

# Sexual Violence in Public Spaces: A Criminological Study of Social and Cultural Factors

Peter Guntara<sup>1</sup>, Trias Pangesti<sup>2</sup>, Yessa Ayu Agista<sup>3</sup>

<sup>123</sup>Duta Bangsa Surakarta University

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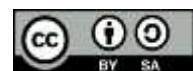
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## ABSTRACT

Sexual violence in public spaces continues to increase in both physical and digital spaces. This study aims to analyze the social and cultural factors that influence the occurrence of sexual violence and assess the implementation of law enforcement through a normative juridical approach. Using primary legal materials such as the TPKS Law, the Criminal Code, and sectoral regulations, as well as secondary legal materials such as criminology literature and academic studies, this study found that sexual violence in public spaces is influenced by the dominance of patriarchal culture, the normalization of aggressive sexual behavior, the practice of victim blaming, the weakness of the public space surveillance system, and the limitations of institutional responses. From a legal perspective, the TPKS Law provides a comprehensive legal basis for the prevention and handling of sexual violence, including reporting mechanisms, victim-friendly investigations, evidence-based electronic evidence, and victim recovery. However, its implementation still faces structural obstacles such as a lack of gender education, a lack of gender-responsive policies in public institutions, and a social culture that tolerates violence. These findings underscore the need for a holistic prevention strategy that combines law enforcement, gender education, strengthening the design of public spaces, and cultural change campaigns to create safe and gender-equitable public spaces.

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## Corresponding Author:

Name: Peter Guntara

Institution Address: Duta Bangsa Surakarta University

e-mail: [peter\\_guntara@udb.ac.id](mailto:peter_guntara@udb.ac.id)

## 1. INTRODUCTION

Sexual violence is one of the most complex and painful crimes in modern society. This phenomenon not only violates the law, but also infringes on human values, morality, and individual rights, especially the right to safety and human dignity.<sup>1</sup>

In public spaces such as roads, public transportation, workplaces, schools,

campuses, and other public facilities, sexual violence poses a real threat to women, children, and other vulnerable groups. Ironically, despite growing public awareness of the issue of sexual violence, the number of

<sup>1</sup> Salam, S., Mansur, F. A., Al Zarliani, W. O., & Sadif, R. S. (2025). Legal Analysis of a Criminological Review of

the Crime of Sexual Violence in Central Buton Regency. PUSKAPSI Law Review, 5(1), 194-206.

cases continues to show an alarming trend from year to year.<sup>2</sup>

One case that reflects this situation is the sexual harassment incident on public transportation in Jakarta that occurred again in early 2025. Similar cases of sexual harassment against women have occurred on various modes of public transportation, such as Transjakarta, online taxis, and online motorcycle taxis since January 2025. These incidents reflect that the progress and modernization of public transportation in Indonesia has not been fully accompanied by improved safety for women, who remain vulnerable to sexual violence. This reality proves that public spaces are not yet can be said to be safe and free from the threat of gender-based violence. (Poskota.co.id, April 21, 2025)<sup>3</sup>

Sexual violence cannot be viewed solely as deviant individual behavior. Rather, it is the result of interactions between social, cultural, and structural factors that develop within society. Patriarchal culture, for example, places women in a subordinate position and as sexual objects, so that abusive behavior is often considered normal or even reasonable.<sup>4</sup> On the other hand, social factors such as a lack of supervision in public spaces, a weak legal system, and a culture of victim blaming further exacerbate this situation.

From a criminological perspective, sexual violence can be explained through various theories, such as Feminist Criminology Theory, which highlights gender inequality and power relations between men and women;<sup>5</sup> Social Learning Theory, which explains that violent behavior is learned

through the social environment; and Labeling Theory,<sup>6</sup> which shows how society often stigmatizes victims rather than perpetrators.<sup>7</sup> This approach helps us understand that sexual violence is not only an individual criminal act, but also a product of an unfair and gender-biased social system.

Technological and social media factors have also contributed to the spread of sexual violence in public spaces. Many cases of harassment now occur through digital platforms, such as sending obscene messages, spreading photos or videos without permission (non-consensual content), and gender-based bullying. In recent years, cases of Online Gender-Based Violence (KBGO) in Indonesia have increased significantly, with research reports showing a surge of up to 300 percent in the last six years.<sup>8</sup> This form of violence includes not only verbal abuse on social media, but also threats to spread intimate content when victims refuse or end relationships with perpetrators<sup>9</sup>, as well as the use of digital manipulation technologies such as deep fakes.<sup>10</sup> This phenomenon expands the meaning of public space beyond physical spaces to include digital spaces where abuse can occur on a massive scale, systematically, and often anonymously.

