

People's Perceptions of and Responses to Incidents, Perpetrators, and Victims of Sexual Violence in Indonesia Based on the Case of Saipul Jamil

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Abstract

Saipul's appearance on TV was a subject of public outcry. It was such a controversy for the reason that it was feared to lead to undesirable normalization of sexual harassment cases where the perpetrators no longer have any sense of shame or guilt towards their victims who suffer as a result of their actions. This study aimed to find out people's perceptions and responses toward incidents, perpetrators, victims of sexual violence in Indonesia based on the case of Saipul Jamil. As a descriptive study, data was collected online through Google Forms with a total of 30 respondents. The results show that the majority of respondents gave negative but constructive responses. The majority of respondents expressed disgust towards the case, and negative views towards Saipul Jamil.

Keywords: sexual harassment, perception, public response

Introduction

In February 2016, a report was filed against Saipul Jamil by a 17-year-old teenager he knew from a talent show event. Initially, Saipul Jamil offered him a ride home but went further to invite him to stay at his house and ask the teenager to give him a massage.

The inappropriate conduct perpetrated by Saipul Jamil occurred at around 4 AM when the teenager slept in his assistant's room. The victim at that time was too terrified to fight back and immediately left Saipul's house and reported the incident to his parents.

Based on the report and the results of the investigation, Saipul was declared a suspect and in June 2016, Saipul was found guilty and sentenced to 3 years in prison for the case of molesting an underage boy. Furthermore, his sentence was increased to 5 years on appeal by the Supreme Court decision in December 2017 and it was further increased to 8 years because Saipul was proven to have bribed the clerk of the North Jakarta District Court in the amount of Rp250 million.

On September 2, 2021, after remission of sentence 30 months, Saipul Jamil was released from prison smiling and raising his hands much to the joy of his fans and family with flower garlands while driving a luxurious red Porsche car and surrounded by journalists. "I feel really happy. Frankly, I'm still processing this," said Saipul Jamil. His overreaction inevitably gives an impression that he celebrated something that is not supposed to be celebrated. Saipul was also invited to be a guest star on the 'Kopi Viral' program which aired on the television channel Trans TV, which invoked heavy criticism from people. And it was not without reason. His appearance on television is feared to result in the undesirable normalization of sexual harassment where the perpetrators no longer have any sense of shame or guilt towards their victims who suffer as a result of their actions. It even gave rise to a petition titled '*Boikot Saipul Jamil Mantan Narapidana*

Pedofilia, Tampil di Televisi Nasional dan Youtube', which contains a citation from Bobby A. Rizaldi, member of Commission 1 of the Indonesian House of Representatives, addressed to the Indonesian Broadcasting Commission to take into consideration the psychological condition of victims who are still experiencing trauma, and to reject the return of a convicted pedophile as a media personality in the entertainment world.

Aim

This study aimed to: Find out people's perceptions and responses toward incidents, perpetrators, victims of sexual violence in Indonesia based the case of Saipul Jamil.

Literature review

1. Sexual violence

According to Mbojek (1992) and Stanko (1996), sexual violence can be defined as an act that is usually done by men and directed at women in the sexual sphere that women object because they feel humiliated, but if the act is rejected, there is a possibility that the victim will receive bad consequences. Furthermore, Suhandjati (2004) argues that a person is said to be a victim of violence if they suffer physical harm, psychological injury or damage, emotional trauma, which is not only seen from the legal aspect, but also from a sociocultural perspective. In addition to these sufferings, victims may also suffer property losses. According to Sisca and Moningka (2009), sexual violence experienced during childhood is a significant event because it will have a negative impact on the lives of victims in their adult years. The number of cases of sexual violence against children is increasing every year.

2. Laws regarding sexual violence

Indonesia has several articles in the Penal Code (article 285 to article 296) stipulating punishment for some forms of sexual violence such as rape, intercourse with an unconscious woman, sexual intercourse with a minor, and others.

On the other hand, Indonesia imposes a heavy punishment for child molesters under Law Number 23 of 2002 concerning Child Protection. In Paragraph 1, child molesters may face a sentence of up to 15 years in prison and a maximum fine of 5 billion Rupiah. Paragraph 2 states that if the victim is more than one person, the perpetrator causes serious injury, the perpetrator causes mental disorders, the perpetrator causes damage to the reproductive organs, or the perpetrator causes death, the perpetrator may be given an additional penalty of a maximum of one third of the punishment stated in paragraph 1. It does not stop there, perpetrators also face identity disclosure, wearing of tracking devices, and rehabilitation measures based on Paragraph 3 of Law Number 23 of 2002.

