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LEGAL CERTAINTY IN PROVING VERBAL SEXUAL HARASSMENT CASES: A JURIDICAL ANALYSIS OF CRIMINAL JUSTICE SYSTEM IN INDONESIA

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ABSTRACT

This study explored the importance of legal certainty in addressing verbal sexual harassment and evaluating material and formal evidence of legal framework in Indonesia. The analysis also showed the need for clear and explicit laws, efficient enforcement, as well as appropriate penalties to ensure a safe and respectful environment while upholding individual rights or dignity. Focusing on the legal challenges of proving verbal sexual harassment, this socio-legal study used statutory, legal concepts, and comparative analysis to examine international as well as national laws on sexual harassment. The analysis signified the necessity of protecting fundamental rights such as freedom from discrimination and sexual harassment while addressing evidentiary challenges as well as advocating for clear legal guidelines. By analysing laws from Indonesia, India, and New Zealand, the study showed the role of technology and written records in strengthening legal certainty in verbal sexual abuse cases. Finally, the findings aimed to improve legal understanding or provide practical solutions that benefit both victims and authorities in Indonesia.

Keywords: Legal certainty, verbal sexual harassment, evidentiary challenges, fundamental rights.

INTRODUCTION

Human rights are inherent and diverse, belonging to all human beings. The rights include fundamental entitlements and freedoms, regardless of nationality, ethnicity, gender, or other characteristics (Upadhyay et al., 2021, Yang et al., 2021). These rights include the right to life, personal freedom, equitable treatment, freedom of expression, as well as protection from discrimination and torture. Every individual has the right to live free from prejudice, including discrimination in the form of sexual harassment. In addition to this discussion, human rights cover a broad spectrum of issues. Emily Shaw and colleagues stress the significance of sustainable healthcare and planetary health (Shaw et al., 2021). This study showed the moral responsibility of healthcare practitioners to advocate for environmental, social, and economic reforms that promote justice, combat discrimination, as well as ensure equitable access to healthcare. Human rights safeguard individuals from discrimination and uphold their dignity, including the right to be free from sexual harassment (Previtali et al., 2020 and Završnik, 2020). Additionally, sexual harassment violates the right to safety, autonomy, and fairness of an individual, which is essential to improve environments that reject such behaviour and provide support for survivors.

Human beings possess inherent fundamental rights that deserve recognition, respect, and protection. Human rights are essential freedoms fundamental to every individual, regardless of nationality, race, gender, or other characteristics (Domínguez & Luoma, 2020). The rights provide a moral and legal framework rooted in the principles of equality, dignity, as well as non-discrimination to safeguard well-being and autonomy. These rights included a wide range of civil, political, economic, social, and cultural freedoms, forming the foundation for equality, justice, and respect for all (Atal et al., 2024; Lomas & Xue, 2022; Mayblin et al., 2020; Rodrigues, 2020).

Respecting and protecting basic human rights includes ensuring security from discrimination as well as verbal sexual harassment. Prioritising human rights enables the establishment of ethical principles and regulatory frameworks to effectively address the risks or challenges associated with such discrimination. This method also helps create a legal framework that benefits both individuals and society (Brar & Dutta, 2015; Goering et al., 2021). Eliminating discrimination and verbal sexual harassment is a fundamental responsibility of every country in ensuring legal certainty as well as upholding human dignity. Moreover, eradicating sexual harassment is essential for improving a respectful, inclusive environment where individuals feel secure, valued, and free from harassment or discrimination. Proactive measures are necessary, including enforcing strong regulations, conducting awareness campaigns, providing training programs, and promoting a culture of gender equality with zero tolerance for harassment (Russen et al., 2024; Timilsina et al., 2024).

Despite legal advancements, verbal sexual harassment remains prevalent, particularly in the workplace. Amit Timilsina and colleagues reported that young visually impaired women experienced sexual harassment from male healthcare workers, significantly impacting their willingness to get medical treatment (Timilsina et al., 2024). These findings showed the need for anti-sexual harassment legislation and societal shifts in attitudes or behaviour from a legal standpoint. Creating a secure and respectful environment for young women in society is essential. Human rights provide a framework to protect individuals from sexual harassment and promote a safe and considerate atmosphere. Building on the discussion, sexual harassment is a violation of human rights, as it damages the dignity, autonomy, and right to equality of an individual (McMellon & Tisdall, 2020; Ting, 2020). A 2019 survey found that 76% of women and 35% of men reported experiencing verbal sexual harassment or assault at some point in life (UCSD Center on Gender Equity and Health Stop Street Harassment, 2019). Additionally, respecting human rights signifies recognising and safeguarding the inherent rights and dignity of each

individual, regardless of gender (Dahlstedt & Neergaard, 2019; Ting et al., 2020). Verbal sexual harassment violates the principles of equality, non-discrimination, and the right to a safe or respectful environment. The process creates a hostile and demeaning atmosphere, which is crucial to implement measures to prevent or address such misconduct (Aizenberg & van den Hoven, 2020).

