

## Implications of Food and Beverage Corporate Power Relations for Sexual Harassment Cases

Azizah Nur Awaliyah<sup>1</sup>, Muridah Isnawati<sup>2</sup>

<sup>1</sup> Faculty of Law, Surabaya Muhammadiyah University, Surabaya -Indonesia, [azizah.nur.awaliyah-2021@fh.um-surabaya.ac.id](mailto:azizah.nur.awaliyah-2021@fh.um-surabaya.ac.id)

<sup>2</sup> Faculty of Law, Surabaya Muhammadiyah University, Surabaya -Indonesia, [muridah.isnawati@fh.um-surabaya.ac.id](mailto:muridah.isnawati@fh.um-surabaya.ac.id)

### ABSTRACT

Industry development Food and Beverage industry in Indonesia shows rapid growth, this is evidenced by the statistical data of food and beverage business in 2022. This is evidenced by statistical data on food and beverage businesses in 2022 there were only 10,900 businesses. While in the year 2023 there was a high surge of 4,854,311 businesses. This was accompanied by the high number of sexual harassment cases. According to the Ministry of PPA in 2023-2024 the number of sexual harassment reached 12,836-14,374. Survey data shows that 54.81% of perpetrators of sexual violence in the workplace are supervisors or senior colleagues. With a socio-legal approach and victimology approaches, this research analyzes how hierarchical inequality, work culture and the weakness of the reporting mechanism on the occurrence of sexual harassment. The findings show that hierarchical power relations strengthen the dominance of perpetrators, while victims tend to dare to report sexual harassment. dominance of the perpetrator, while victims tend not to dare to report because of the threat to career continuity. threat to career continuity. This research also highlights the form of corporate liability through the theory of vicarious liability as well as the importance of restitution and legal protection for victims. The result of his study recommend strengthening internal company regulations, socializing employee rights and establishing a safe and pro victim reporting system to prevent sexual harassment in the food and beverage industry sector.

### ARTICEL INFO

#### **Keywords:**

Power Relationships, Corporations, Sexual Harassment, Food and Beverage, Victimology, Corporate Liability.

#### **How to cite:**

Awaliyah, A. N., Isnawati, M, (2025). Implications of Food and Beverage Corporate Power Relations for Sexual Harassment Cases. *Musamus Law Review*, 8(1), 1-23

## 1. INTRODUCTION

Corporations have an organizational structure, which is explained in Law Number 12 of 2022 concerning the crime of sexual harassment in article 1 paragraph (3), a corporation is a collection of people and/or assets that are organized, whether they are legal entities or non-legal entities. Sondang P. Siagian stated that an organization is a form of Fellowship of two or more people who cooperate formally bound to achieve a

predetermined goal. In this environment, the dynamics of power relations, responsibility, and collaboration play an important role in shaping the work culture. Indonesia has many industries, one of which is engaged in the field of Tourism. Currently, the tourism industry is experiencing development not only limited to providing services to tourists, but more than that. Indonesia regulates the tourism business sector in Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism in article 14, one of which includes food and beverage services.<sup>1234</sup>

In 2020 the Indonesian Central Statistics Agency for Food and Drink Providers said the number of food and beverage provider businesses that year reached around 11,223, then in 2021 the number of food and beverage service provider businesses reached 9,026 businesses, while in 2022 the number of food and drink businesses reached 10,900 and in 2023 the number of food and beverage businesses increased dramatically by 4,854,311 businesses <sup>5</sup>

**Table 1:** Data on the Number of Food and Beverage Service Providers

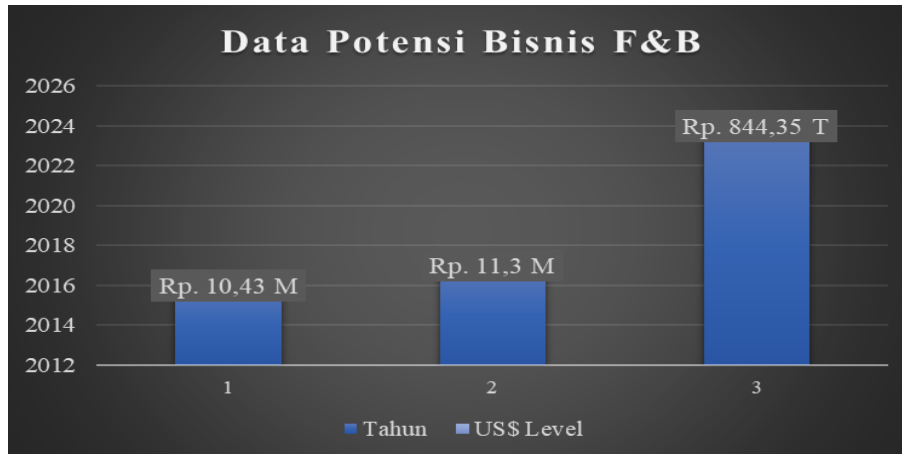


Source: Food and Beverage Service Provider Business Data <sup>6</sup>

<sup>1</sup> Tourism Bandungan, Central Java, and Mila Karmilah, "The Dual Role of Women in the Environment," *Student Journal* 6, no. 1 (2013): 129-58.  
<sup>2</sup> Bandungan, Tengah, and Karmilah.  
<sup>3</sup> Della Maghfira Napu et al., *Introduction to Tourism Business: Hospitality, Food and Beverage Service, and Tourist Destination Development*, CV Intelektual Manifest Media, 2023.  
<sup>4</sup> Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism, "Ministry of Tourism of the Republic of Indonesia," 2009, 1-24.  
<sup>5</sup> Beverage Service and Activities Statistics, "Food and Beverage Provider Statistics 2023," 2024.  
<sup>6</sup> Service and Statistics.

According to him, the F&B business is considered one of the business sectors that has considerable potential to face the Industrial Era 4.0.<sup>7</sup>

**Table 2:** Food & Beverage Business Potential Data



Source: Food & Beverage Business Potential Data<sup>8</sup>

This goes hand in hand with the increasing number of cases of sexual harassment that occur in the *food and beverage* corporations. The issue of sexual harassment is one of the serious challenges that need to be considered. The factors behind the occurrence of sexual harassment in the *Food and Beverage* corporation include an unbalanced combination of power relations, a relaxed and informal work environment, economic and poverty factors, weak law enforcement policies, lack of knowledge and awareness, unbalanced working conditions and gender ratios and normalized corporate habits or norms.<sup>9</sup>

The power imbalance that has occurred several times in *food and beverage* corporations, illustrates how power relations can make victims of sexual harassment powerless to resist. The power relationship itself is explained in article 1 paragraph (9) of PERMA RI No. 3 of 2017 concerning Guidelines for Adjudicating Women's Cases Facing the Law. According to Foucault, power is expressed in 2 ways in the reality of life. He said power is like a currency, which has two opposite sides. This means that

<sup>7</sup> Isdianti Herliana, "The Food & Beverage Industry Most Ready to Enter Industry 4.0," Barantum, 2024, <https://www.barantum.com/blog/bisnis-food-beverage-industri-4/>.

