

ABSTRACT

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REVIEWING ARTICLE 5 AND ARTICLE 6 OF LAW NUMBER 12 OF 2022 CONCERNING CRIMINAL ACTIONS OF SEXUAL VIOLENCE: PARAMETERS OF ELEMENTS OF DIGNITY IN ITS REGULATION
(IX + 119 pages; 0 figures; 0 table; 0 appendix)

Law Number 12 of 2022 concerning the Crime of Sexual Violence (UU TPKS) provides a moment of calm in response to the high number of sexual violence that occurs in Indonesia, but can the Crime of Sexual Violence Law provide certainty, benefit, and justice with its formulations? One of the focuses of the author's research is the element of dignity contained in Article 5 and Article 6 of the Crime of Sexual Violence Law regarding sexual harassment that is carried out physically or non-physically. Dignity is an abstract thing and cannot be limited because it is the nature of human beings as God's creation. So, how can these elements be used as elements of criminal offense? Relativity to the assessment of dignity and worth can arise from all sides, for example from the perpetrator and the victim, or seen as an intention or impact. The uncertainty that arises from this relativity attracts the author's attention to further examine how to define the appropriate or ideal elements for the formulation of sexual harassment. One way that can be used is human assessment of humans with the concept of Reasonable Person, but its application can also lead to the use of criminology, especially victimology, which should not be applied in sexual harassment cases where the victim's position should be considered. With these considerations, the author tries to change the element of criminal offense in sexual harassment based on the Crime of Sexual Violence Law, namely into behavior that is not expected or not approved by the victim (unwelcome) and dignity is seen as a potential consequence in cases of sexual harassment.

Reference : 24 books, 9 scientific journals, and 4 research results
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