The legal perspective on verbal sexual harassment is complex, particularly due to unclear norms concerning standards for presenting evidence in cases of sexual violence in Indonesia. Legal certainty is essential for establishing a consistent and secure legal framework (Radjagoekgoek & Shafiu, 2024). Furthermore, ambiguous legal norms can weaken the reliability of the law by creating uncertainty and allowing conflicting interpretations, leading to confusion and unpredictable legal outcomes. Ensuring legal certainty in cases of verbal sexual harassment is crucial for improving a safe and respectful environment. In relation to the discussion, clear and explicit laws that explicitly define and prohibit such conduct, combined with effective enforcement and penalties, are necessary. This action provides victims with confidence that individual rights will be protected and perpetrators will be held accountable (Berlianty et al., 2024; Boniface et al., 2024; Dizon, 2024; Fan, 2023; Gaffar et al., 2021). Unclear legal norms contribute directly to the lack of legal certainty in proving verbal sexual abuse. The principle is crucial for evaluating evidence, as it ensures a predictable and stable legal framework (Bahori et al., 2023; Nanda et al., 2024). The legal norms allow individuals to rely on established rules and procedures for presenting as well as analysing evidence. The process provides clear criteria for assessing its acceptability, relevance, and significance, promoting fairness as well as reliability in legal proceedings.

Human rights concepts include fundamental principles such as legal certainty and equal treatment under the law. These principles serve as benchmarks in substantiating allegations of verbal sexual assault. As a core concept, human rights provide a framework that ensures legal certainty by establishing explicit and universally recognised criteria for safeguarding individual rights or freedoms (McGregor et al., 2019; Ayub & Mohamed Yusoff, 2018). Upholding this certainty is essential for maintaining the rule of law as well as improving a fair and impartial society. Legal certainty primarily focuses on positive law, which defines the criteria for proving verbal sexual harassment. Following the discussion, the principle relies on factual accuracy and is compatible with reality. To prevent errors in determining instances of verbal sexual assault, it is crucial to establish a clear and precise legal method based on existing data. Legal certainty depends on both verifiable and documented evidence, ensuring that fundamental human rights are protected through reliable and transparent legal procedures (Alidemaj et al., 2024). This principle also requires the ability to resolve uncertainties and disputes through consistent or trustworthy legal mechanisms.

Well-defined objectives and tangible outcomes in legislation empower victims to pursue justice for verbal sexual abuse and discrimination. Legal certainty benefits victims and law enforcement officials by providing clear guidelines for establishing evidence as well as determining the legal status of suspects in cases of sexual abuse, which can be physical or verbal. This principle is a fundamental outcome of an effective legal system, ensuring consistency and predictability in rights or responsibilities (Cappai, 2023; Hasan et al., 2023; La Fors, 2020; Marelli, 2023; Suryono & Pamungkas, 2024). The principle provides individuals and businesses with confidence that actions or agreements will be recognised and upheld according to established legal norms. In line with this discussion, legal certainty is particularly crucial in workplace environments, where clear regulations help support societal expectations, and having law enforcement efforts to uphold justice (Johns, 2023; She & Michelin, 2023). By promoting fairness or accountability, legal certainty ensures that laws are properly implemented and all stakeholders fulfil legal obligations.

Legal certainty is a fundamental legal principle that governs societal interests and should be upheld, even when some perceive it as unjust. The principle ensures that laws are effectively enforced to protect victims and impose appropriate penalties on offenders. Moreover, legal certainty plays a crucial role in regulating social interactions, allowing individuals and organisations to anticipate as well as maintain stability in relationships (Bürger & Fiates, 2024; Wijatmoko et al., 2023; Yu & Nie, 2023). By explicitly defining rights and responsibilities, the principle improves fairness and trust in the legal system. In the digital age, the widespread use of technology has increased accessibility to verbal sexual harassment. This shows the need for legal certainty to clearly define norms, guide law enforcement in gathering evidence, and ensure the proper application of legal provisions. A well-defined legal framework allows the public to verify the enforcement of the law, particularly in the handling of evidence. Additionally, legal certainty is essential for law enforcement officials to thoroughly understand the norms and regulations governing verbal sexual harassment in Indonesia. The principle promotes consistent and fair legal implementation, offering clarity as well as direction (Koenig & Veidt, 2023; Suherman & Sugiyono, 2024; Wei, 2024). By establishing a clear basis for interpreting and enforcing laws, legal certainty ensures uniform legal standards, improves fairness, and empowers individuals and organisations to make informed decisions based on predictable legal outcomes (Irawan & Yulia, 2022; Irving et al., 2023).

This study examined the impact of legal certainty on proving cases of verbal sexual harassment in Indonesia. The analysis explored the challenges faced by the victims in presenting both material and formal evidence in such cases. Additionally, the study analysed global and national legal frameworks on sexual harassment, showing the need for clear, well-defined laws that protect victims and ensure effective enforcement. By advocating for technological solutions and proper documentation, this analysis aimed to improve legal certainty and increase access to justice.

METHODOLOGY

The analysis used a socio-legal method, incorporating legal concepts and comparative analysis. Data collection included primary legal materials, such as national and international regulations. During the analysis, major international frameworks examined included the 1989 Convention on Elimination of All Forms of Discrimination against Women (CEDAW), the Universal Declaration of Human Rights, and the 2019 Convention on Elimination of Violence and Harassment in the World of Work.

This study analysed national regulations in Indonesia, including the Criminal Procedure Code, Law No. 39 of 1999 on Human Rights, Law No. 12 of 2022 on the Crime of Sexual Violence, and Law No. 1 of 2023 on the Indonesian Criminal Code. Additionally, the analysis examined legal frameworks from other countries in the Global South, such as the Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redressal) Act, 2013, in India. Comparisons were also conducted with legal frameworks of Oceania, specifically the Human Rights Act 1993 and Employment Relations Act 2000 of New Zealand. Furthermore, this study used legal concept analysis by reviewing secondary legal materials, including books and research journals on sexual harassment as well as human rights law. The analysis of both primary and secondary sources was conducted using prescriptive legal analysis methods to develop normative legal recommendations.