<sup>8</sup> Herliana.

<sup>9</sup> Duncan Marshall et al., "Understanding Housing Defects," *Understanding Housing Defects*, no. 2 (2013): 1-550, <https://doi.org/10.4324/9780080971131>.

with a double face, power can be restrictive (limiting) and productive (producing something). Often the perpetrator of sexual harassment is an individual who has power. This is due to the imbalance in the power relationship between perpetrators and victims in the industry.<sup>10111213</sup>

Law No. 12 of 2022 concerning the Crime of Sexual Harassment in article 4 explains the types of criminal acts of sexual harassment. In the fact sheet of the annual record of Komnas perempuan in 2023, the number of cases of sexual harassment reached 1,271 cases, with the main target being women in the workplace and public places of around 198 cases and Indonesian Migrant Workers (PPMI) as many as 257 cases. According to data from the International Labor Office (ILO) as follows;<sup>14</sup>

**Table 3:** Percentage of Respondents to Victims of Sexual Harassment



<sup>10</sup> Muh Iksan Saputra et al., "Power Relations Inequality in Cases of Sexual Violence in Higher Education," *Amsir Law Journal* 5, no. 2 (2024): 93-105, <https://doi.org/10.36746/alj.v5i2.424>.

<sup>11</sup> Perma, "... Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases in Front of the Law in ...," *Sakina: Journal of Family Studies*, 2017, <http://urj.uin-malang.ac.id/index.php/jfs/article/view/488%0Ahttp://urj.uin-malang.ac.id/index.php/jfs/article/download/488/363>.

<sup>12</sup> Sahra Erika, Muhammad Rapi Tang, and Sulastriningsih Djumingin, "Power Relations in the Novel Last Mystery 1 and Last Mystery 2 by S. Mara Gd and Its Relevance to Multiculturalism-Based Literary Learning in Senior High School," *Journal of Education: Journal of Research and Literature Studies in the Field of Education, Teaching and Learning* 7, no. 3 (2021): 680, <https://doi.org/10.33394/jk.v7i3.3792>.

<sup>13</sup> W Junaini, "Women's Objectification in Power Relations (Study of Four Women in Sexual Violence Cases in Pekanbaru City)," *Innovative: Journal of Social Science Research* 3 (2023): 5571-80, <http://j-innovative.org/index.php/Innovative/article/view/4082%0Ahttps://j-innovative.org/index.php/Innovative/article/download/4082/2985>.

<sup>14</sup> Law of the Republic of Indonesia, "Law of the Republic of Indonesia Number 12 of 2022 concerning the Crime of Sexual Violence," *Ministry of State Secretariat of the Republic of Indonesia* 1, no. 69 (2022): 1-84.

*Source: Percentage of Respondents Victims of Sexual Harassment*<sup>15</sup>

Meanwhile, currently there is no specific data related to cases of sexual harassment that occurred in the *Food and Beverage corporation*, this is in the background of several factors, one of which is; the lack of reporting due to implicit and *explicit* threats to career, this phenomenon is of course related to how the big impact of power relations therefore needs to be handled by paying more attention to the position of the victim. According to N.K. Endah Triwijati, sexual harassment is also realized from the form of abuse of power over male sexuality. In this case, the perpetrator of sexual harassment is mostly in positions of power.<sup>16</sup><sup>17</sup><sup>18</sup>

Based on the above description of the background of sexual harassment in the *food and beverage* corporation as a victim of sexual harassment caused by the implications of power relations, my personal experience and colleagues provide direct insight into how power relations in corporations become something that worsens victim protection. Therefore, in this study, the researcher wants to provide a broader picture of how the implications of power relations and power dynamics in *food and beverage* corporations are related to the crime of sexual harassment, as well as provide an analysis of the *victimology* approach and the factors that cause a person to become a victim of harassment (victimization). When compared to previous research conducted by the study, it only explains the imbalance of power relations in cases of sexual harassment that occurs in universities, not specifically using <sup>19</sup>*the victimology* approach. Likewise, the research conducted by the research only explains how the act of sexual harassment that occurs in personal relationships, in this study uses a review of power relations contained in the relationship between two individuals only so that it is considered less comprehensive when compared to the complexity of the dynamics that

---

<sup>15</sup> Harahap Devi, "Sexual Violence Emergency, All Corporations Must Form PPKS Task Force," *Media Indonesia*, 2023, <https://mediaindonesia.com/humaniora/635527/darurat-kekeraan-seksual-seluruh-korporasi-wajib-membentuk-satgas-ppks>.

<sup>16</sup> N.K. Endah Triwijati, "Sexual Harassment: A Psychological Review," *Faculty of Psychology, University of Surabaya, and Savoy Amira Women's Crisis Center* 20, no. 4 (2019): 303–6.

<sup>17</sup> I Wayan Putu Sucana Aryana, "A Review of Power Relations in Sexual Violence in Personal Relationships," *Journal of Yustitia* 16, no. 1 (2022): 37–44, <https://doi.org/10.62279/yustitia.v16i1.898>.

<sup>18</sup> Aulia Virgistasari and Anang Dony Irawan, "Sexual Harassment of Victims Reviewed from Permendikbud Number 30 of 2021," *Media of Law and Sharia* 3, no. 2 (2022): 106–1123, <https://doi.org/10.18196/mls.v3i2.14336>.

<sup>19</sup> Saputra et al., "Power Relations Inequality in Cases of Sexual Violence in Higher Education."

occur in the corporation. By combining these two <sup>20</sup>*perspectives*, this study identifies *the accountability* of corporate management and provides an understanding of the implications of power relations to the crime of sexual harassment that occurs in corporations in the *Food and Beverage* sector using a *victimology* approach.

Based on the background that has been explained above, the main problem that will be discussed in this study is how the relationship of corporate *management* power of *food and beverage* affects the criminal act of sexual harassment and how the form of corporate responsibility for cases of sexual harassment with a *victimology* approach.

## **2. METHOD**

This research is a research that uses a socio-legal approach, which is an approach that provides an analysis of normative legal aspects with an understanding of the reality and social dynamics in society, especially in the <sup>21</sup>*food and beverage* corporate environment. In this study, we use references to Law No. 1 of 1946 concerning the Criminal Code in article 289, Law No. 12 of 2022 concerning the Crime of Sexual Harassment, Law No. 13 of 2003 concerning employment in article 86 concerning occupational safety and health, and Law No. 31 of 2014 concerning the protection of witnesses and victims as well as books and journal articles. This research also provides qualitative analysis and data collection techniques by integrating the legal approach and *the victimology* approach, which aims to deeply understand how the law interacts with the victim's experience and how power relations affect the dynamics of criminal acts that occur. This approach is expected to be able to provide a comprehensive overview of the perception, meaning and impact of sexual harassment crimes in the corporate sector.

