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## **Regulating the prohibition of glorification as an effort not to normalize sexual harassment**

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### **Abstract**

The article aims to analyze the regulation related to glorification of former convicts of sexual abuse in Indonesia and to understand the regulation of glorification of former convicts of sexual abuse in Indonesia in the future. The method used in this study uses a legal study with a normative juridical type, with a statutory approach in order to discuss legal issues in this journal. This study found that the regulation related to the glorification of ex-convicts of sexual abuse in Indonesia has not been specifically regulated either in the Criminal Code or the Broadcasting Law, so that ex-convicts of sexual abuse can appear in the mass media easily and are welcomed with great fanfare. This will certainly have implications for the psychological condition of the victim. Therefore, it is necessary to regulate the prohibition of glorification of ex-convicts of sexual abuse in Indonesia in the future, especially in Law No. 32/2002 on broadcasting related to the prohibition of glorification as an effort not to normalize the crime of sexual abuse in Indonesia. This also has implications for the psychological condition of the victim, who sees that the perpetrator of the crime of sexual abuse can have fun after being released from prison, which may lead to re-traumatization and fear.

**Keywords:** Glorification, criminal acts of obscenity, convicts

### **Introduction**

Indonesia, which is a "state of law", relies on the guidelines of Pancasila. In essence, a state of law based on Pancasila has mandatory and binding rules that provide strict sanctions for violating parties based on the values contained in Pancasila (Aswandi and Roisah 2019) <sup>[2]</sup>. Sexual harassment and sexual crimes are two types of offenses that are not only a legal problem in the country, but have become a legal problem in countries around the world, these activities have violated the rights of women and children (Ilyasa 2022) <sup>[5]</sup>. Nowadays, there are not only verbal and non-verbal sexual crimes, but also sexual crimes that are considered deviant, such as obscenity, sadism, and others (Juliantara and Thofly 2021) <sup>[6]</sup>.

Indonesia currently has a serious problem with sexual crimes against children, one of which is the crime of sexual abuse (Lewoleba and Fahrozi 2020) <sup>[7]</sup>. Unfortunately, there are violations in the acceptance of ex-convicts because of their morality, such as what happened to Saipul Jamil. The public was shocked by an unnatural sexual crime against a child, namely Saipul Jamil's sexual abuse (Sari, Qorib, and Widodo 2022) <sup>[17]</sup>. After serving 5 years in prison after being released from prison. Saipul Jamil was warmly welcomed, brought in a luxury car and presented with a bouquet of flowers as a hero. In addition, "Saipul Jamil" has also been invited as a guest star on several private television programs (Sari, Qorib, and Widodo 2022) <sup>[17]</sup>. The incident sparked mixed reactions among Indonesians. Many forms of praise, exaggeration and euphoria or excitement over Saipul Jamil's freedom became guest stars on various private television shows, which led Indonesians to criticize him for his perceived lack of empathy towards victims of sexual abuse. The praise and euphoria when Saipul Jamil was released could be seen as normalizing sexual abuse perpetrators (Saraswati, Widyantara, and Karma 2022) <sup>[16]</sup>. Therefore, legal provisions are needed to regulate the deterrent effect on offenders and the protection of victims, as well as for "glorification".

In this ever-growing era, mass media is the media used in disseminating information to the public, so that mass media becomes a contact person and has an important role in shaping "public opinion" (Freddy 2021) <sup>[4]</sup>. Today's mass media not only presents facts, but can also create and build a topic for discussion. The media is indeed a means of shaping "public opinion", because the media can provide very diverse data. Today's media can cope with the expected public reading of the event (Sakti and Sinduwiatmo 2023) <sup>[15]</sup>.

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The ability to frame something very cool and build an event often creates a different view in the public, because the media cares how many "eyes see" what it shows. Although there are many news media portals in Indonesia, they can create different perspectives from other media outlets in accordance with the objectives of the media. Subject differentiation in media coverage is also influenced by the status and background of journalists working in the media. Someone who truly understands the world of the press will appreciate that there are certain points that are emphasized in news broadcasts in the public sphere, which then carry over to the media (Cholih 2011) <sup>[3]</sup>.

