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Catcalling as Non-Physical Sexual Harassment Reviewed from Positive Law in Indonesia

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ABSTRACT

Catcalling is a form of non-physical sexual harassment that frequently occurs in public spaces and is often considered a normal part of everyday life. However, this act can have serious psychological impacts and disrupt the sense of security and dignity of victims, particularly women. This study aims to analyze the criminal law provisions regarding catcalling as a form of non-physical sexual harassment from a positive legal perspective in Indonesia. The research method used is normative legal research with a statutory and conceptual approach. The results indicate that catcalling fulfills the elements of a criminal offense and can be classified as an act violating morality. The provisions can be found in Article 281 paragraph (2) of the old Criminal Code, Article 406 of the National Criminal Code, and Article 5 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. The introduction of the TPKS Law strengthens legal certainty and protects victims of non-physical sexual violence in Indonesia.

KEYWORDS

Catcalling;
Non-physical
Sexual
Harassment;
Criminal Law;
Morality; TPKS
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INTRODUCTION

Sexual harassment is no longer an unfamiliar term among the public, and everyone has the potential to become a victim.¹ Sexual harassment is a type of sexual violence. Sexual harassment itself is divided into two types: nonverbal (physical) and verbal (nonphysical).² In general, women are the group most often subjected to abuse, especially sexual abuse. However, it cannot be denied that men also have the same potential to be victims in certain cases. The phenomenon of abuse is no longer limited to private or closed spaces, but is increasingly occurring in public spaces and open areas that should be safe for everyone.

In Indonesia, non-physical sexual harassment is still often treated as a sensitive issue that does not receive the attention it deserves. This form of violence is often considered trivial, even normalized as part of everyday life, even though in reality it can have a severe psychological impact on victims. A report by the Safe Public Space Coalition (KRPA) shows that around four out of five women in Indonesia have experienced harassment in public spaces. The high rate of non-physical sexual harassment is influenced by various factors, including social conditions such as a lack of education and understanding among the public, as well as a strong patriarchal culture that places men in a dominant position and views women as subordinate.

Behavior that is disruptive and makes people feel unsafe falls under the category of "street harassment." Street harassment is an act that is often considered a form of sexual harassment in public places, which is generally experienced by women, although men can also be victims.³ Sexual harassment is a global issue that demands serious attention and action from various parties. This behavior can take many forms, both physical and non-physical, such as verbal abuse. One form of non-physical sexual harassment that often occurs in public spaces but is often not taken seriously is catcalling.

The term "catcalling" is used in this article because it is widely recognized and used in various countries as an international reference. Catcalling is behavior that leads to sexual activity, usually carried out in a loud voice, although not necessarily explicitly (directly), including whistling, gesturing, shouting, or making comments to someone passing by on the street, sometimes accompanied by harassing stares that make them feel unsafe.⁴ Catcalling is an act that violates public decency but often goes unnoticed because it is usually done spontaneously. Many people in Indonesia are unaware that they can be victims or even perpetrators of catcalling.

Currently, regulations regarding catcalling in Indonesia can be found in Article 281 paragraph (2) of the old Criminal Code, which regulates acts that violate

¹ Nurhayati et al, "Seeking Substantive Justice: The Progressive Spirit of Law on Sexual Violence Crimes" (2023) 23:3 J Din Huk 556–572.

² Farly Renaldy Harikadua, Altje Agustin Musa & Marhcel R Maramis, "Sanksi Pidana terhadap Pelecehan Seksual Nonfisik dalam Konteks Undang-Undang No 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual" (2024) 13:1 J Fak Huk Unsrat Lex Priv, online: <<https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/53776>>.

³ Saffana Zahro Qila, Rizki Nur Rahmadina & Fadhlin Azizah, "Catcalling sebagai Bentuk Pelecehan Seksual Traumatis" (2021) 1:2 J Mhs Komun Cantrik 95–106.

⁴ Nurma Ningsi, Syaifudin Suhri Kasim & Darmin Tuwu, "Catcalling sebagai Bentuk Pelecehan Seksual Verbal di Universitas Halu Oleo Kota Kendari" (2024) 5:2 Welvaart J Ilmu Kesejaht Sos 282–289, online: <<https://welvaart.uho.ac.id/index.php/journal/article/view/26>>.



decency. Meanwhile, in the new Criminal Code or National Criminal Code, provisions related to such acts are regulated in Article 406. In addition to the provisions in the Criminal Code, provisions regarding sexual violence crimes are also specifically regulated in Article 5 of Law Number 12 of 2022. Therefore, the purpose of this study is to identify and analyze criminal law provisions related to catcalling as non-physical sexual harassment in Indonesia.