## **3. RESULTS AND DISCUSSION**

### **3.1. The Relationship of the Management Power of Food & Beverage Corporations in Influencing the Crime of Sexual Harassment**

#### **a. Power Relations in Corporate Management**

---

<sup>20</sup> Aryana, "A Review of Power Relations in Sexual Violence in Personal Relationships."

<sup>21</sup> Herby Ernanto and Sigit Hermawan, "Table Of Content Article Information Rechtsidee," *Indonesian Journal of Law and Economics Review* 14, no. 2 (2022): 6–14.

In general, power is something that is legitimized to a system that allows individuals to obey a given system, The basic concept of power relations theory often refers to dynamic relationships between individuals or groups that have different levels of power, according to Foucault power is the entire structure of actions that provide encouragement and pressure in the form of persuasion, stimulation, seduction, coercion and prohibition, so that this slows down the decision-making process due to the many variables that must be considered.<sup>22</sup>

In this explanation, power has a much more complex concept than just formal authority, and the dominance of power occurs in certain situations through relationships between individuals, in other words, power is dynamic. Power is distributed in social and cultural relations by manifesting itself through various mechanisms including; convincing others, giving intensively, exerting physical and psychological pressure and limiting actions. This shows that power is able to shape a person's way of thinking and habits.

Michel Foucault gives an overview of the techniques of power used in institutions (schools, hospitals, prisons, workplaces) this is done to control and regulate individual behavior, this contributes to the understanding and regulation of behavior that is not normally normalized and that is otherwise considered discriminatory, it is formed from various patterns of relations between individual human beings, with interests at a certain level of power, In a corporation there is a hierarchical organizational structure, usually some others are placed in a dominant position while others in a subordinate position, this gives a dynamic power effect.<sup>232425</sup>

In general, the hierarchical sentence refers to a structure or system that describes the levels in an entity with the ownership of authority and power within a company. The hierarchy of power in *the Food & Beverage* corporation consists of various levels ranging from *Director Food & Beverage, Manager On Duty, FBS Manager,*

---

<sup>22</sup> Martua Pahalaning Wandalibrata, "A METAPHYSICAL STUDY OF 'POWER RELATIONS' IN THE THOUGHT OF MICHEL FOUCAULT Martua" 02, no. 01 (2019): 61-69.

<sup>23</sup> Gede Agus Siswadi, *Human Philosophy: Understanding Humans as Homo Complexus*, 2024, <https://www.researchgate.net/publication/377951590>.

<sup>24</sup> Syamsul Dwi Maarif, "The Theory of Power Relations in Society," *Tirto.id*, 2023, <https://tirto.id/teori-relasi-kekuasaan-dalam-masyarakat-gPzH>.

<sup>25</sup> SP Cahyono, "The Relationship of Law and Power in the Legal System in Indonesia," *Dinamika Hukum & Masyarakat*, 2023, <https://ojs.unik-kediri.ac.id/index.php/DMH/article/download/5347/3313>.

Assistant Manager FBS, Captain or Supervisor, Waitress, Trainee, Greeter, Cashier, Bar Server, Bartender, Barista, and so on. The hierarchy of power is considered important in order to maintain order and efficient and systematic company operations so that this minimizes the abuse of power.<sup>26</sup>

**b. The Relationship of Power with the Crime of Sexual Harassment**

Power relations play a central role in the occurrence of sexual harassment, where the inequality of position between the perpetrator and the victim is inequality. Often this is used to commit adverse actions and pressure the victim to remain silent. In the context of sexual harassment, power relations are the main factors that trigger and facilitate the occurrence of sexual harassment by suppressing, manipulating, or coercing the victim. Based on the results of survey data conducted using the questionnaire distribution method, it is stated that <sup>27</sup>

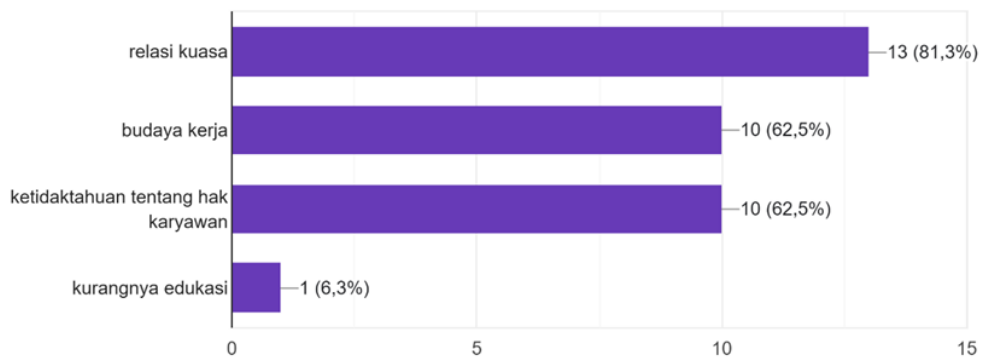


Figure 1. Diagram of the causes of sexual harassment in the workplace

Around 50% of respondents stated that the working relationship between superiors and subordinates was moderate, This is in accordance with *the Leader-member Exchange (LMX) theory*, in this study it is explained that the relationship between superiors and subordinates is not uniform, superiors often develop closer relationships with some subordinates that they like 43.8% very hierarchical. This can usually lead to strong power dynamics and a potential risk of abuse or abuse of

<sup>26</sup> Admin, "Terms in Food and Beverage Service in Hospitality in Full," Hospitality Science, 2019, <https://www.ilmuperhotelan.my.id/2019/12/istilah-dalam-food-and-beverage-service.html>.

<sup>27</sup> FHUI Public Relations, "FHUI Holds Public Discussion 'Revealing Power Relations in Sexual Crimes,'" Faculty of Law, 2016, <https://law.ui.ac.id/?s=FH+UI+ADAKAN+DISKUSI+PUBLIK+>.

authority and 6.3% declare equivalent. Therefore, this creates a difference in the work experience between employees.

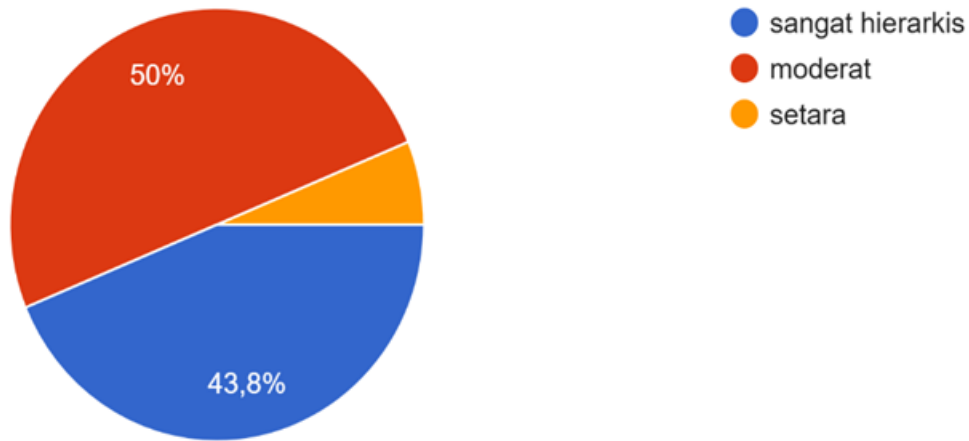


Figure 2. Diagram of the Work Relationship of Superiors and Subordinates

Some victims explained that the perpetrators of sexual harassment are individuals who are in hierarchical positions of the company such as; Managers and supervisors mostly form harassment by their superiors holding sensitive matters of female employees under the pretext of joking. This is also shown in the results of the questionnaire data where 93.8% of respondents said "yes".

