



The Urgency Of Establishing The Officer Unit Prevention Of Sexual Violence As An Effort Making Campus Independent From Sexual Violence

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Abstract. The Prevention and Handling of Sexual Violence (PPKS) in Higher Education Environment Regulation of the Minister of Education, Culture, Research and Technology (Permendikbudristek) 30/2021 is in effect as of August 31, 2021. According to the terms of the Minister of Education, Culture, Research and Technology Regulation Number 30 of 2021, all tertiary institutions are expected to have a task force for preventing and managing sexual violence on campus. Because of this, higher education institutions are asked to immediately form a task group as a commitment to preventing and combating sexual violence on campuses. Law enforcement is a strategy for preventing crime; in this instance, it refers to sexual assault. The goal of law enforcement is to hold those who commit acts of sexual assault accountable through the use of criminal (legal) punishment. Crime prevention can be done in accordance with the law (penal) or not (non-penal). Normative juridical research methodology is applied, and primary data, secondary data, and tertiary data were all discovered through library research. The current legal framework will be examined in light of the issue.

Keywords: Officer Unit, Prevention of Sexual Violence

1 Introduction

Presently under investigation is sexual violence in the educational setting, particularly in universities. The National Commission on Violence Against Women, which is in charge of keeping track of, gathering information about, and documenting all types of violence against women, said that between August of 2015 and August of 2020, at least 51 complaints had been received. The specifics are that three cases were recorded in 2015, ten cases in 2016, three cases in 2017, ten cases in 2018, grew to fifteen cases in 2019, and ten cases up until August 2020. Of the 51 cases, it was found that tertiary institutions ranked first with a total of 27% which were then followed by Islamic boarding schools or education based on Islam as much as 19%, 15% occurred at the high school/vocational school level, 7% occurred at the junior high school level,

and 3% each in kindergarten, SD, SLB, and Christian-Based Education. (National Commission on Violence Against Women, 2020)

In Indonesia, incidents of sexual assault against children are not a recent occurrence. Due to the discomfort of discussing sexuality openly with their children, parents believe that doing so is improper (Khoerunisa, 2018). According to the East Java KPAI commissioner for education, at the end of February 2018, there were 117 children who had experienced sexual violence, whereas there were 22 incidents of children who had committed sexual crimes (Idhom, 2018).

Complaints of sexual violence in the scope of Higher Education are increasing day by day, based on reports received by the National Commission on Violence Against Women in the 2015-2020 period there has been 27% sexual harassment in tertiary institutions. From the results of a survey recorded by the Ministry of Education, Culture, Research and Technology, 77% of respondents who came from among lecturers stated that there were cases of sexual violence that had occurred in their campus environment, while 63% of respondents from the victims chose not to report the harassment they experienced to the campus. Campus is in third place with a percentage (15%) of locations where sexual harassment occurs after public transportation (19%) and roads (33%) according to the survey results of the Minister of Education and Research and Technology (Muhammad Tri Ajie, 2021)

Many parties are focusing on the fact that sexual violence is pervasive in today's school setting. When kids who ought to feel secure and at home in their school or campus surroundings instead end up being sexual predators' easy prey. For instance, in Palembang, a student from Sriwijaya University (Unsri) spoke out against the graduation parade in front of the spectators. The student contests the removal of her name from the list of graduates. The student is a member of the Unsri Faculty of Economics, and it is believed that a lecturer sexually harassed her. In addition to Unsri, a number of complaints of instances of sexual abuse against female students at several institutions in Indonesia have surfaced. Syafri Harto, a FISIP Dean at the University of Riau (Unri), is accused of sexually assaulting a female student while providing thesis support. It is also being looked into if DA, a lecturer at the Jakarta State University (UNJ), sexually harassed female students.