Indonesia has sought to provide protection through Law No. 12 of 2022 on Sexual Violence Crimes (TPKS Law). This law is an important milestone in protecting victims and expanding the definition of sexual violence to include forms that were not previously clearly regulated. However, implementation in the field still faces many challenges, particularly related to weak law

<sup>2</sup> Saodana, S., Hajriana, H., & Mustari, R. (2025). Criminological Analysis of Legal Protection for Children Victims of Sexual Violence in the Family Environment. *Innovative: Journal Of Social Science Research*, 5(4), 6052-6063.

<sup>3</sup> <https://www.poskota.co.id/2025/04/21/pelecehan-seksual-di-transportasi-umum-jakarta-masih-terjadi-3-kasus-sejak-januari-2025>

<sup>4</sup> Sakina, A. I. (2017). Highlighting the patriarchal culture in Indonesia. *Share: Social Work Journal*, 7(1), 71-80.

<sup>5</sup> Keisha, K. (2024). Sexual Violence and Victimization of Women: An Analysis Through the Lens of Feministic Criminological Theory. *Madani Journal of Political and Social Society*, 16(01), 1-14.

<sup>6</sup> Sumianto, S., Admoko, A., & Dewi, R. S. I. (2024). Social-cognitive learning in primary school: Implementation of Albert Bandura's theory. *Indonesian Research Journal on Education*, 4(4), 102-109.

<sup>7</sup> Gayatri, N. M. I., & Swardhana, G. M. (2024). Criminological Theory in Solving the Crime of Theft and Violence Committed Continuously (Article 365 of the Criminal Code). *Journal of Academic Media (JMA)*, 2(10).

<sup>8</sup> Musyaffa, R. A. (2022). *Online Gender-Based Violence in...* *Communology*, 19(2), 91-105.

<sup>9</sup> IHN Rahma. (2025). *Legal Protection for Victims of Non-Consensual Intimate Images (NCII) Cases*. *Governance: Journal of Governance Science*

<sup>10</sup> Munawwarah, S. (2025). *Gender-Based Violence in the Digital Era*. *Journal of Mana Management*, 6(1), 333-346.

enforcement, a lack of victim perspective in the legal process, and insufficient social support for survivors.<sup>11</sup>

Therefore, it is important to examine sexual violence in public spaces through a criminological approach in order to comprehensively understand its root causes, both from the perspective of the individual perpetrator and the surrounding social structures and cultural values. This study is expected to provide a more complete picture of the dynamics of sexual violence in public spaces and serve as a basis for formulating effective and equitable prevention strategies.

This research stems from the need to analyze sexual violence as a social and criminal phenomenon, not merely as a formal violation of the law. Through a criminological approach, it is hoped that a deeper understanding will emerge regarding the relationship between culture, behavior, and the legal system in shaping the reality of sexual violence in public spaces in Indonesia.

## 2. LITERATURE REVIEW

### 2.1 *The Concept of Sexual Violence in Public Spaces*

#### a. Definition of Sexual Violence

Sexual violence is any act of degrading, insulting, attacking, and/or other acts against a person's body, sexual desires, and/or reproductive functions by force, against a person's will, which causes a person to be unable to give consent freely, due to an imbalance of power and/or gender relations, which results or may result in physical or non-physical suffering, in accordance with Law No. 12 of 2022 on Criminal Acts of Sexual Violence (TPKS Law), which expands the scope of sexual violence to include non-physical harassment (verbal and

gestural), physical harassment, sexual exploitation, and the dissemination of non-consensual sexual content.<sup>12</sup> It also mentions that low public awareness of victims' rights and the prevalence of victim blaming exacerbate the situation. Many women are reluctant to report incidents because they fear being blamed or stigmatized by their communities. Therefore, a criminological approach is needed to unravel the cultural and social roots of sexual violence in public spaces so that effective prevention strategies can be designed.<sup>13</sup>

