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Legal Protection For Female Workers Experiencing Sexual Harassment In The Workplace

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ABSTRACT

In this era of globalization, many women work to help support the family economy. Female workers are weak and vulnerable to various risks in the workplace, which often occurs is sexual violence in the workplace, especially in the Food and Beverage sector in the restaurant/service industry. The restaurant industry is very susceptible to sexual violence against female workers by superiors or even restaurant customers. The aim of the research is to protect female workers from sexual violence in the workplace. This research was carried out in a normative juridical manner by reviewing existing studies in society or on social media and collecting secondary data for deductive analysis. From the results of this research, it can be concluded that there are many laws and regulations that protect female workers, one of which is Law Number 12 of 2022 concerning criminal acts of sexual violence.

Keywords: Law, Work, Violence, Women, Constitution.

1. INTRODUCTION

Humans are social creatures where humans themselves cannot live without other humans. The existence of interactions between humans gives rise to social activities, humans consist of two types of gender, namely women and men. The living needs of one human being are different. In this modern era, human economic needs are increasing, therefore people are flocking to look for work (Rohmah, n.d.).

Increasing human economic needs cause economic development to grow. Economic development is an increase in activities in producing or providing goods and services. The economy is something that cannot be separated from human life, therefore the economy experiences growth and change. The economy that is developing today has become more advanced and sophisticated with the growth of new industries which have created many job opportunities for people, both men and women (Prantiasih, 2014). Human life cannot be separated from work where humans have to work to earn income to meet their living needs.

The work in question is an activity that occurs between the employer/entrepreneur and the recipient/worker. There are several names for people who are working in a company, namely workers, workers or laborers, employees and employees. Workers are the most important asset in a company, without workers it will disrupt the smooth production process in a company.

Labor is every person who is able to do work to produce goods and/or services either to meet their own needs or for the community. Meanwhile, workers/laborers are anyone who works by receiving

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wages or other forms of compensation (Najicha, 2022). According to the Big Indonesian Dictionary (KBBI), an employee is anyone who works in an organization such as an office, company or other with the aim of earning a salary. According to the Big Indonesian Dictionary (KBBI), employees are people who work for the government, companies and so on (Najicha, 2022).

In today's life, there are more and more needs that must be met, both primary and secondary needs. This causes many women to work to make ends meet. Article 5 of Law Number 13 of 2003 concerning employment stipulates that "every worker has the same opportunity without discrimination to obtain work" (Khoe, 2013). Article 6 of Law No. 13 of 2003 states that "workers/laborers have the right to receive equal treatment without discrimination from employers" Female workers are weak and vulnerable to risks in the workplace. The risks for female workers in the workplace include a greater risk of injury, the risk of experiencing pregnancy problems, the risk of health problems, and the risk of immoral acts. According to Imam Soepomo, there are 3 (three) types of worker protection, namely, economic protection, social protection and technical protection. Several examples of previous research regarding the legal protection of female workers have been explained by M. Djakaria in his work discussing legal protection for female workers to obtain workers' rights as in Article 99 paragraph (1) which reads: "Every worker or laborer and his family have the right to obtain labor social security." According to Prajnaparamita, in her work she explains the implementation process carried out directly by employers through work agreements between employers and workers in an effort to protect the rights of women workers (Erlyanti & Lesmana, 2023).

Incidents of sexual violence that occur within the scope of work do not become public because the perpetrator has full power in a relationship between superiors/employers and subordinates/recipients of employment, so that when there is a relationship there is power, when power is abused for the sake of desire then as long as it lasts Sexual violence in the scope of work will result in similar cases. According to Michel Foucault, he explains that "the existence of unequal power relations between perpetrators and survivors is one of the causes of sexual violence (Purwanti & Hardiyanti, 2018)

2. RESEARCH METHODS

In this writing, the author uses normative juridical research methods. The definition of normative juridical research is research based on studying studies contained in documents and reading media that collects library study materials related to the discussion and processing of journal materials using descriptive or deductive methods by looking at problems that occur in

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people's lives, which The focus of the study is based on the provisions of applicable laws and regulations, accompanied by theories and legal principles related to the problems studied.