In contrast to the general public who often assume that what is published in the media is true with no other intentions of the reporter or media. The media can frame an event and become the target of public attention and also form two sides of the public "who agree and disagree", so it is not uncommon for public news to require criticism of the topic in the news.

With this in mind, acts that threaten the human rights of individuals must be taken seriously. The state, as a model society, has enacted laws that prohibit and punish "imprisonment and/or administrative fines" for any person who knowingly seeks benefits by being a proud perpetrator of sexual harassment. The noble purpose of this provision is to guarantee the human rights of every person who is endowed with human rights from birth. Through the Indonesian Broadcasting Commission, the government seeks to minimize activities that can cause social divisions and educate the broadcast audience in the media so that such shameful incidents do not recur.

However, until now there is no single regulation that prohibits the act of glorification. This certainly does not have a good effect on the victims of the crime of sexual abuse, especially if the victims are children. With actions like this, it seems to normalize sexual harassment. Therefore, a special regulation is needed regarding the prohibition of glorification, especially in the press media, in order to create legal certainty and not normalize the behavior of criminal acts of sexual abuse in Indonesia.

This paper is original; which has the hope that it can contribute and play a role related to the process of improving or developing science. Some previous studies that have conducted studies on the crime of sexual abuse include the first, found in the IUS Journal of Law and Justice Studies entitled "Legal Certainty in Providing Legal Protection to Children as Victims of Sexual Abuse" (Afdhaliyah, Ismansyah, and Sabri 2018) <sup>[1]</sup>. Second, found in the Legal Zone: Law Journal entitled "Juridical Analysis of Law Enforcement Against Children as Perpetrators of Sexual Abuse (Research Study at Bareleng Police in Batam City)" (Permata *et al.* 2020) <sup>[13]</sup>. The third is the Mutiara Hukum Journal entitled "Law Enforcement of Criminal Sanctions against Perpetrators of Criminal Acts of Child Abuse Based on Indonesian Law Number 35 of 2014 (Decision Number 65/PID. SUSAnak/2017/PN-Medan)" (Nasution *et al.* 2019) <sup>[11]</sup>.

This paper aims to provide an analysis of the regulation related to glorification of former convicts of sexual abuse in Indonesia and to understand the regulation of glorification of former convicts of sexual abuse in Indonesia in the future.

## Research Methods

This study is normative juridical research. This type of research is a method used in conducting research on

secondary materials (Muhammad Syahrums 2022) <sup>[9]</sup>. This journal regulates the glorification of former convicts of the crime of sexual abuse in Indonesia. Writing with normative juridical legal nature is also said to be a procedure that uses the logic of legal science seen in normative terms so as to get the truth, related to it than being able to explain the glorification arrangements for former convicts of the crime of sexual abuse in Indonesia (Muhammad Syahrums 2022) <sup>[9]</sup>. This paper is conducted with a statute approach in the process of studying the problem of this paper. This paper uses legal sources in the form of primary, secondary, and tertiary legal materials. This paper has a descriptive-analytical nature, namely giving an idea of the problems that will be discussed and carrying out analysis on legal products related to providing answers to the problems in this paper.

## Results and Discussion

### Regulations Related to the Glorification of Former Convicts of Sexual Offenses in Indonesia

The term "glorification" is derived from the English word "Glorification". In English, the word "glorification" means "the act of exaggerating something so that it appears good and extraordinary" (Pramesti 2021) <sup>[14]</sup>. Meanwhile, in the dictionary of Indonesia (KBBI), the word "glorification" means "as a process, method, behavior, exalting, glorifying and so on". In the case of "criminal sexual abuse", the word "glorification" relates to "exaggerating and welcoming the perpetrators of criminal sexual abuse with pride" (Pramesti 2021) <sup>[14]</sup>.