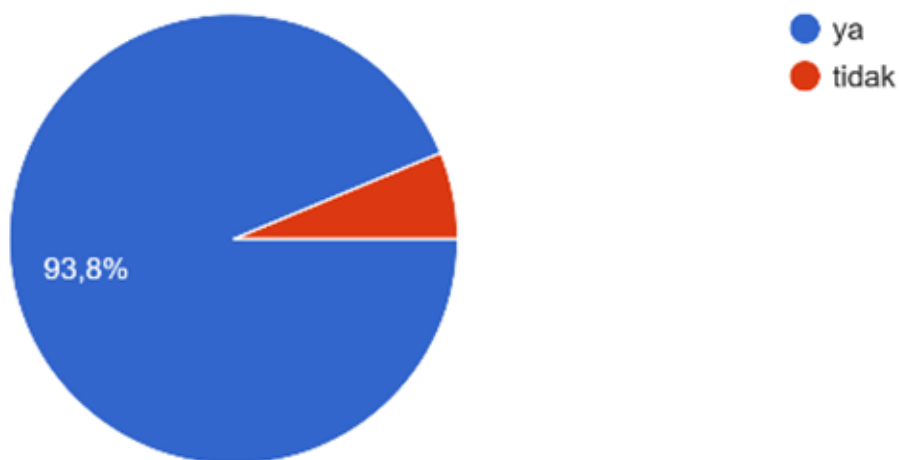


Figure 3. Diagram of the influence of power relations on interpersonal relationships

These findings indicate that sexual harassment is not an isolated case but has become a systemic issue. According to the results of the questionnaire data that has been disseminated, as many as 75% stated that the reporting system did not work well and 56.3% were ineffective, even as many as 90% of respondents stated that they felt unsafe when reporting incidents of sexual harassment, according to the respondents' confession this was motivated by the responsibility given by management and the assumption that it was normal and that it was common in *food and beverage* corporations to be indifferent.

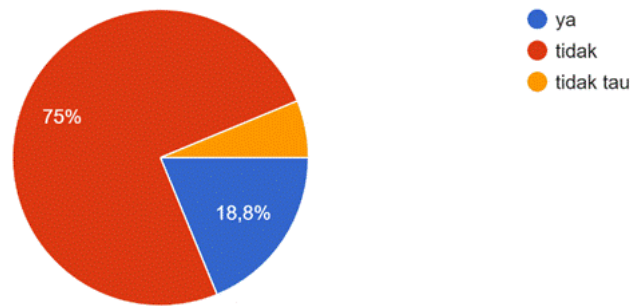


Figure 4. Effectiveness of the Sexual Harassment Reporting System

Not only that, this reporting system is ineffective in the background of threats from management who have full authority, this statement is given by the manager of a *food and beverage* corporation I met. The findings of these findings show that there is a close relationship between power relations in *the management structure of food and baver*, therefore there needs to be a study on how the form of corporate responsibility should be that uses *the victimology* approach (victim vulnerability) and witness and victim protection.

### 3.2. Form of Corporate Accountability for Sexual Harassment Criminal Cases with a Victimology Approach

#### a. Definition and Scope of Sexual Harassment Crime

Sexual harassment is a form of act or behavior that contains sexual content that is not desired by sexual objects. It is explained in Law No. 12 of 2022 concerning the

Crime of Sexual Harassment in article 4 paragraphs (1) and (2) that the crime of sexual violence includes; a. non-physical sexual harassment; b. physical sexual harassment; c. forced contraception; d. forced sterilization; e. forced marriage; f. sexual torture; g. sexual exploitation; h. sexual slavery; and i. electronic-based sexual violence. Some of the above sexual harassment is often encountered in corporations, this gives the effect of an unsafe and stressful work environment due to inappropriate sexual behavior.<sup>28</sup>

### **b. The Relevance of Power Relations in the Corporation to the Crime of Sexual Harassment**

Sexual harassment crimes that occur in the existence of relationship inequality that are built through hierarchical patterns in the work environment. Position inequality such as race, social structure and gender can also cause sexual harassment, this is commonly referred to as (power relations). Power relations are often used as one of the attributes of power that have strong enough bargaining power so that the effect results in controlling and controlling over vulnerable or weak individuals. The forms of control that can be carried out in the workplace are usually in the form of promotions, performance appraisals, and termination of employment. only through sexual reciprocity (Quid Pro Quo) can they get promotion early and instantly.<sup>29,30</sup>

Meanwhile, employees in lower positions are reluctant to report sexual harassment crimes because of the many consequences that will be received, such as losing their jobs or career opportunities. So that it requires many times of consideration in making reporting decisions, this problem needs to be handled and guaranteed safety. In Law No. 12 of 2022 concerning the Crime of Sexual Violence in article 3, it explains the substance in the Law on Crimes of Sexual Violence aims to: a. Preventing all forms of sexual violence; b. Handle, protect, and recover victims; c. Carry out law enforcement to rehabilitate perpetrators; d. Creating an environment without sexual violence; and ensure the non-recurrence of sexual violence. In line with the objectives

---

<sup>28</sup> Law of the Republic of Indonesia, "Law of the Republic of Indonesia Number 12 of 2022 concerning the Crime of Sexual Violence."

<sup>29</sup> I Made Wahyu Pramana, I Wayan Arya, and I Wayan Wiraga, "Space for Women Workers: Gender Responsiveness in the Workplace" 6, no. 2 (2023): 328–35, <https://doi.org/10.33087/talentsipil.v7i2.500>.