3. RESULTS AND DISCUSSION

The Efforts And Impact Of Sexual Violence

Sexual prevention measures are the most effective tool that employers can use to address workplace sexual harassment of female workers. Prevention that can be taken by employers according to the Ministry of Manpower and Transmigration is:

a) Communication

With the existence of a Tripartite LKS institution consisting of employers' organizations, trade unions and the government which acts as a forum for communication, consultation and deliberation. Meanwhile, the Bipartite LKS which functions as a communication and consultation forum regarding matters relating to industrial relations in a company consists of employers and trade unions.

b) Education

Carried out through orientation/training programs and introduction of new staff, religious sermons, and certain activities as programmed in company regulations

c) Training

Provide special training at worker and manager level to recognize sexual harassment problems and prevent them, as well as training for the Sexual Harassment Response Team or Task Force.

d) Commitment

Implementing the prevention of sexual harassment in the workplace is the company's commitment to tackling the occurrence of sexual harassment in the work environment. Providing sanctions and disciplinary action for perpetrators of sexual harassment is included in company regulations and employment agreements. Therefore, the government plays an important role in helping to overcome sexual harassment in the workplace which often occurs among female workers. By carrying out sexual prevention, it is hoped that it can provide safety guarantees for female workers in the industrial scope.

Criminal Sanctions for Perpetrators

In a legal system within a country, the imposition of criminal law (straf) for violations of regulations that have been determined authoritatively by the government is regulated in criminal

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law. Prof. Jan Remmelink said that criminal law refers to provisions that establish conditions that bind the state, as well as permissible criminal regulations, namely positive criminal law which includes:

a) Orders and prohibitions which are related to violations by organs declared authorized by law (threats) criminal law, namely norms that everyone must obey.

b) Provisions that determine what facilities are available utilized as a reaction to violations of norms, penitentiary laws or more broadly, the law regarding criminal sanctions.

c) Rules that are temporal or within a certain period of time determine the limits of the scope of work of the norms

Prof. Simons defines criminal sanctions as suffering that is linked by criminal law to a violation of a norm, which by a judge's decision has been imposed on someone who is guilty. Meanwhile, R. Soesilo understands crime as a feeling of discomfort (miserable) that is imposed by a judge with a sentence on a person who violates the criminal law. Based on the provisions of Article 10 of the Criminal Code, criminal law consists of:

1) Principal Crime

a) Death penalty

b) Prison sentence

c) Imprisonment sentence

d) Criminal fine Cover-up crime.

2) Additional penalties

a) Revocation of certain rights

b) Confiscation of certain items

c) Announcement of the judge's decision.

The discussion of the application of criminal sanctions regarding the purpose of punishment has three main ideas about the goals to be achieved with a punishment, the general purpose of which is the same as the opinion of Roman writers Immanuel Kant and John Paul Anselm Von Feuerbach, namely:

1. To correct the criminals themselves.
2. To deter people from committing crimes.
3. To make certain criminals incapable of committing other crimes, namely criminals who by other means can no longer be corrected.

R. Soesilo explains that the purpose of criminal sanctions, as in the opinion of several experts, is as follows:

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a) Immanuel Kant, said that punishment is retribution based on the adage "who kills must be killed", this theory is called the theory of retribution (vergeldings-theorie).

b) John Paul Anselm Von Feuerbach, argued that punishment should be able to scare people so they don't do evil, this theory is called the fear theory (afchrikkingstheorie).

c) Correction theory (verbetering theory), where punishment is aimed at improving people who have committed crimes.

d) Combined theory, the basis for imposing the law is retaliation, but other purposes are prevention, fear, maintaining the order of life together, correcting people who have done something that must not be ignored.

Law is a need inherent in social life, namely as a means of serving relationships between fellow members of society, so that there is certainty in the flow of these relationships. The issue of sanctions is an important issue in criminal law because it is seen as a reflection of norms and rules that contain the values that exist in a society.

