

Quid Pro Quo Sexual Harassment Involving an Employee Through Staycation Modus

Fuadi Isnawan

Faculty of Law, Universitas Islam Indonesia, Sleman, Indonesia
fuadi.isnawan@uui.ac.id

Abstract

Sexual harassment in the workplace remains a persistent problem that undermines human dignity and often arises from power imbalances or gender inequality. Such acts not only degrade and humiliate victims but also negatively affect their physical, psychological, and social well-being. In Indonesia, the Criminal Code (KUHP) provides only limited recognition of sexual violence, leaving many forms of harassment insufficiently regulated. This study aims to analyze criminal law policies in addressing workplace sexual harassment, with particular attention to the scope of criminalization and the effectiveness of legal enforcement. Using a normative legal research method combined with a case study approach, the study examines the legal framework, its application in practice, and its alignment with the public interest. The findings indicate that current criminal law provisions inadequately capture the diversity of sexual harassment forms and that law enforcement tends to be reactive rather than preventive. The study contributes by highlighting the urgency of reforming Indonesia's criminal law policy to ensure comprehensive protection for victims, accountability for perpetrators, and the integration of preventive measures alongside repressive sanctions. In conclusion, the criminalization of workplace sexual harassment must extend beyond narrow definitions and be grounded in public interest, legal certainty, and victim protection, offering a more holistic approach to justice in the workplace.

Keywords: *Sexual Harassment; Sexual Violence; Staycation*

1. INTRODUCTION

Sexual harassment is a pervasive global issue that manifests in multiple forms, ranging from verbal abuse and coercive advances to physical and online harassment. The World Health Organization (WHO) defines sexual violence as a spectrum of behaviors, including rape, coerced sexual acts, unwanted physical contact, and inappropriate verbal expressions, all of which threaten human dignity, safety, and psychological well-being.¹ Beyond its immediate impact on victims, sexual harassment undermines the integrity of workplaces, traditionally regarded as spaces for professional development and collaboration. Importantly, the persistence of harassment is often reinforced by patriarchal structures and victim-blaming cultures that normalize misconduct and silence victims.²

The International Labour Organization (ILO) states that these behaviors not only infringe on the rights of individuals but also create hostile, unsafe, and unproductive work environments.^{3 4}

¹ Nasrin Borumandnia et al., "The Prevalence Rate of Sexual Violence Worldwide: A Trend Analysis," *BMC Public Health* 20, no. 1 (2020): 1, <https://doi.org/10.1186/s12889-020-09926-5>.

² Fitri Yani et al., "Pengetahuan Hukum Kekerasan Seksual Berbasis Pemberdayaan Masyarakat Untuk Menciptakan Sadar Hukum Kekerasan Seksual," *Lex Justitia Journal* 5 No. 1 (2023): 50.

³ M. D. Enaikele et al., "Sexual Harassment of Women in Selected Local Airlines in Lagos, Nigeria: An Analysis of the ILO Sexual Harassment Indicators," *KIU Journal of Humanities* 5, no. 1 (2020): 2058.

Many countries, although signatories to conventions that provide comprehensive definitions of violence and harassment at work, fail to fully incorporate or enforce these protections. In several jurisdictions, workplace-specific laws are either narrowly defined or incomplete, with one-third of countries prohibiting sexual harassment in the workplace lacking precise definitions, leaving significant gaps in protection. This opens the possibility for forms of harassment that degrade an employee's dignity or foster hostile work environments to go unaddressed. Furthermore, comprehensive protection from harassment by all actors, including third parties such as contractors or customers, is rare, with only 15 percent of countries explicitly including such protections. As a result, the disparity between international frameworks and national enforcement highlights the ongoing challenges, particularly in developing regions, in creating safe and equitable work environments free from violence and harassment.⁵

In Indonesia, sexual harassment continues to be a pressing issue, with structural inequalities and weak enforcement mechanisms exacerbating the problems, such as the Law No. 12 of 2022 on Sexual Violence Crimes (UU TPKS), which aims to provide broader protection for victims of sexual violence, including harassment in the workplace.⁶ However, the implementation of these laws remains fraught with challenges. The intersection of criminal law and corporate responsibility presents a unique opportunity to examine how legal mechanisms can be harmonized with corporate policies to prevent and address sexual harassment.⁷

In workplace environments, sexual harassment presents unique challenges due to the hierarchical nature of many corporate structures.^{8 9} Sexual harassment encompasses a range of inappropriate behaviors that degrade, embarrass, or intimidate individuals.¹⁰ These actions may include unwanted physical contact such as touching, hugging, or kissing, as well as non-physical behaviors like sexual comments, jokes, or lewd stares. Harassment can also manifest through coercive sexual advances, intrusive questions about one's private life, or inappropriate physical closeness. In more severe cases, it involves displaying or sharing sexually explicit materials, accessing sexual content online in inappropriate contexts, or engaging in actions that cross into

⁴ Manusha Paudel and Prabha Khanal, "Perceptions and Legal Outlooks on Workplace Sexual Harassment in Global Setting: A Review Based Study," Research Article, *Historical Journal* 14, no. 1 (2023): 71, <https://doi.org/10.3126/hj.v14i1.52961>.

⁵ Amy Raub et al., "Ending Sexual Harassment at Work: Creating a Baseline on Laws in 193 Countries," *Human Rights Quarterly* 43, no. 2 (2021): 391, <https://doi.org/10.1353/hrq.2021.0024>.

⁶ Esty Alfanada et al., "Urgensi Undang-Undang Tindak Pidana Kekerasan Seksual (TPKS) Dalam Penanganan Kekerasan Seksual," *Juridische : Jurnal Penelitian Hukum* 1, no. 1 (2023): 16.

⁷ Yahui Li, "A Comparative Analysis of Employer Liability for Sexual Harassment in the Workplace in China and the United States," *Proceedings of the 2024 3rd International Conference on Social Sciences and Humanities and Arts (SSHA 2024)*, Atlantis Press, June 21, 2024, 279, https://doi.org/10.2991/978-2-38476-259-0_33.

⁸ Vincent J. Roscigno, "Discrimination, Sexual Harassment, and the Impact of Workplace Power," *Socius* 5 (January 2019): 2, <https://doi.org/10.1177/2378023119853894>.

⁹ Marjoke Oosterom et al., "The Gendered Price of Precarity: Voicing and Challenging Workplace Sexual Harassment," September 5, 2024, 17, https://opendocs.ids.ac.uk/articles/report/The_Gendered_Price_of_Precarity_Voicing_and_Challenging_Workplace_Sexual_Harassment/26436940.