<sup>30</sup> Tri Marno Butarbutar, Lailatul Fajri Deswina, and Heni Widiyani, "A Criminological Review of Abuse of Power in the Increase in Sexual Harassment," *Journal of Rectum* 6, no. 1 (2024): 150–58.

stated in the Law, effective implementation is needed to ensure real protection for victims.<sup>31</sup>

The position of corporations in criminal justice also varies, including; As a perpetrator of a criminal act, as a means to commit a criminal act, as a target or victim of a criminal act. There are several concepts of corporate responsibility, one of which is the <sup>32</sup>*vicarious liability* theory which says that leaders are responsible for actions taken by people under their authority within the scope of employment relations. This also applies in the case of criminal acts of harassment committed by corporate *management* where they use their positions of power to commit arbitrariness. So the company or corporation can be held liable, this shows how *the vicarious liability* theory functions to protect third parties from losses caused by the actions of employees.<sup>33</sup>

### **c. Forms of Corporate Accountability for Sexual Harassment Crimes**

In the case of sexual harassment committed by corporate *management*, accountability can be held according to the explanation in the theory of vicarious liability, which occurs on the basis of error by *management*. Of the several cases of sexual harassment, most of the perpetrators of harassment are people who have dominant power and position, therefore it is regulated in Law No. 12 of 2022 TPKS in article 6 letter c, that Every person who abuses his position, authority, trust, or conduct arising from deception or state relations or takes advantage of a person's vulnerability, inequality or dependence, forcing or misleading to induce the person to commit or allow sexual intercourse or obscene acts to be carried out with him or with another person, shall be punished with imprisonment for a maximum of 12 (twelve) years and/or a maximum fine of Rp300,000,000.00 (three hundred million rupiah). However, currently there are still many sexual harassment that occur in corporations, this is influenced by the lack of effectiveness in handling reporting to the corporation as a form of corporate responsibility and guarantees for occupational safety and health as stipulated in Law No. 13 of 2003 article 86 paragraph (1) concerning occupational

---

<sup>31</sup> Messrs. Dr. HM. Soetjipto Noer. SP., SE., *Job Performance and the Dark Side of Worker Women's Lives* (Suarabaya, 2019).

<sup>32</sup> Nani Mulyati, "Corporations as Legal Subjects and Their Criminal Liability in Indonesian Criminal Law" 5, no. 2 (2024): i-396.

<sup>33</sup> AHMAD SOFIAN, "VICARIOUS LIABILITY DAN KASUS REM BLONG," Rubric Of Faculty, 2017, <https://business-law.binus.ac.id/2017/04/29/vicarious-liability-dan-kasus-rem-blong/>.

safety and health, which states that every worker/laborer has the right to obtain protection for: a. occupational safety and health; b. morality and decency; and c. treatment that is in accordance with human dignity and religious values.<sup>3435</sup>

It is also explained in Law No. 12 of 2022 concerning the crime of sexual harassment in article 18 paragraphs (1) - (4) which states: Corporations that commit Sexual Violence Crimes as regulated in this Law, are punished with a fine of at least IDR 5,000,000.00 (five billion rupiah) and a maximum of IDR 15,000,000,000.00 (fifteen billion rupiah) In the event that the Crime of Sexual Violence is committed by the Corporation, Criminal charges may be imposed on the management, the issuer, the controlling holder, the beneficial owner of the Corporation, and/or the Corporation. In addition to the fine, the judge also determined the amount of restitution of corporate actors. The Corporation may also be sentenced to additional penalties in the form of: a. deprivation of profits and/or property obtained from the Crime of Sexual Violence; b. revocation of certain permits; c. announcement of the court's decision; d. permanent prohibition of doing certain acts; e. freezing of all or part of the Corporation's activities; f. the closure of all or part of the Corporation's place of business; and/or g. dissolution of the Corporation<sup>3637</sup>

Victims of sexual harassment have the right to receive accountability in the form of restitution as an effort to provide justice and recovery, explained in government regulation No. 35 of 2020. Restitution itself has several main objectives including; Recovery of losses. Legal recognition; with the existence of legal provisions that regulate restitution, as stipulated in Law No. 12 of 2022 in article 30 paragraphs (1) and (2). With that, the state officially recognizes that acts of sexual harassment are serious offenses that impact the life of the victim, in this regulation gives legitimacy to the victim to get their rights. Accountability of the perpetrators <sup>383940</sup>

---

<sup>34</sup> Law of the Republic of Indonesia, "Law of the Republic of Indonesia Number 12 of 2022 concerning the Crime of Sexual Violence."

<sup>35</sup> "Law No. 13 of 2003 on Manpower," *Zitteliana* 19, no. 8 (2003): 159-70.

<sup>36</sup> Law of the Republic of Indonesia, "Law of the Republic of Indonesia Number 12 of 2022 concerning the Crime of Sexual Violence."

<sup>37</sup> Law of the Republic of Indonesia.

<sup>38</sup> Siti Mazumah, "Breakthrough Restitution as an Obligation of Perpetrators in the Sexual Violence Crime Law" 6, no. 4 (2024): 11316-20.

The form of restitution goals above is also a form of victim recovery support through psychological therapy, providing social justice by focusing not only on the punishment of the perpetrator but also on the restoration of the victim's rights, because most victims of sexual harassment tend to be slow to report because of the complexity of the problems experienced by the victim. The lack of support and protection makes victims and witnesses pessimistic that their reporting will be taken seriously, leading to distrust of institutions. Therefore, it is necessary to approach and understand victimology, as well as ensure the receipt of restitution for witnesses and victims.<sup>4142</sup>

#### **d. Victimology's Approach to Sexual Harassment**

From the many dynamic sequences of sexual harassment crimes that occur in the food and beverage corporate sector, the victimology approach is important by placing the victim as the center of understanding and handling the problem. Because so far, victims tend to only be considered as reporters or witnesses in the legal process of a criminal act. In fact, it is important to understand that the victim is the party who directly experiences the suffering due to the crime. *Victimology* provides a holistic understanding of how sexual violence shapes the victim's experience, this approach emphasizes empathy and considers the factors that influence the victim's recovery.

In simple terms, *victimology* can be interpreted as a branch of science that studies victims<sup>43</sup>. The inequality of power relations in corporations has a significant relationship with victim victimization, where the victim's powerlessness causes fear and encourage to refuse and report the harassment they experience, this is influenced by the superior's awareness of ownership of control over the victim's work and career.

---

<sup>39</sup> Cahya Wulandari, "The Dynamics of Restorative Justice in the Criminal Justice System in Indonesia," *Journal of Jurisprudence* 10, no. 2 (2021): 233–49, <https://doi.org/10.23917/jurisprudence.v10i2.12233>.

<sup>40</sup> Fat, "Remember! Victims of sexual violence also have the right to restitution," Law Online.Com, 2016, <https://www.hukumonline.com/berita/a/ingat-korban-kekerasan-seksual-juga-punya-hak-restitusi-lt57504006f0138/>.

<sup>41</sup> Nanda Handayati, "Why Don't Victims of Sexual Harassment Immediately Report When They Are Harassed?," Good Doctor, 2021, <https://www.gooddoctor.co.id/hidup-sehat/mental/mengapa-korban-pelecehan-seksual-tidak-langsung-melapor-ketika-mengalami-pelecehan/>.

<sup>42</sup> Permata Adinda, "Why Are Victims of Sexual Violence Reluctant to Report Their Cases?," Assumption, 2021, <https://asumsi.co/post/58809/kenapa-korban-kekerasan-seksual-enggan-melaporkan-kasusnya/>.