In order to safeguard the rights of victims of sexual violence in higher education, it is urgent that the Officer Unit for the Prevention of Sexual Violence in Higher Education areas be established right once. With the publication of Permendikbudristek Number 30 of 2021 concerning Prevention and Handling of Sexual assault in Higher Education Environments, there is currently a clear legislative framework in place to safeguard campus inhabitants from acts of sexual assault. In-depth explanations of what sexual assault is, its types, how to report it, how to protect victims, and how to set up an officer unit for the prevention and handling of sexual violence in higher education environments are all provided in Permendikbudristek Number 30 of 2021.

2 Method

A statute approach and a conceptual approach were employed in the research technique for this work, which is normative juridical. Regulations for the prevention of sexual violence, child protection, violence against women, and Permendikbudristek 30/2021 are the main legal documents employed.

3 Legal Theory

3.1 Legal Protection Theory

In terms of terminology, the meanings of "protection" and "law" can be combined to define legal protection. Protection, according to KBBI, is everything or anything done to protect. Then, the law might be seen as rules or practises that are recognised by the government or the authorities as being legally binding.

According to this concept, legal protection can be seen as an effort to safeguard actions taken by the government or other authorities through a variety of current laws. In other words, the law must protect in order to serve as legal protection. Continuing from this straightforward description, the Law Dictionary defines legal protection as coercive laws that dictate how people behave in social settings. Regulation-making bodies have created these rules, and violations will result in consequences.

Experts have voiced a variety of legal protection arguments. Here are a few of them: First, the Philipus M. Hadjon theory. According to Hadjon, legal protection entails both the acknowledgement of human rights that belong to legal subjects and the safeguarding of their dignity in accordance with arbitrary legal norms. Hadjon also divides two types of societal legal defence into preventative and repressive categories depending on their constituent parts.

Preventive protection means giving the public a chance to voice their ideas before a final decision is made by the government in order to avoid disagreements.

Next, repressive protection seeks to end conflicts. According to Hadjon (1987), legal protection is the state's assurance that all parties will be able to exercise their legal rights and interests in their position as subjects of the law.

3.2 Witness and Victim Protection

The term "protection" is defined in Article 1 Point 5 of the Joint Regulation of the Minister of Law and Human Rights of the Republic of Indonesia, the Attorney General of the Republic of Indonesia, the Director-General of the Indonesian National Police, the Director-General of the Corruption Eradication Commission of the Republic of Indonesia, and the Chairman of the Indonesian Witness and Victim Protection Agency (M.HH-11.HM.03.02.2011, PER-045/A/JA/12/2011, Number: 1 of 2011, Protection refers to all actions taken by law enforcement personnel in compliance with legislative requirements to uphold rights, aid in fostering a sense of security and

respect for reporters, reporting witnesses, and collaborating witnesses. The definition of protection is also regulated in Article 2 PP Number 2 of 2002 concerning Procedures for the Protection of Victims and Witnesses in Serious Human Rights Violations, which is a type of service that must be rendered by law enforcement officials or security forces to give victims and witnesses a sense of security both physically and mentally.

Protection is defined as all efforts to uphold rights and provide assistance to give witnesses and/or victims a sense of security that are required to be carried out by LPSK or other institutions in accordance with the provisions of this Law in Article 1 number 8 of Law Number 13 of 2006 concerning the Protection of Witnesses and Victims as amended by Law Number 31 of 2014. Since the investigative stage begins and ends in line with the provisions established in the legislation, the protection that has been mentioned is provided. There are two different types of witnesses under the two laws: reporting witnesses and cooperating perpetrator witnesses under the Joint Regulation. Law Number 13 of 2006 concerning the Protection of Witnesses and Victims, as amended by Law Number 31, recognises only one type of witness.

2.3. Justice Theory

Justice is something that must be fought for or a need that has not been fulfilled for one reason or another. Justice also means a situation that is achieved, expectations are fulfilled or the impossible becomes possible (Hyronimus Rhiti, 2011; 239 - 240). Justice here is related to rights, namely giving people what is their right, and also related to the sufferer or victim. When a person or group of people suffers, what is often questioned is justice. Not fulfilling certain interests that should be fulfilled is called unfair. Justice comes from the word just. In KBBI, fair has the meaning of being equal, impartial, impartial, impartial, fair, proper, not arbitrary. And justice has the meaning of fairness (actions, treatment).