RESULTS

International Regulations

The Convention on Elimination of All Forms of Discrimination against Women (CEDAW) addresses sexual harassment as a form of discrimination against women. The principle mandates that States Parties take all necessary measures to eliminate sexual harassment in the workplace and other settings while ensuring equal rights as well as respect for women. This is particularly stressed in Article 11(1)(f), which requires States Parties to take appropriate steps to eliminate discrimination against women in employment. The provisions guarantee equal rights for men and women, particularly in terms of workplace safety, health protection, and the preservation of reproductive functions.

The prohibition of sexual harassment is rooted in the fundamental principles of human dignity and individual autonomy. The process affirms the universal right to live and work in an environment free from coercion, intimidation, or sexual abuse for every individual. Additionally, sexual harassment violates the rights and dignity of victims. It undermined the core values of equality and non-discrimination, which are essential to a fair and inclusive society. According to Article 7 of the Universal Declaration of Human Rights, all individuals are equal before the law and are entitled to protection from discrimination. These provisions include safeguards against sexual harassment, covering unwelcome sexual advances, requests for erotic favours, and other verbal, non-verbal, or physical conduct of a sexual nature that creates a hostile or uncomfortable environment.

The Convention on Elimination of Violence and Harassment in the World of Work (Convention No. 190) is a significant global labour standard adopted by the International Labour Organisation (ILO) in June 2019. The principle aims to prevent and eliminate workplace violence and harassment, with a particular focus on gender-based violence. Relating to this discussion, Article 1 defines gender-based violence and harassment as any act of physical force or pestering directed at individuals based on biological sex or gender identity, including sexual harassment. Clause (a) explains that sexual harassment poses serious threats, leading to psychological harm and gender-based mistreatment. In addition, Article 2 ensures protection for all workers, including employees, volunteers, interns, and job applicants, across various work environments. Article 10(b)(i) establishes guidelines for investigating verbal sexual harassment and gathering evidence. Following the discussion, provision (v) outlines measures to support the prosecution and enforcement of sexual harassment laws, incorporating social, medical, and administrative legal frameworks. Article 10 further provides mechanisms for dispute resolution, allowing cases to be addressed through workplace mediation (non-litigation) or court proceedings (litigation).

Table 1

International Regulations on Sexual Harassment

Regulation	Key Provisions
CEDAW (1979)	Recognised sexual harassment as a form of gender-based discrimination, mandated state action to eliminate discrimination (Article 11(1)(f)).
Universal Declaration of Human Rights (1948)	Guaranteed equality before the law and protection from discrimination (Article 7).
ILO Convention No. 190 (2019)	Defined gender-based violence and harassment, including verbal sexual harassment, mandated investigation procedures, and protections for all workers (Articles 1, 2, and 10).

Legislation Relating to Sexual Harassment in Indonesia

Law No. 39 of 1999 on Human Rights mandates the eradication of sexual abuse, particularly against children, as outlined in Article 58, paragraphs (1) and (2), and Article 65. To strengthen protections against sexual harassment, Indonesia later enacted Law No. 12 of 2022, which specifically addresses criminal acts of sexual violence. This law classifies sexual harassment into two distinct forms, namely non-physical and physical harassment, as specified in Article 4, paragraph (1), letters a and b. Article 5 detailed the penalties for non-physical sexual harassment, imposing a maximum imprisonment term of nine years. Meanwhile, Article 6 identifies individuals responsible for physical and sexual abuse and assigns different maximum jail sentences based on the severity of the offence. Under letter a, offenders could face up to four years in prison, and under letter b, the maximum penalty increases to 12 years. Additionally, Article 7 confirms that both non-physical and physical abuse fall under the category of complaint violations, signifying that legal action requires a formal complaint from the victim. In cases of non-physical or verbal sexual abuse, Article 24 of the Criminal Procedural Law permits the use of electronic material as evidence during the evidentiary process. Furthermore, Article 25, letter c, allows the use of expert witnesses to support evidence. These witnesses may present written testimony or offer verbal statements to strengthen the case against the accused in sexual abuse trials.

Law No. 1 of 2023 in the Criminal Code of Indonesia continues to classify sexual harassment under a broader category of sexual violence, as outlined in Article 599, letter d. This provision includes various forms of sexual assault, reinforcing the legal framework for addressing such offences. The process of proving sexual harassment cases follows the guidelines provided in the Code of Criminal Procedure, which supports the provisions established in the Sexual Violence Law of the country. Specifically, Article 184 of the Code of Criminal Procedure details the types of valid evidence that could be presented in court. These included witness statements, expert testimony, written documents, circumstantial evidence, and statements from the defendant.

Article 185 of the Code of Criminal Procedure establishes that witness testimony must be corroborated by other credible evidence, as outlined in paragraph (3). Additionally, paragraph (4) specifies that when multiple independent witnesses provide testimonies that are interrelated and support the occurrence of a particular event, their statements may be considered legitimate evidence. When evaluating the validity of evidence, judges are required to carefully assess the consistency between witness testimonies and other supporting evidence, as stated in paragraph (6), point b. However, among all the procedural requirements, a critical condition for accepting witness testimony as valid evidence is the administration

of an oath. According to paragraph (7), if a witness had not been sworn in, the testimony cannot be considered valid evidence unless it corroborates the testimony of a sworn observer.