<sup>43</sup> Fitri Noviyanti and Sovi Ayudia Putri, "Legal Protection of Victims of Physical Violence in the Perspective of Victimology," *Southeast Asian Journal of Victimology* 2, no. 2 (2024): 92, <https://doi.org/10.51825/sajv.v2i2.25483>.

Therefore, it is important to address these dynamics by developing effective prevention and handling strategies.<sup>44</sup>

There are several forms of prevention strategies that can be carried out to deal with sexual harassment crimes that occur in the corporate sector, including:

1. Forming a Clearer and Firmer Policy

Corporations need to provide clear written policies by defining the forms of sexual harassment that will not be tolerated, reporting procedures, and sanctions for violators, as well as support from leadership. Some of the above things need to be socialized about how to handle sexual harassment complaints.<sup>45,46</sup>

2. Building a Culture of Speak Up and Supporting

Help victims and witnesses to share their experiences by providing discussion forums and providing support services<sup>47</sup>.

3. Effective complaint mechanism

Develop clear complaint procedures by ensuring confidentiality and fairness in the investigation process by thoroughly investigating.

4. Regular monitoring and evaluation

Evaluate and collect feedback from employees regarding their work environment and experience with applicable policies.<sup>48</sup>

In addition, one of the things that needs to be considered is the form of protection of witnesses and victims, this is done to provide a guarantee of security in physical and other forms. Nowadays when a criminal act occurs and the perpetrator has been sentenced, it is considered that the victim's interests have been fulfilled or protected through the process. We need to know, the existence of witnesses and

---

<sup>44</sup> Mira Azzahra, "A Victimological Review of Child Victims of Sexual Violence in Islamic Boarding Schools," 2024.

<sup>45</sup> Tri Utami Rahayu et al., "Strategies for the Prevention and Handling of Sexual Violence Against Children at Ichsan Satya University," *SOLMA Journal* 12, no. 3 (2023): 1569–77.

<sup>46</sup> Wagino, "Recognize and Prevent Sexual Harassment in the Workplace," DJKN, 2022, <https://www.djkn.kemenkeu.go.id/artikel/baca/14858/Kenali-dan-Cegah-Pelecehan-Seksual-di-Tempat-Kerja.html>.

<sup>47</sup> Ida Ruwaida Noor and Irwan M Hidayana, "Prevention and Handling of Sexual Harassment in the Workplace," *Apindo*, 2012, 6–9.

<sup>48</sup> DPN APINDO, "Guidelines for the Prevention and Handling of Sexual Violence & Harassment in the Workplace for Employers," 2022, 31.

victims in a criminal act often receives threats from the perpetrators. Indonesia has regulated the protection of witnesses and victims in Law No. 31 of 2014 concerning the protection of witnesses and victims. In article 1 paragraph (8) it states that protection is all efforts to fulfill rights and provide assistance to provide a sense of security to witnesses and/or victims which must be carried out by LPSK or other institutions in accordance with the provisions of this law, the protection carried out also applies to cases involving "everyone", each person here is an individual or corporation in accordance with article 4 paragraph (9)<sup>4950</sup>

In its handling, LPSK has an important role in the effectiveness of the implementation of Law No. 31 of 2014 which guarantees legal protection, provides compensation and restitution rights, and handles supervision and reporting as well as development related to the protection of witnesses and victims. This is because there are often actions in the form of threats to witnesses, victims and families of witnesses and victims. Within the corporation, the victim and witness are an employee who has a vulnerable position. Therefore, this kind of dynamic is considered a form of pressure that interferes with the victims' right to safety. In the executive summary of the 2021 annual report of the witness and victim protection institution stated that the 2021 protection application doubled from the previous year, the application for protection for sexual violence cases was in second place after terrorism crimes.<sup>51</sup>

---

<sup>49</sup> Roy Andi Siregar, Tofik Yanuar Chandra, and Achmad Fitriani, "The Role of Witness and Victim Protection Institutions in Providing Legal Protection for Victims of Sexual Violence," *Qiyas: Journal of Islamic Law and Judiciary* 8, no. 1 (2023): 49–62, <https://doi.org/10.29300/qys.v8i1.10329>.

<sup>50</sup> Law of the Republic of Indonesia, "Law No. 31 of 2014 concerning the Protection of Witnesses and Victims," *Law of the Republic of Indonesia* 3, no. 3 (2014): 103–11.

<sup>51</sup> Willa Wahyuni, "The Function of the Witness and Victim Protection Institution," *Law Online.Com*, 2022, <https://www.hukumonline.com/berita/a/fungsi-lembaga-perlindungan-saksi-dan-korban-lt630dda0f7426a/>.

**Table 3:** Number of Protection Applications in 2020-2021

Source: Total Protection Applications for 2020-2021<sup>52</sup>

Therefore, the state is obliged to provide such protection, this is stated in article 5 paragraph (1) letter a of Law No. 31 of 2014 which states that witnesses and victims have the right to obtain protection for their safety, personal, family, and property, and free from threats related to the testimony that will be or has been given. Victims and witnesses who receive threats are considered a form of intimidation that makes victims and witnesses depressed and afraid to testify in the judicial process. This action can be sentenced to imprisonment and a fine, in accordance with article 3 paragraph (1) which explains; any person who imposes his will by using violence or certain means, which causes the Witness and/or Victim not to obtain Protection as referred to in Article 5 paragraph (1) letter a, letter i, letter j, letter k, or letter l so that the Witness and/or Victim does not give his testimony at each stage of the examination, shall be sentenced to a maximum of 5 (five) years in prison and a maximum fine of Rp200,000,000, 00 (two hundred million rupiah) and article 38 which states that every person who unlawfully obstructs a Witness and/or Victim so that the Witness and/or Victim does not receive Protection or assistance, as referred to in Article 5 paragraph (1) letter a, letter i, letter j, letter k, letter l, letter p, Article 6 paragraph (1), Article 7 paragraph (1), or Article 7A

<sup>52</sup> Putu Indah Savitri, "LPSK Records 2,182 Protection Applications in 2021," ANTARA 2022, January 26, 2022.

paragraph (1), punishable by imprisonment for a maximum of 7 (seven) years and a maximum fine of Rp500,000,000.00 (five hundred million rupiah)<sup>5354</sup>

In addition, this form of recovery includes compensation and restitution. Restitution is defined as compensation given by the perpetrator to the victim, the victim's family, or related third parties, while compensation is compensation given by the government or state to the victim, which is motivated by the perpetrator's inability to provide full compensation to the victim. In the Law on Prostitution in article 7 paragraph (3) it states that the submission of a restitution application can be submitted both before and after a court decision that has permanent legal force.<sup>55</sup>

In Law No. 31 of 2014 article 7A Paragraph (1) explains the various forms of restitution, the restitution submitted can be in the form of; Compensation for loss of wealth or income, Material and immaterial damages caused directly by criminal acts, reimbursement for medical or psychological treatment costs, therefore the form of restitution includes other losses suffered by the victim as a form of criminal act including transportation costs, lawyer's fees and others directly related to the ongoing legal process, for the submission of restitution itself contained in perma 1/2022. Not only restitution of victims and witnesses are also entitled to compensation, where the process of applying for compensation is regulated in article 5 of Perma 1/2022.<sup>5657</sup>

#### **4. CONCLUSION**

Based on the results of the study on the Implications of the Power Relations of *Food & Beverage Corporate* Management on Sexual Harassment Crime Cases, it can be concluded that the dynamics of power relations in company management have a significant impact on the relevance and handling of sexual harassment in *food and beverage* corporations. Hierarchical structures in organizations give rise to abuse of

---

<sup>53</sup> Indonesia, "Law No. 31 of 2014 concerning the Protection of Witnesses and Victims."

