

CHAPTER ONE

INTRODUCTION

A. Background of Research

In 2017, there are 3,528 cases of violence against women in Indonesia, in which 76% of violence occurs in the form of sexual violence, namely 911 cases of sexual abuse, 704 cases of sexual harassment, and 699 cases of rape.¹ According to this data, sexual harassment is one of the most significant cases that happen frequently. Sexual harassment is a form of overwhelming discrimination suffered mostly by women; it usually includes unwelcomed sexual advances, requests for sexual favors, and also sexual conducts which are directed to a person because of gender.²

The United Nations and Regional Human Rights Systems³ have recognized sexual harassment as a form of discrimination and violence against women.⁴ Sexual harassment is one of the forms of discrimination against women because it can be part of a genocide strategy.⁵ It can inflict life-

¹ Komisi Nasional Anti Kekerasan terhadap Perempuan, 2018, *Tergerusnya Ruang Aman Perempuan Dalam Pusaran Politik Populisme*, Jakarta, Catatan Tahunan tentang Kekerasan terhadap Perempuan.

² Mary L Boland, 2005, *Sexual Harassment in the Workplace*, United States, Sphinx Publishing, p. 4.

³ Regional human rights system is regional human rights bodies monitor, promote and protect human rights in several geographic regions around the world.

⁴ United Nations Women, 2011, "Sources of International Law Related to Sexual Harassment", taken from <http://www.endvawnow.org/en/articles/492-sources-of-international-law-related-to-sexual-harassment.html> accessed on February 15th, 2019 at 8 pm.

⁵ United Nations Division for the Advancement of Women, 1998, "Sexual Violence and Armed Conflict: United Nations Response", *United Nations*, New York, p. 3.

threatening bodily and mental harm and form part of the conditions imposed to bring about the ultimate destruction of a person, especially women.

Due to the rising number of cases concerning discriminations against women, on December 19th, 1979 the United Nations General Assembly approved a draft from the Commission on the Status of Women, namely the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This Convention is a form of awareness of the United Nations to be a safeguard of human rights of women. This treaty came into force on December 3rd, 1981.

CEDAW is the Convention that regulated gender equality between men and women. Although there is no specific prohibition on sexual harassment in this Convention, CEDAW affirmed that sexual harassment, as a critical manifestation of sex discrimination and a violation of human rights, is to be addressed within the context of the Convention and it should be an integral part of legislative.⁶

Nowadays, sexual harassment is a very complex issue which not only occurs face-to-face but also in online settings. Sexual harassment in online settings can be categorized as cyber harassment. Jennifer A. Scard (2017) defines cyber harassment as the use of the internet to threaten, intimidate, or

⁶ Romana Asmat & Sidra Mehboob, 2016, "International Laws and Policies for Addressing Sexual Harassment in the Workplace", *International Research Journal of Interdisciplinary & Multidisciplinary Studies*, Vol. 2, Assam, Scholars Publication, p. 32.

shame an individual.⁷ The method can vary, such threats, stalking, insults, and releasing personal information, among others.⁸

Currently, cyber harassment is one of the most frequently discussed topics in society. Data records from the National Commission on Violence against Women about internet sex abuse in 2017 are cyber violence with 14 cases, cyber grooming for women as victims with 1 case, 20 cases of cyber harassment for threatening and disturbing, 16 cases of illegal content, and 19 cases of malicious distribution such as distribution of photos or personal videos.⁹

Cyber harassment can be categorized as a crime that is difficult to be prosecuted because it is a violence that surfaces massively but lacks reporting. The impact of cyber harassment can bring down a woman's life, victimize her repeatedly and may harm her for life. Many factors make this crime challenging to prosecute, even though the regulation is already enacted. One of the main reasons is that the crime occurs on the internet, and it is not easy to identify the perpetrators because most use fake accounts.

The forms of sexual harassment has developed with time; cyber harassment is now one of today's biggest concerns relating to sexual harassment matters. In CEDAW, there is no specific statement relating to the

⁷ Jennifer A. Scard, Sarah E. Sheff & Mathew Smith, 2017, "Coping and Sexual Harassment: How Victims Cope across Multiple Settings", *Springer Science Business Media*, Vol. 47, Switzerland, Springer US, p. 327.

⁸ *Ibid.*

⁹ Jabbar Ramdhani, 2018, "Tak Cuma Via Vallen, Ada 91 Laporan Pelecehan Seksual Online di 2017", taken from <https://news.detik.com/berita/d-4056007/tak-cuma-via-vallen-ada-91-laporan-pelecehan-seksual-online-di-2017> accessed on February 12th, 2019 at 7 pm.

violation of cyber harassment. Therefore, the author would like to explore about the perspective of an international Convention towards sexual harassment matters, especially from the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

B. Problem Formulation

Based on the background that has been described above, it can be stated that the research problem is “how is the protection of women from cyber harassment in Indonesia based on the perspective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)?”

C. Objective of Research

The objectives of the research are to understand and to analyze the protection of women from cyber harassment in Indonesia based on the perspective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

D. Benefits of Research

There are some benefits of this research, namely:

1. Theoretical Aspect

The research gives benefit to genuinely know about the protection of women from cyber harassment in Indonesia based on the perspective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

2. Practical Aspect

The research would give a better understanding of how International Convention protect women in the case of cyber harassment, especially in Indonesia.

E. Overview of the Chapters

The research consists of five chapters, namely: Chapter One of Introduction, Chapter Two of Literature Review, Chapter Three of Research Method, Chapter Four of Finding and Analysis, and Chapter Five of Conclusion and Recommendation.

The aim of the research is to analyze the protection of women from cyber harassment in Indonesia based on the perspective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). This research will elaborate the topic systematically by dividing it into five chapters.

Chapter one of Introduction will elaborate the general matter, such as the Background, Research Question, Objective of Research, Benefits of Research, and Systematic of Writing. The introduction tries to elaborate the background of the issue by giving the data of sexual harassment and cyber harassment cases in Indonesia and the obstacle to handle this case regarding the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Problems of the topic relate to how the protection of women from cyber harassment is, based on the perspective of the Convention on the

Elimination of All Forms of Discrimination against Women (CEDAW). The author also delivers the research problem, which will be discussed in the next chapter.

Chapter two of the Literature Review elaborates the general theories related to the issue. It provides the elaboration on the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), sexual harassment and cyber harassment. These three points are essential in understanding the issue comprehensively.

Chapter three of Research Method is divided into four, namely the type of research, type of data, which consists of primary, secondary, and tertiary legal materials, method of collecting data and method of data analysis.

Chapter Four presents the main discussion, namely the Finding and Analysis. The research tries to answer the issue by elaborating comprehensively on the protection of women from cyber harassment based on the perspective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in four sub-chapters, namely the History of Protection against Discrimination of Women, Protection of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), General Recommendation of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) No. 35, and the Implementation Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in Indonesia toward Cyber Harassment.

Chapter five presents the Conclusion and Recommendation from the research based on the findings and analysis toward the research to answer the issue of the perspective of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on cyber harassment in Indonesia.