The regulation and imposition of sanctions arise due to the reaction and needs of the community towards violations or crimes that occur. For this reason, the state as a representative of society uses its authority to overcome its problems through criminal policy. One of the criminal policies used by the state is the provision of criminal sanctions through criminal law (Mentari, 2020). The use of legal feelings or considerations of conscience is in line with the characteristics of criminal sanctions which are ultimum remedium or as a last resort in the event that other more effective measures are not available. Considerations of effectiveness and efficiency are put forward to balance the legalistic approach which determines that law enforcement aims to create legal certainty (rechtszekerheid or legal certainty). Criminal law is a law needed by a society that can guarantee both their freedom or personal rights and order from disturbances originating from individuals, groups or authorities.

In this case, criminal law functions not only to prevent arbitrary actions from the government, but can also function for individuals (perpetrator), both the offender and the law, the victim and society. Criminal law provides clear guidelines regarding the protection of humans. On the contrary, it also destroys what it is supposed to protect. Therefore, criminal law, including criminal procedural law and criminal implementation law, is often highlighted and analyzed, criticized by various parties, not only from legal circles. Punishment is a general name for all legal consequences for violating a legal norm. If disciplinary legal norms are violated, the reward is disciplinary punishment. Sometimes people say that punishment is also interpreted as a sanction, although the meaning is slightly different because the term sanction is interpreted as a risk or threat (Sukinto & SH, 2022).

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Impact on Victims

Sexual harassment of female workers can have fatal consequences such as transmission of HIV/AIDS or Sexually Transmitted Infections (STIs), suicide attempts and death. Apart from that, sexual harassment against female workers also has non-fatal impacts such as physical health problems, mental disorders, unhealthy behavior and reproductive health problems. All of this reduces women's quality of life, incidents of sexual harassment experienced by victims can have an impact on:

a) Psychological

Victims of sexual harassment experience decreased self-esteem, anxiety, fear of men, insomnia, loss of emotional feelings, and trauma from the past when experiencing the incident.

b). Physique

Victims of sexual harassment will also experience headaches, eating disorders, indigestion, nausea, become more quiet or moody, like to be alone, lose or gain significant weight.

c). Work

victims of sexual harassment will also have an impact on the work environment, victims feel decreased job satisfaction, disrupted careers, decreased work morale, decreased work productivity, damaged work relationships, decreased self-confidence, and decreased motivation for life.

Sexual harassment in the workplace has a large and devastating impact on the lives of the victims. Each person's experience of sexual harassment in the workplace may be different, therefore the impact on the victim is also different (Awaliyah, 2014). It is hoped that this research will provide useful information to companies that employ women and help companies in making special regulations relating to sexual harassment in the workplace, namely regulations on the use of clothing and work spaces that are more open and brightly lit.

From the results of research into sexual harassment, the impacts experienced by women are as follows: psychological, physical and work impacts. Psychological impacts are as follows: feeling irritated, anxious, weak, lazy, embarrassed, lack of self-confidence, angry, humiliated, offended, hating the perpetrator, unable to sleep because of thinking about what has happened, emotional disturbance, desire to scream, lazy to talk with other people, stress thinking about different people's responses, being silent when emotional. The physical impacts are as follows: weight loss, lazy to eat, typhus, digestive problems, headaches, nail biting. The impact of work is as follows: disrupting career, reducing morale, lack of focus on work, salary, uncomfortable workplace situation making work uncomfortable, damaging relationships between colleagues or work team, desire to leave work.

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Impact on Perpetrators

Sexual violence or sexual harassment in the work environment that is carried out unilaterally and causes discomfort or threats to the individual who is the victim, violates regulations for the protection of female workers. Forms of sexual violence in the work environment include embracing, joking which leads to body shaming, intimidation and whistling/teasing.