<sup>54</sup> Indonesia.

<sup>55</sup> Mahrus Ali and Ari Wibowo, "Compensation and Restitution Oriented to Victims of Crime," *Yuridika* 33, no. 2 (2018): 260, <https://doi.org/10.20473/ydk.v33i2.7414>.

<sup>56</sup> Liliana Hasibuan, "The Role of Professionals in Helping to Overcome Psychological Disorders in Children Victims of Sexual Violence," *Al-Irsyad Journal: Journal of Islamic Counseling Guidance* 4, no. 1 (2022): 109-24, <https://doi.org/10.24952/bki.v4i1.5808>.

<sup>57</sup> S.H. Bernadetha Aurelia Oktavira, "Procedures for Requesting Restitution and Compensation for Victims of Crimes," *Law Online.Com*, 2022, <https://www.hukumonline.com/klinik/a/tata-cara-permohonanan-restitusi-dan-kompensasi-untuk-korban-tindak-pidana-lt62503bd0f3ae8/>.

power. In addition, the obstacles faced by victims are fear of threats and lack of trust in reporting mechanisms.

This requires comprehensive regulatory reform and strong internal policies to effectively protect victims. In addition, it increases corporate accountability with clear responsibilities outlined by management to prevent and address incidents of sexual harassment. The application of the victimology perspective highlights that understanding the victim's experience is critical to completing steps and creating a supportive environment. By integrating effective policies such as the implementation of reporting in witness and victim protection efforts, regular training, and support frameworks, companies can reduce incidents of sexual harassment and ensure a fairer work environment for all employees. Such initiatives not only address immediate concerns, but also contribute to a broader cultural shift towards safety and respect so as to improve the Company's reputation in the long run.

## **REFERENCES**

- Adinda, Pergem. "Why are victims of sexual violence reluctant to report their cases?" *Assumptions*, 2021. <https://asumsi.co/post/58809/kenapa-korban-kekerasan-seksual-enggan-melaporkan-kasusnya/>.
- Admin. "The term in food and beverage service in hospitality in full." *Hospitality Science*, 2019. <https://www.ilmuperhotelan.my.id/2019/12/istilah-dalam-food-and-beverage-service.html>.
- Ali, Mahrus, and Ari Wibowo. "Compensation and restitution oriented to victims of crime." *Jurisprudence* 33, no. 2 (2018): 260. <https://doi.org/10.20473/ydk.v33i2.7414>.
- APINDO, DPN. "Guidelines for the Prevention and Handling of Violence & Sexual Harassment in the Workplace for Employers," 2022, 31.
- Aryana, I Wayan Putu Sucana. "A Review of Power Relations in Sexual Violence in Personal Relationships." *Journal of Judiciary* 16, no. 1 (2022): 37-44. <https://doi.org/10.62279/yustitia.v16i1.898>.
- Azzahra, Mira. "A Victimological Review of Child Victims of Sexual Violence in Islamic Boarding Schools," 2024.
- Bandungan, Tourism, Central Java, and Mila Karmilah. "The Dual Role of Women in the Environment." *Student Journal* 6, no. 1 (2013): 129-58.

- Bernadetha Aurelia Oktavira, S.H. "Procedures for Requesting Restitution and Compensation for Victims of Crimes." *Law Online.Com*, 2022. <https://www.hukumonline.com/klinik/a/tata-cara-permohonan-restitusi-dan-kompensasi-untuk-korban-tindak-pidana-lt62503bd0f3ae8/>.
- Butarbutar, Tri Marno, Lailatul Fajri Deswina, and Heni Widiyani. "A Criminological Review of Abuse of Power in the Increase in Sexual Harassment." *Journal of Rectum* 6, no. 1 (2024): 150–58.
- Devi, Harahap. "Sexual Violence Emergency, All Corporations Are Obligated to Form a PPKS Task Force." *Media Indonesia*, 2023. <https://mediaindonesia.com/humaniora/635527/darurat-kekerasan-seksual-seluruh-korporasi-wajib-membentuk-satgas-ppks>.
- Dr. HM. Soetjipto Noer. SP., SE., MM. *Job Performance and the Dark Side of Worker Women's Lives*. Surabaya, 2019.
- Erika, Sahra, Muhammad Rapi Tang, and Sulastriningsih Djumingin. "Power Relations in the Mystery Novels of the Last 1 and the Last Mystery 2 by S. Mara Gd and Their Relevance to Multiculturalism-Based Literary Learning in Senior High School." *Journal of Education: Journal of Research and Literature Review in the Field of Education, Teaching and Learning* 7, no. 3 (2021): 680. <https://doi.org/10.33394/jk.v7i3.3792>.
- Ernanto, Herby, and Sigit Hermawan. "Table Of Content Article Information ..... Rechtsidee." *Indonesian Journal of Law and Economics Review* 14, no. 2 (2022): 6–14.
- Fat. "Remember! Victims of sexual violence also have the right to restitution." *Law Online.Com*, 2016. <https://www.hukumonline.com/berita/a/ingat-korban-kekerasan-seksual-juga-punya-hak-restitusi-lt57504006f0138/>.
- FHUI, Public Relations. "FHUI Holds Public Discussion 'Revealing Power Relations in Sexual Crimes.'" *Faculty of Law*, 2016. <https://law.ui.ac.id/?s=FH+UI+ADAKAN+DISKUSI+PUBLIK+>.
- Sigh, refused. "Why don't victims of sexual harassment report immediately when they experience harassment?" *Good Doctor*, 2021. <https://www.gooddoctor.co.id/hidup-sehat/mental/mengapa-korban-pelecehan-seksual-tidak-langsung-melapor-ketika-mengalami-pelecehan/>.
- Hasibuan, Liliana. "The Role of Professionals in Helping to Address Psychological Disorders in Child Victims of Sexual Violence." *Al-Irsyad Journal: Journal of Islamic Counseling Guidance* 4, no. 1 (2022): 109–24. <https://doi.org/10.24952/bki.v4i1.5808>.

