

Juridical Accountability of Railway Operators for Sexual Harassment on Commuter Trains: A Consumer Protection Perspective in the Jabodetabek Area

Ria Safitri

Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia

ria.safitri@uinjkt.ac.id

Kamilania

Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia

Kamilania@gmail.com

✉ corresponding email only: ria.safitri@uinjkt.ac.id

Abstract. This study examines the legal settlement of sexual harassment cases on Electric Rail Trains (KRL) in the Jabodetabek area by focusing on the juridical responsibility of PT Kereta Commuter Indonesia as a public transportation service provider from a consumer protection perspective. This research employs a normative juridical method with a qualitative approach, analyzing statutory regulations, particularly Law No. 12 of 2022 on Sexual Violence Crimes, Law No. 8 of 1999 on Consumer Protection, and railway service regulations. The study finds that although PT Kereta Commuter Indonesia has implemented various preventive measures, such as women-only carriages, surveillance systems, and reporting mechanisms, these efforts are not accompanied by compensatory accountability for victims. In practice, victims of sexual harassment do not receive restitution, compensation, or health assistance, either

from perpetrators or from the service provider, as mandated under Article 19 of the Consumer Protection Law. This research argues that sexual harassment on public transportation should not be viewed solely as a criminal offense but also as a violation of consumer rights that triggers the liability of business actors.

Keywords:

Sexual Harassment; Electric Rail Train; Consumer Protection.

Abstrak. Penelitian ini mengkaji penyelesaian hukum terhadap kasus pelecehan seksual di Kereta Rel Listrik (KRL) wilayah Jabodetabek dengan menitikberatkan pada tanggung jawab yuridis PT Kereta Commuter Indonesia sebagai penyedia jasa transportasi publik dalam perspektif perlindungan konsumen. Penelitian ini menggunakan metode yuridis normatif dengan pendekatan kualitatif melalui analisis terhadap Undang-Undang Nomor 12 Tahun 2022 tentang Tindak Pidana Kekerasan Seksual, Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen, serta peraturan di bidang perkeretaapian. Hasil penelitian menunjukkan bahwa meskipun PT Kereta Commuter Indonesia telah menerapkan berbagai upaya preventif, seperti gerbong khusus perempuan, sistem pengawasan, dan mekanisme pelaporan, langkah tersebut belum diimbangi dengan pertanggungjawaban kompensatoris bagi korban. Dalam praktiknya, korban pelecehan seksual tidak memperoleh ganti kerugian, restitusi, maupun pendampingan kesehatan sebagaimana diamanatkan dalam Pasal 19 Undang-Undang Perlindungan Konsumen. Penelitian ini menegaskan bahwa pelecehan seksual di transportasi publik tidak hanya merupakan tindak pidana, tetapi juga pelanggaran hak konsumen yang menimbulkan tanggung jawab hukum bagi pelaku usaha.

Kata Kunci:

Pelecehan Seksual; Kereta Rel Listrik; Perlindungan Konsumen.

Introduction

The Electric Rail Train, or KRL (Commuter Line), is a primary public transportation option operated by PT Kereta Commuter Indonesia (PT KCI), a PT Kereta Api Indonesia subsidiary. The operational permit for KRL is governed by the Minister of Transportation Decree No. 886 of 2017, which concerns the Operating Permit for Public Railway Facilities PT. KAI Commuter Jabodetabek. PT Kereta Commuter Indonesia is also one of the operators in Indonesia's railway sector, primarily providing services for KRL (Commuter Line) journeys across the Jakarta, Bogor, Depok, Tangerang, and Bekasi areas.¹

The KRL is popular among the public due to its affordability and punctuality, making it a favored mode of transportation. Most KRL users are students, university attendees, and employees or laborers who rely on the KRL for daily commuting. The high demand for this transportation method results in crowded conditions, where passengers are often willing to be packed tightly within the trains. This overcrowding leads to opportunities for inappropriate conduct, such as sexual harassment, mainly targeting female passengers.

