

ANKLE-HIGH TROUSERS AND STIGMATIZATION: A VICTIMOLOGICAL ANALYSIS OF SYMBOLIC DISCRIMINATION IN MODERN CORPORATIONS

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Abstract

Symbolic discrimination in the workplace represents a form of structural violence often overlooked by criminal law and human rights protection mechanisms. One manifestation of this discrimination is the stigmatization of religious expressions manifested through attire, such as the wearing of ankle-high trousers (*cingkrang*), frequently associated with particular religious groups. Although such expressions do not violate legal norms or professional ethics, they often become the basis for social exclusion, professional marginalization, and ideological labeling that harm individuals within professional settings. This article analyzes the forms of victimization experienced by individuals expressing religious identities through a victimological lens and within the framework of symbolic discrimination. Utilizing a normative-juridical approach, this study examines constitutional guarantees of religious freedom, protections against discriminatory treatment as outlined in Law No. 39 of 1999 on Human Rights, and international instruments such as ILO Convention No. 111. Additionally, it explores the relevance of provisions within the Indonesian Penal Code (KUHP) that could potentially be used to protect victims of symbolic discrimination. The findings reveal that discrimination against religious symbols creates unjust power relations and causes psychosocial harm to victims—harm that is often beyond the reach of conventional criminal law. Thus, this study advocates for an expansion of victimological perspectives within criminal law policies to address non-physical yet systemically harmful acts against individual dignity in professional settings.

Keywords: victimology, symbolic discrimination, religious expression, ankle-high trousers (*cingkrang*).

INTRODUCTION

Workplace discrimination is commonly associated with differences in race, gender, or social status. However, it may also appear in subtler, symbolic forms, such as exclusion or marginalization based on particular religious expressions. A notable phenomenon gaining attention is the stigmatization of religious symbols embedded in physical appearance, such as the wearing of ankle-high trousers (*cingkrang*), often culturally linked to specific religious sects or interpretations. In some workplaces, this appearance is not only stereotyped but also becomes grounds for unfair treatment ranging from exclusion from professional activities and missed promotions to marginalization within workplace social interactions.

From a legal and human rights perspective, religious expression constitutes a constitutional right protected under Articles 28E and 28I of the 1945 Constitution, further elaborated in Law No. 39 of 1999 on Human Rights. Moreover, as a member of the International Labour Organization (ILO), Indonesia has ratified ILO Convention No. 111

concerning Discrimination in Employment and Occupation, which prohibits all forms of discriminatory treatment based on religion or belief. Nonetheless, field realities indicate that religious symbols are still frequently used as indirect reasons for both social and institutional discrimination.

Within this context, victimology as a discipline that examines victims and the processes of victimization plays a crucial role in understanding the psychological, social, and professional impacts of symbolic discrimination. Although such discrimination may not involve physical or verbal violence, it can deeply wound a victim's social integrity. Unfortunately, these forms of discrimination are rarely recognized as crimes or legal violations due to their implicit and embedded nature within managerial practices or corporate culture.

Hence, it is essential to reevaluate legal protection mechanisms for victims of symbolic discrimination in the workplace through a human-rights-based victimological approach. This inquiry is vital in assessing the extent to which the criminal justice system can respond to non-physical yet systemic forms of discrimination, and in advocating for reforms toward a more inclusive and just legal policy for diverse religious expressions in professional public spaces.

RESEARCH METHOD

This study adopts a normative-juridical approach, focusing on the analysis of positive legal norms, human rights principles, and victimological doctrines in the context of symbolic discrimination in the workplace. This approach is deemed appropriate as the issue closely relates to written legal norms and universal principles applicable in both national and international legal systems.

The research type is doctrinal legal research, which emphasizes literature review and legal material analysis to construct systematic and in-depth legal arguments. In addition to the normative approach, the study incorporates a theoretical victimological approach to analyze the position and vulnerability of victims within prevailing social structures and legal systems. This lens is essential to uncover how victims of symbolic discrimination experience psychosocial and structural harm. Harm not always visible within the framework of conventional criminal law.

FINDINGS AND DISCUSSION

1. Symbolic Discrimination as Structural Violence

In modern workplaces, discrimination may manifest not only in explicit forms but also symbolically and culturally. One manifestation is the stigmatization of certain religious attributes deemed "incompatible" with corporate culture or dominant norms. The wearing of ankle-high trousers (*cingkrang*), culturally associated with particular religious identities, is an example of a religious expression often subjected to discriminatory treatment.