As implied above, Indonesia seems to realize that a clearer definition of sexual violence, sanctions for perpetrators of sexual violence, and how to deal with sexual violence are needed. The claim is supported by the Sexual Violence Eradication Bill (*RUU PKS*) which is now known as Sexual Violence Bill (*RUU TPKS*). *RUU TPKS* defines acts considered sexual violence in more detail and more broadly than the definition of molestation in the Penal Code. The existence of the bill sparks controversy in the community not because of the content of the bill but because the bill had not been passed until the time the author wrote this paper. As of 20 August 2021, the bill saw some

simplification and/or omissions in the categories of acts categorized as sexual assault and changes in the vocabulary used to describe the acts.

3. Forms and behaviors of sexual violence

As mentioned before, the definitions of sexual violence and molestation in Indonesian law imply that the victim has to feel that their rights or morals are violated before a case can be regarded as sexual violence. However, it does not stop National Commission on Violence Against Women (*Komnas Perempuan*) to formulate several forms and behaviors of sexual violence. These forms include:

1. Rape;
2. Sexual intimidation including threat or rape attempt;
3. Sexual harassment;
4. Sexual exploitation;
5. Women trafficking for sexual purpose;
6. Forced prostitution;
7. Sexual slavery;
8. Forced marriage, including divorce without legal sanction;
9. Force pregnancy;
10. Forced abortion;
11. Forced contraception, such as refusing to use a condom, and sterilization;
12. Sexual torture;
13. Inhuman punishment with sexual nuance;
14. Custom practice sexual nuance that is harmful for women (e.g., female genital mutilation);

15. Sexual control, including one through a discriminative rule under the guise of morality and religion.

Sexual harassment and violence which has a subjective element does not rule out the possibility of other authors to define what forms and behaviors can be referred to as sexual harassment or violence. Tirto.id states that sexual violence may assume form included in the following points:

1. Sexually suggestive comments, jokes, seductions or insults – Intrusive questions about personal life or sexually suggestive comments about appearance/look, clothing or body parts – Invitations to have unwanted sex or persistent requests to date;
2. Showing sexually explicit pictures or images (such as posters, screensavers, or websites);
3. Sending, forwarding or persuading through sexually suggestive messages (such as letters, notes, emails, Twitter or SMS) – Unwanted sexual gestures, such as touching, tapping, pinching, accidentally touching another person's body parts, hugging, kissing, staring or leering;
4. Acts that constitute a violation of criminal law, such as physical assault, stalking or telling obscene stories.

Methods

As a descriptive study, this study described data either from literatures or questionnaire results, which were then analyzed. The study was conducted online, with

the Indonesian people as the study population. The method used in this study was a descriptive analytical method with an empirical and rational approach.

A survey was conducted using Google Forms asking the following:

1. Identity, respondent's gender.
2. How bad you think sexual violence is on a scale of 1-10.
3. The appropriate punishment to impose on perpetrators of sexual violence.
4. What causes sexual violence (be brief).
5. In one word, how do you view a perpetrator of sexual harassment?
6. According to you, has the government done enough to punish perpetrators of sexual violence?
7. In one word, how do you view a victim of sexual violence?
8. According to you, has the government done enough to help/defend victim of sexual violence?
9. Are you aware of Saipul Jamil's case?
10. Briefly, write your opinion about Saipul Jamil's sexual harassment case.
11. After knowing about what Saipul Jamil did, how do you view him?
12. The respondents were given a sample of netizens' reactions to Saipul Jamil's case.
The researcher wanted to know the respondent's reaction to the comments.
13. Does Saipul Jamil still deserve to appear in the entertainment world?

Things that were expected to be gained from the literature study included:

1. Laws on the topic of sexual harassment;
2. Norms regarding the topic;

3. Media coverage;
4. Reaction from the masses on social media;
5. Reaction from the masses on social media (toward Saipul Jamil);
6. The impact of sexual violence by Saipul Jamil.

Result and Discussion

a. Respondent distribution

The distribution of respondent data is summarized and presented in Table 1. Based on sex, 17 respondents were male, making up 56.7% of the total sample, while 13 of them were female, making 43.3% of the total sample. Based on gender, 16 respondents were male, making 53.3% of the total sample, while 12 of them were female, making up 40% of the total sample. One respondent refused to state their gender, making 3.3% of the total sample, and another respondent identified as other gender, making up 3.3% of the total sample.