According to Law No. 12 of 2022 concerning Sexual Violence Crimes (UU TPKS), sexual harassment does not discriminate based on ethnicity, race, culture, or education. It can occur anywhere and at any time.² Sexual harassment involves touching someone's body without their consent. According to the definition by Gelfad et al., sexual harassment is an unwanted act with sexual connotations committed by an

¹ Dika Ilham Putra Wahyudi, Bambang Drajat, and Azhar Hermawan Riyanto, "Evaluasi Perjalanan Krl Commuter Line Pada Lintas Duri – Tangerang," 2019, 1–3, <http://digilib.ptdistd.net/865/1/JURNAL%28Dika%20Ilham%20Putra%20Wahyudi%29.pdf>.

² UU RI, "Undang-Undang Republik Indonesia Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual," *Kementerian Sekretariat Negara Republik Indonesia* 1, no. 69 (2022): 1–84.

individual or a group against another person.³ Sexual harassment itself can be categorized into verbal and physical forms. Verbal sexual harassment includes unwanted sexual advances, repeated sexual jokes or messages, derogatory or demeaning remarks, obscene comments, sexist remarks about clothing, and requests for sexual favors with both implicit and explicit threats. Physical sexual harassment, on the other hand, includes suggestive glances at body parts, flirtatious winks, and physical contact such as pinching, squeezing, tickling, touching, embracing, kissing, and placing genitalia on another person's body without consent.⁴

As a public transportation service provider, PT Kereta Commuter Indonesia should ensure comfort and safety for its customers as part of its business obligations. However, the numerous cases of sexual harassment occurring on the Commuter Line indicate a deficiency in the services provided by PT Kereta Commuter Indonesia. For instance, in 2022, there were many reported cases of sexual harassment within the Commuter Line environment. According to Leza Arlan, Manager of External Relations and Corporate Image Care at PT KAI Commuter Indonesia (KCI), "As of November 2022, there were 70 cases. The forms of harassment included groping or touching body parts, pressing genitalia against someone, exhibitionism, and masturbation."⁵ The prevalence of these cases demonstrates that PT Kereta Commuter Indonesia has inadequately provided the necessary services and protection that customers are entitled to as users of the transportation services offered by PT Kereta Commuter Indonesia.

³ Suprihatin Suprihatin and Abdul Muhamminul Azis, "Pelecehan Seksual Pada Jurnalis Perempuan Di Indonesia," *PALASTREN Jurnal Studi Gender* 13, no. 2 (2020): 413, <https://doi.org/10.21043/palastren.v13i2.8709>.

⁴ Sri Kurnianingsih, "Pelecehan Seksual Terhadap Perempuan Di Tempat Kerja," no. 2 (2003).

⁵ Widya Michella, "70 Kasus Pelecehan Seksual Di KRL, Terbanyak Relasi Jakarta-Bogor," SindoNews, 2022, <https://metro.sindonews.com/read/976509/170/70-kasus-pelecehan-seksual-di-krl-terbanyak-relasi-jakarta-bogor-1671707573>.

Law Number 12 of 2022 on Sexual Violence Crimes, Article 1, Paragraph 17, addresses the handling of victims of sexual harassment by providing various services for those affected. Additionally, Article 1, Paragraph 18, stipulates that victims/witnesses will receive protection for their rights to assistance from the Witness and Victim Protection Agency (LPSK) or other agencies. Furthermore, Law Number 23 of 2007 on Railways, Article 2, outlines that railways, as a national transportation mode, adhere to specific principles and aim to facilitate the mass transfer of people and/or goods in a safe, secure, comfortable, fast, smooth, orderly, efficient manner, while supporting equitable development, growth, stability, and driving national development. The principles mentioned include the principle of benefit, the principle of justice, the principle of balance, the principle of public interest, the principle of integration, the principle of independence, the principle of transparency, the principle of accountability, and the principle of sustainability.⁶

An example of sexual harassment experienced by a Commuter Line passenger, which went viral on Twitter in October 2022, involves a victim who faced sexual harassment for two consecutive days and shared her experience on Twitter. She described the train was extremely crowded while riding the KRL service from Bekasi to Kampung Bandan. In this situation, the perpetrator intentionally pressed his genitalia against her buttocks. The victim became frightened and, after alighting from the train, she discovered that her skirt had sperm from the perpetrator, which left her trembling and terrified.