- Herliana, Isdianti. "The Food & Beverage Industry is Most Ready to Enter Industry 4.0." Barantum, 2024. <https://www.barantum.com/blog/bisnis-food-beverage-industri-4/>.
- Indonesia, Law of the Republic. "Law No. 31 of 2014 concerning the Protection of Witnesses and Victims." *Law of the Republic of Indonesia* 3, no. 3 (2014): 103–11.
- Junaini, W. "Objectification of Women in Power Relations (Study of Four Women in Sexual Violence Cases in the City of Pekanbaru)." *Innovative: Journal Of Social Science Research* 3 (2023): 5571–80. <http://j-innovative.org/index.php/Innovative/article/view/4082%0Ahttps://j-innovative.org/index.php/Innovative/article/download/4082/2985>.
- Maarif, Syamsul Dwi. "The Theory of Power Relations in Society." Tirto.id, 2023. <https://tirto.id/teori-relasi-kekuasaan-dalam-masyarakat-gPzH>.
- Marshall, Duncan, Derek Worthing, Roger Heath, and Nigel Dann. "Understanding Housing Defects." *Understanding Housing Defects*, no. 2 (2013): 1–550. <https://doi.org/10.4324/9780080971131>.
- Mazumah, Siti. "Breakthrough Restitution as the Obligation of Perpetrators in the Law on Sexual Violence" 6, no. 4 (2024): 11316–20.
- Please, Nani. "Corporations as Legal Subjects and Their Criminal Liability in Indonesian Criminal Law" 5, no. 2 (2024): i–396.
- Napu, Della Maghfira, Era Agustina Yamini, Wildan Nurhidayat, Frankie Jan Salean, Winda Gafrilia Prianka, Muhammad Syakib Asqalani Rifai, Delfta Tunjung Baswarani, et al. *Introduction to Tourism Business: Hospitality, Food and Beverage Service, and Tourist Destination Development. Intellectual CV Media Manifest*, 2023.
- Noor, Ida Ruwaida, and Irwan M Hidayana. "Prevention and Handling of Sexual Harassment in the Workplace." *Apindo*, 2012, 6–9.
- Noviyanti, Fitri, and Sovi Ayudia Putri. "Legal Protection of Victims of Physical Violence in the Perspective of Victimology." *Southeast Asian Journal of Victimology* 2, no. 2 (2024): 92. <https://doi.org/10.51825/sajv.v2i2.25483>.
- Perma. "... Supreme Court Regulation Number 3 of 2017 concerning Guidelines for Adjudicating Women's Cases in Dealing with the Law in ...." *Sakina: Journal of Family Studies*, 2017. <http://urj.uin-malang.ac.id/index.php/jfs/article/view/488%0Ahttp://urj.uin-malang.ac.id/index.php/jfs/article/download/488/363>.
- Pramana, I Made Wahyu, I Wayan Arya, and I Wayan Wiraga. "Space for Women Workers: Gender Responsiveness in the Workplace" 6, no. 2 (2023): 328–35. <https://doi.org/10.33087/talentsipil.v7i2.500>.

- Beautiful Savitri. "LPSK recorded 2,182 protection applications in 2021." *ANTARA* 2022, January 26, 2022.
- Rahayu, Tri Utami, Rizqulloh Ariq, Adimas Prakoso Yudistira, and Ariq Rizqulloh. "Strategies for the Prevention and Handling of Sexual Violence Against Children at Ichsan Satya University." *SOLMA Journal* 12, no. 3 (2023): 1569–77.
- Saputra, Muh Iksan, Norfazilah Norfazilah, Anugrah Ramadhani, and Andi Marlina. "Inequality of Power Relations in Cases of Sexual Violence in Higher Education." *Amsir Law Journal* 5, no. 2 (2024): 93–105. <https://doi.org/10.36746/alj.v5i2.424>.
- Service, Beverage, and Activities Statistics. "Food and Drink Provider Statistics 2023," 2024.
- Siregar, Roy Andi, Tofik Yanuar Chandra, and Achmad Fitrian. "The Role of Witness and Victim Protection Institutions in Providing Legal Protection to Victims of Sexual Violence." *Qiyas : Journal of Islamic Law and Justice* 8, no. 1 (2023): 49–62. <https://doi.org/10.29300/qys.v8i1.10329>.
- Siswadi, Gede Agus. *Human Philosophy: Understanding Man as Homo Complexus*, 2024. <https://www.researchgate.net/publication/377951590>.
- SOFIAN, AHMAD. "VICARIOUS LIABILITY DAN KASUS REM BLONG." Rubric Of Faculty, 2017. <https://business-law.binus.ac.id/2017/04/29/vicarious-liability-dan-kasus-rem-blong/>.
- SP Cahyono. "The Relationship of Law and Power in the Legal System in Indonesia." *Dynamics of Law & Society*, 2023. <https://ojs.unik-kediri.ac.id/index.php/DMH/article/download/5347/3313>.
- Triwijati, N.K. Endah. "Sexual Harassment: A Psychological Review." *Faculty of Psychology, University of Surabaya, Dan Savy Amira Women's Crisis Center* 20, no. 4 (2019): 303–6.
- "Law No. 13 of 2003 concerning Manpower." *Zitteliana* 19, no. 8 (2003): 159–70.
- Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism. "Ministry of Tourism of the Republic of Indonesia," 2009, 1–24.
- Law of the Republic of Indonesia. "Law of the Republic of Indonesia Number 12 of 2022 concerning the Crime of Sexual Violence." *Ministry of State Secretariat of the Republic of Indonesia* 1, no. 69 (2022): 1–84.
- Virgistasari, Aulia, and Anang Dony Irawan. "Sexual harassment of victims is reviewed from Permendikbud Number 30 of 2021." *Media of Law and Sharia* 3, no. 2 (2022): 106–1123. <https://doi.org/10.18196/mls.v3i2.14336>.

Wagino. "Recognize and prevent sexual harassment in the workplace." DJKN, 2022. <https://www.djkn.kemenkeu.go.id/artikel/baca/14858/Kenali-dan-Cegah-Pelecehan-Seksual-di-Tempat-Kerja.html>.

Wahyuni, Willa. "The Role of the Witness and Victim Protection Agency." Law Online.Com, 2022. <https://www.hukumonline.com/berita/a/fungsi-lembaga-perlindungan-saksi-dan-korban-lt630dda0f7426a/>.

Wandalibrata, Martua Pahalaning. "METAPHYSICAL STUDY OF 'POWER RELATIONS' IN THE THOUGHT OF MICHEL FOUCAULT Martua" 02, no. 01 (2019): 61-69.

Wulandari, Light. "The Dynamics of Restorative Justice in the Criminal Justice System in Indonesia." *Journal of Jurisprudence* 10, no. 2 (2021): 233-49. <https://doi.org/10.23917/jurisprudence.v10i>