Sexual Harassment Regulations in India

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, was enacted by the Parliament of India to protect women from sexual harassment and establish guidelines for preventing as well as addressing complaints related to such misconduct. The law recognised sexual harassment as a violation of fundamental rights of women, including the rights to equality, dignity, and a safe working environment. Article 2 of the Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redressal) Act, 2013 defines major terms such as “aggrieved woman,” “employer,” and “sexual harassment.” Under Article 9 of the Act, an aggrieved woman has the right to file a complaint of sexual harassment. The complaint must be thoroughly investigated, and appropriate measures will be implemented based on the findings.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 stressed the importance of evidence in addressing sexual harassment allegations. The law establishes protocols for investigating complaints, including evidence collection, witness interviews, and inquiry report preparation. Under Articles 14 and 15 of the Indian Constitution, proving sexual harassment is essential when filing a complaint. Article 14 guarantees equality before the law, while Article 15 protects rights to dignity and non-discrimination of women. These provisions showed the need for substantial proof in sexual harassment cases. In India, the responsibility for handling such complaints rests with Internal Committees (ICs) and Local Committees (LCs). The Act mandated the submission of evidence to substantiate allegations, recognising the role of credible testimony and documented records in establishing cases as well as ensuring appropriate legal action.

The Government of India addressed verbal sexual harassment in its 2015 Handbook on Sexual Harassment of Women at Workplace. Verbal sexual harassment includes unwelcome comments, jokes, or remarks of a sexual nature that create a hostile or offensive work environment. This handbook explicitly defines prohibited behaviours, such as sexual remarks, propositions, and repeated requests for sexual favours. Examples of verbal sexual harassment include derogatory comments about the appearance or body of an individual, sexually explicit language, sharing inappropriate jokes, unwanted personal questions of a sexual nature, and persistent as well as unwelcome sexual advances. Moreover, the handbook also clarifies that valid evidence in workplace harassment cases may include written records such as emails or text messages, and witness testimony, playing a crucial role in substantiating claims as well as ensuring accountability.

New Zealand Sexual Harassment Act

Article 62 of the Human Rights Act 1993 of New Zealand defines sexual harassment as unwelcome actions of a sexual nature that negatively impact work productivity or create a hostile or intimidating environment. The law explicitly prohibited sexual harassment in various settings, including employment and professional partnerships. Other settings include occupational training, access to buildings and facilities, provision of goods and services, as well as educational institutions. According to Article 62, paragraph 1, sexual harassment occurs when an individual requests sexual intercourse, sensual contact, or any other erotic activity, accompanied by an implied or explicit promise of favourable treatment or a direct or indirect threat of negative consequences.

According to Article 62, paragraph (2), of the Human Rights Act 1993 of New Zealand, verbal sexual harassment is explicitly defined as the use of sexual language (both written and spoken), sexual imagery, or sexually suggestive physical behaviour intended to coerce an individual into engaging in unwelcome or offensive conduct. This behaviour can have harmful impacts in various contexts covered by the law and may be repetitive or severe in nature. Additionally, Article 62, paragraph (4), states that when an individual files a complaint concerning sexual harassment, any evidence related to the sexual history or reputation shall not be considered in the legal proceedings.

The Employment Relations Act 2000 in New Zealand explicitly defines measures against sexual harassment. Article 108, Part 9, provided a detailed account of sexual harassment among workers. Moreover, verbal sexual harassment is clearly defined in Article 108, paragraph (1), letter (b), stating that an employee could be subjected to sexual harassment by other workers or a representative. This could occur through sexually explicit language (both written and spoken), the presentation of sexually explicit visual material, or engaging in physical conduct of a sexual nature. Additionally, Schedule 2, Article 4 states that individuals have the right to present or request evidence in legal proceedings. Article 6 specifies that summoning witnesses constitutes valid evidence in cases of sexual harassment. Meanwhile, Article 9 states that evidence is only considered valid when attested by a judge. Employment Relations Act 2000 allows the inclusion of witness testimony and written evidence in any case, including those involving sexual harassment. These provisions ensured that no restrictions were placed on the types of evidence that could be presented in court.

Table 2

National Regulations on Sexual Harassment

Country	Legislation	Key Provisions
Indonesia	Law No. 39/1999 on Human Rights	Mandated eradication of sexual abuse, including child protection (Articles 58 & 65).
	Law No. 12/2022 on Sexual Violence	Defined non-physical and physical harassment (Article 4), prescribed penalties up to 12 years in prison (Articles 5-7), allowed electronic and expert witness evidence (Articles 24-25).
	Law No. 1/2023 (Criminal Code)	Sexual harassment classified under sexual violence (Article 599d), sets evidentiary standards (Article 184-185).
India	Sexual Harassment of Women at Workplace Act, 2013	Defined sexual harassment, established grievance procedures, and mandated workplace protections (Articles 2 & 9).
	Indian Constitution (Articles 14 & 15)	Ensured gender equality and prohibited discrimination.
	Handbook on Sexual Harassment (2015)	Recognised verbal sexual harassment (unwelcome sexual comments, jokes, remarks), accepted written and witness testimony as valid evidence.

(continued)

Country	Legislation	Key Provisions
New Zealand	Human Rights Act 1993	Defined sexual harassment as unwelcome sexual conduct that created a hostile environment (Article 62), prohibited use of sexual history of the victim as evidence (Article 62(4)).
	Employment Relations Act 2000	Recognised verbal harassment by employer, allowed witness testimony and written evidence in cases of sexual harassment (Articles 108 & Schedule 2).