In the era of accelerating globalization in the fields of science and technology, the existence of legal problems in society is also increasing. The increasing progress of society will certainly increase the emergence of legal problems in society as a result of social development. Criminal offenses are a true picture of the legal problems that increasingly occur in society.

Crimes of morality are behaviors that violate moral ethics and customs. From society's perspective, the word morality is similar to sexual issues such as "harassment, rape, pornography, etc." Sexual abuse is "a form of behavior that falls under the category of crimes that are not permitted by the Criminal Code" (Murtadho 2020) <sup>[10]</sup>. Crimes of decency, which are crimes related to morality or decency (Nasution *et al.* 2019) <sup>[11]</sup>. Nowadays, there are immoral crimes that are troubling society. Sexual immorality is one of the most common crimes related to decency today. Fornication is an act committed by a person who commits an offense against decency that is supported by the sexual appetite that exists in him or her (Nasution *et al.* 2019) <sup>[11]</sup>.

The current immoral case is a child immoral case that illustrates a form of immoral crime that can further cause deep trauma for a child. In the case of child indecency, the perpetrators of sexual abuse no longer consider the gender, status, and age of the victim. When sexual abuse of "minors" erupts, children involved as perpetrators must be protected so that their rights can be implemented. Protection of the rights of child victims of sexual abuse is regulated in a special article in order to create a "deterrent effect" for the perpetrators.

Sexual abuse is explained in detail in a special rule regarding "child-related sexual abuse" in the "Child Protection Law". This is contained in Article 76E of "Law No. 17/2016 on the Stipulation of Government Regulation in Lieu of Law No. 1/2016 on the Second Amendment to Law No. 23/2002 on

Child Protection into Law". The problem of "glorification" of the molestation perpetrator faced by Saipul Jamil can be subject to additional penalties that have been formed in "Government Regulation No. 70/2020. The legal profession is related to Saipul Jamil's legal problems, when it has been completed carrying out the main sanctions, an additional penalty is given in the form of installing an electronic detection device on the arm or leg to provide movement restrictions for the perpetrator of sexual abuse in the public world. This is because the regulation related to the "glorification" of those who commit the crime of sexual abuse has not been specifically established in a regulation in Indonesia (Sulisrudatin 2018) <sup>[18]</sup>. The absence of regulations related to the "glorification" of those who commit the crime of sexual abuse is specifically due to the sense of impossibility if a policy can control all public actions without any shortcomings in a country, thus causing a condition where the regulations contained in a country are considered incomplete and unable to provide legal certainty for the public, which has implications for the existence of a "norm vacuum" in the public sphere.

### **Future Glorification Regulations for Former Indonesian Molestation Convicts**

The study process related to victims cannot be separated from a science that has a relationship with victims, namely victimology (Millah 2020) <sup>[8]</sup>. The definition of a victim is "an individual or group facing physical or mental distress triggered by the denial of human rights by another individual or group (Ulyadinnur, Ginting, and Rogers 2022) <sup>[19]</sup>." Legal protection is a "citizen's right" and on the other hand it is also the responsibility of the state itself in protecting every citizen. Legal protection is offered to every citizen in order to create a sense of peace and tranquility of the soul as well as the body from disturbances and risks posed by all parties.

Noviana, I. "Kekerasan seksual terhadap anak: dampak dan penanganannya." *Sosio Informa* (2015) <sup>[12]</sup>: 52819". A victim of crime is a person who suffers an accident as a result of a crime and/or justice is directly impaired as a result of experiencing criminal intent (Noviana 2015) <sup>[12]</sup>. The victim, who is actually the party who loses in the case, is not given the protection that should be given to the perpetrator. As a result, when the perpetrator is sentenced to criminal punishment, the victim's situation is often not considered at all. Respect for human rights and justice applies not only to criminals, but also to victims of crime.

