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Legal Review of Strategies for Resolving Cases of Sexual Violence Against Female Workers

(Reviewed from the Employment Law)

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Abstract. This study examines strategies for resolving cases of sexual violence against female workers from the perspective of labor law in Indonesia. The main problems lie in weak protection, unclear reporting mechanisms, and low support for victims in the workplace. The research method used is normative juridical with a statutory and conceptual approach. The results of the study indicate that labor regulations do not fully provide comprehensive protection for victims, particularly in the aspects of prevention and internal company handling. Effective resolution strategies include strengthening regulations, establishing a safe and responsive complaint mechanism, and enhancing the role of labor inspection. Furthermore, synergy is needed between the government, companies, and relevant institutions to ensure fair and sustainable legal protection. Thus, case resolution efforts should not only focus on sanctions, but also on victim recovery and preventing the recurrence of sexual violence in the workplace.

Keywords: Labor Law; Legal Protection; Sexual Violence; Women Workers; Workplace Harassment.

1. INTRODUCTION

Sexual violence in the workplace is any act related to sexuality and carried out without the victim's consent, resulting in discomfort, humiliation, fear, threat, or physical and psychological harm to the worker. In the corporate context, sexual violence can occur between superiors and subordinates, fellow coworkers, or other parties within the workplace. These acts can include words, gestures, verbal and nonverbal behavior, physical contact, and even sexual coercion. According to Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, sexual violence is any act that degrades, insults, attacks, and/or other actions against a person's body, sexual desires, or reproductive functions by force or without the victim's consent. In employment practices, sexual violence often arises from unequal power relations in the workplace, leaving female workers vulnerable to intimidation, sexual exploitation, and sexual harassment, both physical and non-physical.

In general, sexual violence in companies can be classified into several forms, such as verbal sexual harassment in the form of sexually suggestive comments or jokes, nonverbal harassment such as inappropriate gestures and stares, physical harassment in the form of non-consensual touching, and forced sexual intercourse with certain threats, such as the threat of termination of employment or obstacles to promotion. These conditions indicate that sexual violence is not only a moral and social issue, but also a violation of workers' rights to safety, dignity, and legal protection in the workplace.

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The state expressly guarantees the protection of female workers from sexual violence through Law Number 13 of 2003 concerning Manpower and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. To complement this, the government has issued Minister of Manpower Regulation Number 88 of 2023, which requires companies to establish clear prevention policies, internal complaint mechanisms, and safe resolution procedures(Marbun et al., 2025). Sexual violence against female workers is a serious problem in the world of employment, closely related to the protection of human rights and the right to safety in the workplace. Normatively (das sollen), the state has provided a basis for protection through various laws and regulations, such as Law Number 13 of 2003 concerning Manpower, which guarantees protection for workers, and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, which specifically regulates various forms of sexual violence and victim protection mechanisms. Ideally, every company is also obliged to create a safe work environment, free from violence and discrimination, and provide an effective complaint mechanism for workers.

However, in empirical reality (das sein), many cases of sexual violence in the workplace remain unreported due to the power relations between perpetrators and victims, fear of layoffs, and the lack of safe and victim-friendly complaint mechanisms within the company environment. Furthermore, the implementation of legal protection tends to be formalistic, so victims often do not receive optimal protection, either internally or through the legal process. The criminal justice process can be re-traumatizing and time-consuming, and offers inadequate long-term protection or support for victims' careers and mental health (Arifin, 2026).

Historically, internal resolution has often been biased, and fear of retaliation or job loss discourages victims from using unsafe and ad-hoc company complaint mechanisms (Oktaviani et al., 2025). In Indonesian employment practices, many cases of sexual violence in the workplace remain unresolved, yet the resolution has not been optimal and in favor of the victims. Several cases demonstrate female workers experiencing verbal sexual harassment by superiors through sexually suggestive remarks, inappropriate personal messages, and repeated sexual advances during the course of their employment. Furthermore, there are cases of workers experiencing physical harassment in the form of non-consensual touching in the workplace, but the victims choose not to report it for fear of losing their jobs or experiencing pressure from the workplace. In other cases, female workers experience intimidation and career threats if they refuse certain sexually suggestive requests from those in higher positions.