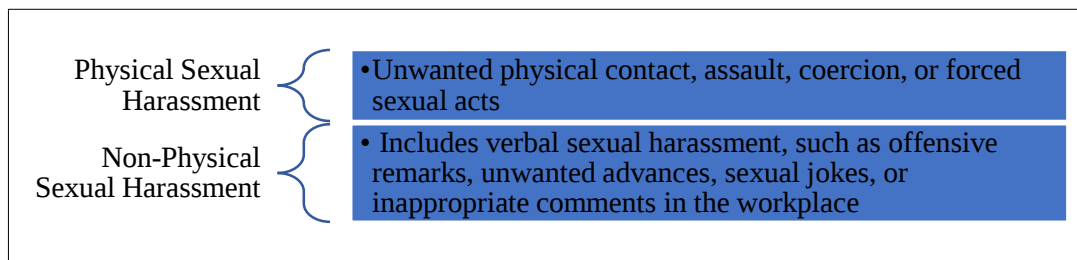
An analysis of legal implications and evidentiary considerations of the aforementioned laws and regulations showed distinct methods across jurisdictions. Indonesia reinforces legal certainty through the explicit classification of sexual harassment and the establishment of clear penalties. However, evidentiary procedures require further refinement to ensure the effective prosecution of offenders and the protection of the rights of victims. The legal framework of India mandates workplace protections and establishes mechanisms for evidence collection. However, persistent social stigma may discourage victims from reporting incidents, weakening the effectiveness of legal remedies. New Zealand has strong legal protections, including employer liability and strict prohibitions against victim-blaming. These measures contribute to a strong legal system that improves legal certainty and facilitates access to justice for survivors of verbal sexual harassment.

Ensuring legal certainty in cases of verbal sexual harassment requires precise legal definitions, standardised evidentiary thresholds, and strong enforcement mechanisms. A well-structured legal framework improves judicial consistency, reinforces procedural fairness, and strengthens victim protection. By associating domestic laws with international best practices, Indonesia could refine its regulatory framework to promote equitable access to justice, improve institutional accountability, and safeguard the fundamental rights of those affected by verbal sexual harassment.

DISCUSSION

Sexual harassment includes a wide range of behaviours, broadly classified into physical and non-physical forms of abuse. Verbal sexual harassment, a prevalent form of non-physical sexual harassment, frequently occurs, particularly in workplace settings. The action constitutes a form of discrimination that directly contradicts human rights principles. Moreover, the fundamental tenets of human rights show the significance of addressing sexual harassment, leading to the global recognition of its impact. This growing awareness has contributed to the endorsement of Guiding Principles on the prevention of sexual harassment and human rights, which India officially incorporated into the 2015 Handbook on Sexual Harassment of Women at the Workplace. The handbook reviews the obligations of both government entities and individuals to uphold human rights as well as mitigate the consequences of sexual harassment. These principles indirectly promote the incorporation of human rights concerns into social impact evaluations, signifying the necessity of efficient complaint mechanisms and a comprehensive examination of human rights throughout the various stages of an individual's life (Vanclay, 2020). International human rights standards establish the responsibilities of different stakeholders in preventing sexual abuse and ensuring that every individual has the fundamental right to live securely. In addition, the duty of states to uphold, safeguard, and fulfil this essential human right is

also reinforced (Grönwall & Danert, 2020; Zhu et al., 2021). Verbal sexual harassment represents a violation of fundamental human rights, including the right to dignity, freedom from violence, and protection against discrimination (Zuiderveen Borgesius, 2020). The action includes unwelcome verbal comments, inappropriate advances, or sexually suggestive remarks that create a hostile or offensive environment for individuals.