Although the Indonesian Penal Code (KUHP) does not explicitly address symbolic discrimination, such actions contravene the human rights principle of non-discrimination, as stipulated in Article 28I(2) of the 1945 Constitution and Articles 3 and 12 of Law No. 39 of 1999. Internationally, ILO Convention No. 111 obligates member states to prevent workplace discrimination based on religion or belief, ensuring that religious expressions if not disruptive to public order or illegal are protected, even in professional environments.

2. A Victimological Perspective on Symbolic Discrimination

Victimology recognizes victims not only as passive sufferers of physical crimes but also as individuals subjected to structured social and symbolic exclusion. In workplace settings, individuals displaying minority religious symbols such as *cingkrang* may experience subtle yet systemic forms of victimization, including:

- a. Exclusion from strategic meetings or professional activities,
- b. Social avoidance by colleagues,
- c. Labeling as radical, exclusive, or non-moderate,
- d. Career stagnation due to unstated cultural biases.

Contemporary victimology defines such experiences as secondary victimization, wherein victims suffer not only from the initial discriminatory act but also from the lack of adequate institutional or social response.

3. Gaps in Criminal Law Protection Against Symbolic Discrimination

An examination of the KUHP reveals a lack of specific provisions addressing symbolic discrimination. Article 156 regulates hate speech toward certain groups but is primarily used for verbal and public hate expression, not for covert discriminatory practices within institutional settings.

Although the Draft Criminal Code (RUU KUHP) proposes to broaden the definitions of discrimination and intolerance, its implementation remains limited, particularly in cases involving implicit or culturally embedded discriminatory intent.

This highlights the reactive and formalistic nature of traditional criminal law, which remains ill-equipped to address symbolic violence that, while invisible, significantly undermines victim dignity and integrity.

4. The Urgency of a Victimological Approach in Criminal Law Reform

This condition underscores the need for a paradigm shift in criminal law toward victim-oriented frameworks capable of addressing non-physical and symbolic discrimination. A victimological approach can serve as a theoretical foundation to:

- a. Legally recognize implicit forms of discrimination,
- b. Expand criminal definitions to include psychosocial and symbolic violence,
- c. Formulate responsive complaint and advocacy mechanisms attuned to victims' experiences in the workplace.

In the long term, this requires synergy with labor law and internal corporate policies to ensure that diversity and religious freedom are fairly and inclusively implemented.

ANALYSIS

Symbolic Discrimination in Legal and Social Contexts

Symbolic discrimination refers to exclusionary or stigmatizing social actions based on culturally or religiously significant symbols. In this context, the wearing of *cingkrang* often culturally linked to certain Islamic movements has become a trigger for bias and exclusion in professional relationships.

Indonesian criminal law currently lacks explicit definitions or recognition of symbolic discrimination or discrimination based on non-verbal religious expressions. Yet, such practices violate:

- a. Article 28I(2) of the 1945 Constitution: guarantees freedom from any form of discrimination,
- b. Articles 3 and 12 of Law No. 39/1999 on Human Rights: affirm protection against discrimination and freedom of religion,
- c. ILO Convention No. 111: mandates elimination of employment discrimination based on religion or belief.

However, due to the implicit nature of symbolic discrimination, such acts often go unreported and unpunished. This reveals a gap between normative legal frameworks and complex social realities, especially in culturally or religiously homogenous work environments.

Victimology sees victims of symbolic discrimination as enduring psychological, social, and professional suffering, often without legal recognition. Victims of religious symbol discrimination like *cingkrang* may face:

- a. Social exclusion (e.g., isolation from work-related discussions),
- b. Psychological discomfort (e.g., pressure to conform visually),
- c. Career disadvantages (e.g., exclusion from promotions or external representation).

Critical victimology views these experiences as structurally legitimized cultural domination—forms of injustice that are more difficult to address due to their unacknowledged nature within formal legal systems.

Current Indonesian criminal law is oriented toward concrete, explicit, and provable offenses (e.g., hate speech, physical assault, defamation). Symbolic discrimination embedded in daily interactions—although harmful—is not categorized as a punishable offense.

