

Between Jokes and Crime: A Legal Perspective on Catcalling in Public Spaces

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Abstrak: Penelitian ini bertujuan untuk menganalisis pengaturan hukum terhadap tindakan pelecehan verbal (*catcalling*) sebagai bentuk pelecehan seksual di ruang publik serta mengkaji urgensi perlindungan hukum bagi korban di Indonesia. Penelitian ini menggunakan metode penelitian hukum normatif dengan menitikberatkan pada kajian terhadap norma, asas, dan prinsip hukum yang berlaku, melalui studi kepustakaan yang mencakup bahan hukum primer, sekunder, dan tersier, yang kemudian dianalisis secara kualitatif untuk menemukan kesesuaian antara konstruksi norma dan realitas perlindungan korban. Pembaharuan penelitian ini terletak pada penekanan terhadap penguatan perspektif korban dalam membaca fenomena *catcalling* sebagai pelanggaran atas martabat manusia dan hak atas rasa aman di ruang publik, sekaligus menguji efektivitas pengaturan hukum yang ada dalam menjawab dinamika sosial kontemporer. Hasil penelitian ini menunjukkan bahwa *catcalling* merupakan bentuk pelecehan seksual verbal yang berdampak nyata secara psikologis dan sosial, serta telah memperoleh pengakuan hukum yang lebih tegas, meskipun dalam praktiknya masih menghadapi kendala pembuktian, kapasitas aparat, dan normalisasi budaya di masyarakat. Kesimpulan penelitian ini menegaskan bahwa perlindungan hukum terhadap korban belum sepenuhnya optimal sehingga memerlukan penguatan implementasi, konsistensi penegakan hukum, serta pendekatan yang sensitif terhadap korban. Penelitian ini memberikan rekomendasi agar penegakan hukum dilakukan secara konsisten dan berperspektif korban, disertai edukasi publik, peningkatan kesadaran kolektif untuk menolak *catcalling*, serta kajian lanjutan mengenai efektivitas penerapannya dalam praktik.

Kata Kunci: Pelecehan Verbal, Pelecehan Seksual, Ruang Publik, Perlindungan Hukum.

Abstract: *This study aims to analyze the legal provisions for verbal harassment (catcalling) as a form of sexual harassment in public spaces and to examine the urgency of legal protection for victims in Indonesia. This study uses a normative legal research method with an emphasis on the study of applicable legal norms, principles, and principles, through a literature review covering primary, secondary, and tertiary legal materials, which are then analyzed qualitatively to find a match between the construction of norms and the reality of victim protection. The renewal of this study lies in the emphasis on strengthening the victim's perspective in reading the phenomenon of catcalling as a violation of human dignity and the right to feel safe in public spaces, while also testing the effectiveness of existing legal regulations in responding to contemporary social dynamics. The results of this study indicate that catcalling is a form of verbal sexual harassment that has real psychological and social impacts, and has received stronger legal recognition, although in practice it still faces obstacles in terms of proof, the capacity of officials, and cultural normalization in society. The conclusion of this study confirms that legal protection for victims is not yet fully optimal and requires strengthened implementation, consistent law enforcement, and a victim-sensitive approach. This study recommends consistent law enforcement with a victim-centered approach, along with public education, increased collective awareness of the need to reject catcalling, and further studies on the effectiveness of its implementation in practice.*

Keywords: Verbal Harassment, Sexual Harassment, Public Space, Legal Protection.