The following day, the passenger experienced sexual harassment again. On this occasion, she chose to stand leaning against a metal pole near the train door to prevent a recurrence of the incident. However, she was harassed once more. The perpetrator touched her breasts and groped her buttocks. The

⁶ Thresya Chrisdiana Laia and Siti Nurlaela, "Evaluasi Kualitas Pelayanan Commuter Line Berdasarkan Perspektif Gender," *Jurnal Teknik ITS* 9, no. 2 (2021), <https://doi.org/10.12962/j23373539.v9i2.56286>.

victim immediately recorded the perpetrator's face as evidence, but the perpetrator challenged her to provide proof and threatened her.

Efforts to modernize facilities and services for KAI Commuter users have been increasingly emphasized to enhance passenger comfort. PT KCI has introduced special services for women, including dedicated women's carriages, breastfeeding rooms, priority seating for pregnant women and those with babies, both in the train carriages and at stations, as well as security personnel stationed in the carriages to prevent crime and sexual harassment, especially against female passengers.⁷

The dedicated women's carriages have operated since 2010, representing a tangible effort by KAI Commuter to provide optimal service for female users. However, this has been deemed insufficient by some KAI Commuter passengers due to the overcrowding and limited number of carriages, resulting in many female passengers not being accommodated in the women-only carriages. This creates an opportunity for crimes such as sexual harassment to occur against women.

In another case, sexual harassment occurred within a train carriage when the carriage was overcrowded, providing an opportunity for sexual offenders. PT. KCI recorded 20 cases of sexual harassment in 2017, which increased to 34 cases in 2018. In 2019, there were 35 cases, and in 2022, the number of sexual harassment cases against women surged to 70. Generally, sexual crimes are exposed when victims report the harassment. The lack of preventive measures and severe penalties for perpetrators allows these incidents to recur.

There are two factors contributing to sexual harassment: natural or biological factors and socio-cultural factors. The natural or biological factor assumes that men have a greater

⁷ Sri Wahyuni Laia, "Implementasi Perlindungan Hukum Terhadap Perempuan Sebagai Korban Tindak Pidana Pelecehan Seksual Dalam Transportasi," *Jurnal Panah Keadilan* 1, no. 1 (2023): 15–24, <https://jurnal.uniraya.ac.id/index.php/PanahKeadilan/article/view/710/617>.

sexual drive compared to women, leading men to be more likely to engage in inappropriate actions toward women⁸. This factor assumes that both men and women have significant mutual attraction. Thus, women are expected to feel flattered or at least not disturbed by such actions. However, in reality, victims of sexual harassment feel humiliated and violated by the perpetrator. The socio-cultural factor explains that sexual harassment is a manifestation of a patriarchal system, where men are considered more powerful, and societal beliefs support this notion.

Users of KRL Jabodetabek are considered public transportation consumers, and thus, passengers should be protected under consumer protection laws. Consumer protection refers to the legal safeguards provided to consumers to address issues that may harm them. The Consumer Protection Law states that consumer protection encompasses all efforts to ensure legal certainty in protecting consumers. This law provides protection and measures to ensure legal Consumer protection covers two main aspects:⁹ protection against the possibility of goods/services not meeting the agreed-upon standards and against unfair terms imposed on consumers. The scope of consumer protection includes goods and services, covering the entire process from acquiring goods and services to the consequences of their use. This includes the liability of businesses for any harm caused to consumers.

The prevalence of sexual harassment cases highlights a failure by PT Kereta Commuter Indonesia as a business entity to protect its consumers. According to Article 4 of Law No. 8 of 1999 on Consumer Protection, consumers are entitled to

⁸ Fellycia Lauwtania, "PERLINDUNGAN HUKUM TERHADAP PENGGUNA JASA... (Fellycia Lauwtania)," *Binamulia Hukum* 10, no. 1 (2021): 69–78.