The urgency of protection for victims of criminal acts is the basis for the creation of "Law No. 31/2014 on Witness and Victim Protection". This regulation also regulates the body that has the obligation to deal with the issue of providing "protection for victims and witnesses" called the "Witness and Victim Protection Agency (LPSK)". LPSK has a role and authority in providing protection and support to "witnesses and victims" in a legal matter. The scope of protection provided by LPSK is in the entire criminal justice procession so that it can provide a feeling of calm and tranquillity for "witnesses and victims" in delivering their testimony at the trial. Related to protecting "witnesses and victims", "witnesses and victims" have rights that are regulated in "Law Number 31 of 2014 concerning Amendments to Law Number 13 of 2006". That right is the right to receive medical assistance or assistance in order to obtain "psychosocial and psychological rehabilitation" which is included in Article 6. The purpose of general medical treatment is to restore the

physical condition of the victim, as well as to care for victims who have died. Psychological rehabilitation is assistance provided by psychologists to victims who have experienced trauma or "other psychological pressure" in order to heal the mentality of those who have experienced sexual abuse. Psychosocial rehabilitation is all forms of psychological and social assistance and assistance aimed at reducing, controlling, and improving the "physical, psychological, social, and spiritual conditions of victims" so that they can carry out social activities as before.

Another right that is regulated in "Law No. 31/2014 on Witness and Victim Protection" is the facility to provide compensation as in Article 7 of Law No. 31/2014. Compensation or "compensation" is the process of recovering losses provided by the state due to the perpetrator who committed the criminal act is not capable of submitting a full recovery of losses which should be his obligation to the victim and the victim's family. In addition to these two rights, namely to receive assistance and compensation facilities, "witnesses and victims" also have the right to "restitution". This is mentioned in "Article 7A of Law Number 31 Year 2014". Restitution is the process of restoring the loss made by the party who committed the crime or a third party to the victim or the victim's family. Restitution can be in the form of the process of returning "property, fulfilling the recovery of losses for death or misfortune, or transferring costs for a certain action". Protection of "witnesses and victims" is an important thing to do so that "witnesses and victims" during the trial can feel safe when they will give testimony. With the existence of legal protection from LPSK and the "Witness and Victim Protection Law", the guarantee of a sense of calm and tranquility for "witnesses and victims" can be strengthened.

With this glorification, the party committing the crime utilizes the conditions to get the attention of the public again to carry out a good name lift which will then be recognized again and get a lot of income. However, the party committing the crime does not empathize with the victim's condition, which with the statement of the party committing the crime will add to the traumatic feeling for the victim and the return of the memory of the tragedy of the harassment committed by the party committing the crime. Actions that cause threats to human rights should be taken seriously. The government as the protector of society needs to design rules relating to the prohibition and sanctions in the form of imprisonment or administrative fines for each person or institution that based on the element of deliberate profit-seeking by glorifying themselves as someone who has committed sexual harassment.

Although rehabilitation for victims has been regulated, if there is no prohibition on glorification, it will certainly re-traumatize victims. Therefore, it is necessary to regulate specifically, especially in "Law No. 32 of 2002 concerning Broadcasting" related to the prohibition of glorification as an effort not to normalize the crime of sexual abuse in Indonesia. This also has implications for the psychological condition of the victim, who sees that the perpetrator of the crime of sexual abuse against her can have fun after getting out of prison, which allows her to re-traumatize and fear again.

### **Conclusion**

Regulations related to the glorification of ex-convicts of sexual abuse in Indonesia have not been specifically regulated in either the Criminal Code or the Broadcasting Law, so that ex-convicts of sexual abuse can appear in mass media easily

and are welcomed with great fanfare. This will certainly have implications for the psychological condition of the victim. Therefore, it is necessary to regulate the prohibition of glorification of ex-convicts of sexual abuse in Indonesia in the future specifically, especially in Law No. 32 of 2002 concerning Broadcasting related to the prohibition of glorification as an effort not to normalize the crime of sexual abuse in Indonesia. This also has implications for the psychological condition of the victim, who sees that the perpetrator of the crime of sexual abuse can have fun after being released from prison, which may lead to re-traumatization and fear.

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