



Competing Institutional logics in the Policy of Prevention and Handling of Sexual Violence in Indonesian Higher Education

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Abstract. This paper aims to examine the debate of policies on preventing and overseeing sexual violence in Indonesian higher education issued by the Indonesian Ministry of Education, Culture, Research and Technology. This policy was issued as a form of concern for the increase in acts of sexual violence in recent years in the university environment. Certain people welcome this policy to solve sexual violence on campus. However, several parties see the unintended consequence of this regulation, namely the legalization of sexual practices that are not in accordance with public norms. This study tries to explain the occurrence of polemiks between the pro and contra groups against the policy. This qualitative research collects secondary data from public documents from the government, non-governmental organizations, community organizations and online media that contain debates about this policy. This study found that the polemik arose because of the different institutional logic between the pro and con factions regarding the issue of "consent" in sexual relations. Consequently, the counter group demanded the suspension of this Ministerial regulation and urged it to be revised. However, both groups have the same goal, namely the need to accelerate the prevention and handling of sexual violence on campuses. This study shows that there is a competing institutional logic that underlies the different views, between religious logic and positive law logic. Despite criticism, this regulation is effective and implemented as an effort to stop sexual violence in Indonesian higher education.

Keywords: Preventing and Handling, Sexual violence, Competing Institutional Logics, Higher Education

1 Introduction

In recent years, sexual violence has occurred in society, including in higher education settings. In September-November 2021, cases of sexual harassment occurred at Riau University and at Sriwijaya University. Furthermore, in December 2021, a case of sexual harassment arose because the body of a victim of harassment was found whose case was not resolved immediately [1]. This shows that prevention and handling of this problem are still not optimally felt by many parties, especially women activists and human rights activists. As a response to the sexual violence that often occurs in higher education, the Ministry of Education and Culture issued Ministerial Regulation No. 30 of 2021 concerning PPKS (Pencegahan dan Penanganan Kekerasan Seksual or Prevention and Handling of Sexual Violence). This Permendikbud PPKS is a progressive regulatory step to create an anti-sexual violence feel in the higher education environment.

However, Permendikbud No. 30 of 2021 concerning PPKS reaped polemic. The circulating polemic tends two camps opposing each other. On the one hand, it is assumed that this Permendikbud is capable of dealing with sexual violence that often occurs on campuses [2], [2], [3], [4], [5]. On the other hand, some think that the contents of this Permendikbud contain liberalism values that are not in accordance with the norms that apply in Indonesia [6], [7], [8]. That way, attacking and rejecting each other in argumentation occurs in various mass media, online media, and even on social media. This polemic shows the existence of an individual logic battle under their respective institutions [9].

On the government side, in this case, the Ministry of Education and Culture clearly explained the various issues of sexual violence that occurred on campus—ranging from physical violence to violence that is non-physical or verbatim. Nadiem Makarim described visible data that many violence cases in higher education did not find a solution because there was no clear legal umbrella [10]. In addition, data from Tempo (year) shows that a certain percentage of sexual violence occurs on campus. More specifically, Komnas Perempuan [11] (2021), in the 2015-2020 period, received 27% of complaints of sexual violence in tertiary education. Moreover, data from the Directorate General of Higher Education states that 77% of lecturers noted that sexual violence had occurred on campus, and 63% did not report cases they knew about on campus. So, based on the widening of cases of sexual violence that occurred on campus, the government designed and tried to pass the PPKS Permendikbud as soon as possible. However, this fast tempo gave rise to prolonged polemics from other parties.

On different camps, the PPKS Permedikbud raises various attacks. According to the spokesperson for the Indonesian Da'i Association, PBNU, and members of the DPR, the PKS faction thinks that the PPKS Permendikbud seems to justify immoral acts that tend to a culture of free sex. So, the faction with this religious narrative strongly rejects the ratification of this ministerial regulation [12]. More than that, the Indonesian Women's Ulema Congress also indicates multiple interpretations of this Permendikbud towards sinful acts. Therefore, even if this Permendikbud is to be passed, it needs to be reviewed and re-dialogued for improvement [13].