¹⁰ Adetutu D Aina-Pelemo, "Review of Literatures on Definition of Sexual Harassment in the Workplace: Underscoring Their Prescriptive Implication," *Benue State University Law Journal* 9 (2020): 36.

criminal offenses, such as physical or sexual assault. These behaviors create a hostile environment, particularly in workplace settings, where power imbalances may further victimize individuals, leading to feelings of vulnerability and fear.¹¹

One of the more concerning developments in the workplace is the emergence of the "staycation" modus operandi, a pattern of harassment where employees, typically women, are coerced into participating in off-site activities, such as overnight stays, under the pretext of work obligations or business travel.¹² In such cases, perpetrators, often in positions of authority, use their influence to pressure employees into unwanted sexual encounters. This type of abuse not only violates criminal law but also constitutes a profound quid pro quo sexual harassment and trust within professional environments.¹³

Quid pro quo sexual harassment, a well-established concept in legal discourse, occurs when sexual favors are demanded as a condition for career advancement or job security.¹⁴ Such cases are particularly prevalent in sectors where temporary contracts, outsourcing, and freelance work are common, as these employment structures leave workers, especially women, in vulnerable positions.¹⁵ The power imbalance inherent in such relationships allows perpetrators to exploit their authority to demand sexual compliance, knowing that the victims have limited recourse.¹⁶

A pertinent example is the case of AD, a female employee in Indonesia, who was coerced by her manager into a staycation as a prerequisite for her contract renewal. AD, a contract worker placed in a large company in Jababeka, Cikarang, reported the incident, and the company responded by suspending the alleged perpetrator. However, the case, which garnered national attention, raised critical questions about corporate accountability, the adequacy of legal protections for female workers, and the role of law enforcement in addressing such violations.¹⁷ The AD case underscores three pressing concerns. First, it reveals how corporate power dynamics create opportunities for *quid pro quo sexual harassment* to occur. Second, it highlights the barriers faced by victims, particularly female contract workers, in asserting their rights within corporate environments that may tacitly condone misconduct. Third, it exposes gaps in both

¹¹ Astuti Fadillah, "Sexual Harassment Di Tempat Kerja Dalam Perspektif Kriminologi," *Articles, Bacarita Law Journal* 2, no. 2 (2022): 86, <https://doi.org/10.30598/bacarita.v2i2.6140>.

¹² *Siaran Pers Komnas Perempuan: "Staycation", Modus Eksploitasi Seksual Terhadap Perempuan Di Dunia Kerja*, Siaran Pers (Komnas Perempuan, 2023), <https://komnasperempuan.go.id/siaran-pers-detail/siaran-pers-komnas-perempuan-staycation-modus-eksploitasi-seksual-terhadap-perempuan-di-dunia-kerja>.

¹³ Anita Raj et al., "Gender Parity at Work and Its Association With Workplace Sexual Harassment," *Workplace Health & Safety* 68, no. 6 (2020): 280, <https://doi.org/10.1177/2165079919900793>.

¹⁴ John H. Thomas, "Evolution of Sexual Harassment Law: How Do I Know a 'Hostile Environment' When I See It?," *Journal of Foodservice Business Research* 26, no. 4 (2023): 611, <https://doi.org/10.1080/15378020.2021.1911566>.

¹⁵ Adetutu Deborah Aina-Pelemo et al., "Quid pro Quo Sexual Harassment: Comparative Study of Its Occurrences in Selected Institutions in South-West, Nigeria," *Current Research in Behavioral Sciences* 2 (November 2021): 3, <https://doi.org/10.1016/j.crbeha.2021.100031>.

¹⁶ Leen Najem, "Sexual Harassment," *SSRN*, ahead of print, 2022, 6, <https://dx.doi.org/10.2139/ssrn.4314408>.

¹⁷ "Kasus Karyawati Diajak 'Staycation' Bos Berliku-Liku: Pelaku Diberhentikan Dari Tempat Kerja, Korban Dinyinyiri Warganet," *Kompas.Com* (Bekasi), May 22, 2023, <https://megapolitan.kompas.com/read/2023/05/22/09224911/kasus-karyawati-diajak-staycation-bos-berliku-liku-pelaku-diberhentikan>.

criminal law enforcement and corporate governance, suggesting that current frameworks are insufficient to deter perpetrators or to ensure justice for victims

This study aims to contribute to the growing academic discourse on workplace harassment by examining the intersection of criminal law enforcement and corporate accountability in addressing cases of sexual harassment, specifically in the context of staycation-related harassment. The research will analyze how Indonesian criminal law addresses such cases and explore potential improvements in both legal frameworks and corporate governance. Additionally, this study will compare the Indonesian approach to international best practices to assess the effectiveness of current legal protections for victims of sexual harassment in the workplace.

The originality of this research lies in its focus on the enforcement of criminal law in cases of sexual harassment using the "staycation" modus operandi, as well as the preventive and repressive measures that can be undertaken by companies to address and prevent sexual harassment in the workplace. While previous studies have explored the theme of sexual harassment in connection with staycations, this research offers a novel perspective by examining not only the criminal law aspects but also the managerial approaches companies can take to mitigate and prevent such cases.

A prior study by Umboh (2024) examined legal protection for victims of staycation from the perspective of criminal law. However, its analysis remained largely normative, focusing on the rights of victims without evaluating how law enforcement agencies and companies could effectively implement preventive mechanisms. This creates a gap, since understanding legal protection alone does not guarantee a reduction of harassment cases in practice.¹⁸

Similarly, the research by Kancana and Reginaldy (2024) addressed the protection of female workers through corporate policies, yet their discussion was overly general. They highlighted the existence of workplace regulations but failed to scrutinize how those policies operate in specific scenarios, such as staycations, where the risks of sexual harassment are heightened. The absence of case-oriented analysis limits the applicability of their findings to real workplace dynamics.¹⁹

Sanjaya (2023), on the other hand, explored staycation in the context of attempted sexual violence, offering insight into when an invitation could constitute a prosecutable offense. While valuable in clarifying the criminal threshold, this study did not examine the role of corporate actors in prevention or response. This narrow focus on criminal liability leaves unresolved questions about organizational accountability.²⁰

¹⁸ virginia Patrisia Viona Umboh, "Analisis Kasus Staycation Ditinjau Dari Undang-Undang Hukum Pidana," *Lex Privatum* 14, no. 2 (2024).

¹⁹ Ratna Pustika Kancana and Brandon Reginaldy, "Perlindungan Buruh Wanita Di Dalam Perusahaan Cikarang Bekasi," *Borneo Law Review* 8, no. 1 (2024): 68–76.

²⁰ Akbar Sanjaya, "Staycation Dikaitkan Dengan Percobaan Tindak Pidana Kekerasan Seksual," *Jurnal Hukum Dan HAM Wara Sains* 2, no. 11 (2023): 1024–31.

Thus, this research offers a novel contribution by providing a more holistic analysis, focusing not only on criminal law enforcement but also on how companies can implement preventive measures to foster a safe and harassment-free workplace. The research emphasizes the importance of a dualistic approach, both preventive and repressive, in addressing sexual harassment cases, an angle that has not been thoroughly explored in previous studies.

Based on the aforementioned gaps in existing research, this study seeks to address critical questions regarding how Indonesian criminal law is enforced in cases of workplace sexual harassment, particularly those involving the staycation modus operandi, and to what extent corporate actors fulfill their legal and ethical responsibilities in such cases. The objective of this study is to examine the legal response of Indonesian criminal law to quid pro quo sexual harassment involving staycation coercion, and to explore corporate strategies for prevention and enforcement in alignment with prevailing legal standards and ethical practices.