Sexual violence not only impacts the victim but also impacts the perpetrator of sexual violence themselves. There are several threats of sanctions that must be accepted by perpetrators of sexual violence after committing the crime, including:

a) Criminal Sanctions and Fines

There are various regulations or legal rules that apply to perpetrators of crimes of sexual violence such as: Decree of the Minister of Manpower (Menaker) No. 88 of 2023, the Criminal Code (KUHP) and Law No. 12 of 2022 concerning Crimes of Sexual Violence (Purnomo et al., 2023). According to Article 5 of the Sexual Violence Crime Law, it is stated that perpetrators of non-physical sexual violence can be sentenced to 9 months in prison and a maximum fine of 10 million rupiah. Meanwhile, Article 6 of the Sexual Violence Crime Law regulates that perpetrators of physical sexual harassment can be sentenced to up to 12 years in prison and a maximum fine of 300 million rupiah. Article 11 of the Sexual Violence Crime Law explains that perpetrators of crimes of sexual violence accompanied by torture can be sentenced to a maximum of 12 years in prison and a fine of 300 million rupiah. Perpetrators of electronic-based sexual violence crimes can be sentenced to 4 years in prison and a fine of 200 million rupiah.

b) Social sanctions

Apart from using firm and consistent criminal law sanctions to strengthen and create a deterrent effect for perpetrators of sexual crimes, one of the things that needs to be considered is how social sanctions need to be created by society. In contrast to formal law which is based on the provisions of applicable laws and regulations, social sanctions are more related to community customs and customs (Yusyanti, 2020). Social sanctions are more related to the norms and values that apply in society. In society, social sanctions are often more effective in regulating human behavior that deviates or violates applicable norms and laws. Therefore, it is appropriate for the perpetrators to receive social sanctions or receive sanctions for revocation of their positions or dismissal from the company so that the perpetrators are deterred and no longer commit other sexual crimes (Aleng, 2020).

Impact on the Company

In the current era, many women participate in economic activities. Women's involvement in economic activities is not a new phenomenon. Many women choose to be independent by

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working even though they are married, because they can get additional income so they can help meet their family's living needs, without having to rely or depend on their husband for their living. Companies prefer to employ female workers rather than men because they feel that women are more painstaking, obedient and provide lower wages. Employment discrimination, attitudes or actions that degrade human dignity with obscene language, immoral acts and intimidation of female workers carried out in the work environment are crimes of sexual violence. This event will have a fatal impact on the company, such as:

a) Loss of trust among buyers or the general public in the company

b) The company's bad reputation as an unsafe and uncomfortable place to work

c) Management supervision (supervisor) and bad publicity (marketing) and lawsuits

d) Reduced work productivity and decreased company income The company experiences financial losses (financial)

f) Increased number of workers moving in and out

g) Training new workers and worker health costs increase

h) Workers often miss work

i) Disruption of team bonds and work relationships

Companies must compensate victims for lost wages caused by incidents of sexual harassment that occur in the work environment and compensate for emotional losses and other costs caused by such incidents. If the company is negligent when the victim files a sexual harassment complaint, the company may also be legally required to pay compensation to the victim. Incidents of sexual harassment in the work environment can reduce the good name/image of the company in the eyes of the public, by stating that the cause of sexual harassment that occurs in the work environment is the company culture, not the personality of the perpetrator of the sexual harassment.

A decline in a company's reputation can lead to a decrease in sales and a reduction in the number of workers, because there will be some people who do not want to interact with a company that is publicized as having bad culture problems within it. It also interferes with workers' ability to focus on their work, resulting in poor performance and missed opportunities, thereby hindering workers' career advancement. However, companies that are handling cases of sexual harassment in their environment or companies that have a history of sexual harassment can improve the company's reputation in the eyes of the public. For witnesses and workers, incidents of sexual harassment can lower team morale, cause anxiety, and create a hostile work environment, making it difficult for workers to stay on the job.