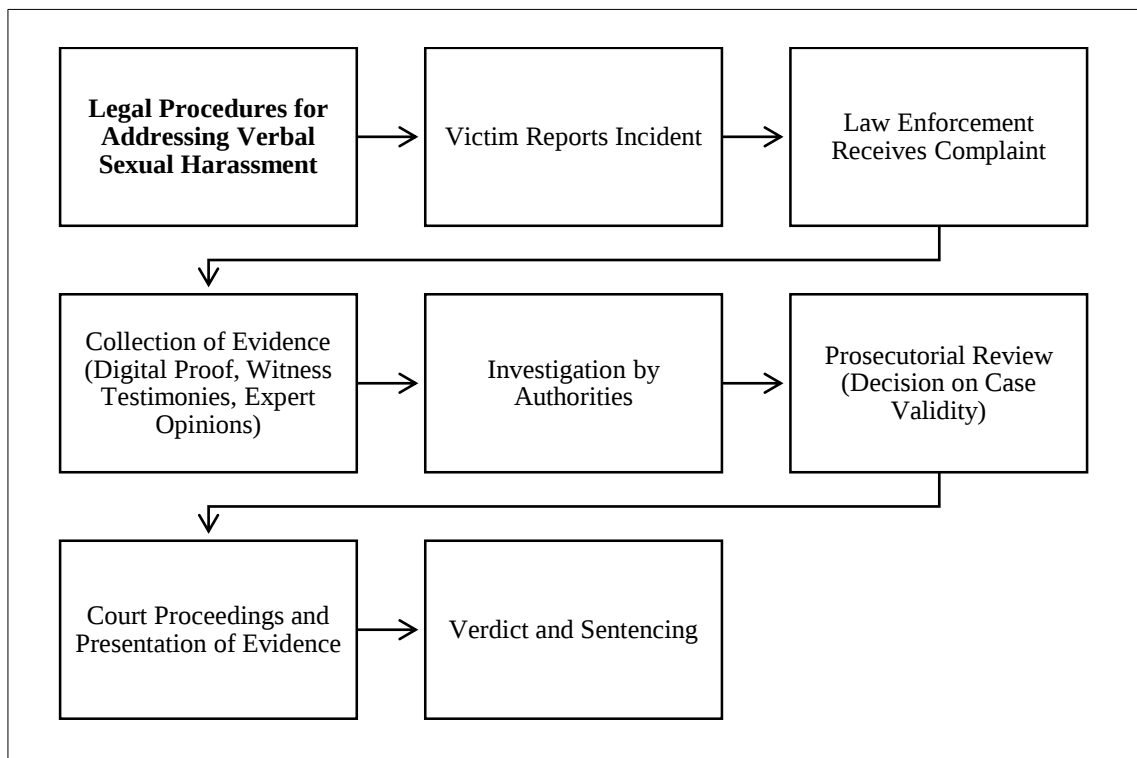


Discrimination, particularly in the form of verbal sexual harassment, is a widespread issue in social settings, often causing significant psychological harm. Recognising this concern, the study examined human rights fulfilment by analysing various international regulations, including the Convention on Elimination of Violence and Harassment in World of Work (Convention No. 190) of 2019. Additionally, the analysis explored national laws from Global South countries, such as Law No. 12 of 2022 on Criminal Acts of Sexual Violence of Indonesia, Sexual Harassment of Women in the Workplace (Prevention, Prohibition, and Redressal) Act of 2013 of India, and Human Rights Act of 1993 of New Zealand, respectively. These legal frameworks represent fundamental human rights principles, showing the need for comprehensive protections against verbal sexual harassment. Importantly, harassment was not limited to one gender targeting another; it can occur between individuals of any gender, with both men and women capable of being perpetrators or victims. The consequences of verbal sexual harassment are severe, often leading to mental distress, amplified anxiety, diminished self-esteem, and disruptions in both career and personal development (Mapp et al., 2019; Sanders & Scanlon, 2021). From a legal standpoint, the concept of "legal purpose" refers to objectives recognised and upheld by law (Walker-Munro, 2023). The process includes actions and intentions that support human rights protections and do not violate existing legal frameworks. In essence, legal purposes ensure compliance with laws, safeguard individual rights, and facilitate dispute resolution in a structured legal system (Mahrunisa, 2022; Sobolewska-Mikulska & Cienici la, 2020). Sexual harassment, verbal or physical, includes unwanted sexual advances, requests for sexual favours, or any behaviour of a sexual nature that creates a hostile or intimidating environment. To address this issue, legal mechanisms are often used to protect victims and maintain workplace safety.

A legal purpose includes the court-ordered disclosure of confidential information by law enforcement agencies to gather evidence in judicial proceedings (Ulatowski & Walker, 2020). This legal mechanism serves as a form of ensuring the lawful implementation of measures designed to protect individual rights. According to Davis (2024), the objective of the law extends beyond enforcement, also providing a foundation for officially recording and establishing a legal status and identity of an individual, including ancestry as well as family connections. The purpose of law includes distinct objectives and criteria in the legal system, including enacting and enforcing legislation, resolving disputes, protecting rights, ensuring justice, and maintaining social order (Davidson et al., 2021). Verbal sexual harassment comprises significant legal consequences as it violates laws designed to protect individuals from such misconduct across various jurisdictions. Moreover, the law serves as a framework for legal actions, agreements, and evidence presentation in accordance with established legal principles (Bonasoni et al., 2022). Legal purpose includes analysing and resolving legal issues (Pelu et al., 2022) as well as ensuring

that data or information is used within the boundaries of laws, regulations, and legal procedures (Restrepo-Amariles, 2021). Additionally, legal objectives play a crucial role in substantiating allegations of verbal sexual harassment by providing factual evidence during investigations.

The relaxation of evidentiary standards of Law No. 12 of 2022 on Sexual Violence in Indonesia has made it more difficult to prove cases of verbal sexual harassment, particularly in establishing legal evidence. As a result, achieving legal accountability in such cases has become increasingly challenging. Despite Article 184, paragraph (1) of the criminal procedure law reviewing the forms of legal evidence, it did not provide sufficient legal certainty concerning evidence in cases of verbal or non-physical sexual assault. This lack of clarity created obstacles for victims when reporting incidents and gathering necessary proof. Legal certainty plays a crucial role in ensuring that victims can effectively document and present evidence, contributing to a fair and efficient legal process (Petrakis, 2024). Establishing clear reporting guidelines and support systems is essential to empower victims of verbal sexual harassment to come forward, provide accurate details, and ensure that the evidence is properly recorded and considered in legal proceedings. Legal certainty plays a crucial role in facilitating access to evidence by setting clear and predictable standards for determining the legality of actions (Senftleben, 2024). Building on this discussion, a well-defined legal framework provides individuals and organisations with legal certainty, which is crucial for addressing and preventing sexual harassment. The process establishes clear regulations, safeguards individuals, and enforces accountability (Hutahayan et al., 2024). In addition, legal certainty requires that laws and regulations be clear, predictable, and provide individuals and entities with a fair understanding of their rights or responsibilities (Zekić, 2024; Ziaja, 2024). The principle also includes the development of a strong legal framework characterised by transparency, accountability, and integrity in judicial processes.



This study showed that sexual abuse had a detrimental impact on the treatment of the relationship dimension. Zaky et al. (2024) explained that women who encountered sexual harassment showed a diminished association with adverse self-perceptions. In line with the analysis, sexual harassment had

been a widespread issue in the social area of society. The attitude occurrence had contributed to gender disparities in the perception of the professional environment (May et al., 2024). Relating to the discussion, feminist infrastructure has played a crucial role in addressing sexual harassment and violence in various social contexts, including within the family or at the workplace, to prevent such incidents (Hansson et al., 2024; Kenny, 2024). Sexual harassment covers a broad spectrum of inappropriate actions, behaviours, or threats that intend to cause physical, psychological, sexual, or economic harm (Ibrahim et al., 2024). Additionally, sexual harassment has been a significant issue in the use of social media by adolescents. The attitude included the receipt of unwelcome sexual messages and solicitations, which negatively affected the well-being as well as the health of an individual (Lahti et al., 2024; Zeighami et al., 2024). In addition, victims of sexual harassment are individuals who have experienced injury, mistreatment, or violence caused by another individual or group. The statement includes various forms of abuse, including physical, emotional, sexual, and psychological abuse (Di Candia et al., 2023). Victims of sexual abuse often experience profound emotional and psychological distress, leading to feelings of fear, powerlessness, and trauma (Fernando et al., 2023; Nyberg et al., 2023). Moreover, sexual abuse by intimate partners, in particular, can have severe physical and mental health consequences for survivors (Yılmaz et al., 2023).