These incidents demonstrate that sexual violence in companies remains common and remains unresolved fairly due to the lack of safe complaint mechanisms, the existence of power relations within the workplace, and the lack of effective legal protection for victims within the company environment. Several cases of sexual violence occurring in corporate environments demonstrate that they cannot be fully resolved through labor law mechanisms, as Law Number 13 of 2003 concerning Manpower does not specifically regulate sexual violence as a crime and does not provide for criminal sanctions. In practice, some female workers experience verbal sexual harassment in the form of sexually suggestive remarks and messages from superiors, physical harassment in the form of non-consensual touching, and sexual intimidation related to threats to job positions or promotions. However, when these cases are reported, the resolution process often utilizes general criminal law mechanisms through the Criminal Code (KUHP) and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), rather than based on criminal provisions in the Manpower Law.

This indicates a regulatory gap in labor law regarding sexual violence in the workplace, so that protection for female workers still relies heavily on general criminal law instruments in the law enforcement process. The gap between the ideal condition (das sollen) and the actual condition (das sein) indicates the need to strengthen more effective legal protection mechanisms, one of which is through the establishment of a gender-based complaint institution in the workplace that can serve as the initial gateway for reporting, assistance, and determining the resolution path both internally and through criminal proceedings based on the Criminal Code and the TPKS Law. Thus, this research is important to examine strategies for resolving cases of sexual violence against female workers from the perspective of labor law.

Research on sexual violence against female workers is crucial because there remains a gap in labor law regulations regarding specific protection mechanisms and case resolution. Law Number 13 of 2003 concerning Manpower essentially only regulates general worker protection, such as occupational safety, morals, and ethics, but does not explicitly identify sexual violence as a specific form of violation in the workplace, along with its handling mechanisms and sanctions. Yet, in practice, various forms of sexual violence, such as verbal harassment, physical harassment, sexual intimidation, and sexual exploitation, still frequently occur against female workers in companies. Several cases indicate that female workers experience sexualized actions from superiors and coworkers, whether through comments, private messages, non-consensual physical contact, or threats to their careers and jobs.

However, when such cases occur, resolution is often directed towards general criminal law through the Criminal Code and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), because the Manpower Law does not yet contain specific criminal provisions regarding sexual violence in the workplace.

Under the TPKS Law, sexual violence cases cannot be resolved through out-of-court settlements. This prevents perpetrators from simply paying the victim or facing only internal suspension(Ford & Ivancic, 2020). This situation indicates a gap between normative protection in employment relationships and the reality of victim protection in the corporate environment. Based on this situation, this study was conducted to identify the legal regulations regarding sexual violence against female workers from an employment law perspective, including the weaknesses in these regulations, the forms of legal protection available, and case resolution strategies that can be implemented both through internal company mechanisms and through general criminal law. Therefore, this research is expected to contribute to strengthening legal protection for female workers in the workplace.

Based on the background description, it is clear that sexual violence against female workers in the corporate environment remains a problem that requires serious attention from an employment law perspective. Law Number 13 of 2003 concerning Manpower does not specifically regulate sexual violence as a form of violation with its own handling mechanism and criminal sanctions. Therefore, in practice, cases are mostly resolved using general criminal law provisions through the Criminal Code and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). Furthermore, the still weak internal complaint mechanism, the existence of power relations in the workplace, and minimal protection for victims cause many cases not to be resolved optimally. Therefore, this study will examine the legal regulations for sexual violence against female workers as reviewed by the Employment Law, strategies for resolving sexual violence cases in the corporate environment, and efforts to strengthen legal protection for female workers against sexual violence in the workplace

2. METHOD

The research method in this legal study on strategies for resolving cases of sexual violence against female workers uses a normative juridical method with a statutory and conceptual approach. This research focuses on analyzing legal regulations related to the protection of female workers against sexual violence in the workplace.