**b. Public Space Traditionally**, public space is defined as a physical area accessible to everyone (streets, parks, public transportation). However, in contemporary studies, the definition of public space has expanded.<sup>14</sup> Public spaces can be classified into two dimensions, namely physical public spaces that include infrastructure and public facilities, such as bus stops, stations, public office areas, and school/campus environments. Violence occurs through direct contact (touching, groping) or non-physical contact (staring, whistling). And digital public spaces, which are technology-based social interaction platforms (social media, messaging apps, online games). Violence in these spaces occurs through cyber acts, such as doxing, revenge porn, or cyber-flashing.<sup>15</sup>

### 2.2 *Key Social and Cultural Concepts*

**a. Patriarchy is described** as a social system in which men hold dominant power in political leadership roles, moral authority, social privileges, and control

<sup>11</sup> Hairi, P. J., & Latifah, M. (2023). Implementation of law Number 12 of 2022 concerning the crime of sexual violence. *Journal of the State of Law*, 14(2), 163-179.

<sup>12</sup> Harris, P. J. (2016). *Sexual Violence Problems: Analyzing The Direction Of Government Policy In Handling The Problems*. *The State of Law: Building Law for Justice and Welfare*, 6(1), 1-15.

<sup>13</sup> Amin, M., & Nurkartiko, A. (2023). *Legal Protection of Women Victims of Sexual Violence Who Experienced*

*Blaming The Victim Reviewed from a Victimization Perspective*. *UNES Law Review*, 5(4), 4140-4160.

<sup>14</sup> Krisnanto, W., & Syaputri, M. D. (2020). Weaknesses of Legal Protection for Women from Sexual Violence in Public Spaces. *Scientific Journal of Batanghari University of Jambi*, 2(2), 519-528.

<sup>15</sup> Pratiwi, D. A. (2021). *Rejection of Sexual Harassment of Women in Public Spaces (Especially in Surabaya and Surrounding Areas)*. *Mimbar Keadilan*, 14(2), 241-251.

over property.<sup>16</sup> In terms of gender, patriarchy reinforces rigid gender norms, placing men in an active and dominant position, while women are positioned as passive and subordinate objects. Patriarchy contributes to sexual violence through mechanisms of sexual objectification, whereby women's bodies are treated as objects of desire or property that can be commented on or touched without consent, normalizing violence as "normal," "temptation," or an expression of male "virility," and a permissive culture, namely a social environment that fails to impose strict sanctions on perpetrators due to the acceptance of gender domination.<sup>17</sup> This also highlights that environmental factors, such as a lack of public education, weak supervision in public spaces, and a lack of social sanctions against perpetrators, contribute to the reproduction of violent behavior. Prevention efforts can be carried out not only through legal approaches, but also through social education and gender equality campaigns to build new norms that reject sexual violence.<sup>18</sup>

### **b. Victim Blaming**

Victim blaming is a social tendency in which victims of crime or suffering are held fully or partially responsible for what happened to them.<sup>19</sup> In cases of sexual violence, the manifestations are highly destructive, reflected in questions such as "Why were you wearing clothes like that?", "Why were you out alone late at night?", or "Why didn't you fight back?". Criminologically, this practice has two negative functions:

1. Secondary Victimization: Causing additional psychological suffering to survivors by institutions or society.

2. Maintaining the Just-World Hypothesis: The belief that the world is fundamentally fair, so that bad things only happen to people who deserve them, which is unconsciously used to rationalize injustice and distance oneself from the possibility of becoming a victim. Victim blaming directly hinders the reporting and disclosure of cases.<sup>20</sup>

## **3. METHODS**

This study uses a normative juridical method, which is research that focuses on examining legislation and legal literature related to sexual violence in public spaces. The study was conducted through an analysis of Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (TPKS Law), provisions of the Criminal Code, and other regulations governing the protection of victims of sexual violence. The data was obtained entirely through a literature study, covering primary legal materials (legislation), secondary legal materials (journals, books, scientific articles, expert doctrines), and tertiary legal materials that support the interpretation of legal concepts. The research analysis was conducted using a legislative and conceptual approach, then described qualitatively to assess the extent to which legal provisions are able to provide effective protection for victims of sexual violence in public spaces.

## **4. RESULTS AND DISCUSSION**

<sup>16</sup> Putri, A. M., Azizah, C. R. E., & Maharani, R. A. (2022). Representative of Patriarchal Culture in the Novel "Patriarchy" by ThisIsNnana. In *Proceedings of the National Seminar on Social Sciences (SNIIS)* (Vol. 1, pp. 157-163).