Table 1. Respondent distribution and their opinion on sexual violence

No.	Variable	Percentage
1.	Gender	
	Male	56.7%
	Female	43.3%
2.	Occupation	
	Student	75.9%
	Employee	3.4%
	Private sector employee	13.8%
	Lawyer	3.4%
	No comment	3.4%
3	Opinions on Sanctions or Punishments for Perpetrators of Sexual Violence	
	Imprisonment	60%
	Depends on the type of violation and harassment	13%
	Castration	14%

	Social sanction	7%
	Public apology	3%
	Retributive justice	3%
4.	Government's Response to Punishment for Sexual Violence	
	Not enough	83.3%
	Enough	10%
	Depends on the impact felt by the victim	3.3%
	No comment	3.3%
5.	The Government's Response to the Treatment of Victims of Sexual Violence	
	Not enough	90%
	Did not know	6.7%
	Acceptable	3.3%

Based on occupation, 23 respondents were students, making up 75.9% of the total sample, while four respondents were private sector employees, making up 13.8% of the total sample. One respondent simply said 'employee', making up 3.4% of the total sample. One respondent was a lawyer, making up 3.4% of the total sample. Lastly, one respondent did not mention their occupation, making up 3.4% of the total sample.

b. Respondent data regarding sexual violence incidents

Through an analysis on incidents and perpetrators of sexual violence, data on respondent's response were obtained. The respondents assessed sexual harassment crime cases on a scale of 1 to 10, with 10 representing the vilest crime. More than half of respondents, 67% to be precise, believe that sexual violence cases are the most heinous crime, indicated with a 10 score. Furthermore, about a third of respondents considered cases of sexual violence are not the most violent, with 17% of respondents rating it with a scale of 9, 10% of respondents rating it with a scale of 8, 3% of respondents with a scale of 7 and 3% of respondents with a scale of 6 (Figure 1).

Figure 4 Respondent data distribution on sexual violence on a scale of 1 to 10

For respondent's opinion on the appropriate punishment for perpetrators of sexual violence, the researcher obtains varied responses. More than half of respondents, 60% to be precise, called for sexual violence perpetrators to be imprisoned for a certain amount of time, for life, and even death penalty. Coming second was 14% of respondents arguing that sexual violence perpetrators should be castrated, a form of genital organ control. 13% of respondents believed that sexual violence perpetrators should be punished depending on the type of violence and the magnitude of the offense committed. 7% of respondents expressed that sexual violence perpetrators should be punished with social sanctions, 3% of them called for retributive justice, while another 3% suggested public apology. However, apart from that in the data in the previous explanation, the researcher also found different responses, for example, that perpetrators of sexual violence be given counseling education and admitted to a mental hospital.

To facilitate the process of data analysis, respondent response on the causes of perpetrators of sexual violence are divided into external factors and internal factors. The external factors include triggers from the victim and the circulation of pornographic videos in the media, while internal factors include attitude, education, morals, ego, emotions, faith, and thoughts. From the data, only 2 respondents, making up 6.7% of the total sample, expressed that the causes of sexual violence are external factors. As a comparison, 28 respondents, making up 93.3% of respondents, stated that the causes of sexual harassment are internal in nature, with 15 of them, making up 50% of the total sample, arguing that the cause is related to thoughts, such as lust, dirty thoughts, deviant thoughts, disturbances in thought, sexual desire, poor self-control, and addictions. Three

respondents, making up 10% of the total sample, believed that the causes are related to attitude, such as stupidity, unethical behavior, poor self-restraint, and selfishness. The rest of the respondents thought that the reasons for sexual violence are related to education, mentality, intentions, and faith.

Furthermore, the researcher obtained respondent's response on sexual violence perpetrators expressed in one word. To facilitate the analysis, the responses were divided into two categories, namely negative and positive responses and not both. 27% respondents, making up 90% of the total sample, reacted negatively toward sexual violence, indicated with words such as 'trash', 'lowly', 'depraved', 'despised', and others, with some of them resorting to profanity. Two respondents, making up 6.7% of the total sample, reacted in a more positive and optimistic tone, with some of them showing compassion for the perpetrators. One respondent, making up 3.3% of the total sample, suggested the perpetrators to repeat their actions.