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Companies themselves can face significant financial losses caused by lost productivity, lawsuits, and the costs of rehiring new employees, not to mention the loss of reputation and trust from customers and colleagues, which hinders the company's production activities. Organizations within companies must handle sexual harassment cases carefully, especially those involving sexual violence. Handling allegations appropriately and quickly can help companies maintain a safe workplace and build deeper trust with workers. To build a workplace that is safe and free from sexual harassment, cooperation and mutual understanding between all workers is essential. Workplace sexual harassment prevention and response training is also mandatory in many countries, which helps align workers' knowledge of appropriate behavior in the workplace

Handling of Victims

The position of victims of criminal acts in the criminal justice system is actually not beneficial for the victims, because in the criminal justice system in Indonesia the victim's position is only as a witness (reporter or victim). Victims are not directly involved in the criminal justice system, because all victims' rights are represented by state officials such as the Public Prosecutor and the police in the courtroom. However, the relationship between the victim and state officials who are supposed to represent the victim in court is just a formality. This is different from the relationship between the suspect and legal advisor, which in principle contains a relationship between the recipient and the service provider. Including the interests of the victim as the injured party in the judicial process is actually a form of legal protection for victims, not only focusing on providing punishment to the suspect, but should also pay attention to the losses suffered by someone who is a victim of sexual harassment. Where there are two forms of loss suffered by victims of criminal acts, namely material losses and immaterial losses, where immaterial losses which are actually more serious experienced by victims cannot be sought for compensation through criminal procedures.

According to (Reksodiputro, 2017) the overall arrangements regarding compensation given to victims in positive law in Indonesia can be differentiated between those paid by official agencies from state funds or what is known as "Compensation" and those paid by the perpetrator or what is interpreted as "Restitution "The development of the criminal justice system in Indonesia has developed significantly, previously it was still oriented only towards perpetrators but now it looks at the aspect of protecting victims. Victims of criminal acts are the subjects who suffer the most harm in a criminal act. In several criminal cases, victims of criminal acts suffer enormous losses, both material and non-material. Anyone can become a victim of a criminal act, women are very vulnerable to becoming victims of criminal acts, especially sexual harassment. Victims of

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sexual harassment also have rights as victims, including that victims also receive restitution and compensation.

Compensation is compensation for losses provided by the state because the perpetrator is unable to provide full compensation for the losses for which he is responsible. Restitution is compensation given to the victim or their family by the perpetrator or a third party, which can be in the form of returning property, paying compensation for loss or suffering, or reimbursement of costs for certain actions. One of the facilities that companies should provide for female workers in the workplace is a complaint post or forum for complaints for victims of sexual harassment that occurs in the workplace. This complaint procedure can aim to reduce complaints that occur so that they will not damage industrial relations between employers and female workers. This step is proof that entrepreneurs or companies are taking part in fighting criminal acts in industrial relations, especially sexual harassment or violence. There are several procedures for resolving complaints from female workers, including:

a) Informal Procedures

Informal procedures emphasize solutions, confidentiality and mediation, avoiding sanctions and compensation. Some victims who experience sexual harassment want the perpetrator to be subject to termination of employment. And the informal procedure must be completed within 30 working days. This can be done by apologizing or providing sanctions by victims who have been exposed to sexual harassment in the workplace or by using a mediation system between perpetrators and victims in the hope that mediators can find a solution to complaints of sexual harassment that can be accepted by victims and alleged perpetrators of harassment. sexual.

b) Formal Procedures

Formal employee complaint procedures do not need to wait for a decision on the informal efforts taken before choosing a formal resolution. With the principle of maintaining justice, formal procedures are carried out with steps, namely:

i. Conversations in complaints are personal

ii. Submission of complaints to the alleged perpetrator in detail

iii. Providing an opportunity for the alleged perpetrator to answer and defend himself against the allegation

iv. If there is disagreement about the facts, the investigation requires the recorded statements of witnesses

v. The findings in the complaint are prepared supported by evidence

we. A written report is made about the investigation process, evidence, findings and proposed solutions are submitted to senior management/employer

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vii. The employer/senior management implements the proposed resolution or decides on other actions so that the matter can be resolved quickly and favorably.