RESEARCH METHOD

In this study, the author uses normative legal research. Normative legal research is legal research that focuses on rules or principles in the sense of law that are conceptualized as norms or rules derived from legislation, court decisions, and the doctrines of leading legal experts.⁵ The approaches used in this study are the Conceptual Approach and the Statute Approach. The Conceptual Approach is used to find concepts related to the issues at hand. Meanwhile, the Statute Approach is an approach that focuses on the use of legal rules.⁶

The legal materials used in legal research can basically be grouped into two types, namely: First, primary legal materials are authoritative sources of law because they have legal force and legitimacy. These materials include legislation and official documents or minutes related to the process of forming the regulations. In this study, the primary legal materials used include the Criminal Code (KUHP), Law Number 1 of 2023 concerning the Criminal Code, and Law Number 12 of 2022 concerning Sexual Violence Crimes. Second, secondary legal materials, which are legal materials derived from various publications in the field of law that are not included in official documents. These legal materials include legal textbooks, legal dictionaries, scientific journals in the field of law, as well as studies or reviews of relevant court decisions.

RESULTS & DISCUSSION

Literally, catcalling means whistling, but in reality, catcalling occurs in verbal or spoken form. Catcalling itself does not yet have an equivalent term in Indonesia, or the closest term is verbal harassment, which is often experienced by women in public spaces.⁷ When viewed from its true meaning, catcalling is a behavior that leads to sexual activity, usually done in a loud voice, although not necessarily explicitly (directly), including whistling, gesturing, shouting, or commenting to someone passing by on the street, sometimes accompanied by harassing stares that make the person feel unsafe.⁸ The existence of such treatment disturbs the victim's comfort and violates the victim's human rights.

Catcalling is categorized as a criminal act that falls under sexual harassment. In addition, catcalling fulfills the elements of a criminal act, which, according to Prof.

⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed (Jakarta: Kencana, 2017).

⁶ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

⁷ Wiwik Liyani & Farida Hanum, "Street Harassment: Catcalling sebagai Salah Satu Bentuk Pelecehan Seksual terhadap Perempuan di Yogyakarta" (2020) 9:3 J Pendidik Sociol, online: <<https://journal.student.uny.ac.id/societas/article/view/17117>>.

⁸ Muliandi & Muhammad Syukur, "Fenomena Catcalling terhadap Perempuan Berjilbab Studi pada Mahasiswi (Fakultas Ilmu Sosial dan Hukum Universitas Negeri Makassar)" (2021) 1:2 Pini J Sociol Educ Rev, online: <<https://ojs.unm.ac.id/jser/article/view/22688>>.



Simons, are: the existence of an act committed by a human being, punishable by law, unlawful, committed with fault, and by a person capable of responsibility. As such, these elements are described as follows:

1. The existence of an act committed by human beings

Catcalling is clearly an act committed by one person against another. This is evident in the way the perpetrator makes sexual comments or remarks, or engages in behavior that makes the victim feel uncomfortable and disturbed. Examples include whistling, making sounds or noises that provoke sexuality, or expressing themselves inappropriately, such as narrowing their eyes and smiling seductively.

2. Acts punishable by criminal law

Catcalling is categorized as a criminal act of verbal sexual harassment in public spaces and is considered an immoral act because it is part of indecent behavior and contains elements of pornography. Therefore, it is very clear that this act is no longer a normal behavior and does not require further action. Precisely because catcalling is considered the precursor to sexual crimes, it requires serious prevention measures.

3. Unlawful acts

Catcalling is clearly against the law. This is in line with Article 30 of Law No. 39 of 1999 on Human Rights, which regulates and affirms that everyone has the right to feel safe and comfortable around others. Therefore, there is no other excuse that catcalling is not an unlawful act.

4. Performed incorrectly

The elements of the offense include the capacity of the perpetrator (catcaller) to be held responsible for their actions. Then there is the psychological connection between the perpetrator and their actions. In an act, there is a form of intent and negligence for which there is no excuse that would justify the offense. Therefore, the act committed by the perpetrator is a form of intentional act.

5. Can be held accountable by the perpetrator

The perpetrator (catcaller) is responsible for his actions. The offense is a criminal offense. A person is responsible if there are no extenuating circumstances or justifiable reasons for the act committed.