Even provisions like Article 156 of the KUHP, addressing group hatred, require public and explicit expression. This hinders legal action against undocumented social practices like exclusion from meetings or biased professional evaluations.

To address such hidden discrimination, two strategic approaches are needed:

1. Reformulation of criminal law to include recognition of symbolic and non-verbal victimization, especially in public spheres such as workplaces, schools, and public services.
2. Preventive strategies through corporate regulation, including:
 - a. Inclusive codes of ethics protecting religious expression,
 - b. Diversity awareness training,
 - c. Independent internal grievance mechanisms.

These approaches aim to build a legal-social ecosystem that not only punishes overt violations but also prevents covert, culturally embedded forms of discrimination.

CONCLUSION

Symbolic discrimination against religious expression in the workplace constitutes structural violence that is often unrecognized and unaddressed by conventional criminal law. While Indonesia's legal framework guarantees religious freedom and protection against discrimination through its Constitution, the Human Rights Law, and international instruments such as ILO Convention No. 111, discriminatory practices based on symbolic markers—such as stigmatizing *cingkrang*—remain prevalent in professional settings.

Victimological studies reveal that individuals facing symbolic discrimination endure secondary victimization that affects them psychologically, socially, and professionally in systemic ways. Yet, because such acts do not involve explicit violence or hate speech, they remain beyond the reach of formalist and reactive criminal law.

Therefore, it is essential to expand legal perspectives within the national criminal justice system and strengthen victimological approaches in policy-making to protect victims of non-verbal and symbolic discrimination. Furthermore, companies and institutions must develop inclusive internal policies that not only prohibit explicit discrimination but also identify and eliminate covert forms of cultural bias.

REFERENCES

Legislation

- Pemerintah Republik Indonesia, 1945, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, laman web: Sekretariat Negara RI, https://www.setneg.go.id/baca/index/undangundang_dasar_1945
- Pemerintah Republik Indonesia, 1999, Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia, laman web: Kementerian Hukum dan HAM RI, <https://peraturan.bpk.go.id/Home/Details/45413/uu-no-39-tahun-1999>
- Pemerintah Republik Indonesia, Kitab Undang-Undang Hukum Pidana (KUHP), laman web: Kementerian Hukum dan HAM RI, <https://peraturan.bpk.go.id/Home/Details/36667/kitab-undang-undang-hukum-pidana>
- International Labour Organization, 1958, ILO Convention No. 111: Discrimination (Employment and Occupation) Convention, laman web: International Labour Organization,

https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C111

Journal

- Sulaiman, A., 2021, Diskriminasi Simbolik di Tempat Kerja: Studi Kasus pada Ekspresi Keagamaan Minoritas di Indonesia, Jurnal HAM, <https://ejournal.balitbangham.go.id/index.php/ham/article/view/1628>
- Maulana, R., 2020, Perlindungan Hukum terhadap Ekspresi Keagamaan di Lingkungan Kerja, Jurnal Hukum dan HAM, <https://jurnalham.go.id/index.php/JHAM/article/view/1234>
- Syafii, M., 2019, Viktimologi dan Perlindungan Korban Diskriminasi Simbolik, Jurnal ViktimologiIndonesia, <https://jurnalviktimologi.org/index.php/JVI/article/view/98>
- Ghorashi, H. & Ponzoni, E., 2014, Superdiversity and the Art of Living in Differences: The Case of Religious Symbols in the Workplace, European Journal of Cultural Studies, <https://journals.sagepub.com/doi/10.1177/1367549413515256>
- Verkuyten, M. & Yildiz, A. A., 2007, National (Dis)identification and Ethnic and Religious Identity: A Study among Turkish-Dutch Muslims, Personality and Social Psychology Bulletin, <https://journals.sagepub.com/doi/10.1177/0146167207303985>
- Allen, C., 2010, Islamophobia, Ashgate Publishing, <https://www.routledge.com/Islamophobia/Allen/p/book/9780754676223>

Book

- Kurniawan, A., 2018, Viktimologi: Teori dan Aplikasi dalam Sistem Peradilan Pidana, Prenadamedia Group
- Galtung, J., 1990, Violence and Peace Research, Cambridge University Press
- Sulistyowati Irianto, 2015, Hukum dan Gender dalam Perspektif Kritis, Yayasan Obor Indonesia
- Walklate, S., 2011, Handbook of Victims and Victimology, Routledge