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A. INTRODUCTION

Sexual harassment is a form of violence that cannot be considered trivial in social life. This phenomenon occurs in various interaction spaces, both private and public. The most common victims of sexual harassment are women, although men and children can also be victims. Children, as a vulnerable group, face greater risks due to limited self-protection capabilities. This reality demonstrates that sexual harassment crosses age and gender lines. This situation demands serious attention from the legal and public policy aspects. The existence of firm legal regulations is an urgent need to provide effective protection. This situation underscores the importance of discussing the forms of sexual harassment that are developing in society.[1] Regulations regarding sexual harassment in Indonesia have been affirmed in Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Article 5 of the law states that sexual harassment includes acts of a sexual nature, whether physical or non-physical. These acts can include acts that target a person's body or sexual organs without consent. Elements of coercion, threats, and exploitation are important components of the category of sexual violence. This provision broadens the understanding that sexual violence does not always take the form of physical contact. Verbal harassment is included within the scope of criminal acts. This legal framework forms the basis for analyzing the phenomenon of verbal harassment in public spaces. This understanding leads the discussion to one common form of non-physical harassment: catcalling.[2]

From an Islamic legal perspective, sexual harassment, including non-physical forms such as catcalling, is an act that violates the principle of protecting human honor (ḥifz al-‘ird). The Quran explicitly provides guidelines for social ethics by commanding every believer to lower their gaze and maintain their honor, as stated in Surah An-Nur, verses 30–31. This commandment encompasses not only physical self-control but also includes controlling attitudes, behavior, and speech to avoid harassing or degrading others in public spaces.[3]

Furthermore, the Quran also emphasizes the prohibition of harming others without justification, as stipulated in Surah Al-Ahzab, verse 58. This verse indicates that any act of harm, whether physical or psychological, including through sexually suggestive or degrading remarks, is reprehensible and constitutes a clear sin. In this context, catcalling can be understood as a form of verbal harassment that violates an individual's honor and creates a sense of insecurity. Furthermore, Islam prohibits all forms of approach to adultery, as affirmed in Surah Al-Isra', verse 32. This prohibition is not limited to the act of adultery itself, but also encompasses any behavior that could lead to it, including verbal interactions containing sexual elements, inappropriate flirting, or derogatory comments about someone's body.[4] In a hadith of the Prophet Muhammad, it is emphasized that "whoever believes in Allah and the Last Day should speak good or remain silent" (Narrated by Bukhari No. 6018 and Muslim No. 47). This hadith

demonstrates that every word carries a moral responsibility, so any form of speech containing elements of harassment is not permitted in Islam. Furthermore, the Prophet also said that "a Muslim is one from whose tongue and hand other Muslims are safe" (Narrated by Bukhari No. 10 and Muslim No. 40). This hadith emphasizes that guarding the tongue is part of faith, and any form of verbal harassment, including verbal sexual harassment, violates this principle.

Thus, based on the Quran and Hadith, sexual harassment in any form, whether physical or non-physical, including catcalling, is prohibited because it contradicts Islamic values of honor, decency, and security. This teaching aligns with positive legal efforts to protect victims and emphasizes the importance of moral responsibility in social life.

Catcalling is a form of verbal sexual harassment that occurs in public spaces. It is typically perpetrated by a stranger on the street or in a public place. It can take the form of whistling, body language comments, sexually suggestive names, or demeaning stares. The primary victims of this practice are women, particularly in urban and tourist areas. The perpetrators often interpret this behavior as a joke or a casual compliment. This view contradicts the concept of consent in criminal law. Any sexual act without consent violates individual rights. This non-consensual nature makes catcalling a form of sexual harassment.[5] The impact of catcalling extends beyond the immediate situation in public spaces. Victims often experience psychological distress such as fear, anxiety, and insecurity when outside the home. Some victims change their dress and limit their activities to avoid similar incidents. Self-confidence can be reduced by comments that highlight inappropriate body parts. This mental distress indicates real suffering. The definition of victim in Law Number 31 of 2014 encompasses physical suffering, mental suffering, and economic loss resulting from the crime. This definition strengthens the argument that catcalling fulfills the elements of an act that causes suffering. The resulting impact underscores the urgency of more concrete legal protection.[6] Protection of victims is also related to human rights guarantees. Every individual has the right to feel safe and have their dignity respected in public spaces. Actions that demean or objectify a person's body violate these rights. Norms of morality and decency in society are also violated through the practice of catcalling. The provisions regarding minor insults in Article 315 of the Criminal Code provide a legal basis for insulting public speech. The criminal penalties in this article demonstrate that verbal insults are not tolerable. This legal framework can be linked to verbal harassment that demeans the victim. The relationship between criminal norms and the protection of human dignity clarifies catcalling's position as a violation of the law.[7]