Aristotle divides justice into 3 types, namely legal justice, commutative justice and distributive justice. In this paper, one theory is taken, namely the theory of legal justice which will be used as a reference for analyzing and studying the second problem formulation. The theory of legal justice is the equal treatment of all people according to applicable law. In this case, everyone must be protected and subject to existing laws indiscriminately. Legal justice concerns the relationship between individuals or community groups and the state. The point is that all people or groups of people are treated equally by the state before and based on applicable law (Kadir, 2013).

4 Result

4.1 Sexual Violence

Around the seventies, the Indonesian people felt deep concern about the rape case of Sum, the herbal medicine seller in the Special Region of Yogyakarta. The case, which is known as the "Sum Kuning" incident, was enough to jolt public awareness of the dismal fate of women victims of rape. (Elli Nur Hayati, 2009: 139).

Rape is quite popular among the community as a form of sexual violence against women, even though the perspective on the incident is still patriarchal, namely the tendency to see the victim as the trigger for the incident. In fact, the range of sexual violence is not only rape, but varies greatly and the modus operandi is not as simple as one might imagine. Sexual violence refers to a negative treatment (bullying, coercing, pressing, and so on) that has a sexual connotation, causing someone to suffer harm.

The best language to grasp what sexual violence means is sexual harassment. There are many different types of sexual harassment, including offensive language (comments, jokes, etc.), the display of pornographic or offensive images, physical violence, and compulsion. It is not offensive to demand a kiss or a hug or to threaten to rape the lady if she declines to perform sexual services.

Sexual harassment can happen anywhere, as long as there are both men and women present, or in a homogeneous community, due to its broad definition. Workplace sexual harassment is a typical occurrence. The perpetrators of sexual harassment are mostly men in positions of authority or male coworkers. This is due to the close contact that exists between men and women at work, which fosters an environment conducive to sexual harassment. In spite of this, sexual harassment frequently takes place outside of the office or in public settings, and it is even rather typical for the victim to discover that the offender is someone they do not know. Examples of this include sexual harassment on a public bus, in the street, at a market, etc. (Marchelya Sumera, 2013).

The effects of sexual violence on children, according to Roosa, Reinholtz, and Angelini (1999), include guilt and self-blame feelings, images of incidents in which children experience sexual violence, nightmares, insomnia, self-esteem issues, sexual dysfunction, chronic pain, addiction, desire suicide, somatic complaints, and depression. Additionally, psychological issues like post-traumatic stress disorder (PTSD), anxiety, other mental illnesses like personality disorders, and physical injuries to children have been reported as a result, according to Levitan Rector, Sheldon, and Goering (2003).

The long-term effect of sexual violence on children, according to Reese-Weber and Smith (2011), is that children who were sexually abused as children may go on to commit sexual crimes in the future. The vulnerability of victims who were unintentionally subjected to acts of sexual violence as children increases the likelihood that they would become victims as adults because they will believe that sexual acts and behaviours can be conducted against helpless and vulnerable targets.

4.2 Basic Concept of Minister of Education and Culture Number 30 of 2021

Sexual violence is defined quite specifically as the topic of the debate in Regulation of the Minister of Education, Culture, Research and Technology Number 30 of 2021. Victims' rights and protection are given top emphasis by the Minister of Education and Culture. Nadiem Makarim emphasised that this Permendikbud is a way to safeguard victims and stop the recurrence of the violent incidents they have already experienced.. The statement that "to prevent and deal with sexual violence, the

Permendikbud uses the principles of best interests for victims, justice and gender equality, equal rights and accessibility for persons with disabilities, accountability, independence, prudence, consistency, and guarantees of non-recurrence" is made more explicit. As stated in article 4 of this Permendikbud, all components of the higher education environment, including students and faculty, are targeted.