2. METHOD

This study is a normative legal research, which focuses on examining legal literature and secondary data as the foundation for analyzing the legal system, applicable norms, and relevant legal principles. According to Peter Mahmud Marzuki, normative legal research is essentially a process of finding legal rules, legal principles, and legal doctrines to provide answers to concrete legal problems.²¹ The objective of this research is to formulate legal arguments and concepts that can serve as prescriptive solutions to issues of quid pro quo sexual harassment in the workplace and corporate responsibility for sexual violence committed by employees.

This research applies two complementary approaches. First, the statute approach is employed because the central object of analysis is the normative framework regulating sexual violence and corporate liability. By reviewing the Law on Sexual Violence Crimes (UU TPKS), the Criminal Code, and labor law provisions, this approach enables a systematic examination of how positive law defines, prohibits, and regulates corporate accountability in cases of workplace harassment. Second, the case approach is adopted to analyze the practical application of these legal norms in real-life disputes. For instance, the ongoing AD case illustrates how courts interpret and enforce rules on sexual harassment, which is crucial for assessing the alignment between legislative intent and judicial practice. Together, these approaches allow for both doctrinal understanding and contextual evaluation of law enforcement.²²

The legal materials used are divided into three categories, each with specific relevance. Primary legal materials consist of binding sources such as statutory regulations (including the Criminal Code, UU TPKS, and Labor Law), jurisprudence, and relevant international treaties. These sources provide the authoritative basis for defining rights, obligations, and sanctions. Secondary legal materials include scholarly writings, expert opinions, previous studies, and peer-reviewed

²¹ Muhaimin Muhaimin, *Metode Penelitian Hukum* (Mataram University Press, 2020), 47.

²² Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Qiara Media, 2021), 58.

journals at both national and international levels, which are essential for interpreting primary sources and identifying doctrinal debates. Tertiary legal materials, such as legal dictionaries, encyclopedias, and bibliographies, serve a supportive role by clarifying terminology, guiding the use of concepts, and connecting the research with interdisciplinary insights from sociology, psychology, and management.²³

The collection of legal materials is carried out through library research, which involves searching for various related legal documents, both in print and digital form. The search is conducted by reading, quoting, and analyzing legal sources found in library books, scientific journals, official government websites, court decision databases, and other online media.²⁴

The legal materials collected are analyzed qualitatively through the stages of data reduction, data presentation, and conclusion drawing. Data reduction is done by selecting and simplifying relevant data, grouping them by theme, and organizing patterns of legal argumentation. Next, the reduced data is presented systematically to facilitate drawing prescriptive legal conclusions on the research issue. Conclusions are drawn to provide answers to the problem formulation and formulate suggestions or recommendations in accordance with the legal findings.²⁵

3. RESULTS AND DISCUSSION

3.1 Criminal Law Enforcement of Sexual Harassment in the Workplace

Sexual violence includes acts that degrade, humiliate, harass, or assault a person's body or reproductive function. Sexual violence occurs due to power imbalances or gender differences, and can cause both psychological and physical suffering, including negative impacts on a person's reproductive health and loss of opportunities for safe and optimal education.²⁶ The crime of sexual violence includes all acts that fulfil the elements of a criminal offence as regulated in the Law, as well as other acts of sexual violence as regulated in the applicable law.²⁷ First Legal substance. Sexual harassment cases in the workplace, such as the one experienced by AD through the “staycation” modus, reveal how power relations can be exploited to intimidate and pressure employees. Using Lawrence Friedman’s legal system theory, this issue can be seen as the result of gaps in three main aspects: substance, structure, and legal culture.²⁸ According to Friedman, the substance of law refers to the set of norms, rules, and legal products that determine whether law can be effectively carried out in practice. In the Indonesian context, the substance of

²³ Muhammad Siddiq Armia, *Penentuan Metode & Pendekatan Penelitian Hukum* (Lembaga Kajian Konstitusi Indonesia, 2022), 12.

²⁴ Sigit Supto Nugroho et al., *Metodologi Riset Hukum* (Oase Pustaka, 2020), 70.

²⁵ Andrew Fernando Pakpahan et al., *Metodologi Penelitian Ilmiah* (Yayasan Kita Menulis, 2021), 143.

²⁶ Ericha Veteriana, “Bentuk Kekerasan Seksual Berdasarkan Undang – Undang Tindak Pidana Nomor 12 Tahun 2022 Tentang Kekerasan Seksual,” *Virtue Jurisprudence* 1 No 1 (2023): 11.

²⁷ Asna Azizia Nikmah and Elisabeth Septin Puspoayu, “Sinkronisasi Peraturan Perundang-Undangan Tentang Kekerasan Seksual Pasca Lahirnya Undang-Undang No. 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual,” *Jurnal Novum*, 2023, 64.

²⁸ Merlin Swantamalo Magna and Seli Karisma, “Social Assistance Recipient Program Based on Lawrence M. Friedman’s Theory,” *Articles, Journal of Law, Politic and Humanities* 5, no. 4 (2025): 2984, <https://doi.org/10.38035/jlph.v5i4.1666>.

law reflects both codified regulations, such as the provisions in the Criminal Code (KUHP), the Sexual Violence Crime Law (UU TPKS), and the Labor Law, as well as living law that develops within society. The substance is not limited to statutes written in legislation, but also includes decisions, jurisprudence, and evolving social practices that shape how the law is understood and applied. The reliance of Indonesia on a Continental European legal tradition, heavily influenced by the Dutch system, has created challenges in adapting legal substance to local realities, especially in addressing new forms of sexual harassment in the workplace. Thus, while legal substance provides the framework for sanctioning misconduct, its effectiveness depends on the ability of the legal system to continuously revise and contextualize these rules to meet societal needs. Second is Legal Structure.

The second component, legal structure, refers to the institutions and enforcement mechanisms responsible for implementing the law. This includes the police, prosecutors, courts, and correctional agencies as stipulated in Indonesian law, particularly Law No. 8 of 1981 on Criminal Procedure. Friedman emphasizes that the strength of a legal system is determined not only by the existence of these structures but also by their professionalism, independence, and credibility. Even the most comprehensive legal rules will remain ineffective if not supported by competent and ethical law enforcement. In practice, weaknesses such as abuse of authority, lack of transparency, and procedural violations continue to undermine the enforcement of law in Indonesia. This indicates that a good legal structure requires more than formal institutions; it demands integrity, accountability, and coordination among all actors, so that the law can operate as more than a rigid blueprint. Third, Legal Culture. Finally, legal culture provides the social and moral foundation that animates both substance and structure. Friedman defines legal culture as the values, attitudes, and social beliefs that influence how law is perceived, used, or ignored by society. Without this cultural dimension, law becomes a mere set of static rules and institutions without movement. Legal culture consists of both situational culture, representing the attitudes of the general public toward law, and internal culture, representing the values of professionals within the legal system, such as judges, prosecutors, and lawyers. In Indonesia, persistent problems such as corruption, patriarchal norms, and public distrust toward legal institutions reflect weaknesses in legal culture. These cultural factors explain why victims of sexual harassment often hesitate to report, and why law enforcers sometimes fail to uphold impartial justice. Friedman, therefore, considers legal culture the most crucial element, as it determines whether law is internalized, respected, and effectively transformed into a living force within society.²⁹