Several countries have taken decisive action against catcalling. France has established direct fines for perpetrators of verbal harassment in public spaces. Argentina has made street harassment a punishable offense. Portugal, Belgium, and Peru have also implemented legal policies that provide a deterrent effect. These policies demonstrate recognition that verbal harassment has a serious impact on the social and psychological well-being of victims. This comparative approach illustrates the potential for progressive law enforcement. The situation in Indonesia requires optimizing the implementation of existing regulations. This comparison reinforces the importance of a legal analysis of national regulations.[8] Based on the above description, this study focuses on a legal review of verbal harassment in the form of catcalling

in public spaces. This study examines the legal provisions under Article 5 of the Law on the Crime of Sexual Violence. This study also examines the urgency of legal protection for victims in Indonesia. The analysis was conducted to assess legal certainty and the effectiveness of rule enforcement. A legal approach is needed to address the gaps in practice and differing perceptions in society. The results of this study are expected to provide academic contributions to the development of criminal law related to non-physical sexual violence. The proposed problem formulation focuses on the applicable legal provisions and the need for comprehensive victim protection.[9]

B. METHOD

This study employs a normative legal research approach, positioning law as the norm governing human behavior within Indonesia's positive legal system. The focus of the study is not on field observations, but rather on a study of the principles, rules, and regulations in force. This approach aims to assess the consistency, certainty, and adequacy of legal norms in regulating verbal harassment in public spaces. The method used is a literature review that systematically and structuredly examines legal materials. This study utilizes an analysis of the provisions of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence as the primary basis for regulating non-physical sexual harassment. Provisions in the Criminal Code are also examined to determine the relevance of the article on minor insults to verbal harassment. This normative framework serves as a conceptual basis for addressing the legal issues formulated in the study.[10] The research approach used consists of a legislative approach and a case approach. The legislative approach is carried out by examining all regulations directly related to the issue of verbal harassment as a form of sexual violence. The analysis is conducted on the hierarchy of regulations, starting from the 1945 Constitution to the implementing regulations below. The case approach is used to understand the application of norms in practice through relevant case examples. The case study helps assess whether the provisions of the TPKS Law can be effectively applied to perpetrators of catcalling. This process also provides insight into the judge's considerations and legal arguments in assessing the elements of the crime. The combination of these two approaches strengthens the comprehensive legal analysis. The relationship between written norms and law enforcement practices is a key focus of this research.[11] The types of legal materials used consist of primary, secondary, and tertiary legal materials obtained through literature review. Primary legal materials include laws and regulations that have direct binding force. Secondary legal materials include textbooks, scientific journals, and expert opinions that provide explanations and interpretations of legal norms. Tertiary legal materials, such as legal dictionaries and encyclopedias, are used to clarify terms and concepts. The legal material collection technique involves identifying, classifying, and documenting sources relevant to the research topic. Legal material analysis is conducted qualitatively using descriptive analytical methods. The analysis process aims to develop systematic and logical legal arguments based on applicable regulations. The results of the analysis are expected to provide clear conclusions regarding the regulation and legal protection for victims of verbal harassment in public spaces.[12]