There are 21 different types of sexual violence, as specifically stated in Article 5 of this Permendikbud. Sexual violence is defined as any act that involves verbal or nonverbal communication, physical contact or noncontact, physical contact or non-contact, and use of information and communication technologies. Sexual assault in words or deeds committed using information and communication technology is included because, despite being frequently dismissed as unimportant, it has a negative psychological impact on the victim and may restrict their ability to pursue academic or other rights.

According to articles 10 to 19, tertiary institutions have a responsibility to aid victims, punish offenders, and reunite victims with their families when accusations of sexual violence are handled. What is intended is :

a. Companionship

Assistance to victims might come from university institutions in the form of counselling, guidance, assuring health care, advocacy, and social or spiritual direction.

b. Security

The intended protection includes providing safe houses, safeguarding witnesses from threats related to their testimonies, ensuring that students and teachers have access to continuing education and employment, protecting identity confidentiality, disseminating information about protection rights and facilities, as well as providing access to their implementation.

c. Imposition of administrative sanctions

If it is established that the culprit committed sexual violence, administrative punishments are applied. Leaders in higher education must also authorise sanctions in advance and in accordance with the Task Force's proportionate, equitable, and non-discriminatory guidelines. Light sanctions, moderate sanctions, and harsh sanctions are the three types of sanctions. A report from the outcomes of the counselling can be utilised by a leader of a tertiary institution to declare that the perpetrator has carried out the sanctions after attending counselling at an institution after carrying out the sanction.

d. Victim recovery

Medical professionals, psychologists, spiritual leaders, and aiding institutions must all be involved in the recovery of victims. Additionally, the victim's healing time shouldn't restrict their ability to pursue education or job. The victim's recuperation is carried out with their consent, unless they are suffering from secondary traumatic stress, in which case it can only be done with the witness's permission (Andini, 2020). Article 14 explains the approach of imposing punishments on perpetrators based on the impact received by victims and the campus environment, not towards the perpetrators themselves. This is the fundamental idea at the heart of this Permendikbud.

As a follow-up to this ministerial directive, all Indonesian universities must create a Task Force within the allotted time frame. A minimum of two thirds of the members of the task force, which will be created through the selection stage, must be female. Its members include educators, personnel educators, and students. If a sexual assault occurred while the Task Force was being formed, parties universities can immediately and decisively report cases through the LAPOR portal. The ministry will determine what actions the university can take later. The Task Force was established in accordance with the directive Permen PPKS PT can cooperate in terms of protection against sexual violence witnesses and/or victims. It's crucial to keep in mind that the task force's responsibilities and authority are considerable and perilous while dealing sexual assault and other violent crimes on college campuses (Andini, 2020). excellent college leader Directors and chancellors must regularly assess the effectiveness of the task force as well as all connected operations, including the prevention and control of violence against women and children.

According to Article 54 of Minister of Education and Culture Number 30 of 2021, mechanism monitoring and evaluation results are reported each semester and include information on sexual violence prevention activities task force survey results, reporting data, activities to deal with sexual violence, and activities to prevent sexual violence from reoccurring. Nadiem has also explained how administrative burden can be reduced and how online monitoring and reporting of evaluation outcomes is possible.

4.3 The urgency of establishing the officer unit prevention of sexual violence

Due to unbalanced power dynamics, gender dynamics, and rape culture, sexual violence can happen. When there is an imbalance of power, those in positions of authority are considered as having the potential to abuse their position by committing sexual violence against those who are viewed as vulnerable or under their control. Lecturers have authority over students in the context of higher education, including through mentoring, assignments, and evaluations. Because of this, dishonest lecturers may use their position of power to sexually assault students while performing their jobs.