The primary analytical tool in this study is Law Number 13 of 2003 concerning Manpower, which is used to analyze the forms of legal protection, corporate responsibilities, and mechanisms of employment relations for female workers. In addition, this study also uses Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and the Criminal Code (KUHP) as supporting analytical materials in examining the resolution of sexual violence cases that fall into the realm of general crime. Research data was obtained through a literature review sourced from laws and regulations, scientific journals, law books, and previous research results. Data analysis techniques were conducted descriptively and analytically to identify the alignment between labor law regulations and the practice of resolving cases of sexual violence against female workers in the corporate environment.

3. RESULTS AND DISCUSSION

Regulation of Criminal Sanctions for Sexual Violence Against Female Workers

Law Number 13 of 2003 concerning Manpower does not explicitly define sexual violence as a separate crime, nor does it establish specific criminal sanctions for perpetrators. Instead, this core labor framework broadly frames worker protection, decency, and moral safety as fundamental rights(Rosida et al., 2026). This law focuses more on industrial relations, labor protection, wages, working conditions, and general labor mechanisms, so the issue of sexual violence is not constructed as a separate offense within it. While provisions for criminal sanctions in the Manpower Law do exist, they are limited to violations of specific norms such as wage regulations, licensing, or labor utilization, rather than sexual violence.The Manpower Law primarily serves as a framework for labor rights, corporate compliance, and occupational health and safety. Because its criminal provisions are strictly limited to violations of labor standards, cases of sexual violence in the workplace must be prosecuted under the Criminal Code and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS) (Nadhif et al., 2025). Law No. 13 of 2003 concerning Manpower does not specifically regulate the crime of sexual violence or its criminal sanctions. Therefore, if sexual violence occurs against female workers, the basis for criminal liability refers to general criminal law provisions. Indonesian labor law requires employers to maintain a safe work environment.

Table 1. Aspects of Provisions and Legal Issues Regarding Sexual Violence Against Female Workers

No.	Classification of Sexual Violence	Form of Action	Example
1.	Non-physical sexual harassment	Sexually suggestive verbal, written, or gestural actions without physical contact	Obscene comments, obscene whistles, unwanted sexually charged messages
2.	Physical sexual abuse	Sexual acts involving physical contact without consent	Touching, touching body parts, holding forcibly
3.	Forced contraception	Forcing someone to use contraception	Forcing female workers to use birth control without consent
4.	Forced sterilization	Permanent medical procedures without consent	Forcing sterilization on the victim
5.	Forced marriage	Forcing someone to marry	Pressure from superiors for workers to marry certain parties
6.	Sexual exploitation	Abuse of position or power relations for sexual purposes	Boss asks for sexual favors for job promotion
7.	Sexual slavery	Using someone as a sexual object forcibly and repeatedly	Continuous coercion of sexual relations in a power relationship
8.	Electronic-based sexual violence	Sexual acts via digital media	Unauthorized distribution of intimate photos, sextortion, online threats

Source: secondary data 2026 (processed).

Although Law Number 13 of 2003 concerning Manpower mandates the protection of morals and decency, criminal prosecution for sexual violence in the workplace relies on the Criminal Code (KUHP) and is comprehensively regulated by Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS)(Meknesya et al., 2026). In this case, the reference used is the Criminal Code (KUHP) which regulates acts such as rape and indecent acts, although its scope is still limited, and is strengthened by Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) as a more comprehensive lex specialis in regulating various forms of sexual violence, including those occurring in the workplace.

Legal Regulations on Sexual Violence Against Female Workers from the Perspective of the Employment Law

The results of the study show that protection for female workers in Law Number 13 of 2003 concerning Manpower is still general in nature and does not explicitly regulate sexual violence in the workplace.

Table 2. Aspects of Provisions and Legal Issues Regarding Sexual Violence Against Female Workers.

Aspect	Employment Law	Problem	Other Related Settings
Worker protection	Guaranteeing protection of occupational safety and health (K3) as well as morals and ethics	Does not explicitly mention sexual violence	The TPKS Law regulates the types and forms of sexual violence.
Prohibition of discrimination	Prohibiting discrimination in employment relationships	Does not specifically regulate gender-based sexual harassment or violence	The Human Rights Law and the TPKS Law provide more specific protection.