⁹ Zulham, *Hukum Perlindungan Konsumen* (Jakarta: Kencana Prenanda Media, 2013). h., 22.

comfort, security, and safety when using goods or services, and businesses must protect these rights.¹⁰

The high incidence of sexual harassment within PT Kereta Commuter Indonesia's environment is attributed to several shortcomings in the company's handling of these cases. Firstly, there is a lack of procedures for addressing sexual harassment cases that do not favor the victim. Secondly, the Standard Operating Procedures (SOPs) do not ensure adequate victim protection. Thirdly, there is a lack of respect from staff in managing these cases. Fourthly, the procedures for resolving sexual harassment cases are overly complicated. Lastly, there is an absence of clear sanctions for perpetrators, which allows for the possibility of repeated offenses.

PT Kereta Commuter Indonesia's responsibilities as a business entity are part of the obligations that govern its operations. The company is accountable for ensuring the safety and comfort of every passenger as a service user. PT Kereta Commuter Indonesia is also responsible for providing compensation, healthcare, and support to consumers who are victims of sexual harassment occurring within their environment, as stipulated in Article 19 of Law No. 8 of 1999 on Consumer Protection.¹¹

Given the ongoing prevalence of sexual harassment on the KRL Commuter Line (KCI) or KAI Commuter, there needs to be severe legal intervention to minimize such criminal behavior. Additionally, alternative solutions should be sought to ensure that sexual harassment on the KRL is not treated as a routine issue. Since KRL passengers are consumers who must protect their interests while using public transportation, it is crucial to address this issue through research.

¹⁰ Lauwtania, "PERLINDUNGAN HUKUM TERHADAP PENGGUNA JASA... (Fellycia Lauwtania).", h., 78.

¹¹"Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen," *Peraturan Pemerintah Republik Indonesia* 2003, no. 1 (1999): 1–46.

Previous studies on sexual harassment in public transportation predominantly focus on criminological aspects, victimology, or gender-based violence frameworks, emphasizing preventive policies such as women-only carriages and awareness campaigns. However, limited attention has been paid to positioning sexual harassment incidents within the framework of consumer protection law, particularly concerning the liability of transportation service providers for non-material losses suffered by passengers.

This study fills this gap by offering a normative legal analysis that reframes sexual harassment on commuter trains as a violation of consumer rights, thereby activating the responsibility regime under Article 19 of Law No. 8 of 1999 on Consumer Protection. Unlike prior research that primarily examines preventive mechanisms, this article critically evaluates the absence of compensatory accountability and proposes a more integrated juridical settlement model combining criminal law enforcement, consumer protection, and strict liability principles.

Method

This research employs a qualitative approach, focusing on an in-depth analysis of the phenomenon of sexual harassment occurring on the Commuter Line and the forms of responsibility undertaken by PT Kereta Commuter Indonesia as a business entity in response to these incidents. The research utilizes literature sources, including legal texts from various references needed for the study. These sources include

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Indonesian Railways, and related literature on consumer protection. The research approach used in this research is juridical-normative. The primary sources of data in research are primary data sources as well as secondary data sources, namely, data sources, which are data that include official documents, books, and various data sources related to research problems.¹² The method used by researchers is the qualitative analysis method. Researchers use this method because this theme focuses more on laws and regulations and examines the phenomenon of sexual harassment on the Commuter Line and the efforts and responsibilities made by PT Kereta Commuter Indonesia for the case.

Result and Discussion

Violence against women frequently occurs around us, especially on public transportation, necessitating efforts to provide legal protection for women as victims of sexual harassment. According to Law No. 12 of 2022 on Sexual Violence Crimes, peaceful settlements are no longer permissible for sexual violence cases, except if the perpetrator is under 18 years old and under certain conditions. Under this law, reports can be filed at the victim's residence rather than the location of the incident.¹³

Sexual harassment can occur regardless of place and time, such as on public transport, at the workplace, in schools, in entertainment venues, or public places, whether during the day or night. Although sexual harassment predominantly affects women, men are also not immune to such experiences.