The purpose of PPKS Permendikbudristek is to prevent and address sexual violence occurrences that occur in interactions between students, educators, educational personnel, campus residents, and members of the general public who are students, educators, and education. It is anticipated that the existence of this rule will protect victims of powersexual assault. The creation of the PPKS Officer Unit is one of them. In addition to receiving and investigating accusations of sexual assault on campus, the PPKS Officer Unit Team is entrusted with protecting the privacy of the persons involved. Additionally, this staff is in charge of helping victims through anything from counselling to legal support.

The PPKS Officer Unit Team have assignment :

1. Conduct a Sexual Assault survey at least 1 time in 6 months at University;
2. Deliver survey results to University Leaders,

3. Promote education gender equality, equality disability, health education sexual and reproductive, as well Prevention and Treatment Sexual Violence in University.

4. Follow Up Violence Reported sexual Coordinate with which units handle service disability, if the report regarding victims, witnesses, the reporter/and or the reported party with disabilities

5. Coordinate with related agencies in giving protection to victims and witnesses.

6. Monitor implementation recommendation from the Task Force by Higher Education Leaders; And Submit activity reports Prevention and Treatment Sexual Violence against Leaders College at least 1 time in 6 months.

The PPKS Officer Unit Team have Authority :

1. Summon and ask for information from victims, witnesses, reported party, companion and/or expert

2. Asking the Higher Education Leader for help present witnesses, the reported party, assistants, and/or experts under examination

3. Conduct consultations regarding the Handling of Sexual Violence with related parties taking into account the conditions, safety and comfort of victims; And

4. Cooperate with related universities with reports of sexual violence involving the victim, witnesses, reporters, and/or reported from Higher Education concerned

The reporting flow is as follows:

1. The reporter submits a complaint to the link which is directly connected to the ppks officer unit (report data/complaints are encouraged to be complete)

2. The PPKS Officer Unit conducts an assessment.

It is hoped that if you have already reported, you will not spread information without permission from the task force to avoid multiple interpretations by the wider community.

3. Identify the level of the case to provide appropriate punishment for the perpetrator if the case is proven to be true.

Steps to prevent sexual violence:

The goal of sexual violence prevention in higher education institutions is to stop undesired behaviour from happening (general prevention). Therefore, universities must establish regulations, policies, and procedures for treating cases of sexual violence, including handling, recovery programmes for victims, and sanctions for offenders. Additionally, tertiary institutions must supply well-trained resources to organs, units, and institutions so that victims receive adequate care and do not endure treatment that could harm them further (for instance, they feel their information is not trusted or doubted, they feel humiliated, they feel blamed, or they are asked to compromise in order to uphold the reputation of the institution or perpetrator)". (Osami, Vol 1 No. 2 Year 2021)

The need for sex education and socialisation must be recognised right on. This is the basic starting point for understanding more fully what sexual violence is, how to protect oneself from sexual violence, and how to handle sexual violence. All participants in socialisation, including students, teachers, education personnel, and campus residents, must participate. Preventing sexual assault in higher education from an early age is a significant step.

5 Conclusion

According to Adawiyah, Luayyin, and Ardli (2002), the issue of sexual assault is more of a kind of violence that impinges on human dignity. Due to the lack of a clear law governing the prevention and care of victims of sexual assault in higher education, the Minister of Education and Culture needs to be appointed. As a result, the issuance of this ministerial order serves as an assurance that sexual assault cases will be covered by the law. To jointly oppose cases of sexual violence, it is vital to socialise fairly and comprehensively about this Permendikbud.

The study team offers policy recommendations that the campus can put into practise in order to address the issue of protecting against and preventing sexual harassment in the tertiary environment. These proposals are as follows:

1. Create special rules to address sexual assault in higher education environments
2. Establishment of a separate organisation to oversee cases of sexual violence in higher education
3. Fostering Collaboration with Both Internal and External Universities to Address Sexual Violence

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7 History Dates

In case of submissions being prepared for Journals or PACMs, please add history dates after References as (*please note revised date is optional*):

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