However, both parties were prohibited on one main point, namely the elimination of sexual violence, which is numerous and has the potential to continue to occur in higher education. Bearing in mind that in the era of globalization and in which there is access to a culture of information so fast, the movement against sexual violence in Indonesia cannot be separated from global issues. The emergence of Permendikbud No. 30 of 2021 is also a regulatory product of the global anti-sexual violence movement known as "Metoo". Metoo is a movement that emerged in October 2017 in the United States as a response to the surge in cases of sexual violence in the work environment [14]. This movement is progressive and directly impacts what is currently happening in Indonesia. At the end of 2020, various anti-sexual violence narratives began to circulate in Indonesian media. Finally, it led to an effort from the government, especially the Ministry of Education, to eradicate "campus sexual predators" through Permendikbud no 30 of 2021 concerning PPKS [15].

However, the goals and progressive steps the government is trying to take encounter a wall of prolonged polemic. A polemic that is directly related to the institutional logic of each different institution: both from government institutions, NGOs, and religious mass organizations. Based on the problems and lengthy polemics that have arisen regarding the Minister of Education and Culture regarding PPKS, this article (Institutional logic competition in the Policy for Prevention and Handling of Sexual Violence in Indonesian Universities) seeks to unravel the root causes of the polemic by detecting the institutional logic of each institution, whether pros and cons.

2 Literature Review

Academic research on the issue of violence on campus has been widely studied. However, concerning the polemic related to the formation of prevention and handling regulations, it still receives little attention. One of the remedies, due to regulations that the Ministry of Education and Culture is trying to implement nationally through Permendikbud no. 30 of 2021, the new proposal will succeed in 2021. Previously, research on the problem of sexual violence on campus only referred to handling it on the internal campus.

Nikmatullah [16] (2020) tries to highlight the chancellor's implementation efforts in dealing with sexual violence on each campus. However, the result led to a clash with the bureaucracy, which seemed to be defending the "on behalf of the campus" paradigm. In line with Nimatullah's research, Marfu'ah et al [17] analysis attempts to trace the sexual violence prevention system on the UIN Walisongo Semarang campus. The results show that the strength of the internal campus system in creating a safe feel for sexual violence still refers to the commitment of the leadership, the performance of each unit, and the awareness of the internal campus academic community.

After the launch of Permendikbud no.30 of 2021, academic research in Indonesia tends to refer to a single perspective, creating new polemics. Using a legal perspective, Amal [18] reviews the phrase "without the victim's consent" in Permendikbud no. 30 of 2021. The results show that the phrase "without the victim's consent" refers to the protection of the victim's privacy rights and as a qualification for complaint offences.

In contrast, research from Adawiyah et al. [19] reviews the PPKS Permendikbud, which uses social construction. The results show that the PPKS Permendikbud results from the majority of the social construction of the broader community regarding efforts to deal with the problem of sexual violence on campus.

The various studies above show that there are efforts by academics to uncover and study the problem of sexual violence on campuses. It's just that there are still a few who focus on the latest phenomena related to the polemic of Permendikbud no. 30 of 2021. Therefore, the research in this article seeks to involve academically based polemics so that the issue of sexual violence and the regulations for handling and preventing it can be seen more comprehensively.

3 Method

This study uses document analysis in collecting and analyzing data related to competing logical institutions related to the Indonesian Minister of Education and Culture Regulation concerning preventing and handling sexual violence in tertiary institutions. Document analysis is a systematic procedure for reviewing or evaluating printed and electronic documents, computer-based and transmitted via the Internet [20]. Like other analytical methods in qualitative research, document analysis requires data to be examined and interpreted to derive meaning, gain understanding, and develop empirical knowledge [21]. This study collects documents, such as PPKS Permendikbud, press release documents from civil society organizations, religious organizations, and non-governmental organizations, as well as the attitudes of members of the People's Legislative Assembly regarding this issue which are published in the mass media, online media, or the official website.

4 Results and Discussion

The PPKS polemic became an increasingly hot issue at the end of 2021. The different views of various organizations resulted in a polemic that divided several groups into groups with certain logical tendencies that are increasingly visible in various media, both in print media, national television, and online social media. Several human rights activist organizations and women's activists held press releases and compiled positions in documents resulting from their press releases. Komnas Perempuan expressed its approval that PPKS should be ratified as a progressive legal umbrella to end sexual violence in tertiary education to its roots [22]. This is almost in line with the position statement submitted by the Apik Legal Aid Institute Association, which stated its approval of this Permendikbud, although it still requires further improvement before it is ratified [23].