Sexual harassment may manifest in various forms that violate personal dignity and bodily autonomy. Generally, such conduct can be categorized into five main types. Physical

¹² Rahmadi, *Pengantar Metodologi Penelitian* (Banjarmasin: Antasari Press, 2011). h., 71.

¹³ UU RI, "Undang-Undang Republik Indonesia Nomor 12 Tahun 2022 Tentang Tindak Pidana Kekerasan Seksual."

harassment involves unwanted bodily contact with sexual connotations, including acts such as kissing, patting, hugging, pinching, caressing, massaging, or other forms of non-consensual physical interaction. Verbal harassment refers to unsolicited and inappropriate verbal expressions related to an individual's personal life, physical attributes, or appearance, often conveyed through sexually explicit jokes, comments, or remarks. Non-verbal or signal-based harassment encompasses sexually suggestive gestures or body language, including repeated leering, obscene stares, suggestive facial expressions, or symbolic movements intended to convey sexual intent. Visual harassment occurs through the display or dissemination of pornographic or sexually explicit materials, whether in physical form such as images, posters, or cartoons or through digital media, including electronic messages and other communication platforms. Psychological or emotional harassment involves persistent and unwanted sexual advances, coercive requests, or degrading taunts that create intimidation, discomfort, or psychological distress for the victim.

PT Kereta Commuter Indonesia, as a subsidiary of PT KAI, must meet minimum service standards as part of its responsibility to consumers, per PT KAI's Director Regulation No. PER.U/KL.104/VI/1/KA-2019 dated June 20, 2019, concerning Passenger Service Guidelines on Trains. Article 5, Letter e of this regulation outlines the Standard Operating Procedures (SOPs) for handling indecent acts on the train, which include:

- 1) Passengers committing indecent acts, behaving in a way that endangers safety, or disturbing other passengers on the train;
- 2) Upon receiving a report from a passenger or other staff, the Conductor and train security officer coordinate to conduct an initial investigation;
- 3) Train security officer may perform an initial investigation and create a written report for further action;

- 4) Passengers committing indecent acts are to be removed at the next available station;
- 5) Passengers engaging in behavior that endangers safety or disturbs others must sign a statement agreeing not to repeat the behavior, witnessed by the Conductor and train security officer;
- 6) The Conductor marks the passenger's ticket as evidence of violating the prohibition against indecent acts or safety-endangering behavior;
- 7) If the passenger violates the rules again or disregards the Conductor's warning, the train security officer coordinates with the Conductor to remove the passenger, as outlined in point 4.;
- 8) The Conductor coordinates with Pusdalyan to remove the passenger at the next available station, as described in points 3 and 4;
- 9) Train security officer and the Conductor to remove the perpetrator of indecent acts or safety-endangering behavior at the next available station;
- 10) The Conductor reports to the KUPT Station or PPKA and station security personnel that the passenger was removed for indecent acts or safety-endangering behavior for further processing;
- 11) Train security officer records all incidents in the incident report form and submits it to station security for further action and
- 12) Upon reaching the final destination station, the incident report and security handover forms are handed over to the Railway Special Police supervisor.

Moreover, under Law No. 8 of 1999 on Consumer Protection, consumers have rights that must be fulfilled and cannot be violated by any party. The rights of consumers are outlined in Article 4 of the Law, which includes:¹⁴

¹⁴ "Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen."

- 1) The right to comfort, safety, and security in consuming goods or services;
- 2) The right to choose goods or services and receive these goods or services according to their value, conditions, and guarantees promised;
- 3) The right to accurate, transparent, and honest information regarding the condition and guarantees of goods or services;
- 4) The right to have their opinions and complaints regarding the goods or services heard;
- 5) The right to receive advocacy, protection, and appropriate dispute resolution in consumer protection matters;
- 6) The right to consumer education and guidance;
- 7) The right to be treated fairly and honestly and not to be discriminated against;
- 8) The right to compensation, reimbursement, and replacement if the goods and services received do not meet the agreement or are not as expected;
- 9) Other legislative regulations stipulate other rights.