C. DISCUSSION

1. Legal Regulations Regarding Verbal Harassment (Catcalling) as a Form of Sexual Harassment in Public Spaces

Legal regulations regarding verbal harassment in the form of catcalling demonstrate significant developments in the Indonesian criminal justice system. Catcalling is understood as a sexually suggestive act committed through unwanted remarks, whistles, or gestures in public spaces. This act attacks a person's morality, dignity, and sense of security. Criminal law defines attacks on morality as a punishable act. The initial regulatory framework can be found in the Criminal Code as general criminal law. The old Criminal Code, through Article 281 paragraph (2), regulates acts violating morality committed openly in front of others who do not want it. This provision serves as the initial basis for qualifying catcalling as an unlawful act.[8] Important elements in Article 281 paragraph (2) of the Criminal Code include intent, openness, violation of morality, and the victim's unwillingness. The open element refers to public spaces such as highways, public transportation, and other public places. Catcalling generally occurs in these spaces, thus fulfilling the characteristic of openness. The element of unwillingness confirms that the victim did not give consent to the actions they received. The non-consensual character is at the core of the legal analysis of verbal harassment. Problems arise because the phrase "violating morality" is general and opens up room for multiple interpretations. Law enforcement officers often face difficulties in providing evidence due to the lack of an explicit definition of verbal harassment. This condition shows the limitations of the old Criminal Code in addressing the dynamics of non-physical sexual violence.[11] The reform of criminal law through Law No. 1 of 2023 concerning the Criminal Code provides a more systematic approach to crimes against morality. Article 406 of the new Criminal Code prohibits violating morality in public or in the presence of unwanted bystanders. This formulation emphasizes the protection of public spaces as spaces that must be free from immoral acts. Catcalling can be classified as a violation of morality if it meets the elements of attacking the victim's shame or dignity. The new Criminal Code's approach is more modern and emphasizes the protection of individual honor. The provision still does not explicitly mention the term catcalling. This terminological vacuum requires systematic interpretation to avoid disparities in law enforcement. This situation points to the need for specific, more assertive and comprehensive regulations.[13]

This need is addressed through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence, which explicitly regulates non-physical sexual harassment. Article 5 of the TPKS Law states that any non-physical sexual act directed at the body or reproductive organs with the intent to degrade a person's dignity is a criminal offense. Catcalling in the form of whistling, sexual comments, or obscene calls fulfills this requirement if it is committed without consent. The focus of the evidence lies not only on the perpetrator's intent but also on the impact on the victim. This approach places the victim's experience and suffering at the center. The threat of imprisonment and fines demonstrates greater legal certainty. This regulation is a significant milestone in protecting against verbal harassment in public spaces.[14]

The TPKS Law's approach is victim-centered and guarantees protection, assistance, and recovery for victims. This paradigm differs from the classical approach, which focuses solely on punishing the perpetrator. Victims have the right to information, protection from intimidation, and access to psychological recovery services. This concept reinforces the legitimacy that catcalling is not merely a social joke. It is recognized as a form of non-physical sexual violence with real impacts. This framework also reflects the principle of *lex specialis derogat legi generali* in the criminal law system. The TPKS Law is implemented first if the elements of sexual violence are met. The Criminal Code (KUHP) serves as a supplement if the act is not specifically regulated in the TPKS Law. The development of information technology has expanded the form of catcalling into the digital space. Catcalling is no longer limited to direct interactions on the street or in public places. Sexual comments via social media, text messages, and online platforms have become a new form of verbal harassment. Regulations for these actions can be found in Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016. Article 27 paragraph (1) prohibits the distribution of electronic information containing indecent content. This provision provides a legal basis for taking action against electronic-based sexual harassment. Implementation must still consider the principle of *lex specialis* by prioritizing the TPKS Law if it meets the elements of sexual violence.[15]

The implementation and enforcement of laws against catcalling present practical challenges. Victims are often reluctant to report the incident due to shame or fear of being blamed. A societal culture that normalizes catcalling as a form of teasing presents a serious obstacle. Law enforcement officials need a thorough understanding of the victim's perspective and the non-physical elements of sexual violence. Proving intent and psychological impact requires a sensitive and professional approach. Coordination between the police, prosecutors, and victim advocacy organizations is crucial. The effectiveness of regulations is determined not only by the formulation of norms but also by the capacity of law enforcement. This situation demands increased legal literacy and ongoing training for law enforcement officials.[16]