The right to feel safe	It is implicit in the employer's obligation to maintain the work environment	There is no concrete victim protection mechanism	Company regulations (if any) and internal policies
Complaint mechanism	Not regulated in detail in the Employment Law	Victims have difficulty reporting and there are no standard procedures	The TPKS Law regulates victims' rights and assistance
Sanctions against perpetrators	There are no specific regulations regarding sexual violence.	There are no specific administrative sanctions for perpetrators in the work environment.	Criminal sanctions are regulated in the TPKS Law
The role of the company	Responsible for worker protection	There is no explicit obligation to create a sexual violence prevention system.	Set out in internal HR policies and practices
Victim protection	General and non-specific	There is no guarantee of victim recovery (rehabilitation, compensation)	The TPKS Law regulates victims' rights more comprehensively

Source: secondary data 2026 (processed).

Based on recent legal developments in Indonesia, Law Number 13 of 2003 concerning Manpower provides general protections for female workers, such as maternity leave, breastfeeding rights, and a ban on night work for pregnant women, but lacks specific and detailed regulations regarding sexual violence and harassment in the workplace (Rahmi et al., 2025). This law places greater emphasis on occupational safety and health protection, morals, and the prohibition of discrimination. The absence of specific regulations regarding sexual violence creates a legal gap, resulting in suboptimal legal protection for victims. The enactment of Law Number 12 of 2022 concerning Crimes of Sexual Violence (UU TPKS) on May 9, 2022, represents a significant legal breakthrough to address this previous legal gap and provide comprehensive protection for victims in Indonesia. Previously, the handling of sexual violence cases was fragmented across various laws (such as the Criminal Code, the Child Protection Law, and the Electronic Information and Transactions Law), which often resulted in suboptimal protection and victims being held partially responsible for the crimes they suffered(Jannah & Nurliyantika, 2023).

In practice, the handling of sexual violence cases often refers to other regulations, such as the Sexual Violence Crimes Law (UU TPKS), which provides a more specific legal basis for the types of sexual violence and their handling mechanisms. Many companies lack adequate internal policies related to the prevention and handling of sexual violence, making it difficult for victims to obtain justice. Effective handling of workplace sexual violence in Indonesia is hampered by the fragmented integration between the TPKS Law (Law No. 12/2022) and employment regulations.

Although Minister of Manpower Regulation 88/2023 mandates preventive internal policies, many companies lack effective mechanisms, resulting in victims facing obstacles in obtaining justice and often failing to address the criminal dimension of the case(Rosida et al., 2026).

Strategies for Resolving Cases of Sexual Violence Against Female Workers

Efforts to harmonize labor law and criminal law for female workers are already underway. Within the current framework, sexual violence constitutes a serious human rights violation that extends far beyond the scope of internal industrial relations, necessitating a synchronized, two-track approach to ensure justice(Rusdi & Sulaiman, 2025). Research findings indicate that, in practice, cases of sexual violence against female workers cannot be fully resolved through Law Number 13 of 2003 concerning Manpower, as the law only regulates worker protection in general aspects of employment relations, safety, morals, and decency, without specifically addressing sexual violence and its criminal sanctions. Consequently, when sexual violence occurs in the workplace, legal resolution often refers to general criminal law through the Criminal Code (KUHP) and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). This situation demonstrates the difference in legal consequences between settlements based on labor mechanisms and settlements through criminal law. From an employment perspective, the sanctions imposed tend to be administrative or internal to the company, such as warnings, transfers, or termination of employment, while in criminal law the perpetrator can be subject to imprisonment and heavier sanctions.

This difference creates injustice for victims because sexual violence is fundamentally a violation of human rights and bodily integrity, and therefore, it is insufficient to resolve it solely through internal employment mechanisms. Therefore, harmonization of employment law and criminal law is necessary to ensure fairer, more assertive protection for female workers and provide legal certainty for victims. Strategies for resolving cases of sexual violence against female workers are crucial to ensuring a safe work environment, encompassing both non-litigation (internal/alternative) and litigation (legal/court) channels. In Indonesia, the approach to these cases involves a combination of the Employment Law, the Criminal Code, and the TPKS Law, which often focuses on victim-centered protection(Khoiriah & Wijayanti, 2022). In non-litigation channels, sexual violence cases are resolved through internal company mechanisms such as complaints to management or HR, mediation, and assistance from labor unions.