In this case, the situation involving the staycation invitation extended to a female employee, identified as AD, by her manager illustrates a form of sexual harassment linked to power dynamics within the workplace. According to Alin Kokasih, AD's legal counsel, the manager's

²⁹ Yosep Copertino Apaut and Egiony Saunoh, "The Role of Legal Philosophy in Building a Fair and Just Legal System (Examining the Legal System in Lawrence M. Fiedman's Theory)," Articles, *Jurnal Restorasi: Hukum Dan Politik* 3, no. 2 (2025): 183.

initial invitation seemed innocuous, merely suggesting a casual meal. However, over time, these invitations became more frequent and crossed professional boundaries, gradually entering a more personal domain. The manager not only communicated these invitations verbally but also through WhatsApp messages, signaling a persistent and escalating effort to pressure the victim. The situation reached its peak when the manager sent a photo of a hotel, urging AD to join him for a staycation under the pretext of renewing her employment contract. This case reflects an abuse of power by the manager, who used his position to manipulate the victim's job security, particularly by threatening not to renew her contract as a means to coerce AD into accepting his unwanted advances. The power imbalance exerted psychological pressure on the victim, who felt unable to firmly reject the advances for fear of immediate repercussions on her job. The threat that AD's contract would not be renewed if she refused the staycation invitation further compounded the emotional strain and highlighted the element of intimidation in this case. As of now, AD continues to work, but there are indications that her contract will not be extended as retaliation for her rejection of the manager's advances.³⁰

Law enforcement, according to Satjipto Rahardjo, is the process of transforming legal desires into reality. This legal desire refers to ideas or thoughts formulated by lawmakers and then outlined in legal rules. Thus, law enforcement is not only limited to the application of regulations, but also reflects efforts to realise the goals and values contained in the law itself. This process involves law enforcement officials, ranging from police, prosecutors, to judges, who are tasked with ensuring that legal norms are applied fairly and effectively in society. Ultimately, law enforcement aims to maintain order, justice, and the protection of individual rights in society. In this context, law enforcement must be carried out consistently and thoroughly to provide justice for all parties, especially for victims of crime who need protection.³¹

The enforcement of legal protection for victims of sexual violence is a crucial step in ensuring the fulfillment of victims' rights. As a state governed by the rule of law, Indonesia bears the responsibility as a duty holder to safeguard human rights. This responsibility is embodied in the state's obligation to respect, protect, and fulfill the human rights of its citizens, including the right to protection from violence. One of the key methods of achieving this protection is through legal mechanisms designed to shield victims of sexual crimes, whether these occur in physical or digital spaces. According to Lawrence M. Friedman's theory of the legal system, comprehensive legal protection for victims of sexual violence requires the establishment of an effective legal system, encompassing legal substance, legal structure, and legal culture. The legal substance must provide clear, robust laws that criminalize sexual violence and provide victims with access

³⁰ "Kronologi Bos Ajak Staycation Karyawan AD, Bermula Dari Makan Siang," *CNN Indonesia* (Jakarta), September 5, 2023, <https://www.cnnindonesia.com/nasional/20230509103846-20-947084/kronologi-bos-ajak-staycation-karyawan-ad-bermula-dari-makan-siang>.

³¹ Rai Iqsandri, "Pengaruh Politik Terhadap Proses Penegakan Hukum Di Indonesia," *Journal of Criminology and Justice* 2, no. 1 (2022): 2.

to justice. The legal structure, involving law enforcement agencies and the judiciary, must be equipped to effectively implement these laws, ensuring that perpetrators are held accountable. Furthermore, legal culture, which reflects societal attitudes and behaviors toward sexual violence, must foster an environment that supports victims and discourages any form of victim-blaming or stigmatization. In the context of cases such as the staycation incident, where a superior uses his authority to coerce a subordinate into unwanted sexual advances, the role of law enforcement becomes even more critical.³²

In the case of sexual harassment experienced by AD employees in staycation mode, there are several articles from various laws in Indonesia that can be used as a legal basis to uphold justice. Here are some of the relevant articles: a) Article 5 of the TPKS Law. In Article 5 of the TPKS Law 'Every person who commits non-physical sexual acts aimed at the body, sexual desires, and/or reproductive organs with the intention of degrading the dignity of a person based on his/her 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).'³³ This Article affirms the universal prohibition of all forms of sexual violence, which includes not only physical acts but also psychological, social, and economic behaviours.³⁴ As such, it expands the definition of sexual violence to include acts that can emotionally harm individuals, such as intimidation or threats³⁵, as well as behaviours that can damage a victim's reputation and financial stability, such as threats of termination of employment contracts.³⁶ This reflects the legislation's understanding of the complexity and diverse forms of sexual violence that can be experienced by individuals, thus providing more comprehensive protection. In the context of the AD employee's case, the perpetrator's actions, inviting the victim to go on a staycation accompanied by the threat of not renewing the employment contract, can be categorised as a form of sexual violence that is degrading and causes psychological harm to the victim. This action creates an atmosphere of intimidation, where the victim feels pressured to choose between following an uncomfortable invitation or facing negative consequences for her career. This is a form of sexual violence characterized by both psychological and economic elements. The perpetrator's actions not only risk degrading the victim's dignity as an individual but also place her in an uncomfortable and pressurized situation where she must choose between responding to the invitation or facing negative career consequences. The direct threats made by

³² Eko Nurisman, "Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022," *Jurnal Pembangunan Hukum Indonesia* 4, no. 2 (2022): 183.

³³ M. Chaerul Risal, "Perlindungan Hukum Terhadap Korban Kekerasan Seksual Pasca Pengesahan Undang-Undang Tindak Pidana Kekerasan Seksual : Penerapan Dan Efektivitas," Article, *Al Daulah : Jurnal Hukum Pidana Dan Ketatanegaraan* 1, no. 2 (2022): 87, <https://doi.org/10.24252/ad.v1i2.34207>.

³⁴ Siti Nurahlin, "Perlindungan Hukum Terhadap Korban Pelecehan Seksual Secara Verbal (Catcalling) Dalam Undang-Undang Tindak Pidana Kekerasan Seksual: Pelecehan Seksual Secara Verbal (Catcalling) Dalam Undang-Undang Tindak Pidana Kekerasan Seksual," *Articles, Jatiswara* 37, no. 3 (2022): 319, <https://doi.org/10.29303/jtsw.v37i3.425>.

³⁵ Sigrun Sigurdardottir and Sigrídur Halldórsdóttir, "Persistent Suffering: The Serious Consequences of Sexual Violence against Women and Girls, Their Search for Inner Healing and the Significance of the #MeToo Movement," *International Journal of Environmental Research and Public Health* 18, no. 4 (2021): 4, <https://doi.org/10.3390/ijerph18041849>.