<sup>17</sup> Susanto, N. H. (2015). The challenge of realizing gender equality in a patriarchal culture. *Muwazah: Journal of Gender Studies*, 7(2), 120-130.

<sup>18</sup> Noer, K. U., & Kartika, T. (2022). Dismantling sexual violence in higher education: preliminary thoughts. Indonesian Torch Library Foundation.

<sup>19</sup> Wulandari, E. P., & Krisnani, H. (2020). The tendency to victim-blame for sexual violence against women as a result of misattribution. *Social Work Journal*, 10(2), 187-197.

<sup>20</sup> Maulida, G., & Romdoni, M. (2024). Legal protection for victims of sexual harassment who experience secondary victimization on social media. *Southeast Asian Journal of Victimology*, 2(1), 59-79.

#### 4.1 Social and cultural actors influence the occurrence of sexual violence in public spaces

Sexual violence in the public space is greatly influenced by social structures that still place men in a dominant position over women. The patriarchal culture embedded in society makes behaviors such as catcalling, sexual comments, and *non-consensual* touching considered normal and not a form of serious offense. This creates an unequal public space, where women are often seen as sexual objects, triggering sexual violence.<sup>21</sup>

Normalizing attitudes towards aggressive sexual behavior are further reinforced by social habits that consider harassment as part of daily interactions. From previous studies, researchers found that permissive social norms and people who do not provide strict social sanctions actually increase the rate of sexual violence in public spaces.<sup>22</sup> When the social environment views such behavior as normal, the perpetrator feels that their actions will not cause legal or social consequences.

Local cultural factors also reinforce these behaviors through the reproduction of inherited values in families, schools, and communities. Traditional gender education patterns that require women to maintain modesty while giving great tolerance to men's aggressive behavior create power imbalances.<sup>23</sup> This inequality makes women more vulnerable to sexual harassment in public spaces because society often justifies the dominance of masculinity.

The *victim-blaming* culture also plays a big role in the increase in sexual violence in public spaces. The victim is often considered the cause of violence through his clothing,

behavior, or presence in a certain space.<sup>24</sup> As a result, many victims are afraid to report because they are afraid of being blamed or not trusted by the authorities and the public. This reinforces the cycle of impunity, where perpetrators can repeat their actions without fear.

Social institutions such as the police, educational institutions, and public transportation providers also influence the rate of sexual violence. When institutions do not have firm policies, clear SOPs, or officers trained in handling sexual violence, victims become reluctant to report.<sup>25</sup> This weak institutional response makes the public doubt the effectiveness of legal protection, so that public spaces remain a risky area for women.

Mass media and popular culture also play an important role in shaping public perceptions of sexual violence. The representation of women as sexual objects in advertisements, films, and digital content internalizes the view that women's bodies can be consumed visually.<sup>26</sup> News bias that tends to blame victims also strengthens the permissive culture of harassment in public spaces and decreases public empathy for victims.

In addition to social and cultural factors, the design of public spaces also affects the high rate of sexual violence. Public spaces that are poorly lit, lack of supervision, and have low visibility increase the chances of harassment.<sup>27</sup> This shows that urban planning that is not women-friendly contributes to the increase in women's fear and vulnerability in activities in public spaces.

Other conditions such as social and economic are also important factors. Women who have to work certain hours or use public transportation due to economic demands are

<sup>21</sup> Martha Arnez, *Cultural and Institutional Factors of Sexual Violence in Indonesia* (London: Routledge, 2024), p. 41

<sup>22</sup> Rebecca Torrance, *Social Norms and Sexual Violence: A Systematic Review* (New York: SAGE Publications, 2024), p. 17.

<sup>23</sup> Martha Arnez, *Cultural and Institutional Factors of Sexual Violence in Indonesia* (London: Routledge, 2024), Pam Nilan, *Gender, Culture, and Everyday Violence in Southeast Asia* (Cambridge: Cambridge University Press, 2023), p. 66.

<sup>24</sup> Ayu Permata Sari, "Victim-Blaming Culture in Cases of Sexual Harassment in Public Spaces," *Journal of Reflective Sociology*, Vol. 18 No. 2 (2023), p. 122.

<sup>25</sup> Diah Lestari, *Institutional Responses to Sexual Harassment in Public Transportation* (Jakarta: Center for Gender Studies, 2022), p. 53.