A key finding from this analysis is that the Indonesian legal system has relatively comprehensive instruments to address catcalling. The Criminal Code (KUHP) provides a general basis for morality, the ITE Law covers the digital space, and the TPKS Law provides comprehensive, specific regulations. The integration of these three instruments forms a complementary, multi-regulatory approach. The *lex specialis* principle ensures that victim protection is a top priority. Strengthening implementation is key to ensuring that norms remain textual. Consistent law enforcement will provide a deterrent effect and increase the sense of security in public spaces. This overall framework confirms that catcalling is a crime that must be seriously processed within the Indonesian criminal justice system.[14]

2. The Urgency of Legal Protection for Victims of Verbal Harassment (Catcalling) in Indonesia

The urgency of legal protection for victims of verbal harassment in the form of catcalling stems from the recognition that such acts constitute a violation of human dignity and the right to feel safe. Catcalling is not simply a spontaneous remark or casual whistling in a public space. It contains demeaning sexual elements that are unwanted by the victim. The resulting impacts are real and can include fear, anxiety, shame, and restrictions on social activities. Victims often choose to avoid public spaces to prevent a similar experience from recurring. This situation indicates a disruption to their freedom of movement and participation in social life. This fact confirms the urgent need for legal protection for victims of catcalling in the Indonesian legal system.[17]

This need initially relied solely on general provisions in the Criminal Code. Article 281 of the Criminal Code regulates acts that violate morality in public or in the presence of unwanted bystanders. This article's formulation provides a normative basis for assessing catcalling as an act that violates morality. The victim's open character and unwillingness are crucial elements in the legal analysis. Problems arise because the phrase "violates morality" is general and does not specifically address verbal harassment. Law enforcement officials often face difficulties in proving the elements of the crime. The resulting legal protection is less than optimal due to the room for multiple interpretations. These limitations indicate that the Criminal Code approach is not yet fully capable of addressing the complexity of verbal harassment.[18]

Developments in national criminal law have been strengthened through Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence. Article 5 of the TPKS Law explicitly stipulates non-physical sexual harassment as a criminal offense. Catcalling through sexual comments, whistling, or obscene gestures can be classified as non-physical sexual harassment if it meets the elements of non-consensual behavior and demeans the victim's dignity. This formulation provides clearer legal certainty than the provisions of the Criminal Code. The focus of proof is not only on the perpetrator's intent but also on the psychological impact on the victim. This approach demonstrates a shift in the paradigm of criminal law toward victim protection. The certainty of norms in the TPKS Law strengthens the legitimacy of action against catcalling in public spaces. This strengthening serves as an important basis for assessing the urgency of comprehensive legal protection.[19]

The victim-oriented paradigm in the TPKS Law positions victims as subjects who must be protected and rehabilitated. Victims have the right to legal assistance, protection from intimidation, and access to psychological recovery services. This approach differs from the previous system, which focused more on punishing the perpetrator. Legal protection is understood as a comprehensive effort encompassing prevention, prosecution, and rehabilitation. This concept is theoretically grounded in the principles of human rights protection. The right to a sense of security and dignity is part of the fundamental rights of every individual. Recognizing psychological impact as a form of suffering broadens the

meaning of harm in criminal law. This framework demonstrates that the urgency of legal protection is not merely normative but also rooted in humanitarian principles.[19] The development of information technology has expanded the form of catcalling into the digital space. Verbal harassment can occur through text messages, social media comments, and online communication platforms. This situation requires legal instruments capable of reaching cyberspace. This regulation is contained in Law Number 11 of 2008 concerning Electronic Information and Transactions, as amended by Law Number 19 of 2016. Article 27 paragraph (1) prohibits the distribution or transmission of electronic information that violates morality. This provision provides a legal basis for taking action against digital-based catcalling. Implementation of the norm must be carried out carefully to avoid excessive criminalization. Integration between the ITE Law and the TPKS Law is important in ensuring the protection of victims in cyberspace.[20]