³⁶ Magi Otsri, "Non-Sexist Sexual Humor as Quid Pro Quo Sexual Harassment," *Sexuality & Culture* 24, no. 1 (2020): 96, <https://doi.org/10.1007/s12119-019-09627-1>.

the perpetrator create an intimidating environment, potentially leading to stress, anxiety, and uncertainty in the workplace. The victim feels trapped in a scenario that no professional should have to confront; b) Article 6 c of the TPKS Law. Article 6 part (c) states that ‘Every person who abuses position, authority, trust, or influence arising from deceit or a relationship of circumstances or takes advantage of a person's vulnerability, inequality, or dependence, forces or by misleading the person to commit or allow to commit copulation or obscene acts with him or with another person, shall be punished with a maximum imprisonment of 12 (twelve) years and/or a maximum fine of Rp300,000,000.00 (three hundred million rupiah).’³⁷ Article 6(c) of the Law on Sexual Violence Crimes (UU TPKS) serves as a significant legal provision aimed at curbing the exploitation of power dynamics that often underlie instances of sexual violence. This article explicitly states that any individual who abuses their position, authority, trust, or influence, arising from deceitful circumstances or a relational imbalance, can face severe legal consequences. The formulation of this clause underscores the recognition by Indonesian law of the multifaceted nature of sexual violence, particularly within contexts where power disparities exist. This includes relationships such as those between superiors and subordinates, teachers and students, or other situations where one party holds greater social, economic, or institutional power.³⁸

The language of the article emphasizes the notion of "vulnerability," which acknowledges that victims may be at a disadvantage due to their circumstances. The law thus takes into account not only the physical aspects of sexual violence but also the psychological, social, and economic pressures that can compel individuals to engage in sexual acts against their will. This broader understanding is essential in contemporary discussions of consent, which must consider the inherent inequalities that can impede genuine voluntary agreement.³⁹ In terms of legal repercussions, Article 6(c) imposes stringent penalties for violations, including a maximum imprisonment of twelve years and/or a substantial fine of Rp300,000,000 (three hundred million rupiah). This dual punitive approach serves multiple functions: it acts as a deterrent to potential offenders, indicating that society will not tolerate the exploitation of individuals in vulnerable positions, while also providing a measure of justice for victims who have suffered as a result of such abuses. The case involving employee AD illustrates the practical application of this provision. The perpetrator, a managerial figure, initiated a deceptive invitation for a staycation, which ostensibly masked his true intentions. His actions escalated from casual invitations to direct threats regarding AD's job security, specifically indicating that her refusal would lead to the non-renewal of her employment contract. This behavior exemplifies a blatant misuse of his

³⁷ Masriah et al., “Analisis Kerentanan Antara Hubungan Pelaku Dan Korban Kekerasan Seksual Pada Anak Dalam Perspektif HAM,” *Das Sollen: Jurnal Kajian Kontemporer Hukum Dan Masyarakat* 1, no. 1 (2022): 20.

³⁸ Siti Mariyam And Adhi Putra Satria, “Fenomena Tidur Bersama Bos: Potret Dominasi Pria Di Tempat Kerja,” *GANEC SWARA* 17, no. 2 (2023): 647, <https://doi.org/10.35327/gara.v17i2.468>.

³⁹ Sri Fadliati and Sukiati Sukiati, “Eksplorasi Pekerja Perempuan Melalui Modus Staycation Dalam Perpanjangan Kontrak Kerja,” *Al-Adalah: Jurnal Hukum Dan Politik Islam; Vol 8, No 2 (2023)*, ahead of print, 2023, 241, <https://doi.org/10.30863/ajmpi.v8i2.5476>.

authoritative position to manipulate and coerce AD, thereby fulfilling the criteria established in Article 6(c). By leveraging his power, the perpetrator not only created an intimidating atmosphere but also directly impacted AD's economic stability and psychological well-being. The article's provisions thus offer a clear legal framework for addressing such misconduct, reinforcing the notion that exploitation of authority for sexual purposes is unequivocally punishable under Indonesian law. This case demonstrates the practical relevance of Article 6(c) in fostering a safer work environment and promoting accountability for those who engage in predatory behavior; c) Article 12 of the TPKS Law. Any person who by violence or threat of violence or by abuse of position, authority, trust, inducement arising from deception or a relationship of circumstances, vulnerability, inequality, helplessness, dependence of a person, debt bondage or giving payment or benefit with intent to gain, or making use of the sexual organs or other organs of the person directed against sexual desire with him/her or with another person, shall be punished for sexual exploitation, with imprisonment of 15 (fifteen) years and/or a maximum fine of Rp, 1,000,000,000.00 (one billion rupiah).⁴⁰

3.2 Corporate Responsibilities in Sexual Harassment Cases

In addressing Corporate Legal Obligations in Sexual Harassment Cases, one critical factor is the company's responsibility in handling such incidents, particularly in scenarios involving supervisors. Research indicates that a harasser's organizational role, especially when the perpetrator is in a supervisory position, significantly influences a victim's decision to report the incident. Victims are more likely to file claims when the harasser is their direct supervisor, which might be explained by the power dynamics and authority within the organizational structure. In the hospitality industry, for example, supervisors often emerge as primary sources of sexual harassment claims, not necessarily due to higher incidences of misconduct but because victims perceive supervisors as having more control or influence over their work environment. Furthermore, employers can be held exclusively liable for sexual harassment perpetrated by supervisors, regardless of whether the employer had prior knowledge of the incident. This indicates that companies must implement robust preventive measures to mitigate the risk of such incidents and the subsequent legal ramifications. Conversely, when a coworker is the harasser, victims may be more willing to consider mitigating factors, possibly perceiving the incident as less directly tied to the company's structural failings.⁴¹

Building on the previous discussion of corporate responsibility, it is essential to explore the broader implications of how sexual harassment and violence within corporations are addressed, particularly through the lens of Corporate Social Responsibility (CSR) and human rights frameworks. Recent studies have highlighted the need for empirical research focusing on how sexual harassment and violence affect different demographic groups at various points within the

⁴⁰ Rizki Setyobowo Sangalang, "Perlindungan Hukum Terhadap Korban Tindak Pidana Kekerasan Seksual Dalam Lingkungan Pendidikan," *Jurnal Ilmu Hukum Tambun Bungai* 7, no. 2 (2022): 185, <https://doi.org/10.61394/jihtb.v7i2.230>.

⁴¹ JeAnna L. Abbott et al., "Attributing Corporate Responsibility for Sexual Harassment: The Supervisory Connection," *Cornell Hospitality Quarterly* 55, no. 4 (2014): 384, <https://doi.org/10.1177/1938965513511145>.

corporate value chain. CSR initiatives play a pivotal role in shaping how corporations handle sexual harassment and sexual violence issues, yet there is often a gap in their practical application. The United Nations Guiding Principles (UNGPs) on Business and Human Rights provide a framework for corporations to address human rights violations, including sexual misconduct. However, further research is needed to understand how these principles can be applied effectively across different sectors and regions. Applying a human rights lens to gender and CSR scholarship offers an opportunity to move beyond individualized remedies toward a more class-based or systemic approach to addressing sexual harassment. This would involve re-evaluating how corporations can radically transform their policies and practices to tackle the root causes of sexual violence and harassment, aligning with the broader goals of gender equality and social justice. By doing so, companies can ensure they are not only protecting individual victims but also addressing the underlying power dynamics and inequalities that allow such misconduct to persist.⁴²