<sup>26</sup> Siti Rahmawati, "Media Representation of Sexual Violence," *Journal of Communication Sciences Nusantara*, Vol. 12 No. 1 (2024), p. 88.

<sup>27</sup> Fiona Vera-Gray, *The Right Amount of Panic: How Women Navigate Public Space* (Bristol: Policy Press, 2020), p. 94.

more often exposed to risky situations.<sup>28</sup> Women from low socio-economic backgrounds face additional barriers such as limited access to legal aid and low legal literacy, making them increasingly vulnerable to violence in public spaces.

The results of this study show that sexual violence in public spaces is not just an individual act, but a social phenomenon influenced by cultural interactions, legal structures, spatial design, and economic situations. As a result, prevention efforts require a comprehensive series of actions, one of which is through education on gender equality, institutional policy reform, gender-sensitive media campaigns, and the development of women-friendly public spaces.<sup>29</sup> This effort is only effective if it involves all elements of society in a sustainable manner.

#### 4.2 Implementation of the law in preventing and dealing with sexual violence in public spaces

Law enforcement in preventing and handling sexual violence in public spaces in normative juridical research is analyzed based on the provisions of laws and regulations and relevant legal doctrines. This approach assesses how positive law has governed victim protection and how those norms are applied in the context of public spaces. The analysis was carried out by examining Law Number 12 of 2022 concerning the Crime of Sexual Violence (TPKS Law), the Criminal Code, and other sectoral regulations, so that the discussion is conceptual and normative in accordance with written legal sources.<sup>30</sup>

In accordance with the provisions that should apply, the TPKS Law is the main legal instrument that provides a comprehensive foundation for the prevention and handling of sexual violence in public spaces. This law regulates 19 forms of sexual

violence and affirms the principle of victim protection as *victim-centered*. Through a legislative approach, it can be seen that the TPKS Law closes the gap in norms that were previously not effectively accommodated in the Criminal Code, especially related to acts of harassment in public spaces which are often difficult to process legally.<sup>31</sup>

In its prevention, the TPKS Law affirms the state's obligation to create a safe public space through gender-responsive policies. This regulation mandates the provision of public education, anti-sexual violence campaigns, and governance of public spaces that pay attention to the safety of vulnerable groups. The normative approach assesses that this norm expands the function of the state not only as an actor, but also as a provider of preventive means that reduce the chances of sexual violence occurring.<sup>32</sup>

The reporting mechanism in the TPKS Law is juridically designed to eliminate structural barriers that previously made victims reluctant to report. Through a regulatory approach, this law provides a legal basis for the establishment of victim-friendly reporting channels, including through the UPTD PPA, the police, and digital systems. Norms that require the confidentiality of victims' identities show that the law expressly provides protection from the early stages of the legal process.<sup>33</sup>

The provisions of the TPKS Law and Police Regulations also regulate victim-friendly procedures that must be complied with by investigators. Previous studies have shown that the law has emphasized the need for special examination rooms, psychological assistance, and recognition of electronic evidence such as CCTV. The strengthening of digital evidence is an important development in the context of crimes that occur in the public

<sup>28</sup> Kadek Wirawan, *The Vulnerability of Women Night Workers to Sexual Harassment* (Denpasar: Udayana University Press, 2023), p. 37.

<sup>29</sup> UNICEF Indonesia, *Safe Public Spaces Report: Preventing Sexual Harassment in Urban Cities* (Jakarta: UNICEF, 2022), p. 12.

<sup>30</sup> Soerjono Soekanto and Sri Mamudji, *Normative Legal Research* (Jakarta: RajaGrafindo Persada, 2010), p. 12.

<sup>31</sup> Law Number 12 of 2022 concerning the Crime of Sexual Violence, Statute Book of 2022, Article 1.

<sup>32</sup> *Ibid.*, Articles 5–7.