The criminal justice system plays a critical role in providing courts with essential information, influencing sentencing decisions, as well as promoting social accountability and rehabilitation for individuals convicted of sexual assault (de Mora et al., 2024). The system comprises various institutions, legal frameworks, and procedures designed to maintain social order, deter crime, and deliver justice (Kerman et al., 2024). In cases of sexual abuse, the system includes both formal and informal mechanisms to prosecute offenders as well as ensure justice for survivors (Islam et al., 2024). A well-functioning criminal justice system upholds the rule of law, preserves social harmony, and addresses criminal offences through coordinated efforts among law enforcement, judicial bodies, and correctional institutions (Jurinsky & Christie-Mizell, 2024). However, the successful prosecution of sexual abuse cases often depended on credibility concerning the testimony of the victim, especially when physical evidence is lacking (Ahn, 2024). Challenges such as legal complexities and the risk of re-traumatisation showed the need for clear communication, survivor-centred legal processes, and safeguards to ensure fairness as well as justice.

Ensuring legal certainty in the process of establishing legal evidence for cases of sexual harassment can be achieved by using strategies that include analysing laws and regulations from other nations, as discussed in the study findings section. After making comparisons, it is crucial to examine and determine material evidence that can be used as valid proof. At this stage, the method provides legal assurance to individuals who are subjected to verbal sexual abuse. The criminal justice system in Indonesia addressed sexual harassment through a special statute, namely Statute No. 12 of 2022 on Sexual Violence. Relating to this discussion, Article 4, paragraph (1), letter b specifically defines the form of verbal sexual assault that falls in the non-physical category.

Article 24(1) explicitly recognises verbal sexual abuse as a form of electronic evidence in law enforcement actions. Additionally, Article 25, Letter C, allows an expert witness to present evidence. According to the Criminal Procedure Law in Indonesia, Article 184, paragraph (1), valid evidence includes (a) testimonies from witnesses, (b) statements from experts, (c) written documents, (d) clues, and (e) statements from the defendant. To ensure legal certainty for victims of verbal sexual abuse, it is essential to define the specific types of evidence relevant to such cases during investigations. This necessity arose because there is no clear or explicit guidance on the precise evidence required to prove verbal sexual abuse. According to the 2015 Handbook on Sexual Harassment of Women at the

Workplace by Government of India, evidence for verbal sexual assault may include written records, such as emails or text messages, along with testimonies from witnesses who have observed or encountered the abuse.

When analysing the nature of legal action, as reviewed in the study findings, individuals who had experienced sexual harassment had the option to present electronic documents as evidence. These could include voice recordings, content of electronic messages, and witness testimonies. To ensure authenticity, professionals could conduct a digital forensic procedure to verify the evidence. Based on the materials provided by the victim, forensic experts would then generate forensic documentation. During the trial process, digital forensic experts could be called upon to present the findings. In addition to digital forensic evidence, victims could also rely on psychological assessments from experts, which were considered admissible evidence. This could include the inclusion of psychologists as expert witnesses. The legal basis for this was established under Article 185, paragraphs (3) and (4) of the Indonesian Code of Criminal Procedure. Victims could also serve as witnesses, provided the parties were duly sworn in to ensure the admissibility of the testimony in court. This requirement was stipulated in Schedule 2, Article 6 of the Employment Relations Act 2000 in New Zealand, as well as in Article 185, paragraph (6) of the Indonesian Code of Criminal Procedure.

The theory of legal certainty stressed that laws must be clearly defined, predictably applied, and consistently enforced to uphold justice as well as maintain legal stability. In cases of verbal sexual harassment, establishing clear as well as standardised evidentiary requirements is essential to reduce legal ambiguity and improve protections for victims. Under the Criminal Procedure Law in Indonesia, the legal framework recognises the following as valid forms of evidence.

- 1 Witness testimonies (Article 184, Paragraph 1),
- 2 Expert opinions (Article 25, Letter C), and
- 3 Electronic records (Article 24, Paragraph 1).

When examined in the context of empirical legal practice, significant evidentiary challenges persist. Despite Indonesian law formally recognising digital evidence and expert testimony, its practical implementation remains inconsistent due to several major factors:

- a. Absence of explicit guidelines defining admissible digital evidence.
- b. Lack of clarity in the forensic authentication of electronic records, such as voice recordings and text messages.
- c. Judicial reliance on conventional forms of evidence, which may be insufficient in cases of verbal sexual harassment, where digital proof often plays a critical role.

These shortcomings showed the urgent need for clearer procedures and improved judicial capacity to ensure that evidentiary standards kept pace with the changing nature of digital evidence. Strengthening these aspects was crucial for reinforcing legal certainty and improving protections for victims of verbal sexual harassment.