Research from countries like Malaysia underscores the persistent gaps in legal frameworks and organizational policies, which often leave victims vulnerable and without adequate recourse. In many cases, victims resort to passive coping mechanisms due to the fear of retaliation, job loss, or reputational damage, compounded by a lack of active support from their employers. This underlines the importance of companies taking a proactive stance, not only by implementing comprehensive anti-harassment policies but also by fostering a workplace culture that encourages reporting and ensures swift, fair action is taken. Organizational involvement is crucial in empowering employees to adopt active coping strategies, thereby reducing the detrimental effects of harassment, such as absenteeism, turnover, depression, and humiliation. Ultimately, the battle against workplace sexual harassment calls for a collaborative effort between legal, organizational, and societal entities, ensuring that the workplace is a safe and supportive environment for all individuals, regardless of gender or position.⁴³

Legal protection is an effort to protect legal subjects from possible violations or abuse of rights. Its main purpose is to ensure justice, order, certainty, benefit, and peace in the work environment. This concept also includes protection for workers, especially women, from violence or sexual harassment. As implemented by PT. Semarang Garment, which specifically regulates protection for female workers, legal protection in this context is aimed at creating a safe work environment, maintaining the dignity of workers, and ensuring gender equality.⁴⁴ Protection from sexual harassment in the workplace is a fundamental right for every worker/laborer. Based on Law Number 13 of 2003 concerning Manpower, workers have the

⁴² Kate Grosser and Meagan Tyler, "Sexual Harassment, Sexual Violence and CSR: Radical Feminist Theory and a Human Rights Perspective," *Journal of Business Ethics* 177, no. 2 (2022): 230, <https://doi.org/10.1007/s10551-020-04724-w>.

⁴³ Malvin Ping Chieng Tan et al., "The Importance of Organizational Climate for Psychosocial Safety in the Prevention of Sexual Harassment at Work," *Journal of Occupational Health* 62, no. 1 (2020): 8.

⁴⁴ Irfan Rizky Hutomo et al., "Perlindungan Hukum Bagi Pekerja Perempuan Terhadap Kekerasan Seksual Di PT. Semarang Garment Kabupaten Semarang," *JPeHI (Jurnal Penelitian Hukum Indonesia)* 6, no. 01 (2025): 139, <https://doi.org/10.61689/jpehi.v6i01.765>.

right to protection from all forms of violence and sexual harassment in the workplace. This norm requires companies to create a safe working environment by developing clear policies, reporting mechanisms, and prevention procedures.⁴⁵ Furthermore, this regulation is reinforced by Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), which explicitly affirms the responsibility of corporations in preventing, handling, and following up on cases of violence or sexual harassment in the workplace.⁴⁶

This obligation is further reinforced by international provisions, particularly ILO Convention No. 190 on Violence and Harassment in the World of Work and Recommendation No. 206, which provide comprehensive guidelines on the measures that must be taken by states and corporate entities. In terms of prevention, Article 10 of ILO Convention No. 190 stipulates the obligation to monitor and enforce laws related to harassment in the world of work and to ensure access to safe and fair complaint mechanisms. This is in line with the obligation of companies to develop clear internal policies, effective complaint procedures, and protection from retaliation. Recommendation No. 206 emphasizes the need for gender-responsive complaint mechanisms, including the provision of support services such as a 24-hour hotline, crisis centers, access to counseling, and legal assistance. Thus, the implementation of preventive measures cannot be understood merely as a company administrative policy, but as a concrete manifestation of the implementation of binding international legal obligations. Meanwhile, in the repressive dimension, ILO Convention No. 190 emphasizes the importance of imposing adequate sanctions on perpetrators of sexual harassment in the workplace and guaranteeing the privacy and confidentiality of victims. Recommendation No. 206 adds that victim recovery must include appropriate compensation, medical and psychological support, and guarantees of returning to work without discrimination. This confirms that companies must not cover up cases of harassment, but must ensure that there are transparent, fair, and victim-oriented investigation mechanisms in place. Failure by companies to carry out their repressive function not only gives rise to civil and criminal liability but also places companies in a position of violating universally recognized international standards. By integrating national legal provisions and international standards, it is clear that corporate responsibility in dealing with sexual harassment does not stop at the formulation of internal policies, but must be realized through a legal system that guarantees access to justice, recovery, and the protection of human rights. This approach demonstrates that efforts to prevent and address sexual harassment in the workplace are an integral part of the corporate obligation to respect, protect, and fulfill the rights of workers as affirmed in the principles of Business and Human Rights.⁴⁷

⁴⁵ Nikmah Dalimunthe and Muhammad Da'i Dermawan, "Perlindungan Hukum Terhadap Pekerja Buruh Korban Pelecehan Seksual Di Tempat Kerja," *Articles, Innovative: Journal Of Social Science Research* 4, no. 4 (2024): 6, <https://doi.org/10.31004/innovative.v4i4.13621>.

⁴⁶ Umboh, "Analisis Kasus Staycation Ditinjau Dari Undang-Undang Hukum Pidana," 7.

⁴⁷ Bunga Revina Palit et al., "Perlindungan Hukum Terhadap Tindak Kekerasan Dan Pelecehan Seksual Di Dunia Kerja Berdasarkan Konvensi ILO No. 190 Tahun 2019," *LEx Administratum* 9, no. 7 (2021): 72.

The prevention of sexual violence in industrial relations cannot be separated from its legal basis. Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law) defines prevention as any action or effort taken to eliminate the factors that cause sexual violence and prevent its recurrence.⁴⁸ This definition indicates that prevention must be understood broadly, not only as a normative prohibition, but also as systematic measures that can be internalized by various places where such crimes are likely to occur, particularly in this case by companies. Thus, every internal company policy, procedure, and protection mechanism designed by a company is a direct manifestation of the mandate of the TPKS Law.⁴⁹

Creating robust and explicit anti-harassment policies is not only a managerial best practice but also a legal obligation under Indonesian law. This is reflected in Article 79, paragraph 4, letter b of Law Number 12 of 2022 concerning Sexual Violence Crimes, which explicitly stipulates that the prevention of sexual violence crimes must be carried out not only in social institutions and educational units, but also in other places where sexual violence crimes are likely to occur. The workplace, as one of the vulnerable social interaction spaces, falls into this category. Thus, anti-harassment policies in the corporate environment are not only an internal commitment of the company to maintain a healthy work culture, but also part of fulfilling legal obligations within the framework of human rights protection and the prevention of sexual violence.⁵⁰

These policies must be detailed and accessible, ensuring that every employee understands what constitutes harassment, the consequences of such actions, and the process for reporting incidents. A well-designed anti-harassment policy is essential for fostering a safe and respectful workplace and should encompass several critical elements.⁵¹ First, it must provide clear definitions and examples of various forms of harassment, including verbal, non-verbal, physical, and online harassment. By including specific examples, the policy eliminates ambiguity and ensures that employees fully understand the range of behaviors that can be classified as harassment.⁵² Second, the policy should outline comprehensive reporting procedures, offering multiple channels for employees to report incidents, whether to their immediate supervisors, human resources, or via anonymous hotlines. It is crucial that the policy guarantees confidentiality and protection from retaliation, thereby encouraging victims and witnesses to come forward without

⁴⁸ Muhammad Haris et al., "Pencegahan Dan Penanganan Kekerasan Seksual Di Universitas Syiah Kuala," Artikel, *Jurnal Edu Aksara* 2, no. 1 (2023): 44, <https://doi.org/10.5281/zenodo.8115167>.