In legal protection designed to safeguard human rights, passengers can also be regarded as consumers according to the definition provided in Law No. 8 of 1999 on Consumer Protection. A consumer is defined as any individual who uses goods and services available in the community, whether for personal use, family, others, or other living beings and not for trade. The definition of a consumer extends beyond just buyers to include all individuals and entities that consume goods and services, as well as the transfer of goods and services and the enjoyment derived from their use.

Handling Sexual Harassment Cases at PT Kereta Commuter Indonesia

PT Kereta Commuter Indonesia, as a provider of railway transportation services in Indonesia, has obligations towards its passengers as users of its transportation services, as stipulated

in Law No. 23 of 2007 on Railways. PT Kereta Commuter Indonesia, as a railway transportation service provider, bears inherent legal obligations in the provision of public transport services to passengers and goods. These obligations include ensuring the transportation of passengers and goods in accordance with the general requirements of safety, security, and service standards stipulated under applicable laws and regulations.¹⁵ In addition, PT Kereta Commuter Indonesia is required to refund fares paid by passengers or freight charges in the event of service cancellation attributable to the operator. From the perspective of legal accountability, the company is responsible for any losses suffered by service users and third parties arising from the operation of railway transportation services. To ensure the fulfillment of this responsibility, PT Kereta Commuter Indonesia is also obligated to insure its liability for potential losses incurred by passengers and third parties, thereby providing legal certainty and protection for service users.¹⁶

Sexual harassment is a reprehensible and inhumane act that deeply contradicts religious teachings and societal norms. It can have severe negative impacts on both the community and the victims. Thus, preventing and addressing sexual harassment cases on commuter trains requires active involvement from relevant authorities, providing support for families experiencing such cases.

Based on the analysis of data and observations related to government roles, PT Kereta Commuter Indonesia, and

¹⁵ "Undang-Undang (UU) Nomor 23 Tahun 2007 Tentang Perkeretaapian," September (2007).

¹⁶ "UU No.13 Tahun 1992 Tentang Perkeretaapian," jo. "Undang-Undang (UU) Nomor 23 Tahun 2007 Tentang Perkeretaapian."

consumer protection in handling sexual harassment cases on commuter trains, the research findings are as follows:

First, PT. KAI PT KAI conducts anti-harassment and sexual violence campaigns that address the prevention of sexual harassment in public transport, the actions victims should take, and the measures implemented by KAI Commuters to prevent such incidents on trains and at stations. Victims of harassment or sexual violence are encouraged to report the incidents because they are protected by law. This initiative can serve as a model for other public transportation systems, ensuring each system has protocols for preventing and handling sexual harassment. Trains are among the safest forms of public transport.

Second, KAI Commuter is tasked with preventing violence or sexual harassment. Victims should avoid posting about incidents on social media and report through official KAI Commuter channels to avoid legal complications under the ITE Law. KAI Commuter employs an Analytical Recognition System (CCTV Analytics) that identifies perpetrators through facial recognition in its database for prevention. Victims can also report incidents through KAI Commuter's official social media and call center (021-121).

Third, KAI Commuter is committed to fully supporting and assisting victims through the legal process. Campaigns are carried out with socialization and education through posters, stickers, and petitions against harassment and sexual violence. KAI Commuter is dedicated to addressing sexual harassment cases, hoping that this campaign will increase awareness among KRL users about prevention and encourage reporting of any incidents of sexual violence in public transportation, especially on KRL. Additionally, KAI provides two dedicated

women's carriages to minimize the occurrence of sexual harassment.

Legal Protection for Victims of Sexual Harassment at PT KAI Commuter Line Indonesia

PT Kereta Commuter Indonesia as a transportation service provider, enters into a transportation agreement with passengers, wherein one party agrees to transport people or goods from one location to another safely. In contrast, the other party agrees to pay for the service. The responsibility of the transportation service provider is such that the owner of a public transportation business is liable for any losses suffered by a passenger or damage to the goods transported. In other words, any loss arising from the negligence of the transportation service provider is considered a result of the service provider's negligence, granting passengers the right to seek compensation.¹⁷