For the question pertaining to whether the government has done enough in punishing perpetrators of sexual violence, 83.3% or 25 of respondents expressed that the government has not done enough in punishing perpetrators of sexual violence. 3.3% or 1 respondent said that it depends on the impact perceived by the victim. Then, 10% or 3 of respondents noted that the punishment given is sufficient because it is in accordance with applicable law and compiled by experts. Lastly, 3.3% or 1 respondent did not know much about the government's response to perpetrators of sexual violence.

Another question in the survey asked the respondents about their opinion on how the victims would be treated by the society. 96.7% of respondents showed sympathy to

the victims of what had happened to them. The sympathy in question includes pity and feeling hurt. One respondent stated that they felt disgust towards the victim of harassment while another respondent viewed the victim of sexual harassment as a strong person. It can be concluded that the majority of respondents are sympathetic towards victims of sexual violence and do not seem to attach another stigma to them.

For the question pertaining to whether the government has done enough in helping or defending victims of sexual violence, 90% or 27 of respondents believed that the government has not done enough to help the victims because the trauma felt by the victims will continue to linger and require psychological assistance while the government is more focused on punishment for the perpetrators. In addition, responsible agencies are also less cooperative and many still blame the victims for the incident. 3.3% or 1 respondent believed that the government has done enough to help the victim while 2 respondents had no idea how the government help victims of sexual violence.

c. Respondent data regarding the sexual violence case of Saipul Jamil

Table 2 Respondent data on the sexual violence case of Saipul Jamil

No.	Variable	Percentage
1	Respondent's Knowledge About the Sexual Violence Case by Saipul Jamil	
	Aware	86.7%
	Not Aware	13.3%
2.	Saipul Jamil's Worthiness to Reappear in the Entertainment World	
	Unworthy	83.3%
	Worthy	6.7%
	Unopinionated	3.3%
	Uncertain	3.3%
	No as a warning	3.3%

3.	Respondent' Opinion on the Decision to Forgive the Perpetrator of the Sexual Violence Case by Saipul jamil	
	No	66.7%
	Yes	13.3%
	80% Yes 20% No	3.3%
	Maybe	13.3%
	Never	3.3%

The survey asked the respondents to give their opinion on the public's reaction to this case in order to gain more knowledge about their opinion on the social sanctions faced by the perpetrator. When given an example of a reaction that insulted the perpetrator, 93.33% of respondents justified the reaction because they thought that the case was indeed something very disgusting. The exception from the majority is a respondent who thought that the name of the perpetrator should have been cleared and people have no rights to give such a negative reaction. One respondent chose to give no comment on the topic. When shown people's reaction congratulating Saipul Jamil, 93.33% of respondents expressed a strong disapproval because they thought he did not deserve it. Two respondents provided a neutral answer with unclear reasons. It can be concluded that the majority of respondents have no problem with social sanctions such as public humiliation imposed by society on the case.

When asked whether the perpetrator deserves to appear again on the television, 83.33% of respondents answered 'no' on the grounds that this would set a bad example, thus it is not appropriate to appear in a leisurely context such as in a television entertainment program. Two respondents thought that Saipul Jamil deserved to reappear on the entertainment world, one of them reasoned that because they thought his name had been restored after serving his sentence, while the other thought that as a counter

example or a warning not to repeat what he did. Another two respondents gave invalid responses, one because they did not understand the question and the other because he answered whatever. It can be concluded that the majority of respondents disagree with Saipul Jamil's reappearance as an entertainer. The conclusion implies that it is highly unlikely for a perpetrator of sexual violence to rebuild their career or continue where they left off after serving their sentence.

To find out how much confidence respondents have in the law enforcement system in Indonesia in handling cases of sexual violence, the survey also asked what respondents would do if they were harassed or were victims of sexual harassment/violence. The author categorized the answers into three, namely report to the authorities, retaliate against the perpetrator in one way or another outside the law, or seek a more personal solution such as therapy. 46.67% of respondents would report to the authorities or seek legal action, 36.67% of respondents would retaliate outside the law, and 16.67% would find a personal solution, like therapy, or do nothing. It can be concluded that the majority of respondents would not seek legal action for sexual violence cases.

Conclusion

1. The majority of respondents give negative responses toward perpetrators of sexual violence, although few respondents gave seemingly constructive responses.
2. The majority of respondents show disgust toward the case of Saipul Jamil, and negative views towards Saipul Jamil.

3. The majority of respondent's reaction to netizen's negative comments toward Saipul Jamil are condoning, although there are those who disagree, or are neutral.
4. The majority of respondent's reaction to netizen's positive comments toward Saipul Jamil are disapproval, although there are those who agree, or simply do not care.

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