Non-litigation channels, such as internal company mechanisms (HR complaints, mediation), are often preferred due to their speed, confidentiality, and flexibility compared to formal legal action. However, these internal processes often fail to provide justice for victims due to structural imbalances and unequal power relations(Hanifah, 2024).

Table 3. Legal Resolution Strategies for Cases of Sexual Violence Against Workers.

Type	Form	Legal basis	Excess	Weakness
Non-Litigation	Internal company complaints (HRD)	Employment Law, Company Regulations	Fast and flexible process	Potentially non-objective, conflict of interest
	Mediation between victim and perpetrator	Law No. 2 of 2004 (PPHI)	Prioritize deliberation	Not always on the side of the victim, the pressure of power relations
	Trade union/LBH assistance	Trade Union Law, Legal Aid Law	Providing legal and moral support	Not all workers are members of unions
Litigation	Reporting a crime to the police	TPKS Law	Providing legal certainty and a deterrent effect	Long process, difficult proof
	Lawsuit to the Industrial Relations Court (PHI)	Law No. 2 of 2004	Resolving employment disputes	Limited to employment aspects
	Criminal justice process	Criminal Code, TPKS Law	Imposing sanctions on the perpetrators	The psychological burden on victims is high
Preventive	Drafting anti-sexual violence policies in companies	Internal company policies	Prevent cases from occurring	Not yet an obligation for all companies
	Education and socialization in the workplace	K3 program and HR policies	Increasing worker awareness	Requires ongoing commitment
	Establishment of a safe complaints mechanism	TPKS Law (victim protection)	Protecting victims and witnesses	Not widely implemented

Litigation of sexual violence cases in Indonesia, particularly following the enactment of Law Number 12 of 2022 concerning Crimes of Sexual Violence (TPKS Law), serves as a formal, state-supported mechanism to ensure perpetrator accountability and restitution for victims. While offering superior legal certainty compared to non-legal channels, this litigation faces significant practical challenges(Khumaeroh et al., 2025). Litigation is conducted through formal legal processes, such as reporting to law enforcement officials under the TPKS Law or filing a lawsuit with the Industrial Relations Court if the case relates to an employment relationship. This route provides stronger legal certainty but is hampered by lengthy processes, difficult evidence, and psychological distress for victims.

Research results indicate that the resolution of cases of sexual violence against female workers in corporate environments has not been optimal because Law Number 13 of 2003 concerning Manpower does not regulate in detail sexual violence, including its resolution mechanisms and sanctions. In practice, company resolutions tend to be internal and administrative, such as warnings, mediation, transfers, or termination of employment.

Therefore, they do not provide an optimal deterrent effect on perpetrators and do not fully provide a sense of justice for victims. This situation results in many cases of sexual violence ultimately being resolved through general criminal law based on the Criminal Code and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), because sexual violence is essentially a violation of a person's rights and bodily integrity, which has criminal consequences. Direct action and support can be provided by the National Commission for the Prevention of Violence Against Women, which provides advocacy, case documentation, and institutional support(Alifah et al., 2021).

Based on these conditions, a more effective resolution strategy is needed through strengthening regulations in employment law. This study proposes that the future Employment Law include more specific regulations regarding sexual harassment in the workplace, including complaint mechanisms, victim protection, and administrative and specific sanctions for perpetrators within the company environment. With these regulations, certain cases of sexual harassment can be resolved more firmly within the scope of employment without having to be brought entirely into the general criminal realm. However, for acts that have met the elements of serious sexual violence, resolution must still be directed to criminal law through the Criminal Code and the TPKS Law because they involve criminal accountability and more comprehensive protection of victims' rights.