Based on the above description, there is a very important element, namely the victim's unwillingness and rejection in various forms, such as physical, verbal, and gestural harassment; harassment in the form of writing or images; and psychological or emotional harassment. Sexual violence (catcalling) can be categorized as a criminal act that fulfills the elements, principles of criminal law, and values contained within society. Catcalling makes women who are victims of catcalling feel unsafe, uncomfortable, and threatened when they are outside their homes. From a criminal law perspective, sexual violence is regulated in Article 281 paragraph (2) of the Criminal Code, Article 406 of Law No. 1/2023, and Article 5 of the TPKS Law, which are used to resolve cases of sexual violence in Indonesia. The following are excerpts from these articles:

Article 281, paragraph (2) of the Criminal Code

“Punishable by imprisonment for a maximum of two years and eight months or a fine of up to five hundred rupiah:



- (2) Anyone who deliberately and in front of others who are present there, against their will, violates decency”.
- The element “Whoever” is the perpetrator or subject of the crime (offense). In other words, the perpetrator can be anyone.
 - The element of “intentionally” means that this criminal act is an intentional criminal act (delict). According to Leden Marpaung, this element of intent includes three types of intent, namely: intent as a purpose, intent with awareness of necessity, and intent with awareness of possibility (*dolus eventualis*).
 - The element of “in front of another person who is present there against their will” means that the act was not committed openly, but in the presence of another person without that person's consent to see/hear such an indecent act.⁹
 - The element of “violating decency” in the explanatory section of this regulation does not clearly explain what constitutes a violation of decency. But if we refer to expert opinion, namely, acts that violate decency in the field of decency that must be related to sexuality and/or other specific body parts that can generally cause feelings of shame, disgust, or arousal of sexual desire in others.¹⁰

Article 281, paragraph (2) of the Criminal Code states that there are elements of indecency. This means that catcalling can be considered an act that violates moral norms. This act is not only rude but also degrading and harassing to the victim.

Article 406 of Law 1/2023

“Any person who is subject to imprisonment for a maximum of 1 (one) year or a maximum fine of category II shall be punished:

- a. violating public decency; or
 - b. violating decency in front of other people who are present without the consent of those people.
- The term “everyone” refers to legal subjects with a very broad scope, including individuals and corporations (Article 45 of Law 1/2023), whose actions may be subject to criminal liability.
 - The element of “in public (open)” means that the indecent act is not only an act committed in a place that can be visited by anyone, but also an act that can be seen from a public place, even if it is not committed in a public place.
 - The element of “violating public decency” means committing acts of nudity, exposing genitals, and engaging in sexual activities that are contrary to the values that exist in the community where and when the acts are committed (explanation of Article 406, Law 1/2023).
 - The element of “in the presence of another person without the consent of that person” means that the act was not committed openly, but in the presence of another person without that person's consent to see/hear such an indecent act.¹¹

⁹ Sianturi, *Tindak Pidana di KUHP Berikut Uraianannya* (Jakarta: Alumni AHMPH, 1983).

¹⁰ *Ibid.*

¹¹ *Ibid.*



This article explains that indecent behavior is defined as acts of nudity, exposure of genitals, and sexual activities that are contrary to the values of the community in the place and time where the act is committed. Therefore, catcalling is a form of sexual harassment in public spaces that involves whistling, taunting with derogatory remarks, or commenting on the physical appearance of unknown women, which tends to be sexually oriented and visually stimulating. It is an act that violates decency.¹²

Article 5 of the TPKS Law

“Any person who commits a non-physical sexual act directed at the body, sexual desire, and/or reproductive organs with the intent to degrade a person's dignity based on their sexuality and/or morality, shall be punished for non-physical sexual harassment with a maximum imprisonment of 9 (nine) months and/or a maximum fine of Rp10,000,000.00 (ten million rupiah).”

The element of “everyone” refers to the perpetrator or subject of a criminal offense (delict). In other words, the perpetrator can be anyone. Catcalling is generally experienced by women, although men can also be victims.¹³ In this case, it means that anyone can be a victim, but anyone can also be a perpetrator.

The element of “non-physical sexual acts,” according to the Explanation of Article 5 of the TPKS Law, states that “what is meant by ‘non-physical sexual acts’ are statements, body movements, or activities that are inappropriate and sexual in nature with the aim of degrading or humiliating.” Catcalling, or whistling and making sexual comments to someone, usually in public places, is a phenomenon that involves unwanted interactions that are demeaning and objectify the victim.