⁴⁹ Nadhira Diva Saraswati and Pan Lindawaty Suherman Sewu, "Arah Pengaturan Hukum Pencegahan Dan Penanganan Kekerasan Seksual Di Kampus Menurut Peraturan Menteri Pendidikan, Kebudayaan, Riset, Dan Teknologi Nomor 30 Tahun 2021 Tentang Pencegahan Dan Penanganan Kekerasan Seksual Di Lingkungan Perguruan Tinggi," *Jurnal Hukum Mimbar Justitia* 8, no. 1 (2022): 120, <https://doi.org/10.35194/jhmj.v8i1.2464>.

⁵⁰ Hafrida Hafrida et al., "Pencegahan Kekerasan Seksual Melalui Sosialisasi Permendikbudristek Nomor 46 Tahun 2023 Tentang PPKS Di Lingkungan SLTA Kabupaten Muaro Jambi," Articles, *Jurnal Pengembangan Budaya Hukum* 1, no. 1 (2024): 40, <https://doi.org/10.22437/jphk.v1i1.38957>.

⁵¹ Bahaudin G Mujtaba and Jasmine Kuzak, "Creating an Anti-Harassment Policy for Workplace Sexual Discrimination," *Journal of Human Resource and Sustainability Studies* 11, no. 1 (2023): 55.

⁵² Preeti Agrawat et al., "Sexual Harassment At Workplace: A Study On The Policies And Preventive Measures," *Russian Law Journal* 11, no. 2S (2023): 273.

fear.⁵³ Third, the policy must clearly state the consequences for perpetrators, which could range from warnings to termination, establishing a transparent system of repercussions that fosters a culture of accountability and fairness.⁵⁴

Guidance, training, and awareness-raising are important tools in efforts to prevent violence and harassment in the world of work. This is in line with Article 11 of ILO Convention No. 190, which requires each member state to incorporate aspects of violence and harassment into relevant national policies and to provide guidelines, training, and resources for employers, workers, and relevant authorities. In fact, through Recommendation No. 206, this convention emphasizes the importance of public campaigns, the development of gender-responsive curricula, and the provision of training for law enforcement officials and public officials. These provisions indicate that prevention efforts are not only the responsibility of the state, but must also be implemented at the corporate level as part of the normative obligation to create a safe, healthy, and violence- and harassment-free workplace.⁵⁵

Regular training and awareness programs are essential to fostering an informed and vigilant workforce that can identify, prevent, and address sexual harassment in the workplace.⁵⁶ Such programs should be designed to target both employees and management, offering practical guidance on recognizing harassment and dealing with it effectively.^{57 58} Key elements of successful training programs are pivotal in preventing workplace harassment and must incorporate several key elements to be effective.⁵⁹ First and foremost, companies should mandate participation in harassment prevention training for all employees and managers. This ensures that everyone in the organization is equipped with the necessary knowledge to recognize what constitutes harassment and understand how to respond appropriately.⁶⁰ Additionally, interactive workshops and seminars are essential, as they provide employees with real-life scenarios and role-playing exercises that allow them to practice responses to potential harassment situations.

⁵³ Frank Dobbin and Alexandra Kalev, "The Promise and Peril of Sexual Harassment Programs," *Proceedings of the National Academy of Sciences* 116, no. 25 (2019): 12255.

⁵⁴ Joni Hersch, "Efficient Deterrence of Workplace Sexual Harassment," *U. Chi. Legal F.*, HeinOnline, 2019, 156.

⁵⁵ Palit et al., "Perlindungan Hukum Terhadap Tindak Kekerasan Dan Pelecehan Seksual Di Dunia Kerja Berdasarkan Konvensi ILO No. 190 Tahun 2019," 73.

⁵⁶ Marika A. Pitot et al., "The Current State of Gender Discrimination and Sexual Harassment in the Radiology Workplace: A Survey," *Academic Radiology* 29, no. 3 (2022): 423, <https://doi.org/10.1016/j.acra.2021.01.002>.

⁵⁷ Lilia M. Cortina and Maira A. Areguin, "Putting People Down and Pushing Them Out: Sexual Harassment in the Workplace," in *Annual Review of Organizational Psychology and Organizational Behavior*, no. Volume 8, 2021, Annual Reviews, 2021, 8:298, <https://doi.org/10.1146/annurev-orgpsych-012420-055606>.

⁵⁸ Gabriela N. Mujal et al., "A Systematic Review of Bystander Interventions for the Prevention of Sexual Violence," *Trauma, Violence, & Abuse* 22, no. 2 (2021): 2, <https://doi.org/10.1177/1524838019849587>.

⁵⁹ Kathrina Robotham and Lilia Cortina, "Promoting Respect as a Solution to Workplace Harassment," *Equality, Diversity and Inclusion: An International Journal* 40, no. 4 (2021): 416, <https://doi.org/10.1108/EDI-04-2019-0137>.

⁶⁰ Mark V Roehling et al., "The Effects of Sexual Harassment Training on Proximal and Transfer Training Outcomes: A Meta-analytic Investigation," *Personnel Psychology* 75, no. 1 (2022): 5.

These sessions can include education on recognizing subtle signs of harassment, the legal ramifications of such behavior, and the critical role of bystander intervention.⁶¹

Importantly, training and awareness initiatives should be ongoing rather than one-time events. Periodic refresher courses reinforce knowledge and keep employees informed of any policy updates.⁶² To ensure the effectiveness of these programs, organizations should regularly evaluate their training efforts through surveys or audits, allowing them to assess whether the programs are meeting their intended goals. This continuous commitment to training not only educates employees but also reinforces the organization's dedication to maintaining a safe and respectful workplace environment.⁶³

Protection for victims of violence and harassment in the workplace is a legal obligation, not merely a managerial practice. Article 10 of ILO Convention No. 190 explicitly requires member states to ensure the existence of safe, fair, and effective reporting and dispute resolution mechanisms, including workplace complaint procedures, out-of-workplace mechanisms, and court channels, with guarantees of protection against retaliation and legal, social, medical, and psychological support for victims. This provision is reinforced by Recommendation No. 206, which emphasizes the importance of gender-responsive access to complaints, maintaining confidentiality, and providing recovery services for victims.⁶⁴

Establishing a safe, accessible, and confidential reporting mechanism is crucial for ensuring that victims and witnesses feel empowered to report incidents of harassment.⁶⁵ Without such mechanisms, employees may fear retaliation or dismissal, resulting in unreported cases and continued harassment. Effective reporting mechanisms are essential for creating a safe and supportive workplace where employees feel empowered to report harassment.⁶⁶ One critical aspect is the provision of multiple reporting channels. Companies should offer various options for employees to report harassment, including direct reporting to supervisors, human resources, or independent third-party platforms.⁶⁷ This diversity in reporting methods ensures that

⁶¹ David Desplaces and John Ogilvie, "Scenario-Based Training for Sexual Harassment Prevention," *Journal of Behavioral and Applied Management* 20, no. 2 (2020): 3.