Thus, a comprehensive strategy is needed to resolve cases, integrating preventive and repressive approaches. Preventive efforts can be implemented through the establishment of internal company policies, the provision of a secure complaint mechanism, and education for workers. Meanwhile, repressive efforts are carried out through firm law enforcement against perpetrators. Repressive efforts involve firm action taken after a violation occurs to provide justice, accountability, and rehabilitation(Nunlall, 2022). Strengthening regulations in the Manpower Law and increasing the government's role in oversight are crucial steps to ensure more effective legal protection for women workers. Strengthening Manpower Law regulations and increasing government oversight are crucial to improving legal protection for women workers in Indonesia, where, despite existing legal guarantees, their implementation is often weak. Although laws such as the Job Creation Law (Law No. 6 of 2023) uphold the principle of non-discrimination, they have been criticized for not providing sufficient specific details regarding the protection of women's rights, such as maternity leave and protection against sexual harassment(Susanti et al., 2024).

Analysis of Weaknesses and Efforts to Strengthen Resolution Strategies

The discussion reveals several weaknesses in the strategy for resolving cases of sexual violence against female workers, particularly related to the lack of integration between labor law and criminal law. Case handling remains fragmented and poorly coordinated, resulting in low-effective protection for victims. The strategy for resolving cases of sexual violence against female workers in Indonesia faces significant challenges, characterized by a lack of integration between labor law (administrative) and criminal law (punitive), resulting in fragmented handling and ineffective protection for victims. Despite progress, such as the TPKS Law (UU TPKS), law enforcement, particularly in the workplace, remains hampered by structural and social barriers(Sugiharto et al., 2024).

Furthermore, many companies still lack adequate internal policies related to the prevention and handling of sexual violence. Studies show that many companies have not effectively established necessary task forces or formulated specific anti-sexual violence policies. There is a lack of internal communication regarding sexual violence prevention, leaving employees unaware of how to report incidents. Many cases of sexual harassment and violence go unreported, contributing to the perception that these regulations are not fully effective. Traditional hierarchies and gender relations can hinder reporting, especially when the accused is a superior. Although regulations such as Minister of Manpower Regulation Number 88 of 2023 encourage the establishment of preventive policies in the workplace, their implementation remains suboptimal(Hasibuan & Romdoni, 2023).

Therefore, comprehensive strengthening efforts are needed, including revising the Manpower Law to specifically regulate sexual violence, increasing companies' obligations to provide safe and victim-friendly complaint mechanisms, and better integrating the Manpower Law and the TPKS Law. Strengthening efforts to address sexual violence in the workplace in Indonesia is urgently needed, with a focus on harmonizing the existing legal framework with Law Number 12 of 2022 concerning Crimes of Sexual Violence (the TPKS Law). While the TPKS Law provides a strong legal foundation, practical implementation in the workplace requires alignment with labor regulations, enforcement of company obligations, and fostering a protective environment(Taufiqurrohman et al., 2024). Furthermore, increased government oversight and worker education are also important steps in preventing and addressing cases of sexual violence in the workplace.

Despite a strong normative framework, including Law No. 13 of 2003 concerning Manpower and Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), law enforcement against sexual violence targeting female workers remains weak. Suboptimal victim protection and a lack of deterrent effect persist due to power imbalances, institutional barriers, and deeply rooted workplace stigma(Zahara et al., 2024). The Manpower Law regulates worker protection in terms of morals, safety, and employment relations, the Criminal Code regulates criminal offenses against morality, while the TPKS Law provides more specific and comprehensive provisions regarding various forms of sexual violence. However, in practice, law enforcement still faces various weaknesses, particularly related to the low deterrent effect on perpetrators and suboptimal protection for victims.

Case resolution within companies often results in internal or administrative sanctions, such as reprimands, transfers, or termination of employment, preventing perpetrators from receiving punishment commensurate with the impact on the victims. Meanwhile, despite the existence of criminal mechanisms under the Criminal Code and the TPKS Law, the law enforcement process still faces various obstacles, such as the difficulty of establishing evidence, power relations in the workplace, victims' fear of reporting, and lengthy legal proceedings that cause psychological distress. This situation indicates that the main problem lies not only in the absence of legal regulations, but also in the weak implementation and enforcement of laws against perpetrators of sexual violence in the workplace. Companies often prioritize reputation management and internal conflict resolution (e.g., transfers, confidentiality agreements, or quiet terminations) over legal accountability. This allows perpetrators to avoid criminal records and potentially reoffend elsewhere(Yulian & Djaja, 2023).

