cases of Violence Against Women). However, the services and treatment prioritize women, as reflected in the names of the services aimed at women and children.

In fact, the wording of the new criminal law bill expands the definition of rape (Article 491). This rape need not be accompanied by violence and need not occur against a woman who is not the wife. The scope of sexual violence is also broader, encompassing not only a man inserting his genitals into a woman's genitals, but also a man inserting his genitals into a woman's anus or mouth, or a man inserting an object that does not belong to him into a woman's vagina or anus.

However, the notion that women can also rape men or individuals of the same sex (men and women) does not appear to be included in the new draft criminal code. Therefore, a specific and comprehensive study is needed to reformulate the crime of rape to include it. Rape is not simply a matter of sexual desire, but also a power relationship between two (or more) human beings.

When linked to the theory or activities of criminal criminology, firstly, criminology critically examines current criminal law and its application, and secondly, criminology provides contributions or recommendations for improvements in the form of criminology.

This means there is a process by which an act previously not considered a crime is made a crime by the laws that prohibit it. This is because not all acts condemned by society are regulated by criminal law, such as the rape of the man. Empirical crime prevention consists of three main parts:

1. Preventive: Preventive action is the initial action taken by the police to prevent crime from occurring.
2. Preventive (Prevention): These preventive activities are a continuation of preventive activities which are still at the preventive level before a crime occurs.
3. Repressive: This is done when a crime or offense has occurred, namely law enforcement and sanctions.
  - b. The factors that cause rape include the following:
    1. FactorThe main factors contributing to sexual violence are poverty and low education. The higher a person's education, the better they can meet their personal needs. Conversely, low education can increase unemployment. Low education can also lead to a life with inadequate skills, perspectives, and knowledge. Therefore, education is crucial for reducing poverty and preventing sexual violence.
    2. A lack of moral and religious education can lead a person to forget their true identity and often engage in deviant behavior due to the influence of modernization and globalization. Moral and religious education provides a standard that provides a reference or foundation for human action, thus guiding them to become better human beings. Therefore, moral and religious education is crucial for shaping a person's personality and character and helping society to seriously practice virtue.
    3. Technological developments are part of the

evolution of the times, making information increasingly accessible through devices. However, unwise use of technology can lead to negative behavior. Therefore, it is important to use technology wisely and responsibly.

Sexual violence occurs when someone engages in unwanted sexual behavior. Some examples of unwanted sexual behavior include:

1. Sexual harassment: disrupting or damaging a marriage.
2. Coercion: Forcing or causing a marriage in an improper manner.
3. MarryForced : To abolish or cause a marriage in a bad way.
4. Sexual abuse: Torturing or harming a marriage in an unhealthy way.
5. Sexual abuse: using or damaging a marriage for one's own or another's benefit.

Sexual violence is a form of unsafe behavior that occurs when someone engages in unwanted sexual acts. Some examples of sexual violence include:

1. Rape: performing a sexual act on another person in an unsafe manner.
2. Indecent acts: sexual behavior towards another person.
3. Sexual intercourse, indecent acts and/or sexual abuse against children: Indecent sexual acts against children.
4. Morally offensive acts that are against the victim's wishes: Sexual acts against another person that are against the victim's wishes.
5. Child pornography or explicit pornography containing violence and sexual abuse: Making or watching videos of children or making or watching explicit videos containing violence and sexual abuse.
6. Forced prostitution: sexual relations with another person under uncertainty.
7. The crime of human trafficking for the purpose of sexual exploitation: Carrying out sexual acts against another person for

oneself or for another person.

8. Domestic sexual violence: sexual acts against children in a household with uncertainty.
9. The crime of money laundering which originally took the form of sexual violence: The use of money obtained from unwanted sexual activities.

### **3. Legal Protection for Victims of Sexual Harassment in Law No. 12 of 2022**

Sexual harassment is a sexual act committed against a victim under coercive conditions. Sexual harassment is usually a crime committed by adults and is usually directed at women. Law enforcement exists to protect government or administrative institutions through applicable laws. The purpose of legal protection is for legal subjects to obtain their rights and be able to provide full protection to legal subjects who are victims. Philipus M Hadjon defines legal protection as an action that protects individual dignity and recognizes human rights based on statutory provisions against arbitrary actions or in the form of regulations that can function as a person's protection.

Some legal instruments to prevent and address harassment, namely the Criminal Code, do not recognize the concept of sexual harassment, but recognize it as indecent acts. In the Criminal Code, indecent acts are defined as any activity related to immoral crimes as an act that violates prevailing norms in society.

People guilty of sexual harassment can be charged with profanity under Article 1 of the Criminal Code. Law Number 12 of 2022 (TPSK) also regulates the rights of every person to protection against degrading treatment, preventive measures, and rehabilitation of victims of sexual harassment, where this law serves as a legal umbrella against degrading treatment, violent crimes, and sexual crimes.

## **IV. CONCLUSION AND SUGGESTIONS**

## A. Conclusion

Factors contributing to the crime of rape against men can be caused by internal and external factors. Internal factors include low work morale, low education, psychological conditions, and bad habits. Meanwhile, external factors include economic conditions, the environment or human relationships, as well as situations and opportunities. Efforts to prevent rape against men are carried out through two instruments or criminal policies: criminal instruments (repressive measures) and non-criminal instruments (non-criminal policies). Punitive measures are implemented by enforcing existing legal regulations and adjusting sanctions according to the violation. At the same time, non-punitive measures are implemented to guide the perpetrator's behavior and use available means to prevent undesirable things. Reforming the crime of rape as a task of criminal law criminology requires a specific and comprehensive study that provides recommendations for improving criminalization, because so far there has been no formulation of the crime of rape against men in the new Criminal Code Bill.

## B. Suggestions

Based on the findings of this study, it is recommended that the government strengthen legal protection and support systems for all victims of sexual violence without gender discrimination. The implementation of Law Number 12 of 2022 concerning Sexual Violence Crimes should ensure equal access to justice, protection, rehabilitation, and reporting mechanisms for both male and female victims. Law enforcement institutions are also expected to improve gender sensitivity and provide fair treatment to all victims regardless of social stereotypes regarding masculinity.

In addition, public awareness regarding sexual violence against men needs to be increased to reduce stigma and encourage victims to report incidents without fear of negative judgment.

Psychological, medical, and social support services should also be expanded to accommodate the specific needs of male victims. Furthermore, policymakers are encouraged to develop more gender-responsive regulations, while future researchers are expected to conduct further studies on sexual violence against men to support more inclusive and equitable legal protection.

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