In contrast, some groups with a religious-based institutional logic have cast subpoenas and reprimanded the government side for not continuing the process of legalizing the PPKS Peremndikbud. Several of his statements were made through brief interviews with reporters in the mass media, sympathy in online media, to submitting a judicial review to the Supreme Court [24]. More than that, several statements of attitude

were also accommodated by several social organizations, such as the Civilized Indonesia Movement (GIB) and the MOI (Assemblies of Islamic Organizations) through press releases which explicitly stated their position to reject the Permendikbud PPKS and asked the government to revoke it in its entirety. This is because the PPKS Permendikbud is considered not Pancasila and tends to precipitate Westernized references [25], [26]. The following is a table of categorization of several groups that actively voiced in the media in the polemic moment of the PPKS Minister of Education and Culture:

Table 1. Pros and Cons of Permendikbud PPKS (Prevention and Handling of Sexual Violence) in higher education

Pros	Procedural	Cons
Nasdem Fraction	UPI Academician (Refused with corrective record)	Indonesian Da'i Association
Women Activists	Indonesian Ulema (Rejected with a record of improvement)	PKS Fraction
UGM Academics	Muhammadiyah Council of Higher Education R&D (Reject with a record of improvement)	Golkar Fraction
PSI (Indonesian Solidarity Party)	Association of Legal Aid Societies (Agree to the terms of improvement)	Institute for Kerapatan Adat Alam
LBH (Pengacara Penyintas)		Minangkabau Central Board of Nahdatul Ulama
Government (Nadiem Makarim)		PAN fraction
MA (Supreme Court)		Marriage Law Expert
University of Indonesia		Indonesian Family Council
Atma Jaya Catholic University of Indonesia		GIB (Civilized Indonesia Movement)

Driyakarya College of Philosophy Indonesian Women's Coalition National Commission for Women	MUI (Indonesian Ulema Council) MOI (Islamic Organization Assembly)
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The various camps above show fundamental differences regarding the preferences used by each institution in responding to the same issue. Thus, resulting in a long heated polemic, finding common ground tends to be challenging. The difficulty of this meeting point can be seen in the many press releases, television broadcasts regarding PPKS Permendikbud dialogues, and various public debates on online media such as YouTube, which do not produce the correct meeting point. A sober public debate thickens the factions at odds with each other. On the one hand, the PPKS Permendikbud must be ratified immediately. On the other hand, just the opposite, pressing constitutive circles to cancel the ratification of the Regulation of Minister of Education and Culture, which is not in accordance with the values of Indonesian norms.

However, from the results of the document study, there are still organizations between the two. Between the pros in total and the cons in total. Kalngan is an organization with a procedural and systemic narrative in creating a safe climate for higher education. On the one hand, procedural circles are aware of the increasing prevalence of sexual violence on campuses, so they feel the need for a clear legal framework. However, on the other hand, they also think that the currently produced Permendikbud still needs procedural improvements to avoid dangerous misinterpretations.

The controversial or public debate that occurred due to efforts to ratify the Permendikbud PPKS showed that there was institutional league competition. Institutional logic is the view of institutions as structures manifested in the attitudes individuals display (Thornton & Ocasio, 2008). In the case of the PPKS Permendikbud polemic, it is clear that the institutional logic of each mass organization, NGO, government, political party, etc. conspires to reach an agreement in one country. In this context is the ratification of Permendikbud PPKS.

The Permendikbud PPKS issue is a competition field for different institutional logics. This difference in institutional logic eventually led to a long polemic. The long polemic produced various heterogeneous narratives about sexual violence, agreements, adultery, multiple interpretations, gender equality, religious values, Pancasila values, and legal processes. These different views were continuously displayed in mass media, social media, and online media from August 2021 to February 2022. Various public discourses represented by multiple individuals based on their respective institutions had the following views:

Table 2. Institutional logic mapping related to PPKS (Prevention and Handling of Sexual Violence) polemics in higher education.