Therefore, efforts are needed to strengthen settlement strategies through harmonization of the Employment Law, the Criminal Code, and the TPKS Law so that case handling is not only oriented towards administrative resolution by the company, but also provides a deterrent effect and fairer legal protection for victims. Furthermore, there is a need to strengthen sanctions within the employment sector, establish a safe and independent complaint mechanism, and increase the commitment of companies and law enforcement officials to handle cases of sexual violence against female workers firmly and fairly.

Efforts to Strengthen Legal Protection

Efforts to strengthen legal protection for female workers from sexual violence show that despite provisions in Law Number 13 of 2003 concerning Manpower, the Criminal Code (KUHP), and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU

TPKS), these three regulations in practice are still unable to fully provide a deterrent effect and optimal protection for victims. The Manpower Law focuses more on employment relations and normative worker protection, but does not yet regulate sexual violence in the workplace in detail. Meanwhile, the Criminal Code and the TPKS Law do regulate criminal sanctions for perpetrators of sexual violence. The implementation of the TPKS Law and employment provisions faces its own challenges(Santoso et al., 2025). In its implementation, various obstacles are still encountered, such as weak law enforcement, difficulties in proving, power relations in the workplace, and the tendency to resolve cases internally in companies, which often results in perpetrators not receiving appropriate punishment.

This situation indicates that current legal protection efforts still do not fully accommodate the protection needs of female workers against sexual violence in the workplace. Therefore, more comprehensive legal strengthening is needed through harmonization of the Manpower Law, the Criminal Code, and the TPKS Law, particularly by including more specific provisions regarding sexual violence in labor law. This strengthening includes establishing a safe and independent complaint mechanism, protecting victims from intimidation and retaliation, imposing stricter sanctions on perpetrators in the workplace, and requiring companies to establish a system for preventing and handling sexual violence. Thus, legal protection is not only formal and normative, but also capable of providing a deterrent effect, legal certainty, and a sense of justice for female workers as victims of sexual violence.

Strengthening legal protection for female workers from sexual violence in the workplace is an important step to address weaknesses in the current legal system. Research shows that the protection provided by Law Number 13 of 2003 concerning Manpower is still general and does not specifically regulate sexual violence, thus requiring strengthening in regulatory, institutional, and implementation aspects. Strengthening legal protection for female workers against sexual violence in Indonesia has gone beyond the general provisions of Law Number 13 of 2003 concerning Manpower, particularly with the ratification of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and the issuance of Minister of Manpower Decree Number 88 of 2023. These instruments specifically address sexual harassment in the workplace, aiming to fill gaps in previous legislation(Lestari et al., 2025). Regulatory strengthening is necessary through a revision of the Employment Law to include provisions explicitly addressing sexual violence in the workplace, including definitions, forms of violence, prevention mechanisms, and sanctions against perpetrators.

Harmonization ensures that workplace sexual violence, including non-physical harassment, physical harassment, forced contraception, and electronic violence, is managed consistently with criminal law, not simply as a misdemeanor. Revision of the Employment Law will bridge the gap between criminal liability for perpetrators and administrative/industrial responsibilities of employers (e.g., the duty of care, victim protection)(Poetri & Indraswari, 2024). Furthermore, harmonization of the Employment Law and Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) is needed to create an integrated and non-overlapping legal system. Strengthening the role of companies is crucial. Companies must be required to develop and implement firm internal policies related to the prevention and handling of sexual violence. The policy includes the establishment of a safe, confidential, and victim-friendly complaint mechanism, as well as transparent and accountable handling procedures. This aligns with the latest employment policy, which encourages companies to be more proactive in creating a safe and violence-free work environment.