According to Article 19 of Law No. 8 of 1999 on Consumer Protection, the responsibility of the business operator in providing compensation can include refund, replacement of goods and services of the same type or equivalent value, health care, and compensation.¹⁸ Based on Article 19, PT Kereta Commuter Indonesia, as the business operator and provider of Commuter Line services, should provide compensation in the form of refunds or health assistance to passengers who experience sexual harassment as a form of accountability for the losses suffered by the passengers. However, in reality, there is no compensation effort, either monetary or health assistance, for the losses experienced by consumers due to sexual harassment occurring on the Commuter Line. Nor is there any compensation imposed on the perpetrator for the

¹⁷ Abdul Halim Barkatullah, *Framework Sistem Perlindungan Hukum Bagi Konsumen Di Indonesia* (Bandung: Nusamedia, 2017). h., 15.

¹⁸ "Undang-Undang Republik Indonesia Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen."

losses suffered by passengers due to sexual harassment, as sanctioned by PT Kereta Commuter Indonesia.

According to the principle of strict liability, as outlined in Article 1367 of the Indonesian Civil Code, which states: "A person is not only responsible for the losses caused by their actions but also for the losses caused by the actions of those for whom they are responsible, or caused by items under their supervision."¹⁹ This principle stipulates that business operators must provide direct accountability to consumers for losses arising from the actions of those under their responsibility or items under their supervision.²⁰

Based on this principle, PT Kereta Commuter Indonesia, as the business operator providing passenger transportation services, must be held accountable for the losses resulting from sexual harassment suffered by passengers as victims. They should also impose sanctions by holding perpetrators accountable for such compensation. Therefore, PT Kereta Commuter Indonesia should provide accountability in the form of compensation for consumer losses, either through monetary compensation or health assistance or by holding perpetrators accountable for the losses suffered by passengers due to sexual harassment.

The efforts by PT Kereta Commuter Indonesia in resolving and addressing sexual harassment cases have not fully met the elements of consumer protection. The company's handling of sexual harassment cases has been inadequate, with victims' complaints not being adequately addressed and the response from staff not being supportive of the victims. The complaint process or SOPs make it difficult for victims to file complaints and do not provide justice for victims as consumers and passengers of the transportation services offered by PT Kereta Commuter Indonesia.

¹⁹ Subekti & R Tjitrosudibio, Civil Code, (Jakarta: PT Balai Pustaka (Persero), 2017), p. 379.

²⁰ Zulham, Consumer Protection Law.

Efforts made by PT Kereta Commuter Indonesia in handling sexual harassment cases have been less than optimal, such as issuing warnings against sexual harassment that are not implemented at every station stop and the absence of information boards related to handling procedures and complaints about sexual harassment. Additionally, the sanctions imposed by PT Kereta Commuter Indonesia against perpetrators of sexual harassment on the Commuter Line are not strict enough, allowing perpetrators to repeat their crimes against other passengers potentially.

Conclusion

KAI Commuter has made efforts to provide legal protection for victims of sexual violence, including preventive measures such as separating female carriages and providing supporting facilities. Although these efforts are still considered insufficient by some KAI Commuter users, they can be said to minimize the number of victims. KAI Commuter's responsive attitude is commendable; however, there is also a need for KAI Commuter users to be aware that crimes can occur anywhere. As public transportation users, they should also be cooperative in preventing sexual harassment of KAI Commuters.

Additionally, there is a lack of accountability in the form of compensation or damages charged to the perpetrators, either in monetary form or health assistance or compensation provided by PT Kereta Commuter Indonesia as a form of accountability for consumer losses due to sexual harassment based on Article 19 of the 1999 Consumer Protection Law.

Therefore, law enforcement officials must take appropriate legal protection for victims and strict legal action against perpetrators seriously. The community must support justice to receive more attention and be highlighted to all community members. In Pancasila, both justice and humanity are essential in realizing the second principle of Pancasila. Furthermore, in handling cases on the KRL, PT KAI should

impose additional sanctions on perpetrators of sexual harassment in train carriages and improve SOPs to enhance security on the KRL and provide comfort to consumers using the KRL transportation.

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