The Handbook on Sexual Harassment of India in 2015 explicitly recognised digital evidence, such as emails and text messages, as admissible proof in sexual harassment cases. Similarly, the Employment Relations Act 2000 of New Zealand mandated procedural safeguards for verifying witness testimony (Schedule 2, Article 6), ensuring greater evidentiary reliability. These comparative legal frameworks exposed critical gaps in evidentiary procedures in Indonesia, particularly the lack of explicit guidelines

for authenticating digital evidence and verifying witness testimony. The absence of clear procedural standards legal system of the country signified the urgent need for reform and codification of evidentiary rules. In addition to this discussion, strengthening these legal provisions was essential to uphold legal certainty and provide victims of verbal sexual harassment with effective legal protection.

Indonesia could adopt empirical best practices to strengthen legal certainty in addressing verbal sexual harassment by implementing standardised digital forensic authentication procedures, as shown in the legal framework of New Zealand. Additionally, incorporating explicit evidentiary guidelines in sexual harassment legislation, similar to the regulatory method used in India, would improve clarity and consistency in legal proceedings. Specialised judicial training on handling and evaluating digital evidence is crucial to ensuring that courts can effectively assess electronic records in cases of verbal sexual abuse.

By supporting the legal theory of certainty with empirical legal practice, this study showed the urgent need to refine evidentiary standards. Strengthening these standards would promote fair, consistent, and efficient adjudication of verbal sexual harassment cases, improve victim protection, and reinforce judicial integrity.

Verbal sexual harassment is a common form of abuse experienced by women and children. The high prevalence of this abuse indicated the urgent need for preventive measures in family, school, and professional environments (Bruschini et al., 2023; Ulubas-Varpula & Björkqvist, 2021). This form of harassment included offensive sexual remarks, inappropriate humour, explicit inquiries, solicitations for sexual activity, and the spread of sexually charged rumours (Flores et al., 2022; Gråstén & Kokkonen, 2021). Addressing verbal sexual harassment presented unique challenges, particularly in terms of gathering evidence. Legal certainty played a crucial role in effectively handling such cases, as it established a clear or predictable legal framework for both victims and offenders. The principle ensured that victims had confidence in the ability to pursue justice while simultaneously deterring potential perpetrators through consistent law enforcement (Huhta, 2020). Legal certainty was founded on the principle that individuals should have a clear understanding of the laws governing rights and obligations. Without this action, uncertainty and vulnerability may arise, weakening public trust in the legal system as well as complicating social interactions (Borrelli & Wyss, 2022). Establishing legal certainty in cases of verbal sexual harassment was closely tied to the availability of tangible evidence, which served as a reliable foundation for legal decisions. Moreover, clear regulations governing the admissibility and assessment of evidence were essential in strengthening legal protections against verbal sexual harassment (Rosida, 2023).

Material evidence comprises concrete, perceptible, and quantifiable information or physical entities used to substantiate or challenge a claim, hypothesis, or medical determination (Aliyu et al., 2019, Brown, 2020). This includes data such as test results, laboratory findings, imaging scans, or any other verifiable information that could be directly observed or analysed. Material evidence is particularly crucial in forensic investigations, as it provides objective and reliable information about a crime scene (Bomfim et al., 2023). A study by Di Fazio et al. (2023) showed the crucial role of material evidence in healthcare-related homicide cases, where it helped establish factual details and determine the cause of death. Following this discussion, forensic investigations often adopt a multidisciplinary method, combining clinical record analysis with supplementary tools such as radiography, histology, and toxicology to gather sufficient evidence. In cases of verbal sexual harassment, material evidence may include recorded conversations, text messages, emails, or any other physical proof that supports claims of the victim or demonstrates inappropriate conduct (Dreshaj et al., 2023). Park (2020) showed that as

material evidence played a major role in uncovering fraud, it was not sufficient alone to build a case. Furthermore, a comprehensive method that included both human and non-human agents was necessary to fully understand and evaluate fraud allegations. In proving verbal sexual harassment, digital forensic data and psychological test results can serve as tangible evidence. However, to ensure credibility in legal proceedings, expert witnesses should be presented to testify about the significance of the evidence, thereby reinforcing legal certainty.

CONCLUSION

In conclusion, every individual has fundamental rights that should be safeguarded and respected, including protection from discrimination as well as sexual harassment. Therefore, it was essential for every nation to eliminate verbal sexual harassment, as conducting the action upheld legal certainty and preserved human dignity. Despite legal efforts, verbal sexual harassment remained widespread in workplaces. A 2019 survey showed that a significant number of both women and men had experienced such harassment or assault in their lives. This issue signified the challenges of proving verbal sexual harassment and the lack of legal certainty in determining admissible evidence. As a result, there was a pressing need for clear legal guidelines defining valid evidence in cases of verbal sexual abuse. Article 184, paragraph (1), specified several forms of admissible evidence, including witness statements, expert opinions, written correspondence, and statements from the accused. Similarly, the sexual harassment laws of India recognised victim testimonies and written documents as valid evidence. In New Zealand, the Employment Relations Act 2000 explicitly allowed legal evidence to be presented through witness testimony and written documentation.

This study aimed to improve the understanding of legal certainty concerning evidence in cases of verbal sexual abuse. The analysis stressed the importance of establishing clear provisions for admissible evidence in such cases. Relating to this discussion, technologies such as digital forensic analysis and psychological reports from professionals could play a crucial role in supporting claims. Additionally, written records, including recorded conversations or voicemails, served as valuable forms of evidence. Implementing concrete regulations on evidence collection would significantly aid both victims and authorities in substantiating cases. In Indonesia, strengthening measures to address verbal or non-physical sexual harassment ensured that legal objectives such as autonomy, certainty, practicality, and justice were effectively upheld in society.

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