Improving victim protection needs to be a top priority. Victims of sexual violence must have the right to protection, legal assistance, psychological recovery, and a guarantee that there will be no retaliation from the company. The implementation of victims' rights as stipulated in the TPKS Law must be carried out consistently in the workplace. Victims have the right to protection from intimidation, threats, or retaliation, including protection from job loss or unfair transfer. Victims have the right to legal counsel during the investigation, prosecution, and trial process, to ensure they are not treated discriminatorily. The state must provide access to medical services, psychological support, and social rehabilitation to recover from the trauma caused by violence. Companies are obliged to prevent retaliation against victims and ensure their job security while the case is being handled. Victims have the right to protection of their identity(Agriningsih et al., 2023).

Strengthening the capacity of law enforcement officers and labor inspectors is also necessary to ensure that cases are handled professionally, sensitively to victims, and fairly. Officials need to comprehensively understand the legal and social aspects of sexual violence to avoid bias in the case handling process. Strengthening the capacity of law enforcement officers and labor inspectors is a critical priority in addressing sexual violence, as this ensures that case handling is victim-centered, professional, and free from bias. Research shows that while legal frameworks such as the Law on the Protection of Women and Children (UU TPKS) in Indonesia provide a strong foundation for protection, effective implementation requires training on the legal and social complexities of sexual violence to prevent re-traumatization and ensure just outcomes(Siswati & Sunggara, 2025).

Raising awareness and education in the workplace is an equally important preventative measure. Continuous outreach regarding sexual violence, workers' rights, and reporting mechanisms must be conducted to ensure workers have a sufficient understanding and are confident in reporting any violations. Raising awareness and education in the workplace is a crucial preventative measure against sexual violence, requiring ongoing efforts to ensure workers understand their rights and feel safe reporting violations. Effective and ongoing training must go beyond mere formality to foster a culture of mutual respect, accountability, and safety(Elsharkawy et al., 2025).

Therefore, efforts to strengthen legal protection for female workers must be carried out comprehensively and sustainably, involving the government, companies, and the community. This approach is expected to create a safe, fair, and free work environment free from all forms of sexual violence. Efforts to strengthen legal protection for female workers in Indonesia currently focus on a multi-stakeholder approach, involving the government, the private sector, and community participation to create a safe work environment, particularly in combating sexual violence. Key initiatives until early 2026 include the implementation of Law No. 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS) and the establishment of Women Worker Protection Houses (RP3) in industrial settings(Poonam, 2023).

4. CONCLUSION

Based on the research results, it can be concluded that the provisions regarding the protection of female workers against sexual violence in Law Number 13 of 2003 concerning Manpower are still general in nature and do not specifically regulate the resolution mechanisms and sanctions for perpetrators of sexual violence in the workplace. In practice, although cases of sexual violence occur in employment relationships and should be related to the scope of employment, the resolution actually refers more to the Criminal Code (KUHP) and especially Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS). This condition indicates that the Manpower Law is still weak in providing effective legal protection for female workers because it does not regulate in detail sexual violence as a specific violation in the company environment. Furthermore, of the three regulations used the Criminal Code, the Manpower Law, and the TPKS Law action against perpetrators of sexual violence still does not fully provide optimal protection and justice for victims. From the perspective of the Manpower Law, sanctions imposed tend to be administrative in nature, such as warnings, transfers, or termination of employment, thus not having a deterrent effect on perpetrators.

Therefore, many cases are ultimately brought to the realm of the TPKS Law so that perpetrators can be subject to criminal sanctions. However, resolution through criminal law also faces obstacles, particularly in terms of more complex evidentiary aspects, lengthy legal processes, and psychological stress for victims. This indicates a mismatch between the scope of the incident, namely the workplace, and legal resolution mechanisms, which are often directed towards general criminal law.

Thus, strengthening and updating the Employment Law is necessary to more specifically regulate sexual violence in the workplace, including handling mechanisms, victim protection, and stricter sanctions against perpetrators. This strengthening is crucial so that cases of sexual violence against female workers do not always have to be referred to the TPKS Law but can be resolved more effectively within the employment law system without compromising protection and a sense of justice for victims.

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