The element “With the intention of degrading a person's dignity and integrity based on their sexuality and/or morality” means that, in essence, this act is intended by the perpetrator to have an impact on violating a person's dignity, particularly when it causes intimidation, conflict, or causes a situation that degrades, humiliates, or offends a person.¹⁴

The enactment of the Law on Sexual Violence Crimes (TPKS) has raised high hopes among various groups for a more comprehensive approach to dealing with various forms of sexual crimes. The presence of this law is a tangible manifestation of the state's commitment to providing legal certainty, protection, justice, restoration of victims' rights, sustainable prevention, and law enforcement that upholds human dignity, especially for survivors of sexual violence.

¹² Mar 'atul Khumairok & Noenik Soekorini, “Catcalling Sebagai Perilaku Pelecehan Seksual Secara Verbal Ditinjau dari Perspektif Hukum Pidana” (2024) 7:1 UNES Law Rev 114–127, online: <<https://www.review-unes.com/law/article/view/2228>>.

¹³ Qila, Rahmadina & Azizah, *supra* note 3.

¹⁴ Badan Legislasi DPR RI, *Naskah Akademik Rancangan Undang-Undang Tentang Penghapusan Kekerasan Seksual, Edisi 10 Februari 2017* (Jakarta: Badan Legislasi DPR RI, 2017).



CONCLUSION

Based on the above discussion, it can be concluded that catcalling is a form of non-physical sexual harassment that is real, often occurs in public spaces, and has a serious impact on the safety, dignity, and psychological condition of victims, especially women. Although it is often considered trivial or normalized in everyday life, catcalling essentially fulfills the elements of a criminal offense as recognized in criminal law, ranging from the existence of human action, unlawful nature, element of intent, to the perpetrator's responsibility. From the perspective of Indonesian positive law, catcalling can be prosecuted under Article 281 paragraph (2) of the old Criminal Code, Article 406 of the National Criminal Code, and Article 5 of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. The enactment of the TPKS Law represents a progressive step by the state in providing legal certainty, protection, and justice for victims, while also affirming that non-physical sexual violence is not normal behavior, but rather an act that violates the law, moral values, and human rights.

CONFLICT OF INTEREST

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REFERENCES

BOOK

- Badan Legislasi DPR RI, *Naskah Akademik Rancangan Undang-Undang Tentang Penghapusan Kekerasan Seksual, Edisi 10 Februari 2017* (Jakarta: Badan Legislasi DPR RI, 2017).
- Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).
- Peter Mahmud Marzuki, *Penelitian Hukum*, 13th ed. (Jakarta: Kencana, 2017).
- Sianturi, *Tindak Pidana di KUHP berikut uraiannya* (Jakarta: Alumni AHMPH, 1983).

JOURNAL

- Harikadua, Farly Renaldy, Altje Agustin Musa & Marhcel R Maramis, "Sanksi Pidana terhadap Pelecehan Seksual Nonfisik dalam Konteks Undang-Undang No 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual" (2024) 13:1 J Fak Huk Unsrat Lex Priv, online: <<https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/53776>>.
- Khumairok, Mar 'atul & Noenik Soekorini, "Catcalling Sebagai Perilaku Pelecehan Seksual Secara Verbal Ditinjau dari Perspektif Hukum Pidana" (2024) 7:1 UNES Law Rev 114-127, online: <<https://www.review-unes.com/law/article/view/2228>>.



- Liyani, Wiwik & Farida Hanum, "Street Harassment: Catcalling sebagai Salah Satu Bentuk Pelecehan Seksual terhadap Perempuan di Yogyakarta" (2020) 9:3 J Pendidik Sociol, online: <<https://journal.student.uny.ac.id/societas/article/view/17117>>.
- Mulianti & Muhammad Syukur, "Fenomena Catcalling terhadap Perempuan Berjilbab Studi pada Mahasiswi (Fakultas Ilmu Sosial dan Hukum Universitas Negeri Makassar)" (2021) 1:2 Pinisi J Sociol Educ Rev, online: <<https://ojs.unm.ac.id/jser/article/view/22688>>.
- Ningsi, Nurma, Syaifudin Suhri Kasim & Darmin Tuwu, "Catcalling sebagai Bentuk Pelecehan Seksual Verbal di Universitas Halu Oleo Kota Kendari" (2024) 5:2 Welvaart J Ilmu Kesejaht Sos 282-289, online: <<https://welvaart.uho.ac.id/index.php/journal/article/view/26>>.
- Nurhayati et al, "Seeking Substantive Justice: The Progressive Spirit of Law on Sexual Violence Crimes" (2023) 23:3 J Din Huk 556-572.
- Qila, Saffana Zahro, Rizki Nur Rahmadina & Fadhlil Azizah, "Catcalling sebagai Bentuk Pelecehan Seksual Traumatis" (2021) 1:2 J Mhs Komun Cantrik 95-106.