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CORPORATE COMPLIANCE AS AN INSTRUMENT FOR PREVENTING SEXUAL HARASSMENT IN THE WORKPLACE: A NORMATIVE STUDY AND RECONSTRUCTION OF A PREVENTIVE MODEL

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Abstract

Sexual harassment in the workplace remains a structural problem that is not handled systematically in Indonesia. The national legal framework has developed through Law No. 12 of 2022 on Sexual Violence Crimes and Ministerial Decree No. 88 of 2023, yet these instruments operate mainly at the response stage, after an incident has occurred. This article analyses the normative framework of corporate compliance in Indonesian positive law as an instrument for preventing workplace sexual harassment, and reconstructs an integrative preventive compliance model. The study uses a normative juridical method with a prescriptive typology. Data were drawn from primary, secondary, and tertiary legal materials and analysed qualitatively through systematic interpretation, comparison, and argument construction. The analysis shows that the obligations to establish task forces and complaint mechanisms are already available, but they are not yet connected to risk management systems, continuous training, and the evaluation of organisational culture. The article proposes a compliance model oriented toward dignity-centred governance, grounded in responsive regulation, and complemented by a gender perspective that exposes power relations within organisations. The model is intended as a reference for corporations and regulators seeking to strengthen the prevention of workplace sexual harassment.

Keywords: corporate compliance; workplace sexual harassment; prevention; corporate governance; worker protection.

1. Introduction

The workplace is a social arena shaped by power relations that are not always equal. Behind the formal structure of organisations, sexual harassment at work remains a persistent and latent phenomenon, often shielded by a culture of silence. The International Labour Organization (ILO), through Convention No. 190 of 2019 on Violence and Harassment, affirms that violence and harassment in the world of work are human rights violations that cannot be tolerated. The Convention marks a shift from viewing worker protection as a purely moral obligation to recognising it as a legal imperative that demands structured institutional responses from corporations, which are dominant actors in the employment ecosystem.

National data underline the urgency of the problem. Komnas Perempuan, Indonesia's National Commission on Violence against Women, has consistently placed the workplace among the significant sites of gender-based violence, with sexual harassment as the most frequently reported form.(Komnas Perempuan. (2024) A recent study cites Komnas Perempuan's figure of 17,305 cases of sexual violence in 2024, and