⁶² Jennifer J. Freyd and Alec M. Smidt, "So You Want to Address Sexual Harassment and Assault in Your Organization? Training Is Not Enough; Education Is Necessary," *Journal of Trauma & Dissociation* 20, no. 5 (2019): 490, <https://doi.org/10.1080/15299732.2019.1663475>.

⁶³ Shawn Meghan Burn, "The Psychology of Sexual Harassment," *Teaching of Psychology* 46, no. 1 (2019): 99, <https://doi.org/10.1177/0098628318816183>.

⁶⁴ Palit et al., "Perlindungan Hukum Terhadap Tindak Kekerasan Dan Pelecehan Seksual Di Dunia Kerja Berdasarkan Konvensi ILO No. 190 Tahun 2019," 73.

⁶⁵ Woldegebriel Gebregziabher Kahsay et al., "Sexual Harassment against Female Nurses: A Systematic Review," *BMC Nursing* 19, no. 1 (2020): 2, <https://doi.org/10.1186/s12912-020-00450-w>.

⁶⁶ Anne Catherine Kirkner et al., "Faculty and Staff Reporting & Disclosure of Sexual Harassment in Higher Education," *Gender and Education* 34, no. 2 (2022): 201, <https://doi.org/10.1080/09540253.2020.1763923>.

⁶⁷ Chunyan Song et al., "Frequency and Barriers of Reporting Workplace Violence in Nurses: An Online Survey in China," *International Journal of Nursing Sciences* 8, no. 1 (2021): 67, <https://doi.org/10.1016/j.ijnss.2020.11.006>.

employees can select the avenue that they feel most comfortable with, fostering an environment where reporting is more likely.⁶⁸

Another important component is the implementation of anonymous reporting options. Many victims may hesitate to report harassment due to fear of retaliation or damage to their careers. By offering secure online platforms or confidential hotlines for anonymous reporting, companies can encourage more individuals to come forward without the worry of disclosing their identities. This proactive approach not only helps in addressing incidents of harassment but also signals to employees that the organization takes these matters seriously.⁶⁹

To further bolster reporting efforts, companies should establish a non-retaliation policy.^{70 71} This policy must ensure that employees who report harassment or participate in investigations will not suffer negative consequences, such as demotion, reassignment, or dismissal.⁷² Knowing that they are protected from retaliation can significantly increase employees' willingness to report incidents, contributing to a more transparent organizational culture.⁷³ Additionally, clear and consistent investigation procedures are vital. Organizations must outline transparent processes for investigating harassment claims, detailing timelines for initiating investigations, methods for gathering evidence, and communication protocols with the complainant.⁷⁴ A well-defined process not only ensures fairness but also builds trust within the organization, as employees are more likely to engage with a system they believe is equitable.⁷⁵ Finally, companies should establish support systems for victims. Beyond the reporting mechanisms, it is crucial to provide emotional and professional assistance to victims of harassment.⁷⁶ This could include access to counseling services, temporary job reassignment, or legal assistance. By offering comprehensive support, organizations can help mitigate the trauma associated with harassment and demonstrate their commitment to the wellbeing of their employees. Together, these elements create a robust

⁶⁸ Rahul Sambaraju, "I Would Have Taken This to My Grave, like Most Women': Reporting Sexual Harassment during The# MeToo Movement in India," *Journal of Social Issues* 76, no. 3 (2020): 13.

⁶⁹ Beata Babiarczyk et al., "Reporting of Workplace Violence towards Nurses in 5 European Countries—a Cross-Sectional Study," *International Journal of Occupational Medicine and Environmental Health* 33, no. 3 (2020): 330.

⁷⁰ Arianna L. Gianakos et al., "Bullying, Discrimination, Harassment, Sexual Harassment, and the Fear of Retaliation During Surgical Residency Training: A Systematic Review," *World Journal of Surgery* 46, no. 7 (2022): 1587–99, <https://doi.org/10.1007/s00268-021-06432-6>.

⁷¹ Dobbin and Kalev, "The Promise and Peril of Sexual Harassment Programs," 49.

⁷² Patricia Melgar Alcantud et al., "Fear to Retaliation: The Most Frequent Reason for Not Helping Victims of Gender Violence," *RIMCIS: Revista Internacional Y Multidisciplinar En Ciencias Sociales* 10, no. 2 (2021): 44.

⁷³ Holly A. Russell et al., "Am I Making More of It Than I Should?": Reporting and Responding to Sexual Harassment," *Family Medicine* 53, no. 6 (2021): 414, <https://doi.org/10.22454/FamMed.2021.808187>.

⁷⁴ Caren B. Goldberg et al., "The Direct and Indirect Effects of Organizational Tolerance for Sexual Harassment on the Effectiveness of Sexual Harassment Investigation Training for HR Managers," *Human Resource Development Quarterly* 30, no. 1 (2019): 84, <https://doi.org/10.1002/hrdq.21329>.

⁷⁵ Charanjit S. Rihal et al., "Addressing Sexual Harassment in the #MeToo Era: An Institutional Approach," *Mayo Clinic Proceedings* 95, no. 4 (2020): 755, <https://doi.org/10.1016/j.mayocp.2019.12.021>.

⁷⁶ Pamela Wadsworth et al., "Occupational Well-Being in Sexual Assault Victims and Survivors," *Journal of Holistic Nursing* 38, no. 2 (2020): 7, <https://doi.org/10.1177/0898010119863537>.

framework for addressing harassment, promoting a culture of respect, and ensuring that all employees feel safe and supported in their workplace.⁷⁷

4. CONCLUSION

This research highlights that workplace sexual harassment, such as the case of the staycation modus, demonstrates how power imbalances are exploited within organizational structures, leading to psychological and economic harm for victims. Using Friedman's theory of the legal system, this study shows that weaknesses in legal substance, structure, and culture hinder effective law enforcement and victim protection. Furthermore, the findings affirm that corporations are not only bound by managerial responsibilities but also by binding legal obligations under Indonesian law (UU TPKS, Labor Law) and international standards (ILO Convention No. 190 and Recommendation No. 206). The scientific contribution of this study lies in expanding the discourse on the intersection between criminal law and corporate governance in addressing sexual harassment in the workplace. It provides a normative framework that integrates national and international legal obligations with corporate policies, thereby offering a more holistic understanding of corporate liability in sexual harassment cases. This contribution strengthens the theoretical linkage between legal system theory and corporate governance practices, showing how legal culture and organizational culture mutually influence the effectiveness of law enforcement. This research recommends that Indonesian law must be continuously revised to address new forms of workplace harassment, while corporations are obliged to adopt explicit, accessible, and confidential anti-harassment mechanisms as a matter of compliance with both domestic and international law. Legal enforcement agencies must enhance professionalism and integrity to ensure victims' rights are upheld, while corporations must embed harassment prevention into their governance frameworks as part of their human rights obligations. By doing so, both the state and corporations will fulfill their shared responsibility in ensuring a safe, just, and dignified work environment.

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⁷⁷ Ramón Flecha, "Second-Order Sexual Harassment: Violence Against the Silence Breakers Who Support the Victims," *Violence Against Women* 27, no. 11 (2021): 1982, <https://doi.org/10.1177/1077801220975495>.

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