<sup>33</sup> *Ibid.*, pp. 26–29

sphere, so that the law has adapted to the factual situation of modern society.<sup>34</sup>

In the prosecution process, the prosecutor was given a legal basis to conduct more progressive evidence in accordance with Article 25 of the TPKS Law. A conceptual approach to proof suggests that legal norms no longer rely on traditional evidence, but accommodate digital evidence and expert witnesses. This analysis confirms that positive law has regulated more flexible evidence but still meets the principle of legal certainty, thereby strengthening the victim's position in the judicial process.<sup>35</sup>

The judicial provisions in the TPKS Law also explain the principle of comprehensive protection for victims. Normatively, courts are required to provide an examination mechanism that prevents victims from being rehabilitated, such as remote examinations or the use of curtains. In addition, the imposition of restitution as part of a court decision is proof that the law aims to recover the victim's losses, not just punish the perpetrator. This norm reflects a shift in the legal paradigm that is more equitable for victims.<sup>36</sup>

At the administrative policy level, sectoral regulations such as the Minister of PPPA Regulation No. 12 of 2020 provide an operational basis for local governments in providing integrated services. Through juridical analysis, it can be seen that the law has regulated the role of the regions in the prevention and handling of sexual violence through the establishment of UPTD PPA, the provision of safe houses, and emergency services. This regulation shows that victim protection is not only regulated at the legislative level, but also in implementing derivative policies.<sup>37</sup>

The implementation of law enforcement also received conceptual support

from the doctrines of experts and reports from independent institutions such as Komnas Perempuan. Through secondary legal materials, it can be found that the prevalence of sexual violence in public spaces is caused by patriarchal cultural factors, the lack of supervision of public spaces, and the weak response of the authorities before the arrival of the TPKS Law. This doctrine strengthens the analysis that the existence of the TPKS Law is a normative response to urgent legal needs.<sup>38</sup>

By paying attention to the analysis of regulations and doctrines, juridically normative explains that the form of law enforcement against sexual violence in the public space has been comprehensively regulated through the national legal apparatus. These norms regulate prevention, reporting, investigation, prosecution, justice, and victim recovery. Law enforcement with this normative approach confirms that legally, the state has provided adequate protection mechanisms; It remains to be seen how the effectiveness of its implementation in the field is monitored through supportive policies and legal culture.<sup>39</sup>

## 5. CONCLUSION

This study shows that sexual violence in public spaces is not merely an individual criminal act, but rather a social and cultural phenomenon influenced by patriarchy, permissive norms, victim blaming, and structural weaknesses in institutional oversight and response. Criminologically, such violent behavior is understood as a product of power imbalances, social learning processes that tolerate violence, and societal stigma against victims. From a normative legal perspective, national legislation, particularly Law No. 12 of 2022 on Sexual

<sup>34</sup> Regulation of the National Police of the Republic of Indonesia Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Police Duties, Article 14.

<sup>35</sup> Law Number 12 of 2022 concerning the Crime of Sexual Violence, Article 25 and Article 41.

<sup>36</sup> Ibid., pp. 52–58.

<sup>37</sup> Regulation of the Minister of Women's Empowerment and Child Protection Number 12 of 2020 concerning the Regional Technical Implementation Unit for the Protection of Women and Children, Article 3.

<sup>38</sup> Komnas Perempuan, *Annual Report on Violence Against Women 2022* (Jakarta: Komnas Perempuan, 2022), p. 7.

<sup>39</sup> Nursyahbani Katjasungkana, "Patriarchal Culture and Sexual Violence," *Women's Journal* Vol. 26 No. 3 (2021), p. 15.

Violence Crimes, provides a comprehensive framework for prevention, reporting, investigation, prosecution, and victim recovery. This regulation broadens the definition of sexual violence, strengthens evidence with electronic evidence, and places victims at the center of protection. However, its effectiveness is still limited due to minimal implementation in the field, a lack of gender perspective in law enforcement institutions, and low public literacy regarding victims' rights. Thus, the prevention of sexual violence in public spaces requires a multidimensional

approach that combines law enforcement, institutional policy reform, public education, and social cultural reconstruction so that norms that tolerate violence can be eliminated in a sustainable manner.

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## BIOGRAPHIES OF AUTHORS

	<p><b>Trias Pangesti</b>     Student of the 2023 undergraduate law study program, faculty of law and business, Duta Bangsa University, Surakarta, Indonesia. Email: <a href="mailto:triaspangesti77@gmail.com">triaspangesti77@gmail.com</a></p>
	<p><b>Yessa Ayu Agista</b>     Student of the 2023 undergraduate law study program, faculty of law and business, Duta Bangsa University, Surakarta, Indonesia. Email: <a href="mailto:yessaagista385@gmail.com">yessaagista385@gmail.com</a></p>