An analysis of these three legal instruments reveals a multi-layered protection system. The Criminal Code (KUHP) provides a general basis for morality, the ITE Law covers the digital realm, and the TPKS Law provides specific provisions for non-physical sexual violence. The principle of *lex specialis derogat legi generali* prioritizes the TPKS Law in sexual violence cases. This approach creates legal certainty and prevents overlapping application of norms. This multi-layered system has practical implications for law enforcement officials in determining the appropriate articles. Certainty in selecting a legal basis increases the effectiveness of enforcement. This normative structure demonstrates that the urgency of legal protection has been accommodated within the national regulatory framework.[21] Implementation challenges remain a serious issue in practice. Victims are often reluctant to report cases for fear of being blamed or not believed. A societal culture that normalizes catcalling as a form of joking weakens its deterrent effect. Law enforcement officers need adequate training regarding the victim's perspective and the non-physical elements of evidence. The investigation process must be sensitive to the victim's psychological state. Coordination with advocacy agencies is a crucial factor in ensuring effective protection. The effectiveness of the law is determined not only by the text of the law, but also by the quality of enforcement. This situation reinforces the urgency of optimizing legal protection for catcalling victims.[22] Overall, the findings demonstrate that the urgency of legal protection for catcalling victims in Indonesia has a strong normative, theoretical, and practical basis. This normative basis is reflected in the existence of the Criminal Code (KUHP), the ITE Law, and the TPKS Law as complementary legal instruments. The theoretical basis is rooted in the principles of human rights protection and respect for individual dignity. The practical basis is evident in the tangible psychological and social impacts experienced by victims. Legal protection serves as a means of prevention and upholding justice. Consistent enforcement will create a safe public space free from verbal harassment. This framework emphasizes that protecting catcalling victims is not a policy option, but rather a constitutional obligation within the Indonesian legal system.[23]

D. CONCLUSION

The conclusion of this study indicates that legal regulations regarding verbal harassment in the form of catcalling in Indonesia have a sufficient normative basis, but their effectiveness depends on the accuracy of the implementation of these norms. Provisions in the Criminal Code still classify catcalling as a general violation of morality and are open to broad interpretation. The enactment of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence provides more specific legal certainty by qualifying catcalling as non-physical sexual harassment. This provision emphasizes the elements of non-consent and the impact on the victim's dignity as the core of the offense. Provisions in Law Number 11 of 2008 concerning Information and Electronic Transactions, as amended by Law Number 19 of 2016, extend protection to the digital space. The principle of *lex specialis* places the TPKS Law as the primary basis for handling non-physical sexual violence cases. This multi-regulatory framework emphasizes that catcalling is a crime that violates human dignity and the right to security, thus requiring consistent and victim-oriented law enforcement. The practical implications of these findings require regulatory harmonization and increased law enforcement capacity for effective victim protection. Policymakers need to clarify definitions, scope, and evidentiary standards to avoid disparities in interpretation in practice. Law enforcement officials need to strengthen their understanding of the victim-oriented approach, which places the victim as the primary subject of protection. The investigation process must be sensitive to the psychological impact experienced by victims and ensure access to legal assistance. Public education is a preventative strategy to reduce the normalization of catcalling in social spaces. Educational institutions and community organizations play a crucial role in fostering a culture of mutual respect in public and digital spaces. Further research is needed to empirically assess the effectiveness of the implementation of the TPKS Law and the ITE Law to strengthen data-driven policies. These steps together form a comprehensive strategy that connects legal norms, enforcement practices, and social change in efforts to protect victims of verbal harassment in Indonesia.

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