c) Discipline and sanctions

Discipline and sanctions are one of the actions that can be given to perpetrators of sexual harassment in the workplace. With this discipline and sanctions, we can provide stricter regulations to establish harmonious industrial relations and provide a deterrent effect for perpetrators of acts of harassment against female workers. Forms of sanctions for perpetrators of sexual harassment can be in the form of written warnings, transfers or assignments, reduction of wages and most recently, termination of duties or expulsion from the company. Therefore, by means of sexual acts that have been carried out by perpetrators against female workers, regulations that are considered simple must be enforced or appropriate actions taken so that the human rights of female workers can be fulfilled and there is no sense of discrimination between parties who feel disadvantaged by acts of harassment. This sexual activity is in industrial relations and is regulated by Employment Law No. 13 of 2003 Article 16. Sexual harassment is often experienced by female workers where women are very vulnerable to being able to act quickly or fight against the perpetrator of sexual harassment themselves (Purnamadjaja & Hufron, n.d.). So one action that is a way to overcome sexual harassment in industrial relations is to install CCTV equipment around the company or industry concerned, because this is one safe way for superiors to review and see what actually happened during sexual harassment. which was carried out by the perpetrator and can also be used as evidence of video recordings from CCTV. The use of CCTV can also help to establish more productive industrial relations in the future. Furthermore, companies or industrial players can give lectures or heartfelt speeches several times a month so that the mental strength and conscience of each worker can be well maintained and think positively. This also has an impact on the company which will be able to continue to develop and progress because it has quality workers and competent in their field.

Thus, with the prevention and control as well as counseling on procedures created by the company or business actor, to a greater or lesser extent it will provide a sense of security for female workers to be able to work without worrying about existing cases of sexual harassment. But with one condition that the procedures that have been created by the company must be able to be implemented properly.

Legal Protection for Victims

Legal protection for female workers is a realization of Human Rights (HAM) which have been recognized, respected and protected (Ardianto & Farisi, 2021). Based on Komnas Perempuan's records, there were 398 cases of sexual violence in the workplace in 2021, in 2022

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there were 324 cases, and as of May 2023 there had been 123 cases. The government has established a legal protection law for victims of sexual harassment with the following objectives:

1. Providing a reference in efforts to prevent, handle and protect against all forms of sexual violence in the workplace.
2. Creating a work environment that is conducive, harmonious, safe, comfortable and free from acts of sexual violence by establishing a task force for preventing and handling cases of sexual violence in the workplace.

The reasons for the formation of legislation regarding the protection of female workers from sexual violence in the workplace are:

1) Lack of information regarding preventing sexual violence in the workplace.
2) Workers do not understand the forms of sexual violence
3) There is fear or shame to complain.
4) Workers do not know where to complain if sexual harassment at work happens to them

Companies and the government must work together in implementing sexual violence protection laws, companies are obliged to protect the rights of female workers and make legal protection efforts for female workers who are victims of sexual violence in the workplace, this is stated in Law No. 13 of 2003 concerning Employment , Minister of Manpower Decree No. 88 of 2023 concerning Guidelines for Preventing and Handling Sexual Violence in the Workplace, Transmigration No. 224 of 2003 concerning Obligations of Employers who employ female workers, International Labor Organization (ILO) Convention No. 100 and Law No. 80 of 1957 concerning Equal Wages, Law No. 12 of 2022 concerning the Crime of Sexual Violence, and the Criminal Code. Protection of victims is a legal promise by the criminal justice system that seeks to realize the primary function of law. Legal Protection functions to protect society from threats of danger and detrimental actions from fellow citizens and community groups, including those carried out by power holders (government and state) and those that come from outside, which are aimed at physical, mental, health, values and rights. basics.

Law enforcement is the process of making efforts to uphold or function legal norms as guidelines for legal relations in society and the state. Law enforcement can be carried out by a wide range of subjects and can be interpreted as law enforcement efforts involving all legal subjects in legal relations. Anyone who carries out normative rules or does something that is not based on legal norms means that he is carrying out or enforcing legal rules. In a narrow sense, law enforcement is to guarantee and ensure the upholding of the law, if necessary, law enforcement officials are permitted to use coercive measures.