Secular Logic	Procedural Logic	Religious Logic
<p>Permendikbud PPKS is... Will protect the human rights of students in higher education.</p>	<p>Permendikbud PPKS is.... Progressive, there needs to be fundamental improvement. Especially on the "without consent" narrative part</p>	<p>Permendikbud PPKS is.... Allegedly strongly influenced by Western values</p>
<p>Can minimize and eliminate sexual violence on campus.</p>	<p>A bold move to eradicate sexual violence, however, would need to open a wider dialogue before it is constitutionally ratified.</p>	<p>Raises multiple interpretations of the rules and can open opportunities for the legalization of adultery.</p>
<p>It is a progressive step to realize security for women's rights as a group that has been vulnerable to violence.</p>		<p>Not in accordance with the values of Pancasila and incompatible with eastern Indonesian morality.</p>
<p>Safeguarding the freedom of each individual in a democratic country</p>		<p>Seems to ignore religious values and norms in Indonesia.</p>
<p>Become a legal umbrella that details cases of sexual violence and shows the difference with immoral acts.</p>		<p>Does not reflect laws and regulations based on faith and piety.</p>
<p>A rule of law that favors fully victims</p>		<p>A rule that seems to ignore the role of</p>

(survivors) of sexual
violence in higher
education

religious leaders in
the process of making
it.

The various views above show differences in the institutional logic of each individual or actor. Actors under religious and nationalist religious institutions tend to view PPKS Mendikbud through religious elements, which will be detrimental to adultery. Meanwhile, individuals under human rights institutions and women's defenders use a factual sociological perspective on the crisis of women's security in the higher education environment. Thus, a clear legal umbrella is needed to eradicate sexual violence on campus.

Based on Table 2, it can be seen that logical institutions with a religious basis tend to see the PPKS Permendikbud with religious narratives, such as "raising multiple interpretations and leading to the legalization of adultery," "impressing that they ignore religious values and norms in Indonesia." "does not reflect faith and piety," etc. These narratives continue to be uttered in the media and discussion forums by agents who are individuals under their respective institutions, such as the GIB (Civilized Indonesia Movement), MOI (Assemblies of Islamic Organizations), the Minangkabau Customary Council, as well as members of the Prosperous Justice Party and the National Mandate Party Fraction.

Meanwhile, it differs from agents under institutions based on human rights and defenders of women's struggles who tend to be secular. Agents under the logic of secular institutions absorb more facts of violence that are rife with an emphasis on "consent" so that this ministerial regulation can specifically prevent and deal with sexual violence on campus. Narratives such as "regulations that are progressive steps to protect women's rights on campus," "regulations that protect individual security and freedom in a democratic country," and "specify cases of sexual violence and distinguish them from immoral acts". Such narratives characterize agents under the auspices of organizations with secular logic or the antithesis of religious logic, such as Komnas Perempuan, women activists, the Nasdem faction, and various higher education institutions (University of Indonesia, Atma Jaya Catholic University, and Driyakarya College of Philosophy)

The more neutral camp, namely the procedural camp, is more pivotal in efforts to resolve existing cases of sexual violence. Although, it tends to reject various elements that contain various polemics and the possibility of multiple interpretations in the future, such as the use of the words "power relations," "gender relations," and "without the consent of the actors". Thus, agents with a procedural, institutional logic approved the PPKS Permendikbud with a note of improvement so that it can accommodate various progressive interests among groups, namely by remaining a legal umbrella for cases of sexual violence on campus without giving the impression of damaging the morale of the nation's generation in higher education. One of the narratives often thrown up in the discussion room by agents under the logic of procedural institutions is "dialogue". Dialogue with religious leaders to make statements that do not have multiple interpretations and conversation with various figures and mass organizations

defending Pancasila so that the narrative contained in the PPKS Permendikbud does not deviate from existing Pancasila values [27]. (News, 2021).

Conclusion

The different views of various agents who are problematic with the basis of their respective institutional logics show that institutional logic intervenes in the perspectives, ways of thinking, and ways of arguing individuals in the public space. So, because each institution or institution has a different logic, this polemic occurs and makes the PPKS Permendikbud an arena for various institutional logic at war with each other. This competition ultimately extends the polemic because each institutional logic stands on different preferences, namely secular, procedural, and religious, so that it can be unravelled that the contentious case of the PPKS Permendikbud shows that each actor represents his institutional logic in looking at various public issues.

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