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Therefore, law enforcement is from the point of view of the object, namely the legal aspect. In this case the meaning includes broad and narrow meanings. In a broad sense, law enforcement includes the values of justice contained in formal provisions as well as the values of justice that exist in society. In a narrow sense, law enforcement only involves formal and written regulations. Article 3 of Law number 13 of 2003 concerning Employment confirms that employment development is carried out on the principle of integration through functional coordination across central and regional sectors. The principles of employment development are basically in accordance with the principles of national development, especially the principles of democracy, fairness and equality. This is done because employment development is multidimensional and related to various parties, namely the government, entrepreneurs and workers or laborers. Therefore, employment development is carried out in an integrated manner in the form of mutually encouraging cooperation. So the principle of employment law is the principle of integration through functional coordination across central and regional sectors.

The principles of employment development are basically in accordance with the principles of national development, especially the principles of democracy, fairness and equality. The punishment needed by a society is criminal law which can guarantee both freedom or personal rights and order from disturbances originating from individuals, groups or authorities. In this case, criminal law functions not only to prevent arbitrary actions from the government, but can also function for law violators, victims and society. Criminal law provides clear guidelines regarding the protection of humans. On the other hand, criminal law also destroys what it is supposed to protect. Therefore, criminal law, including criminal procedural law and criminal implementation law, is often highlighted, analyzed and criticized by various parties, not only from legal circles but also from non-legal circles. This is true because criminal law covers all human life, whether individuals, groups or authorities, directly or indirectly.

In Law no. 13 of 2003 Article 5 concerning Employment which can be categorized as a prohibition on harassment, namely: "every worker has the same opportunity without discrimination to obtain work" and in Law No. 13 of 2003 Article 6 concerning Employment that "Every worker/laborer has the right to equal treatment without discrimination from employers". If sexual abuse (sexual violence) occurs against female workers, one of which attempts to attack the honor and good name of a female worker, then it is regulated in the Criminal Code (KUHP) (Mentari, 2020).

The Criminal Code (KUHP) has provided protection when sexual violence occurs against female workers due to the threat of physical and sexual violence that they have to experience. The Criminal Code (KUHP) specifically prohibits a number of acts of violence against women,

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including rape and sexual assault. The threat of punishment in the explanation of this article is violence or the threat of violence forcing a woman who is not his wife to have sexual intercourse with him.

Isn't it dangerous for a woman to give birth to a child, therefore a woman is forced to such an extent that in the end she can no longer fight back and is forced to have sexual intercourse while feeling intimidated.

4. Conclusion

Cases of sexual harassment at work in the restaurant industry are a type of criminal act of sexual violence which refers to non-physical sexual harassment such as: negative comments, inappropriate gestures or activities that lead to sexuality with the aim of degrading a person's dignity. Perpetrators of sexual violence who have power consider acts of sexual violence against their workers to be normal or normal. The habit of normalizing this problem can be seen in incidents of verbal harassment and indecent treatment packaged as a joke. From a psychological aspect, this phenomenon can hurt human dignity because it causes fear in the victim without the perpetrator realizing it. The victim's action of choosing to remain silent is an act of fear because a worker's position or position as a subordinate is threatened. Perpetrators of acts of sexual violence in the work environment who are deemed to have injured human dignity can be dismissed and disabled from their jobs. Companies must participate in preventing and dealing with sexual violence in the workplace. Companies play an important role in handling or recovering victims of sexual violence that befell female workers in their companies. Companies are obliged to facilitate legal protection for female workers who are victims of sexual violence by asking the perpetrators to be held accountable according to applicable law and by providing permanent sanctions in the form of terminating their employment relationship and reporting to the authorities the perpetrators of sexual violence because they have violated the criminal act of sexual violence. Law No.12 of 2022.

The resolution of sexual harassment in industrial relations can be done through alternative measures outside of court and can also be done through deliberation at bipartite institutions. If it is felt that bipartite efforts have not found a solution or are not successful, then it can be continued with mediation efforts from the female workers themselves against the perpetrators of sexual harassment in the work relationship. And it can also be done through conciliation, mediation and consolidation, if failure occurs then one of the parties, either the victim or the perpetrator of this problem, can file a lawsuit at the Industrial Relations Court or the labor department and if the court's decision is deemed not to fulfill the sense of justice, then the parties can file a cassation

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legal action at the Supreme Court with the aim of obtaining definite clarity regarding cases of sexual harassment in industrial relations.

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